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Ed Harrington, Chair
Commission Streamlining Task Force
c/o City Administrator's Office
City Hall, Room 316
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4694

“Leave the Ethics Commission alone.

It also ain't broke. Stop trying to fix it!

Re: **Ethics Commission**

Dear Chair Harrington and Commission Streamlining Task Force Members,

Yet again, this Streamlining Task Force appears to be exceeding your mandate under “*Prop. E*,” which generally provided that the purpose of your body was to advise the Mayor and Board of Supervisors on ways to merely streamline which of the City’s 150 Boards and Commissions should be retained, consolidated, or eliminated.

But just as you strayed outside of your remit when you waded into an unrelated issue of employee discipline, you are again wading into two issues you were not charged with determining.

First, the Staff memo recommends on page 91 that the Streamlining Task Force consider eliminating the ability of the Ethics Commission to directly place measures on the ballot for voters to consider. As you know, the Ethics Commission’s Executive Director, Patrick Ford, submitted testimony to your Task Force on October 30 strongly opposing the Staff recommendation, and this change.

Ford noted the ability to place measures directly on the ballot is an important tool for ensuring the Ethics Commission can develop, enact, and administer effective ethics and campaign finance rules as an independent body.

Ford noted this is particularly problematic, especially when the Ethics Commission submits proposed ballot measures to the Board of Supervisors to consider placing on the ballot — and then the Board of Supervisors waters the ballot measure down, or refuses to place it on the ballot for voters to consider. That’s because by definition, the Board of Supervisors are elected officials, and they weigh their decisions about what to place on the ballot through a self-interested political lens, and can thwart the independent Ethics Commission.

Ford notes the authority was intended to be an important tool for voters to enact reform laws without interference by City Hall and the Board of Supervisors, and without the potential for reforms to be politicized, delayed, or fully blocked by elected officials!

Ford notes the Ethics Commission has used their authority sparingly, and have placed only five measures on the ballot during the Commission’s 32-year year history.

The Streamlining Task Force should allow the Ethics Commission to retain its authority to place measures directly on the ballot, without political interference. It’s what voters deserve, and what voters overwhelmingly passed granting the Ethics Commission such authority. It’s called “*good governance*” for great reasons.

The Staff’s PowerPoint presentation merely mentions in passing potentially modifying the Ethics Commission’s ability to place measures on the ballot, but neglected mention of how that would be modified. The Staff recommendations does mention on page 91 allowing the Ethics Commission to “*introduce*” ballot measure to the Board of Supers, but Staff then say the Board of Supervisors should retain authority to amend the ballot measure language, and decide whether or not to actually place the measure before voters.

“The Streamlining Task Force should not consider eliminating the ability of the Ethics Commission to directly place measures on the ballot for voters to consider.

It’s an important tool for voters to enact reform laws without interference by City Hall and the Board of Supervisors!

This is a poison pill, and essentially could prevent the Ethics Commission from actually getting a measure on the ballot. You should reject this “*modification*.”

Member Removal

Second, page 92 of the Staff Recommendation memo advises the Streamlining Task Force to apply the so-called “*Governance Commission*” template and permit “*at-will*” removal of members of the Election Commission by stripping them of their “*for-cause only*” removal protections by forcing “*alignment*” with your arbitrary template. This too, invites political interference from the Board of Supervisors and Mayor displeased with decisions of the Ethics Commission, particularly if the decisions involve “*official misconduct*” proceedings brought as a result of Sunshine Ordinance violations.

Ford rightly notes that the Staff memo (page 93) “*correctly recognizes the need for the Ethics Commission to deviate from the template in several ways to preserve the Commission’s independence from political influence and uphold its critical role as an impartial enforcer of the City’s ethics and transparency laws.*”

Voters deserve to retain their right to recall any elected official, and the appointees those elected officials appoint to Boards and Commissions!

The Staff memo further explains that “*political insulation is essential to maintaining public trust in the [Ethics] Commission’s oversight of elected officials and City departments.*” Ford, on behalf of the Ethics Commission], fully agreed with the Staff’ statements and believes they support the need to maintain for-cause removal for the Commission, because of the Ethics Commissions’ quasi-judicial role.

Finally, Ford rightly noted that “*Allowing these elected officials to remove a Commissioner at-will would undermine the Commission’s*” [mission and purpose.] That’s because the five members of the Ethics Commission are all appointed by **elected officials!**

Although Mr. Ford didn’t address this, for many of the same reasons, the Staff recommendation that the Streamlining Task Force strip voters of their ability to recall appointed Ethics Commissioners is equally wrong. Voters deserve to retain their right to recall **any** elected official, and the appointees those elected officials appoint to Boards and Commissions to oversee administration of our local government!

Member Terms Inequality

Finally, on page 92 the Staff also advises that you keep the six-year term length’s for Ethics Commission members, and retain both the term length and one-term term limit — for a total of 6 years of service.

But most other boards and commissions — whether using your “*Governance Body*” template or the “*Advisory Committee*” template — are allowed to serve up to 12 years. Why are you applying different standards and rules to Ethics Commission members?

This Task Force has created “*exceptions*” to your template component rules for many other bodies. You should do the same and grant exceptions for removal of Ethics Commission members by retaining “*for-cause only*” removal as you have for other bodies, expand their term limits, and retain the Commission’s current ability to place measures directly onto the ballot. Voters expect you to issue these exceptions.

I do support retaining the Ethics Commission’s sole authority to hire and fire its Executive Director!

Sincerely,
/s/

Patrick Monette-Shaw

cc: Rachel Alonso, Project Director, City Administrator’s Office