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JOHN ST. CROIX
EXECUTIVE DIRECTOR

Date: January 5, 2008
To: Members, Ethics Commission
From: John St. Croix, Executive Director
Re: Proposed Regulation to Clarify Sunshine Ordinance Declaration Filing

Each City officer and employee designated in the City's Conflict of Interest Code (San Francisco Campaign and Governmental Conduct Code Article III, Chapter 1) must file the Form 700 Statement of Economic Interests (SEI). Each designated officer or employee must file an SEI within 30 days of assuming office, annually by April 1, and within 30 days of leaving office.

Under section 67.33 of the Sunshine Ordinance, all City department heads and designated officers and employees who are required to file SEIs with the Ethics Commission – namely, department heads, commissioners and board members – must also file a Sunshine Ordinance Declaration. The Declaration, which such officers and employees file under penalty of perjury, states that the filer has read the Sunshine Ordinance and has attended or will attend when next offered, a training session on the Sunshine Ordinance. Admin. Code § 67.33.

Current Ethics Commission Regulation 67.33-1 states that annual Declarations must be filed no later than April 1 of each year, the deadline for the filing of the annual SEI. However, the regulation also states that “A City official, department head or employee who assumes his or her position after April 1 shall file a declaration within 30 days of the date he or she is sworn in or assumes employment.” The regulation does not state when officers or employees who assume office prior to April 1 must file their Declarations.

To simplify the filing requirements, staff recommends coordinating the Sunshine Declaration filing deadlines with the SEI filing deadlines set forth in State law. For that reason, staff recommends changes to Regulation 67.33-1 to require all Sunshine Declaration filers to (1) file a Sunshine Declaration within 30 days of being sworn in or assuming employment; and (2) file an annual Declaration by April 1. The proposed regulation also provides that an officer or employee who assumed office between October 1¹ and March 30 and timely filed a Declaration need not file another Declaration on the April 1 immediately following assumption of office. These changes will track the filing deadlines for filing an assuming office SEI and an annual SEI.

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¹ An official who assumes office between October 1 and December 31, and who properly files an assuming office SEI is not required to file the next annual statement, but wait until the following year. 2 CCR § 18732(a).