

1 [Amending prohibition on political contributions by City contractors]

2

3 **Ordinance amending Chapter 1 of Article I of the Campaign and Governmental Conduct**
4 **Code by amending section 1.126 to allow political contributions to local elected**
5 **officials by parties that receive grants from local or State agencies; to allow such**
6 **contributions from parties that contract with State agencies whose board members are**
7 **appointed by local elected officials; to increase the threshold so that the contractor**
8 **contribution prohibition applies only to contracts or combinations of contracts worth**
9 **\$100,000 or more; and to limit the definition of "person who contracts with" local**
10 **agencies.**

11 Note: Additions are single-underline italics Times New Roman;
12 deletions are ~~strikethrough italics Times New Roman~~.
13 Board amendment additions are double underlined.
14 Board amendment deletions are ~~strikethrough normal~~.

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

15 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby
16 amended by amending Section 1.126 to read as follows:

17 Sec. 1.126 - CONTRIBUTION LIMITS--CONTRACTORS DOING BUSINESS WITH
18 THE CITY.

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

21 (1) "Person who contracts with" includes means any party or prospective party to a
22 contract, as well ~~any member of~~ that party's ~~board of directors, its~~ chairperson, chief executive
23 officer, chief financial officer, chief operating officer, any person with an ownership interest of
24 more than ~~20~~ 50 percent in the party, any subcontractor listed in a bid or contract, and any
25 committee, as defined by this Chapter that is sponsored or controlled by the party, provided

1 that the provisions of Section 1.114 of this Chapter governing aggregation of affiliated entity
2 contributions shall apply only to the party or prospective party to the contract.

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

- 7 (A) the rendition of personal services,
- 8 (B) the furnishing of any material, supplies or equipment,
- 9 (C) the sale or lease of any land or building, or
- 10 (D) ~~a grant,~~ loan or loan guarantee.

11 "Contract" shall not include a grant under which a non-profit organization receives funds from
12 the City and County of San Francisco, the San Francisco Unified School District, or the San Francisco
13 Community College District.

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

16 (b) Prohibition on contribution. No person who contracts with the City and County of
17 San Francisco, ~~a state agency on whose board an appointee of a City elective officer serves,~~ the San
18 Francisco Unified School District or the San Francisco Community College District,

19 (1) Shall make any contribution to:

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

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

24 (C) A committee controlled by such individual or candidate

25
Name of Supervisor/Committee/Department

BOARD OF SUPERVISORS

Page 2

12/18/2008

s:\c.f.r.o\1.126\2009\ord 12.08.doc

1 (2) Whenever the agreement or contract has a total anticipated or actual value of
2 ~~\$50,000.00~~ \$100,000 or more, or a combination or series of such agreements or contracts
3 approved by that same individual or board have a value of ~~\$50,000.00~~ \$100,000 or more in a
4 fiscal year of the City and County

5 (3) At any time from the commencement of negotiations for such contract until-

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

7 (B) Six months have elapsed from the date the contract is approved.

8 (c) Prohibition on receipt of contribution. No individual holding City elective office or
9 committee controlled by such an individual shall solicit or accept any contribution prohibited by
10 subsection (b) at any time from the formal submission of the contract to the individual until the
11 termination of negotiations for the contract or six months have elapsed from the date the
12 contract is approved. For the purpose of this subsection, a contract is formally submitted to
13 the Board of Supervisors at the time of the introduction of a resolution to approve the contract.

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

19 (e) Notification.

20 (1) Prospective Parties to Contracts. Any prospective party to a contract with the City
21 and County of San Francisco, ~~a state agency on whose board an appointee of a City elective officer~~
22 ~~serves,~~ the San Francisco Unified School District or the San Francisco Community College
23 District shall inform each person described in Subsection (a)(1) of the prohibition in
24
25

1 Subsection (b) ~~by~~ within ten business days of the commencement of negotiations for such
2 contract.

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

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

15 By: _____
16 JONATHAN GIVNER
17 Deputy City Attorney