



San Francisco Ethics Commission

25 Van Ness Avenue, STE
220
San Francisco, CA 94102-6053
ethics.commission@sfgov.org
415-252-3100 | sfethics.org

Date: April 7, 2025

To: Members of the Ethics Commission

From: Michael Canning, Policy & Legislative Affairs Manager

Re: AGENDA ITEM 10 – Policy Division Overview & Updates

Summary and Action Requested

This memo provides an overview of the Policy Division, its recent activities, and current priorities. This item is informational and requires no action by the Commission. Staff welcomes the Commission's feedback on the information and priorities presented in this memo.

Overview of the Policy Division

The Ethics Commission's Policy Division was created in 2017 to enable the Commission to engage in more robust policy analysis and evaluation, allowing the Commission to better identify and develop legislative initiatives to make the City's laws strong, workable, and enforceable. The Policy Division studies emerging trends in campaign finance, conflicts of interest, lobbying and other areas that impact accountability and transparency of City government. This work guides program administration and helps the Commission make informed changes to the City's laws and programs, ensuring that they are robust, workable, and promoting a City government that works for the benefit of all.

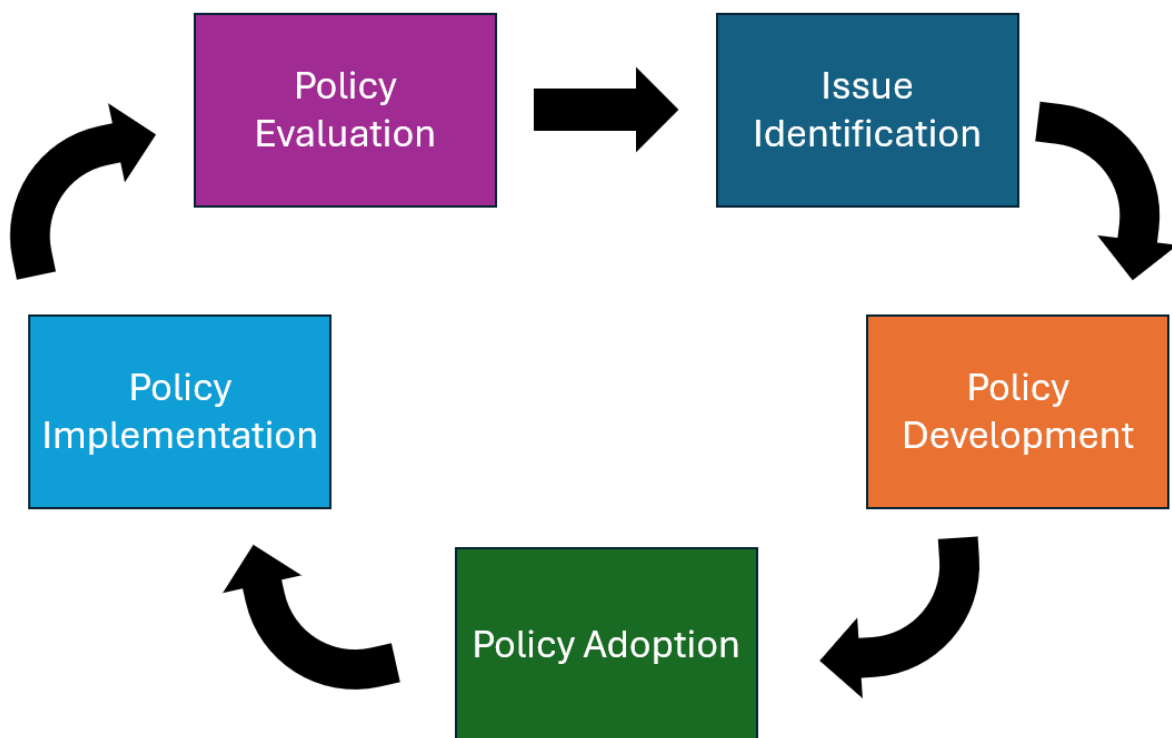
Since its creation in 2017, the Policy Division has typically consisted of two positions, but due to various vacancies and budget shortfalls, in practice the Division has frequently only had a single person. The Division was previously led by Executive Director Pat Ford before he transitioned to leading the Commission's Enforcement Division in 2022 and subsequently became the Executive Director last year. From the end of 2022 until the beginning of this year, the Policy Division had one dedicated employee. Beginning in January of this year, two additional staff members joined the Policy Division, providing the Division with three team members for the first time. This increased capacity is creating opportunities to strengthen and expand the work of the Policy Division.

Given the new opportunities brought by expanded Staff resources and the fact that the Commission has several new members, now is an opportune time to give a high-level overview of the Policy Division, the policymaking process, how policy projects are executed, the other duties of the Policy Division, recently completed policy work, and the Division's current policy priorities.

Overview of Policymaking Process

The Commission's policymaking process is cyclical, and the Division is consistently engaged in multiple issues concurrently. Much of this work is carried out through policy projects, which will be discussed in greater detail later in this memo. An overview of this process is presented below in **Figure 1**. In practice, policy development is seldom a straight line, and the different phases of this process may overlap or need to be taken out of order, depending on the specifics of the matter. However, this process does offer a high-level framing of the Commission's general approach to policymaking.

Figure 1: Overview of Ethics Commission Policymaking Process



The different phases of this policy making process include:

1. **Issue Identification:** A specific problem, shortcoming, or opportunity is identified and articulated.
2. **Policy Development:** Staff research and analyze the issue, engage with stakeholders, and develop potential changes.
3. **Policy Adoption:** Staff work with the appropriate bodies to get the changes approved. This phase can often involve further policy development to refine the changes being considered.

4. **Policy Implementation:** Includes both the initial process of putting a policy change into operation and the ongoing administration of the change.
5. **Policy Evaluation:** Reviewing policies and programs to determine their effectiveness. This step can occur on its own, but also regularly overlaps with the implantation and issue identification phases of the process.

As stated, this is a general framework – more specific steps unique to the Ethics Commission will be discussed in the following policy projects section.

Policy Projects

A “policy project” is a term used to describe projects of the Policy Division that require ongoing effort by the Policy Division, typically over the course of several months. Policy projects can differ in their level of formality and involve varying levels of research, analysis, stakeholder engagement, evaluation, implementation, and the making of recommendations to the Commission.

Policy projects are typically initiated internally by the Commission, the Executive Director, and the Policy & Legislative Affairs Manager. Projects are often developed in response to current events, such as enforcement actions, advice requests, other issues identified by Staff, criminal cases, news stories about emerging campaign finance or ethics issues, or the publication of new research. Some projects are a part of regular and ongoing program evaluation, which seeks to regularly evaluate and improve the various programs and policies administered by the Commission.

The Commission plays a key role in shaping policy projects, with individual Commissioners able to suggest initiatives for consideration. However, the scope and timing of such projects needs to be evaluated by the Executive Director and Staff to determine feasibility and scheduling. At times, Staff may request the Chair have the Commission vote as a body to identify what policy projects should be prioritized. Having the Commission vote can help resolve situations where conflicting priorities exist and staff resources are not sufficient to accomplish all identified priorities, but Staff can typically collaborate informally with Commissioners to manage the scope and timing of policy projects without a vote being necessary.

Policy projects are also often initiated by a legislative referral from the Board of Supervisors. If the Board of Supervisors refers legislation to the Commission that requires a vote by the Commission, evaluating the legislation and preparing legislative recommendations typically requires a policy. However, such projects are typically carried out on an expedited timeline and may be less robust and time-intensive than projects that are initiated internally.

Recent large scale policy projects completed by the Policy Division include the [Government Ethics and Conflicts of Interest Review](#) that led to the development and passage of [Proposition D](#) last year, a [Public Financing Review](#) that led to the passage of two ordinances, and the project that led to the passage of the [Anti-Corruption and Accountability Ordinance \(ACAO\)](#).

While all projects are unique and can vary greatly in their objectives, stakeholders, methods, scope, and duration, the following phases are generally part of all the Commission's policy projects.

Project Launch

When launching a policy project, Staff first consider and document key aspects of the projects, such as: 1) a description of the project, 2) the goals of the project, 3) the scope of the project, and 4) the anticipated timeline of the project, with milestones identified throughout. This launch process involves preliminary work to identify research questions, data sources, stakeholders, approval requirements, implantation needs, and legal considerations.

However, as stated above, projects can be initiated from different sources and have their own unique, externally driven timelines, which may impact the levels of initial planning and preparation possible before a project begins.

Stakeholder Engagement

Stakeholder engagement is an important and ongoing aspect of the Policy Division's work. Hearing from those who regularly engage with, or are subject to, the rules administered by the Ethics Commission allows the Commission to better understand and maintain the rules and programs it administers. Stakeholders can have valuable insight into current policies and programs, how they work, what is working well, and what changes may need to be made.

Any interested member of the public or organization can be a stakeholder and contribute their opinions and preferences to a policy project. However, Staff prioritize engaging with stakeholders that regularly interact with the policies and programs that are the subject of the policy project and anyone who is likely to be impacted by any recommendations made. Staff also regularly engages with subject matter experts from good government organizations and agencies in other jurisdictions that have experience with the subject matter of the project.

More internal stakeholders are also considered and engaged with, including Ethics Commission Staff from other divisions and City officers and employees from other City departments.

A primary method of engaging with stakeholders is through Interested Persons Meetings (or IP Meetings). These are informational meetings between Ethics Commission Staff and the public. The meetings give Staff an opportunity to learn the perspectives of attendees on certain policy topics and to preview potential policy solutions for attendees. These meetings are promoted through the Commission's [Interested Persons List](#), which members of the public can subscribe to on the Commission's website. Staff may also invite specific stakeholders to attend, to help ensure their perspectives are reflected during the meetings. Multiple meetings are typically held on the same topic, to better accommodate stakeholders with varying schedules and availability. Staff may also meet with stakeholders outside of IP meetings as time and resources allow.

With the recently expanded size of the Policy Division, Staff is looking to expand and deepen the level of stakeholder engagement that is feasible.

Analysis & Recommendation Development

The Policy Division deploys a variety of methods during policy projects to develop and make informed recommendations to the Commission. Each project requires a unique approach, but most will involve identifying, compiling, and analyzing information that is then presented to the Commission, so it can make an informed decision. Staff recommendations will often involve the following types of information:

- **Background and Historical Research:** Understanding the background and history of a particular issue is often necessary context for making an informed decision.
- **Comparative Research:** Benchmarking how San Francisco's rules and policies compare to other similar jurisdictions can be a valuable tool. San Francisco is unique and a leader on many ethics related issues, but understanding approaches and lessons learned in other jurisdictions can help the Commission make informed decisions.
- **Stakeholder Feedback:** As stated above, stakeholders can be a vital source of information regarding policy projects.
- **Quantitative Analysis:** The Commission has access to extensive datasets that are publicly available, primarily from the disclosure programs that are administered by the Commission. Additionally, Staff can generate their own data resources for projects as needed. The Commission's Electronic Disclosure and Data Analysis Division (EDDA) is also available to advise on data questions, help with analysis, and may be able to generate unique datasets not readily available elsewhere.
- **Approval Process Requirements:** Depending on the type of policy change, the steps required to enact approved changes can vary. For example, some changes may require the Commission to provide additional levels of notice before voting, some changes may require the support of four members of the Commission, and other changes may require interacting with other City bodies. Staff will consider the logistical and political aspects of recommendations being made.
- **Implementation Considerations:** Information on how and when policy changes may occur is an important element of the policymaking process. Staff recommendations include information about the feasibility, cost, and timing of the policy change.
- **Racial Equity Analysis:** Integrating racial equity considerations in the Commission's policy efforts can help ensure Commission actions do not exacerbate racial inequities, while improving outcomes for all people. Staff have been continuing to explore the use of a [Racial Equity Toolkit](#) developed by the Government Alliance on Racial Equity (GARE). Increased staff resources within the Policy Division will allow for further stakeholder engagement, which is an important aspect of this work.

- **Legal Considerations:** Staff will work internally and with the City Attorney's Office to review and identify any legal concerns or considerations the Commission should be informed of regarding any recommended actions.

When making recommendations to the Commission, Staff will typically try to preview the recommendations in concept form at an initial meeting, before requesting the Commission vote at a subsequent meeting. The initial meeting creates an additional arena for public feedback and gives Commissioners an opportunity to ask questions and request additional information that may be helpful before voting. If the matter is time sensitive, Staff may present new recommendations for action during the same meeting, but the Commission always has discretion as to when it votes.

Policy Adoption

Most policy projects involve the research and development of recommendations that are presented to the Commission for action. Beyond presenting recommendations to the Commission, many policy projects will require additional action before and after the Commission acts to be adopted. For example:

- **Board Communications:** To amend most chapters of the Campaign & Governmental Conduct Code (C&GCC) joint approval from both the Ethics Commission and the Board of Supervisors is required, thus communication and collaboration is necessary between the Commission and the Board. Additionally, Ethics Commission Regulations must be shared with the Board of Supervisors, which then has 60 days to potentially veto the regulations before they go into effect.
- **Public Notices & Communications:** Items considered for action must be adequately noticed before the Commission can act. Changes to Ethics Commission Regulation require a 10-day notice, which is a longer notice period that most other types of changes require. Additionally, some changes may require press releases or updates to the Commission's website after they have been approved.
- **Meet and Confer:** If the policy project is recommending policy changes that would impact the working conditions of City employees, the changes need to be noticed to City bargaining units by the Department of Human Resources (DHR). The bargaining units may then request to meet over the proposed changes. This process can be lengthy and require substantial resources from the Policy Division.
- **Ballot Measure Logistics:** If the policy changes are enacted via ballot measure, Staff will need to transmit the approved measure to the Department of Elections, help the Commission develop ballot arguments and rebuttals, and work with the Ballot Simplification Committee and the City Attorney's Office to ensure materials developed regarding the measure are accurate.

The Policy Division is primarily responsible for the various adoption-related actions that are required before and after the Commission acts on policy recommendations.

Implementation & Administration

The implementation and administration of policy changes is not managed by the Policy Division, but the Policy Division does have an active and important role in the implementation and administration of newly approved policies. Implementation will often be the responsibility of the Engagement & Compliance Division, but this may vary depending on the specifics of the policy project. The role of the Policy Division may include:

- **Planning & Coordination:** This process begins before the policy changes have been finalized and approved. Working with other divisions to plan how changes will be implemented and administered is an important part of the process that starts before recommendations are made and continues into the implementation and administration phase. Policy staff will work with other divisions and stakeholders to ensure that policy changes are implemented in ways that align with the letter and spirit of the underlying policy.
- **Materials Development & Updates:** The Policy Division will regularly assist the Engagement & Compliance Division with the development, updating, and reviewing of trainings and other compliance materials.
- **Technology Development:** If the policy change requires creating or updating technical tools, the Policy Division may assist EDDA with the drafting of specifications and the testing of new tools.
- **Public Communications & Stakeholder Engagement:** The Policy Division may also assist with the creation of public-facing communications or meet directly with stakeholders regarding the implementation and administration of new policies.

Evaluation, Monitoring, & Future Project Identification

An ongoing function of the Policy Division is to regularly evaluate and monitor existing programs and policies to identify issues that may lead to new policy projects. It is not always possible to address issues when they are first identified. The Commission and the Policy Division have limited bandwidth, as do the other key stakeholders that are necessary to enact policy changes. Identifying and documenting potential policy changes for future consideration allows the Commission to be better prepared to tackle such issues when it becomes feasible to do so.

Additional Duties of the Policy Division

In addition to the work described above, the Policy Division has various duties and responsibilities outside of those related specifically to policy projects. Such duties include:

- **Advice Assistance:** The Engagement & Compliance Division is responsible for answering advice questions; however, the Policy Division is also regularly involved in this process. The Policy Division is regularly consulted on specific advice questions, to help the Engagement & Compliance Division determine the correct answer to the question. Additionally, Staff from the Policy Division may also occasionally provide direct advice assistance to requestors during

high-volume periods or if the Engagement & Compliance Division is short-staffed. Additionally, should the Commission ever need to issue an opinion on a specific matter, the Policy Division would be responsible for liaising with the opinion requestor, preparing a memo on the request for the Commission, and advising the Commission regarding the opinion request.

- **Policy Interpretations & Monitoring:** The Policy Division is responsible for helping interpret the rules administered by the Commission and for promoting a shared understanding of those interpretations throughout the City. It is important that the Policy Division, the Enforcement Division, the Engagement & Compliance Division, the City Attorney's Office, and other key stakeholders all have a shared understanding of the City's rules so that the rules are administered fairly and consistently. Part of this work also involves monitoring existing policies to identify shortcomings in the current rules that may need to be changed.
- **Waivers:** The Ethics Commission has the authority to grant waivers regarding some of the rules in the C&GCC, specifically the rules regarding post-employment ([Section 3.234](#)), contracting with the City ([Section 3.222](#)), compensated advocacy ([Section 3.224](#)), and referrals ([Section 3.226](#)). The Policy Division is more heavily involved in answering advice questions regarding these matters and should a waiver be requested, Policy Division staff are responsible for liaising with the requestor, preparing a memo on the request for the Commission, and advising the Commission regarding the waiver request.
- **Legislative Tracking:** The Policy Division monitors other policy bodies, such as the Board of Supervisors, the Fair Political Practices Commission (FPPC) and the State legislature to monitor and track legislation relevant to the Commission's work.
- **Legislative Affairs & Stakeholder Engagement:** The Policy Division establishes and maintains relationships with the Board of Supervisors, the Mayor's Office, other City agencies, other jurisdictions, and various community and good government groups.
- **Managing Code & Regulation Changes:** The Policy Division oversees the work of maintaining and amending changes to the C&GCC and related Ethics Commission Regulations, which are typically associated with a policy project. This includes collaborating with the Board of Supervisors, the City Attorney's Office, and other City departments regarding the Biennial Code Review, which is the required process for making updates to the City's list of Form 700 filers.
- **Media Liaison:** The Policy & Legislative Affairs Manager serves as the Commission's media liaison with the Executive Director. This work helps ensure the press understand and can accurately report on the rules administered by the Commission.
- **Department Administration:** As needed, the Policy Division assists with the overall administration of the department, including tasks related to the budget, external audits, personnel matters, City policies, and the development and implementation of departmental policies and procedures.

Recently Concluded Policy Division Activities

The Policy Division worked on and concluded a variety of activities last year. Notable activities from 2024 include:

- **Policy Division Hiring:** As of January 2025, the Policy Division has three full-time employees for the first time. At the start the year, Ryan Abusaa moved to the Policy Division to serve as the Senior Policy Research Specialist. Prior to this, Ryan had been working in the Commission's Engagement & Compliance Division. Trishia Lim earned her master's in public policy from Berkeley last year and joined the Commission in January as the Policy Research Specialist. Recruiting for Trishia's position occurred in the last quarter of 2024.
- **Proposition D Implementation & Additional Regulations:** [Proposition D](#) was overwhelmingly approved by voters last March and became operative on October 12, 2024. The Policy Division worked with the Engagement & Compliance Division to update compliance materials, craft Proposition D specific trainings, and make updates to the City's annual ethics training. In September, the Commission [approved additional regulations](#) regarding the City's rules on incompatible activities, as amended by Proposition D.
- **New Regulations Regarding Campaign Finance Rules:** In April, the Commission considered and approved [regulation changes regarding campaign finance rules](#). These regulation changes included making improvements to how documents are filed electronically, clarifying how attestations work, closing a loophole regarding home and office fundraisers from prohibited campaign donors, and clarifying how documents must be provided to the Commission.
- **New Regulations Regarding Campaign Disclaimers:** At its August meeting, the Commission considered and approved [regulation changes regarding campaign finance disclaimer rules](#). These changes were made to align the City's rules with a recent court order.
- **New Regulations Regarding Campaign Consultants:** Also in August, the Commission considered and approved [regulations regarding how campaign consultants file their forms](#) with the Commission. The new regulations require these forms to be filed electronically.
- **Biennial Code Review Support:** The Biennial Code Review occurred last year, which led to the passage of legislation ([File 240904](#)) by the Board of Supervisors that made changes to who in the City is required to file the Form 700. Policy Division staff updated the Biennial Code Review Guide that is distributed to departments regarding this process and collaborated with the City Attorney's Office on this legislation.
- **New Legislation Regarding Form 700 Filers with Purchasing Authority:** Policy Division staff also worked with Supervisor Chan's office on legislation ([File 240016](#)) that clarified how City employees with Delegated Departmental Purchasing authority from Proposition Q file their Form 700s. This legislation clarified and simplified how these Form 700 filers file their forms.
- **Hearing on Artificial Intelligence:** In May, Staff participated in a [hearing to discuss the use of artificial intelligence in local elections](#) held by the Board of Supervisors.
- **Executive Director Authority Regarding Regulation Amendments:** In November, the Commission considered and approved a motion giving the Executive Director the authority to make minor, non-substantive changes to Ethics Commission Regulations, without direct approval from the Commission. This change will enable Staff to maintain the Commission's regulations and correct minor issues without requiring time during Commission meetings.

- **Consideration of Legislation Regarding Whistleblower Program:** Also in November, the Commission considered [a legislative amendment regarding the City's Whistleblower Program](#) brought by Supervisor Ronen. However, during the meeting, Supervisor Ronen's staff notified the Commission that they were no longer pursuing the amendment.
- **Election Year Support:** Last year was an election year, which meant the Policy Division helped field additional advice questions and media inquiries related to the election. Staff also held a workshop for local journalists hosted by the Society of Professional Journalists – Northern California on campaign finance rules and how to use the campaign finance data on the Commission's website.

Current Policy Division Priorities for 2025

The Policy Division is currently working on several initiatives, many of which will be presented to the Commission in the coming months. Current projects and activities include:

- **Streamlining Project:** It is important for the Commission to regularly evaluate its programs and processes. If these programs are not effective or efficient, the Commission should consider amending or discontinuing such programs. Staff are currently evaluating several programs and processes to identify programs that are underperforming or no longer adding value to the City. This is especially critical in light of the potential for the Commission's budget to be cut as part of the City's FY26 budget. The policies being evaluated include the City's rules regarding major developers, campaign consultants, recusal notifications, expenditure limits for candidates receiving public funds, and the reporting requirements for candidates in trustee elections.

Interested persons meetings were held regarding these rules in March, and Staff will soon present recommendations to the Commission, likely at the Commission's meeting in May.

- **Addressing the Consequences of AB 1170:** Last year, the State Legislature approved [AB 1170](#), which imposed a new requirement that certain local officials must file the Form 700 directly with the FPPC. To maintain the complete, robust datasets of Form 700 information that the Commission currently provides to the public, these local officials need to continue filing electronically with the Ethics Commission. Unfortunately, this means that certain City officials are currently required to file their Form 700s twice, once locally and again with the FPPC. Staff sent letters on this subject to the FPPC in [November](#) and [February](#) and are currently working with stakeholders inside and outside of the City to pursue a legislative fix to this at the State-level.
- **Projects with the Mayor's Office:** Staff have been in conversation with the Mayor's Office about legislation that would strengthen the City's rules regarding lobbyists and campaign finance. Staff are continuing to engage with the Mayor's Office and the Chair of the Commission on these issues. Such legislation may be introduced by the Mayor soon, or Staff may prepare similar recommendations that could be introduced by the Ethics Commission.
- **Internal Policy Division Process Improvements:** With the recent expansion of the Policy Division, Staff are exploring ways to expand and improve several core functions of the Division,

including how regulations are maintained and documented, how stakeholders are identified and engaged, the tracking of potential future projects, and how legislative activity outside of the Commission is monitored.

- **Potential Changes to Behested Payment Waivers:** Staff have recently been discussing with the Board of Supervisors regarding the process by which the Board can grant waivers for the City's behested payment prohibition. The Board may soon develop and introduce amendments regarding this process that would then need to be considered by the Ethics Commission.

Many of these items will be the subject of future presentations to the Commission in the coming months. Staff will also continue to provide updates to the Commission on these matters at future meetings through the Executive Director's monthly reports.

Next Steps

No action is requested as part of this item, but Staff welcomes questions and feedback on the substance of this memo including the current policy priorities.