FILE NO. 091015 ORDINANCE NO.

1 [Reimbursement to City for dignitary security provided during campaign-related travel by elected officials.]

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3 **Ordinance amending the San Francisco Campaign and Governmental Conduct Code by**

4 **adding sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the**

5 **City for the cost of dignitary security provided by the City during travel for campaign-**

6 **related activities or meetings.**

7 NOTE: Additions are *single-underline italics Times New Roman*;
deletions are *strike-through italics Times New Roman*.
Board amendment additions are double-underlined;
8 Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby

amended by adding a new Chapter 6 to Article III, including Sections 3.600, 3.605 and 3.610,
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13 to read as follows:

CHAPTER 6: REIMBURSEMENT TO THE CITY FOR
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CAMPAIGN-RELATED TRAVEL BY ELECTED OFFICIALS.
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17 *SEC. 3.600. REIMBURSEMENT TO CITY.*

18 (a) Calculation of Average Hourly Cost of Security. Annually, each City department

providing security to City elective officers shall consult the Controller to determine the average
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20 cost per hour for security provided to each City elective officer. The average cost per hour

shall include the base salary, benefits, overtime pay, per diem payments, transportation,
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22 meals and all other expenses for security personnel traveling with the elective officer.

23 ~~(a)~~(b) Reporting and Reimbursement. *Whenever the City and County of San Francisco*

provides personal security to a City elective officer traveling outside the City, and the officer engages
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1   *in any campaign-related activity or meeting during the travel, the officer* ~~and the City department~~

2   ~~expending funds to provide security to the officer~~ *shall take all the steps prescribed in this*

3   *Subs*~~ection~~ (b).

4   *(1) Within* ~~15~~ 45 *days after the travel, the City elective officer shall deliver to the* ~~City~~

5   ~~department expending funds to provide security a schedule including~~ Ethics Commission a

6   summary of the total amount of time the officer was outside the City and *all of the officer's*

7   *activities and meetings during the period when the officer was outside the City, excluding purely*

8   *personal activities or meetings that are not reasonably related to a political, governmental or*

9   *legislative purpose. The* summary ~~schedule~~ *shall indicate the amount of time the officer spent on*

10   *each activity or meeting and whether each activity or meeting was campaign-related, but the* summary

11   ~~schedule~~ *need not include additional details about the activity or meeting if such details would*

12   *undermine the security of the City elective officer.*

13   ~~(2) The City department expending funds to provide security shall, within 15 days after~~

14   ~~receiving the schedule described in subsection (a)(1), provide the officer a statement of the~~

15   ~~funds expended by the City for security in association with the travel. The statement shall~~

16   ~~consist of the total cost of base salary, benefits, overtime pay, per diem payments,~~

17   ~~transportation, meals and all other expenses for security personnel travelling with the elective~~

18   ~~officer. The statement shall include an itemized accounting of costs unless the City~~

19   ~~department providing the statement determines that disclosure of an itemized accounting~~

20   ~~would undermine the security of the City elective officer.~~

21   ~~(3)~~(2) ~~Within 15 days after receiving a statement from the City described in subsection~~

22   ~~(a)(2),~~Within 45 days after filing the summary described in subsection (b)(1)*, the City elective*

23   *officer shall reimburse the City for the total cost of security provided in connection with campaign-*

24   *related activities and meetings, or arrange for such reimbursement by a third party.* At the time of

25   reimbursement, the City elective office shall also disclose to the Ethics Commission the

1   amount of the reimbursement, the person making the reimbursement, the dates of travel, and

2   any other information required by the Ethics Commission by regulation in furtherance of this

3   Chapter.

4   (4) Within 15 days after receiving a statement from the City described in subsection

5   (a)(2), the City elective officer shall file with the Ethics Commission a copy of the schedule

6   described in Subsection (a)(1); the statement described in Subsection (a)(2); and a report

7   documenting the amount of the reimbursement described in Subsection (a)(2), the person

8   making the reimbursement, the date of the travel, and any other information required by the

9   Ethics Commission by regulation in furtherance of this Chapter.

10   (c) De minimis exception. No City elective officer shall be required to take the steps

11   prescribed in Subsection (b) if the total cost of security for campaign-related activities and

12   meetings during the travel is $500 or less.

13   (b)(d) *Definitions. For the purpose of this Section, the following words and phrases shall*

14   *mean:*

15   *(1) "Campaign-related activity or meeting" shall mean any activity or meeting with the purpose*

16   *of advocating for the election or defeat of a candidate for City, State or Federal elective office, or*

17   *raising funds for such a candidate.*

18   *(2) "The cost of security provided in connection with campaign-related activities and meetings"*

19   *shall mean the product of (i) the total amount expended by the City for security for the* time the officer

20   was out of the City, *reported travel* using the average cost per hour for security determined

21   under subsection (a), *and (ii) the percentage of time in the officer's* summary *schedule devoted to*

22   *campaign-related activities or meetings. To determine the percentage of time in the officer's* summary

23   *schedule devoted to campaign-related activities, the officer shall take the total amount of time spent*

24   *on campaign-related activities and meetings, including the time spent in transit to and from such*

25   *activities and meetings, and divide that figure by the total amount of time spent on all activities and*

1 *meetings in the officer's schedule,* including the time spent in transit to and from the activities and

2 meetings.

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4 **SEC. 3.605. FORMS AND REGULATIONS.**

5 *The Ethics Commission shall specify the form and content of all forms and statements required*

6 *to be filed under this Chapter. The Ethics Commission also may adopt regulations to implement this*

7 *Chapter under Charter Section 15.102.*

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9 **SEC. 3.610. ENFORCEMENT AND PENALTIES.**

10 *(a) Criminal penalties. Any person who willfully violates Section* 3.600(b) 6.100(a)(1), (a)(3)

11 or (a)(4) *of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be*

12 *punished by a fine of not more than $1,000 for each violation or by imprisonment in the County jail for*

13 *a period of not more than six months or by both such fine and imprisonment.*

14 *(b) Civil penalties. Any person who willfully or negligently violates Section* 3.600(b)

15 6.100(a)(1), (a)(3) or (a)(4) *of this Chapter shall be liable in a civil action brought by the City*

16 *Attorney for an amount up to $1,000 for each violation.*

17 *(c) Administrative penalties. Any person who willfully or negligently violates Section* 3.600(b)

18 6.100(a)(1), (a)(3) or (a)(4) *of this Chapter shall be liable in an administrative proceeding before the*

19 *Ethics Commission held pursuant to the Charter, and shall be subject to the administrative orders and*

20 *penalties authorized therein. In addition to the administrative orders and penalties set forth in the*

21 *Charter, the person shall be liable for the cost of the Ethics Commission's investigation. The Ethics*

22 *Commission also may issue warning letters to City elective officers.*

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

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1 By: _____

     JON GIVNER

2   Deputy City Attorney

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