

1 [Campaign and Governmental Conduct Code - Behested Payments]

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3 **Ordinance amending the Campaign and Governmental Conduct Code to permit the**
4 **Board of Supervisors to waive by resolution the requirements of the behested payment**
5 **ordinance for the Board itself, and to require any party that receives a waiver to report**
6 **certain information to the Board of Supervisors no later than 60 days after expiration of**
7 **the waiver.**

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

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

16 Section 1. Chapter 6 of the Campaign and Governmental Conduct Code is hereby
17 amended by revising the Chapter title and Section 3.620, to read as follows:

18 **CHAPTER 6: BEHESTED PAYMENTS ~~REPORTING~~**

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20 **SEC. 3.620. PROHIBITING ELECTED OFFICIALS, DEPARTMENT HEADS,**
21 **COMMISSIONERS, AND DESIGNATED EMPLOYEES FROM SOLICITING BEHESTED**
22 **PAYMENTS FROM INTERESTED PARTIES.**

23 * * * *

24 (f) **EXCEPTION – WAIVER.** *Upon request by a City department, t*The Board of
25 Supervisors may waive the requirements of this Section 3.620 by resolution. Waivers that

1 apply to officers or designated employees of the Board of Supervisors are subject to the
2 limitation set forth below in subsection (h), but may not waive it for itself. A proposed resolution
3 that seeks a waiver shall identify the positions of the City employees and officers to whom the waiver
4 will apply, summarize the purpose of the solicitation(s), ~~and shall~~ identify the type of interested
5 parties or the specific interested parties, when the identity is known, to whom the
6 solicitation(s) would be directed, and include a statement as to why the ~~department parties that~~
7 would be solicited ~~believes the parties~~ are interested parties. The resolution must include a
8 finding that the waiver would not create an appearance of impropriety and would be in the
9 public interest. Waivers granted under this subsection (f) shall apply prospectively for six
10 months, unless the approving resolution specifies a shorter duration, and shall have no effect
11 as to past solicitations and may not be approved retroactively after the solicitations have
12 occurred. Within 30 days of the enactment of such a resolution, the Clerk of the Board shall
13 publish information regarding the resolution to a dataset of all approved waiver resolutions on
14 DataSF.

15 (g) REPORTING. Any party that receives a waiver under subsection (f) must provide
16 a written report to the Board of Supervisors within 60 days of the expiration of the waiver of
17 any donations to the City or any third party that were solicited under that waiver. Such report
18 shall identify the donor, the amount of the donation made, the party that received the
19 donation, and the interested relationship between the donor and the department of the
20 employee or officer who solicited the donation.

21 (h) SUNSET. The Board of Supervisors' authority under subsection (f) to waive the
22 requirements of this Section 3.620 by resolution for officers or designated employees of the
23 Board of Supervisors shall expire on June 30, 2029.

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

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7 Section 3. Effective Date. This ordinance shall become effective ~~30 days~~ on the 31st
8 day after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
9 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
10 or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

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12 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the “Note” that appears under
17 the official title of the ordinance.

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19 APPROVED AS TO FORM:
20 DAVID CHIU, City Attorney

21 By: /s/ Michael Gerchow
22 MICHAEL GERCHOW
23 Deputy City Attorney

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4897-2787-0394