

LEGISLATIVE DIGEST

[Campaign and Governmental Conduct Code - Form 700 (Statement of Economic Interests) Filers]

Ordinance amending the Campaign and Governmental Conduct Code to update and clarify the Conflict of Interest Code's Form 700 (Statement of Economic Interests) filing requirements for "Proposition Q Filers" (Departmental Purchaser Initiators and Approvers); add the Children and Families First Commission to the list of filers who file with the Ethics Commission; and make non-substantive corrections to the Conflict of Interest Code sections for the Department of Public Works and the Public Utilities Commission.

Existing Law

The Political Reform Act of 1974, California Government Code section 87300, et seq., requires that San Francisco adopt a Conflict of Interest Code and review and update the Code every two years. The City's Conflict of Interest Code is set forth in Article III, Chapter 1 of the Campaign and Governmental Conduct Code. The Code designates those City officials and employees who periodically must file public statements disclosing their personal financial interests. The Code also specifies the types of financial interests – i.e., disclosure categories – that designated officials and employees must disclose.

Amendments to Current Law

The proposed amendments to the Conflict of Interest Code update and clarify the Conflict of Interest Code's Form 700 requirements for Proposition Q Filers (Departmental Purchaser Initiators and Approvers). The proposed amendments also add the Children and Families First Commission to the list of filers who file with the Ethics Commission and make non-substantive corrections to the Conflict of Interest Code sections for the Department of Public Works and the Public Utilities Commission. .

The proposed amendments amend the sections of the Conflict of Interest Code governing the following local agencies:

- Public Utilities Commission
- Public Works

Background Information

The City's Conflict of Interest Code must list those employees and officers who make or participate in the making of governmental decisions on behalf of the City. Cal. Gov. Code

§§ 87300, 87302(a).

A City employee or officer "makes a governmental decision" when she: (1) votes on a matter; (2) appoints a person; (3) obligates or commits his or her agency to any course of action; or (4) enters into any contractual agreement on behalf of his or her agency. Cal. Code Regs. § 18704(a). A City employee or officer "participates in making a governmental decision" when she directly, without significant substantive review, provides information, an opinion, or a recommendation for the purpose of affecting a government decision. *Id.* at § 18704(b). The City's Conflict of Interest Code should not include employees who carry out solely clerical or ministerial tasks. *Id.* at § 18704(d)(1).