

1 [Post-Employment Restrictions For Former City Employees.]

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3 **Ordinance adding Chapter 8, Activities of Former Officers and Employees, to Article III**
4 **of the Campaign and Governmental Conduct Code; moving section 3.545 of the**
5 **Campaign and Governmental Conduct Code to section 3.800; and adding prohibitions**
6 **to prevent former City employees, for a period of two years, from communicating on**
7 **behalf of any other person or entity, other than the City and County of San Francisco,**
8 **with an elected public official who was the former employee's appointing authority or**
9 **City employees who are current appointees of that appointing authority.**

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

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

14 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby
15 amended by adding Chapter 8 to Article III with the following title:

16 **CHAPTER 8: ACTIVITIES OF FORMER OFFICERS AND EMPLOYEES**

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18 Section 2. The San Francisco Campaign and Governmental Conduct Code is hereby
19 amended by deleting Section 3.545, and adding Section 3.800 as follows:

20 **SEC. 3.545800. LOBBYING BY FORMER CITY EMPLOYEES AND FORMER**
21 **MEMBERS OF THE BOARD OF SUPERVISORS.**

22 (a) **Findings and Purpose.**

23 (1) The City and County of San Francisco has an interest in ensuring that City
24 government operates in a fair and impartial manner and that the public ~~has~~ *have* confidence that
25 governmental operations and decisions are fair and impartial.

1 (2) Former City employees and former members of the Board of Supervisors who
2 become lobbyists may have or appear to have special influence on City government as a result of their
3 contacts, special knowledge, and prior positions of authority. As a result, lobbying by former City
4 employees and former members of the Board of Supervisors on behalf of private interests may erode
5 public confidence in the fairness and impartiality of City governmental decisions affecting those private
6 interests.

7 (3) Section C8.105(e) of the Charter prohibits certain lobbying by officers and
8 employees of the City and County of San Francisco for two years after terminating service or
9 employment. These prohibitions do not provide adequate protection against the deleterious effects of
10 lobbying by former City employees and former members of the Board of Supervisors.

11 (4) Expanding the prohibition on lobbying by former City employees and former
12 members of the Board of Supervisors will help to redress this deficiency and ensure the fairness and
13 impartiality of City governmental operations and decisions and foster public trust in City government.

14 **(b) Prohibitions.**

15 (1)___ In addition to the prohibition imposed by Section C8.105(e) of the Charter, the
16 following prohibitions shall apply to former members of the Board of Supervisors. For a period of two
17 years after the termination of service with the Board of Supervisors, no former supervisor shall
18 communicate in person, in writing or by telephone with any of the following for the purpose of
19 representing any private interest in exchange for economic consideration:

20 (~~A~~) A board, department, commission or agency of the City and County;

21 (~~B~~) An officer or employee of the City and County;

22 (~~C~~) An appointee of a board, department, commission, agency, officer, or employee
23 of the City and County; or

24 (~~D~~) A representative of the City and County.

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1 (2) In addition to the prohibition imposed by Charter section C8.105(e), for a period
2 of two years after termination of City employment, no former City employee shall, in exchange for
3 economic consideration and for the purpose of influencing or attempting to influence local legislative
4 or administrative action, directly or indirectly make any oral or written communication on behalf of
5 any other person or entity, other than the City and County of San Francisco, with an elected City
6 official who was the employee's former appointing authority or with City employees who are current
7 appointees of that appointing authority.

8 **(c) Penalties.** ~~Any person violating the terms of this Section shall be subject to the~~
9 ~~penalties set forth in San Francisco Charter Section C8.105.~~ Any person who knowingly or willfully
10 violates the terms of this section shall be guilty of a misdemeanor and upon conviction thereof shall be
11 punished by a fine of not more than \$5,000 and/or by imprisonment in the County jail for a period of
12 not more than one year. Any person who intentionally or negligently violates the terms of this section
13 shall be liable in a civil action brought by the City Attorney for an amount up to \$5,000 or shall be
14 subject to penalties imposed by the San Francisco Ethics Commission pursuant to Charter section
15 C3.699-13.

16 **(d) Permissible Conduct.** Nothing in this section shall prohibit a former City
17 employee or former member of the Board of Supervisors from communicating with any of the
18 individuals or governmental bodies enumerated in subsection (b) for the purpose of representing
19 himself or herself or expressing his or her own personal views.

20 **(e) Definitions.**

21 (1) For the purposes of this section, the term "former appointing authority" shall
22 mean an elected City official who was the employee's appointing authority within the 12 months prior
23 to the employee's termination of City employment.

24 (2) For the purposes of this section, the term "local legislative or administrative
25 action" shall have the same meaning as in Article II, Chapter 1, section 2.105 of this code.

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

By: _____
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