



San Francisco Ethics Commission

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August 8, 2022

To: Members of the Ethics Commission
From: LeeAnn Pelham, Executive Director
Subject: Agenda Item 4-Ethics Commission Updates for Biennial Conflict of Interests Code Review

Summary and Action Requested

As part of the 2022 Biennial Conflict of Interest Code Review process, this memo is provided to assist the Ethics Commission in its review and adoption of updates to the Commission's list of designated Form 700 filers and disclosure categories. This item has been placed on the Commission's August 12 meeting agenda to support public transparency about Commission operations and to enable Commission action on the proposed updates. Staff recommends that the Commission approve the updates as proposed so that they can be transmitted to the Clerk of the Board and Office of the City Attorney by the end of the month as those offices have requested.

The Biennial Code Review Requirement

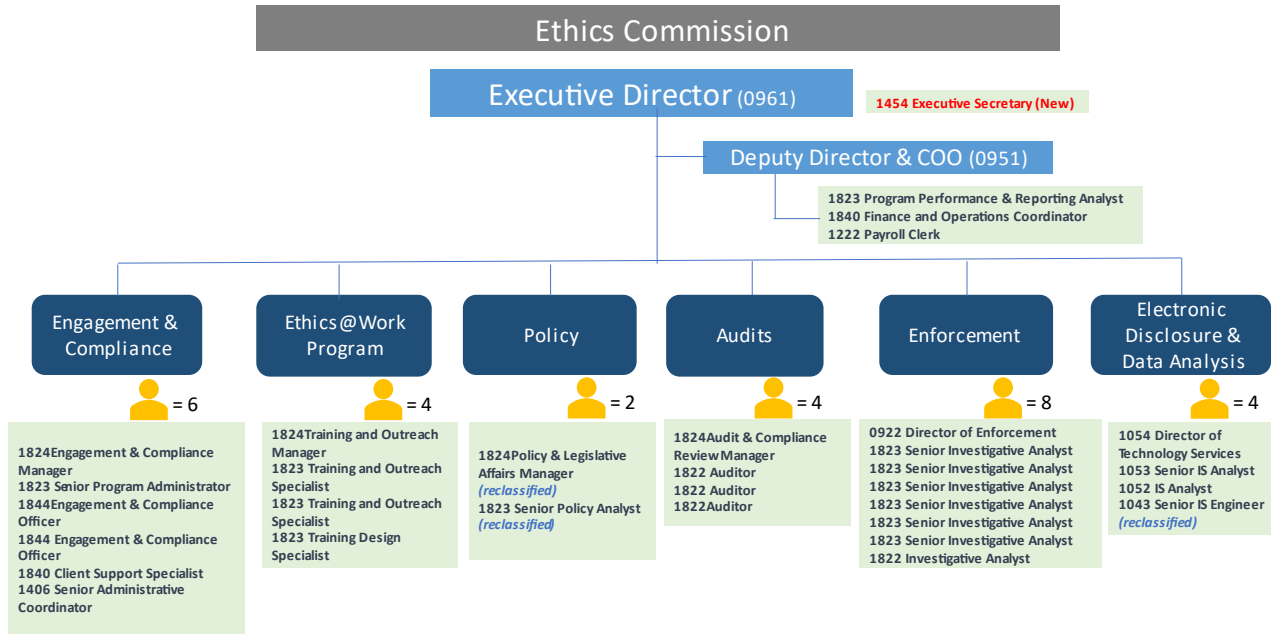
State law requires the Conflict of Interest ("COI") Codes of every public agency to be reviewed and updated every other year. COI Codes identify positions designed to file regular public financial disclosure forms, or Form 700s, because they make or participate in making or influencing governmental decisions. For all City departments, the list of designated positions appears in Chapter 1 of Article III of the [San Francisco Campaign and Governmental Conduct Code \("SFC&GCC"\) sections 3.1-100 – 3.1-510](#). Those sections also show the disclosure categories that departments have assigned to their designated positions.

Each department is responsible for keeping its list of positions and disclosure categories current. Changes to a COI Code may be needed when agencies restructure, or when positions that make decisions, or participate in making or influencing decisions change. The biennial COI Code review requirement helps ensure agencies periodically review their list of designated filers and ensure the disclosures required by those filers are appropriately tailored to the nature and scope of work they perform.

As the Code Reviewing Body for the City and County of San Francisco, the Board of Supervisors is charged with adopting Conflict of Interest Code changes after receiving input from each department. To enable the Board of Supervisors to act by the end of the calendar year, the Clerk of the Board has asked City departments to submit their proposed Code Changes no later than August 31, 2022.

Current List of Designated Positions

For reference, the Ethics Commission’s FY23 organizational chart and staffing structure are shown below:



Positions and disclosure categories are updated during each biennial review to reflect current organizational structure and position authorities. **Table 1 below** shows positions that are currently designated in the City’s Code following its last update in 2020. Due to a legislative oversight at that time, the Director of Technology Services and Senior IS Business Analyst were not included in the final Code text as adopted by the Board in 2020 and therefore do not appear below. Both positions, however, were designated by our office to file, and both positions have nevertheless filed disclosure statements accordingly.

For ease of reference and public awareness, it has been the practice of our office to list working titles of designated positions rather than the position classification title or class number.

Table 1 – Ethics Commission Designated Positions - Form 700

| <i>Designated Positions</i> | <i>Disclosure Categories</i> |
|-----------------------------|------------------------------|
| Commission Member | 1 |
| Executive Director | 1 |
| Deputy Director | 1 |

Consultant/New Positions *

Engagement and Compliance Division

Chief Programs Officer 1

Principal Program Manager 1

Senior Program Administrator 1

Engagement & Compliance Officer 1

Policy Division

Senior Policy and Legislative Affairs Counsel 1

Policy Analyst 1

Enforcement and Legal Affairs Division

Director of Enforcement & Legal Affairs 1

Senior Investigative Analyst 1

Investigative Analyst 1

Audits Division

Principal Program Manager 1

Auditor 1

Electronic Disclosure & Data Analysis Division

Information Systems Business Analyst 2

Information Systems Engineer 2

* Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: the Executive Director may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based on that description, a statement of the extent of disclosure requirements. The Executive Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Disclosure Categories

Disclosure categories take into account the nature of the Commission's work and structure. Ethics Commission staff routinely participate in making decisions that have the potential to affect a wide range of interests, including the regulation of others in the City who are designated as Category 1 filers. Activities can range from providing advice by way of conducting research, investigation, or preparation of reports or analyses for the decision-maker, as well as negotiating outcomes without significant intervening substantive review. Ethics Commission positions generally, therefore, are identified with a Category 1 disclosure designation. Due to the more limited scope and focus of their IT work, other than the Director of Technology Services, positions in the Electronic Disclosure and Data Analysis Division are designated as Category 2 filers.

The following disclosure categories apply for members of the Ethics Commission and its Staff:

Disclosure Category 1. Persons in this category shall disclose income (including gifts) from any source, interests in real property, investments, and all business positions in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

Disclosure Category 2

Any investment in, business position with, or income (including gifts) from any source that:

(1) Provides the type of information technology services, goods, or equipment used by the Ethics Commission, including but not limited to, computer hardware or software companies, computer consultant services, training, data processing firms, and media services; or

(2) Provided or sought to provide such services, goods, or equipment to the Ethics Commission during the reporting period.

Proposed 2022 Updates

Changes proposed for the 2022 update are designed to bring our departmental Code listings into conformity with current organizational structure and working titles. In addition, because working titles can change between biennial review cycles, and existing positions may be changed to a different classification while still performing positions that should be designated, we are this year adding the underlying job classification number for each position. This information can help others better understand the types of position authorities that make up the Commission's list of designated filers. It also provides added flexibility and clarity for designated filers when a working title or new classification may occur for their designated position.

Lastly, consultants who meet the criteria for being a designated filer among departmental lists of designated positions already are considered designated filers and required to disclose their economic interests in Disclosure Category 1, regardless of which department they work with. For the purposes of the Form 700, consultants are defined as individuals who contract with (or whose employer contracts with) the City and makes, participates in making, or acts in a staff capacity for making governmental decisions. Departmental designated filer lists that previously included consultant, therefore, can be

amended and departments have been advised to remove consultants from their individual departmental lists.

Attachment 1 shows a redlined version of changes proposed for the 2022 Code update to amend existing SFC&GCC Sec. 3.1-230. **Attachment 2** provides clean copy showing how Sec. 3.1-230 would appear following its proposed revision.

Recommended Action

This item appears on the Commission's August 12 Consent Calendar with a recommendation that the Commission adopt the proposed Code updates at that time. If adopted, Staff will transmit the adopted changes to the Clerk of the Board and Office of the City Attorney to ensure they are captured in legislative amendments to the City's Conflict of Interests Code as part of this year's Biennial Code review process.

ATTACHMENT 1
2022 Biennial Code Review
Ethics Commission Redlined Version of Proposed Changes to SF C&GCC Sec. 3.1-230

| <i>Designated Positions</i> | <i>Disclosure Categories</i> |
|--|--|
| Commission Member | 1 |
| Executive Director (<u>0961</u>) | 1 |
| Deputy Director & Chief Operating Officer (<u>0951</u>) | 1 <i>working title changed since last Code update</i> |
| <u>Program & Performance Reporting Analyst (1823)</u> | <u>1</u> <i>new position authority since last Code update</i> |
| <u>Finance & Operations Coordinator (1840)</u> | <u>1</u> <i>new designated position since last Code update</i> |
| <u>Executive Secretary (1454)</u> | <u>1</u> <i>new position authority since last Code update</i> |
| Consultant /New Positions | * <i>consultants covered citywide under SFC&GCC Sec. 3.1-108</i> |
| Engagement and Compliance Division | |
| Chief Programs Officer | 1 <i>no longer a position title</i> |
| Principal Program <u>Engagement & Compliance Manager (1824)</u> | 1 <i>working title changed since last Code update</i> |
| Senior Program Administrator (<u>1823</u>) | 1 |
| Engagement & Compliance Officer (<u>1844</u>) | 1 |
| <u>Client Support Specialist (1840)</u> | <u>1</u> <i>new position authority since last Code update</i> |
| <u>Senior Administrative Coordinator (1406)</u> | <u>1</u> <i>new designated position since last Code update</i> |
| <u>Ethics@Work Program</u> | |
| <u>Program Manager (1824)</u> | <u>1</u> <i>new position authority since last Code update</i> |
| <u>Training and Outreach Specialist (1823)</u> | <u>1</u> <i>new position authority since last Code update</i> |
| <u>Training and Design Specialist (1823)</u> | <u>1</u> <i>new position authority since last Code update</i> |
| Policy Division | |

Senior Policy & Legislative Affairs Counsel-Manager (1824) 1 *working title/reclassification since last Code update*

Senior Policy Analyst (1823) 1 *working title/reclassification since last Code update*

Enforcement and Legal Affairs Division

Director of Enforcement & Legal Affairs-(0922) 1 *working title changed since last Code update*

Senior Investigative & Legal Analyst (1823) 1 *working title changed since last Code update*

Investigative Analyst (1822) 1

Audits Division

Principal Program Audit & Compliance Review Manager (1824) 1 *working title changed since last Code update*

Auditor (1822) 1

Electronic Disclosure & Data Analysis Division

Director of Technology Services (1054) 1 *ongoing designated position; added to correct Code*

Information Systems Business Analyst (1052) 2

Senior Information Systems Analyst (1053) 2 *ongoing designated position; added to correct Code*

Information Systems Engineer – Senior (1043) 2 *reclassification since last Code update*

~~* Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: the Executive Director may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based on that description, a statement of the extent of disclosure requirements. The Executive Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.~~

ATTACHMENT 2
2022 Biennial Code Review
Ethics Commission Section SF C&GCC Sec. 3.1-230, as Proposed

| <i>Designated Positions</i> | <i>Disclosure Categories</i> |
|--|-------------------------------------|
| Commission Member | 1 |
| Executive Director (0961) | 1 |
| Deputy Director & Chief Operating Officer (0951) | 1 |
| Program & Performance Reporting Analyst (1823) | 1 |
| Finance & Operations Coordinator (1840) | 1 |
| Executive Secretary (1454) | 1 |
| New Positions | 1 |
| Engagement and Compliance Division | |
| Engagement & Compliance Manager (1824) | 1 |
| Senior Program Administrator (1823) | 1 |
| Engagement & Compliance Officer (1844) | 1 |
| Client Support Specialist (1840) | 1 |
| Senior Administrative Coordinator (1406) | 1 |
| Ethics@Work Program | |
| Program Manager (1824) | 1 |
| Training and Outreach Specialist (1823) | 1 |
| Training Design Specialist (1823) | 1 |
| Policy Division | |
| Policy & Legislative Affairs Manager (1824) | 1 |
| Senior Policy Analyst (1823) | 1 |

Enforcement and Legal Affairs Division

| | |
|---|---|
| Director of Enforcement (0922) | 1 |
| Senior Investigative & Legal Analyst (1823) | 1 |
| Investigative Analyst (1822) | 1 |

Audits Division

| | |
|--|---|
| Audit & Compliance Review Manager (1824) | 1 |
| Auditor (1822) | 1 |

Electronic Disclosure & Data Analysis Division

| | |
|--|---|
| Director of Technology Services (1054) | 1 |
| Information Systems Business Analyst (1052) | 2 |
| Senior Information Systems Analyst (1053) | 2 |
| Information Systems Engineer – Senior (1043) | 2 |
