



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

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LEEANN PELHAM
EXECUTIVE DIRECTOR

Date: March 29, 2018

To: Members of the Ethics Commission

From: Pat Ford, Policy Analyst
Kyle Kundert, Senior Policy Analyst

Re: **Special Joint Meeting – Ethics Commission Agenda Item 3:
Proposed Anti-Corruption and Accountability Ordinance**

Summary: This memorandum provides background for and highlights general procedures of the Special Joint Meeting with the Board of Supervisors, including Staff analysis of amendments transmitted to the Board in the Ethics Commission's February 16, 2018 Anti-Corruption and Accountability Ordinance ("ACAO").

Action Requested: That the Commission review and consider the analysis contained herein for purposes of its discussion on April 3.

On April 3, 2018, the Ethics Commission will have a Special Joint Meeting with the Board of Supervisors (the "Board") to discuss and possibly take on action on the Anti-Corruption and Accountability Ordinance (the "Ordinance"). Section I of this memo recaps background of the Ordinance and the series of events that created the specific version of the Ordinance that is presently before the Commission and that led to the scheduling of the joint meeting with the Board. Section II outlines general procedures that will likely govern the joint meeting. Section III provides Staff's analysis of proposed amendments to the Ordinance that the Commission voted on February 16, 2018 to include in its transmittal to the Board for discussion purposes but which the Commission has not yet formally considered or approved.

I. Background

The Commission, along with interested persons, stakeholders, and members of the public, has been working on the Ordinance since its March 2017 regular meeting, when then-Chair Peter Keane introduced a first draft of a proposal to revive a 2001 voter-approved ordinance known as "Prop J." The Commission instructed Staff to create a comprehensive ordinance based on the proposal. The Commission discussed and voted on various versions of the Ordinance throughout the remainder of 2017 and the beginning of 2018. At the Commission's February 16, 2018 regular meeting, the Commission engaged in significant discussion on additional amendments recommended in a February 14, 2018 staff memo, and voted to adopt further amendments (see Agenda Item 4 on the February 16, 2018 [meeting agenda](#)). As required for changes to certain chapters of the Campaign and Governmental Conduct Code (the "Code"),

the Commission approved each proposed amendment by at least a four-fifths majority of its members.

Also, at the Commission's February meeting, a motion was made to place the amended Ordinance on the June 5, 2018 ballot, but that motion failed on a 2-3 vote. Instead, the Commission expressed an interest in moving the item legislatively to the Board of Supervisors, including the possibility, as suggested by Supervisor Peskin, for a joint meeting of the Board and Commission to act on the Ordinance. A further motion was made by Commissioner Kopp to include an additional set of amendments in the Ordinance, including a proposal offered by Supervisor Peskin to institute major donor financial disclosures. However, the Commission did not engage in substantive discussion of these amendments. That motion passed by a three-fifths majority, meaning that those proposed changes were not approved substantively by the Commission as part of the Ordinance.

Lastly, at its February meeting, the Commission also approved a motion to engage in a joint meeting with the Board to consider the Ordinance, with the goal of enacting it legislatively. The Ordinance that is the subject of the joint meeting will be the same version of Ordinance that was transmitted to the Board following its February meeting. Before the Board of Supervisors may take action on this version, which contains the amendments not yet substantively approved by the Commission, the Commission itself must consider and approve those amendments by a four-fifths majority vote. The version of the Ordinance that will be considered at the joint meeting is attached as Attachment 1 and the amendments that still require formal Commission action are analyzed in Section III of this memo.

II. Procedure Likely to Govern Joint Meeting

Joint meetings of the Board of Supervisors and City commissions are rare, and a joint meeting between the Board and the Ethics Commission has never been held. At the time this memo was issued, exact procedures that will govern the April 3rd Joint Special Meeting had not yet been finalized.

However, certain general points of process do appear to be clear. The Special Joint Meeting will be convened in the Board's chambers at City Hall, Room 250 during the Board's regularly scheduled meeting on April 3rd. The Board will convene as a committee of the whole to hear File Number 180280.¹ When the Board convenes as a committee of the whole, the Commission will convene its Special Meeting to hear the same item. Provisions that apply to the Ethics Commission's proceedings per its bylaws will continue to be followed as part of this meeting.²

¹ The Board of Supervisors originally scheduled the joint meeting to hear File Number 180001, which is the file number that was assigned to the Ordinance when the Commission first approved it and transmitted it to the Board after the November 2017 meeting. Subsequently, Supervisor Peskin introduced File Number 180280, which is a new file that mirrors the text of the Ordinance as it was approved by the Commission at its February 2018 meeting.

² For example, the Ethics Commission Bylaws provide: "All Commission meetings shall provide opportunity for public comment on items not on the agenda but within the jurisdiction of the Commission. Such opportunities for public comment shall appear on the agenda immediately following the call to order and again prior to adjournment." They further provide: "Public comment shall be invited on each agenda item, before any vote or action is taken by the Commission on an item." Bylaws Article VII, Section 2.

The version of the Ordinance that is attached to this memo as Attachment 1 is the same version as File Number 180280 that will be on the Board's agenda, so both bodies will be working from the same text of the Ordinance.

The Commission may consider various amendments to the Ordinance and may vote on whether or not to amend the Ordinance. Commission approval of any amended Ordinance will require a vote in the affirmative by a four-fifths majority, as is required under the Code.

The Board may vote to approve an Ordinance in the form approved by four-fifths of the Commission. If the Board does so by the statutorily required eight-elevenths majority, the Ordinance will be approved.³

However, the Board may instead consider separate amendments to the Ordinance that have not been approved by the Commission. If the Board amends the Ordinance in a manner that has not already been approved by the Commission by a four-fifths vote, the Commission would need to approve any additional amendment by a four-fifths vote in order for it to be formally approved. This process could continue thusly until the Board votes by an eight-elevenths majority to approve a version of the Ordinance that the Commission has approved by a four-fifths majority.

Following the Board's action, the Board will adjourn as a committee of the whole, and the Commission will take a recess. The Board will reconvene and could then approve the actions of the committee of the whole. After the agenda item is concluded, the Commission will reconvene to conclude its meeting.

III. Provisions of the Ordinance that Have Not Been Formally Discussed

This section analyzes proposed amendments to the Ordinance that, by Commission Motion (the "Motion") in February, were included in the Ordinance for discussion purposes but that have not yet been formally approved. The Code sections that were amended or added by the Motion as discussion items are Code sections 1.158, 1.161, 1.162, and 3.203, and the Motion additionally amended Section 4 of the Ordinance to remove the operative date of January 1, 2019.

A. Section 1.158 – Major Donor Personal Financial Disclosures

Section 1.158, as it appears in the version of the Ordinance attached here as Attachment 1, would create an entirely new disclosure requirement that applies to certain political contributors. As proposed by Supervisor Peskin and included in the Commission's Motion in February, the new disclosure would require any individual or entity that contributes \$10,000 to a San Francisco political committee in one calendar year to file personal financial disclosures, disclosing all businesses operating in San Francisco in which the contributor has invested at least \$10,000 or in which the contributor holds a management position. For each investment disclosed, the contributor would be required to provide the "name of [the] business entity, a general description of the business entity, the nature of the investment, the date on which the investment was acquired, and the fair market value of the investment." These disclosures would have to be filed within twenty-four hours of the contributor reaching the \$10,000 contribution threshold.⁴

³ The Ordinance would still need to receive a second reading and vote by the Board before it is finally approved.

⁴ Campaign & Gov't Conduct Code, § 1.158, *proposed* (Attachment 1).

This proposed “major donor” disclosure requirement warrants close review in several respects, especially the feasibility of implementing it in time for the June 5, 2018 election, potential constitutional concerns, and the degree to which the resulting financial disclosures would be useful to the public.

1. Implementation

As Staff understands it, the stated purpose of the major donor financial disclosure is to allow the public to draw connections between the political contributions made by a particular person and that person’s business interests in the City. In order to effectuate that purpose, the major donor financial disclosure would have to be implemented as an electronic disclosure, in which filers use the Commission’s online disclosure system to electronically file. This system is used to file the vast majority of filings made with the Commission, and it allows for convenient filing for filers, easy online access to data by the public, and integration of disclosure data into visualizations and open data platforms that enable effective research. Without electronic filing, the public would be limited to viewing information disclosed by major donors, either by visiting the Commission’s offices or by viewing scanned versions of those filings that are posted online. Under a paper filing system, the public would be unable to perform searches of the data. This would make it highly unlikely that the public would ever be able to draw a connection between a given contribution to a political committee and the personal business interests of the person who made the contribution. Thus, electronic filing with information populating an online searchable format is necessary in order to carry out the purpose of the major donor financial disclosure.

In its current state, the Ordinance does not set a future date for operability. This means that all provisions of the Ordinance, including the major donor financial disclosure, would become operative thirty days after the Ordinance is signed by the mayor. (See below discussion of the Ordinance’s operative date in Section III.E). Supervisor Peskin, who proposed the major donor financial disclosure, proposed this operative date so that the new disclosure could take effect before the June 5, 2018 election.

However, after analyzing key procedural and administrative constraints, implementation of the proposed major donor requirement as proposed is not possible in a way that would have any meaningful impact for the June 2018 election.

The soonest possible date that the major donor financial disclosure could legally become operative is May 11th. Assuming the Commission and the Board were to approve the Ordinance on April 3rd, Staff understands from the City Attorney and Clerk’s offices that the Board could not finally approve it until the Ordinance receives a second reading, which could occur on April 10th. If the Mayor were to approve the Ordinance the next day, on April 11th, the Ordinance would then take effect 30 days later on May 11th, roughly three weeks before the June 5th election.

The City Attorney’s office has confirmed that under this scenario the disclosure requirement would not apply retroactively, meaning that contributions made before May 11th would not trigger major donor financial disclosures. Only contributions made after May 11th would trigger disclosure, further reducing the amount of data that could be made available to the public before the June election.

In the Commission’s role as a public disclosure agency, establishing sufficient tools and processes to effectively support new disclosure requirements assumes identifying system specifications and the steps necessary to adapt or create new systems, then time to design and test those features. This work is

predicated on sufficient funds and staffing resources not otherwise committed and available to then implement those features. Even in the most optimistic of scenarios, this essential work would prevent a disclosure system from being operational until the first week of June.

Typically, it takes between two and six months to perform the design, troubleshooting, and coordination with the Commission's IT contractor, Netfile, to fully implement a working online disclosure feature. Also, pursuant to the City's mandated contracting requirements, Staff must amend the contract with Netfile to undertake the project before actual implementation can even begin.⁵ This means that little to no data gathered through the major donors financial disclosure would be available to the public online at the time of the election.

Aside from whether a working disclosure system could be created in time for the June election, there are also more general concerns with instituting a new and intensive disclosure requirement in the final days of an election period. The Commission always publishes educational materials when a new disclosure requirement is created and devotes significant staff time to assisting filers in understanding and complying with new requirements. If the major donor financial disclosure were to be implemented in an expedited fashion during the period of the highest workload for Commission staff, these compliance operations would not be feasible. This only raises the likelihood that the new disclosure will have a rushed and inadequate roll-out period in which filers do not understand how to fulfill their obligations and staff are unable to devote sufficient time and resources to educating them. Timing a new disclosure requirement in this manner reduces the chances that the disclosure will result in useful and accurate data being available for the public.

If the major donor disclosure is approved, Staff urges that the Commission amend the Ordinance so that it becomes operative no sooner than January 1, 2019 to ensure any adopted provision can be effective in practice.

2. Constitutionality

Any time a government action places a burden on the ability of a person to engage in protected political speech, that government action will trigger a degree of constitutional scrutiny. This makes it possible that a court could strike down the action as unconstitutional. Staff has consulted the City Attorney's office regarding the major donor financial disclosure proposal, and Staff continues to be concerned that the proposal would create a burden on major donors' ability to engage in political speech that could place the law in danger of being challenged and potentially struck down. If this were to happen, the time and resources devoted to implementing the requirement would have been for naught, and at additional cost to the City in defending against the lawsuit.

As proposed, the major donor disclosure requirement is particularly burdensome because it would require donors to disclose their investments of \$10,000 or greater in granular detail, with exceptions for

⁵ Netfile performs modifications to the Commission's electronic filing system under a contract; new projects require negotiating a price for the project and amending this contract to add the new work. The Commission's contract with Netfile provides for a limited amount of miscellaneous, hourly work. The maximum amount of hours available through this provision is not sufficient to cover the work required to implement electronic filing for the major donor financial disclosures.

government bonds and certain other investments. Filers would have to provide details about each separate investment. Secondly, these disclosures would have to be submitted within twenty-four hours of a major donor making a \$10,000 contribution, a short timeframe that is usually applied to filings requiring much less detail.⁶

While a disclosure process designed to inform the public about large monied interests has merit, the approach proposed is more akin to the disclosure of economic interests required of public officials who are charged with regularly making decisions as governmental officials. Extending that same type of disclosure to individuals because they are active in a city campaigns but lack any governmental authority or responsibility warrants a close evaluation of the method and impact of that approach.

If the Commission considers any amendments to the major donor financial disclosure proposal, Staff recommends that the Commission seek written guidance from the City Attorney as to whether the particular amendments significantly reduce the danger that the disclosure requirement is unconstitutional.

3. Usefulness of Data

There is merit in understanding what financial holdings major donors own and exploring how they may be improved by large political contributions. However, that informational value is dependent on also knowing which candidates or ballot measures a major donor's political payments are used to support or oppose. As written, Section 1.158 would require all major donors to file personal financial disclosures, but it would not reveal any connection between the major donor and a recipient committee or independent expenditure committee or how such committee spent the major donor's funds. In other words, the public would see that Donor X made a \$10,000 contribution and owns \$1,000,000 of stock in Company Y, but nothing on the major donor's financial disclosures would indicate where the major donor's contribution was directed, how it was spent, or what candidates or measures it helped. Additional research of committee financial records would be required to establish such connections.

This problem would be exacerbated by the fact that major donors and committees that spend money in elections are often separated by multiple intermediary committees that channel funds. In order to establish a connection between a major donor's financial holdings and his or her support of a candidate or ballot measure, one would need to trace the money back through these intermediary committees. Nothing in the proposal would facilitate this process of tracing back to the source of political funds. Making these connections apparent to the public would require development of data solutions that can

⁶ Additionally, state law already requires certain disclosures of major donors. Individuals or entities that make political contributions of \$10,000 or more in a calendar year are currently required under state law to file periodic statements using the Form 461 Major Donor Campaign Statement. If such contributors also *receive* \$2,000 or more in contributions in a year, they must instead file the more stringent Form 460 Recipient Committee Campaign Statement. Additionally, if any contributor makes a contribution of \$1,000 or more during the ninety days before an election, the contributor must file the Form 497 Late Contribution Report. The major donor financial disclosure would add another disclosure requirement that is considerably more burdensome than those already in existence.

connect data across disparate disclosure programs and present them in a centralized and readable format online. This project would add to the implementation time discussed above and appears to be integral in effectively carrying out the stated purpose of the major donor financial disclosure.

Lastly, the usefulness of the data yielded by this disclosure program would be limited by the fact that not all major donors whose funds are spent in San Francisco elections would have to file personal financial disclosures. As drafted, section 1.158 only requires disclosure from donors who contribute to a committee that “is required to file campaign statements with the Ethics Commission.”⁷ Committees are only required to file their campaign statements with the Commission if they spend a certain amount of their funds on San Francisco elections. This means that a committee could spend money in a San Francisco election without being required to file its campaign statements with the Commission. Any major donor who made a contribution to such a committee (known as a *state general purpose committee*) would not be required to file personal financial disclosures under section 1.158. This would create a gap in the disclosure data, one that donors may be able to exploit to avoid disclosure. Unfortunately, it is not immediately clear how to close this gap, because the City’s regulatory authority over state committees is limited under State law.

Staff recommends that the Commission continue to thoughtfully consider the implementation, legality, and usefulness concerns addressed above in assessing whether the potential benefits of the major donor financial disclosure outweigh its potential costs and liabilities, or whether additional policy evaluation and development would be helpful outside of its consideration of the ACAO.

B. Section 1.161 – Disclaimers in Campaign Advertisements

By passing the Motion, the Commission also added to the Ordinance an amendment to Code section 1.161 to change the disclaimer formatting requirements that apply to committees distributing advertisements supporting or opposing San Francisco candidates or ballot measures.

First, the amendment would change section 1.161(a)(1) to change the disclaimer rule regarding “top contributors.” Under state law, independent expenditure committees and primarily formed ballot measure committees must include a disclaimer on their advertisements listing the committee’s top three donors who have contributed \$50,000 or more to the committee. Presently, section 1.161(a)(1) expands this requirement by lowering the threshold to \$20,000. The amendment to section 1.161 that is now contained in the Ordinance would further lower this threshold to \$10,000. This change would require committees that are subject to the top-contributors disclaimer rule to begin listing donors that have contributed between \$10,000 and \$19,999 on their disclaimers. Currently, such contributors may be omitted from the disclaimer. The amendment would also correct the outdated reference to state law contained in section 1.161(a)(1), which still refers to the rule as applying to the committee’s “top two” contributors. AB 249, which went into effect on January 1, 2018, changed this rule to cover the committee’s top three contributors.

The new amendments to section 1.161 would also create new disclaimer formatting requirements that apply to video and audio advertisements. A new subsection 1.161(a)(5) would require that disclaimers required under section 1.161 and placed in audio advertisements, such as radio advertisements, would

⁷ Campaign & Gov’t Conduct Code, § 1.158(a), *proposed* (Attachment 1).

have to be spoken at the beginning of such an advertisement. State law gives committees the option of placing a disclaimer at the beginning or end of an audio advertisement.⁸ Section 1.161(a)(5) would also require that disclaimers required under section 1.161 and placed in video advertisements, such as television advertisements, would have to “be spoken at the beginning of such advertisements and appear in writing during the entirety of the advertisements.”⁹ State law allows committees to display a written disclaimer in video advertisements at the beginning or end of the advertisement and does not require the disclaimer to be spoken in all advertisements.

Staff supports these changes to section 1.161(a)(1) & (4) because they would clarify the law and likely result in greater visibility of disclaimers. However, if the new section 1.161(a)(5) is to be added, section 1.161(a)(4) must be amended to account for the new requirements by changing the words “Except as provided in subsection (a)(3)” to read “Except as provided in subsections (a)(3) and (a)(5).”

C. Section 1.162 – Disclaimers on Electioneering Communications

Pursuant to the Motion, the Ordinance now contains an amendment to section 1.162 that creates new disclaimer formatting rules applicable to electioneering communications. Like section 1.161, section 1.162 currently uses a reference to state law to incorporate state disclaimer formatting requirements. The new amendment to section 1.161 would add to these existing formatting requirements by requiring that the disclaimer in an audio advertisement be spoken at the beginning of the advertisement and that the disclaimer in a video advertisement be spoken at the beginning of the advertisement and appear in written form during the entire advertisement.

Staff supports these changes because, as with the identical changes to disclaimer formatting requirements in section 1.161, they will likely make disclaimers more visible to viewers and listeners.

D. Section 3.203 – Conflict of Interest Rules; Definition of *Anything of Value*

Section 3.203 creates definitions that are used in other code sections relating to conflicts of interest. The term *anything of value* is used in section 3.207(a).¹⁰ *Anything of value* was defined in the Ordinance as “any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the City, contributions as defined herein, or gifts that qualify for gift exceptions established by State or local law.” Pursuant to the Motion, the Commission amended this definition to strike the word “favor” and replace it with the phrase “private financial advantage.” *Private financial advantage* is likely a narrower term than *favor*, since it seems to be limited to items that are directly reducible to monetary value, whereas *favor* could be purely non-monetary. However, it is not clear that this change in the definition would excessively restrict application of section 3.207.

⁸ See Cal. Gov. Code §§ 84504.4(a), 84504.5(a).

⁹ Campaign & Gov’t Conduct Code § 1.161(a)(5), *proposed* (Attachment 1).

¹⁰ Section 3.207(a) of the Ordinance would prohibit a City official from using his official position to seek *anything of value* for his own personal or professional advantage or for the advantage of his immediate family member or an organization with which the official is associated. Section 3.207(a) would also prohibit an official from accepting and any person from offering *anything of value* if it would be reasonably likely to affect to the official’s official actions.

Staff is neutral regarding this amendment.

E. Removal of Operative Date of January 1, 2019

By approving the Motion, the Commission removed language from Section 4 of the Ordinance that established an operative date of January 1, 2019. This operative date was created by the Commission in earlier drafts of the Ordinance in response to Staff's analysis of how long it would take to implement the programs created by the Ordinance. A chart detailing Staff's analysis is attached here as Attachment 2.

As amended by the Commission in February, the Ordinance no longer states an operative date. Without a stated operative date, all provisions of the Ordinance would become operative thirty days after mayor's approval. This could mean that the full breadth of the Ordinance would have to be implemented as early as May 11, 2018. The Ordinance creates several new disclosure programs, including bundling disclosures, new behested payment disclosures, new City contractor notifications, and business entity disclosures. Each new disclosure program requires an implementation period for Commission Staff to design and implement a system to allow for the disclosures to be made. It is not feasible to implement these programs before January 1, 2019.

Staff strongly recommends that the January 1, 2019 operative date be placed back into the Ordinance so that there will be sufficient lead time for new programs to be properly established and sufficient materials and information can be developed to inform all those affected by the new provisions of the law.

[Campaign and Governmental Conduct Code - Campaign Finance and Conflict of Interest]

Ordinance amending the Campaign and Governmental Conduct Code to 1) prohibit earmarking of contributions and false identification of contributors; 2) modify contributor card requirements; 3) require disclosure of contributions solicited by City elective officers for ballot measure and independent expenditure committees; 4) require additional disclosures for campaign contributions from business entities to political committees; 5) require disclosure of bundled campaign contributions; 6) extend the prohibition on campaign contributions to candidates for City elective offices and City elective officers who must approve certain City contracts; 7) require committees to file a third pre-election statement prior to an election; 8) remove the prohibition against distribution of campaign advertisements containing false endorsements; 9) allow members of the public to receive a portion of penalties collected in certain enforcement actions; 10) require financial disclosures from certain major donors to local political committees; 11) impose additional disclaimer requirements; 12) permit the Ethics Commission to recommend contract debarment as a penalty for campaign finance violations; 13) create new conflict of interest and political activity rules for elected officials and members of boards and commissions; 14) specify recusal procedures for members of boards and commissions; and 15) establish local behested payment reporting requirements for donors and City officers.

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

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

1 Section 1. The Campaign and Governmental Conduct Code, Article I, Chapter 1, is
2 hereby amended by revising Sections 1.104, 1.114, 1.126, 1.135, 1.161, 1.162, 1.168, 1.170,
3 adding Sections 1.114.5, 1.124, 1.125, 1.158, and deleting Section 1.163.5, to read as
4 follows:

5 **SEC. 1.104. DEFINITIONS.**

6 Whenever in this Chapter 1 the following words or phrases are used, they shall mean:

7 * * * *

8 “At the behest of” shall mean under the control or at the direction of, in cooperation,
9 consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior
10 consent of.

11 * * * *

12 “Business entity” shall mean a limited liability company (LLC), corporation, limited
13 partnership, or limited liability partnership.

14 * * * *

15 “Prohibited source contribution” shall mean a contribution made (a) in violation of Section
16 1.114, (b) in an assumed name as defined in Section 1.114.5(c), (c) from a person prohibited from
17 contributing under Section 1.126, or (d) from a lobbyist prohibited from contributing under Section
18 2.115(e).

19 * * * *

20 “Resident” shall mean a resident of the City and County of San Francisco.

21 “Solicit” shall mean personally request a contribution for any candidate or committee, either
22 orally or in writing.

23 * * * *

24
25 **SEC. 1.114. CONTRIBUTIONS - LIMITS AND PROHIBITIONS.**

1 (a) LIMITS ON CONTRIBUTIONS TO CANDIDATES. No person other than a
2 candidate shall make, and no campaign treasurer for a candidate committee shall solicit or
3 accept, any contribution which will cause the total amount contributed by such person to such
4 candidate committee in an election to exceed \$500.

5 (b) ~~LIMITS~~ PROHIBITION ON CONTRIBUTIONS FROM CORPORATIONS. No
6 corporation organized pursuant to the laws of the State of California, the United States, or any
7 other state, territory, or foreign country, whether for profit or not, shall make a contribution to a
8 candidate committee, provided that nothing in this subsection (b) shall prohibit such a
9 corporation from establishing, administering, and soliciting contributions to a separate
10 segregated fund to be utilized for political purposes by the corporation, provided that the
11 separate segregated fund complies with the requirements of Federal law including Sections
12 432(e) and 441b of Title 2 of the United States Code and any subsequent amendments to
13 those Sections.

14 (c) EARMARKING. No person may make a contribution to a committee on the condition or
15 with the agreement that it will be contributed to any particular candidate or committee to circumvent
16 the limits established by subsections (a) and (b).

17 (d) PROHIBITION ON CONTRIBUTIONS FOR OFFICIAL ACTION. No candidate may,
18 directly or by means of an agent, give, offer, promise to give, withhold, or offer or promise to withhold
19 his or her vote or influence, or promise to take or refrain from taking official action with respect to any
20 proposed or pending matter in consideration of, or upon condition that, any other person make or
21 refrain from making a contribution.

22 ~~(e)~~ (e) AGGREGATION OF AFFILIATED ENTITY CONTRIBUTIONS.

23 (1) General Rule. For purposes of the contribution limits imposed by this
24 Section 1.114 and Section 1.120, the contributions of an entity whose contributions are
25 directed and controlled by any individual shall be aggregated with contributions made by that

1 individual and any other entity whose contributions are directed and controlled by the same
2 individual.

3 (2) Multiple Entity Contributions Controlled by the Same Persons. If two or
4 more entities make contributions that are directed and controlled by a majority of the same
5 persons, the contributions of those entities shall be aggregated.

6 (3) Majority-Owned Entities. Contributions made by entities that are majority-
7 owned by any person shall be aggregated with the contributions of the majority owner and all
8 other entities majority-owned by that person, unless those entities act independently in their
9 decisions to make contributions.

10 (4) Definition. For purposes of this Section 1.114, the term "entity" means any
11 person other than an individual and "majority-owned" means a direct or indirect ownership of
12 more than 50% ~~percent~~.

13 ~~(d) CONTRIBUTOR INFORMATION REQUIRED. If the cumulative amount of contributions~~
14 ~~received from a contributor is \$100 or more, the committee shall not deposit any contribution that~~
15 ~~causes the total amount contributed by a person to equal or exceed \$100 unless the committee has the~~
16 ~~following information: the contributor's full name; the contributor's street address; the contributor's~~
17 ~~occupation; and the name of the contributor's employer or, if the contributor is self-employed, the name~~
18 ~~of the contributor's business. A committee will be deemed not to have had the required contributor~~
19 ~~information at the time the contribution was deposited if the required contributor information is not~~
20 ~~reported on the first campaign statement on which the contribution is required to be reported.~~

21 ~~(e) (f)~~ FORFEITURE OF UNLAWFUL CONTRIBUTIONS. In addition to any other
22 penalty, each committee that receives a contribution which exceeds the limits imposed by this
23 Section 1.114 or which does not comply with the requirements of this Section shall pay
24 promptly the amount received or deposited in excess of the permitted amount ~~permitted by this~~
25 ~~Section~~ to the City and County of San Francisco ~~and~~ by delivering the payment to the Ethics

1 Commission for deposit in the General Fund of the City and County; provided that the Ethics
2 Commission may provide for the waiver or reduction of the forfeiture.

3 ~~(f)~~ (g) RECEIPT OF CONTRIBUTIONS. A contribution to a candidate committee or
4 committee making expenditures to support or oppose a candidate shall not be considered
5 received if it is not cashed, negotiated, or deposited, and in addition ~~#~~ is returned to the donor
6 before the closing date of the campaign statement on which the contribution would otherwise
7 be reported, except that a contribution to a candidate committee or committee making
8 expenditures to support or oppose a candidate made before an election at which the
9 candidate is to be voted on but after the closing date of the last campaign statement required
10 to be filed before the election shall not be considered to be deemed received if it is not
11 cashed, negotiated, or deposited, and is returned to the contributor within 48 hours of receipt.
12 For all committees not addressed by this Section 1.114, the determination of when
13 contributions are considered to be received shall be made in accordance with the California
14 Political Reform Act, ~~California Government Code Section 81000, et seq.~~

15
16 **SEC. 1.114.5. CONTRIBUTIONS - DISCLOSURES.**

17 (a) CONTRIBUTOR INFORMATION REQUIRED. If the cumulative amount of contributions
18 received from a contributor is \$100 or more, the committee shall not deposit any contribution that
19 causes the total amount contributed by a person to equal or exceed \$100 unless the committee has the
20 following information: the contributor's full name; the contributor's street address; the contributor's
21 occupation; and the name of the contributor's employer or, if the contributor is self-employed, the name
22 of the contributor's business.

23 (1) A committee will be deemed not to have had the required contributor information at
24 the time the contribution was deposited if the required contributor information is not reported on the
25 first campaign statement on which the contribution is required to be reported.

1 (2) If a committee collects the information required under this subsection (a) on a form
2 signed by the contributor stating that the contributor has not made a prohibited source contribution,
3 there shall be a rebuttable presumption that the committee has not accepted a prohibited source
4 contribution.

5 (b) DISCLOSURE REQUIREMENTS FOR CONTRIBUTIONS TO BALLOT MEASURE
6 COMMITTEES AND COMMITTEES MAKING INDEPENDENT EXPENDITURES.

7 (1) In addition to the requirements in subsection (a), any person making contributions
8 that total \$5,000 or more in a single calendar year, to a ballot measure committee or committee making
9 independent expenditures at the behest of a City elective officer must disclose to the committee
10 receiving the contribution the name of the City elective officer who requested the contribution.

11 (2) Committees receiving contributions subject to subsection (b)(1) must report the
12 names of the City elective officers who requested those contributions at the same time that the
13 committees are required to file campaign statements with the Ethics Commission disclosing the
14 contributions.

15 (3) Notwithstanding the provisions of this subsection (b), no committee shall be
16 required to make the disclosure required in subsection (b)(2) for any contribution that constitutes a
17 contribution to the City elective officer at whose behest the contribution was made.

18 (c) ASSUMED NAME CONTRIBUTIONS.

19 (1) No contribution may be made, directly or indirectly, by any person or combination
20 of persons, in a name other than the name by which they are identified for legal purposes, or in the
21 name of another person or combination of persons.

22 (2) No person may make a contribution to a candidate or committee in his, her, or its
23 name when using any payment received from another person on the condition that it be contributed to a
24 specific candidate or committee.

1 (d) FORFEITURE OF UNLAWFUL CONTRIBUTIONS. In addition to any other penalty, each
2 committee that receives a contribution which does not comply with the requirements of this Section
3 1.114.5 shall pay promptly the amount received or deposited to the City and County of San Francisco
4 by delivering the payment to the Ethics Commission for deposit in the General Fund of the City and
5 County; provided that the Ethics Commission may provide for the waiver or reduction of the forfeiture.

6
7 **SEC. 1.124. ADDITIONAL DISCLOSURE REQUIREMENTS FOR CONTRIBUTIONS**
8 **MADE BY BUSINESS ENTITIES.**

9 (a) Additional Disclosures. In addition to the campaign disclosure requirements imposed by
10 the California Political Reform Act and other provisions of this Chapter 1, any committee required to
11 file campaign statements with the Ethics Commission must disclose the following information for
12 contribution(s) that, in aggregate, total \$10,000 or more that it receives in a single election cycle from
13 a single business entity:

14 (1) the business entity's principal officers, including, but not limited to, the Chairperson
15 of the Board of Directors, President, Vice-President, Chief Executive Officer, Chief Financial Officer,
16 Chief Operating Officer, Executive Director, Deputy Director, or equivalent positions; and

17 (2) whether the business entity has received funds through a contract or grant from any
18 City agency within the last 24 months for a project within the jurisdiction of the City and County of San
19 Francisco, and if so, the name of the agency that provided the funding, and the value of the contract or
20 grant.

21 (b) Filing Requirements. Committees shall provide this information for contributions received
22 from business entities at the same time that they are required to file semiannual or preelection
23 campaign statements with the Ethics Commission.

1 **SEC. 1.125. ADDITIONAL DISCLOSURE REQUIREMENTS FOR BUNDLED**
2 **CONTRIBUTIONS.**

3 (a) **Definition.** For purposes of this Section 1.125, the following words and phrases shall
4 mean:

5 "Bundle" shall mean delivering or transmitting contributions, other than one's own or one's
6 spouse's, except for campaign administrative activities and any actions by the candidate that a
7 candidate committee is supporting.

8 "Campaign administrative activity" shall mean administrative functions performed by paid or
9 volunteer campaign staff, a campaign consultant whose payment is disclosed on the committee's
10 campaign statements, or such campaign consultant's paid employees.

11 (b) **Additional Disclosure Requirements.** Any committee controlled by a City elective officer
12 or candidate for City elective office that receives contributions totaling \$5,000 or more that have been
13 bundled by a single individual shall disclose the following information:

14 (1) the name, occupation, employer, and mailing address of the person who bundled the
15 contributions;

16 (2) a list of the contributions bundled by that person (including the name of the
17 contributor and the date the contribution was made);

18 (3) if the individual who bundled the contributions is a member of a City board or
19 commission, the name of the board or commission on which that person serves, and the names of any
20 City officers who appointed or nominated that person to the board or commission.

21 (c) **Filing Requirements.** Committees shall provide the information for bundled contributions
22 required by subsection (b) at the same time that they are required to file semiannual or preelection
23 campaign statements with the Ethics Commission. Committees shall be required to provide this
24 information following the receipt of the final contribution that makes the cumulative amount of
25 contributions bundled by a single individual total \$5,000 or more.

1 (d) **Website Posting.** The Ethics Commission shall make all information that is submitted in
2 accordance with subsection (b) publicly available through its website.

3
4 **SEC. 1.126. CONTRIBUTION ~~LIMITS~~ PROHIBITION – CONTRACTORS DOING**
5 **BUSINESS WITH THE CITY.**

6 (a) **Definitions.** For purposes of this Section 1.126, the following words and phrases
7 shall mean:

8 "Affiliate" means any member of an entity's board of directors or any of that entity's principal
9 officers, including its chairperson, chief executive officer, chief financial officer, chief operating officer,
10 any person with an ownership interest of more than 10% in the entity, and any subcontractor listed in
11 the entity's bid or contract.

12 "Board on which an individual serves" means the board to which the officer was elected and
13 any other board on which the elected officer serves.

14 "City Contractor" means any person who contracts with, or is seeking a contract with, any
15 department of the City and County of San Francisco, a state agency on whose board an appointee of a
16 City elective officer serves, the San Francisco Unified School District, or the San Francisco
17 Community College District, when the total anticipated or actual value of the contract(s) that the
18 person is party to or seeks to become party to with any such entity within a fiscal year equals or
19 exceeds \$100,000.

20 "Contract" means any agreement or contract, including any amendment or modification to an
21 agreement or contract, with the City and County of San Francisco, a state agency on whose board an
22 appointee of a City elective officer serves, the San Francisco Unified School District, or the San
23 Francisco Community College District for:

24 (1) the rendition of personal services,

25 (2) the furnishing of any material, supplies or equipment,

1 (3) the sale or lease of any land or building,

2 (4) a grant, loan, or loan guarantee, or

3 (5) a development agreement.

4 "Contract" shall not mean a collective bargaining agreement or memorandum of understanding
5 between the City and a labor union representing City employees regarding the terms and conditions of
6 those employees' City employment.

7 ~~(1) "Person who contracts with" includes any party or prospective party to a contract,~~
8 ~~as well any member of that party's board of directors, its chairperson, chief executive officer, chief~~
9 ~~financial officer, chief operating officer, any person with an ownership interest of more than 20 percent~~
10 ~~in the party, any subcontractor listed in a bid or contract, and any committee, as defined by this~~
11 ~~Chapter that is sponsored or controlled by the party, provided that the provisions of Section 1.114 of~~
12 ~~this Chapter governing aggregation of affiliated entity contributions shall apply only to the party or~~
13 ~~prospective party to the contract.~~

14 ~~(2) "Contract" means any agreement or contract, including any amendment or~~
15 ~~modification to an agreement or contract, with the City and County of San Francisco, a state agency on~~
16 ~~whose board an appointee of a City elective officer serves, the San Francisco Unified School District,~~
17 ~~or the San Francisco Community College District for:~~

18 ~~(A) the rendition of personal services,~~

19 ~~(B) the furnishing of any material, supplies or equipment,~~

20 ~~(C) the sale or lease of any land or building, or~~

21 ~~(D) a grant, loan or loan guarantee.~~

22 ~~(3) "Board on which an individual serves" means the board to which the officer was~~
23 ~~elected and any other board on which the elected officer serves.~~

24 (b) **Prohibition on Contributions.** No City Contractor or affiliate of a City Contractor
25 may make any contribution to: person who contracts with the City and County of San Francisco, a state

~~agency on whose board an appointee of a City elective officer serves, the San Francisco Unified School District, or the San Francisco Community College District,~~

~~(1) Shall make any contribution to:~~

~~(A) (1)~~ An individual holding a City elective office if the contract or contracts must be approved by such individual, the board on which that individual serves, or a state agency on whose board an appointee of that individual serves;

~~(B) (2)~~ A candidate for the office held by such individual; or

~~(C) (3)~~ A committee controlled by such individual or candidate.

~~(2) Whenever the agreement or contract has a total anticipated or actual value of \$50,000.00 or more, or a combination or series of such agreements or contracts approved by that same individual or board have a value of \$50,000.00 or more in a fiscal year of the City and County~~

~~(3) (c) **Term of Prohibitions.** The prohibitions set forth in subsection (b) shall apply from the submission of a proposal for a contract until: At any time from the commencement of negotiations for such contract until:~~

~~(A) (1)~~ The termination of negotiations for such contract; or

~~(B) (2)~~ ~~Six~~ 12 months have elapsed from the date the contract is approved.

~~(e) (d) **Prohibition on Receipt of Contribution Soliciting or Accepting Contributions.** No individual holding City elective office, candidate for such office, or committee controlled by such an individual shall: solicit or~~

~~(1)~~ accept any contribution prohibited by subsection (b); or

~~(2)~~ solicit any contribution prohibited by subsection (b) from a person who the individual knows or has reason to know to be a City Contractor.

~~at any time from the formal submission of the contract to the individual until the termination of negotiations for the contract or six months have elapsed from the date the contract is approved. For~~

1 ~~the purpose of this subsection, a contract is formally submitted to the Board of Supervisors at the time~~
2 ~~of the introduction of a resolution to approve the contract.~~

3 ~~(d)~~ (e) **Forfeiture of ~~Dontribution~~ Contribution.** In addition to any other penalty, each
4 committee that ~~receives~~ accepts a contribution prohibited by subsection ~~(e)~~ (b) shall pay
5 promptly the amount received or deposited to the City and County of San Francisco and
6 deliver the payment to the Ethics Commission for deposit in the General Fund of the City and
7 County; provided that the Commission may provide for the waiver or reduction of the forfeiture.

8 ~~(e)~~ (f) **Notification.**

9 (1) **Prospective Parties to Contracts Notification by City Agencies.**

10 (A) Prospective Parties to Contracts. The City agency seeking to enter into a
11 contract subject to subsection (b) shall inform any ~~Any~~ prospective party to a contract ~~with the City~~
12 ~~and County of San Francisco, a state agency on whose board an appointee of a City elective officer~~
13 ~~serves, the San Francisco Unified School District, or the San Francisco Community College District~~
14 ~~shall inform each person described in Subsection (a)(1) of the prohibition in §~~subsection (b) and of
15 the duty to notify the Ethics Commission, as described in subsection (f)(2), by the commencement of
16 ~~negotiations~~ by the submission of a proposal for such contract.

17 (B) Parties to Executed Contracts. After the final execution of a contract by a
18 City agency and any required approvals of a City elective officer, the agency that has entered into a
19 contract subject to subsection (b) shall inform any parties to the contract of the prohibition in
20 subsection (b) and the term of such prohibition established by subsection (c).

21 (2) Notification of Ethics Commission. The City agency seeking to enter into a
22 contract subject to subsection (b) shall notify the Ethics Commission, within 30 days of the submission
23 of a proposal, on a form or in a format adopted by the Commission, of the value of the desired contract,
24 the parties to the contract, and any subcontractor listed as part of the proposal

1 (3) Notification by Prospective Parties to Contracts. Any prospective party to a
2 contract subject to subsection (b) shall, by the submission of a proposal for such contract, inform any
3 member of that party's board of directors and any of that party's principal officers, including its
4 chairperson, chief executive officer, chief financial officer, chief operating officer, any person with an
5 ownership interest of more than 10% in the party, and any subcontractor listed in the party's bid or
6 contract of the prohibition in subsection (b).

7 ~~(2)~~ (4) Notification by Individuals Who Hold City Elective Office. Every
8 individual who holds a City elective office shall, within five business days of the approval of a
9 contract by the officer, a board on which the officer sits, or a board of a state agency on which
10 an appointee of the officer sits, notify the Ethics Commission, on a form or in a format adopted
11 by the Commission, of each contract approved by the individual, the board on which the
12 individual serves, or the board of a state agency on which an appointee of the officer sits. An
13 individual who holds a City elective office need not file the form required by this subsection
14 (f)(4) if the Clerk or Secretary of a Board on which the individual serves or a Board of a State
15 agency on which an appointee of the officer serves has filed the form on behalf of the board.

16 17 **SEC. 1.135. SUPPLEMENTAL PRE-ELECTION STATEMENTS.**

18 (a) **Supplemental Preelection Statements - General Purpose Committees.** In addition
19 to the campaign disclosure requirements imposed by the California Political Reform Act and
20 other provisions of this Chapter 1, a San Francisco general purpose committee that makes
21 contributions or expenditures totaling \$500 or more during the period covered by the
22 preelection statement, other than expenditures for the establishment and administration of
23 that committee, shall file a preelection statement before any election held in the City and
24 County of San Francisco at which a candidate for City elective office or City measure is on the
25 ballot.

1 (b) **Time for Filing Supplemental Preelection Statements - General Purpose**
2 **Committees.**

3 (1) Even-Numbered Years. In even-numbered years, preelection statements
4 required by ~~this Section~~ subsection (a) shall be filed pursuant to the preelection statement filing
5 schedule established by the Fair Political Practices Commission for county general purpose
6 recipient committees. In addition to these deadlines, preelection statements shall also be filed, for
7 the period ending six days before the election, no later than four days before the election.

8 (2) Odd-Numbered Years. In odd-numbered years, the filing schedule for
9 preelection statements is as follows:

10 (1) (A) For the period ending 45 days before the election, the statement
11 shall be filed no later than 40 days before the election;

12 (2) (B) For the period ending 17 days before the election, the statement
13 shall be filed no later than 12 days before the election; and

14 (C) For the period ending six days before the election, the statement shall be
15 filed no later than four days before the election.

16 (c) **Time for Filing Supplemental Preelection Statements - Ballot Measure Committees and**
17 **Candidate Committees.** In addition to the deadlines established by the Fair Political Practices
18 Commission, ballot measure committees and candidate committees required to file preelection
19 statements with the Ethics Commission shall file a third preelection statement before any election held
20 in the City and County of San Francisco at which a candidate for City elective office or City measure is
21 on the ballot, for the period ending six days before the election, no later than four days before the
22 election.

23 (d) The Ethics Commission may require that these statements be filed electronically.
24
25

1 **~~SEC. 1.163.5. DISTRIBUTION OF CAMPAIGN ADVERTISEMENTS CONTAINING~~**
2 **~~FALSE ENDORSEMENTS.~~**

3 ~~(a) **Prohibition.** No person may sponsor any campaign advertisement that is distributed~~
4 ~~within 90 days prior to an election and that contains a false endorsement, where the person acts with~~
5 ~~knowledge of the falsity of the endorsement or with reckless disregard for the truth or falsity of the~~
6 ~~endorsement. A false endorsement is a statement, signature, photograph, or image representing that a~~
7 ~~person expressly endorses or conveys support for or opposition to a candidate or measure when in fact~~
8 ~~the person does not expressly endorse or convey support for or opposition to the candidate or measure~~
9 ~~as stated or implied in the campaign communication.~~

10 ~~(b) **Definitions.** Whenever in this Section the following words or phrases are used, they shall~~
11 ~~mean:~~

12 ~~(1) "Campaign Advertisement" is any mailing, flyer, door hanger, pamphlet, brochure,~~
13 ~~card, sign, billboard, facsimile, printed advertisement, broadcast, cable, satellite, radio, internet, or~~
14 ~~recorded telephone advertisement that refers to one or more clearly identified candidates or ballot~~
15 ~~measures. The term "campaign advertisement" does not include:~~

16 ~~(A) bumper stickers, pins, stickers, hat bands, badges, ribbons and other similar~~
17 ~~campaign memorabilia;~~

18 ~~(B) news stories, commentaries or editorials distributed through any newspaper,~~
19 ~~radio, station, television station or other recognized news medium unless such news medium is owned~~
20 ~~or controlled by any political party, political committee or candidate; or~~

21 ~~(C) material distributed to all members, employees and shareholders of an~~
22 ~~organization, other than a political party;~~

23 ~~(2) "Internet Advertisement" includes paid internet advertisements such as "banner"~~
24 ~~and "popup" advertisements, paid emails, or emails sent to addresses purchased from another person,~~
25 ~~and similar types of internet advertisements as defined by the Ethics Commission by regulation, but~~

1 ~~shall not include web blogs, listserves sent to persons who have contacted the sender, discussion~~
2 ~~forums, or general postings on web pages.~~

3 ~~(3) "Sponsor" means to pay for, direct, supervise or authorize the production of~~
4 ~~campaign advertisement.~~

5 ~~(c) **Enforcement and Penalties.** The penalties under Section 1.170(a) of this Chapter do not~~
6 ~~apply to violations of this Section. Notwithstanding the 60-day waiting period in Section 1.168 of this~~
7 ~~Chapter, a voter may bring an action to enjoin a violation of this Section immediately upon providing~~
8 ~~written notice to the City Attorney. A court may enjoin a violation of this section only upon a showing~~
9 ~~of clear and convincing evidence of a violation.~~

11 **SEC. 1.158. MAJOR DONORS - FINANCIAL DISCLOSURES.**

12 ~~(a) **Definitions.** Whenever in this Section 1.158 the following words or phrases are used, they~~
13 ~~shall mean:~~

14 ~~"Business entity" shall mean any corporation, partnership, or other legal entity that is not a~~
15 ~~natural person, but shall not include any nonprofit organization that is exempt from taxation under~~
16 ~~Section 501(c) of the United States Internal Revenue Code.~~

17 ~~"Committee" shall mean any committee that: (1) qualifies as committee pursuant to Section~~
18 ~~82013 of the California Government Code, including as that Section may be amended in the future; and~~
19 ~~(2) is required to file campaign statements with the Ethics Commission.~~

20 ~~"Doing business" shall be defined as set forth in Title 2, Section 18230 of the California Code~~
21 ~~of Regulations.~~

22 ~~"Immediate family" shall be defined as spouse, registered domestic partner, and any dependent~~
23 ~~children; "dependent child" shall be defined as set forth in Title 2, Section 18229.1 of the California~~
24 ~~Code of Regulations.~~

1 "Investment" shall be defined as set forth in Section 82034 of the California Government Code
2 and Title 2, Section 18237 of the California Code of Regulations.

3 **(b) Financial disclosures.**

4 **(1) Required disclosures.** Any entity or person who during a calendar year contributes
5 \$10,000 or more to a single committee, must disclose the following financial interests, within 24 hours
6 of meeting the \$10,000 threshold:

7 **(A)** All investments worth \$10,000 or more in any business entity located in or
8 doing business in San Francisco held by the contributor or a member of the contributor's immediate
9 family; provided that the following investments do not need to be disclosed:

10 **(i)** government bonds (including municipal bonds), diversified mutual
11 funds, or exchange traded funds;

12 **(ii)** bank accounts, savings accounts, money market funds, or certificates
13 of deposit;

14 **(iii)** insurance policies;

15 **(iv)** annuities;

16 **(v)** commodities;

17 **(vi)** shares in a credit union;

18 **(vii)** investments in defined-benefit pension funds through a government
19 employer; and

20 **(viii)** investments held in a blind trust.

21 **(B)** All business entities located in or doing business in San Francisco in which
22 the contributor holds the position of and receives compensation as director, officer, partner, trustee,
23 employee, or any position of management.

24 **(2) Filing.** Persons required to make the disclosures required by subsection (b)(1) shall
25 disclose such information by filing a form, to be specified by the Ethics Commission, with that agency.

1 (A) For any disclosure required by subsection (b)(1)(A), the disclosure shall
2 include the name of business entity, a general description of the business entity, the nature of the
3 investment, the date on which the investment was acquired, and the fair market value of the investment.
4 The fair market value of the investment shall be disclosed according to the following ranges: \$10,000-
5 \$100,000, \$100,000-\$1,000,000 or \$1,000,000 or more.

6 (B) For any disclosure required by subsection (b)(1)(B), the disclosure shall
7 include the name of the business and a general description of the business entity.

9 **SEC. 1.161. CAMPAIGN ADVERTISEMENTS.**

10 (a) DISCLAIMERS. In addition to complying with the disclaimer requirements set forth
11 in Chapter 4 of the California Political Reform Act, California Government section 84100 et
12 seq., and its enabling regulations, all committees making expenditures which support or
13 oppose any candidate for City elective office or any City measure shall also comply with the
14 following additional requirements:

15 (1) TOP ~~TWO~~ THREE CONTRIBUTORS. The disclaimer requirements for
16 primarily formed independent expenditure committees and primarily formed ballot measure
17 committees set forth in the Political Reform Act with respect to a committee's top ~~two~~ three
18 major contributors shall apply to contributors of ~~\$20,000~~ \$10,000 or more. The Ethics
19 Commission may adjust this monetary threshold to reflect any increases or decreases in the
20 Consumer Price Index. Such adjustments shall be rounded off to the nearest five thousand
21 dollars.

22 (2) WEBSITE REFERRAL. Each disclaimer required by the Political Reform
23 Act or its enabling regulations and by this section shall be followed in the same required
24 format, size and speed by the following phrase: "Financial disclosures are available at
25

1 sfethics.org." A substantially similar statement that specifies the web site may be used as an
2 alternative in audio communications.

3 (3) MASS MAILINGS AND SMALLER WRITTEN ADVERTISEMENTS. Any
4 disclaimer required by the Political Reform Act and by this section on a mass mailing, door
5 hanger, flyer, poster, oversized campaign button or bumper sticker, or print advertisement
6 shall be printed in at least 12-point font.

7 (4) CANDIDATE ADVERTISEMENTS. Advertisements by candidate
8 committees shall include the following disclaimer statements: "Paid for by _____ (insert
9 the name of the candidate committee)." and "Financial disclosures are available at
10 sfethics.org." Except as provided in subsection (a)(3), the statements' format, size and speed
11 shall comply with the disclaimer requirements for independent expenditures for or against a
12 candidate set forth in the Political Reform Act and its enabling regulations.

13 (5) AUDIO AND VIDEO ADVERTISEMENTS. For audio advertisements, the
14 disclaimers required by this Section 1.161 shall be spoken at the beginning of such advertisements.
15 For video advertisements, the disclaimers required by this Section 1.161 shall be spoken at the
16 beginning of such advertisements and appear in writing during the entirety of the advertisements.

17 * * * *

18 19 **SEC. 1.162. ELECTIONEERING COMMUNICATIONS.**

20 (a) DISCLAIMERS.

21 (1) Every electioneering communication for which a statement is filed pursuant
22 to subsection (b) shall include the following disclaimer: "Paid for by _____ (insert the
23 name of the person who paid for the communication)." and "Financial disclosures are
24 available at sfethics.org."
25

1 (2) Any disclaimer required by this Section shall be included in or on an
2 electioneering communication in a size, speed or format that complies with the disclaimer
3 requirements for independent expenditures supporting or opposing candidates set forth in the
4 Political Reform Act and its enabling regulations.

5 (3) Notwithstanding subsection (a)(2), any disclaimer required by this Section:

6 (A) to appear on a mass mailing, door hanger, flyer, poster, oversized
7 campaign button or bumper sticker, or print advertisement shall be printed in at least ~~12-point~~
8 14-point font;

9 (B) to be included in an audio advertisement, shall be spoken at the beginning of
10 such advertisements; or

11 (C) to be included in a video advertisement, shall be spoken at the beginning of
12 such advertisements and appear in writing during the entirety of the advertisements.

13 * * * *

14
15 **SEC. 1.168. ENFORCEMENT; ADVICE.**

16 (a) ENFORCEMENT – GENERAL PROVISIONS. Any person who believes that a
17 violation of this Chapter I has occurred may file a complaint with the Ethics Commission, City
18 Attorney, or District Attorney. The Ethics Commission shall investigate such complaints
19 pursuant to Charter Section C3.699-13 and its implementing regulations. The City Attorney
20 and District Attorney shall investigate, and shall have such investigative powers as are
21 necessary for the performance of their duties under this Chapter.

22 (b) ENFORCEMENT – CIVIL ACTIONS. The City Attorney, or any ~~voter~~ resident, may
23 bring a civil action to enjoin violations of or compel compliance with the provisions of this
24 Chapter I.

1 (1) No ~~voter~~ resident may commence an action under this Subsection (b) without
2 first providing written notice to the City Attorney of intent to commence an action. The notice
3 shall include a statement of the grounds for believing a cause of action exists. The ~~voter~~
4 resident shall deliver the notice to the City Attorney and the Ethics Commission at least 60 days
5 in advance of filing an action. No ~~voter~~ resident may commence an action under this
6 Subsection if the Ethics Commission has issued a finding of probable cause that the
7 defendant violated the provisions of this Chapter, or if the City Attorney or District Attorney
8 has commenced a civil or criminal action against the defendant, or if another ~~voter~~ resident has
9 filed a civil action against the defendant under this Subsection.

10 (2) A Court may award reasonable attorney's fees and costs to any ~~voter~~ resident
11 who obtains injunctive relief under this Subsection (b). If the Court finds that an action
12 brought by a ~~voter~~ resident under this Subsection is frivolous, the Court may award the
13 defendant reasonable attorney's fees and costs.

14 (c) STATUTE OF LIMITATIONS.

15 (1) **Criminal.** Prosecution for violation of this Chapter must be commenced
16 within four years after the date on which the violation occurred.

17 (2) **Civil.** No civil action alleging a violation in connection with a campaign
18 statement required under this Chapter shall be filed more than four years after an audit could
19 begin, or more than one year after the Executive Director submits to the Commission any
20 report of any audit conducted of the alleged violator, whichever period is less. Any other civil
21 action alleging a violation of any provision of this Chapter shall be filed no more than four
22 years after the date on which the violation occurred.

23 (3) **Administrative.** No administrative action alleging a violation of this Chapter
24 and brought under Charter Section C3.699-13 shall be commenced more than four years after
25 the date on which the violation occurred. The date on which the Commission forwards a

1 complaint or information in its possession regarding an alleged violation to the District
2 Attorney and City Attorney as required by Charter Section C3.699-13 shall constitute the
3 commencement of the administrative action.

4 (A) **Fraudulent Concealment.** If the person alleged to have violated this
5 Chapter engages in the fraudulent concealment of his or her acts or identity, this four-year statute of
6 limitations shall be tolled for the period of concealment. For purposes of this subsection, “fraudulent
7 concealment” means the person knows of material facts related to his or her duties under this Chapter
8 and knowingly conceals them in performing or omitting to perform those duties.

9 (4) **Collection of Fines and Penalties.** A civil action brought to collect fines or
10 penalties imposed under this Chapter shall be commenced within four years after the date on
11 which the monetary penalty or fine was imposed. For purposes of this Section, a fine or
12 penalty is imposed when a court or administrative agency has issued a final decision in an
13 enforcement action imposing a fine or penalty for a violation of this Chapter or the Executive
14 Director has made a final decision regarding the amount of a late fine or penalty imposed
15 under this Chapter. The Executive Director does not make a final decision regarding the
16 amount of a late fine or penalty imposed under this Chapter until the Executive Director has
17 made a determination to accept or not accept any request to waive a late fine or penalty
18 where such waiver is expressly authorized by statute, ordinance, or regulation.

19 * * * *

20 (e) **DEBARMENT.**

21 The Ethics Commission may, after a hearing on the merits or pursuant to a stipulation among
22 all parties, recommend that a Charging Official authorized to issue Orders of Debarment under
23 Administrative Code Chapter 28 initiate debarment proceedings against any person in conformance
24 with the procedures set forth in that Chapter.

1 **SEC. 1.170. PENALTIES.**

2 (a) CRIMINAL. Any person who knowingly or willfully violates any provision of this
3 Chapter I shall be guilty of a misdemeanor and upon conviction thereof shall be punished by
4 a fine of not more than \$5,000 for each violation or by imprisonment in the County jail for a
5 period of not more than six months or by both such fine and imprisonment; provided, however,
6 that any willful or knowing failure to report contributions or expenditures done with intent to
7 mislead or deceive or any willful or knowing violation of the provisions of Section 1.114, 1.126,
8 or 1.127 of this Chapter shall be punishable by a fine of not less than \$5,000 for each violation
9 or three times the amount not reported or the amount received in excess of the amount
10 allowable pursuant to Section 1.114, 1.126, and 1.127 of this Chapter, or three times the
11 amount expended in excess of the amount allowable pursuant to Section 1.130 or 1.140-5,
12 whichever is greater.

13 (b) CIVIL. Any person who intentionally or negligently violates any of the provisions of
14 this Chapter I shall be liable in a civil action brought by the ~~civil prosecutor~~ City Attorney for an
15 amount up to \$5,000 for each violation or three times the amount not reported or the amount
16 received in excess of the amount allowable pursuant to Section 1.114, 1.126, and 1.127 or
17 three times the amount expended in excess of the amount allowable pursuant to Section
18 1.130 or 1.140-5, whichever is greater. In determining the amount of liability, the court may take
19 into account the seriousness of the violation, the degree of culpability of the defendant, and the ability
20 of the defendant to pay.

21 (c) ADMINISTRATIVE. Any person who ~~intentionally or negligently~~ violates any of the
22 provisions of this Chapter I shall be liable in an administrative proceeding before the Ethics
23 Commission held pursuant to the Charter for any penalties authorized therein.

24 * * * *

1 Section 2. The Campaign and Governmental Conduct Code, Article III, Chapter 2, is
2 hereby amended by revising Section 3.203 and adding Sections 3.207, 3.209, and 3.231 to
3 read as follows:

4 **SEC. 3.203. DEFINITIONS.**

5 Whenever in this Chapter 2 the following words or phrases are used, they shall mean:

6 "Anything of value" shall mean any money or property, private financial advantage, service,
7 payment, advance, forbearance, loan, or promise of future employment, but does not include
8 compensation and expenses paid by the City, contributions as defined herein, or gifts that qualify for
9 gift exceptions established by State or local law.

10 "Associated," when used in reference to an organization, shall mean any organization in which
11 an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or
12 controls, directly or indirectly, and severally or in the aggregate, at least 10% of the equity, or of which
13 an individual or a member of his or her immediate family is an authorized representative or agent.

14 "City elective officer" shall mean a person who holds the office of Mayor, Member of the Board
15 of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor and Public Defender.

16 "Contribution" shall be defined as set forth in the California Political Reform Act, California
17 Government Code section 81000, et seq.

18 "Fundraising" shall mean:

19 (a) requesting that another person make a contribution;

20 (b) inviting a person to a fundraising event;

21 (c) supplying names to be used for invitations to a fundraiser;

22 (d) permitting one's name or signature to appear on a solicitation for contributions or an
23 invitation to a fundraising event;

24 (e) permitting one's official title to be used on a solicitation for contributions or an invitation to
25 a fundraising event;

1 (f) providing the use of one's home or business for a fundraising event;

2 (g) paying for at least 20% of the costs of a fundraising event;

3 (h) hiring another person to conduct a fundraising event;

4 (i) delivering a contribution, other than one's own, by whatever means to a City elective
5 officer, a candidate for City elective office, or a candidate-controlled committee; or

6 (j) acting as an agent or intermediary in connection with the making of a contribution.

7 "Immediate family" shall mean spouse, registered domestic partner, and dependent children.

8 ~~(a)~~ "Officer" shall mean any person holding City elective office; any member of a board
9 or commission required by Article III, Chapter 1 of this Code to file a statement~~s~~ of economic
10 interests; any person appointed as the chief executive officer under any such board or
11 commission; the head of each City department; the Controller; and the City Administrator.

12 ~~(b) "City elective office" shall mean the offices of Mayor, Member of the Board of Supervisors,~~
13 ~~City Attorney, District Attorney, Treasurer, Sheriff, Assessor and Public Defender.~~

14 "Solicit" shall mean personally requesting a contribution for any candidate or committee,
15 either orally or in writing.

16 "Subordinate employee" shall mean an employee of any person whose official City
17 responsibilities include directing or evaluating the performance of the employee or any of the
18 employee's supervisors.

19
20 **SEC. 3.207. ADDITIONAL CONFLICTS OF INTEREST FOR CITY ELECTIVE**
21 **OFFICERS AND MEMBERS OF BOARDS AND COMMISSIONS.**

22 (a) **Prohibitions.** In addition to the restrictions set forth in Section 3.206 and other provisions
23 of this Chapter 2, the following shall also constitute conflicts of interest for City elective officers and
24 members of boards and commissions:

1 (1) No City elective officer or member of a board or commission may use his or her
2 public position or office to seek or obtain anything of value for the private or professional benefit of
3 himself or herself, his or her immediate family, or for an organization with which he or she is
4 associated.

5 (2) No City elective officer or member of a board or commission may, directly or by
6 means of an agent, give, offer, promise to give, withhold, or offer or promise to withhold his or her vote
7 or influence, or promise to take or refrain from taking official action with respect to any proposed or
8 pending matter in consideration of, or upon condition that, any other person make or refrain from
9 making a contribution.

10 (3) No person may offer or give to an officer, directly or indirectly, and no City elective
11 officer or member of a board or commission may solicit or accept from any person, directly or
12 indirectly, anything of value if it could reasonably be expected to influence the officer's vote, official
13 actions, or judgment, or could reasonably be considered as a reward for any official action or inaction
14 on the part of the officer. This subsection (a)(3) does not prohibit a City elective officer or member of a
15 board or commission from engaging in outside employment.

16 (b) **Exception: public generally.** The prohibition set forth in subsection (a)(1) shall not apply
17 if the resulting benefit, advantage, or privilege also affects a significant segment of the public and the
18 effect is not unique. For purposes of this subsection (b):

19 (1) A significant segment of the public is at least 25% of:

20 (A) all businesses or non-profit entities within the official's jurisdiction;

21 (B) all real property, commercial real property, or residential real property
22 within the official's jurisdiction; or

23 (C) all individuals within the official's jurisdiction.

24 (2) A unique effect on a public official's financial interest includes a disproportionate
25 effect on:

1 (A) the development potential or use of the official's real property or on the
2 income producing potential of the official's real property or business entity;

3 (B) an official's business entity or real property resulting from the proximity of
4 a project that is the subject of a decision;

5 (C) an official's interests in business entities or real properties resulting from
6 the cumulative effect of the official's multiple interests in similar entities or properties that is
7 substantially greater than the effect on a single interest;

8 (D) an official's interest in a business entity or real property resulting from the
9 official's substantially greater business volume or larger real property size when a decision affects all
10 interests by the same or similar rate or percentage;

11 (E) a person's income, investments, assets or liabilities, or real property if the
12 person is a source of income or gifts to the official; or

13 (F) an official's personal finances or those of his or her immediate family.

14
15 **SEC. 3.209. RECUSALS.**

16 (a) **Recusal Procedures.** Any member of a City board or commission who has a conflict of
17 interest under Sections 3.206 or 3.207, or who must recuse himself or herself from a proceeding under
18 California Government Code Section 84308, shall, in the public meeting of the board or commission,
19 upon identifying a conflict of interest immediately prior to the consideration of the matter, do all of the
20 following:

21 (1) publicly identify the circumstances that give rise to the conflict of interest in detail
22 sufficient to be understood by the public, provided that disclosure of the exact street address of a
23 residence is not required;

24 (2) recuse himself or herself from discussing or acting on the matter; and
25

1 (3) leave the room until after the discussion, vote, and any other disposition of the
2 matter is concluded, unless the matter has been placed on and remains on the consent calendar.

3 **(b) Recusal Notification.** A member of a City board or commission who is required to file a
4 statement of economic interests pursuant to Article III, Chapter 1 of the Campaign and Governmental
5 Conduct Code shall file a recusal notification form each time the member recuses himself or herself, as
6 required by subsection (a).

7 (1) The member shall file the original recusal notification form, along with a copy of the
8 meeting agenda containing the item involving the conflict of interest, with the Ethics Commission
9 within 15 calendar days after the date of the meeting at which the recusal occurred.

10 (2) The member shall file the recusal notification form with the Ethics Commission even
11 if the member is not present at the meeting that would have involved the conflict of interest.

12 (3) The recusal notification form shall be filed under penalty of perjury in a method
13 prescribed by the Ethics Commission and shall include, at a minimum, the following:

14 (A) the member's name;

15 (B) the name of the member's board or commission;

16 (C) the date of the meeting at which the recusal occurred or would have
17 occurred;

18 (D) the agenda item number, a brief description of the matter, and a statement
19 of whether the matter concerns the making of a contract; and

20 (E) the financial interest causing the recusal.

21 **(c) Repeated Recusals.** In the event a member of a City board or commission recuses himself
22 or herself, as required by subsection (a) during any 365 day period from acting on:

23 (1) three or more agenda items by reason of the same investment in a business entity,
24 the same interest in real property or the same source of income; or
25

1 (2) 1% or more of the matters pending before the board or commission by reason of any
2 investments in business entities, any interests in real property or any sources of income, the Ethics
3 Commission shall examine the nature and extent of the conflict(s) of interest and shall determine
4 whether the member has a significant and continuing conflict of interest. If the Ethics Commission so
5 determines, the Ethics Commission may recommend to the official's appointing authority that the
6 official divest or otherwise remove the conflicting interest, and, if the official fails to divest or otherwise
7 remove the conflicting interest within 90 days or as the Ethics Commission determines as reasonably
8 practicable, the Ethics Commission may recommend to the official's appointing authority that the
9 official should be removed from office under Charter Section 15.105 or by other means.

10 (d) **Exception.** The requirements of this Section 3.209 shall not apply to the members of the
11 Board of Supervisors.

12
13 **SEC. 3.231. PROHIBITIONS ON POLITICAL ACTIVITY FOR CITY ELECTIVE**
14 **OFFICERS AND MEMBERS OF BOARDS AND COMMISSIONS.**

15 (a) **Solicitation of Campaign Volunteers.** No City elective officer or member of a board or
16 commission shall solicit uncompensated volunteer services from any subordinate employee for a
17 campaign for or against any ballot measure or candidate.

18 (b) **Fundraising for Appointing Authorities.** No member of a board or commission may
19 engage in fundraising on behalf of (1) the officer's appointing authority, if the appointing authority is a
20 City elective officer; (2) any candidate for the office held by the officer's appointing authority; or (3)
21 any committee controlled by the officer's appointing authority. For the purposes of this subsection,
22 "member of a board or commission" shall not include a member of the Board of Supervisors.

1 Section 3. Section 1. The Campaign and Governmental Conduct Code, Article III,
2 Chapter 6, is hereby amended by revising Sections 3.600, 3.610, 3.620, and by adding
3 Sections 3.630, 3.640, 3.650, to read as follows:

4 **CHAPTER 6: BEHESTED PAYMENT REPORTING ~~FOR COMMISSIONERS~~**

5 **SEC. 3.600. DEFINITIONS.**

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

8 "Actively support or oppose" shall mean contact, testify in person before, or otherwise
9 communicate in an attempt to influence an official or employees of a board or commission (including
10 the Board of Supervisors), including use of an agent to do any such act.

11 "Agent" shall be defined as set forth in Title 2, Section 18438.3 of California Code of
12 Regulations, as amended from time to time.

13 "At the behest of" shall mean under the control or at the direction of, in cooperation,
14 consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior
15 consent of.

16 ~~"Auctioneer" shall mean any person who is engaged in the calling for, the recognition of, and~~
17 ~~the acceptance of, offers for the purchase of goods at an auction.~~

18 "Behested payment" shall mean a payment that is made at the behest of an officer, or an agent
19 thereof, and that is made principally for a legislative, governmental, or charitable purpose.

20 ~~"Behested Payment Report" shall mean the Fair Political Practices Commission Form 803, or~~
21 ~~any other successor form, required by the Fair Political Practices Commission to fulfill the disclosure~~
22 ~~requirements imposed by California Government Code Section 82015(b)(2)(B)(iii), as amended from~~
23 ~~time to time.~~

24 ~~"Charitable Contribution" shall mean any monetary or non-monetary contribution to a~~
25 ~~government agency, a bona fide public or private educational institution as defined in Section 203 of~~

1 ~~the California Revenue and Taxation Code, or an organization that is exempt from taxation under~~
2 ~~either Section 501(c) or Section 527 of the United States Internal Revenue Code.~~

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

6 “Contact” shall be defined as set forth in Section 2.106 of this Code.

7 “Financial interest” shall be defined as set forth in the California Political Reform Act
8 (California Government Code Section 87100 et seq.), any subsequent amendments to these Sections,
9 and its implementing regulations.

10 “Interested party” shall mean (i) any party, participant or agent of a party or participant
11 involved in a proceeding regarding administrative enforcement, a license, a permit, or other
12 entitlement for use before an officer or any board or commission (including the Board of Supervisors)
13 on which the officer sits, or (ii) any person who actively supports or opposes a governmental decision
14 by an officer or any board or commission (including the Board of Supervisors) on which the officer sits,
15 if such person has a financial interest in the decision.

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

18 “Officer” shall mean the Mayor, City Attorney, District Attorney, Treasurer, Sheriff, Assessor-
19 Recorder, Public Defender, a Member of the Board of Supervisors, or any member of a board or
20 commission who is required to file a Statement of Economic Interests, including all persons holding
21 positions listed in Section 3.1-103(a)(1) of this Code.

22 “Payment” shall mean a monetary payment or the delivery of goods or services.

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

1 "Party" shall be defined as set forth in California Government Code Section 84308, as
2 amended from time to time.

3 "Public appeal" shall mean a request for a payment when such request is made by means of
4 television, radio, billboard, a public message on an online platform, the distribution of 500 or more
5 identical pieces of printed material, or a speech to a group of 50 or more individuals.

6 "Relative" shall mean a spouse, domestic partner, parent, grandparent, child, sibling, parent-in-
7 law, aunt, uncle, niece, nephew, and first cousin, and includes any similar step relationship or
8 relationship created by adoption.

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

11 (a) **FILING REQUIREMENT.** ~~If a Commissioner directly or indirectly requests or solicits~~
12 ~~any Charitable Contribution(s), or series of Charitable Contributions, from any party, participant or~~
13 ~~agent of a party or participant involved in a proceeding regarding administrative enforcement, a~~
14 ~~license, a permit, or other entitlement for use before the Commissioner's board or commission, the~~
15 ~~Commissioner shall file a Behested Payment Report with the Ethics Commission in the following~~
16 ~~circumstances: If an officer directly or indirectly requests or solicits any behested payment(s) from an~~
17 ~~interested party, the officer shall file the behested payment report described in subsection (b) with the~~
18 ~~Ethics Commission in the following circumstances:~~

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

1 of the date on which the behested payment was made, or if there has been a series of behested
2 payments, within 30 days of the date on which the behested payment(s) total \$1,000 or more;

3 ~~(2) if the party, participant or agent makes any Charitable Contribution, or series of~~
4 ~~Charitable Contributions, totaling \$1,000 or more during the three months following the date a final~~
5 ~~decision is rendered in the proceeding, the Commissioner shall file a Behested Payment Report within~~
6 ~~30 days of the date on which the Charitable Contribution was made, or if there has been a series of~~
7 ~~Charitable Contributions, within 30 days of the date on which a Charitable Contribution causes the~~
8 ~~total amount of the contributions to total \$1,000 or more; and if the interested party makes any~~
9 ~~behested payment(s) totaling \$1,000 or more during the six months following the date on which a final~~
10 ~~decision is rendered in the matter involving the interested party, the officer shall file a behested~~
11 ~~payment report within 30 days of the date on which the behested payment was made, or if there has~~
12 ~~been a series of behested payments, within 30 days of the date on which the behested payment(s) total~~
13 ~~\$1,000 or more; and~~

14 ~~(3) if the party, participant or agent made any Charitable Contribution, or series of~~
15 ~~Charitable Contributions, totaling \$1,000 or more in the 12 months prior to the commencement of a~~
16 ~~proceeding, the Commissioner shall file a Behested Payment Report within 30 days of the date the~~
17 ~~Commissioner knew or should have known that the source of the Charitable Contribution(s) became a~~
18 ~~party, participant or agent in a proceeding before the Commissioner's board or commission. if the~~
19 ~~interested party made any behested payment(s) totaling \$1,000 or more in the 12 months prior to the~~
20 ~~commencement of a matter involving the interested party, the officer shall file a behested payment~~
21 ~~report within 30 days of the date the officer knew or should have known that the source of the behested~~
22 ~~payment(s) became an interested party.~~

23 (b) **BEHESTED PAYMENT REPORT.** The behested payment report shall include the
24 following:

25 (1) name of payor;

1 (2) address of payor;
2 (3) amount of the payment(s);
3 (4) date(s) the payment(s) were made,
4 (5) the name and address of the payee(s),
5 (6) a brief description of the goods or services provided or purchased, if any, and a
6 description of the specific purpose or event for which the payment(s) were made;
7 (7) if the officer or the officer's relative, staff member, or paid campaign staff, is an
8 officer, executive, member of the board of directors, staff member or authorized agent for the recipient
9 of the behested payment(s), such individual's name, relation to the officer, and position held with the
10 payee;
11 (8) if the payee has created or distributed 200 or more substantially similar
12 communications featuring the officer within the six months prior to the deadline for filing the behested
13 payment report, a brief description of such communication(s), the purpose of the communication(s), the
14 number of communication(s) distributed, and a copy of the communication(s); and
15 (9) if in the six months following the deadline for filing the behested payment report, the
16 payee has created or distributed 200 or more substantially similar communications featuring the
17 officer, the officer shall file an amended payment report that discloses a brief description of such
18 communication(s), the purpose of the communication(s), the number of communication(s) distributed,
19 and a copy of the communication(s).
20 (c) **AMENDMENTS.** If any of the information previously disclosed on a behested payment
21 report changes during the pendency of the matter involving the interested party, or within six months of
22 the final decision in such matter, the officer shall file an amended behested payment report.
23 (d) **PUBLIC APPEALS.** Notwithstanding subsection (a), no officer shall be required to report
24 any behested payment that is made solely in response to a public appeal.
25

1 (e) **NOTICE.** If an officer solicits or otherwise requests, in any manner other than a public
2 appeal, that any person make a behested payment, the official or his agent must notify that person that
3 if the person makes any behested payment in response to the solicitation or request, the person may be
4 subject to the disclosure and notice requirements in Section 3.620.

5 ~~(b) (f)~~ **WEBSITE POSTING.** The Ethics Commission shall make available through its
6 website all ~~B~~behested ~~P~~ayment ~~R~~eports it receives from ~~Commissioners~~ officers.

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

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

13 14 **SEC. 3.620. FILING BY DONORS.**

15 (a) **REPORT.** Any interested party who makes a behested payment, or series of behested
16 payments in a calendar year, of \$1,000 or more must disclose, within 30 days following the date on
17 which the payment(s) totals \$1,000 or more:

- 18 (1) the proceeding the interested party is or was involved in;
19 (2) the decisions the interested party actively supports or opposes;
20 (3) the outcome(s) the interested party is or was seeking in such proceedings or
21 decisions; and
22 (4) any contact(s) the interested party made in relation to such proceedings or
23 decisions.

24 (b) **NOTICE.** Any person who makes a behested payment must notify the recipient that the
25 payment is a behested payment, at the time the payment is made.

1
2 **SEC. 3.630. FILING BY RECIPIENTS OF MAJOR BEHESTED PAYMENTS.**

3 **(a) MAJOR BEHESTED PAYMENT REPORT.** *Any person who receives a behested*
4 *payment, or a series of behested payments, received during a calendar year, totaling \$100,000 or more*
5 *that was made at the behest of any officer must do the following:*

6 *(1) within 30 days following the date on which the payment(s) total \$100,000 or more,*
7 *notify the Ethics Commission that the person has received such payment(s) and specify the date on*
8 *which the payment(s) equaled or exceeded \$100,000;*

9 *(2) within 13 months following the date on which the payment(s) or payments total*
10 *\$100,000 or more, but at least 12 months following the date on which the payment(s) total \$100,000 or*
11 *more, disclose:*

12 *(i) all payments made by the person that were funded in whole or in part by the*
13 *behested payment(s) made at the behest of the officer; and*

14 *(ii) if the person has actively supported or opposed any City decision(s)*
15 *involving the officer in the 12 months following the date on which the payment(s) were made:*

16 *(A) the proceeding the person is or was involved in;*
17 *(B) the decision(s) the person actively supported or opposed;*
18 *(C) the outcome(s) the person is or was seeking in such proceedings or*
19 *decisions; and*

20 *(D) any contact(s) the person made in relation to such proceedings or*
21 *decisions.*

22 **(b) EXCEPTION.** *Subsection (a) does not apply if the entity receiving the behested payment is*
23 *a City department.*

24 **(c) NOTICE REQUIRED.** *If a recipient of a behested payment does not receive the notice, as*
25 *required under Section 3.620, that a particular payment is a behested payment, the recipient will not be*

1 subject to penalties under Section 3.650, as regards that particular payment, for failure to file pursuant
2 to subsection (a) unless it is clear from the circumstances that the recipient knew or should have known
3 that the payment was made at the behest of an officer.

4
5 **SEC. ~~3.620~~ 3.640. REGULATIONS.**

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

8 (b) The Ethics Commission may, by regulation, require persons ~~Commissioners~~ to
9 electronically submit any ~~substantially the same~~ information ~~as required by the Behested Payment~~
10 ~~Report~~ to fulfill their obligations under ~~Section 3.610~~ this Chapter 6.

11
12 **SEC. 3.650. PENALTIES.**

13 Any party who fails to comply with any provision of this Chapter 6 is subject to the
14 administrative process and penalties set forth in Section 3.242(d) of this Code.

15
16 Section 4. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20
21 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
5 of this ordinance, or any application thereof to any person or circumstance, is held to be
6 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
7 shall not affect the validity of the remaining portions or applications of the ordinance. The
8 Board of Supervisors hereby declares that it would have passed this ordinance and each and
9 every section, subsection, sentence, clause, phrase, and word not declared invalid or
10 unconstitutional without regard to whether any other portion of this ordinance or application
11 thereof would be subsequently declared invalid or unconstitutional.

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: _____
16 ANDREW SHEN
Deputy City Attorney

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Anti-Corruption Ordinance Provisions: Estimated time to provisions becoming administratively operable

Time to Implementation after Operative Date	AAO Amended Sections	Summary of Section	Reasons for Time Required
0 Months – Immediately Operable	<ul style="list-style-type: none"> - 1.114 - 1.114.5(c) - 1.168 - 1.170 - 3.207 - 3.231 	<ul style="list-style-type: none"> - Contribution limits - Assumed name - Enforcement - Penalties - Conflict of Interest - Political Activity of officials 	N/A – minimal engagement and compliance
0 – 2 Months	<ul style="list-style-type: none"> - 1.114.5(a) - 1.126(f) - 1.135(b) - 3.209 	<ul style="list-style-type: none"> - Attribution statement - Contractor notice - 3rd pre-election - Recusals 	Staff has to engage in education and compliance as well as create sample docs
2 – 6 Months	<ul style="list-style-type: none"> - 1.114.5(b) - 1.124 - 1.125 - 1.127 	<ul style="list-style-type: none"> - Political behests - LLC Disclosure - Bundling Disclosure - Land Use Disclosure 	This will require engagement and compliance as well as form creation (likely <i>DocuSign</i>)
6 Months +	<ul style="list-style-type: none"> - 3.600 et seq 	<ul style="list-style-type: none"> - Behest disclosure 	This will require substantial education and compliance, new forms, and database. Likely requires <i>Netfile</i> database rather than <i>DocuSign</i> .

[Campaign and Governmental Conduct Code - Campaign Finance and Conflict of Interest]

Ordinance amending the Campaign and Governmental Conduct Code to 1) prohibit earmarking of contributions and false identification of contributors; 2) modify contributor card requirements; 3) require disclosure of contributions solicited by City elective officers for ballot measure and independent expenditure committees; 4) require additional disclosures for campaign contributions from business entities to political committees; 5) require disclosure of bundled campaign contributions; 6) extend the prohibition on campaign contributions to candidates for City elective offices and City elective officers who must approve certain City contracts; 7) prohibit campaign contributions to members of the Board of Supervisors, candidates for the Board, the Mayor, candidates for Mayor, City Attorney, candidates for City Attorney, and their controlled committees, from any person with pending or recently resolved land use matters; 8) require committees to file a third pre-election statement prior to an election; 9) remove the prohibition against distribution of campaign advertisements containing false endorsements; 10) allow members of the public to receive a portion of penalties collected in certain enforcement actions; 11) permit the Ethics Commission to recommend contract debarment as a penalty for campaign finance violations; 12) create new conflict of interest and political activity rules for elected officials and members of boards and commissions; 13) specify recusal procedures for members of boards and commissions; and 14) establish local behested payment reporting requirements for donors and City officers.

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

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

2 Section 1. The Campaign and Governmental Conduct Code, Article I, Chapter 1, is
3 hereby amended by revising Sections 1.104, 1.114, 1.126, 1.135, 1.168, 1.170, adding
4 Sections 1.114.5, 1.124, 1.125, ~~1.127~~, and deleting Section 1.163.5, to read as follows:

5 **SEC. 1.104. DEFINITIONS.**

6 Whenever in this Chapter 1 the following words or phrases are used, they shall mean:

7 * * * *

8 "At the behest of" shall mean under the control or at the direction of, in cooperation,
9 consultation, coordination, or concert with, at the request or suggestion of, or with the
10 express, prior consent of.

11 * * * *

12 "Business entity" shall mean a limited liability company (LLC), corporation, limited
13 partnership, or limited liability partnership.

14 * * * *

15 "Developer" shall mean the individual or entity that is the project sponsor responsible
16 for filing a completed Environmental Evaluation Application with the Planning Department (or
17 other lead agency) under the California Environmental Quality Act (Public Resources Code
18 Section 21000 et seq.) for a project. For any project sponsor that is an entity, "developer"
19 shall include all of its constituent individuals or entities that have decision-making authority
20 regarding any of the entity's major decisions or actions. By way of example and without
21 limitation, if the project sponsor is a limited liability company, each of its members is
22 considered a developer for purposes of the requirements of this Chapter, and similarly if the
23 project sponsor is a partnership, each of its general partners is considered a developer for
24 purposes of the requirements of this Chapter. If the owner or agent that signs and submits
25

1 the Environmental Evaluation Application will not be responsible for obtaining the entitlements
2 or developing the project, then for purposes of the requirements of this Chapter 1 the
3 developer shall be instead the individual or entity that is responsible for obtaining the
4 entitlements for the project.

5 * * * *

6 "Financial interest" shall mean (a) an ownership interest of at least 10% or \$1,000,000
7 in the project or property that is the subject of the land use matter; (b) holding the position of
8 director or principal officer, including President, Vice President, Chief Executive Officer, Chief
9 Financial Officer, Chief Operating Officer, Executive Director, Deputy Director, or member of
10 Board of Directors, in an entity with at least 10% ownership interest in that project or property;
11 or (c) being the developer of that project or property.

12 * * * *

13 "Land use matter" shall mean (a) any request to a City elective officer for a Planning
14 Code or Zoning Map amendment, or (b) any application for an entitlement that requires a
15 discretionary determination at a public hearing before a board or commission under the San
16 Francisco Building Code, the Planning Code, or the California Environmental Quality Act
17 (California Public Resources Code Section 21000 et seq.). "Land use matter" shall not
18 include discretionary review hearings before the Planning Commission.

19 * * * *

20 "Prohibited source contribution" shall mean a contribution made (a) in violation of Section
21 1.114, (b) in an assumed name as defined in Section 1.114.5(c), (c) from a person prohibited from
22 contributing under Section 1.126, or (d) from a person prohibited from contributing under Section
23 4.127, or (e) (d) from a lobbyist prohibited from contributing under Section 2.115(e).

24 * * * *

25 "Resident" shall mean a resident of the City and County of San Francisco.

1 "Solicit" shall mean personally request a contribution for any candidate or committee, either
2 orally or in writing.

3 * * * *

4
5 **SEC. 1.114. CONTRIBUTIONS - LIMITS AND PROHIBITIONS.**

6 (a) LIMITS ON CONTRIBUTIONS TO CANDIDATES. No person other than a
7 candidate shall make, and no campaign treasurer for a candidate committee shall solicit or
8 accept, any contribution which will cause the total amount contributed by such person to such
9 candidate committee in an election to exceed \$500.

10 (b) ~~LIMITS~~ PROHIBITION ON CONTRIBUTIONS FROM CORPORATIONS. No
11 corporation organized pursuant to the laws of the State of California, the United States, or any
12 other state, territory, or foreign country, whether for profit or not, shall make a contribution to a
13 candidate committee, provided that nothing in this subsection (b) shall prohibit such a
14 corporation from establishing, administering, and soliciting contributions to a separate
15 segregated fund to be utilized for political purposes by the corporation, provided that the
16 separate segregated fund complies with the requirements of Federal law including Sections
17 432(e) and 441b of Title 2 of the United States Code and any subsequent amendments to
18 those Sections.

19 (c) EARMARKING. No person may make a contribution to a committee on the condition or
20 with the agreement that it will be contributed to any particular candidate or committee to circumvent
21 the limits established by subsections (a) and (b).

22 (d) PROHIBITION ON CONTRIBUTIONS FOR OFFICIAL ACTION. No candidate may,
23 directly or by means of an agent, give, offer, promise to give, withhold, or offer or promise to withhold
24 his or her vote or influence, or promise to take or refrain from taking official action with respect to any
25

1 proposed or pending matter in consideration of, or upon condition that, any other person make or
2 refrain from making a contribution.

3 ~~(e)~~ (e) AGGREGATION OF AFFILIATED ENTITY CONTRIBUTIONS.

4 (1) General Rule. For purposes of the contribution limits imposed by this
5 Section 1.114 and Section 1.120, the contributions of an entity whose contributions are
6 directed and controlled by any individual shall be aggregated with contributions made by that
7 individual and any other entity whose contributions are directed and controlled by the same
8 individual.

9 (2) Multiple Entity Contributions Controlled by the Same Persons. If two or
10 more entities make contributions that are directed and controlled by a majority of the same
11 persons, the contributions of those entities shall be aggregated.

12 (3) Majority-Owned Entities. Contributions made by entities that are majority-
13 owned by any person shall be aggregated with the contributions of the majority owner and all
14 other entities majority-owned by that person, unless those entities act independently in their
15 decisions to make contributions.

16 (4) Definition. For purposes of this Section 1.114, the term "entity" means any
17 person other than an individual and "majority-owned" means a direct or indirect ownership of
18 more than 50% percent.

19 ~~(d) CONTRIBUTOR INFORMATION REQUIRED. If the cumulative amount of contributions~~
20 ~~received from a contributor is \$100 or more, the committee shall not deposit any contribution that~~
21 ~~causes the total amount contributed by a person to equal or exceed \$100 unless the committee has the~~
22 ~~following information: the contributor's full name; the contributor's street address; the contributor's~~
23 ~~occupation; and the name of the contributor's employer or, if the contributor is self-employed, the name~~
24 ~~of the contributor's business. A committee will be deemed not to have had the required contributor~~
25

1 ~~information at the time the contribution was deposited if the required contributor information is not~~
2 ~~reported on the first campaign statement on which the contribution is required to be reported.~~

3 (e) (f) FORFEITURE OF UNLAWFUL CONTRIBUTIONS. In addition to any other
4 penalty, each committee that receives a contribution which exceeds the limits imposed by this
5 Section 1.114 or which does not comply with the requirements of this Section shall pay
6 promptly the amount received or deposited in excess of the permitted amount ~~permitted by this~~
7 ~~Section~~ to the City and County of San Francisco ~~and~~ by delivering the payment to the Ethics
8 Commission for deposit in the General Fund of the City and County, provided that the Ethics
9 Commission may provide for the waiver or reduction of the forfeiture.

10 (f) (g) RECEIPT OF CONTRIBUTIONS. A contribution to a candidate committee or
11 committee making expenditures to support or oppose a candidate shall not be considered
12 received if it is not cashed, negotiated, or deposited, and in addition # is returned to the donor
13 before the closing date of the campaign statement on which the contribution would otherwise
14 be reported, except that a contribution to a candidate committee or committee making
15 expenditures to support or oppose a candidate made before an election at which the
16 candidate is to be voted on but after the closing date of the last campaign statement required
17 to be filed before the election shall not be considered to be deemed received if it is not
18 cashed, negotiated, or deposited, and is returned to the contributor within 48 hours of receipt.
19 For all committees not addressed by this Section 1.114, the determination of when
20 contributions are considered to be received shall be made in accordance with the California
21 Political Reform Act, ~~California Government Code Section 81000, et seq.~~

22
23 **SEC. 1.114.5. CONTRIBUTIONS - DISCLOSURES.**

24 (a) CONTRIBUTOR INFORMATION REQUIRED. If the cumulative amount of contributions
25 received from a contributor is \$100 or more, the committee shall not deposit any contribution that

1 causes the total amount contributed by a person to equal or exceed \$100 unless the committee has the
2 following information: the contributor's full name; the contributor's street address; the contributor's
3 occupation; and the name of the contributor's employer or, if the contributor is self-employed, the
4 name of the contributor's business; and a signed attestation from the contributor that the
5 contribution does not constitute a prohibited source contribution.

6 (1) A committee will be deemed not to have had the required contributor information at
7 the time the contribution was deposited if the required contributor information is not reported on the
8 first campaign statement on which the contribution is required to be reported.

9 (2) If a committee that collects the information required under this subsection (a) on a
10 form signed by the contributor stating and collects a signed attestation, or its electronic
11 equivalent, that the contributor has not made a prohibited source contribution, there shall be a
12 rebuttable presumption that the committee has not accepted a prohibited source contribution.

13 (b) DISCLOSURE REQUIREMENTS FOR CONTRIBUTIONS TO BALLOT MEASURE
14 COMMITTEES AND COMMITTEES MAKING INDEPENDENT EXPENDITURES.

15 (1) In addition to the requirements in subsection (a), any person making contributions
16 that total \$5,000 or more in a single calendar year, to a ballot measure committee or committee making
17 independent expenditures at the behest of a City elective officer must disclose to the committee
18 receiving the contribution the name of the City elective officer who requested the contribution.

19 (2) Committees receiving contributions subject to subsection (b)(1) must report the
20 names of the City elective officers who requested those contributions at the same time that the
21 committees are required to file campaign statements with the Ethics Commission disclosing the
22 contributions.

23 (3) Notwithstanding the provisions of this subsection (b), no committee shall be
24 required to make the disclosure required in subsection (b)(2) for any contribution that
25

1 constitutes a contribution to the City elective officer at whose behest the contribution was
2 made.

3 (c) ASSUMED NAME CONTRIBUTIONS.

4 (1) No contribution may be made, directly or indirectly, by any person or combination
5 of persons, in a name other than the name by which they are identified for legal purposes, or in the
6 name of another person or combination of persons.

7 (2) No person may make a contribution to a candidate or committee in his, her, or its
8 name when using any payment received from another person on the condition that it be contributed to a
9 specific candidate or committee.

10 (d) FORFEITURE OF UNLAWFUL CONTRIBUTIONS. In addition to any other penalty, each
11 committee that receives a contribution which does not comply with the requirements of this Section
12 1.114.5 shall pay promptly the amount received or deposited to the City and County of San Francisco
13 by delivering the payment to the Ethics Commission for deposit in the General Fund of the City and
14 County; provided that the Ethics Commission may provide for the waiver or reduction of the forfeiture.

15
16 **SEC. 1.124. ADDITIONAL DISCLOSURE REQUIREMENTS FOR CONTRIBUTIONS**
17 **MADE BY BUSINESS ENTITIES.**

18 (a) Additional Disclosures. In addition to the campaign disclosure requirements imposed by
19 the California Political Reform Act and other provisions of this Chapter 1, any committee required to
20 file campaign statements with the Ethics Commission must disclose the following information for
21 contribution(s) that, in aggregate, total \$10,000 or more that it receives in a single election cycle from
22 a single business entity:

23 (1) the business entity's principal officers, including, but not limited to, the Chairperson
24 of the Board of Directors, President, Vice-President, Chief Executive Officer, Chief Financial Officer,
25 Chief Operating Officer, Executive Director, Deputy Director, or equivalent positions; and

1 (2) whether the business entity has received funds through a contract or grant from any
2 City agency within the last 24 months for a project within the jurisdiction of the City and County of San
3 Francisco, and if so, the name of the agency that provided the funding, and the value of the contract or
4 grant.

5 **(b) Filing Requirements.** Committees shall provide this information for contributions received
6 from business entities at the same time that they are required to file semiannual or preelection
7 campaign statements with the Ethics Commission.

8
9 **SEC. 1.125. ADDITIONAL DISCLOSURE REQUIREMENTS FOR BUNDLED**
10 **CONTRIBUTIONS.**

11 **(a) Definition.** For purposes of this Section 1.125, the following words and phrases shall
12 mean:

13 “Bundle” shall mean delivering or transmitting contributions, other than one’s own or one’s
14 spouse’s, except for campaign administrative activities and any actions by the candidate that a
15 candidate committee is supporting.

16 “Campaign administrative activity” shall mean administrative functions performed by paid or
17 volunteer campaign staff, a campaign consultant whose payment is disclosed on the committee’s
18 campaign statements, or such campaign consultant’s paid employees.

19 **(b) Additional Disclosure Requirements.** Any committee controlled by a City elective officer
20 or candidate for City elective office that receives contributions totaling \$5,000 or more that have been
21 bundled by a single individual shall disclose the following information:

22 (1) the name, occupation, employer, and mailing address of the person who bundled the
23 contributions;

24 (2) a list of the contributions bundled by that person (including the name of the
25 contributor and the date the contribution was made); and

1 (3) if the individual who bundled the contributions is a member of a City board or
2 commission, the name of the board or commission on which that person serves, and the names of any
3 City officers who appointed or nominated that person to the board or commission; ~~and~~

4 ~~(4) whether, during the 12 months prior to the date of the final contribution that~~
5 ~~makes the cumulative amount of contributions bundled by a single individual total \$5,000 or~~
6 ~~more, the person who bundled the contributions attempted to influence the City elective officer~~
7 ~~who controls the committee in any legislative or administrative action and if so, the legislative~~
8 ~~or administrative action that the contributor sought to influence and the outcome sought.~~

9 (c) **Filing Requirements.** Committees shall provide the information for bundled contributions
10 required by subsection (b) at the same time that they are required to file semiannual or preelection
11 campaign statements with the Ethics Commission. Committees shall be required to provide this
12 information following the receipt of the final contribution that makes the cumulative amount of
13 contributions bundled by a single individual total \$5,000 or more.

14 (d) **Website Posting.** The Ethics Commission shall make all information that is submitted in
15 accordance with subsection (b) publicly available through its website.

16
17 **SEC. 1.126. CONTRIBUTION ~~LIMITS~~ PROHIBITION – CONTRACTORS DOING**
18 **BUSINESS WITH THE CITY.**

19 (a) **Definitions.** For purposes of this Section 1.126, the following words and phrases
20 shall mean:

21 “Affiliate” means any member of an entity’s board of directors or any of that entity’s principal
22 officers, including its chairperson, chief executive officer, chief financial officer, chief operating officer,
23 any person with an ownership interest of more than 10% in the entity, and any subcontractor listed in
24 the entity’s bid or contract.
25

1 "Board on which an individual serves" means the board to which the officer was elected and
2 any other board on which the elected officer serves.

3 "City Contractor" means any person who contracts with, or is seeking a contract with, any
4 department of the City and County of San Francisco, a state agency on whose board an appointee of a
5 City elective officer serves, the San Francisco Unified School District, or the San Francisco
6 Community College District, when the total anticipated or actual value of the contract(s) that the
7 person is party to or seeks to become party to with any such entity within a fiscal year equals or
8 exceeds \$100,000.

9 "Contract" means any agreement or contract, including any amendment or modification to an
10 agreement or contract, with the City and County of San Francisco, a state agency on whose board an
11 appointee of a City elective officer serves, the San Francisco Unified School District, or the San
12 Francisco Community College District for:

13 (1) the rendition of personal services,

14 (2) the furnishing of any material, supplies or equipment,

15 (3) the sale or lease of any land or building,

16 (4) a grant, loan, or loan guarantee, or

17 (5) a development agreement.

18 "Contract" shall not mean a collective bargaining agreement or memorandum of understanding
19 between the City and a labor union representing City employees regarding the terms and conditions of
20 those employees' City employment.

21 ~~(1) "Person who contracts with" includes any party or prospective party to a contract,~~
22 ~~as well any member of that party's board of directors, its chairperson, chief executive officer, chief~~
23 ~~financial officer, chief operating officer, any person with an ownership interest of more than 20 percent~~
24 ~~in the party, any subcontractor listed in a bid or contract, and any committee, as defined by this~~
25 ~~Chapter that is sponsored or controlled by the party, provided that the provisions of Section 1.114 of~~

1 ~~this Chapter governing aggregation of affiliated entity contributions shall apply only to the party or~~
2 ~~prospective party to the contract.~~

3 ~~(2) "Contract" means any agreement or contract, including any amendment or~~
4 ~~modification to an agreement or contract, with the City and County of San Francisco, a state agency on~~
5 ~~whose board an appointee of a City elective officer serves, the San Francisco Unified School District,~~
6 ~~or the San Francisco Community College District for:~~

7 ~~(A) the rendition of personal services,~~

8 ~~(B) the furnishing of any material, supplies or equipment,~~

9 ~~(C) the sale or lease of any land or building, or~~

10 ~~(D) a grant, loan or loan guarantee.~~

11 ~~(3) "Board on which an individual serves" means the board to which the officer was~~
12 ~~elected and any other board on which the elected officer serves.~~

13 **(b) Prohibition on Contributions.** ~~No City Contractor or affiliate of a City Contractor~~
14 ~~may make any contribution to: person who contracts with the City and County of San Francisco, a state~~
15 ~~agency on whose board an appointee of a City elective officer serves, the San Francisco Unified School~~
16 ~~District, or the San Francisco Community College District,~~

17 ~~(1) Shall make any contribution to:~~

18 ~~(A) (1)~~ An individual holding a City elective office if the contract or contracts
19 must be approved by such individual, the board on which that individual serves, or a state
20 agency on whose board an appointee of that individual serves;

21 ~~(B) (2)~~ A candidate for the office held by such individual; or

22 ~~(C) (3)~~ A committee controlled by such individual or candidate.

23 ~~(2) Whenever the agreement or contract has a total anticipated or actual value of~~
24 ~~\$50,000.00 or more, or a combination or series of such agreements or contracts approved by that same~~
25 ~~individual or board have a value of \$50,000.00 or more in a fiscal year of the City and County~~

1 ~~(3)~~ (c) **Term of Prohibitions.** *The prohibitions set forth in subsection (b) shall apply from the*
2 *submission of a proposal for a contract until: At any time from the commencement of negotiations for*
3 *such contract until:*

4 (A) ~~(1)~~ The termination of negotiations for such contract; or

5 (B) ~~(2)~~ *Six 12 months have elapsed* from the date the contract is approved.

6 ~~(e)~~ (d) **Prohibition on Receipt of Contribution Soliciting or Accepting Contributions.** No
7 individual holding City elective office, *candidate for such office,* or committee controlled by such
8 an individual shall: ~~solicit or~~

9 (1) accept any contribution prohibited by subsection (b); or

10 (2) solicit any contribution prohibited by subsection (b) from a person who the
11 individual knows or has reason to know to be a City Contractor.

12 ~~at any time from the formal submission of the contract to the individual until the termination of~~
13 ~~negotiations for the contract or six months have elapsed from the date the contract is approved. For~~
14 ~~the purpose of this subsection, a contract is formally submitted to the Board of Supervisors at the time~~
15 ~~of the introduction of a resolution to approve the contract.~~

16 ~~(d)~~ (e) **Forfeiture of Contribution Contribution.** In addition to any other penalty, each
17 committee that ~~receives~~ accepts a contribution prohibited by subsection ~~(e)~~ (b) shall pay
18 promptly the amount received or deposited to the City and County of San Francisco and
19 deliver the payment to the Ethics Commission for deposit in the General Fund of the City and
20 County; provided that the Commission may provide for the waiver or reduction of the forfeiture.

21 ~~(e)~~ (f) **Notification.**

22 (1) **Prospective Parties to Contracts Notification by City Agencies.**

23 (A) **Prospective Parties to Contracts.** *The City agency seeking to enter into a*
24 *contract subject to subsection (b) shall inform any* Any prospective party to a contract ~~with the City~~
25 ~~and County of San Francisco, a state agency on whose board an appointee of a City elective officer~~

1 ~~serves, the San Francisco Unified School District, or the San Francisco Community College District~~
2 ~~shall inform each person described in Subsection (a)(1)~~ of the prohibition in §subsection (b) ~~and of~~
3 ~~the duty to notify the Ethics Commission, as described in subsection (f)(2), by the commencement of~~
4 ~~negotiations~~ by the submission of a proposal for such contract.

5 (B) Parties to Executed Contracts. After the final execution of a contract by a
6 City agency and any required approvals of a City elective officer, the agency that has entered into a
7 contract subject to subsection (b) shall inform any parties to the contract of the prohibition in
8 subsection (b) and the term of such prohibition established by subsection (c).

9 (2) Notification of Ethics Commission. The City agency seeking to enter into a
10 contract subject to subsection (b) shall notify the Ethics Commission, within 30 days of the submission
11 of a proposal, on a form or in a format adopted by the Commission, of the value of the desired contract,
12 the parties to the contract, and any subcontractor listed as part of the proposal

13 (3) Notification by Prospective Parties to Contracts. Any prospective party to a
14 contract subject to subsection (b) shall, by the submission of a proposal for such contract, inform any
15 member of that party's board of directors and any of that party's principal officers, including its
16 chairperson, chief executive officer, chief financial officer, chief operating officer, any person with an
17 ownership interest of more than 10% in the party, and any subcontractor listed in the party's bid or
18 contract of the prohibition in subsection (b).

19 (2) (4) Notification by Individuals Who Hold City Elective Office. Every
20 individual who holds a City elective office shall, within five business days of the approval of a
21 contract by the officer, a board on which the officer sits, or a board of a state agency on which
22 an appointee of the officer sits, notify the Ethics Commission, on a form or in a format adopted
23 by the Commission, of each contract approved by the individual, the board on which the
24 individual serves, or the board of a state agency on which an appointee of the officer sits. An
25 individual who holds a City elective office need not file the form required by this subsection

1 ~~(f)(4)~~ if the Clerk or Secretary of a Board on which the individual serves or a Board of a State
2 agency on which an appointee of the officer serves has filed the form on behalf of the board.
3

4 **SEC. 1.127. CONTRIBUTION LIMITS – PERSONS WITH LAND USE MATTERS**
5 **BEFORE A DECISION-MAKING BODY.**

6 ~~(a) Definitions.~~ For purposes of this Section 1.127, the following phrases shall mean:

7 ~~“Affiliated entities” means business entities directed and controlled by a majority of the~~
8 ~~same persons, or majority owned by the same person.~~

9 ~~“Prohibited contribution” is a contribution to (1) a member of the Board of Supervisors,~~
10 ~~(2) a candidate for member of the Board of Supervisors, (3) the Mayor, (4) a candidate for~~
11 ~~Mayor, (5) the City Attorney, (6) a candidate for City Attorney, or (7) a controlled committee of~~
12 ~~a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of~~
13 ~~these offices.~~

14 ~~(b) Prohibition on Contributions.~~ No person, or the person’s affiliated entities, with a
15 financial interest in a land use matter before the Board of Appeals, Board of Supervisors,
16 Building Inspection Commission, Commission on Community Investment and Infrastructure,
17 Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure
18 Island Development Authority Board of Directors shall make any prohibited contribution at any
19 time from a request or application regarding a land use matter until 12 months have elapsed
20 from the date that the board or commission renders a final decision or ruling or any appeals
21 from that decision or ruling have been finally resolved.

22 ~~(c) Prohibition on Soliciting or Accepting Contributions.~~ No member of the Board
23 of Supervisors, candidate for member of the Board of Supervisors, the Mayor, candidate for
24 Mayor, the City Attorney, candidate for City Attorney, or controlled committees of such officers
25 and candidates shall:

1 ~~(1) accept any contribution prohibited by subsection (b); or~~
2 ~~(2) solicit any contribution prohibited by subsection (b) from a person who the~~
3 ~~individual knows or has reason to know has a financial interest in land use matter.~~

4 ~~(d) **Exceptions.** The prohibitions set forth in subsections (b) and (c) shall not apply if:~~

5 ~~(1) the land use matter concerns only the person's primary residence;~~
6 ~~(2) the person with a financial interest in the land use matter is a nonprofit~~
7 ~~organization with tax exempt status under 26 United States Code Section 501(c)(3), and the~~
8 ~~land use matter solely concerns the provision of health care services, social welfare services,~~
9 ~~permanently affordable housing, or other community services funded, in whole or in~~
10 ~~substantial part, by the City to serve low income San Francisco residents; or~~

11 ~~(e) **Forfeiture of Prohibited Contributions.** In addition to any other penalty, each~~
12 ~~member of the Board of Supervisors, candidate for member of the Board of Supervisors, the~~
13 ~~Mayor, candidate for Mayor, City Attorney, candidate for City Attorney, or controlled~~
14 ~~committees of such officers and candidates, who solicits or accepts any contribution~~
15 ~~prohibited by subsection (b) shall pay promptly the amount received or deposited to the City~~
16 ~~and County of San Francisco by delivering the payment to the Ethics Commission for deposit~~
17 ~~in the General Fund of the City and County; provided, that the Commission may provide for~~
18 ~~the waiver or reduction of the forfeiture.~~

19 ~~(f) **Notification.**~~

20 ~~(1) **Prospective Parties to Land Use Matters.** The agency responsible for the~~
21 ~~initial review of any land use matter shall inform any person with a financial interest in a land~~
22 ~~use matter before the Board of Appeals, Board of Supervisors, Building Inspection~~
23 ~~Commission, Commission on Community Investment and Infrastructure, Historic Preservation~~
24 ~~Commission, Planning Commission, Port Commission, or the Treasure Island Development~~
25 ~~Authority Board of Directors, of the prohibition in subsection (b) and of the duty to notify the~~

1 ~~Ethics Commission, described in subsection (f)(2), upon the submission of a request or~~
2 ~~application regarding a land use matter.~~

3 ~~(2) **Persons with a Financial Interest in a Land Use Matter.** Any person with~~
4 ~~a financial interest in a land use matter before the Board of Appeals, Board of Supervisors,~~
5 ~~Building Inspection Commission, Commission on Community Investment and Infrastructure,~~
6 ~~Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure~~
7 ~~Island Development Authority Board of Directors, within 30 days of submitting a request or~~
8 ~~application, shall file with the Ethics Commission a report including the following information:~~

9 ~~(A) the board, commission, or department considering the land use~~
10 ~~matter;~~

11 ~~(B) the location of the property that is the subject of the land use matter;~~

12 ~~(C) if applicable, the file number for the land use matter; and~~

13 ~~(D) if applicable, the names of the individuals who serve as the person's~~
14 ~~chairperson, chief executive officer, chief financial officer, and chief operating officer, or as a~~
15 ~~member of the person's board of directors.~~

17 **SEC. 1.135. SUPPLEMENTAL PRE-ELECTION STATEMENTS.**

18 (a) **Supplemental Preelection Statements - General Purpose Committees.** In addition
19 to the campaign disclosure requirements imposed by the California Political Reform Act and
20 other provisions of this Chapter 1, a San Francisco general purpose committee that makes
21 contributions or expenditures totaling \$500 or more during the period covered by the
22 preelection statement, other than expenditures for the establishment and administration of
23 that committee, shall file a preelection statement before any election held in the City and
24 County of San Francisco at which a candidate for City elective office or City measure is on the
25 ballot.

1 (b) **Time for Filing Supplemental Preelection Statements - General Purpose**
2 **Committees.**

3 (1) Even-Numbered Years. In even-numbered years, preelection statements
4 required by ~~this Section~~ subsection (a) shall be filed pursuant to the preelection statement filing
5 schedule established by the Fair Political Practices Commission for county general purpose
6 recipient committees. In addition to these deadlines, preelection statements shall also be filed, for
7 the period ending six days before the election, no later than four days before the election.

8 (2) Odd-Numbered Years. In odd-numbered years, the filing schedule for
9 preelection statements is as follows:

10 (1) (A) For the period ending 45 days before the election, the statement
11 shall be filed no later than 40 days before the election;

12 (2) (B) For the period ending 17 days before the election, the statement
13 shall be filed no later than 12 days before the election; and

14 (C) For the period ending six days before the election, the statement shall be
15 filed no later than four days before the election.

16 (c) **Time for Filing Supplemental Preelection Statements - Ballot Measure Committees and**
17 **Candidate Committees.** In addition to the deadlines established by the Fair Political Practices
18 Commission, ballot measure committees and candidate committees required to file preelection
19 statements with the Ethics Commission shall file a third preelection statement before any election held
20 in the City and County of San Francisco at which a candidate for City elective office or City measure is
21 on the ballot, for the period ending six days before the election, no later than four days before the
22 election.

23 (e) (d) The Ethics Commission may require that these statements be filed electronically.
24
25

1 **~~SEC. 1.163.5. DISTRIBUTION OF CAMPAIGN ADVERTISEMENTS CONTAINING~~**
2 **~~FALSE ENDORSEMENTS.~~**

3 ~~(a) **Prohibition.** No person may sponsor any campaign advertisement that is distributed~~
4 ~~within 90 days prior to an election and that contains a false endorsement, where the person acts with~~
5 ~~knowledge of the falsity of the endorsement or with reckless disregard for the truth or falsity of the~~
6 ~~endorsement. A false endorsement is a statement, signature, photograph, or image representing that a~~
7 ~~person expressly endorses or conveys support for or opposition to a candidate or measure when in fact~~
8 ~~the person does not expressly endorse or convey support for or opposition to the candidate or measure~~
9 ~~as stated or implied in the campaign communication.~~

10 ~~(b) **Definitions.** Whenever in this Section the following words or phrases are used, they shall~~
11 ~~mean:~~

12 ~~(1) "Campaign Advertisement" is any mailing, flyer, door hanger, pamphlet, brochure,~~
13 ~~card, sign, billboard, facsimile, printed advertisement, broadcast, cable, satellite, radio, internet, or~~
14 ~~recorded telephone advertisement that refers to one or more clearly identified candidates or ballot~~
15 ~~measures. The term "campaign advertisement" does not include:~~

16 ~~(A) bumper stickers, pins, stickers, hat bands, badges, ribbons and other similar~~
17 ~~campaign memorabilia;~~

18 ~~(B) news stories, commentaries or editorials distributed through any newspaper,~~
19 ~~radio, station, television station or other recognized news medium unless such news medium is owned~~
20 ~~or controlled by any political party, political committee or candidate; or~~

21 ~~(C) material distributed to all members, employees and shareholders of an~~
22 ~~organization, other than a political party;~~

23 ~~(2) "Internet Advertisement" includes paid internet advertisements such as "banner"~~
24 ~~and "popup" advertisements, paid emails, or emails sent to addresses purchased from another person,~~
25 ~~and similar types of internet advertisements as defined by the Ethics Commission by regulation, but~~

1 ~~shall not include web blogs, listserves sent to persons who have contacted the sender, discussion~~
2 ~~forums, or general postings on web pages.~~

3 ~~(3) "Sponsor" means to pay for, direct, supervise or authorize the production of~~
4 ~~campaign advertisement.~~

5 ~~(c) **Enforcement and Penalties.** The penalties under Section 1.170(a) of this Chapter do not~~
6 ~~apply to violations of this Section. Notwithstanding the 60-day waiting period in Section 1.168 of this~~
7 ~~Chapter, a voter may bring an action to enjoin a violation of this Section immediately upon providing~~
8 ~~written notice to the City Attorney. A court may enjoin a violation of this section only upon a showing~~
9 ~~of clear and convincing evidence of a violation.~~

11 **SEC. 1.168. ENFORCEMENT; ADVICE.**

12 (a) ENFORCEMENT – GENERAL PROVISIONS. Any person who believes that a
13 violation of this Chapter 1 has occurred may file a complaint with the Ethics Commission, City
14 Attorney, or District Attorney. The Ethics Commission shall investigate such complaints
15 pursuant to Charter Section C3.699-13 and its implementing regulations. The City Attorney
16 and District Attorney shall investigate, and shall have such investigative powers as are
17 necessary for the performance of their duties under this Chapter.

18 (b) ENFORCEMENT – CIVIL ACTIONS. The City Attorney, or any ~~voter~~ resident, may
19 bring a civil action to enjoin violations of or compel compliance with the provisions of this
20 Chapter 1.

21 (1) No ~~voter~~ resident may commence an action under this Subsection (b) without
22 first providing written notice to the City Attorney of intent to commence an action. The notice
23 shall include a statement of the grounds for believing a cause of action exists. The ~~voter~~
24 resident shall deliver the notice to the City Attorney and the Ethics Commission at least 60 days
25 in advance of filing an action. No ~~voter~~ resident may commence an action under this

§ subsection if the Ethics Commission has issued a finding of probable cause that the defendant violated the provisions of this Chapter, or if the City Attorney or District Attorney has commenced a civil or criminal action against the defendant, or if another ~~voter~~ resident has filed a civil action against the defendant under this § subsection.

(2) A Court may award reasonable attorney's fees and costs to any ~~voter~~ resident who obtains injunctive relief under this § subsection (b). If the Court finds that an action brought by a ~~voter~~ resident under this § subsection is frivolous, the Court may award the defendant reasonable attorney's fees and costs.

(c) STATUTE OF LIMITATIONS.

(1) **Criminal.** Prosecution for violation of this Chapter must be commenced within four years after the date on which the violation occurred.

(2) **Civil.** No civil action alleging a violation in connection with a campaign statement required under this Chapter shall be filed more than four years after an audit could begin, or more than one year after the Executive Director submits to the Commission any report of any audit conducted of the alleged violator, whichever period is less. Any other civil action alleging a violation of any provision of this Chapter shall be filed no more than four years after the date on which the violation occurred.

(3) **Administrative.** No administrative action alleging a violation of this Chapter and brought under Charter Section C3.699-13 shall be commenced more than four years after the date on which the violation occurred. The date on which the Commission forwards a complaint or information in its possession regarding an alleged violation to the District Attorney and City Attorney as required by Charter Section C3.699-13 shall constitute the commencement of the administrative action.

(A) **Fraudulent Concealment.** If the person alleged to have violated this Chapter engages in the fraudulent concealment of his or her acts or identity, this four-year statute of

1 limitations shall be tolled for the period of concealment. For purposes of this subsection, "fraudulent
2 concealment" means the person knows of material facts related to his or her duties under this Chapter
3 and knowingly conceals them in performing or omitting to perform those duties.

4 (4) **Collection of Fines and Penalties.** A civil action brought to collect fines or
5 penalties imposed under this Chapter shall be commenced within four years after the date on
6 which the monetary penalty or fine was imposed. For purposes of this Section, a fine or
7 penalty is imposed when a court or administrative agency has issued a final decision in an
8 enforcement action imposing a fine or penalty for a violation of this Chapter or the Executive
9 Director has made a final decision regarding the amount of a late fine or penalty imposed
10 under this Chapter. The Executive Director does not make a final decision regarding the
11 amount of a late fine or penalty imposed under this Chapter until the Executive Director has
12 made a determination to accept or not accept any request to waive a late fine or penalty
13 where such waiver is expressly authorized by statute, ordinance, or regulation.

14 * * * *

15 (e) DEBARMENT.

16 The Ethics Commission may, after a hearing on the merits or pursuant to a stipulation among
17 all parties, recommend that a Charging Official authorized to issue Orders of Debarment under
18 Administrative Code Chapter 28 initiate debarment proceedings against any person in conformance
19 with the procedures set forth in that Chapter.

21 **SEC. 1.170. PENALTIES.**

22 (a) **CRIMINAL.** Any person who knowingly or willfully violates any provision of this
23 Chapter I shall be guilty of a misdemeanor and upon conviction thereof shall be punished by
24 a fine of not more than \$5,000 for each violation or by imprisonment in the County jail for a
25 period of not more than six months or by both such fine and imprisonment; provided, however,

1 that any willful or knowing failure to report contributions or expenditures done with intent to
2 mislead or deceive or any willful or knowing violation of the provisions of Section 1.114, 1.126,
3 or 1.127 of this Chapter shall be punishable by a fine of not less than \$5,000 for each violation
4 or three times the amount not reported or the amount received in excess of the amount
5 allowable pursuant to Section 1.114, 1.126, and 1.127 of this Chapter, or three times the
6 amount expended in excess of the amount allowable pursuant to Section 1.130 or 1.140-5,
7 whichever is greater.

8 (b) CIVIL. Any person who intentionally or negligently violates any of the provisions of
9 this Chapter 1 shall be liable in a civil action brought by the ~~civil prosecutor~~ City Attorney for an
10 amount up to \$5,000 for each violation or three times the amount not reported or the amount
11 received in excess of the amount allowable pursuant to Section 1.114, 1.126, and 1.127 or
12 three times the amount expended in excess of the amount allowable pursuant to Section
13 1.130 or 1.140-5, whichever is greater. In determining the amount of liability, the court may take
14 into account the seriousness of the violation, the degree of culpability of the defendant, and the ability
15 of the defendant to pay.

16 (c) ADMINISTRATIVE. Any person who ~~intentionally or negligently~~ violates any of the
17 provisions of this Chapter 1 shall be liable in an administrative proceeding before the Ethics
18 Commission held pursuant to the Charter for any penalties authorized therein.

19 * * * *

20
21 Section 2. The Campaign and Governmental Conduct Code, Article III, Chapter 2, is
22 hereby amended by revising Section 3.203 and adding Sections 3.207, 3.209, and 3.231 to
23 read as follows:

24 **SEC. 3.203. DEFINITIONS.**

25 Whenever in this Chapter 2 the following words or phrases are used, they shall mean:

1 "Anything of value" shall mean any money or property, favor, service, payment, advance,
2 forbearance, loan, or promise of future employment, but does not include compensation and expenses
3 paid by the City, contributions as defined herein, or gifts that qualify for gift exceptions established by
4 State or local law.

5 "Associated," when used in reference to an organization, shall mean any organization in which
6 an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or
7 controls, directly or indirectly, and severally or in the aggregate, at least 10% of the equity, or of which
8 an individual or a member of his or her immediate family is an authorized representative or agent.

9 "City elective officer" shall mean a person who holds the office of Mayor, Member of the Board
10 of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor and Public Defender.

11 "Contribution" shall be defined as set forth in the California Political Reform Act, California
12 Government Code section 81000, et seq.

13 "Fundraising" shall mean:

- 14 (a) requesting that another person make a contribution;
15 (b) inviting a person to a fundraising event;
16 (c) supplying names to be used for invitations to a fundraiser;
17 (d) permitting one's name or signature to appear on a solicitation for contributions or an
18 invitation to a fundraising event;
19 (e) permitting one's official title to be used on a solicitation for contributions or an invitation to
20 a fundraising event;
21 (f) providing the use of one's home or business for a fundraising event;
22 (g) paying for at least 20% of the costs of a fundraising event;
23 (h) hiring another person to conduct a fundraising event;
24 (i) delivering a contribution, other than one's own, by whatever means to a City elective
25 officer, a candidate for City elective office, or a candidate-controlled committee; or

1 (j) acting as an agent or intermediary in connection with the making of a contribution.

2 "Immediate family" shall mean spouse, registered domestic partner, and dependent children.

3 ~~(a)~~ "Officer" shall mean any person holding City elective office; any member of a board
4 or commission required by Article III, Chapter 1 of this Code to file a statements of economic
5 interests; any person appointed as the chief executive officer under any such board or
6 commission; the head of each City department; the Controller; and the City Administrator.

7 ~~(b) "City elective office" shall mean the offices of Mayor, Member of the Board of Supervisors,~~
8 ~~City Attorney, District Attorney, Treasurer, Sheriff, Assessor and Public Defender.~~

9 "Solicit" shall mean personally requesting a contribution for any candidate or committee,
10 either orally or in writing.

11 "Subordinate employee" shall mean an employee of any person whose official City
12 responsibilities include directing or evaluating the performance of the employee or any of the
13 employee's supervisors.

14
15 **SEC. 3.207. ADDITIONAL CONFLICTS OF INTEREST FOR CITY ELECTIVE**
16 **OFFICERS AND MEMBERS OF BOARDS AND COMMISSIONS.**

17 (a) **Prohibitions.** In addition to the restrictions set forth in Section 3.206 and other provisions
18 of this Chapter 2, the following shall also constitute conflicts of interest for City elective officers and
19 members of boards and commissions:

20 (1) No City elective officer or member of a board or commission may use his or her
21 public position or office to seek or obtain anything of value for the private or professional benefit of
22 himself or herself, his or her immediate family, or for an organization with which he or she is
23 associated.

24 (2) No City elective officer or member of a board or commission may, directly or by
25 means of an agent, give, offer, promise to give, withhold, or offer or promise to withhold his or her vote

1 or influence, or promise to take or refrain from taking official action with respect to any proposed or
2 pending matter in consideration of, or upon condition that, any other person make or refrain from
3 making a contribution.

4 (3) No person may offer or give to an officer, directly or indirectly, and no City elective
5 officer or member of a board or commission may solicit or accept from any person, directly or
6 indirectly, anything of value if it could reasonably be expected to influence the officer's vote, official
7 actions, or judgment, or could reasonably be considered as a reward for any official action or inaction
8 on the part of the officer. This subsection (a)(3) does not prohibit a City elective officer or member of a
9 board or commission from engaging in outside employment.

10 (b) **Exception: public generally.** The prohibition set forth in subsection (a)(1) shall not apply
11 if the resulting benefit, advantage, or privilege also affects a significant segment of the public and the
12 effect is not unique. For purposes of this subsection (b):

13 (1) A significant segment of the public is at least 25% of:

14 (A) all businesses or non-profit entities within the official's jurisdiction;

15 (B) all real property, commercial real property, or residential real property
16 within the official's jurisdiction; or

17 (C) all individuals within the official's jurisdiction.

18 (2) A unique effect on a public official's financial interest includes a disproportionate
19 effect on:

20 (A) the development potential or use of the official's real property or on the
21 income producing potential of the official's real property or business entity;

22 (B) an official's business entity or real property resulting from the proximity of
23 a project that is the subject of a decision;

1 (C) an official's interests in business entities or real properties resulting from
2 the cumulative effect of the official's multiple interests in similar entities or properties that is
3 substantially greater than the effect on a single interest;

4 (D) an official's interest in a business entity or real property resulting from the
5 official's substantially greater business volume or larger real property size when a decision affects all
6 interests by the same or similar rate or percentage;

7 (E) a person's income, investments, assets or liabilities, or real property if the
8 person is a source of income or gifts to the official; or

9 (F) an official's personal finances or those of his or her immediate family.

10
11 **SEC. 3.209. RECUSALS.**

12 (a) **Recusal Procedures.** Any member of a City board or commission, including a member of
13 the Board of Supervisors, who has a conflict of interest under Sections 3.206 or 3.207, or who must
14 recuse himself or herself from a proceeding under California Government Code Section 84308, shall,
15 in the public meeting of the board or commission, upon identifying a conflict of interest immediately
16 prior to the consideration of the matter, do all of the following:

17 (1) publicly identify the circumstances that give rise to the conflict of interest in detail
18 sufficient to be understood by the public, provided that disclosure of the exact street address of a
19 residence is not required;

20 (2) recuse himself or herself from discussing or acting on the matter; and

21 (3) leave the room until after the discussion, vote, and any other disposition of the
22 matter is concluded, unless the matter has been placed on and remains on the consent calendar.

23 (b) **Recusal Notification.** A member of a City board or commission who is required to
24 file a statement of economic interests pursuant to Article III, Chapter 1 of the Campaign and
25

1 Governmental Conduct Code shall file a recusal notification form each time the member
2 recuses himself or herself, as required by subsection (a).

3 (1) The member shall file the original recusal notification form, along with a copy
4 of the meeting agenda containing the item involving the conflict of interest, with the Ethics
5 Commission within 15 calendar days after the date of the meeting at which the recusal
6 occurred.

7 (2) The member shall file the recusal notification form with the Ethics
8 Commission even if the member is not present at the meeting that would have involved the
9 conflict of interest.

10 (3) The recusal notification form shall be filed under penalty of perjury in a
11 method prescribed by the Ethics Commission and shall include, at a minimum, the following:

12 (A) the member's name;

13 (B) the name of the member's board or commission;

14 (C) the date of the meeting at which the recusal occurred or would have
15 occurred;

16 (D) the agenda item number, a brief description of the matter, and a
17 statement of whether the matter concerns the making of a contract; and

18 (E) the financial interest causing the recusal.

19 (c) **Repeated Recusals.** In the event a member of a City board or commission
20 recuses himself or herself, as required by subsection (a) during any 365 day period from
21 acting on:

22 (1) three or more agenda items by reason of the same investment in a business
23 entity, the same interest in real property or the same source of income; or

24 (2) 1% or more of the matters pending before the board or commission by
25 reason of any investments in business entities, any interests in real property or any sources of

1 income, the Ethics Commission shall examine the nature and extent of the conflict(s) of
2 interest and shall determine whether the member has a significant and continuing conflict of
3 interest. If the Ethics Commission so determines, the Ethics Commission may recommend to
4 the official's appointing authority that the official divest or otherwise remove the conflicting
5 interest, and, if the official fails to divest or otherwise remove the conflicting interest, the Ethics
6 Commission may recommend to the official's appointing authority that the official should be
7 removed from office under Charter Section 15.105 or by other means.

8 (d) **Exception.** The requirements of this Section 3.209 shall not apply to the members
9 of the Board of Supervisors.

10 ~~(b) **Repeated Recusals.** If a member of a City board or commission, including a~~
11 ~~member of the Board of Supervisors, recuses himself or herself, as required by subsection~~
12 ~~(a), in any 12-month period from discussing or acting on:~~

13 ~~(1) three or more separate matters; or~~

14 ~~(2) 1% or more of the matters pending before the officer's board or commission;~~

15 ~~the Commission shall determine whether the official has a significant and continuing conflict of~~
16 ~~interest. The Commission shall publish its written determination, including any discussion of~~
17 ~~the official's factual circumstances and applicable law, on its website. Thereafter, if the~~
18 ~~Commission determines that the official has a significant and continuing conflict of interest,~~
19 ~~the official shall provide the Commission with written notification of subsequent recusals~~
20 ~~resulting from the same conflicts of interest identified in the written determination. With~~
21 ~~respect to such officials, the Commission may recommend to the official's appointing authority~~
22 ~~that the official divest or otherwise remove the conflicting interest, and, if the official fails to~~
23 ~~divest or otherwise remove the conflicting interest, the Commission may recommend to the~~
24 ~~official's appointing authority that the official should be removed from office under Charter~~
25 ~~Section 15.105 or by other means.~~

1
2 **SEC. 3.231. PROHIBITIONS ON POLITICAL ACTIVITY FOR CITY ELECTIVE**
3 **OFFICERS AND MEMBERS OF BOARDS AND COMMISSIONS.**

4 **(a) Solicitation of Campaign Volunteers.** *No City elective officer or member of a board or*
5 *commission shall solicit uncompensated volunteer services from any subordinate employee for a*
6 *campaign for or against any ballot measure or candidate.*

7 **(b) Fundraising for Appointing Authorities.** *No member of a board or commission may*
8 *engage in fundraising on behalf of (1) the officer's appointing authority, if the appointing authority is a*
9 *City elective officer; (2) any candidate for the office held by the officer's appointing authority; or (3)*
10 *any committee controlled by the officer's appointing authority. For the purposes of this subsection,*
11 *"member of a board or commission" shall not include a member of the Board of Supervisors.*

12
13 Section 3. Section 1. The Campaign and Governmental Conduct Code, Article III,
14 Chapter 6, is hereby amended by revising Sections 3.600, 3.610, 3.620, and by adding
15 Sections 3.630, 3.640, 3.650, 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
19 the following meanings:

20 *"Actively support or oppose" shall mean contact, testify in person before, or otherwise act*
21 *communicate in an attempt to influence an official or employees of a board or commission*
22 *(including the Board of Supervisors), including use of an agent to do any such act.*

23 "Agent" shall be defined as set forth in Title 2, Section 18438.3 of California Code of
24 Regulations, as amended from time to time.

1 "At the behest of" shall mean under the control or at the direction of, in cooperation,
2 consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior
3 consent of.

4 ~~"Auctioneer" shall mean any person who is engaged in the calling for, the recognition of, and~~
5 ~~the acceptance of, offers for the purchase of goods at an auction.~~

6 "Behested payment" shall mean a payment that is made at the behest of an officer, or an agent
7 thereof, and that is made principally for a legislative, governmental, or charitable purpose.

8 ~~"Behested Payment Report" shall mean the Fair Political Practices Commission Form 803, or~~
9 ~~any other successor form, required by the Fair Political Practices Commission to fulfill the disclosure~~
10 ~~requirements imposed by California Government Code Section 82015(b)(2)(B)(iii), as amended from~~
11 ~~time to time.~~

12 ~~"Charitable Contribution" shall mean any monetary or non-monetary contribution to a~~
13 ~~government agency, a bona fide public or private educational institution as defined in Section 203 of~~
14 ~~the California Revenue and Taxation Code, or an organization that is exempt from taxation under~~
15 ~~either Section 501(c) or Section 527 of the United States Internal Revenue Code.~~

16 ~~"Commissioner" shall mean any member of a board or commission listed in Campaign and~~
17 ~~Governmental Conduct Code Section 3.1-103(a)(1); provided, however, that "Commissioner" shall not~~
18 ~~include any member of the Board of Supervisors.~~

19 "Contact" shall be defined as set forth in Section 2.106 of this Code.

20 "Financial interest" shall be defined as set forth in the California Political Reform Act
21 (California Government Code Section 87100 et seq.), any subsequent amendments to these
22 Sections, and its implementing regulations.

23 "Interested party" shall mean (i) any party, participant or agent of a party or participant
24 involved in a proceeding regarding administrative enforcement, a license, a permit, or other
25 entitlement for use before an officer or any board or commission (including the Board of Supervisors)

1 on which the officer sits, or (ii) any person who actively supports or opposes a governmental decision
2 by an officer or any board or commission (including the Board of Supervisors) on which the officer sits,
3 if such person has a financial interest in the decision.

4 "License, permit, or other entitlement for use" shall be defined as set forth in California
5 Government Code Section 84308, as amended from time to time.

6 "Officer" shall mean the Mayor, City Attorney, District Attorney, Treasurer, Sheriff, Assessor-
7 Recorder, Public Defender, a Member of the Board of Supervisors, or any member of a board or
8 commission who is required to file a Statement of Economic Interests, including all persons holding
9 positions listed in Section 3.1-103(a)(1) of this Code.

10 "Payment" shall mean a monetary payment or the delivery of goods or services.

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

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

15 "Public appeal" shall mean a request for a payment when such request is made by means of
16 television, radio, billboard, a public message on an online platform, the distribution of 500 or more
17 identical pieces of printed material, or a speech to a group of 50 or more individuals.

18 "Relative" shall mean a spouse, domestic partner, parent, grandparent, child, sibling, parent-in-
19 law, aunt, uncle, niece, nephew, first cousin, and includes any similar step relationship or relationship
20 created by adoption.

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

23 (a) **FILING REQUIREMENT.** ~~If a Commissioner directly or indirectly requests or solicits~~
24 ~~any Charitable Contribution(s), or series of Charitable Contributions, from any party, participant or~~
25 ~~agent of a party or participant involved in a proceeding regarding administrative enforcement, a~~

1 ~~license, a permit, or other entitlement for use before the Commissioner's board or commission, the~~
2 ~~Commissioner shall file a Behested Payment Report with the Ethics Commission in the following~~
3 ~~circumstances: If an officer directly or indirectly requests or solicits any behested payment(s) from an~~
4 ~~interested party, the officer shall file the behested payment report described in subsection (b) with the~~
5 ~~Ethics Commission in the following circumstances:~~

6 (1) ~~if the party, participant or agent makes any Charitable Contribution, or series of~~
7 ~~Charitable Contributions, totaling \$1,000 or more while the proceeding is pending, the Commissioner~~
8 ~~shall file a Behested Payment Report within 30 days of the date on which the Charitable Contribution~~
9 ~~was made, or if there has been a series of Charitable Contributions, within 30 days of the date on~~
10 ~~which a Charitable Contribution causes the total amount of the contributions to total \$1,000 or more;~~
11 ~~if the interested party makes any behested payment(s) totaling \$1,000 or more during the pendency of~~
12 ~~the proceeding matter involving the interested party or a decision that the interested party is~~
13 ~~actively supporting or opposing, the officer shall file a behested payment report within 30 days of the~~
14 ~~date on which the behested payment was made, or if there has been a series of behested payments,~~
15 ~~within 30 days of the date on which the behested payment(s) total \$1,000 or more;~~

16 (2) ~~if the party, participant or agent makes any Charitable Contribution, or series of~~
17 ~~Charitable Contributions, totaling \$1,000 or more during the three months following the date a final~~
18 ~~decision is rendered in the proceeding, the Commissioner shall file a Behested Payment Report within~~
19 ~~30 days of the date on which the Charitable Contribution was made, or if there has been a series of~~
20 ~~Charitable Contributions, within 30 days of the date on which a Charitable Contribution causes the~~
21 ~~total amount of the contributions to total \$1,000 or more; and if the interested party makes any~~
22 ~~behested payment(s) totaling \$1,000 or more during the six months following the date on which a final~~
23 ~~decision is rendered in the proceeding matter involving the interested party or a decision that the~~
24 ~~interested party is actively supporting or opposing, the officer shall file a behested payment report~~
25 ~~within 30 days of the date on which the behested payment was made, or if there has been a series of~~

1 behested payments, within 30 days of the date on which the behested payment(s) total \$1,000 or more;
2 and

3 (3) ~~if the party, participant or agent made any Charitable Contribution, or series of~~
4 ~~Charitable Contributions, totaling \$1,000 or more in the 12 months prior to the commencement of a~~
5 ~~proceeding, the Commissioner shall file a Behested Payment Report within 30 days of the date the~~
6 ~~Commissioner knew or should have known that the source of the Charitable Contribution(s) became a~~
7 ~~party, participant or agent in a proceeding before the Commissioner's board or commission. if the~~
8 interested party made any behested payment(s) totaling \$1,000 or more in the 12 months prior to the
9 commencement of a proceeding matter involving the interested party or a decision that the
10 interested party actively supports or opposes, the officer shall file a behested payment report
11 within 30 days of the date the officer knew or should have known that the source of the behested
12 payment(s) became an interested party.

13 (b) **BEHESTED PAYMENT REPORT.** The behested payment report shall include the
14 following:

- 15 (1) name of payor;
16 (2) address of payor;
17 (3) amount of the payment(s);
18 (4) date(s) the payment(s) were made,
19 (5) the name and address of the payee(s),
20 (6) a brief description of the goods or services provided or purchased, if any, and a
21 description of the specific purpose or event for which the payment(s) were made;
22 (7) if the officer or the officer's relative, staff member, or paid campaign staff, is an
23 officer, executive, member of the board of directors, staff member or authorized agent for the recipient
24 of the behested payment(s), such individual's name, relation to the officer, and position held with the
25 payee;

1 (8) if the payee has created or distributed 200 or more substantially similar
2 communications featuring the officer within the six months prior to the deadline for filing the behested
3 payment report, a brief description of such communication(s), the purpose of the communication(s), the
4 number of communication(s) distributed, and a copy of the communication(s); and

5 (9) if in the six months following the deadline for filing the behested payment report, the
6 payee has created or distributed 200 or more substantially similar communications featuring the
7 officer, the officer shall file an amended payment report that discloses a brief description of such
8 communication(s), the purpose of the communication(s), the number of communication(s) distributed,
9 and a copy of the communication(s).

10 (c) **AMENDMENTS.** If any of the information previously disclosed on a behested payment
11 report changes during the pendency of the ~~proceeding~~matter involving the interested party ~~or a~~
12 decision that the interested party actively supports or opposes, or within six months of the final
13 decision in such ~~proceeding~~matter, the officer shall file an amended behested payment report.

14 (d) **PUBLIC APPEALS.** Notwithstanding subsection (a), no officer shall be required to report
15 any behested payment that is made solely in response to a public appeal.

16 (e) **NOTICE.** If an officer solicits or otherwise requests, in any manner other than a public
17 appeal, that any person make a behested payment, the official or his agent must notify that person that
18 if the person makes any behested payment in response to the solicitation or request, the person may be
19 subject to the disclosure and notice requirements in Section 3.620.

20 (b) (f) **WEBSITE POSTING.** The Ethics Commission shall make available through its
21 website all ~~B~~behested ~~P~~ayment ~~R~~eports it receives from ~~Commissioners~~ officers.

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

24 (d) ~~**EXCEPTION.** A Commissioner has no obligation to file Behested Payment Reports, as~~
25 ~~required by subsection (a), if the Commissioner solicited Charitable Contributions by acting as an~~

1 ~~auctioneer at a fundraising event for a nonprofit organization that is exempt from taxation under~~
2 ~~Section 501(c)(3) of the United States Internal Revenue Code.~~

3
4 **SEC. 3.620. FILING BY DONORS.**

5 (a) **REPORT.** Any interested party who makes a behested payment, or series of behested
6 payments in a calendar year, of \$1,000 or more must disclose, within 30 days following the date on
7 which the payment(s) totals \$1,000 or more:

8 (1) the proceeding the interested party is or was involved in;

9 (2) the decisions the interested party actively supports or opposes;

10 (3) the outcome(s) the interested party is or was seeking in such proceedings or
11 decisions; and

12 (4) any contact(s) the interested party made in relation to such proceedings or
13 decisions.

14 (b) **NOTICE.** Any person who makes a behested payment must notify the recipient that the
15 payment is a behested payment, at the time the payment is made.

16
17 **SEC. 3.630. FILING BY RECIPIENTS OF MAJOR BEHESTED PAYMENTS.**

18 (a) **MAJOR BEHESTED PAYMENT REPORT.** Any person who receives a behested
19 payment, or a series of behested payments, received during a calendar year, totaling \$100,000 or more
20 that was made at the behest of any officer must do the following:

21 (1) within 30 days following the date on which the payment(s) total \$100,000 or more,
22 notify the Ethics Commission that the person has received such payment(s) and specify the date on
23 which the payment(s) equaled or exceeded \$100,000;

1 (2) within 13 months following the date on which the payment(s) or payments total
2 \$100,000 or more, but at least 12 months following the date on which the payment(s) total \$100,000 or
3 more, disclose:

4 (i) all payments made by the person that were funded in whole or in part by the
5 behested payment(s) made at the behest of the officer; and

6 (ii) if the person has actively supported or opposed any City decision(s)
7 involving the officer in the 12 months following the date on which the payment(s) were made:

8 (A) the proceeding the person is or was involved in;

9 (B) the decision(s) the person actively supported or opposed;

10 (C) the outcome(s) the person is or was seeking in such proceedings or
11 decisions; and

12 (D) any contact(s) the person made in relation to such proceedings or
13 decisions.

14 (b) **EXCEPTION.** Subsection (a) does not apply if the entity receiving the behested payment is
15 a City department.

16 (c) **NOTICE REQUIRED.** If a recipient of a behested payment does not receive the notice, as
17 required under Section 3.620, that a particular payment is a behested payment, the recipient will not be
18 subject to penalties under Section 3.650, as regards that particular payment, for failure to file pursuant
19 to subsection (a) unless it is clear from the circumstances that the recipient knew or should have known
20 that the payment was made at the behest of an officer.

21
22 **SEC. ~~3.620~~ 3.640. REGULATIONS.**

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

1 (b) The Ethics Commission may, by regulation, require persons ~~Commissioners~~ to
2 electronically submit any ~~substantially the same~~ information ~~as required by the Behested Payment~~
3 ~~Report~~ to fulfill their obligations under ~~Section 3.610~~ this Chapter 6.

4
5 **SEC. 3.650. PENALTIES.**

6 Any party who fails to comply with any provision of this Chapter 6 is subject to the
7 administrative process and penalties set forth in Section 3.242(d) of this Code.

8
9 Section 4. Effective and Operative Dates. This ordinance shall become effective 30
10 days after enactment. This ordinance shall become operative on January 1, 2019.
11 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance
12 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of
13 Supervisors overrides the Mayor's veto of the ordinance.

14
15 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
19 additions, and Board amendment deletions in accordance with the "Note" that appears under
20 the official title of the ordinance.

21
22 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
23 of this ordinance, or any application thereof to any person or circumstance, is held to be
24 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
25 shall not affect the validity of the remaining portions or applications of the ordinance. The

1 Board of Supervisors hereby declares that it would have passed this ordinance and each and
2 every section, subsection, sentence, clause, phrase, and word not declared invalid or
3 unconstitutional without regard to whether any other portion of this ordinance or application
4 thereof would be subsequently declared invalid or unconstitutional.

5
6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By: _____
9 ANDREW SHEN
Deputy City Attorney

10 n:\legana\as2017\1700562\01255145.docx

Not for Consideration