

File No. 240016

Committee Item No. 4

Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date April 15, 2024

Board of Supervisors Meeting

Date April 30, 2024

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 - Ethics Commission
- Award Letter
- Application
- Form 700
- Information/Vacancies (Boards/Commissions)
- Public Correspondence

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Completed by: Victor Young Date April 11, 2024

Completed by: _____ Date _____

1 [Campaign and Governmental Conduct Code - Form 700 (Statement of Economic Interests)
2 Filers]

3 **Ordinance amending the Campaign and Governmental Conduct Code to update and**
4 **clarify the Conflict of Interest Code’s Form 700 (Statement of Economic Interests) filing**
5 **requirements for “Proposition Q Filers” (Departmental Purchaser Initiators and**
6 **Approvers); add the Children and Families First Commission and the Enhanced**
7 **Infrastructure Financing District Public Financing Authority No. 1 to the list of filers**
8 **who file with the Ethics Commission; and make non-substantive corrections to the**
9 **Conflict of Interest Code sections for the Department of Public Works and the Public**
10 **Utilities Commission.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.
13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
14 **Board amendment additions** are in double-underlined Arial font.
15 **Board amendment deletions** are in ~~strikethrough Arial font~~.
16 **Asterisks (* * * *)** indicate the omission of unchanged Code
17 subsections or parts of tables.

18 Be it ordained by the People of the City and County of San Francisco:

19 Section 1. Article III, Chapter 1 of the Campaign and Governmental Conduct Code is
20 hereby amended by revising Sections 3.1-103, 3.1-365, 3.1-370; and adding new Sections
21 3.1-109 and 3.1-219, to read as follows:

22 **SEC. 3.1-103. FILING OFFICERS.**

23 Persons holding designated positions shall file the specified statements, declarations,
24 and certificates with the filing officers designated in this Section 3.1-103.

25 (a) **MEMBERS OF BOARDS AND COMMISSIONS.**

1 (1) Members of the following boards and commissions shall file their Form 700
2 Statements of Economic Interests, Sunshine Ordinance Declarations, and Certificates of
3 Ethics Training with the Ethics Commission:

4 Access Appeals Commission

5 * * * *

6 Building Inspection Commission

7 Children and Families First Commission

8 Children, Youth and Their Families, Oversight and Advisory Committee

9 * * * *

10 Elections Commission

11 Enhanced Infrastructure Financing District Public Financing Authority No. 1

12 Entertainment Commission

13 * * * *

14 **SEC. 3.1-109. ~~REPEALED-DELEGATED DEPARTMENTAL PURCHASER (PROP Q)~~**
15 **INITIATORS AND APPROVERS.**

16 Disclosure Category Q. Unless otherwise specified in this Chapter 1, Persons designated by
17 their department as a Delegated Departmental Purchase Initiator or Approver under Proposition Q
18 (November 1993) (“Prop Q”) shall disclose all investments and business positions in any business
19 entity, as well as income or gifts received from any business entity, which does business subject to Prop
20 Q with the Person’s department, or has done business subject to Prop Q with the Person’s department
21 within the reporting period covered by the disclosure statement.

22
23 **SEC. 3.1-219. ENHANCED INFRASTRUCTURE FINANCING DISTRICT PUBLIC**
24 **FINANCING AUTHORITY NO. 1.**

25 Designated Positions Disclosure Categories

LEGISLATIVE DIGEST
(Substituted, 03/05/2024)

[Campaign and Governmental Conduct Code - Form 700 (Statement of Economic Interests) Filers]

Ordinance amending the Campaign and Governmental Conduct Code to update and clarify the Conflict of Interest Code’s Form 700 (Statement of Economic Interests) filing requirements for “Proposition Q Filers” (Departmental Purchaser Initiators and Approvers); add the Children and Families First Commission and the Enhanced Infrastructure Financing District Public Financing District No. 1 to the list of filers who file with the Ethics Commission; and make non-substantive corrections to the Conflict of Interest Code sections for the Department of Public Works and the Public Utilities Commission.

Existing Law

The Political Reform Act of 1974, California Government Code section 87300, et seq., requires that San Francisco adopt a Conflict of Interest Code and review and update the Code every two years. The City’s Conflict of Interest Code is set forth in Article III, Chapter 1 of the Campaign and Governmental Conduct Code. The Code designates those City officials and employees who periodically must file public statements disclosing their personal financial interests. The Code also specifies the types of financial interests – i.e., disclosure categories – that designated officials and employees must disclose.

Amendments to Current Law

The proposed amendments to the Conflict of Interest Code update and clarify the Conflict of Interest Code’s Form 700 requirements for Proposition Q Filers (Departmental Purchaser Initiators and Approvers). The proposed amendments add a new section of filers for the Enhanced Infrastructure Financing District Public Financing District No. 1. The proposed amendments also add the Children and Families First Commission and the Enhanced Infrastructure Financing District Public Financing District No. 1 to the list of filers who file with the Ethics Commission and make non-substantive corrections to the Conflict of Interest Code sections for the Department of Public Works and the Public Utilities Commission.

The proposed amendments amend the sections of the Conflict of Interest Code governing the following local agencies:

- Public Utilities Commission
- Public Works

Background Information

The City's Conflict of Interest Code must list those employees and officers who make or participate in the making of governmental decisions on behalf of the City. Cal. Gov. Code §§ 87300, 87302(a).

A City employee or officer "makes a governmental decision" when she: (1) votes on a matter; (2) appoints a person; (3) obligates or commits his or her agency to any course of action; or (4) enters into any contractual agreement on behalf of his or her agency. Cal. Code Regs. § § 18704(a). A City employee or officer "participates in making a governmental decision" when she directly, without significant substantive review, provides information, an opinion, or a recommendation for the purpose of affecting a government decision. *Id.* at § 18704(b). The City's Conflict of Interest Code should not include employees who carry out solely clerical or ministerial tasks. *Id.* at § 18704(d)(1).



San Francisco Ethics Commission

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

February 16, 2024

Honorable Members of the San Francisco Board of Supervisors
Attention: Victor Young, Assistant Clerk
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: **File #240016**

Dear Members of the Board of Supervisors,

This letter is to provide background and express support for legislation ([File #240016](#)) currently before the Board of Supervisors, which would update and clarify the City's Conflict of Interest Code regarding the Form 700 filing requirements of City employees with Delegated Departmental Purchasing authority through Proposition Q and to make other non-substantive corrections to the Code.

Pursuant to [Chapter 21.03\(a\)](#) of the Administrative Code, certain City officials may be delegated, by their departments, the ability to make certain purchases up to \$10,000, without engaging in a competitive bidding process. These officials are charged with ensuring City funds are spent wisely and adhere to all City laws, rules, regulations, and policies. These purchases are commonly referred to "Delegated Departmental Purchases" or, simply as, "Prop. Q Purchases."

The City's Office of Contract Administration specifies in [Regulation 21.03\(a\)](#), that in order to use Delegated Departmental Purchasing authority "[a]ll designated employees [in the department who are authorized to purchase goods and services using delegated purchasing authority] shall file Form 700, Statement of Economic Interests annually as required by the Article III, Chapter 1, of the San Francisco Campaign and Governmental Conduct Code."

This also aligns with the Political Reform Act, which requires the City to have a Conflict of Interest Code that identifies all City positions that make or participating in the making of government decisions, as the officials occupying such positions are required to file the Statement of Economic Interests (Form 700). City employees that are making or approving purchases with Prop. Q authority participate in making government decisions, and as such should file the Form 700 under State law.

However, in the City's Conflict of Interest Code, only five departments have clearly identifiable Prop. Q positions listed in their sections of the Code. Given this, the Ethics Commission is concerned that other departments may have employees who are using Prop. Q authority to make or approve purchases without filing the Form 700 as required, potentially making the City out of compliance with City regulations and State law.

This legislation ([File #240016](#)) would help raise awareness of this requirement and make it easier for departmental filing officers to have employees with Prop. Q authority start filing their Form 700s.

The legislation would create a new Section 3.1-109 in Article III, Chapter 1, of the C&GCC that is specifically for “Delegated Departmental Purchaser (Prop Q) Initiators and Approvers.” Having this new section would allow departmental filing officers the ability to have new employees start filing the Form 700 when the department wants them to have Prop. Q authority and to stop filing when that authority is no longer needed, in a streamlined way, without regularly amending their department’s section of Article III, Chapter 1 during the Biennial Code Review. The process for administering a new Section 3.1-109 for those with Prop. Q authority would be similar to how Section 3.1-108 currently operates for consultants who are also required to file the Form 700.

This legislation does not extend a Form 700 filing obligation to any new City employees, as anyone with Prop. Q authority is already required to file the Form 700. The legislation just clarifies and simplifies how City departments can comply with the existing requirements, by ensuring that anyone in their department with Prop. Q authority is filing the Form 700. Increased awareness of these requirements may lead some departments to identify new employees that need to begin filing the Form 700 in order to continue using Prop. Q authority. Determinations regarding which employees need Prop. Q authority, and thus need to file the Form 700, would, and should, remain at the departmental level. If a department wishes to extend Prop. Q authority to a new employee, thus making them a Form 700 filer, the City may need to meet and confer with City bargaining units on such changes.

We believe this change to Article III, Chapter 1 of the C&GCC will allow the City to create a simplified, consistent process for having employees with Prop. Q authority file their Form 700s as required, while raising awareness of, and hopefully increasing compliance with, this important tool for identifying and preventing conflicts of interest in City government.

We would like to thank the Board for considering this legislation and to recommend the Board approve [File #240016](#).

Best regards,

DocuSigned by:

D76Q123B70EA4AE
Michael Canning

Policy and Legislative Affairs Manager
San Francisco Ethics Commission

cc:

Patrick Ford, Executive Director, San Francisco Ethics Commission
Frances Hsieh, Legislative Assistant, Office of Supervisor Connie Chan
Ana Flores, Deputy City Attorney, Office of City Attorney David Chiu
Brad Russi, Deputy City Attorney, Office of City Attorney David Chiu

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Carol Isen, Director, Department of Human Resources

FROM: Victor Young, Assistant Clerk, Rules Committee *Victor Young*
Board of Supervisors

DATE: March 20, 2024

SUBJECT: Meet and Confer Referral -Campaign and Governmental Conduct Code -
Form 700 (Statement of Economic Interests) Filers

The Board of Supervisors' Rules Committee has received the following substitute Ordinance pending before the Rules Committee. This matter is being **re-referred** to you as it may require the Department of Human Resources to fulfill "**Meet and Confer**" requirements. Please review, assess the impact, provide proper noticing as required, and report back to on the status of the "Meet and Confer" requirement.

File No. 240016 (Ver2)

Ordinance amending the Campaign and Governmental Conduct Code to update and clarify the Conflict of Interest Code's Form 700 (Statement of Economic Interests) filing requirements for "Proposition Q Filers" (Departmental Purchaser Initiators and Approvers); add the Children and Families First Commission and the Enhanced Infrastructure Financing District Public Financing Authority No. 1 to the list of filers who file with the Ethics Commission; and make non-substantive corrections to the Conflict of Interest Code sections for the Department of Public Works and the Public Utilities Commission.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Mawuli Tugbenyoh, Department of Human Resources

BOARD of SUPERVISORS



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San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Gayathri Thaikkendiyil, Acting Executive Director, Ethics Commission
Carol Isen, Director, Department of Human Resources

FROM: Patricia Petersen, Senior Management Assistant

DATE: May 8, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed substitute legislation:

File No. 240016 – version 2

Ordinance amending the Campaign and Governmental Conduct Code to update and clarify the Conflict of Interest Code's Form 700 (Statement of Economic Interests) filing requirements for "Proposition Q Filers" (Departmental Purchaser Initiators and Approvers); add the Children and Families First Commission to the list of filers who file with the Ethics Commission; and make non-substantive corrections to the Conflict of Interest Code sections for the Department of Public Works and the Public Utilities Commission.

(Meet and confer obligations to be determined.)

If you have comments or reports to be included with the file, please forward them to Victor Young at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.

cc. Michael Canning, Ethics Commission
Patrick Ford, Ethics Commission
Derik Aoki, Children and Families First Commission
Carla Short, Department of Public Works
David Steinberg, Department of Public Works
Ian Schneider, Department of Public Works
John Thomas, Department of Public Works
Lena Liu, Department of Public Works
Dennis Herrera, Public Utilities Commission
Masood Ordikhani, Public Utilities Commission
Jeremy Spitz, Public Utilities Commission

Donna Hood, Public Utilities Commission
Mawuli Tugbenyoh, Department of Human Resources
Aliya Chisti, Department of Human Resources

From: [Young, Adam \(HRD\)](#)
To: [Young, Victor \(BOS\)](#); [Isen, Carol \(HRD\)](#)
Cc: [Tugbenyoh, Mawuli \(HRD\)](#); [ChanStaff \(BOS\)](#); [Chisti, Aliya \(HRD\)](#); [Wright, Jonathan \(HRD\)](#)
Subject: RE: DHR Referral for potential "Meet and Confer" requirement - BOS File No. 240016 (version 2) - REMINDER
Date: Wednesday, April 3, 2024 4:05:00 PM
Attachments: [image002.png](#)
[image003.png](#)

Hi Victor,

Looping in Jonathan and Aliya.

We noticed unions about the first version of BOS File No. 240016 and none identified impacts.

The second version does not require re-noticing.

Regards,
Adam



Adam Young
[He, Him, His]
Senior Policy Analyst, Policy and External Affairs
Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 551-1111
Website: www.sfdhr.org

From: Young, Victor (BOS) <victor.young@sfgov.org>
Sent: Wednesday, April 3, 2024 11:15 AM
To: Isen, Carol (HRD) <carol.isen@sfgov.org>
Cc: Tugbenyoh, Mawuli (HRD) <mawuli.tugbenyoh@sfgov.org>; Young, Adam (HRD) <adam.r.young@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>
Subject: DHR Referral for potential "Meet and Confer" requirement - BOS File No. 240016 (version 2) - REMINDER

Good Morning:

This is a reminder of the previously referred matter for review of possible "Meet and Confer" requirements of version 2 of the Ordinance. The matter is tentatively scheduled for hearing before the Rules Committee on April 15, 2024. A response regarding the possible "Meet and Confer" requirements is needed before we finalize the agenda for the meeting.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org.

Thank you.

Victor Young

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall., Room 244

San Francisco CA 94102

phone 415-554-7723 | fax 415-554-5163

victor.young@sfgov.org | www.sfbos.org



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