

1 [Expanding Post-Employment Restrictions For Senior Mayoral Staff and Board Aides.]

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3 **Ordinance amending section 3.234 of the San Francisco Campaign and Governmental**
4 **Conduct Code to prohibit individuals who have served as senior staff members to**
5 **either the Mayor or a member of the Board of Supervisors from communicating with**
6 **any representative of the City with the intent to influence a government decision for**
7 **one year after they terminate employment with the City.**

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

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

12 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby
13 amended by amending Section 3.234, to read as follows:

14 **SEC. 3.234. POST-EMPLOYMENT RESTRICTIONS.**

15 **(a) All Officers and Employees.**

16 (1) General Post-Employment Restrictions.

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

24 (i) in which the City and County is a party or has a direct and substantial
25 interest;

- 1 (ii) in which the former officer or employee participated personally and
2 substantially as a City officer or employee;
- 3 (iii) which involved a specific party or parties at the time of such participation;
4 and
- 5 (iv) which is the same matter in which the officer or employee participated as
6 a City officer or employee.
- 7 (B) Permanent restriction on assisting others in particular matters. No former
8 officer or employee of the City and County, after the termination of his or her service or
9 employment with the City, shall aid, advise, counsel, consult or assist another person (except
10 the City and County) in any proceeding in which the officer or employee would be precluded
11 under subsection (A) from personally appearing.
- 12 (C) Exception for testimony. The prohibitions in subsections A and B do not
13 prohibit a former officer or employee of the City and County from testifying as a witness,
14 based on the former officer's or employee's personal knowledge, provided that no
15 compensation is received other than the fees regularly provided for by law or regulation of
16 witnesses.
- 17 (D) One year restriction on communicating with former department. No
18 former officer or employee of the City and County, for one year after termination of his or her
19 service or employment with the City, shall, with the intent to influence a government decision,
20 communicate orally, in writing, or in any other manner on behalf of any other person (except
21 the City and County) with any officer or employee of the department, board, commission,
22 office or other unit of government, for which the officer or employee served.
- 23 (E) Waiver.

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1 (i) At the request of a former City officer or employee, the Ethics
2 Commission may waive any of the restrictions in subsections (a)(1)(A), (a)(1)(B) and (a)(1)(D)
3 if the Commission determines that granting a waiver would not create the potential for undue
4 influence or unfair advantage. The Ethics Commission shall adopt regulations implementing
5 this provision.

6 (ii) The Ethics Commission may waive any of the restrictions in subsections
7 (a)(1)(A), (a)(1)(B) and (a)(1)(D) for members of City boards and commissions who, by law,
8 must be appointed to represent any profession, trade, business, union or association.

9 (2) Future Employment.

10 (A) Future Employment With Parties That Contract With The City. No officer
11 or employee of the City shall, for a period of one year after termination of City service or
12 employment, be employed by or otherwise receive compensation from a person or entity that
13 entered into a contract with the City within the 12 months prior to the officer or employee
14 leaving City service where the officer or employee personally and substantially participated in
15 the award of the contract.

16 (B) Waiver. At the request of a former City officer or employee, the Ethics
17 Commission may waive the prohibition in subsection (a)(2)(A) if the Commission determines
18 that imposing the restriction would cause extreme hardship for the former City officer or
19 employee. The Ethics Commission shall adopt regulations implementing this provision.

20 (b) **Mayor, ~~and~~ Members of the Board of Supervisors, and their Senior Staff**
21 **Members.**

22 (1) One year restriction on communicating with City departments. For
23 purposes of the one-year restriction under subsection (a)(1)(D), the "department" for which a
24 former Mayor, a former ~~or~~ member of the Board of Supervisors, or a former senior staff member
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1 to either the Mayor or a member of the Board of Supervisors served shall be the City and County
2 and the prohibition in subsection (a)(1)(D) shall extend to communications with:

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

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

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

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

8 For the purposes of this subsection, "a former senior staff member to either the Mayor
9 or a member of the Board of Supervisors" means an individual employed at the time the individual
10 terminated his or her employment with the City as the Mayor's Chief of Staff, the Mayor's Deputy Chief
11 of Staff, a Legislative Aide to a member of the Board of Supervisors or an equivalent position as
12 determined by the Ethics Commission based upon an analysis of the functions and duties of the
13 position.

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

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

23 By: _____
24 CHAD A. JACOBS
25 Deputy City Attorney