



San Francisco Ethics Commission

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Date: November 4, 2024

To: Members of the Ethics Commission

From: Michael Canning, Policy & Legislative Affairs Manager

Re: **AGENDA ITEM 08 – Discussion and possible action regarding the authority of the Executive Director to make amendments to Ethics Commission Regulations.**

Summary and Action Requested

This memo requests that the Commission make and adopt a motion specifying that the Executive Director has the authority to make non-substantive changes to Ethics Commission regulations.

Background

A core function of the Ethics Commission is to develop, approve, and implement regulations consistent with and related to the City's rules on campaign finances, conflicts of interest, lobbying, campaign consultants, and other matters within the jurisdiction of the Commission. Ethics Commission regulations are primarily developed and implemented through Staff but must be approved by the Commission directly.

Staff will occasionally identify minor, non-substantive issues with the Commission's regulations, such as spelling, grammatical, or formatting errors that were present when the regulations were initially approved. For example, Regulation 3.205(a)-1 specifies that officers and employees must complete their annual ethics training no later than April 1, but then subsequently references the process for officers or employees who assumed office between October 1 and March 30. It is clear from the rest of the regulation that this was a typo and March 31 should have been used instead of March 30.

Similarly, earlier this year the Commission approved Regulation 1.108-4 regarding the location of campaign bank accounts. This regulation was improperly labeled as "-4" despite there being no "1.108-2" or "1.108-3." In order to be consistent and avoid confusion, Regulation 1.108-4 should be redesignated as 1.108-2.

In the past, Staff have made these non-substantive changes directly, however the Commission bylaws do not make it explicitly clear as to whether Commission approval is required to make such non-substantive changes. Following recent guidance from the City Attorney's office, Staff is requesting this limited authority to avoid any potential ambiguity going forward.

Proposed Commission Action

To ensure Staff have the ability to make non-substantive changes to the Commission's regulations going forward, the City Attorney's office has suggested the Commission could adopt a motion that clearly grants such authority. Staff recommends the Commission adopt such a motion so that minor, non-substantive changes can be made to the regulations without the changes requiring a vote by the Commission. This authority to amend the regulations could be given to the Executive Director, who could make changes through the staff.

Substantive amendments to the regulations would still need to be approved by the Commission.

Recommended Next Steps

Staff recommends the Commission make and adopt a motion that 'authorizes the Executive Director to make minor, non-substantive changes to Ethics Commission regulations, without a vote being required by the Commission.'