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## Mayoral Questionnaire for Leland Yee

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- 1. Do you believe the city's Ethics Commission is successful at its mission, or do you tend to agree with the Civil Grand Jury's conclusion that it is a "Sleeping Watchdog." What reforms will you support to strengthen the disclosure and enforcement of the city's ethics and good government laws?**

*As Mayor, I will create a truly independent City Hall and it will start with an overhaul of the Ethics Commission. Specifically, I am proposing a 21-point plan that incorporates and even goes beyond many of the Civil Grand Jury's recommendations. This plan will revamp the city's Ethics Commission, enhance the Sunshine Ordinance, and call for an end to "golden parachutes."*

*Provisions of the plan include the following Civil Grand Jury recommendations:*

- restructuring the Ethics Commission to take away political appointments;*
- ensuring all Sunshine Ordinance Task Force requests sent to the Commission for action receive a timely public hearing;*
- amending Commission regulations to require review and a vote on investigations recommended for dismissal – currently the staff has too much power behind closed doors; and*
- establishing a fixed fine structure or applying the maximum allowed fine and providing public hearing for disputed fines.*

*There is a lack of public trust in government. Restoring that trust starts with openness, transparency, and accessibility. To restore that trust, the public must be able to see and understand the decision-making process. This has always been very important to me. On the Board of Supervisors, I was a lead author of the landmark "Sunshine Ordinance" that expanded access to public records and strengthened open meeting laws. I was also the first to bring budget talks into the neighborhoods. As Senator, my well-documented record demonstrates my commitment to open and transparent government. I have led the fight to protect whistleblowers, free speech and to hold public institutions accountable, authoring over a dozen bills to increase accountability and transparency in government. Because we must restore people's trust in government, as Mayor, I will strive to create an independent and transparent administration that is without precedent.*

*I encourage you to read my entire Plan for an Independent City Hall at:*

*[www.lelandyee.com/issues/plan-for-an-independent-city-hall/](http://www.lelandyee.com/issues/plan-for-an-independent-city-hall/).*

**2. Will you vote in favor or against Proposition F to allow the Ethics Commission and Board to change the law on campaign consultants without voter approval?**

*As a staunch open government advocate, this is an important issue for me. The underlying problem this measure seeks to address is one of the reasons I recently released my 21 point plan for an Independent City Hall, which includes cracking down on unregistered lobbyists and strengthening the Ethics Commission to ensure abuses to our open government laws do not continue to go virtually unpunished.*

*However, I am opposed to this measure because I am concerned that it gives the Ethics Commission carte blanche to make changes to campaign disclosure laws in the future. Unfortunately, the current Ethics Commission has not demonstrated the necessary independence from the politicians that appointed them and, therefore, I am not confident that this Ethics Commission should be given broad power to make changes under its current makeup. Instead of creating loopholes and watering-down the campaign consultant ordinance, any changes should strengthen the ordinance and reflect our values of open government and accountability.*

**3. Will you vote in favor or against Proposition E to allow the Board to amend or repeal ballot measures approved by voters from the mayor or four Board members?**

*This measure allows politicians to repeal, not just clean-up, laws that voters have passed. I strongly believe in the democratic process and cannot support this measure. The Board of Supervisors and/or the Mayor should not have the authority to repeal or amend ballot measures without voter input. In matters taken to the ballot box, voters have the last word - that's what elections are all about – and I won't support any measure that diminishes the impact of an individual's vote.*

**4. Will you add funding for the Ethics Commission meetings to be televised like other city commissions?**

*Yes. Ironically, the Ethics Commission is not among those that televise and webcast their hearings. In my administration, the Ethics Commission will lead by example, being televised and/or webcast and archived and searchable for later reference.*

**5. Do you believe the city needs to strengthen protections for city worker whistleblowers against retaliation, as the Civil Grand Jury recommended?**

*The risk and fear of retaliation often deters individuals from speaking-out against bad behavior in City Hall. I have heard first-hand the stories of city employees who are forced to resign or are facing retaliation in the workplace for even considering challenging unethical or potentially illegal workplace practices. Complainant protection is critically important to the success of San Francisco's whistleblower program and we must strengthen protections for city worker whistleblowers.*

*As Senator, I have led the fight to protect whistleblowers. I have helped to strengthen whistleblower protections so that employees of the state are protected when they speak out in opposition of illegal or improper actions by agencies. In 2007, I authored legislation that would have extended whistleblower protections to former state employees who report wrongdoing after they leave public service. In 2010, I successfully passed legislation that overturned a damaging California Supreme Court decision denying whistleblowers at UC the same protections as their counterparts at the CSU.*

*Whistleblower protection will continue to be a priority in my administration as mayor. The Grand Jury's report raises some serious issues, and as mayor I intend to review the whistleblower protection program and institute necessary reforms to ensure it is accomplishing its objectives. While I have some concerns about the methodology the Grand Jury used to arrive at certain recommendations, I do believe the report identifies some real problems that must be addressed.*

*As mayor, I will work with the Controller's office, the Citizens Audit Review Board, the Ethics Commission, and the open government community to evaluate the Grand Jury recommendations and consider any additional recommendations for how to improve the Whistleblower Protection Program. I appreciate Ben Rosenfield's response to the Grand Jury's report and his commitment to making the program function effectively – I look forward to working with him to bolster San Francisco's whistleblower protections.*

*Ultimately, the whistleblower protection program must go further than investigating and resolving claims, and further than protecting employees against retaliatory action—it must protect employees from the fear of retaliation. Accomplishing that degree of trust from employees, and ultimately the public, requires a higher standard. I am committed to working with the Controller, the Citizens Audit Review Board, the Ethics Commission, and the open government community to accomplish this goal. I will carry these priorities with me to City Hall and, together, we will work to ensure whistleblowers are protected and their voices heard.*

**6. Will you introduce a measure to ban contributions from businesses that benefit financially from City decisions, including tax benefits, zoning variances and other benefits similar to the voter-approved Proposition J (November 2000) passed but later altered?**

*Yes. We should discourage special interests from attempting to gain unfair advantages when dealing with city officials. The erosion of and sometimes lax enforcement of our good government laws is precisely why I'm proposing to create an independent City Hall, bringing open, accessible and transparent government. Clearly, the voters approved and agreed with Proposition J and San Francisco should adhere to the spirit, intent and letter of the law as it was passed.*

**7. Do you support the Ethics Commission's proposal to amend the city's pay-to-play law to allow contributions from contractors with the Redevelopment Agency, Treasure Island and other agencies because they claim the Mayor and Board don't know who the contractors are?**

*Experience shows that ethics laws can be and are exploited. I do not support any weakening of laws or regulations that currently safeguard and protect the integrity of the bidding process, especially on large-scale projects affecting the city for decades to come.*

**8. The Ethics Commission won amendments to the lobbyist law that means fewer businesses have to disclose their efforts. Do you believe that people with special access like former mayor Willie Brown or Rose Pak should have to register and report on their contacts with city officials?**

*The public has a right to know who's trying to influence whom at City Hall. That's why we have a Lobbyist Ordinance that requires registration and reporting of lobbying activity and campaign contributions. But power brokers continue to evade the law—and San Francisco deserves better. That's why I've addressed this issue in my Plan for an Independent City Hall.*

*First, we must revisit the definition of "lobbyist." Despite just being updated in 2009, San Francisco's lobbyist ordinance still does not effectively capture some of the most influential power brokers in the city.*

*Second, we must actually enforce violations of the lobbyist ordinance. Many in San Francisco openly defy the ordinance because they can—and they won't get caught. That needs to stop. The Ethics Commission should proactively cross check lobbyist filings with campaign contributions to find discrepancies, and failure to register should trigger an investigation and public hearing. All violations should come with a price that fits the offense.*

*Finally, we also need to eliminate loopholes and abuses not covered by the current law. Lobbying reforms to be considered will include requiring lobbying reports from public officials in addition to lobbyists, and requiring sole use and full disclosure of electeds' official calendar and email (as opposed to using "ghost" systems to avoid public disclosure laws).*

**9. What steps will you take to ensure that your appointees attend commission meetings, file required public economic disclosure statements, and adhere to the city's Sunshine Ordinance? What standard will you use?**

*Commission Appointees Attendance:*

*Unfortunately, despite being codified in the City Administrative Code and informally directed by past administrations, attendance and attendance tracking are sub-par for most commissions. As mayor, I will enforce attendance tracking requirements, make attendance information publicly available and accessible online, and will develop and implement a minimum attendance requirement appropriate for each commission.*

*Economic Disclosure Statements:*

*Commissioners are required to file economic disclosure statements, yet just a few months ago the FPPC handed down violations for failure to file, while the Ethics Commission took no action. As recommended by the Grand Jury, the Ethics Commission should establish a fixed fine structure or apply the maximum allowed fine when violations occur. If the respondent disagrees with a fine, a public hearing should be granted. I recognize this issue and have addressed it in my Plan for an Independent City Hall. As Mayor, I will work to close this loophole and ensure that fines – which are too often arbitrarily enforced or reduced to a mere fraction of the original penalty—are actually levied.*

*Adherence to Sunshine Ordinance:*

*The Sunshine Ordinance contains a very large loophole—the Ethics Commission recently determined that although they found a city-appointed commissioner to have violated the Sunshine Ordinance, they didn't actually have the authority to levy any penalty. The city's 112 commissions aren't captured in the Sunshine Ordinance, but they should be just as subject to the law as elected officials, department heads and managerial employees. The law should be amended to fix this loophole.*

**10. What steps have you taken to improve transparency in city government and enforce good government laws?**

As noted above, while serving on the Board of Supervisors I was a lead author of the landmark “Sunshine Ordinance” that expanded access to public records and strengthened open meeting laws. I was also the first board member to bring budget talks into neighborhoods.

In Sacramento, I helped create the Select Committee on Public Records and Open Meeting Laws to examine deficiencies in transparency laws. I have authored over a dozen bills to increase accountability and transparency in government, including a longstanding fight to make UC and CSU auxiliary organizations comply with the Public Records Act, passing legislation that requires the UC Board of Regents to vote on executive compensation increases in open and public meetings and have fought for and passed greater protections for state whistleblowers who experience retaliation for reporting waste, fraud, and abuse.

Most recently, after three years of fighting in the State Legislature to bring transparency to auxiliary organizations of the UC, CSU, and Community College system, I was able to strike a compromise and that my previous opponents now support. The bill, which has passed both houses and now sits on the Governor’s desk awaiting signature, would make auxiliary organizations adhere to state public records law including sunshine requests.

We must restore the public’s trust in government. I feel strongly that good government is dependent on transparency and accountability and to that end my open government plan includes:

- *televising and/or webcasting all public boards, including the Ethics Commission;*
- *requiring full review and public vote on all cases before the Ethics Commission;*
- *posting all complaints and pending cases publicly;*
- *subjecting city commissions to the Sunshine Ordinance;*
- *requiring all city employees and commissioners to be trained on open government laws and the city’s Sunshine Ordinance;*
- *cracking-down on unregistered lobbyists;*
- *allowing public comment online via YouTube, UStream, etc.;*
- *posting public documents and reports online;*
- *launching online search of current and past legislation and actions of the Board of Supervisors; and*
- *creating a dedicated unit within the Mayor’s office for transparency and technology.*