

FILE NO. 060217

ORDINANCE NO. 128-06

1 [Reporting Sources of Gifts of Travel]

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3 **Ordinance amending Article III, Chapter 2 of the San Francisco Campaign and**
4 **Governmental Conduct Code, by amending section 3.216 to impose reporting**
5 **requirements for gifts of travel to elected officials.**

6 Note: Additions are single-underline italics Times New Roman;
7 deletions are ~~strikethrough italics Times New Roman~~.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby
11 amended by amending Section 3.216, to read as follows:

12 SEC. 3.216. GIFTS.

13 (a) Prohibition on bribery. No person shall offer or make, and no officer or employee
14 shall accept, any gift with the intent that the City officer or employee will be influenced thereby
15 in the performance of any official act.

16 (b) General gift restrictions. In addition to the gift limits imposed by California
17 Government Code section 89503, section 3.1-101 of the Campaign and Governmental
18 Conduct Code and any subsequent amendments to those sections, no officer or employee of
19 the City and County shall solicit or accept any gift in excess of \$100 in a calendar year from a
20 person who the officer or employee knows or has reason to know is a restricted source. For
21 purposes of this subsection, the term gift has the same meaning as under California
22 Government Code section 89503 and any subsequent amendments to that section.

23 (1) Restricted Source. For purposes of this section, a restricted source means:

24 (A) a person doing business with or seeking to do business with the department of the officer
25 or employee; (B) any person who during the prior 12 months knowingly attempted to influence

1 the officer or employee in any legislative or administrative action.

2 (2) Adjustment of gift limits. The Ethics Commission is authorized to adjust
3 annually the gift limits imposed by this section to reflect changes in the California Consumer
4 Price Index.

5 (c) Gifts from subordinates. No officer or employee shall solicit or accept any gratuity
6 in money or other valuable thing, either directly or indirectly, from any subordinate or
7 employee or from any candidate or applicant for a position as employee or subordinate under
8 him or her. The Ethics Commission shall issue regulations implementing this section,
9 including regulations exempting voluntary gifts that are given or received for special occasions
10 or under other circumstances in which gifts are traditionally given or exchanged.

11 (d) Gifts of Travel.

12 (1) Gifts to Elected Officers. In addition to the gift limits and reporting requirements imposed
13 by the Political Reform Act and this Code, no elected officer may accept a gift of transportation,
14 lodging, or subsistence for any out-of-state trip paid for in part by an entity other than the City and
15 County of San Francisco, another governmental body, or a bona fide educational institution, defined in
16 Section 203 of the Revenue and taxation Code, unless the officer has first disclosed on a form filed with
17 the Ethics Commission:

18 (A) the name of the entity and the total amount that will be paid by the entity to fund the trip,
19 including but not limited to the amount directly related to the cost of the elected officer's
20 transportation, lodging, and subsistence;

21 (B) the name, occupation and employer of any contributor who has contributed more than \$500
22 to the entity funding the trip and whose contributions were used in whole or in part to fund the trip;

23 (C) a description of the purpose of the trip and the itinerary; and

24 (D) the name of any individual accompanying the official on the trip who is:

1 (i) a City employee required to file a Statement of Economic Interests,

2 (ii) a lobbyist or campaign consultant registered with the Ethics Commission,

3 (iii) an employee of or individual who has any ownership interest in a lobbyist or campaign
4 consultant registered with the Ethics Commission, or

5 (iv) an employee or officer of the entity that will pay for the gift of transportation, lodging, or
6 subsistence.

7 (2) Gifts to the City. In addition to any other reporting requirements imposed by the Political
8 Reform Act or local law, an elected officer shall file a form with the Ethics Commission disclosing the
9 information required under subsections (d)(1)(A)-(D) of this Section before accepting a gift of
10 transportation, lodging, or subsistence for any out-of-state trip paid for by the City in whole or in part
11 with funds donated from an entity other than another governmental body or a bona fide educational
12 institution, as defined in Section 203 of the Revenue and taxation Code.

13 (3) Reimbursement of Gifts of Travel. In addition to any other reporting requirements imposed
14 by the Political Reform Act or local law, an elected officer who reimburses an entity for a gift of
15 transportation, lodging or subsistence related to out-of-state travel in order to avoid having received or
16 accepted the gift shall file a form with the Ethics Commission within 30 days of such reimbursement
17 disclosing:

18 (A) the name of the entity that originally paid for the transportation, lodging or subsistence;

19 (B) the amount paid by the entity for the elected officer's transportation, lodging or subsistence;

20 (C) the amount reimbursed by the elected officer to the entity and the process used to determine
21 the fair-market value of that amount; and

22 (D) a description of the purpose of the trip and the itinerary.

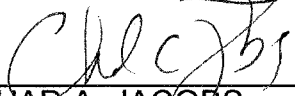
23 (4) Format. The Ethics Commission shall provide forms for the disclosure required by this
24 subsection and shall make the completed forms available on its website.

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(5) Definition. For the purpose of this subsection, the term "elected officer" means the Mayor, member of the Board of Supervisors, City Attorney, District Attorney, Public Defender, Assessor, Treasurer, and Sheriff.

~~(d)~~ (e) Restrictions. Nothing in this section shall prohibit a City department, agency, board or commission from imposing additional gift restrictions on its officers or employees.

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

By: 
CHAD A. JACOBS
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 060217

Date Passed:

Ordinance amending Article III, Chapter 2 of the San Francisco Campaign and Governmental Conduct Code, by amending section 3.216 to impose reporting requirements for gifts of travel to elected officials.

June 6, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

June 13, 2006 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Ma

File No. 060217

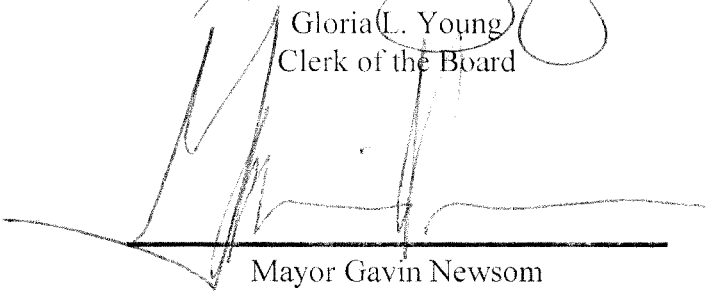
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on June 13, 2006 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

06.22.2006

Date Approved



Mayor Gavin Newsom