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FILE NO. 981778

ORDINANCE NO. 19-99

1 [Regulation of Lobbyists]

2 AMENDING ARTICLE XIIA OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY
3 AMENDING SECTIONS 16.520 THROUGH 16.534 TO: ADD LEGISLATIVE FINDINGS;
4 CLARIFY DEFINITIONS AND ADD NEW DEFINITIONS; CONSOLIDATE THE DEFINITION
5 OF "LOBBYIST" WITH THE THRESHOLDS FOR QUALIFYING AS A LOBBYIST AND THE
6 EXEMPTIONS; INCREASE THE QUALIFICATION THRESHOLD FOR CONTRACT
7 LOBBYISTS FROM \$1,000 PER MONTH TO \$3,200 PER QUARTER; INCREASE THE
8 QUALIFICATION THRESHOLD FOR EXPENDITURE LOBBYISTS FROM \$1,000 PER
9 QUARTER TO \$3,200 PER QUARTER; CLARIFY AND ADD NEW EXEMPTIONS; CLARIFY
10 THAT ONCE A PERSON QUALIFIES AS A "LOBBYIST" THE PERSON IS SUBJECT TO
11 THE REQUIREMENTS AND PROHIBITIONS OF THIS ARTICLE UNTIL THE PERSON
12 CEASES ALL LOBBYIST ACTIVITY AND FILES A STATEMENT OF TERMINATION;
13 CLARIFY THE DISCLOSURE REQUIREMENTS APPLICABLE AT THE TIME OF
14 REGISTRATION AND AT THE TIME OF FILING QUARTERLY ACTIVITY REPORTS;
15 PROVIDE THAT ALL LOBBYISTS RE-REGISTER ON JANUARY 15 OF EACH YEAR;
16 REQUIRE LOBBYISTS TO DISCLOSE PAYMENTS RECEIVED FROM CITY OFFICERS IN
17 EXCHANGE FOR CAMPAIGN CONSULTING SERVICES; LIMIT THE AGREGATE VALUE
18 OF GIFTS FROM LOBBYISTS TO EACH CITY OFFICER, WITHIN THREE MONTHS OF A
19 LOBBYIST CONTACT, TO \$50; REQUIRE LOBBYISTS TO NOTIFY CITY OFFICERS OF
20 THE VALUE OF GIFTS CONFERRED; AND REQUIRE THE ETHICS COMMISSION TO
21 CONDUCT QUARTERLY WORKSHOPS CONCERNING THE LAWS RELATING TO
22 LOBBYING.

23
24 Note: Additions are underlined; deletions are in ~~strikeout type~~.

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

SUPERVISOR AMMIANO
BOARD OF SUPERVISORS

1 Section 1. Article XIIA of the San Francisco Administrative Code is hereby amended by
2 amending Sections 16.520 through 16.534, to read as follows:

3 **SEC. 16.520. FINDINGS.** The Board of Supervisors finds that public disclosure of the
4 identity and extent of efforts of lobbyists to influence decision-making regarding local
5 legislative and administrative matters is essential to protect public confidence in the
6 responsiveness and representative nature of government officials and institutions. It is the
7 purpose and intent of the Board of Supervisors to impose on lobbyists reasonable registration
8 and disclosure requirements to reveal information about lobbyists' efforts to influence
9 decision-making regarding local legislative and administrative matters.

10 **SEC. 16.521. DEFINITIONS.** Whenever used in this Article, the following words and
11 phrases shall have the definitions provided in this Section:

12 (a) "Activity expenses" means any expense incurred or payment made by a lobbyist
13 or a lobbyist's client at the behest of the lobbyist, or arranged by a lobbyist or a lobbyist's client
14 at the behest of the lobbyist, which benefits in whole or in part any: officer of the City and
15 County; candidate for City and County office; aide to a member of the Board of Supervisors; or
16 member of the immediate family or the registered domestic partner of an officer, candidate, or
17 aide to a member of the Board of Supervisors. An expense or payment is not an "activity
18 expense" unless it is incurred or made within three months of a contact with the officer,
19 candidate, or Supervisor's aide who benefits from the expense or payment, or whose
20 immediate family member or registered domestic partner benefits from the expense or payment.
21 "Activity expenses" include gifts, honoraria, consulting fees, salaries, and any other form of
22 economic consideration totaling more than \$30 in value in a consecutive three-month period,
23 but do not include political contributions.

24 (b) "Candidate" means a person who has taken affirmative action to seek nomination
25 or election to local office, a local officeholder who has taken affirmative action to seek

1 nomination or election to any elective office, or a local officeholder who is the subject of a recall
2 election.

3 (c) "Client" means the person for whose benefit lobbyist services are performed by a
4 contract lobbyist.

5 (d) "Contact" means communicate, orally or in writing, including communication
6 through an agent, associate or employee, for the purpose of influencing or attempting to
7 influence local legislative or administrative action.

8 (1) The following activities are not "contacts" within the meaning of this Article.

9 (A) A public official acting in the public official's official capacity. For
10 purposes of this subsection, "public official" includes an elected or appointed official or
11 employee, or officially designated representative of the United States, the State of California, or
12 any political subdivision thereof. For purposes of this subsection, "public official" also includes
13 persons appointed to serve on City and County advisory committees and City and County task
14 forces.

15 (B) A representative of a news media organization gathering news and
16 information or disseminating the same to the public, even if the organization, in the ordinary
17 course of business, publishes news items, editorials or other commentary, or paid
18 advertisements, that urge action upon local legislative or administrative matters;

19 (C) A person providing oral or written testimony that becomes part of the
20 record of a public hearing; provided, however, that if the person making the appearance or
21 providing testimony has already qualified as a lobbyist under this Article and is appearing or
22 testifying on behalf of a client, the lobbyist's testimony shall identify the client on whose behalf
23 the lobbyist is appearing or testifying;

24 (D) A person acting on behalf of others in the performance of a duty or
25 service, which duty or service lawfully can be performed for such other only by an attorney or

1 an architect licensed to practice in the State of California, and including any communication by
2 an attorney in connection with litigation involving the City and County or a claim filed pursuant
3 to Administrative Code section 10.20-1 et seq.;

4 (E) A person making a speech or producing an article, publication or
5 other material that is distributed and made available to the public, through radio, television,
6 cable television, or other medium of mass communication;

7 (F) A person providing written information in response to an oral or
8 written request made by an officer of the City and County, provided that the written
9 information is a public record available for public review;

10 (G) A person providing oral or written information pursuant to a
11 subpoena, or otherwise compelled by law or regulation;

12 (H) A person providing oral or written information in response to a
13 Request for Proposals, Request for Qualifications, or other similar request, provided that the
14 information is directed to the department or official specifically designated in the request to
15 receive such information;

16 (I) A person submitting a written petition for local legislative or
17 administrative action, provided that the petition is a public record available for public review;

18 (J) A person making an oral or written request for a meeting, for the
19 status of an action, or any other similar administrative request, if the request does not include
20 an attempt to influence local legislative or administrative action;

21 (K) A person appearing before an officer of the City and County pursuant
22 to any procedure established by law or regulation for levying an assessment against real
23 property for the construction or maintenance of an improvement;

24 (L) An expert employed or retained by a lobbyist registered under this
25 Article to provide information to an officer of the City and County;

1 (M) A person distributing to any officer of the City and County any
2 regularly published newsletter or other periodical which is not primarily directed at influencing
3 local legislative or administrative action;

4 (N) A person disseminating information or material to all or a significant
5 segment of the person's employees or members;

6 (O) A person communicating in connection with the administration of an
7 existing contract between the person and the City and County of San Francisco. For purposes
8 of this subsection, communication "in connection with the administration of an existing contract"
9 includes, but is not limited to, communication regarding: insurance and bonding; contract
10 performance and/or default; requests for in-scope change orders; legislative mandates imposed
11 on contractors by the City and County; payments and invoicing; personnel changes; prevailing
12 wage verification; liquidated damages and other penalties for breach of contract; audits;
13 assignment; and subcontracting. Communication "in connection with the administration of an
14 existing contract" does not include communication regarding new contracts, or out-of-scope
15 change orders; and

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16 (P) A person applying for, opposing or otherwise taking any position on a
17 grading permit or a permit relating to the construction, alteration, demolition or moving of a
18 building or to a person filing, opposing or otherwise taking a position on a parcel map or
19 subdivision tract map; provided, however, that if a person qualifies as a lobbyist and that
20 person takes or opposes an appeal or represents a person taking or opposing an appeal,
21 pursuant to any procedure or authority provided by law from an administrative determination
22 made with respect to such an application or map, that person shall be required to register as
23 provided in Section 16.522 upon taking the appeal or filing opposition to it.

24 (e) "Economic consideration" means any payments, fees, reimbursement for
25 expenses, gifts, or anything else of value.

1 (f) "Ethics Commission" means the San Francisco Ethics Commission or its
2 designee.

3 (g) "Filer" means a person who qualifies as a lobbyist under subsection (i) of this
4 Section.

5 (h) "Gift" shall be defined as set forth in the Political Reform Act, Government Code
6 § 81000 et seq., and the regulations adopted thereunder.

7 (i) "Lobbyist" means the following:

8 (1) Contract lobbyist.

9 (A) "Contract lobbyist" means any person who contracts for economic
10 consideration to contact any officer of the City and County of San Francisco on behalf of any
11 other person, and who:

12 (i) receives or becomes entitled to receive at least \$3200 in
13 economic consideration within any three consecutive calendar months in exchange for
14 lobbyist services, or

15 (ii) has at least 25 separate contacts with officers of the City and
16 County within any two consecutive calendar months.

17 (B) For purposes of calculating whether a person has reached the
18 income threshold set forth in (1)(A)(i) of this subsection, all economic consideration the person
19 has received or become entitled to receive, during the three consecutive calendar months,
20 from all clients in exchange for lobbyist services shall be combined.

21 (C) For purposes of calculating whether a person has reached the
22 contacts threshold set forth in (1)(A)(ii) of this subsection, all contacts with officers of the City
23 and County that were made by the person during the two preceding calendar months on
24 behalf of all clients shall be combined.

25 (2) Business and Organization Lobbyist.

1 (A) "Business and organization lobbyist" means any business or
2 organization any of whose employees or members, as a regular part of their employment or
3 duties, contact officers of the City and County of San Francisco on behalf of that business or
4 organization, provided:

5 (i) the business or organization compensates its employees or
6 members, at any amount, for their lobbyist services on its behalf, and

7 (ii) the compensated employees or members have a total of at
8 least 25 separate contacts with officers of the City and County within any two consecutive
9 calendar months. Contacts made by an employee or member who merely indicates his or her
10 affiliation or identification with the business or organization, but who does not represent the
11 official position of the business or organization shall not be included in this calculation.

12 (3) Expenditure Lobbyist.

13 (A) "Expenditure lobbyist" means any person who makes payments to
14 influence local legislative or administrative action totaling \$3,200 or more in value within any
15 three consecutive calendar months.

16 (B) The following shall not be included in calculating payments under
17 (3)(A) of this subsection: economic consideration paid to any person in exchange for lobbyist
18 services; and dues payments, donations, and other economic consideration paid to any
19 business and organization lobbyist or expenditure lobbyist, regardless of whether the
20 economic consideration is used in whole or in part to influence local legislative or
21 administrative action.

22 (4) Exemptions. No person shall qualify as a "lobbyist" within the meaning of
23 this Article by reason of activities described in subsection (d)(1) of Section 16.521.

24 (i) "Lobbyist services" means services rendered for the purpose of influencing or
25 attempting to influence local legislative or administrative action, including but not limited to

1 contacts with officers of the City and County of San Francisco. "Lobbyist services" shall not
2 include activities described in subsection (d)(1) of Section 16.521, other than subsection
3 (d)(1)(C) of Section 16.521.

4 (k) "Local legislative or administrative action" includes, but is not limited to, the
5 drafting, introduction, consideration, modification, enactment, defeat, approval, veto, granting or
6 denial by any officer of the City and County of any resolution, motion, appeal, application,
7 petition, nomination, ordinance, amendment, approval, referral, permit, license or entitlement to
8 use. "Local legislative or administrative action" does not include any action by any officer of the
9 City and County which adjudicates the rights and/or duties of a single person or group of
10 persons, other than a proceeding described in subsection (d)(1)(K) of Section 16.521.

11 (l) "Measure" means a local referendum or local ballot measure, whether or not it
12 qualifies for the ballot.

13 (m) "Officer of the City and County" means any officer identified in San Francisco
14 Administrative Code Section 1.50, as well as any official body composed of such officers. In
15 addition, for purposes of this Article, "officer of the City and County" includes members of the
16 Board of Education, Community College Board, Housing Authority, Redevelopment Agency,
17 and Transportation Authority, as well as any official body composed of such officers.

18 (n) "Payments to influence local legislative or administrative action" include actual or
19 promised payments of anything of value, whether or not legally enforceable, made in
20 consideration for influencing or attempting to influence local legislative or administrative
21 action. Such payments include payments for contacts with officers of the City and County as
22 well as other lobbyist services. Such payments shall not include the following:

23 (1) Payments for services that are solely secretarial, clerical, or manual, or are
24 limited solely to the compilation of data and statistics;

1 (2) Payments for any regular, ongoing business overhead that would continue
2 to be incurred in substantially similar amounts regardless of the filer's activities to influence local
3 legislative or administrative action, other than payments to lobbyists, employees or members for
4 lobbyist services;

5 (3) Payments for soliciting or urging the filer or the filer's employees or
6 members to contact officers of the City and County;

7 (4) Payments for the settlement or resolution of litigation or claims filed pursuant
8 to Administrative Code section 10.20-1 et seq.; or

9 (5) Payments for activities described in subsection (d)(1) of Section 16.521,
10 other than subsections (d)(1)(C), (L) and (P) of Section 16.521.

11 (o) "Person" means an individual, partnership, corporation, association, firm or other
12 organization or entity, however organized.

13 (p) "Public hearing" means any open, noticed proceeding.

14 **SEC. 16.520. "LOBBYIST" DEFINED.** ~~The following persons are deemed to be~~
15 ~~lobbyists and shall be subject to the provisions of this Article:~~

16 ~~(a) Any person, business entity or other organization, including an individual contract~~
17 ~~lobbyist, which contracts for economic consideration to communicate with any officer of the~~
18 ~~City and County of San Francisco for the purpose of influencing local legislative or~~
19 ~~administrative action on behalf of any other person.~~

20 ~~(b) Any business or organization any of whose employees or members, as a regular~~
21 ~~part of their duties or employment, communicate with any officer of the City and County of~~
22 ~~San Francisco for the purpose of influencing local legislative or administrative action on behalf~~
23 ~~of that business or organization. The requirements of this Article shall not apply where~~
24 ~~employees or members indicate affiliation or identification with a business or organization, but~~
25 ~~do not represent the official position of the business or organization.~~

1 ~~(c) Any person who directly or indirectly expends \$1,000 or more in value in any~~
2 ~~calendar quarter to influence local legislative or administrative action. Payments made to any~~
3 ~~person as consideration for communicating with an officer of the City and County for the~~
4 ~~purpose of influencing local legislative or administrative action shall not be included in~~
5 ~~calculating expenditures for the purposes of subsection (a)(3)(A).~~

6 **SEC. 16.521. THRESHOLDS.** ~~(a) No person shall be deemed a lobbyist under Section~~
7 ~~16.520, Subdivision (a), unless that person receives or becomes entitled to receive at least~~
8 ~~\$1,000 total compensation in any month for influencing local legislative or administrative~~
9 ~~action or has at least 25 separate contacts with officers of the City and County for the purpose~~
10 ~~of influencing local administrative or legislative action within any two consecutive months.~~

11 ~~(b) No business or organization shall be deemed a lobbyist under Section 16.520,~~
12 ~~Subdivision (b), unless it compensates its employees or members for their lobbying activities~~
13 ~~on behalf of the business or organization, and the compensated employees or members have~~
14 ~~at least 25 separate contacts with officers of the City and County for the purpose of~~
15 ~~influencing local legislative or administrative action within any two consecutive months.~~

16 ~~"Total compensation" shall be calculated by combining all compensation received~~
17 ~~during the month from all clients for all lobbying activities on all targeted local legislative and~~
18 ~~administrative actions. "Total number of contacts" shall be calculated by combining all~~
19 ~~contacts made during the two month period on behalf of all clients for all lobbying activities on~~
20 ~~all targeted local legislative and administrative actions.~~

21 **SEC. 16.522. EXEMPTIONS.** ~~The term "lobbyist" shall not include:~~

- 22 ~~(1) A public official acting in an official capacity;~~
23 ~~(2) A newspaper or other regularly published periodical, radio or television station~~
24 ~~(including any individual who owns, publishes or is employed by any such newspaper or~~
25 ~~periodical, radio or television station) which in the ordinary course of business publishes news~~

1 items, editorials or other comments, or paid advertisements, which directly or indirectly urge
2 action upon local legislative or administrative action;

3 (3) ~~— A person acting on behalf of others in the performance of a duty or service,~~
4 ~~which duty or service lawfully can be performed for such other only by an attorney or an~~
5 ~~architect licensed to practice in the State of California, and including any communication by an~~
6 ~~attorney concerning the settlement of a lawsuit involving the City and County;~~

7 (4) ~~— A person invited by or on behalf of any officer of the City and County to confer,~~
8 ~~consult or give testimony in aid of the officer extending the invitation;~~

9 (5) ~~— A person appearing with respect to local legislative or administrative action~~
10 ~~pursuant to a procedure established by State or Federal law, or pursuant to any procedure~~
11 ~~established by ordinance for levying an assessment against real property for the construction~~
12 ~~or maintenance of an improvement;~~

13 (6) ~~— A person applying for, opposing or otherwise taking any position on a grading~~
14 ~~permit or a permit relating to the construction, alteration, demolition or moving of a building or~~
15 ~~to a person filing, opposing or otherwise taking a position on a parcel map or subdivision tract~~
16 ~~map; provided, however, that if a person qualifies as a lobbyist and that person takes or~~
17 ~~opposes an appeal or represents a person taking or opposing an appeal, pursuant to any~~
18 ~~procedure or authority provided by law from an administrative determination made with~~
19 ~~respect to such an application or map, that person shall be required to register as provided in~~
20 ~~Section 16.524 upon taking the appeal or filing opposition to it;~~

21 (7) ~~— A person employed by a lobbyist registered under this Article to provide expert~~
22 ~~testimony before an officer of the City and County.~~

23 **SEC. 16.523. DEFINITIONS.** ~~Whenever used in this Article, the following words and~~
24 ~~phrases shall be as defined in this Section:~~

1 (a) ~~“Economic consideration” shall include reimbursement for expenses incurred. A~~
2 ~~person shall be deemed to be employed as a lobbyist whether consideration is paid specifically~~
3 ~~for activity regulated by this Article or other activity as well.~~

4 (b) ~~“To communicate” shall include to communicate directly or through an agent,~~
5 ~~associate or employee, but shall not include (1) appearing as a witness in, or providing written~~
6 ~~statements which become a part of the record of, a public hearing so long as the lobbyist~~
7 ~~identifies the client or clients on whose behalf the lobbyist is speaking or writing; or (2) the~~
8 ~~distribution to any officer of the City and County of any regularly published newsletter or other~~
9 ~~periodical which is not primarily directed at influencing local legislative or administrative action.~~
10 ~~A “public hearing” shall include any open, noticed proceeding where a public record is kept of~~
11 ~~who testified and who was represented by a lobbyist testifying at that hearing.~~

12 (c) ~~“Officer of the City and County” shall include any official defined in San Francisco~~
13 ~~Administrative Code section 1.50, as well as any official body composed of officers of the City~~
14 ~~and County. In addition, for purposes of this Article, “officer of the City and County” also~~
15 ~~includes members of the Board of Education, Community College Board, Housing Authority,~~
16 ~~Redevelopment Agency, and Transportation Authority, as well as any official body composed of~~
17 ~~such officers of the City and County.~~

18 (d) ~~“To expend” means to pay, distribute, loan, advance, deposit or give money or~~
19 ~~anything of value, whether directly or indirectly, for the purpose of influencing local legislative or~~
20 ~~administrative action, and includes a contract, promise, or agreement, whether or not legally~~
21 ~~enforceable, to make an expenditure.~~

22 (e) ~~“Local legislative or administrative action” includes the drafting, introduction,~~
23 ~~consideration, modification, enactment, defeat, approval, veto, granting or denial by any officer~~
24 ~~of the City and County of any resolution, motion, appeal, application, petition, nomination,~~
25 ~~ordinance, amendment, approval, referral, permit, license or entitlement to use. “Local~~

1 ~~legislative or administrative action" does not include any action by any officer of the City and~~
2 ~~County which adjudicates the rights and/or duties of a single individual (or group of individuals~~
3 ~~when individual proceedings are consolidated) other than a proceeding described in Section~~
4 ~~16.522, subdivision (6).~~

5 ~~(f) — The terms "quarterly" or "quarter" or "calendar quarter" mean the annual calendar~~
6 ~~quarters of the year, namely, the time periods encompassed by January 1 — March 31, April 1 —~~
7 ~~June 30, July 1 — September 30, and October 1 — December 31, respectively.~~

8 ~~(g) — The term "public official" as used in Section 16.522 shall include an elected or~~
9 ~~appointed officer or employee or officially designated representative, whether compensated or~~
10 ~~not, of the United States or any of its agencies, the State of California, any political subdivision~~
11 ~~of the State, including cities, counties, districts, or any public body corporate and politic, agency~~
12 ~~or commission.~~

13 ~~(h) — "Client" means the real party in interest for whose benefit the services are actually~~
14 ~~performed. The "client" of a lobbyist qualified under Section 16.520(b) shall be the business or~~
15 ~~organization; the "client" of a lobbyist qualified under Section 16.520(c) shall be the individual.~~
16 ~~An individual member of an organization shall not be deemed to be a "client" solely by reason of~~
17 ~~the fact that such member is individually represented by an employee or agent of the~~
18 ~~organization as a regular part of such employee's or agent's duties with the organization and so~~
19 ~~long as such member does not pay an amount of money or other consideration for such~~
20 ~~representation in addition to the usual membership fees.~~

21 ~~(i) — "Activity expenses" means any expense incurred or payment made by a lobbyist~~
22 ~~or lobbyist's client, or arranged by a lobbyist or a lobbyist's client, which benefits in whole or in~~
23 ~~part any officer of the City and County, candidate for municipal office, or a member of the~~
24 ~~immediate family of one of these individuals. "Activity expenses" include gifts, honoraria,~~
25

1 consulting fees, salaries, and any other form of economic compensation totaling more than \$20
2 in value in a calendar month, but do not include political contributions.

3 **SEC. 16.522. SEC. 16.524. REGISTRATION OF LOBBYISTS REQUIRED;**
4 **REGISTRATION, RE-REGISTRATION, QUARTERLY REPORTS; FEES; CLIENT**
5 **AUTHORIZATION; TERMINATION.** (a) REGISTRATION OF LOBBYISTS REQUIRED. No

6 person who qualifies as a contract or business or organization lobbyist shall contact any officer
7 of the City and County, and no person who qualifies as an expenditure lobbyist shall make
8 payments to influence local legislative or administrative action, without first registering with the
9 Ethics Commission and complying with the disclosure requirements imposed by this Article. No
10 lobbyist shall communicate with an officer of the City and County for the purpose of influencing
11 local legislative or administrative action without first registering with the Ethics Commission. The
12 Ethics Commission shall issue a registration number to each lobbyist and indicate thereon the
13 expiration date of the registration, which shall be one year after the last day of the calendar
14 quarter in which registration occurs.

15 (b) — At the time of registration or re-registration, each lobbyist shall pay an initial fee of
16 \$300 and an additional fee of \$50 for each client identified by the lobbyist at said time. When a
17 client is acquired subsequent to registration or re-registration, a \$50 fee shall accompany the
18 filing of the information required herein. The Ethics Commission shall waive these fees for any
19 organization presenting proof of its tax-exempt status under 26 U.S.C. 501(c)(3) or 501(c)(4).

20 (c) — In order to maintain an active registration, a lobbyist shall re-register between the
21 first and last day of the month in which the registration expired.

22 **SEC. 16.525.** (b) REGISTRATION REPORTS. (a) At the time of initial registration or
23 re-registration, and between the first and 15th day of each calendar quarter so long as that
24 person's registration continues, each filer lobbyist shall report to file with the Ethics
25 Commission a report of the following information:

1 (1) The name, business address and business phone number of the filer lobbyist;

2 (2) If the filer is a contract lobbyist, the filer shall also report the following:

3 (A) if the filer is an entity, the name of each individual who is an owner, partner
4 or officer of the filer as follows:

5 (i) if the filer is a sole proprietorship, list the name of the sole
6 proprietor;

7
8 (ii) if the filer is a corporation, however organized, list the name of each
9 officer;

10 (iii) if the filer is a partnership, however organized, and if the partnership
11 has 10 (ten) or more partners, list the name of the partnership; or

12 (iv) if the filer is a partnership, however organized, and if the partnership
13 has fewer than 10 (ten) partners, list the name of each partner.

14 (B) if the filer is an individual, the name of the filer's employer and a description
15 of the employer's business activity;

16 (C) the name of each person employed or retained by the filer, at the time of
17 filing or at any time during the two months immediately preceding filing, to contact officers of
18 the City and County;

19 (D) the name, address, and telephone number of each current client and each
20 client on whose behalf the filer provided lobbyist services during the preceding two months;

21 (E) the total economic consideration promised by or received from clients
22 during the preceding two months in exchange for lobbyist services;

23 (F) the total number of contacts with officers of the City and County made
24 during the preceding two months; and

1 (G) for each current client, and each client on whose behalf the filer provided
2 lobbyist services during the preceding two months, describe the local legislative or
3 administrative action the filer was retained to influence, and the outcome sought by the filer.

4 (3) ~~(2)~~ If the filer is a business or organization lobbyist qualifying under Section
5 16.521(b) of this Article, the filer shall also report the following: a specific description of the
6 business or organization in sufficient detail to inform the reader of the nature and purpose of
7 the business or organization;

8 (A) a description of the nature and purpose of the business or organization,
9 including a statement indicating whether the filer is an industry, trade or professional
10 association;

11 (B) the name of each employee or member of the business or organization
12 authorized to contact officers of the City and County on behalf of the business or organization;

13 (C) the total amount of payments to influence local legislative or administrative
14 action made by the filer during the preceding two months;

15 (D) the total number of contacts with officers of the City and County, made on
16 behalf of the filer by the filer's employees or members during the preceding two months; and

17 (E) a description of each local legislative or administrative action the filer
18 seeks to influence or sought to influence during the preceding two months, and the outcome
19 sought by the filer.

20 (4) ~~(3)~~ If the filer is an expenditure lobbyist, is an individual qualifying under Section
21 16.521(c), the filer shall also report the following:

22 (A) if the filer is an entity, a description of the nature and purpose of the entity,
23 and the name of each individual who is an owner, partner or officer of the filer as follows:

24 (i) if the filer is a sole proprietorship, list the name of the sole
25 proprietor;

1 (ii) if the filer is a corporation, however organized, list the name of each
2 officer;

3 (iii) if the filer is a partnership, however organized, and if the partnership
4 has 10 (ten) or more partners, list the name of the partnership; or

5 (iv) if the filer is a partnership, however organized, and if the partnership
6 has fewer than 10 (ten) partners, list the name of each partner.

7 (B) if the filer is an individual, the name and address of the filer's employer, if
8 any, or his or her principal place of business if the filer is self-employed, and a description of
9 the business activity in which the filer or his or her employer is engaged;

10 (C) the total amount of payments to influence local legislative or administrative
11 action made during the preceding two months; and

12 (D) a description of each local legislative or administrative action the filer
13 seeks to influence or sought to influence during the preceding two months, and the outcome
14 sought by the filer.

15 ~~(4) — The name, and address of each current client;~~

16 ~~(5) — The proposed local legislative or administrative action the lobbyist is employed~~
17 ~~to support or oppose, and the client on whose behalf the lobbyist is employed for each~~
18 ~~proposed local legislative or administrative action;~~

19 ~~(6) — The names of all individuals communicating with any officer of the City and~~
20 ~~County on behalf of the lobbyist; and~~

21 (5) All political contributions of \$100 or more made or delivered by the filer, or made
22 by a client at the behest of the filer, during the preceding two months in support of or in
23 opposition to an officer of the City and County, a candidate for such office, a committee
24 controlled by such officer or candidate, or a committee primarily formed to support or oppose
25 such officer or candidate, or any committee primarily formed to support or oppose a ballot

1 measure to be voted on only in San Francisco. This report shall include all political
2 contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or
3 intermediary.

4 (6) ~~(7)~~ Any other information required by the Ethics Commission consistent with the
5 purposes and provisions of this Article.

6 (7) No lobbyist shall be required to report activities described in subsection (d)(1) of
7 Section 16.521, other than subsections (d)(1)(C), (L) and (P) of Section 16.521.

8 (c) RE-REGISTRATION REPORTS. Each lobbyist shall re-register annually no
9 later than January 15. The re-registration report must include the date of the most recent
10 lobbyist workshop (as described in Section 16.528(j) of this Article) attended by the lobbyist.

11 (d) QUARTERLY REPORTS OF LOBBYIST ACTIVITY. Each lobbyist shall file with
12 the Ethics Commission quarterly reports containing the information specified in this subsection.
13 The quarterly report for the period starting January 1 and ending March 31 shall be filed no later
14 than April 15; the quarterly report for the period starting April 1 and ending June 30 shall be filed
15 no later than July 15; the quarterly report for the period starting July 1 and ending September 30
16 shall be filed no later than October 15; and the quarterly report for the period starting October 1
17 and ending December 31 shall be filed no later than January 15. Quarterly reports shall include
18 the following information:

19 (1) All activity expenses incurred by the filer during the reporting period,
20 including the following information:

21 (A) The date and amount of each activity expense;

22 (B) The full name and official position, if any, of the beneficiary of each
23 activity expense, a description of the benefit, and the amount of the benefit;

24 (C) The full name of the payee of each activity expense if other than the
25 beneficiary;

1 (D) Whenever a filer is required to report a salary of an individual
2 pursuant to this subsection, the filer need only disclose whether the total salary payments made
3 to the individual during the reporting period was less than or equal to \$250, greater than \$250
4 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or
5 greater than \$10,000.

6 (2) All political contributions of \$100 or more made or delivered by the filer, or
7 made by a client at the behest of the filer during the reporting period to an officer of the City and
8 County, a candidate for such office, a committee controlled by such officer or candidate, or a
9 committee primarily formed to support or oppose such officer or candidate, or any committee
10 primarily formed to support or oppose a ballot measure to be voted on only in San Francisco.
11 This report shall include all political contributions arranged by the lobbyist, or for which the
12 lobbyist acted as an agent or intermediary.

13 (3) If the filer is a contract lobbyist, the filer shall also report the following:

14 (A) the name of each person employed or retained by the filer during
15 the reporting period to contact officers of the City and County;

16 (B) the name, address, and telephone number of each client on whose
17 behalf the filer provided lobbyist services during the reporting period;

18 (C) the total economic consideration promised by or received from
19 clients during the reporting period in exchange for lobbyist services;

20 (D) the name and title, if applicable, of each officer and department of
21 the City and County contacted by the filer during the reporting period;

22 (E) for each client, describe the local legislative or administrative action
23 the filer was retained to influence and the outcome sought by the filer; and

24 (F) for each client, describe the lobbyist services provided for which
25 economic consideration was received from or promised by the client.

1 (4) If the filer is a business or organization lobbyist, the filer shall also report
2 the following:

3 (A) the name of each employee or member of the business or
4 organization authorized to contact officers of the City and County, during the reporting period,
5 on behalf of the business or organization;

6 (B) the total amount of payments to influence local legislative or
7 administrative action made by the filer during the reporting period;

8 (C) the name and title, if applicable, of each officer and department of
9 the City and County contacted by the filer's employees or members during the reporting period;
10 and

11 (D) a description of each local legislative or administrative action the
12 filer sought to influence during the reporting period, and the outcome sought by the filer.

13 (5) If the filer is an expenditure lobbyist, the filer shall also report the following:

14 (A) the total amount of payments to influence local legislative or
15 administrative action made during the reporting period; and

16 (B) a description of each local legislative or administrative action the
17 filer sought to influence during the reporting period, and the outcome sought by the filer.

18 (6) Each City and County contract awarded to the filer during the reporting
19 period. For purposes of this subsection, the term "contract" means a contract for: the rendition
20 of personal services; the furnishing of any material, supplies or equipment to or from the City,
21 whether by purchase or lease; the sale or lease of land or buildings to or by the City, or the
22 financing of the same.

23 (7) Payments made by City and County officers to the filer during the
24 reporting period, provided that the payment is made in exchange for "campaign consulting
25 services," as defined in San Francisco Administrative Code section 16.541, and provided that

1 the filer contacted the officer within one year of the date of payment. The required disclosure of
2 payments under this subsection shall not apply to information that is privileged under State law.

3 (8) The name of each officer of the City and County who is employed or
4 retained by the filer, or by a client of the filer at the behest of the filer, at any time during the
5 reporting period;

6 (9) Any other information required by the Ethics Commission consistent with
7 the purposes and provisions of this Article.

8 (10) No lobbyist shall be required to report activities described in subsection
9 (d)(1) of Section 16.521, other than subsections (d)(1)(C), (L) and (P) of Section 16.521.

10 (e) FEES.

11 (1) At the time of registration or re-registration, each lobbyist shall pay a fee of
12 \$300. The Ethics Commission shall prorate the fee by calendar quarter.

13 (2) In addition, at the time of registration and re-registration, contract lobbyists
14 shall pay a fee of \$50 for each current client. When a contract lobbyist is retained by a client
15 subsequent to registration, payment of the \$50 fee shall accompany the filing of the information
16 required in subsection (f) of this Section. The Ethics Commission shall prorate these fees by
17 calendar quarter.

18 (3) The Ethics Commission shall waive all registration and client fees for any
19 organization presenting proof of its tax-exempt status under 26 U.S.C. 501(c)(3) or 501(c)(4).

20 (4) The Ethics commission shall deposit all fees collected pursuant to this Section
21 in the General Fund of the City and County of San Francisco.

22 ~~(b)~~ (f) CLIENT AUTHORIZATION STATEMENTS. At the time of initial registration,
23 each contract lobbyist shall submit to the Ethics Commission a written authorization from each
24 client. The Client Authorization Statement shall be signed by both the contract lobbyist and
25 the client.

1 If the lobbyist is retained by a client after the date of initial registration, the lobbyist shall
2 file a Client Authorization Statement before providing any lobbyist services to the client, and
3 before receiving any economic consideration from the client in exchange for such lobbyist
4 services, and in any event no later than 15 days after being retained by the client. The lobbyist
5 is not required to amend previously-filed registration, re-registration or quarterly reports to
6 include a client who retains the services of the lobbyist after the time the report was filed.

7 If the lobbyist is retained by a client after the date of initial registration, the lobbyist may
8 submit a copy of the Client Authorization Statement by facsimile machine. The Client
9 Authorization Statement shall be deemed to be timely filed only if the facsimile copy is received
10 no later than the filing deadline, and within 15 days of the filing deadline the original document is
11 received by the Ethics Commission, and the original document is identical in all respects to the
12 facsimile copy.

13 The lobbyist is not required to resubmit Client Authorization Statements at the time of
14 re-registration.

15 ~~The lobbyist shall also, within 30 days after initially registering or after first registering~~
16 ~~on behalf of a particular client, submit to the Ethics Commission a written authorization from~~
17 ~~each client by whom the lobbyist is employed to act in furtherance of such object, including~~
18 ~~the local legislative or administrative action the lobbyist has been employed to support or~~
19 ~~oppose. Client authorizations need not be resubmitted at the time of re-registering.~~

20 (g) CLIENT TERMINATION STATEMENTS. Within 15 days after a client terminates
21 the services of a contract lobbyist, the lobbyist shall submit to the Ethics Commission a
22 statement that the client has terminated the services of the lobbyist. The client termination
23 statement shall be signed by the contract lobbyist. A contract lobbyist may not provide lobbyist
24 services to a client after a client termination statement is filed, until a new client authorization
25 statement has been filed pursuant to subsection (f) of this Section.

1 (h) LOBBYIST TERMINATION STATEMENTS. Once a person qualifies as a
2 "lobbyist" under this Article, the person shall be subject to all registration, reporting and other
3 requirements and prohibitions imposed by this Article until the person ceases all lobbyist
4 activity and files a Lobbyist Termination Statement with the Ethics Commission pursuant to
5 this subsection, regardless of whether the person continues to meet the activity thresholds
6 established in Section 16.521(i). A Lobbyist Termination Statement shall include all
7 information required by subsection (d) of this Section for the period starting with the first day of
8 the calendar quarter and ending with the date of termination. A Lobbyist Termination
9 Statement shall be filed no later than 30 days after the date the lobbyist ceased all lobbyist
10 activity.

11 ~~(c) Should services be engaged or terminated by any client subsequent to registering~~
12 ~~or re-registering, the same information with respect to that client shall be filed by the lobbyist~~
13 ~~before acting on behalf of that client and no later than 15 days after the change in status. A~~
14 ~~person who ceases all activity as a lobbyist may notify the Ethics Commission of that fact and,~~
15 ~~upon reporting the information required by Subsection (a) above, occurring since the~~
16 ~~lobbyist's last quarterly statement or since the commencement of the subject employment,~~
17 ~~whichever is applicable, shall be relieved of the obligation of making future reports required by~~
18 ~~this Article until again acting as a lobbyist.~~

19 ~~SEC. 16.526. ACTIVITY REPORTS. At the time of registration or re-registration, and~~
20 ~~between the first and 15th day of each calendar quarter so long as that person's registration~~
21 ~~continues, each lobbyist shall file with the Ethics Commission a detailed report of:~~

22 ~~(a) All activity expenses incurred by the lobbyist firm during the preceding quarter,~~
23 ~~including the following information:~~

24 ~~(1) The date and amount of each activity expense;~~

1 ~~(2) The full name and official position, if any, of the beneficiary of each~~
2 ~~expense, a description of the benefit, and the amount of the benefit;~~

3 ~~(3) The full name of the payee of each expense if other than the beneficiary.~~

4 ~~(4) Whenever a lobbyist is required to report the salary of an officer of the City~~
5 ~~and County pursuant to this subsection, the lobbyist need only disclose whether the total salary~~
6 ~~payments made to the officer during the reporting period was less than or equal to \$250,~~
7 ~~greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to~~
8 ~~\$10,000, or greater than \$10,000.~~

9 ~~(b) A report of all political contributions of \$100 or more made by the lobbyist during~~
10 ~~the preceding quarter to an officer of the City and County, a candidate for such office, a~~
11 ~~committee controlled by such officer or candidate, or a committee primarily formed to support~~
12 ~~such officer or candidate, or any committee primarily formed to oppose a candidate for City and~~
13 ~~County office. This report shall include all political contributions arranged by the lobbyist, or for~~
14 ~~which the lobbyist acted as an agent or intermediary.~~

15 ~~(c) With respect to lobbyists as defined in Section 16.520(a):~~

16 ~~(1) The full name, business address and telephone number of each client, a~~
17 ~~description of the~~
18 ~~specific local legislative or administrative action regarding which the lobbyist communicated with~~
19 ~~any officer of the City and County on behalf of that client, and the total payments, including fees~~
20 ~~and the reimbursement of expenses, received from that client for such communication on behalf~~
21 ~~of the client; and~~

22 ~~(2) The total amount of payments received from all clients for such communications~~

23 ~~(d) With respect to lobbyists as defined in Section 16.520(b):~~

1 ~~(1) — A description of the specific local legislative or administrative action regarding~~
2 ~~which an employee or member of the lobbyist communicated with any officer of the City and~~
3 ~~County on behalf of the lobbyist;~~

4 ~~(2) — Payments to influence local legislative or administrative action, specifically,~~
5 ~~payments for or in connection with:~~

6 ~~(A) — Support or assistance of lobbyists;~~

7 ~~(B) — Direct communications with a City and County officer for the primary purpose of~~
8 ~~influencing local legislative or administrative action;~~

9 ~~(C) — Soliciting or urging persons other than the filer or the filer's employees to enter~~
10 ~~into communications with a City and County officer for the primary purpose of influencing local~~
11 ~~legislative or administrative action.~~

12 ~~(e) — With respect to lobbyists as defined in Section 16.520(c):~~

13 ~~(1) — Any payment to a lobbyist as defined in Section 16.520(a) for communicating with~~
14 ~~any City and County officer for the primary purpose of influencing local legislative or~~
15 ~~administrative action; and~~

16 ~~(2) — Payments to influence local legislative or administrative action, specifically,~~
17 ~~payments for or in connection with:~~

18 ~~(A) — Support or assistance of lobbyists;~~

19 ~~(B) — Direct communications with a City and County officer for the primary purpose of~~
20 ~~influencing local legislative or administrative action, in which case a description of the specific~~
21 ~~local legislative or administrative action that is the subject of the communication shall be~~
22 ~~included;~~

23 ~~(C) — Soliciting or urging persons other than the filer or the filer's employees to enter~~
24 ~~into communications with a City and County officer for the primary purpose of influencing local~~
25

1 legislative or administrative action, in which case a description of the specific local legislative or
2 administrative action that is the subject of the proposed communication shall be included.

3 ~~(f) As used in subsections (d)(2) and (e)(2) of this Section, "payments to influence~~
4 ~~local legislative or administrative action" shall not include payments for either of the following:~~

5 ~~(1) Compensation or other payments for services which are solely secretarial,~~
6 ~~clerical, or manual, or are limited solely to the compilation of data and statistics; or~~

7 ~~(2) Except for payments to lobbyists and to employees who perform services other~~
8 ~~than those described in Subdivision (1) of this subsection, the costs of any regular, ongoing~~
9 ~~business overhead which would continue to be incurred in substantially similar amounts~~
10 ~~regardless of the filer's activities to influence local legislative or administrative action.~~

11 ~~(g) Any other information required by the Ethics Commission consistent with the~~
12 ~~purposes and provisions of this Article.~~

13 **SEC. 16.523. PROHIBITIONS.** (a) GIFT LIMIT. No lobbyist shall make gifts to an
14 officer of the City and County aggregating more than \$50 within three months of contacting
15 the officer. No lobbyist shall act as an agent or intermediary in the making of any gift to an
16 officer of the City and County, or arrange for the making of any gift to an officer of the City and
17 County by a third party, within three months of contacting the officer.

18 (b) FUTURE EMPLOYMENT. No lobbyist shall cause or influence the introduction
19 or initiation of any local legislative or administrative action for the purpose of thereafter being
20 employed or retained to secure its granting, denial, confirmation, rejection, passage or defeat.

21 (c) FICTITIOUS PERSONS. No lobbyist shall contact any officer of the City and
22 County in the name of any fictitious person or in the name of any real person, except with the
23 consent of such real person.

1 (d) EVASION OF OBLIGATIONS. No lobbyist shall attempt to evade the
2 obligations imposed by this Article through indirect efforts or through the use of agents,
3 associates or employees.

4 **~~SEC. 16.527. OBLIGATIONS OF LOBBYISTS.~~** Any person who qualifies as a lobbyist
5 under ~~Section 16.520~~ shall have the following obligations:

6 ~~(a) Not to act as a lobbyist unless registered pursuant to this Article, and not to~~
7 ~~accept any economic consideration for acting as a lobbyist except upon condition that the~~
8 ~~lobbyist forthwith register in accordance with this Article;~~

9 ~~(b) Not to cause or influence the introduction or initiation of any local legislative or~~
10 ~~administrative action for the purpose of thereafter being employed to secure its granting,~~
11 ~~denial, confirmation, rejection, passage or defeat;~~

12 ~~(c) Not to communicate with any officer of the City and County in the name of any~~
13 ~~fictitious person or in the name of any real person, except with the consent of such real~~
14 ~~person;~~

15 ~~(d) To retain all books, papers and documents necessary to substantiate the~~
16 ~~financial reports required to be made under this Article for a period of five years.~~

17 ~~A lobbyist shall not attempt to evade these obligations through indirect efforts or~~
18 ~~through the use of agents, associates or employees.~~

19 **SEC. 16.524. SEC. 16.528. EMPLOYMENT OF CITY AND COUNTY OFFICERS OR**
20 **EMPLOYEES; APPOINTMENT OF EMPLOYEE TO CITY AND COUNTY OFFICE.**

21 (a) EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES. If any
22 lobbyist employs or requests, recommends or causes ~~such lobbyist's~~ a client of the lobbyist to
23 employ, and such client does employ, any officer of the City and County, any ~~attache~~
24 immediate family member or registered domestic partner of an officer of the City and County,
25 or any person known by such lobbyist to be a full-time employee of the City and County, in

1 any capacity whatsoever, the lobbyist shall file within 10 days after such employment a
2 statement with the Ethic Commission setting out the name of the employee, the date first
3 employed, the nature of the employment duties, and the salary or rate of pay of the employee.
4 ~~the nature of the employment, the name of the person to be paid thereunder, the amount of~~
5 ~~pay or consideration to be paid thereunder and the date first employed.~~

6 (b) APPOINTMENT OF EMPLOYEE TO CITY OFFICE. If an employee of a
7 lobbyist is appointed to City or County office, the lobbyist shall file within 10 days after such
8 appointment a statement with the Ethic Commission setting out the name of the employee,
9 the date first employed, the nature of the employment duties, and the salary or rate of pay of
10 the employee.

11 (c) REPORT OF SALARY. Whenever a filer is required to report the salary of an
12 employee who is also an officer or employee of the City and County pursuant to this Section,
13 the filer need only disclose whether the total salary payments made to the employee are less
14 than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000
15 but less than or equal to \$10,000, or greater than \$10,000.

16 **SEC. 16.525. NOTIFICATION OF BENEFICIARIES OF GIFTS.** Each lobbyist shall
17 provide each officer of the City and County who is the beneficiary of a gift made by the
18 lobbyist a written statement including the date, value and description of the gift. The lobbyist
19 shall provide this information to the officer within 30 days following the end of the reporting
20 period in which the gift was made. A lobbyist may satisfy this notification requirement by
21 providing a copy of the lobbyist's Quarterly Report of Lobbyist Activity to the officer.

22 **SEC. 16.526. SEC. 16.529. EMPLOYMENT OF UNREGISTERED PERSONS.** It
23 shall be unlawful knowingly to pay any contract lobbyist to contact ~~person to communicate~~
24 ~~with any officer of the City and County of San Francisco for the purpose of influencing local~~
25

1 ~~legislative or administrative action~~, if said contract lobbyist person is required to register under
2 this Article and has not done so.

3 **SEC. 16.527. SEC. 16.530. FILING UNDER PENALTY OF PERJURY; RETENTION**
4 **OF DOCUMENTS.** All information required under this Article shall be filed with the Ethics
5 Commission, on forms provided by the Commission. The filer individual filing shall verify,
6 under penalty of perjury, swear to the accuracy and completeness of the information provided
7 under this Article under penalty of perjury. The filer shall retain for a period of five years all
8 books, papers and documents necessary to substantiate the registration and disclosure
9 reports required by this Article.

10 **SEC. 16.528. SEC. 16.534. POWERS AND DUTIES OF THE ETHICS**
11 **COMMISSION.** (a) The Ethics Commission shall provide forms for the reporting of all
12 information required by this Article.

13 (b) The Ethics Commission shall issue a registration number to each registered
14 lobbyist.

15 (c) At the time of initial registration and re-registration, the Ethics Commission shall
16 provide the lobbyist with a copy of the City's lobbyist law, and any related material which the
17 Commission determines will serve the purposes of this Article. Each lobbyist shall sign a
18 statement acknowledging receipt of these materials.

19 (d) (a) The Ethics Commission shall issue a "Notice of Registration Required" upon the
20 written request of any officer of the City and County. Any person who in good faith and on
21 reasonable grounds believes that compliance with this Article is not required by reason of
22 being exempt under Sections 16.521(i) or 16.522 shall not be deemed to have violated this
23 Article if, within 15 days after notice from the Ethics Commission, that person either complies
24 or furnishes satisfactory evidence to the Ethics Commission evidencing that said person is
25 exempt from registration.

1 (e) The Ethics Commission shall compile the information provided in registration and
2 quarterly reports filed pursuant to this Article as soon as practicable after the close of each
3 quarter and shall forward a report of the compiled information to the Board of Supervisors and
4 the Mayor.

5 ~~(b) The information provided in registration and activity reports filed pursuant to this~~
6 ~~Article shall be compiled by the Ethics Commission as soon as practicable after the close of~~
7 ~~each quarter with respect to which such information is filed and shall be forwarded to the~~
8 ~~Board of Supervisors with a copy thereof to the Mayor.~~

9 ~~(f)~~ ~~(e)~~ In January July of each year, the Ethics Commission shall file a report with the
10 Board of Supervisors on the implementation of this Article.

11 (g) The Ethics Commission shall preserve all original reports, statements, and other
12 records required to be kept or filed under this Article for a period of five years. Such reports,
13 statements, and records shall constitute a part of the public records of the Ethics Commission
14 and shall be open to public inspection.

15 ~~(d) All reports and statements filed with the Ethics Commission under this Article~~
16 ~~shall be preserved by the Ethics Commission for a period of five years from the date of filing.~~
17 ~~Such reports and statements shall constitute a part of the public records of the Ethics~~
18 ~~Commission's office and shall be open to public inspection.~~

19 (h) The Ethics Commission shall provide formal and informal advice regarding the
20 duties under this Article of a person or entity pursuant to the procedures specified in San
21 Francisco Charter Section C3.699-12.

22 (i) (e) The Ethics Commission shall have the power to adopt all reasonable and
23 necessary rules and regulations for the implementation of this Article pursuant to Charter
24 Section C3.699-9.

1 (j) The Ethics Commission shall conduct quarterly workshops concerning the laws
2 relating to lobbying.

3 **SEC. 16.529. ~~SEC. 16.532.~~ VIOLATIONS ADMINISTRATIVE AND CIVIL**
4 **ENFORCEMENT AND PENALTIES.** (a) If any lobbyist files an original statement or report
5 after any deadline imposed by this Article, the Ethics Commission shall, in addition to any other
6 penalties or remedies established in this Article, fine the lobbyist \$25 per day after the deadline
7 until the statement or report is received by the Ethics Commission. The Ethics Commission
8 may reduce or waive a fine if the Commission determines that the late filing was not willful and
9 that enforcement will not further the purposes of this Article. The Ethics Commission shall
10 deposit funds collected under this Section in the General Fund of the City and County of San
11 Francisco.

12 (b) Any person who believes that the provisions of this Article have been violated
13 may file a complaint with the Ethics Commission. Upon receipt of a complaint, or upon its own
14 initiative, the Commission may investigate alleged violations of this Article and may enforce the
15 provisions of this Article pursuant to Charter Section C3.699-13 and to the Commission's rules
16 and regulations adopted pursuant to Charter Section C3.699-9.

17 (c) Any person or entity which knowingly or negligently violates this Article may be
18 liable in a civil action brought by the City Attorney for an amount up to \$1,000 per violation, or
19 three times the amount not properly reported, or three times the amount given or received in
20 excess of the gift limit, whichever is greater.

21 (d) In investigating any alleged violation of this Article the Ethics Commission and
22 City Attorney shall have the power to inspect, upon reasonable notice, all documents required
23 to be maintained under this Article. This power to inspect documents is in addition to other
24
25

1 powers conferred on the Ethics Commission and City Attorney by the Charter or by ordinance,
2 including the power of subpoena.

3 ~~(a) Any person who knowingly violates any provision of this Article is liable in a civil~~
4 ~~action brought by the City Attorney for an amount up to \$1,000 per violation.~~

5 ~~(e) (b)~~ Should two or more persons be responsible for any violation under this Article,
6 they shall be jointly and severally liable.

7 ~~(c) — If any person files an original statement or report after any deadline imposed by~~
8 ~~this Article, he or she shall, in addition to any other penalties or remedies established in this~~
9 ~~Section, be liable in an amount of \$25 per day after the deadline until the statement or report~~
10 ~~is filed, to the Ethics Commission. Liability need not be enforced by the Commission if on an~~
11 ~~impartial basis it determines that the late filing was not willful and that enforcement of the~~
12 ~~liability will not further the purposes of this Article. The Commission shall deposit any funds~~
13 ~~received under this Section into the General Fund of the City and County.~~

14 ~~(f) (d)~~ The City Attorney may also bring an action to revoke for up to one year the
15 registration of any lobbyist who has knowingly violated this Article.

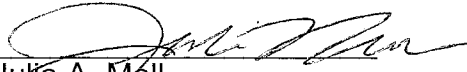
16 **SEC. 16.530. SEC. 16.533. LIMITATION OF ACTIONS.** No administrative or civil
17 action shall be maintained to enforce this Article unless brought within four years after the date
18 the cause of action accrued or the date that the facts constituting the cause of action were
19 discovered by the Ethics Commission or City Attorney, whichever is later. ~~No civil action~~
20 ~~alleging a violation of this Article, as provided in Section 16.532, shall be filed more than four~~
21 ~~years after the date the violation occurred.~~

22 **SEC. 16.531. SEC. 16.534. SEVERABILITY.** If any section, subsection, subdivision,
23 sentence, clause, phrase or portion of this Article, or the application thereof to any person, is
24 for any reason held to be invalid or unconstitutional by the decision of any court of competent
25 jurisdiction, such decision shall not affect the validity of the remaining portions of this Article or

1 its application to other persons. The Board of Supervisors hereby declares that it would have
2 adopted this Article, and each section, subsection, subdivision, sentence, clause, phrase or
3 portion thereof, irrespective of the fact that any one or more sections, subsections,
4 subdivisions, sentences, clauses, phrases, or portions, or the application thereof to any
5 person, to be declared invalid or unconstitutional.

6
7 APPROVED AS TO FORM:
8 LOUISE H. RENNE, City Attorney

9 By:


10 Julia A. Moll
11 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 981778

Date Passed:

Ordinance amending Administrative Code by amending Sections 16.520 through 16.534 to: add legislative findings; clarify definitions and add new definitions; consolidate the definition of "Lobbyist" with the thresholds for qualifying as lobbyist and the exemptions; increase the qualification threshold for contract lobbyists from \$1,000 per month to \$3,200 per quarter; increase the qualification threshold for expenditure lobbyists from \$1,000 per quarter to \$3,200 per quarter; clarify and add new exemptions; clarify that once a person qualifies as a "Lobbyist" the person is subject to the requirements and prohibitions of this Article until the person ceases all lobbyist activity and files a statement of termination; clarify the disclosure requirements applicable at the time of registration and at the time of filing quarterly activity reports; provide that all lobbyists re-register on January 15 each year; require lobbyists to disclose payments received from City officers in exchange for campaign consulting services; limit the aggregate value of gifts from lobbyists to each City officer, within three months of a lobbyist contact, to \$50; and require lobbyists to notify City officers of the value of gifts conferred; and require the Ethics Commission to conduct quarterly workshops concerning the laws relating to lobbyists.

January 19, 1999 Board of Supervisors — CONTINUED

Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

February 1, 1999 Board of Supervisors — AMENDED

Ayes: 11 - Ammiano, Bierman, Becerril, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

February 1, 1999 Board of Supervisors — AMENDED

Ayes: 9 - Becerril, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
Noes: 2 - Ammiano, Bierman

February 1, 1999 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

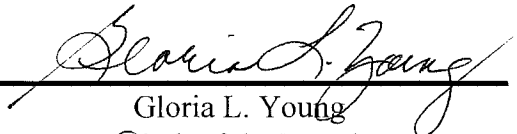
Ayes: 11 - Ammiano, Bierman, Becerril, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

February 8, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng, Yaki, Yee
Absent: 1 - Katz

File No. 981778

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on February 8, 1999
by the Board of Supervisors of the City and
County of San Francisco.


Gloria L. Young
Clerk of the Board

FEB 19 1999

Date Approved


Mayor Willie L. Brown Jr.