

BOARD of SUPERVISORS



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MEMORANDUM

TO: All City Department Heads via Mawuli Tugbenyoh, Liaison to the Board of Supervisors, Mayor's Office
LeeAnn Pelham, Executive Director, Ethics Commission

FROM: *el*
bn Alisa Somera, Deputy Director
Rules Committee

DATE: October 10, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Peskin on October 3, 2017:

File No. 171066

Ordinance amending the Campaign and Governmental Conduct Code to disqualify members of City boards and commissions who have not filed their Form 700s from participating in or voting on certain matters.

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

c: Kyle Kundert, Ethics Commission

[Campaign and Governmental Conduct Code - Failure to File Form 700s]

Ordinance amending the Campaign and Governmental Conduct Code to disqualify members of City boards and commissions who have not filed their Form 700s from participating in or voting on certain matters.

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

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

Section 1. Findings.

(a) The City, through its Board of Supervisors, had adopted a Conflict of Interest Code that designates the City officials required to file the Fair Political Practices Commission's Statement of Economic Interests (also known as the Form 700). On these Form 700s, City officials must disclose, subject to the appropriate disclosure category, their financial interests in entities, individuals, or persons that may come before them in the course of carrying out their official duties.

(b) The Form 700 offers City officials with an opportunity to catalog potential conflicts of interests that may arise from their governmental decisions and duties. The Form 700 is also a public document, which allows members of the public at large to monitor potential conflicts of interest of City officials. Likewise, the Form 700 permits the Ethics Commission, and other relevant agencies, to monitor potential conflicts of interest.

(c) If a City official who must file a Form 700 fails to do so, they are subject to potential late fees and penalties for failing to file. Such failure to file may also result in discipline. The

1 City finds that disqualifying members of City boards and commissions who fail to file their
2 Form 700s will strengthen the public confidence in the integrity of government. Until such City
3 officials have filed their Form 700s, it would be difficult for the public and other government
4 agencies to assess whether these officials are violating conflict of interest laws. Because the
5 failure to file a Form 700 frustrates such oversight, it is appropriate to disqualify such City
6 officials who have failed to file from any substantive City decisions.

7 Section 2. The Campaign and Governmental Conduct Code is hereby amended by
8 revising Section 3.1-102.5, to read as follows:

9 **SEC. 3.1-102.5. FAILURE TO FILE.**

10 (a) **Potential Discipline.** Subject to the removal and Civil Service provisions of the
11 Charter as well as any applicable Civil Service Rules, any officer or employee of the City and
12 County of San Francisco who fails to file any statement required by Sections 3.1-101 and 3.1-
13 102 of ~~this Chapter the Campaign and Governmental Conduct Code~~ within 30 days after receiving
14 notice from the Ethics Commission of a failure to file may be subject to disciplinary action by
15 his or her appointing authority, including removal from office or termination of employment.

16 (b) **Warning Letter.** The Ethics Commission may issue a letter to an appointing
17 authority recommending suspension or removal of any City officer or termination of any City
18 employee who has failed to file a statement required by Sections 3.1-101 and 3.1-102 of ~~this~~
19 ~~Chapter the Campaign and Governmental Conduct Code~~ if the City officer or employee has not
20 filed the required statement within 30 days of receiving notice from the Ethics Commission of
21 his or her failure to file.

22 (c) **Required Disqualification by Members of Boards and Commissions.** *Members of City*
23 *boards or commissions who have failed to file statements required by Sections 3.1-101 and 3.1-102 of*
24 *the Campaign and Governmental Conduct Code by the applicable filing deadline shall be disqualified*
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1 from all participation in and voting on matters listed on their boards' and commissions' meeting
2 agendas.

3 (d) **Public Announcement.** If a member of a board or commission has failed to file a required
4 statement, at the beginning of each meeting of the board or commission that occurs after the applicable
5 deadline for the required statement and before the member of the board or commission files the
6 required statement, the Commission Secretary, or any City staff who fulfills that role, shall announce
7 that the member of the board or commission has failed to file a statement required by Sections 3.1-101
8 and 3.1-102 of this Chapter and that the member will be disqualified from all participation in and
9 voting on matters coming before the board or commission.

10 Section 2. Effective Date. This ordinance shall become effective 30 days after
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
13 of Supervisors overrides the Mayor's veto of the ordinance.

14 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
15 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
16 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
17 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
18 additions, and Board amendment deletions in accordance with the "Note" that appears under
19 the official title of the ordinance.

20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By:

23 
ANDREW SHEN
Deputy City Attorney

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