



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

PETER KEANE
CHAIRPERSON

December 22, 2017

DAINA CHIU
VICE-CHAIRPERSON

The Honorable London Breed
President of the Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

PAUL A. RENNE
COMMISSIONER

QUENTIN L. KOPP
COMMISSIONER

RE: Request for Waiver of Board of Supervisors Rule of Order 3.22 (30 Day Rule) for Ethics Commission Anti-Corruption and Accountability Ordinance

YVONNE LEE
COMMISSIONER

Dear President Breed:

LEEANN PELHAM
EXECUTIVE DIRECTOR

On behalf of the Ethics Commission, this letter requests a waiver of the Board of Supervisors Rule of Order 3.22, known as the 30-Day Rule, for proposed legislation our office recently transmitted to the Board for its consideration and enactment. Known as the "*Anti-Corruption and Accountability Ordinance*," the Ethics Commission's proposed Ordinance was approved by at the Commission's November 27, 2017 regular meeting, and was transmitted to the Clerk of the Board on December 5, 2017.

As proposed by the Ethics Commission, the Ordinance would establish new rules regarding conflicts of interest, including prohibitions on City officials using their position to obtain something of value for themselves or accepting something of value that is likely to influence their official actions. The Commission believes swift action by the Board is critical to ensuring the new provisions of the law can be implemented timely to support and maximize their impact.

Background

In March of 2017, the Ethics Commission initiated a review and revision of the Campaign Finance Reform Ordinance ("CRFO") to address critical gaps outlined in recent years by civil grand jury reports, Members of the Board of Supervisors, and the public. At its core, CRFO is designed to fulfill the voters' mandate to, among other goals:

- 1) Place realistic and enforceable limits on the amount individuals may contribute to political campaigns in municipal elections to eliminate or reduce the appearance or reality that large contributors may exert undue influence over elected officials;
- 2) Provide full and fair enforcement of all the provisions of CRFO;
- 3) Ensure that all individuals and interest groups in our city have a fair opportunity to participate in elective and governmental processes;
- 4) Assist voters in making informed electoral decisions;
- 5) Help restore public trust in governmental and electoral institutions.

To better accomplish these mandates and further strengthen transparency of campaign finance activities in City elections, the Commission drafted the Anti-Corruption and Accountability

Ordinance with new disclosure requirements to better inform the public about money being raised and spent on political campaigns or at the behest of a City official. The Ordinance would also establish a third public disclosure report for campaign committees prior to the date of the election, and business entities that contribute to candidates would be required to provide additional disclosures about their management.

The Ordinance was developed and refined over a period of nine months and involved substantial stakeholder and public engagement, including nine interested persons meetings and seven Commission meetings. Throughout this process, the Commission expressed its strong desire to ensure that these new laws are enacted as soon as possible to help reduce any perception of corruption in City government, enhance transparency and, promote accountability to local voters.

We understand that following its submission to the Board Clerk earlier this month, the ordinance was processed by the Clerk of the Board to carry an introduction date of January 9, 2018. We further understand that the Ordinance will be submitted subject to the 30-day rule, requiring the passage of thirty (30) days prior to the Board or any committee holding a hearing on the Ordinance. The 30-day period would elapse on February 9, 2018.

As you know, the Ethics Commission retains the ability under San Francisco Charter Section 15.102 to place Ordinances of matters within its jurisdiction on the ballot as a measure to be decided directly by San Francisco voters. To place this proposed Ordinance on the June 2018 ballot, the Commission would be required to submit a resolution to the Elections Department prior to March 2, 2018, ordinance submission deadline.

We are eager for the Board to review the proposed Ordinance and to move it toward a vote by the full Board to enact it in substantially its current form. However, because of the limited window of time between the resumption of Board meetings on January 9, 2018, the February 9, 2018 constraint under the 30-day rule, and the March 2, 2018 ballot submission deadline, the Commission is seeking a waiver of the 30-day rule. We request this waiver from you in your capacity as Board President so that the Board has a full opportunity to review and enact the Ordinance prior to any action by the Commission to place the item on the June ballot.¹ If the 30-day rule were waived, the Board could begin discussion of the Ordinance on January 9, giving it six weeks to formally review the legislation prior to the Commission voting to approve the legislation for the June 2018 Ballot at its regular meeting on February 16, 2018.

Thank you for your time and consideration. If you have any questions for the Ethics Commission or would like any additional information from our office, please feel free to contact either of us or the Commission's Executive Director, LeeAnn Pelham, at (415) 252-3100.

Sincerely,



Peter Keane
Chair, San Francisco Ethics Commission



Daina Chiu
Vice-Chair, San Francisco Ethics Commission

¹ Board of Supervisors Rule of Order 3.22