

File No. 130374

Committee Item No. 3

Board Item No. 5

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date May 22, 2014

Board of Supervisors Meeting Date JUNE 17, 2014

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Application |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Notice of Public Hearing |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Amend in Board 6/10/14</u> |
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Completed by: Alisa Miller Date May 16, 2014

Completed by: Alica Miller Date JUNE 11, 2014

1 [Campaign and Governmental Conduct Code - Lobbying and Ethics Regulations]

2
3 Ordinance amending the Campaign and Governmental Conduct Code to expand the
4 definition of a lobbyist; expand the definition of an Officer of the City and County;
5 expand the list of reportable lobbying contacts; hold employers and clients of lobbyists
6 jointly and severally liable for violations of this Ordinance committed by the lobbyist on
7 behalf of that employer or client; enhance lobbyist training, auditing, and record-
8 keeping requirements; require public reports about City officials who fail to file
9 Statements of Economic Interest; require a public guide to local campaign finance
10 laws; require permit consultants to register with the Ethics Commission and file
11 quarterly disclosure reports; and require major developers to disclose donations to
12 nonprofits active in the City.

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

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

22 Section 1. The Campaign and Governmental Conduct Code is hereby amended by
23 revising Sections 2.105, 2.110, 2.116, 2.135 and 2.145, and adding Sections 2.106, 2.107,
24 and 2.136, to read as follows:

25 **SEC. 2.105. DEFINITIONS.**

Whenever used in this Chapter, the following words and phrases shall have the
definitions provided in this Section:

1 (a) "Activity expenses" means any expense incurred or payment made by a
2 lobbyist or a lobbyist's client at the behest of the lobbyist, or arranged by a lobbyist or a
3 lobbyist's client at the behest of the lobbyist, which benefits in whole or in part any: officer of
4 the City and County; candidate for City and County office; aide to a member of the Board of
5 Supervisors; or member of the immediate family or the registered domestic partner of an
6 officer, candidate, or aide to a member of the Board of Supervisors. An expense or payment is
7 not an "activity expense" unless it is incurred or made within three months of a contact with
8 the officer, candidate, or Supervisor's aide who benefits from the expense or payment, or
9 whose immediate family member or registered domestic partner benefits from the expense or
10 payment. "Activity expenses" include honoraria, consulting fees, salaries, and any other thing
11 of value totaling more than \$25 in value in a consecutive three-month period, but do not
12 include political contributions.

13 (b) "Candidate" shall have the same meaning as set forth in Section 1.104 of this
14 Code.

15 (c) "Client" means the person for whom lobbyist services are performed by a
16 lobbyist.

17 ~~(d) "Contact" means communication, oral or written, including communication made~~
18 ~~through an agent, associate or employee, for the purpose of influencing local legislative or~~
19 ~~administrative action.~~

20 ~~(1) The following activities are not "contacts" within the meaning of this Chapter.~~

21 ~~(A) A representative of a news media organization gathering news and information~~
22 ~~or disseminating the same to the public, even if the organization, in the ordinary course of business,~~
23 ~~publishes news items, editorials or other commentary, or paid advertisements, that urge action upon~~
24 ~~local legislative or administrative matters;~~

1 ~~—————(B) A person providing oral or written testimony that becomes part of the record of~~
2 ~~a public hearing; provided, however, that if the person making the appearance or providing testimony~~
3 ~~has already qualified as a lobbyist under this Chapter and is appearing or testifying on behalf of a~~
4 ~~client, the lobbyist's testimony shall identify the client on whose behalf the lobbyist is appearing or~~
5 ~~testifying;~~

6 ~~—————(C) A person performing a duty or service that can be performed only by an~~
7 ~~attorney, an architect, or a professional engineer licensed to practice in the State of California,~~
8 ~~including any communication by an attorney in connection with litigation involving the City and~~
9 ~~County or a claim filed pursuant to Administrative Code Section 10.20-1 et seq.;~~

10 ~~—————(D) A person making a speech or producing any publication or other material that~~
11 ~~is distributed and made available to the public, through radio, television, cable television, or other~~
12 ~~medium of mass communication;~~

13 ~~—————(E) A person providing written information in response to an oral or written request~~
14 ~~made by an officer of the City and County, provided that the written information is a public record~~
15 ~~available for public review;~~

16 ~~—————(F) A person providing oral or written information pursuant to a subpoena, or~~
17 ~~otherwise compelled by law or regulation;~~

18 ~~—————(G) A person providing oral or written information in response to a request for~~
19 ~~proposals, request for qualifications, or other similar request, provided that the information is directed~~
20 ~~to the department or official specifically designated in the request to receive such information;~~

21 ~~—————(H) A person submitting a written petition for local legislative or administrative~~
22 ~~action, provided that the petition is a public record available for public review;~~

23 ~~—————(I) A person making an oral or written request for a meeting, or any other similar~~
24 ~~administrative request, if the request does not include an attempt to influence local legislative or~~
25 ~~administrative action;~~

1 ~~———— (J) A person appearing before an officer of the City and County pursuant to any~~
2 ~~procedure established by law or regulation for levying an assessment against real property for the~~
3 ~~construction or maintenance of an improvement;~~

4 ~~———— (K) A person providing purely technical data, analysis, or expertise in the presence~~
5 ~~of a registered lobbyist;~~

6 ~~———— (L) A person distributing to any officer of the City and County any regularly~~
7 ~~published newsletter or other periodical which is not primarily directed at influencing local legislative~~
8 ~~or administrative action;~~

9 ~~———— (M) A person disseminating information or material on behalf of an organization or~~
10 ~~entity to all or a significant segment of the organization's or entity's employees or members;~~

11 ~~———— (N) A person communicating in connection with the administration of an existing~~
12 ~~contract between the person and the City and County of San Francisco. For purposes of this~~
13 ~~Subsection, communication, "in connection with the administration of an existing contract" includes,~~
14 ~~but is not limited to, communication regarding: insurance and bonding; contract performance and/or~~
15 ~~default; requests for in scope change orders; legislative mandates imposed on contractors by the City~~
16 ~~and County; payments and invoicing; personnel changes; prevailing wage verification; liquidated~~
17 ~~damages and other penalties for breach of contract; audits; assignments; and subcontracting.~~
18 ~~Communication "in connection with the administration of an existing contract" does not include~~
19 ~~communication regarding new contracts, or out of scope change orders;~~

20 ~~———— (O) A person negotiating the terms of a contract after being selected to enter into a~~
21 ~~contract with the City and County through a competitive bidding process, or as otherwise permitted~~
22 ~~under the Administrative Code;~~

23 ~~———— (P) A person appearing as a party or a representative of a party in an~~
24 ~~administrative adjudicatory proceeding before a City agency or department; and~~
25

1 ~~(Q) A person communicating, on behalf of a labor union representing City~~
2 ~~employees, regarding the establishment, amendment, or interpretation of a collective bargaining~~
3 ~~agreement or memorandum of understanding with the City, or communicating about a management~~
4 ~~decision regarding the working conditions of employees represented by a collective bargaining~~
5 ~~agreement or a memorandum of understanding with the City.~~

6 ~~(2) The following activities are not "contacts" for the purpose of determining whether a~~
7 ~~person qualifies as a "lobbyist," but are "contacts" for purpose of disclosures required by this Chapter:~~

8 ~~(A) A person providing oral information to an officer of the City and County in~~
9 ~~response to an oral or written request made by that officer;~~

10 ~~(B) A person making an oral or written request for the status of an action; and~~

11 ~~(C) A person participating in a public interested persons meeting, workshop, or~~
12 ~~other forum convened by a City agency or department for the purpose of soliciting public input.~~

13 ~~(e) "Economic consideration" means any payments, fees, reimbursement for~~
14 ~~expenses, gifts, or anything else of value, provided that "economic consideration" does not~~
15 ~~include salary, wages or benefits furnished by a federal, state or local government agency.~~

16 ~~"Employee" means any person who receives, reasonably expects to receive, or whose~~
17 ~~employer is obligated to provide, an Internal Revenue Service Form W-2 wage and tax statement.~~

18 ~~"Employer" means any person who provides an Internal Revenue Service Form W-2 wage~~
19 ~~and tax statement to an employee who performs lobbyist services on behalf of that person.~~

20 ~~(f) "Gift" shall be defined as set forth in the Political Reform Act, Government~~
21 ~~Code Section 81000 et seq., and the regulations adopted thereunder.~~

22 ~~(g) "Lobbyist" means any individual who-~~

23 ~~(1) receives or is promised economic consideration of \$3,000 or more within three~~
24 ~~consecutive calendar months for lobbyist services; and~~

1 ~~— (2) on behalf of the persons providing the economic consideration, makes any contact with an~~
2 ~~officer of the City and County. (1) makes five or more contacts in a calendar month with officers of the~~
3 ~~City and County on behalf of the individual's employer; or (2) makes one or more contacts in a~~
4 ~~calendar month with an officer of the City and County on behalf of any person who pays or who~~
5 ~~becomes obligated to pay the individual or the individual's employer for lobbyist services. An~~
6 ~~individual is not a lobbyist if that individual is lobbying on behalf of a business of which the individual~~
7 ~~owns a 20% or greater share.~~

8 ~~—(h)~~ "Lobbyist services" means services rendered for the purpose of influencing
9 local legislative or administrative action, including but not limited to contacts with officers of
10 the City and County of San Francisco.

11 ~~—(i)~~ "Local legislative or administrative action" includes, but is not limited to, the
12 drafting, introduction, consideration, modification, enactment, defeat, approval, veto, granting
13 or denial by any officer of the City and County of any resolution, motion, appeal, application,
14 petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement to
15 use or contract.

16 ~~—(j)~~ "Measure" shall have the same meaning as set forth in Section 1.104 of this
17 Code.

18 ~~—(k)~~ "Officer of the City and County" means any officer identified in *San Francisco*
19 ~~Administrative Code Section 1.50~~Section 3.203 of this Code, as well as any official body composed
20 of such officers. In addition, for purposes of this Chapter, "officer of the City and County"
21 includes (1) members of the Board of Education, Community College Board, First Five
22 Commission, Law Library Board of Trustees, Local Agency Formation Commission, Health Authority
23 Board, Housing Authority Commission, Parking Authority, Relocation Appeals Board, Redevelopment
24 Agency, and Successor Agency to the former Redevelopment Agency of the City and County of San
25 Francisco, Oversight Board of the Successor Agency, Successor Agency Commission, Transportation

1 Authority, Workforce Investment San Francisco Board as well as any official body composed of
2 such officers, and any person appointed as the chief executive officer under any such board or
3 commission; (2) the Zoning Administrator, (3) the City Engineer, (4) the County Surveyor, and
4 (5) the Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping.

5 —(L) "Person" means an individual, partnership, corporation, association, firm, labor
6 union or other organization or entity, however organized.

7 —(11) "Public hearing" means any open, noticed proceeding.

8
9 **SEC. 2.106 LOBBYING CONTACTS**

10 (a) Whenever used in this Chapter, "contact" means any communication, oral or written,
11 including communication made through an agent, associate or employee, for the purpose of influencing
12 local legislative or administrative action, except as provided in Subsections (b) and (c).

13 (b) The following activities are not "contacts" within the meaning of this Chapter.

14 (1) A representative of a news media organization gathering news and information or
15 disseminating the same to the public, even if the organization, in the ordinary course of business,
16 publishes news items, editorials or other commentary, or paid advertisements, that urge action upon
17 local legislative or administrative matters;

18 (2) A person providing oral or written testimony that becomes part of the record of a
19 public hearing; provided, however, that if the person making the appearance or providing testimony
20 has already qualified as a lobbyist under this Chapter and is appearing or testifying on behalf of a
21 client, the lobbyist's testimony shall identify the client on whose behalf the lobbyist is appearing or
22 testifying;

23 (3) A person performing a duty or service that can be performed only by an architect
24 or a professional engineer licensed to practice in the State of California.;

1 (4) A person making a speech or producing any publication or other material that is
2 distributed and made available to the public, through radio, television, cable television, or other
3 medium of mass communication;

4 (5) A person providing written information in response to an oral or written request
5 made by an officer of the City and County, provided that the written information is a public record
6 available for public review;

7 (6) A person providing oral or written information pursuant to a subpoena, or
8 otherwise compelled by law or regulation;

9 (7) A person submitting a written petition for local legislative or administrative
10 action, provided that the petition is a public record available for public review;

11 (8) A person making an oral or written request for a meeting, or any other similar
12 administrative request, if the request does not include an attempt to influence local legislative or
13 administrative action;

14 (9) A person appearing before an officer of the City and County pursuant to any
15 procedure established by law or regulation for levying an assessment against real property for the
16 construction or maintenance of an improvement;

17 (10) A person providing purely technical data, analysis, or expertise in the presence
18 of a registered lobbyist;

19 (11) A person distributing to any officer of the City and County any regularly
20 published newsletter or other periodical which is not primarily directed at influencing local legislative
21 or administrative action;

22 (12) A person disseminating information or material on behalf of an organization or
23 entity to all or a significant segment of the organization's or entity's employees or members;

24 (13) A person appearing as a party or a representative of a party in an administrative
25 adjudicatory proceeding before a City agency or department;

1 (14) A person communicating, on behalf of a labor union representing City
2 employees, regarding the establishment, amendment, or interpretation of a collective bargaining
3 agreement or memorandum of understanding with the City, or communicating about a management
4 decision regarding the working conditions of employees represented by a collective bargaining
5 agreement or a memorandum of understanding with the City;

6 (15) A party or prospective party to a contract providing oral or written information
7 in response to a request for proposals, request for qualifications, or other similar request, provided
8 that the information is directed to the department or official specifically designated in the request to
9 receive such information; negotiating the terms of the contract with the City after being selected to
10 enter into the contract; or communicating in connection with the administration of an existing contract
11 between the party and the City. For the purposes of this Subsection:

12 (A) A "party or prospective party" includes that party's officers or employees; a
13 subcontractor listed in the contract, bid, or proposal; or that subcontractor's officers or employees. A
14 "party or prospective party" does not include any other agent or associate, including any outside
15 consultant or independent contractor.

16 (B) Communication "in connection with the administration of an existing
17 contract" includes, but is not limited to, communication regarding: insurance and bonding; contract
18 performance and/or default; requests for in-scope change orders; legislative mandates imposed on
19 contractors by the City and County; payments and invoicing; personnel changes; prevailing wage
20 verification; liquidated damages and other penalties for breach of contract; audits; assignments; and
21 subcontracting. Communication "in connection with the administration of an existing contract" does
22 not include communication regarding new contracts, or out-of-scope change orders.

23 (16) An officer or employee of a nonprofit organization or an organization fiscally
24 sponsored by such a nonprofit organization communicating on behalf of their organization. For
25 purposes of this subsection only, "nonprofit organization" means either an organization with tax

1 exempt status under 26 United States Code Section 501(c)(3), or an organization with tax exempt status
2 under 26 United States Code Section 501(c)(4) whose most recent federal tax filing included an IRS
3 Form 990-N or an IRS Form 990-EZ, or an organization whose next federal tax filing is reasonably
4 likely to include an IRS Form 990-N or an IRS Form 990-EZ.

5 (c) The following activities are not "contacts" for the purpose of determining whether a
6 person qualifies as a lobbyist, but are "contacts" for purpose of disclosures required by this Chapter:

7 (1) A person providing oral information to an officer of the City and County in
8 response to an oral or written request made by that officer;

9 (2) A person making an oral or written request for the status of an action; and

10 (3) A person participating in a public interested persons meeting, workshop, or
11 other forum convened by a City agency or department for the purpose of soliciting public input.

12
13 **SEC. 2.107. NO CONFLICT WITH STATE BAR ACT.**

14 Nothing in this Chapter is intended to regulate attorneys engaged in the practice of law under
15 the California State Bar Act, Business and Professions Code sections 6000 et seq.

16
17 **SEC. 2.110. REGISTRATION AND DISCLOSURES; FEES; TERMINATION OF**
18 **REGISTRATION.**

19 (a) REGISTRATION OF LOBBYISTS REQUIRED. Lobbyists shall register with the
20 Ethics Commission and comply with the disclosure requirements imposed by this Chapter.
21 Such registration shall occur no later than five business days of qualifying as a lobbyist, but
22 the lobbyist shall register prior to making any additional contacts with an officer of the City and
23 County of San Francisco.

24 (b) REGISTRATION. At the time of initial registration each lobbyist shall report to the
25 Ethics Commission the following information:

1 (1) The name, business address, e-mail address, and business telephone number of
2 the lobbyist;

3 (2) The name, business address, and business telephone number of each client for
4 whom the lobbyist is performing lobbyist services;

5 (3) The name, business address, and business telephone number of the lobbyist's
6 employer, firm or business affiliation; and

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

9 (c) LOBBYIST DISCLOSURES. For each calendar month, each lobbyist shall submit
10 the following information no later than the fifteenth calendar day following the end of the
11 month:

12 (1) The name, business address and business telephone number of each person from
13 whom the lobbyist or the lobbyist's employer received or expected to receive economic
14 consideration to influence local legislative or administrative action during the reporting period;

15 (2) The name of each officer of the City and County of San Francisco with whom the
16 lobbyist made a contact during the reporting period;

17 (3) The date on which each contact was made;

18 (4) The local legislative or administrative action that the lobbyist sought to influence,
19 including, if any, the title and file number of any resolution, motion, appeal, application,
20 petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement, or
21 contract, and the outcome sought by the client;

22 (5) The client on whose behalf each contact was made;

23 (6) The amount of economic consideration received or expected by the lobbyist or the
24 lobbyist's employer from each client during the reporting period;

1 (7) All activity expenses incurred by the lobbyist during the reporting period, including
2 the following information:

3 (A) The date and amount of each activity expense;

4 (B) The full name and official position, if any, of the beneficiary of each activity
5 expense, a description of the benefit, and the amount of the benefit;

6 (C) The full name of the payee of each activity expense if other than the beneficiary;

7 (D) Whenever a lobbyist is required to report a salary of an individual pursuant to this
8 Subsection, the lobbyist need only disclose whether the total salary payments made to the
9 individual during the reporting period was less than or equal to \$250, greater than \$250 but
10 less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater
11 than \$10,000.

12 (8) All political contributions of \$100 or more made or delivered by the lobbyist or the
13 lobbyist's employer, or made by a client at the behest of the lobbyist or the lobbyist's employer
14 during the reporting period to an officer of the City and County, a candidate for such office, a
15 committee controlled by such officer or candidate, or a committee primarily formed to support
16 or oppose such officer or candidate, or any committee primarily formed to support or oppose a
17 ballot measure to be voted on only in San Francisco. This report shall include such political
18 contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or
19 intermediary.

20 The following information regarding each political contribution shall be submitted to the
21 Ethics Commission:

22 (A) The amount of the contribution;

23 (B) The name of the contributor;

24 (C) The date on which the contribution was made;

25 (D) The contributor's occupation;

1 (E) The contributor's employer, or if self-employed, the name of the contributor's
2 business; and

3 (F) The committee to which the contribution was made.

4 (9) For each contact at which a person providing purely technical data, analysis, or
5 expertise was present, as described in ~~Section 2.105(d)(1)(K)~~2.106(ab)(10), the name, address,
6 employer and area of expertise of the person providing the data, analysis or expertise.

7 (10) Any amendments to the lobbyist's registration information required by Subsection
8 (b).

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

11 (d) REGISTRATION AND FILING OF DISCLOSURES BY ORGANIZATIONS. The
12 Ethics Commission is authorized to establish procedures to permit the registration and filing of
13 lobbyist disclosures by a business, firm, or organization on behalf of the individual lobbyists
14 employed by those businesses, firms, or organizations.

15 (e) FEES; TERMINATION OF REGISTRATION.

16 (1) At the time of registration each lobbyist shall pay a fee of \$500. On or before every
17 subsequent February 1, each registered lobbyist shall pay an additional fee of \$500.

18 (2) Failure to pay the annual fee by February 1 shall constitute a termination of a
19 lobbyist's registration with the Ethics Commission. The Ethics Commission is also authorized
20 to establish additional processes for the termination of a lobbyist's registration.

21 (3) The Ethics Commission shall waive all registration fees for any full-time employee
22 of a tax-exempt organization presenting proof of the organization's tax-exempt status under
23 26 U.S.C. Section 501(c)(3) or 501(c)(4).

24 (4) The Ethics Commission shall deposit all fees collected pursuant to this Section in
25 the General Fund of the City and County of San Francisco.

1
2 **SEC. 2.116. LOBBYIST TRAINING.**

3 (a) Each lobbyist must complete a lobbyist training session offered by the Ethics
4 Commission within one year of the lobbyist's initial registration. Thereafter, lobbyists shall
5 attend additional training sessions as required by the Executive Director, at his or her
6 discretion.

7 (b) *The Ethics Commission shall make lobbyist training sessions available on its website.*

8 (c) *On or before the deadline for completing any required lobbyist training session, each*
9 *lobbyist must file a signed declaration with the Ethics Commission stating, under penalty of perjury,*
10 *that the lobbyist has completed the required training session.*

11
12 **SEC. 2.135. FILING UNDER PENALTY OF PERJURY; RETENTION OF**
13 **DOCUMENTS; AUDITS.**

14 (a) All information required under this Chapter shall be submitted to the Ethics
15 Commission, in the format designated by the Commission. The lobbyist shall verify, under
16 penalty of perjury, the accuracy and completeness of the information provided under this
17 Chapter.

18 (b) The lobbyist shall retain for a period of five years all books, papers and documents
19 necessary to substantiate the registration and disclosure reports required by this Chapter.
20 *These records shall include, but not be limited to, copies of all fundraising solicitations sent by the*
21 *lobbyist or his or her agent for an officer of the City and County, a candidate for such office, a*
22 *committee controlled by such officer or candidate, or a committee primarily formed to support or*
23 *oppose such officer or candidate, or any committee primarily formed to support or oppose a ballot*
24 *measure to be voted on only in San Francisco.*

1 (c) On an annual basis, the Executive Director shall initiate audits of one or more lobbyists
2 selected at random. At the request of the Executive Director, the Controller shall ~~shall~~ may assist in
3 conducting these audits. This requirement shall not restrict the authority of the Executive Director or
4 the Ethics Commission to undertake any other audits or investigations of a lobbyist authorized by law
5 or regulation. Within ten business days of a request by the Ethics Commission, a lobbyist or anyone
6 required to register as a lobbyist shall provide the Ethics Commission with any documents required to
7 be retained under this Section.

8
9 **SEC. 2.136 FALSE INFORMATION; DUTY TO COOPERATE AND ASSIST.**

10 (a) Prohibition. No person shall knowingly and intentionally furnish false or fraudulent
11 evidence, documents, or information to the Ethics Commission, District Attorney or City Attorney, or
12 knowingly and intentionally misrepresent any material fact, or conceal any evidence, documents, or
13 information relevant to an investigation by the Ethics Commission, District Attorney or City Attorney of
14 an alleged violation of this Chapter.

15 (b) Duty to Cooperate and Assist. The Ethics Commission, District Attorney or City Attorney
16 may request and shall receive from every City officer and employee cooperation and assistance with an
17 investigation into an alleged violation of this Chapter.

18
19 **SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.**

20 (a) If any lobbyist fails to submit any information required by this Chapter after any
21 applicable deadline, the Ethics Commission shall, in addition to any other penalties or
22 remedies established in this Chapter, impose a late filing fee of \$50 per day after the deadline
23 until the information is received by the Ethics Commission. The Executive Director of the
24 Ethics Commission may reduce or waive a late filing fee if the Executive Director determines
25 that the late filing was not willful and that enforcement will not further the purposes of this

1 Chapter. If such reduction or waiver equals or exceeds \$500, the Executive Director shall
2 notify the Commission of his or her determination. Thereafter, any two or more members of
3 the Commission may cause the reduction or waiver to be calendared for consideration by the
4 full Commission in open session at the next Commission meeting occurring no sooner than
5 ten days from the date the Executive Director informs the Commission of the Executive
6 Director's recommendation. A Commissioner's request that a reduction or waiver be
7 calendared must be received by the Executive Director no fewer than five days prior to the
8 date of the meeting, so that the Executive Director may comply with the applicable notice and
9 agenda requirements. The Ethics Commission shall deposit funds collected under this Section
10 in the General Fund of the City and County of San Francisco.

11 (b) Any person who knowingly or negligently violates this Chapter, including but not
12 limited to, by providing inaccurate or incomplete information regarding lobbying activities, may
13 be liable in an administrative proceeding before the Ethics Commission pursuant to Charter
14 Section C3.699-13. In addition to the administrative penalties set forth in the Charter, the
15 Ethics Commission may issue warning letters regarding potential violations of this Chapter
16 both to the lobbyist and the person who pays or employs the lobbyist.

17 (c) Any person or entity which knowingly or negligently violates this Chapter may be
18 liable in a civil action brought by the City Attorney for an amount up to \$5,000 per violation, or
19 three times the amount not properly reported, or three times the amount given or received in
20 excess of the gift limit, whichever is greater.

21 (d) In investigating any alleged violation of this Chapter the Ethics Commission and
22 City Attorney shall have the power to inspect all documents required to be maintained under
23 this Chapter. This power to inspect documents is in addition to other powers conferred on the
24 Ethics Commission and City Attorney by the Charter or by ordinance, including the power of
25 subpoena.

1 (e) Joint and Several Liability.

2 _____ (1) Should two or more persons be responsible for any violation under this
3 Chapter, they may be jointly and severally liable.

4 (2) The client or employer of a lobbyist shall be jointly and severally liable for all
5 violations of this Chapter committed by the lobbyist in connection with acts or omissions undertaken on
6 behalf of that client or employer.

7 _____ (3) If a business, firm or organization registers or files lobbyist disclosures on
8 behalf of its employees pursuant to Section 2.110(d), the business, firm or organization may
9 be held jointly and severally liable for any failure to disclose its employees' lobbying activities.

10 (f) The City Attorney may also bring an action to revoke for up to one year the
11 registration of any lobbyist who has knowingly violated this Chapter.

12
13 Section 2. The Campaign and Governmental Conduct Code is hereby amended by
14 amending Section 3.1-104, to read as follows:

15 **SEC. 3.1-104. FILING OFFICER REPORTS.**

16 (a) On or before April 10th of each year, every filing officer shall submit a written
17 report to the Ethics Commission setting forth the names of those persons who are required to
18 file an annual statement with that filing officer under this Chapter but have failed to do so, or a
19 report stating that all such persons have filed.

20 (b) On or before April 10th of each year, the Ethics Commission shall prepare a report setting
21 forth the names of those persons who are required to file an annual statement with the Ethics
22 Commission under this Chapter but have failed to do so, or a report stating that all such persons have
23 filed. On or before May 10th of each year, the Ethics Commission shall prepare a supplemental report
24 setting forth the names of any persons who are required to file an annual statement with the Ethics
25 Commission under this Chapter but have failed to do so by May 1st, or a report stating that all such

1 persons have filed. The Ethics Commission shall make these reports publicly available, including by
2 posting the reports on its website.

3
4 Section 3. The Campaign and Governmental Conduct Code is hereby amended by
5 adding Section 3.302, to read as follows:

6 **SEC. 3.302. PUBLIC GUIDE FOR CONTRIBUTORS.**

7 The Ethics Commission shall prepare and distribute a public guide regarding campaign
8 contributions. The guide shall include a summary of local law regarding contribution limits, required
9 reporting by contributors and committees, and rules regarding who may contribute to committees. The
10 guide shall be for informational purposes only, and shall not have the force or effect of law or
11 regulation.

12
13 Section 4. The Campaign and Governmental Conduct Code is hereby amended by
14 adding Sections 3.400, 3.405, and 3.410, and 3.415, and 3.420 to read as follows:

15 **SEC. 3.400. FINDINGS**

16 The Board of Supervisors finds that bringing greater transparency to the City and
17 County's permitting process is essential to protect public confidence in the fairness and
18 impartiality of that process. It is the purpose and intent of this Chapter to impose reasonable
19 disclosure requirements on permit consultants to provide the public with information about
20 who is paying the consultants, the permits they are getting paid to obtain, the City employees
21 with whom they have had contact in the course of obtaining the permits, and the political
22 contributions they have made to City officials.

23
24 **SEC. 3.405. DEFINITIONS.**

1 "Contact" means any communication, oral or written, including communication made through
2 an agent, associate or employee. A "contact" shall not include a request for information, as long
3 as the request does not include any attempt to influence an administrative or legislative
4 decision.

5 "Client" means the person for whom permit consulting services are performed by a permit
6 consultant.

7 "Major project" means any project located in the City and County which has actual or
8 estimated construction costs exceeding \$1,000,000 and which requires a permit issued by the
9 Department of Building Inspection or the Planning Department. Estimated construction costs
10 shall be calculated in the same manner used to determine building permit fees under the
11 Building Code.

12 "Minor Project" means any project located in the City and County which requires a
13 permit issued by the Entertainment Commission.

14 "Permit consultant" is any individual who receives or is promised compensation to provide
15 permit consulting services to commence on or after January 1, 2015 on a Major Project or a
16 Minor Project. This includes any employee who receives compensation attributable to time spent on
17 permit consulting services. This does not include:

18 (1) The licensed architect or engineer of record for construction activity allowed or
19 contemplated by the permit, or an employee of the architect or engineer;

20 (2) The contractor who will be responsible for all construction activity associated with
21 the requested permit; or

22 (3) The employee or agent of an organization with tax exempt status under 26 United
23 States Code Section 501(c)(3) communicating on behalf of that organization regarding the development
24 of a project for that organization.

1 "Permit consulting services" means any contact with the Department of Building Inspection,
2 the Entertainment Commission, the Planning Department, or the Department of Public Works to help a
3 permit applicant obtain a permit.

4
5 **SEC. 3.410. PERMIT CONSULTANT REGISTRATION AND DISCLOSURES.**

6 (a) REGISTRATION OF PERMIT CONSULTANTS REQUIRED. Permit consultants shall
7 register with the Ethics Commission and comply with the disclosure requirements imposed by this
8 Chapter. Such registration shall occur no later than five business days after providing permit
9 consulting services, but the permit consultant shall register prior to providing any further permit
10 consulting services.

11 (b) REGISTRATION. At the time of initial registration each permit consultant shall report
12 to the Ethics Commission the following information:

13 (1) The name, business address, e-mail address, and business telephone number of the
14 permit consultant;

15 (2) The name, business address, e-mail address, and business telephone number of
16 each client for whom the permit consultant is performing permit consulting services;

17 (3) The name, business address, e-mail address, and business telephone number of the
18 permit consultant's employer, firm or business affiliation; and

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

21 (c) PERMIT CONSULTANT DISCLOSURES: Beginning on April 15, 2015, ~~E~~each
22 permit consultant shall file four quarterly reports, according to the following schedule: the permit
23 consultant shall file a report on April 15 for the period starting January 1 and ending March 31; on
24 July 15 for the period starting April 1 and ending June 30; on October 15 for the period starting July 1
25

1 and ending September 30; and on January 15 for the period starting October 1 and ending December

2 31. Each quarterly report shall contain the following:

3 (1) The name, business address, e-mail address, and business telephone number of
4 each person from whom the permit consultant or the permit consultant's employer received or expected
5 to receive economic consideration for permit consulting services during the reporting period, and the
6 amount of economic consideration the permit consultant received or expected to receive;

7 (2) For each contact with the Department of Building Inspection, the Entertainment
8 Commission, the Planning Department, or the Department of Public Works in the course of providing
9 permit consulting services during the reporting period:

10 (A) The name of each officer or employee of the City and County of San
11 Francisco with whom the permit consultant made contact;

12 (B) A description of the permit sought or obtained, including the application
13 number for the permit; and

14 (C) The client on whose behalf the contact was made.

15 (3) All political contributions of \$100 or more made by the permit consultant or the
16 permit consultant's employer during the reporting period to an officer of the City and County, a
17 candidate for such office, a committee controlled by such officer or candidate, a committee primarily
18 formed to support or oppose such officer or candidate, or any committee primarily formed to support
19 or oppose a ballot measure to be voted on only in San Francisco.

20 (4) Any amendments to the permit consultant's registration information required by
21 Subsection (b).

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

24
25 **SEC. 3.415. PENALTIES AND ENFORCEMENT.**

1 (a) If any permit consultant fails to submit any information required by this Chapter
2 after any applicable deadline, the Ethics Commission shall, in addition to any other penalties
3 or remedies established in this Chapter, impose a late filing fee of \$50 per day after the
4 deadline until the information is received by the Ethics Commission. The Executive Director of
5 the Ethics Commission may reduce or waive a late filing fee if the Executive Director
6 determines that the late filing was not willful and that enforcement will not further the purposes
7 of this Chapter. The Ethics Commission shall deposit funds collected under this Section in the
8 General Fund of the City and County of San Francisco.

9 (b) Any person who knowingly or negligently violates this Chapter may be liable in an
10 administrative proceeding before the Ethics Commission pursuant to Charter Section C3.699-
11 13. In addition to the administrative penalties set forth in the Charter, the Ethics Commission
12 may issue warning letters regarding potential violations of this Chapter to the permit
13 consultant.

14 (c) Any person or entity which knowingly or negligently violates this Chapter may be
15 liable in a civil action brought by the City Attorney for an amount up to \$5,000 per violation.

16
17 **SEC. 3.420. ETHICS COMMISSION REPORT.**

18 Between April 1 and April 15, 2016 and between April 1 and April 15, 2017, the Ethics
19 Commission shall provide a report to the Board of Supervisors regarding the implementation
20 of Sections 3.405 through 3.415. The report shall include, but not be limited to, the total
21 number of registered permit consultants, the total number of investigations commenced by the
22 Ethics Commission into possible violations of the registration and disclosure requirements,
23 and a summary of each settlement reached with permit consultants for violating the
24 registration or disclosure requirements.

1 Section 5. The Campaign and Governmental Conduct Code is hereby amended by
2 adding Article 3, Chapter 5, consisting of Sections 3.500, 3.510, and 3.520, to read as follows:

3
4 **CHAPTER 5. DEVELOPER DISCLOSURES**

5 <u>Sec. 3.500</u>	<u>Findings</u>
6 <u>Sec. 3.510</u>	<u>Definitions</u>
7 <u>Sec. 3.520</u>	<u>Required Disclosure</u>

8
9 **SEC 3.500. FINDINGS.**

10 The Board of Supervisors finds that public disclosure of the donations that developers make to
11 nonprofit organizations that may communicate with the City and County regarding major development
12 projects is essential to protect public confidence in the fairness and impartiality of City and County
13 land use decisions. The Board further finds that disclosure is essential to allow the public to fully and
14 fairly evaluate the City and County's land use decisions. It is the purpose and intent of this Chapter to
15 impose reasonable disclosure requirements on developers to provide the public with information about
16 these donations.

17
18 **SEC 3.510. DEFINITIONS**

19 "Affiliate" shall mean any individual or entity that directly or indirectly controls, is controlled
20 by or is under common control with, another entity, and for these purposes "control" means the power
21 to direct the affairs or management of another entity, whether by contract, operation of law or
22 otherwise.

23 "CEQA" shall mean the California Environmental Quality Act (Public Resources Code Section
24 21,000 et seq.), the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3,

1 Section 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code, as any of them may
2 be amended.

3 "Developer" shall mean the individual or entity that is the project sponsor responsible for filing
4 a completed Environmental Evaluation Application with the Planning Department (or other lead
5 agency) under CEQA for a major project. For any project sponsor that is an entity, "Developer" shall
6 include all of its constituent individuals or entities that have decision-making authority regarding any
7 of the entity's major decisions or actions. By way of example and without limitation, if the project
8 sponsor is a limited liability company, each of its members is considered a developer for purposes of
9 the requirements of this Chapter, and similarly if the project sponsor is a partnership, each of its
10 general partners is considered a developer for purposes of the requirements of this Chapter. If the
11 owner or agent that signs and submits the Environmental Evaluation Application will not be
12 responsible for obtaining the entitlements or developing the major project, then for purposes of the
13 requirements of this Chapter the developer shall be instead the individual or entity that is responsible
14 for obtaining the entitlements for the major project.

15 "Donation" shall mean any gift of money, property, goods or services.

16 "EIR" shall mean an environmental impact report prepared under CEQA. For purposes of this
17 Chapter, an EIR shall also include, without limitation, any CEQA determination that the Planning
18 Department or Planning Commission (or other appropriate lead agency) makes to allow consideration
19 of approval of a major project to proceed under an EIR, a previously certified program EIR, master
20 EIR or staged EIR.

21 "Entity" shall mean any partnership, corporation (including, but not limited to, any business
22 trust or nonprofit corporation), limited liability company, joint stock company, trust, unincorporated
23 association, joint venture or any other organization or association. "Entity" shall not include any state
24 or local government agency.

1 "Major project" shall mean a real estate development project located in the City and County
2 for which the City's Planning Commission (or any other local lead agency) has certified an EIR under
3 CEQA and which has estimated construction costs exceeding \$1,000,000. As used in the preceding
4 sentence, the term "real estate development project" includes any project involving construction of one
5 or more new structures or an addition to one or more existing structures, change of use within one or
6 more existing structures, or substantial rehabilitation of one or more existing structures, where, in any
7 such instance, the structure includes any occupiable floor area, excluding only a residential
8 development project with four or fewer dwelling units. Estimated construction costs shall be calculated
9 in the same manner used to determine building permit fees under the Building Code.

10 "Nonprofit organization" shall mean any corporation formed under California Corporations
11 Code Section 5000 et seq. for any public or charitable purpose, or any organization described in 26
12 United States Code Section 501(c), that, in either instance, has attempted to influence City and
13 County legislative or administrative action since the date one year before the Environmental
14 Evaluation Application for the major project was filed.

15 "Structure" shall have the same meaning as the Planning Code defines such term.

16
17 **SEC 3.520. REQUIRED DISCLOSURE**

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

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

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

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

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

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

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

19 (b) After a developer files a report required by Subsection (a), the developer shall file a total of
20 four additional quarterly reports, according to the following schedule: The developer shall file a
21 report on April 15 for the period starting January 1 and ending March 31; on July 15 for the period
22 starting April 1 and ending June 30; on October 15 for the period starting July 1 and ending September
23 30; and on January 15 for the period starting October 1 and ending December 31. Each quarterly
24 report shall include:
25

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

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

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

6 (4) The name, business address, business e-mail address, business telephone number
7 and website of any nonprofit organization to which the developer has made cumulative donations of
8 \$5,000 or more since the date one year before the Environmental Evaluation Application was filed.

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

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

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

15
16 **SEC. 3.530. PENALTIES AND ENFORCEMENT.**

17 (a) If any developer fails to submit any information required by this Chapter after any
18 applicable deadline, the Ethics Commission shall, in addition to any other penalties or remedies
19 established in this Chapter, impose a late filing fee of \$50 per day after the deadline until the
20 information is received by the Ethics Commission. The Executive Director of the Ethics Commission
21 may reduce or waive a late filing fee if the Executive Director determines that the late filing was not
22 willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall
23 deposit funds collected under this Section in the General Fund of the City and County of San
24 Francisco.

1 (b) Any person who knowingly or negligently violates this Chapter, including but not limited to,
2 by providing inaccurate or incomplete information, may be liable in an administrative proceeding
3 before the Ethics Commission pursuant to Charter Section C3.699-13. In addition to the administrative
4 penalties set forth in the Charter, the Ethics Commission may issue warning letters regarding potential
5 violations of this Chapter.

6 (c) Any person or entity which knowingly or negligently violates this Chapter may be liable in a
7 civil action brought by the City Attorney for an amount up to \$5,000 per violation, or three times the
8 amount not properly reported, whichever is greater.

9 (d) In investigating any alleged violation of this Chapter the Ethics Commission and City
10 Attorney shall have the power to inspect all documents required to be maintained under this Chapter.
11 This power to inspect documents is in addition to other powers conferred on the Ethics Commission
12 and City Attorney by the Charter or by ordinance, including the power of subpoena.

13 (e) Should two or more persons be responsible for any violation under this Chapter, they may
14 be jointly and severally liable.

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. In enacting this ordinance, the Board intends to amend only those words,
22 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams,
23 or any other constituent part of the Campaign and Governmental Conduct Code that are
24 explicitly shown in this ordinance as additions, deletions, Board amendment additions, and
25

1 Board amendment deletions in accordance with the "Note" that appears under the official title
2 of the ordinance.

3
4
5
6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By: 
9 Joshua S. White
10 Deputy City Attorney

11 n:\legana\as2014\1300406\00932890.docx

LEGISLATIVE DIGEST
(6/10/2014, Amended in Board)

[Campaign and Governmental Conduct Code - Lobbying and Ethics Regulations]

Ordinance amending the Campaign and Governmental Conduct Code to expand the definition of a lobbyist; expand the definition of an Officer of the City and County; expand the list of reportable lobbying contacts; create an exemption for certain non-profit organizations; hold employers and clients of lobbyists jointly and severally liable for violations of this Ordinance committed by the lobbyist on behalf of that employer or client; enhance lobbyist training, auditing, and record-keeping requirements; require public reports about City officials who fail to file Statements of Economic Interest; require a public guide to local campaign finance laws; require permit consultants to register with the Ethics Commission and file quarterly disclosure reports; and require major developers to disclose donations to nonprofits active in the City.

Existing Law

The Campaign and Governmental Conduct Code ("C&GCC") requires individuals who lobby City officers and certain managerial employees to register with the Ethics Commission, complete a lobbyist training session, file regular reports about their lobbying activity, and maintain records substantiating their reports. Current law does not exempt officers or employees of non-profit organizations from these requirements.

Current law requires designated City officials to file Statements of Economic Interest with the Ethics Commission.

Current law does not obligate City officers and employees to assist the Ethics Commission, District Attorney or City Attorney with investigations into violations of this ordinance.

Current law does not require reporting about permit expediting if it involves contacts with City employees, as opposed to officers. Current law also does not require developers who are seeking City approvals for projects to disclose donations to non-profits that are active in the City.

Specific provisions that would be amended by the proposed ordinance are summarized below.

Definition of a "lobbyist" (C&GCC § 2.105)

A lobbyist is defined as anyone who makes lobbying contacts and receives \$3,000 or more within three months for lobbyist services.

Definition of an "Officer of the City and County" (C&GCC § 2.105)

An Officer of the City and County includes members of certain boards and commissions, but does not include members of the First Five Commission, Law Library Board of Trustees, Local Agency Formation Commission, Health Authority Board, Housing Authority Commission, Parking Authority, Relocation Appeals Board, Successor Agency to the former Redevelopment Agency of the City and County of San Francisco, Oversight Board of the Successor Agency, Successor Agency Commission, or Workforce Investment San Francisco Board. Nor does an Officer of the City and County include any person appointed as the chief executive officer under any board or commission.

Attorney exemption (C&GCC § 2.105)

Communications by a licensed attorney, who is acting in that capacity, are exempt from the definition of lobbying contacts and are not subject to reporting requirements.

Contract exemptions (C&GCC § 2.105)

Communications in connection with bidding on contracts with the City, negotiating the terms of a contract, or the administration of a contract, are exempt from the definition of lobbying contacts and are not subject to reporting requirements. This exemption applies regardless of whether the communication is by the contractor or a third party.

Lobbyist training (C&GCC §§ 2.116)

Lobbyists are required to complete a training session offered by Ethics within one year of registering as a lobbyist.

Audits and recordkeeping (C&GCC § 2.135)

Lobbyists are required to retain for five years all documents necessary to substantiate the registration and disclosure reports filed with Ethics. Current law does not require auditing of lobbyists.

Administrative and Civil Enforcement and Penalties (C&GCC § 2.145)

Current law does not hold the client or employer of a lobbyist liable for all violations of this ordinance committed by the lobbyist in connection with acts or omissions undertaken on behalf of that client or employer.

Public Report of City Officials Who Fail to File Form 700s (C&GCC § 3-1.103)

Elected officials, other department heads, and members of most decision-making City Boards and Commissions are required to file Form 700 Statements of Economic Interest with the Ethics Commission by April 1st of each year.

Public Guide for Contributors

Current law does not require the Ethics Commission to publish a guide about local law regarding campaign contributions.

Permit Consultants (C&GCC §§ 3.400-3.410)

Permit-related lobbying is subject to the Lobbyist Ordinance only if it involves communication with a City officer, the Zoning Administrator, the City Engineer, the County Surveyor, or the Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping. It is not subject to regulation or disclosure if it involves communication with other City employees.

Developer Disclosures

Current law does not require developers of major City projects to disclose donations to nonprofit organizations.

Amendments to Current Law

The proposal would amend the Campaign and Governmental Conduct Code as follows:

Definition of a "lobbyist" (C&GCC § 2.105)

The ordinance would expand the definition of lobbyist, and distinguish between outside consultants and employees. For outside consultants, "lobbyist" would be defined as a person who makes one or more contacts for any level of consideration. For employees making contacts on behalf of their employers, "lobbyist" would be defined as any individual who makes five or more lobbying contacts in a calendar month on behalf of that individual's employer; but such an individual would not be a lobbyist if the individual owns a 20% or greater share of the business on whose behalf the individual is lobbying.

Definition of an "Officer of the City and County" (C&GCC § 2.105)

The ordinance would expand the definition of Officer of the City and County to include members of the First Five Commission, Law Library Board of Trustees, Local Agency Formation Commission, Health Authority Board, Housing Authority Commission, Parking Authority, Relocation Appeals Board, Successor Agency to the former Redevelopment Agency of the City and County of San Francisco, Oversight Board of the Successor Agency, Successor Agency Commission, and Workforce Investment San Francisco Board. The ordinance would also expand the definition of Officer of the City and County to include any person appointed as the chief executive officer under any board or commission.

Contract exemptions (new C&GCC § 2.106)

The ordinance would limit the contract exemptions to communications by the contractor, or its officers, employees or subcontractors. Communications by outside consultants and independent contractors in connection with bidding on contracts, negotiating the terms of a contract, or the administration of a contracts, would no longer be exempt from the definition of a contact.

Non-profit exemption (new C&GCC § 2.106)

The ordinance would create an exemption for an officer or employee of a nonprofit organization or an organization fiscally sponsored by such a nonprofit organization communicating on behalf of their organization. This subsection would define "nonprofit

organization” to mean either an organization with tax exempt status under 26 United States Code Section 501(c)(3), or an organization with tax exempt status under 26 United States Code Section 501(c)(4) whose most recent tax filing included an IRS Form 990-N or an IRS Form 990-EZ.

Attorney exemption (new C&GCC § 2.106; new § 2.107)

The ordinance would eliminate the attorney exemption and clarify that the ordinance is not intended to regulate the practice of law.

Lobbyist training (C&GCC § 2.116)

The ordinance would require the Ethics Commission to make lobbyist training available on-line and require lobbyists to file statements certifying that they completed the training.

Audits and recordkeeping (C&GCC § 2.135)

The ordinance would require lobbyists to retain for auditing any fundraising solicitations sent by the lobbyist or his or her agent for City officers, candidates, and ballot measures. It would also require the Executive Director to conduct a random audit of at least one lobbyist per year. It would also require a lobbyist or anyone required to register as a lobbyist to provide the Ethics Commission, within ten business days of a request, with any documents required to be retained under this Section.

Duty to cooperate and assist (new C&GCC § 2.136)

The ordinance would establish a duty for City officers and employees to assist the Ethics Commission, District Attorney or City Attorney with any investigation into violations of this ordinance.

Administrative and Civil Enforcement and Penalties (C&GCC § 2.145)

The ordinance would establish that the client or employer of a lobbyist shall be jointly and severally liable for all violations of this ordinance committed by the lobbyist in connection with acts or omissions undertaken on behalf of that client or employer.

Public Report of City Officials Who Fail to File Form 700s (C&GCC § 3-1.104)

The ordinance would require the Ethics Commission to post on its website by April 10th of each year a report listing City officials who failed to file Form 700s by the April 1st deadline. It would also require a supplemental report by May 10th of each year.

Public Guide for Contributors (new C&GCC § 3.302)

The ordinance would require the Ethics Commission to publish a guide for campaign contributors describing local law regarding contribution limits, reporting requirements, and rules regarding who may contribute to committees.

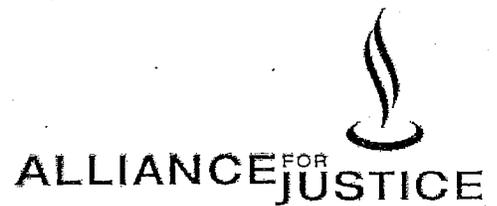
Permit Consultants (C&GCC §§ 3.400-3.410)

The ordinance would require permit consultants (aka permit expeditors) to register with the Ethics Commission and file quarterly reports about their permit-related contacts with officers

or employees in the Department of Building Inspection, the Entertainment Commission, the Planning Department, or the Department of Public Works.

Developer Disclosures (C&GCC §§ 3.500-3.520)

The ordinance would require developers of major City projects to disclose certain nonprofit donations to the Ethics Commission. Any developer of a project for which the Planning Commission certifies an Environmental Impact Report would be required to report donations of \$5,000 or more made during the reporting period to nonprofits active within the City.



April 15, 2014

PRESIDENT
NAN ARON

CHAIR
KEN GROSSINGER

Supervisor London Breed
London.Breed@sfgov.org

VIA EMAIL ONLY

Supervisor Katy Tang
Katy.Tang@sfgov.org

Supervisor David Chiu
David.Chiu@sfgov.org

San Francisco Board of Supervisors
Government Audit & Oversight Committee
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

**RE: Proposed Legislation to Revise San Francisco Campaign and
Governmental Conduct Code – Lobbying Regulations**

Dear Supervisors Breed, Tang and Chiu:

We are writing with concerns about proposed legislation the Government Audit and Oversight Committee is considering that would change the lobbying disclosure laws in the City and County of San Francisco and may adversely affect nonprofit organizations. We at Alliance for Justice (AFJ) are concerned that the proposed changes, if adopted in their current form, would have a chilling effect on the vital participation of the nonprofit sector in shaping public policy in San Francisco.

Founded in 1979, AFJ is a national association of over 100 organizations, representing a broad array of groups committed to progressive values and the creation of an equitable, just, and free society. AFJ, through our Bolder Advocacy initiative, is the leading expert on the legal framework for nonprofit advocacy efforts, providing definitive information, resources, and technical assistance that encourages organizations and their funding partners to fully exercise their right to be active participants in the democratic process. Since 2004, AFJ's West Coast Office has provided advocacy resources to an ever-expanding list of nonprofit organizations in California.

At AFJ, we believe that the role of the nonprofit sector in representing the voices of diverse communities in public policy decisions is vital and irreplaceable. Adding the burden of yet more registration and reporting onto nonprofits, even when well-intentioned, may have the effect of driving nonprofits out of public policy debates. The more complex the law, the more confusing the rules, the more likely that too many nonprofits will decide lobbying just is not worth it: not worth the cost of compliance and not worth the risk of failing to comply. As a consequence, local policymakers will lose the valuable information and perspective provided by nonprofits regarding environmental, economic, social justice, and other important issues that protect and strengthen the public good. In a city facing an acute housing and affordability crisis, San Francisco cannot risk losing the voice of the public that the nonprofit sector so often represents.

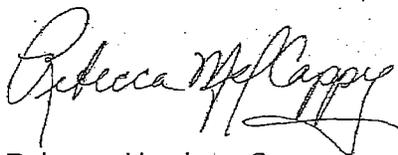
Supervisors Breed, Tang & Chiu
April 15, 2014
Page 2

The benefits from increased lobbying disclosure are outweighed by the withdrawal from policy debates of nonprofits that cannot bear the costs of compliance with the new requirements.

We have written more fully about our concerns and the proposal on our blog: [Expanded Lobbying Disclosures Possible for San Francisco](#). Copy attached. We would welcome the opportunity to speak with you about the proposal and answer any questions you may have about our concerns.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Hamburg Cappy". The signature is written in black ink and is positioned above the printed name.

Rebecca Hamburg Cappy
West Coast Director

Attachment (as noted)

Expanded Lobbying Disclosures Possible for San Francisco

Posted by *Nayantara Mehta* on April 14, 2014 at 5:43 pm

San Francisco's Board of Supervisors is considering a change to the lobbying disclosure laws in the City and County of San Francisco that may affect nonprofit organizations. We at Alliance for Justice are concerned that the proposed changes, if adopted in their current form, would have a chilling effect on the vital participation of the nonprofit sector in shaping public policy in San Francisco.

The proposal, authored by David Chiu, President of the San Francisco Board of Supervisors, would expand the definition of "lobbyist," the list of reportable contacts, and training requirements for those who qualify as lobbyists. Under Chiu's current proposal, a "lobbyist" will include anyone who "makes five or more contacts in a calendar month" with a government official, including nonprofit staff.

Once deemed a lobbyist, such employees would have to file monthly reports with the City and County of San Francisco for an indefinite period of time, and the nonprofit who employs them would be jointly and severally liable for all violations of the new ordinance.

Increased reporting requirements burden grassroots groups

At Alliance for Justice, we believe that the role of the nonprofit sector in representing the voices of diverse communities in public policy decisions is vital and irreplaceable. Adding the burden of yet more registration and reporting onto nonprofits, even when well-intentioned, may have the effect of driving nonprofits out of public policy debates. The more complex the law, the more confusing the rules, the more likely that too many nonprofits will decide lobbying just is not worth it: not worth the cost of compliance and not worth the risk of failing to comply. As a consequence, local policymakers will lose the valuable information and perspective provided by nonprofits regarding environmental, economic, social justice, and other important issues that protect and strengthen the public good. In a city facing an acute housing and affordability crisis, San Francisco cannot risk losing the voice of the public that the nonprofit sector so often represents. The benefits from increased lobbying disclosure are outweighed by the withdrawal from policy debates of nonprofits that cannot bear the costs of compliance with the new requirements.

The proposed reporting requirements would classify as lobbying many contacts that nonprofit staff routinely have with Supervisors in the course of explaining the impact of policy decisions on their clients. For example, Randy Shaw, Director of the Tenderloin Housing Clinic, noted in a piece published by PublicCEO.com, that such a definition would be mean "nonprofit employees pushing Supervisors to provide cost of doing business increases are deemed 'lobbyists' if they contact five Supervisors—a logical plan given the need for eight votes to pass a budget."

Deterring nonprofits from engaging?

Nonprofits that engage in advocacy must comply with multiple laws—tax law, the California Political Reform Act (which mandates lobbying disclosure at the state level), and local lobbying laws in jurisdictions throughout California. All define lobbying differently, requiring reporting of different

activities and expenses, on different schedules. Navigating these many overlapping yet distinct laws is confusing, especially for some smaller organizations, and may prove to be too complex to comply. To make matters worse, many nonprofits, particularly 501(c)(3) public charities, are constrained (by funders, public opinion, congressional opinion, watchdog groups, and workplace giving campaigns) regarding how much they can spend on administrative functions, such as internal training, tracking systems, and legal and accounting advice. This financial obstacle further compounds the added burdens of reporting.

Any proposals that would mandate yet more reporting for nonprofit organizations should carefully weigh the purported benefits against the likely risk: that the complexity of the new rules would deter nonprofits from engaging at all.

At the March 13 meeting of the Government Audit and Oversight Committee of the Board, Supervisor Chiu acknowledged on several occasions that the current proposal would “capture nonprofit organizations,” which he said was “not the intent of the legislation.” The Committee will take up the legislation again at an upcoming meeting. We urge Supervisor Chiu and his fellow Supervisors to carefully consider any legislation that would—through enhanced registration and reporting requirements—restrict the important voice of nonprofits and the communities they service in public policy debates.

WED 3/12/2014



Pillsbury Winthrop Shaw Pittman LLP
 Four Embarcadero Center, 22nd Floor | San Francisco, CA 94111-5998 | tel 415.983.1000 | fax 415.983.1200
 MAILING ADDRESS: P. O. Box 2824 | San Francisco, CA 94126-2824

Anita D. Stearns Mayo
 tel 415.983.6477
 fax 415.983.1200
 anita.mayo@pillsburylaw.com

March 12, 2014

The Honorable London Breed
 The Honorable Katy Tang
 The Honorable David Chiu
 San Francisco Board of Supervisors
 Government Audit & Oversight Committee
 One Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102-4689

Dear Committee Members:

At the request of Supervisor Chiu, I am submitting written comments to the proposed amendments to San Francisco's Regulation of Lobbyists Ordinance (the "Lobbyists Ordinance"), the permit consulting legislation, the legislation mandating developer disclosures, and other related matters. Please incorporate these comments into the record for tomorrow's hearing.

I. PROPOSED CHANGES TO LOBBYISTS ORDINANCE

A. Deletion of "attorney" from the section which exempts licensed attorneys practicing law from the scope of the Lobbyists Ordinance.

The previous and current versions of the proposed lobbying amendments delete the word "attorney" from the section which exempts from the lobbying law a person performing a duty or service that can be performed only by a licensed California attorney, architect or professional engineer. As I testified during the February 27th hearing on this legislation, according to the California Supreme Court case Baron v. City of Los Angeles, 2 Cal.3d 535 (1970), the regulation of attorneys and control over the practice of law is a matter of statewide concern and cannot be preempted by a local lobbying law. The court affirmed the lower court's holding that the city's lobbying law applied to attorneys, "except when they are acting on behalf of others in the performance of a duty or service, which duty or service lawfully can be performed for such other only by an attorney licensed

to practice law in the State of California.” This case was obviously used to create the attorney exception in the current Lobbyists Ordinance.

Although the attorney exemption has been deleted as described above, the current version of the proposed amendments has added a new Section 2.107 which provides that nothing in the Lobbyists Ordinance is intended to regulate attorneys engaged in the practice of law. This provision clarifies that attorneys who are simply “practicing law” are not subject to the registration and reporting requirements of the Lobbyists Ordinance.

B. Deletion of responses to public bids as exempt activity.

The previous version of the proposed amendments deleted as exempt activity the provision of oral or written information in response to a request for proposals, request for qualifications, or similar requests. Under current law, this information is exempt only when the information is provided to the department or official specifically designated in the request to receive the information.

Generally an ordinance regulates lobbying activities that occur outside the scope of public meetings and other public arenas. For example, persons whose only activity is to submit a bid on a competitively bid contract are generally not subject to a local lobbying ordinance. Los Angeles and Oakland are examples of cities where the lobbying law exempts submission of the bid, a written response to or participation in an oral interview, and negotiating the terms of a written agreement once selected pursuant to that bid. The exemption is lost, however, if the person lobbies elected officials or board or commission members with regard to the contract.

Fortunately this exemption has been restored in the current version of the proposed amendments, though narrowed to apply only to a party or prospective party to the contract.

C. Changing the lobbyist registration threshold.

Currently a lobbyist is any individual who receives or is promised \$3,000 or more within three consecutive calendar months for lobbyist services. The former version of the proposed amendments created two types of lobbyists, namely a contract lobbyist with no financial

threshold and an in-house employee lobbyist with a \$1,000 threshold (over the course of a month).

The current version of the proposed amendments retains the two categories of lobbyists, but the registration threshold for an in-house employee lobbyist has been changed from \$1,000 over the course of a month to five or more contacts in a calendar month.

Each type of lobbyist should have a threshold to avoid imposing the burden of registration and reporting for small matters. As currently drafted, there is no threshold for a contract lobbyist, and a single contact with a City official for the purpose of lobbying will trigger registration and monthly reporting.

Most local jurisdictions impose some type of threshold before the registration and reporting requirements of a lobbying ordinance are triggered. The following are examples of such thresholds:

- a. Long Beach: contract lobbyist - \$3,200 over a three month period; business and organization lobbyist – aggregate 50 hours or more over a three month period.
- b. Los Angeles: lobbying firm or contract lobbyist - \$1,000 over a three month period; in-house employee lobbyist – 30 hours over a three month period.
- c. Richmond: contract lobbyist - \$1,000 in a month or more than \$3,000 in a calendar year; business and organization lobbyist – 10 contacts over two consecutive months.
- d. San Jose: contract lobbyist - \$1,000 or more over three month period; in-house lobbyist – aggregate 10 hours or more over a consecutive 12 month period.

D. California Environmental Quality Act (“CEQA”)

The Lobbyists Ordinance should include an exemption for communications in connection with compliance with CEQA. Because of the complex nature of large scale development projects, it is my understanding that it is common for an individual working on such projects to have hundreds of contacts with City officials and staff regarding CEQA related issues over the course of the project. There

are typically weekly in person meetings and written exchanges regarding the technical requirements of CEQA, such as hydrology, wind, biological resources, the scope of work for the reports, mitigation measures, etc. Requiring the disclosure of the name of each city officer or employee contacted and the date of each contact, coupled with monthly reporting, will create tremendous difficulties for those working in this area and increase the costs of business.

It is also my understanding that the information required by these disclosures is already available in the public record of the Planning Department for large development projects. Through a public acts records request, meeting information, including emails about the project, can be obtained.

In addition, lobbying laws typically do not require the disclosure of contacts when those contacts are mandated by law. Under California's state lobbying law, communications made with state officials for the purpose of compliance with current laws do not constitute lobbying. Local jurisdictions also exempt such activity. For example, in the City of Richmond, the following is exempt from disclosure under the City's lobbying law: a person appearing with respect to local or legislative action pursuant to a procedure established by state or federal law. This exemption covers CEQA related contacts with City officials and staff.

II. PERMIT CONSULTING LEGISLATION

The permit consulting legislation will add new sections to the Campaign and Governmental Conduct Code requiring any individual, excluding architects, engineers, and contractors, who (a) is paid any amount of compensation to help a permit applicant obtain a permit, and (b) has a single contact with the Department of Building Inspection, the Entertainment Commission, the Planning Department, or the Department of Public Works, to register and file monthly reports. The required disclosures are very similar to what lobbyists have to file in terms of detail, but impose a greater burden because of the absence of any threshold to trigger the registration and reporting requirements. A permit consultant will have to disclose client information, contact information (name of City officer or employee contacted, date of contact, description of permit sought, and client on whose behalf the contact was made), political contributions made, and any other information required by the Ethics Commission. This legislation will be extremely burdensome on anyone who provides assistance to others in obtaining permits, will add to the costs of doing business, and will slow down the permit application process.

If there is a desire to obtain information on those individuals who assist others in obtaining permits without imposing such burdensome reporting obligations, a more streamlined proposal could be enacted. The proposal could include a simple registration for each new project requiring permits, including the disclosure of the client and each City department with which an application for a permit would be submitted. Quarterly reports would be required for the sole purpose of disclosing any changes to the information included in the registration. Once the project was completed, a termination form would be submitted.

III. DEVELOPER DISCLOSURES

The Developer Disclosures legislation singles out developers of City projects, and not others, who have made donations of \$5,000 or more during a specified one year period to nonprofit organizations that have lobbied City Hall on any matter within the past two years. The legislation requires the developers to disclose those contributions in a report to the Ethics Commission within 30 days of the Planning Commission certifying an Environmental Impact Report, and to thereafter file quarterly reports disclosing such contributions, regardless of any relationships between the donations and the developers' City projects. It also will have a chilling effect on those who make civic contributions to nonprofit organizations in our City. In addition, in order to comply with the Legislation, a developer would have to review the City's lobbying reports for two years to determine whether a nonprofit organization to whom it has made, or wishes to make, a contribution of \$5,000 or more has lobbied City Hall. Such required disclosures impose an unfair burden on developers.

What is clearly missing from this legislation is a requirement for those opposing development projects before the Board of Appeals or other relevant boards or commissions to similarly disclose donations to nonprofit organizations. If the City is truly interested in transparency and fairness, such disclosure requirements should be imposed on both sides, but in a manner which does not result in an undue burden on either the opponents or developers.

IV. ADDITIONAL RECOMMENDED AMENDMENT

It is my understanding that former elected officers and department heads routinely lobby City Hall, but do not register and file reports because they claim that they are not being paid to lobby. Because such individuals still have such a great influence on City officials and employees, in the interest of transparency and fairness, the law could be amended to include former elected

officers and department heads as volunteer lobbyists who are not paid but who engage in contacts with City officials and employees for the purpose of influencing local legislative or administrative action.

Thank you in advance for considering my comments.

Very truly yours,

A handwritten signature in cursive script that reads "Anita D. Stearns Mayo". The signature is written in dark ink and is positioned above the printed name.

Anita D. Stearns Mayo

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN THAT the Government Audit and Oversight Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Thursday, May 22, 2014

Time: 10:30 a.m.

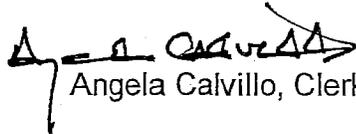
Location: Committee Room 263, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 130374. Ordinance amending the Campaign and Governmental Conduct Code to expand the definition of a lobbyist; expand the definition of an Officer of the City and County; expand the list of reportable lobbying contacts; hold employers and clients of lobbyists jointly and severally liable for violations of this Ordinance committed by the lobbyist on behalf of that employer or client; enhance lobbyist training, auditing, and record-keeping requirements; require public reports about City officials who fail to file Statements of Economic Interest; require a public guide to local campaign finance laws; require permit consultants to register with the Ethics Commission and file regular disclosure reports; and require major developers to disclose donations to nonprofits active in the City.

If the legislation passes, project developers (as defined in the proposed Campaign and Governmental Conduct Code, Section 3.510) shall pay a \$500 fee at the time of filing an initial disclosure report with the Ethics Commission (as defined in the proposed Campaign and Governmental Conduct Code, Section 3.520). For every day after the deadline, until the information is received by the Ethics Commission, a \$50 per day late filing fee shall be imposed. All funds collected by the Ethics Commission shall be deposited into the General Fund of the City and County of San Francisco.

In accordance with San Francisco Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, May 16, 2014.



Angela Calvillo, Clerk of the Board

DATED: May 7, 2014
POSTED: May 9, 2014
PUBLISHED: May 11 & 18, 2014

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Alisa Miller
S.F. BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

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COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description: 05_22.14 GAO - 130374 Fee Ad

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO CHRONICLE. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the Clerk of the Board. Publication date(s) for this notice is (are):

05/11/2014 , 05/18/2014

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NOTICE OF PUBLIC HEARING GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS THURSDAY, MAY 22, 2014 - 10:30 AM COMMITTEE ROOM 263, CITY HALL, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

NOTICE IS HEREBY GIVEN THAT the Government Audit and Oversight Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 130374: Ordinance amending the Campaign and Governmental Conduct Code to expand the definition of a lobbyist; expand the definition of an Officer of the City and County; expand the list of reportable lobbying contacts; hold employers and clients of lobbyists jointly and severally liable for violations of this Ordinance committed by the lobbyist on behalf of that employer or client; enhance lobbyist training, auditing, and record-keeping requirements; require public reports about City officials who fail to file Statements of Economic Interest; require a public guide to local campaign finance laws; require permit consultants to register with the Ethics Commission and file regular disclosure reports; and require major developers to disclose donations to nonprofits active in the City. If the legislation passes, project developers (as defined in the proposed Campaign and Governmental Conduct Code, Section 3.510) shall pay a \$500 fee at the time of filing an initial disclosure report with the Ethics Commission (as defined in the proposed Campaign and Governmental Conduct Code, Section 3.520). For every day after the deadline, until the information is received by the Ethics Commission, a \$50 per day late filing fee shall be imposed. All funds collected by the Ethics Commission shall be deposited into the General Fund of the City and County of San Francisco. In accordance with San Francisco Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, May 16, 2014. Angela Calvillo, Clerk of the Board



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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: John Arntz, Director, Department of Elections
John St. Croix, Executive Director, Ethics Commission
Laurel Kloomok, Executive Director, Children and Families Commission
Luis Herrera, City Librarian, Library
Tiffany Bohee, Executive Director, Successor Agency to the RDA
Barbara Smith, Acting Executive Director, Housing Authority
Todd Rufo, Director, Office of Economic and Workforce Development
George Gascon, District Attorney
Jocelyn Kane, Executive Director, Entertainment Commission
Tom Hui, Director, Department of Building Inspection
John Rahaim, Director, Planning Department
Mohammed Nuru, Department of Public Works
Valerie Huggins, Health Authority Board
Eugene Flannery, Relocation Appeals Board

FROM: Alisa Miller, Clerk, Government Audit and Oversight Committee
Board of Supervisors

DATE: May 15, 2014

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED (Version 4)

The Board of Supervisors' Government Audit and Oversight Committee has received the following **substitute** legislation (version 4), introduced by Supervisor Chiu on May 13, 2014:

File No. 130374-4

Ordinance amending the Campaign and Governmental Conduct Code to expand the definition of a lobbyist; expand the definition of an Officer of the City and County; expand the list of reportable lobbying contacts; hold employers and clients of lobbyists jointly and severally liable for violations of this Ordinance committed by the lobbyist on behalf of that employer or client; enhance lobbyist training, auditing, and record-keeping requirements; require public reports about City officials who fail to file Statements of Economic Interest; require a public guide to local campaign finance laws; require permit consultants to register with the Ethics Commission and file quarterly disclosure reports; and require major developers to disclose donations to nonprofits active in the City.

This matter is being forwarded to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Linda Martin-Mason, Housing Authority
William Strawn, Department of Building Inspection
Scott Sanchez, Planning Department
Sarah Jones, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Frank Lee, Department of Public Works

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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TDD/TTY No. 554-5227

MEMORANDUM

TO: John Arntz, Director, Department of Elections
John St. Croix, Executive Director, Ethics Commission
Laurel Kloomok, Executive Director, Children and Families Commission
Luis Herrera, City Librarian, Library
Tiffany Bohee, Executive Director, Successor Agency to the RDA
Barbara Smith, Acting Executive Director, Housing Authority
Todd Rufo, Director, Office of Economic and Workforce Development
George Gascon, District Attorney
Jocelyn Kane, Executive Director, Entertainment Commission
Tom Hui, Director, Department of Building Inspection
John Rahaim, Director, Planning Department
Mohammed Nuru, Department of Public Works
Valerie Huggins, Health Authority Board
Eugene Flannery, Relocation Appeals Board

FROM: Alisa Miller, Clerk, Government Audit and Oversight Committee
Board of Supervisors

DATE: May 6, 2014

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following **substitute** legislation, introduced by Supervisor Chiu on April 29, 2014:

File No. 130374-3

Ordinance amending the Campaign and Governmental Conduct Code to expand the definition of a lobbyist; expand the definition of an Officer of the City and County; expand the list of reportable lobbying contacts; hold employers and clients of lobbyists jointly and severally liable for violations of this Ordinance committed by the lobbyist on behalf of that employer or client; enhance lobbyist training, auditing, and record-keeping requirements; require public reports about City officials who fail to file Statements of Economic Interest; require a public guide to local campaign finance laws; require permit consultants to register with the Ethics Commission and file regular disclosure reports; and require major developers to disclose donations to nonprofits active in the City.

This matter is being forwarded to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Linda Martin-Mason, Housing Authority
William Strawn, Department of Building Inspection
Scott Sanchez, Planning Department
Sarah Jones, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Frank Lee, Department of Public Works

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: John St. Croix, Executive Director

FROM: Erica Major, Clerk, Government Audit and Oversight Committee
Board of Supervisors

DATE: March 10, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Chiu on March 4, 2014:

File No. 130374

Ordinance amending the Campaign and Governmental Conduct Code to expand the definition of a lobbyist; expand the definition of an Officer of the City and County; expand the list of reportable lobbying contacts; hold employers and clients of lobbyists jointly and severally liable for violations of this Ordinance committed by the lobbyist on behalf of that employer or client; enhance lobbyist training, auditing, and record-keeping requirements; require public reports about City Officials who fail to file Statements of Economic Interest; require a public guide to local campaign finance laws; require permit consultants to register with the Ethics Commission and file regular disclosure reports; and require major developers to disclose donations to nonprofits active in the City and County of San Francisco.

This matter is being forwarded to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

President, District 3
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7450
Fax No. 554-7454
TDD/TTY No. 544-5227

DAVID CHIU

邱信福
市參事會主席

PRESIDENTIAL ACTION

Date: 2/20/2014
To: Angela Calvillo, Clerk of the Board of Supervisors

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Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)
File No. _____ (Primary Sponsor)
Title _____

Transferring (Board Rule No. 3.3)
File No. 130374 Chiu (Primary Sponsor)
Title Lobbying Regulations

From: Rules Committee
To: Government Audit & Oversight Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____
Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

David Chiu
David Chiu, President
Board of Supervisors

From: Tang, Katy (BOS) GAO
Sent: Tuesday, June 10, 2014 10:49 AM
To: Nevin, Peggy
Subject: FW: Campaign and Governmental Conduct Code - Lobbying and Ethics Regulations, File No. 130374-3

For clerk's files.

Katy Tang
District 4 Supervisor
San Francisco Board of Supervisors
City Hall, Room 264
Phone: (415) 554-7460
www.sfbos.org/tang

From: mary fitzgerald [<mailto:fitzmary@comcast.net>]
Sent: Tuesday, June 10, 2014 12:20 AM
To: Tang, Katy (BOS)
Subject: Campaign and Governmental Conduct Code - Lobbying and Ethics Regulations, File No. 130374-3

Dear Supervisor Tang,

I have several concerns regarding the negative impact of the legislation that Supervisor Chiu authored, the Campaign and Governmental Conduct Code - Lobbying and Ethics Regulations, (File No. 130374-3). I understand it is on the agenda for the hearing tomorrow.

The permit process at DBI is already extremely time consuming and expensive. It won't serve the city or it's residents to add more hours and paperwork to the process. Middle class families are struggling to stay in San Francisco and this legislation will make housing and remodeling costs even higher,

It is my strong conviction that this legislation should go to the Building Inspection Commission before it is presented to the Board Of Supervisors.

I am therefore urging you to table this item and refer it to the BIC, or support Supervisor Mar's request for continuance until this legislation can be written effectively

Thank you.

Mary Fitzgerald

File 130374

cpage

From: Tang, Katy (BOS)
Sent: Tuesday, June 10, 2014 11:15 AM
To: Nevin, Peggy
Subject: FW: Lobbyist Legislation

for clerk's records

Katy Tang
District 4 Supervisor
San Francisco Board of Supervisors
City Hall, Room 264
Phone: (415) 554-7460
www.sfbos.org/tang

From: Alan Klonsky [<mailto:apklonsky@gmail.com>]
Sent: Monday, June 09, 2014 3:17 PM
To: Mar, Eric (BOS); Chiu, David (BOS); Tang, Katy (BOS); Campos, David (BOS); Yee, Norman (BOS);
Scott.Weiner@sfgov.org; Avalos, John (BOS); Farrell, Mark (BOS); Cohen, Malia (BOS); Breed, London (BOS) ✓
Cc: occxp@aol.com
Subject: Lobbyist Legislation

Dear Member, Board of Supervisors, San Francisco:

I am reaching out to the board in consideration of the lobbyist legislation currently under consideration as presented by Supervisor Chiu.

In light of the under researched responses to the issues at stake, the potential impact of these requirements on small to medium sized projects and the redundancy suggested by the reporting requirements I respectfully request that you not support the legislation in its current form. The idea that this legislation has been written with virtually no consultation with members of the impacted industries, little to no input from DBI or the Building Dept Commission speaks loudly to the unworkability and inadequacy of the proposed rules as currently offered.

For example the significant purpose of the legislation is to shed light on the people and forces behind proposed construction projects is admirable but is currently available to anyone interested by reviewing the current Building Permit application process. Requiring additional rules and regulations to govern this process on small to medium sized residential and commercial projects in particular will create an unmanageable burden on clients and practitioners, raise costs for all and present a legal vulnerability to no public benefit.

At the very least please support Supervisor Mar's request for a continuance to allow a more considered and effective piece of legislation to be considered, thank you.

--
Alan Klonsky
design &
CONSTRUCTION
MANAGEMENT
415-722-1186

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [130374]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Supervisor David Chiu

Subject:

Campaign and Governmental Conduct Code - Lobbying and Ethics Regulations

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: David Chiu

For Clerk's Use Only:

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Sponsor(s):

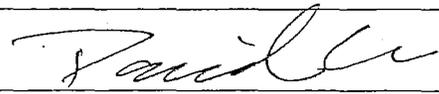
Supervisor David Chiu

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Sponsor(s):

Supervisor Chiu, ~~City Attorney~~

Subject:

Lobbying Regulations

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See attached.

Signature of Sponsoring Supervisor: 

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