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

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.

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

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.

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

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

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

SEC. 1.503. AMENDMENT OR REPEAL OF THIS CHAPTER.

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

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

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

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

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

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

[SECTIONS REMOVED FOR DISCUSSION VERSION
SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

SEC. 2.100. FINDINGS.

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

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

(c) Corruption and the appearance of corruption in the form of campaign consultants exploiting their influence with City officials on behalf of private interests may erode public confidence in the fairness and impartiality of City governmental decisions. The City and County of San Francisco has a compelling interest in preventing corruption or the appearance of corruption which could result in such erosion of public confidence. Prohibitions on campaign consultants lobbying current and former clients will protect public confidence in the

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electoral and governmental processes. It is the purpose and intent of the people of the City and County of San Francisco in enacting this Chapter to prohibit campaign consultants from exploiting or appearing to exploit their influence with City officials on behalf of private interests.

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

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

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

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

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

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

[SECTIONS REMOVED FOR DISCUSSION VERSION
SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

SEC. 2.115. LIMITS AND PROHIBITIONS.

~~*(a) GIFT PROHIBITION.*~~

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

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

~~*(3) **Exception for gifts of food or refreshment provided by 501(c)(3) nonprofit organizations.** Notwithstanding the prohibitions set forth in subsections (1) and (2), lobbyists may offer gifts of food or refreshment worth $25 or less per occasion, and officers of the City and County may accept such gifts, if the lobbyist is a 501(c)(3) nonprofit organization, the gift of food or refreshment is offered in connection with a public event held by the 501(c)(3) nonprofit organization, and the same gift of food or refreshment is made available to all attendees of the public event.*~~

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

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

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

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

(~~e~~d) **CAMPAIGN CONTRIBUTIONS - PROHIBITIONS.**

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

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

(~~f~~e) **BUNDLING OF CAMPAIGN CONTRIBUTIONS - PROHIBITIONS.**

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

(2) If a lobbyist has failed to disclose which agencies the lobbyist attempts to influence, as required by Section 2.110(b), the lobbyist may not deliver or transmit, or deliver

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or transmit through a third party, any contribution made by another person to any City elective officer or candidate for City elective office, or any City elective officer's or candidate's controlled committees.

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

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

[SECTIONS REMOVED FOR DISCUSSION VERSION

SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

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

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

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

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

[SECTIONS REMOVED FOR DISCUSSION VERSION
SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.

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

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agenda requirements. The Ethics Commission shall deposit funds collected under this Section in the General Fund of the City and County of San Francisco.

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

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

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

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

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

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

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

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

[SECTIONS REMOVED FOR DISCUSSION VERSION
SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

SEC. 2.155. SEVERABILITY.

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

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

SEC. 3.1-102. FILING REQUIREMENTS.

(a) **Officers and Employees.** Each officer and employee of the City and County of San Francisco holding a position designated in this Chapter *1*, other than those officials identified in Section 3.1-500, shall file statements disclosing the information required by the disclosure categories set forth in this Chapter, on such forms as may be specified by the Fair

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Political Practices Commission in a format specified by the Ethics Commission (Form 700 unless otherwise provided by the Commission), and at such times required by Regulation 18730. A copy of the forms to be used shall be supplied by the Ethics Commission to each filing officer, upon request. Every officer and employee holding a position designated in this Chapter shall retain his or her filing obligations, notwithstanding any reclassification or title change that may occur in the future as to the same job duties.

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

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

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

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

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

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(A) No resident may commence a civil action under this Section 3.1-102 without first notifying the City Attorney in writing of the intent to file a civil action under this Section 3.1-102. If the City Attorney fails to notify the resident within 120 days of receipt of the notice that the City Attorney has filed or will file a civil action, the complainant may file the action. No resident may file an action under this Section 3.1-102 if the City Attorney responds within 120 days that the City Attorney intends to file an action or has already filed a civil action.

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

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

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

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

SEC. 3.1-102.5. FAILURE TO FILE.

(a) **Potential Discipline.** Subject to the removal and Civil Service provisions of the Charter as well as any applicable Civil Service Rules, any officer or employee of the City and County of San Francisco who fails to file any statement required by Sections 3.1-101 and 3.1-102 of this Chapter *1* within 30 days after receiving notice from the Ethics Commission of a

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failure to file may be subject to disciplinary action by ~~*his or her*~~ *their* appointing authority, including removal from office or termination of employment.

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

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

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

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

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*(3) **Penalties and Enforcement.***

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

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

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

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

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

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

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*(D) **Administrative Penalties.** Any person who violates this subsection (c) shall be subject to and may be held liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter. In addition to the administrative penalties set forth in the Charter, the Ethics Commission may issue warning letters to City officers and employees.*

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

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

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

SEC. 3.203. DEFINITIONS.

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

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

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

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

* * * *

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

(a) the rendition of personal services,

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

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

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

(e) a development agreement.

* * * *

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

"Doing business with the department" shall mean:

(a) 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

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(b) 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.

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

* * * *

"Gift" shall mean 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 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. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value. Any gift exceptions established by State law shall not apply to "gift," as used in this Chapter.

* * * *

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

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

"Restricted source" shall mean:

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

(b) 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;

(c) 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.

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

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

(f) for officers, a registered lobbyist; or

(g) any permit consultant, as defined under Article III, Chapter 4 of this Code, 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.

* * * *

SEC. 3.204. AMENDMENT OR REPEAL OF THIS CHAPTER.

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

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

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

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

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

SEC. 3.205. ETHICS COMMISSION TRAINING.

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

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

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

SEC. 3.214. DISCLOSURE OF PERSONAL, PROFESSIONAL AND BUSINESS RELATIONSHIPS.

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(a) **Disclosure.** A City officer or employee shall disclose on the public record any personal, professional, or business relationship with any ~~*individual*~~ *person* 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 where as a result of the relationship, the ability of the officer or employee to act for the benefit of the public could reasonably be questioned. For the purposes of this Section *3.214*, the minutes of a public meeting at which the governmental decision is being made, or if the governmental decision is not being made in a public meeting, a memorandum kept on file at the offices of the City officer or employee's department, board, commission, or agency shall constitute the public record.

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

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

SEC. 3.216. *BRIBERY AND* GIFTS.

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

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(1) No City officer or employee shall solicit for the benefit of any person, or accept, anything of value or 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.

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

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

(1) 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.

(2) 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.

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

(4) 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. For purposes of this subsection (b)(4), a person who is required to register as a lobbyist or permit consultant and file disclosures but fails to do so shall be considered a

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restricted source for any official for whom, had the person properly registered and file disclosures, the person would be considered a restricted source.

(5) 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.

(6) No person 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.

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

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

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

(c) **Gifts *and Loans* from Subordinates.** No officer or employee shall solicit or accept any gift or loan, either directly or indirectly, from any subordinate or employee under ~~*his or her*~~

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their supervision or from any candidate or applicant for a position as a subordinate or employee under ~~*his or her*~~ *their* supervision. The Ethics Commission ~~*shall*~~ *may* issue regulations implementing this Section *3.216*, including regulations exempting ~~*voluntary*~~ *certain* gifts that are given ~~*or received for special occasions or under other*~~ *under* circumstances in which gifts are traditionally given or exchanged.

* * * *

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

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

SEC. 3.217. DISCLOSURE OF GIFTS TO THE CITY.

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

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

(1) the name of the source of the payment;

(2) the date of the payment;

(3) the total value of the payment;

(4) if the payment includes goods or services, a description of the goods or services;

(5) the purpose and use of the payment;

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(6) 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;

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

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

(9) 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

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

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

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

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

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

SEC. 3.218. INCOMPATIBLE ACTIVITIES.

~~*(a)* ***Prohibition.*** *No officer or employee of the City and County may engage in any employment, activity, or enterprise that the department, board, commission, or agency of which he or she is a member or employee has identified as incompatible in a statement of incompatible activities*~~

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~~*adopted under this Section. No officer or employee may be subject to discipline or penalties under this Section unless he or she has been provided an opportunity to demonstrate that his or her activity is not in fact inconsistent, incompatible or in conflict with the duties of the officer or employee.*~~

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

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

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~~*Ethics Commission may permit City boards and commissions to exclude any required language from their statement of incompatible activities if their members, by law, must be appointed in whole or in part to represent any profession, trade, business, union or association.*~~

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

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

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

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

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

(A) 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 (but this

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

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

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

*(2) **Selective Assistance.** City officers and employees shall not provide assistance or advice 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. This subsection (a)(2) shall not prohibit an officer or employee from communicating with individual applicants regarding the individual's application, bid, or proposal, provided that such assistance is provided on an impartial basis to all applicants who request it and is part of the officer or employee's City duties.*

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

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

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

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

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

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

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

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

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

*(2) **Decision-Maker.***

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

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

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

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

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

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

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SEC. 3.242. PENALTIES AND ENFORCEMENT.

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

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

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

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

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

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

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

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

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

SEC. 3.243. ELECTRONIC FILING OF DISCLOSURES.

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

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

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[SECTIONS REMOVED FOR DISCUSSION VERSION
SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

SEC. 3.303. AMENDMENT OR REPEAL OF THIS CHAPTER.

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

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

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

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

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

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

[SECTIONS REMOVED FOR DISCUSSION VERSION
SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

SEC. 3.403. AMENDMENT OR REPEAL OF THIS CHAPTER.

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

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

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

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

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

[SECTIONS REMOVED FOR DISCUSSION VERSION
SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

SEC. 3.415. PENALTIES AND ENFORCEMENT.

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

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

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

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~~***SEC. 3.420. ETHICS COMMISSION REPORT.***~~ ***SEC. 3.420. ELECTRONIC FILING OF DISCLOSURES.***

~~*Between April 1 and April 15, 2016 and between April 1 and April 15, 2017, the Ethics Commission shall provide a report to the Board of Supervisors regarding the implementation of Sections 3.405 through 3.415. The report shall include, but not be limited to, the total number of registered permit consultants, the total number of investigations commenced by the Ethics Commission into possible violations of the registration and disclosure requirements, and a summary of each settlement reached with permit consultants for violating the registration or disclosure requirements.*~~ *The Ethics Commission may require electronic filing of any disclosure required under this Chapter 4.*

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

[SECTIONS REMOVED FOR DISCUSSION VERSION
SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

SEC. 3.505. AMENDMENT OR REPEAL OF THIS CHAPTER.

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

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

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

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

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

[SECTIONS REMOVED FOR DISCUSSION VERSION
SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

SEC. 3.525. ELECTRONIC FILING OF DISCLOSURES.

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

SEC. 3.530. PENALTIES AND ENFORCEMENT.

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

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

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

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

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

Section 8. The voters hereby re-authorize and re-enact in its entirety Article IV, Chapter 1 of the Campaign and Governmental Conduct Code, and add Section 4.103 to Article IV, Chapter 1, to read as follows:

[SECTIONS REMOVED FOR DISCUSSION VERSION
SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

SEC. 4.103. AMENDMENT OR REPEAL OF THIS CHAPTER.

The voters may amend or repeal this Chapter 1. The Board of Supervisors may amend this Chapter 1 if all of the following conditions are met:

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

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

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

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

[SECTIONS REMOVED FOR DISCUSSION VERSION
SEE FULL VERSION FOR ALL TEXT BEING STRIKEN AND REAUTHORIZED]

Section 9. Effective and Operative Dates.

(a) Effective Date. The effective date of this ordinance shall be ten days after the date the official vote count is declared by the Board of Supervisors.

(b) Operative Date. The operative date of this ordinance shall be six months after the effective date of this ordinance.

Section 10. Appropriation. There is hereby appropriated $43,000 from the General Reserve to fund administrative costs required to implement this ordinance, which shall be appropriated and made available 30 days after the Board of Supervisors declares the results of the March 5, 2024 election. Any portion of this appropriation that remains unspent at the end of Fiscal Year 2023-24 shall be carried forward and spent in subsequent years for the same purpose. Additionally, it shall be City policy in all fiscal years following depletion of this original appropriation that the Board of Supervisors shall annually appropriate $25,000 for this purpose, to be adjusted annually to reflect changes in the Consumer Price Index and rounded off to the nearest $100.

Section 11. Scope of Ordinance. In enacting this ordinance, the People of the City and County of San Francisco intend to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions,

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deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

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