

**REPORT ON RECOMMENDATIONS FOR BOTH A
REWRITE OF THE LANGUAGE OF PROPOSITION J AND
FOR A RESTORATION OF THE COMMISSION'S
OVERSIGHT OF "EXPENDITURE LOBBYING" IN
BALLOT MEASURES FOR UPCOMING ELECTIONS**

At the regular April 27, 2015 meeting of the San Francisco Ethics commission, Chair Paul Renne appointed Commissioner Peter Keane to serve as an ad hoc committee of one to report back to the Commission at its May meeting with an analysis and recommendations relating to the following:

1. What has been the effect of Proposition J on the ability of the Commission to do its job?
2. Should Proposition J be rewritten by the Commission and submitted to the voters of San Francisco in a ballot measure for their approval?
3. Should the oversight of "Expenditure Lobbying" be restored to the Commission's jurisdiction in a ballot measure submitted to the voters of San Francisco for their approval?

After subsequent discussion between Chair Renne and Commissioner Keane, it was decided that the ad hoc Commission should proceed in the following manner:

Because of the short period remaining to get a ballot measure on for the November 2015 election, the Commission should concentrate its time and energies to focus upon getting a measure on this year which restores the Commission's oversight of "Expenditure Lobbying." The more ambitious complete re-write of Proposition J for a ballot measure submission should be undertaken after the Commission has concluded this work relating to the "Expenditure Lobbying" ballot measure. So, a ballot measure relating to the Proposition J rewrite should be targeted for the 2016 election.

Accordingly, this part of the ad hoc committee's report shall be totally devoted to the matter of "Expenditure Lobbying" and a recommended ballot measure restoring the Commission's power to regulate "Expenditure Lobbying".

After the Ethics Commission completes that task, the ad hoc committee will then present the second part of its report, presumably in the late summer or early fall of this year. In that part of the report, the committee will analyze the changes which Proposition J made to the Commission's ability to do its job and will present a proposed ballot initiative or set of initiatives for the November 2016 election.

History

In 2009 the San Francisco Ethics Commission voted to approve a major rewrite of the laws regarding lobbyists. Significant changes were made to the definition of a lobbyist. In 2010 the Board of Supervisors approved the changes and they became law. The changes were made to the San Francisco Campaign and Government Conduct Code; Article II: Lobbying. In effect, the Lobbyist Ordinance which resulted reduced the definitions of the types of lobbyists being regulated from three – individual, organization and expenditure – to a single definition. The new definition relied on a threshold of compensation for lobbying which is that there was at least one contact with a city official.

The result was to eliminate reporting on spending to influence a local decision when it did not involve some actual contact with a city official.

Prior to this change, any spending to influence a local decision by an "expenditure lobbyist" and/or a "business/organizational lobbyist," whether there had contact or not, had to be reported in filings as "payments made to influence local action." In 2009, filings under these categories amounted to \$992,914 and in 2008 to \$672,797.

The change made San Francisco the only major jurisdiction in California to not require reporting of expenditure lobbying. Sacramento, San Jose, San Diego, Los Angeles and the State of California all require reporting by expenditure lobbyists.

Most disturbingly, the change made San Francisco government wide open for “pay to play” political corruption where quid pro quos can be easily delivered indirectly.

Recommendation

The committee recommends that the San Francisco Ethics Commission approve a ballot measure to be placed before the voters in the November 2015 election which restores the Commission’s power to regulate “Expenditure lobbying.”

Accompanying this report is a fully rewritten proposed draft of San Francisco Campaign and Government Conduct Code; Article II: Lobbying which does that.

Thanks go to the Friends of Ethics and to Larry Bush for their assistance in this effort. Particular thanks go to Oliver Luby for the extensive drafting of the revisions to the lobbyist ordinance.

Respectfully submitted,
May 13, 2015.
Peter Keane, Commissioner.

Proposed Draft:

**Rewriting of the San Francisco Campaign and Governmental
Conduct Code to restore regulation of expenditure lobbyists.**

**REDLINED PORTIONS REFLECT THE ADDITION OF
EXPENDITURE LOBBYISTS REGULAR LOBBYISTS
FROM THE ORIGINAL LANGUAGE ARE NOW
REFERRED TO AS CONTACT LOBBYISTS –**

ARTICLE II: LOBBYING

Chapter

1. REGULATION OF LOBBYISTS

CHAPTER 1: REGULATION OF LOBBYISTS

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SEC. 2.100. FINDINGS.

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

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

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 28-04, File No. 031656, App. 2/20/2004; Ord. 235-09, File No. 090833, App. 11/10/2009)

(Derivation: Former Administrative Code Section 16.520; added by Ord. 19-99, App. 2/19/99)

SEC. 2.105. DEFINITIONS.

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

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

"Candidate" shall have the same meaning as set forth in Section 1.104 of this Code.

"Client" means the person for whom lobbyist services are performed by a lobbyist.

"Contact Lobbyist" means any individual who (1) makes five or more contacts in a calendar month with officers of the City and County on behalf of the individual's employer; or (2) makes one or more contacts in a calendar month with an officer of the City and County on behalf of any person who pays or who becomes obligated to pay the individual or the individual's employer for lobbyist services. An individual is not a lobbyist if that individual is lobbying on behalf of a business of which the individual owns a 20% or greater share.

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

"Employee" means any person who receives, reasonably expects to receive, or whose employer is obligated to provide, an Internal Revenue Service Form W-2 wage and tax statement.

"Employer" means any person who provides an Internal Revenue Service Form W-2 wage and tax statement to an employee who performs lobbyist services on behalf of that person.

"Expenditure lobbyist" means any person, other than any government entity, official, or employee acting in an official capacity, who makes or incurs expenditures to influence local legislative or administrative action totaling \$5,000 or more within three consecutive calendar months, including but not limited to public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, rewards or gifts (including below-market-rate rent) to a person who regularly seeks to influence local legislative or administrative action, or similar activities, but not including either economic consideration to a lobbyist for lobbying services or expenditures for activities listed

as being exceptions to the definition of “contact” under section 2.106.

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

"Lobbyist" means a contact lobbyist or an expenditure lobbyist~~any individual who (1) makes five or more contacts in a calendar month with officers of the City and County on behalf of the individual's employer; or (2) makes one or more contacts in a calendar month with an officer of the City and County on behalf of any person who pays or who becomes obligated to pay the individual or the individual's employer for lobbyist services. An individual is not a lobbyist if that individual is lobbying on behalf of a business of which the individual owns a 20% or greater share.~~

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

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

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

"Officer of the City and County" means any officer identified in Section 3.203 of this Code, as well as any official body composed of such officers. In addition, for purposes of this Chapter, "officer of the City and County" includes (1) members of the Board of Education, Community College Board, First Five Commission, Law Library Board of Trustees, Local Agency Formation Commission, Health Authority Board, Housing Authority Commission, Parking Authority, Relocation Appeals Board, Successor Agency to the former Redevelopment Agency of the

City and County of San Francisco, Oversight Board of the Successor Agency, Successor Agency Commission, Transportation Authority, Workforce Investment San Francisco Board as well as any official body composed of such officers, and any person appointed as the chief executive officer under any such board or commission; (2) the Zoning Administrator, (3) the City Engineer, (4) the County Surveyor, and (5) the Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping.

"Person" means an individual, partnership, corporation, association, firm, labor union or other organization or entity, however organized.

"Public hearing" means any open, noticed proceeding. (Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 280-08, File No. 081285, App. 12/5/2008; Ord. 235-09, File No. 090833, App. 11/10/2009; Ord. [98-14](#), File No. 130374, App. 6/26/2014, Eff. 7/26/2014)

(Derivation: Former Administrative Code Section 16.521; added by Ord. 19-99, App. 2/19/99)

SEC. 2.106. LOBBYING CONTACTS.

(a) Whenever used in this Chapter, "contact" means any communication, oral or written, including communication made through an agent, associate or employee, for the purpose of influencing local legislative or administrative action, except as provided in Subsections (b) and (c).

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

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

(2) A person providing oral or written testimony that becomes part of the record of a public hearing; provided, however, that if

the person making the appearance or providing testimony has already qualified as a contact lobbyist under this Chapter and is appearing or testifying on behalf of a client, the contact lobbyist's testimony shall identify the client on whose behalf the contact lobbyist is appearing or testifying;

(3) A person performing a duty or service that can be performed only by an architect or a professional engineer licensed to practice in the State of California;

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

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

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

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

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

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

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

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

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

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

(14) A person communicating, on behalf of a labor union representing City employees, regarding the establishment, amendment, or interpretation of a collective bargaining agreement or memorandum of understanding with the City, or communicating about a management decision regarding the working conditions of employees represented by a collective bargaining agreement or a memorandum of understanding with the City;

(15) A party or prospective party to a contract providing oral or written information in response to a request for proposals, request for qualifications, or other similar request, provided that the information is directed to the department or official specifically designated in the request to receive such information; negotiating the terms of the contract with the City after being selected to enter into the contract; or communicating in connection with the administration of an existing contract between the party and the City. For the purposes of this Subsection:

(A) A "party or prospective party" includes that party's officers or employees; a subcontractor listed in the contract, bid, or proposal; or that subcontractor's officers or employees. A "party or prospective party" does not include any other agent or associate, including any outside consultant or independent contractor.

(B) Communication "in connection with the administration of an existing contract" includes, but is not limited to, communication regarding: insurance and bonding; contract performance and/or default; requests for in-scope change orders; legislative mandates imposed on contractors by the City and County; payments and invoicing; personnel changes; prevailing wage verification; liquidated damages and other penalties for breach of contract; audits; assignments; and subcontracting.

Communication "in connection with the administration of an existing contract" does not include communication regarding new contracts, or out-of-scope change orders.

(16) An officer or employee of a nonprofit organization or an organization fiscally sponsored by such a nonprofit organization communicating on behalf of their organization. For purposes of this subsection only, "nonprofit organization" means either an organization with tax exempt status under 26 United States Code Section 501(c)(3), or an organization with tax exempt status under 26 United States Code Section 501(c)(4) whose most recent federal tax filing included an IRS Form 990-N or an IRS Form 990-EZ, or an organization whose next federal tax filing is reasonably likely to include an IRS Form 990-N or an IRS Form 990-EZ.

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

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

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

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

(Added by Ord. [98-14](#), File No. 130374, App. 6/26/2014, Eff. 7/26/2014)

SEC. 2.107. NO CONFLICT WITH STATE BAR ACT.

Nothing in this Chapter is intended to regulate attorneys engaged in the practice of law under the California State Bar Act, Business and Professions Code sections 6000 *et seq.*

(Added by Ord. [98-14](#), File No. 130374, App. 6/26/2014, Eff. 7/26/2014)

SEC. 2.110. REGISTRATION AND

DISCLOSURES; FEES; TERMINATION OF REGISTRATION.

(a) REGISTRATION OF LOBBYISTS REQUIRED.

Lobbyists shall register with the Ethics Commission and comply with the disclosure requirements imposed by this Chapter. Such registration shall occur no later than five business days of qualifying as a lobbyist, but ~~the~~ a contact lobbyist shall register prior to making any additional contacts with an officer of the City and County of San Francisco and an expenditure lobbyist shall register prior to making any additional expenditures to influence local legislative or administrative action.

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

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

(2) ~~¶~~ If the lobbyist is a contact lobbyist, the name, business address, and business telephone number of each client for whom the contact lobbyist is performing lobbyist services;

(3) ~~¶~~ If the lobbyist is a contact lobbyist, the name, business address, and business telephone number of the contact lobbyist's employer, firm or business affiliation;

(4) If the lobbyist is an expenditure lobbyist, the following information:

(A) If the expenditure lobbyist is an entity, a description of the nature and purpose of the entity, and the name of each person who is an owner, partner or executive officer of the expenditure lobbyist, with the following specifics:

(i) If the expenditure lobbyist is a sole proprietorship, the name of the sole proprietor;

(ii) If the expenditure lobbyist is a corporation, the name of each executive officer and each owner of more than 20 percent of the corporation, including titles such "owner;"

(iii) If the expenditure lobbyist is a partnership or other

business entity, the name of each partner or owner, if the entity has fewer than 10, the partner or owner with the greatest share in the entity, if the entity has 10 or more partners, or the name of the partnership, if neither of the prior two categories applies;

(B) If the expenditure lobbyist is an individual, the name and address of the expenditure lobbyist's employer, if any, and a description of the business activity in which the expenditure lobbyist or his or her employer is engaged; and

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

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

(1) ~~¶~~If the lobbyist is a contact lobbyist, the name, business address and business telephone number of each person from whom the lobbyist or the lobbyist's employer received or expected to receive economic consideration to influence local legislative or administrative action during the reporting period;

(2) ~~¶~~If the lobbyist is a contact lobbyist, the name of each officer of the City and County of San Francisco with whom the lobbyist made a contact during the reporting period;

(3) ~~¶~~If the lobbyist is a contact lobbyist, the date on which each contact was made;

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

(5) ~~¶~~If the lobbyist is a contact lobbyist, the client on whose behalf each contact was made;

(6) ~~¶~~If the lobbyist is a contact lobbyist, the amount of economic consideration received or expected by the lobbyist or the

lobbyist's employer from each client during the reporting period;

(7) If the lobbyist is an expenditure lobbyist, the total amount of expenditures made during the reporting period for each local legislative or administrative action the expenditure lobbyist sought to influence;

(8) If the lobbyist is an expenditure lobbyist, an itemization of the financial activity that qualifies the expenditure lobbyist as an expenditure lobbyist, including the name, address, occupation (if an individual), and employer or business name (if an individual) of each person to which the expenditure lobbyist provided economic consideration of \$1,000 or more, as well as a description of the economic consideration (money, discounted rent, etc.) and a description of the reason for providing the economic consideration;

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

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

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

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

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

(810) All political contributions of \$100 or more made or delivered by the lobbyist or the lobbyist's employer, or made by a client at the behest of the lobbyist or the lobbyist's employer during the reporting period to an officer of the City and County, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a ballot measure to be voted on only in San

Francisco. This report shall include such political contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or intermediary.

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

- (A) The amount of the contribution;
- (B) The name of the contributor;
- (C) The date on which the contribution was made;
- (D) The contributor's occupation;
- (E) The contributor's employer, or if self-employed, the name of the contributor's business; and
- (F) The committee to which the contribution was made.

~~(911)~~ For each contact at which a person providing purely technical data, analysis, or expertise was present, as described in 2.106(b)(10), the name, address, employer and area of expertise of the person providing the data, analysis or expertise, if the lobbyist is a contact lobbyist.

~~(4012)~~ Any amendments to the lobbyist's registration information required by Subsection (b).

~~(4113)~~ Any other information required by the Ethics Commission consistent with the purposes and provisions of this Chapter.

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

(e) FEES; TERMINATION OF REGISTRATION.

(1) At the time of registration each lobbyist shall pay a fee of \$500. On or before every subsequent February 1, each registered lobbyist shall pay an additional fee of \$500.

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

establish additional processes for the termination of a lobbyist's registration.

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

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

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 129-03, File No. 030250, App. 5/30/2003; Ord. 235-09, File No. 090833, App. 11/10/2009; Ord. [98-14](#), File No. 130374, App. 6/26/2014, Eff. 7/26/2014)

(Derivation: Former Administrative Code Section 16.522; added by Ord. 40-88, App. 2/18/88; amended by Ord. 386-95, App. 12/14/95; Ord. 390-97, App. 10/17/97; Ord. 19-99, App. 2/19/99)

SEC. 2.115. PROHIBITIONS.

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

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

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

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

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 235-09, File No. 090833, App. 11/10/2009)

(Derivation: Former Administrative Code Section 16.523; added by Ord. 19-99, App. 2/19/99)

SEC. 2.116. LOBBYIST TRAINING.

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

(b) The Ethics Commission shall make lobbyist training sessions available on its website.

(c) On or before the deadline for completing any required lobbyist training session, each contact lobbyist must file a signed declaration with the Ethics Commission stating, under penalty of perjury, that the lobbyist has completed the required training session.

(Added by Ord. 235-09, File No. 090833, App. 11/10/2009; amended by Ord. [98-14](#), File No. 130374, App. 6/26/2014, Eff. 7/26/2014)

SEC. 2.117. LOBBYING BY CAMPAIGN CONSULTANTS.

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

(b) **EXCEPTIONS.**

(1) This prohibition shall not apply to:

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

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

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

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

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

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

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

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

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

(Added by Ord. 28-04, File No. 031656, App. 2/20/2004; amended by Ord. 239-08, File No. 080162, App. 10/30/2008; Ord. 235-09, File No. 090833, App. 11/10/2009)

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

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

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

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

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000)

(Derivation: Former Administrative Code Section 16.524; added by Ord. 40-88, App. 2/18/88; amended by Ord. 386-95, App. 12/14/95; Ord. 19-99, App. 2/19/99)

SEC. 2.125. RESERVED.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; repealed by Ord. 235-09, File No. 090833, App. 11/10/2009)

(Derivation: Former Administrative Code Section 16.525; added by Ord. 19-99, App. 2/19/99)

SEC. 2.130. EMPLOYMENT OF UNREGISTERED PERSONS.

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

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 235-09, File No. 090833, App. 11/10/2009)

(Derivation: Former Administrative Code Section 16.526; added by Ord. 40-88, App. 2/18/88; amended by Ord. 19-99, App. 2/19/99)

SEC. 2.135. FILING UNDER PENALTY OF PERJURY; RETENTION OF DOCUMENTS; AUDITS.

(a) All information required under this Chapter shall be submitted to the Ethics Commission, in the format designated by the Commission. The lobbyist shall verify, under penalty of perjury, the accuracy and completeness of the information provided under this Chapter.

(b) The lobbyist shall retain for a period of five years all books, papers and documents necessary to substantiate the registration and disclosure reports required by this Chapter. These records shall include, but not be limited to, copies of all fundraising solicitations sent by the lobbyist or his or her agent for an officer of the City and County, a candidate for such office, a committee controlled by

such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a ballot measure to be voted on only in San Francisco.

(c) On an annual basis, the Executive Director shall initiate audits of one or more lobbyists selected at random. At the request of the Executive Director, the Controller may assist in conducting these audits. This requirement shall not restrict the authority of the Executive Director or the Ethics Commission to undertake any other audits or investigations of a lobbyist authorized by law or regulation. Within ten business days of a request by the Ethics Commission, a lobbyist or anyone required to register as a lobbyist shall provide the Ethics Commission with any documents required to be retained under this Section.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 235-09, File No. 090833, App. 11/10/2009; Ord. [98-14](#), File No. 130374, App. 6/26/2014, Eff. 7/26/2014)

(Derivation: Former Administrative Code Section 16.527; added by Ord. 40-88, App. 2/18/88; amended by Ord. 386-95, App. 12/14/95; Ord. 19-99, App. 2/19/99)

SEC. 2.136. FALSE INFORMATION; DUTY TO COOPERATE AND ASSIST.

(a) **PROHIBITION.** No person shall knowingly and intentionally furnish false or fraudulent evidence, documents, or information to the Ethics Commission, District Attorney or City Attorney, or knowingly and intentionally misrepresent any material fact, or conceal any evidence, documents, or information relevant to an investigation by the Ethics Commission, District Attorney or City Attorney of an alleged violation of this Chapter.

(b) **DUTY TO COOPERATE AND ASSIST.** The Ethics Commission, District Attorney or City Attorney may request and shall receive from every City officer and employee cooperation and assistance with an investigation into an alleged violation of this Chapter.

(Added by Ord. [98-14](#), File No. 130374, App. 6/26/2014, Eff. 7/26/2014)

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

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

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

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

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

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

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

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

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 235-09, File No. 090833, App. 11/10/2009)

(Derivation: Former Administrative Code Section 16.528; added by Ord. 40-88, App. 2/18/88; amended by Ord. 386-95, App. 12/14/95; Ord. 19-99, App. 2/19/99)

SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.

(a) If any lobbyist fails to submit any information required by this Chapter after any applicable deadline, the Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter, impose a late filing fee of \$50 per day after the deadline until the information is received by the Ethics Commission. The Executive Director of the Ethics Commission may reduce or waive a late filing fee if 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.

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

(c) Any person or entity which knowingly or negligently

violates this Chapter may be liable in a civil action brought by the City Attorney for an amount up to \$5,000 per violation, or three times the amount not properly reported, or three times the amount given or received in excess of the gift limit, whichever is greater.

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

(e) **JOINT AND SEVERAL LIABILITY.**

(1) Should two or more persons be responsible for any violation under this Chapter, they may be jointly and severally liable.

(2) The client or employer of a lobbyist shall be jointly and severally liable for all violations of this Chapter committed by the lobbyist in connection with acts or omissions undertaken on behalf of that client or employer.

(3) If a business, firm or organization registers or files lobbyist disclosures on behalf of its employees pursuant to Section 2.110(d), the business, firm or organization may be held jointly and severally liable for any failure to disclose its employees' lobbying activities.

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

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 129-03, File No. 030250, App. 5/30/2003; Ord. 235-09, File No. 090833, App. 11/10/2009; Ord. [98-14](#), File No. 130374, App. 6/26/2014, Eff. 7/26/2014)

(Derivation: Former Administrative Code Section 16.529; added by Ord. 40-88, App. 2/18/88; amended by Ord. 399-94, App. 11/23/94; Ord. 386-95, App. 12/14/95; Ord. 390-97, App. 10/17/97; Ord. 19-99, App. 2/19/99)

SEC. 2.150. LIMITATION OF ACTIONS.

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

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

(c) A civil action brought to enforce or collect penalties or late filing fees imposed under this Chapter shall be brought within four years after the date on which the penalty or late filing fee was imposed. For purposes of this Subsection, a penalty or late filing fee is imposed when the Ethics Commission has issued a final decision in an enforcement action imposing a 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 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 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 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.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 235-09, File No. 090833, App. 11/10/2009)

(Derivation: Former Administrative Code Section 16.530; added by Ord. 40-88, App. 2/18/88; amended by Ord. 19-99, App. 2/19/99)

SEC. 2.155. SEVERABILITY.

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

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000)

(Derivation: Former Administrative Code Section 16.531; added by Ord. 40-88, App. 2/18/88; amended by Ord. 19-99, App. 2/19/99)

SEC. 2.160 [REPEALED.]

(Added by Ord. 222-00, File No. 000741, App. 9/29/2000; repealed by Ord. 235-09, File No. 090833, App. 11/10/2009)