



San Francisco Ethics Commission

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Announcement of Interested Persons Meetings to Discuss Potential Regulations Regarding Incompatible Activities

Tuesday, October 17, 2023 – 12:00 PM to 1:30 PM

And

Thursday, October 19, 2023 – 3:00 PM to 4:30 PM

These meetings will be conducted remotely using an online meeting platform. If you would like to attend, please RSVP to michael.a.canning@sfgov.org and you will be provided with a link to the meeting shortly before the date of the meeting.

Please join staff from the Policy Division of the San Francisco Ethics Commission to share your thoughts on potential regulations to implement part of the [March 2024 Ethics Commission Ballot Measure](#), should it be approved by voters.

In August, the [Ethics Commission voted unanimously](#) to place an Ethics measure on the March 2024 ballot. During that same meeting, the Commission also voted to approve [related regulations](#), which will become operative if, and when, the ballot measure is approved by voters and becomes operative. The initial regulations approved in August were related to Section 3.205 and Section 3.216 of the Campaign and Governmental Conduct Code (C&GCC), as amended by the proposed ballot measure. The Ethics Commission is currently exploring whether additional regulations regarding the ballot measure may be helpful for the potential implementation of the measure, should it be approved by voters.

The current phase of this regulation development process is focused on Section 3.218 of the C&GCC, as amended by the proposed ballot measure. The amendments the ballot measure would make to [Section 3.218 are available here](#). Section 3.218 moves rules currently located in departmental Statements of Incompatible Activities (SIAs) into the C&GCC, where they can be applied uniformly across all City departments. This change would also discontinue the departmental SIAs. The rules in Section 3.218 prohibit outside activities by City officers and employees that are incompatible with their City service.

Aspects of Section 3.218 (as potentially amended by the March 2024 Ethics Commission Ballot Measure) that may be discussed during these meetings include:

- **Employment with Entities Subject to the Department's Jurisdiction:** Should City officers and employees be allowed to be employed by an entity that engages in activities that are subject to their department's jurisdiction (as described in Section 3.218(a)(1)) as long as they do not engage in such activities themselves?
- **Owning, Being an Officer of, or Exercising Management Control Over an Entity Subject to the Department's Jurisdiction:** Similar to the above, should Section 3.218(a)(1) prevent a City officer or employee from owning, being an officer of, or



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otherwise exercising management control over an entity that is subject to their department's jurisdiction (as described in Section 3.218(a)(1)), as long as the entity is not contracting with their department and the officer or employee does not engage in such activities themselves?

- **“Engaging in Non-compensated, Volunteer Activity for a Nonprofit Organization”**: The ballot measure specifies that engaging in “non-compensated, volunteer activity” is exempt from the prohibition in Section 3.218(a)(1). Should this exception apply to serving on the Board of Directors of a nonprofit organization, if as part of their City duties, the City officer or employee participates in making governmental decisions that will materially impact the nonprofit organization? In this situation, if the City officer or employee were to recuse themselves from participating in such government decisions, should they then be allowed to continue serving on the Board of Directors?
- **“Contracting With One’s Own Department”**: Section 3.218(a)(1)(A) prohibits City officers and employees from contracting with their own department. To what extent should this prohibit a City officer or employee from owning, being an officer of, or exercising management control over an entity contracting with their department?

We invite members of the public to share their thoughts about these topics and to share their ideas for any additional regulations that may be beneficial for the Ethics Commission to consider regarding Section 3.218, as it may be amended by the proposed ballot measure. Attendees are encouraged to review the amended version of [Section 3.218 here](#) prior to the meeting.

Regulations developed from this process may be subject to a meet and confer process with City bargaining units and would need to be considered and approved by the Ethics Commission during a public Commission meeting.

As with the Section 3.205 and Section 3.216 regulation amendments already approved, any subsequent regulations regarding the ballot measure would only become operative if, and when, the ballot measure becomes operative. If approved by voters in March, the ballot measure would become operative roughly six months after the results of the election are certified.

The two meetings will each have the same agenda, and participants are welcome to join one or both meetings.

Staff also welcomes written comments, which can be sent via email to michael.a.canning@sfgov.org, or via U.S. mail to San Francisco Ethics Commission, 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102.

The meetings will be conducted remotely via Webex. The week of the meetings, Staff will distribute links to the meetings via email to all attendees who RSVP.

For questions about the upcoming interested persons meetings, or to RSVP, please contact Michael Canning at michael.a.canning@sfgov.org. We welcome your input and hope to see you at one of our upcoming online meetings.