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It has been 29 years since San Francisco voters created the Ethics Commission in hopes that it would aid in creating a cleaner, more transparent city government. It is a promise that has yet to be fulfilled.

Since the voters created the Ethics Commission, the City has approved a number of reforms to broaden the reach of the Commission in campaign finance and lobbying. The Commission, unfortunately, is also stepping back from its mandate to serve as the central point for ethics enforcement and an array of other issues. Today the Ethics Commission exist primarily as a filing agency rather than as an enforcement agency except for minor violations. As an example, the recent criminal charges against a half-dozen city department heads and interested parties took place by other agencies and Ethics was, at best, a bystander in that process.

The Ethics Commission has not acted on whistleblower complaints other than to dismiss them; Ethics does not oversee slate mailers from agencies that are out of the offices of the state, and has never undertaken a deep investigation into public records. The Ethics Citizen complaints are consistently referred to other agencies with no follow-up by Ethics. Under the charter Ethics has to refer complaints that may fall under the city attorney or the district attorney to those agencies and to date Ethics has not closely monitor those agencies and their follow-on actions.

voters sought to include in Ethics :

- 1) Effective protection for whistleblowers. To date there are no successes in that area.
- 2) Implementation of public information that provides transparency to the public. After 29 years there have never been an action by Ethics to uphold public records.
- 3) A single point to identify money spent to influence elections and City Hall. The Ethics Commission voted in 2015 to create records of spending for Slate mailers: that vote was never Implemented. Instead slate mailers are under the offices of the State. Rules have been filed at Elections but are not created in formats that are searchable or even findable.

4) Despite the Charter requirement that commissioners have a Commission secretary that requirement has not been carried out. As a result, the public suffers since they do not have easy access to provide their point of view to the Commission and to the public in general. This is particularly manifest in the decline in attendance by the public at commission meetings which sometimes take place without any public involvement or participation

Failure to hire a commission secretary is an indication of the low priority Ethics places on to interaction with the public. Commission secretaries do more than take minutes of what happens at the meeting: they also serve as an interface with the public providing comments on meeting materials or supplying new Board materials they also provide background information. That helps the Commission understand other agencies. They also serve as a support group as advisers and researchers. Ethics could draw on the historic knowledge and health of former Ethics Commissioners and others who have played a role in helping ethics meet us charter mandates

5) Who is tracking the influence at City Hall? User-friendly data on tracking money that could influence City Hall, such things as the house payments, lobbyist goals and aims, or campaign consultants, permit expediter's, and advisers on winning at City Hall. Any of those terms could make a difference in the decisions of the policy makers.

6) The Commission could track timely information on investments and relationships of city officials including in the form 700s. As things stand now office holders file them once a year on April 1 but if they were to make investments on July 1 they wouldn't show up for another 12 months and the public would have no way of knowing if there was a conflict based on a review of the form 700. The form 700 also is limited to disclosures of city officials partners who are compensated for serving but not those who serve without compensation such as board members. However we know that some city officials have staff or relatives who do provide important functions as board members without compensation but who are in a position to significantly influence what takes place. In addition we have a number of city officials who serve as board members on organizations like SPUR where they mingle and coordinate with interested parties seeking to influence city policies yet it is not a requirement that these conversations be disclosed.

The Ethics Commission as a resource for transparency for the public:
The full independence of Ethics is dubious: the agency is unable to implement critically important clean government steps without the approval of city department heads who themselves may be facing a challenge of clean government. There is nothing that holds them accountable by Ethics but instead they are accountable to the mayor who appointed them and who may benefit from the way they run their departments. There are too many examples of what that has met in corruption.

Ethics does not provide full information and languages other than English nor does it do it outreach to marginalized communities such as those living in public housing or who otherwise are receiving a public benefit. Other city departments such as PG&E and Recology provide information in Spanish, Chinese, Tagalog, Russian and more. Ethics interface with the public is largely on the terms that Ethics define rather than an agenda that comes from the community seeking to have ethics become a better partner on transparency and accountability. This is particularly the case when it comes to the public's expectations for material and languages other than English: Commission meetings do not routinely include a translator and often witnesses have to bring their own translators with them.

The commission also does not have an aggressive follow-up to the public on actions that has taken including enforcement, proposed legislation, or the status of complaints. Moreover the ethics public data does not allow for: a) aggregation of all the funds from a particular entity whether campaign contributions pay for a lobbyist pay for a permit expediter, b) pay for assistance in navigating their Siri bureaucracy, c) money contributed as behest payments. For example major developers must disclose contributions they make to nonprofits who in exchange for those contributions testify or write endorsements of the major developers projects. There is no central place that allows for the public to look at those contributions to nonprofits and match them up with other things that are being done. Beyond that the current city policy is to exempt nonprofits regardless of the type of nonprofit from having to disclose with whom they met, for what purpose and the sources of the funding for their operations. In a number of cases these nonprofits provide no services to the public but only services to their funders. Overall the result is a hidden stream of influence at City Hall that the public does not have access access to see.

The comparatively low attendance at ethics commission meetings underscores how the public views the importance of ethics and its enforcement. Further the fact that major corruption cases are proceeding without leadership from Ethics but instead the US attorney and the city Attorney. All Ethics has offered is an after-the-fact disclosure report to the Commission on the actions of others and not on actions that Ethics itself has taken. We are bystanders.