

1 [Prohibition on making, soliciting, or accepting campaign contributions from persons with land
2 use matters before a decision-making body.]

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4 **Ordinance amending Chapter 1 of Article I of the Campaign and Governmental Conduct**
5 **Code by amending section 1.104 and adding section 1.127 to prohibit making, soliciting**
6 **or accepting contributions to members of the Board of Supervisors, candidates for the**
7 **Board of Supervisors, the Mayor, candidates for Mayor and their controlled committees**
8 **from any person with a land use matter before a Board or Commission.**

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

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

13 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby
14 amended by amending Section 1.104 and adding Section 1.127, to read as follows:

15 **SEC. 1.104. DEFINITIONS.**

16 Whenever in this Chapter the following words or phrases are used, they shall mean:

17 (a) "Candidate" shall mean any individual listed on the ballot for election to any City
18 elective office or who otherwise has taken affirmative action to seek nomination or election to
19 such office. The term "candidate" shall also mean the candidate's campaign committee.

20 (b) "Charitable organization" shall mean an entity exempt from taxation pursuant to
21 Title 26, Section 501 of the United State Code.

22 (c) "City elective office" shall mean the offices of Mayor, Member of the Board of
23 Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender,
24 Member of the Board of Education of the San Francisco Unified School District and Member
25 of the Governing Board of the San Francisco Community College District. The Board of

1 Supervisors shall be deemed to consist of eleven separate City elective offices, the San
2 Francisco Community College District shall be deemed to consist of seven separate City
3 elective offices, and the Board of Education of the San Francisco Unified School District shall
4 be deemed to consist of seven separate City elective offices.

5 (d) "Committee" shall be defined as set forth in the Government Code of the State of
6 California (commencing at Section 81000).

7 (e) "Contribution" shall be defined as set forth in Government Code of the State of
8 California (commencing at Section 81000); provided, however, that "contribution" shall include
9 loans of any kind or nature.

10 (f) "Controlled committee" shall be defined as a committee that is controlled directly or
11 indirectly by a candidate, local elected official, or ballot measure proponent or that acts jointly with a
12 candidate, local elected official, or ballot measure proponent in connection with the making of
13 expenditures. A candidate, local elected official, or ballot measure proponent controls a committee if
14 he or she, his or her agent, or any other committee he or she controls: (i) has a significant influence on
15 the actions or decisions of the committee; (ii) is a legislative sponsor of the local ballot measure or
16 placed the measure on the ballot; or (iii) solicits or accepts \$10,0000 or more in contributions for the
17 committee.

18 (gf) "Election" shall mean any primary, general, or special municipal election held in
19 the City and County of San Francisco for City elective office, regardless of whether the
20 election is conducted by district or Citywide.

21 (hg) "Enforcement authority" shall mean the District Attorney of the City and County of
22 San Francisco for criminal enforcement, the City Attorney for civil enforcement, and the Ethics
23 Commission for administrative enforcement. Nothing in this Chapter shall be construed as
24 limiting the authority of any law enforcement agency or prosecuting attorney to enforce the
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1 provisions of this Chapter under any circumstances where such law enforcement agency or
2 prosecuting attorney otherwise has lawful authority to do so.

3 (~~ik~~) "Ethics Commission" shall mean the San Francisco Ethics Commission.

4 (~~ij~~) "Executive Director" shall mean the Executive Director of the Ethics Commission,
5 or the Executive Director's designee.

6 (~~kj~~) "Individual Expenditure Ceiling" shall mean the expenditure ceiling established for
7 each individual candidate for Mayor or the Board of Supervisors who has been certified by the
8 Ethics Commission as eligible to receive public funds under this Chapter.

9 (~~lk~~) "Matching contribution" shall mean a contribution up to \$500.00, that is made by
10 an individual, other than the candidate, who is a resident of San Francisco. Matching
11 contributions shall not include loans, contributions that are received more than 18 months
12 before the date of the election, contributions made by the candidate's immediate family or
13 qualifying contributions, and must comply with all requirements of this Chapter. Matching
14 contributions under \$100.00 that are not made by written instrument must be accompanied by
15 written documentation of the contributor's name and address.

16 (~~ml~~) "Measure" shall mean any City, San Francisco Unified School District or San
17 Francisco Community College District referendum, recall or ballot proposition, whether or not
18 it qualifies for the ballot.

19 (~~nm~~) "Person" shall mean any individual, partnership, corporation, association, firm,
20 committee, club or other organization or group of persons, however organized.

21 (~~om~~) "Qualified campaign expenditure" for candidates includes all of the following:

22 (1) Any expenditure made by a candidate, or by a committee controlled by the
23 candidate, for the purpose of influencing or attempting to influence the actions of the
24 voters for the election of the candidate to City elective office.

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1 (2) A nonmonetary contribution provided to the candidate, officeholder or
2 committee controlled by the candidate.

3 (3) The total cost actually paid or incurred by the candidate or controlled
4 committee of the candidate for a slate mailing or other campaign literature produced or
5 authorized by more than one candidate.

6 (4) Expenses incurred, but for which payment has not yet been made.

7 (5) Expenses associated with complying with applicable laws, including but not
8 limited to the California Political Reform Act, Government Code Section 81000, et seq.,
9 and the provisions of this Chapter.

10 (6) "Qualified campaign expenditure" shall not include filing fees, expenses
11 incurred in connection with an administrative or judicial proceeding, payments for
12 administrative, civil or criminal fines, including late filing fines, costs incurred after the
13 election that do not directly affect the outcome of the election, including but not limited
14 to utility bills, expenses associated with an audit, and expenses related to preparing
15 post-election campaign finance disclosure reports as required by the California Political
16 Reform Act, Government Code Section 81000, et seq., and the provisions of this
17 Chapter, or for inaugural activities or officeholder expenses.

18 (~~p~~) "Qualifying contribution" shall mean a contribution of not less than \$10.00 and not
19 more than \$100.00 that is made by an individual who is a resident of San Francisco and that
20 complies with all requirements of this Chapter. Qualifying contributions shall not include loans,
21 contributions that are received more than 18 months before the date of the election or
22 contributions made by the candidate or the candidate's immediate family. Qualifying
23 contributions under \$100.00 that are not made by written instrument must be accompanied by
24 written documentation of the contributor's name and address.

1 (~~q~~) "Recorded telephone message" shall mean a recorded audio message that
2 expressly supports or opposes a candidate for City elective office that is distributed by
3 telephone.

4 (~~r~~) "Surplus funds" shall mean funds remaining in a candidate's campaign account at
5 the time the candidate leaves City elective office, or at the end of the post-election reporting
6 period following the defeat of the candidate for City elective office, whichever occurs last, and
7 funds remaining in the campaign account of a committee primarily formed to support or
8 oppose a measure at the end of the post-election reporting period following the election at
9 which the measure appeared on the ballot.

10 (~~s~~) "Total Opposition Spending" shall mean the sum of any expenditures made or
11 expenses incurred by any person or persons for the purpose of making independent
12 expenditures, electioneering communications or member communications in opposition to a
13 specific candidate for Mayor or the Board of Supervisors.

14 (~~t~~) "Total Supportive Funds" shall mean the sum of all contributions received by a
15 candidate for Mayor or the Board of Supervisors other than any funds in the candidate's
16 Campaign Contingency Account, plus the expenditures made or expenses incurred by any
17 person or persons for the purpose of making independent expenditures, electioneering
18 communications or member communications in support of that same candidate.

19 (~~u~~) "Trust Account Limit," shall mean the amount of funds in the Campaign
20 Contribution Trust Account of a candidate for Mayor or the Board of Supervisors who has
21 been certified by the Ethics Commission as eligible to receive public funds under this Chapter
22 such that the expenditure of this amount would cause the candidate to reach, but not exceed,
23 the candidate's Individual Expenditure Ceiling. The Trust Account Limit shall be reduced as
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1 the candidate spends money and shall be increased when his or her Individual Expenditure
2 Ceiling increases.

3 (~~v#~~) "Voter" means an individual registered to vote in San Francisco.

4 (~~w#~~) "Written instrument" means a check, credit card receipt, or record of electronic
5 transfer of funds.

6 **SEC. 1.127. CONTRIBUTION LIMITS – PARTIES WITH LAND USE MATTERS**
7 **BEFORE A DECISION-MAKING BODY.**

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

9 *(1) "Person" shall mean any person or legal entity; and shall include any member of that*
10 *person's board of directors; that person's chairperson, chief executive officer, chief financial officer*
11 *and chief operating officer; any person with an ownership interest of more than 20 percent in the legal*
12 *entity; and any committee, as defined by this Chapter, that is sponsored or controlled by the person,*
13 *provided that the provisions of Section 1.114 of this Chapter governing aggregation of affiliated entity*
14 *contributions shall apply only to the person.*

15 *(2) "Conditional use appeal" shall mean an appeal of a conditional use authorization, as*
16 *described in Sections 303 and 304, Sections 306 through 306.5, and Sections 316 through 316.6 of the*
17 *Planning Code, for which an appeal has been timely filed with the Board of Supervisors pursuant to*
18 *Section 308.1 of the Planning Code.*

19 *(3) "CEQA appeal" shall mean any appeal of a CEQA document as provided in California*
20 *Public Resources Code Section 21151(c) which the Clerk of the Board of Supervisors has accepted as*
21 *timely filed and in accordance with any applicable provisions of Chapter 31 of the Administrative Code*
22 *concerning the filing of CEQA appeals with the Board of Supervisors.*

23 *(4) "Land use matter" shall mean any application, appeal, conditional use appeal, CEQA*
24 *appeal, dispute, or request for a permit or variance adjudicated by or submitted to a decision-making*
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1 governmental agency, board, or commission. This term shall not include an ordinance or resolution
2 that applies to the public generally.

3 (5) "Public generally," as applied to land use matters, shall mean any governmental decision
4 regarding land use that directly or indirectly impacts property values for at least ten percent of all
5 property owners in San Francisco.

6 (b) Prohibition on contributions.

7 (1) No person with a land use matter before the Board of Appeals, Board of Supervisors,
8 Department of Building Inspection, Building Inspection Commission, the Mayor, Planning
9 Commission, Planning Department, or the Redevelopment Agency shall make any prohibited
10 contribution, whenever the materials submitted state that the total anticipated or actual cost of the
11 project is \$1,000,000 or more, at any time from the filing or submission of the land use matter until six
12 months have elapsed from the date that the governmental body renders a final decision or ruling.

13 (2) For purposes of this Subsection (b), a "prohibited contribution" is a contribution to:

14 (i) A member of the Board of Supervisors;

15 (ii) A candidate for member of the Board of Supervisors;

16 (iii) The Mayor;

17 (iv) A candidate for Mayor; or

18 (v) A controlled committee of such an individual or candidate.

19 (c) Prohibition on receipt of contribution. No member of the Board of Supervisors, candidate
20 for member of the Board of Supervisors, the Mayor, candidate for Mayor, or controlled committee of
21 such an individual or candidate shall solicit or accept any contribution prohibited by subsection (b).

22 (d) Forfeiture of contribution. In addition to any other penalty, each member of the Board of
23 Supervisors, candidate for member of the Board of Supervisors, the Mayor, candidate for Mayor, or
24 controlled committee of such an individual or candidate who receives a contribution prohibited by
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1 subsection (b) shall pay promptly the amount received to the City and County of San Francisco and
2 deliver the payment to the Ethics Commission for deposit in the General Fund of the City and County;
3 provided that the Commission may provide for the waiver or reduction of the forfeiture.

4 (e) Notification. Persons with pending land use matters. Any person who has a land use
5 matter pending before the Board of Appeals, Board of Supervisors, Department of Building Inspection,
6 Building Inspection Commission, the Mayor, Planning Commission, Planning Department, or the
7 Redevelopment Agency, whenever the materials submitted state that the total anticipated or actual cost
8 of the project is \$1,000,000 or more, shall inform the Clerk of the Board of Supervisors and the Mayor
9 within ten days of receiving written notice of the filing or submission of a land use matter of the
10 following, in writing:

11 (1) The board, commission, or office to which the person has submitted his or her land use
12 matter;

13 (2) The location of the property that is the subject of the land use matter;

14 (3) An estimate of the value by which the property will increase if the person prevails in his or
15 her land use matter;

16 (4) The statutory or legal basis for the action requested of the board, commission, or office to
17 which the person has submitted his or her land use matter; and

18 (5) A summary of the factual bases for the action requested of the board, commission, or office
19 to which the person has submitted his or her land use matter.

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APPROVED AS TO FORM:
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By: _____

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