REVISED LEGISLATIVE DIGEST
(2/27/2018, Amended in Board)

[Campaign and Governmental Conduct Code - Failure to File Form 700s, Sunshine Ordinance Declarations, and Certificates of Ethics Training]

Ordinance amending the Campaign and Governmental Conduct Code to disqualify members of City boards and commissions who have not filed their Form 700s (Statements of Economic Interests), Sunshine Ordinance Declarations, and Certificates of Ethics Training from participating in or voting on matters before their boards and commissions, and to modify the Ethics Commission's reporting requirements regarding the filing of Form 700s.

Existing Law

The Political Reform Act of 1974, California Government Code section 87300, et seq., requires that San Francisco designates those City officials and employees who must disclose their personal financial interests on the Fair Political Practices Commission's Form 700 (also referred to as Statements of Economic Interests or SEIs). City officials required to file Form 700s must file an "assuming office" statement within 30 days of taking office, and thereafter, must generally file an "annual" statement by April 1 of each year.

Failure to timely file a Form 700, or failure to file a Form 700 at all, may result in a fine levied by either the Ethics Commission or the Fair Political Practices Commission. San Francisco Campaign and Governmental Conduct Code Section 3.1-102.5 provides that the failure to file a Form 700 may also result in discipline by the official's appointing authority. Section 3.1-102.5 also provides that the Ethics Commission may issue a letter to an appointing authority recommending suspension or removal of any City official, if the official has failed to file within 30 days of receiving notice from the Ethics Commission. Lastly, the Ethics Commission must also annually compile and post on its website, on or before April 10, a report setting forth the names of those persons who are required to file an annual statement with the Ethics Commission under this Chapter but have failed to do so. The Ethics Commission is then required to update this report by May 10 of each year.

In addition to Form 700 filing obligations, members of City boards and commissions are also required to receive regular trainings on the Sunshine Ordinance (S.F. Admin. Code § 67.33) and conflict of interest and ethics laws (Cal. Gov't Code § 53235). Members of City board and commissions must submit certifications regarding the completion of these trainings to the Ethics Commission. S.F. Campaign & Gov'tal Conduct Code § 3.1-103(a).

Amendments to Current Law

The proposed legislation would create further consequences on members of City boards and commissions who fail to timely file their Form 700s, or certifications of Sunshine Ordinance and ethics trainings. The proposal would disqualify such officials from any participation in matters coming before their boards and commissions until they file their Form 700. The proposal would also require commission secretaries to publicly announce, at the beginning of public meetings, when a member of the secretary's board or commission has failed to timely file a Form 700. But the proposal would allow a member of a City board and commission to seek a waiver, for good cause, from the Ethics Commission's Executive Director excusing his or her failure to file on a timely basis.

The proposed legislation would also modify the Ethics Commission's reporting requirements regarding the filing of Form 700s and training certifications. Instead of providing separate reports by predetermined deadlines, the Ethics Commission would maintain a list on its website regarding late or missing filings and update the database on a continuous basis. The Ethics Commission would also be required to notify commission secretaries (1) on an annual basis, how to access this list, and (2) subsequent to the appointment of a member of a City board or commission, if the newly appointed member has filed to timely file a Form 700 or training certification.

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