
From: Esther Marks [REDACTED]
Sent: Wednesday, January 20, 2021 11:06 AM
To: Ambrose, Noreen (ETH); Lee, Yvonne (ETH); Chiu, Daina (ETH); Bush, Larry (ETH); Pelham, Leeann (ETH); Ethics Commission, (ETH)
Subject: proposed FY22 budget priorities

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January 20, 2021

To: Ethics Commission

From: Esther Marks

Creation of the Ethics Commission was approved by voters when the San Francisco Board of Supervisors placed Proposition K on the November 1993 ballot. The opening sentences in the voter handbook in favor of the measure reads:

"We recognize that the people of San Francisco are in danger of losing faith in our city government. Every few weeks another scandal arises and public confidence sinks to new lows. We need an Ethics Commission to turn things around at City Hall. Proposition K will establish an independent body to clean up our city government".

In the Ethics Commission executive director LeeAnn Pelham's report dated December 10, 2020, she states " The Controller's Office Public Integrity reports have repeatedly cited a poor 'tone at the top' in City leadership regarding government ethics". Her comment was made in support of *Ethics@Work* which would provide ethics training to all employees not just executive level personnel and employees responsible for contracting or purchasing. She states this training would provide knowledge and skills to practice ethical and accountable decisions and help create a shared commitment to ethics throughout all level of City government.

From my perspective, to change the "tone at the top", it is urgent the Commission strengthen it's ability to investigate quickly, provide absolution of alleged abuse or effective enforcement of wrong doing and to develop capacity to act proactively on issues of ethics law compliance . Unfortunately, part of the culture of "tone at the top" is the thinking they can get away with not abiding by regulations and that is felt throughout government. I recommend for fiscal year 2022 an additional \$600,000 and for fiscal year 2023 an additional \$790,000 to this responsibility. I came up with these numbers only from the proposed *Ethics @Work* increased. I recommend staff and tools to resolve most investigative matters within 9 months while also increasing the Division's capacity to investigate and resolve more complex matters within 18 months. As was pointed out in the Budget and Legislative Analyst audit, investigations have to be completed in a time frame that makes the findings

relevant. Presenting 24 months to complete investigations as a goal does not justify the additional spending focus when one considers that is the current average.

I also recommend a priority goal of dedication of funds to provide training of staff as it would improve performance. It takes longer for a person to do their job on a hit or miss on the job learning basis than performing one's job knowing what should be done and how to do it.

The discussion at the last Ethics Commission meeting Friday January 8, 2021, there seemed to be agreement that because the Ethics Commission has a small budget and they should not be expected to make the reductions that is expected of other departments. A reduction of 7.5% and a possible additional 2.5% reduction if City deficit requires, would further cripple the work of the department in carrying out its responsibilities. I request the Commission commit to take specific steps to defend against a reduction in the capacity of the department. For example, Commissioner Bush suggested the department needs to make a point by point case why the positions within the department must be protected and even expanded. I know Commissioner Bush is gifted in media relations and ask that he working with Ethics Commission President Noreen Ambrose, write an Op-Ed piece and the department reach out to get as much distribution as possible. Since each commissioner is appointed by the Mayor, the Board of Supervisors, the District Attorney (although now vacant), the City Attorney, and the Controller, each should reach out to their appointee to make the case to budget strengthening.

Current disclosures about abuses in government make opportune any efforts to give the Commission the capacity to fulfill their responsibilities.

From the January 8 meeting there were other suggestions that seemed worth pursuing. Steps needs to be made to explore departments providing work orders or themselves processing Form 700. Deadline needs to be made so the Ethics Commission can post this information online.

In regards to the proposed budget presented for consideration, it was difficult for me to understand. How were the % arrived for Approach A, B, C? And why wasn't Approach D presented reflecting % reductions reflective of certain department activities?

In conclusion, my knowledge of department activities and actions are limited. However there seems to be a reason the voter handbook arguments presented in 1993 can be pasted on a headline today. The Ethics Commission has not been able to impact their responsibilities. They need to become proactive and prioritize future activities to quick investigation of possible ethics law violations and develop capacity to enforce ethics law compliance. Staff must also be trained so their actions can be more effective.