

1 [Behested Payment Waiver - Fundraising for Services Related to Immigration, LGBTQ+
2 Rights, Environmental Protection, Reproductive Rights, and Racial Equity]

3 **Resolution authorizing the Office of the Mayor, Office of the City Attorney, Office of the**
4 **City Administrator, and the head of each division, office, and department under the**
5 **supervision of the City Administrator to solicit donations from various private,**
6 **nonprofit, philanthropic, and other entities to support 1) the urgent provision of legal**
7 **services related to the creation and enforcement of immigration laws, regulations, and**
8 **policies, including litigation and regulatory reform efforts at the local, state, and federal**
9 **level and non-legal services and support for the City’s immigrant communities, 2)**
10 **goods and services, including legal services, related to defending and supporting**
11 **LGBTQ+ rights, 3) goods and services, including legal services, related to defending**
12 **and supporting reproductive rights, 4) goods and services, including legal services,**
13 **related to defending existing environmental protection laws and promoting**
14 **environmental protection efforts, and 5) goods and services, including legal services,**
15 **related to racial equity initiatives, all notwithstanding the Behested Payment**
16 **Ordinance.**

17
18 WHEREAS, The City and County of San Francisco (“the City”) has a longstanding
19 commitment to advocate for the fair and lawful treatment of all City residents, including hard
20 working people and families, notwithstanding their immigration status; and

21 WHEREAS, The City has long led the country in legal advocacy for the rights of
22 LGBTQ+ individuals and support for the community in a variety of ways, creating a place
23 where LGBTQ+ people feel safe and able to live their lives without fear of violence and
24 discrimination, and making the City home to a large and vibrant LGBTQ+ community; these
25

1 efforts include securing equal benefits and marriage equality, and providing health and
2 housing services targeted to support the community; and

3 WHEREAS, The City's laws and policies have made San Francisco a place where
4 people have the freedom to make their own reproductive healthcare decisions without
5 intrusion from the government; the City has advocated for these legal rights through litigation
6 as well as provided financial and other support to promote reproductive freedom; and

7 WHEREAS; The City has numerous policies and initiatives aimed at reducing the City's
8 impact on the environment, including policies to reduce greenhouse gas emissions, conserve
9 water, and reduce solid waste; and the City has pursued legal action to enforce the City's
10 environmental laws and goals; and

11 WHEREAS; The City has a legal framework and numerous programs and policies to
12 remedy the effects of past racial discrimination and to eliminate such discrimination and
13 ensure racial equity for all City residents, including the efforts of the City's Office of Racial
14 Equity, and other initiatives and policies targeted to help underserved communities; and

15 WHEREAS, Consistent with the authority and duty of that office, the City Attorney
16 monitors federal, state, and local laws, regulations, and policies impacting the health, safety,
17 and day-to-day lives of San Franciscans including those related to immigration, LGBTQ+
18 rights, reproductive rights, environmental protection, and racial equity and, as necessary,
19 engages in advocacy and litigation regarding these issues; and

20 WHEREAS, San Francisco's private, nonprofit, and philanthropic community, including
21 members of the legal community, have a proud history of supporting the City in protecting the
22 rights of City residents, the environment, and the fair and equal treatment of all individuals
23 without regard to race; and

24 WHEREAS, While the City Attorney continues these efforts, we know that more
25 resources will be urgently needed in the near future to ensure that City residents are treated

1 fairly, with dignity, and consistently with local, state, and federal law, and that the City's efforts
2 to protect the environment and promote fair and equal treatment for all people are not
3 undermined; and

4 WHEREAS, In the past, the City Attorney has established successful and innovative
5 public-private partnerships to pursue these aims; and

6 WHEREAS, The City Attorney, Office of the Mayor, and Office of the City Administrator
7 from time to time partner and engage with philanthropic organizations, nonprofits, and private
8 entities including law firms and legal service organizations; and

9 WHEREAS, The Office of the City Attorney, Office of the Mayor, Office of the City
10 Administrator, and the head of each division, office, and department under the City
11 Administrator's supervision may seek to fundraise or engage in philanthropic partnerships with
12 law firms and other entities yet to be identified that may be considered interested parties to
13 one or more of these departments for the purposes identified herein; and

14 WHEREAS, The Office of the Mayor, Office of the City Attorney, Office of the City
15 Administrator, and the head of each division, office, and department under the City
16 Administrator's supervision seek a waiver of the City's Behested Payment Ordinance
17 (Campaign and Governmental Conduct Code, Section 3.600 et seq.) to the extent it restricts
18 the Mayor, City Attorney, City Administrator and employees under the supervision of the
19 Offices of the Mayor, City Attorney, and City Administrator, and the head of each division,
20 office, and department under the City Administrator's supervision from soliciting financial
21 support or in-kind goods or services, from persons or entities that would be considered
22 interested parties, to support (1) the provision of legal services to ensure the fair and lawful
23 treatment of City residents notwithstanding their immigration status and non-legal services
24 and support for the City's immigrant communities, (2) goods and services, including legal
25 services, related to defending and supporting LGBTQ+ rights, (3) goods and services,

1 including legal services, related to defending and supporting reproductive rights, (4) goods
2 and services, including legal services, related to defending existing environmental protection
3 laws and promoting environmental protection efforts, and (5) goods and services, including
4 legal services, related to racial equity initiatives; and

5 WHEREAS, The Board previously granted a 6-month waiver for the purposes
6 described herein (File Nos. 250047), and the need for such waiver persist; and

7 WHEREAS, The parties receiving this waiver have agreed to report to the Board of
8 Supervisors donations to the City that were solicited under this waiver; such reports will
9 identify the donor, the amount of the donation, and the interested relationship the donor has
10 with the department that solicited the donation; the departments will submit the reports to the
11 Board within 60 days of the expiration of the 6-month period authorized by this waiver; now,
12 therefore, be it

13 RESOLVED, That under Section 3.620(f) of the Campaign and Governmental Conduct
14 Code, the Board of Supervisors hereby waives application of the Behested Payment
15 Ordinance for a period of six months from the effective date of this Resolution as to the
16 Mayor, City Attorney, City Administrator, officers and employees under the supervision of the
17 Offices of the Mayor, City Attorney, and City Administrator, and the heads of each division,
18 office, and department under the City Administrator's supervision so that they may solicit
19 donations from private, nonprofit, and other organizations and philanthropists to support (1)
20 the provision of legal services to ensure the fair and lawful treatment of City residents
21 notwithstanding their immigration status and non-legal services and support for the City's
22 immigrant communities, (2) goods and services, including legal services, related to defending
23 and supporting LGBTQ+ rights, (3) goods and services, including legal services, related to
24 defending and supporting reproductive rights, (4) goods and services, including legal services,
25 related to defending existing environmental protection laws and promoting environmental

1 protection efforts, and (5) goods and services, including legal services, related to racial equity
2 initiatives; and, be it

3 FURTHER RESOLVED, That granting this waiver serves the public interest by
4 supporting the Office of the Mayor, Office of the City Attorney, Office of the City Administrator,
5 and the heads of each division, office and department under the City Administrator in the
6 provision of legal services and other support to ensure fair and lawful treatment of all City
7 residents notwithstanding their immigration status, to support and defend LGBTQ+ rights, to
8 support and defend reproductive freedom, to bolster and defend environmental protection
9 efforts, and to protect initiatives that ensure all people are treated fairly regardless of race, at
10 a time when the provision of such services and support may be more urgently required than
11 ever before; and, be it

12 FURTHER RESOLVED, That granting this waiver does not create an appearance of
13 impropriety.