



**SAN FRANCISCO ETHICS COMMISSION
NOTICE OF REGULAR MEETING
July 11, 2005, 5:30 P.M.
and AGENDA
Room 408 City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco**

- I. Call to order and roll call.
- II. Public comment on matters appearing or not appearing on the agenda that are within the jurisdiction of the Ethics Commission.
- III. Request for waiver from Campaign and Governmental Code section 3.224 (compensated advocacy ban). Ephraim G. Hirsch, a sitting member of the Building Inspection Commission occupying the seat mandated to be filled by a structural engineer, has requested a waiver that would allow him to represent private parties before other City officers and employees as part of his duties as a structural engineer while continuing to serve on the Building Inspection Commission. A staff report is available at the office and on the Commission web site. (Discussion and possible action.)
- IV. Approval of the minutes of the regular meetings of April 11, 2005, May 9, 2005, and June 13, 2005, as well as of the special meetings of May 24, 2005 and June 21, 2005. (Discussion and possible action).
- V. Performance goals for the Executive Director. The Chairperson and the Executive Director have produced a set of performance goals for the coming year which coincides with Fiscal Year 2005-06. A draft copy is available at the office and on the Commission web site. (Discussion and possible action.)
- VI. Civil Grand Jury Report: The Civil Grand Jury has issued a report on its study of City grants and contracts and requires the Ethics Commission to respond to one of its findings and one recommendation. The Commission will consider a draft response, which is posted on the Commission's web site and available from the Commission's office. (Discussion and possible action.)
- VII. Proposed Legislation 1 (File No. 051033): Supervisor Elsbernd has introduced legislation to disqualify any candidate with outstanding fines or penalties for violations of state or local campaign finance laws from participation in the public finance program. It would also render ineligible for five years candidates found by a court to have knowingly, willfully or intentionally violated state or local campaign finance laws. The Board of Supervisors has requested comment from the Ethics Commission. Staff has prepared a report on the legislation as well as two possible amendments. A draft copy is available at the office and on the Commission web site. (Discussion and possible action.)

- VIII. **Proposed Legislation 2 (File No. 051035):** Supervisor Mirkarimi has introduced legislation that would make payments for electioneering communications made at the behest of a candidate a contribution to that candidate. Further, it would impose contribution limits on the amount of payments that can be given or received for the purpose of making electioneering communications and require certain reports from persons making electioneering communications. The Board of Supervisors has requested comment from the Ethics Commission. Staff has prepared a report on the legislation. A draft copy is available at the office and on the Commission web site. (Discussion and possible action.)
- IX. **Staff report on possible changes to the investigation process.** Commissioners have requested that staff look into changes that can be made to make the investigations process less confidential and to what extent the Commission may release records related to an investigation. After extensive interviews with other jurisdictions and research, staff has produced a report making suggestions for the Commission's consideration. (Discussion and possible action.)
- X. **Waiver Process Amendments:** Whether to amend the waiver provision in the post employment provisions of the Campaign and Governmental Conduct Code (section 3.234(a)(1)(E)) and/or the Ethics Commission regulations implementing it. Possible Amendments include: 1) deleting the ability of former employees and officers to seek waivers; 2) extending the notice period before the Commission may consider a waiver request; and 3) eliminating the ability of the Executive Director to grant waivers in lieu of the Commission. (Discussion and possible action.)
- XI. **Proposed Campaign Finance Reform Ordinance (CFRO) Regulations.** The Commission may continue to take action on regulations discussed at the previous regular monthly meeting. The proposed regulations are Regulations 1.134-1, 1.134-2 and 1.174-1, which are available at the office and on the Commission web site. (Discussion and possible action.)
- XII. **Closed session. (Discussion and possible action.)**
- Closed session held pursuant to Charter section C3.699-13, Brown Act section 54956.9(c) and Sunshine Ordinance section 67.10(d) to discuss anticipated litigation as plaintiff.
- Conference with Legal Counsel: Anticipated litigation as plaintiff
- Number of possible cases: 2
- XIII. **Discussion and votes regarding closed session action and deliberations. (Discussion and possible action.)**
- A. **Discussion and vote pursuant to Brown Act section 54957.1 and Sunshine Ordinance section 67.12 on whether to disclose any action taken or discussions held in closed session regarding anticipated litigation.**
- Motion:** The Charter provides that deliberations regarding complaints are confidential. Pursuant to section C3.699-13, the Ethics Commission finds that it is in the best interests of the public (not) to disclose its closed session deliberations re: anticipated litigation.
- XIV. **Executive Director's Report.** An update of important Ethics Commission staff activities since the previous monthly meeting. The report for this meeting will cover June and July. (Discussion.)

XV. Commissioner questions and proposed future agenda items.

a) Inquiries to the Executive Director. Commissioners may make inquiries to the Executive Director about matters of interest to the Commission and the Commission may request that the Director report back to the Commission on a particular item.

b) Items for future meetings. Commissioners may propose items for future agendas and the Commission may determine the priority of these items. (Discussion.)

XVI. Public comment on matters appearing or not appearing on the agenda that are within the jurisdiction of the Ethics Commission.

XVII. Adjournment.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415 554 7724; by fax at 415 554 7854; or by email at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, <http://www.sfgov.org/sunshine/>

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing devices.

This location is wheelchair accessible. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity, or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City accommodate these individuals.

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct, Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317 and web site www.sfgov.org/ethics

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