



# San Francisco Ethics Commission

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Date: August 14, 2023

To: Members of the Ethics Commission

From: Michael Canning, Acting Policy and Legislative Affairs Manager

Re: **AGENDA ITEM 09 – Discussion and possible action on a motion ordering submitted to the voters, at an election to be held on March 5, 2024, an ordinance amending the Campaign and Governmental Conduct Code to 1) expand gift prohibitions for City officers and employees; 2) expand rules prohibiting bribery; 3) require ethics training for Form 700 filers; 4) prohibit members of the public from acting as intermediaries for City officers and employees with respect to certain prohibited gifts; 5) impose personal liability on City officials for failure to disclose certain relationships; 6) create generally applicable incompatible activity rules; and 7) require Ethics Commission and Board of Supervisors super-majority approval for amendments to certain ethics-related ordinances; and appropriating \$43,000 from the General Reserve in Fiscal Year 2023-24 to fund administrative costs required to implement the ordinance and amended Ethics Commission regulations to strengthen gift, training, and other City ethics laws.**

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## Summary and Action Requested

This item has been placed on the Ethics Commission's August 18 agenda to enable it to consider and possibly act on proposed amendments to strengthen the City's gift, training, and other ethics laws currently before the Commission as a draft Ethics Commission ballot measure (**Attachment 1**) and draft Commission regulation amendments (**Attachment 2**). This memo and attachments provide background on the project, a summary of the proposed reforms, a review of the Commission's deliberative process to date, an update regarding the City's meet and confer process, and a summary of revisions made to the proposed reforms as a result of the recently concluded meet and confer process.

To address demonstrated shortcomings in the City's ethics laws and help prevent future acts of corruption like those identified through numerous recent investigations into the conduct of City officials and those doing business with the City, Staff recommends that the Commission move forward to strengthen the City's ethics law by adopting the proposed provisions in two steps:

- 1) consider the draft ordinance presented in **Attachment 1** and vote to place the ordinance directly before San Francisco voters as an Ethics Commission ballot measure on the March 5, 2024 ballot; and
- 2) consider the proposed regulation amendments presented in **Attachment 2** and vote to adopt the amended regulations pursuant to its authority under [Charter Sec. 15.102](#).

## Background

In January 2020, the U.S. Department of Justice began bringing criminal corruption charges against multiple City officers, employees, and contractors. The charges allege numerous instances in which individuals seeking favorable outcomes from City government provided things of value to City officials in an attempt to influence the actions of those officials.

The gift, training, and other ethics proposals presented in this document result from a robust process of analysis and lengthy stakeholder engagement by the Commission on core public policy matters within its jurisdiction. These proposals have been designed to uphold fairness in City decision-making, ensure an effective framework of local ethics laws, and strengthen public trust in local government.

The Commission’s [Government Ethics and Conflict of Interest Review project](#) undertook a comprehensive review of the City’s ethics laws and practices in phases to identify current weaknesses in the law and ensure that the types of conduct alleged in the criminal complaints are appropriately prohibited and deterred by strengthened City laws going forward.

- The first phase of the project addressed the issue of [behested payments](#), which are payments made at the behest of a government official to a third party. That work [resulted in legislation enacted](#) in December 2021 that now prohibits City officers and designated employees from soliciting behested payments from those who have official business before their department.
- The second and third phases of the project resulted in policy reports and recommendations to strengthen City laws that govern [gifts made directly to City officials](#), [gifts made through City departments](#), and [other essential ethics provisions](#). The recommendations contained in the last three reports that stemmed from Phases II and III of the Commission’s project are the basis for the proposed ballot measure (**Attachment 1**) and regulation amendments (**Attachment 2**). For additional reference, this memo includes summary charts (**Attachment 3**) listing the proposed changes organized by the sections of the San Francisco Campaign and Governmental Conduct Code that would be changed by the proposed ballot measure and what regulations would be amended.

These proposed changes would clarify and expand aspects of the City’s restricted source rule, which limits gifts to City officials from those doing business with their department and those who have recently attempted to influence them. The changes would also strengthen the City’s bribery rule, standardize and codify rules regarding incompatible activities, and expand the number of City officials required to complete annual ethics training. An overview of the recommendations is provided in the following section.

While this project was initiated in reaction to the ongoing federal corruption investigation, the recommendations produced by this project address larger issues facing the City. The proposed recommendations seek to promote a culture in City government that promotes fairness, responsiveness, and equity. More robust ethics rules, greater restrictions on gifts, expanded training requirements, and increased transparency regarding the sources of City funding are tools for ensuring City government works for everyone, not just a small minority that engage in, or appear to engage in, ‘pay to play’ actions to secure favorable treatment from City officials. Together, the package of reforms stemming from these three phases of the Commission’s work have been designed to help ensure that in the City of San Francisco, the processes of governmental decision-making operate, and can be trusted by the public to consistently operate, in a manner that provides fair, just, and equitable treatment for all.

### **Recap: Summary of Proposed Ethics and Gift Recommendations**

The ways in which the Ethics Commission’s proposed reforms are designed to strengthen local ethics laws are summarized below. A more detailed summary that is organized by code section and regulation number can be found in **Attachment 3**.

#### **Gift-Related Recommendations (Phase II)**

- Create a definition of *gift* in the Campaign and Governmental Conduct Code. Currently, the restricted source rule relies on the state law definition of *gift*, which results in a less effective rule.
  - Regulations would include certain state law gift exceptions but omit those that undermine the purposes of the restricted source rule.
  - Regulations containing local exceptions to the restricted source rule would be amended.
- Expand the application of the restricted source rule to prohibit other aspects of a gift transaction beyond the receipt or solicitation of the gift by an official, including prohibiting:
  - City officials from soliciting or accepting gifts from restricted sources for any immediate family members of the official.
  - City officials from soliciting, coordinating, facilitating, or accepting gifts for other City officials.
  - The giving of gifts by lobbyists and permit consultants.
  - City officials from accepting anything from a City department or non-City organization or person that bestows a personal benefit on the official if the official knows or has reason to know that the true source of the gift is a restricted source.
  - Any person or organization from acting as an intermediary for a restricted source gift.
- Clarify how the restricted source rule applies to City contractors.
- Amend the restricted source rule to explicitly apply to individuals and entities that apply for or obtain a permit, license, or other entitlement for use from a City department.
- Amend the restricted source rule to explicitly apply the rule to affiliates (directors, officers, and major shareholders) of an entity that is a restricted source.
- Create a single, standardized disclosure requirement for payments to City departments.
- Amend regulations containing exceptions to the rule against gifts from subordinates.

#### **Essential Ethics Provision Recommendations (Phase III)**

- Strengthen San Francisco’s bribery rule by incorporating elements of the federal bribery rule.
- Extend the annual ethics training requirement to all Form 700 filers.
- Codify rules contained in departmental Statements of Incompatible Activities into the Code and discontinue departmental Statements of Incompatible Activities.
- Standardize penalty provisions to make it clear that all violations of the Code are punishable unless otherwise specified and that proving a particular mental state is not required.
- Protect ethics laws from legislative amendments by requiring approvals by a supermajority of the Ethics Commission and Board of Supervisors for legislative amendments.

- Add a general provision that allows the Commission to require electronic filing of public disclosures.

To facilitate review and discussion of the substantive changes the ordinance proposes, Staff has produced a “condensed version” of the proposed ordinance to illustrate only the Code sections the measure would change substantively. This 37-page condensed version is included as **Attachment 4**. It excludes sections that are simply being reauthorized as they already appear in the Code, which is necessary in order to establish the new supermajority approval requirements for legislative amendments.

The full 133-page version of the measure is included as **Attachment 1**. This document details all changes that would be made, and therefore shows all provisions as they will be changed, including text that would be stricken and reauthorized verbatim.

The City Attorney’s Office has also prepared a legislative digest summarizing existing law and the amendments proposed through the ballot measure, which is included as **Attachment 5**.

### **Recap: The Commission’s Deliberative Process**

The proposals being considered by the Commission have gone through an extensive process of public engagement, review, and stakeholder input. The Commission has been engaged in this process for more than two years, which has provided stakeholders and the public with an abundance of opportunities to engage with the Commission on these reforms. This process has included the following:

- **Interested Persons Meetings:** Four interested persons meetings in 2021 held on [April 27, 2021](#) and [April 29, 2021](#) and [November 16, 2021](#) and [November 18, 2021](#).
- **Policy Reports:** The Ethics Commission published three substantial policy reports that present evidence and rationale for the recommendations, focused on [gifts made directly to City officials](#), [gifts made through City departments](#), and [other essential ethics provisions](#).
- **Engagement with City Bargaining Units:** Since November of 2021, Ethics Staff have met 13 times with representatives from the Municipal Executives Association (MEA) and exchanged numerous written communications containing proposals and counterproposals from both MEA and the City. The substance of these communications has been regularly discussed with the Commission during multiple closed sessions, so as to maintain the confidentiality of the meet and confer process.
- **Discussion at Public Commission Meetings:** The Commission has discussed the proposed reforms at public meetings, in open session, during 10 Commission meetings since December 2021. During these meetings the Commission and Staff heard feedback from the public and key stakeholders, which informed subsequent revisions to the proposals.
- **Direct Staff Engagement with Stakeholders:** Throughout this process, Commission Staff have met extensively with stakeholders to hear concerns, provide additional information, and solicit feedback that was used to inform revisions to the proposals.

As demonstrated above, the Commission has sought to engage stakeholders and incorporate feedback from a variety of sources throughout this process. This input from the public has led to several revisions to the proposals initially put forward in November of 2021. An initial round of revisions was presented to the Commission in a [Staff memo dated February 7, 2022](#), which was discussed at the Commission’s February 11, 2022 meeting. A second round of revisions was subsequently presented to the Commission

in a [Staff memo dated July 5, 2022](#), which was discussed at the Commission’s July 8, 2022 meeting. These changes, as well as those described in the following section are reflected in the current versions of both the draft ballot measure (**Attachment 1**) and draft regulation amendments (**Attachment 2**).

**Update on the Meet and Confer and Recent Revisions to the Proposed Reforms**

The Ethics Commission previously sought to place the attached ballot measure before voters on both the June 7, 2022 ballot and then again on the November 8, 2022 ballot. In both instances, the Commission was advised that it was unable to vote to place the measure on the ballot due to the ongoing meet and confer process between the City and the Municipal Executives’ Association (MEA).

State law requires that the City meet and confer with employee bargaining units prior to undertaking certain actions that would impact City employees. Since November of 2021, the Commission has been working with the Employee Relations Division of the City’s Department of Human Resources (DHR) to meet and confer with City bargaining units and satisfy the City’s obligation to meet and confer with bargaining units in good faith.

Following 21 months of engagement in the meet and confer process with MEA, on July 26, 2023, DHR sent out a 'close out' notice to MEA, which notified MEA that the City now considers the meet and confer on this matter closed, since the parties had reached agreement. Because this process has been successfully concluded, the Commission is now able to vote to place the measure on the March 5, 2024 if it chooses to do so.

In order reach agreement with MEA and conclude the meet and confer, the City agreed to provide additional training opportunities to City officials before the proposed changes would become operative. The effective date the ordinance is ten days after the date the official vote count is declared by the Board of Supervisors and the operative date is six months after the effective date. Should the measure be approved by voters, during the three months prior to the operative date of the measure, the City has agreed to provide multiple opportunities for City officials to attend live/interactive trainings on the upcoming changes, an additional training for department heads and deputy department heads focused on issues more applicable to those positions, and to make self-study materials available for City officials on the policy changes. The City has also agreed to solicit feedback from department heads within three months of the passage of the ballot measure (should it be approved by voters), to help determine what training resources, methods, and time commitments they believe are the most optimal to best support their knowledge base and the practice of ethical leadership strategies to ensure an ethical tone at the top.

Additionally, the City agreed to several revisions to the proposed regulation amendments, which are detailed below in **Table 1**. These changes are currently reflected in the draft regulation amendments found in **Attachment 2**.

**Table 1: Proposed Regulation Amendments - Changes Made Since July 2022**

Regulation Amended	Description of Change Made
Regulations 3.205(a)-1—3	These newly added regulations: establish that the new annual ethics training created by the ballot measure would have a deadline of April 1, which aligns with the deadlines for the existing ethics training and the filing of the Form 700; clarify the deadline for employees who are assuming positions required to take the training and specify conditions under which those assuming office may not be subject to monetary

	<p>penalties before having taken the required training; and specify April 1 as the deadline by which departments must annually provide their officers and employees with a summary of relevant State and local ethics rules produced by the Ethics Commission.</p>
<p>Regulation 3.216(b)-5(a)</p>	<p>This regulation change replaces the current general exception for gifts with an aggregate value of less than \$25, limited to four times a year, with a narrower exception that can only be used to accept routine office courtesies when visiting the place of business of a restricted source.</p> <p>The previous version of this draft regulation had placed the per occasion dollar value for this exception at \$15, it has since been increased to \$25 per occasion, but is still limited to routine office courtesies and can only be used on four occasions per calendar year.</p> <p>Language was also added to this regulation to specify that multiple restricted sources cannot pool their resources to provide routine office courtesies valued at more than \$25 per occasion.</p>
<p>Regulation 3.216(b)-5(b)</p>	<p>This existing regulation exempts the gift of free attendance to widely attended conventions, conferences, seminars, or symposiums, where attendance is appropriate to the official duties of the officer or employee.</p> <p>Language has been added to this regulation to specify that free attendance at a widely attended “ribbon-cutting or ceremony, including before or after construction” is also exempt, if attendance is appropriate to the official duties of the officer or employee using the exception.</p> <p>This regulation also currently requires the free attendance to be provided “voluntarily.” Earlier versions of the draft regulations had sought to change this language from being provided “voluntarily” to being “unsolicited.” However, that change has been removed in favor of leaving the “voluntarily” standard in place.</p>
<p>Regulation 3.216(b)-5(j)</p>	<p>This is an existing State gift exception that is being added to the City’s local exceptions. It exempts admission to an event and associated nominal items when a City official is making a speech at the event.</p> <p>Language has been added to this exception to allow the exception to be used by one additional official, who is attending the event to support or assist the official who is making the speech.</p>
<p>Regulation 3.216(b)-5(l)</p>	<p>This is an existing State gift exception that is being added to the City’s local exceptions, which exempts tickets provided to certain events where the official performs a “ceremonial role on behalf of the official’s agency.”</p> <p>Language has been added to this exception to specify that the exception can be used for tickets to facilities, events, shows, or performances that</p>

	are held for “cultural” purposes, as well as entertainment, amusement, recreational, or similar purposes.
Regulation 3.216(b)-5(n)	<p>This draft regulation was added to the proposals in 2022, based on feedback from stakeholders. It allows for City officials to accept a single ticket to certain events if such attendance is necessary to carry out the official’s City duties and is properly disclosed by their department. The draft regulation also allows certain employees to accept a single additional ticket for a guest to accompany them to the event.</p> <p>Language was recently added to this exception to specify that the exception applies to “cultural, or other entertainment event[s] or production[s].”</p> <p>Additionally, the part of the exception that allowed certain employees to accept a single additional ticket for a person to accompany them to the event used to only apply to employees of “the City’s arts and culture departments.” But, this has been revised so that it now applies to employees of “City departments that regularly fund or permit arts, recreational, and culture events and productions.”</p>

Staff believes these changes to be reasonable, as they allowed for the conclusion of the meet and confer process, while maintaining the core reforms contained within the proposed ballot measure and regulation amendments.

**Additional Revisions to the Regulation Amendments and Ballot Measure**

Staff have also added language to the draft regulation amendments that specifies the effective and operative dates of the regulations, should they be approved by the Commission. Since the draft regulations were part of the same meet and confer process as the ballot measure, the Commission needs to act on both together. Per [Charter Section 15.102](#), regulations approved by the Commission will become effective 60 days after adoption, unless vetoed by a two-thirds majority of the Board of Supervisors. However, since these regulations are based on the Code changes that would be brought about by voters through the ballot measure, the regulations should only become operative 1) if the ballot measure is approved by voters and 2) when the ballot measure would become operative following approval. Staff, in consultation with the City Attorney’s Office, have added the language necessary to delay the operative date of the regulations as described above.

There have been no substantive changes to the ballot measure, with the exception of including an appropriation in Section 10 of the ballot measure ordinance. This addition will appropriate \$43,000 from the General Reserve fund for implementation of the measure in the first year and will request \$25,000 be appropriated for ongoing costs in subsequent years. These costs are associated with technology needs stemming from the expanded ethics training requirement and the new method for reporting gifts to City departments.

Minor changes to the measure have also been made to reflect the proper election date, ensure the current Code sections are accurately reflected, and make the long title of the measure more accurately reflect the contents of the measure.

### **Recommended Next Steps**

With the meet and confer process resolved, the City Attorney’s Office has approved the draft ballot measure as to form, and the Commission is now able to vote to place the measure before voters during the next election, which will occur on March 5, 2024. Additionally, the conclusion of the meet and confer process also allows for the Commission to vote on the proposed regulation amendments, which have been noticed to the public more than ten days prior to the August 18, 2023 meeting, as required by [Charter Section 4.104](#).

The regulations before the Commission today are integral to the ballot measure, which is why they were included as part of the same meet and confer process and have been considered concurrently with the measure. However, the Commission may consider additional regulation amendments in the future. If approved by the Commission today, the Commission will have more than a year before the potential operative date of the measure, should it be approved by voters in March. During that time the Commission would be able to consider and pass any additional regulations that may be necessary to clarify or better implement the measure. Staff is continuing to engage with stakeholders to identify and resolve issues to ensure an effective implementation of these reforms, should they be approved by voters. Depending on stakeholder feedback and Commission direction, Staff can bring additional draft regulations to the Commission in the coming months, so that any additional clarifications or exemptions that may be needed can be addressed. Identifying and resolving potential issues with City ethics laws is a regular, and essential, aspect of the Commission’s ongoing policy-making process.

Staff recommends the following Commission actions to help strengthen the effectiveness of the City’s ethics laws:

- 1) consider the draft ordinance presented in **Attachment 1** and vote to place the ordinance directly before San Francisco voters as an Ethics Commission ballot measure on the March 5, 2024 ballot; and
- 2) consider the proposed regulation amendments presented in **Attachment 2** and vote to adopt the amended regulations pursuant to its authority under [Charter Sec. 15.102](#).

Placing the proposed measure on the ballot next March will allow voters the opportunity to take concrete action in response to the corruption scandals that have plagued the City in recent years and to use their democratic powers to promote a fairer, more ethical government in San Francisco.

### **Attachments:**

**Attachment 1:** Ethics Commission Ballot Measure – Approved as to Form on 8/9/23

**Attachment 2:** Ethics Commission Regulation Amendments – Noticed Publicly on 8/7/23

**Attachment 3:** Summary Charts of Proposed Reforms – Updated 8/9/23



**Attachment 4:** Condensed Version of Ethics Commission Ballot Measure – Updated 8/9/23

**Attachment 5:** Legislative Digest from the City Attorney’s Office – Finalized 8/9/23

# ATTACHMENT 1

1 [Initiative Ordinance - Campaign and Governmental Conduct Code - Gift Prohibitions and  
2 Reporting, Bribery, Ethics Training, Incompatible Activities, and Amendment Process]

3 **Motion ordering submitted to the voters, at an election to be held on March 5, 2024, an**  
4 **ordinance amending the Campaign and Governmental Conduct Code to 1) expand gift**  
5 **prohibitions for City officers and employees; 2) expand rules prohibiting bribery; 3)**  
6 **require ethics training for Form 700 filers; 4) prohibit members of the public from**  
7 **acting as intermediaries for City officers and employees with respect to certain**  
8 **prohibited gifts; 5) impose personal liability on City officials for failure to disclose**  
9 **certain relationships; 6) create generally applicable incompatible activity rules; and 7)**  
10 **require Ethics Commission and Board of Supervisors super-majority approval for**  
11 **amendments to certain ethics-related ordinances; and appropriating \$43,000 from the**  
12 **General Reserve in Fiscal Year 2023-24 to fund administrative costs required to**  
13 **implement the ordinance.**

14  
15 **MOVED, That pursuant to Charter Section 15.102, the Ethics Commission hereby**  
16 **submits the following ordinance to the voters of the City and County of San Francisco, at an**  
17 **election to be held on March 5, 2024.**

18  
19 **Ordinance amending the Campaign and Governmental Conduct Code to 1) expand gift**  
20 **prohibitions for City officers and employees; 2) expand rules prohibiting bribery; 3)**  
21 **require ethics training for Form 700 filers; 4) prohibit members of the public from**  
22 **acting as intermediaries for City officers and employees with respect to certain**  
23 **prohibited gifts; 5) impose personal liability on City officials for failure to disclose**  
24 **certain relationships; 6) create generally applicable incompatible activity rules; and 7)**  
25 **require Ethics Commission and Board of Supervisors super-majority approval for**

1 amendments to certain ethics-related ordinances; and appropriating \$43,000 from the  
2 General Reserve in Fiscal Year 2023-24 to fund administrative costs required to  
3 implement the ordinance.

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

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

12 Section 1. Article I, Chapter 5 of the Campaign and Governmental Conduct Code is  
13 hereby amended by adding Section 1.503, to read as follows:

14 **SEC. 1.503. AMENDMENT OR REPEAL OF THIS CHAPTER.**

15 The voters may amend or repeal this Chapter 5. The Board of Supervisors may amend this  
16 Chapter 5 if all of the following conditions are met:

17 (a) The amendment furthers the purposes of this Chapter;

18 (b) The Ethics Commission approves the proposed amendment in advance by at least a four-  
19 fifths vote of all its members;

20 (c) The proposed amendment is available for public review at least 30 days before the  
21 amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;  
22 and

23 (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of  
24 all its members.

1 Section 2. The voters hereby re-authorize and re-enact in its entirety Article II, Chapter  
2 1 of the Campaign and Governmental Conduct Code, in the process revising Sections 2.103,  
3 2.115, 2.135, and 2.145, to read as follows:

4 **~~SEC. 2.100. FINDINGS.~~**

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

11 ~~(b) To increase public confidence in the fairness and responsiveness of governmental decision~~  
12 ~~making, it is the further purpose and intent of the people of the City and County of San Francisco to~~  
13 ~~restrict gifts, campaign contributions, and bundled campaign contributions from lobbyists to City~~  
14 ~~officers so that governmental decisions are not, and do not appear to be, influenced by the giving of~~  
15 ~~personal benefits to City officers by lobbyists, or by lobbyists' financial support of City officers'~~  
16 ~~political interests.~~

17 ~~(c) Corruption and the appearance of corruption in the form of campaign consultants~~  
18 ~~exploiting their influence with City officials on behalf of private interests may erode public confidence~~  
19 ~~in the fairness and impartiality of City governmental decisions. The City and County of San Francisco~~  
20 ~~has a compelling interest in preventing corruption or the appearance of corruption which could result~~  
21 ~~in such erosion of public confidence. Prohibitions on campaign consultants lobbying current and~~  
22 ~~former clients will protect public confidence in the electoral and governmental processes. It is the~~  
23 ~~purpose and intent of the people of the City and County of San Francisco in enacting this Chapter to~~  
24 ~~prohibit campaign consultants from exploiting or appearing to exploit their influence with City officials~~  
25 ~~on behalf of private interests.~~

1  
2           **~~SEC. 2.103. AMENDMENT OR REPEAL.~~**

3           ~~With respect to any provisions of this Chapter regarding regulation of expenditure lobbyists,~~  
4 ~~registration requirements, amendment of registration information and monthly disclosures, or~~  
5 ~~restrictions on gifts, campaign contributions, or bundled campaign contributions from lobbyists,~~  
6 ~~approved by the voters, the Board of Supervisors may amend those provisions if all of the following~~  
7 ~~conditions are met:~~

8           ~~(a) The amendment furthers the purposes of this Chapter;~~

9           ~~(b) The Ethics Commission approves the proposed amendment in advance by at least a four-~~  
10 ~~fifths vote of all its members;~~

11           ~~(c) The proposed amendment is available for public review at least 30 days before the~~  
12 ~~amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;~~  
13 ~~and~~

14           ~~(d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of~~  
15 ~~all its members.~~

16  
17           **~~SEC. 2.105. DEFINITIONS.~~**

18           ~~Whenever used in this Chapter 1, the following words and phrases shall be defined as provided~~  
19 ~~in this Section 2.105:~~

20           ~~"Activity expenses" means any expense incurred or payment made by a lobbyist or a lobbyist's~~  
21 ~~client at the behest of the lobbyist, or arranged by a lobbyist or a lobbyist's client at the behest of the~~  
22 ~~lobbyist, which benefits in whole or in part any: officer of the City and County; candidate for City and~~  
23 ~~County office; aide to a member of the Board of Supervisors; or member of the immediate family or the~~  
24 ~~registered domestic partner of an officer, candidate, or aide to a member of the Board of Supervisors.~~  
25 ~~An expense or payment is not an "activity expense" unless it is incurred or made within three months of~~

1 ~~a contact with the officer, candidate, or Supervisor's aide who benefits from the expense or payment, or~~  
2 ~~whose immediate family member or registered domestic partner benefits from the expense or payment.~~  
3 ~~"Activity expenses" include honoraria, consulting fees, salaries, and any other thing of value totaling~~  
4 ~~more than \$25 in value in a consecutive three-month period, but do not include political contributions.~~

5 ~~"Agency" shall mean a unit of City government that submits its own budget to the Mayor and~~  
6 ~~Board of Supervisors pursuant to Article IX of the City Charter.~~

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

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

9 ~~"Committee" shall be defined as set forth in the California Political Reform Act, California~~  
10 ~~Government Code section 81000, et seq.~~

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

17 ~~"Contribution" shall have the same meaning as set forth in the California Political Reform Act,~~  
18 ~~California Government Code Section 81000, et seq.~~

19 ~~"Controlled committee" shall have the same meaning as set forth in Section 1.104 of this Code,~~  
20 ~~but shall not include any state committees.~~

21 ~~"Dependent child" shall mean a child or stepchild of a public official, who is under 18 years~~  
22 ~~old and whom the official is entitled to claim as a dependent on his or her federal tax return.~~

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

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

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

5           ~~"Expenditure lobbyist" means any person, other than any government entity, or officer or~~  
6 ~~employee of a government entity acting in an official capacity, who, directly or indirectly, makes~~  
7 ~~payments totaling \$2,500 or more in a calendar month to solicit, request, or urge other persons to~~  
8 ~~communicate directly with an officer of the City and County in order to influence local legislative or~~  
9 ~~administrative action. Examples of the types of activities the payment for which can count toward the~~  
10 ~~\$2,500 threshold referred to in the previous sentence include but are not limited to public relations,~~  
11 ~~media relations, advertising, public outreach, research, investigation, reports, analyses, and studies to~~  
12 ~~the extent those activities are used to further efforts to solicit, request or urge other persons to~~  
13 ~~communicate directly with an officer of the City and County. The following types of payments shall not~~  
14 ~~be considered for the purpose of determining whether a person is an expenditure lobbyist: payments~~  
15 ~~made to a registered contact lobbyist or the registered contact lobbyist's employer for lobbyist services;~~  
16 ~~payments made to an organization for membership dues; payments made by an organization to~~  
17 ~~distribute communications to its members; payments made by a news media organization to develop~~  
18 ~~and distribute its publications; and payments made by a client to a representative to appear in an~~  
19 ~~adjudicatory proceeding before a City agency or department.~~

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

22           ~~"Gift of travel" shall mean payment, advance, or reimbursement for travel, including~~  
23 ~~transportation, lodging, and food and refreshment connected with the travel.~~

24           ~~"Lobbyist" means a contact lobbyist or expenditure lobbyist.~~

25



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

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

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

9           ~~"Officer of the City and County" means any officer identified in Section 3.203 of this Code, as~~  
10 ~~well as any official body composed of such officers. In addition, for purposes of this Chapter, "officer of~~  
11 ~~the City and County" includes (1) members of the Board of Education, Community College Board, First~~  
12 ~~Five Commission, Law Library Board of Trustees, Local Agency Formation Commission, Health~~  
13 ~~Authority Board, Housing Authority Commission, Parking Authority, Relocation Appeals Board,~~  
14 ~~Successor Agency to the former Redevelopment Agency of the City and County of San Francisco,~~  
15 ~~Oversight Board of the Successor Agency, Successor Agency Commission, Transportation Authority,~~  
16 ~~Workforce Investment San Francisco Board as well as any official body composed of such officers, and~~  
17 ~~any person appointed as the chief executive officer under any such board or commission; (2) the~~  
18 ~~Zoning Administrator, (3) the City Engineer, (4) the County Surveyor, and (5) the Bureau Chief of the~~  
19 ~~Department of Public Works' Bureau of Street Use and Mapping.~~

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

22           ~~"Public event" shall mean an event or gathering that any member of the public may attend, has~~  
23 ~~been publicly announced and publicized in advance, and for which there is no admission cost or fee.~~

24           ~~"Public hearing" means any open, noticed proceeding.~~

1           ~~“State committee” shall mean a committee formed to support or oppose candidates for state~~  
2 ~~office or state ballot measures.~~

3  
4           **~~SEC. 2.106. LOBBYING CONTACTS.~~**

5           ~~(a) Whenever used in this Chapter 1, "contact" means any communication, oral or written,~~  
6 ~~including communication made through an agent, associate or employee, for the purpose of influencing~~  
7 ~~local legislative or administrative action, except as provided in Subsections (b) and (c).~~

8           ~~(b) The following activities are not "contacts" within the meaning of this Chapter 1.~~

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

13                     ~~(2) A person providing oral or written testimony that becomes part of the record of a~~  
14 ~~public hearing; provided, however, that if the person making the appearance or providing testimony~~  
15 ~~has already qualified as a contact lobbyist under this Chapter and is appearing or testifying on behalf~~  
16 ~~of a client, the contact lobbyist's testimony shall identify the client on whose behalf the contact lobbyist~~  
17 ~~is appearing or testifying;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           ~~(e) The following activities are not "contacts" for the purpose of determining whether a person~~  
2 ~~qualifies as a contact lobbyist, but are "contacts" for purpose of disclosures required by this Chapter 1:~~

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

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

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

8  
9           ~~**SEC. 2.107. NO CONFLICT WITH STATE BAR ACT.**~~

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

12  
13           ~~**SEC. 2.110. REGISTRATION AND DISCLOSURES; FEES; TERMINATION OF**~~  
14 ~~**REGISTRATION.**~~

15           ~~(a) **REGISTRATION OF LOBBYISTS REQUIRED.** Lobbyists shall register with the Ethics~~  
16 ~~Commission and comply with the disclosure requirements imposed by this Chapter 1. Such registration~~  
17 ~~shall occur no later than five business days of qualifying as a lobbyist. Contact lobbyists shall register~~  
18 ~~prior to making any additional contacts with an officer of the City and County of San Francisco and~~  
19 ~~expenditure lobbyists shall register prior to making any additional payments to influence local~~  
20 ~~legislative or administrative action.~~

21           ~~(b) **REGISTRATION.**~~

22                     ~~(1) **Contact lobbyists.** At the time of initial registration each contact lobbyist shall~~  
23 ~~report to the Ethics Commission the following information:~~

24                             ~~(A) The name, business address, e-mail address, and business telephone number~~  
25 ~~of the lobbyist;~~

1 ~~(B) The name, business address, and business telephone number of each client~~  
2 ~~for whom the lobbyist is performing lobbyist services;~~

3 ~~(C) The name, business address, and business telephone number of the~~  
4 ~~lobbyist's employer, firm or business affiliation;~~

5 ~~(D) Each agency that the contact lobbyist has attempted, will attempt, or may~~  
6 ~~attempt to influence on behalf of any client; and~~

7 ~~(E) Any other information required by the Ethics Commission through~~  
8 ~~regulation, consistent with the purposes and provisions of this Chapter.~~

9 ~~(2) **Expenditure lobbyists.** At the time of initial registration each expenditure lobbyist~~  
10 ~~shall report to the Ethics Commission the following information:~~

11 ~~(A) The name, mailing address, e-mail address, and telephone number of the~~  
12 ~~lobbyist;~~

13 ~~(B) Expenditure lobbyists that are entities shall provide:~~

14 ~~(i) a description of their nature and purpose(s);~~

15 ~~(ii) if the expenditure lobbyist is a corporation, the names of the~~  
16 ~~corporation's chief executive officer, chief financial officer, and secretary, any officer who authorized~~  
17 ~~payments to influence local legislative and administrative action, and any person who owns more than~~  
18 ~~20 percent of the corporation;~~

19 ~~(iii) if the expenditure lobbyist is a partnership, the name of each partner~~  
20 ~~if the entity has fewer than 10, or the name of the partner with the greatest ownership interest if the~~  
21 ~~entity has 10 or more partners;~~

22 ~~(iv) for any other type of business entity, the name of each person with~~  
23 ~~an ownership interest if the entity has fewer than 10 owners, or the name of the person with the greatest~~  
24 ~~ownership interest in the entity, if the entity has 10 or more owners;~~

1                   ~~(C) Expenditure lobbyists that are individuals shall provide a description of~~  
2 ~~their business activities;~~

3                   ~~(D) Each agency that the expenditure lobbyist has made, will make, or may~~  
4 ~~make payments to influence; and~~

5                   ~~(E) Any other information required by the Ethics Commission through~~  
6 ~~regulation, consistent with the purposes and provisions of this Chapter.~~

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

9                   ~~(1) **Contact lobbyists.** Each contact lobbyist shall report to the Ethics Commission the~~  
10 ~~following information:~~

11                   ~~(A) The name, business address and business telephone number of each person~~  
12 ~~from whom the lobbyist or the lobbyist's employer received or expected to receive economic~~  
13 ~~consideration to influence local legislative or administrative action during the reporting period.~~

14                   ~~(B) The name of each officer of the City and County of San Francisco with~~  
15 ~~whom the lobbyist made a contact during the reporting period.~~

16                   ~~(C) The date on which each contact was made.~~

17                   ~~(D) The local legislative or administrative action that the lobbyist sought to~~  
18 ~~influence, including, if any, the title and file number of any resolution, motion, appeal, application,~~  
19 ~~petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement, or~~  
20 ~~contract, and the outcome sought by the client.~~

21                   ~~(E) The client on whose behalf each contact was made.~~

22                   ~~(F) The amount of economic consideration received or expected by the lobbyist~~  
23 ~~or the lobbyist's employer from each client during the reporting period.~~

24                   ~~(G) All activity expenses incurred by the lobbyist during the reporting period,~~  
25 ~~including the following information:~~

- 1 ~~(i) The date and amount of each activity expense;~~
- 2 ~~(ii) The full name and official position, if any, of the beneficiary of each~~
- 3 ~~activity expense, a description of the benefit, and the amount of the benefit;~~
- 4 ~~(iii) The full name of the payee of each activity expense if other than the~~
- 5 ~~beneficiary;~~
- 6 ~~(iv) Whenever a lobbyist is required to report a salary of an individual~~
- 7 ~~pursuant to this subsection (c)(1), the lobbyist need only disclose whether the total salary payments~~
- 8 ~~made to the individual during the reporting period was less than or equal to \$250, greater than \$250~~
- 9 ~~but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater than~~
- 10 ~~\$10,000.~~

11 ~~(H) All campaign contributions of \$100 or more made or delivered by the~~

12 ~~lobbyist or the lobbyist's employer, or made by a client at the behest of the lobbyist or the lobbyist's~~

13 ~~employer during the reporting period to an officer of the City and County, a candidate for such office, a~~

14 ~~committee controlled by such officer or candidate, or a committee primarily formed to support or~~

15 ~~oppose such officer or candidate, or any committee primarily formed to support or oppose a measure to~~

16 ~~be voted on only in San Francisco. This report shall include such campaign contributions arranged by~~

17 ~~the lobbyist, or for which the lobbyist acted as an agent or intermediary.~~

18 ~~The following information regarding each campaign contribution shall be~~

19 ~~submitted to the Ethics Commission:~~

- 20 ~~(i) The amount of the contribution;~~
- 21 ~~(ii) The name of the contributor;~~
- 22 ~~(iii) The date on which the contribution was made;~~
- 23 ~~(iv) The contributor's occupation;~~
- 24 ~~(v) The contributor's employer, or if self-employed, the name of the~~
- 25 ~~contributor's business; and~~



1 ~~(vi) The committee to which the contribution was made.~~

2 ~~(I) For each contact at which a person providing purely technical data, analysis,~~  
3 ~~or expertise was present, as described in Section 2.106(b)(10), the name, address, employer and area~~  
4 ~~of expertise of the person providing the data, analysis or expertise.~~

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

7 ~~(2) **Expenditure lobbyists.** Each expenditure lobbyist shall report to the Ethics~~  
8 ~~Commission the following information:~~

9 ~~(A) The local legislative or administrative action that the lobbyist sought to~~  
10 ~~influence, including, if any, the title and file number of any resolution, motion, appeal, application,~~  
11 ~~petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement, or~~  
12 ~~contract.~~

13 ~~(B) The total amount of payments made during the reporting period to influence~~  
14 ~~local legislative or administrative action.~~

15 ~~(C) Each payment of \$1,000 or more made during the reporting period,~~  
16 ~~including the date of payment, the name and address of each person receiving the payment, a~~  
17 ~~description of the payment, and a description of the consideration for which the payment was made.~~

18 ~~(D) All campaign contributions of \$100 or more made or delivered by the~~  
19 ~~lobbyist or made at the behest of the lobbyist during the reporting period to an officer of the City and~~  
20 ~~County, a candidate for such office, a committee controlled by such officer or candidate, or a~~  
21 ~~committee primarily formed to support or oppose such officer or candidate, or any committee primarily~~  
22 ~~formed to support or oppose a measure to be voted on only in San Francisco. This report shall include~~  
23 ~~such campaign contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or~~  
24 ~~intermediary.~~

1                    *The following information regarding each campaign contribution shall be*  
2 *submitted to the Ethics Commission:*

- 3                    *(i) The amount of the contribution;*
- 4                    *(ii) The name of the contributor;*
- 5                    *(iii) The date on which the contribution was made;*
- 6                    *(iv) The contributor's occupation;*
- 7                    *(v) The contributor's employer, or if self-employed, the name of the*  
8 *contributor's business; and*

- 9                    *(vi) The committee to which the contribution was made.*
- 10                    *(E) Any other information required by the Ethics Commission through*  
11 *regulation, consistent with the purposes and provisions of this Chapter 1.*

12                    ~~**(d) DUTY TO UPDATE INFORMATION.**~~ *Lobbyists shall amend any information submitted*  
13 *to the Ethics Commission through registration and monthly disclosures within five days of the changed*  
14 *circumstances that require correction or updating of such information.*

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

19                    ~~**(f) FEES; TERMINATION OF REGISTRATION.**~~

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

22                    ~~*(2) Failure to pay the annual fee by February 1 shall constitute a termination of a*~~  
23 ~~*lobbyist's registration with the Ethics Commission. The Ethics Commission is also authorized to*~~  
24 ~~*establish additional processes for the termination of a lobbyist's registration.*~~

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

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

6  
7                   **~~SEC. 2.115. LIMITS AND PROHIBITIONS.~~**

8                   ~~(a) GIFT PROHIBITION.~~

9                   ~~(1) No lobbyist shall make any gift, including any gift of travel, to an officer of the City~~  
10 ~~and County, or to a parent, spouse, domestic partner registered under state law, or dependent child of~~  
11 ~~an officer of the City and County. No lobbyist shall make any payment to a third party for the purpose~~  
12 ~~of paying for a gift or any part of a gift, including any gift of travel, to an officer of the City and~~  
13 ~~County, or to a parent, spouse, domestic partner registered under state law, or dependent child of an~~  
14 ~~officer of the City and County.~~

15                   ~~(2) No officer of the City and County may accept or solicit any gift, including any gift of~~  
16 ~~travel, from any lobbyist for the officer's personal benefit or for the personal benefit of the officer's~~  
17 ~~parent, spouse, domestic partner registered under state law, or dependent child. No officer of the City~~  
18 ~~and County may accept or solicit any gift, including any gift of travel, from a third party if the officer~~  
19 ~~knows or has reason to know that the third party is providing the gift or gift of travel on behalf of a~~  
20 ~~lobbyist.~~

21                   ~~(3) Exception for gifts of food or refreshment provided by 501(c)(3) nonprofit~~  
22 ~~organizations. Notwithstanding the prohibitions set forth in subsections (1) and (2), lobbyists may~~  
23 ~~offer gifts of food or refreshment worth \$25 or less per occasion, and officers of the City and County~~  
24 ~~may accept such gifts, if the lobbyist is a 501(c)(3) nonprofit organization, the gift of food or~~  
25

1 refreshment is offered in connection with a public event held by the 501(c)(3) nonprofit organization,  
2 and the same gift of food or refreshment is made available to all attendees of the public event.

3 ~~(4) **Aggregation of gifts.** For purposes of the gift limits imposed by subsections (1)–(3),~~  
4 ~~gifts shall be aggregated set forth in California Code of Regulations, Title 2, Section 18945.1, as it may~~  
5 ~~hereafter be amended.~~

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

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

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

14 ~~(e) **CAMPAIGN CONTRIBUTIONS – PROHIBITIONS.**~~

15 ~~(1) No lobbyist shall make any contribution to a City elective officer or candidate for~~  
16 ~~City elective office, including the City elective officer’s or candidate’s controlled committees, if that~~  
17 ~~lobbyist (A) is registered to lobby the agency of the City elective officer or the agency for which the~~  
18 ~~candidate is seeking election or (B) has been registered to lobby that agency in the previous 90 days.~~

19 ~~(2) If a lobbyist has failed to disclose which agencies the lobbyist attempts to influence,~~  
20 ~~as required by Section 2.110(b), the lobbyist may not make a contribution to any City elective officer or~~  
21 ~~candidate for City elective office, or any City elective officer’s or candidate’s controlled committees.~~

22 ~~(f) **BUNDLING OF CAMPAIGN CONTRIBUTIONS – PROHIBITIONS.**~~

23 ~~(1) No lobbyist shall deliver or transmit, or deliver or transmit through a third party,~~  
24 ~~any contribution made by another person to any City elective officer or candidate for City elective~~  
25 ~~office, or any City elective officer’s or candidate’s controlled committees, if that lobbyist (A) is~~

1 registered to lobby the agency for which the candidate is seeking election or the agency of the City  
2 elective officer or (B) has been registered to lobby that agency in the previous 90 days.

3 (2) If a lobbyist has failed to disclose which agencies the lobbyist attempts to influence,  
4 as required by Section 2.110(b), the lobbyist may not deliver or transmit, or deliver or transmit through  
5 a third party, any contribution made by another person to any City elective officer or candidate for City  
6 elective office, or any City elective officer's or candidate's controlled committees.

7 (g) ~~AGGREGATION OF AFFILIATED ENTITY CONTRIBUTIONS.~~ For purposes of the  
8 contribution limits imposed by subsections (e) and (f), the contributions of an entity whose  
9 contributions are directed and controlled by any lobbyist shall be aggregated with contributions made  
10 by that lobbyist as set forth in Section 1.114(e).

11 (h) ~~REGULATIONS.~~ The Ethics Commission may adopt regulations implementing this  
12 Section 2.115, but such regulations may not establish any exceptions from the limits and prohibitions  
13 set forth therein.

14  
15 **~~SEC. 2.116. LOBBYIST TRAINING.~~**

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

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

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

23  
24 **~~SEC. 2.117. LOBBYING BY CAMPAIGN CONSULTANTS.~~**

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

6           ~~(b) **EXCEPTIONS.**~~

7           ~~(1) This prohibition shall not apply to:~~

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

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

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

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

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

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

21           ~~(3) "Current client" shall mean a person for whom the campaign consultant has filed a~~  
22 ~~client authorization statement pursuant to Article I, Chapter 5, Section 1.515(d) of this Code and not~~  
23 ~~filed a client termination statement pursuant to Article I, Chapter 5, Section 1.515(f) of this Code. If~~  
24 ~~such person is a committee as defined by Section 82013 of the California Government Code, the~~  
25 ~~current client shall be any individual who controls such committee; any candidate that such committee~~

1 was primarily formed to support; and any proponent or opponent of a ballot measure that the  
2 committee is primarily formed to support or oppose.

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

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

9  
10 **~~SEC. 2.120. EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES;~~**  
11 **~~APPOINTMENT OF EMPLOYEE TO CITY AND COUNTY OFFICE.~~**

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

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

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

1 *greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to*  
2 *\$10,000, or greater than \$10,000.*

3  
4 ***SEC. 2.130. EMPLOYMENT OF UNREGISTERED PERSONS.***

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

8  
9 ***SEC. 2.135. FILING UNDER PENALTY OF PERJURY; RETENTION OF DOCUMENTS;***  
10 ***AUDITS.***

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

14 *(b) The lobbyist shall retain for a period of five years all books, papers and documents*  
15 *necessary to substantiate the registration and disclosure reports required by this Chapter. These*  
16 *records shall include, but not be limited to, copies of all fundraising solicitations sent by the lobbyist or*  
17 *his or her agent for an officer of the City and County, a candidate for such office, a committee*  
18 *controlled by such officer or candidate, or a committee primarily formed to support or oppose such*  
19 *officer or candidate, or any committee primarily formed to support or oppose a ballot measure to be*  
20 *voted on only in San Francisco.*

21 *(c) On an annual basis, the Executive Director shall initiate audits of one or more lobbyists*  
22 *selected at random. At the request of the Executive Director, the Controller may assist in conducting*  
23 *these audits. This requirement shall not restrict the authority of the Executive Director or the Ethics*  
24 *Commission to undertake any other audits or investigations of a lobbyist authorized by law or*  
25 *regulation. Within ten business days of a request by the Ethics Commission, a lobbyist or anyone*



1 *required to register as a lobbyist shall provide the Ethics Commission with any documents required to*  
2 *be retained under this Section.*

3  
4 ***SEC. 2.136. FALSE INFORMATION; DUTY TO COOPERATE AND ASSIST.***

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

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

13  
14 ***SEC. 2.140. POWERS AND DUTIES OF THE ETHICS COMMISSION.***

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

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

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

23 *(d) The Ethics Commission shall preserve all original reports, statements, and other records*  
24 *required to be kept or filed under this Chapter for a period of five years. Such reports, statements, and*

1 *records shall constitute a part of the public records of the Ethics Commission and shall be open to*  
2 *public inspection.*

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

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

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

10  
11 **~~SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.~~**

12 *(a) If any lobbyist fails to submit any information required by this Chapter after any applicable*  
13 *deadline, the Ethics Commission shall, in addition to any other penalties or remedies established in this*  
14 *Chapter, impose a late filing fee of \$50 per day after the deadline until the information is received by*  
15 *the Ethics Commission. The Executive Director of the Ethics Commission may reduce or waive a late*  
16 *filing fee if the Executive Director determines that the late filing was not willful and that enforcement*  
17 *will not further the purposes of this Chapter. If such reduction or waiver equals or exceeds \$500, the*  
18 *Executive Director shall notify the Commission of his or her determination. Thereafter, any two or*  
19 *more members of the Commission may cause the reduction or waiver to be calendared for*  
20 *consideration by the full Commission in open session at the next Commission meeting occurring no*  
21 *sooner than ten days from the date the Executive Director informs the Commission of the Executive*  
22 *Director's recommendation. A Commissioner's request that a reduction or waiver be calendared must*  
23 *be received by the Executive Director no fewer than five days prior to the date of the meeting, so that*  
24 *the Executive Director may comply with the applicable notice and agenda requirements. The Ethics*  
25

1 ~~Commission shall deposit funds collected under this Section in the General Fund of the City and~~  
2 ~~County of San Francisco.~~

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

9 ~~(c) Any person or entity which knowingly or negligently violates this Chapter may be liable in a~~  
10 ~~civil action brought by the City Attorney for an amount up to \$5,000 per violation, or three times the~~  
11 ~~amount not properly reported, or three times the amount given or received in excess of the gift limit,~~  
12 ~~whichever is greater.~~

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

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

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

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

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

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

3  
4           **~~SEC. 2.150. LIMITATION OF ACTIONS.~~**

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

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

14           ~~(c) A civil action brought to enforce or collect penalties or late filing fees imposed under this~~  
15 ~~Chapter shall be brought within four years after the date on which the penalty or late filing fee was~~  
16 ~~imposed. For purposes of this Subsection, a penalty or late filing fee is imposed when the Ethics~~  
17 ~~Commission has issued a final decision in an enforcement action imposing a penalty for a violation of~~  
18 ~~this Chapter or the Ethics Commission or Executive Director has made a final determination regarding~~  
19 ~~the amount of a late filing fee imposed under this Chapter. The Ethics Commission or Executive~~  
20 ~~Director does not make a final determination regarding the amount of a late filing fee imposed under~~  
21 ~~this Chapter until the Ethics Commission or Executive Director has made a determination to accept or~~  
22 ~~refuse any request to waive a late filing fee where such waiver has been timely requested and is~~  
23 ~~expressly authorized by statute, ordinance, or regulation. For the purpose of this Subsection, a civil~~  
24 ~~action is brought when the City Attorney files the action in a court of law.~~

1           **SEC. 2.155. SEVERABILITY.**

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

10  
11           **SEC. 2.100. FINDINGS.**

12           *(a) The voters find that public disclosure of the identity and extent of efforts of lobbyists to*  
13 *influence decision-making regarding local legislative and administrative matters is essential to protect*  
14 *public confidence in the responsiveness and representative nature of government officials and*  
15 *institutions. It is the purpose and intent of this Chapter 1 to impose reasonable registration and*  
16 *disclosure requirements to reveal information about lobbyists' efforts to influence decision-making*  
17 *regarding local legislative and administrative matters.*

18           *(b) To increase public confidence in the fairness and responsiveness of governmental decision*  
19 *making, it is the further purpose and intent of the people of the City and County of San Francisco to*  
20 *restrict gifts, campaign contributions, and bundled campaign contributions from lobbyists to City*  
21 *officers so that governmental decisions are not, and do not appear to be, influenced by the giving of*  
22 *personal benefits to City officers by lobbyists, or by lobbyists' financial support of City officers'*  
23 *political interests.*

24           *(c) Corruption and the appearance of corruption in the form of campaign consultants*  
25 *exploiting their influence with City officials on behalf of private interests may erode public confidence*

1 in the fairness and impartiality of City governmental decisions. The City and County of San Francisco  
2 has a compelling interest in preventing corruption or the appearance of corruption which could result  
3 in such erosion of public confidence. Prohibitions on campaign consultants lobbying current and  
4 former clients will protect public confidence in the electoral and governmental processes. It is the  
5 purpose and intent of the people of the City and County of San Francisco in enacting this Chapter to  
6 prohibit campaign consultants from exploiting or appearing to exploit their influence with City officials  
7 on behalf of private interests.

8  
9 **SEC. 2.103. AMENDMENT OR REPEAL OF CHAPTER.**

10 The voters may amend or repeal this Chapter. The Board of Supervisors may amend this  
11 Chapter if all of the following conditions are met:

12 (a) The amendment furthers the purposes of this Chapter;

13 (b) The Ethics Commission approves the proposed amendment in advance by at least a four-  
14 fifths vote of all its members;

15 (c) The proposed amendment is available for public review at least 30 days before the  
16 amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;

17 and

18 (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of  
19 all its members.

20  
21 **SEC. 2.105. DEFINITIONS.**

22 Whenever used in this Chapter 1, the following words and phrases shall be defined as provided  
23 in this Section 2.105:

24 "Activity expenses" means any expense incurred or payment made by a lobbyist or a lobbyist's  
25 client at the behest of the lobbyist, or arranged by a lobbyist or a lobbyist's client at the behest of the

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

9 "Agency" shall mean a unit of City government that submits its own budget to the Mayor and  
10 Board of Supervisors pursuant to Article IX of the City Charter.

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

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

13 "Committee" shall be defined as set forth in the California Political Reform Act, California  
14 Government Code section 81000, et seq.

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

21 "Contribution" shall have the same meaning as set forth in the California Political Reform Act,  
22 California Government Code Section 81000, et seq.

23 "Controlled committee" shall have the same meaning as set forth in Section 1.104 of this Code,  
24 but shall not include any state committees.

1 "Dependent child" shall mean a child or stepchild of a public official, who is under 18 years  
2 old and whom the official is entitled to claim as a dependent on his or her federal tax return.

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

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

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

10 "Expenditure lobbyist" means any person, other than any government entity, or officer or  
11 employee of a government entity acting in an official capacity, who, directly or indirectly, makes  
12 payments totaling \$2,500 or more in a calendar month to solicit, request, or urge other persons to  
13 communicate directly with an officer of the City and County in order to influence local legislative or  
14 administrative action. Examples of the types of activities the payment for which can count toward the  
15 \$2,500 threshold referred to in the previous sentence include but are not limited to public relations,  
16 media relations, advertising, public outreach, research, investigation, reports, analyses, and studies to  
17 the extent those activities are used to further efforts to solicit, request or urge other persons to  
18 communicate directly with an officer of the City and County. The following types of payments shall not  
19 be considered for the purpose of determining whether a person is an expenditure lobbyist: payments  
20 made to a registered contact lobbyist or the registered contact lobbyist's employer for lobbyist services;  
21 payments made to an organization for membership dues; payments made by an organization to  
22 distribute communications to its members; payments made by a news media organization to develop  
23 and distribute its publications; and payments made by a client to a representative to appear in an  
24 adjudicatory proceeding before a City agency or department.



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

3 "Gift of travel" shall mean payment, advance, or reimbursement for travel, including  
4 transportation, lodging, and food and refreshment connected with the travel.

5 "Lobbyist" means a contact lobbyist or expenditure lobbyist.

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

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

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

14 "Officer of the City and County" means any officer identified in Section 3.203 of this Code, as  
15 well as any official body composed of such officers. In addition, for purposes of this Chapter, "officer of  
16 the City and County" includes (1) members of the Board of Education, Community College Board, First  
17 Five Commission, Law Library Board of Trustees, Local Agency Formation Commission, Health  
18 Authority Board, Housing Authority Commission, Parking Authority, Relocation Appeals Board,  
19 Successor Agency to the former Redevelopment Agency of the City and County of San Francisco,  
20 Oversight Board of the Successor Agency, Successor Agency Commission, Transportation Authority,  
21 Workforce Investment San Francisco Board as well as any official body composed of such officers, and  
22 any person appointed as the chief executive officer under any such board or commission; (2) the  
23 Zoning Administrator, (3) the City Engineer, (4) the County Surveyor, and (5) the Bureau Chief of the  
24 Department of Public Works' Bureau of Street Use and Mapping.

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

3 "Public event" shall mean an event or gathering that any member of the public may attend, has  
4 been publicly announced and publicized in advance, and for which there is no admission cost or fee.

5 "Public hearing" means any open, noticed proceeding.

6 "State committee" shall mean a committee formed to support or oppose candidates for state  
7 office or state ballot measures.

8  
9 **SEC. 2.106. LOBBYING CONTACTS.**

10 (a) Whenever used in this Chapter 1, "contact" means any communication, oral or written,  
11 including communication made through an agent, associate or employee, for the purpose of influencing  
12 local legislative or administrative action, except as provided in Subsections (b) and (c).

13 (b) The following activities are not "contacts" within the meaning of this Chapter 1.

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

18 (2) A person providing oral or written testimony that becomes part of the record of a  
19 public hearing; provided, however, that if the person making the appearance or providing testimony  
20 has already qualified as a contact lobbyist under this Chapter and is appearing or testifying on behalf  
21 of a client, the contact lobbyist's testimony shall identify the client on whose behalf the contact lobbyist  
22 is appearing or testifying;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23           (16) An officer or employee of a nonprofit organization or an organization fiscally  
24 sponsored by such a nonprofit organization communicating on behalf of their organization. For  
25 purposes of this subsection only, "nonprofit organization" means either an organization with tax

1 exempt status under 26 United States Code Section 501(c)(3), or an organization with tax exempt status  
2 under 26 United States Code Section 501(c)(4) whose most recent federal tax filing included an IRS  
3 Form 990-N or an IRS Form 990-EZ, or an organization whose next federal tax filing is reasonably  
4 likely to include an IRS Form 990-N or an IRS Form 990-EZ.

5 (c) The following activities are not "contacts" for the purpose of determining whether a person  
6 qualifies as a contact lobbyist, but are "contacts" for purpose of disclosures required by this Chapter 1:

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

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

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

12  
13 **SEC. 2.107. NO CONFLICT WITH STATE BAR ACT.**

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

16  
17 **SEC. 2.110. REGISTRATION AND DISCLOSURES; FEES; TERMINATION OF**  
18 **REGISTRATION.**

19 (a) **REGISTRATION OF LOBBYISTS REQUIRED.** Lobbyists shall register with the Ethics  
20 Commission and comply with the disclosure requirements imposed by this Chapter 1. Such registration  
21 shall occur no later than five business days of qualifying as a lobbyist. Contact lobbyists shall register  
22 prior to making any additional contacts with an officer of the City and County of San Francisco and  
23 expenditure lobbyists shall register prior to making any additional payments to influence local  
24 legislative or administrative action.

25 (b) **REGISTRATION.**

1 (1) Contact lobbyists. At the time of initial registration each contact lobbyist shall  
2 report to the Ethics Commission the following information:

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

5 (B) The name, business address, and business telephone number of each client  
6 for whom the lobbyist is performing lobbyist services;

7 (C) The name, business address, and business telephone number of the  
8 lobbyist's employer, firm or business affiliation;

9 (D) Each agency that the contact lobbyist has attempted, will attempt, or may  
10 attempt to influence on behalf of any client; and

11 (E) Any other information required by the Ethics Commission through  
12 regulation, consistent with the purposes and provisions of this Chapter.

13 (2) Expenditure lobbyists. At the time of initial registration each expenditure lobbyist  
14 shall report to the Ethics Commission the following information:

15 (A) The name, mailing address, e-mail address, and telephone number of the  
16 lobbyist;

17 (B) Expenditure lobbyists that are entities shall provide:

18 (i) a description of their nature and purpose(s);

19 (ii) if the expenditure lobbyist is a corporation, the names of the  
20 corporation's chief executive officer, chief financial officer, and secretary, any officer who authorized  
21 payments to influence local legislative and administrative action, and any person who owns more than  
22 20 percent of the corporation;

23 (iii) if the expenditure lobbyist is a partnership, the name of each partner  
24 if the entity has fewer than 10, or the name of the partner with the greatest ownership interest if the  
25 entity has 10 or more partners;

1 (iv) for any other type of business entity, the name of each person with  
2 an ownership interest if the entity has fewer than 10 owners, or the name of the person with the greatest  
3 ownership interest in the entity, if the entity has 10 or more owners;

4 (C) Expenditure lobbyists that are individuals shall provide a description of  
5 their business activities;

6 (D) Each agency that the expenditure lobbyist has made, will make, or may  
7 make payments to influence; and

8 (E) Any other information required by the Ethics Commission through  
9 regulation, consistent with the purposes and provisions of this Chapter.

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

12 (1) **Contact lobbyists.** Each contact lobbyist shall report to the Ethics Commission the  
13 following information:

14 (A) The name, business address and business telephone number of each person  
15 from whom the lobbyist or the lobbyist's employer received or expected to receive economic  
16 consideration to influence local legislative or administrative action during the reporting period.

17 (B) The name of each officer of the City and County of San Francisco with  
18 whom the lobbyist made a contact during the reporting period.

19 (C) The date on which each contact was made.

20 (D) The local legislative or administrative action that the lobbyist sought to  
21 influence, including, if any, the title and file number of any resolution, motion, appeal, application,  
22 petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement, or  
23 contract, and the outcome sought by the client.

24 (E) The client on whose behalf each contact was made.

25

1 (F) The amount of economic consideration received or expected by the lobbyist  
2 or the lobbyist's employer from each client during the reporting period.

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

5 (i) The date and amount of each activity expense;

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

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

10 (iv) Whenever a lobbyist is required to report a salary of an individual  
11 pursuant to this subsection (c)(1), the lobbyist need only disclose whether the total salary payments  
12 made to the individual during the reporting period was less than or equal to \$250, greater than \$250  
13 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater than  
14 \$10,000.

15 (H) All campaign contributions of \$100 or more made or delivered by the  
16 lobbyist or the lobbyist's employer, or made by a client at the behest of the lobbyist or the lobbyist's  
17 employer during the reporting period to an officer of the City and County, a candidate for such office, a  
18 committee controlled by such officer or candidate, or a committee primarily formed to support or  
19 oppose such officer or candidate, or any committee primarily formed to support or oppose a measure to  
20 be voted on only in San Francisco. This report shall include such campaign contributions arranged by  
21 the lobbyist, or for which the lobbyist acted as an agent or intermediary.

22 The following information regarding each campaign contribution shall be  
23 submitted to the Ethics Commission:

24 (i) The amount of the contribution;

25 (ii) The name of the contributor;



- 1 (iii) The date on which the contribution was made;
- 2 (iv) The contributor's occupation;
- 3 (v) The contributor's employer, or if self-employed, the name of the
- 4 contributor's business; and
- 5 (vi) The committee to which the contribution was made.

6 (I) For each contact at which a person providing purely technical data, analysis,

7 or expertise was present, as described in Section 2.106(b)(10), the name, address, employer and area

8 of expertise of the person providing the data, analysis or expertise.

9 (J) Any other information required by the Ethics Commission through regulation

10 consistent with the purposes and provisions of this Chapter.

11 (2) **Expenditure lobbyists.** Each expenditure lobbyist shall report to the Ethics

12 Commission the following information:

13 (A) The local legislative or administrative action that the lobbyist sought to

14 influence, including, if any, the title and file number of any resolution, motion, appeal, application,

15 petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement, or

16 contract.

17 (B) The total amount of payments made during the reporting period to influence

18 local legislative or administrative action.

19 (C) Each payment of \$1,000 or more made during the reporting period,

20 including the date of payment, the name and address of each person receiving the payment, a

21 description of the payment, and a description of the consideration for which the payment was made.

22 (D) All campaign contributions of \$100 or more made or delivered by the

23 lobbyist or made at the behest of the lobbyist during the reporting period to an officer of the City and

24 County, a candidate for such office, a committee controlled by such officer or candidate, or a

25 committee primarily formed to support or oppose such officer or candidate, or any committee primarily

1 formed to support or oppose a measure to be voted on only in San Francisco. This report shall include  
2 such campaign contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or  
3 intermediary.

4 The following information regarding each campaign contribution shall be  
5 submitted to the Ethics Commission:

6 (i) The amount of the contribution;

7 (ii) The name of the contributor;

8 (iii) The date on which the contribution was made;

9 (iv) The contributor's occupation;

10 (v) The contributor's employer, or if self-employed, the name of the  
11 contributor's business; and

12 (vi) The committee to which the contribution was made.

13 (E) Any other information required by the Ethics Commission through  
14 regulation, consistent with the purposes and provisions of this Chapter 1.

15 (d) **DUTY TO UPDATE INFORMATION.** Lobbyists shall amend any information submitted  
16 to the Ethics Commission through registration and monthly disclosures within five days of the changed  
17 circumstances that require correction or updating of such information.

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

22 (f) **FEES; TERMINATION OF REGISTRATION.**

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

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

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

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

9  
10                   **SEC. 2.115. LIMITS AND PROHIBITIONS.**

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

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

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

19                   (d) **CAMPAIGN CONTRIBUTIONS - PROHIBITIONS.**

20                   (1) No lobbyist shall make any contribution to a City elective officer or candidate for  
21 City elective office, including the City elective officer's or candidate's controlled committees, if that  
22 lobbyist (A) is registered to lobby the agency of the City elective officer or the agency for which the  
23 candidate is seeking election or (B) has been registered to lobby that agency in the previous 90 days.

1                   (2) If a lobbyist has failed to disclose which agencies the lobbyist attempts to influence,  
2 as required by Section 2.110(b), the lobbyist may not make a contribution to any City elective officer or  
3 candidate for City elective office, or any City elective officer's or candidate's controlled committees.

4                   **(e) BUNDLING OF CAMPAIGN CONTRIBUTIONS - PROHIBITIONS.**

5                   (1) No lobbyist shall deliver or transmit, or deliver or transmit through a third party,  
6 any contribution made by another person to any City elective officer or candidate for City elective  
7 office, or any City elective officer's or candidate's controlled committees, if that lobbyist (A) is  
8 registered to lobby the agency for which the candidate is seeking election or the agency of the City  
9 elective officer or (B) has been registered to lobby that agency in the previous 90 days.

10                   (2) If a lobbyist has failed to disclose which agencies the lobbyist attempts to influence,  
11 as required by Section 2.110(b), the lobbyist may not deliver or transmit, or deliver or transmit through  
12 a third party, any contribution made by another person to any City elective officer or candidate for City  
13 elective office, or any City elective officer's or candidate's controlled committees.

14                   **(f) AGGREGATION OF AFFILIATED ENTITY CONTRIBUTIONS.** For purposes of the  
15 contribution limits imposed by subsections (e) and (f), the contributions of an entity whose  
16 contributions are directed and controlled by any lobbyist shall be aggregated with contributions made  
17 by that lobbyist as set forth in Section 1.114(c).

18                   **(g) REGULATIONS.** The Ethics Commission may adopt regulations implementing this  
19 Section 2.115, but such regulations may not establish any exceptions from the limits and prohibitions  
20 set forth therein.

21  
22                   **SEC. 2.116. LOBBYIST TRAINING.**

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

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

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

5  
6 **SEC. 2.117. LOBBYING BY CAMPAIGN CONSULTANTS.**

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

12 **(b) EXCEPTIONS.**

13 (1) This prohibition shall not apply to:

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

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

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

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

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

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

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

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

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

16  
17                  **SEC. 2.120. EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES;**  
18 **APPOINTMENT OF EMPLOYEE TO CITY AND COUNTY OFFICE.**

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

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

5           **(c) REPORT OF SALARY.** *Whenever a filer is required to report the salary of an employee*  
6 *who is also an officer or employee of the City and County pursuant to this Section, the filer need only*  
7 *disclose whether the total salary payments made to the employee are less than or equal to \$250,*  
8 *greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to*  
9 *\$10,000, or greater than \$10,000.*

10  
11           **SEC. 2.130. EMPLOYMENT OF UNREGISTERED PERSONS.**

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

15  
16           **SEC. 2.135. FILING UNDER PENALTY OF PERJURY; RETENTION OF DOCUMENTS;**

17           **AUDITS.**

18           *(a) All information required under this Chapter shall be submitted to the Ethics Commission, in*  
19 *the format designated by the Commission, which may include an electronic format. The lobbyist shall*  
20 *verify, under penalty of perjury, the accuracy and completeness of the information provided under this*  
21 *Chapter.*

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

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

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

11  
12 **SEC. 2.136. FALSE INFORMATION; DUTY TO COOPERATE AND ASSIST.**

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

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

21  
22 **SEC. 2.140. POWERS AND DUTIES OF THE ETHICS COMMISSION.**

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



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

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

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

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

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

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

18  
19 **SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.**

20 (a) If any lobbyist fails to submit any information required by this Chapter after any applicable  
21 deadline, the Ethics Commission shall, in addition to any other penalties or remedies established in this  
22 Chapter, impose a late filing fee of \$50 per day after the deadline until the information is received by  
23 the Ethics Commission. The Executive Director of the Ethics Commission may reduce or waive a late  
24 filing fee if the Executive Director determines that the late filing was not willful and that enforcement  
25 will not further the purposes of this Chapter. If such reduction or waiver equals or exceeds \$500, the

1 Executive Director shall notify the Commission of his or her determination. Thereafter, any two or  
2 more members of the Commission may cause the reduction or waiver to be calendared for  
3 consideration by the full Commission in open session at the next Commission meeting occurring no  
4 sooner than ten days from the date the Executive Director informs the Commission of the Executive  
5 Director's recommendation. A Commissioner's request that a reduction or waiver be calendared must  
6 be received by the Executive Director no fewer than five days prior to the date of the meeting, so that  
7 the Executive Director may comply with the applicable notice and agenda requirements. The Ethics  
8 Commission shall deposit funds collected under this Section in the General Fund of the City and  
9 County of San Francisco.

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

15 (c) Any person or entity which knowingly or negligently violates this Chapter may be liable in a  
16 civil action brought by the City Attorney for an amount up to \$5,000 per violation, or three times the  
17 amount not properly reported, or three times the amount given or received in excess of the gift limit,  
18 whichever is greater.

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

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

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

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

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

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

9  
10                   **SEC. 2.150. LIMITATION OF ACTIONS.**

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

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

20                   (c) A civil action brought to enforce or collect penalties or late filing fees imposed under this  
21 Chapter shall be brought within four years after the date on which the penalty or late filing fee was  
22 imposed. For purposes of this Subsection, a penalty or late filing fee is imposed when the Ethics  
23 Commission has issued a final decision in an enforcement action imposing a penalty for a violation of  
24 this Chapter or the Ethics Commission or Executive Director has made a final determination regarding  
25 the amount of a late filing fee imposed under this Chapter. The Ethics Commission or Executive

1 Director does not make a final determination regarding the amount of a late filing fee imposed under  
2 this Chapter until the Ethics Commission or Executive Director has made a determination to accept or  
3 refuse any request to waive a late filing fee where such waiver has been timely requested and is  
4 expressly authorized by statute, ordinance, or regulation. For the purpose of this Subsection, a civil  
5 action is brought when the City Attorney files the action in a court of law.

6  
7 **SEC. 2.155. SEVERABILITY.**

8 If any section, subsection, subdivision, sentence, clause, phrase or portion of this Chapter, or  
9 the application thereof to any person, is for any reason held to be invalid or unconstitutional by the  
10 decision of any court of competent jurisdiction, such decision shall not affect the validity of the  
11 remaining portions of this Chapter or its application to other persons. The voters hereby declare that  
12 they would have adopted this Chapter, and each section, subsection, subdivision, sentence, clause,  
13 phrase or portion thereof, irrespective of the fact that any one or more sections, subsections,  
14 subdivisions, sentences, clauses, phrases, or portions, or the application thereof to any person, to be  
15 declared invalid or unconstitutional.

16  
17 Section 3. Article III, Chapter 1 of the Campaign and Governmental Conduct Code is  
18 hereby amended by revising Sections 3.1-102 and 3.1-102.5, to read as follows:

19 **SEC. 3.1-102. FILING REQUIREMENTS.**

20 (a) **Officers and Employees.** Each officer and employee of the City and County of  
21 San Francisco holding a position designated in this Chapter 1, other than those officials  
22 identified in Section 3.1-500, shall file statements disclosing the information required by the  
23 disclosure categories set forth in this Chapter, on such forms as may be specified by the Fair  
24 Political Practices Commission in a format specified by the Ethics Commission (Form 700  
25 unless otherwise provided by the Commission), and at such times required by Regulation

1 18730. A copy of the forms to be used shall be supplied by the Ethics Commission to each  
2 filing officer, upon request. Every officer and employee holding a position designated in this  
3 Chapter shall retain his or her filing obligations, notwithstanding any reclassification or title  
4 change that may occur in the future as to the same job duties.

5 (b) **Candidates.** Each candidate for City elective office, as that term is defined in  
6 Chapter 1 of Article I of this Code, shall file no later than the final filing date for a declaration of  
7 candidacy, a statement disclosing the information required by the disclosure category for the  
8 City elective office sought by the candidate. Candidates shall file such statements with the  
9 Department of Elections on the same forms as used by filers under subsection (a) of this  
10 Section 3.1-102. This statement shall not be required if the candidate has filed, within 60 days  
11 prior to the filing of his or her declaration of candidacy, a statement for the same jurisdiction  
12 pursuant to this Chapter or Sections 87202 or 87203 of the California Government Code.

13 **(c) Penalties and Enforcement.**

14 **(1) Criminal Penalties.** *Any person who knowingly or willfully violates this Section*  
15 *3.1-102 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not*  
16 *more than \$10,000 for each violation or by imprisonment in the County jail for a period of not more*  
17 *than one year in jail or by both such fine and imprisonment.*

18 **(2) Civil Penalties.** *Any person who intentionally or negligently violates this Section*  
19 *3.1-102 shall be liable in a civil action brought by the City Attorney for an amount up to \$5,000 for*  
20 *each violation.*

21 **(3) Injunctive Relief.** *The City Attorney or any San Francisco resident may bring a*  
22 *civil action on behalf of the people of San Francisco to enjoin violations of or compel compliance with*  
23 *this Section 3.1-102.*

24 **(A) No resident may commence a civil action under this Section 3.1-102 without**  
25 **first notifying the City Attorney in writing of the intent to file a civil action under this Section**

1 3.1-102. If the City Attorney fails to notify the resident within 120 days of receipt of the notice  
2 that the City Attorney has filed or will file a civil action, the complainant may file the action.  
3 No resident may file an action under this Section 3.1-102 if the City Attorney responds within  
4 120 days that the City Attorney intends to file an action or has already filed a civil action.

5 (B) No resident may bring an action under this Section 3.1-102 if the Ethics  
6 Commission has issued a finding of probable cause arising out of the same facts, the District  
7 Attorney has commenced a criminal action arising out of the same facts, or another resident has  
8 filed a civil action under this Section arising out of the same facts.

9 (C) A court may award reasonable attorney's fees and costs to any resident who  
10 obtains injunctive relief under this Section 3.1-102.

11 (4) **Administrative Penalties.** Any person who violates this Section 3.1-102 shall be  
12 subject to and may be held liable in an administrative proceeding before the Ethics Commission held  
13 pursuant to the Charter. In addition to the administrative penalties set forth in the Charter, the Ethics  
14 Commission may issue warning letters to City officers and employees.

15 (5) **Statute of Limitations.** No person may bring a criminal, civil, or administrative  
16 action under this Section 3.1-102 against any other person more than four years after the date of the  
17 alleged violation.

## 18

### 19 **SEC. 3.1-102.5. FAILURE TO FILE.**

20 (a) **Potential Discipline.** Subject to the removal and Civil Service provisions of the  
21 Charter as well as any applicable Civil Service Rules, any officer or employee of the City and  
22 County of San Francisco who fails to file any statement required by Sections 3.1-101 and 3.1-  
23 102 of this Chapter 1 within 30 days after receiving notice from the Ethics Commission of a  
24 failure to file may be subject to disciplinary action by ~~his or her~~ their appointing authority,  
25 including removal from office or termination of employment.

1 (b) **Warning Letter.** The Ethics Commission may issue a letter to an appointing  
2 authority recommending suspension or removal of any City officer or termination of any City  
3 employee who has failed to file a statement required by Sections 3.1-101 and 3.1-102 of this  
4 Chapter 1 if the City officer or employee has not filed the required statement within 30 days of  
5 receiving notice from the Ethics Commission of ~~his or her~~ their failure to file.

6 (c) **Required Disqualification by Members of Boards and Commissions.**

7 Members of City boards or commissions who have failed to file statements required by  
8 Sections 3.1-101, 3.1-102, and 3.1-103 of the Campaign and Governmental Conduct Code  
9 (Form 700 Statements of Economic Interests, Sunshine Ordinance Declarations, and  
10 Certificates of Ethics Training) by the applicable filing deadline shall be disqualified from all  
11 participation in and voting on matters listed on their boards' and commissions' meeting  
12 agendas.

13 (1) **Waiver.** A member of a City board or commission may seek a waiver for  
14 cause from the Ethics Commission's Executive Director excusing ~~his or her~~ the member's failure  
15 to file the statements required by Sections 3.1-101, 3.1-102, and 3.1-103 of the Campaign  
16 and Governmental Conduct Code. If the Executive Director grants such a waiver, the  
17 member of a board or commission will not be disqualified under this subsection (c); provided  
18 that after a member of board or commission has sought a waiver and while the waiver is  
19 pending before the Executive Director, the member shall continue to be disqualified.

20 (2) **Subsequent Filing of Required Statements.** After a member of City board  
21 or commission files any delinquent statement required by Sections 3.1-101, 3.1-102, and 3.1-  
22 103 of the Campaign and Governmental Conduct Code, the member shall no longer be  
23 disqualified under this subsection (c).

24 (3) Penalties and Enforcement.

1 (A) **Criminal Penalties.** Any person who knowingly or willfully violates this  
2 subsection (c) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine  
3 of not more than \$10,000 for each violation or by imprisonment in the County jail for a period of not  
4 more than one year in jail or by both such fine and imprisonment.

5 (B) **Civil Penalties.** Any person who intentionally or negligently violates this  
6 subsection (c) shall be liable in a civil action brought by the City Attorney for an amount up to \$5,000  
7 for each violation.

8 (C) **Injunctive Relief.** The City Attorney or any San Francisco resident may  
9 bring a civil action on behalf of the people of San Francisco to enjoin violations of or compel  
10 compliance with this subsection (c).

11 (i) No resident may commence a civil action under this subsection (c)  
12 without first notifying the City Attorney in writing of the intent to file a civil action under this  
13 subsection (c). If the City Attorney fails to notify the resident within 120 days of receipt of the  
14 notice that the City Attorney has filed or will file a civil action, the complainant may file the  
15 action. No resident may file an action under this subsection (c) if the City Attorney responds  
16 within 120 days that the City Attorney intends to file an action or has already filed a civil  
17 action.

18 (ii) No resident may bring an action under this subsection (c) if the Ethics  
19 Commission has issued a finding of probable cause arising out of the same facts, the District  
20 Attorney has commenced a criminal action arising out of the same facts, or another resident has  
21 filed a civil action under this Section arising out of the same facts.

22 (iii) A court may award reasonable attorney's fees and costs to any  
23 resident who obtains injunctive relief under this subsection (c).

24 (D) **Administrative Penalties.** Any person who violates this subsection (c) shall  
25 be subject to and may be held liable in an administrative proceeding before the Ethics Commission



1 held pursuant to the Charter. In addition to the administrative penalties set forth in the Charter, the  
2 Ethics Commission may issue warning letters to City officers and employees.

3 (E) Statute of Limitations. No person may bring a criminal, civil, or  
4 administrative action under this subsection (c) against any other person more than four years after the  
5 date of the alleged violation.

6 (d) **Public Announcement.** If a member of a City board or commission has failed to  
7 file a required statement (Form 700 Statement of Economic Interests, Sunshine Ordinance  
8 Declaration, or Certificate of Ethics Training), at the beginning of each meeting of the board or  
9 commission that occurs after the applicable deadline for the required statement and before  
10 the member of the board or commission files the required statement, the Commission  
11 Secretary, or any City staff who fulfills that role, shall announce that the member of the board  
12 or commission has failed to file a statement required by Sections 3.1-101, 3.1-102, and 3.1-  
13 103 of this Chapter 1 and that the member will be disqualified from all participation in and  
14 voting on matters coming before the board or commission.

15  
16 Section 4. Article III, Chapter 2 of the Campaign and Governmental Conduct Code is  
17 hereby amended by revising Sections 3.203 (with added definitions placed in alphabetical  
18 sequence), 3.204, 3.214, 3.216, and 3.242, deleting the entire text of Section 3.218 and  
19 replacing it with added new text, and adding Sections 3.205, 3.217, and 3.243, to read as  
20 follows:

21 **SEC. 3.203. DEFINITIONS.**

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

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

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

5 “Appointed department head” shall mean any department head who is required to file a  
6 Statement of Economic Interests as set forth in Section 3.1-103(b)(1) of this Code, except for the  
7 Assessor-Recorder, City Attorney, District Attorney, Mayor, Public Defender, Sheriff, and Treasurer.

8 \* \* \* \*

9 “Contract” shall mean any agreement, including any amendment or modification to an  
10 agreement, with the City and County of San Francisco for:

11 (a) the rendition of personal services,

12 (b) the furnishing of any material, supplies, or equipment,

13 (c) the sale or lease of any land or building,

14 (d) a grant, loan, or loan guarantee, or

15 (e) a development agreement.

16 \* \* \* \*

17 “Department head” shall mean any City official who is required to file a Statement of  
18 Economic Interests as set forth in Section 3.1-103(b)(1) of this Code.

19 “Doing business with the department” shall mean:

20 (a) being a party to or seeking to become a party to a contract with the department, until 12  
21 months after the term of the contract ends or, if no contract is approved, 12 months after negotiations  
22 regarding the contract terminate; or

23 (b) seeking, obtaining, or possessing a license, permit, or other entitlement for use issued by  
24 the department, and appealable to or approved by the department head, the department’s board or  
25 commission, or the Board of Supervisors, until 12 months after the date the license, permit, or other

1 entitlement for use was issued, extended, or otherwise approved or, if no license, permit, or other  
2 entitlement for use was issued or approved, 12 months after the day the final decision not to issue or  
3 approve was made.

4 “Family member” shall mean an immediate family member, sibling, parent, grandparent,  
5 grandchild, aunt, uncle, niece, nephew, or sibling of a spouse or registered domestic partner. Each  
6 term shall be inclusive of relationships established by birth, adoption, or marriage.

7 \* \* \* \*

8 “Gift” shall mean any payment that confers a personal benefit on the recipient, to the extent  
9 that consideration of equal or greater value is not received and includes a rebate or discount in the  
10 price of anything of value unless the rebate or discount is made in the regular course of business to  
11 members of the public without regard to official status. Any person, other than a defendant in a  
12 criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the  
13 burden of proving that the consideration received is of equal or greater value. Any gift exceptions  
14 established by State law shall not apply to “gift,” as used in this Chapter.

15 \* \* \* \*

16 “License, permit, or other entitlement for use” shall mean business, professional, trade, and  
17 land use licenses and permits and other entitlements for use, including land use entitlements, as defined  
18 in California Government Code Section 84308 and its implementing regulations, as amended from time  
19 to time, provided that “entitlement for use” shall not include any contract, as defined in this Section  
20 3.203.

21 \* \* \* \*

22 “Payment” shall mean a payment, distribution, transfer, loan, advance, deposit, gift or other  
23 rendering of money, property, services, or anything else of value, whether tangible or intangible.

24 “Restricted source” shall mean:

1           (a) a person doing business with or seeking to do business with the department of the officer or  
2 employee;

3           (b) for members of boards and commissions, including the Board of Supervisors, a person  
4 doing business with any City department pursuant to a contract that required the approval of the board  
5 or commission;

6           (c) a person seeking, obtaining, or possessing a license, permit, or other entitlement for use, in  
7 which the officer or employee was personally and substantially involved, until 12 months after the date  
8 the license, permit, or other entitlement for use was issued, extended, amended, or otherwise approved  
9 or, if no license, permit, or other entitlement for use was issued or approved, 12 months after the day  
10 the final decision not to issue or approve was made.

11           (d) an affiliate of an entity that qualifies as a restricted source under (a), (b), or (c);

12           (e) a person who during the prior 12 months knowingly attempted to influence the officer or  
13 employee in any legislative or administrative action;

14           (f) for officers, a registered lobbyist; or

15           (g) any permit consultant, as defined under Article III, Chapter 4 of this Code, who has  
16 registered as a permit consultant with the Ethics Commission, if the permit consultant has reported any  
17 contacts with the designated employee's or officer's department to carry out permit consulting services  
18 during the prior 12 months.

19           \* \* \* \*

20  
21           **SEC. 3.204. AMENDMENT OR REPEAL OF THIS CHAPTER.**

22           The voters may amend or repeal this Chapter. The Board of Supervisors may amend  
23 this Chapter if all of the following conditions are met:

24           (a) The amendment furthers the purposes of this Chapter;

1 (b) The Ethics Commission approves the proposed amendment in advance by at least  
2 a four-fifths vote of all its members;

3 (c) The proposed amendment is available for public review at least 30 days before the  
4 amendment is considered by the Board of Supervisors or any committee of the Board of  
5 Supervisors; and

6 (d) The Board of Supervisors approves the proposed amendment by at least a two-  
7 thirds vote of all its members.

8  
9 **SEC. 3.205. ETHICS COMMISSION TRAINING.**

10 **(a) Ethics Training Requirement.** Each City officer and employee required to file a statement  
11 of economic interests under Article III, Chapter 1 of this Code shall annually complete an ethics  
12 training.

13 **(b) Administration and Content of Ethics Training.** The Ethics Commission shall administer  
14 the ethics training required under subsection (a). The Ethics Commission shall determine the contents  
15 and format of the training, which shall provide information about state and local governmental ethics  
16 laws that apply to City officers and employees.

17 **(c) Notice.** Every department, board, commission, and agency of the City and County shall  
18 annually provide to its officers and employees a copy of a summary to be created by the Ethics  
19 Commission of relevant state and local ethics laws.

20  
21 **SEC. 3.214. DISCLOSURE OF PERSONAL, PROFESSIONAL AND BUSINESS**  
22 **RELATIONSHIPS.**

23 (a) **Disclosure.** A City officer or employee shall disclose on the public record any  
24 personal, professional, or business relationship with any individual person who is the subject of  
25 or has an ownership or financial interest in the subject of a governmental decision being made

1 by the officer or employee where as a result of the relationship, the ability of the officer or  
2 employee to act for the benefit of the public could reasonably be questioned. For the  
3 purposes of this Section 3.214, the minutes of a public meeting at which the governmental  
4 decision is being made, or if the governmental decision is not being made in a public meeting,  
5 a memorandum kept on file at the offices of the City officer or employee's department, board,  
6 commission, or agency shall constitute the public record.

7 (b) **Penalties.** A court may void any governmental decision made by a City officer or  
8 employee who fails to disclose a relationship as required by §subsection (a) if the court  
9 determines that: (1) the failure to disclose was willful; and (2) the City officer or employee  
10 failed to render ~~his or her~~ their decision with disinterested skill, zeal, and diligence and  
11 primarily for the benefit of the City. ~~No other penalties shall apply to a violation of this Section,~~  
12 ~~provided that nothing in this Section shall prohibit an appointing authority from imposing discipline for~~  
13 ~~a violation of this Section.~~

14 (c) **Regulations.** The Ethics Commission may adopt regulations setting forth the  
15 types of personal, professional, and business relationships that must be disclosed pursuant to  
16 this Section 3.214 and how the required disclosure must be made and archived.

17  
18 **SEC. 3.216. BRIBERY AND GIFTS.**

19 (a) **Prohibition on Bribery.** ~~No person shall offer or make, and no officer or employee shall~~  
20 ~~accept, any gift with the intent that the City officer or employee will be influenced thereby in the~~  
21 ~~performance of any official act.~~

22 (1) No City officer or employee shall solicit for the benefit of any person, or accept,  
23 anything of value or contribution from any person, with the intent that the City officer or employee will  
24 be influenced or rewarded thereby in the performance of any official act.

1                   (2) No person shall offer, provide, or agree to provide anything of value or contribution  
2 to any person, with intent to influence or reward thereby any City officer or employee in the  
3 performance of any official act.

4                   (b) ~~General gift restrictions~~ **Restricted Source Rules.** In addition to the gift limits,  
5 prohibitions, and reporting requirements imposed by the Political Reform Act and this Code  
6 and any subsequent amendments thereto, the following shall be prohibited: ~~no officer or~~  
7 ~~employee of the City and County shall solicit or accept any gift or loan from a person who the officer~~  
8 ~~or employee knows or has reason to know is a restricted source, except loans received from~~  
9 ~~commercial lending institutions in the ordinary course of business.~~

10                   (1) No City officer or employee may solicit, coordinate, facilitate, or accept, any gift for  
11 themselves or for any other City officer or employee from a person who the officer or employee knows  
12 or has reason to know is a restricted source for themselves or for the recipient of the gift.

13                   (2) No City officer or employee may solicit or accept a gift from any person, including  
14 any gift obtained through a City department, if the officer or employee knows or has reason to know  
15 that the gift was funded, provided, or directed by a restricted source.

16                   (3) No City officer or employee may solicit or accept any gift from a restricted source  
17 for any of their family members.

18                   (4) No lobbyist or permit consultant may offer or make a gift to any officer or employee,  
19 or any of the officer's or employee's family members, nor direct the offer or making of any gift by any  
20 other person, if the lobbyist or permit consultant knows or has reason to know that they are a restricted  
21 source for the officer or employee. For purposes of this subsection (b)(4), a person who is required to  
22 register as a lobbyist or permit consultant and file disclosures but fails to do so shall be considered a  
23 restricted source for any official for whom, had the person properly registered and file disclosures, the  
24 person would be considered a restricted source.

1                    (5) No lobbyist or permit consultant may make a payment to an intermediary, including  
2 any City department, if the lobbyist or permit consultant knows or has reason to know that the  
3 intermediary will use the payment to provide a gift to any City officers or employees and that they are a  
4 restricted source for the officers or employees.

5                    (6) No person may accept or use a payment on condition or with the agreement or  
6 mutual understanding that the payment will be used for a gift to an officer or employee, if the person  
7 knows or has reason to know that the source of the payment is a restricted source for the officer or  
8 employee.

9                    ~~(1) **Restricted Source.** For purposes of this section, a restricted source means: (A) a~~  
10 ~~person doing business with or seeking to do business with the department of the officer or employee; or~~  
11 ~~(B) a person who during the prior 12 months knowingly attempted to influence the officer or employee~~  
12 ~~in any legislative or administrative action.~~

13                    ~~(2) **Gift.** For purposes of this subsection, the term gift has the same meaning as under~~  
14 ~~the Political Reform Act, California Government Code Section 81000 et seq., and the regulations~~  
15 ~~adopted thereunder, including any subsequent amendments. Gifts exempted from the limits imposed by~~  
16 ~~California Government Code Section 89503 and Section 3.1-101 of the Campaign and Governmental~~  
17 ~~Conduct Code shall also be exempted from the prohibition set forth in this subsection.~~

18                    ~~(3) (7) **Regulations.** The Ethics Commission shall may issue regulations~~  
19 ~~implementing this ~~section~~ Section 3.216, including regulations exempting ~~voluntary~~ certain gifts~~  
20 ~~that are nominal in value such as gifts that are given by vendors to clients or customers in the normal~~  
21 ~~course of business.~~

22                    (c) **Gifts and Loans from Subordinates.** No officer or employee shall solicit or accept  
23 any gift or loan, either directly or indirectly, from any subordinate or employee under ~~his or her~~  
24 their supervision or from any candidate or applicant for a position as a subordinate or  
25 employee under ~~his or her~~ their supervision. The Ethics Commission ~~shall~~ may issue



1 regulations implementing this Section 3.216, including regulations exempting ~~voluntary certain~~  
2 gifts that are given ~~or received for special occasions or under other~~ under circumstances in which  
3 gifts are traditionally given or exchanged.

4 \* \* \* \*

5 (e) **Restrictions.** Nothing in this section 3.216 shall prohibit a City department,  
6 agency, board, or commission from imposing additional gift restrictions on its officers or  
7 employees.

8 (f) **Aggregation of Gifts.** For purposes of this Section 3.216, gifts shall be aggregated as set  
9 forth in California Code of Regulations, Title 2, Section 18945.1, as amended from time to time.

10  
11 **SEC. 3.217. DISCLOSURE OF GIFTS TO THE CITY.**

12 (a) **Disclosure Requirement.** Any department head whose City department receives any  
13 payment from a non-City source for which equal or greater consideration is not provided by the  
14 department must disclose the payment to the Ethics Commission. A department head who fails to timely  
15 report any such payment, or, if the department head has delegated the filing responsibility to a  
16 subordinate, whose subordinate fails to timely report any such payment, may be subject to discipline by  
17 the department head's appointing authority but shall not be subject to penalties under Section 3.242.

18 (b) **Contents.** The disclosure required in subsection (a) must include the following:

- 19 (1) the name of the source of the payment;
- 20 (2) the date of the payment;
- 21 (3) the total value of the payment;
- 22 (4) if the payment includes goods or services, a description of the goods or services;
- 23 (5) the purpose and use of the payment;
- 24 (6) the name of any City officer or employee that receives a personal benefit from the  
25 gift or through the City's use of the gift;

1 (7) a description and valuation of the personal benefits received by any City officer or  
2 employee through the department's use of the gift;

3 (8) a description of any contract that the payor has with the department;

4 (9) a description of any license, permit, or other entitlement for use that the payor is  
5 currently seeking from the department or has been issued by the department within the last 12 months  
6 to the payor; and

7 (10) a description of any financial interest the payor has involving the City.

8 (c) **Deadline for Initial Filing.** The disclosure required in subsection (a) must be filed no later  
9 than the fifteenth calendar day following the end of the month in which the payment was received by the  
10 department.

11 (d) **Supplemental Filings.** If any of the information disclosed by the department head in the  
12 initial filing made pursuant to subsection (c) changes after the time of the initial filing, the department  
13 head must submit a supplemental filing within 30 days that describes those changes.

14 (e) **Form.** The disclosures required by this Section 3.217 must be made in a form and format  
15 prescribed by the Ethics Commission and may include an electronic format.

16 (f) **Exception – Payments from Government Agencies.** Payments from local, state, and  
17 federal government agencies to City departments are not subject to the disclosures required in this  
18 Section 3.217.

19  
20 **SEC. 3.218. INCOMPATIBLE ACTIVITIES.**

21 ~~(a) **Prohibition.** No officer or employee of the City and County may engage in any~~  
22 ~~employment, activity, or enterprise that the department, board, commission, or agency of which he or~~  
23 ~~she is a member or employee has identified as incompatible in a statement of incompatible activities~~  
24 ~~adopted under this Section. No officer or employee may be subject to discipline or penalties under this~~  
25

1 ~~Section unless he or she has been provided an opportunity to demonstrate that his or her activity is not~~  
2 ~~in fact inconsistent, incompatible or in conflict with the duties of the officer or employee.~~

3 ~~(b) **Statement of Incompatible Activities.** Every department, board, commission, and agency~~  
4 ~~of the City and County shall, by August 1 of the year after which this Section becomes effective, submit~~  
5 ~~to the Ethics Commission a statement of incompatible activities. No statement of incompatible~~  
6 ~~activities shall become effective until approved by the Ethics Commission after a finding that the~~  
7 ~~activities are incompatible under the criteria set forth in Subsection (c). After initial approval by the~~  
8 ~~Ethics Commission, a department, board, commission or agency of the City and County may, subject to~~  
9 ~~the approval of the Ethics Commission, amend its statement of incompatible activities. The Ethics~~  
10 ~~Commission may, at any time, amend the statement of incompatible activities of any department, board,~~  
11 ~~commission or agency of the City and County.~~

12 ~~(c) **Required Language.** Each statement of incompatible activities shall list those outside~~  
13 ~~activities that are inconsistent, incompatible, or in conflict with the duties of the officers and employees~~  
14 ~~of the department, board, commission, or agency of the City and County. This list shall include, but~~  
15 ~~need not be limited to, activities that involve: (1) the use of the time, facilities, equipment and supplies~~  
16 ~~of the City and County; or the badge, uniform, prestige, or influence of the City and County officer or~~  
17 ~~employee's position for private gain or advantage; (2) the receipt or acceptance by an officer or~~  
18 ~~employee of the City and County of any money or other thing of value from anyone other than the City~~  
19 ~~and County for the performance of an act that the officer or employee would be required or expected to~~  
20 ~~render in the regular course of his or her service or employment with the City and County; (3) the~~  
21 ~~performance of an act in a capacity other than as an officer or employee of the City and County that~~  
22 ~~may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of the~~  
23 ~~City and County officer or employee's department, board, commission or agency; and (4) time demands~~  
24 ~~that would render performance of the City and County officer or employee's duties less efficient. The~~  
25 ~~Ethics Commission may permit City boards and commissions to exclude any required language from~~

1 ~~their statement of incompatible activities if their members, by law, must be appointed in whole or in~~  
2 ~~part to represent any profession, trade, business, union or association.~~

3 ~~(d) **Meet and Confer.** No statement of incompatible activities or any amendment thereto shall~~  
4 ~~become operative until the City and County has satisfied the meet and confer requirements of State law.~~

5 ~~(e) **Notice.** Every department, board, commission and agency of the City and County shall~~  
6 ~~annually provide to its officers and employees a copy of its statement of incompatible activities.~~

7 ~~(f) **Existing Civil Service Rules.** Rules and Regulations relating to outside activities previously~~  
8 ~~adopted or approved by the Civil Service Commission shall remain in effect until statements of~~  
9 ~~incompatible activities are adopted pursuant to this Section.~~

10 (a) **Prohibitions.** City officers and employees shall not engage in the following activities:

11 (1) **Activities Subject to the Department's Jurisdiction.** City officers and employees  
12 shall not engage in activities that are subject to the control, inspection, review, audit, permitting,  
13 enforcement, contracting, or are otherwise within the responsibility of the officer or employee's  
14 department. But City officers and employees may engage in certain activities including, but not limited  
15 to, the following: being a party to a matter before or otherwise appearing before one's own department  
16 or commission on behalf of oneself or one's immediate family, filing or otherwise pursuing claims  
17 against the City on one's own behalf, making a public records disclosure request or other request for  
18 information as permitted by law, attending and participating in a meeting of a board, commission, or  
19 other policy body under the Brown Act or Sunshine Ordinance, and engaging in non-compensated,  
20 volunteer activity for a nonprofit organization with tax exempt status under 26 United States Code  
21 Section 501(c)(3) or 501(c)(5). Incompatible activities prohibited by this subsection (a)(1) shall  
22 include, but are not limited, to the following:

23 (A) contracting with one's own department or having a financial interest in or  
24 serving on the board of directors for an entity that contracts with one's own department (but this  
25

1 prohibition shall not extend to any entity solely because an officer or employee's spouse or registered  
2 domestic partner has a financial interest in the entity or serves as a member of its board of directors);

3 (B) acquiring an ownership interest in real property, if the officer or employee  
4 had participated personally and substantially in the permitting or inspection of that property within the  
5 12 months prior to the acquisition; and

6 (C) having or acquiring a financial interest in any financial products issued or  
7 regulated by the officer or employee's department.

8 (2) **Selective Assistance.** City officers and employees shall not provide assistance or  
9 advice that is not generally available to all persons, in a manner that confers an advantage on any  
10 person who is doing business or seeking to do business with the City. This subsection (a)(2) shall not  
11 prohibit an officer or employee from communicating with individual applicants regarding the  
12 individual's application, bid, or proposal, provided that such assistance is provided on an impartial  
13 basis to all applicants who request it and is part of the officer or employee's City duties.

14 (3) **Use of City Resources.** City officers and employees shall not engage in the use,  
15 other than minimal or incidental use, of the time, facilities, equipment, or supplies of the City for  
16 private gain or advantage. Nothing in this subsection (a)(3) shall be interpreted or applied to interfere  
17 with, restrict, or supersede any rights or entitlements of employees, recognized employee organizations,  
18 or their members under state law or regulation or pursuant to provisions of a collective bargaining  
19 agreement to use City facilities, equipment, or resources.

20 (4) **Use of Prestige of Office.** City officers and employees shall not engage in the use of  
21 any marker (including without limitation a badge, uniform, or business card), prestige, or influence of  
22 the City officer or employee's position for private gain or advantage.

23 (5) **Use of City Work Product.** City officers and employees shall not sell, publish, or  
24 otherwise use, in exchange for anything of value and without appropriate authorization, any non-public  
25 materials that were prepared on City time or while using City facilities, property (including without

1 limitation, intellectual property), equipment, or other materials. Nothing in this subsection (a)(5) shall  
2 be interpreted or applied to interfere with, restrict, or supersede any rights or entitlements of  
3 employees, recognized employee organizations, or their members under state law or regulation or  
4 pursuant to provisions of a collective bargaining agreement to use public materials for collective  
5 bargaining agreement negotiations.

6 (6) Acting as an Unauthorized City Representative. City officers and employees shall  
7 not hold themselves out as a representative of their departments, or as an agent acting on behalf of  
8 their departments, unless authorized to do so, including the use of City letterhead, title, e-mail, business  
9 card, or any other resource for any communication that may lead the recipient of the communication to  
10 think that the officer or employee is acting in an official capacity when the officer or employee is not.

11 (7) Compensation for City Duties or Advice. City officers and employees shall not  
12 receive or accept a payment from anyone other than the City for the performance of a specific service  
13 or act the officer or employee would be expected to render or perform in the regular course of their  
14 City duties or for advice about the processes of the City directly related to the officer or employee's  
15 duties and responsibilities or the processes of the officer or employee's department.

16 (8) Lobbying Activity. City officers and employees shall not receive or accept a  
17 payment from anyone other than the City in exchange for communicating with any other City officer or  
18 employee within their own department with the intent to influence an administrative or legislative  
19 action.

20 (b) Excessive Time Demands or Regular Disqualifications. No City appointed department  
21 head or employee may engage in any activity that either imposes excessive time demands such that it  
22 materially impairs the appointed department head's or employee's performance of their City duties or  
23 that disqualifies the appointed department head or employee from their City assignments or  
24 responsibilities on a regular basis.

1                   (1) Advance Written Determination. An appointed department head or employee may  
2 seek an advance written determination from the decision-maker specified in subsection (b)(2) below as  
3 to whether a proposed outside activity would impose excessive time demands or require regular  
4 disqualifications and would therefore be prohibited under this subsection (b).

5                   (2) Decision-Maker.

6                   (A) For a request by an employee, the department head of the employee's  
7 department or the department head's designee shall be the decision-maker on a request for an advance  
8 written determination. If the department head delegates the decision-making to a designee and if the  
9 designee determines that the proposed activity imposes excessive time demands or results in regular  
10 disqualifications, the employee may appeal that determination to the department head.

11                   (B) For a request by an appointed department head, the department head's  
12 appointing authority shall be the decision-maker on a request for an advance written determination.

13                   (C) The decision-maker shall respond to the request by providing a written  
14 determination to the requestor by mail, email, personal delivery, or other reliable means. For a request  
15 by an employee, the decision-maker shall provide the determination within a reasonable period of time  
16 depending on the circumstances and the complexity of the request, but not later than 20 working days  
17 from the date of the request. If the decision-maker does not provide a written determination to the  
18 employee within 20 working days from the date of the employee's request, the proposed activity will be  
19 determined not to violate this Subsection 3.218(b).

20                   (3) Effect. An advance written determination approved by the appropriate decision-  
21 maker that an activity does not impose excessive time demands or require regular disqualifications  
22 provides the officer or employee immunity from any subsequent enforcement action for a violation of  
23 subsection (b) if the material facts are as presented in the appointed department head or employee's  
24 request for an advance written determination. An advance written determination cannot exempt the  
25 requestor from any other applicable laws.

1                    (4) **Public Records.** Requests for advance written determinations and advance written  
2 determinations, including approvals and denials, are public records.

3                    (c) **Statements of Incompatible Activities.** Statements of Incompatible Activities adopted and  
4 approved prior to March 5, 2024 are hereby repealed and shall no longer have any legal effect. Any  
5 administrative or disciplinary proceedings initiated prior to the repeal of a Statement of Incompatible  
6 Activities alleging violations of the Statement of Incompatible Activities may continue.

7  
8                    **SEC. 3.242. PENALTIES AND ENFORCEMENT.**

9                    (a) **Criminal Penalties.** Any person who knowingly or willfully violates ~~any of the City's~~  
10 ~~conflict of interest and governmental ethics laws~~ this Chapter 2 shall be guilty of a misdemeanor  
11 and upon conviction thereof shall be punished by a fine of not more than \$10,000 for each  
12 violation or by imprisonment in the County jail for a period of not more than one year in jail or  
13 by both such fine and imprisonment.

14                    (b) **Civil Penalties.** Any person who intentionally or negligently violates ~~any City~~  
15 ~~conflict of interest or governmental ethics law~~ this Chapter 2 shall be liable in a civil action brought  
16 by the City Attorney for an amount up to \$5,000 for each violation.

17                    (c) **Injunctive Relief.** The City Attorney or any San Francisco resident may bring a  
18 civil action on behalf of the people of San Francisco to enjoin violations of or compel  
19 compliance with ~~a conflict of interest or governmental ethics law~~ this Chapter 2.

20                    (1) No resident may commence a civil action under this Section 3.242 without  
21 first notifying the City Attorney in writing of the intent to file a civil action under this  
22 Section 3.242. If the City Attorney fails to notify the resident within 120 days of receipt  
23 of the notice that the City Attorney has filed or will file a civil action, the complainant  
24 may file the action. No resident may file an action under this Section 3.242 if the City  
25



1 Attorney responds within 120 days that the City Attorney intends to file an action or has  
2 already filed a civil action.

3 (2) No resident may bring an action under this Section 3.242 if the Ethics  
4 Commission has issued a finding of probable cause arising out of the same facts, the  
5 District Attorney has commenced a criminal action arising out of the same facts, or  
6 another resident has filed a civil action under this Section 3.242 arising out of the same  
7 facts.

8 (3) A court may award reasonable attorney's fees and costs to any resident who  
9 obtains injunctive relief under this Section 3.242.

10 (d) **Administrative Penalties.** Any person who violates ~~any of the City's conflict of~~  
11 ~~interest or governmental ethics laws~~ this Chapter 2 shall be liable in an administrative proceeding  
12 before the Ethics Commission held pursuant to the Charter. In addition to the administrative  
13 penalties set forth in the Charter, the Ethics Commission may issue warning letters to City  
14 officers and employees.

15 (e) **Statute of Limitations.** No person may bring a criminal, civil or administrative  
16 action under this Section 3.242 against any other person more than four years after the date of  
17 the alleged violation.

18  
19 **SEC. 3.243. ELECTRONIC FILING OF DISCLOSURES.**

20 The Ethics Commission may require electronic filing of any disclosure required under this  
21 Chapter.

22  
23 Section 5. The voters hereby re-authorize and re-enact in its entirety Article III,  
24 Chapter 3 of the Campaign and Governmental Conduct Code, and add Section 3.303 to  
25 Article III, Chapter 3, to read as follows:

1           **SEC. 3.300. ETHICS COMMISSION.**

2           ~~The powers and duties of the Ethics Commission are governed by Charter Sections 15.100, et~~  
3 ~~seq., and Appendix C, Sections C3.699-10-C3.699-16.~~

4  
5           **SEC. 3.301. MEETINGS TO BE TELEVISED.**

6           ~~The Ethics Commission shall televise its regular and special meetings on San Francisco~~  
7 ~~Government Television (SFGovTV). The Ethics Commission shall not be required to televise the~~  
8 ~~portions of its meetings that are held in closed session or otherwise required to be confidential.~~

9  
10          **SEC. 3.302. PUBLIC GUIDE FOR CONTRIBUTORS.**

11          ~~The Ethics Commission shall prepare and distribute a public guide regarding campaign~~  
12 ~~contributions. The guide shall include a summary of local law regarding contribution limits, required~~  
13 ~~reporting by contributors and committees, and rules regarding who may contribute to committees. The~~  
14 ~~guide shall be for informational purposes only, and shall not have the force or effect of law or~~  
15 ~~regulation.~~

16  
17          **SEC. 3.300. ETHICS COMMISSION.**

18          The powers and duties of the Ethics Commission are governed by Charter Sections 15.100, et  
19 seq., and Appendix C, Sections C3.699-10-C3.699-16.

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1           **SEC. 3.302. PUBLIC GUIDE FOR CONTRIBUTORS.**

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3 contributions. The guide shall include a summary of local law regarding contribution limits, required  
4 reporting by contributors and committees, and rules regarding who may contribute to committees. The  
5 guide shall be for informational purposes only, and shall not have the force or effect of law or  
6 regulation.

7  
8           **SEC. 3.303. AMENDMENT OR REPEAL OF THIS CHAPTER.**

9           The voters may amend or repeal this Chapter 3. The Board of Supervisors may amend this  
10 Chapter 3 if all of the following conditions are met:

11           (a) The amendment furthers the purposes of this Chapter;

12           (b) The Ethics Commission approves the proposed amendment in advance by at least a four-  
13 fifths vote of all its members;

14           (c) The proposed amendment is available for public review at least 30 days before the  
15 amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;

16 and

17           (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of  
18 all its members.

19  
20           Section 6. The voters hereby re-authorize and re-enact in its entirety Article III,  
21 Chapter 4 of the Campaign and Governmental Conduct Code, in the process rewording  
22 subsection (b) of Section 3.415, deleting former Section 3.420, and adding new Sections  
23 3.403 and 3.420, to read as follows:

24           **SEC. 3.400A. FINDINGS.**

1           ~~The Board of Supervisors finds that bringing greater transparency to the City and County's~~  
2 ~~permitting process is essential to protect public confidence in the fairness and impartiality of that~~  
3 ~~process. It is the purpose and intent of this Chapter 4 to impose reasonable disclosure requirements on~~  
4 ~~permit consultants to provide the public with information about who is paying the consultants, the~~  
5 ~~permits they are getting paid to obtain, the City employees with whom they have had contact in the~~  
6 ~~course of obtaining the permits, and the political contributions they have made to City officials.~~

7  
8           ~~**SEC. 3.400. PERMIT APPLICATION PROCESSING.**~~

9           ~~(a) **EQUAL TREATMENT OF PERMIT APPLICANTS.** It shall be the policy of the~~  
10 ~~Department of Building Inspection, the Planning Department, the Department of Public Works and the~~  
11 ~~officers and employees of such departments to treat all permit applicants the same regardless of the~~  
12 ~~relationship of the applicant and/or the applicant's representatives to any officer or employee of the~~  
13 ~~City and County and regardless of whether the applicant hires a permit consultant to provide permit~~  
14 ~~consulting services. Intentional preferential treatment of any permit applicant and/or the applicant's~~  
15 ~~representatives by any officer or employee of the Department of Building Inspection, the Planning~~  
16 ~~Department, or the Department of Public Works shall subject the officer or employee to disciplinary~~  
17 ~~action for official misconduct.~~

18           ~~(b) **APPLICATION PRIORITY.** It shall be the policy of the Department of Building~~  
19 ~~Inspection, the Planning Department, the Department of Public Works and the officers and employees~~  
20 ~~of such departments to review, consider, and process all applications, revisions, corrections and other~~  
21 ~~permit-related material in the order in which that type of material is received unless there is a written~~  
22 ~~finding of a public policy basis for not doing so, such as the involvement of public funds in the project~~  
23 ~~for which the permit is sought, or the response to a delay caused by an earlier procedural error in~~  
24 ~~processing the permit or another permit for the same project. Absent such a finding, any officer or~~  
25 ~~employee of the Department of Building Inspection, the Planning Department, or the Department of~~

1 *Public Works who intentionally fails to review, consider, and process all applications, revisions,*  
2 *corrections, and other permit-related material in the order in which that type of material is received*  
3 *shall be subject to disciplinary action for official misconduct. The Department of Building Inspection,*  
4 *the Planning Department, and the Department of Public Works shall each adopt written guidelines for*  
5 *determining when there is a public policy basis for processing permit material out of order and shall*  
6 *periodically review such guidelines. For purposes of this Section 3.400, and any corresponding written*  
7 *guidelines, expediting of work consisting primarily of disability access improvements for real property*  
8 *shall qualify as a public policy basis for processing permit material out of order, on a priority basis.*

9 ~~**(e) PERIODIC REVIEW AND COORDINATION OF PERMIT PRIORITIZATION**~~

10 ~~**GUIDELINES.** The Department of Building Inspection, the Planning Department, and the Department~~  
11 ~~of Public Works shall review and update their respective permit prioritization guidelines as provided in~~  
12 ~~this subsection (e).~~

13 ~~**—(1) Interdepartmental Permit Prioritization Task Force Review of Permit Prioritization**~~  
14 ~~**Guidelines.**~~

15 ~~**—(A) Establishment of Permit Prioritization Task Force.** There is hereby established an~~  
16 ~~interdepartmental Permit Prioritization Task Force (“Task Force”) consisting of five members. Four~~  
17 ~~members of the Task Force shall be appointed by the Director of the Department of Building~~  
18 ~~Inspection, the Planning Director, the Public Works Director, and the President of the Board of~~  
19 ~~Supervisors, respectively. All such appointees shall be City employees and shall serve at the pleasure of~~  
20 ~~their appointing authority; the appointee of the President of the Board of Supervisors shall be an~~  
21 ~~employee or official of the Board of Supervisors. The appointing authorities for the Task Force shall~~  
22 ~~make their initial appointments no later than 60 days after the effective date of the ordinance in Board~~  
23 ~~File No. 230167, creating the Task Force. The Director of the Permit Center or the Director’s designee~~  
24 ~~shall also be a member of the Task Force and shall serve as chair of the Task Force. The Permit Center~~  
25 ~~shall provide administrative support to the Task Force.~~

1           —(B) ~~**Powers and Duties of Task Force.** The Task Force shall recommend permit~~  
2 ~~prioritization guidelines for the Department of Building Inspection, the Planning Department, and the~~  
3 ~~Department of Public Works to the respective department heads and oversight commissions. The Task~~  
4 ~~Force shall create a recommended Citywide list of prioritized permits and project types and shall use~~  
5 ~~that list to recommend changes to the departments' respective permit prioritization guidelines. The~~  
6 ~~permit prioritization guidelines shall include a goal for the amount of time required for the~~  
7 ~~department's review of each priority permit type.~~

8           —(2) ~~**Department and Commission Review and Approval of Permit Prioritization**~~  
9 ~~**Guidelines.** The Building Inspection Commission, the Planning Commission, and the Public Works~~  
10 ~~Commission shall approve the permit prioritization guidelines and any changes to such guidelines for~~  
11 ~~the department each commission oversees. The department heads and oversight commissions shall~~  
12 ~~consider the Task Force's Citywide list of prioritized permits and project types and the Task Force's~~  
13 ~~recommendations in making modifications to the department's prioritization guidelines. Each~~  
14 ~~department shall retain discretion to designate department-specific prioritized permits.~~

15           —(3) ~~No later than June 30, 2024, the Task Force shall approve the recommended Citywide~~  
16 ~~list of prioritized permits and project types, make recommendations to the Department of Building~~  
17 ~~Inspection, the Planning Department, and the Department of Public Works for updates to their~~  
18 ~~respective prioritization guidelines, and each such department and oversight commission shall approve~~  
19 ~~any modifications to its prioritization guidelines.~~

20           —(4) ~~**Ongoing Review of Prioritization Guidelines.** Following the first review process~~  
21 ~~required by subsection (c)(3) of this Section 3.400, the Department of Building Inspection, the Planning~~  
22 ~~Department, and the Department of Public Works shall review their prioritization guidelines prior to~~  
23 ~~June 30, 2026 and no later than June 30 every other year thereafter and, with commission approval,~~  
24 ~~make any changes deemed necessary or appropriate. The Director of the Permit Center may reconvene~~  
25 ~~the Task Force by providing notice to the appointing authorities of the Task Force members, upon~~

1 *determining that it is in the public interest to modify the recommended Citywide list prioritized permits*  
2 *and project types and/or to recommend modifications to one or more of the departments' prioritization*  
3 *guidelines.*

4 ~~—(5) **Data Collection and Reporting.** The Department of Building Inspection, the Planning~~  
5 ~~Department, and the Department of Public Works shall collect data on the processing time for each~~  
6 ~~permit type included in their respective permit prioritization guidelines. On an annual basis at least 60~~  
7 ~~days prior to the reporting deadline to the Mayor and Board of Supervisors specified in this subsection~~  
8 ~~(e)(5), such departments shall each transmit to the Director of the Permit Center data concerning the~~  
9 ~~department's average processing time for each prioritized permit type in the previous calendar year.~~  
10 ~~The departments may separately report the average time the department is awaiting a response from~~  
11 ~~the permit applicant per prioritized permit type, where such data is available. Where data is available,~~  
12 ~~such departments shall also include data concerning the impact of prioritization on permit types that~~  
13 ~~are not prioritized. Alternatively, the departments may provide the Director of the Permit Center direct~~  
14 ~~access to their electronic permitting systems so that the Director may gather the required data. The~~  
15 ~~Director of the Permit Center shall compile such data and transmit an annual report to the Mayor and~~  
16 ~~the Board of Supervisors no later than June 30, 2025, and every year thereafter no later than June 30.~~

17 ~~—(6) **Sunset.** This subsection (e) shall expire by operation of law, and the Task Force shall~~  
18 ~~terminate, on June 30, 2030, unless extended by ordinance. No later than January 1, 2030, the Director~~  
19 ~~of the Permit Center shall submit a recommendation to the Board of Supervisors and the Mayor~~  
20 ~~concerning reauthorization of this subsection (e). In the event that this subsection expires, the City~~  
21 ~~Attorney shall cause it to be removed from the Campaign and Governmental Conduct Code and shall~~  
22 ~~renumber the subsections of this Section 3.400 to conform to the removal of subsection (e).~~

23 ~~—(d) **PERMIT PROCESSING CODE OF CONDUCT.** No later than 60 days after the~~  
24 ~~effective date of this Article, the Ethics Commission shall adopt a code of conduct for permit processing~~  
25 ~~(the "Permit Processing Code of Conduct") containing ethical guidelines for permit applicants, permit~~

1 ~~consultants, and officers and employees of the Department of Building Inspection, the Planning~~  
2 ~~Department, the and Department of Public Works. The Permit Processing Code of Conduct shall be~~  
3 ~~posted in a conspicuous place in each department, and a copy shall be distributed to each officer of the~~  
4 ~~City and County who makes or participates in making decisions related to permit applications.~~

5  
6 **SEC. 3.400A. FINDINGS.**

7 The Board of Supervisors finds that bringing greater transparency to the City and County's  
8 permitting process is essential to protect public confidence in the fairness and impartiality of that  
9 process. It is the purpose and intent of this Chapter 4 to impose reasonable disclosure requirements on  
10 permit consultants to provide the public with information about who is paying the consultants, the  
11 permits they are getting paid to obtain, the City employees with whom they have had contact in the  
12 course of obtaining the permits, and the political contributions they have made to City officials.

13  
14 **SEC. 3.400. PERMIT APPLICATION PROCESSING.**

15 **(a) EQUAL TREATMENT OF PERMIT APPLICANTS.** It shall be the policy of the  
16 Department of Building Inspection, the Planning Department, the Department of Public Works and the  
17 officers and employees of such departments to treat all permit applicants the same regardless of the  
18 relationship of the applicant and/or the applicant's representatives to any officer or employee of the  
19 City and County and regardless of whether the applicant hires a permit consultant to provide permit  
20 consulting services. Intentional preferential treatment of any permit applicant and/or the applicant's  
21 representatives by any officer or employee of the Department of Building Inspection, the Planning  
22 Department, or the Department of Public Works shall subject the officer or employee to disciplinary  
23 action for official misconduct.

24 **(b) APPLICATION PRIORITY.** It shall be the policy of the Department of Building  
25 Inspection, the Planning Department, the Department of Public Works and the officers and employees



1 of such departments to review, consider, and process all applications, revisions, corrections and other  
2 permit-related material in the order in which that type of material is received unless there is a written  
3 finding of a public policy basis for not doing so, such as the involvement of public funds in the project  
4 for which the permit is sought, or the response to a delay caused by an earlier procedural error in  
5 processing the permit or another permit for the same project. Absent such a finding, any officer or  
6 employee of the Department of Building Inspection, the Planning Department, or the Department of  
7 Public Works who intentionally fails to review, consider, and process all applications, revisions,  
8 corrections, and other permit-related material in the order in which that type of material is received  
9 shall be subject to disciplinary action for official misconduct. The Department of Building Inspection,  
10 the Planning Department, and the Department of Public Works shall each adopt written guidelines for  
11 determining when there is a public policy basis for processing permit material out of order and shall  
12 periodically review such guidelines. For purposes of this Section 3.400, and any corresponding written  
13 guidelines, expediting of work consisting primarily of disability access improvements for real property  
14 shall qualify as a public policy basis for processing permit material out of order, on a priority basis.

15 **(c) PERIODIC REVIEW AND COORDINATION OF PERMIT PRIORITIZATION**

16 **GUIDELINES.** The Department of Building Inspection, the Planning Department, and the Department  
17 of Public Works shall review and update their respective permit prioritization guidelines as provided in  
18 this subsection (c).

19 **(1) Interdepartmental Permit Prioritization Task Force Review of Permit Prioritization**  
20 **Guidelines.**

21 **(A) Establishment of Permit Prioritization Task Force.** There is hereby established an  
22 interdepartmental Permit Prioritization Task Force (“Task Force”) consisting of five members. Four  
23 members of the Task Force shall be appointed by the Director of the Department of Building  
24 Inspection, the Planning Director, the Public Works Director, and the President of the Board of  
25 Supervisors, respectively. All such appointees shall be City employees and shall serve at the pleasure of

1 their appointing authority; the appointee of the President of the Board of Supervisors shall be an  
2 employee or official of the Board of Supervisors. The appointing authorities for the Task Force shall  
3 make their initial appointments no later than 60 days after the effective date of the ordinance in Board  
4 File No. 230167, creating the Task Force. The Director of the Permit Center or the Director's designee  
5 shall also be a member of the Task Force and shall serve as chair of the Task Force. The Permit Center  
6 shall provide administrative support to the Task Force.

7 (B) **Powers and Duties of Task Force.** The Task Force shall recommend permit  
8 prioritization guidelines for the Department of Building Inspection, the Planning Department, and the  
9 Department of Public Works to the respective department heads and oversight commissions. The Task  
10 Force shall create a recommended Citywide list of prioritized permits and project types and shall use  
11 that list to recommend changes to the departments' respective permit prioritization guidelines. The  
12 permit prioritization guidelines shall include a goal for the amount of time required for the  
13 department's review of each priority permit type.

14 (2) **Department and Commission Review and Approval of Permit Prioritization**  
15 **Guidelines.** The Building Inspection Commission, the Planning Commission, and the Public Works  
16 Commission shall approve the permit prioritization guidelines and any changes to such guidelines for  
17 the department each commission oversees. The department heads and oversight commissions shall  
18 consider the Task Force's Citywide list of prioritized permits and project types and the Task Force's  
19 recommendations in making modifications to the department's prioritization guidelines. Each  
20 department shall retain discretion to designate department-specific prioritized permits.

21 (3) No later than June 30, 2024, the Task Force shall approve the recommended Citywide  
22 list of prioritized permits and project types, make recommendations to the Department of Building  
23 Inspection, the Planning Department, and the Department of Public Works for updates to their  
24 respective prioritization guidelines, and each such department and oversight commission shall approve  
25 any modifications to its prioritization guidelines.

1           (4) **Ongoing Review of Prioritization Guidelines.** Following the first review process  
2 required by subsection (c)(3) of this Section 3.400, the Department of Building Inspection, the Planning  
3 Department, and the Department of Public Works shall review their prioritization guidelines prior to  
4 June 30, 2026 and no later than June 30 every other year thereafter and, with commission approval,  
5 make any changes deemed necessary or appropriate. The Director of the Permit Center may reconvene  
6 the Task Force by providing notice to the appointing authorities of the Task Force members, upon  
7 determining that it is in the public interest to modify the recommended Citywide list prioritized permits  
8 and project types and/or to recommend modifications to one or more of the departments' prioritization  
9 guidelines.

10           (5) **Data Collection and Reporting.** The Department of Building Inspection, the Planning  
11 Department, and the Department of Public Works shall collect data on the processing time for each  
12 permit type included in their respective permit prioritization guidelines. On an annual basis at least 60  
13 days prior to the reporting deadline to the Mayor and Board of Supervisors specified in this subsection  
14 (c)(5), such departments shall each transmit to the Director of the Permit Center data concerning the  
15 department's average processing time for each prioritized permit type in the previous calendar year.  
16 The departments may separately report the average time the department is awaiting a response from  
17 the permit applicant per prioritized permit type, where such data is available. Where data is available,  
18 such departments shall also include data concerning the impact of prioritization on permit types that  
19 are not prioritized. Alternatively, the departments may provide the Director of the Permit Center direct  
20 access to their electronic permitting systems so that the Director may gather the required data. The  
21 Director of the Permit Center shall compile such data and transmit an annual report to the Mayor and  
22 the Board of Supervisors no later than June 30, 2025, and every year thereafter no later than June 30.

23           (6) **Sunset.** This subsection (c) shall expire by operation of law, and the Task Force shall  
24 terminate, on June 30, 2030, unless extended by ordinance. No later than January 1, 2030, the Director  
25 of the Permit Center shall submit a recommendation to the Board of Supervisors and the Mayor

1 concerning reauthorization of this subsection (c). In the event that this subsection expires, the City  
2 Attorney shall cause it to be removed from the Campaign and Governmental Conduct Code and shall  
3 renumber the subsections of this Section 3.400 to conform to the removal of subsection (c).

4 (d) **PERMIT PROCESSING CODE OF CONDUCT.** No later than 60 days after the  
5 effective date of this Article, the Ethics Commission shall adopt a code of conduct for permit processing  
6 (the “Permit Processing Code of Conduct”) containing ethical guidelines for permit applicants, permit  
7 consultants, and officers and employees of the Department of Building Inspection, the Planning  
8 Department, the and Department of Public Works. The Permit Processing Code of Conduct shall be  
9 posted in a conspicuous place in each department, and a copy shall be distributed to each officer of the  
10 City and County who makes or participates in making decisions related to permit applications.

11  
12 **SEC. 3.403. AMENDMENT OR REPEAL OF THIS CHAPTER.**

13 The voters may amend or repeal this Chapter 4. The Board of Supervisors may amend this  
14 Chapter 4 if all of the following conditions are met:

15 (a) The amendment furthers the purposes of this Chapter;

16 (b) The Ethics Commission approves the proposed amendment in advance by at least a four-  
17 fifths vote of all its members;

18 (c) The proposed amendment is available for public review at least 30 days before the  
19 amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;  
20 and

21 (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of  
22 all its members.

23  
24 **SEC. 3.405. DEFINITIONS.**

1           ~~"Client" means the person for whom permit consulting services are performed by a permit~~  
2 ~~consultant.~~

3           ~~"Contact" means any communication, oral or written, including communication made through~~  
4 ~~an agent, associate or employee. A "contact" shall not include a request for information, as long as the~~  
5 ~~request does not include any attempt to influence an administrative or legislative decision.~~

6           ~~"Major project" means any project located in the City and County which has actual or~~  
7 ~~estimated construction costs exceeding \$1,000,000 and which requires a permit issued by the~~  
8 ~~Department of Building Inspection or the Planning Department. Estimated construction costs shall be~~  
9 ~~calculated in the same manner used to determine building permit fees under the Building Code.~~

10          ~~"Minor Project" means any project located in the City and County which requires a permit~~  
11 ~~issued by the Entertainment Commission.~~

12          ~~"Permit consultant" is any individual who receives or is promised compensation to provide~~  
13 ~~permit consulting services to commence on or after January 1, 2015 on a Major Project or a Minor~~  
14 ~~Project. This includes any employee who receives compensation attributable to time spent on permit~~  
15 ~~consulting services. This does not include:~~

16                 ~~(1) The licensed architect or engineer of record for construction activity allowed or~~  
17 ~~contemplated by the permit, or an employee of the architect or engineer;~~

18                 ~~(2) The contractor who will be responsible for all construction activity associated with~~  
19 ~~the requested permit; or~~

20                 ~~(3) The employee or agent of an organization with tax exempt status under 26 United~~  
21 ~~States Code Section 501(c)(3) communicating on behalf of that organization regarding the development~~  
22 ~~of a project for that organization.~~

23          ~~"Permit consulting services" means any contact with the Department of Building Inspection, the~~  
24 ~~Entertainment Commission, the Planning Department, or the Department of Public Works to help a~~  
25 ~~permit applicant obtain a permit.~~

1  
2           **~~SEC. 3.410. PERMIT CONSULTANT REGISTRATION AND DISCLOSURES.~~**

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

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

10                   **~~(1)~~** *The name, business address, e-mail address, and business telephone number of the*  
11 *permit consultant;*

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

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

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

18           **~~(c) PERMIT CONSULTANT DISCLOSURES.~~** *Beginning on April 15, 2015, each permit*  
19 *consultant shall file four quarterly reports, according to the following schedule: the permit consultant*  
20 *shall file a report on April 15 for the period starting January 1 and ending March 31; on July 15 for*  
21 *the period starting April 1 and ending June 30; on October 15 for the period starting July 1 and ending*  
22 *September 30; and on January 15 for the period starting October 1 and ending December 31. Each*  
23 *quarterly report shall contain the following:*

24                   **~~(1)~~** *The name, business address, e-mail address, and business telephone number of each*  
25 *person from whom the permit consultant or the permit consultant's employer received or expected to*

1 ~~receive economic consideration for permit consulting services during the reporting period, and the~~  
2 ~~amount of economic consideration the permit consultant received or expected to receive;~~

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

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

8 ~~(B) A description of the permit sought or obtained, including the application~~  
9 ~~number for the permit; and~~

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

11 ~~(3) All political contributions of \$100 or more made by the permit consultant or the~~  
12 ~~permit consultant's employer during the reporting period to an officer of the City and County, a~~  
13 ~~candidate for such office, a committee controlled by such officer or candidate, a committee primarily~~  
14 ~~formed to support or oppose such officer or candidate, or any committee primarily formed to support~~  
15 ~~or oppose a ballot measure to be voted on only in San Francisco.~~

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

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

20  
21 **~~SEC. 3.415. PENALTIES AND ENFORCEMENT.~~**

22 ~~(a) If any permit consultant fails to submit any information required by this Chapter after any~~  
23 ~~applicable deadline, the Ethics Commission shall, in addition to any other penalties or remedies~~  
24 ~~established in this Chapter, impose a late filing fee of \$50 per day after the deadline until the~~  
25 ~~information is received by the Ethics Commission. The Executive Director of the Ethics Commission~~

1 ~~may reduce or waive a late filing fee if the Executive Director determines that the late filing was not~~  
2 ~~willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall~~  
3 ~~deposit funds collected under this Section in the General Fund of the City and County of San~~  
4 ~~Francisco.~~

5 ~~(b) Any person who knowingly or negligently violates this Chapter may be liable in an~~  
6 ~~administrative proceeding before the Ethics Commission pursuant to Charter Section C3.699-13. In~~  
7 ~~addition to the administrative penalties set forth in the Charter, the Ethics Commission may issue~~  
8 ~~warning letters regarding potential violations of this Chapter to the permit consultant.~~

9 ~~(c) Any person or entity which knowingly or negligently violates this Chapter may be liable in a~~  
10 ~~civil action brought by the City Attorney for an amount up to \$5,000 per violation.~~

11  
12 **SEC. 3.420. ETHICS COMMISSION REPORT.**

13 ~~Between April 1 and April 15, 2016 and between April 1 and April 15, 2017, the Ethics~~  
14 ~~Commission shall provide a report to the Board of Supervisors regarding the implementation of~~  
15 ~~Sections 3.405 through 3.415. The report shall include, but not be limited to, the total number of~~  
16 ~~registered permit consultants, the total number of investigations commenced by the Ethics Commission~~  
17 ~~into possible violations of the registration and disclosure requirements, and a summary of each~~  
18 ~~settlement reached with permit consultants for violating the registration or disclosure requirements.~~

19  
20 **SEC. 3.405. DEFINITIONS.**

21 "Client" means the person for whom permit consulting services are performed by a permit  
22 consultant.

23 "Contact" means any communication, oral or written, including communication made through  
24 an agent, associate or employee. A "contact" shall not include a request for information, as long as the  
25 request does not include any attempt to influence an administrative or legislative decision.



1 "Major project" means any project located in the City and County which has actual or  
2 estimated construction costs exceeding \$1,000,000 and which requires a permit issued by the  
3 Department of Building Inspection or the Planning Department. Estimated construction costs shall be  
4 calculated in the same manner used to determine building permit fees under the Building Code.

5 "Minor Project" means any project located in the City and County which requires a permit  
6 issued by the Entertainment Commission.

7 "Permit consultant" is any individual who receives or is promised compensation to provide  
8 permit consulting services to commence on or after January 1, 2015 on a Major Project or a Minor  
9 Project. This includes any employee who receives compensation attributable to time spent on permit  
10 consulting services. This does not include:

11 (1) The licensed architect or engineer of record for construction activity allowed or  
12 contemplated by the permit, or an employee of the architect or engineer;

13 (2) The contractor who will be responsible for all construction activity associated with  
14 the requested permit; or

15 (3) The employee or agent of an organization with tax exempt status under 26 United  
16 States Code Section 501(c)(3) communicating on behalf of that organization regarding the development  
17 of a project for that organization.

18 "Permit consulting services" means any contact with the Department of Building Inspection, the  
19 Entertainment Commission, the Planning Department, or the Department of Public Works to help a  
20 permit applicant obtain a permit.

21  
22 **SEC. 3.410. PERMIT CONSULTANT REGISTRATION AND DISCLOSURES.**

23 **(a) REGISTRATION OF PERMIT CONSULTANTS REQUIRED.** Permit consultants shall  
24 register with the Ethics Commission and comply with the disclosure requirements imposed by this  
25 Chapter. Such registration shall occur no later than five business days after providing permit

1 consulting services, but the permit consultant shall register prior to providing any further permit  
2 consulting services.

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

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

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

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

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

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

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

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

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

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

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

6                                    (3) All political contributions of \$100 or more made by the permit consultant or the  
7 permit consultant's employer during the reporting period to an officer of the City and County, a  
8 candidate for such office, a committee controlled by such officer or candidate, a committee primarily  
9 formed to support or oppose such officer or candidate, or any committee primarily formed to support  
10 or oppose a ballot measure to be voted on only in San Francisco.

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

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

15  
16                                    **SEC. 3.415. PENALTIES AND ENFORCEMENT.**

17                                    (a) If any permit consultant fails to submit any information required by this Chapter after any  
18 applicable deadline, the Ethics Commission shall, in addition to any other penalties or remedies  
19 established in this Chapter, impose a late filing fee of \$50 per day after the deadline until the  
20 information is received by the Ethics Commission. The Executive Director of the Ethics Commission  
21 may reduce or waive a late filing fee if the Executive Director determines that the late filing was not  
22 willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall  
23 deposit funds collected under this Section in the General Fund of the City and County of San  
24 Francisco.

1           **(b) Any person who violates this Chapter may be liable in an administrative proceeding before**  
2 **the Ethics Commission pursuant to Charter Section C3.699-13. In addition to the administrative**  
3 **penalties set forth in the Charter, the Ethics Commission may issue warning letters regarding potential**  
4 **violations of this Chapter to the permit consultant.**

5           **(c) Any person or entity which knowingly or negligently violates this Chapter may be liable in a**  
6 **civil action brought by the City Attorney for an amount up to \$5,000 per violation.**

7  
8           **SEC. 3.420. ELECTRONIC FILING OF DISCLOSURES.**

9           **The Ethics Commission may require electronic filing of any disclosure required under this**  
10 **Chapter 4.**

11  
12           Section 7. The voters hereby re-authorize and re-enact in its entirety Article III,  
13 Chapter 5 of the Campaign and Governmental Conduct Code, in the process rewording  
14 subsection (b) of Section 3.530, and add Sections 3.505 and 3.525 to Article III, Chapter 5, to  
15 read as follows:

16           **SEC. 3.500. FINDINGS**

17           **The Board of Supervisors finds that public disclosure of the donations that developers make to**  
18 **nonprofit organizations that may communicate with the City and County regarding major development**  
19 **projects is essential to protect public confidence in the fairness and impartiality of City and County**  
20 **land use decisions. The Board further finds that disclosure is essential to allow the public to fully and**  
21 **fairly evaluate the City and County's land use decisions. It is the purpose and intent of this Chapter to**  
22 **impose reasonable disclosure requirements on developers to provide the public with information about**  
23 **these donations.**

24  
25           **SEC. 3.500. FINDINGS**

1           The Board of Supervisors finds that public disclosure of the donations that developers make to  
2 nonprofit organizations that may communicate with the City and County regarding major development  
3 projects is essential to protect public confidence in the fairness and impartiality of City and County  
4 land use decisions. The Board further finds that disclosure is essential to allow the public to fully and  
5 fairly evaluate the City and County's land use decisions. It is the purpose and intent of this Chapter to  
6 impose reasonable disclosure requirements on developers to provide the public with information about  
7 these donations.

8  
9           **SEC. 3.505. AMENDMENT OR REPEAL OF THIS CHAPTER.**

10           The voters may amend or repeal this Chapter 5. The Board of Supervisors may amend this  
11 Chapter 5 if all of the following conditions are met:

12           (a) The amendment furthers the purposes of this Chapter;

13           (b) The Ethics Commission approves the proposed amendment in advance by at least a four-  
14 fifths vote of all its members;

15           (c) The proposed amendment is available for public review at least 30 days before the  
16 amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;  
17 and

18           (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of  
19 all its members.

20  
21           **SEC. 3.510. DEFINITIONS.**

22           ~~"Affiliate" shall mean any individual or entity that directly or indirectly controls, is controlled~~  
23 ~~by or is under common control with, another entity, and for these purposes "control" means the power~~  
24 ~~to direct the affairs or management of another entity, whether by contract, operation of law or~~  
25 ~~otherwise.~~

1           ~~"CEQA" shall mean the California Environmental Quality Act (Public Resources Code Section~~  
2 ~~21,000 et seq.), the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3,~~  
3 ~~Section 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code, as any of them may~~  
4 ~~be amended.~~

5           ~~"Developer" shall mean the individual or entity that is the project sponsor responsible for filing~~  
6 ~~a completed Environmental Evaluation Application with the Planning Department (or other lead~~  
7 ~~agency) under CEQA for a major project. For any project sponsor that is an entity, "Developer" shall~~  
8 ~~include all of its constituent individuals or entities that have decision-making authority regarding any~~  
9 ~~of the entity's major decisions or actions. By way of example and without limitation, if the project~~  
10 ~~sponsor is a limited liability company, each of its members is considered a developer for purposes of~~  
11 ~~the requirements of this Chapter, and similarly if the project sponsor is a partnership, each of its~~  
12 ~~general partners is considered a developer for purposes of the requirements of this Chapter. If the~~  
13 ~~owner or agent that signs and submits the Environmental Evaluation Application will not be~~  
14 ~~responsible for obtaining the entitlements or developing the major project, then for purposes of the~~  
15 ~~requirements of this Chapter the developer shall be instead the individual or entity that is responsible~~  
16 ~~for obtaining the entitlements for the major project.~~

17           ~~"Donation" shall mean any gift of money, property, goods or services.~~

18           ~~"EIR" shall mean an environmental impact report prepared under CEQA. For purposes of this~~  
19 ~~Chapter, an EIR shall also include, without limitation, any CEQA determination that the Planning~~  
20 ~~Department or Planning Commission (or other appropriate lead agency) makes to allow consideration~~  
21 ~~of approval of a major project to proceed under an EIR, a previously certified program EIR, master~~  
22 ~~EIR or staged EIR.~~

23           ~~"Entity" shall mean any partnership, corporation (including, but not limited to, any business~~  
24 ~~trust or nonprofit corporation), limited liability company, joint stock company, trust, unincorporated~~

1 ~~association, joint venture or any other organization or association. "Entity" shall not include any state~~  
2 ~~or local government agency.~~

3 ~~"Major project" shall mean a real estate development project located in the City and County for~~  
4 ~~which the City's Planning Commission (or any other local lead agency) has certified an EIR under~~  
5 ~~CEQA and which has estimated construction costs exceeding \$1,000,000. As used in the preceding~~  
6 ~~sentence, the term "real estate development project" includes any project involving construction of one~~  
7 ~~or more new structures or an addition to one or more existing structures, change of use within one or~~  
8 ~~more existing structures, or substantial rehabilitation of one or more existing structures, where, in any~~  
9 ~~such instance, the structure includes any occupiable floor area, excluding only a residential~~  
10 ~~development project with four or fewer dwelling units. Estimated construction costs shall be calculated~~  
11 ~~in the same manner used to determine building permit fees under the Building Code.~~

12 ~~"Nonprofit organization" shall mean any corporation formed under California Corporations~~  
13 ~~Code Section 5000 et seq. for any public or charitable purpose, or any organization described in 26~~  
14 ~~United States Code Section 501(e).~~

15 ~~"Structure" shall have the same meaning as the Planning Code defines such term.~~

16  
17 **~~SEC. 3.520. REQUIRED DISCLOSURE.~~**

18 ~~(a) Any developer of a major project shall, within 30 days of the date the Planning Commission~~  
19 ~~(or any other local lead agency) certifies the EIR for that project or, for a major project relying on a~~  
20 ~~program EIR, within 30 days of the date that the Planning Department, Planning Commission, or any~~  
21 ~~other local lead agency adopts a final environmental determination under CEQA, report the following~~  
22 ~~information to the Ethics Commission:~~

23 ~~(1) The name, business address, business e-mail address and business telephone~~  
24 ~~number of the developer, as well as those of any affiliates that made donations subject to this Chapter.~~

25 ~~(2) The EIR case number and a description of the major project.~~

1                   ~~(3) The date the Planning Commission (or other local lead agency) certified the EIR or~~  
2 ~~adopted the final environmental determination.~~

3                   ~~(4) The name, business address, business e-mail address, business telephone number~~  
4 ~~and website of any nonprofit organization: (A) to whom the developer or any affiliate of the developer~~  
5 ~~has made cumulative donations of \$5,000 or more since the date one year before the Environmental~~  
6 ~~Evaluation Application for the major project was filed; and (B) that with regard to the developer's~~  
7 ~~major project, has had one or more contacts with an officer of the City and County or has provided~~  
8 ~~public comment at any hearing before any board or commission of the City and County. For the~~  
9 ~~purpose of this Subsection 3.520(a)(4), the term "contact" shall have the same meaning as in Section~~  
10 ~~2.106 of this Code, except that a "contact" shall also include a person providing oral or written~~  
11 ~~testimony that becomes part of the record of a public hearing; and the term "officer of the City and~~  
12 ~~County of San Francisco" shall have the same meaning as in Section 2.105 of this Code.~~

13                   ~~(5) For each nonprofit organization reported under Subsection (a)(4), the date and~~  
14 ~~amount of each donation the developer or affiliate made to the nonprofit during the reporting period.~~

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

17                   ~~(b) After a developer files a report required by Subsection (a), the developer shall file a total of~~  
18 ~~four additional quarterly reports, according to the following schedule: The developer shall file a~~  
19 ~~report on April 15 for the period starting January 1 and ending March 31; on July 15 for the period~~  
20 ~~starting April 1 and ending June 30; on October 15 for the period starting July 1 and ending September~~  
21 ~~30; and on January 15 for the period starting October 1 and ending December 31. Each quarterly~~  
22 ~~report shall include:~~

23                   ~~(1) The name, business address, business e-mail address, and business telephone~~  
24 ~~number of the developer and any affiliates that made donations subject to this Chapter.~~

25                   ~~(2) The EIR case number and a description of the major project.~~



1                   ~~(3) The date the Planning Commission (or other local lead agency) certified the EIR or~~  
2 ~~adopted the final environmental determination.~~

3                   ~~(4) The name, business address, business e-mail address, business telephone number~~  
4 ~~and website of any nonprofit organization to which the developer has made cumulative donations of~~  
5 ~~\$5,000 or more since the date one year before the Environmental Evaluation Application was filed.~~

6                   ~~(5) For each nonprofit organization reported under Subsection (b)(4), the date and~~  
7 ~~amount of each donation the developer made to the nonprofit during the reporting period.~~

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

10                  ~~(e) At the time of filing the initial report required by subsection (a), the developer shall pay a~~  
11 ~~fee of \$500.~~

12  
13                   **SEC. 3.510. DEFINITIONS.**

14                  "Affiliate" shall mean any individual or entity that directly or indirectly controls, is controlled  
15 by or is under common control with, another entity, and for these purposes "control" means the power  
16 to direct the affairs or management of another entity, whether by contract, operation of law or  
17 otherwise.

18                  "CEQA" shall mean the California Environmental Quality Act (Public Resources Code Section  
19 21,000 et seq.), the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3,  
20 Section 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code, as any of them may  
21 be amended.

22                  "Developer" shall mean the individual or entity that is the project sponsor responsible for filing  
23 a completed Environmental Evaluation Application with the Planning Department (or other lead  
24 agency) under CEQA for a major project. For any project sponsor that is an entity, "Developer" shall  
25 include all of its constituent individuals or entities that have decision-making authority regarding any

1 of the entity's major decisions or actions. By way of example and without limitation, if the project  
2 sponsor is a limited liability company, each of its members is considered a developer for purposes of  
3 the requirements of this Chapter, and similarly if the project sponsor is a partnership, each of its  
4 general partners is considered a developer for purposes of the requirements of this Chapter. If the  
5 owner or agent that signs and submits the Environmental Evaluation Application will not be  
6 responsible for obtaining the entitlements or developing the major project, then for purposes of the  
7 requirements of this Chapter the developer shall be instead the individual or entity that is responsible  
8 for obtaining the entitlements for the major project.

9 "Donation" shall mean any gift of money, property, goods or services.

10 "EIR" shall mean an environmental impact report prepared under CEQA. For purposes of this  
11 Chapter, an EIR shall also include, without limitation, any CEQA determination that the Planning  
12 Department or Planning Commission (or other appropriate lead agency) makes to allow consideration  
13 of approval of a major project to proceed under an EIR, a previously certified program EIR, master  
14 EIR or staged EIR.

15 "Entity" shall mean any partnership, corporation (including, but not limited to, any business  
16 trust or nonprofit corporation), limited liability company, joint stock company, trust, unincorporated  
17 association, joint venture or any other organization or association. "Entity" shall not include any state  
18 or local government agency.

19 "Major project" shall mean a real estate development project located in the City and County for  
20 which the City's Planning Commission (or any other local lead agency) has certified an EIR under  
21 CEQA and which has estimated construction costs exceeding \$1,000,000. As used in the preceding  
22 sentence, the term "real estate development project" includes any project involving construction of one  
23 or more new structures or an addition to one or more existing structures, change of use within one or  
24 more existing structures, or substantial rehabilitation of one or more existing structures, where, in any  
25 such instance, the structure includes any occupiable floor area, excluding only a residential

1 development project with four or fewer dwelling units. Estimated construction costs shall be calculated  
2 in the same manner used to determine building permit fees under the Building Code.

3 "Nonprofit organization" shall mean any corporation formed under California Corporations  
4 Code Section 5000 et seq. for any public or charitable purpose, or any organization described in 26  
5 United States Code Section 501(c).

6 "Structure" shall have the same meaning as the Planning Code defines such term.

7  
8 **SEC. 3.520. REQUIRED DISCLOSURE.**

9 (a) Any developer of a major project shall, within 30 days of the date the Planning Commission  
10 (or any other local lead agency) certifies the EIR for that project or, for a major project relying on a  
11 program EIR, within 30 days of the date that the Planning Department, Planning Commission, or any  
12 other local lead agency adopts a final environmental determination under CEQA, report the following  
13 information to the Ethics Commission:

14 (1) The name, business address, business e-mail address and business telephone  
15 number of the developer, as well as those of any affiliates that made donations subject to this Chapter.

16 (2) The EIR case number and a description of the major project.

17 (3) The date the Planning Commission (or other local lead agency) certified the EIR or  
18 adopted the final environmental determination.

19 (4) The name, business address, business e-mail address, business telephone number  
20 and website of any nonprofit organization: (A) to whom the developer or any affiliate of the developer  
21 has made cumulative donations of \$5,000 or more since the date one year before the Environmental  
22 Evaluation Application for the major project was filed: and (B) that with regard to the developer's  
23 major project, has had one or more contacts with an officer of the City and County or has provided  
24 public comment at any hearing before any board or commission of the City and County. For the  
25 purpose of this Subsection 3.520(a)(4), the term "contact" shall have the same meaning as in Section

1 2.106 of this Code, except that a "contact" shall also include a person providing oral or written  
2 testimony that becomes part of the record of a public hearing; and the term "officer of the City and  
3 County of San Francisco" shall have the same meaning as in Section 2.105 of this Code.

4 (5) For each nonprofit organization reported under Subsection (a)(4), the date and  
5 amount of each donation the developer or affiliate made to the nonprofit during the reporting period.

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

8 (b) After a developer files a report required by Subsection (a), the developer shall file a total of  
9 four additional quarterly reports, according to the following schedule: The developer shall file a  
10 report on April 15 for the period starting January 1 and ending March 31; on July 15 for the period  
11 starting April 1 and ending June 30; on October 15 for the period starting July 1 and ending September  
12 30; and on January 15 for the period starting October 1 and ending December 31. Each quarterly  
13 report shall include:

14 (1) The name, business address, business e-mail address, and business telephone  
15 number of the developer and any affiliates that made donations subject to this Chapter.

16 (2) The EIR case number and a description of the major project.

17 (3) The date the Planning Commission (or other local lead agency) certified the EIR or  
18 adopted the final environmental determination.

19 (4) The name, business address, business e-mail address, business telephone number  
20 and website of any nonprofit organization to which the developer has made cumulative donations of  
21 \$5,000 or more since the date one year before the Environmental Evaluation Application was filed.

22 (5) For each nonprofit organization reported under Subsection (b)(4), the date and  
23 amount of each donation the developer made to the nonprofit during the reporting period.

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

1            (e) At the time of filing the initial report required by subsection (a), the developer shall pay a  
2 fee of \$500.

3  
4            **SEC. 3.525. ELECTRONIC FILING OF DISCLOSURES.**

5            The Ethics Commission may require electronic filing of any disclosure required under this  
6 Chapter 5.

7  
8            **SEC. 3.530. PENALTIES AND ENFORCEMENT.**

9            ~~(a) If any developer fails to submit any information required by this Chapter after any~~  
10 ~~applicable deadline, the Ethics Commission shall, in addition to any other penalties or remedies~~  
11 ~~established in this Chapter, impose a late filing fee of \$50 per day after the deadline until the~~  
12 ~~information is received by the Ethics Commission. The Executive Director of the Ethics Commission~~  
13 ~~may reduce or waive a late filing fee if the Executive Director determines that the late filing was not~~  
14 ~~willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall~~  
15 ~~deposit funds collected under this Section in the General Fund of the City and County of San~~  
16 ~~Francisco.~~

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

22            ~~(c) Any person or entity which knowingly or negligently violates this Chapter may be liable in a~~  
23 ~~civil action brought by the City Attorney for an amount up to \$5,000 per violation, or three times the~~  
24 ~~amount not properly reported, whichever is greater.~~

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

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

7  
8           **SEC. 3.530. PENALTIES AND ENFORCEMENT.**

9           (a) If any developer fails to submit any information required by this Chapter after any  
10 applicable deadline, the Ethics Commission shall, in addition to any other penalties or remedies  
11 established in this Chapter, impose a late filing fee of \$50 per day after the deadline until the  
12 information is received by the Ethics Commission. The Executive Director of the Ethics Commission  
13 may reduce or waive a late filing fee if the Executive Director determines that the late filing was not  
14 willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall  
15 deposit funds collected under this Section in the General Fund of the City and County of San  
16 Francisco.

17           (b) Any person who violates this Chapter, including but not limited to, by providing inaccurate  
18 or incomplete information, may be liable in an administrative proceeding before the Ethics  
19 Commission pursuant to Charter Section C3.699-13. In addition to the administrative penalties set  
20 forth in the Charter, the Ethics Commission may issue warning letters regarding potential violations of  
21 this Chapter.

22           (c) Any person or entity which knowingly or negligently violates this Chapter may be liable in a  
23 civil action brought by the City Attorney for an amount up to \$5,000 per violation, or three times the  
24 amount not properly reported, whichever is greater.

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

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

7  
8 Section 8. The voters hereby re-authorize and re-enact in its entirety Article IV,  
9 Chapter 1 of the Campaign and Governmental Conduct Code, and add Section 4.103 to  
10 Article IV, Chapter 1, to read as follows:

11 ***SEC. 4.100. FINDINGS.***

12 *The City and County of San Francisco (“City”) has a paramount interest in protecting the*  
13 *integrity of its government institutions. To further this interest, individuals should be encouraged to*  
14 *report possible violations of laws, regulations, and rules governing the conduct of City officers and*  
15 *employees, City contractors, and employees of City contractors.*

16 *This Chapter 1 fulfills the Charter’s requirements for two City programs relating to*  
17 *whistleblowers, as required by Charter Appendix Section F1.107. First, as required by the Charter, the*  
18 *Office of the Controller has authority to receive and investigate whistleblower complaints concerning*  
19 *deficiencies in the quality and delivery of City government services, wasteful and inefficient City*  
20 *government practices, misuse of City funds, and improper activities by City officers, employees, and*  
21 *contractors.*

22 *Second, as required by the Charter, this ordinance protects the confidentiality of*  
23 *whistleblowers, and protects City officers and employees from retaliation for filing whistleblower*  
24 *complaints or providing assistance with the investigation of such complaints. As set forth in this*  
25 *Chapter 1, the Ethics Commission has primary responsibility for ensuring such protections.*

1  
2           **SEC. 4.100. FINDINGS.**

3           The City and County of San Francisco (“City”) has a paramount interest in protecting the  
4 integrity of its government institutions. To further this interest, individuals should be encouraged to  
5 report possible violations of laws, regulations, and rules governing the conduct of City officers and  
6 employees, City contractors, and employees of City contractors.

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8 whistleblowers, as required by Charter Appendix Section F1.107. First, as required by the Charter, the  
9 Office of the Controller has authority to receive and investigate whistleblower complaints concerning  
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11 government practices, misuse of City funds, and improper activities by City officers, employees, and  
12 contractors.

13           Second, as required by the Charter, this ordinance protects the confidentiality of  
14 whistleblowers, and protects City officers and employees from retaliation for filing whistleblower  
15 complaints or providing assistance with the investigation of such complaints. As set forth in this  
16 Chapter 1, the Ethics Commission has primary responsibility for ensuring such protections.

17  
18           **SEC. 4.103. AMENDMENT OR REPEAL OF THIS CHAPTER.**

19           The voters may amend or repeal this Chapter 1. The Board of Supervisors may amend this  
20 Chapter 1 if all of the following conditions are met:

21           (a) The amendment furthers the purposes of this Chapter;

22           (b) The Ethics Commission approves the proposed amendment in advance by at least a four-  
23 fifths vote of all its members;



1 (c) The proposed amendment is available for public review at least 30 days before the  
2 amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;  
3 and

4 (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of  
5 all its members.

6  
7 **~~SEC. 4.105. COMPLAINTS; INVESTIGATION PROCEDURES; REFERRAL TO OTHER~~**  
8 **~~AGENCIES.~~**

9 ~~(a) COMPLAINTS. Any person may file a complaint for investigation with the Office of the~~  
10 ~~Controller's Whistleblower Program, Ethics Commission, District Attorney, City Attorney, or the~~  
11 ~~complainant's department alleging that a City officer or employee has engaged in improper~~  
12 ~~government activity, misused City funds, caused deficiencies in the quality and delivery of government~~  
13 ~~services or engaged in wasteful and inefficient government practices, or that a City contractor or~~  
14 ~~employee of a City contractor has engaged in unlawful activity in connection with a City contract.~~

15 ~~(b) ETHICS COMMISSION COMPLAINT PROCEDURES. The Ethics Commission shall~~  
16 ~~investigate complaints filed under this Section 4.105 that contain potential violations of local campaign~~  
17 ~~finance, lobbying, conflicts of interest, and governmental ethics laws pursuant to the procedures~~  
18 ~~specified in Charter Section C3.699-13 and the regulations adopted thereunder. Nothing in this~~  
19 ~~subsection (b) shall preclude the Ethics Commission from referring any matter to any other City~~  
20 ~~department, commission, board, officer, or employee or to other government agencies for investigation~~  
21 ~~and possible disciplinary or enforcement action. The Ethics Commission may require that any City~~  
22 ~~department, commission, board, officer, or employee report to the Ethics Commission on the referred~~  
23 ~~matter.~~

24 ~~(c) REFERRAL. The Ethics Commission shall refer complaints that do not allege a violation of~~  
25 ~~law, regulation or rule that is within the Ethics Commission's jurisdiction to the appropriate agency for~~

1 ~~investigation and possible disciplinary or enforcement action. The Commission may conduct~~  
2 ~~preliminary investigations into such complaints to determine whether the complaint contains sufficient~~  
3 ~~information to warrant referral. The Ethics Commission may require any City department to provide a~~  
4 ~~written report regarding the department's investigation and any action that the department has taken in~~  
5 ~~response to the Ethics Commission's referral within a time frame that the Ethics Commission shall~~  
6 ~~specify.~~

7  
8 **~~SEC. 4.107. COMPLAINTS BY CITIZENS AND EMPLOYEES; WHISTLEBLOWER~~**  
9 **~~PROGRAM.~~**

10 ~~(a) WHISTLEBLOWER PROGRAM. The Controller shall administer and publicize a~~  
11 ~~whistleblower and citizen complaint program for citizens and employees to report the misuse of City~~  
12 ~~funds, improper government activities by City officers and employees, deficiencies in the quality and~~  
13 ~~delivery of government services, and wasteful and inefficient City government practices. Subject to~~  
14 ~~subsection (b), the Controller shall investigate and otherwise attempt to resolve complaints reported to~~  
15 ~~the Whistleblower Program. The Controller shall administer a hotline telephone number and website~~  
16 ~~and publicize the hotline and website through press releases, public advertising, and communications~~  
17 ~~to City employees.~~

18 ~~(b) REFERRAL OF CERTAIN COMPLAINTS. The Controller shall refer the following~~  
19 ~~complaints as set forth in this subsection (b):~~

20 ~~(1) Those which another City agency is required by federal, state, or local law to~~  
21 ~~adjudicate: To that agency;~~

22 ~~(2) Those which may be resolved through a grievance mechanism established by~~  
23 ~~collective bargaining agreement or contract: To the official or agency designated in the agreement or~~  
24 ~~contract;~~

1                   ~~(3) Those which involve allegations of conduct which may constitute a violation of~~  
2 ~~criminal law: To the District Attorney or other appropriate law enforcement agency;~~

3                   ~~(4) Those which are subject to an existing, ongoing investigation by the District~~  
4 ~~Attorney, City Attorney, or Ethics Commission, where the applicable official or Commission states in~~  
5 ~~writing that investigation by the Controller would substantially impede or delay his, her, or its own~~  
6 ~~investigation of the matter: To the investigating office; and~~

7                   ~~(5) Those which allege conduct that may constitute a violation of local campaign~~  
8 ~~finance, lobbying, conflict of interest, or governmental ethics laws, regulations, or rules: To the Ethics~~  
9 ~~Commission and the City Attorney.~~

10                   ~~Where the conduct that is the subject of the complaint may violate criminal law and any civil or~~  
11 ~~administrative law, statute, ordinance, or regulation, the Controller may take action on the noncriminal~~  
12 ~~aspects of the matter under this Section 4.107 even if a referral has been made to another agency under~~  
13 ~~this subsection (b).~~

14                   ~~If a complaint is referred under this subsection (b), the Controller shall inform the complainant~~  
15 ~~of the appropriate procedure for the resolution of the complaint.~~

16                   ~~(c) TRACKING AND INVESTIGATION. The Controller shall receive, track, and investigate~~  
17 ~~complaints made or referred to the Whistleblower Program. The investigation may include all steps~~  
18 ~~that the Controller deems appropriate, including the review of the complaint and any documentary or~~  
19 ~~other evidence provided with it, the gathering of any other relevant documents from any City~~  
20 ~~department or other source, and interviews of the complainant and other persons with relevant~~  
21 ~~information.~~

22                   ~~(d) INFORMATION PROVIDED UNDER PENALTY OF PERJURY. In those instances in~~  
23 ~~which the Controller deems it appropriate, the Controller may require that persons making complaints~~  
24 ~~or providing information swear to the truth of their statements by taking an oath administered by the~~  
25

1 ~~Controller, or an agent of the Controller, or through written declarations made under penalty of~~  
2 ~~perjury under the laws of the State of California.~~

3 ~~(e) REFERRAL AND RECOMMENDATION BY CONTROLLER. The Controller may refer the~~  
4 ~~complaint to a City department for investigation, either before conducting an initial investigation or~~  
5 ~~after doing so, and may recommend that a City department take specific action based on the~~  
6 ~~Controller's initial investigation. Within 60 days of receiving a complaint for investigation or a~~  
7 ~~recommendation by the Controller for specific action, or such other time as the Controller shall~~  
8 ~~specify, the City department shall report to the Controller in writing the results of the department's~~  
9 ~~investigation and any action that the department has taken in response to a recommendation by the~~  
10 ~~Controller that the department take specific action.~~

11 ~~(f) REPORT BY DEPARTMENT AND FURTHER ACTION BY CONTROLLER. If the~~  
12 ~~Controller has recommended that a City department take disciplinary or other corrective action that~~  
13 ~~the department has declined to take, the department shall report to the Controller its reasons for failing~~  
14 ~~to do so within the time frame that the Controller specifies for reporting on its investigation of the~~  
15 ~~complaint. If the Controller determines that the department's reasons are inadequate and that further~~  
16 ~~investigation may be appropriate, the Controller may refer the matter to the Mayor, City Attorney, or~~  
17 ~~District Attorney, or to any officer or agency that has jurisdiction over the matter.~~

18 ~~(g) RESPONSIBILITY OF DEPARTMENTS. The department head shall be responsible for~~  
19 ~~compliance by his or her department with these duties. If department staff fail to comply with the duties~~  
20 ~~to investigate complaints referred by the Controller and to make the reports required by this Section~~  
21 ~~4.107, the Controller shall notify the department head. If the department head fails to take action to~~  
22 ~~obtain the department's compliance with these duties, the Controller may refer the matter to the Mayor,~~  
23 ~~City Attorney, or District Attorney or to any officer or agency that has jurisdiction over the matter.~~

24  
25 **~~SEC. 4.110. DEFINITIONS.~~**

1            *For purposes of this Chapter I, the following words and phrases shall have the following*  
2 *meanings:*

3            *“City” or “City agency” shall mean the City and County of San Francisco, its departments,*  
4 *commissions, task forces, committees, and boards.*

5            *“Complainant’s department” includes the complainant’s supervisor, the executive director or*  
6 *highest ranking officer in the complainant’s department, and the board or commission overseeing the*  
7 *complainant’s department.*

8            *“Deficiencies in the quality and delivery of government services” shall mean the failure to*  
9 *perform a service, when performance is required under any law, regulation or policy, or under a City*  
10 *contract or grant.*

11            *“Improper government activity” shall mean violation of any federal, state, or local law,*  
12 *regulation, or rule, including but not limited to laws, regulations, or rules governing campaign finance,*  
13 *conflicts of interest, or governmental ethics laws; or action which creates a danger to public health or*  
14 *safety by the failure of City officers or employees to perform duties required by their positions.*

15 *“Improper government activity” does not include employment actions for which other remedies exist.*

16            *“Misuse of City funds” shall mean any use of City funds for purposes outside of those directed*  
17 *by the City.*

18            *“Preliminary investigation” shall be limited to, but need not include all of the following: review*  
19 *of the complaint and any documentary evidence provided with the complaint; interview of the*  
20 *complainant; interview of the respondent, counsel to respondent and any witnesses who voluntarily*  
21 *agree to be interviewed for this purpose; review of any relevant public documents and documents*  
22 *provided voluntarily to the Commission.*

23            *“Supervisor” shall mean any individual having the authority, on behalf of the City, to hire,*  
24 *transfer, suspend, lay off, recall, promote, discharge, reward, or discipline other employees, or the*  
25 *responsibility to routinely direct them, to adjust their grievances, or to effectively recommend such*

1 ~~action, if, in connection with the foregoing, the exercise of that authority is not merely routine or~~  
2 ~~clerical, but requires the use of independent judgment.~~

3 ~~“Unlawful activity” shall mean violations of any federal, state or local law, regulation or rule~~  
4 ~~including but not limited to those laws, regulations or rules governing campaign finance, conflicts of~~  
5 ~~interest or governmental ethics laws; or actions which create a danger to public health or safety by the~~  
6 ~~failure of City officers or employees to perform duties imposed by a City contract.~~

7 ~~“Wasteful and inefficient City government practices” shall mean the expenditure of City funds~~  
8 ~~that could be eliminated without harming public health or safety, or reducing the quality of government~~  
9 ~~services.~~

10  
11 ~~**SEC. 4.115. PROTECTION OF WHISTLEBLOWERS – CITY EMPLOYEES.**~~

12 ~~(a) RETALIATION PROHIBITED. No City officer or employee may terminate, demote,~~  
13 ~~suspend, or take other similar adverse employment action against any City officer or employee because~~  
14 ~~the officer or employee has in good faith~~

15 ~~(1) filed a complaint as set forth in Section 4.105(a);~~

16 ~~(2) attempted to file a complaint through the procedures set forth in Section 4.105(a)~~  
17 ~~but, in good faith, did not file the complaint with the appropriate City department or official; or~~

18 ~~(3) provided any information in connection with or otherwise cooperated with any~~  
19 ~~investigation conducted under this Chapter 1.~~

20 ~~(b) COMPLAINTS OF RETALIATION.~~

21 ~~(1) Administrative Complaints. Any City officer or employee, or former City officer or~~  
22 ~~employee, who believes he or she has been the subject of retaliation in violation of subsection (a) of this~~  
23 ~~Section 4.115 may file a complaint with the Ethics Commission. The complaint must be filed no later~~  
24 ~~than two years after the date of the alleged retaliation.~~

1           ~~The Ethics Commission shall investigate complaints of violations of subsection (a) of~~  
2 ~~this Section 4.115 pursuant to the procedures specified in Charter Section C3.699-13 and the~~  
3 ~~regulations adopted thereunder. The Ethics Commission may decline to investigate complaints~~  
4 ~~alleging violations of subsection (a) if it determines that the same or similar allegations are pending~~  
5 ~~with or have been finally resolved by another administrative or judicial body. Nothing in this~~  
6 ~~subsection (b)(1) shall preclude the Ethics Commission from referring any matter to any other City~~  
7 ~~department, commission, board, officer, or employee, or to other government agencies for investigation~~  
8 ~~and possible disciplinary or enforcement action. The Ethics Commission may refer matters to the~~  
9 ~~Department of Human Resources with a recommendation. The Ethics Commission may require any~~  
10 ~~City department to provide a written report regarding the department's investigation and any action~~  
11 ~~that the department has taken in response to the Ethics Commission's referral within a time frame that~~  
12 ~~the Ethics Commission shall specify.~~

13           ~~(2) **Civil Complaints.** Any City officer or employee who believes he or she has been the~~  
14 ~~subject of retaliation in violation of subsection (a) of this Section 4.115 may bring a civil action against~~  
15 ~~the City officer or employee who committed the violation. Such action must be filed no later than two~~  
16 ~~years after the date of the retaliation.~~

17           ~~(3) **Burden of Establishing Retaliation.** In order to establish under this Section 4.115~~  
18 ~~that retaliation occurred, a complainant in a civil action must demonstrate, or the Ethics Commission~~  
19 ~~in an administrative proceeding must determine, by a preponderance of the evidence, that the~~  
20 ~~complainant's engagement in activity protected under subsection (a) was a substantial motivating~~  
21 ~~factor for the adverse employment action. The respondent may rebut this claim if the respondent~~  
22 ~~demonstrates by a preponderance of the evidence that he, she, or it would have taken the same~~  
23 ~~employment action irrespective of the complainant's participation in protected activity.~~

24           ~~(4) **Duty to Assist with Retaliation Complaints.** Supervisors who receive a complaint~~  
25 ~~alleging retaliation under this Chapter 1 must keep the complaint confidential and immediately assist~~

1 ~~the complainant by referring the complainant to the Ethics Commission and documenting the referral~~  
2 ~~in writing. Documentation must include the date and time of the referral and that the complaint was~~  
3 ~~about retaliation. Supervisors who fail to comply with this subsection (b) are subject to the penalties~~  
4 ~~and remedies set forth in subsection (c).~~

5 ~~(c) PENALTIES AND REMEDIES.~~

6 ~~(1) Administrative Penalties. Any City officer or employee who violates subsection (a)~~  
7 ~~of this Section 4.115 may be subject to administrative penalties pursuant to Charter Section C3.699-13~~

8  
9 ~~(2) Redress for Retaliatory Employment Action. Following an administrative hearing~~  
10 ~~and after making a finding that an adverse employment action has been taken for purposes of~~  
11 ~~retaliation, the Ethics Commission may, subject to the Charter's budgetary and civil service provisions,~~  
12 ~~recommend the cancellation of the retaliatory termination, demotion, suspension or other adverse~~  
13 ~~employment action.~~

14 ~~(3) Discipline by Appointing Authority. Any City officer or employee who violates~~  
15 ~~subsections (a) or (b)(4) of this Section 4.115 shall be subject to disciplinary action up to and including~~  
16 ~~dismissal by his or her appointing authority. If no disciplinary action is taken by the appointing~~  
17 ~~authority, the Ethics Commission may refer the matter to the Civil Service Commission for action~~  
18 ~~pursuant to Charter Section A8.341.~~

19 ~~(4) Civil Penalties. Any City officer or employee who violates subsection (a) of this~~  
20 ~~Section 4.115 may be personally liable in a civil action authorized under subsection (b)(2) of this~~  
21 ~~Section for a civil penalty not to exceed \$10,000.~~

22 ~~(d) RESERVATION OF AUTHORITY.~~

23 ~~(1) Civil Service Commission. Nothing in this Section 4.115 shall interfere with the~~  
24 ~~powers granted to the Civil Service Commission by the Charter.~~



1                   ~~(2) **Appointing Authority.** Nothing in this Section 4.115 shall interfere with the power~~  
2 ~~of an appointing officer, manager, or supervisor to take action with respect to any City officer or~~  
3 ~~employee, provided that the appointing officer, manager, or supervisor reasonably believes that such~~  
4 ~~action is justified on facts separate and apart from the fact that the officer or employee filed a~~  
5 ~~complaint as set forth in Section 4.105(a), attempted to file such a complaint in good faith, or~~  
6 ~~cooperated with an investigation of such a complaint.~~

7                   ~~(e) **NOTICE OF WHISTLEBLOWER PROTECTIONS.** The Controller shall prepare, and each~~  
8 ~~City department shall post a notice of whistleblower protections. The notice shall be posted in a~~  
9 ~~location that is conspicuous and accessible to all employees.~~

10                   ~~(f) **WHISTLEBLOWER PROTECTION AWARENESS TRAINING.**~~

11                   ~~(1) The Controller, in collaboration with the Ethics Commission, shall prepare, and all~~  
12 ~~City departments shall distribute, materials to publicize and promote whistleblower protections as part~~  
13 ~~of each department's new hire training programs.~~

14                   ~~(2) The Ethics Commission, in collaboration with the Controller and Department of~~  
15 ~~Human Resources, shall prepare, and all City departments shall distribute, materials to publicize and~~  
16 ~~promote supervisors' responsibilities under this Chapter 1. In addition, the Department of Human~~  
17 ~~Resources, in collaboration with the Controller and Ethics Commission, shall prepare web-based~~  
18 ~~training for supervisors regarding their responsibilities under this Chapter 1, which shall be~~  
19 ~~implemented by January 1, 2020. This training must be provided to all City supervisors annually by~~  
20 ~~April of each year thereafter.~~

21  
22                   ~~**SEC. 4.117. PROTECTION OF WHISTLEBLOWERS – CITY CONTRACTORS.**~~

23                   ~~(a) **RETALIATION PROHIBITED.** No City officer or employee may take steps to terminate a~~  
24 ~~contract with a City contractor; refuse to use a City contractor for contracted services; request that a~~  
25 ~~City contractor terminate, demote, or suspend one of its employees; or take other similar adverse~~

1 ~~action against any City contractor or employee of a City contractor because the contractor or the~~  
2 ~~contractor's employee:~~

3 ~~(1) filed a complaint with any supervisor within a City agency alleging that a City~~  
4 ~~officer or employee engaged in improper government activity, misused City funds, caused deficiencies~~  
5 ~~in the quality and delivery of government services, or engaged in wasteful and inefficient government~~  
6 ~~practices;~~

7 ~~(2) filed a complaint with any supervisor within a City agency alleging that another~~  
8 ~~City contractor, or employee of another City contractor, engaged in unlawful activity, misused City~~  
9 ~~funds, caused deficiencies in the quality and delivery of government services or engaged in wasteful~~  
10 ~~and inefficient government practices; or~~

11 ~~(3) provided any information in connection with or otherwise cooperated with any~~  
12 ~~investigation conducted under this Chapter 1.~~

13 ~~(b) COMPLAINTS OF RETALIATION.~~

14 ~~(1) Administrative Complaints. Any City contractor or employee of a City contractor,~~  
15 ~~who believes it, he, or she has been the subject of retaliation in violation of subsection (a) of this~~  
16 ~~Section 4.117 may file a complaint with the Ethics Commission. The complaint must be filed no later~~  
17 ~~than two years after the date of the alleged retaliation.~~

18 ~~The Ethics Commission shall investigate complaints of violations of subsection (a) of~~  
19 ~~this Section 4.117 pursuant to the procedures specified in Charter Section C3.699-13 and the~~  
20 ~~regulations adopted thereunder. The Ethics Commission may decline to investigate complaints~~  
21 ~~alleging violations of subsection (a) if it determines that the same or similar allegations are pending~~  
22 ~~with or have been finally resolved by another administrative or judicial body. Nothing in this~~  
23 ~~subsection shall preclude the Ethics Commission from referring any matter to any other City~~  
24 ~~department, commission, board, officer, or employee, or to other government agencies for investigation~~  
25 ~~and possible disciplinary or enforcement action. The Ethics Commission may refer matters to the~~

1 ~~Department of Human Resources with a recommendation. The Ethics Commission may require any~~  
2 ~~City department to provide a written report regarding the department's investigation and any action~~  
3 ~~that the department has taken in response to the Ethics Commission's referral, within a time frame that~~  
4 ~~the Ethics Commission shall specify.~~

5 ~~(2) **Burden of Establishing Retaliation.** In order to establish that retaliation occurred~~  
6 ~~under this Section 4.117, the Ethics Commission in an administrative proceeding must determine, by a~~  
7 ~~preponderance of the evidence, that the complainant's engagement in activity protected under~~  
8 ~~subsection (a) was a substantial motivating factor for the adverse action. The respondent may rebut~~  
9 ~~this claim if it demonstrates by a preponderance of the evidence that it would have taken the same~~  
10 ~~adverse action irrespective of the complainant's participation in protected activity.~~

11 ~~(c) **PENALTIES AND REMEDIES.**~~

12 ~~(1) **Administrative Penalties.** Any City officer or employee who violates subsection (a)~~  
13 ~~of this Section 4.117 may be subject to administrative penalties pursuant to Charter Section C3.699-13.~~

14 ~~(2) **Redress for Retaliatory Adverse Action.** Following an administrative hearing and~~  
15 ~~after making a finding that an adverse action has been taken for purposes of retaliation, the Ethics~~  
16 ~~Commission may, subject to the Charter's budgetary and contracting provisions, order the cancellation~~  
17 ~~of retaliatory adverse action taken against a City contractor or employee of a City contractor.~~

18 ~~(3) **Discipline by Appointing Authority.** Any City officer or employee who violates~~  
19 ~~subsection (a) of this Section 4.117 shall be subject to disciplinary action up to and including dismissal~~  
20 ~~by his or her appointing authority. If no disciplinary action is taken by the appointing authority, the~~  
21 ~~Ethics Commission may refer the matter to the Civil Service Commission for action pursuant to Charter~~  
22 ~~Section A8.341.~~

23 ~~(d) **NOTICE OF WHISTLEBLOWER PROTECTIONS.** The Controller shall prepare, and each~~  
24 ~~City department shall post, a notice of the whistleblower protections established by this Section 4.117.~~  
25 ~~City contractors shall distribute the notice of protections to all of their employees.~~

1  
2           **~~SEC. 4.120. CONFIDENTIALITY.~~**

3           ~~(a) WHISTLEBLOWER IDENTITY. City officers and employees shall treat as confidential the~~  
4 ~~identity of any person who files a complaint as set forth in Section 4.105(a). A complainant may~~  
5 ~~voluntarily disclose his or her identity.~~

6           ~~(b) COMPLAINTS AND INVESTIGATIONS. City officers and employees shall treat as~~  
7 ~~confidential complaints filed under Sections 4.105, 4.115, and 4.117, and related information,~~  
8 ~~including but not limited to materials gathered and prepared in the course of investigating such~~  
9 ~~complaints, and deliberations regarding such complaints.~~

10           ~~(c) PENALTIES. Except as provided in subsection (d), violations of subsections (a) and (b)~~  
11 ~~may be subject to the administrative proceedings and penalties set forth in Charter Section C3.699-13,~~  
12 ~~in addition to disciplinary action up to and including dismissal by his or her appointing authority.~~

13           ~~(d) EXCEPTIONS.~~

14           ~~(1) Conduct of Investigations. Nothing in this Section 4.120 shall preclude the~~  
15 ~~Controller's Office, Ethics Commission, District Attorney, and City Attorney from disclosing the~~  
16 ~~identity of an individual or other information to the extent necessary to conduct its investigation.~~

17           ~~(2) Legal Proceedings. Nothing in this Section 4.120 shall preclude City officers and~~  
18 ~~employees from disclosing the identity of an individual or other information relating to a complaint to~~  
19 ~~the extent required by the rules governing an administrative or court proceeding.~~

20           ~~(3) Referrals. Nothing in this Section 4.120 shall preclude the Ethics Commission from~~  
21 ~~referring any matter to any other City department, commission, board, officer, or employee, or to other~~  
22 ~~government agencies, for investigation and possible disciplinary or enforcement action.~~

23  
24           **~~SEC. 4.123. CONFIDENTIALITY PROTECTION FOR WHISTLEBLOWER PROGRAM~~**  
25 **~~COMPLAINANTS AND INVESTIGATIONS.~~**

1           ~~(a) WHISTLEBLOWER IDENTITY AND INVESTIGATIONS. Every officer and employee of~~  
2 ~~the City shall keep confidential:~~

3                   ~~(i) The identity of any person who makes a complaint to the Whistleblower Program~~  
4 ~~under Section 4.107 of this Chapter, and any information that would lead to the disclosure of the~~  
5 ~~person's identity, unless the person who made the complaint provides written authorization for the~~  
6 ~~disclosure.~~

7                   ~~(ii) Complaints or reports to the Whistleblower Program and information related to the~~  
8 ~~investigation of the matter, including drafts, notes, preliminary reports, working papers, records of~~  
9 ~~interviews, communications with complainants and witnesses, and any other materials and information~~  
10 ~~gathered or prepared in the course of the investigation.~~

11                   ~~The protection of confidentiality set forth in this Section applies irrespective of whether~~  
12 ~~the information was provided in writing and whether the information was provided or is maintained in~~  
13 ~~electronic, digital, paper or any other form or medium.~~

14           ~~(b) INQUIRY REGARDING IDENTITY PROHIBITED. In order to assure effective~~  
15 ~~implementation of the provisions of this Section providing confidentiality to whistleblowers, City~~  
16 ~~officers and employees may not use any City resources, including work time, to ascertain or attempt to~~  
17 ~~ascertain directly or indirectly the identity of any person who has made a complaint to the~~  
18 ~~Whistleblower Program, unless such person has provided written authorization for the disclosure.~~  
19 ~~Nothing in this Section shall preclude an officer or employee assigned to investigate a complaint under~~  
20 ~~this Chapter from ascertaining the identity of a complainant to the extent necessary to conduct the~~  
21 ~~investigation.~~

22           ~~(c) EXCEPTIONS. Nothing in this Section shall preclude the Controller from (i) disclosing the~~  
23 ~~identity of a person or other information to the extent necessary to conduct a civil or criminal~~  
24 ~~investigation or to take any enforcement action, including any action to discipline an employee or take~~  
25 ~~remedial action against a contractor, or (ii) releasing information as part of a referral when referring~~

1 ~~any matter to another City department, commission, board, officer or employee, or to other~~  
2 ~~governmental agencies, for investigation and possible disciplinary, enforcement or remedial action, or~~  
3 ~~(iii) releasing information to the Citizens Audit Review Board so that it may carry out its duty to~~  
4 ~~provide advisory input to the Controller on the Whistleblower Program, provided that information is~~  
5 ~~prepared so as to protect the confidentiality of persons making complaints and of investigations, or (iv)~~  
6 ~~releasing information to inform the public of the nature of the actions taken by the Controller in the~~  
7 ~~operation of the Whistleblower Program provided that information is prepared so as to protect the~~  
8 ~~confidentiality of persons making complaints and of investigations.~~

9  
10 ~~**SEC. 4.125. FURNISHING FALSE OR MISLEADING INFORMATION; DUTY TO**~~  
11 ~~**COOPERATE.**~~

12 ~~(a) FURNISHING FALSE OR MISLEADING INFORMATION PROHIBITED. When making~~  
13 ~~or filing a complaint pursuant to this Chapter or participating in an investigation conducted by the~~  
14 ~~Controller, Ethics Commission, District Attorney, City Attorney or any other department or~~  
15 ~~commission, or any of their agents, as authorized under this Chapter, City officers and employees may~~  
16 ~~not knowingly and intentionally furnish false or fraudulent evidence, documents, or information;~~  
17 ~~misrepresent any material fact, or conceal any evidence, documents or information for the purpose of~~  
18 ~~misleading any officer or employee or any of their agents.~~

19 ~~(b) COOPERATION REQUIRED. All City departments, commissions, boards, officers and~~  
20 ~~employees shall cooperate with and provide full and prompt assistance to the Controller, Ethics~~  
21 ~~Commission, District Attorney, City Attorney, and all other commissions and departments, and any of~~  
22 ~~their agents, in carrying out their duties under this Chapter.~~

23  
24 ~~**SEC. 4.130. REPORTS TO THE BOARD OF SUPERVISORS.**~~  
25

1           ~~The Ethics Commission shall provide an annual report to the Board of Supervisors which shall~~  
2 ~~include the following:~~

3           ~~(1) The number of complaints received;~~

4           ~~(2) The type of conduct complained about;~~

5           ~~(3) The number of referrals to the Civil Service Commission, other City departments, or other~~  
6 ~~government agencies;~~

7           ~~(4) The number of investigations the Ethics Commission conducted;~~

8           ~~(5) Findings or recommendations on policies or practices resulting from the Ethics~~  
9 ~~Commission's investigations;~~

10           ~~(6) The number of disciplinary actions taken by the City as a result of complaints made to the~~  
11 ~~Ethics Commission; and~~

12           ~~(7) The number and amount of administrative penalties imposed by the Ethics Commission as a~~  
13 ~~result of complaints made to the Commission.~~

14  
15           **~~SEC. 4.135. LIMITATION OF LIABILITY.~~**

16           ~~In adopting and enforcing this Chapter, the City undertakes to promote the general welfare.~~  
17 ~~The City is not assuming, nor is it imposing on its officers and employees, an obligation for breach of~~  
18 ~~which it is liable in money damages.~~

19  
20           **SEC. 4.105. COMPLAINTS; INVESTIGATION PROCEDURES; REFERRAL TO OTHER**  
21 **AGENCIES.**

22           (a) COMPLAINTS. Any person may file a complaint for investigation with the Office of the  
23 Controller's Whistleblower Program, Ethics Commission, District Attorney, City Attorney, or the  
24 complainant's department alleging that a City officer or employee has engaged in improper  
25 government activity, misused City funds, caused deficiencies in the quality and delivery of government

1 services or engaged in wasteful and inefficient government practices, or that a City contractor or  
2 employee of a City contractor has engaged in unlawful activity in connection with a City contract.

3 (b) **ETHICS COMMISSION COMPLAINT PROCEDURES.** The Ethics Commission shall  
4 investigate complaints filed under this Section 4.105 that contain potential violations of local campaign  
5 finance, lobbying, conflicts of interest, and governmental ethics laws pursuant to the procedures  
6 specified in Charter Section C3.699-13 and the regulations adopted thereunder. Nothing in this  
7 subsection (b) shall preclude the Ethics Commission from referring any matter to any other City  
8 department, commission, board, officer, or employee or to other government agencies for investigation  
9 and possible disciplinary or enforcement action. The Ethics Commission may require that any City  
10 department, commission, board, officer, or employee report to the Ethics Commission on the referred  
11 matter.

12 (c) **REFERRAL.** The Ethics Commission shall refer complaints that do not allege a violation  
13 of law, regulation or rule that is within the Ethics Commission's jurisdiction to the appropriate agency  
14 for investigation and possible disciplinary or enforcement action. The Commission may conduct  
15 preliminary investigations into such complaints to determine whether the complaint contains sufficient  
16 information to warrant referral. The Ethics Commission may require any City department to provide a  
17 written report regarding the department's investigation and any action that the department has taken in  
18 response to the Ethics Commission's referral within a time-frame that the Ethics Commission shall  
19 specify.

20  
21 **SEC. 4.107. COMPLAINTS BY CITIZENS AND EMPLOYEES; WHISTLEBLOWER**  
22 **PROGRAM.**

23 (a) **WHISTLEBLOWER PROGRAM.** The Controller shall administer and publicize a  
24 whistleblower and citizen complaint program for citizens and employees to report the misuse of City  
25 funds, improper government activities by City officers and employees, deficiencies in the quality and



1 delivery of government services, and wasteful and inefficient City government practices. Subject to  
2 subsection (b), the Controller shall investigate and otherwise attempt to resolve complaints reported to  
3 the Whistleblower Program. The Controller shall administer a hotline telephone number and website  
4 and publicize the hotline and website through press releases, public advertising, and communications  
5 to City employees.

6 (b) **REFERRAL OF CERTAIN COMPLAINTS.** The Controller shall refer the following  
7 complaints as set forth in this subsection (b):

8 (1) Those which another City agency is required by federal, state, or local law to  
9 adjudicate: To that agency;

10 (2) Those which may be resolved through a grievance mechanism established by  
11 collective bargaining agreement or contract: To the official or agency designated in the agreement or  
12 contract;

13 (3) Those which involve allegations of conduct which may constitute a violation of  
14 criminal law: To the District Attorney or other appropriate law enforcement agency;

15 (4) Those which are subject to an existing, ongoing investigation by the District  
16 Attorney, City Attorney, or Ethics Commission, where the applicable official or Commission states in  
17 writing that investigation by the Controller would substantially impede or delay his, her, or its own  
18 investigation of the matter: To the investigating office; and

19 (5) Those which allege conduct that may constitute a violation of local campaign  
20 finance, lobbying, conflict of interest, or governmental ethics laws, regulations, or rules: To the Ethics  
21 Commission and the City Attorney.

22 Where the conduct that is the subject of the complaint may violate criminal law and any civil or  
23 administrative law, statute, ordinance, or regulation, the Controller may take action on the noncriminal  
24 aspects of the matter under this Section 4.107 even if a referral has been made to another agency under  
25 this subsection (b).

1 If a complaint is referred under this subsection (b), the Controller shall inform the complainant  
2 of the appropriate procedure for the resolution of the complaint.

3 (c) **TRACKING AND INVESTIGATION.** The Controller shall receive, track, and investigate  
4 complaints made or referred to the Whistleblower Program. The investigation may include all steps  
5 that the Controller deems appropriate, including the review of the complaint and any documentary or  
6 other evidence provided with it, the gathering of any other relevant documents from any City  
7 department or other source, and interviews of the complainant and other persons with relevant  
8 information.

9 (d) **INFORMATION PROVIDED UNDER PENALTY OF PERJURY.** In those instances in  
10 which the Controller deems it appropriate, the Controller may require that persons making complaints  
11 or providing information swear to the truth of their statements by taking an oath administered by the  
12 Controller, or an agent of the Controller, or through written declarations made under penalty of  
13 perjury under the laws of the State of California.

14 (e) **REFERRAL AND RECOMMENDATION BY CONTROLLER.** The Controller may refer  
15 the complaint to a City department for investigation, either before conducting an initial investigation or  
16 after doing so, and may recommend that a City department take specific action based on the  
17 Controller's initial investigation. Within 60 days of receiving a complaint for investigation or a  
18 recommendation by the Controller for specific action, or such other time as the Controller shall  
19 specify, the City department shall report to the Controller in writing the results of the department's  
20 investigation and any action that the department has taken in response to a recommendation by the  
21 Controller that the department take specific action.

22 (f) **REPORT BY DEPARTMENT AND FURTHER ACTION BY CONTROLLER.** If the  
23 Controller has recommended that a City department take disciplinary or other corrective action that  
24 the department has declined to take, the department shall report to the Controller its reasons for failing  
25 to do so within the time frame that the Controller specifies for reporting on its investigation of the

1 complaint. If the Controller determines that the department’s reasons are inadequate and that further  
2 investigation may be appropriate, the Controller may refer the matter to the Mayor, City Attorney, or  
3 District Attorney, or to any officer or agency that has jurisdiction over the matter.

4 (g) **RESPONSIBILITY OF DEPARTMENTS.** The department head shall be responsible for  
5 compliance by his or her department with these duties. If department staff fail to comply with the duties  
6 to investigate complaints referred by the Controller and to make the reports required by this Section  
7 4.107, the Controller shall notify the department head. If the department head fails to take action to  
8 obtain the department’s compliance with these duties, the Controller may refer the matter to the Mayor,  
9 City Attorney, or District Attorney or to any officer or agency that has jurisdiction over the matter.

10  
11 **SEC. 4.110. DEFINITIONS.**

12 For purposes of this Chapter 1, the following words and phrases shall have the following  
13 meanings:

14 “City” or “City agency” shall mean the City and County of San Francisco, its departments,  
15 commissions, task forces, committees, and boards.

16 “Complainant’s department” includes the complainant’s supervisor, the executive director or  
17 highest ranking officer in the complainant’s department, and the board or commission overseeing the  
18 complainant’s department.

19 “Deficiencies in the quality and delivery of government services” shall mean the failure to  
20 perform a service, when performance is required under any law, regulation or policy, or under a City  
21 contract or grant.

22 “Improper government activity” shall mean violation of any federal, state, or local law,  
23 regulation, or rule, including but not limited to laws, regulations, or rules governing campaign finance,  
24 conflicts of interest, or governmental ethics laws; or action which creates a danger to public health or  
25

1 safety by the failure of City officers or employees to perform duties required by their positions.

2 “Improper government activity” does not include employment actions for which other remedies exist.

3 “Misuse of City funds” shall mean any use of City funds for purposes outside of those directed  
4 by the City.

5 “Preliminary investigation” shall be limited to, but need not include all of the following: review  
6 of the complaint and any documentary evidence provided with the complaint; interview of the  
7 complainant; interview of the respondent, counsel to respondent and any witnesses who voluntarily  
8 agree to be interviewed for this purpose; review of any relevant public documents and documents  
9 provided voluntarily to the Commission.

10 “Supervisor” shall mean any individual having the authority, on behalf of the City, to hire,  
11 transfer, suspend, lay off, recall, promote, discharge, reward, or discipline other employees, or the  
12 responsibility to routinely direct them, to adjust their grievances, or to effectively recommend such  
13 action, if, in connection with the foregoing, the exercise of that authority is not merely routine or  
14 clerical, but requires the use of independent judgment.

15 “Unlawful activity” shall mean violations of any federal, state or local law, regulation or rule  
16 including but not limited to those laws, regulations or rules governing campaign finance, conflicts of  
17 interest or governmental ethics laws; or actions which create a danger to public health or safety by the  
18 failure of City officers or employees to perform duties imposed by a City contract.

19 “Wasteful and inefficient City government practices” shall mean the expenditure of City funds  
20 that could be eliminated without harming public health or safety, or reducing the quality of government  
21 services.

22  
23 **SEC. 4.115. PROTECTION OF WHISTLEBLOWERS – CITY EMPLOYEES.**  
24  
25

1 (a) **RETALIATION PROHIBITED.** No City officer or employee may terminate, demote,  
2 suspend, or take other similar adverse employment action against any City officer or employee because  
3 the officer or employee has in good faith

4 (1) filed a complaint as set forth in Section 4.105(a);

5 (2) attempted to file a complaint through the procedures set forth in Section 4.105(a)  
6 but, in good faith, did not file the complaint with the appropriate City department or official; or

7 (3) provided any information in connection with or otherwise cooperated with any  
8 investigation conducted under this Chapter 1.

9 (b) **COMPLAINTS OF RETALIATION.**

10 (1) **Administrative Complaints.** Any City officer or employee, or former City officer or  
11 employee, who believes he or she has been the subject of retaliation in violation of subsection (a) of this  
12 Section 4.115 may file a complaint with the Ethics Commission. The complaint must be filed no later  
13 than two years after the date of the alleged retaliation.

14 The Ethics Commission shall investigate complaints of violations of subsection (a) of  
15 this Section 4.115 pursuant to the procedures specified in Charter Section C3.699-13 and the  
16 regulations adopted thereunder. The Ethics Commission may decline to investigate complaints  
17 alleging violations of subsection (a) if it determines that the same or similar allegations are pending  
18 with or have been finally resolved by another administrative or judicial body. Nothing in this  
19 subsection (b)(1) shall preclude the Ethics Commission from referring any matter to any other City  
20 department, commission, board, officer, or employee, or to other government agencies for investigation  
21 and possible disciplinary or enforcement action. The Ethics Commission may refer matters to the  
22 Department of Human Resources with a recommendation. The Ethics Commission may require any  
23 City department to provide a written report regarding the department's investigation and any action  
24 that the department has taken in response to the Ethics Commission's referral within a time frame that  
25 the Ethics Commission shall specify.

1                    (2) **Civil Complaints.** Any City officer or employee who believes he or she has been the  
2 subject of retaliation in violation of subsection (a) of this Section 4.115 may bring a civil action against  
3 the City officer or employee who committed the violation. Such action must be filed no later than two  
4 years after the date of the retaliation.

5                    (3) **Burden of Establishing Retaliation.** In order to establish under this Section 4.115  
6 that retaliation occurred, a complainant in a civil action must demonstrate, or the Ethics Commission  
7 in an administrative proceeding must determine, by a preponderance of the evidence, that the  
8 complainant’s engagement in activity protected under subsection (a) was a substantial motivating  
9 factor for the adverse employment action. The respondent may rebut this claim if the respondent  
10 demonstrates by a preponderance of the evidence that he, she, or it would have taken the same  
11 employment action irrespective of the complainant’s participation in protected activity.

12                    (4) **Duty to Assist with Retaliation Complaints.** Supervisors who receive a complaint  
13 alleging retaliation under this Chapter 1 must keep the complaint confidential and immediately assist  
14 the complainant by referring the complainant to the Ethics Commission and documenting the referral  
15 in writing. Documentation must include the date and time of the referral and that the complaint was  
16 about retaliation. Supervisors who fail to comply with this subsection (b) are subject to the penalties  
17 and remedies set forth in subsection (c).

18                    (c) **PENALTIES AND REMEDIES.**

19                    (1) **Administrative Penalties.** Any City officer or employee who violates subsection (a)  
20 of this Section 4.115 may be subject to administrative penalties pursuant to Charter Section C3.699-13.

21                    (2) **Redress for Retaliatory Employment Action.** Following an administrative hearing  
22 and after making a finding that an adverse employment action has been taken for purposes of  
23 retaliation, the Ethics Commission may, subject to the Charter’s budgetary and civil service provisions,  
24 recommend the cancellation of the retaliatory termination, demotion, suspension or other adverse  
25 employment action.

1                   (3) Discipline by Appointing Authority. *Any City officer or employee who violates*  
2 *subsections (a) or (b)(4) of this Section 4.115 shall be subject to disciplinary action up to and including*  
3 *dismissal by his or her appointing authority. If no disciplinary action is taken by the appointing*  
4 *authority, the Ethics Commission may refer the matter to the Civil Service Commission for action*  
5 *pursuant to Charter Section A8.341.*

6                   (4) Civil Penalties. *Any City officer or employee who violates subsection (a) of this*  
7 *Section 4.115 may be personally liable in a civil action authorized under subsection (b)(2) of this*  
8 *Section for a civil penalty not to exceed \$10,000.*

9                   **(d) RESERVATION OF AUTHORITY.**

10                   (1) Civil Service Commission. *Nothing in this Section 4.115 shall interfere with the*  
11 *powers granted to the Civil Service Commission by the Charter.*

12                   (2) Appointing Authority. *Nothing in this Section 4.115 shall interfere with the power*  
13 *of an appointing officer, manager, or supervisor to take action with respect to any City officer or*  
14 *employee, provided that the appointing officer, manager, or supervisor reasonably believes that such*  
15 *action is justified on facts separate and apart from the fact that the officer or employee filed a*  
16 *complaint as set forth in Section 4.105(a), attempted to file such a complaint in good faith, or*  
17 *cooperated with an investigation of such a complaint.*

18                   (e) NOTICE OF WHISTLEBLOWER PROTECTIONS. *The Controller shall prepare, and*  
19 *each City department shall post a notice of whistleblower protections. The notice shall be posted in a*  
20 *location that is conspicuous and accessible to all employees.*

21                   **(f) WHISTLEBLOWER PROTECTION AWARENESS TRAINING.**

22                   (1) *The Controller, in collaboration with the Ethics Commission, shall prepare, and all*  
23 *City departments shall distribute, materials to publicize and promote whistleblower protections as part*  
24 *of each department's new hire training programs.*

1                   (2) The Ethics Commission, in collaboration with the Controller and Department of  
2 Human Resources, shall prepare, and all City departments shall distribute, materials to publicize and  
3 promote supervisors' responsibilities under this Chapter 1. In addition, the Department of Human  
4 Resources, in collaboration with the Controller and Ethics Commission, shall prepare web-based  
5 training for supervisors regarding their responsibilities under this Chapter 1, which shall be  
6 implemented by January 1, 2020. This training must be provided to all City supervisors annually by  
7 April of each year thereafter.

8  
9                   **SEC. 4.117. PROTECTION OF WHISTLEBLOWERS - CITY CONTRACTORS.**

10                   (a) **RETALIATION PROHIBITED.** No City officer or employee may take steps to terminate  
11 a contract with a City contractor; refuse to use a City contractor for contracted services; request that a  
12 City contractor terminate, demote, or suspend one of its employees; or take other similar adverse  
13 action against any City contractor or employee of a City contractor because the contractor or the  
14 contractor's employee:

15                   (1) filed a complaint with any supervisor within a City agency alleging that a City  
16 officer or employee engaged in improper government activity, misused City funds, caused deficiencies  
17 in the quality and delivery of government services, or engaged in wasteful and inefficient government  
18 practices;

19                   (2) filed a complaint with any supervisor within a City agency alleging that another  
20 City contractor, or employee of another City contractor, engaged in unlawful activity, misused City  
21 funds, caused deficiencies in the quality and delivery of government services or engaged in wasteful  
22 and inefficient government practices; or

23                   (3) provided any information in connection with or otherwise cooperated with any  
24 investigation conducted under this Chapter 1.

25                   (b) **COMPLAINTS OF RETALIATION.**



1                   (1) **Administrative Complaints.** Any City contractor or employee of a City contractor,  
2 who believes it, he, or she has been the subject of retaliation in violation of subsection (a) of this  
3 Section 4.117 may file a complaint with the Ethics Commission. The complaint must be filed no later  
4 than two years after the date of the alleged retaliation.

5                   The Ethics Commission shall investigate complaints of violations of subsection (a) of  
6 this Section 4.117 pursuant to the procedures specified in Charter Section C3.699-13 and the  
7 regulations adopted thereunder. The Ethics Commission may decline to investigate complaints  
8 alleging violations of subsection (a) if it determines that the same or similar allegations are pending  
9 with or have been finally resolved by another administrative or judicial body. Nothing in this  
10 subsection shall preclude the Ethics Commission from referring any matter to any other City  
11 department, commission, board, officer, or employee, or to other government agencies for investigation  
12 and possible disciplinary or enforcement action. The Ethics Commission may refer matters to the  
13 Department of Human Resources with a recommendation. The Ethics Commission may require any  
14 City department to provide a written report regarding the department's investigation and any action  
15 that the department has taken in response to the Ethics Commission's referral, within a time frame that  
16 the Ethics Commission shall specify.

17                   (2) **Burden of Establishing Retaliation.** In order to establish that retaliation occurred  
18 under this Section 4.117, the Ethics Commission in an administrative proceeding must determine, by a  
19 preponderance of the evidence, that the complainant's engagement in activity protected under  
20 subsection (a) was a substantial motivating factor for the adverse action. The respondent may rebut  
21 this claim if it demonstrates by a preponderance of the evidence that it would have taken the same  
22 adverse action irrespective of the complainant's participation in protected activity.

23                   (c) **PENALTIES AND REMEDIES.**

24                   (1) **Administrative Penalties.** Any City officer or employee who violates subsection (a)  
25 of this Section 4.117 may be subject to administrative penalties pursuant to Charter Section C3.699-13.

1                   (2) **Redress for Retaliatory Adverse Action.** Following an administrative hearing and  
2 after making a finding that an adverse action has been taken for purposes of retaliation, the Ethics  
3 Commission may, subject to the Charter’s budgetary and contracting provisions, order the cancellation  
4 of retaliatory adverse action taken against a City contractor or employee of a City contractor.

5                   (3) **Discipline by Appointing Authority.** Any City officer or employee who violates  
6 subsection (a) of this Section 4.117 shall be subject to disciplinary action up to and including dismissal  
7 by his or her appointing authority. If no disciplinary action is taken by the appointing authority, the  
8 Ethics Commission may refer the matter to the Civil Service Commission for action pursuant to Charter  
9 Section A8.341.

10                   (d) **NOTICE OF WHISTLEBLOWER PROTECTIONS.** The Controller shall prepare, and  
11 each City department shall post, a notice of the whistleblower protections established by this Section  
12 4.117. City contractors shall distribute the notice of protections to all of their employees.

13  
14                   **SEC. 4.120. CONFIDENTIALITY.**

15                   (a) **WHISTLEBLOWER IDENTITY.** City officers and employees shall treat as confidential  
16 the identity of any person who files a complaint as set forth in Section 4.105(a). A complainant may  
17 voluntarily disclose his or her identity.

18                   (b) **COMPLAINTS AND INVESTIGATIONS.** City officers and employees shall treat as  
19 confidential complaints filed under Sections 4.105, 4.115, and 4.117, and related information,  
20 including but not limited to materials gathered and prepared in the course of investigating such  
21 complaints, and deliberations regarding such complaints.

22                   (c) **PENALTIES.** Except as provided in subsection (d), violations of subsections (a) and (b)  
23 may be subject to the administrative proceedings and penalties set forth in Charter Section C3.699-13,  
24 in addition to disciplinary action up to and including dismissal by his or her appointing authority.

25                   (d) **EXCEPTIONS.**

1                   (1) **Conduct of Investigations.** Nothing in this Section 4.120 shall preclude the  
2 Controller’s Office, Ethics Commission, District Attorney, and City Attorney from disclosing the  
3 identity of an individual or other information to the extent necessary to conduct its investigation.

4                   (2) **Legal Proceedings.** Nothing in this Section 4.120 shall preclude City officers and  
5 employees from disclosing the identity of an individual or other information relating to a complaint to  
6 the extent required by the rules governing an administrative or court proceeding.

7                   (3) **Referrals.** Nothing in this Section 4.120 shall preclude the Ethics Commission from  
8 referring any matter to any other City department, commission, board, officer, or employee, or to other  
9 government agencies, for investigation and possible disciplinary or enforcement action.

10  
11                   **SEC. 4.123. CONFIDENTIALITY PROTECTION FOR WHISTLEBLOWER PROGRAM**  
12 **COMPLAINANTS AND INVESTIGATIONS.**

13                   (a) **WHISTLEBLOWER IDENTITY AND INVESTIGATIONS.** Every officer and employee  
14 of the City shall keep confidential:

15                   (1) The identity of any person who makes a complaint to the Whistleblower Program  
16 under Section 4.107 of this Chapter, and any information that would lead to the disclosure of the  
17 person's identity, unless the person who made the complaint provides written authorization for the  
18 disclosure.

19                   (2) Complaints or reports to the Whistleblower Program and information related to the  
20 investigation of the matter, including drafts, notes, preliminary reports, working papers, records of  
21 interviews, communications with complainants and witnesses, and any other materials and information  
22 gathered or prepared in the course of the investigation.

23                   The protection of confidentiality set forth in this Section applies irrespective of whether  
24 the information was provided in writing and whether the information was provided or is maintained in  
25 electronic, digital, paper or any other form or medium.

1           **(b) INQUIRY REGARDING IDENTITY PROHIBITED.** *In order to assure effective*  
2 *implementation of the provisions of this Section providing confidentiality to whistleblowers, City*  
3 *officers and employees may not use any City resources, including work time, to ascertain or attempt to*  
4 *ascertain directly or indirectly the identity of any person who has made a complaint to the*  
5 *Whistleblower Program, unless such person has provided written authorization for the disclosure.*  
6 *Nothing in this Section shall preclude an officer or employee assigned to investigate a complaint under*  
7 *this Chapter from ascertaining the identity of a complainant to the extent necessary to conduct the*  
8 *investigation.*

9           **(c) EXCEPTIONS.** *Nothing in this Section shall preclude the Controller from (i) disclosing*  
10 *the identity of a person or other information to the extent necessary to conduct a civil or criminal*  
11 *investigation or to take any enforcement action, including any action to discipline an employee or take*  
12 *remedial action against a contractor, or (ii) releasing information as part of a referral when referring*  
13 *any matter to another City department, commission, board, officer or employee, or to other*  
14 *governmental agencies, for investigation and possible disciplinary, enforcement or remedial action, or*  
15 *(iii) releasing information to the Citizens Audit Review Board so that it may carry out its duty to*  
16 *provide advisory input to the Controller on the Whistleblower Program, provided that information is*  
17 *prepared so as to protect the confidentiality of persons making complaints and of investigations, or (iv)*  
18 *releasing information to inform the public of the nature of the actions taken by the Controller in the*  
19 *operation of the Whistleblower Program provided that information is prepared so as to protect the*  
20 *confidentiality of persons making complaints and of investigations.*

21  
22           **SEC. 4.125. FURNISHING FALSE OR MISLEADING INFORMATION; DUTY TO**  
23 **COOPERATE.**

24           **(a) FURNISHING FALSE OR MISLEADING INFORMATION PROHIBITED.** *When*  
25 *making or filing a complaint pursuant to this Chapter or participating in an investigation conducted by*

1 the Controller, Ethics Commission, District Attorney, City Attorney or any other department or  
2 commission, or any of their agents, as authorized under this Chapter, City officers and employees may  
3 not knowingly and intentionally furnish false or fraudulent evidence, documents, or information,  
4 misrepresent any material fact, or conceal any evidence, documents or information for the purpose of  
5 misleading any officer or employee or any of their agents.

6 (b) **COOPERATION REQUIRED.** All City departments, commissions, boards, officers and  
7 employees shall cooperate with and provide full and prompt assistance to the Controller, Ethics  
8 Commission, District Attorney, City Attorney, and all other commissions and departments, and any of  
9 their agents, in carrying out their duties under this Chapter.

10  
11 **SEC. 4.130. REPORTS TO THE BOARD OF SUPERVISORS.**

12 The Ethics Commission shall provide an annual report to the Board of Supervisors which shall  
13 include the following:

14 (a) The number of complaints received;

15 (b) The type of conduct complained about;

16 (c) The number of referrals to the Civil Service Commission, other City departments, or other  
17 government agencies;

18 (d) The number of investigations the Ethics Commission conducted;

19 (e) Findings or recommendations on policies or practices resulting from the Ethics  
20 Commission's investigations;

21 (f) The number of disciplinary actions taken by the City as a result of complaints made to the  
22 Ethics Commission; and

23 (g) The number and amount of administrative penalties imposed by the Ethics Commission as a  
24 result of complaints made to the Commission.

1                    **SEC. 4.135. LIMITATION OF LIABILITY.**

2                    In adopting and enforcing this Chapter, the City undertakes to promote the general welfare.

3                    The City is not assuming, nor is it imposing on its officers and employees, an obligation for breach of  
4                    which it is liable in money damages.

5  
6                    Section 9. Effective and Operative Dates.

7                    (a) Effective Date. The effective date of this ordinance shall be ten days after the date  
8                    the official vote count is declared by the Board of Supervisors.

9                    (b) Operative Date. The operative date of this ordinance shall be six months after the  
10                    effective date of this ordinance.

11  
12                    Section 10. Appropriation. There is hereby appropriated \$43,000 from the General  
13                    Reserve to fund administrative costs required to implement this ordinance, which shall be  
14                    appropriated and made available 30 days after the Board of Supervisors declares the results  
15                    of the March 5, 2024 election. Any portion of this appropriation that remains unspent at the  
16                    end of Fiscal Year 2023-24 shall be carried forward and spent in subsequent years for the  
17                    same purpose. Additionally, it shall be City policy in all fiscal years following depletion of this  
18                    original appropriation that the Board of Supervisors shall annually appropriate \$25,000 for this  
19                    purpose, to be adjusted annually to reflect changes in the Consumer Price Index and rounded  
20                    off to the nearest \$100.

21  
22                    Section 11. Scope of Ordinance. In enacting this ordinance, the People of the City  
23                    and County of San Francisco intend to amend only those words, phrases, paragraphs,  
24                    subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other  
25                    constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions,

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

3  
4 APPROVED AS TO FORM:  
5 DAVID CHIU, City Attorney

6 By: /s/ Bradley A. Russi  
7 BRADLEY A. RUSSI  
8 Deputy City Attorney

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# ATTACHMENT 2





**ETHICS COMMISSION**

**NOTICE OF PROPOSED REGULATIONS CONCERNING  
ETHICS TRAINING AND GIFT RULES**

**August 7, 2023**

**Draft Regulations to San Francisco Campaign and Governmental Conduct Code –  
San Francisco Government Ethics Ordinance Section 3.205 and Section 3.216**

**Effective and Operative Dates.**

- (a) Effective Date.** As provided in Charter Section 15.102, these regulations will become effective 60 days after adoption unless vetoed by two-thirds of all the members of the Board of Supervisors.
- (b) Operative Date.** These regulations will become operative on the date that the ballot measure submitted to voters by the Ethics Commission for consideration on the March 5, 2024 ballot becomes operative. If such measure is not approved by the voters, these regulations shall not become operative.

**Regulation 3.205(a)-1. Ethics Training Annual Deadline**

Each City officer or employee required to annually complete the ethics training shall do so no later than April 1. If a deadline falls on a weekend or on a State holiday, the deadline is the next regular business day. An officer or employee who assumed office between October 1 and March 30 and timely completed the required ethics training pursuant to the deadline contained in Regulation 3.205(a)-2 shall not be required to complete the required ethics training by the April 1 immediately following assumption of office.

**Regulation 3.205(a)-2. Ethics Training Deadline When Assuming a Position**

(a) Each City officer or employee who assumes a position that requires them to annually complete the ethics training, shall do so within 30 days of assuming their position. The assuming office training requirement contained in this subsection (a) does not apply if the officer or employee previously held a City position that required them to complete the annual ethics training and the officer or employee completed the training by the annual training deadline contained in Regulation 3.205(a)-1 immediately prior to assumption of office.

(b) A violation of Article III Chapter 2 of the Campaign and Governmental Conduct Code shall not be subject to monetary penalties under Section 3.242 if all of the following are true:

(1) the violation occurred prior to the training deadline set forth in subsection (a) of this regulation or the date which the officer or employee completes the training, whichever is earlier; and



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(2) the officer or employee has not previously been required to complete, nor has completed, the ethics training in the twelve months prior to assuming the position; and

(3) the violation was not willful or knowing.

## **Regulation 3.205(c)-1. Deadline for Annual Notice**

The annual summary of relevant state and local ethics laws provided by the Ethics Commission shall be provided to officers and employees by every department, board, commission, and agency no later than April 1 of each year. If a deadline falls on a weekend or on a State holiday, the deadline is the next regular business day.

## **Regulation 3.216(b)-2. Definition of “knowingly attempted to influence the officer or employee in any legislative or administrative action”**

Except as provided below, “knowingly attempted to influence the officer or employee in any legislative or administrative action,” as used in section 3.20316(b)(1), means the person has contacted or appeared before the employee or officer with an intent to influence a decision of the employee or officer, or the person otherwise has attempted to influence the officer or employee. The phrase “intent to influence” means any communication made for the purpose of supporting, promoting, influencing, modifying, opposing, delaying or advancing a governmental decision. Notwithstanding the foregoing, the following shall not be deemed to be an intent to influence an officer or employee in any legislative or administrative action for the purposes of section 3.216(b)(1): communications that (a) involve only routine requests for information such as a request for publicly available documents; (b) are made as a panelist or speaker at a conference or similar public event for educational purposes or to disseminate research and the subject matter does not pertain to a specific action or proceeding; (c) are made while attending a general informational meeting, seminar, or similar event; (d) are made to the press; (e) involve an action that is solely ministerial, secretarial, manual or clerical; ~~or~~ (f) constitute oral or written public comment that becomes part of the record of a public hearing; (g) are made at a public forum or rally; or (h) are made via petition or social media.

## **Regulation 3.216(b)-5. Gifts from Restricted Sources—Exemptions**

The following are not gifts subject to the ~~ban~~ rules contained in section 3.216(b).

~~(a) Voluntary gifts, other than cash, with an aggregate value of \$25 or less per occasion, provided that no officer or employee may receive gifts from any restricted source under this exception on more than four occasions during a calendar year. For the purpose of this subsection, a gift card or gift certificate is a cash gift.~~

(a) Gifts, other than cash, that constitute routine office courtesies with an aggregate value of \$25 or less per occasion provided to an officer or employee without regard to official status by a restricted source



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at the restricted source's place of business at such times that the officer or employee must visit the restricted source's place of business in order to carry out City duties. Gifts received by any officer or employee under this exception from any single restricted source must not exceed four occasions during a calendar year. The total, aggregate value of the routine office courtesies received by a single officer or employee on an occasion must be \$25 or less for this exception to apply, even if multiple restricted sources pay for the routine office courtesies. Routine office courtesies include bottled water, coffee, small snacks, a pad of paper, and writing instruments. Routine office courtesies do not include alcohol.

Example: An employee of a department must visit the place of business of a company doing business with the department in order to assess the company's compliance with the laws administered by the department. During the site visit, the employee may accept routine office courtesies that are offered such as coffee, tea, juice, pastry or bagels, as long as their aggregate value does not exceed \$25 per employee for the duration of the visit, provided that the employee has not already accepted such routine office courtesies from the restricted source on four occasions during the calendar year.

~~(b) Voluntary gifts, of food and drink, without regard to value, to be shared in the office among officers and employees.~~

~~(c) Free attendance at a widely attended convention, conference, seminar, or symposium, or ribbon-cutting or ceremony, including before or after construction, where attendance is appropriate to the official duties of the officer or employee and the ~~event~~ organizer of the event provides the free attendance voluntarily. A gift is provided voluntarily if it is given freely, without pressure or coercion.~~

(1) "Free attendance" may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment or instructional material furnished to all attendees as an integral part of the event. "Free attendance" may also include attendance at meet-and-greet or hospitality sessions and meals offered in connection with the convention, conference, seminar, or symposium where networking or discussion opportunities may enable the officer or employee to establish working relationships that may inure to the benefit of the City. The term does not include entertainment collateral to the event.

(2) A "widely attended" event is an event that is open to individuals from throughout a given industry or profession, or an event that is open to individuals who represent a range of persons interested in a given matter.

(3) An officer or employee who attends such an event may not accept ~~an sponsor's event organizer's~~ offer of free attendance at the event for an accompanying individual.

Example: Staff of a City department are invited to attend a conference on best practices in the industry that is organized by a restricted source. The event organizer provides free attendance to the department's staff without the department asking for free attendance. Staff may accept free attendance to the conference. At this conference, staff may accept food, refreshments, entertainment or instructional material furnished to all attendees as an integral part of the event.



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(d) Voluntary meals from a member of the investment, financial, or banking community provided to officers and employees who are responsible for managing investments or debt obligations on behalf of the City, provided that (i) such meals are necessary to discuss City investments or financial transactions in order to cultivate and maintain working relationships between the City and the investment, financial, or banking community; (ii) management of the City's investments or debt is discussed during the meal; and (iii) the person providing the meal is not negotiating a contract with the department of the officer or employee. For the purpose of this subsection, "investment, financial, or banking community" includes investment managers; firms that market and sell municipal securities in the tax-exempt and taxable markets including entities that support financing transactions such as bond insurers, rating agencies, credit banks, bond and disclosure counsel, financial advisors, feasibility consultants and trust agents; the custodian bank; and consultants who contract to assist the business of the retirement trust. For the purposes of this subsection, "negotiating a contract" means communicating with the department of the officer or employee regarding a proposal to adopt or change a material term of an existing or prospective contract. A person is "negotiating a contract" from the date that the person or the department makes the proposal until the date of the approval of the contract or the date that the person or the department communicates to the other party that negotiations for the contract have terminated.

(e) Voluntary meals or vessel boardings or vessel trips that do not extend overnight from a member of the maritime industry provided to officers and employees who are responsible for managing the Port's maritime commerce portfolio, provided that (i) such meals or vessel boardings or trips are necessary to cultivate and maintain working relationships between the Port and the maritime industry; (ii) management of the Port's maritime commerce portfolio is discussed during the meal, vessel boarding or trip; and (iii) the person providing the meal, or vessel boarding or trip is not negotiating a contract with the Port at the time of the meal or vessel boarding or trip. For the purposes of this subsection, "maritime industry" means individuals and entities engaged in: cruise and cargo shipping; ship repair; commercial and sport fishing; ferry and excursion operations; harbor services such as pilots, tugboats, barges, water taxis, lay berthing and other ship services; terminal management; stevedoring and longshore labor; facility and ship security. "Managing the Port's maritime commerce portfolio" includes: managing and marketing the Port to the maritime industry; promoting Port maritime facilities to potential and existing customers; ensuring compliance with federal security mandates and providing environmental stewardship; and operating the City's cruise and cargo terminals, ferry terminals, shipyards and dry docks, Fisherman's Wharf and Hyde Street commercial fishing harbors, excursion terminals and harbor service facilities for pilots, tugboats, barges, water taxis, lay berthing and other ship services. For the purposes of this subsection, "negotiating a contract" means communicating with the Port regarding a proposal to adopt or change a material term of an existing or prospective contract. A person is "negotiating a contract" from the date that the person or the Port makes the proposal until the date of the approval of the contract or the date that the person or the Port communicates to the other party that negotiations for the contract have terminated.

(f) Voluntary meals from a member of the aviation industry provided to officers and employees who are responsible for managing and marketing the Airport to the aviation industry, provided that (i) such meals are necessary to cultivate and maintain working relationships between the Airport and aviation industry representatives; (ii) the aviation industry's business relationship with the Airport is discussed



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during the meal; and (iii) the person providing the meal is not, at the time of the meal, negotiating contract benefits on terms that the Airport does not otherwise offer to all similarly situated airlines currently under contract with the Airport. For the purposes of this subsection, "aviation industry" means individuals and entities engaged in: air cargo shipping; general and business aviation and commercial airlines; air tourism; airline service related associations and agencies; joint marketing programs with non-competitive airports to enhance air service to the public; and facility and airline security. "Managing and marketing the Airport" includes: managing and marketing the Airport to the aviation industry; promoting Airport facilities to potential and existing customers; ensuring compliance with federal security mandates and providing environmental stewardship; and operating the Airport's airfield, facilities and terminals. For the purposes of this subsection, "negotiating contract benefits" means communicating with the Airport regarding a proposal to adopt or change a material term of an existing or prospective contract to include commercial benefits that the Airport does not otherwise offer to all similarly situated airlines currently under contract with the Airport. A person is "negotiating contract benefits" from the date that the Airport considers the proposal until the date of the approval of the contract or the date that the Airport communicates to the other party that negotiations for the contract benefits have terminated.

(g) Items of any value received by a City employee or officer in a random drawing associated with participation in the City's Annual Joint Fundraising Drive under Administrative Code Chapter 16, Article V (also known as Combined Charities Fundraising Drive).

Example: An employee donates to the City's Combined Charities Fundraising Drive. The employee's name is entered in a drawing with all other donors, and the employee wins a \$50 gift certificate in the drawing. The gift certificate was provided to the City by a company doing business with the employee's department. Even though the company that provided the gift certificate is a restricted source, the employee may accept the gift as a reward or benefit associated with participation in the fundraising drive.

~~Example: A restricted source sends five pizzas to a department as a goodwill gesture. Because this is a gift to the office, staff may share the pizza.~~

~~Example: A restricted source sends two opening day Giants ballgame tickets to a staff person. The staff person may not accept the tickets because their value exceeds \$25.~~

~~Example: A restricted source sends a baseball cap to the department head. The department head may accept the baseball cap because its value is \$25 or less, provided that the department head has not already accepted gifts with a value of \$25 or less from the restricted source on four occasions during the calendar year.~~

~~Example: Staff of a department are invited to a morning training event that is sponsored by a restricted source. Staff who attend the session may accept food and beverages that are offered at the event such as coffee, tea, juice, pastry or bagels, because their value do not exceed \$25, provided that such staff has not already accepted such food and beverages from the restricted source on four occasions during the calendar year.~~



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Example: Staff of a City department are invited to attend a forum on best practices in the industry that is sponsored by a restricted source. At this conference, staff may accept food, refreshments, entertainment or instructional material furnished to all attendees as an integral part of the event.

Example: An employee donates to the City's Combined Charities Fundraising Drive. The employee's name is entered in a drawing with all other donors, and the employee wins a \$50 gift certificate in the drawing. The gift certificate was provided to the City by a company doing business with the employee's department. Even though the company that provided the gift certificate is a restricted source, the employee may accept the gift as a reward or benefit associated with participation in the fundraising drive.

(d) Informational material as defined by California Code of Regulations Title 2, regulation 18942.1.

(e) A payment that is not used and that, pursuant to California Code of Regulations Title 2, regulation 18941, is returned, donated, or for which reimbursement is paid.

(f) A payment from: the official's spouse or former spouse; child or step-child; parent; grandparent; grandchild; brother; sister; current or former parent-in-law, brother-in-law, or sister-in-law; nephew; niece; aunt or uncle; including grand nephew, grand niece, grand aunt, or grand uncle, or first cousin including first cousin once removed or the spouse, or former spouse, of any such person other than a former in-law, unless the donor is acting as an agent or intermediary for any person not identified in this paragraph.

(g) A campaign contribution required to be reported under Title 9 of the California Government Code.

(h) Any devise or inheritance.

(i) Payments received under a government agency program or a program established by a bona fide charitable organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code designed to provide disaster relief or food, shelter, or similar assistance to qualified recipients if the payments are available to members of the public without regard to official status.

(j) Admission, where paid admission is required, food, and nominal items provided as part of the paid admission to those attending, to an official where the official makes a speech (as defined in California Code of Regulations Title 2, regulation 18950 (b)(2)), so long as the admission is provided by the person who organizes the event. Admission, food, and nominal items provided as part of a paid admission to those attending, may also be provided to one additional official, who is attending the event to support or assist the official who is making the speech. For purpose of this subdivision, "nominal" means an insignificant item typically purchased in large volume and provided for free as a means of advertisement at events, such as a pen, pencil, mouse pad, rubber duck, stress ball, note pad, or similar item.

(k) Payments for campaign activities as specified in California Code of Regulations Title 2, regulation 18950.3.



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(l) A ticket provided to an official and one guest of the official for the admission to a facility, event, show, or performance for an entertainment, amusement, recreational, cultural, or similar purpose at which the official performs a ceremonial role on behalf of the official's agency, as defined in California Code of Regulations Title 2, regulation 18942.3, so long as the official's agency complies with the posting provisions set forth in California Code of Regulations Title 2, regulation 18944.1, subdivision (d).

(m) A single ticket provided by a nonprofit organization to a fundraiser event hosted by the nonprofit organization if the ticket is used by an official for whom attendance at the event is necessary to carry out the official's City duties and the official's department complies with the disclosure requirements contained in section 3.217 of the Code. "Nonprofit organization" means an organization with tax exempt status under 26 United States Code Section 501(c)(3). Purposes that are "necessary to carry out the official's City duties" may include attending an event to share information with other attendees, to build and maintain relationships with grant recipients or potential grant recipients for purposes of City business, or to show departmental support for City-funded projects, so long as such tasks are part of the official's City duties. The ticket may not be used for employee appreciation or as a reward for public service.

(n) A single ticket to an arts exhibit, performance, athletic, sporting, cultural, or other entertainment event or production provided by an organization holding the exhibit, performance, event, or production if the ticket is used by an official for whom attendance at the exhibit, performance, event, or production is necessary to carry out the official's City duties and the official's department complies with the disclosure requirements contained in section 3.217 of the Code. Purposes that are "necessary to carry out the official's City duties" may include monitoring City-funded or permitted events, or assessing local events to inform future funding or permitting decisions, and ensuring proper use of City facilities, so long as such tasks are part of the official's City duties. Employees of City departments that regularly fund or permit arts, recreational, and culture events and productions, shall be allowed to accept a single additional ticket for a guest to accompany them to the event or production. No ticket provided under this exception to a City official or, for employees of departments that regularly fund or permit arts, recreational, and culture events and productions, a guest, may be given or accepted for employee appreciation or as a reward for public service.

(o) A personalized plaque or trophy valued at less than \$250, limited to one plaque or trophy, per calendar year, per restricted source.

(p) A personalized greeting card, letter, or postcard.

(q) A payment that is provided at a free or discounted rate to members of the general public, without regard to the officer or employee's status as a City official, such as promotional discounts or merchandise (swag bags, buttons, stickers, branded t-shirts, etc.), attendance at community events, food or product samples, product demonstrations.

(r) Branded promotional items of nominal value from a nonprofit organization. "Branded promotional items" can include pens, pencils, mouse pads, mugs, water bottles, calendars, t-shirts, hats, buttons,



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stickers, or similar items, which are branded with the nonprofit organization's name or logo, or the name or logo of a program or project of the nonprofit organization. "Nonprofit organization" means an organization with tax exempt status under 26 United States Code Section 501(c)(3).

## **Regulation 3.216(b)-6 – License, permit, or other entitlement for use.**

Notwithstanding the definition of "doing business with the department" contained in Article III, Chapter 2, neither an approval nor the application for approval of a license, permit, or other entitlement for use shall be deemed "doing business with the department" if the approval of such item is solely ministerial, secretarial, manual, or clerical. A person seeking, obtaining, or possessing such a license, permit, or other entitlement for use is not a "restricted source" for purposes of section 3.216, solely because of the license, permit, or other entitlement for use.

## **Regulation 3.216(c)-1: Gifts from Subordinates**

(a) Prohibition on gifts.

(1) For the purposes of section 3.216(c), a City officer or employee may not solicit or accept from a subordinate or employee under their supervision or from any candidate or applicant for a position as a subordinate or employee under their supervision any gift, as defined in subsection (b) of this section.

(2) Gifts permitted under this section remain subject to any other applicable laws and rules, including but not limited to state and local limits on gifts to designated employees (Cal. Gov't Code § 89503; C&GCC § 3.1-101), the City's prohibition on gifts given in exchange for appointments or promotions (C&GCC § 3.208), and the City's prohibition on bribery (C&GCC § 3.216); the City's limits on gifts from restricted sources (C&GCC § 3.216); the City's limits on gifts from lobbyists (C&GCC § 2.115), and any departmental rules on gifts.

(b) Definitions. For purposes of this section, the following definitions shall apply:

(1) Applicant or candidate. An applicant or candidate for a position as a subordinate means any person who has communicated, orally or in writing, to a City officer or employee acting in an official capacity, that the person wants to be considered for the position.

(2) Gift.

(A) Except as provided in (B), a gift is any payment that confers a personal benefit on the recipient to the extent that consideration of equal or greater value is not received and includes a rebate or discount in





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the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status.

(B) The following, ~~voluntarily given~~ when unsolicited, are not gifts within the meaning of this section.

(i) Gifts, other than cash, with an aggregate value of \$25 or less per occasion, given on occasions on which gifts are traditionally given.

(ii) Gifts, such as food and drink, without regard to value, to be shared in the office among employees.

(iii) Personal hospitality provided at a residence that is of a type and value customarily provided by the employee to personal friends.

(iv) Items given in connection with the receipt of personal hospitality if of a type and value customarily provided by the employee on such occasions.

~~(v) A gift of any value given in recognition of an occasion of special personal significance.~~

(vi) A gift of any value given in recognition of an occasion that terminates a subordinate relationship.

(vii) Informational material that serves primarily to convey information and which is provided for the purpose of assisting the recipient in the performance of their ~~his or her~~ official duties and may include books, reports, pamphlets, calendars, or periodicals.

(viii) Gifts from an individual's spouse, domestic partner, child, parent, grandparent grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse or domestic partner of any such person, provided that a gift from any such person shall be considered a gift if the donor is acting as an agent or intermediary for any person not covered by this paragraph.

~~(viii)~~ Campaign contributions required to be reported under the Government Code, Title 9, Chapter 4 (commencing with Section 84100) and the Campaign and Governmental Conduct Code, Article I (commencing with Section 1.100).

(ix) Any devise or inheritance.

(x) Personalized plaques and trophies with an individual value of less than two hundred fifty dollars (\$250).

(xi) A gift that, within 30 days of receipt of the gift, the donor either pays for, returns unused, or donates unused to a government or a nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code without being claimed as a charitable contribution for tax purposes.



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(xiii) A ticket to a fundraiser for an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code or for a political committee or candidate.

~~(xiv) A gift given directly to members of the immediate family of an officer or employee, provided that the gift is not used or disposed of by the officer or employee or given to the officer or employee by the recipient family member for the officer's or employee's disposition or use at the discretion of the officer or employee. A gift is given directly to a family member of the officer or employee if the family member's name or designation appears in the address or communication tendering or offering the gift and the gift is intended for the family member's use and enjoyment. A gift given to the family member of an officer or employee will be considered a gift to the officer or employee if the officer or employee exercises discretion and control over who will use the gift. If the officer or employee enjoys a direct benefit from a gift to the immediate family of the officer or employee, the full value of the gift will be attributable to the official.~~

(3) Occasion on which gifts are traditionally given. An occasion on which gifts are traditionally given includes ~~anyis a~~ holiday traditionally associated with gift giving, such as Christmas and Chanukah, as well as birthdays, marriage, birth or adoption of a child, or bereavement following the death of an immediate family member or thanking a person for a kindness or good deed.

~~(4) Occasion of special personal significance. An occasion of special personal significance is any occasion that does not typically occur on a regular basis and that is of personal significance to the recipient of the gift, as opposed to a general holiday or recurring event such as a birthday. Examples of such an event include marriage, birth or adoption of a child, graduation or illness.~~

~~(45) Occasion that terminates a subordinate relationship. An occasion that terminates a subordinate relationship is any event severing the relationship, including but not limited to retirement, transfer, or promotion.~~

~~(56) Receipt of gift. A gift is received when a person exercises control over the gift.~~

~~(67) Subordinate employee. An employee is a subordinate employee of any person whose official City responsibilities include directing or evaluating the performance of the employee or any of the employee's supervisors.~~

~~(7) Subordinate officer. An officer is a subordinate of (a) any other officer whose position, or a board on which the officer sits, is the appointing authority for the officer in question, and (b) any officer whose position, or a board on which the officer sits, is the appointing authority for the appointing authority for the officer in question.~~

Example: The City Administrator is the appointing authority for a department head. The department head is therefore a subordinate to the City Administrator. Additionally, because the Mayor is the appointing authority for the City Administrator, the department head is also a subordinate to the Mayor.



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(8) Value. The value of a gift is determined by the actual value or where the actual value is unknown, making a reasonable good faith estimate of the fair market value of the item or service, comparing where possible similar items or services.

(9) Voluntarily Unsolicited. A gift is given voluntarily unsolicited if it is not requested and is given freely, without pressure or coercion. A contribution to a gift from multiple persons is given voluntarily unsolicited if the recipient of the gift did not request the contribution and it is made in an amount determined by the employee or subordinate. A contribution to a gift from multiple persons will be presumed to have been given voluntarily unsolicited if the request for the donation-contribution is made by an officer or employee other than the recipient and includes a statement that an employee may choose to contribute less or not at all.

DRAFT

# ATTACHMENT 3



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Updated: 8/9/2023

## Attachment 3: Summary Charts of Proposed Reforms

### A. Ordinance Proposed as Ballot Measure

The following table summarizes the provisions contained in the draft ordinance that constitutes the ballot measure being considered for the March 5, 2024 ballot.

**Table 1: Summary of Changes to Code Made Through Proposed Ordinance**

Section Number	Summary	Details
1.503	Establishes a legislative amendment process limited to amendments approved by a supermajority of both the Ethics Commission and Board of Supervisors.	This chapter, which regulates campaign consultants was created through a ballot measure but provides no mechanism for legislative amendments. This makes it difficult for needed updates or improvements to be made to the chapter to ensure that it continues to be effective. The voters' power to change the chapter would not be affected.
2.115(a)	Relocates lobbyist gift rule.	The lobbyist gift rule would be deleted from section 2.115(a) and added to section 3.216(b). Currently, accepting gifts from lobbyists can only result in a penalty if the violation was "knowing or negligent." This change would align the rule with all other gifts rules by removing this mental state requirement and using a strict liability standard.
2.135	Adds a provision that allows the Commission to require electronic filing of public disclosures.	This chapter, which regulates lobbyists, does not currently contain explicit language stating that the Commission may require disclosures be made electronically.
2.145	Removes required mental states of "knowingly or negligently" from the penalty provision within the lobbyist chapter.	This chapter, which regulates lobbyists, attaches a prerequisite mental state to violations in order for those violations to result in administrative penalties. This standard is a departure from how administrative penalties are applied in other chapters: administrative penalties are typically applied on a strict liability basis in other chapters.
2.100 <i>et seq.</i>	Re-authorizes chapter in order to effectuate amendment provision.	This chapter already contains a provision (2.103) that requires legislative amendments to be approved by a supermajority of both the Board of Supervisors and the Ethics Commission, an important safeguard to

		<p>protect ethics laws. But, it is not clear that the provision applies to all of the lobbyist chapter. The chapter would be re-authorized by the draft measure to ensure that the legislative amendment provision applies to all sections of the chapter. Sections 2.100 and 2.155 have also be slightly amended to specify that this ordinance would be passed by the voters, not the Board of Supervisors.</p> <p>The text of the chapter has not been changed except as noted above. This would not affect the power of the voters to amend the chapter in any way.</p>
3.1-102 & 3.1-102.5(c)	Adds a penalty provision for clarity.	This chapter, which contains rules regarding the disclosure of personal financial interests, including the requirement that City officers and certain City employees file the Form 700, does not currently mention penalties, even though penalties can already be imposed for violations of this Chapter under the Charter. The absence of a penalty provision has the potential to mislead Form 700 filers into thinking that there are no penalties for failing to timely report all relevant financial interests or for voting without having properly filed.
3.203	Creates definition of <i>affiliate</i> .	This concept mirrors the same terms as it is used in the campaign finance context and is important to apply the rule to gifts from individuals who are doing business with a department through a business entity.
3.203	Amends definition of <i>anything of value</i> .	This concept is the basis for the definition of gift. It should therefore not contain a reference to State or local gift exceptions, as those are applied elsewhere in City law.
3.203	Creates definition of <i>appointed department head</i> .	This concept is used in the new draft rules regarding incompatible activities that involve excessive time demands or would result in regular disqualifications.
3.203	Creates definition of <i>contract</i> .	This concept is one of the bases for what makes a person a restricted source. Currently, “doing business” is only defined in regulations, and the measure would codify a definition of doing business, which includes contracting with the City.
3.203	Creates definition of <i>department head</i> .	This term is used in Art. III, Ch. 2 in the draft rule regarding incompatible activities and the new centralized disclosure of gifts to City departments.
3.203	Creates definition of <i>doing business with the department</i> . Includes	Doing business with a City department is one of two ways in which a person becomes a restricted source. The terms was previously defined only by regulation.

	licenses, permits, and entitlements for use.	In addition to contracting with the City, the definition includes seeking or obtaining a license, permit, or other entitlement for use from the City, when such an item is appealable to or approved by the department head, the department’s board or commission, or the Board of Supervisors. These activities involve approvals with great monetary value and should be treated similarly to contracts for purposes of the restricted source rule.
3.203	Creates definition of <i>gift</i> .	The definition mirrors the definition of <i>gift</i> contained in State law, but omits State exceptions, which are largely inappropriate in the context of San Francisco’s gift rules. Certain of the State exceptions are applied in the regulations, as described in the subsequent table below.
3.203	Creates definition of <i>license, permit, or other entitlement for use</i> .	This category of City approvals mirrors what is defined in State law as triggering the rule against soliciting contributions (Gov. Code § 84308). It is used in the definition of <i>doing business</i> , an element of <i>restricted source</i> .
3.203	Creates definition of <i>payment</i> .	This term is a feature of the definition of <i>gift</i> and is used in the draft gift rules.
3.203	Expands definition of <i>restricted source</i> .	<p>(a) contains <i>doing business</i>, an existing component of the definition of <i>restricted source</i>.</p> <p>(b) extends the rule to prohibit gifts from a person to an officer if the officer’s approval was required for a contract, license, permit, or entitlement for use that constitutes <i>doing business</i> with the City. This ensures that, in situations where a person is doing business with a City department but the business required approval by officers outside of the department (for example, a contract that was approved by the Board of Supervisors), the restricted source rule would still apply to gifts from the person to those officers. This is important since the same risks of pay-to-play and the appearance of corruption exist for such gifts.</p> <p>(c) extends the rule such that a person seeking, obtaining, or possessing a license, permit, or other entitlement for use is a restricted source for any City official that was personally and substantially involved in issuing, extending, amending, or otherwise approving the license, permit, or other</p>

		<p>entitlement for use for 12 months after the action was taken or final decision was made.</p> <p>(d) extends the rule such that any affiliate of a restricted source is also a restricted source. Affiliates of an entity include its directors, officers, and major shareholders. Without this provision, even if a contracting entity is prohibited from making gifts to certain officials, its directors, officers, and owners would still be free to do so.</p> <p>(e) contains <i>attempts to influence</i> an official within the last 12 months, an existing component of the definition of <i>restricted source</i>.</p> <p>(f) relocates the lobbyist gift prohibition from section 2.115(a) to section 3.216(b) to consolidate it with similar rules.</p> <p>(g) would prohibit gifts from registered permit consultants to officials within permit-issuing departments. Like lobbyists, permit consultants are paid to influence the actions of City officials and should therefore be included in the restricted source rule.</p> <p>The definition of <i>restricted source</i> was previously located within section 3.216.</p>
3.203	Creates definition of <i>family member</i> .	This term is used in the rule prohibiting restricted sources from giving gifts to an official’s family members and the rule prohibiting officials from soliciting such gifts for family members.
3.205	Extends annual ethics training requirements to all Form 700 filers.	Not all Form 700 filers are currently required to complete an annual training on ethics laws and certify completion of the training to the Ethics Commission. This change will also require every department, board, commission, and agency of the City to annually provide to its officers and employees with a summary of relevant State and local ethics laws to be created by the Ethics Commission.
3.214(b)	Creates a penalty for failure to disclose a personal, professional, or business relationship with persons involved in a government decision.	The Code currently explicitly states that there is no penalty associated with failure to comply with this section. Deleting the language stating that there is no penalty associated with failure to comply would allow for penalties against an official who made a decision involving someone with whom they had a



		personal, professional, or business relationship and failed to disclose that relationship.
3.214(c)	Specify that the Ethics Commission may issue regulations on how the required disclosure must be made and archived.	Departments should be given guidance on how to store 3.214 disclosures and how to make them available to the public.
3.216(a)	Define “bribe” broadly as “anything of value,” rather than narrowly as a “gift.”	The current bribery rule only prohibits bribes that also meet the definition of <i>gift</i> . This is problematic because the definition of gift is subject to many exceptions, which should not be applied to bribes. Anytime a payment is made with the intent to influence an official act, the payment should be considered a bribe.
3.216(a)	Prohibit bribery in cases where the payment is made to a third party, not the official in question.	The current bribery rule does not explicitly prohibit payments made to third parties, even when those payments are made with the intent to influence a City official.
3.216(a)	Prohibit the solicitation of bribes by City officials.	San Francisco does not currently prohibit the solicitation of bribes. A prohibition on the solicitation of bribes would be consistent with federal law.
3.216(b)(1)-(2)	Relocates definitions of <i>restricted source</i> and <i>gift</i> .	These definitions are moved to section 3.203.
3.216(b)(1)	Prohibits officials from soliciting or accepting a gift from a restricted source for themselves or for others.	(b)(1) contains the existing rule that officials are prohibited from soliciting or accepting a gift from a person they have reason to know is a restricted source. The amendment would additionally prohibit soliciting, accepting, or coordinating a gift to <i>other</i> City officials if the official has reason to know the source of the gift is a restricted source. This would address an observed practice that undermines the effectiveness of the restricted source rule.
3.216(b)(2)	Prohibits officials from accepting a gift from any person if they have reason to know the gift was paid for by a restricted source.	Officials are already prohibited from soliciting or accepting a gift from a person they have reason to know is a restricted source. But, the law fails to specify that officials cannot accept restricted source gifts that are first passed through a third party. If the official has reason to know that a gift originates from a restricted source, the gift should be prohibited. This includes gifts that are passed through City departments.
3.216(b)(3)	Prohibits officials from soliciting or accepting gifts for a family member from a source they have reason	Officials are already prohibited from soliciting or accepting a gift from a person they have reason to know is a restricted source. The amendment would additionally prohibit soliciting or accepting a gift for

	to know is a restricted source.	the official’s family member. This would preclude a potential work around to the rule that creates a danger of pay-to-play.
3.216(b)(4)	Prohibits certain restricted sources from giving gifts to officials.	Currently, in most instances only the solicitation or receipt of a restricted source gift by an official is prohibited. Only for gifts from lobbyists are the lobbyists actually prohibited from <i>giving</i> the gift. The ordinance would additionally prohibit a permit consultant from <i>giving</i> a gift to a City official or the official’s family member if the person has reason to know that they are a restricted source for the official. Unlaw gifts will be deterred more effectively if giving them is prohibited. The failure of a lobbyist or permit consultant to register as such would not allow that person to make gifts that would otherwise be prohibited.
3.216(b)(5)	Prohibits restricted sources from passing gifts through an intermediary.	The ordinance would prohibit a lobbyist or permit consultant from making a payment to an intermediary if (a) the lobbyist or permit consultant has reason to know the payment will be used to give a gift to a City official, and (b) the lobbyist or permit consultant has reason to know they are a restricted source for the official. This would prohibit lobbyists and permit consultants (who are restricted sources) from circumventing the restricted source rule by passing gifts through a third party, including a City department.
3.216(b)(6)	Prohibits anyone from acting as an intermediary for a restricted source gift.	The ordinance would prohibit any person from accepting a payment with the understanding that the person will use the payment to give a gift to an official if the person has reason to know that the source of the payment is a restricted source for the official. This rule would help preclude a workaround to the rule by creating liability for those who knowingly act as a passthrough.
3.216(b)(7), (c) [new number]	Amends regulation authority.	This amendment would remove specific language about what gifts are exempted by regulation and instead give general authority to the Commission to exempt certain gifts (these exemptions are contained in the draft regulations below).
3.216(f)	Relocates reference to State gift aggregation regulation.	The lobbyist gift rule (2.115) already incorporates the State rule pertaining to the aggregation of gifts from related sources. The ordinance would move the reference to 3.216 so that it applies to all restricted source gifts. The aggregation principles help prevent circumvention of the rule by, for example,

		prohibiting a restricting source from using a separate entity that they control to give a prohibited gift.
3.217	Requires department heads to disclose certain payments to City departments from non-City sources.	The ordinance would require each department head to disclose payments that their department receives from a source that is not a federal, state, or local government and for which the department does not provide equal consideration. The disclosure is due by the fifteenth of the month following receipt the payment and must include basic information about the gift and the source, including the names of all City officials who receive a personal benefit from the gift. The disclosure must be updated if the information required to be disclosed, such as how a gift was used, changes after the time of the initial filing.
3.218	<p>Codify the following rules that appear in most Statements of Incompatible Activities:</p> <ol style="list-style-type: none"> <li>1) Activities Subject to the Department’s Jurisdiction</li> <li>2) Selective Assistance to Persons Seeking to Do Business with a City Department (including contractors and applicants for a license, permit, or other entitlement for use)</li> <li>3) Use of City Resources</li> <li>4) Use of Prestige of Office</li> <li>5) Use of City Work Product</li> <li>6) Acting as an Unauthorized City Representative</li> </ol>	These rules represent the standard ethics rules that appear in most Statements of Incompatible Activities. By codifying the rules in the Code, the rules will apply uniformly across all City departments, eliminating unnecessary divergences and enabling broader awareness and compliance. Advanced Written Determinations would remain available for the rule against excessive time demands or regular disqualification, but would no longer be available for the rule against activities subject to review by the official’s department of the rule against providing selective assistance.

	<p>7) Compensation for City Duties or Advice</p> <p>8) Lobbying Other Officials within the Department</p> <p>9) Excessive Time Demands and Regular Disqualifications</p> <p>Discontinue departmental Statements of Incompatible Activities.</p>	
3.242	Specifies that penalties apply to entire Chapter for clarity.	The current penalty provision is described as applying to violations of “any of the City’s conflict of interest and governmental ethics laws” – this has been clarified to apply to violations of “Chapter 2.”
3.243	Adds a provision that allows the Commission to require electronic filing of public disclosures.	This chapter, which contains Conflicts-of-Interest and Ethics rules, does not currently contain explicit language stating that the Commission may require any disclosures be made electronically.
3.303	Protect ethics laws from amendment by requiring approvals by a supermajority of the Ethics Commission and Board of Supervisors for legislative amendments.	<p>There is currently no provision in this chapter regarding amendments, which means a simple majority vote from the Board of Supervisors is sufficient to amend the chapter. The voters’ power to change the chapter would not be affected.</p> <p>In order to carry out this change, all provisions of the chapter need to be reauthorized, so the chapter is reprinted in the draft measure in its entirety. The text has not been changed unless noted in this chart.</p>
3.403	Protect ethics laws from amendment by requiring approvals by a supermajority of the Ethics Commission and Board of Supervisors for legislative amendments.	<p>There is currently no provision in this chapter regarding amendments, which means a simple majority vote from the Board of Supervisors is sufficient to amend the chapter. The voters’ power to change the chapter would not be affected.</p> <p>In order to carry out this change, all provisions of the chapter need to be reauthorized, so the chapter is reprinted in the draft measure in its entirety. The text has not been changed unless noted in this chart.</p>
3.415	Removes required mental states of “knowingly or negligently” from the penalty provision of the permit consultant chapter.	This chapter, which regulates permit consultants, attaches a prerequisite mental state to violations in order for those violations to result in administrative penalties. This standard is a departure from how administrative penalties are applied in other

		chapters: administrative penalties are typically applied on a strict liability basis in other chapters.
3.420	Adds a provision that allows the Commission to require electronic filing of public disclosures.	This chapter, which regulates permit consultants, does not currently contain explicit language stating that the Commission may require disclosures be made electronically. This new section on electronic filing replaces an outdated section on reports to be filed in 2016 and 2017 on the implementation of the chapter.
3.505	Protect ethics laws from amendment by requiring approvals by a supermajority of the Ethics Commission and Board of Supervisors for legislative amendments.	There is currently no provision in this chapter regarding amendments, which means a simple majority vote from the Board of Supervisors is sufficient to amend the chapter. The voters' power to change the chapter would not be affected.  In order to carry out this change, all provisions of the chapter need to be reauthorized, so the chapter is reprinted in the draft measure in its entirety. The text has not been changed unless noted in this chart.
3.525	Adds a provision that allows the Commission to require electronic filing of public disclosures.	This chapter, which regulates major developers, does not currently contain explicit language stating that the Commission may require disclosures be made electronically.
3.530	Removes required mental states of "knowingly or negligently" from the penalty provision of the major develop chapter.	This chapter, which regulates major developers, attaches a prerequisite mental state to violations in order for those violations to result in administrative penalties. This standard is a departure from how administrative penalties are applied in other chapters: administrative penalties are typically applied on a strict liability basis in other chapters.
4.103	Protect ethics laws from amendment by requiring approvals by a supermajority of the Ethics Commission and Board of Supervisors for legislative amendments.	There is currently no provision in this chapter regarding amendments, which means a simple majority vote from the Board of Supervisors is sufficient to amend the chapter. The voters' power to change the chapter would not be affected.  In order to carry out this change, all provisions of the chapter need to be reauthorized, so the chapter is reprinted in the draft measure in its entirety. The text has not been changed unless noted in this chart.

## B. Regulation Amendments

The following table summarizes the provisions contained in the draft regulation amendments currently being considered by the Ethics Commission.

**Table 2: Summary of Draft Regulation Amendments**

<b>Regulation Number</b>	<b>Summary</b>	<b>Details</b>
Regulations 3.205(a)-1	Establishes the deadline for annual ethics training	This new regulation establishes the date by which City officials required to complete the annual ethics training by created section 3.205, would need to complete said training. The deadline would be April 1, which aligns with the existing deadlines for ethics training and the filing of the Form 700.
Regulations 3.205(a)-2	Specifies deadline for annual ethics training for those assuming office	This new regulation would specify the deadline for employees who are assuming positions required to take the training from section 3.205 and specify conditions under which those assuming office may not be subject to monetary penalties before having taken the required training.
Regulations 3.205(a)-3	Specifies deadline for annual distribution of ethics laws summary by departments	This new regulation would specify April 1 as the deadline by which departments must annually provide their officers and employees with a summary of relevant State and local ethics rules produced by the Ethics Commission.
3.216(b)-2	Specifies that certain types of communication are not considered an attempt to influence.	Language added to specify that communications made a public forum or rally and those made via petition or social media shall not be deemed to be an attempt to influence an officer or employee in any legislative or administrative action for the purposes of section 3.216(b).
3.216(b)-5(a)	Narrows the exception for small non-cash gifts given on four occasions per year.	The amendment would narrow the existing exception to only permit officials to receive small non-cash gifts from a restricted if the gifts are routine office courtesies (like water, coffee, small snacks, or a pad of paper) that are offered during a site visit that is a necessary part of the official's duties. This would still enable officials to accept small items that facilitate the execution of City duties without creating the opportunities for abuse that exist with the current exception. The current exception has been used to justify gifts, such as expensive parties, that clearly undermine the intent of the rule.
3.216(b)-5(b) [former number]	Removes exception for unlimited food and drink consumed in City offices.	The amendment would remove the exception that allows City officials to accept unlimited food and drinks from restricted sources as long as it is consumed in a City workplace. This exception clearly undermines the restricted source rule.

<p>3.216(b)-5(b) [new number]</p>	<p>Clarifies and expands the exception for free attendance at conferences.</p>	<p>The amendment specifies that officials may accept free attendance at a widely attended conference from a restricted source, but only if the restricted source is the organizer of the event. This would prevent abuse of the exception whereby a restricted source could purchase attendance to a conference that they are not organizing and give it to an official. This was not the intent of the exception.</p> <p>The amendment also defines when a gift is ‘provided voluntarily,’ which the gift must be for this exception to be used.</p> <p>In addition to applying to free attendance at widely attended conventions, conferences, seminars, and symposiums, this exception is also being expanded to apply to ribbon-cuttings or ceremonies, including before or after construction.</p>
<p>3.216(b)-5 (d)—(f) [former numbers]</p>	<p>Removes exceptions for free meals from industry representatives.</p>	<p>The amendments would remove the exceptions that allow certain City officials to accept free meals from members of the financial, maritime, and aviation industry. These gifts undermine the effectiveness of the restricted source rule and are not justified by operational needs. Departments can and should expend their own funds to cover the costs of employee meals that are necessary in order to carry out City operations. Departments should not rely on restricted sources to cover such costs.</p>
<p>3.216(b)-5 (d)—(l) [new numbers]</p>	<p>Applies appropriate State gift exceptions to restricted source rule.</p>	<p>The amendments would apply certain State law gift exceptions to the restricted source rule. By creating a definition of <i>gift</i> in the Campaign &amp; Governmental Conduct Code (see summary of ordinance provisions above), State exceptions would no longer be incorporated in their entirety. This is necessary to uphold the effectiveness of the rule. Instead, only the exceptions that are appropriate and do not undermine the effectiveness of the restricted source rule would be incorporated in the regulations. These are the State exceptions for:</p> <ul style="list-style-type: none"> <li>• (d) informational material;</li> <li>• (e) gifts that are returned, donated, or paid for;</li> <li>• (f) gifts from family members;</li> <li>• (g) campaign contributions;</li> <li>• (h) inheritance;</li> <li>• (i) disaster relief;</li> <li>• (j) free admission to event where official makes a speech;</li> <li>• (k) payments for campaign activities; and</li> </ul>

		<ul style="list-style-type: none"> <li>• (l) free admission to event where official performs a ceremonial role.</li> </ul> <p>While most of the State exceptions would be copied over as written, items (j) and (l) would be amended as follows:</p> <ul style="list-style-type: none"> <li>• (j) would be amended to allow the exception to be used by one additional official, who is attending the event to support or assist the initial official who is making the speech.</li> <li>• (l) would be amended to specify that the exception can be used for tickets to facilities, events, shows, or performances that are held for “cultural” purposes, as well as entertainment, amusement, recreational, or similar purposes.</li> </ul>
3.216(b)-5 (m)	Adds exemption to restricted source rule for attendance at certain nonprofit fundraisers.	This exemption would apply to a ticket provided by a nonprofit organization to a fundraiser event hosted by the nonprofit organization if the ticket is used by an official for whom attendance at the event is necessary to carry out the official’s City duties and the official’s department complies with the disclosure requirements contained in section 3.217 of the Code. The ticket may not be used for employee appreciation or as a reward for public service.
3.216(b)-5 (n)	Adds exemption to restricted source rule for attendance at certain entertainment events or productions.	This exemption would apply to a ticket to an arts exhibit, performance, athletic, sporting, cultural, or other entertainment event or production provided by an organization holding the exhibit, performance, event, or production if the ticket is used by an official for whom attendance is necessary to carry out the official’s City duties and the official’s department complies with the disclosure requirements contained in section 3.217 of the Code. Employees of departments that regularly fund or permit arts, recreational, and cultural events and productions, may accept a single additional ticket for a guest to accompany them to the event. The ticket (or tickets for employees of departments that regularly fund or permit arts, recreational, and culture events and productions) may not be used for employee appreciation or as a reward for public service.
3.216(b)-5 (o)	Adds exemption to restricted source rule for personalized plaques and trophies.	This exemption would apply personalized plaques or trophies valued at less than \$250, limited to one plaque or trophy, per calendar year, per restricted source.
3.216(b)-5 (p)	Adds exception to restricted source rule for personalized	This exception would apply to personalized greeting cards, letters, and postcards.



	greeting cards, letters, or postcards.	
3.216(b)-5 (q)	Adds exception to restricted source rule for payments provided at free or reduced rates to members of the general public.	This exception would apply to payments provided at free or discounted rates to members of the general public, made without regard to the officer or employees status as a City official. This would include items such as promotional discounts or merchandise (swag bags, buttons, stickers, branded t-shirts, etc.), attendance at community events, food or product samples, product demonstrations.
3.216(b)-5 (r)	Adds exception to restricted source rule for branded promotional items of nominal value from nonprofit organizations.	This exception would apply to branded promotional items of nominal value from nonprofit organizations. This would include items such as pens, pencils, mouse pads, mugs, water bottles, calendars, t-shirts, hats, buttons, stickers, or similar items, which are branded with the nonprofit organization's name or logo.
3.216(b)-5	Relocates examples to relevant examples.	Currently, all examples appear at the end of regulation 3.216(b)-5. Each example would instead directly follow the exception to which it corresponds.
3.216(b)-6	Exempts approvals, and applications for approval, that are solely ministerial from the definition of "doing business with the department."	Specifies that neither an approval nor the application for approval of a license, permit, or other entitlement for use shall be deemed "doing business with the department" if the approval of such item is solely ministerial, secretarial, manual, or clerical. A person seeking, obtaining, or possessing such a license, permit, or other entitlement for use is not a "restricted source" for purposes of section 3.216, solely because of the license, permit, or other entitlement for use.
3.216(b)-5; 3.216(c)-1	Changes <i>voluntary</i> to <i>unsolicited</i> .	The amendments use the word <i>unsolicited</i> in place of the word <i>voluntary</i> . The word is clearer and is defined to mean "not requested and [] given freely, without pressure or coercion." For gifts from subordinates, a gift is still unsolicited if an official other than the recipient requests a group of officials to make contributions to a group gift and the request "includes a statement that an employee may choose to contribute less or not at all."
3.216(c)-1 (b)(2)(B)(v); (b)(3)	Combines exception for occasions of <i>special personal significance</i> with exception for <i>occasions when gifts are traditionally given</i> .	The amendment would combine two existing exceptions. This would remove the ambiguity that exists around the concept of "occasions of special personal significance" by defining what those occasions are. It would also apply the \$25 limit that already applies to gifts given on occasions when gifts are traditionally given (such as holidays and birthdays). This would still allow subordinates to give small gifts to their supervisors to recognize births, adoptions, deaths, and marriages.

3.216(c)-1 (b)(2)(B)(xiv)	Removes exception for gifts from subordinate to supervisor’s family member.	The amendment removes the exception for gifts to a supervisor’s family member, which is a potential work around that undermines the purposes of the subordinate gift rule.
3.216(c)-1 (a)(1)	Aligns restatement of subordinate gift rule with the code.	The regulation’s current restatement of the subordinate gift rule does not align with the code. The amendment would ensure alignment.
3.216(c)-1 (b)(7) [new number]	Adds definition of subordinate officer.	Currently, the regulation only defines <i>subordinate employee</i> . However, the rule applies to both officers and employees. The amendment would create a definition of <i>subordinate officer</i> that mirrors the concept of <i>subordinate employee</i> .

# ATTACHMENT 4

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

[Initiative Ordinance - Campaign and Governmental Conduct Code - Gift Prohibitions and Reporting, Bribery, Ethics Training, Incompatible Activities, and Amendment Process]

1

2 **Motion ordering submitted to the voters, at an election to be held on March 5, 2024, an**  
3 **ordinance amending the Campaign and Governmental Conduct Code to 1) expand gift**  
4 **prohibitions for City officers and employees; 2) expand rules prohibiting bribery; 3)**  
5 **require ethics training for Form 700 filers; 4) prohibit members of the public from**  
6 **acting as intermediaries for City officers and employees with respect to certain**  
7 **prohibited gifts; 5) impose personal liability on City officials for failure to disclose**  
8 **certain relationships; 6) create generally applicable incompatible activity rules; and 7)**  
9 **require Ethics Commission and Board of Supervisors super-majority approval for**  
10 **amendments to certain ethics-related ordinances; and appropriating \$43,000 from the**  
11 **General Reserve in Fiscal Year 2023-24 to fund administrative costs required to**  
12 **implement the ordinance.**

13

14 MOVED, That pursuant to Charter Section 15.102, the Ethics Commission hereby  
15 submits the following ordinance to the voters of the City and County of San Francisco, at an  
16 election to be held on March 5, 2024.

17

18 **Motion ordering submitted to the voters, at an election to be held on March 5, 2024, an**  
19 **ordinance amending the Campaign and Governmental Conduct Code to 1) expand gift**  
20 **prohibitions for City officers and employees; 2) expand rules prohibiting bribery; 3)**  
21 **require ethics training for Form 700 filers; 4) prohibit members of the public from**  
22 **acting as intermediaries for City officers and employees with respect to certain**  
23 **prohibited gifts; 5) impose personal liability on City officials for failure to disclose**  
24 **certain relationships; 6) create generally applicable incompatible activity rules; and 7)**

25

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 require Ethics Commission and Board of Supervisors super-majority approval for  
2 amendments to certain ethics-related ordinances; and appropriating \$43,000 from the  
3 General Reserve in Fiscal Year 2023-24 to fund administrative costs required to  
4 implement the ordinance.

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

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

13 Section 1. Article I, Chapter 5 of the Campaign and Governmental Conduct Code is  
14 hereby amended by adding Section 1.503, to read as follows:

15 **SEC. 1.503. AMENDMENT OR REPEAL OF THIS CHAPTER.**

16 The voters may amend or repeal this Chapter 5. The Board of Supervisors may amend this  
17 Chapter 5 if all of the following conditions are met:

18 (a) The amendment furthers the purposes of this Chapter;

19 (b) The Ethics Commission approves the proposed amendment in advance by at least a four-  
20 fifths vote of all its members;

21 (c) The proposed amendment is available for public review at least 30 days before the  
22 amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;

23 and

24 (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of  
25 all its members.

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 Section 2. The voters hereby re-authorize and re-enact in its entirety Article II, Chapter  
2 1 of the Campaign and Governmental Conduct Code, in the process revising Sections 2.103,  
3 2.115, 2.135, and 2.145, to read as follows:

4 [SECTIONS REMOVED FOR DISCUSSION VERSION  
5 SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

6 **SEC. 2.100. FINDINGS.**

7 (a) The ~~Board of Supervisors~~voters finds that public disclosure of the identity and extent  
8 of efforts of lobbyists to influence decision-making regarding local legislative and  
9 administrative matters is essential to protect public confidence in the responsiveness and  
10 representative nature of government officials and institutions. It is the purpose and intent of  
11 the ~~Board of Supervisors~~this Chapter 1 to impose reasonable registration and disclosure  
12 requirements to reveal information about lobbyists' efforts to influence decision-making  
13 regarding local legislative and administrative matters.

14 (b) To increase public confidence in the fairness and responsiveness of governmental  
15 decision making, it is the further purpose and intent of the people of the City and County of  
16 San Francisco to restrict gifts, campaign contributions, and bundled campaign contributions  
17 from lobbyists to City officers so that governmental decisions are not, and do not appear to  
18 be, influenced by the giving of personal benefits to City officers by lobbyists, or by lobbyists'  
19 financial support of City officers' political interests.

20 (c) Corruption and the appearance of corruption in the form of campaign consultants  
21 exploiting their influence with City officials on behalf of private interests may erode public  
22 confidence in the fairness and impartiality of City governmental decisions. The City and  
23 County of San Francisco has a compelling interest in preventing corruption or the appearance  
24 of corruption which could result in such erosion of public confidence. Prohibitions on  
25 campaign consultants lobbying current and former clients will protect public confidence in the

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 electoral and governmental processes. It is the purpose and intent of the people of the City  
2 and County of San Francisco in enacting this Chapter to prohibit campaign consultants from  
3 exploiting or appearing to exploit their influence with City officials on behalf of private  
4 interests.

5  
6 **SEC. 2.103. AMENDMENT OR REPEAL OF CHAPTER.**

7 ~~*With respect to any provisions of this Chapter regarding regulation of expenditure lobbyists,*~~  
8 ~~*registration requirements, amendment of registration information and monthly disclosures, or*~~  
9 ~~*restrictions on gifts, campaign contributions, or bundled campaign contributions from lobbyists,*~~  
10 ~~*approved by the voters, the Board of Supervisors may amend those provisions*~~ *The voters may amend or*  
11 *repeal this Chapter. The Board of Supervisors may amend this Chapter* if all of the following  
12 conditions are met:

- 13 (a) The amendment furthers the purposes of this Chapter;
- 14 (b) The Ethics Commission approves the proposed amendment in advance by at least  
15 a four-fifths vote of all its members;
- 16 (c) The proposed amendment is available for public review at least 30 days before the  
17 amendment is considered by the Board of Supervisors or any committee of the Board of  
18 Supervisors; and
- 19 (d) The Board of Supervisors approves the proposed amendment by at least a two-  
20 thirds vote of all its members.

21 [SECTIONS REMOVED FOR DISCUSSION VERSION  
22 SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

23 **SEC. 2.115. LIMITS AND PROHIBITIONS.**

24 ~~*(a) GIFT PROHIBITION.*~~

25  
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1           ~~(1) No lobbyist shall make any gift, including any gift of travel, to an officer of the City~~  
2 ~~and County, or to a parent, spouse, domestic partner registered under state law, or dependent child of~~  
3 ~~an officer of the City and County. No lobbyist shall make any payment to a third party for the purpose~~  
4 ~~of paying for a gift or any part of a gift, including any gift of travel, to an officer of the City and~~  
5 ~~County, or to a parent, spouse, domestic partner registered under state law, or dependent child of an~~  
6 ~~officer of the City and County.~~

7           ~~(2) No officer of the City and County may accept or solicit any gift, including any gift of~~  
8 ~~travel, from any lobbyist for the officer's personal benefit or for the personal benefit of the officer's~~  
9 ~~parent, spouse, domestic partner registered under state law, or dependent child. No officer of the City~~  
10 ~~and County may accept or solicit any gift, including any gift of travel, from a third party if the officer~~  
11 ~~knows or has reason to know that the third party is providing the gift or gift of travel on behalf of a~~  
12 ~~lobbyist.~~

13           ~~(3) **Exception for gifts of food or refreshment provided by 501(c)(3) nonprofit**~~  
14 ~~**organizations.** Notwithstanding the prohibitions set forth in subsections (1) and (2), lobbyists may~~  
15 ~~offer gifts of food or refreshment worth \$25 or less per occasion, and officers of the City and County~~  
16 ~~may accept such gifts, if the lobbyist is a 501(c)(3) nonprofit organization, the gift of food or~~  
17 ~~refreshment is offered in connection with a public event held by the 501(c)(3) nonprofit organization,~~  
18 ~~and the same gift of food or refreshment is made available to all attendees of the public event.~~

19           ~~(4) **Aggregation of gifts.** For purposes of the gift limits imposed by subsections (1)–(3),~~  
20 ~~gifts shall be aggregated set forth in California Code of Regulations, Title 2, Section 18945.1, as it may~~  
21 ~~hereafter be amended.~~

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

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**



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

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

7           (*ed*) **CAMPAIGN CONTRIBUTIONS - PROHIBITIONS.**

8                   (1) No lobbyist shall make any contribution to a City elective officer or candidate  
9 for City elective office, including the City elective officer's or candidate's controlled  
10 committees, if that lobbyist (A) is registered to lobby the agency of the City elective officer or  
11 the agency for which the candidate is seeking election or (B) has been registered to lobby that  
12 agency in the previous 90 days.

13                   (2) If a lobbyist has failed to disclose which agencies the lobbyist attempts to  
14 influence, as required by Section 2.110(b), the lobbyist may not make a contribution to any  
15 City elective officer or candidate for City elective office, or any City elective officer's or  
16 candidate's controlled committees.

17           (*ee*) **BUNDLING OF CAMPAIGN CONTRIBUTIONS - PROHIBITIONS.**

18                   (1) No lobbyist shall deliver or transmit, or deliver or transmit through a third  
19 party, any contribution made by another person to any City elective officer or candidate for  
20 City elective office, or any City elective officer's or candidate's controlled committees, if that  
21 lobbyist (A) is registered to lobby the agency for which the candidate is seeking election or the  
22 agency of the City elective officer or (B) has been registered to lobby that agency in the  
23 previous 90 days.

24                   (2) If a lobbyist has failed to disclose which agencies the lobbyist attempts to  
25 influence, as required by Section 2.110(b), the lobbyist may not deliver or transmit, or deliver

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1 or transmit through a third party, any contribution made by another person to any City elective  
2 officer or candidate for City elective office, or any City elective officer's or candidate's  
3 controlled committees.

4 (gf) **AGGREGATION OF AFFILIATED ENTITY CONTRIBUTIONS.** For purposes of  
5 the contribution limits imposed by subsections (e) and (f), the contributions of an entity whose  
6 contributions are directed and controlled by any lobbyist shall be aggregated with  
7 contributions made by that lobbyist as set forth in Section 1.114(c).

8 (hg) **REGULATIONS.** The Ethics Commission may adopt regulations implementing  
9 this Section 2.115, but such regulations may not establish any exceptions from the limits and  
10 prohibitions set forth therein.

11 [SECTIONS REMOVED FOR DISCUSSION VERSION  
12 SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

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

15 (a) All information required under this Chapter shall be submitted to the Ethics  
16 Commission, in the format designated by the Commission, *which may include an electronic*  
17 *format.* The lobbyist shall verify, under penalty of perjury, the accuracy and completeness of  
18 the information provided under this Chapter.

19 (b) The lobbyist shall retain for a period of five years all books, papers and documents  
20 necessary to substantiate the registration and disclosure reports required by this Chapter.  
21 These records shall include, but not be limited to, copies of all fundraising solicitations sent by  
22 the lobbyist or his or her agent for an officer of the City and County, a candidate for such  
23 office, a committee controlled by such officer or candidate, or a committee primarily formed to  
24 support or oppose such officer or candidate, or any committee primarily formed to support or  
25 oppose a ballot measure to be voted on only in San Francisco.

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

8 [SECTIONS REMOVED FOR DISCUSSION VERSION

9 SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

10 **SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.**

11 (a) If any lobbyist fails to submit any information required by this Chapter after any  
12 applicable deadline, the Ethics Commission shall, in addition to any other penalties or  
13 remedies established in this Chapter, impose a late filing fee of \$50 per day after the deadline  
14 until the information is received by the Ethics Commission. The Executive Director of the  
15 Ethics Commission may reduce or waive a late filing fee if the Executive Director determines  
16 that the late filing was not willful and that enforcement will not further the purposes of this  
17 Chapter. If such reduction or waiver equals or exceeds \$500, the Executive Director shall  
18 notify the Commission of his or her determination. Thereafter, any two or more members of  
19 the Commission may cause the reduction or waiver to be calendared for consideration by the  
20 full Commission in open session at the next Commission meeting occurring no sooner than  
21 ten days from the date the Executive Director informs the Commission of the Executive  
22 Director's recommendation. A Commissioner's request that a reduction or waiver be  
23 calendared must be received by the Executive Director no fewer than five days prior to the  
24 date of the meeting, so that the Executive Director may comply with the applicable notice and  
25

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1 agenda requirements. The Ethics Commission shall deposit funds collected under this  
2 Section in the General Fund of the City and County of San Francisco.

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

9 (c) Any person or entity which knowingly or negligently violates this Chapter may be  
10 liable in a civil action brought by the City Attorney for an amount up to \$5,000 per violation, or  
11 three times the amount not properly reported, or three times the amount given or received in  
12 excess of the gift limit, whichever is greater.

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

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

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

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

24  
25  
**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

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

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

6 [SECTIONS REMOVED FOR DISCUSSION VERSION  
7 SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

8 **SEC. 2.155. SEVERABILITY.**

9 If any section, subsection, subdivision, sentence, clause, phrase or portion of this  
10 Chapter, or the application thereof to any person, is for any reason held to be invalid or  
11 unconstitutional by the decision of any court of competent jurisdiction, such decision shall not  
12 affect the validity of the remaining portions of this Chapter or its application to other persons.  
13 The *Board of Supervisors voters* hereby declares that ~~it~~ they would have adopted this Chapter,  
14 and each section, subsection, subdivision, sentence, clause, phrase or portion thereof,  
15 irrespective of the fact that any one or more sections, subsections, subdivisions, sentences,  
16 clauses, phrases, or portions, or the application thereof to any person, to be declared invalid  
17 or unconstitutional.

18  
19 Section 3. Article III, Chapter 1 of the Campaign and Governmental Conduct Code is  
20 hereby amended by revising Sections 3.1-102 and 3.1-102.5, to read as follows:

21 **SEC. 3.1-102. FILING REQUIREMENTS.**

22 (a) **Officers and Employees.** Each officer and employee of the City and County of  
23 San Francisco holding a position designated in this Chapter 1, other than those officials  
24 identified in Section 3.1-500, shall file statements disclosing the information required by the  
25 disclosure categories set forth in this Chapter, on such forms as may be specified by the Fair

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1 Political Practices Commission in a format specified by the Ethics Commission (Form 700  
2 unless otherwise provided by the Commission), and at such times required by Regulation  
3 18730. A copy of the forms to be used shall be supplied by the Ethics Commission to each  
4 filing officer, upon request. Every officer and employee holding a position designated in this  
5 Chapter shall retain his or her filing obligations, notwithstanding any reclassification or title  
6 change that may occur in the future as to the same job duties.

7 (b) **Candidates.** Each candidate for City elective office, as that term is defined in  
8 Chapter 1 of Article I of this Code, shall file no later than the final filing date for a declaration of  
9 candidacy, a statement disclosing the information required by the disclosure category for the  
10 City elective office sought by the candidate. Candidates shall file such statements with the  
11 Department of Elections on the same forms as used by filers under subsection (a) of this  
12 Section 3.1-102. This statement shall not be required if the candidate has filed, within 60 days  
13 prior to the filing of his or her declaration of candidacy, a statement for the same jurisdiction  
14 pursuant to this Chapter or Sections 87202 or 87203 of the California Government Code.

15 (c) **Penalties and Enforcement.**

16 (1) **Criminal Penalties.** *Any person who knowingly or willfully violates this Section*  
17 *3.1-102 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not*  
18 *more than \$10,000 for each violation or by imprisonment in the County jail for a period of not more*  
19 *than one year in jail or by both such fine and imprisonment.*

20 (2) **Civil Penalties.** *Any person who intentionally or negligently violates this Section*  
21 *3.1-102 shall be liable in a civil action brought by the City Attorney for an amount up to \$5,000 for*  
22 *each violation.*

23 (3) **Injunctive Relief.** *The City Attorney or any San Francisco resident may bring a*  
24 *civil action on behalf of the people of San Francisco to enjoin violations of or compel compliance with*  
25 *this Section 3.1-102.*

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1 (A) No resident may commence a civil action under this Section 3.1-102 without  
2 first notifying the City Attorney in writing of the intent to file a civil action under this Section  
3 3.1-102. If the City Attorney fails to notify the resident within 120 days of receipt of the notice  
4 that the City Attorney has filed or will file a civil action, the complainant may file the action.  
5 No resident may file an action under this Section 3.1-102 if the City Attorney responds within  
6 120 days that the City Attorney intends to file an action or has already filed a civil action.

7 (B) No resident may bring an action under this Section 3.1-102 if the Ethics  
8 Commission has issued a finding of probable cause arising out of the same facts, the District  
9 Attorney has commenced a criminal action arising out of the same facts, or another resident has  
10 filed a civil action under this Section arising out of the same facts.

11 (C) A court may award reasonable attorney's fees and costs to any resident who  
12 obtains injunctive relief under this Section 3.1-102.

13 (4) **Administrative Penalties.** Any person who violates this Section 3.1-102 shall be  
14 subject to and may be held liable in an administrative proceeding before the Ethics Commission held  
15 pursuant to the Charter. In addition to the administrative penalties set forth in the Charter, the Ethics  
16 Commission may issue warning letters to City officers and employees.

17 (5) **Statute of Limitations.** No person may bring a criminal, civil, or administrative  
18 action under this Section 3.1-102 against any other person more than four years after the date of the  
19 alleged violation.

## 21 **SEC. 3.1-102.5. FAILURE TO FILE.**

22 (a) **Potential Discipline.** Subject to the removal and Civil Service provisions of the  
23 Charter as well as any applicable Civil Service Rules, any officer or employee of the City and  
24 County of San Francisco who fails to file any statement required by Sections 3.1-101 and 3.1-  
25 102 of this Chapter 1 within 30 days after receiving notice from the Ethics Commission of a

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1 failure to file may be subject to disciplinary action by ~~his or her~~ their appointing authority,  
2 including removal from office or termination of employment.

3 (b) **Warning Letter.** The Ethics Commission may issue a letter to an appointing  
4 authority recommending suspension or removal of any City officer or termination of any City  
5 employee who has failed to file a statement required by Sections 3.1-101 and 3.1-102 of this  
6 Chapter 1 if the City officer or employee has not filed the required statement within 30 days of  
7 receiving notice from the Ethics Commission of ~~his or her~~ their failure to file.

8 (c) **Required Disqualification by Members of Boards and Commissions.**

9 Members of City boards or commissions who have failed to file statements required by  
10 Sections 3.1-101, 3.1-102, and 3.1-103 of the Campaign and Governmental Conduct Code  
11 (Form 700 Statements of Economic Interests, Sunshine Ordinance Declarations, and  
12 Certificates of Ethics Training) by the applicable filing deadline shall be disqualified from all  
13 participation in and voting on matters listed on their boards' and commissions' meeting  
14 agendas.

15 (1) **Waiver.** A member of a City board or commission may seek a waiver for  
16 cause from the Ethics Commission's Executive Director excusing ~~his or her~~ the member's failure  
17 to file the statements required by Sections 3.1-101, 3.1-102, and 3.1-103 of the Campaign  
18 and Governmental Conduct Code. If the Executive Director grants such a waiver, the  
19 member of a board or commission will not be disqualified under this subsection (c); provided  
20 that after a member of board or commission has sought a waiver and while the waiver is  
21 pending before the Executive Director, the member shall continue to be disqualified.

22 (2) **Subsequent Filing of Required Statements.** After a member of City board  
23 or commission files any delinquent statement required by Sections 3.1-101, 3.1-102, and 3.1-  
24 103 of the Campaign and Governmental Conduct Code, the member shall no longer be  
25 disqualified under this subsection (c).

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1                   **(3) Penalties and Enforcement.**

2                   **(A) Criminal Penalties.** *Any person who knowingly or willfully violates this*  
3 *subsection (c) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine*  
4 *of not more than \$10,000 for each violation or by imprisonment in the County jail for a period of not*  
5 *more than one year in jail or by both such fine and imprisonment.*

6                   **(B) Civil Penalties.** *Any person who intentionally or negligently violates this*  
7 *subsection (c) shall be liable in a civil action brought by the City Attorney for an amount up to \$5,000*  
8 *for each violation.*

9                   **(C) Injunctive Relief.** *The City Attorney or any San Francisco resident may*  
10 *bring a civil action on behalf of the people of San Francisco to enjoin violations of or compel*  
11 *compliance with this subsection (c).*

12                   *(i) No resident may commence a civil action under this subsection (c)*  
13 *without first notifying the City Attorney in writing of the intent to file a civil action under this*  
14 *subsection (c). If the City Attorney fails to notify the resident within 120 days of receipt of the*  
15 *notice that the City Attorney has filed or will file a civil action, the complainant may file the*  
16 *action. No resident may file an action under this subsection (c) if the City Attorney responds*  
17 *within 120 days that the City Attorney intends to file an action or has already filed a civil*  
18 *action.*

19                   *(ii) No resident may bring an action under this subsection (c) if the Ethics*  
20 *Commission has issued a finding of probable cause arising out of the same facts, the District*  
21 *Attorney has commenced a criminal action arising out of the same facts, or another resident has*  
22 *filed a civil action under this Section arising out of the same facts.*

23                   *(iii) A court may award reasonable attorney's fees and costs to any*  
24 *resident who obtains injunctive relief under this subsection (c).*

25

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1 (D) Administrative Penalties. Any person who violates this subsection (c) shall  
2 be subject to and may be held liable in an administrative proceeding before the Ethics Commission  
3 held pursuant to the Charter. In addition to the administrative penalties set forth in the Charter, the  
4 Ethics Commission may issue warning letters to City officers and employees.

5 (E) Statute of Limitations. No person may bring a criminal, civil, or  
6 administrative action under this subsection (c) against any other person more than four years after the  
7 date of the alleged violation.

8 (d) **Public Announcement.** If a member of a City board or commission has failed to  
9 file a required statement (Form 700 Statement of Economic Interests, Sunshine Ordinance  
10 Declaration, or Certificate of Ethics Training), at the beginning of each meeting of the board or  
11 commission that occurs after the applicable deadline for the required statement and before  
12 the member of the board or commission files the required statement, the Commission  
13 Secretary, or any City staff who fulfills that role, shall announce that the member of the board  
14 or commission has failed to file a statement required by Sections 3.1-101, 3.1-102, and 3.1-  
15 103 of this Chapter 1 and that the member will be disqualified from all participation in and  
16 voting on matters coming before the board or commission.

17  
18 Section 4. Article III, Chapter 2 of the Campaign and Governmental Conduct Code is  
19 hereby amended by revising Sections 3.203 (with added definitions placed in alphabetical  
20 sequence), 3.204, 3.214, 3.216, and 3.242, deleting the entire text of Section 3.218 and  
21 replacing it with added new text, and adding Sections 3.205, 3.217, and 3.243, to read as  
22 follows:

23 **SEC. 3.203. DEFINITIONS.**

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

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1 “Affiliate” shall mean any member of an entity’s board of directors or any of that entity’s  
2 principal officers, including its chairperson, chief executive officer, chief financial officer, chief  
3 operating officer, and any person with an ownership interest of more than 10% in the entity.

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

8 “Appointed department head” shall mean any department head who is required to file a  
9 Statement of Economic Interests as set forth in Section 3.1-103(b)(1) of this Code, except for the  
10 Assessor-Recorder, City Attorney, District Attorney, Mayor, Public Defender, Sheriff, and Treasurer.

11 \* \* \* \*

12 “Contract” shall mean any agreement, including any amendment or modification to an  
13 agreement, with the City and County of San Francisco for:

- 14 (a) the rendition of personal services,
- 15 (b) the furnishing of any material, supplies, or equipment,
- 16 (c) the sale or lease of any land or building,
- 17 (d) a grant, loan, or loan guarantee, or
- 18 (e) a development agreement.

19 \* \* \* \*

20 “Department head” shall mean any City official who is required to file a Statement of  
21 Economic Interests as set forth in Section 3.1-103(b)(1) of this Code.

22 “Doing business with the department” shall mean:

- 23 (a) being a party to or seeking to become a party to a contract with the department, until 12  
24 months after the term of the contract ends or, if no contract is approved, 12 months after negotiations  
25 regarding the contract terminate; or

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1           (b) seeking, obtaining, or possessing a license, permit, or other entitlement for use issued by  
2 the department, and appealable to or approved by the department head, the department’s board or  
3 commission, or the Board of Supervisors, until 12 months after the date the license, permit, or other  
4 entitlement for use was issued, extended, or otherwise approved or, if no license, permit, or other  
5 entitlement for use was issued or approved, 12 months after the day the final decision not to issue or  
6 approve was made.

7           “Family member” shall mean an immediate family member, sibling, parent, grandparent,  
8 grandchild, aunt, uncle, niece, nephew, or sibling of a spouse or registered domestic partner. Each  
9 term shall be inclusive of relationships established by birth, adoption, or marriage.

10           \* \* \* \*

11           “Gift” shall mean any payment that confers a personal benefit on the recipient, to the extent  
12 that consideration of equal or greater value is not received and includes a rebate or discount in the  
13 price of anything of value unless the rebate or discount is made in the regular course of business to  
14 members of the public without regard to official status. Any person, other than a defendant in a  
15 criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the  
16 burden of proving that the consideration received is of equal or greater value. Any gift exceptions  
17 established by State law shall not apply to “gift,” as used in this Chapter.

18           \* \* \* \*

19           “License, permit, or other entitlement for use” shall mean business, professional, trade, and  
20 land use licenses and permits and other entitlements for use, including land use entitlements, as defined  
21 in California Government Code Section 84308 and its implementing regulations, as amended from time  
22 to time, provided that “entitlement for use” shall not include any contract, as defined in this Section  
23 3.203.

24           \* \* \* \*

25           **CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 “Payment” shall mean a payment, distribution, transfer, loan, advance, deposit, gift or other  
2 rendering of money, property, services, or anything else of value, whether tangible or intangible.

3 “Restricted source” shall mean:

4 (a) a person doing business with or seeking to do business with the department of the officer or  
5 employee;

6 (b) for members of boards and commissions, including the Board of Supervisors, a person  
7 doing business with any City department pursuant to a contract that required the approval of the board  
8 or commission;

9 (c) a person seeking, obtaining, or possessing a license, permit, or other entitlement for use, in  
10 which the officer or employee was personally and substantially involved, until 12 months after the date  
11 the license, permit, or other entitlement for use was issued, extended, amended, or otherwise approved  
12 or, if no license, permit, or other entitlement for use was issued or approved, 12 months after the day  
13 the final decision not to issue or approve was made.

14 (d) an affiliate of an entity that qualifies as a restricted source under (a), (b), or (c);

15 (e) a person who during the prior 12 months knowingly attempted to influence the officer or  
16 employee in any legislative or administrative action;

17 (f) for officers, a registered lobbyist; or

18 (g) any permit consultant, as defined under Article III, Chapter 4 of this Code, who has  
19 registered as a permit consultant with the Ethics Commission, if the permit consultant has reported any  
20 contacts with the designated employee’s or officer’s department to carry out permit consulting services  
21 during the prior 12 months.

22 \* \* \* \*

23  
24 **SEC. 3.204. AMENDMENT OR REPEAL OF THIS CHAPTER.**  
25

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 The voters may amend or repeal this Chapter. The Board of Supervisors may amend  
2 this Chapter if all of the following conditions are met:

3 (a) The amendment furthers the purposes of this Chapter;

4 (b) The Ethics Commission approves the proposed amendment *in advance* by at least  
5 a four-fifths vote of all its members;

6 (c) The proposed amendment is available for public review at least 30 days before the  
7 amendment is considered by the Board of Supervisors or any committee of the Board of  
8 Supervisors; and

9 (d) The Board of Supervisors approves the proposed amendment by at least a two-  
10 thirds vote of all its members.

11  
12 **SEC. 3.205. ETHICS COMMISSION TRAINING.**

13 **(a) Ethics Training Requirement.** *Each City officer and employee required to file a statement*  
14 *of economic interests under Article III, Chapter 1 of this Code shall annually complete an ethics*  
15 *training.*

16 **(b) Administration and Content of Ethics Training.** *The Ethics Commission shall administer*  
17 *the ethics training required under subsection (a). The Ethics Commission shall determine the contents*  
18 *and format of the training, which shall provide information about state and local governmental ethics*  
19 *laws that apply to City officers and employees.*

20 **(c) Notice.** *Every department, board, commission, and agency of the City and County shall*  
21 *annually provide to its officers and employees a copy of a summary to be created by the Ethics*  
22 *Commission of relevant state and local ethics laws.*

23  
24 **SEC. 3.214. DISCLOSURE OF PERSONAL, PROFESSIONAL AND BUSINESS**  
25 **RELATIONSHIPS.**

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 (a) **Disclosure.** A City officer or employee shall disclose on the public record any  
2 personal, professional, or business relationship with any *individual person* who is the subject of  
3 or has an ownership or financial interest in the subject of a governmental decision being made  
4 by the officer or employee where as a result of the relationship, the ability of the officer or  
5 employee to act for the benefit of the public could reasonably be questioned. For the  
6 purposes of this Section 3.214, the minutes of a public meeting at which the governmental  
7 decision is being made, or if the governmental decision is not being made in a public meeting,  
8 a memorandum kept on file at the offices of the City officer or employee's department, board,  
9 commission, or agency shall constitute the public record.

10 (b) **Penalties.** A court may void any governmental decision made by a City officer or  
11 employee who fails to disclose a relationship as required by ~~§~~ subsection (a) if the court  
12 determines that: (1) the failure to disclose was willful; and (2) the City officer or employee  
13 failed to render ~~his or her~~ *their* decision with disinterested skill, zeal, and diligence and  
14 primarily for the benefit of the City. ~~No other penalties shall apply to a violation of this Section,~~  
15 ~~provided that nothing in this Section shall prohibit an appointing authority from imposing discipline for~~  
16 ~~a violation of this Section.~~

17 (c) **Regulations.** The Ethics Commission may adopt regulations setting forth the  
18 types of personal, professional, and business relationships that must be disclosed pursuant to  
19 this Section 3.214 ~~and how the required disclosure must be made and archived.~~

20  
21 **SEC. 3.216. BRIBERY AND GIFTS.**

22 (a) **Prohibition on Bribery.** ~~No person shall offer or make, and no officer or employee shall~~  
23 ~~accept, any gift with the intent that the City officer or employee will be influenced thereby in the~~  
24 ~~performance of any official act.~~

25  
**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 (1) No City officer or employee shall solicit for the benefit of any person, or accept,  
2 anything of value or contribution from any person, with the intent that the City officer or employee will  
3 be influenced or rewarded thereby in the performance of any official act.

4 (2) No person shall offer, provide, or agree to provide anything of value or contribution  
5 to any person, with intent to influence or reward thereby any City officer or employee in the  
6 performance of any official act.

7 (b) ~~General gift restrictions~~ **Restricted Source Rules.** In addition to the gift limits,  
8 prohibitions, and reporting requirements imposed by the Political Reform Act and this Code  
9 and any subsequent amendments thereto, the following shall be prohibited: ~~no officer or~~  
10 ~~employee of the City and County shall solicit or accept any gift or loan from a person who the officer~~  
11 ~~or employee knows or has reason to know is a restricted source, except loans received from~~  
12 ~~commercial lending institutions in the ordinary course of business.~~

13 (1) No City officer or employee may solicit, coordinate, facilitate, or accept, any gift for  
14 themselves or for any other City officer or employee from a person who the officer or employee knows  
15 or has reason to know is a restricted source for themselves or for the recipient of the gift.

16 (2) No City officer or employee may solicit or accept a gift from any person, including  
17 any gift obtained through a City department, if the officer or employee knows or has reason to know  
18 that the gift was funded, provided, or directed by a restricted source.

19 (3) No City officer or employee may solicit or accept any gift from a restricted source  
20 for any of their family members.

21 (4) No lobbyist or permit consultant may offer or make a gift to any officer or employee,  
22 or any of the officer's or employee's family members, nor direct the offer or making of any gift by any  
23 other person, if the lobbyist or permit consultant knows or has reason to know that they are a restricted  
24 source for the officer or employee. For purposes of this subsection (b)(4), a person who is required to  
25 register as a lobbyist or permit consultant and file disclosures but fails to do so shall be considered a

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**



1 restricted source for any official for whom, had the person properly registered and file disclosures, the  
2 person would be considered a restricted source.

3 (5) No lobbyist or permit consultant may make a payment to an intermediary, including  
4 any City department, if the lobbyist or permit consultant knows or has reason to know that the  
5 intermediary will use the payment to provide a gift to any City officers or employees and that they are a  
6 restricted source for the officers or employees.

7 (6) No person may accept or use a payment on condition or with the agreement or  
8 mutual understanding that the payment will be used for a gift to an officer or employee, if the person  
9 knows or has reason to know that the source of the payment is a restricted source for the officer or  
10 employee.

11 ~~(1) **Restricted Source.** For purposes of this section, a restricted source means: (A) a~~  
12 ~~person doing business with or seeking to do business with the department of the officer or employee; or~~  
13 ~~(B) a person who during the prior 12 months knowingly attempted to influence the officer or employee~~  
14 ~~in any legislative or administrative action.~~

15 ~~(2) **Gift.** For purposes of this subsection, the term gift has the same meaning as under~~  
16 ~~the Political Reform Act, California Government Code Section 81000 et seq., and the regulations~~  
17 ~~adopted thereunder, including any subsequent amendments. Gifts exempted from the limits imposed by~~  
18 ~~California Government Code Section 89503 and Section 3.1-101 of the Campaign and Governmental~~  
19 ~~Conduct Code shall also be exempted from the prohibition set forth in this subsection.~~

20 ~~(3) (7) **Regulations.** The Ethics Commission shall may issue regulations~~  
21 ~~implementing this section Section 3.216, including regulations exempting voluntary certain gifts~~  
22 ~~that are nominal in value such as gifts that are given by vendors to clients or customers in the normal~~  
23 ~~course of business.~~

24 (c) **Gifts and Loans from Subordinates.** No officer or employee shall solicit or accept  
25 any gift or loan, either directly or indirectly, from any subordinate or employee under *his or her*

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 their supervision or from any candidate or applicant for a position as a subordinate or  
2 employee under ~~his or her~~ their supervision. The Ethics Commission ~~shall~~ may issue  
3 regulations implementing this Section 3.216, including regulations exempting ~~voluntary~~ certain  
4 gifts that are given ~~or received for special occasions or under other~~ under circumstances in which  
5 gifts are traditionally given or exchanged.

6 \* \* \* \*

7 (e) **Restrictions.** Nothing in this section 3.216 shall prohibit a City department,  
8 agency, board, or commission from imposing additional gift restrictions on its officers or  
9 employees.

10 (f) **Aggregation of Gifts.** For purposes of this Section 3.216, gifts shall be aggregated as set  
11 forth in California Code of Regulations, Title 2, Section 18945.1, as amended from time to time.

12  
13 **SEC. 3.217. DISCLOSURE OF GIFTS TO THE CITY.**

14 (a) **Disclosure Requirement.** Any department head whose City department receives any  
15 payment from a non-City source for which equal or greater consideration is not provided by the  
16 department must disclose the payment to the Ethics Commission. A department head who fails to timely  
17 report any such payment, or, if the department head has delegated the filing responsibility to a  
18 subordinate, whose subordinate fails to timely report any such payment, may be subject to discipline by  
19 the department head's appointing authority but shall not be subject to penalties under Section 3.242.

20 (b) **Contents.** The disclosure required in subsection (a) must include the following:

21 (1) the name of the source of the payment;

22 (2) the date of the payment;

23 (3) the total value of the payment;

24 (4) if the payment includes goods or services, a description of the goods or services;

25 (5) the purpose and use of the payment;

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 (6) the name of any City officer or employee that receives a personal benefit from the  
2 gift or through the City's use of the gift;

3 (7) a description and valuation of the personal benefits received by any City officer or  
4 employee through the department's use of the gift;

5 (8) a description of any contract that the payor has with the department;

6 (9) a description of any license, permit, or other entitlement for use that the payor is  
7 currently seeking from the department or has been issued by the department within the last 12 months  
8 to the payor; and

9 (10) a description of any financial interest the payor has involving the City.

10 (c) **Deadline for Initial Filing.** The disclosure required in subsection (a) must be filed no later  
11 than the fifteenth calendar day following the end of the month in which the payment was received by the  
12 department.

13 (d) **Supplemental Filings.** If any of the information disclosed by the department head in the  
14 initial filing made pursuant to subsection (c) changes after the time of the initial filing, the department  
15 head must submit a supplemental filing within 30 days that describes those changes.

16 (e) **Form.** The disclosures required by this Section 3.217 must be made in a form and format  
17 prescribed by the Ethics Commission and may include an electronic format.

18 (f) **Exception – Payments from Government Agencies.** Payments from local, state, and  
19 federal government agencies to City departments are not subject to the disclosures required in this  
20 Section 3.217.

21  
22 **SEC. 3.218. INCOMPATIBLE ACTIVITIES.**

23 ~~(a) **Prohibition.** No officer or employee of the City and County may engage in any~~  
24 ~~employment, activity, or enterprise that the department, board, commission, or agency of which he or~~  
25 ~~she is a member or employee has identified as incompatible in a statement of incompatible activities~~

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1 *adopted under this Section. No officer or employee may be subject to discipline or penalties under this*  
2 *Section unless he or she has been provided an opportunity to demonstrate that his or her activity is not*  
3 *in fact inconsistent, incompatible or in conflict with the duties of the officer or employee.*

4 ~~**(b) Statement of Incompatible Activities.** Every department, board, commission, and agency~~  
5 ~~of the City and County shall, by August 1 of the year after which this Section becomes effective, submit~~  
6 ~~to the Ethics Commission a statement of incompatible activities. No statement of incompatible~~  
7 ~~activities shall become effective until approved by the Ethics Commission after a finding that the~~  
8 ~~activities are incompatible under the criteria set forth in Subsection (c). After initial approval by the~~  
9 ~~Ethics Commission, a department, board, commission or agency of the City and County may, subject to~~  
10 ~~the approval of the Ethics Commission, amend its statement of incompatible activities. The Ethics~~  
11 ~~Commission may, at any time, amend the statement of incompatible activities of any department, board,~~  
12 ~~commission or agency of the City and County.~~

13 ~~**(c) Required Language.** Each statement of incompatible activities shall list those outside~~  
14 ~~activities that are inconsistent, incompatible, or in conflict with the duties of the officers and employees~~  
15 ~~of the department, board, commission, or agency of the City and County. This list shall include, but~~  
16 ~~need not be limited to, activities that involve: (1) the use of the time, facilities, equipment and supplies~~  
17 ~~of the City and County; or the badge, uniform, prestige, or influence of the City and County officer or~~  
18 ~~employee's position for private gain or advantage; (2) the receipt or acceptance by an officer or~~  
19 ~~employee of the City and County of any money or other thing of value from anyone other than the City~~  
20 ~~and County for the performance of an act that the officer or employee would be required or expected to~~  
21 ~~render in the regular course of his or her service or employment with the City and County; (3) the~~  
22 ~~performance of an act in a capacity other than as an officer or employee of the City and County that~~  
23 ~~may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of the~~  
24 ~~City and County officer or employee's department, board, commission or agency; and (4) time demands~~  
25 ~~that would render performance of the City and County officer or employee's duties less efficient. The~~

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 ~~Ethics Commission may permit City boards and commissions to exclude any required language from~~  
2 ~~their statement of incompatible activities if their members, by law, must be appointed in whole or in~~  
3 ~~part to represent any profession, trade, business, union or association.~~

4 ~~(d) **Meet and Confer.** No statement of incompatible activities or any amendment thereto shall~~  
5 ~~become operative until the City and County has satisfied the meet and confer requirements of State law.~~

6 ~~(e) **Notice.** Every department, board, commission and agency of the City and County shall~~  
7 ~~annually provide to its officers and employees a copy of its statement of incompatible activities.~~

8 ~~(f) **Existing Civil Service Rules.** Rules and Regulations relating to outside activities previously~~  
9 ~~adopted or approved by the Civil Service Commission shall remain in effect until statements of~~  
10 ~~incompatible activities are adopted pursuant to this Section.~~

11 (a) **Prohibitions.** City officers and employees shall not engage in the following activities:

12 (1) **Activities Subject to the Department's Jurisdiction.** City officers and employees  
13 shall not engage in activities that are subject to the control, inspection, review, audit, permitting,  
14 enforcement, contracting, or are otherwise within the responsibility of the officer or employee's  
15 department. But City officers and employees may engage in certain activities including, but not limited  
16 to, the following: being a party to a matter before or otherwise appearing before one's own department  
17 or commission on behalf of oneself or one's immediate family, filing or otherwise pursuing claims  
18 against the City on one's own behalf, making a public records disclosure request or other request for  
19 information as permitted by law, attending and participating in a meeting of a board, commission, or  
20 other policy body under the Brown Act or Sunshine Ordinance, and engaging in non-compensated,  
21 volunteer activity for a nonprofit organization with tax exempt status under 26 United States Code  
22 Section 501(c)(3) or 501(c)(5). Incompatible activities prohibited by this subsection (a)(1) shall  
23 include, but are not limited, to the following:

24 (A) contracting with one's own department or having a financial interest in or  
25 serving on the board of directors for an entity that contracts with one's own department (but this

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1 prohibition shall not extend to any entity solely because an officer or employee's spouse or registered  
2 domestic partner has a financial interest in the entity or serves as a member of its board of directors);

3 (B) acquiring an ownership interest in real property, if the officer or employee  
4 had participated personally and substantially in the permitting or inspection of that property within the  
5 12 months prior to the acquisition; and

6 (C) having or acquiring a financial interest in any financial products issued or  
7 regulated by the officer or employee's department.

8 (2) **Selective Assistance.** City officers and employees shall not provide assistance or  
9 advice that is not generally available to all persons, in a manner that confers an advantage on any  
10 person who is doing business or seeking to do business with the City. This subsection (a)(2) shall not  
11 prohibit an officer or employee from communicating with individual applicants regarding the  
12 individual's application, bid, or proposal, provided that such assistance is provided on an impartial  
13 basis to all applicants who request it and is part of the officer or employee's City duties.

14 (3) **Use of City Resources.** City officers and employees shall not engage in the use,  
15 other than minimal or incidental use, of the time, facilities, equipment, or supplies of the City for  
16 private gain or advantage. Nothing in this subsection (a)(3) shall be interpreted or applied to interfere  
17 with, restrict, or supersede any rights or entitlements of employees, recognized employee organizations,  
18 or their members under state law or regulation or pursuant to provisions of a collective bargaining  
19 agreement to use City facilities, equipment, or resources.

20 (4) **Use of Prestige of Office.** City officers and employees shall not engage in the use of  
21 any marker (including without limitation a badge, uniform, or business card), prestige, or influence of  
22 the City officer or employee's position for private gain or advantage.

23 (5) **Use of City Work Product.** City officers and employees shall not sell, publish, or  
24 otherwise use, in exchange for anything of value and without appropriate authorization, any non-public  
25 materials that were prepared on City time or while using City facilities, property (including without

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1 limitation, intellectual property), equipment, or other materials. Nothing in this subsection (a)(5) shall  
2 be interpreted or applied to interfere with, restrict, or supersede any rights or entitlements of  
3 employees, recognized employee organizations, or their members under state law or regulation or  
4 pursuant to provisions of a collective bargaining agreement to use public materials for collective  
5 bargaining agreement negotiations.

6 **(6) Acting as an Unauthorized City Representative.** City officers and employees shall  
7 not hold themselves out as a representative of their departments, or as an agent acting on behalf of  
8 their departments, unless authorized to do so, including the use of City letterhead, title, e-mail, business  
9 card, or any other resource for any communication that may lead the recipient of the communication to  
10 think that the officer or employee is acting in an official capacity when the officer or employee is not.

11 **(7) Compensation for City Duties or Advice.** City officers and employees shall not  
12 receive or accept a payment from anyone other than the City for the performance of a specific service  
13 or act the officer or employee would be expected to render or perform in the regular course of their  
14 City duties or for advice about the processes of the City directly related to the officer or employee's  
15 duties and responsibilities or the processes of the officer or employee's department.

16 **(8) Lobbying Activity.** City officers and employees shall not receive or accept a  
17 payment from anyone other than the City in exchange for communicating with any other City officer or  
18 employee within their own department with the intent to influence an administrative or legislative  
19 action.

20 **(b) Excessive Time Demands or Regular Disqualifications.** No City appointed department  
21 head or employee may engage in any activity that either imposes excessive time demands such that it  
22 materially impairs the appointed department head's or employee's performance of their City duties or  
23 that disqualifies the appointed department head or employee from their City assignments or  
24 responsibilities on a regular basis.

25  
**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1                   (1) Advance Written Determination. *An appointed department head or employee may*  
2 *seek an advance written determination from the decision-maker specified in subsection (b)(2) below as*  
3 *to whether a proposed outside activity would impose excessive time demands or require regular*  
4 *disqualifications and would therefore be prohibited under this subsection (b).*

5                   (2) Decision-Maker.

6                   (A) For a request by an employee, the department head of the employee's  
7 *department or the department head's designee shall be the decision-maker on a request for an advance*  
8 *written determination. If the department head delegates the decision-making to a designee and if the*  
9 *designee determines that the proposed activity imposes excessive time demands or results in regular*  
10 *disqualifications, the employee may appeal that determination to the department head.*

11                   (B) For a request by an appointed department head, the department head's  
12 *appointing authority shall be the decision-maker on a request for an advance written determination.*

13                   (C) The decision-maker shall respond to the request by providing a written  
14 *determination to the requestor by mail, email, personal delivery, or other reliable means. For a request*  
15 *by an employee, the decision-maker shall provide the determination within a reasonable period of time*  
16 *depending on the circumstances and the complexity of the request, but not later than 20 working days*  
17 *from the date of the request. If the decision-maker does not provide a written determination to the*  
18 *employee within 20 working days from the date of the employee's request, the proposed activity will be*  
19 *determined not to violate this Subsection 3.218(b).*

20                   (3) Effect. *An advance written determination approved by the appropriate decision-*  
21 *maker that an activity does not impose excessive time demands or require regular disqualifications*  
22 *provides the officer or employee immunity from any subsequent enforcement action for a violation of*  
23 *subsection (b) if the material facts are as presented in the appointed department head or employee's*  
24 *request for an advance written determination. An advance written determination cannot exempt the*  
25 *requestor from any other applicable laws.*

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**



1                    (4) **Public Records.** Requests for advance written determinations and advance written  
2 determinations, including approvals and denials, are public records.

3                    (c) **Statements of Incompatible Activities.** Statements of Incompatible Activities adopted and  
4 approved prior to March 5, 2024 are hereby repealed and shall no longer have any legal effect. Any  
5 administrative or disciplinary proceedings initiated prior to the repeal of a Statement of Incompatible  
6 Activities alleging violations of the Statement of Incompatible Activities may continue.

7                    27

8                    **SEC. 3.242. PENALTIES AND ENFORCEMENT.**

9                    (a) **Criminal Penalties.** Any person who knowingly or willfully violates ~~any of the City's~~  
10 ~~conflict of interest and governmental ethics laws~~ this Chapter 2 shall be guilty of a misdemeanor  
11 and upon conviction thereof shall be punished by a fine of not more than \$10,000 for each  
12 violation or by imprisonment in the County jail for a period of not more than one year in jail or  
13 by both such fine and imprisonment.

14                    (b) **Civil Penalties.** Any person who intentionally or negligently violates ~~any City~~  
15 ~~conflict of interest or governmental ethics law~~ this Chapter 2 shall be liable in a civil action brought  
16 by the City Attorney for an amount up to \$5,000 for each violation.

17                    (c) **Injunctive Relief.** The City Attorney or any San Francisco resident may bring a  
18 civil action on behalf of the people of San Francisco to enjoin violations of or compel  
19 compliance with ~~a conflict of interest or governmental ethics law~~ this Chapter 2.

20                    (1) No resident may commence a civil action under this Section 3.242 without  
21 first notifying the City Attorney in writing of the intent to file a civil action under this  
22 Section 3.242. If the City Attorney fails to notify the resident within 120 days of receipt  
23 of the notice that the City Attorney has filed or will file a civil action, the complainant  
24 may file the action. No resident may file an action under this Section 3.242 if the City  
25

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1 Attorney responds within 120 days that the City Attorney intends to file an action or has  
2 already filed a civil action.

3 (2) No resident may bring an action under this Section 3.242 if the Ethics  
4 Commission has issued a finding of probable cause arising out of the same facts, the  
5 District Attorney has commenced a criminal action arising out of the same facts, or  
6 another resident has filed a civil action under this Section 3.242 arising out of the same  
7 facts.

8 (3) A court may award reasonable attorney's fees and costs to any resident who  
9 obtains injunctive relief under this Section 3.242.

10 (d) **Administrative Penalties.** Any person who violates ~~any of the City's conflict of~~  
11 ~~interest or governmental ethics laws~~ this Chapter 2 shall be liable in an administrative proceeding  
12 before the Ethics Commission held pursuant to the Charter. In addition to the administrative  
13 penalties set forth in the Charter, the Ethics Commission may issue warning letters to City  
14 officers and employees.

15 (e) **Statute of Limitations.** No person may bring a criminal, civil or administrative  
16 action under this Section 3.242 against any other person more than four years after the date of  
17 the alleged violation.

18  
19 **SEC. 3.243. ELECTRONIC FILING OF DISCLOSURES.**

20 The Ethics Commission may require electronic filing of any disclosure required under this  
21 Chapter.

22  
23 Section 5. The voters hereby re-authorize and re-enact in its entirety Article III,  
24 Chapter 3 of the Campaign and Governmental Conduct Code, and add Section 3.303 to  
25 Article III, Chapter 3, to read as follows:

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 [SECTIONS REMOVED FOR DISCUSSION VERSION

2 SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

3 **SEC. 3.303. AMENDMENT OR REPEAL OF THIS CHAPTER.**

4 The voters may amend or repeal this Chapter 3. The Board of Supervisors may amend this  
5 Chapter 3 if all of the following conditions are met:

6 (a) The amendment furthers the purposes of this Chapter;

7 (b) The Ethics Commission approves the proposed amendment in advance by at least a four-  
8 fifths vote of all its members;

9 (c) The proposed amendment is available for public review at least 30 days before the  
10 amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;  
11 and

12 (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of  
13 all its members.

14  
15 Section 6. The voters hereby re-authorize and re-enact in its entirety Article III,  
16 Chapter 4 of the Campaign and Governmental Conduct Code, in the process rewording  
17 subsection (b) of Section 3.415, deleting former Section 3.420, and adding new Sections  
18 3.403 and 3.420, to read as follows:

19 [SECTIONS REMOVED FOR DISCUSSION VERSION

20 SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

21 **SEC. 3.403. AMENDMENT OR REPEAL OF THIS CHAPTER.**

22 The voters may amend or repeal this Chapter 4. The Board of Supervisors may amend this  
23 Chapter 4 if all of the following conditions are met:

24 (a) The amendment furthers the purposes of this Chapter;

25 **CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 (b) The Ethics Commission approves the proposed amendment in advance by at least a four-  
2 fifths vote of all its members;

3 (c) The proposed amendment is available for public review at least 30 days before the  
4 amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;  
5 and

6 (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of  
7 all its members.

8 [SECTIONS REMOVED FOR DISCUSSION VERSION

9 SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

10 **SEC. 3.415. PENALTIES AND ENFORCEMENT.**

11 (a) If any permit consultant fails to submit any information required by this Chapter  
12 after any applicable deadline, the Ethics Commission shall, in addition to any other penalties  
13 or remedies established in this Chapter, impose a late filing fee of \$50 per day after the  
14 deadline until the information is received by the Ethics Commission. The Executive Director  
15 of the Ethics Commission may reduce or waive a late filing fee if the Executive Director  
16 determines that the late filing was not willful and that enforcement will not further the purposes  
17 of this Chapter. The Ethics Commission shall deposit funds collected under this Section in the  
18 General Fund of the City and County of San Francisco.

19 (b) Any person who ~~knowingly or negligently~~ violates this Chapter may be liable in an  
20 administrative proceeding before the Ethics Commission pursuant to Charter Section C3.699-  
21 13. In addition to the administrative penalties set forth in the Charter, the Ethics Commission  
22 may issue warning letters regarding potential violations of this Chapter to the permit  
23 consultant.

24 (c) Any person or entity which knowingly or negligently violates this Chapter may be  
25 liable in a civil action brought by the City Attorney for an amount up to \$5,000 per violation.

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1  
2           ~~**SEC. 3.420. ETHICS COMMISSION REPORT.**~~ **SEC. 3.420. ELECTRONIC FILING OF**  
3 **DISCLOSURES.**

4           ~~*Between April 1 and April 15, 2016 and between April 1 and April 15, 2017, the Ethics*~~  
5 ~~*Commission shall provide a report to the Board of Supervisors regarding the implementation of*~~  
6 ~~*Sections 3.405 through 3.415. The report shall include, but not be limited to, the total number of*~~  
7 ~~*registered permit consultants, the total number of investigations commenced by the Ethics Commission*~~  
8 ~~*into possible violations of the registration and disclosure requirements, and a summary of each*~~  
9 ~~*settlement reached with permit consultants for violating the registration or disclosure requirements.*~~  
10 ~~*The Ethics Commission may require electronic filing of any disclosure required under this Chapter 4.*~~

11  
12           Section 7. The voters hereby re-authorize and re-enact in its entirety Article III,  
13 Chapter 5 of the Campaign and Governmental Conduct Code, in the process rewording  
14 subsection (b) of Section 3.530, and add Sections 3.505 and 3.525 to Article III, Chapter 5, to  
15 read as follows:

16           [SECTIONS REMOVED FOR DISCUSSION VERSION  
17           SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

18           **SEC. 3.505. AMENDMENT OR REPEAL OF THIS CHAPTER.**

19           *The voters may amend or repeal this Chapter 5. The Board of Supervisors may amend this*  
20 *Chapter 5 if all of the following conditions are met:*

- 21           *(a) The amendment furthers the purposes of this Chapter;*  
22           *(b) The Ethics Commission approves the proposed amendment in advance by at least a four-*  
23 *fifths vote of all its members;*

24  
25           **CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 (c) The proposed amendment is available for public review at least 30 days before the  
2 amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;  
3 and

4 (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of  
5 all its members.

6 [SECTIONS REMOVED FOR DISCUSSION VERSION  
7 SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

8 **SEC. 3.525. ELECTRONIC FILING OF DISCLOSURES.**

9 The Ethics Commission may require electronic filing of any disclosure required under this  
10 Chapter 5.

11  
12 **SEC. 3.530. PENALTIES AND ENFORCEMENT.**

13 (a) If any developer fails to submit any information required by this Chapter after any  
14 applicable deadline, the Ethics Commission shall, in addition to any other penalties or  
15 remedies established in this Chapter, impose a late filing fee of \$50 per day after the deadline  
16 until the information is received by the Ethics Commission. The Executive Director of the  
17 Ethics Commission may reduce or waive a late filing fee if the Executive Director determines  
18 that the late filing was not willful and that enforcement will not further the purposes of this  
19 Chapter. The Ethics Commission shall deposit funds collected under this Section in the  
20 General Fund of the City and County of San Francisco.

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

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 (c) Any person or entity which knowingly or negligently violates this Chapter may be  
2 liable in a civil action brought by the City Attorney for an amount up to \$5,000 per violation, or  
3 three times the amount not properly reported, whichever is greater.

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

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

11  
12 Section 8. The voters hereby re-authorize and re-enact in its entirety Article IV,  
13 Chapter 1 of the Campaign and Governmental Conduct Code, and add Section 4.103 to  
14 Article IV, Chapter 1, to read as follows:

15 [SECTIONS REMOVED FOR DISCUSSION VERSION

16 SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

17 **SEC. 4.103. AMENDMENT OR REPEAL OF THIS CHAPTER.**

18 The voters may amend or repeal this Chapter 1. The Board of Supervisors may amend this  
19 Chapter 1 if all of the following conditions are met:

20 (a) The amendment furthers the purposes of this Chapter;

21 (b) The Ethics Commission approves the proposed amendment in advance by at least a four-  
22 fifths vote of all its members;

23 (c) The proposed amendment is available for public review at least 30 days before the  
24 amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;  
25 and

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

1 (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of  
2 all its members.

3 [SECTIONS REMOVED FOR DISCUSSION VERSION  
4 SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

5 Section 9. Effective and Operative Dates.

6 (a) Effective Date. The effective date of this ordinance shall be ten days after the date  
7 the official vote count is declared by the Board of Supervisors.

8 (b) Operative Date. The operative date of this ordinance shall be six months after the  
9 effective date of this ordinance.

10  
11 Section 10. Appropriation. There is hereby appropriated \$43,000 from the General  
12 Reserve to fund administrative costs required to implement this ordinance, which shall be  
13 appropriated and made available 30 days after the Board of Supervisors declares the results  
14 of the March 5, 2024 election. Any portion of this appropriation that remains unspent at the  
15 end of Fiscal Year 2023-24 shall be carried forward and spent in subsequent years for the  
16 same purpose. Additionally, it shall be City policy in all fiscal years following depletion of this  
17 original appropriation that the Board of Supervisors shall annually appropriate \$25,000 for this  
18 purpose, to be adjusted annually to reflect changes in the Consumer Price Index and rounded  
19 off to the nearest \$100.

20  
21 Section 11. Scope of Ordinance. In enacting this ordinance, the People of the City  
22 and County of San Francisco intend to amend only those words, phrases, paragraphs,  
23 subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other  
24 constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions,  
25

**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**



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

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4 [need to insert signature block]

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**CONDENSED VERSION FOR DISCUSSION PURPOSES ONLY**

# ATTACHMENT 5

## LEGISLATIVE DIGEST

[Initiative Ordinance - Campaign and Governmental Conduct Code - Gift Prohibitions and Reporting, Bribery, Ethics Training, Incompatible Activities, and Amendment Process]

**Ordinance amending the Campaign and Governmental Conduct Code to 1) expand gift prohibitions for City officers and employees; 2) expand rules prohibiting bribery; 3) require ethics training for Form 700 filers; 4) prohibit members of the public from acting as intermediaries for City officers and employees with respect to certain prohibited gifts; 5) impose personal liability on City officials for failure to disclose certain relationships; 6) create generally applicable incompatible activity rules; and 7) require Ethics Commission and Board of Supervisors super-majority approval for amendments to certain ethics-related ordinances; and appropriating \$43,000 from the General Reserve in Fiscal Year 2023-24 to fund administrative costs required to implement the ordinance.**

### Existing Law

#### 1. Local Gift and Bribery Rules

In addition to State laws regarding gift disclosure and limits, San Francisco Campaign and Governmental Conduct Code (“C&GC Code”) Section 3.216(b)-(c) generally prohibits City officers and employees from accepting gifts from (a) “restricted sources” and (b) their subordinates. A “restricted source” is (a) any person contracting with or seeking to contract with the officer’s or employee’s department, or (b) any person who during the prior 12 months knowingly attempted to influence the officer or employee in any legislative or administrative action.

The “restricted source” rule incorporates the California Political Reform Act’s definition of a “gift” and its gift exceptions, including exceptions established through Fair Political Practices Commission (“FPPC”) regulations. Thus, for example, the general gift exceptions established by FPPC Regulation 18942, the travel exceptions established by Government Code Section 89506, the FPPC Form 802 process for tickets distributed by City agencies established by FPPC Regulation 18944.1, and the exceptions for attendance at events established by FPPC Regulations 18946.2 and 18946.4 currently apply to the restricted source rule.

Separately, via regulation, the Ethics Commission has adopted exceptions to the restricted source rule and the rule prohibiting gifts from subordinates. See Ethics Commission Regulations 3.216(b)-5 and 3.216(c)-1.

Lastly, in addition to federal and State laws prohibiting bribery, C&GC Code Section 3.216(a) prohibits any person from offering, and any City officer or employee from accepting, any gift with the intent to influence the City officer or employee in the performance of any official act.

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## 2. Statements of Incompatible Activities

C&GC Code Section 3.218(a) generally prohibits City officers and employees from engaging in any employment or outside activity that their commission or department has identified as incompatible in a Statement of Incompatible Activities. Section 3.218(b) requires each City commission or department to adopt a Statement of Incompatible Activities.

Each Statement of Incompatible Activities is required to list the outside activities that are inconsistent, incompatible, or in conflict with the officer's or employee's duties. Such prohibited outside activities include: (1) the use of City resources for private gain or advantage; (2) the receipt or acceptance of gifts for the performance of an act that the officer or employee would be required or expected to provide in the regular course of his or her official duties; (3) activities that may be subject to the control, inspection, review, audit or enforcement of the officer's or employee's department; and (4) activities that impose outside time demands that interfere with an official's duties.

The Statements of Incompatible Activities also allow an officer or employee to request a determination that a proposed outside activity is not incompatible with the officer's or employee's duties through an "advance written determination" process. In general, each department head (or the department's head designee) handles requests for advance written determinations from employees, and each appointing authority handles requests from City officers. When a request for an advance written determination is approved, the officer or employee who requested it is immune from subsequent enforcement action for violating the Statement of Incompatible Activities for engaging in the outside activity disclosed in their request.

## 3. Ethics Trainings

Pursuant to State and local law, City elected officials, commissioners, and department heads must complete annual ethics trainings and file certificates regarding their completion. Cal. Gov. Code § 53235 (AB 1234); Ethics Commission Regulation 15.102-1.

## 4. Amendments to Campaign and Governmental Conduct Code

The voters previously approved and adopted several chapters of the Campaign and Governmental Conduct Code through ballot measures, and these chapters may only be amended as provided by those measures themselves. Article I, Chapter 1 (the Campaign Finance Reform Ordinance), Article III, Chapter 2 (the Government Ethics Ordinance), and portions of Article II, Chapter 1 (the Lobbyist Ordinance) may only be amended by a supermajority of the Board of Supervisors and Ethics Commission, or by the voters through a further ballot measure. Article I, Chapter 5 (the Campaign Consultant Ordinance) was also established by a voter-approved ballot measure but does not provide any mechanism for amendments other than a further ballot measure.

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The remainder of the C&GC Code was adopted through the City's legislative process and can be amended by future legislation, without any special vote thresholds or the need for further ballot measures.

#### 5. Disclosure of Gifts to Departments

Gifts to departments, as opposed to personal gifts given directly to specific City officers and employees, are subject to several reporting requirements:

- The Sunshine Ordinance requires departments to report gifts exceeding \$100 in value to carry out any City function by posting the information on the department's website. Admin. Code § 67.29-6.
- Departments must report annually to the Board of Supervisors, during the first two weeks of July, regarding the receipt and disposition of any gifts received by the department in the previous fiscal year, regardless of amount. Admin. Code § 10.100-305(c).
- Departments must also report any such gifts to the Controller. *Id.* § 10.100-305(a).

In general, departments must also seek Board of Supervisors' approval for acceptance of any gifts worth more than \$10,000. *Id.* § 10.100-305(b).

Currently, there are no penalties for department heads who fail to ensure that their departments report gifts as required by the Administrative Code.

#### 6. Disclosure of Relationships

Campaign and Governmental Conduct Code Section 3.214 requires City officers and employees to disclose on the public record any personal, professional, or business relationship with any individual who is the subject of or has an ownership or financial interest in the subject of a governmental decision being made by the officer or employee. If the governmental decision is not made during a public meeting, including staff-level decisions made by a department head or City employee, the disclosure should be made through a memorandum kept on file at the officer's or employee's department.

Ethics Commission Regulation 3.214-5(b) establishes the following definitions for the types of relationship that officers and employees must disclose:

- Personal relationship: personal relationship is a relationship involving a family member or a personal friend, but does not include a mere acquaintance.
- Professional relationship: professional relationship is a relationship with a person based on regular contact in a professional capacity, including regular contact in conducting volunteer and charitable activities.

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- Business relationship: an officer has a business relationship with a person if, within the two years prior to the decision, the person was a client, business partner, colleague, or did business with the officer or employee's business.

Currently, a City official who fails to disclose such a relationship in the course of the official's involvement in a government decision is not subject to any penalties. But a court may void a government decision when the officer or employee fails to make the disclosure if the court determines the failure to disclose was willful and that the officer or employee failed to render the decision primarily for the benefit of the City.

### Amendments to Current Law

#### 1. Local Gift and Bribery Rules

The proposed measure would amend the restricted source rule to include a broader range of entities that would qualify as a "restricted source." A restricted source would include:

- a person "doing business" with or seeking to do business with the department of the officer or employee;
- for members of boards and commissions, including the Board of Supervisors, a person doing business with any City department pursuant to a contract that required the approval of the board or commission;
- a person seeking, obtaining, or possessing a license, permit, or other entitlement for use, in which the officer or employee was personally and substantially involved, until 12 months after the date the license, permit, or other entitlement for use was issued, extended, amended, or otherwise approved or, if no license, permit, or other entitlement for use was issued or approved, 12 months after the day the final decision not to issue or approve was made;
- an "affiliate" of an entity that qualifies as a restricted source under one of the preceding three bullets, with "affiliate" defined to include the entity's board of directors, principal officers, or persons with a 10% or more ownership interest;
- a person who during the prior 12 months knowingly attempted to influence the officer or employee in any legislative or administrative action;
- for officers, a registered lobbyist; or
- any permit consultant who has registered as a permit consultant with the Ethics Commission, if the permit consultant has reported any contacts with the designated employee's or officer's department to carry out permit consulting services during the prior 12 months.

"Doing business" is defined as:

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- being a party to or seeking to become a party to a contract with the department, until 12 months after the term of the contract ends or, if no contract is approved, 12 months after negotiations regarding the contract terminate; or
- seeking, obtaining, or possessing a license, permit, or other entitlement for use issued by the department, and appealable to or approved by the department head, the department's board or commission, or the Board of Supervisors, until 12 months after the date the license, permit, or other entitlement for use was issued, extended, or otherwise approved or, if no license, permit, or other entitlement for use was issued or approved, 12 months after the day the final decision not to issue or approve was made.

The restricted source rule would also expand to prohibit the following:

- no City officer or employee may solicit, coordinate, facilitate, or accept, any gift for themselves or for any other City officer or employee from a person who the officer or employee knows or has reason to know is a restricted source for themselves or for the recipient of the gift;
- no City officer or employee may solicit or accept a gift from any person, including any gift obtained through a City department, if the officer or employee knows or has reason to know that the gift was funded, provided, or directed by a restricted source;
- no City officer or employee may solicit or accept any gift from a restricted source for any of their family members;
- no lobbyist or permit consultant may offer or make a gift to any officer or employee, or any of the officer's or employee's family members, nor direct the offer or making of any gift by any other person, if the lobbyist or permit consultant knows or has reason to know that they are a restricted source for the officer or employee;
- no lobbyist or permit consultant may make a payment to an intermediary, including any City department, if the lobbyist or permit consultant knows or has reason to know that the intermediary will use the payment to provide a gift to any City officers or employees and that they are a restricted source for the officers or employees; and
- no person – regardless of whether that person is a City officer or employee – may accept or use a payment on condition or with the agreement or mutual understanding that the payment will be used for a gift to an officer or employee, if the person knows or has reason to know that the source of the payment is a restricted source for the officer or employee.

For the restricted source rule, the definition of what constitutes a "gift" would no longer mirror the definition established in State law. Likewise, exceptions established under State law, including FPPC regulations, would no longer apply. But the Ethics Commission plans to adopt certain of these exceptions through regulation and may continue to establish gift exceptions through regulation.

The proposed measure would also expand the local bribery rule to prohibit:

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- any City officer or employee from soliciting for the benefit of any person, or accept, anything of value or campaign contribution from any person, with the intent that the City officer or employee will be influenced or rewarded thereby in the performance of any official act; and
- any person from offering, providing, or agreeing to provide anything of value or campaign contribution to any person, with intent to influence or reward thereby any City officer or employee in the performance of any official act.

## 2. Statements of Incompatible Activities

The proposed measure would replace department-specific Statements of Incompatible Activities with a single set of incompatibility rules that applies to all City officers and employees. The proposed incompatibility rules would generally prohibit:

- engagement in activities that are subject to the control, inspection, review, audit, permitting, enforcement, contracting, or are otherwise within the responsibility of the officer or employee's department;
- contracting with one's own department or having a financial interest in or serving on the board of directors for an entity that contracts with one's own department;
- selective assistance that is not generally available to all persons, in a manner that confers an advantage on any person who is doing business or seeking to do business with the City;
- use of City resources or office for private gain or advantage;
- use of non-public materials that were prepared on City time or while using City facilities for anything of value and without appropriate authorization;
- acting as an unauthorized City representative;
- private compensation for City duties or advice;
- payment for lobbying other City officers or employees in the same department; and
- engagement in activities that either impose excessive time demands or that disqualify the officer or employee from their City assignments or responsibilities on a regular basis.

An "advance written determination" would only be available to address outside activities that impose excessive time demands or result in regular disqualification. The other incompatible activities addressed in Section 3.218 would be strictly prohibited.

## 3. Ethics Trainings

Section 3.205 of the proposed measure would require all City officers and employees who file a Form 700 to undergo an annual ethics training. The Ethics Commission would administer this training and determine its content. Every City department would also be required to annually distribute a summary of State and local ethics laws to be created by the Ethics Commission.



4. Amendments to Campaign and Governmental Conduct Code

The proposed measure re-enacts the entirety of Article II, Chapter 1 (the Lobbyist Ordinance), Article III, Chapter 3 (regarding the Ethics Commission), Article III, Chapter 4 (regulating permit consultants), Article III, Chapter 5 (regulating developer disclosures), and Article IV, Chapter 1 (the Whistleblower Ordinance) and adds provisions requiring that further amendments to these provisions may only be made by a super-majority of the Board of Supervisors and Ethics Commission, or a further ballot measure. The proposed measure also adds a provision to Article I, Chapter 5 (the Campaign Consultant Ordinance) to permit further amendments approved by a super-majority of the Board of Supervisors and Ethics Commission.

5. Disclosure of Gifts to Departments

Section 3.217 of the proposed measure would impose an additional reporting requirement for City departments – although the Ethics Commission plans to implement this additional reporting in a manner that could satisfy the other pre-existing Administrative Code requirements. The responsibility for the additional reporting would fall on the department head, and the department head would be subject to potential discipline by the department head's appointing authority if the department fails to comply with this reporting requirement (also, the department head would be subject to this potential discipline, even if the department head delegated the reporting responsibilities to a subordinate).

The additional reporting would require disclosure of:

- the name of the source of the payment;
- the date of the payment;
- the total value of the payment;
- if the payment includes goods or services, a description of the goods or services;
- the purpose and use of the payment;
- the name of any City officer or employee that receives a personal benefit from the gift or through the City's use of the gift;
- a description and valuation of the personal benefits received by any City officer or employee through the department's use of the gift;
- a description of any contract that the payor has with the department;
- a description of any license, permit, or other entitlement for use that the payor is currently seeking from the department or has been issued by the department within the last 12 months to the payor; and
- a description of any financial interest the payor has involving the City.

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6. Disclosure of Relationships

The proposed measure would impose penalties on City officers and employees who fail to disclose their personal, professional, or business relationships with any person who is the subject of or has an ownership or financial interest in the subject of a governmental decision being made by the officers or employees.

Background Information

The Ethics Commission may, by a four-fifths vote of its members, submit initiative ordinances relating to conflicts of interest, campaign finance, lobbying, campaign consultants or governmental ethics directly to the voters. Charter § 15.102.

In connection with these legislative changes, the Ethics Commission plans to adopt proposed changes to its regulations implementing the expanded ethics training requirements, the restricted source rule, and the rule prohibiting gifts from subordinates.

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