

File No. 171066

Committee Item No. 3

Board Item No. 7

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date February 14, 2018

Board of Supervisors Meeting

Date March 6, 2018

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	Memorandum of Understanding (MOU)
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 - Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Form 700
<input type="checkbox"/>	<input type="checkbox"/>	Vacancy Notice
<input type="checkbox"/>	<input type="checkbox"/>	Information Sheet
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Victor Young Date February 9, 2018
 Completed by: Alisa Somera Date February 21, 2018

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

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

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

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

15 Section 1. Findings.

16 (a) The City, through its Board of Supervisors, had adopted a Conflict of Interest Code
17 that designates the City officials required to file the Fair Political Practices Commission’s Form
18 700 (also known as a Statement of Economic Interests). On these Form 700s, City officials
19 must disclose, subject to the appropriate disclosure category, their financial interests in
20 entities, individuals, or persons that may come before them in the course of carrying out their
21 official duties.

22 (b) The Form 700 offers City officials with an opportunity to catalog potential conflicts
23 of interests that may arise from their governmental decisions and duties. The Form 700 is
24 also a public document, which allows members of the public at large to monitor potential
25

1 conflicts of interest of City officials. Likewise, the Form 700 permits the Ethics Commission,
2 and other relevant agencies, to monitor potential conflicts of interest.

3 (c) If a City official who must file a Form 700 fails to do so, they are subject to potential
4 late fees and penalties for failing to file. Such failure to file may also result in discipline. The
5 City finds that disqualifying members of City boards and commissions who fail to file their
6 Form 700s will strengthen the public confidence in the integrity of government. Until such City
7 officials have filed their Form 700s, it would be difficult for the public and other government
8 agencies to assess whether these officials are violating conflict of interest laws. Because the
9 failure to file a Form 700 frustrates such oversight, it is appropriate to disqualify such City
10 officials who have failed to file from any substantive City decisions.

11 (d) Likewise, the failure of a City official to complete required trainings on the Sunshine
12 Ordinance and conflict of interest and ethics laws decreases public confidence that City
13 boards and commissions will abide by applicable open meeting, public records, and ethics
14 laws, and appropriately disqualifies such officials from participation in business before their
15 boards and commissions until such training has been completed.

16 Section 2. The Campaign and Governmental Conduct Code is hereby amended by
17 revising Sections 3.1-102.5, ~~and 3.1-104,~~ and 3.1-105, to read as follows:

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

19 (a) ***Potential Discipline.*** Subject to the removal and Civil Service provisions of the
20 Charter as well as any applicable Civil Service Rules, any officer or employee of the City and
21 County of San Francisco who fails to file any statement required by Sections 3.1-101 and 3.1-
22 102 of *this Chapter* ~~the Campaign and Governmental Conduct Code~~ within 30 days after receiving
23 notice from the Ethics Commission of a failure to file may be subject to disciplinary action by
24 his or her appointing authority, including removal from office or termination of employment.
25

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

7 (c) Required Disqualification by Members of Boards and Commissions. Members of City
8 boards or commissions who have failed to file statements required by Sections 3.1-101, 3.1-102, and
9 3.1-103 of the Campaign and Governmental Conduct Code (Form 700 Statements of Economic
10 Interests, Sunshine Ordinance Declarations, and Certificates of Ethics Training) by the applicable
11 filing deadline shall be disqualified from all participation in and voting on matters listed on their
12 boards' and commissions' meeting agendas.

13 (1) Waiver. A member of a City board or commission may seek a waiver for
14 cause from the Ethics Commission's Executive Director excusing his or her failure to file the
15 statements required by Sections 3.1-101, 3.1-102, and 3.1-103 of the Campaign and
16 Governmental Conduct Code. If the Executive Director grants such a waiver, the member of
17 a board or commission will not be disqualified under this subsection (c); provided that after a
18 member of board or commission has sought a waiver and while the waiver is pending before
19 the Executive Director, the member shall continue to be disqualified.

20 (2) Subsequent Filing of Required Statements. After a member of City board
21 or commission files any delinquent statement required by Sections 3.1-101, 3.1-102, and 3.1-
22 103 of the Campaign and Governmental Conduct Code, the member shall no longer be
23 disqualified under this subsection (c).

24 (d) Public Announcement. If a member of a City board or commission has failed to file a
25 required statement (Form 700 Statement of Economic Interests, Sunshine Ordinance Declaration or

1 Certificate of Ethics Training), at the beginning of each meeting of the board or commission that
2 occurs after the applicable deadline for the required statement and before the member of the board or
3 commission files the required statement, the Commission Secretary, or any City staff who fulfills that
4 role, shall announce that the member of the board or commission has failed to file a statement required
5 by Sections 3.1-101, 3.1-102, and 3.1-103 of this Chapter and that the member will be disqualified from
6 all participation in and voting on matters coming before the board or commission.

7 **SEC. 3.1-104. FILING OFFICER REPORTS.**

8 (a) On or before April 10th of each year, every filing officer shall submit a written report
9 to the Ethics Commission setting forth the names of those persons who are required to file ~~an~~
10 ~~annual statement a~~ Form 700 Statement of Economic Interests with that filing officer under this
11 Chapter but have failed to do so, or a report stating that all such persons have filed.

12 (b) ~~On or before April 10th of each year, the Ethics Commission shall prepare a report setting~~
13 ~~forth the names of those persons who are required to file an annual statement with the Ethics~~
14 ~~Commission under this Chapter but have failed to do so, or a report stating that all such persons have~~
15 ~~filed. On or before May 10th of each year, the Ethics Commission shall prepare a supplemental report~~
16 ~~setting forth the names of any persons who are required to file an annual statement with the Ethics~~
17 ~~Commission under this Chapter but have failed to do so by May 1st, or a report stating that all such~~
18 ~~persons have filed. The Ethics Commission shall make these reports publicly available, including by~~
19 ~~posting the reports on its website. The Ethics Commission shall maintain on its website, a database of~~
20 ~~the names, departments, and positions of persons who are required to file a Form 700 Statement of~~
21 ~~Economic Interests with the Ethics Commission any statement required by Sections 3.1-101,~~
22 ~~3.1-102, and 3.1-103 of the Campaign and Governmental Conduct Code (Form 700~~
23 ~~Statements of Economic Interests, Sunshine Ordinance Declarations, and Certificates of~~
24 ~~Ethics Training) but have failed to file on a timely basis. The list shall be updated no later than ten~~
25 ~~days after the submittal of a statement. On or before April 10th of each year, the Ethics~~

1 Commission shall notify each Commission Secretary, or any City staff who fulfills that role for
2 each City board or commission, of the location of the current version of this list.

3 **SEC. 3.1-105. NOTICE OF APPOINTMENT AND RESIGNATION.**

4 (a) Every appointing authority whose appointees file statements required by Sections
5 3.1-101 and 3.1-102 of the Campaign and Governmental Conduct Code with the Ethics
6 Commission shall provide written notice to the Ethics Commission of the name of any
7 appointee who has assumed or left office or employment. Such notice shall be provided
8 within 15 days of the City officer or employee assuming or leaving office or employment.
9 Failure to provide such notice may constitute official misconduct.

10 (b) If the Ethics Commission has been notified of the appointment of a member of a
11 City board or commission pursuant to subsection (a), the Ethics Commission shall notify the
12 appointed officer's Commission secretary, or any City staff who fulfills that role, if the
13 appointed officer has failed to timely file his or her initial Form 700 Statement of Economic
14 Interests, Sunshine Ordinance Declaration, and Certificate of Ethics Training.

15 (c) (b) Whenever the Mayor or a board or commission appoints a department head, or
16 receives the resignation or retirement notice of a department head, the official or the secretary
17 to the board or commission who makes the appointment or receives the resignation or
18 retirement notice, shall inform the department head of the necessity to file within 30 days of
19 assuming office or leaving office a statement of economic interests. The official or the
20 secretary of the board or commission who makes the appointment or receives the resignation
21 or retirement notice shall also inform the Ethics Commission of the appointment, resignation
22 or retirement within 15 days of the department head's assumption of or departure from office.
23 Such written notice shall include the name of the department head, and the date on which the
24 department was appointed, resigned or retired. Upon receiving notice of the appointment, or
25

1 the resignation or retirement, of the department head, the Ethics Commission shall perform
2 the required duties of the filing officer and obtain the required statement of economic interests.

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

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

13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: 
16 _____
17 ANDREW SHEN
18 DEPUTY CITY ATTORNEY

19 n:\egana\as2017\1800257\01256100.docx

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 designate 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 failed to timely file a Form 700 or training certification.

n:\egana\as2017\1800257\01256822.docx

BOARD of SUPERVISORS



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

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

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
2017 OCT 31 PM 4:19
Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [redacted] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [171066]
- 9. Reactivate File No. [redacted]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [redacted]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

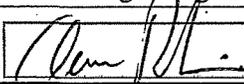
Peskin

Subject:

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

The text is listed:

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.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only

Print Form

RECEIVED
10/3/2017 @ 5:25pm
A

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Peskin

Subject:

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

The text is listed:

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.

Signature of Sponsoring Supervisor:

For Clerk's Use Only