



ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

MEMORANDUM

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CHAIRPERSON

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VICE-CHAIRPERSON

BRETT ANDREWS
COMMISSIONER

BEVERLY HAYON
COMMISSIONER

PETER KEANE
COMMISSIONER

JOHN ST. CROIX
EXECUTIVE DIRECTOR

December 11, 2014

To: Members, Ethics Commission

From: John St. Croix, Executive Director

Re: Ordinance Amending Permit Consultants Disclosure Requirements

A handwritten signature in black ink, appearing to read "John St. Croix", written over the "From:" line of the memorandum.

Former Supervisor David Chiu introduced legislation to amend the recently adopted ordinance that would require permit consultants to register with the Ethics Commission and make quarterly reports regarding their activities. Upon his departure from the Board, Supervisor Breed picked up sponsorship of the legislation.

Under this amendment, permit consultants would still be required to report the names, addresses and other information about each of their clients. However, the requirement that they also report what each client paid to them would be dropped.

The Board referred this measure to the Commission for possible comment (the Commission has no authority to act on the measure). This item is on the agenda for discussion and possible action should the Commission decide to provide comment to the Board on the issue (this is not mandatory). The referral is due to the fact that the Ethics Commission is the agency with authority to administer and enforce this ordinance.

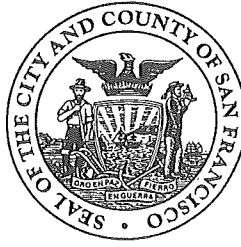
The Board's Government Oversight Committee had planned to have a hearing on this matter today. Chairperson Breed had announced in advance that she intended to table the matter (effectively killing it). At the hearing, she explained that she had received numerous e-mails from people opposed to the legislation.

However, several people affected by the measure spoke for the measure and asked for time to be heard. Chairperson Breed, instead of tabling the measure, continued it to the call of the Chair and may bring it back to the Government Oversight Committee as soon as January.

For your information, permit consultants registration requirements begin in January. This measure would not affect that. However, quarterly reporting requirements begin in April and this would affect the design of the reporting forms.

Permit consultants do business at the Department of Building Inspection, Department of Public Works, the Planning Department and the Entertainment Commission.

BOARD of SUPERVISORS



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MEMORANDUM

TO: John St. Croix, Executive Director, Ethics Commission
Tom Hui, Director, Building Inspection Department
Mohammed Nuru, Director, Public Works
John Rahaim, Director, Planning Department
Jocelyn Kane, Executive Director, Entertainment Commission

FROM: Erica Major, Assistant Committee Clerk, Government Audit and Oversight
Committee, Board of Supervisors

DATE: December 1, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Chiu on November 25, 2014:

File No. 141216

Ordinance amending the Campaign and Governmental Conduct Code to remove the requirement that permit consultants to disclose income received for their services.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:
William Strawn, Building Inspection Department
Carolyn Jayin, Building Inspection Department
Frank Lee, Public Works
Crystal Stewart, Commission Secretary

LEGISLATIVE DIGEST

[Campaign and Governmental Conduct Code - Removal of Permit Consultant Disclosure Requirement - Income Received for Services]

Ordinance amending the Campaign and Governmental Conduct Code to remove the requirement that permit consultants disclose income received for their services.

Existing Law

On June 26, 2014, the City enacted new registration and disclosure requirements for permit consultants. Under this legislation, permit consultants are required to register with the Ethics Commission and file quarterly disclosures regarding their activities. Permit consultants are required to disclose the following information in their quarterly disclosures:

- the name of and contact information for each client;
- the amount that each client would pay for the permit consultant's services;
- the name of each City officer or employee contacted by the permit consultant;
- the client on whose behalf each contact was made;
- a description of each permit sought or obtained by the consultant;
- campaign contributions of \$100 or more; and
- any other information required by the Ethics Commission.

Amendments to Current Law

The proposed legislation would remove the requirement that permit consultants disclose the amount paid by each of their clients for permit consulting services.

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1 [Campaign and Governmental Conduct Code - Removal of Permit Consultant Disclosure
2 Requirement - Income Received for Services]

3 Ordinance amending the Campaign and Governmental Conduct Code to remove the
4 requirement that permit consultants to disclose income received for their services.

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

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

13 Section 1. The Campaign and Governmental Conduct Code is hereby amended by
14 amending Section 3.410, to read as follows:

15 **SEC. 3.410. PERMIT CONSULTANT REGISTRATION AND DISCLOSURES.**

16 (a) **REGISTRATION OF PERMIT CONSULTANTS REQUIRED.** Permit consultants
17 shall register with the Ethics Commission and comply with the disclosure requirements
18 imposed by this Chapter. Such registration shall occur no later than five business days after
19 providing permit consulting services, but the permit consultant shall register prior to providing
20 any further permit consulting services.

21 (b) **REGISTRATION.** At the time of initial registration each permit consultant shall
22 report to the Ethics Commission the following information:

23 (1) The name, business address, e-mail address, and business telephone
24 number of the permit consultant;

25 (2) The name, business address, e-mail address, and business telephone
number of each client for whom the permit consultant is performing permit consulting services;

1 (3) The name, business address, e-mail address, and business telephone
2 number of the permit consultant's employer, firm or business affiliation; and

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

5 (c) **PERMIT CONSULTANT DISCLOSURES.** Beginning on April 15, 2015, each
6 permit consultant shall file four quarterly reports, according to the following schedule: the
7 permit consultant shall file a report on April 15 for the period starting January 1 and ending
8 March 31; on July 15 for the period starting April 1 and ending June 30; on October 15 for the
9 period starting July 1 and ending September 30; and on January 15 for the period starting
10 October 1 and ending December 31. Each quarterly report shall contain the following:

11 (1) The name, business address, e-mail address, and business telephone
12 number of each person from whom the permit consultant or the permit consultant's employer
13 received or expected to receive economic consideration for permit consulting services during
14 the reporting period, ~~and the amount of economic consideration the permit consultant received or~~
15 ~~expected to receive;~~

16 (2) For each contact with the Department of Building Inspection, the
17 Entertainment Commission, the Planning Department, or the Department of Public Works in
18 the course of providing permit consulting services during the reporting period:

19 (A) The name of each officer or employee of the City and County of San
20 Francisco with whom the permit consultant made contact;

21 (B) A description of the permit sought or obtained, including the
22 application number for the permit; and

23 (C) The client on whose behalf the contact was made.

24 (3) All political contributions of \$100 or more made by the permit consultant or
25 the permit consultant's employer during the reporting period to an officer of the City and

1 County, a candidate for such office, a committee controlled by such officer or candidate, a
2 committee primarily formed to support or oppose such officer or candidate, or any committee
3 primarily formed to support or oppose a ballot measure to be voted on only in San Francisco.

4 (4) Any amendments to the permit consultant's registration information required
5 by Subsection (b).

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

8
9 Section 2. Effective Date. This ordinance shall become effective 30 days after
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
12 of Supervisors overrides the Mayor's veto of the ordinance.

13
14 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
15 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
16 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
17 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
18 additions, and Board amendment deletions in accordance with the "Note" that appears under
19 the official title of the ordinance.

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

23 By: 

24 ANDREW SHEN
25 Deputy City Attorney

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