

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

Resolution authorizing the Office of the Assessor Recorder to solicit donations from various private, nonprofit, philanthropic, and other entities to support 1) the urgent provision of legal services related to the creation and enforcement of immigration laws, regulations, and policies, including litigation and regulatory reform efforts at the local, state, and federal level and non-legal services and support for the City's immigrant communities, 2) goods and services, including legal services, related to defending and supporting LGBTQ+ rights, 3) goods and services, including legal services, related to defending and supporting reproductive rights, 4) goods and services, including legal services, related to defending existing environmental protection laws and promoting environmental protection efforts, and 5) goods and services, including legal services, related to racial equity initiatives, all notwithstanding the Behested Payment Ordinance.

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

WHEREAS, The City has long led the country in legal advocacy for the rights of LGBTQ+ individuals and support for the community in a variety of ways, creating a place where LGBTQ+ people feel safe and able to live their lives without fear of violence and discrimination, and making the City home to a large and vibrant LGBTQ+ community; these efforts include securing equal benefits and marriage equality, and providing health and housing services targeted to support the community; and

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

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

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

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

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

22 WHEREAS, While the City Attorney continues these efforts, we know that more
23 resources will be urgently needed in the near future to ensure that City residents are treated
24 fairly, with dignity, and consistently with local, state, and federal law, and that the City's efforts
25

1 to protect the environment and promote fair and equal treatment for all people are not
2 undermined; and

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

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

9 WHEREAS, The Board of Supervisors in the resolution in Board File No. 250047
10 approved a waiver of the behested payments ordinance under Section 3.620(f) of the
11 Campaign and Governmental Conduct Code to allow the Office of the City Attorney, Office of
12 the Mayor, Office of the City Administrator, and the head of each division, office, and
13 department under the City Administrator's supervision to seek to fundraise or engage in
14 philanthropic partnerships with law firms and other entities yet to be identified that may be
15 considered interested parties to one or more of these departments for the purposes identified
16 herein; and

17 WHEREAS, The Office of the Assessor-Recorder seeks to partner with the Mayor's
18 Office, City Attorney's Office, and the City Administrator's Office on these efforts and seeks a
19 waiver of the City's Behested Payment Ordinance (Campaign and Governmental Conduct
20 Code, Section 3.600 et seq.) to the extent it restricts the Assessor-Recorder and employees in
21 the Assessor-Recorder's Office from soliciting financial support or in-kind goods or services,
22 from persons or entities that would be considered interested parties, to support (1) the
23 provision of legal services to ensure the fair and lawful treatment of City residents
24 notwithstanding their immigration status and non-legal services and support for the City's
25 immigrant communities, (2) goods and services, including legal services, related to defending

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

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

12 RESOLVED, That under Section 3.620(f) of the Campaign and Governmental Conduct
13 Code, the Board of Supervisors hereby waives application of the Behested Payment
14 Ordinance as to the Assessor-Recorder and employees under the supervision of the Office of
15 the Assessor-Recorder so that they may solicit donations from private, nonprofit, and other
16 organizations and philanthropists to support (1) the provision of legal services to ensure the
17 fair and lawful treatment of City residents notwithstanding their immigration status and non-
18 legal services and support for the City's immigrant communities, (2) goods and services,
19 including legal services, related to defending and supporting LGBTQ+ rights, (3) goods and
20 services, including legal services, related to defending and supporting reproductive rights, (4)
21 goods and services, including legal services, related to defending existing environmental
22 protection laws and promoting environmental protection efforts, and (5) goods and services,
23 including legal services, related to racial equity initiatives; this waiver shall begin on the
24 effective date of this resolution and end six months after the effective date of the resolution in
25 Board File No. 250047; and, be it

1 FURTHER RESOLVED, That granting this waiver serves the public interest by
2 supporting the Office of the Assessor-Recorder to solicit support to ensure fair and lawful
3 treatment of all City residents notwithstanding their immigration status, to support and defend
4 LGBTQ+ rights, to support and defend reproductive freedom, to bolster and defend
5 environmental protection efforts, and to protect initiatives that ensure all people are treated
6 fairly regardless of race, at a time when the provision of such services and support may be
7 more urgently required than ever before; and, be it

8 FURTHER RESOLVED, That granting this waiver does not create an appearance of
9 impropriety.