

1 [Amendment to post-employment restrictions.]

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3 **Ordinance amending section 3.234 of the San Francisco Campaign and Governmental**  
 4 **Conduct Code to extend the one-year restriction on communicating with one's former**  
 5 **department to employees and officers who have transferred departments within the**  
 6 **City, and to provide that an employee or officer may not be employed by a party to a**  
 7 **City contract within one year after the contract date if the employee or officer**  
 8 **participated personally and substantially in the award of the contract.**

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NOTE: Additions are *single-underline italics Times New Roman*;  
 deletions are ~~*strike-through italics Times New Roman*~~.  
 Board amendment additions are double-underlined;  
 Board amendment deletions are ~~strike through normal~~.

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

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14 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby  
 15 amended by amending Section 3.234, to read as follows:

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17 SEC. 3.234. POST-EMPLOYMENT AND POST-SERVICE RESTRICTIONS.

18

19 (a) All Officers and Employees.

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21 (1) ~~General Post-Employment Restrictions~~ Permanent Restriction On Representation In  
 22 Particular Matters.

23

24 (A) ~~Permanent restriction on representation in particular matters~~ Prohibition. No former  
 25 officer or employee of the City and County, after the termination of his or her service or  
 employment with the City, shall, with the intent to influence, act as agent or attorney, or  
 otherwise represent, any other person (except the City and County) before any court, or  
 before any state, federal, or local agency, or any officer or employee thereof, by making any  
 formal or informal appearance or by making any oral, written, or other communication in  
 connection with a particular matter:

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1 (i) in which the City and County is a party or has a direct and substantial interest;

2 (ii) in which the former officer or employee participated personally and substantially as  
3 a City officer or employee; and

4 (iii) which involved a specific party or parties at the time of such participation; ~~and~~

5 ~~(iv) which is the same matter in which the officer or employee participated as a City officer or~~  
6 ~~employee.~~

7 (B) ~~Permanent~~ Restriction on assisting others ~~in particular matters~~. No former officer or  
8 employee of the City and County, after the termination of his or her service or employment  
9 with the City, shall aid, advise, counsel, consult or assist another person (except the City and  
10 County) in any proceeding in which the officer or employee would be precluded under  
11 Subsection (A) from personally appearing.

12 (C) Exception for testimony. The prohibitions in Subsections A and B do not prohibit a  
13 former officer or employee of the City and County from testifying as a witness, based on the  
14 former officer's or employee's personal knowledge, provided that no compensation is received  
15 other than the fees regularly provided for by law or regulation of witnesses.

16 ~~(D2)~~ One Year ~~r~~ Restriction on ~~e~~ Communicating with ~~f~~ Former ~~d~~ Department.

17 (A) No current or former officer or employee of the City and County, for one year after  
18 termination of his or her service or employment with any department, board, commission, office or  
19 other unit of the City, shall, with the intent to influence a government decision, communicate  
20 orally, in writing, or in any other manner on behalf of any other person (except the City and  
21 County) with any officer or employee of the department, board, commission, office or other  
22 unit of government, for which the officer or employee served.

23 (B) The prohibition in Subsection (a)(2)(A) shall not apply to a current or former officer or  
24 employee acting as a licensed attorney engaged in the practice of law, which includes representing  
25 clients in communications with the City Attorney's Office, District Attorney's Office, Public Defender's

1 Office, attorneys in the Tax Collector's Office or Sheriff's Office, representatives of the City who are  
2 named in a pending litigation matter or witnesses or potential witnesses in a pending litigation matter.

3 ~~(E) Waiver.~~

4 ~~(i) At the request of a former City officer or employee, the Ethics Commission may waive any of~~  
5 ~~the restrictions in Subsections (a)(1)(A), (a)(1)(B) and (a)(1)(D) if the Commission determines that~~  
6 ~~granting a waiver would not create the potential for undue influence or unfair advantage. The Ethics~~  
7 ~~Commission shall adopt regulations implementing this provision.~~

8 ~~(ii) The Ethics Commission may waive any of the restrictions in Subsections (a)(1)(A), (a)(1)(B)~~  
9 ~~and (a)(1)(D) for members of City boards and commissions who, by law, must be appointed to~~  
10 ~~represent any profession, trade, business, union or association.~~

11 ~~(23) Future Employment With Parties That Contract With The City.~~

12 ~~(A) Future Employment With Parties That Contract With The City. No current or former officer~~  
13 ~~or employee of the City shall, for a period of one year after termination of City service or~~  
14 ~~employment, be employed by or otherwise receive compensation from a person or entity that~~  
15 ~~entered into a contract with the City within the preceding 12 months prior to the officer or~~  
16 ~~employee leaving City service where the officer or employee personally and substantially~~  
17 ~~participated in the award of the contract.~~

18 ~~(B) Waiver. At the request of a current or former City officer or employee, the Ethics~~  
19 ~~Commission may waive the prohibition in Subsection (a)(2)(A) if the Commission determines that~~  
20 ~~imposing the restriction would cause extreme hardship for the former City officer or employee. The~~  
21 ~~Ethics Commission shall adopt regulations implementing this provision.~~

22 (b) Mayor, Members of the Board of Supervisors, and their Senior Staff Members.

23 (1) One year restriction on communicating with City departments. For purposes of the  
24 one-year restriction under subsection (a)(2)(1)(D), the "department" for which a former Mayor,  
25 a former member of the Board of Supervisors, or a former senior staff member to either the

1 Mayor or a member of the Board of Supervisors served shall be the City and County and the  
2 prohibition in subsection (a)(2)(H)(D) shall extend to communications with:

3 (A) a board, department, commission or agency of the City and County;

4 (B) an officer or employee of the City and County;

5 (C) an appointee of a board, department, commission, agency, officer, or employee of  
6 the City and County; or

7 (D) a representative of the City and County.

8 For the purposes of this subsection, "a former senior staff member to either the Mayor  
9 or a member of the Board of Supervisors" means an individual employed in any of the  
10 following positions at the time the individual terminated his or her employment with the City:  
11 the Mayor's Chief of Staff, the Mayor's Deputy Chief of Staff, a Legislative Aide to a member  
12 of the Board of Supervisors or a position that the Ethics Commission determines by regulation  
13 is an equivalent position based on an analysis of the functions and duties of the position.

14 ~~Section 3.234(b) does not apply to any senior staff member of the Mayor or Member of the Board of~~  
15 ~~Supervisors who left employment prior to the effective date of this amendment.~~

16 (2) City service. No former Mayor or member of the Board of Supervisors shall be  
17 eligible for a period of one year after the last day of service as Mayor or member of the Board  
18 of Supervisors, for appointment to any full time, compensated employment with the City and  
19 County. This restriction shall not apply to a former Mayor or Supervisor elected to an office of  
20 the City and County, appointed to fill a vacancy in an elective office of the City and County, or  
21 appointed to a board or commission in the executive branch.

22 (c) Waiver.

23 (1) At the request of a current or former City employee or officer, the Ethics Commission may  
24 wave any of the restrictions in Subsections (a)(1) and (a)(2) if the Commission determines that  
25 granting a waiver would not create the potential for undue influence or unfair advantage.

1           (2) At the request of a current or former City employee or officer, the Ethics Commission may  
2 waive any of the restrictions in Subsections (a)(1) and (a)(2) for members of City boards and  
3 commissions who, by law, must be appointed to represent any profession, trade, business, union or  
4 association.

5           (3) At the request of a current or former City officer or employee, the Ethics Commission may  
6 waive the prohibition in Subsection (a)(3) if the Commission determines that imposing the restriction  
7 would cause extreme hardship for the City officer or employee.

8           (4) The Ethics Commission may adopt regulations implementing these waiver provisions.

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10 APPROVED AS TO FORM:  
11 DENNIS J. HERRERA, City Attorney

12 By: \_\_\_\_\_  
13 JON GIVNER  
14 Deputy City Attorney