Anti-Corruption & Accountability Ordinance

LEGISLATIVE IMPLEMENTATION OVERVIEW

August 12, 2019

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BACKGROUND

At its April 18, 2018 Special Meeting, the Commission approved the Anti-Corruption and Accountability Ordinance (ACAO), a comprehensive ethics ordinance developed in partnership with community stakeholders and members of the Board of Supervisors. The Board and Mayor subsequently approved the ACAO on May 22 and May 30, respectively. ACAO added 7 new and amended 2 existing filing requirements – all of which became operative on January 1, 2019.



SUMMARY OF NEW/AMENDED FILINGS

	DESCRIPTION	APPLICABLE TO
<u>SFEC-114.5</u> B	Behested Contributions Received by Certain Committees	Ballot Measure CommitteesCommittees Making Independent Expenditures
SFEC-124 Co	Contributions Made by Business Entities	Any committee required to file campaign statements
SFEC-125 B	Bundled Contributions Disclosure Report	 Committees controlled by a City elective officer Candidates for City elective office
<u>SFEC-126f2</u> N	Notification of Submission of Proposal	City departments
<u>SFEC-126f4*</u> N	Notification of Contract Approval – City Elective Officers	City elective officers
<u>SFEC-3209b</u> N	Notification of Recusal	Members of a City board or commission
SFEC-3610b* Bo	Behested Payments by City Officers	City officers
<u>SFEC-3620</u> D	Donors of Behested Payments Report	Donor of behested payments who are interested parties
<u>SFEC-3630</u> R	Recipients of Major Behested Payments	Recipients of major behested payments



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FORM SFEC-114.5

BEHESTED CONTRIBUTIONS RECEIVED BY CERTAIN COMMITTEES

 Disclosure Requirements for Certain Political Committees Receiving Behested Payments of \$5,000 or More

> Committees must disclose the name and title of the City elective officer who behested ("solicited") the contribution(s) and certain information pertaining to the contributions received at the behest of that officer, including a list of the individual contributors, and the date and amount of each contribution.

APPLICABLE TO

- Ballot Measure Committees
- Committees making independent expenditures

CONDITIONS

 Receives contributions totaling \$5,000 or more in a single calendar year; made at the behest of a City elective officer

WHEN TO FILE

No later than the deadline to file the semi-annual or pre-election campaign statement that must report the contribution that makes the cumulative total of the behested contributions \$5,000 or more.

CONTRIBUTIONS MADE BY BUSINESS ENTITIES

 Disclosure Requirements for Committees Receiving Contributions of \$10,000 or More from a Single Business Entity

Committees must disclose information about the business entity, including the name of one of the business entity's principal officers. Additionally, committees must disclose whether within the 24 months prior to the date the entity's contributions to the committee totaled \$10,000 or more, the business entity received funds through a contract or grant from any City agency for a project within the jurisdiction of the City and County of San Francisco. If such contract or grant exists, the committee must disclose the name of the agency who provided the funding, and the value of the contract or grant.

APPLICABLE TO

 Any committee required to file campaign statement with the Ethics Commission

CONDITIONS

 Receives contributions totaling \$10,000 or more from a single business entity in a single election cycle

WHEN TO FILE

 No later than the deadline to file the semi-annual or pre-election campaign statement that must report the contribution that makes the cumulative total of contributions from the business entity \$10,000 or more.

BUNDLED CONTRIBUTIONS DISCLOSURE REPORT

- Disclosure Requirements for Candidate Controlled Committees Receiving Bundled Contributions Totaling \$5,000 or More
 - Candidate-controlled committees must disclose information about the bundler and the contributions bundled by that person. If the individual who bundled the contributions is a member of a City board or commission, the name of the board or commission on which that person serves and the names of any City officers who appointed or nominated that person to the board or commission must also be disclosed.

APPLICABLE TO

 Committees controlled by a City elective officer or candidate for City elective office

CONDITIONS

 Receives contributions totaling \$5,000 or more that have been bundled by a single individual

WHEN TO FILE

No later than the deadline to file the semi-annual or pre-election campaign statement that must report the contribution that makes the cumulative total of bundled contributions from a single individual \$5,000 or more.



FILING REQUIREMENTS APPLICABLE TO: CITY OFFICERS & CITY DEPARTMENTS



FORM SFEC-126f2

NOTIFICATION OF SUBMISSION OF PROPOSAL – CITY DEPARTMENTS

- Disclosure Requirements for City Departments Receiving Proposals for a Contract Valued at \$100,000 or More that Requires the Approval of a City Elective Officer
 - City departments must disclose the contract number, the nature of the contract, and list the names of all contractors and subcontractors listed as part of submitted proposal(s).

APPLICABLE TO

City departments

CONDITIONS

Receives a proposal for a contract that has a value of \$100,000 or more in a fiscal year; and, the contract will require the approval of an elective officer, the board on which that officer serves, or the state agency on whose board an appointee of that officer serves.

WHEN TO FILE

• Within 30 business days of receipt of a qualifying proposal

FORM SFEC-126f4

NOTIFICATION OF CONTRACT APPROVAL – CITY ELECTIVE OFFICERS

• Disclosure Requirements for City Elective Officers Approving Contracts Valued at \$100,000 or More

> City elective officers must disclose information about the contracting department, the contractor, and the contract, including the date the contract was approved and the nature of the contract. Additionally, officers must list the names of members of the contractor's board of directors and principal officers; and any subcontractor listed in the bid or contract.

APPLICABLE TO

- City elective officers,
- any board on which the City elective officer serves, or
- the board of any state agency on which an appointee of the City elective officer serves
- (Officers may delegate filing responsibilities to staff)

CONDITIONS

 Approves a contract or grant valued at \$100,000 or more in a fiscal year

WHEN TO FILE

Within 5 business days of approval of a qualifying contract

FORM SFEC-3209b

NOTIFICATION OF RECUSAL

• Disclosure Requirements for Members of City Boards or Commissions Following Recusal from a Proceeding

> A member of a City board or commission must disclose information about the recusal, including the date the recusal occurred, the agenda item number, a brief description of the matter, and explain the financial interest causing the recusal. Additionally, a copy of the meeting agenda must be included with the filing.

APPLICABLE TO

Members of a City board or commission

CONDITIONS

 Member recuses himself or herself from a matter being considered due to a potential financial conflict of interest

WHEN TO FILE

 Within 15 calendar days after the date of which the recusal occurred

FORM SFEC-3610b

BEHESTED PAYMENTS REPORTING BY CITY OFFICERS

• Disclosure Requirements for City Officers Who Behest Payments of \$1,000 or More from an Interested Party

> City Officers must disclose information about the payee ("recipient") of the behested payment(s), the purpose of the behested payment(s), and certain information about the payment(s) received, including the name and address of each payor ("donor"), payment date, payment amount, and payment type. A brief description is required for inkind payments. Additionally, officers must disclose any reportable interest with payee of the behested payment(s); and, if the payee created or distributed 200 or more similar communications featuring the officer within the six months prior to the filing deadline, the officer must disclose information about the communication(s) and provide a copy.

APPLICABLE TO

- City elective officers
- Members of a board or commission who file a Statement of Economic Interest

CONDITIONS

 Directly of indirectly requests or solicits a payment totaling \$1,000 or more from an "interested party," that is made to a third-party for a legislative, governmental, or charitable purpose.

WHEN TO FILE

- Within 30 days of the payment that makes the total \$1,000 or more if the proceeding involving the "interested party" is pending *or* made within the 6 months following the date a final decision in the proceeding was rendered, or
- if the payment was made in the 12 months prior to the commencement of the proceeding, due within 30 days of the date the officer knew or should have known that the source of the payment became and "interested party."

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BEHESTED PAYMENTS REPORT – FILING BY DONOR

 Disclosure Requirements for Donors of Behested Payments of \$10,000 or More

> Donors must disclose the name and title of the officer who behested ("solicited") the payment(s), the purpose of the behested payment(s), and certain information about the payment(s) made, including the name and address of each payee ("recipient"), payment date, payment amount, and payment type. A brief description is required for 'inkind' payments. Additionally, if the donor is an interested party in a proceeding involving the City officer that behested the payment(s), the donor must also disclose the proceeding(s), describe the outcome sought in the proceeding(s), and report any contact(s) with the City officer in relation to such proceeding(s).

APPLICABLE TO

Donors of behested payments who are "interested parties"

CONDITIONS

• Makes a payment, or series of payments, totaling \$10,000 or more in a calendar year to a third party at the behest of a City officer, and the donor is an interested party to a proceeding before the officer who behested the payment.

WHEN TO FILE

 Within 30 days of the payment that makes the total \$10,000 or more in a calendar year

MAJOR BEHESTED PAYMENTS – FILING BY RECIPIENTS

 Disclosure Requirements for Recipients of Major Behested Payments of \$100,000 or More

> Recipients must disclose the name and title of the officer who behested ("solicited") the payment(s), the total amount of payment(s) received at the behest of the City officer, and the date payment(s) totaled or exceeded the qualifying threshold. Additionally, within 13 months after reaching the qualifying threshold, recipients must report how the funds were spent; and, if the recipient was an interested party in any proceeding which involved the officer that behested the payment(s), the recipient must also disclose the proceeding(s), describe the outcome sought in the proceeding(s), and report any contact(s) the recipient had with the City officer in relation to such proceeding(s).

APPLICABLE TO

Recipients of behested payments

CONDITIONS

 Receives a behested payment, or series of behested payments totaling \$100,000 or more in a calendar year that were made at the behest of a City officer

WHEN TO FILE

- Within 30 days of the payment that makes the cumulative total \$100,000 or more, and
- between 12 and 13 months following the date the total equaled \$100,000 or more. The second filing must disclose how the behested funds were spent.

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JUNE 27: All ACAO-related electronic forms and resources deployed and made available on the Ethics Commission's website.

JULY 12: <u>Notice</u> disseminated to all Candidates for City elective office and Political Committees announcing the provisions and filing requirements relevant to campaigns (Forms SFEC-114.5, 124 and 125; 126f2 and 126f4 were included in the noticed to highlight their significance to campaign fundraising activities).

ROLL-OUT SUMMARY



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JULY 19: <u>Notice</u> disseminated to all City Elective Officers, Board and Commission Members, and Department Heads announcing the provisions and filing requirements relevant to City officers and departments participating in contracting activities (Forms SFEC-126f2, 126f4, 3209b, 3610b, 3620 and 3630).

JULY 30: Regulations implementing ACAO became operative and made available on the Ethics Commission's website; Notice sent to Interested Persons' list.

LIVE DEMO: FILER EXPERIENCE – FORM SFEC-3.209, NOTIFICATION OF RECUSAL

