

[Campaign and Governmental Conduct Code - Campaign Consultants, Recusal Notifications, Major Developer Disclosures]

Ordinance amending the Campaign and Governmental Conduct Code to require campaign consultants to provide information necessary for their clients to fully disclose campaign spending, and repeal the requirement that such consultants register with the Ethics Commission; repeal the requirement that members of City boards and commissions file a notice with the Ethics Commission after recusing from participation in a matter based on a financial conflict of interest; and make other conforming changes; and require developers of certain large projects to provide information on nonprofit donations for lobbyist activities so that recipients can accurately register and report such activities, and repeal the requirement that developers register with the Ethics Commission.

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 revising Sections 1.510, 1.525, and 1.540, and deleting sections 1.500, 1.515, 1.520, and 1.530, to read as follows:

~~SEC. 1.500. FINDINGS.~~

~~(a) The City and County of San Francisco has a paramount interest in protecting the integrity~~

1 ~~and credibility of its electoral and government institutions. Election campaigns are highly competitive~~
2 ~~in San Francisco, and candidates frequently contract for the services of professional campaign~~
3 ~~consultants who specialize in guiding and managing campaigns.~~

4 ~~(b) It is the purpose and intent of the people of the City and County of San Francisco in~~
5 ~~enacting this Chapter to impose reasonable registration and disclosure requirements on campaign~~
6 ~~consultants. Required registration and disclosure of information by campaign consultants will assist~~
7 ~~the public in making informed decisions, and protect public confidence in the electoral and~~
8 ~~governmental processes.~~

9
10 **SEC. 1.510. PROHIBITIONS. INFORMATION TO BE PROVIDED TO CLIENTS.**

11 ~~It shall be unlawful for any campaign consultant to provide campaign consulting services, or~~
12 ~~accept any economic consideration for the provision of campaign consulting services, without first~~
13 ~~registering with the Ethics Commission and complying with the reporting requirements specified in~~
14 ~~Section 1.515. Each campaign consultant must provide to their client(s) the following information, so~~
15 ~~that the client(s) may fully disclose their campaign spending associated with the consultant:~~

16 ~~(a) The name, business address and business phone number of the campaign consultant;~~

17 ~~(b) If the campaign consultant is an individual, the name of the campaign consultant's~~
18 ~~employer and a description of the business activity engaged in by the employer; and~~

19 ~~(c) Any economic consideration promised to or received by the campaign consultant from~~
20 ~~vendors and subvendors who provided campaign-related goods or services to the client's campaign,~~
21 ~~provided that the total is \$500 or more.~~

22
23 **SEC. 1.515. REGISTRATION, REREGISTRATION, REPORTING, AND FEES.**

24 ~~(a) REGISTRATION REPORTS. At the time of initial registration, each campaign consultant~~
25 ~~shall report to the Ethics Commission the following information:~~

1 ~~(1) The name, business address and business phone number of the campaign~~
2 ~~consultant;~~

3 ~~(2) If the campaign consultant is an individual, the name of the campaign consultant's~~
4 ~~employer and a description of the business activity engaged in by the employer;~~

5 ~~(3) The names of any individuals employed by the campaign consultant to assist in~~
6 ~~providing campaign consulting services;~~

7 ~~(4) A statement of whether the campaign consultant is required to register with the~~
8 ~~Ethics Commission pursuant to the Regulation of Lobbyists Ordinance, San Francisco Campaign and~~
9 ~~Governmental Conduct Code, Article II;*~~

10 ~~(5) A statement of whether the campaign consultant is required to register with the Tax~~
11 ~~Collector pursuant to the Business Tax Ordinance, San Francisco Municipal Code, Part III, Section~~
12 ~~1001, et. seq.;~~

13 ~~(6) The name, address, and telephone number of each client to whom the campaign~~
14 ~~consultant provided campaign consulting services during the preceding three months;~~

15 ~~(7) For each client, the total economic consideration promised by or received from the~~
16 ~~client in exchange for the provision of campaign consulting services during the preceding three months,~~
17 ~~provided that the total is \$500 or more;~~

18 ~~(8) Each political contribution of \$100 or more made or delivered by the campaign~~
19 ~~consultant, or made by a client at the behest of the campaign consultant, or for which the campaign~~
20 ~~consultant acted as an agent or intermediary, during the preceding three months in support of or in~~
21 ~~opposition to a candidate or measure;~~

22 ~~(9) The cumulative total of all political contributions made or delivered by the~~
23 ~~campaign consultant, or which is made by a client at the behest of the campaign consultant, or for~~
24 ~~which the campaign consultant acted as an agent or intermediary, during the preceding three months~~
25 ~~in support of or in opposition to each individual candidate or measure, provided that the cumulative~~

1 ~~total is \$500 or more;~~

2 ~~(10) Any gifts promised or made by the campaign consultant to a local officeholder~~
3 ~~during the preceding three months which in the aggregate total \$50 or more; and~~

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

6 ~~(b) REREGISTRATION REPORTS. Each campaign consultant shall reregister annually no~~
7 ~~later January 1st.~~

8 ~~(c) FEES. At the time of initial registration and reregistration, each campaign consultant shall~~
9 ~~pay to the Ethics Commission a registration fee and an additional fee for each client of the campaign~~
10 ~~consultant. The amount of the fee shall be:~~

11 ~~(i) Campaign consultants earning at least \$1,000 but not more than \$5,000 per~~
12 ~~calendar year shall pay a registration fee of \$50 and shall pay a client fee of \$50 per client;~~

13 ~~(ii) Campaign consultants earning more than \$5,000 but not more than \$20,000 per~~
14 ~~calendar year shall pay a registration fee of \$200 and a client fee of \$50 per client;~~

15 ~~(iii) Campaign consultants earning more than \$20,000 per calendar year shall pay a~~
16 ~~registration fee of \$400 and a client fee of \$50 per client.~~

17 ~~When a client is acquired subsequent to initial registration or reregistration, the per client fee~~
18 ~~shall be paid at the time of filing the information required by Subsection (d). The Ethics Commission~~
19 ~~shall deposit fees collected pursuant to this Section in the General Fund of the City and County of San~~
20 ~~Francisco. On or after July 1, 1999, the Ethics Commission shall evaluate the fees set by this Section~~
21 ~~and propose any amendments for approval by the Board of Supervisors no later than December 1,~~
22 ~~1999. If the Ethics Commission or the Board of Supervisors takes no action, the fees set by this Section~~
23 ~~shall remain in effect.~~

24 ~~(d) CLIENT AUTHORIZATION STATEMENTS. At the time of initial registration, the~~
25 ~~campaign consultant shall submit to the Ethics Commission a written authorization from each client~~

1 ~~that contracts with the campaign consultant for campaign consulting services.~~

2 ~~If the campaign consultant is retained by a client after the date of initial registration, the~~
3 ~~campaign consultant must file a Client Authorization Statement before providing any campaign~~
4 ~~consulting services to the client and before receiving any economic consideration from the client in~~
5 ~~exchange for campaign consulting services, and in any event no later than 15 days after being retained~~
6 ~~to provide campaign consulting services to the client.~~

7 ~~(e) QUARTERLY REPORTS. Each campaign consultant shall file with the Ethics Commission~~
8 ~~quarterly reports containing the following information:~~

9 ~~(1) For each client, the total economic consideration promised by or received from the~~
10 ~~client during the reporting period for campaign consulting services, provided that the total is \$500 or~~
11 ~~more;~~

12 ~~(2) The total economic consideration promised by or received from all clients during~~
13 ~~the reporting period for campaign consulting services;~~

14 ~~(3) Political contributions of \$100 or more made or delivered by the campaign~~
15 ~~consultant, or made by a client at the behest of the campaign consultant, or for which the campaign~~
16 ~~consultant acted as an agent or intermediary, during the reporting period in support of or in opposition~~
17 ~~to a candidate or measure;~~

18 ~~(4) The cumulative total of all political contributions made or delivered by the~~
19 ~~campaign consultant, or made by a client at the behest of the campaign consultant, or for which the~~
20 ~~campaign consultant acted as an agent or intermediary, during the reporting period in support of or in~~
21 ~~opposition to each individual candidate or measure, provided that the cumulative total is \$500 or~~
22 ~~more;~~

23 ~~(5) Any gifts promised or made by the campaign consultant to a local officeholder~~
24 ~~during the reporting period which in the aggregate total \$50 or more;~~

25 ~~(6) Economic consideration promised to or received by the campaign consultant during~~

1 ~~the reporting period from vendors and subvendors who provided campaign-related goods or services to~~
2 ~~a current client of the campaign consultant;~~

3 ~~(7) The name of each local officeholder and City employee who is employed by the~~
4 ~~campaign consultant, or by a client of the campaign consultant at the behest of the campaign~~
5 ~~consultant, during the reporting period;~~

6 ~~(8) Each City contract obtained by the campaign consultant during the reporting~~
7 ~~period, provided that the contract is approved by a local officeholder who is a client of the campaign~~
8 ~~consultant;~~

9 ~~(9) Each appointment to public office received by the campaign consultant during the~~
10 ~~reporting period, provided that the appointment is made by a local office-holder who is a client of the~~
11 ~~campaign consultant;~~

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

14 ~~Quarterly reports are due as follows: The report for the period starting December 1st and~~
15 ~~ending February 28th is due March 15th; the report for the period starting March 1st and ending May~~
16 ~~31st is due June 15th; the report for the period starting June 1st and ending August 31st is due~~
17 ~~September 15th; and the report for the period starting September 1st and ending November 30th is due~~
18 ~~December 15th.~~

19 ~~(f) CLIENT TERMINATION STATEMENTS. Within 30 days after a client terminates the~~
20 ~~services of a campaign consultant, the campaign consultant shall submit to the Ethics Commission a~~
21 ~~statement that the client has terminated the services of the campaign consultant. A campaign~~
22 ~~consultant may not provide campaign consulting services to a client or accept economic consideration~~
23 ~~for the provision of campaign consulting services after a client termination statement is filed, until a~~
24 ~~new client authorization statement has been filed pursuant to Section 1.515(d).~~

25 ~~(g) CAMPAIGN CONSULTANT TERMINATION STATEMENTS. A campaign consultant shall~~

1 ~~comply with all requirements of this Chapter until the campaign consultant ceases all activity as a~~
2 ~~campaign consultant and files a statement of termination with the Ethics Commission. A statement of~~
3 ~~termination must include all information required by Subsection (e) for the period since the campaign~~
4 ~~consultant's last quarterly report.~~

5 ~~(h) Each campaign consultant shall verify, under penalty of perjury, the accuracy and~~
6 ~~completeness of the information provided under Sections 1.515 and 1.520(e).~~

7 ~~(i) Each campaign consultant shall retain for a period of five years all books, papers and~~
8 ~~documents necessary to substantiate the reports and statements required under this Chapter.~~

9
10 **~~SEC. 1.520. POWERS AND DUTIES OF THE ETHICS COMMISSION.~~**

11 ~~(a) The Ethics Commission shall provide forms for the reporting of all information required by~~
12 ~~this Chapter.~~

13 ~~(b) The Ethics Commission shall issue a registration number to each registered campaign~~
14 ~~consultant.~~

15 ~~(c) At the time of initial registration and reregistration, the Ethics Commission shall provide~~
16 ~~the campaign consultant with a copy of the City's campaign and lobbyist laws, the Code of Conduct~~
17 ~~specified in Section 1.530, and any related material which the Commission determines will serve the~~
18 ~~purposes of this Chapter. Each campaign consultant must sign a statement acknowledging receipt of~~
19 ~~these materials.~~

20 ~~(d) The Ethics Commission shall compile the information provided in registration and~~
21 ~~quarterly reports filed pursuant to this Chapter as soon as practicable after the close of each quarter~~
22 ~~and shall forward a report of the compiled information to the Board of Supervisors and the Mayor.~~

23 ~~(e) 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~~
25 ~~records shall constitute a part of the public records of the Ethics Commission and shall be open to~~

1 ~~public inspection.~~

2 ~~(f) The Commission shall provide formal and informal advice regarding the duties under this~~
3 ~~Chapter of a person or entity pursuant to the procedures specified in San Francisco Charter Section~~
4 ~~€3.699-12.~~

5 ~~(g) The Ethics Commission shall have the power to adopt all reasonable and necessary rules~~
6 ~~and regulations for the implementation of this Chapter pursuant to the procedure specified in Charter~~
7 ~~Section 15.102.~~

8
9 **SEC. 1.525. ADMINISTRATIVE AND CIVIL ENFORCEMENT, ~~AND~~ PENALTIES,**
10 **AND RECORD RETENTION.**

11 ~~(a) If any campaign consultant files an original statement or report after any deadline imposed~~
12 ~~by this Chapter, the Ethics Commission shall, in addition to any other penalties or remedies established~~
13 ~~in this Chapter, fine the campaign consultant \$50 per day after the deadline until the statement or~~
14 ~~report is received by the Ethics Commission. If any campaign consultant files an original statement or~~
15 ~~report after any deadline imposed by this Chapter, when the deadline is fewer than 30 days before or~~
16 ~~after an election, the Ethics Commission shall, in addition to any other penalties or remedies~~
17 ~~established in this Chapter, fine the campaign consultant \$100 per day after the deadline until the~~
18 ~~statement or report is received by the Ethics Commission. The Ethics Commission may reduce or~~
19 ~~waive a fine if the Commission determines that the late filing was not willful and that enforcement will~~
20 ~~not further the purposes of this Chapter. The Ethics Commission shall deposit funds collected under~~
21 ~~this Section in the General Fund of the City and County of San Francisco.~~

22 ~~(ba)~~ Any person who believes that Section 1.510 has been violated may file a
23 complaint with the Ethics Commission. Upon receipt of a complaint, or upon its own initiative,
24 the Commission may investigate allegations of a violation of Section 1.510 and enforce the
25 provisions of Section 1.510 pursuant to the procedures established in San Francisco Charter

1 Section C3.699-13, and the Commission's rules and regulations adopted pursuant to Charter
2 Section 15.102.*

3 (~~eb~~) When the Commission, pursuant to the procedures specified in Charter Section
4 C3.699-13, determines on the basis of substantial evidence that a person or entity has
5 violated Section 1.510, the Commission may require the person or entity to: (1) cease and
6 desist the violation; ~~(2) file any reports or statements or pay any fees required by this Chapter,~~
7 and/or ~~(3) pay a monetary penalty of up to \$5,000 for each violation, or three times the~~
8 amount not properly reported, whichever is greater. ~~The Commission may cancel for up to one~~
9 ~~year the registration of any campaign consultant who has violated Section 1.510.~~ A campaign
10 consultant ~~whose registration has been canceled pursuant to this~~ found by the Commission to have
11 violated Section 1.510 may not provide campaign consulting services in exchange for
12 economic consideration for one year from the date of that finding ~~the period that the registration is~~
13 ~~canceled. When the period of cancellation ends, the campaign consultant may reregister pursuant to~~
14 ~~Section 1.515(a) and (c).~~

15 (~~ec~~) Any person or entity which knowingly or negligently violates or who causes any
16 other person to violate Section 1.510 may be liable in a civil action brought by the City
17 Attorney for an amount up to \$5,000 per violation, or three times the amount not properly
18 reported, whichever is greater.

19 (~~ed~~) Any person or entity which intentionally or negligently violates Section 1.510 is
20 guilty of a misdemeanor.

21 (~~ef~~) No administrative, civil, or criminal action shall be maintained to enforce Section
22 1.510 unless brought within four years after the date the cause of action accrued or the date
23 that the facts constituting the cause of action were discovered by the Ethics Commission, City
24 Attorney, or District Attorney, whichever is later.

25 (~~ef~~) In investigating any alleged violation of Section 1.510, the Ethics Commission and

1 City Attorney shall have the power to inspect, upon reasonable notice, all documents required
2 to be maintained under ~~Section 1.515(i)~~ this Chapter. This power to inspect documents is in
3 addition to other powers conferred on the Ethics Commission and City Attorney by the
4 Charter, or by ordinance, including the power of subpoena.

5 (g) Each campaign consultant shall retain for a period of five years all books, papers and
6 documents necessary to substantiate the information required to be provided to clients under this
7 Chapter.

8
9 **~~SEC. 1.530. CODE OF CONDUCT.~~**

10 ~~At the time of initial registration and reregistration, each campaign consultant must elect~~
11 ~~whether to voluntarily comply with the following Code of Conduct:~~

12 ~~"I am familiar with all the laws, rules and regulations applicable to local campaigns;~~

13 ~~"I will not knowingly make false statements about the qualifications or positions of any~~
14 ~~candidate, or about the scope and effect of any measure;~~

15 ~~"I will not knowingly make false statements that any real or fictitious person supports or~~
16 ~~opposes a candidate or measure;~~

17 ~~"In the event that I make inadvertent false statements about the qualifications or positions of~~
18 ~~any candidate or about the scope and effect of any measure, I will endeavor to provide corrected~~
19 ~~information in written form to the Ethics Commission within five days;~~

20 ~~"I will refrain from appealing to prejudice in the conduct of a campaign, and from conducting,~~
21 ~~managing or advising a campaign, which appeals to prejudice based on race, gender, ethnic~~
22 ~~background, religious affiliation or nonaffiliation, sexual orientation, age, disability, or economic~~
23 ~~status;~~

24 ~~"I will refrain from seeking to obtain the support of or opposition to any candidate or measure~~
25 ~~by the use of financial inducements or by the use of threats or coercion;~~

1 ~~"I will refrain from influencing the submission of a measure to the San Francisco voters for the~~
2 ~~sole purpose of obtaining economic consideration for campaign consulting services;~~

3 ~~"I will disclose through a filing at the San Francisco Ethics Commission any agreements that~~
4 ~~would result in a campaign consulting contract resulting from my efforts to influence the submission of~~
5 ~~a measure to the San Francisco voters at the time that I seek submission of any such measure;~~

6 ~~"I will refrain from seeking to evade, or participating in efforts of others to evade, the legal~~
7 ~~requirements in laws pertaining to political campaigns;~~

8 ~~"I will not knowingly participate in the preparation, dissemination, or broadcast of paid~~
9 ~~political advertising or campaign materials that contain false information; and~~

10 ~~"I will refrain from accepting clients whose interests are adverse to each other."~~

12 **SEC. 1.540. ELECTRONIC FILING OF STATEMENTS AND REPORTS.**

13 ~~(a) ELECTRONIC FILING REQUIRED. Whenever campaign consultants are required by~~
14 ~~this Chapter to file an original statement or report, t~~The Ethics Commission may require the a
15 campaign consultants to file an electronic copy of the any statement or report required under this
16 Chapter. The electronic copy shall be due no later than the deadline imposed by this Chapter for filing
17 ~~the original statement or report.~~

18 ~~(b) POWERS AND DUTIES OF THE ETHICS COMMISSION.~~

19 ~~(i) Pursuant to San Francisco Charter Section 15.102, the Ethics Commission shall~~
20 ~~adopt regulations specifying the electronic filing requirements applicable to campaign consultants.~~
21 ~~The Ethics Commission shall adopt these regulations no fewer than 120 days before the electronic~~
22 ~~filing requirements are effective.~~

23 ~~(ii) The Ethics Commission shall prescribe the format for electronic copies of~~
24 ~~statements and reports no fewer than 90 days before the statements and reports are due to be filed.~~

25 ~~(c) PENALTIES. If any campaign consultant files an electronic copy of a statement or report~~

1 ~~after the deadline imposed by this Section, the Ethics Commission shall, in addition to any other~~
2 ~~penalties or remedies established in this Chapter, fine the campaign consultant \$10 per day after the~~
3 ~~deadline until the electronic copy is received by the Ethics Commission. The Ethics Commission may~~
4 ~~reduce or waive a fine if the Commission determines that the late filing was not willful and that~~
5 ~~enforcement will not further the purposes of this Chapter. The Ethics Commission shall deposit funds~~
6 ~~collected under this Section in the General Fund of the City and County of San Francisco.~~

7
8 Section 2. Article II, Chapter 1 of the Campaign and Governmental Conduct Code is
9 hereby amended by revising Section 2.117 to read as follows:

10
11 **SEC. 2.117. LOBBYING BY CAMPAIGN CONSULTANTS.**

12 * * * *

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

15 (1) "Campaign consultant" shall have the same meaning as in Article I, Chapter
16 5, Section 1.505 of this Code.

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

19 (3) "Current or former client" shall mean a person for whom the campaign
20 consultant has ~~filed a client authorization statement pursuant to Article I, Chapter 5, Section 1.515(d)~~
21 ~~of this Code and not filed a client termination statement pursuant to Article I, Chapter 5, Section~~
22 ~~1.515(f) of this Code provided, or been compensated for, campaign consulting services during the~~
23 preceding 60 months. If such person is a committee as defined by Section 82013 of the
24 California Government Code, the current client shall be any individual who controls such
25 committee; any candidate that such committee was primarily formed to support; and any

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

3 (4) "Employee" shall mean an individual employed by a campaign consultant,
4 but does not include any individual who has an ownership interest in the campaign consultant
5 that employs 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 Section 3. Article III, Chapter 2 of the Campaign and Governmental Conduct Code is
11 hereby amended by revising Sections 3.209 and 3.216 to read as follows:

12
13 **SEC. 3.209. RECUSALS PROCEDURES.**

14 ~~(a) Recusal Procedures.~~ Any member of a City board or commission who has a conflict
15 of interest under Sections 3.206 or 3.207, or who must recuse ~~himself or herself~~ themselves from
16 a proceeding under California Government Code Section 84308, shall, in the public meeting
17 of the board or commission, upon identifying a conflict of interest immediately prior to the
18 consideration of the matter, do all of the following:

19 (1a) publicly identify the circumstances that give rise to the conflict of interest in detail
20 sufficient to be understood by the public, provided that disclosure of the exact street address
21 of a residence is not required;

22 (2b) recuse ~~himself or herself~~ themselves from discussing or acting on the matter; and

23 (3c) leave the room until after the discussion, vote, and any other disposition of the
24 matter is concluded, unless the matter has been placed on and remains on the consent
25 calendar.

1 ~~(b) Recusal Notification. A member of a City board or commission who is required to file a~~
2 ~~statement of economic interests pursuant to Article III, Chapter 1 of the Campaign and Governmental~~
3 ~~Conduct Code shall file a recusal notification form each time the member recuses himself or herself, as~~
4 ~~required by subsection (a).~~

5 ~~(1) The member shall file the original recusal notification form, along with a copy of the~~
6 ~~meeting agenda containing the item involving the conflict of interest, with the Ethics Commission~~
7 ~~within 15 calendar days after the date of the meeting at which the recusal occurred.~~

8 ~~(2) The member shall file the recusal notification form with the Ethics Commission even~~
9 ~~if the member is not present at the meeting that would have involved the conflict of interest.~~

10 ~~(3) The recusal notification form shall be filed under penalty of perjury in a method~~
11 ~~prescribed by the Ethics Commission and shall include, at a minimum, the following:~~

12 ~~(A) the member's name;~~

13 ~~(B) the name of the member's board or commission;~~

14 ~~(C) the date of the meeting at which the recusal occurred or would have~~
15 ~~occurred;~~

16 ~~(D) the agenda item number, a brief description of the matter, and a statement~~
17 ~~of whether the matter concerns the making of a contract; and~~

18 ~~(E) the financial interest causing the recusal.~~

19 ~~(c) Exception. The requirements of this Section 3.209 shall not apply to the members of the~~
20 ~~Board of Supervisors.~~

21
22 **SEC. 3.216. BRIBERY AND GIFTS.**

23 * * * *

24 **(d) Gifts of Travel.**

25 **(1) Gifts to Elected Officers.** In addition to the gift limits and reporting

requirements imposed by the Political Reform Act and this Code, no elected officer may accept a gift of transportation, lodging, or subsistence for any out-of-state trip paid for in part by an individual or entity other than the City and County of San Francisco, another governmental body, or a bona fide educational institution, defined in Section 203 of the Revenue and Taxation Code, unless the officer has first disclosed on a form filed with the Ethics Commission:

(A) the name of the individual or entity and the total amount that will be paid by the individual or entity to fund the trip, including but not limited to the amount directly related to the cost of the elected officer's transportation, lodging, and subsistence;

(B) the name, occupation and employer of any contributor who has contributed more than \$500 to the individual or entity funding the trip and whose contributions were used in whole or in part to fund the trip;

(C) a description of the purpose of the trip and the itinerary; and

(D) the name of any individual accompanying the official on the trip who is:

(i) a City employee required to file a Statement of Economic Interests,

(ii) a lobbyist as defined in Section 2.105 of this Code, or a campaign consultant as defined in Section 2.117 of this Code ~~registered with the Ethics Commission~~,

(iii) an employee of or individual who has any ownership interest in a lobbyist or campaign consultant registered with the Ethics Commission, or

(iv) the individual funding the trip, or an employee or officer of the entity funding the trip.

(2) **Reimbursement of Gifts of Travel.** In addition to any other reporting requirements imposed by the Political Reform Act or local law, an elected officer who

reimburses an individual or entity for a gift of transportation, lodging or subsistence related to out-of-state travel and thereby avoids having received or accepted the gift shall file a form with the Ethics Commission within 30 days of such reimbursement disclosing:

(A) the name of the individual or entity that originally paid for the transportation, lodging or subsistence;

(B) the amount paid by the individual or entity for the elected officer's transportation, lodging or subsistence;

(C) the amount reimbursed by the elected officer to the individual or entity and the process used to determine that amount; and

(D) a description of the purpose of the trip and the itinerary.

(3) **Format.** The Ethics Commission shall provide forms for the disclosure required by this subsection and shall make the completed forms available on its website.

(4) **Definition.** For the purpose of this subsection, the term "elected officer" means the Mayor, member of the Board of Supervisors, City Attorney, District Attorney, Public Defender, Assessor, Treasurer, and Sheriff.

* * * *

Section 4. Article III, Chapter 5 of the Campaign and Governmental Conduct Code is hereby amended by revising Sections 3.520 and 3.530, and deleting Section 3.500, to read as follows:

SEC. 3.500. FINDINGS

~~*The Board of Supervisors finds that public disclosure of the donations that developers make to nonprofit organizations that may communicate with the City and County regarding major development projects is essential to protect public confidence in the fairness and impartiality of City and County*~~

1 ~~land use decisions. The Board further finds that disclosure is essential to allow the public to fully and~~
2 ~~fairly evaluate the City and County's land use decisions. It is the purpose and intent of this Chapter to~~
3 ~~impose reasonable disclosure requirements on developers to provide the public with information about~~
4 ~~these donations.~~

5
6 **SEC. 3.520. REQUIRED DISCLOSURE INFORMATION TO BE PROVIDED WHEN**
7 **PAYMENTS OR DONATIONS ARE MADE TO NONPROFITS IN EXCHANGE FOR LOBBYIST**
8 **SERVICES.**

9 Any developer of a major project, or any of its affiliates, that has paid or donated to a nonprofit
10 organization in exchange for lobbyist services, as defined in Section 2.105 of this Code, shall provide to
11 any person who will provide the lobbyist services the information that they would need to register and
12 report such lobbyist services under Article II, Chapter 1 of this Code. The developer must provide this
13 information to such persons within 5 days of entering such an agreement.

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

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

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

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

24 ~~(4) The name, business address, business e-mail address, business telephone number~~
25

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

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

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

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

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

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

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

25 ~~(4) The name, business address, business e-mail address, business telephone number~~

1 ~~and website of any nonprofit organization to which the developer has made cumulative donations of~~
2 ~~\$5,000 or more since the date one year before the Environmental Evaluation Application was filed.~~

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

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

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

10 **SEC. 3.530. PENALTIES AND ENFORCEMENT.**

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

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

24 ~~(eb)~~ 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, or

1 three times the amount not properly reported, whichever is greater.

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

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

9
10 Section 5. Prerequisites for Enactment; Super-Majority Vote Requirement. The
11 enactment of Sections 1, 2, 3, and 4 of this ordinance is subject to provisions of the Campaign
12 and Governmental Conduct Code that require the amendments to be approved by the Ethics
13 Commission by a supermajority vote of at least four members of the Commission, and
14 approved by a supermajority vote of at least eight members of the Board of Supervisors.

15
16 Section 6. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20
21 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25

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

3
4 Section 8. Severability. If any section, subsection, sentence, clause, phrase, or word
5 of this ordinance, or any application thereof to any person or circumstance, is held to be
6 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
7 shall not affect the validity of the remaining portions or applications of the ordinance. The
8 Board of Supervisors hereby declares that it would have passed this ordinance and each and
9 every section, subsection, sentence, clause, phrase, and word not declared invalid or
10 unconstitutional without regard to whether any other portion of this ordinance or application
11 thereof would be subsequently declared invalid or unconstitutional.

12
13 APPROVED AS TO FORM:
14 DAVID CHIU, City Attorney

15 By: KATHLEEN VERMAZEN RADEZ
16 Deputy City Attorney

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