

1 [Campaign and Governmental Conduct Code - Requiring Commissioners to File Behested
2 Payment Reports]

3 **Ordinance amending the Campaign and Governmental Conduct Code to require**
4 **members of City boards and commissions to file behested payment reports regarding**
5 **the solicitation of charitable contributions.**

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

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

14 Section 1. The Campaign and Governmental Conduct Code is hereby amended by
15 adding Chapter 6, Sections 3.600, 3.610, and 3.620, to read as follows:

16 **CHAPTER 6: BEHESTED PAYMENT REPORTING FOR COMMISSIONERS**

17 **SEC. 3.600. DEFINITIONS.**

18 *Whenever in this Chapter 6 the following words or phrases are used, they shall have the*
19 *following meanings:*

20 *“Agent” shall be defined as set forth in Title 2, Section 18438.3 of California Code of*
21 *Regulations, as amended from time to time.*

22 *“Auctioneer” shall mean any person who is engaged in the calling for, the recognition of, and*
23 *the acceptance of, offers for the purchase of goods at an auction.*

24 *“Behested Payment Report” shall mean the Fair Political Practices Commission Form 803, or*
25 *any other successor form, required by the Fair Political Practices Commission to fulfill the disclosure*
requirements imposed by California Government Code Section 82015(b)(2)(B)(iii), as amended from
time to time.

1 “Charitable Contribution” shall mean any monetary or non-monetary contribution to a
2 government agency, a bona fide public or private educational institution as defined in Section 203 of
3 the California Revenue and Taxation Code, or a nonprofit organization that is exempt from taxation
4 under Section 501(c) of the United States Internal Revenue Code.

5 “Commissioner” shall mean any member of a board or commission listed in Campaign and
6 Governmental Conduct Code Section 3.1-103(a)(1); provided, however, that “Commissioner” shall not
7 include any member of the Board of Supervisors.

8 “License, permit, or other entitlement for use” shall be defined as set forth in California
9 Government Code Section 84308, as amended from time to time.

10 “Participant” shall be defined as set forth in California Government Code Section 84308 and
11 Title 2, Section 18438.4 of California Code of Regulations, as amended from time to time.

12 “Party” shall be defined as set forth in California Government Code Section 84308, as
13 amended from time to time.

14 **SEC. 3.610. REQUIRED FILING OF BEHESTED PAYMENT REPORTS.**

15 **(a) FILING REQUIREMENT.** If a Commissioner directly or indirectly requests or solicits
16 any Charitable Contribution(s), or series of Charitable Contributions, from any party, participant or
17 agent of a party or participant involved in a proceeding regarding administrative enforcement, a
18 license, a permit, or other entitlement for use before the Commissioner’s board or commission, the
19 Commissioner shall file a Behested Payment Report with the Ethics Commission in the following
20 circumstances:

21 (1) if the party, participant or agent makes any Charitable Contribution, or series of
22 Charitable Contributions, totaling \$1,000 or more while the proceeding is pending, the Commissioner
23 shall file a Behested Payment Report within 30 days of the date on which the Charitable Contribution
24 was made, or if there has been a series of Charitable Contributions, within 30 days of the date on
25 which a Charitable Contribution causes the total amount of the contributions to total \$1,000 or more;

1 (2) if the party, participant or agent makes any Charitable Contribution, or series of
2 Charitable Contributions, totaling \$1,000 or more during the three months following the date a final
3 decision is rendered in the proceeding, the Commissioner shall file a Behested Payment Report within
4 30 days of the date on which the Charitable Contribution was made, or if there has been a series of
5 Charitable Contributions, within 30 days of the date on which a Charitable Contribution causes the
6 total amount of the contributions to total \$1,000 or more; and

7 (3) if the party, participant or agent made any Charitable Contribution, or series of
8 Charitable Contributions, totaling \$1,000 or more in the 12 months prior to the commencement of a
9 proceeding, the Commissioner shall file a Behested Payment Report within 30 days of the date the
10 Commissioner knew or should have known that the source of the Charitable Contribution(s) became a
11 party, participant or agent in a proceeding before the Commissioner's board or commission.

12 (b) WEBSITE POSTING. The Ethics Commission shall make available through its website all
13 Behested Payment Reports it receives from Commissioners.

14 (c) PENALTIES. A Commissioner who fails to comply with this Section 3.610 is subject to the
15 administrative process and penalties set forth in Section 3.242(d).

16 (d) EXCEPTION. A Commissioner has no obligation to file Behested Payment Reports, as
17 required by subsection (a), if the Commissioner solicited Charitable Contributions by acting as an
18 auctioneer at a fundraising event for a nonprofit organization that is exempt from taxation under
19 Section 501(c)(3) of the United States Internal Revenue Code.

20 **SEC. 3.620. REGULATIONS.**

21 (a) The Ethics Commission may adopt rules, regulations, and guidelines for the implementation
22 of this Chapter 6.

23 (b) The Ethics Commission may, by regulation, require Commissioners to electronically submit
24 substantially the same information as required by the Behested Payment Report to fulfill their
25 obligations under Section 3.610.

1 Section 2. Effective and Operative Dates.

2 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
3 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
4 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
5 Mayor’s veto of the ordinance.

6 (b) This ordinance shall become operative on January 1, 2018.

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: _____
11 ANDREW SHEN
12 Deputy City Attorney

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