

Draft Minutes

January 8, 2021

Draft Minutes of the Regular Meeting of The San Francisco Ethics Commission Monday, January 8, 2021

Remote Meeting Held Online via **WebEx** and aired live on **SFGovTV**

(Approved __, 2021)

Note: SFGovTV provides a continuous archive of audio, video, and Caption Notes recordings of Ethics Commission meetings that allows viewers to watch those meetings online in full at the viewer's convenience. These archives of Ethics Commission meetings may be accessed at SFGovTV at http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=142.

Item 1. Call to order and roll call.

(Note: This item appears beginning at the 00:03:48 mark in the [video recording at SFGovTV.](#))

Chair Noreen Ambrose convened the meeting at 9:37 am and stated that the meeting is being held by Teleconference Pursuant to the Governor's Executive Order N-29-20 and the Twelfth Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020. Online Meeting Moderator Ronald Contreras summarized procedures for remote participation by members of the public.

COMMISSION MEMBERS PRESENT: With Chair Ambrose, Vice Chair Yvonne Lee, and Commissioners Daina Chiu and Larry Bush attending, a quorum was present.

STAFF PRESENTING: LeeAnn Pelham, Executive Director; Jeffrey Pierce, Director of Enforcement and Legal Affairs and Acting Deputy Director; Ronald Contreras, Online Meeting Moderator.

REPRESENTATIVES OF THE OFFICE OF THE CITY ATTORNEY PRESENT: Jenica Maldonado, Deputy City Attorney.

MATERIALS DISTRIBUTED:

- [Draft Minutes for the Ethics Commission's December 14, 2020 regular meeting.](#)
- [Staff's proposed revision to Fixed Penalty Policy.](#)
- [Monthly Executive Director's Report.](#)

Item 2. Public comment on matters appearing or not appearing on the agenda.

(Note: This item appears beginning at the 00:06:14 mark in the video recording at SFGovTV.)

No public comment was received.

CONSENT CALENDAR ITEMS

Chair Ambrose called the consent calendar.

Item 3. Draft Minutes for December 14, 2020 Ethics Commission Regular Meeting.

(Note: This item appears beginning at the 00:09:12 mark in the video recording at SFGovTv.)

Vice Chair Lee requested that the Minutes be amended to reflect “bilingual speaker” instead of “non-English speaker in the description of her remarks during Item 6.

Commissioner Bush asked whether written submissions provided ahead of a Commission Meeting would be included with the Meeting Minutes. Director Pelham affirmed that Staff provide written submissions to Commissioners ahead of the meeting when possible and include them with the Minutes when submitted.

Pelham noted that the Commission’s public comment policy is available on the website. She stated that in a period of remote meetings Staff can reevaluate how to ensure that written public comment is distributed, since past practice was to make written public comment available hard copy on a table in the meeting room.

Motion 210108-01 (Bush/Lee): Moved, seconded, and passed unanimously (4-0) a motion to approve the draft Minutes for the December 14, 2020 meetings.

NON-CONSENT CALENDAR ITEMS

Item 4. Discussion and possible action on informational items scheduled for presentation at January 5 and 7 Interested Persons meeting on proposed revision to Fixed Penalty Policy and new Streamlined Administrative Resolution Program process.

(Note: This item appears beginning at the 00:20:21 mark in the video recording at SFGovTv.)

Director Pelham introduced the item. She said that Staff will solicit feedback that Staff receives during the interested persons meetings that will be held and will relay that feedback to the Commission.

Director of Enforcement Jeff Pierce said that the interested persons meetings have been postponed to the last week of January due to lack of response from the public. The meetings will be held Jan 26th and 28th. Pierce said that he welcomed any input that Commissioners would like to share on the revised policy at this time.

Vice Chair Lee recommended that Staff distribute the notice among members of the press and community-based organizations to ensure the broadest possible participation.

No public comment was received.

Item 5. Discussion of Executive Director’s Report. An update of various programmatic and operational highlights of Ethics Commission staff activities since the Commission’s

previous meeting. The Executive Director's written report, which is available on the Commission's website, covers a range of topics such the Commission's budget, outreach activities, campaign finance disclosure and public financing programs, audit program, lobbyist program, campaign consultant program, permit consultant program, major developer program, and future staff projects. Any of these subjects may potentially be part of the Director's presentation or discussed by the Commission.

(Note: This item appears beginning at the 00:28:36 mark in the video recording at SFGovTv.)

Director Pelham presented the item. She stated that this month's report reflects the considerable amount of work that Staff invested as 2020 came to a close.

Pelham provided an update on hiring. She noted that Tyler Field and Jarrod Flores from the EDDA Division have transitioned into new roles. The Commission has posted a third vacancy in the EDDA division for a 1052 analyst. She noted that the Commission continues to move forward in hiring positions to the Policy, Engagement & Compliance, Enforcement, and Audit Divisions.

Pelham updated the Commission on the Racial Equity Action Plan, noting that the current draft is considerably more detailed than the version she presented to the Commission in December.

Pelham provided an update on Staff's work to implement the BLA's recommendations, highlighting Attachment 1 from her report details Staff's approach to implementing each of the 16 recommendations.

Pelham explained updates in the City's budget process, including the requirement that departments propose 7.5 percent cuts and contingency proposals of an additional 2.5 percent cuts, for a total of 10 percent. Pelham noted that these cuts, coupled with mandatory attrition savings, could translate to a reduction of 6 or 7 of the Commission's Staff, or roughly 25 percent. Pelham stated that Staff would comply with these budget requirements while also advocating for the resources that the Commission requires to fulfill the mandate that voters have established. She noted that while Staff had anticipated to receive public input on the proposed budget through Interested Persons Meetings, the Commission intends instead to hold a Special Meeting of the Commission to do so, which is now scheduled for January 21.

Finally Pelham noted that Jenica Maldonado is leaving the City Attorney's Office to join the Renne Public Law Group and thanked her for her service.

Commissioner Chiu stated that a 10 percent cut to the Commission's budget would amount to a disparate impact on a department so small as this. She noted that while the budget process has acknowledged the value of racial equity it has apparently overlooked other forms of equity, including how imposing a flat budget cut across city departments would be an imperfect solution. Chiu stated that if the City requires this of the Commission it will be clear that the City is not serious about rooting out corruption. Chiu highlighted a discrepancy between the advice from the Mayor's Budget Office that the Commission move forward with filling vacancies and the requirement from that same Office that the Commission propose cuts to its personnel. She expressed an ambition that the Commission makes its views known, through an op-ed or other means.

Chair Ambrose agreed that it would be important at the Commission's Special Meeting on January 21 the equity considerations that Chiu had identified.

Bush recommended that in communicating the Commission's needs it be very specific. He noted the BLA's findings that the Enforcement Division resolves investigations on a 2 to 3 year average timeline in comparison to 6 months at other agencies. He stated that without additional investigators it would be impossible for the Commission to implement the BLA's recommendation. He stated that the City has some five officials who are likely to face criminal trial in the next year. Bush further noted shortcomings in the reporting of relationships, financial interests, and gifts of travel. He stated that the District Attorney is behesting payments to fund research on best practices in policing, and suggested that if the DA can do so the Ethics Commission might also behest payments to fund Ethics positions or programs. Bush also requested that the Commission be agendized to take action on items like the Executive Director's Report.

Lee added herself to Chiu's comments and requested that the Commission take steps to engage the public in the budget process.

Chair Ambrose stated that the Commission might consider explicitly identifying on the agenda the subdivisions of the Executive Director's Report, so that the public can better anticipate what topics the Commission might discuss at a meeting. She further stated that she believed a Report was a discussion item and not an action item but that any issues suitable for possible Commission action could be agendized separately. Chair Ambrose affirmed Bush's idea that it might be possible to behest payments to fund the Commission's work. She likewise stated that the Commission might consider work-orders, whereby other City departments who rely upon the Commission's work might pay for the cost of those services.

On the issue of work-orders, Bush emphasized the value of the Commission's e-filing project, which is suitable for work-order because it will reduce the cost to departments and also increase transparency for the City and the public by making Ethics the single repository of Form 700 filings.

Chiu identified the Commission's Ethics@Work training program as further suitable for the work-order model, a training program unlikely to be implemented in the absence of the three or four additional hires that the program might require.

Chair Ambrose requested that Director Pelham include in the agenda for the January 21 Special Meeting a line-item for consideration of a work-order approach to funding.

No Public Comment was received.

Item 6. Discussion and possible action on items for future meetings.

(Note: This item appears beginning at the 01:26:26 minute mark in the video recording at SFGovTv.)

Chair Ambrose noted that Randy Riddle had died. She described Riddle as having worked with the City Attorney's Office and that he had collaborated with Bush in drafting the Charter language that created the Ethics Commission. She requested that the Commission agendize a resolution at a future meeting to recognize Riddle's contributions.

Bush requested to agendaize an item to review a requirement in local law that City officers disclose business relationships. He further requested to agendaize an item to discuss whether and how violations of departmental Statements of Incompatible Activities might be publicly disclosed.

Chair Ambrose anticipated updates at the next Commission meeting about the Policy Prioritization Plan and the Fixed Penalty Policy.

No public comment was received.

Item 7. Additional opportunity for public comment on matters appearing or not appearing on the agenda pursuant to Ethics Commission Bylaws Article VII Section 2.

(Note: This item appears beginning at the 01:36:34 minute mark in the video recording at SFGovTv.)

No public comment was received.

Item 8. Adjournment.

Motion 201214-05 (Chiu/Lee): Moved, seconded, and passed unanimously (4-0) to adjourn the meeting.

The Commission adjourned at 11:15 a.m.