

LEGISLATIVE DIGEST

[Campaign and Governmental Conduct Code - Form 700 Filers - General Services Agency - City Administrator]

Ordinance amending the Campaign and Governmental Conduct Code to update and clarify the Conflict of Interest Code's Form 700 (Statement of Economic Interests) filing requirements for officers and employees of departments in the General Services Agency under the City Administrator.

Existing Law

The Political Reform Act of 1974, California Government Code section 87300, et seq., requires that San Francisco adopt a Conflict of Interest Code and review and update the Code every two years. The City's Conflict of Interest Code is set forth in Article III, Chapter 1 of the Campaign and Governmental Conduct Code. The Code designates those City officials and employees who periodically must file public statements disclosing their personal financial interests. The Code also specifies the types of financial interests – i.e., disclosure categories – that designated officials and employees must disclose. Section 3.1-251 identifies those officials and employees within the General Services Agency, under the City Administrator, who must file public statements disclosing their financial interests and which disclosure category applies to each filer.

Amendments to Current Law

The proposed amendments to the Conflict of Interest Code reorganize, update, clarify, and expand the officials and employees within the General Services Agency and led by the City Administrator who must file public statements disclosing their financial interests. The proposed amendments clean up the code by re-alphabetizing the list of departments under the City Administrator with officials and employees who must file, and by alphabetizing the list of positions within each department who must file. The proposed amendments clarify the code by updating the titles of individuals who must file to reflect the current working titles within departments, and removing positions from the list of filers that no longer exist or are duplicative. The proposed amendments expand the officials and employees who must file by adding filers from additional departments (e.g., Digital and Data Services and the Permit Center), and adding additional filers from other departments, and listing departments whose filers previously appeared under other departments separately (e.g., Committee of Information Technology, Office of Resiliency and Capital Planning, and ReproMail). The only positions removed by the proposed amendments are those that no longer exist. The proposed amendments do not relieve any officials or employees who are required to file under the current code of the obligation to file.

Background Information

The City's Conflict of Interest Code must list those employees and officers who make or participate in the making of governmental decisions on behalf of the City. Cal. Gov. Code §§ 87300, 87302(a).

A City employee or officer "makes a governmental decision" when she: (1) votes on a matter; (2) appoints a person; (3) obligates or commits his or her agency to any course of action; or (4) enters into any contractual agreement on behalf of his or her agency. Cal. Code Regs. § § 18704(a). A City employee or officer "participates in making a governmental decision" when she directly, without significant substantive review, provides information, an opinion, or a recommendation for the purpose of affecting a government decision. Id. at § 18704(b). The City's Conflict of Interest Code should not include employees who carry out solely clerical or ministerial tasks. Id. at § 18704(d)(1).

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