

1 [Conflict of Interest Law Amendments.]

2

3 **Motion ordering submitted to the voters an ordinance authorizing the Conflict of**
4 **Interest Law Amendments at an election to be held on November 4, 2003.**

5

6 MOVED, That the Board of Supervisors hereby submits the following ordinance to the
7 voters of the City and County of San Francisco, at an election to be held on November 4,
8 2003.

9

10 **Ordinance amending section 1.50 of the Administrative Code to clarify who are officers**
11 **of the City and County; amending section 1.200 of the Campaign and Governmental**
12 **Conduct Code to delete the provisions of that section which regulate gifts; adding**
13 **section 3.1-102.5 to permit the removal of an officer or termination of an employee who**
14 **fails to file a required Statement of Economic Interests within 30 days of any filing**
15 **deadline; deleting Article III, Chapter 2 and section 3.200; deleting Article III, Chapter 3**
16 **and section 3.300; deleting Article III, Chapter 4 and sections 3.400 and 3.405; deleting**
17 **Article III, Chapter 5 and sections 3.500, 3.505, 3.510, 3.515, 3.520, 3.525, 3.530, 3.535,**
18 **3.540, 3.545; deleting Article III, Chapter 7 and sections 3.700, 3.705, 3.710, 3.715, 3.720,**
19 **3.725, 3.730, 3.735, and 3.740 of the Campaign and Governmental Conduct Code;**
20 **adding a new Article III, Chapter 2 and sections 3.200, 3.202, 3.204, 3.206, 3.208, 3.210,**
21 **3.212, 3.214, 3.216, 3.218, 3.220, 3.222, 3.224, 3.226, 3.228, 3.230, 3.232, 3.234, 3.236,**
22 **3.238, 3.240 and 3.242 to regulate the activities of current and former City officers and**
23 **employees when dealing with governmental matters in which they have a financial**
24 **interest, when their conduct or character is in question, when they are engaging in**
25 **post-employment activities, when they have confidential City information, when they**

1 are seeking contracts with the City, when they are representing other persons before
2 City officers or employees, when they are offered or are accepting gifts, when they are
3 engaging in outside activities that are incompatible with their public office or
4 employment, when they are engaging in political activities, and when they are using
5 public funds for greeting cards, to provide for penalties and enforcement methods, and
6 to permit amendments to these sections by a supermajority vote of both the Ethics
7 Commission and the Board of Supervisors; and changing the title of Chapter 6 of
8 Article III of the Campaign and Governmental Conduct to Chapter 3.

9 Note: Additions are *single-underline italics Times New Roman*;
10 deletions are ~~*strikethrough italics Times New Roman*~~.

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

12 Section 1. The San Francisco Administrative Code is hereby amended by amending
13 Section 1.50, to read as follows:

14 SEC. 1.50. OFFICERS OF THE CITY AND COUNTY.

15 The officers of the City and County shall be the officers elected by vote of the
16 people, members of the Board of Education, members of boards and commissions appointed
17 by the Mayor [and the Board of Supervisors], members of the Building Inspection Commission,
18 members of the Ethics Commission, [members of the Elections Commission, members of the
19 Retirement Board, members of the Sunshine Ordinance Task Force] members of the Youth
20 Commission, members of the Small Business Commission, members of the Board of Law
21 Library Trustees, the Superintendent of Schools, the executive appointed as the chief
22 executive officer under each board or commission, the Controller, the City Administrator, the
23 head of each department under the Mayor, and such other officers as may hereafter be
24 provided by law or so designated by ordinance.

1 Section 2. The San Francisco Campaign and Governmental Conduct Code is hereby
2 amended by amending section 1.200, as follows:

3 SEC. 1.200. PROHIBITION ON MULTIPLE CAMPAIGN ACCOUNTS.

4 An officer of the City and County of San Francisco, or any person or committee
5 on behalf of an officer of the City and County of San Francisco, is hereby prohibited from
6 establishing any account, other than a campaign fund, for the solicitation and expenditure of
7 funds. Nothing in this section shall prohibit an officer from spending personal funds on official
8 or related business activities.

9 (a) An account established by an officer or on behalf of an officer of the City
10 and County of San Francisco is defined as any account used to pay expenses incurred
11 directly in connection with carrying out the usual and necessary duties of holding office,
12 including but not limited to, travel between an officer's residence and public office, meetings
13 with constituents which are not campaign related meetings, salary payments to staff for other
14 than campaign activities, office promotional materials, advertising, mailings, postage, and paid
15 radio or television airtime.

16 (b) Any and all monies; or services; ~~rewards, gifts or anything of monetary value;~~
17 accepted or received by an officer or on behalf of an officer, except monies; or services;
18 ~~rewards, gifts or anything of monetary value~~ accepted or received from or as a result of the
19 officer's personal or business activities, unrelated to his or her office, shall be deposited,
20 credited or otherwise reported to a campaign fund established by the officer and shall be
21 subject to the provisions contained in Section 1.114 of this Code.

22 (c) This Section shall not be applied retroactively. Funds held in officeholder
23 accounts, or accounts on behalf of any officer, existing on November 2, 1993, may be
24 expended on official or business related activities notwithstanding this Section. No further
25

1 deposits, transfer, credits or other additions to the balance of the account shall be made.
2 Upon depletion of all available funds in the officer's account, the account shall be closed.

3
4 Section 3. The San Francisco Campaign and Governmental Conduct Code is hereby
5 amended by adding section 3.1-102.5 as follows:

6 SEC. 3.1-102.5. FAILURE TO FILE

7 (a) Subject to the removal and Civil Service provisions of the Charter as well as any applicable
8 Civil Service Rules, any officer or employee of the City and County of San Francisco who fails to file
9 any statement required by sections 3.1-101 and 3.1-102 within 30 days after receiving notice from the
10 Ethics Commission of a failure to file may be subject to disciplinary action by his or her appointing
11 authority, including removal from office or termination of employment.

12 (b) The Ethics Commission may issue a letter to an appointing authority recommending
13 removal of any City officer or termination of any City employee who has failed to file a statement
14 required by sections 3.1-101 and 3.1-102 if the City officer or employee has not filed the required
15 statement within 30 days of receiving notice from the Ethics Commission of his or her failure to file.

16 (c) Every appointing authority whose appointees file statements required by sections 3.1-101
17 and 3.1-102 with the Ethics Commission shall provide written notice to the Ethics Commission of the
18 name of any appointee who has assumed or left office or employment. Such notice shall be provided
19 within 15 days of the City officer or employee assuming or leaving office or employment. Failure to
20 provide such notice may constitute official misconduct.

21
22 Section 4. The San Francisco Campaign and Governmental Conduct Code is hereby
23 amended by deleting Article III, Chapter 2 and section 3.200; Article III, Chapter 3 and section
24 3.300; Article III, Chapter 4 and sections 3.400 and 3.405; Article III, Chapter 5 and sections

1 3.500, 3.505, 3.510. 3.515, 3.520, 3.525, 3.530, 3.535, 3.540, 3.545; and Article III, Chapter 7
2 and sections 3.700, 3.705, 3.710, 3.715, 3.720, 3.725, 3.730, 3.735, and 3.740, as follows:

3 ~~CHAPTER 2: PROHIBITION ON CONTRACTING WITH THE CITY~~

4 ~~SEC. 3.200. PROHIBITING MEMBERS OF BOARDS AND COMMISSIONS FROM~~
5 ~~CONTRACTING WITH THE CITY AND COUNTY.~~

6 ~~———— (a) ——— FINDINGS.~~

7 ~~———— (1) ——— City and County contracts should be, and should appear to be, awarded on a fair~~
8 ~~and impartial basis.~~

9 ~~———— (2) ——— The practice of members of Boards and Commissions of the City and County~~
10 ~~contracting with the City and County creates the potential for, and the appearance of, favoritism or~~
11 ~~preferential treatment by the City and County.~~

12 ~~———— (3) ——— Prohibiting members of Boards and Commissions of the City and County from~~
13 ~~contracting with the City and County will eliminate both actual and perceived favoritism or~~
14 ~~preferential treatment without creating unnecessary barriers to public service.~~

15 ~~———— (b) ——— DEFINITIONS. For purposes of this Section, the following definitions shall~~
16 ~~apply:~~

17 ~~———— (1) ——— Board or Commission. The term “Board or Commission” means an appointed~~
18 ~~Board or Commission created by Charter or ordinance of the City and County, at least one of the~~
19 ~~members of which is required to be appointed by the Mayor, but does not include advisory Boards or~~
20 ~~Commissions.~~

21 ~~———— (2) ——— Business. The term “business” means any corporation, partnership, sole~~
22 ~~proprietorship, firm, enterprise, franchise, association, organization, or other legal entity or~~
23 ~~undertaking organized for economic gain.~~

1 ~~—— (3) —— City and County. The term “City and County” includes any Commission, Board,~~
2 ~~Department, agency, committee, or other organizational unit, excluding advisory bodies, of the City~~
3 ~~and County of San Francisco.~~

4 ~~—— (4) —— Contract. The term “contract” means any agreement to which the City and~~
5 ~~County is a party, other than a grant funded in whole or in part by the City and County or an~~
6 ~~agreement for employment with the City and County in exchange for salary and benefits.~~

7 ~~—— (5) —— Subcontract. The term “subcontract” means a contract to perform more than 25~~
8 ~~percent of the work that a primary contractor has an agreement with the City and County to perform.~~

9 ~~—— (c) —— PROHIBITION. No member of a Board or Commission of the City and County~~
10 ~~shall, during his or her term of office, contract or subcontract with the City and County, the San~~
11 ~~Francisco Redevelopment Agency, the San Francisco Housing Authority, the San Francisco Unified~~
12 ~~School District, or the San Francisco Community College District, where the amount of the contract or~~
13 ~~the subcontract exceeds \$10,000.~~

14 ~~—— (d) —— EXCEPTIONS. This Section shall not apply to the following contracts or~~
15 ~~subcontracts:~~

16 ~~—— (1) —— A contract or subcontract with a nonprofit organization;~~

17 ~~—— (2) —— A contract or subcontract with a business with which a member of a Board or~~
18 ~~Commission is affiliated unless the member exercises management and control over the business. A~~
19 ~~member exercises management and control if he or she is:~~

20 ~~—— (A) —— An officer or director of a corporation;~~

21 ~~—— (B) —— A majority shareholder of a closely held corporation;~~

22 ~~—— (C) —— A shareholder with more than five percent beneficial interest in a publicly traded~~
23 ~~corporation;~~

24 ~~—— (D) —— A general partner or limited partner with more than 20 percent beneficial~~
25 ~~interest in the partnership; or~~

1 ~~—— (E) —— A general partner regardless of percentage of beneficial interest and who~~
2 ~~occupies a position of, or exercises management or control of the business;~~

3 ~~—— (3) —— An existing contract or subcontract with the City and County approved by the~~
4 ~~Board of Supervisors or an agreement to provide property, goods or services to the City and County at~~
5 ~~substantially below fair market value.~~

6 ~~—— (e) —— EFFECTIVE DATE. This ordinance shall take effect on January 15, 1997.~~

7 ~~—— (f) —— PENALTIES. Violation of any provision of this Section shall constitute official~~
8 ~~misconduct.~~

9 ~~—— (g) —— SEVERABILITY. If any subsection, sentence, clause, phrase, or word of this~~
10 ~~Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent~~
11 ~~jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of~~
12 ~~this Section or any part of this Section. The Board of Supervisors hereby declares that it would have~~
13 ~~adopted this Section notwithstanding the unconstitutionality, invalidity or ineffectiveness of any one or~~
14 ~~more of its subsections, sentences, clauses, phrases, or words.~~

15 ~~—— (h) —— LIMITATION. Failure of a member of a Board or Commission to comply with~~
16 ~~this Section shall not be grounds for invalidating any contract with the City and County.~~

17 ~~CHAPTER 3: PROHIBITION ON REPRESENTING PRIVATE PARTIES BEFORE CITY~~
18 ~~BOARD AND COMMISSIONS — COMPENSATED ADVOCACY~~

19 ~~SEC. 3.300. PROHIBITION ON REPRESENTING PRIVATE PARTIES BEFORE CITY~~
20 ~~BOARD AND COMMISSIONS — COMPENSATED ADVOCACY.~~

21 ~~—— (a) —— The People of the City and County of San Francisco desire and are entitled to a~~
22 ~~local government whose officers do not engage in, assist or promote compensated advocacy on behalf~~
23 ~~of private interest before City and County commissions and boards while also serving as City and~~
24 ~~County officers.~~

1 ~~———— (b) ——— No officer of the City and County may, during the term of office, engage in~~
2 ~~compensated advocacy before any City and County board or commission, or any member of the board~~
3 ~~or commission or its staff, in order to represent any private interest, for which representation the~~
4 ~~officer receives, directly or indirectly, any compensation, reward or gift.~~

5 ~~———— (c) ——— Officers of the City and County shall not discuss matters pending before their~~
6 ~~commission or department with other City and County officers or state legislators when those other~~
7 ~~officers or state legislators are acting as compensated advocates for a private interest.~~

8 ~~———— (d) ——— No member of the California State Legislature shall appear before any City and~~
9 ~~County board, department or commission as a compensated advocate representing a private interest.~~

10 ~~———— (e) ——— Any person violating the terms of this Chapter shall be subject to the penalties~~
11 ~~set forth in San Francisco Charter Section C8.105. Such penalties shall include, but not be limited to,~~
12 ~~removal from office.~~

13 ~~———— (f) ——— If any provision of this Chapter, or its application to any person or circumstance,~~
14 ~~is held invalid, it is the expressed intent of the people of the City and County of San Francisco that the~~
15 ~~remainder of the Chapter, or the application of such provision, or any other provision to other persons~~
16 ~~or circumstances, shall not be affected thereby.~~

17 ~~CHAPTER 4: PROHIBITION ON POLITICAL ACTIVITY~~

18 ~~SEC. 3.400. PROHIBITION ON POLITICAL ACTIVITY.~~

19 ~~———— (a) ——— No City officer or employee shall, directly or indirectly, solicit political~~
20 ~~contributions, knowingly, from other City officers or employees or from persons on employment lists of~~
21 ~~the City. Nothing in this Section shall prohibit a City officer or employee from communicating through~~
22 ~~the mail or by other means requests for political contributions to a significant segment of the public~~
23 ~~which may include City officers or employees.~~

24 ~~———— (b) ——— No City officer or employee shall participate in political activities of any kind~~
25 ~~while in uniform.~~

1 ~~—— (c) — No City officer or employee may engage in political activity during working~~
2 ~~hours or on City premises.~~

3 ~~SEC. 3.405. PROHIBITION ON USE OF PUBLIC FUNDS FOR PRINTED GREETING~~
4 ~~CARDS.~~

5 ~~—— (a) — Definitions. The term "greeting card" means any printed card that celebrates or~~
6 ~~recognizes a holiday.~~

7 ~~—— (b) — Prohibition. No public funds may be used to design, produce, create, mail, send,~~
8 ~~or deliver any printed greeting card. The Controller of the City and County of San Francisco shall, in~~
9 ~~the Controller's sole discretion, determine whether a payment is prohibited under this section.~~

10 ~~—— The Controller's decision regarding whether a payment is prohibited under this section~~
11 ~~is final.~~

12 ~~CHAPTER 5: MISCELLANEOUS CHARTER PROVISIONS~~

13 ~~SEC. 3.500. PROHIBITION ON CONFLICTS OF INTEREST.~~

14 ~~—— Conflicts of interest of City officials and employees are governed by applicable~~
15 ~~provisions of San Francisco Charter Sections 15.103 and C8.105, and the California Political Reform~~
16 ~~Act, Government Code Sections 81000, et seq.~~

17 ~~SEC. 3.505. PROHIBITION ON DUAL OFFICEHOLDING FOR COMPENSATION.~~

18 ~~—— Charter Section 15.106 prohibits dual officeholding for compensation.~~

19 ~~SEC. 3.510. PROHIBITION ON PRIVATE COMPENSATION, REWARDS OR GIFTS FOR~~
20 ~~CITY SERVICES.~~

21 ~~—— Charter Section C8.105(f) prohibits acceptance of private compensation, rewards or~~
22 ~~gifts for City services.~~

23 ~~SEC. 3.515. RESTRICTIONS ON ACCEPTANCE OF GIFTS.~~

24 ~~—— The California Political Reform Act, Government Code Section 81000, et seq., imposes~~
25 ~~restrictions on the acceptance of gifts.~~

1 ~~SEC. 3.520. PROHIBITION ON PAYMENT FOR CITY OFFICE OR EMPLOYMENT.~~

2 ~~———— Charter Section C8.105(b) prohibits payment for nomination, appointment or election to~~
3 ~~City office or employment.~~

4 ~~SEC. 3.525. PROHIBITION ON DISCLOSURE OF CONFIDENTIAL INFORMATION.~~

5 ~~———— Charter Section C8.105(d) prohibits disclosure of confidential information.~~

6 ~~SEC. 3.530. NONINTERFERENCE WITH ADMINISTRATION.~~

7 ~~———— Charter Section 2.114 prohibits members of the Board of Supervisors from interfering~~
8 ~~with administration of City departments.~~

9 ~~SEC. 3.535. POST-EMPLOYMENT RESTRICTIONS.~~

10 ~~———— Charter Sections 15.108 and C8.105(e) restrict post-employment activity.~~

11 ~~SEC. 3.540. SUSPENSION AND REMOVAL FROM OFFICE FOR OFFICIAL~~
12 ~~MISCONDUCT.~~

13 ~~———— Suspension and removal from office for official misconduct is governed by Charter~~
14 ~~Sections 15.104, 15.105, C3.699-13(e) and C8.105(m).~~

15 ~~SEC. 3.545. LOBBYING BY FORMER MEMBERS OF THE BOARD OF SUPERVISORS.~~

16 ~~———— (a) — Findings and Purpose.~~

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

20 ~~———— (2) — Former members of the Board of Supervisors who become lobbyists may have or~~
21 ~~appear to have special influence on City government as a result of their contacts, special knowledge,~~
22 ~~and prior positions of authority. As a result, lobbying by former members of the Board of Supervisors~~
23 ~~on behalf of private interests may erode public confidence in the fairness and impartiality of City~~
24 ~~governmental decisions affecting those private interests.~~

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

5 ~~—— (4) —— Expanding the prohibition on lobbying by former members of the Board of~~
6 ~~Supervisors will help to redress this deficiency and ensure the fairness and impartiality of City~~
7 ~~governmental operations and decisions and foster public trust in City government.~~

8 ~~—— (b) —— Prohibitions. In addition to the prohibition imposed by Section C8.105(e) of the~~
9 ~~Charter, the following prohibitions shall apply to former members of the Board of Supervisors. For a~~
10 ~~period of two years after the termination of service with the Board of Supervisors, no former supervisor~~
11 ~~shall communicate in person, in writing or by telephone with any of the following for the purpose of~~
12 ~~representing any private interest in exchange for economic consideration:~~

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

14 ~~—— (2) —— An officer or employee of the City and County;~~

15 ~~—— (3) —— An appointee of a board, department, commission, agency, officer, or employee~~
16 ~~of the City and County; or~~

17 ~~—— (4) —— A representative of the City and County.~~

18 ~~—— (c) —— Penalties. Any person violating the terms of this Section shall be subject to the~~
19 ~~penalties set forth in San Francisco Charter Section C8.105.~~

20 ~~—— (d) —— Permissible Conduct. Nothing in this section shall prohibit a former member of~~
21 ~~the Board of Supervisors from communicating with any of the individuals or governmental bodies~~
22 ~~enumerated in subsection (b) for the purpose of representing himself or herself or expressing his or her~~
23 ~~own personal views.~~

24 ~~CHAPTER 7: TAXPAYER PROTECTION~~

25 ~~SEC. 3.700. TITLE.~~

1 ~~———— This Article shall be known as the City and County of San Francisco Taxpayer~~
2 ~~Protection Amendment of 2000.~~

3 ~~SEC. 3.705. FINDINGS AND DECLARATIONS.~~

4 ~~———— (a) — The people of the City and County of San Francisco ("City and County") find~~
5 ~~that the use or disposition of public assets is often tainted by conflicts of interest among local public~~
6 ~~officials entrusted with their management and control. Such assets, including publicly owned real~~
7 ~~property, land use decisions conferring substantial private benefits, conferral of a franchise without~~
8 ~~competition, public purchases, taxation, and financing, should be arranged strictly on the merits for the~~
9 ~~benefit of the public, and irrespective of the separate personal or financial interests of involved public~~
10 ~~officials.~~

11 ~~———— (b) — The people find that public decisions to sell or lease property, to confer cable,~~
12 ~~trash hauling and other franchises, to award public construction or service contracts, or to utilize or~~
13 ~~dispose of other public assets, and to grant special land use or taxation exceptions have often been~~
14 ~~made with the expectation of, and subsequent receipt of, private benefits from those so assisted to~~
15 ~~involved public 'decision makers.' The people further find that the sources of such corruptive influence~~
16 ~~include gifts and honoraria, future employment offers, and anticipated campaign contributions for~~
17 ~~public officials who are either elected or who later seek elective office. The trading of special favors or~~
18 ~~advantage in the management or disposal of public assets and in the making of major public purchases~~
19 ~~compromises the political process, undermines confidence in democratic institutions, deprives~~
20 ~~meritorious prospective private buyers, lessees, and sellers of fair opportunity, and deprives the public~~
21 ~~of its rightful enjoyment and effective use of public assets.~~

22 ~~———— (c) — Accordingly, the people declare that there is a compelling state interest in~~
23 ~~reducing the corruptive influence of emoluments, gifts, and prospective campaign contributions on the~~
24 ~~decisions of public officials in the management of public assets and franchises, and in the disposition of~~
25 ~~public funds. The people, who compensate public officials, expect and declare that as a condition of~~

1 ~~such public office, no gifts, promised employment, or campaign contributions shall be received from~~
2 ~~any substantial beneficiary of such a public decision for a reasonable period, as provided herein.~~

3 ~~SEC. 3.710. DEFINITIONS.~~

4 ~~—— (a) —— As used herein, the term public benefit does not include public employment in the~~
5 ~~normal course of business for services rendered, but includes a contract, benefit, or arrangement~~
6 ~~between the City and County and any individual, corporation, firm, partnership, association, or other~~
7 ~~person or entity to:~~

8 ~~—— (1) —— Provide personal services of a value in excess of \$50,000 over any 12-month~~
9 ~~period;~~

10 ~~—— (2) —— Sell or furnish any material, supplies or equipment to the City and County of a~~
11 ~~value in excess of \$50,000 over any 12-month period;~~

12 ~~—— (3) —— Buy or sell any real property to or from the City and County with a value in~~
13 ~~excess of \$50,000, or lease any real property to or from the City and County with a value in excess of~~
14 ~~\$50,000 over any 12-month period;~~

15 ~~—— (4) —— Receive an award of a franchise to conduct any business activity in a territory in~~
16 ~~which no other competitor potentially is available to provide similar and competitive services, and for~~
17 ~~which gross revenue from the business activity exceeds \$50,000 in any 12-month period;~~

18 ~~—— (5) —— Confer a land use variance, special use permit, or other exception to a pre-~~
19 ~~existing master plan or land use ordinance pertaining to real property where such decision has a value~~
20 ~~in excess of \$50,000;~~

21 ~~—— (6) —— Confer a tax abatement, exception, or benefit not generally applicable of a value~~
22 ~~in excess of \$5,000 in any 12-month period;~~

23 ~~—— (7) —— Receive cash or specie of a net value to the recipient in excess of \$10,000 in any~~
24 ~~12-month period.~~

1 ~~—— (b) — Those persons or entities receiving public benefits as defined in Section~~
2 ~~3.710(a)(1) — (7) shall include the individual, corporation, firm, partnership, association, or other~~
3 ~~person or entity so benefiting, and any individual or person who, during a period where such benefit is~~
4 ~~received or accrues:~~

5 ~~—— (1) — Has more than a ten percent (10%) equity, participation, or revenue interest in~~
6 ~~that entity; or~~

7 ~~—— (2) — Who is a trustee, director, partner, or officer of that entity.~~

8 ~~—— (c) — As used herein, the term personal or campaign advantage shall include:~~

9 ~~—— (1) — Any gift, honoraria, emolument, or personal pecuniary benefit of a value in~~
10 ~~excess of \$50;~~

11 ~~—— (2) — Any employment for compensation;~~

12 ~~—— (3) — Any campaign contributions for any elective office said official may pursue.~~

13 ~~—— (d) — As used herein, the term public official includes any elected or appointed public~~
14 ~~official acting in an official capacity.~~

15 ~~SEC. 3.715. PROHIBITIONS.~~

16 ~~—— (a) — No City and County public official who has exercised discretion to approve and~~
17 ~~who has approved or voted to approve a public benefit as defined in Section 3.710(a) may receive a~~
18 ~~personal or campaign advantage as defined in Section 3.710(c) from a person as defined in Section~~
19 ~~3.710(b) for a period beginning on the date the official approves or votes to approve the public benefit,~~
20 ~~and ending no later than:~~

21 ~~—— (1) — Two years after the expiration of the term of office that the official is serving at~~
22 ~~the time the official approves or votes to approve the public benefit;~~

23 ~~—— (2) — Two years after the official's departure from his or her office whether or not~~
24 ~~there is a pre-established term of office; or~~

1 ~~—— (3) —— Six years from the date the official approves or votes to approve the public~~
2 ~~benefit; whichever is first.~~

3 ~~—— (b) —— Section 3.715(a) shall also apply to the exercise of discretion of any such public~~
4 ~~official serving in his or her official capacity through a redevelopment agency, or any other public~~
5 ~~agency, whether within or without the territorial jurisdiction of the City and County either as a~~
6 ~~representative or appointee of the City and County.~~

7 ~~SEC. 3.720. RESPONSIBILITIES OF CITY AND COUNTY PUBLIC OFFICIALS AND~~
8 ~~ADVANTAGE RECIPIENTS.~~

9 ~~—— (a) —— City and County public officials shall practice due diligence to ascertain whether~~
10 ~~or not a benefit defined under Section 3.710(a) has been conferred, and to monitor personal or~~
11 ~~campaign advantages enumerated under Section 3.710(c) so that any such qualifying advantage~~
12 ~~received is returned forthwith, and no later than ten days after its receipt.~~

13 ~~—— (b) —— City and County public officials shall provide, upon inquiry by any person, the~~
14 ~~names of all entities and persons known to them who respectively qualify as public benefit recipients~~
15 ~~under the terms of Sections 3.710 and 3.715.~~

16 ~~SEC. 3.725. DISCLOSURE OF THE LAW.~~

17 ~~—— The City and County shall provide any person, corporation, firm, partnership,~~
18 ~~association, or other person or entity applying or competing for any benefit enumerated in Section~~
19 ~~3.710(a) with written notice of the provisions of this Article and the future limitations it imposes. Said~~
20 ~~notice shall be incorporated into requests for 'proposal,' bid invitations, or other existing informational~~
21 ~~disclosure documents to persons engaged in prospective business with, from, or through the City and~~
22 ~~County.~~

23 ~~SEC. 3.730. PENALTIES AND ENFORCEMENT.~~

24 ~~—— (a) —— In addition to all other penalties which might apply, any knowing and willful~~
25 ~~violation of this Article by a public official constitutes a criminal misdemeanor offense.~~

1 ~~—— (b) —— A civil action may be brought under this Article against a public official who~~
2 ~~receives a personal or campaign advantage in violation of Section 3.715. A finding of liability shall~~
3 ~~subject the public official to the following civil remedies:~~

4 ~~—— (1) —— Restitution of the personal or campaign advantage received, which shall accrue~~
5 ~~to the General Fund of the City and County;~~

6 ~~—— (2) —— A civil penalty of up to five times the value of the personal or campaign~~
7 ~~advantage received;~~

8 ~~—— (3) —— Injunctive relief necessary to prevent present and future violations of this Article;~~

9 ~~—— (4) —— Disqualification from future public office or position within the jurisdiction, if~~
10 ~~violations are willful, egregious, or repeated.~~

11 ~~—— (c) —— A civil action under subdivision (b) of this section may be brought by any~~
12 ~~resident of the City and County. In the event that such an action is brought by a resident of the City and~~
13 ~~County and the petitioner prevails, the respondent public official shall pay reasonable attorney's fees~~
14 ~~and costs to the prevailing petitioner. Civil penalties collected in such a prosecution shall accrue 10%~~
15 ~~to the petitioner and 90% to the General Fund of the City and County.~~

16 ~~—— (d) —— Any person who believes that the provisions of this Article have been violated~~
17 ~~may file a complaint with the Ethics Commission. Upon receipt of a complaint, or upon its own~~
18 ~~initiative, the Commission may investigate alleged violations of this Article and may enforce the~~
19 ~~provisions of this Article pursuant to Charter Section C3.699-13 and to the rules and regulations~~
20 ~~adopted pursuant to Charter Section 15.102.~~

21 ~~SEC. 3.735. EFFECT OF ARTICLE.~~

22 ~~—— The provisions of this Article are intended to supplement, and not to replace, any~~
23 ~~provisions of the San Francisco Charter and Administrative Code that relate to campaign finance,~~
24 ~~lobbying, conflicts of interest or governmental ethics.~~

25 ~~SEC. 3.740. SEVERABILITY.~~

1 ~~———— If any provision of this Article is held invalid, such invalidity or unconstitutionality shall~~
2 ~~not affect other provisions or applications which can be given effect without the invalidated provision,~~
3 ~~and to this end the provisions of this Article are severable.~~
4

5 Section 5. The San Francisco Campaign and Governmental Conduct Code is hereby
6 amended by adding a new Article III, Chapter 2 and sections 3.200, 3.202, 3.204, 3.206,
7 3.208, 3.210, 3.212, 3.214, 3.216, 3.218, 3.220, 3.222, 3.224, 3.226, 3.228, 3.230, 3.232,
8 3.234, 3.236, 3.238, 3.240 and and 3.242, as follows:

9 **CHAPTER 2: CONFLICT OF INTEREST AND OTHER PROHIBITED ACTIVITIES**

10
11 **SEC. 3.200. FINDINGS AND PURPOSE**

12 (a) The people of the City and County of San Francisco declare that public office is a public
13 trust and all officers and employees of the City and County shall exercise their public duties in a
14 manner consistent with this trust. To assure that the governmental processes of the City and County
15 promote fairness and equity for all residents and to maintain public trust in governmental institutions,
16 the people of the City and County declare that they have a compelling interest in creating laws
17 regulating conflicts of interest and outside activities of City officers and employees.

18 (b) The proper operation of the government of the City and County of San Francisco requires
19 that public officers and employees be independent, impartial, and responsible to the people and that
20 public office and employment not be used for personal gain. The public interest, therefore, requires
21 that officers and employees of the City and County be prohibited from making, participating in making
22 or otherwise seeking to influence governmental decisions in which they have a financial interest or
23 accepting gifts and other things of value from regulated sources.

24 (c) In order to maintain the public's confidence in the integrity of governmental decisions
25 related to the appointment and discipline of public officers and employees, public officers and

1 employees must not give or receive anything of value in consideration of their appointment or accept
2 anything of value from their subordinates, and must not participate in decisions related to their own
3 character or conduct or that of their family members.

4 (d) City and County contracts should be, and should appear to be, awarded on a fair and
5 impartial basis. The practice of members of Boards and Commissions of the City and County
6 contracting with the City and County creates the potential for, and the appearance of, favoritism or
7 preferential treatment by the City and County. Prohibiting members of Boards and Commissions of the
8 City and County from contracting with the City and County will eliminate both actual and perceived
9 favoritism or preferential treatment without creating unnecessary barriers to public service.

10 (e) Government decisions of officers and employees of the City and County should be, and
11 should appear to be, made on a fair and impartial basis. The practice of former officers and employees
12 communicating with their former colleagues on behalf of private interests and the practice of current
13 officers of the City and County communicating with other officers and employees on behalf of any other
14 person for compensation creates the potential for, and the appearance of, undue influence, favoritism
15 or preferential treatment. Prohibiting former officers and employees from communicating orally, in
16 writing, or in any other manner with their former colleagues for specified periods of time and
17 prohibiting current officers from communicating orally, in writing, or in any other manner with other
18 officers and employees of the City and County on behalf of any other person for compensation will
19 eliminate both actual and perceived undue influence, favoritism or preferential treatment without
20 creating unnecessary barriers to public service.

21 **SEC. 3.202. CONSTRUCTION**

22 This Chapter shall be liberally construed in order to effectuate its purposes. No error,
23 irregularity, informality, neglect or omission of any officer in any procedure taken under this Chapter
24 which does not directly affect the jurisdiction of the Board of Supervisors or the City and County to
25 control the ethical conduct of its officers and employees shall avoid the effect of this Chapter.

1 **SEC. 3.204. AMENDMENT OR REPEAL OF THIS CHAPTER**

2 The voters may amend or repeal this Chapter. The Board of Supervisors may amend this
3 Chapter if all of the following conditions are met:

4 (a) The amendment furthers the purposes of this Chapter;

5 (b) The Ethics Commission approves the proposed amendment by at least a four-fifths vote
6 of all its members;

7 (c) The proposed amendment is available for public review at least 30 days before the
8 amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;
9 and

10 (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds
11 vote of all its members.

12 **SEC. 3.206. FINANCIAL CONFLICTS OF INTEREST**

13 (a) Incorporation of the California Political Reform Act. No officer or employee of the City
14 and County shall make, participate in making, or seek to influence a decision of the City and County in
15 which the officer or employee has a financial interest within the meaning of California Government
16 Code section 87100 et seq. and any subsequent amendments to these sections.

17 (b) Incorporation of California Government Code 1090, et seq. No officer or employee of the
18 City and County shall make a contract in which he or she has a financial interest within the meaning of
19 California Government Code section 1090 et seq. and any subsequent amendments to these sections.

20 (c) No officer or employee of the City shall make, participate in making, or otherwise seek to
21 influence a governmental decision, affecting a person or entity with whom the officer or employee is
22 discussing or negotiating an agreement concerning future employment.

23 **SEC. 3.208. APPOINTMENTS AND NOMINATIONS**

24 (a) No person shall give or promise, and no officer or employee of the City and County may
25 solicit or accept, any money or other valuable thing in consideration for (i) the person's nomination or

1 appointment to any City and County office or employment, or promotion or other favorable City and
2 County employment action, or (ii) any other person's nomination or appointment to any City and
3 County office or employment or promotion or other favorable City and County employment action.

4 (b) No employee of the City and County is eligible to be appointed or elected to serve on a
5 board or commission that supervises or oversees the employee's department. A member of a board or
6 commission must resign his or her position before applying for a position of employment with a
7 department of the City and County that his or her board or commission supervises or oversees.

8 **SEC. 3.210. VOTING ON OWN CHARACTER OR CONDUCT**

9 (a) Prohibition. No officer or employee of the City and County shall knowingly vote on or
10 attempt to influence a governmental decision involving his or her own character or conduct, or his or
11 her appointment to any office, position, or employment.

12 (b) Exceptions. Nothing in this section shall prohibit an officer or employee from (i)
13 responding to allegations, applying for an office, position, or employment, or responding to inquiries;
14 or (ii) participating in the decision of his or her board, commission, or committee to choose him or her
15 as chair, vice chair, or other officer of the board, commission, or committee.

16 **SEC. 3.212. DECISIONS INVOLVING FAMILY MEMBERS**

17 No officer or employee of the City and County may make, participate in making, or seek to
18 influence a decision of the City and County regarding an employment action concerning a relative.
19 For purposes of this section, the term "employment action" shall include but not be limited to hiring,
20 promotion, or discipline, and the term "relative" shall mean a spouse, domestic partner, parent,
21 grandparent, child, sibling, parent-in-law, aunt, uncle, niece, nephew, first cousin, and includes any
22 similar step relationship or relationship created by adoption.

1 **SEC. 3.214. GIFTS**

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

5 (b) General gift restrictions. In addition to the gift limits imposed by California Government
6 Code section 89503 and section 3.1-101 of this code and any subsequent amendments to those sections,
7 no officer or employee of the City and County shall solicit or accept any gift in excess of \$100 from a
8 restricted source in a calendar year. For purposes of this subsection, the term gift has the same
9 meaning as under California Government Code section 89503 and any subsequent amendments to that
10 section.

11 (i) Restricted Source. For purposes of this section, a restricted source means: (A) a person
12 doing business with or seeking to do business with the department of the officer or employee; (B) any
13 person who during the prior 12 months knowingly attempted to influence the officer or employee in any
14 legislative or administrative action.

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

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

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

1 **SEC 3.216. INCOMPATIBLE ACTIVITIES**

2 (a) Prohibition. No officer or employee of the City and County may engage in any
3 employment, activity, or enterprise that the department, board, commission, or agency of which he or
4 she is a member or employee has identified as incompatible in a statement of incompatible activities
5 adopted under this section. No officer or employee may be subject to discipline or penalties under this
6 section unless he or she has been provided an opportunity to demonstrate that his or her activity is not
7 in fact inconsistent, incompatible or in conflict with the duties of the officer or employee.

8 (b) Statement Of Incompatible Activities. Every department, board, commission, and
9 agency of the City and County shall, by August 1 of the year after which this section becomes effective,
10 submit to the Ethics Commission a statement of incompatible activities. No statement of incompatible
11 activities shall become effective until approved by the Ethics Commission. After initial approval by the
12 Ethics Commission, a department, board, commission or agency of the City and County may, subject to
13 the approval of the Ethics Commission, amend its statement of incompatible activities. The Ethics
14 Commission may, at any time, amend the statement of incompatible activities of any department, board,
15 commission or agency of the City and County.

16 (c) Required Language. Each statement of incompatible activities shall list those outside
17 activities that are inconsistent, incompatible, or in conflict with the duties of the officers and employees
18 of the department, board, commission, or agency of the City and County. This list shall include, but
19 need not be limited to, activities that involve: (1) the use of the time, facilities, equipment and supplies
20 of the City and County; or the badge, uniform, prestige, or influence of the City and County officer or
21 employee's position for private gain or advantage; (2) the receipt or acceptance by an officer or
22 employee of the City and County of any money or other thing of value from anyone other than the City
23 and County for the performance of an act that the officer or employee would be required or expected to
24 render in the regular course of his or her service or employment with the City and County; (3) the
25 performance of an act in a capacity other than as an officer or employee of the City and County that

1 may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of the
2 City and County officer or employee's department, board, commission or agency; and (4) time demands
3 that would render performance of the City and County officer or employee's duties less efficient. The
4 Ethics Commission may permit City boards and commissions to exclude any required language from
5 their statement of incompatible activities if their members, by law, must be appointed in whole or in
6 part to represent any profession, trade, business, union or association.

7 (d) Notice. Every department, board, commission and agency of the City and County shall
8 annually provide to its officers and employees a copy of its statement of incompatible activities.

9 **SEC. 3.218. PROHIBITION ON DUAL OFFICE HOLDING**

10 Any person holding an office under the City and County with an annual salary in excess of
11 \$2,500, whether by election or by appointment, who shall, during his or her term of office, hold or
12 retain any other office with such a salary under the government of the United States, the State of
13 California, or the City and County shall be deemed to have thereby vacated the office held by him or
14 her under the City and County. For the purposes of this section, the term salary does not include: (1) a
15 stipend, per diem, or other payment provided for attendance at meetings; or (2) health, dental or vision
16 insurance, or other non-cash benefits.

17 **SEC. 3.220. PROHIBITING MEMBERS OF BOARDS AND COMMISSIONS FROM**
18 **CONTRACTING WITH THE CITY AND COUNTY**

19 (a) Definitions. For purposes of this section, the following definitions shall apply:

20 (i) Board or Commission. The term "Board or Commission" means an appointed Board or
21 Commission created by Charter or ordinance of the City and County, but does not include advisory
22 Boards or Commissions.

23 (ii) Business. The term "business" means any corporation, partnership, sole
24 proprietorship, firm, enterprise, franchise, association, organization, or other legal entity or
25 undertaking organized for economic gain.

1 (iii) City and County. The term "City and County" includes any commission, board,
2 department, agency, committee, or other organizational unit of the City and County of San Francisco.

3 (iv) Contract. The term "contract" means any agreement to which the City and County is a
4 party, other than a grant funded in whole or in part by the City and County or an agreement for
5 employment with the City and County in exchange for salary and benefits.

6 (v) Subcontract. The term "subcontract" means a contract to perform any work that a
7 primary contractor has an agreement with the City and County to perform.

8 (b) Prohibition. No member of a Board or Commission of the City and County shall, during
9 his or her term of office, contract or subcontract with the City and County, the San Francisco
10 Redevelopment Agency, the San Francisco Housing Authority, the San Francisco Unified School
11 District, or the San Francisco Community College District, where the amount of the contract or the
12 subcontract exceeds \$10,000.

13 (c) Exceptions. This section shall not apply to the following contracts or subcontracts:

14 (i) A contract or subcontract with a nonprofit organization;

15 (ii) A contract or subcontract with a business with which a member of a Board or
16 Commission is affiliated unless the member exercises management and control over the business. A
17 member exercises management and control if he or she is:

18 (A) An officer or director of a corporation;

19 (B) A majority shareholder of a closely held corporation;

20 (C) A shareholder with more than five percent beneficial interest in a publicly traded
21 corporation;

22 (D) A general partner or limited partner with more than 20 percent beneficial interest in the
23 partnership; or

24 (E) A general partner regardless of percentage of beneficial interest and who occupies a
25 position of, or exercises management or control of the business;

1 (iii) A contract or subcontract with the City and County entered into before a member of a
2 Board or Commission commenced his or her service; or

3 (iv) An agreement to provide property, goods or services to the City and County at
4 substantially below fair market value.

5 (d) LIMITATION. Failure of a member of a Board or Commission to comply with this
6 section shall not be grounds for invalidating any contract with the City and County.

7 **SEC. 3.222. PROHIBITION ON REPRESENTING PRIVATE PARTIES BEFORE OTHER**
8 **CITY OFFICERS AND EMPLOYEES – COMPENSATED ADVOCACY.**

9 (a) Prohibition. No officer of the City and County shall directly or indirectly receive any form
10 of compensation to communicate orally, in writing, or in any other manner on behalf of any other
11 person with any other officer or employee of the City and County with the intent to influence a
12 government decision.

13 (b) Exceptions. This section shall not apply to any communication by: (i) an officer of the City
14 and County on behalf of the City and County; (ii) an officer of the City and County on behalf of a
15 business, union, or organization of which the officer is a member or full-time employee; (iii) an
16 associate, partner or employee of an officer of the City and County, unless it is clear from the totality of
17 the circumstances that the associate, partner or employee is merely acting as an agent of the City and
18 County officer; or (iv) a City officer acting in his or her capacity as a licensed attorney representing
19 clients in communications with the City Attorney's Office, outside legal counsel hired by the City, or
20 representatives of the City who are named in a pending litigation matter.

21 (c) Waiver. The Ethics Commission may waive the prohibitions in this section for any member
22 of a City board or commission who, by law, must be appointed to represent any profession, trade,
23 business, union or association.

1 **SEC. 3.224. REFERRALS**

2 No officer or employee of the City and County shall: (a) receive any money, gift or other thing
3 of economic value from a person or entity other than the City and County for referring a member of the
4 public to a person or entity for any advice, service or product related to the processes of the City and
5 County; or (b) condition any governmental action on a member of the public hiring, employing, or
6 contracting with any specific person or entity. The Ethics Commission may waive the restriction in
7 subsection (b) if the Commission determines that granting a waiver is necessary for the proper
8 administration of a governmental program or action.

9 **SEC. 3.226. DISCLOSURE OR USE OF CONFIDENTIAL CITY INFORMATION**

10 No current or former officer or employee of the City and County shall: (a) willfully or
11 knowingly disclose any confidential or privileged information, unless authorized or required by law to
12 do so; or (b) use any confidential or privileged information to advance the financial or other private
13 interest of himself or herself or others. Confidential or privileged information is information that at the
14 time of use or disclosure was not subject to disclosure under the Sunshine Ordinance or California
15 Public Records Act.

16 **SEC. 3.228. PROHIBITION ON POLITICAL ACTIVITY**

17 (a) No City officer or employee shall knowingly, directly or indirectly, solicit
18 political contributions from other City officers or employees or from persons on employment lists of the
19 City. Nothing in this section shall prohibit a City officer or employee from communicating through the
20 mail or by other means requests for political contributions to a significant segment of the public which
21 may include City officers or employees.

22 (b) No City officer or employee shall participate in political activities of any kind
23 while in uniform.

24 (c) No City officer or employee may engage in political activity during working
25 hours or on City premises. For the purposes of this subsection, the term "City premises" shall not

1 include City owned property that is generally open to the public and used for political purposes, such
2 as City owned parks and sidewalks.

3 **SEC. 3.230. PROHIBITION ON USE OF PUBLIC FUNDS FOR PRINTED GREETING**

4 **CARDS.**

5 (a) Definitions. The term "greeting card" means any printed card that celebrates or
6 recognizes a holiday.

7 (b) Prohibition. No public funds may be used to design, produce, create, mail, send,
8 or deliver any printed greeting card. The Controller of the City and County of San Francisco shall, in
9 the Controller's sole discretion, determine whether a payment is prohibited under this section.

10 The Controller's decision regarding whether a payment is prohibited under this section
11 is final.

12 **SEC. 3.232. POST-EMPLOYMENT RESTRICTIONS**

13 (a) All Officers and Employees

14 (i) General Post-Employment Restrictions.

15 (A) Permanent restriction on representation in particular matters. No former officer or
16 employee of the City and County, after the termination of his or her service or employment
17 with the City, shall, with the intent to influence, act as agent or attorney, or otherwise
18 represent, any other person (except the City and County) before any court, or before any
19 state, federal, or local agency, or any officer or employee thereof, by making any formal or
20 informal appearance or by making any oral, written, or other communication in connection
21 with a particular matter:

22 (1) in which the City and County is a party or has a direct and substantial interest;

23 (2) in which the former officer or employee participated personally and substantially as a
24 City officer or employee; and

25 (3) which involved a specific party or parties at the time of such participation.

1 (B) Permanent restriction on assisting others in particular matters. No former officer or
2 employee of the City and County, after the termination of his or her service or employment
3 with the City, shall aid, advise, counsel, consult or assist another person (except the City
4 and County) in any proceeding in which the officer or employee would be precluded under
5 subsection (1) from personally appearing.

6 (C) Exception for testimony. The prohibitions in subsections 1 and 2 do not prohibit a former
7 officer or employee of the City and County from testifying as a witness, based on the former
8 officer's or employee's personal knowledge, provided that no compensation is received
9 other than the fees regularly provided for by law or regulation of witnesses.

10 (D) One year restriction on communicating with former department. No former officer or
11 employee of the City and County, for one year after termination of his or her service or
12 employment with the City, shall, with the intent to influence a government decision,
13 communicate orally, in writing, or in any other manner on behalf of any other person
14 (except the City and County) with any officer or employee of the department, board, or
15 commission for which the officer or employee served.

16 (E) Waiver. (1) At the request of the department involved, the Ethics Commission may waive
17 any of the restrictions in subsections (a)(i)(A), (a)(i)(B) and (a)(1)(D) if the Commission
18 determines that granting a waiver would not create the potential for undue influence or
19 unfair advantage.

20 (2) The Ethics Commission may waive any of the restrictions in subsections (a)(i)(A),
21 (a)(i)(B) and (a)(i)(D) for members of City boards and commissions who, by law, must be
22 appointed to represent any profession, trade, business, union or association.

23 (ii) Future Employment. No officer or employee of the City shall, for a period of one year
24 after termination of City service or employment, be employed by or otherwise receive compensation
25 from a person or entity that negotiated or entered in a contract with the City within the 12 months prior

1 to the officer or employee leaving City service where the officer or employee personally and
2 substantially participated in making decisions related to the negotiations or the award of the contract.

3 (b) Mayor and Members of the Board of Supervisors

4 (i) One year restriction on communicating with City departments. For purposes of the one-
5 year restriction under subsection (a)(i)(D), the “department” for which a former Mayor or member of
6 the Board of Supervisors served shall be the City and County and the prohibition in subsection
7 (a)(i)(D) shall extend to communications with:

8 (A) a board, department, commission or agency of the City and County;

9 (B) an officer or employee of the City and County;

10 (C) an appointee of a board, department, commission, agency, officer, or employee of the City
11 and County; or

12 (D) a representative of the City and County.

13 (ii) City service. No former Mayor or member of the Board of Supervisors shall be eligible for
14 a period of one year after the last day of service as Mayor or member of the Board of Supervisors, for
15 appointment to any full time, compensated employment with the City and County. This restriction shall
16 not apply to a former Mayor or Supervisor elected to an office of the City and County, appointed to fill
17 a vacancy in an elective office of the City and County, or appointed to a board or commission in the
18 executive branch.

19 **SEC. 3.234. AIDING AND ABETTING**

20 No person shall knowingly and intentionally provide assistance to or otherwise aid or abet any
21 other person in violating any of the provisions of this Chapter.

22 **SEC. 3.236. FILING OF FALSE CHARGES**

23 No person shall knowingly and intentionally file with the Ethics Commission, the District
24 Attorney or the City Attorney any false charge alleging a violation of this Chapter.

1 **SEC. 3.238. PROVISION OF FALSE OR MISLEADING INFORMATION;**
2 **WITHHOLDING OF INFORMATION; AND DUTY TO COOPERATE AND ASSIST.**

3 (a) No person shall knowingly and intentionally furnish false or fraudulent evidence,
4 documents, or information to the Ethics Commission, District Attorney or City Attorney, or knowingly
5 and intentionally misrepresent any material fact, or conceal any evidence, documents, or information
6 relevant to an investigation by the Ethics Commission, District Attorney or City Attorney of an alleged
7 violation of this Chapter.

8 (b) The Ethics Commission, District Attorney or City Attorney may request and shall receive
9 from every City officer and employee cooperation and assistance with an investigation into an alleged
10 violation of this Chapter.

11 **SEC. 3.240. PENALTIES AND ENFORCEMENT**

12 (a) Criminal Penalties. Any person who knowingly or willfully violates any of the City's conflict
13 of interest and governmental ethics laws shall be guilty of a misdemeanor and upon conviction thereof
14 shall be punished by a fine of not more than \$10,000 for each violation or by imprisonment in the
15 County jail for a period of not more than one year in jail or by both such fine and imprisonment.

16 (b) Civil Penalties. Any person who intentionally or negligently violates any City conflict of
17 interest or governmental ethics law shall be liable in a civil action brought by the City Attorney for an
18 amount up to \$5,000 for each violation.

19 (c) Injunctive Relief. The City Attorney or any resident may bring a civil action on behalf of
20 the people of San Francisco to enjoin violations of or compel compliance with a conflict of interest or
21 governmental ethics law. No resident may commence a civil action under this section without first
22 notifying the City Attorney in writing of the intent to file a civil action under this section. If the City
23 Attorney fails to notify the resident within 120 days of receipt of the notice that the City Attorney has
24 filed or will file a civil action, the complainant may file the action. No resident may file an action
25 under this section if the City Attorney responds within 120 days that the City Attorney intends to file an

1 action or has already filed a civil action. No resident may bring an action under this section if the
2 Ethics Commission has issued a finding of probable cause arising out of the same facts, the District
3 Attorney has commenced a criminal action arising out of the same facts, or another resident has filed a
4 civil action under this section arising out of the same facts. A court may award reasonable attorney's
5 fees and costs to any resident who obtains injunctive relief under this section.

6 (d) Administrative Penalties. Any person who violates any of the City's conflict of interest or
7 governmental ethics laws shall be liable in an administrative proceeding before the Ethics Commission
8 held pursuant to the Charter. In addition to the administrative penalties set forth in this Charter, the
9 Ethics Commission may issue warning letters to City officers and employees.

10 (e) Statute Of Limitations. No person may bring a criminal, civil or administrative action
11 under this section against any other person more than four years after the date of the alleged
12 violation.

13 **SEC. 3.242. SEVERABILITY**

14 If any provision of this Chapter, or the application thereof to any person or circumstance, is
15 held invalid, the validity of the remainder of the Chapter and the applicability of such provisions to
16 other persons and circumstances shall not be affected thereby.

17
18 Section 6. The San Francisco Campaign and Governmental Conduct Code is hereby
19 amended by amending Article III, Chapter 6 and section 3.600, as follows:

20 CHAPTER ~~6~~ 3: ETHICS COMMISSION

21 SEC. ~~3.6~~300. ETHICS COMMISSION.

22 The powers and duties of the Ethics Commission are governed by Charter
23 Sections 15.100, et seq., and Appendix C, Sections C3.699-10—C3.699-16 and C8.105(g).

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

3 By: _____
4 CHAD A. JACOBS
5 Deputy City Attorney

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