



# ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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JOHN ST. CROIX  
EXECUTIVE DIRECTOR

Date: June 2, 2009

To: Members, Ethics Commission

From: John St. Croix, Executive Director  
By: Mabel Ng, Deputy Executive Director

Re: Supplemental Memo III re Proposed Changes to Lobbyist Ordinance

This memorandum discusses one remaining issue related to the Lobbyist Ordinance from the Commission's May 11, 2009 meeting; proposes one new amendment to section 2.117; and sets out the actions that the Commission took at its March 9, April 13, and May 11 meetings. The attached 6.2.09 mark-up version of the draft amendments incorporates all changes approved by the Commission to date, as well as the proposed changes recommended by staff in this memo. Also attached is a clean version of the lobbyist amendments, incorporating the changes approved by the Commission and the changes recommended in this memo.

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## **Part I. Remaining Issue regarding Lobbyist Ordinance**

**Section 2.145(a). Administrative and Civil Enforcement and Penalties; and Section 2.150(c). Limitations of Actions.** At its May 11 meeting, in considering proposed changes to section 2.150(c), the Commission raised concerns regarding the sentence, "The Executive Director does not make a final determination regarding the amount of a late fine or penalty imposed under this Chapter until the Executive Director has made a determination to accept or refuse any request to waive a late fine or penalty where such waiver is expressly authorized by statute, ordinance, or regulation." Members of the Commission inquired how staff currently processes requests for waivers, and whether the Commission – instead of the Executive Director – should review the staff's recommendations regarding waivers of fines. In the Commission's further discussion, it became apparent that section 2.145(a) also addresses the issue. Section 2.145(a) currently provides, "The Ethics Commission may reduce or waive a fine if the Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter."

In an average fiscal year, there are between 42 and 45 lobbyists registered with the Commission. Currently, each lobbyist must file on a quarterly basis, which means that on average, the Commission receives between 168 and 180 reports per year. In reviewing data regarding the filing of lobbyist reports for the past five years, staff determined that overall, approximately eight reports are filed late per fiscal year, or less

than five percent. The reports filed late were filed an average number of three days after an applicable deadline; the average late filing fees imposed per fiscal year is \$164.50. Records also indicate that the Executive Director waived one \$50 late fee in FY 2004-05, and none thereafter.

Staff recommends that the Executive Director retain sole discretion to determine whether a waiver is appropriate. Throughout the history of the Commission, the Commission has delegated to the Executive Director all decisions regarding waivers or reductions of late fees imposed for the late filing of campaign finance disclosure reports, Statements of Economic Interests, campaign consultant reports, and lobbyist reports. The Executive Director makes these decisions at his or her discretion based on established factors, including whether the filer has a history of timely filings. The decisions have not been subject to appeal to the Ethics Commission.

In contrast, the Commission, not the Executive Director, makes all final decisions regarding liability and penalties in enforcement matters arising from formal complaints. Pursuant to the Commission's Regulations for Investigations and Enforcement Proceedings ("Regs"), staff prepares a report setting forth reasons why, after an investigation, a complaint should be dismissed or proceed to a probable cause hearing before the Commission. If staff recommends dismissal, any two or more members of the Commission may cause the item to be calendared for consideration by the full Commission in a closed session at the next Commission meeting. *See* Regs § V.A. If staff recommends a probable cause hearing, the hearing is conducted before the full Commission, unless the Commission decides to assign one of its members or an outside hearing officer to conduct the hearing and submit a report and recommendation to the Commission. *See* Regs § VI.C.

Adopting a parallel process for the consideration of requests for waivers or reductions of late fees, as Commissioner Hansen suggested at the May 11 meeting, would be an inefficient use of staff and Commission resources. In general, enforcement matters deserve the full attention of the Commission. But it seems unnecessary to involve the Commission in the oversight of minimal fines that are rarely imposed for late lobbyist filings.

Instead, staff recommends that the Commission conform section 2.145(a) to the proposed changes in section 2.150(c). Staff's proposed language in section 2.145(a), as set forth in the mark-up on page 29, lines 4-12, is as follows. (Changes in text from the 5.1.09 mark-up that was considered by the Commission at its May 11, 2009 meeting are set forth in bold.)

If any lobbyist ~~fails to file~~submit any ~~information required by this Chapter~~ ~~original statement or report~~ after any applicable deadline ~~imposed by this Chapter~~, the Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter, ~~fine the lobbyist~~ **impose a late filing fee of** \$50 per day after the deadline until the ~~statement or report~~ information is received by the Ethics Commission. The **Executive Director of the** Ethics Commission may reduce or waive a **late filing fee** ~~fine~~ if the ~~Executive Director Commission~~ determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall deposit funds collected under this Section in the General Fund of the City and County of San Francisco.

Staff also proposes to amend section 2.150(c), as set forth on page 31, lines 3-12, of the mark-up, as follows.

A civil action brought to enforce or collect ~~finer or~~ penalties or late filing fees imposed under this Chapter shall be brought within four years after the date on which the ~~monetary~~ penalty or late filing fee ~~fine~~ was imposed. For purposes of this subsection, a ~~fine or~~ penalty or late filing fee is imposed when the Ethics Commission has issued a final decision in an enforcement action imposing a ~~fine or~~ penalty for a violation of this Chapter or the Executive Director has made a final determination regarding the amount of a late ~~fine or penalty~~ filing fee imposed under this Chapter. The Executive Director does not make a final determination regarding the amount of a late filing fee ~~fine or penalty~~ imposed under this Chapter until the Executive Director has made a determination to accept or refuse any request to waive a late filing fee ~~fine or penalty~~ where such waiver has been timely requested and is expressly authorized by statute, ordinance or regulation. For the purpose of this subsection, a civil action is brought when the City Attorney files the action in a court of law.

The proposed changes clarify that the Executive Director has final authority to reduce or waive late fees assessed for the late filing of lobbyist reports, whereas the Commission has final authority with respect to enforcement actions regarding other alleged violations of the Ordinance.

**Decision Point 46:**

*Shall the Ordinance be amended to clarify that the Executive Director may reduce or waive a late filing fee, and that for the purposes of subsection 2.150(c), the Executive Director makes a final determination regarding the amount of a late filing fee when he or she has made a determination to accept or refuse any request to waive a late filing fee? (If the Commission approves this decision point, there is no need to consider Decision Point 47.)*

If the Commission does not wish to approve staff's recommendations as set forth above, it may wish to consider the following changes instead. The following changes, if approved, provide that if the Executive Director approves a waiver or reduction of \$500 or more, he or she must notify the Commission; thereafter, if any two or more Commission members wish to calendar the reduction or waiver for discussion at the next open meeting of the Ethics Commission, they must do so no fewer than five days prior to the date of the meeting.

The proposed changes to sections 2.145(a) and 2.150(c) would read as follows. (Changes in text from the 5.1.09 mark-up that was considered by the Commission at its May 11, 2009 meeting are set forth in bold. The proposed changes set forth below for Decision Point 47 are not set forth in the mark-up version of the draft amendments.)

Section 2.145(a):

If any lobbyist fails to files submit any information required by this Chapter ~~original statement or report~~ after any applicable deadline ~~imposed by this Chapter~~, the Ethics Commission shall, in addition to any other penalties or remedies established in this

Chapter, ~~fine the lobbyist~~ impose a late filing fee of \$50 per day after the deadline until the ~~statement or report~~ information is received by the Ethics Commission. The ~~Ethics Commission~~ Executive Director may reduce or waive a ~~late filing fee fine~~ if ~~the Commission~~ the Executive Director determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter. If such reduction or waiver equals or exceeds \$500, the Executive Director shall notify the Commission of his or her determination. Thereafter, any two or more members of the Commission may cause the reduction or waiver to be calendared for consideration by the full Commission in open session at the next Commission meeting occurring no sooner than ten days from the date the Executive Director informs the Commission of the Executive Director's recommendation. A Commissioner's request that a reduction or waiver be calendared must be received by the Executive Director no fewer than five days prior to the date of the meeting, so that the Executive Director may comply with the applicable notice and agenda requirements. The Ethics Commission shall deposit funds collected under this Section in the General Fund of the City and County of San Francisco.

Section 2.150(c):

A civil action brought to enforce or collect ~~finer or~~ penalties or late filing fees imposed under this Chapter shall be brought within four years after the date on which the ~~monetary~~ penalty or late filing fee ~~fine~~ was imposed. For purposes of this subsection, a ~~fine or~~ penalty or late filing fee is imposed when the Ethics Commission has issued a final decision in an enforcement action imposing a ~~fine or~~ penalty for a violation of this Chapter, or the ~~Ethics Commission or~~ Executive Director has made a final determination regarding the amount of a late ~~fine or penalty~~ filing fee imposed under this Chapter. The ~~Ethics Commission or~~ Executive Director does not make a final determination regarding the amount of a late filing fee ~~fine or penalty~~ imposed under this Chapter until the ~~Ethics Commission or~~ Executive Director has made a determination to accept or refuse any request to waive a late filing fee ~~fine or penalty~~ where such waiver has been timely requested and is expressly authorized by statute, ordinance or regulation. For the purpose of this subsection, a civil action is brought when the City Attorney files the action in a court of law.

**Decision Point 47:**

*Shall the Ordinance be amended to clarify that the Executive Director may waive or reduce a late filing fee; that if such reduction or waiver equals or exceeds \$500, the Executive Director must notify the Ethics Commission; and that if two or more Commission members wish to calendar the reduction or waiver for discussion at the next Commission meeting, they must notify the Executive Director no fewer than five days before the date of the meeting. Shall the Ordinance be further amended to provide that for the purposes of subsection 2.150(c), the Ethics Commission or the Executive Director makes a final determination regarding the amount of a late filing fee when the Commission or Executive Director has made a determination to accept or refuse any request to waive a late filing fee?*

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**Part II. Proposed Deletion of Section 2.117(c) and Section 2.117(d)(6).**

Section 2.117 of the Lobbyist Ordinance bars campaign consultants from lobbying their former or current clients who are City officers, and requires campaign consultants to file quarterly reports whenever they lobby City officers – even if the consultants do not otherwise qualify as lobbyists. At a previous meeting, the Commission voted not to make any substantive amendments to this section.

Staff believes that an amendment to section 2.117(c) is necessary to avoid conflicts with other changes that the Commission has approved. Current section 2.117(c), which appears on page 24, line 8 – page 25, line 2 of the mark-up, requires campaign consultants who engage in lobbying activities to file quarterly reports with the Commission to disclose the names of clients for whom they provide campaign consulting and lobbyist services, the total economic consideration received from each client for lobbyist services, the legislative or administrative action the consultant was retained to influence, and the name of each City officer contacted. Because the Commission has approved monthly reporting of lobbyist activities, retention of the quarterly reporting requirement for campaign consultants will cause undue confusion. Staff believes that if a campaign consultant qualifies as a lobbyist, he or she should submit reports on a monthly basis, like all other lobbyists. In addition, information about clients of campaign consultants that now must be disclosed under section 2.117(c) is already required under the Campaign Consultant Ordinance; thus, current section 2.117(c)(1) is extraneous. *See* Campaign and Governmental Conduct Code section 1.515. Finally, under new section 2.110(c) of the Lobbyist Ordinance, all the information now required under section 2.117(c)(2)-(5) must be disclosed by a lobbyist. Thus, if the Board of Supervisors adopts the Commission’s proposed changes to the Lobbyist Ordinance, campaign consultants will be required to disclose all information that section 2.117(c) mandates.

Accordingly, section 2.117(c) is no longer necessary and its retention may create confusion. Thus, staff recommends its deletion. Additionally, with the deletion of section 2.117(c), staff also suggests deleting section 2.117(d)(6) (page 25, line 23 – page 26, line 2), which defines a term that is used only in section 2.117(c).

**Decision Point 48:**

*Shall the Ordinance be amended to delete section 2.117(c) and section 2.117(d)(6)?*

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**Part III. Summary of Substantive Changes Approved at March 9, April 13 and May 11, 2009 Meetings**

**Decision Point 1.** Section 2.105(d)(1)(C): on page 4, lines 3-8, the Commission approved amending the Ordinance to provide that a communication by a professional engineer licensed to practice in the State of California is not a contact under the Ordinance, when the communication is one that only a licensed engineer can make.

**Decision Point 2.** Section 2.105(d)(1)(E): on page 4, lines 12-14, in discussing this section, the Commission approved amending the Ordinance to state that providing oral information to a City officer in response to a request from that officer is not a contact for the purpose of determining

whether the person providing the information qualifies as a lobbyist. But a person who otherwise qualifies as a lobbyist must report such a communication as a contact. This change has been incorporated into proposed new section 2.105(d)(2)(A), discussed in Decision Point 41. Providing written information in response to a request made by a City officer would continue to be an exception to the definition of "contact" in the Ordinance.

**Decision Point 3.** Section 2.105(d)(1)(I): on page 5, lines 1-3, the Commission approved amending the Ordinance to provide that a communication seeking the status of an action is not a contact for the purposes of qualifying as a lobbyist. A person who otherwise qualifies as a lobbyist must report the communication as a contact if it is a communication to influence local legislative or administrative action under section 2.105(d)(2)(B). This change has been incorporated into proposed new section 2.105(d)(2)(A), discussed in Decision Point 41.

**Decision Point 4.** Section 2.105(d)(1)(K): on page 5, lines 8-10, the Commission approved amending the Ordinance to narrow the exception for expert communications such that only a person providing purely technical data, analysis or expertise in the presence of a registered lobbyist is not making a "contact" under the Ordinance.

**Decision Point 5.** Section 2.105(d)(1)(O): on page 6, lines 4-6, the Commission approved amending the Ordinance to provide that a person negotiating the terms of a contract after being selected to enter into a contract with the City is not making a "contact" under the Ordinance.

**Decision Point 6.** Section 2.105(d)(1)(P): on page 6, lines 7-8, the Commission approved amending the Ordinance to provide that a person appearing as a party or a representative of a party in an administrative adjudicatory proceeding before a City agency or department is not making a "contact" under the Ordinance.

**Decision Point 7.** Section 2.105(d)(1)(Q): on page 6, line 23 – page 7, line 4, the Commission approved amending the Ordinance to state that a person communicating on behalf of a labor union representing City employees regarding the establishment, amendment, or interpretation of a collective bargaining agreement (CBA) or memorandum of understanding (MOU) with the City, or communicating about a management decision regarding the working conditions of employees represented by a CBA or MOU is not making a "contact" under the Ordinance.

**Decision Point 8.** Section 2.105(d): the Commission approved amending the Ordinance to provide that, unless representing a client, a person participating in a public interested persons meeting, workshop or other forum convened by a City department for the purpose of soliciting public input is not making a "contact" under the Ordinance. This language has been incorporated into proposed section 2.105(d)(2)(C), on page 7, lines 11-13, and is part of Decision Point 41.

**Decision Point 9.** Section 2.105(e) "Economic consideration": on page 7, lines 14-16, the Commission approved amending the Ordinance so that the term "economic consideration" does not include salary, wages or benefits furnished by a federal, state or local agency.

**Decision Points 10 and 11.** Section 2.105(g) “Lobbyist”: on page 7, line 21 – page 10, line 4, the Commission approved amending the Ordinance to create a single category of lobbyists. A lobbyist be defined as any individual who receives or is promised \$3,000 or more in economic consideration within three consecutive months for lobbyist services and makes at least one contact with a City officer on behalf of the person(s) providing the economic consideration.

**Decision Point 12.** Section 2.110(a) Registration of Lobbyist Required: On page 12, lines 4-11, the Commission approved amending the Ordinance to require any individual who qualifies as a lobbyist to register with the Ethics Commission no later than five business days after qualifying as a lobbyist and, in any event, prior to making any additional contacts with any City officer.

**Decision Point 13.** Section 2.110(b). Registration: On page 12, line 12 – page 15, line 24, the Commission approved amending the Ordinance to streamline information that must be reported when an individual registers as a lobbyist;

**Decision Point 14.** Section 2.110(c) Reregistration Reports: On page 16, lines 1-3, the Commission approved amending the Ordinance to dispense with reregistration reports.

**Decision Point 15, 16, 17.** Section 2.110(c) Lobbyist Disclosures: On page 16, lines 4-12, the Commission approved amending the Ordinance to require lobbyists to disclose activities on a monthly basis, and a Commission policy to revisit the frequency and timing of filing requirements within six months of the date of implementation of an electronic filing system;

**Decision Point 18.** Section 2.110(c)(3): Lobbyist Disclosures: On page 16, line 18, the Commission approved amending the Ordinance to require lobbyists to disclose the dates of their contacts with City officers.

**Decision Point 19.** Section 2.110(c)(1), (2), (4), (5), (6), (7), (9), (10) and (11) Lobbyist Disclosures. On page 16, line 13 – page 18, line 14, the Commission approved amending the Ordinance to require lobbyists to disclose information such as the local legislative or administrative action that they sought to influence, including, if any, the time and file number of any resolution, motion, appeal, application, entitlement, or contact, and the outcome sought by the client, as well as the economic consideration received or expected by the lobbyist from each client during the reporting period.

**Decision Point 20.** Section 2.110(c)(8). Lobbyist Disclosures. On page 17, line 15 – page 18, line 7, the Commission approved amending the Ordinance to require disclosure of additional information regarding political contributions made, arranged, or delivered by a lobbyist or made by a client at the behest of the lobbyist or lobbyist’s employer, including the amount and date of the contribution, name and street address of the contributor, contributor’s occupation and employer, or if self-employed, the name of the contributor’s business, and the committee to which the contribution was made.

**Decision Point 21.** Section 2.110(c)(8). Lobbyist Disclosures. On page 17, lines 19-21, the Commission rejected a proposed amendment to delete the requirement that lobbyists report contributions to any ballot measure committee that is not controlled by a City elective officer.

**Decision Point 22.** Section 2.110(d). Registration and Filing by Organizations. On page 20, lines 14-17, the Commission approved amending the Ordinance to authorize the Commission to establish procedures to permit organizations to register and submit disclosure reports on behalf of their lobbyist employees.

**Decision Point 23.** Section 2.110(e). Fees; Termination of Registration. On page 20, line 18 – page 21, line 5, the Commission approved amending the Ordinance to lower the registration fee for lobbyists to \$100 per year.

**Decision Points 24, 25 and 26.** Section 2.110(f) Client Authorization Statements; 2.110(g) Client Termination Statements; 2.110(h) Lobbyist Termination Statements. On page 21, line 11 – page 22, line 17, the Commission approved amending the Ordinance to delete the requirements of client authorization statements, client termination statements, and lobbyist termination statements.

**Decision Point 27.** Section 2.115(a) Gift Limit. On page 22, line 19 – page 23, line 2, the Commission approved amending the Ordinance to prohibit lobbyists from making gifts worth more than \$25 to City officers and employees, and to incorporate the regulatory exceptions to the restricted source gift rule under San Francisco Campaign and Governmental Conduct Code section 3.216(b).

**Decision Point 28.** Section 2.116. Lobbyist Training. On page 23, lines 12-15, the Commission approved amending the Ordinance to require lobbyists to undergo a training during the first year of registration and thereafter as necessary as determined by the Executive Director.

**Decision Point 29.** Section 2.117. On page 23, line 16 – page 26, line 4, the Commission voted not to amend this section, which bars any campaign consultant from lobbying his or her current or former client. Staff made minor clarifying corrections to section 2.117, adding the word “business” before “addresses” and “telephone numbers” on page 24, lines 13 and 18; the word “current” before “client” on page 24, line 14; and changing the word “consultant” to “consulting” on page 25 line 9.

**Decision Point 30.** Section 2.135. Filing Under Penalty of Perjury; Retention of Documents. The Commission did not take action on staff’s recommendation in this decision point, which would have required a lobbyist, upon request, to provide to the Ethics Commission his or her books, papers and documents, or other materials related to the lobbyist’s activities within ten business days. Staff made a few clarifying changes to the language in current section 2.135, which appears on page 27, lines 10-17.

**Decision Point 31.** Section 2.140 Powers and Duties of the Ethics Commission. In subsection 2.140(a), on page 27, lines 18-20, the Commission approved amending the Ordinance so that the section reads, “The Ethics Commission shall prescribe the format for the submission of all information required by this Chapter.”



**Decision Point 32.** Section 2.140. Powers and Duties of the Ethics Commission. In current subsections 2.140(b), (c), and (d), on page 27, line 21 – page 28, line 8, the Commission approved amending the Ordinance to delete the requirements that the Ethics Commission issue registration numbers to registered lobbyists, provide a copy of the Ordinance to each lobbyist, and issue a “Notice of Registration Required” upon the request of any City officer.

**Decision Points 33 and 34.** Section 2.140. Powers and Duties of the Ethics Commission. In proposed subsections 2.140 (b) and (c), on page 28, lines 9-16, the Commission approved amending the Ordinance to state that upon request of the Board of Supervisors or the Mayor, the Ethics Commission shall compile information submitted by lobbyists and forward a report to the Board and the Mayor; and that upon the request of the Board of Supervisors or the Mayor, the Commission shall file a report to with the Board and the Mayor on the implementation of the Ordinance.

**Decision Point 35.** Section 2.140. Powers and Duties of the Ethics Commission. In proposed subsections 2.140(b) and (c), on page 28, lines 9-16, the Commission approved amending the Ordinance to require the Commission to provide reports regarding lobbyist activities or the implementation of the Lobbyist Ordinance within 30 days of the receipt of a request.

**Non-Decision Point 35a.** Section 2.140. Powers and Duties of the Ethics Commission. In current subsection 2.140(j) (renumbered 2.140(g), on page 29, lines 4-5, the Commission did not agree to delete the requirement that the Commission conduct quarterly workshops concerning the laws relating to lobbying, but stated that the availability of online training would satisfy this requirement.

**Decision Point 36.** Section 2.145. Administrative and Civil Enforcement and Penalties. In subsection 2.145(b), on page 29, line 23 – page 30, line 2, the Commission approved amending the Ordinance to permit the Commission to issue warning letters regarding potential violations of the Ordinance.

**Decision Point 36a.** Section 2.145. Administrative and Civil Enforcement and Penalties. In subsection (b), on page 29, lines 16-23, the Commission approved amending the Ordinance to clarify that any person who negligently or knowingly violates the Ordinance may be liable in an administrative proceeding before the Ethics Commission pursuant to Charter section C3.699-13.

**Decision Point 37.** Section 2.145. Administrative and Civil Enforcement and Penalties. In subsection (c), on page 30, lines 3-6, the Commission approved amending the Ordinance to increase the amount of civil fines from \$1,000 to \$5,000 per violation. The Commission did not approve amending the Ordinance to delete the phrase “or three times the amount given or received in excess of the gift limit.”

**Decision Point 38.** Section 2.145. Administrative Enforcement and Penalties. In subsection (e), on page 30, lines 12-16, the Commission approved amending the Ordinance to provide for joint and several liability for organizations that register or file reports on behalf of their lobbyist employees but fail to do so.

**Decision Point 39.** Section 2.150. Limitation of Actions. In subsection (c) on page 31, lines 6-15, the Commission approved amending the Ordinance to provide for a four-year period for the collection of monetary penalties or fines that are imposed under the Ordinance.

**Decision Point 40.** Section 2.105. Definitions. The Commission did not approve proposed subsection 2.105(d)(1)(R), which proposed an exception stating explicitly that an individual communicating on behalf of himself or herself with a City officer is not making a “contact” under the Ordinance.

**Decision Point 41.** Section 2.105. Definitions. In subsection (d)(2), on page 7, lines 5-13, the Commission approved amending the Ordinance to provide that an individual providing oral information under section 2.105(d)(2)(A), requesting the status of an action under section 2.105(d)(2)(B), or participating in a public interested persons meeting under section 2.105(d)(2)(C) is not making a contact for the purpose of qualifying as a lobbyist, but would be making a contact for the purpose of disclosure if the individual is already a lobbyist.

**Decision Point 42.** Section 2.110. Lobbyist Disclosures. In subsection (c)(9), on page 18, lines 8-10, the Commission approved amending the Ordinance to require lobbyists to disclose information regarding experts who accompany them to meetings with City officers.

**Decision Point 43.** Section 2.125. Notification of Beneficiaries of Gifts. In section 2.125, on page 26, line 24 – page 27, line 5, the Commission approved amending the Ordinance to remove the requirement that lobbyists notify the recipient of a gift that he or she has, in fact, received a gift.

**Decision Point 44:** The Commission approved language providing that the operative date of the amendments shall be January 1, 2010, unless the Commission passes a resolution establishing a later operative date for the ordinance. The Commission may not establish an operative date that is less than 60 days from the date of the resolution’s adoption.

**Decision Point 45:** The Commission approved sending its amendments to the Board of Supervisors with a request that the Board consider and approve the amendments as soon as possible.

**Technical Amendments:** The Commission approved all technical amendments set forth in staff’s May 5, 2009 memo.

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1 [Lobbyist ordinance amendments.]

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3 **Ordinance amending Chapter I of Article II of the Campaign and Governmental Conduct**  
4 **Code by amending sections 2.100, 2.105, 2.110, 2.115, 2.117, 2.130, 2.135, 2.140, 2.145,**  
5 **2.150, adding section 2.116, and deleting sections 2.125 and 2.160, to simplify**  
6 **registration requirements, adopt a more equitable fee structure, ease electronic filing of**  
7 **lobbyist disclosures; and establish an effective date for these amendments.**

8 Note: Additions are *single-underline italics Times New Roman*;  
9 deletions are *strikethrough italics Times New Roman*.  
10 Board amendment additions are double underlined.  
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby  
14 amended by amending Sections 2.100-2.160, to read as follows:

15 SEC. 2.100. FINDINGS.

16 (a) The Board of Supervisors finds that public disclosure of the identity and extent of  
17 efforts of lobbyists to influence decision-making regarding local legislative and administrative  
18 matters is essential to protect public confidence in the responsiveness and representative  
19 nature of government officials and institutions. It is the purpose and intent of the Board of  
20 Supervisors to impose ~~on lobbyists~~ reasonable registration and disclosure requirements to  
21 reveal information about lobbyists' efforts to influence decision-making regarding local  
22 legislative and administrative matters.

23 (b) Corruption and the appearance of corruption in the form of campaign consultants  
24 exploiting their influence with City officials on behalf of private interests may erode public  
25 confidence in the fairness and impartiality of City governmental decisions. The City and  
County of San Francisco has a ~~paramount~~ compelling interest in preventing corruption or the

1 appearance of corruption which could result in such erosion of public confidence. Prohibitions  
2 on campaign consultants lobbying current and former clients will protect public confidence in  
3 the electoral and governmental processes. It is the purpose and intent of the people of the  
4 City and County of San Francisco in enacting this Chapter to prohibit campaign consultants  
5 from exploiting or appearing to exploit their influence with City officials on behalf of private  
6 interests.

7 SEC. 2.105. DEFINITIONS.

8 Whenever used in this Chapter, the following words and phrases shall have the  
9 definitions provided in this Section:

10 (a) "Activity expenses" means any expense incurred or payment made by a lobbyist  
11 or a lobbyist's client at the behest of the lobbyist, or arranged by a lobbyist or a lobbyist's  
12 client at the behest of the lobbyist, which benefits in whole or in part any: officer of the City  
13 and County; candidate for City and County office; aide to a member of the Board of  
14 Supervisors; or member of the immediate family or the registered domestic partner of an  
15 officer, candidate, or aide to a member of the Board of Supervisors. An expense or payment is  
16 not an "activity expense" unless it is incurred or made within three months of a contact with  
17 the officer, candidate, or Supervisor's aide who benefits from the expense or payment, or  
18 whose immediate family member or registered domestic partner benefits from the expense or  
19 payment. "Activity expenses" include ~~gifts,~~ honoraria, consulting fees, salaries, and any other  
20 ~~form of economic consideration~~ thing of value totaling more than ~~\$3025~~ in value in a consecutive  
21 three-month period, but do not include political contributions.

22 (b) "Candidate" shall have the same meaning as set forth in Section 1.104 of this Code.  
23 ~~means a person who has taken affirmative action to seek nomination or election to local office, a local~~

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1 ~~officeholder who has taken affirmative action to seek nomination or election to any elective office, or a~~  
2 ~~local officeholder who is the subject of a recall election.~~

3 (c) "Client" means the person for whom ~~whose benefit~~ lobbyist services are performed by a  
4 ~~contract~~ lobbyist.

5 (d) "Contact" means communication, orally or ~~in writing~~written, including  
6 communication made through an agent, associate or employee, for the purpose of influencing  
7 ~~or attempting to influence~~ local legislative or administrative action.

8 (1) The following activities are not "contracts" within the meaning of this  
9 Chapter.

10 ~~(A) A public official acting in the public official's official capacity. For~~  
11 ~~purposes of this Subsection, "public official" includes an elected or appointed official or~~  
12 ~~employee, or officially designated representative of the United States, the State of~~  
13 ~~California, or any political subdivision thereof. For purposes of this Subsection, "public~~  
14 ~~official" also includes persons appointed to serve on City and County advisory~~  
15 ~~committees and City and County task forces;~~

16 ~~(BA)~~ A representative of a news media organization gathering news and  
17 information or disseminating the same to the public, even if the organization, in  
18 the ordinary course of business, publishes news items, editorials or other  
19 commentary, or paid advertisements, that urge action upon local legislative or  
20 administrative matters;

21 ~~(CB)~~ A person providing oral or written testimony that becomes part of  
22 the record of a public hearing; provided, however, that if the person making the  
23 appearance or providing testimony has already qualified as a lobbyist under this  
24 Chapter and is appearing or testifying on behalf of a client, the lobbyist's  
25

1 testimony shall identify the client on whose behalf the lobbyist is appearing or  
2 testifying;

3 (DC) A person *acting on behalf of others in the performance of performing a*  
4 *duty or service, which duty or service lawfully that* can be performed *for such other*  
5 *only by an attorney or, an architect, or a professional engineer* licensed to practice  
6 in the State of California, *and* including any communication by an attorney in  
7 connection with litigation involving the City and County or a claim filed pursuant  
8 to Administrative Code Section 10.20-1 et seq.;

9 (ED) A person making a speech or producing any ~~Chapter~~, publication or  
10 other material that is distributed and made available to the public, through radio,  
11 television, cable television, or other medium of mass communication;

12 (FE) A person providing written information in response to an oral or  
13 written request made by an officer of the City and County, provided that the  
14 written information is a public record available for public review;

15 (GF) A person providing oral or written information pursuant to a  
16 subpoena, or otherwise compelled by law or regulation;

17 (HG) A person providing oral or written information in response to a  
18 request for proposals, request for qualifications, or other similar request,  
19 provided that the information is directed to the department or official specifically  
20 designated in the request to receive such information;

21 (HI) A person submitting a written petition for local legislative or  
22 administrative action, provided that the petition is a public record available for  
23 public review;

1                   (HI) A person making an oral or written request for a meeting, ~~for the~~  
2 ~~status of an action~~, or any other similar administrative request, if the request does  
3 not include an attempt to influence local legislative or administrative action;

4                   (KJ) A person appearing before an officer of the City and County  
5 pursuant to any procedure established by law or regulation for levying an  
6 assessment against real property for the construction or maintenance of an  
7 improvement;

8                   (LK) ~~An expert employed or retained by a lobbyist registered under this~~  
9 ~~Chapter to provide information to an officer of the City and County~~ A person providing  
10 purely technical data, analysis, or expertise in the presence of a registered lobbyist;

11                   (ML) A person distributing to any officer of the City and County any  
12 regularly published newsletter or other periodical which is not primarily directed  
13 at influencing local legislative or administrative action;

14                   (NM) A person disseminating information or material on behalf of an  
15 organization or entity to all or a significant segment of ~~the person's~~ the organization's  
16 or entity's employees or members;

17                   (OM) A person communicating in connection with the administration of  
18 an existing contract between the person and the City and County of San  
19 Francisco. For purposes of this Subsection, communication, "in connection with  
20 the administration of an existing contract" includes, but is not limited to,  
21 communication regarding: insurance and bonding; contract performance and/or  
22 default; requests for in-scope change orders; legislative mandates imposed on  
23 contractors by the City and County; payments and invoicing; personnel changes;  
24 prevailing wage verification; liquidated damages and other penalties for breach  
25

1 of contract; audits; assignments; and subcontracting. Communication "in  
2 connection with the administration of an existing contract" does not include  
3 communication regarding new contracts, or out-of-scope change orders; ~~and~~

4 (O) A person negotiating the terms of a contract after being selected to enter  
5 into a contract with the City and County through a competitive bidding process, or as  
6 otherwise permitted under the Administrative Code;

7 (P) A person appearing as a party or a representative of a party in an  
8 administrative adjudicatory proceeding before a City agency or department; and

9 ~~(P) A person applying for, opposing or otherwise taking any position on a~~  
10 ~~grading permit, parcel map, subdivision tract map or a permit relating to the~~  
11 ~~construction, alteration, demolition or moving of a building, other than;~~

12 ~~(i) communications with any elected official of the City and County, the~~  
13 ~~Zoning Administrator, the City Engineer, the County Surveyor, the Bureau Chief~~  
14 ~~of the Department of Public Works' Bureau of Street Use and Mapping, or the~~  
15 ~~Director of the Planning Department, Department of Building Inspection or~~  
16 ~~Department of Public Works, except for communications by a professional~~  
17 ~~engineer licensed to practice in the State of California performing a duty or~~  
18 ~~service that lawfully can be performed only by a professional engineer; or~~

19 ~~(ii) communications regarding an appeal taken or opposed by the~~  
20 ~~person or the person's client pursuant to any procedure or authority provided by~~  
21 ~~law from an administrative determination made with respect to such an~~  
22 ~~application or map.~~

23 (Q) A person communicating, on behalf of a labor union representing City  
24 employees, regarding the establishment, amendment, or interpretation of a collective  
25



1 bargaining agreement or memorandum of understanding with the City, or  
2 communicating about a management decision regarding the working conditions of  
3 employees represented by a collective bargaining agreement or a memorandum of  
4 understanding with the City.

5 (2) The following activities are not "contacts" for the purpose of determining whether  
6 a person qualifies as a "lobbyist," but are "contacts" for purpose of disclosures required by this  
7 Chapter:

8 (A) A person providing oral information to an officer of the City and County in  
9 response to an oral or written request made by that officer;

10 (B) A person making an oral or written request for the status of an action; and

11 (C) A person participating in a public interested persons meeting, workshop, or  
12 other forum convened by a City agency or department for the purpose of soliciting  
13 public input.

14 (e) "Economic consideration" means any payments, fees, reimbursement for  
15 expenses, gifts, or anything else of value, provided that "economic consideration" does not include  
16 salary, wages or benefits furnished by a federal, state or local government agency.

17 ~~(f) "Ethics Commission" means the San Francisco Ethics Commissioner or its designee.~~

18 ~~(g) "Filer" means a person who qualifies as a lobbyist under Subsection (i) of this Section.~~

19 ~~(h)~~ "Gift" shall be defined as set forth in the Political Reform Act, Government Code  
20 Section 81000 et seq., and the regulations adopted thereunder.

21 ~~(i)~~ "Lobbyist" means ~~the following:~~ any individual who:

22 (1) receives or is promised economic consideration of \$3,000 or more within three  
23 consecutive calendar months for lobbyist services; and

1                    (2) on behalf of the persons providing the economic consideration, makes any contact  
2 with an officer of the City and County.

3                    ~~(1) Contract Lobbyist.~~

4                    ~~(A) "Contract lobbyist" means any person who contracts for economic~~  
5 ~~consideration to contact any officer of the City and County of San Francisco on behalf~~  
6 ~~of any other person, and who:~~

7                    ~~(i) Receives or becomes entitled to receive at least \$3,200 in economic~~  
8 ~~consideration within any three consecutive calendar months in exchange for~~  
9 ~~lobbyist services; or~~

10                    ~~(ii) Has at least 25 separate contacts with officers of the City and~~  
11 ~~County within any two consecutive calendar months; or~~

12                    ~~(iii) Receives or becomes entitled to receive at least \$3,200 in economic~~  
13 ~~consideration within any three consecutive calendar months from any person in~~  
14 ~~exchange for services, including but not limited to lobbyist services, and makes~~  
15 ~~one or more contacts on behalf of that person with any officer of the City and~~  
16 ~~County for the purpose of influencing local legislative or administrative action~~  
17 ~~regarding a grading permit, parcel map, subdivision tract map or a permit~~  
18 ~~relating to the construction, alteration, demolition or moving of a building.~~

19                    ~~(B) For purposes of calculating whether a person has reached the income~~  
20 ~~threshold set forth in (1)(A)(i) of this Subsection, all economic consideration the person~~  
21 ~~has received or become entitled to receive, during the three consecutive calendar~~  
22 ~~months, from all clients in exchange for lobbyist services shall be combined.~~

23                    ~~(C) For purposes of calculating whether a person has reached the contacts~~  
24 ~~threshold set forth in (1)(A)(ii) of this Subsection, all contacts with officers of the City~~  
25

1 ~~and County that were made by the person during the two preceding calendar months on~~  
2 ~~behalf of all clients shall be combined.~~

3 ~~(2) Business and Organization Lobbyist.~~

4 ~~(A) "Business and organization lobbyist" means any business or organization~~  
5 ~~any of whose employees or members, as a regular part of their employment or duties,~~  
6 ~~contact officers of the City and County of San Francisco on behalf of that business or~~  
7 ~~organization, provided:~~

8 ~~(i) The business or organization compensates its employees or members,~~  
9 ~~at any amount, for their lobbyist services on its behalf; and~~

10 ~~(ii) The compensated employees or members have a total of at least 25~~  
11 ~~separate contacts with officers of the City and County within any two consecutive~~  
12 ~~calendar months. Contacts made by an employee or member who merely~~  
13 ~~indicates his or her affiliation or identification with the business or organization,~~  
14 ~~but who does not represent the official position of the business or organization~~  
15 ~~shall not be included in this calculation.~~

16 ~~(3) Expenditure Lobbyist.~~

17 ~~(A) "Expenditure lobbyist" means any person who makes payments to influence~~  
18 ~~local legislative or administrative action totaling \$3,200 or more in value within any~~  
19 ~~three consecutive calendar months.~~

20 ~~(B) The following shall not be included in calculating payments under (3)(A) of~~  
21 ~~this Subsection: economic consideration paid to any person in exchange for lobbyist~~  
22 ~~services; and dues payments, donations, and other economic consideration paid to any~~  
23 ~~business and organization lobbyist or expenditure lobbyist, regardless of whether the~~  
24

1 *economic consideration is used in whole or in part to influence local legislative or*  
2 *administrative action.*

3 ~~(4) Exemptions. No person shall qualify as a "lobbyist" within the meaning of this~~  
4 ~~Chapter by reason of activities described in Subsection (d)(1) of Section 2.105.~~

5 (jh) "Lobbyist services" means services rendered for the purpose of influencing ~~or~~  
6 ~~attempting to influence~~ local legislative or administrative action, including but not limited to  
7 contacts with officers of the City and County of San Francisco. ~~"Lobbyist services" shall not~~  
8 ~~include activities described in Subsection (d)(1) of Section 2.105, other than Subsection (d)(1)(C) of~~  
9 ~~Section 2.105.~~

10 (ki) "Local legislative or administrative action" includes, but is not limited to, the  
11 drafting, introduction, consideration, modification, enactment, defeat, approval, veto, granting  
12 or denial by any officer of the City and County of any resolution, motion, appeal, application,  
13 petition, nomination, ordinance, amendment, approval, referral, permit, license, ~~or~~ entitlement  
14 to use or contract. ~~"Local legislative or administrative action" does not include a decision by any~~  
15 ~~officer of the City and County which adjudicates the rights and/or duties of a single person or group of~~  
16 ~~persons, other than a proceeding described in Subsection (d)(1)(K) of Section 2.105.~~

17 (lj) "Measure" shall have the same meaning as set forth in Section 1.104 of this Code. ~~means~~  
18 ~~a local referendum or local ballot measure, whether or not it qualifies for the ballot.~~

19 (mk) "Officer of the City and County" means any officer identified in San Francisco  
20 Administrative Code Section 1.50, as well as any official body composed of such officers. In  
21 addition, for purposes of this Chapter, "officer of the City and County" includes (1) members of  
22 the Board of Education, Community College Board, Housing Authority, Redevelopment  
23 Agency, and Transportation Authority, as well as any official body composed of such officers,  
24  
25

1 (2) the Zoning Administrator, (3) the City Engineer, (4) the County Surveyor, and (5) the  
2 Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping.

3 ~~(n) "Payments to influence local legislative or administrative action" include actual or~~  
4 ~~promised payments of anything of value, whether or not legally enforceable, made in consideration for~~  
5 ~~influencing or attempting to influence local legislative or administrative action. Such payments include~~  
6 ~~payments for contacts with officers of the City and County as well as other lobbyist services. Such~~  
7 ~~payments shall not include the following:~~

8 ~~(1) Payments for services that are solely secretarial, clerical, or manual, or are limited~~  
9 ~~solely to the compilation of data and statistics;~~

10 ~~(2) Payments for any regular, ongoing business overhead that would continue to be~~  
11 ~~incurred in substantially similar amounts regardless of the filer's activities to influence local~~  
12 ~~legislative or administrative action, other than payments to lobbyists, employees or members for~~  
13 ~~lobbyist services;~~

14 ~~(3) Payments for soliciting or urging the filer or the filer's employees or members to~~  
15 ~~contact officers of the City and County;~~

16 ~~(4) Payments for the settlement or resolution of litigation or claims filed pursuant to~~  
17 ~~Administrative Code Section 10.20-1 et seq.; or~~

18 ~~(5) Payments for activities described in Subsection (d)(1) of Section 2.105, other than~~  
19 ~~Subsections (d)(1)(C), (L) and (P) of Section 2.105.~~

20 (e) "Person" means an individual, partnership, corporation, association, firm, labor  
21 union or other organization or entity, however organized.

22 (pm) "Public hearing" means any open, noticed proceeding.

1            SEC. 2.110. ~~REGISTRATION OF LOBBYISTS REQUIRED;~~ REGISTRATION AND  
2 DISCLOSURES; REREGISTRATION, QUARTERLY REPORTS; FEES; CLIENT AUTHORIZATION;  
3 TERMINATION OF REGISTRATION.

4            (a) REGISTRATION OF LOBBYISTS REQUIRED. ~~No person who qualifies as a contract~~  
5 ~~or business or organization~~ Lobbyists shall register with the Ethics Commission and comply with the  
6 disclosure requirements imposed by this Chapter. Such registration shall occur no later than five  
7 business days of qualifying as a lobbyist, but the lobbyist shall register prior to making any additional  
8 contacts with an officer of the City and County of San Francisco. ~~contact any officer of the City and~~  
9 ~~County, and no person who qualifies as an expenditure lobbyist shall make payments to influence local~~  
10 ~~legislative or administrative action, without first registering with the Ethics Commission and complying~~  
11 ~~with the disclosure requirements imposed by this Chapter.~~

12            (b) REGISTRATION ~~REPORTS~~. At the time of initial registration each ~~filer~~ lobbyist shall  
13 report to the Ethics Commission the following information:

14            (1) The name, business address, e-mail address, and business telephone  
15 number of the ~~filer~~ lobbyist;

16            (2) The name, business address, and business telephone number of each client for  
17 whom the lobbyist is performing lobbyist services;

18            (3) The name, business address, and business telephone number of the lobbyist's  
19 employer, firm or business affiliation; and

20            (4) Any other information required by the Ethics Commission consistent with the  
21 purposes and provisions of this Chapter. If the filer is a contract lobbyist, the filer shall also  
22 report the following:

23                    ~~(A) If the filer is an entity, the name of each individual who is an owner, partner~~  
24 ~~or officer of the filer as follows:~~

- 1 ~~(i) If the filer is a sole proprietorship, list the name of the sole~~  
2 ~~proprietor;~~
- 3 ~~(ii) If the filer is a corporation, however organized, list the name of each~~  
4 ~~officer;~~
- 5 ~~(iii) If the filer is a partnership, however organized, and if the~~  
6 ~~partnership has 10 or more partners, list the name of the partnership; or~~
- 7 ~~(iv) If the filer is a partnership, however organized, and if the~~  
8 ~~partnership has fewer than 10 partners, list the name of each partner.~~
- 9 ~~(B) If the filer is an individual, the name of the filer's employer and a description~~  
10 ~~of the employer's business activity;~~
- 11 ~~(C) The name of each person employed or retained by the filer, at the time of~~  
12 ~~filing or at any time during the two months immediately preceding filing, to contact~~  
13 ~~officers of the City and County;~~
- 14 ~~(D) The name, address, and telephone number of each current client and each~~  
15 ~~client on whose behalf the filer provided lobbyist services during the preceding two~~  
16 ~~months;~~
- 17 ~~(E) The total economic consideration promised by or received from clients~~  
18 ~~during the preceding two months in exchange for lobbyist services;~~
- 19 ~~(F) The total number of contacts with officers of the City and County made~~  
20 ~~during the preceding two months; and~~
- 21 ~~(G) For each current client, and each client on whose behalf the filer provided~~  
22 ~~lobbyist services during the preceding two months, describe the local legislative or~~  
23 ~~administrative action the filer was retained to influence, and the outcome sought by the~~  
24 ~~filer.~~

25

1                   ~~(3) If the filer is a business or organization lobbyist, the filer shall also report the~~  
2                   ~~following:~~

3                   ~~(A) A description of the nature and purpose of the business or organization,~~  
4                   ~~including a statement indicating whether the filer is an industry, trade or professional~~  
5                   ~~association;~~

6                   ~~(B) The name of each employee or member of the business or organization~~  
7                   ~~authorized to contact officers of the City and County on behalf of the business or~~  
8                   ~~organization;~~

9                   ~~(C) The total amount of payments to influence local legislative or~~  
10                  ~~administrative action made by the filer during the preceding two months;~~

11                  ~~(D) The total number of contacts with officers of the City and County, made on~~  
12                  ~~behalf of the filer by the filer's employees or members during the preceding two months;~~  
13                  ~~and~~

14                  ~~(E) A description of each local legislative or administrative action the filer~~  
15                  ~~seeks to influence or sought to influence during the preceding two months; and the~~  
16                  ~~outcome sought by the filer.~~

17                  ~~(4) If the filer is an expenditure lobbyist, the filer shall also report the following:~~

18                  ~~(A) If the filer is an entity, a description of the nature and purpose of the entity,~~  
19                  ~~and the name of each individual who is an owner, partner or officer of the filer as~~  
20                  ~~follows:~~

21                         ~~(i) If the filer is a sole proprietorship, list the name of the sole~~  
22                         ~~proprietor;~~

23                         ~~(ii) If the filer is a corporation, however organized, list the name of each~~  
24                         ~~officer;~~



1 ~~(iii) If the filer is a partnership, however organized, and if the~~  
2 ~~partnership has 10 or more partners, list the name of the partnership; or~~

3 ~~(iv) If the filer is a partnership, however organized, and if the~~  
4 ~~partnership has fewer than 10 partners, list the name of each partner.~~

5 ~~(B) If the filer is an individual, the name and address of the filer's employer, if~~  
6 ~~any, or his or her principal place of business if the filer is self employed, and a~~  
7 ~~description of the business activity in which the filer or his or her employer is engaged;~~

8 ~~(C) The total amount of payments to influence local legislative or~~  
9 ~~administrative action made during the preceding two months; and~~

10 ~~(D) A description of each local legislative or administrative action the filer~~  
11 ~~seeks to influence or sought to influence during the preceding two months, and the~~  
12 ~~outcome sought by the filer.~~

13 ~~(5) All political contributions of \$100 or more made or delivered by the filer, or made~~  
14 ~~by a client at the behest of the filer, during the preceding two months in support of or in~~  
15 ~~opposition to an officer of the City and County, a candidate for such office, a committee~~  
16 ~~controlled by such officer or candidate, or a committee primarily formed to support or oppose~~  
17 ~~such officer or candidate, or any committee primarily formed to support or oppose a ballot~~  
18 ~~measure to be voted on only in San Francisco. This report shall include all political~~  
19 ~~contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or~~  
20 ~~intermediary.~~

21 ~~(6) Any other information required by the Ethics Commission consistent with the~~  
22 ~~purposes and provisions of this Chapter.~~

23 ~~(7) No lobbyist shall be required to report activities described in Subsection (d)(1) of~~  
24 ~~Section 2.105, other than Subsections (d)(1)(C), (L) and (P) of Section 2.105.~~

1           ~~(e) REREGISTRATION REPORTS. Each lobbyist shall reregister annually no later than~~  
2 ~~January 15. The reregistration report must include the date of the most recent lobbyist workshop (as~~  
3 ~~described in Section 2.140(j) of this Chapter) attended by the lobbyist.~~

4           ~~(d) QUARTERLY REPORTS OF LOBBYIST ACTIVITY~~LOBBYIST DISCLOSURES. Each  
5 lobbyist shall file with the Ethics Commission quarterly reports containing the information specified in  
6 this Subsection. For each calendar month, each lobbyist shall submit the following information no later  
7 than the fifteenth calendar day following the end of the month~~The quarterly report for the period~~  
8 ~~starting January 1st and ending March 31st shall be filed no later than April 15th; the quarterly report~~  
9 ~~for the period starting April 1st and ending June 30th shall be filed no later than July 15th; the~~  
10 ~~quarterly report for the period starting July 1st and ending September 30th shall be filed no later than~~  
11 ~~October 15th; and the quarterly report for the period starting October 1st and ending December 31st~~  
12 ~~shall be filed no later than January 15th. Quarterly reports shall include the following information:~~

13           (1) The name, business address and business telephone number of each person from  
14 whom the lobbyist or the lobbyist's employer received or expected to receive economic  
15 consideration to influence local legislative or administrative action during the reporting period;

16           (2) The name of each officer of the City and County of San Francisco with whom the  
17 lobbyist made a contact during the reporting period;

18           (3) The date on which each contact was made;

19           (4) The local legislative or administrative action that the lobbyist sought to influence,  
20 including, if any, the title and file number of any resolution, motion, appeal, application,  
21 petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement, or  
22 contract, and the outcome sought by the client;

23           (5) The client on whose behalf each contact was made;  
24  
25

1                    (6) The amount of economic consideration received or expected by the lobbyist or the  
2 lobbyist's employer from each client during the reporting period;

3                    (~~7~~) All activity expenses incurred by the ~~filer~~lobbyist during the reporting  
4 period, including the following information:

5                    (A) The date and amount of each activity expense;

6                    (B) The full name and official position, if any, of the beneficiary of each  
7 activity expense, a description of the benefit, and the amount of the benefit;

8                    (C) The full name of the payee of each activity expense if other than the  
9 beneficiary;

10                    (D) Whenever a ~~filer~~lobbyist is required to report a salary of an individual  
11 pursuant to this Subsection, the ~~filer~~lobbyist need only disclose whether the total  
12 salary payments made to the individual during the reporting period was less than  
13 or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater  
14 than \$1,000 but less than or equal to \$10,000, or greater than \$10,000.

15                    (~~8~~) All political contributions of \$100 or more made or delivered by the  
16 ~~filer~~lobbyist or the lobbyist's employer, or made by a client at the behest of the ~~filer~~lobbyist  
17 or the lobbyist's employer during the reporting period to an officer of the City and County,  
18 a candidate for such office, a committee controlled by such officer or candidate, or a  
19 committee primarily formed to support or oppose such officer or candidate, or any  
20 committee primarily formed to support or oppose a ballot measure to be voted on only  
21 in San Francisco. This report shall include ~~all~~such political contributions arranged by the  
22 lobbyist, or for which the lobbyist acted as an agent or intermediary.

23                    The following information regarding each political contribution shall be submitted to  
24 the Ethics Commission:

- 1                    (A) The amount of the contribution;
- 2                    (B) The name of the contributor;
- 3                    (C) The date on which the contribution was made;
- 4                    (D) The contributor's occupation;
- 5                    (E) The contributor's employer, or if self-employed, the name of the
- 6                    contributor's business; and
- 7                    (F) The committee to which the contribution was made.
- 8                    (9) For each contact at which a person providing purely technical data, analysis, or
- 9                    expertise was present, as described in section 2.105(d)(1)(K), the name, address, employer and
- 10                   area of expertise of the person providing the data, analysis or expertise.
- 11                   (10) Any amendments to the lobbyist's registration information required by subsection
- 12                   (b).
- 13                   (11) Any other information required by the Ethics Commission consistent with the
- 14                   purposes and provisions of this Chapter.
- 15                   ~~(3) If the filer is a contract lobbyist, the filer shall also report the following:~~
- 16                   ~~(A) The name of each person employed or retained by the filer during the~~
- 17                   ~~reporting period to contract officers of the City and County;~~
- 18                   ~~(B) The name, address, and telephone number of each client on whose behalf~~
- 19                   ~~the filer provided lobbyist service during the reporting period;~~
- 20                   ~~(C) The total economic consideration promised by or received from clients~~
- 21                   ~~during the reporting period in exchange for lobbyist services;~~
- 22                   ~~(D) The name and title, if applicable, of each officer and department of the City~~
- 23                   ~~and County contacted by the filer during the reporting period;~~
- 24
- 25

1 ~~(E) For each client, describe the local legislative or administrative action the~~  
2 ~~filer was retained to influence and the outcome sought by the filer; and~~

3 ~~(F) For each client, describe the lobbyist services provided for which economic~~  
4 ~~consideration was received from or promised by the client.~~

5 ~~(4) If the filer is a business or organization lobbyist, the filer shall also report the~~  
6 ~~following:~~

7 ~~(A) The name of each employee or member of the business or organization~~  
8 ~~authorized to contact officers of the City and County, during the reporting period, on~~  
9 ~~behalf of the business or organization;~~

10 ~~(B) The total amount of payments to influence local legislative or administrative~~  
11 ~~action made by the filer during the reporting period;~~

12 ~~(C) The name and title, if applicable, of each officer and department of the City~~  
13 ~~and County contacted by the filer's employees or members during the reporting period;~~  
14 ~~and~~

15 ~~(D) A description of each local legislative or administrative action the filer~~  
16 ~~sought to influence during the reporting period, and the outcome sought by the filer.~~

17 ~~(5) If the filer is an expenditure lobbyist, the filer shall also report the following:~~

18 ~~(A) The total amount of payments to influence local legislative or administrative~~  
19 ~~action made during the reporting period; and~~

20 ~~(B) A description of each local legislative or administrative action the filer~~  
21 ~~sought to influence during the reporting period, and the outcome sought by the filer.~~

22 ~~(6) Each City and County contract awarded to the filer during the reporting period.~~  
23 ~~For purposes of this Subsection, the term "contract" means a contract for: the rendition of~~  
24 ~~personal services; the furnishing of any material, supplies or equipment to or from the City,~~  
25

1            ~~whether by purchase or lease; the sale or lease of land or buildings to or by the City, or the~~  
2            ~~financing of the same.~~

3            ~~(7) Payments made by City and County officers to the filer during the reporting period,~~  
4            ~~provided that the payment is made in exchange for "campaign consulting services," as defined~~  
5            ~~in Section 1.505 of this Code, and provided that the filer contacted the officer within one year of~~  
6            ~~the date of payment. The required disclosure of payments under this Subsection shall not apply~~  
7            ~~to information that is privileged under State law.~~

8            ~~(8) The name of each officer of the City and County who is employed or retained by the~~  
9            ~~filer, or by a client of the filer at the behest of the filer, at any time during the reporting period.~~

10           ~~(9) Any other information required by the Ethics Commission consistent with the~~  
11           ~~purposes and provisions of this Chapter.~~

12           ~~(10) No lobbyist shall be required to report activities described in Subsection (d)(1) of~~  
13           ~~Section 2.105, other than Subsection (d)(1)(C), (L) and (P) of Section 2.105.~~

14           (d) REGISTRATION AND FILING OF DISCLOSURES BY ORGANIZATIONS. The Ethics  
15           Commission is authorized to establish procedures to permit the registration and filing of lobbyist  
16           disclosures by a business, firm, or organization on behalf of the individual lobbyists employed by those  
17           businesses, firms, or organizations.

18           (e) FEES; TERMINATION OF REGISTRATION.

19           (1) At the time of registration ~~or reregistration;~~ each lobbyist shall pay a fee of  
20           ~~\$500~~100. On or before every subsequent February 1, each registered lobbyist shall pay an  
21           additional fee of \$100. ~~The Ethics Commission shall prorate the fee by calendar quarter.~~

22           (2) ~~In addition, at the time of registration and reregistration, contract lobbyists shall~~  
23           ~~pay a fee of \$75 for each current client. When a contract lobbyist is retained by a client~~  
24           ~~subsequent to registration, payment of the \$75 fee shall accompany the filing of the information~~  
25

1 ~~required in Subsection (f) of this Section. The Ethics Commission shall prorate these fees by~~  
2 ~~calendar quarter.~~

3 (2) Failure to pay the annual fee by February 1 shall constitute a termination of a  
4 lobbyist's registration with the Ethics Commission. The Ethics Commission is also authorized  
5 to establish additional processes for the termination of a lobbyist's registration.

6 (3) The Ethics Commission shall waive all registration ~~and client~~ fees for any  
7 full-time employee of a tax-exempt organization presenting proof of ~~its~~ the organization's  
8 tax-exempt status under 26 U.S.C. section 501(c)(3) or 501(c)(4).

9 (4) The Ethics Commission shall deposit all fees collected pursuant to this  
10 Section in the General Fund of the City and County of San Francisco.

11 ~~(f) CLIENT AUTHORIZATION STATEMENTS. At the time of initial registration, each~~  
12 ~~contract lobbyist shall submit to the Ethics Commission a written authorization from each client. The~~  
13 ~~client authorization statement shall be signed by both the contract lobbyist and the client.~~

14 ~~If the lobbyist is retained by a client after the date of initial registration, the lobbyist shall file a~~  
15 ~~client authorization statement before providing any lobbyist services to the client, and before receiving~~  
16 ~~any economic consideration from the client in exchange for such lobbyist services, and in any event no~~  
17 ~~later than 15 days after being retained by the client. The lobbyist is not required to amend previously~~  
18 ~~filed registration, reregistration or quarterly reports to include a client who retains the services of the~~  
19 ~~lobbyist after the time the report was filed.~~

20 ~~If the lobbyist is retained by a client after the date of initial registration, the lobbyist may submit~~  
21 ~~a copy of the client authorization statement by facsimile machine. The client authorization statement~~  
22 ~~shall be deemed to be timely filed only if the facsimile copy is received no later than the filing deadline,~~  
23 ~~and within 15 days of the filing deadline the original document is received by the Ethics Commission,~~  
24 ~~and the original document is identical in all respects to the facsimile copy.~~

1           *The lobbyist is not required to resubmit client authorization statements at the time of*  
2 *reregistration.*

3           ~~*(g) CLIENT TERMINATION STATEMENTS. Within 15 days after a client terminates the*~~  
4 ~~*services of a contract lobbyist, the lobbyist shall submit to the Ethics Commission a statement that the*~~  
5 ~~*client has terminated the services of the lobbyist. The client termination statement shall be signed by*~~  
6 ~~*the contract lobbyist. A contract lobbyist may not provide lobbyist services to a client after a client*~~  
7 ~~*termination statement is filed, until a new client authorization statement has been filed pursuant to*~~  
8 ~~*Subsection (f) of this Section.*~~

9           ~~*(h) LOBBYIST TERMINATION STATEMENTS. Once a person qualifies as a "lobbyist" under*~~  
10 ~~*this Chapter, the person shall be subject to all registration, reporting and other requirements and*~~  
11 ~~*prohibitions imposed by this Chapter until the person ceases all lobbyist activity and files a lobbyist*~~  
12 ~~*termination statement with the Ethics Commission pursuant to this Subsection, regardless of whether*~~  
13 ~~*the person continues to meet the activity thresholds established in Section 2.105(i). A lobbyist*~~  
14 ~~*termination statement shall include all information required by Subsection (d) of this Section for the*~~  
15 ~~*period starting with the first day of the calendar quarter and ending with the date of termination. A*~~  
16 ~~*lobbyist termination statement shall be filed no later than 30 days after the date the lobbyist ceased all*~~  
17 ~~*lobbyist activity.*~~

18           **SEC. 2.115. PROHIBITIONS.**

19           (a) GIFT LIMIT. No lobbyist shall make gifts to an officer of the City and County that  
20 have a fair market value of more than \$25, except for those gifts that would qualify for one of the  
21 exemptions under section 3.216(b) of this Code and its implementing regulations.~~*aggregating more*~~  
22 ~~*than \$50 within three months of contacting the officer. No lobbyist shall act as an agent or*~~  
23 ~~*intermediary in the making of any gift to an officer of the City and County, or arrange for the making of*~~



1 ~~any gift to an officer of the City and County by a third party, within three months of contacting the~~  
2 ~~officer.~~

3 (b) FUTURE EMPLOYMENT. No lobbyist shall cause or influence the introduction or  
4 initiation of any local legislative or administrative action for the purpose of thereafter being  
5 employed or retained to secure its granting, denial, confirmation, rejection, passage or defeat.

6 (c) FICTITIOUS PERSONS. No lobbyist shall contact any officer of the City and  
7 County in the name of any fictitious person or in the name of any real person, except with the  
8 consent of such real person.

9 (d) EVASION OF OBLIGATIONS. No lobbyist shall attempt to evade the obligations  
10 imposed by this Chapter through indirect efforts or through the use of agents, associates or  
11 employees.

12 SEC. 2.116. LOBBYIST TRAINING.

13 Each lobbyist must complete a lobbyist training session offered by the Ethics Commission  
14 within one year of the lobbyist's initial registration. Thereafter, lobbyists shall attend additional  
15 training sessions as required by the Executive Director, at his or her discretion.

16 SEC. 2.117. LOBBYING BY CAMPAIGN CONSULTANTS.

17 (a) PROHIBITION. No campaign consultant, individual who has an ownership interest  
18 in the campaign consultant, or an employee of the campaign consultant shall communicate  
19 with any officer of the City and County who is a current or former client of the campaign  
20 consultant on behalf of another person or entity (other than the City and County) in exchange  
21 for economic consideration for the purpose of influencing local legislative or administrative  
22 action.

23 (b) EXCEPTIONS.

24 (1) This prohibition shall not apply to:  
25

- 1 (A) an employee of a campaign consultant whose sole duties are clerical; or  
2 (B) an employee of a campaign consultant who did not personally provide campaign  
3 consulting services to the officer of the City and County with whom the employee seeks to  
4 communicate in order to influence local legislative or administrative action.

5 (2) The exceptions in Subsection (b)(1) shall not apply to any person who  
6 communicates with an officer of the City and County in his or her capacity as an employee of  
7 the campaign consultant who is prohibited by Subsection (a) from making the communication.

8 ~~(c) DISCLOSURE. Each campaign consultant who communicates with any officer of the City  
9 and County, or staff person of such officer, on behalf of another person or entity (other than the City  
10 and County) in exchange for economic consideration for the purpose of influencing local legislative or  
11 administrative action shall file a quarterly report with the Ethics Commission containing the following  
12 information:~~

13 ~~(1) The names, addresses and telephone numbers of each client for whom the campaign  
14 consultant provides campaign consulting services during the reporting period and each former  
15 client who is an officer of the City and County for whom the campaign consultant provided  
16 campaign consulting services during the past 60 months;~~

17 ~~(2) The names, addresses and telephone numbers of each person on whose behalf the  
18 filer provided lobbyist services during the reporting period;~~

19 ~~(3) The total economic consideration promised by or received from each person listed  
20 in subsection (2) for lobbyist services during the reporting period;~~

21 ~~(4) For each person listed in subsection (2), the local legislative or administrative  
22 action the filer was retained to influence, and the outcome sought by the filer;~~

23 ~~(5) The name of each officer of the City and County, or staff person of such officer,  
24 whom the campaign consultant contacted in seeking to influence a local legislative or  
25~~

1 ~~administrative action and the number of contacts with each such individual officer or staff~~  
2 ~~person during the reporting period.~~

3 (~~c~~) DEFINITIONS. Whenever the following words or phrases are used in this Section,  
4 they shall mean:

5 (1) "Campaign ~~C~~onsultant" shall have the same meaning as in Article I,  
6 Chapter 5, Section 1.505 of this Code.

7 (2) "Campaign ~~e~~onsultant~~consulting~~ services" shall have the same meaning as in  
8 Article I, Chapter 5, Section 1.505 of this Code.

9 (3) "Current client" shall mean a person for whom the campaign consultant has  
10 filed a client authorization statement pursuant to Article I, Chapter 5, Section 1.515(d)  
11 of this Code and not filed a client termination statement pursuant to Article I, Chapter 5,  
12 Section 1.515(f) of this Code. If such person is a committee as defined by Section  
13 82013 of the California Government Code, the current client shall be any individual who  
14 controls such committee; any candidate that such committee was primarily formed to  
15 support; and any proponent or opponent of a ballot measure that the committee is  
16 primarily formed to support or oppose.

17 (4) "Employee" shall mean an individual employed by a campaign consultant,  
18 but does not include any individual who has an ownership interest in the campaign  
19 consultant that employs them.

20 (5) "Former client" shall mean a person for whom the campaign consultant has  
21 filed a client termination statement pursuant to Article I, Chapter 5, Section 1.515(f) of  
22 this Code within the 60 months prior to communicating with the person.

23 ~~(6) "Staff person" shall be defined by regulation by the Ethics Commission, and shall~~  
24 ~~include any person who works for an elected official and holds a position designated by Article~~  
25

1           ~~3, Chapter 1 of the Campaign and Governmental Conduct Code to file financial disclosures~~  
2           ~~pursuant to Disclosure Category 1.~~

3           SEC. 2.120. EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES;  
4           APPOINTMENT OF EMPLOYEE TO CITY AND COUNTY OFFICE.

5           (a) EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES. If any  
6           lobbyist employs or requests, recommends or causes a client of the lobbyist to employ, and  
7           such client does employ, any officer of the City and County, any immediate family member or  
8           registered domestic partner of an officer of the City and County, or any person known by such  
9           lobbyist to be a full-time employee of the City and County, in any capacity whatsoever, the  
10          lobbyist shall file within 10 days after such employment a statement with the Ethics  
11          Commission setting out the name of the employee, the date first employed, the nature of the  
12          employment duties, and the salary or rate of pay of the employee.

13          (b) APPOINTMENT OF EMPLOYEE TO CITY OFFICE. If an employee of a lobbyist is  
14          appointed to City or County office, the lobbyist shall file within 10 days after such appointment  
15          a statement with the Ethics Commission setting out the name of the employee, the date first  
16          employed, the nature of the employment duties, and the salary or rate of pay of the employee.

17          (c) REPORT OF SALARY. Whenever a filer is required to report the salary of an  
18          employee who is also an officer or employee of the City and County pursuant to this Section,  
19          the filer need only disclose whether the total salary payments made to the employee are less  
20          than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000  
21          but less than or equal to \$10,000, or greater than \$10,000.

22          ~~SEC. 2.125. NOTIFICATION OF BENEFICIARIES OF GIFTS.~~

23          ~~Each lobbyist shall provide each officer of the City and County who is the beneficiary of a gift~~  
24          ~~made by the lobbyist a written statement including the date, value and description of the gift. The~~

1 ~~lobbyist shall provide this information to the officer within 30 days following the end of the reporting~~  
2 ~~period in which the gift was made. A lobbyist may satisfy this notification requirement by providing a~~  
3 ~~copy of the lobbyist's quarterly report of lobbyist activity to the officer.~~

4 SEC. 2.130. EMPLOYMENT OF UNREGISTERED PERSONS.

5 It shall be unlawful knowingly to pay any ~~contract~~ lobbyist to contact any officer of the  
6 City and County of San Francisco, if said ~~contract~~ lobbyist is required to register under this  
7 Chapter and has not done so by the deadlines imposed in this Chapter.

8 SEC. 2.135. FILING UNDER PENALTY OF PERJURY; RETENTION OF  
9 DOCUMENTS.

10 All information required under this Chapter shall be ~~filed with~~submitted to the Ethics  
11 Commission, ~~on forms provided in the format designated by~~ the Commission. The ~~filer~~lobbyist  
12 shall verify, under penalty of perjury, the accuracy and completeness of the information  
13 provided under this Chapter. The ~~filer~~lobbyist shall retain for a period of five years all books,  
14 papers and documents necessary to substantiate the registration and disclosure reports  
15 required by this Chapter.

16 SEC. 2.140. POWERS AND DUTIES OF THE ETHICS COMMISSION.

17 (a) The Ethics Commission shall ~~provide forms~~prescribe the format for the ~~reporting~~  
18 submission of all information required by this Chapter.

19 ~~(b) The Ethics Commission shall issue a registration number to each registered lobbyist.~~

20 ~~(c) At the time of initial registration and reregistration, the Ethics Commission shall provide~~  
21 ~~the lobbyist with a copy of the City's lobbyist law, and any related material which the Commission~~  
22 ~~determines will serve the purposes of this Chapter. Each lobbyist shall sign a statement acknowledging~~  
23 ~~receipt of these materials.~~

1           ~~(d) The Ethics Commission shall issue a "Notice of Registration Required" upon the written~~  
2 ~~request of any officer of the City and County. Any person who in good faith and on reasonable grounds~~  
3 ~~believes that compliance with this Chapter is not required by reason of being exempt under Section~~  
4 ~~2.105(i) shall not be deemed to have violated this Chapter if, within 15 days after notice from the Ethics~~  
5 ~~Commission, that person either complies or furnishes satisfactory evidence to the Ethics Commission~~  
6 ~~evidencing that said person is exempt from registration.~~

7           ~~(eb) Upon request by the Board of Supervisors or the Mayor, The~~the Ethics Commission  
8 shall compile the information ~~provided in registration and quarterly reports filed~~ submitted  
9 pursuant to this Chapter ~~as soon as practicable after the close of each quarter~~ and shall forward a  
10 report of the compiled information to the Board of Supervisors and the Mayor within thirty days  
11 of receipt of the request.

12           ~~(fc) In July of each year~~Upon request by the Board of Supervisors or the Mayor, the Ethics  
13 Commission shall file a report with the Board of Supervisors and the Mayor on the  
14 implementation of this Chapter within thirty days of receipt of the request.

15           ~~(gd)~~ The Ethics Commission shall preserve all original reports, statements, and other  
16 records required to be kept or filed under this Chapter for a period of five years. Such reports,  
17 statements, and records shall constitute a part of the public records of the Ethics Commission  
18 and shall be open to public inspection.

19           ~~(he)~~ The Ethics Commission shall provide formal and informal advice regarding the  
20 duties under this Chapter of a person or entity pursuant to the procedures specified in San  
21 Francisco Charter Section C3.699-12.

22           ~~(if)~~ The Ethics Commission shall have the power to adopt all reasonable and  
23 necessary rules and regulations for the implementation of this Chapter pursuant to Charter  
24 Section ~~C3.699-9~~15.102.

1 (jg) The Ethics Commission shall conduct quarterly workshops concerning the laws  
2 relating to lobbying.

3 SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.

4 (a) If any lobbyist ~~fails to file~~ submit any information required by this Chapter ~~original~~  
5 ~~statement or report~~ after any applicable ~~deadline imposed by this Chapter~~, the Ethics Commission  
6 shall, in addition to any other penalties or remedies established in this Chapter, ~~fine the lobbyist~~  
7 impose a late filing fee of \$50 per day after the deadline until the statement or report information is  
8 received by the Ethics Commission. The Executive Director of the Ethics Commission may  
9 reduce or waive a late filing fee ~~fine~~ if the Executive Director ~~Commission~~ determines that the late  
10 filing was not willful and that enforcement will not further the purposes of this Chapter. The  
11 Ethics Commission shall deposit funds collected under this Section in the General Fund of the  
12 City and County of San Francisco.

13 (b) ~~Any person who believes that the provisions of this Chapter have been violated may file a~~  
14 ~~complaint with the Ethics Commission. Upon receipt of a complaint, or upon its own initiative, the~~  
15 ~~Commission may investigate alleged violations of this Chapter and may enforce the provisions of this~~  
16 ~~Chapter pursuant to Charter Section C3.699-13 and to the Commissioner's rules and regulations~~  
17 ~~adopted pursuant to Charter Section C3.699-9.~~ Any person who knowingly or negligently violates this  
18 Chapter, including but not limited to, by providing inaccurate or incomplete information regarding  
19 lobbying activities, may be liable in an administrative proceeding before the Ethics Commission  
20 pursuant to Charter section C3.699-13. In addition to the administrative penalties set forth in the  
21 Charter, the Ethics Commission may issue warning letters regarding potential violations of this  
22 Chapter.

23 (c) Any person or entity which knowingly or negligently violates this Chapter may be  
24 liable in a civil action brought by the City Attorney for an amount up to ~~\$1,000~~ 5,000 per  
25

1 violation, or three times the amount not properly reported, or three times the amount given or  
2 received in excess of the gift limit, whichever is greater.

3 (d) In investigating any alleged violation of this Chapter the Ethics Commission and  
4 City Attorney shall have the power to inspect, ~~upon reasonable notice,~~ all documents required to  
5 be maintained under this Chapter. This power to inspect documents is in addition to other  
6 powers conferred on the Ethics Commission and City Attorney by the Charter or by ordinance,  
7 including the power of subpoena.

8 (e) Should two or more persons be responsible for any violation under this Chapter,  
9 they ~~shall~~ may be jointly and severally liable. If a business, firm or organization registers or files  
10 lobbyist disclosures on behalf of its employees pursuant to section 2.110(d), the business, firm or  
11 organization may be held jointly and severally liable for any failure to disclose its employees' lobbying  
12 activities.

13 (f) The City Attorney may also bring an action to revoke for up to one year the  
14 registration of any lobbyist who has knowingly violated this Chapter.

#### 15 SEC. 2.150. LIMITATION OF ACTIONS.

16 (a) No ~~administrative or~~ civil action shall be ~~maintained~~ brought to enforce this Chapter  
17 unless brought within four years after the date the cause of action accrued or the date that the  
18 facts constituting the cause of action were discovered by the ~~Ethics Commission or~~ City  
19 Attorney, ~~whichever is later.~~ For the purpose of this subsection, a civil action is brought when the City  
20 Attorney files the action in a court of law.

21 (b) No administrative action alleging a violation of this Chapter and brought under Charter  
22 section C3.699-13 shall be brought more than four years after the date of events which form the basis  
23 of the complaint, or the date that the events constituting the basis of the complaint were discovered by  
24

25



1 the Ethics Commission. For the purpose of this subsection, a complaint is brought by the Executive  
2 Director of the Ethics Commission upon the date of service of the probable cause report.

3 (c) A civil action brought to enforce or collect penalties or late filing fees imposed under this  
4 Chapter shall be brought within four years after the date on which the penalty or late filing fee was  
5 imposed. For purposes of this subsection, a penalty or late filing fee is imposed when the Ethics  
6 Commission has issued a final decision in an enforcement action imposing a penalty for a violation of  
7 this Chapter or the Executive Director has made a final determination regarding the amount of a late  
8 filing fee imposed under this Chapter. The Executive Director does not make a final determination  
9 regarding the amount of a late filing fee imposed under this Chapter until the Executive Director has  
10 made a determination to accept or refuse any request to waive a late filing fee where such waiver has  
11 been timely requested and is expressly authorized by statute, ordinance, or regulation. For the purpose  
12 of this subsection, a civil action is brought when the City Attorney files the action in a court of law.

13 **SEC. 2.155. SEVERABILITY.**

14 If any Section, Subsection, subdivision, sentence, clause, phrase or portion of this  
15 Chapter, or the application thereof to any person, is for any reason held to be invalid or  
16 unconstitutional by the decision of any court of competent jurisdiction, such decision shall not  
17 affect the validity of the remaining portions of this Chapter or its application to other persons.  
18 The Board of Supervisors hereby declares that it would have adopted this Chapter, and each  
19 Section, Subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of  
20 the fact that any one or more Sections, Subsections, subdivisions, sentences, clauses,  
21 phrases, or portions, or the application thereof to any person, to be declared invalid or  
22 unconstitutional.

23 ~~**SEC. 2.160. ELECTRONIC FILING OF STATEMENTS AND REPORTS.**~~

1           ~~(a) ELECTRONIC FILING REQUIRED. Whenever lobbyists are required by this Chapter to~~  
2 ~~file an original statement or report, the Ethics Commission may require the lobbyists to file an~~  
3 ~~electronic copy of the statement or report. The electronic copy shall be due no later than the deadline~~  
4 ~~imposed by this Chapter for filing the original statement or report.~~

5           ~~(b) POWERS AND DUTIES OF THE ETHICS COMMISSION.~~

6           ~~(i) Pursuant to San Francisco Charter Section 15.102, the Ethics Commission shall~~  
7 ~~adopt regulations specifying the electronic filing requirements applicable to campaign~~  
8 ~~lobbyists. The Ethics Commission shall adopt these regulations no fewer than 120 days before~~  
9 ~~the electronic filing requirements are effective.~~

10           ~~(ii) The Ethics Commission shall prescribe the format for electronic copies of~~  
11 ~~statements and reports no fewer than 90 days before the statements and reports are due to be~~  
12 ~~filed.~~

13           ~~(c) PENALTIES. If any lobbyist files an electronic copy of a statement or report after the~~  
14 ~~deadline imposed by this Section, the Ethics Commission shall, in addition to any other penalties or~~  
15 ~~remedies established in this Chapter, fine the lobbyist \$10 per day after the deadline until the electronic~~  
16 ~~copy is received by the Ethics Commission. The Ethics Commission may reduce or waive a fine if the~~  
17 ~~Commission determines that the late filing was not willful and that enforcement will not further the~~  
18 ~~purposes of this Chapter. The Ethics Commission shall deposit funds collected under this Section in the~~  
19 ~~General Fund of the City and County of San Francisco.~~

20           Section 2. The operative date of this ordinance shall be January 1, 2010, unless the  
21 Ethics Commission approves a resolution establishing a later operative date for the ordinance.  
22 The Ethics Commission shall not establish an operative date for the ordinance less than 60  
23 days from the date of the resolution's adoption.

24 APPROVED AS TO FORM:  
25

ETHICS COMMISSION  
BOARD OF SUPERVISORS

DENNIS J. HERRERA, City Attorney

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By: \_\_\_\_\_  
ATTORNEY'S NAME  
Deputy City Attorney

1 [Lobbyist ordinance amendments.]

2

3 **Ordinance amending Chapter I of Article II of the Campaign and Governmental Conduct**  
4 **Code by amending sections 2.100, 2.105, 2.110, 2.115, 2.117, 2.130, 2.135, 2.140, 2.145,**  
5 **2.150, adding section 2.116, and deleting sections 2.125 and 2.160, to simplify**  
6 **registration requirements, adopt a more equitable fee structure, ease electronic filing of**  
7 **lobbyist disclosures; and establish an effective date for these amendments.**

8 Note: Additions are *single-underline italics Times New Roman*;  
9 deletions are *strikethrough italics Times New Roman*.  
10 Board amendment additions are double underlined.  
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby  
14 amended by amending Sections 2.100-2.160, to read as follows:

15 SEC. 2.100. FINDINGS.

16 (a) The Board of Supervisors finds that public disclosure of the identity and extent of  
17 efforts of lobbyists to influence decision-making regarding local legislative and administrative  
18 matters is essential to protect public confidence in the responsiveness and representative  
19 nature of government officials and institutions. It is the purpose and intent of the Board of  
20 Supervisors to impose reasonable registration and disclosure requirements to reveal  
21 information about lobbyists' efforts to influence decision-making regarding local legislative and  
22 administrative matters.

23 (b) Corruption and the appearance of corruption in the form of campaign consultants  
24 exploiting their influence with City officials on behalf of private interests may erode public  
25 confidence in the fairness and impartiality of City governmental decisions. The City and  
County of San Francisco has a compelling interest in preventing corruption or the appearance

1 of corruption which could result in such erosion of public confidence. Prohibitions on  
2 campaign consultants lobbying current and former clients will protect public confidence in the  
3 electoral and governmental processes. It is the purpose and intent of the people of the City  
4 and County of San Francisco in enacting this Chapter to prohibit campaign consultants from  
5 exploiting or appearing to exploit their influence with City officials on behalf of private  
6 interests.

7 SEC. 2.105. DEFINITIONS.

8 Whenever used in this Chapter, the following words and phrases shall have the  
9 definitions provided in this Section:

10 (a) "Activity expenses" means any expense incurred or payment made by a lobbyist  
11 or a lobbyist's client at the behest of the lobbyist, or arranged by a lobbyist or a lobbyist's  
12 client at the behest of the lobbyist, which benefits in whole or in part any: officer of the City  
13 and County; candidate for City and County office; aide to a member of the Board of  
14 Supervisors; or member of the immediate family or the registered domestic partner of an  
15 officer, candidate, or aide to a member of the Board of Supervisors. An expense or payment is  
16 not an "activity expense" unless it is incurred or made within three months of a contact with  
17 the officer, candidate, or Supervisor's aide who benefits from the expense or payment, or  
18 whose immediate family member or registered domestic partner benefits from the expense or  
19 payment. "Activity expenses" include honoraria, consulting fees, salaries, and any other thing  
20 of value totaling more than \$25 in value in a consecutive three-month period, but do not  
21 include political contributions.

22 (b) "Candidate" shall have the same meaning as set forth in Section 1.104 of this  
23 Code.

24 (c) "Client" means the person for whom lobbyist services are performed by a lobbyist.  
25

1 (d) "Contact" means communication, oral or written, including communication made  
2 through an agent, associate or employee, for the purpose of influencing local legislative or  
3 administrative action.

4 (1) The following activities are not "contacts" within the meaning of this  
5 Chapter.

6 (A) A representative of a news media organization gathering news and  
7 information or disseminating the same to the public, even if the organization, in  
8 the ordinary course of business, publishes news items, editorials or other  
9 commentary, or paid advertisements, that urge action upon local legislative or  
10 administrative matters;

11 (B) A person providing oral or written testimony that becomes part of the  
12 record of a public hearing; provided, however, that if the person making the  
13 appearance or providing testimony has already qualified as a lobbyist under this  
14 Chapter and is appearing or testifying on behalf of a client, the lobbyist's  
15 testimony shall identify the client on whose behalf the lobbyist is appearing or  
16 testifying;

17 (C) A person performing a duty or service that can be performed only by  
18 an attorney, an architect, or a professional engineer licensed to practice in the  
19 State of California, including any communication by an attorney in connection  
20 with litigation involving the City and County or a claim filed pursuant to  
21 Administrative Code Section 10.20-1 et seq.;

22 (D) A person making a speech or producing any publication or other  
23 material that is distributed and made available to the public, through radio,  
24 television, cable television, or other medium of mass communication;

1 (E) A person providing written information in response to an oral or  
2 written request made by an officer of the City and County, provided that the  
3 written information is a public record available for public review;

4 (F) A person providing oral or written information pursuant to a  
5 subpoena, or otherwise compelled by law or regulation;

6 (G) A person providing oral or written information in response to a  
7 request for proposals, request for qualifications, or other similar request,  
8 provided that the information is directed to the department or official specifically  
9 designated in the request to receive such information;

10 (H) A person submitting a written petition for local legislative or  
11 administrative action, provided that the petition is a public record available for  
12 public review;

13 (I) A person making an oral or written request for a meeting, or any other  
14 similar administrative request, if the request does not include an attempt to  
15 influence local legislative or administrative action;

16 (J) A person appearing before an officer of the City and County pursuant  
17 to any procedure established by law or regulation for levying an assessment  
18 against real property for the construction or maintenance of an improvement;

19 (K) A person providing purely technical data, analysis, or expertise in the  
20 presence of a registered lobbyist;

21 (L) A person distributing to any officer of the City and County any  
22 regularly published newsletter or other periodical which is not primarily directed  
23 at influencing local legislative or administrative action;

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1 (M) A person disseminating information or material on behalf of an  
2 organization or entity to all or a significant segment of the organization's or  
3 entity's employees or members;

4 (N) A person communicating in connection with the administration of an  
5 existing contract between the person and the City and County of San Francisco.  
6 For purposes of this Subsection, communication, "in connection with the  
7 administration of an existing contract" includes, but is not limited to,  
8 communication regarding: insurance and bonding; contract performance and/or  
9 default; requests for in-scope change orders; legislative mandates imposed on  
10 contractors by the City and County; payments and invoicing; personnel changes;  
11 prevailing wage verification; liquidated damages and other penalties for breach  
12 of contract; audits; assignments; and subcontracting. Communication "in  
13 connection with the administration of an existing contract" does not include  
14 communication regarding new contracts, or out-of-scope change orders;

15 (O) A person negotiating the terms of a contract after being selected to  
16 enter into a contract with the City and County through a competitive bidding  
17 process, or as otherwise permitted under the Administrative Code;

18 (P) A person appearing as a party or a representative of a party in an  
19 administrative adjudicatory proceeding before a City agency or department; and

20 (Q) A person communicating, on behalf of a labor union representing  
21 City employees, regarding the establishment, amendment, or interpretation of a  
22 collective bargaining agreement or memorandum of understanding with the City,  
23 or communicating about a management decision regarding the working  
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1 conditions of employees represented by a collective bargaining agreement or a  
2 memorandum of understanding with the City.

3 (2) The following activities are not "contacts" for the purpose of determining  
4 whether a person qualifies as a "lobbyist," but are "contacts" for purpose of disclosures  
5 required by this Chapter:

6 (A) A person providing oral information to an officer of the City and  
7 County in response to an oral or written request made by that officer;

8 (B) A person making an oral or written request for the status of an  
9 action; and

10 (C) A person participating in a public interested persons meeting,  
11 workshop, or other forum convened by a City agency or department for the  
12 purpose of soliciting public input.

13 (e) "Economic consideration" means any payments, fees, reimbursement for  
14 expenses, gifts, or anything else of value, provided that "economic consideration" does not  
15 include salary, wages or benefits furnished by a federal, state or local government agency.

16 (f) "Gift" shall be defined as set forth in the Political Reform Act, Government Code  
17 Section 81000 et seq., and the regulations adopted thereunder.

18 (g) "Lobbyist" means any individual who:

19 (1) receives or is promised economic consideration of \$3,000 or more within  
20 three consecutive calendar months for lobbyist services; and

21 (2) on behalf of the persons providing the economic consideration, makes any  
22 contact with an officer of the City and County.

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1 (h) "Lobbyist services" means services rendered for the purpose of influencing local  
2 legislative or administrative action, including but not limited to contacts with officers of the City  
3 and County of San Francisco.

4 (i) "Local legislative or administrative action" includes, but is not limited to, the  
5 drafting, introduction, consideration, modification, enactment, defeat, approval, veto, granting  
6 or denial by any officer of the City and County of any resolution, motion, appeal, application,  
7 petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement to  
8 use or contract.

9 (j) "Measure" shall have the same meaning as set forth in Section 1.104 of this Code.

10 (k) "Officer of the City and County" means any officer identified in San Francisco  
11 Administrative Code Section 1.50, as well as any official body composed of such officers. In  
12 addition, for purposes of this Chapter, "officer of the City and County" includes (1) members of  
13 the Board of Education, Community College Board, Housing Authority, Redevelopment  
14 Agency, and Transportation Authority, as well as any official body composed of such officers,  
15 (2) the Zoning Administrator, (3) the City Engineer, (4) the County Surveyor, and (5) the  
16 Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping.

17 (l) "Person" means an individual, partnership, corporation, association, firm, labor  
18 union or other organization or entity, however organized.

19 (m) "Public hearing" means any open, noticed proceeding.

20 SEC. 2.110. REGISTRATION AND DISCLOSURES; FEES; TERMINATION OF  
21 REGISTRATION.

22 (a) REGISTRATION OF LOBBYISTS REQUIRED. Lobbyists shall register with the  
23 Ethics Commission and comply with the disclosure requirements imposed by this Chapter.  
24 Such registration shall occur no later than five business days of qualifying as a lobbyist, but  
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1 the lobbyist shall register prior to making any additional contacts with an officer of the City and  
2 County of San Francisco.

3 (b) REGISTRATION. At the time of initial registration each lobbyist shall report to the  
4 Ethics Commission the following information:

5 (1) The name, business address, e-mail address, and business telephone  
6 number of the lobbyist;

7 (2) The name, business address, and business telephone number of each  
8 client for whom the lobbyist is performing lobbyist services;

9 (3) The name, business address, and business telephone number of the  
10 lobbyist's employer, firm or business affiliation; and

11 (4) Any other information required by the Ethics Commission consistent with  
12 the purposes and provisions of this Chapter.

13 (c) LOBBYIST DISCLOSURES. For each calendar month, each lobbyist shall submit  
14 the following information no later than the fifteenth calendar day following the end of the  
15 month:

16 (1) The name, business address and business telephone number of each  
17 person from whom the lobbyist or the lobbyist's employer received or expected to  
18 receive economic consideration to influence local legislative or administrative action  
19 during the reporting period;

20 (2) The name of each officer of the City and County of San Francisco with  
21 whom the lobbyist made a contact during the reporting period;

22 (3) The date on which each contact was made;

23 (4) The local legislative or administrative action that the lobbyist sought to  
24 influence, including, if any, the title and file number of any resolution, motion, appeal,  
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1 application, petition, nomination, ordinance, amendment, approval, referral, permit,  
2 license, entitlement, or contract, and the outcome sought by the client;

3 (5) The client on whose behalf each contact was made;

4 (6) The amount of economic consideration received or expected by the lobbyist  
5 or the lobbyist's employer from each client during the reporting period;

6 (7) All activity expenses incurred by the lobbyist during the reporting period,  
7 including the following information:

8 (A) The date and amount of each activity expense;

9 (B) The full name and official position, if any, of the beneficiary of each  
10 activity expense, a description of the benefit, and the amount of the benefit;

11 (C) The full name of the payee of each activity expense if other than the  
12 beneficiary;

13 (D) Whenever a lobbyist is required to report a salary of an individual  
14 pursuant to this Subsection, the lobbyist need only disclose whether the total  
15 salary payments made to the individual during the reporting period was less than  
16 or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater  
17 than \$1,000 but less than or equal to \$10,000, or greater than \$10,000.

18 (8) All political contributions of \$100 or more made or delivered by the lobbyist  
19 or the lobbyist's employer, or made by a client at the behest of the lobbyist or the  
20 lobbyist's employer during the reporting period to an officer of the City and County, a  
21 candidate for such office, a committee controlled by such officer or candidate, or a  
22 committee primarily formed to support or oppose such officer or candidate, or any  
23 committee primarily formed to support or oppose a ballot measure to be voted on only  
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1 in San Francisco. This report shall include such political contributions arranged by the  
2 lobbyist, or for which the lobbyist acted as an agent or intermediary.

3 The following information regarding each political contribution shall be submitted  
4 to the Ethics Commission:

5 (A) The amount of the contribution;

6 (B) The name of the contributor;

7 (C) The date on which the contribution was made;

8 (D) The contributor's occupation;

9 (E) The contributor's employer, or if self-employed, the name of the  
10 contributor's business; and

11 (F) The committee to which the contribution was made.

12 (9) For each contact at which a person providing purely technical data, analysis,  
13 or expertise was present, as described in section 2.105(d)(1)(K), the name, address,  
14 employer and area of expertise of the person providing the data, analysis or expertise.

15 (10) Any amendments to the lobbyist's registration information required by  
16 subsection (b).

17 (11) Any other information required by the Ethics Commission consistent with  
18 the purposes and provisions of this Chapter.

19 (d) **REGISTRATION AND FILING OF DISCLOSURES BY ORGANIZATIONS.** The  
20 Ethics Commission is authorized to establish procedures to permit the registration and filing of  
21 lobbyist disclosures by a business, firm, or organization on behalf of the individual lobbyists  
22 employed by those businesses, firms, or organizations.

23 (e) **FEES; TERMINATION OF REGISTRATION.**

1 (1) At the time of registration each lobbyist shall pay a fee of \$100. On or  
2 before every subsequent February 1, each registered lobbyist shall pay an additional  
3 fee of \$100.

4 (2) Failure to pay the annual fee by February 1 shall constitute a termination of  
5 a lobbyist's registration with the Ethics Commission. The Ethics Commission is also  
6 authorized to establish additional processes for the termination of a lobbyist's  
7 registration.

8 (3) The Ethics Commission shall waive all registration fees for any full-time  
9 employee of a tax-exempt organization presenting proof of the organization's tax-  
10 exempt status under 26 U.S.C. section 501(c)(3) or 501(c)(4).

11 (4) The Ethics Commission shall deposit all fees collected pursuant to this  
12 Section in the General Fund of the City and County of San Francisco.

13 **SEC. 2.115. PROHIBITIONS.**

14 (a) **GIFT LIMIT.** No lobbyist shall make gifts to an officer of the City and County that  
15 have a fair market value of more than \$25, except for those gifts that would qualify for one of  
16 the exemptions under section 3.216(b) of this Code and its implementing regulations.

17 (b) **FUTURE EMPLOYMENT.** No lobbyist shall cause or influence the introduction or  
18 initiation of any local legislative or administrative action for the purpose of thereafter being  
19 employed or retained to secure its granting, denial, confirmation, rejection, passage or defeat.

20 (c) **FICTITIOUS PERSONS.** No lobbyist shall contact any officer of the City and  
21 County in the name of any fictitious person or in the name of any real person, except with the  
22 consent of such real person.

1 (d) EVASION OF OBLIGATIONS. No lobbyist shall attempt to evade the obligations  
2 imposed by this Chapter through indirect efforts or through the use of agents, associates or  
3 employees.

4 SEC. 2.116. LOBBYIST TRAINING.

5 Each lobbyist must complete a lobbyist training session offered by the Ethics  
6 Commission within one year of the lobbyist's initial registration. Thereafter, lobbyists shall  
7 attend additional training sessions as required by the Executive Director, at his or her  
8 discretion.

9 SEC. 2.117. LOBBYING BY CAMPAIGN CONSULTANTS.

10 (a) PROHIBITION. No campaign consultant, individual who has an ownership interest  
11 in the campaign consultant, or an employee of the campaign consultant shall communicate  
12 with any officer of the City and County who is a current or former client of the campaign  
13 consultant on behalf of another person or entity (other than the City and County) in exchange  
14 for economic consideration for the purpose of influencing local legislative or administrative  
15 action.

16 (b) EXCEPTIONS.

17 (1) This prohibition shall not apply to:

18 (A) an employee of a campaign consultant whose sole duties are clerical; or

19 (B) an employee of a campaign consultant who did not personally provide campaign  
20 consulting services to the officer of the City and County with whom the employee seeks to  
21 communicate in order to influence local legislative or administrative action.

22 (2) The exceptions in Subsection (b)(1) shall not apply to any person who  
23 communicates with an officer of the City and County in his or her capacity as an employee of  
24 the campaign consultant who is prohibited by Subsection (a) from making the communication.

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1 (c) DEFINITIONS. Whenever the following words or phrases are used in this Section,  
2 they shall mean:

3 (1) "Campaign consultant" shall have the same meaning as in Article I, Chapter  
4 5, Section 1.505 of this Code.

5 (2) "Campaign consulting services" shall have the same meaning as in Article I,  
6 Chapter 5, Section 1.505 of this Code.

7 (3) "Current client" shall mean a person for whom the campaign consultant has  
8 filed a client authorization statement pursuant to Article I, Chapter 5, Section 1.515(d)  
9 of this Code and not filed a client termination statement pursuant to Article I, Chapter 5,  
10 Section 1.515(f) of this Code. If such person is a committee as defined by Section  
11 82013 of the California Government Code, the current client shall be any individual who  
12 controls such committee; any candidate that such committee was primarily formed to  
13 support; and any proponent or opponent of a ballot measure that the committee is  
14 primarily formed to support or oppose.

15 (4) "Employee" shall mean an individual employed by a campaign consultant,  
16 but does not include any individual who has an ownership interest in the campaign  
17 consultant that employs them.

18 (5) "Former client" shall mean a person for whom the campaign consultant has  
19 filed a client termination statement pursuant to Article I, Chapter 5, Section 1.515(f) of  
20 this Code within the 60 months prior to communicating with the person.

21 SEC. 2.120. EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES;  
22 APPOINTMENT OF EMPLOYEE TO CITY AND COUNTY OFFICE.

23 (a) EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES. If any  
24 lobbyist employs or requests, recommends or causes a client of the lobbyist to employ, and  
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1 such client does employ, any officer of the City and County, any immediate family member or  
2 registered domestic partner of an officer of the City and County, or any person known by such  
3 lobbyist to be a full-time employee of the City and County, in any capacity whatsoever, the  
4 lobbyist shall file within 10 days after such employment a statement with the Ethics  
5 Commission setting out the name of the employee, the date first employed, the nature of the  
6 employment duties, and the salary or rate of pay of the employee.

7 (b) APPOINTMENT OF EMPLOYEE TO CITY OFFICE. If an employee of a lobbyist is  
8 appointed to City or County office, the lobbyist shall file within 10 days after such appointment  
9 a statement with the Ethics Commission setting out the name of the employee, the date first  
10 employed, the nature of the employment duties, and the salary or rate of pay of the employee.

11 (c) REPORT OF SALARY. Whenever a filer is required to report the salary of an  
12 employee who is also an officer or employee of the City and County pursuant to this Section,  
13 the filer need only disclose whether the total salary payments made to the employee are less  
14 than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000  
15 but less than or equal to \$10,000, or greater than \$10,000.

16 SEC. 2.130. EMPLOYMENT OF UNREGISTERED PERSONS.

17 It shall be unlawful knowingly to pay any lobbyist to contact any officer of the City and  
18 County of San Francisco, if said lobbyist is required to register under this Chapter and has not  
19 done so by the deadlines imposed in this Chapter.

20 SEC. 2.135. FILING UNDER PENALTY OF PERJURY; RETENTION OF  
21 DOCUMENTS.

22 All information required under this Chapter shall be submitted to the Ethics  
23 Commission, in the format designated by the Commission. The lobbyist shall verify, under  
24 penalty of perjury, the accuracy and completeness of the information provided under this  
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1 Chapter. The lobbyist shall retain for a period of five years all books, papers and documents  
2 necessary to substantiate the registration and disclosure reports required by this Chapter.

3 SEC. 2.140. POWERS AND DUTIES OF THE ETHICS COMMISSION.

4 (a) The Ethics Commission shall prescribe the format for the submission of all  
5 information required by this Chapter.

6 (b) Upon request by the Board of Supervisors or the Mayor, the Ethics Commission  
7 shall compile the information submitted pursuant to this Chapter and forward a report of the  
8 compiled information to the Board of Supervisors and the Mayor within thirty days of receipt of  
9 the request.

10 (c) Upon request by the Board of Supervisors or the Mayor, the Ethics Commission  
11 shall file a report with the Board of Supervisors and the Mayor on the implementation of this  
12 Chapter within thirty days of receipt of the request.

13 (d) The Ethics Commission shall preserve all original reports, statements, and other  
14 records required to be kept or filed under this Chapter for a period of five years. Such reports,  
15 statements, and records shall constitute a part of the public records of the Ethics Commission  
16 and shall be open to public inspection.

17 (e) The Ethics Commission shall provide formal and informal advice regarding the  
18 duties under this Chapter of a person or entity pursuant to the procedures specified in San  
19 Francisco Charter Section C3.699-12.

20 (f) The Ethics Commission shall have the power to adopt all reasonable and  
21 necessary rules and regulations for the implementation of this Chapter pursuant to Charter  
22 Section 15.102.

23 (g) The Ethics Commission shall conduct quarterly workshops concerning the laws  
24 relating to lobbying.

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1           SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.

2           (a) If any lobbyist fails to submit any information required by this Chapter after any  
3 applicable deadline, the Ethics Commission shall, in addition to any other penalties or  
4 remedies established in this Chapter, impose a late filing fee of \$50 per day after the deadline  
5 until the information is received by the Ethics Commission. The Executive Director of the  
6 Ethics Commission may reduce or waive a late filing fee if the Executive Director determines  
7 that the late filing was not willful and that enforcement will not further the purposes of this  
8 Chapter. The Ethics Commission shall deposit funds collected under this Section in the  
9 General Fund of the City and County of San Francisco.

10           (b) Any person who knowingly or negligently violates this Chapter, including but not  
11 limited to, by providing inaccurate or incomplete information regarding lobbying activities, may  
12 be liable in an administrative proceeding before the Ethics Commission pursuant to Charter  
13 section C3.699-13. In addition to the administrative penalties set forth in the Charter, the  
14 Ethics Commission may issue warning letters regarding potential violations of this Chapter.

15           (c) Any person or entity which knowingly or negligently violates this Chapter may be  
16 liable in a civil action brought by the City Attorney for an amount up to \$5,000 per violation, or  
17 three times the amount not properly reported, or three times the amount given or received in  
18 excess of the gift limit, whichever is greater.

19           (d) In investigating any alleged violation of this Chapter the Ethics Commission and  
20 City Attorney shall have the power to inspect all documents required to be maintained under  
21 this Chapter. This power to inspect documents is in addition to other powers conferred on the  
22 Ethics Commission and City Attorney by the Charter or by ordinance, including the power of  
23 subpoena.

1 (e) Should two or more persons be responsible for any violation under this Chapter,  
2 they may be jointly and severally liable. If a business, firm or organization registers or files  
3 lobbyists disclosures on behalf of its employees pursuant to section 2.110(d), the business,  
4 firm or organization may be held jointly and severally liable for any failure to disclose its  
5 employees' lobbying activities.

6 (f) The City Attorney may also bring an action to revoke for up to one year the  
7 registration of any lobbyist who has knowingly violated this Chapter.

8 SEC. 2.150. LIMITATION OF ACTIONS.

9 (a) No civil action shall be brought to enforce this Chapter unless brought within four  
10 years after the date the cause of action accrued or the date that the facts constituting the  
11 cause of action were discovered by the City Attorney. For the purpose of this subsection, a  
12 civil action is brought when the City Attorney files the action in a court of law.

13 (b) No administrative action alleging a violation of this Chapter and brought under  
14 Charter section C3.699-13 shall be brought more than four years after the date of events  
15 which form the basis of the complaint, or the date that the events constituting the basis of the  
16 complaint were discovered by the Ethics Commission. For the purpose of this subsection, a  
17 complaint is brought by the Executive Director of the Ethics Commission upon the date of  
18 service of the probable cause report.

19 (c) A civil action brought to enforce or collect penalties or late filing fees imposed  
20 under this Chapter shall be brought within four years after the date on which the penalty or  
21 late filing fee was imposed. For purposes of this subsection, a penalty or late filing fee is  
22 imposed when the Ethics Commission has issued a final decision in an enforcement action  
23 imposing a penalty for a violation of this Chapter or the Executive Director has made a final  
24 determination regarding the amount of a late filing fee imposed under this Chapter. The  
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1 Executive Director does not make a final determination regarding the amount of a late filing  
2 fee imposed under this Chapter until the Executive Director has made a determination to  
3 accept or refuse any request to waive a late filing fee where such waiver has been timely  
4 requested and is expressly authorized by statute, ordinance, or regulation. For the purpose of  
5 this subsection, a civil action is brought when the City Attorney files the action in a court of  
6 law.

7 SEC. 2.155. SEVERABILITY.

8 If any Section, Subsection, subdivision, sentence, clause, phrase or portion of this  
9 Chapter, or the application thereof to any person, is for any reason held to be invalid or  
10 unconstitutional by the decision of any court of competent jurisdiction, such decision shall not  
11 affect the validity of the remaining portions of this Chapter or its application to other persons.  
12 The Board of Supervisors hereby declares that it would have adopted this Chapter, and each  
13 Section, Subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of  
14 the fact that any one or more Sections, Subsections, subdivisions, sentences, clauses,  
15 phrases, or portions, or the application thereof to any person, to be declared invalid or  
16 unconstitutional.

17  
18 Section 2. The operative date of this ordinance shall be January 1, 2010, unless the  
19 Ethics Commission approves a resolution establishing a later operative date for the ordinance.  
20 The Ethics Commission shall not establish an operative date for the ordinance less than 60  
21 days from the date of the resolution's adoption.

22  
23 APPROVED AS TO FORM:  
24 DENNIS J. HERRERA, City Attorney

25 By: \_\_\_\_\_

ATTORNEY'S NAME  
Deputy City Attorney

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