

1 [Campaign and Government Conduct Code - Anti-Corruption Regulation of Ex Parte
2 Communications and Lobbyist Conduct in the Refuse Rate Setting Process]

3 **Draft Ordinance amending the Campaign and Government Conduct Code to restrict ex**
4 **parte communications between City Officials and any employee, lobbyist or consultant**
5 **of a party responsible for refuse management in San Francisco, to require registration**
6 **and disclosures by rate setting lobbyists, and other regulations to address corruption**
7 **and bribery in the rate setting process.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

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

16 Section 1. The San Francisco Campaign & Governmental Conduct Code is hereby
17 amended to read as follows:

18 **2.100. Findings.**

19 * * *

20 (d) Recent criminal charges against San Francisco’s waste collection company and City
21 officers in the Department of Public Works reveal the need to limit off-the-record interactions between
22 the Department and these types of regulated entities, especially with respect to the rates which the City
23 allows to be changed for refuse collection and recycling and related City contracts. It is the purpose
24 and intent of the people of the City and County of San Francisco in enacting this Chapter to prohibit
25 rate setting lobbyists from exploiting or appearing to exploit their influence with any City and County
officers on behalf of private interests.

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2 **2.105. Definitions.**

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4 “Ex parte communication” shall mean any oral or written contact between an employee or
5 consultant of a rate setting lobbyist and any officer of the City and County concerning local legislative
6 and administrative actions which does not occur in a public hearing on the public record. Ex parte
7 communications shall include, but are not limited to, any communication for the purposes of
8 influencing a local legislative and administrative action with a member of the staff of an officer of the
9 City and County when it is understood, or could be reasonably expected, that the staff member will
10 transmit the terms of the communication to an officer of the City and County. Ex parte communications
11 shall include all contacts exempted from lobbying contacts in Sections 2.106(b)-(c).

13 “Local legislative or administrative action” includes, but is not limited to, the drafting,
14 introduction, consideration, modification, enactment, defeat, approval, veto, granting or denial
15 by any officer of the City and County of any resolution, motion, appeal, application, petition,
16 nomination, ordinance, amendment, approval, referral, permit, license, entitlement to use or
17 contract, including rate setting matters.

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19 “Rate setting lobbyist” shall mean any entity which is a party to a refuse handling or disposal
20 agreement with the City, has a permit to operate to transport refuse on City streets, or which is
21 otherwise authorized to seek to impose rates under the Refuse Collection and Disposal Ordinance (San
22 Francisco Municipal Code section 290), as well as a business competitor of such an entity.

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24 “Rate setting matter” shall mean the rate setting process conducted by the Department of
25 Public Works and Refuse Collection and Disposal Rate Board pursuant to the Refuse Collection and

1 Disposal Ordinance (San Francisco Municipal Code section 290).

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3 **2.110. Registration and Disclosures; Fees; Termination of Resignation.**

4 **(a) REGISTRATION OF LOBBYISTS REQUIRED.** Lobbyists shall register with the
5 Ethics Commission and comply with the disclosure requirements imposed by this Chapter 1.
6 Such registration shall occur no later than five business days of qualifying as a lobbyist.
7 Contact lobbyists shall register prior to making any additional contacts with an officer of the
8 City and County of San Francisco and expenditure lobbyists shall register prior to making any
9 additional payments to influence local legislative or administrative action.
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11 **(b) Registration.**

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13 (3) Rate Setting Lobbyists. At the time of initial registration, each rate setting lobbyist shall
14 report to the Ethics Commission the following information:

15 (A) The name, mailing address, e-mail address, and telephone number of the lobbyist;

16 (B) If a rate setting lobbyist is a corporation, the names of the corporation's chief executive
17 officer, chief financial officer, and secretary, any officer who authorizes payments to influence local
18 legislative and administrative action, and any person who owns more than 20 percent of the
19 corporation;

20 (C) if the rate setting lobbyist is a partnership, the name of each partner if the entity has fewer
21 than 10, or the name of the partner with the greatest ownership interest if the entity has 10 or more
22 partners;

23 (D) For any other type of business entity, the name of each person with an ownership interest
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1 if the entity has fewer than 10 owners, or the name of the person with the greatest ownership interest in
2 the entity, if the entity has 10 or more owners;

3 (E) Each agency that the rate lobbyist has made, will make, or may make payments to
4 influence; and

5 (F) Any other information required by the Ethics Commission through regulation, consistent
6 with the purposes and provisions of this Chapter.

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8 **(c) Lobbyist Disclosures.** For each calendar month, each lobbyist shall submit the
9 following information no later than the fifteenth calendar day following the end of the month:

10 * * *

11 (3) Rate setting lobbyists. Each rate setting lobbyist shall report to the Ethics Commission the
12 following information:

13 (A) The name of each officer of the City and County of San Francisco with whom an employee,
14 attorney or outside consultant of the lobbyist made a contact during the reporting period.

15 (B) The date on which each contact was made.

16 (C) The local legislative or administrative action that the lobbyist sought to influence,
17 including, if any, the title and file number of any resolution, motion, appeal, application, petition,
18 nomination, ordinance, amendment, approval, referral, permit, license, entitlement, or contract, and
19 the outcome sought.

20 (D) All activity expenses incurred by the lobbyist during the reporting period, including the
21 following information:

22 (I) The date and amount of each activity expense;

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

2 (iii) The full name of the payee of each activity expense if other than the beneficiary;

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

7 (E) All campaign contributions of \$100 or more made or delivered by the lobbyist to a
8 committee primarily formed to support or oppose an officer of the City and County or a candidate for
9 such office, or any committee primarily formed to support or oppose a measure to be voted on only in
10 San Francisco. This report shall include such campaign contributions arranged by the lobbyist, or for
11 which the lobbyist acted as an agent or intermediary.

12 The following information regarding each campaign contribution shall be submitted to the
13 Ethics Commission:

14 (I) The amount of the contribution;

15 (ii) The name of the contributor;

16 (iii) The date on which the contribution was made;

17 (iv) The contributor's occupation;

18 (v) The contributor's employer, or if self-employed, the name of the contributor's business;

19 and

20 (vi) The committee to which the contribution was made.

21 (F) The name, business address, e-mail address, and business telephone number of the
22 lobbyist;

1 (G) All payments to contact and expenditure lobbyists.

2 (H) All other payments of \$250 or more related to influencing local legislative or
3 administrative action, including:

4 (I) overhead expenses;

5 (ii) payments to employees who spend 10 percent or more of their compensated time in any one
6 month performing activities related to influencing legislative or administrative action;

7 (iii) payments for soliciting, requesting or urging others to communicate directly with City
8 officers;

9 (iv) payments to outside consultants for public relations, media relations, strategic advice,
10 advertising, public outreach, research, investigation, reports, analyses or studies; and

11 (v) payments to outside attorneys

12 (I) Other expenses that would not have been incurred but for the rate setting lobbyist's
13 activities relating to influencing legislative or administrative action.

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17 **2.115. Limits and Prohibitions.**

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19 **(e) Campaign Contributions – Prohibition.**

20 (1) No lobbyist shall make any contribution to a City elective officer or candidate for
21 City elective office, including the City elective officer's or candidate's controlled committees, if
22 that lobbyist (A) is registered to lobby the agency of the City elective officer or the agency for
23 which the candidate is seeking election or (B) has been registered to lobby that agency in the
24 previous 90 days.
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1 (2) If a lobbyist has failed to disclose which agencies the lobbyist attempts to
2 influence, as required by Section 2.110(b), the lobbyist may not make a contribution to any
3 City elective officer or candidate for City elective office, or any City elective officer's or
4 candidate's controlled committees.

5 (3) No rate setting lobbyist shall make any behested payment, as that term is defined in Section
6 3.600.

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8 (h) Ex Parte Communciations. No employee or outside consultant of a rate setting
9 lobbyist shall make any ex parte communication. This prohibition does not apply to licensed attorneys
10 representing a rate setting lobbyist, or employees of a rate setting lobbyist covered by a collective
11 bargaining agreement and their elected representatives.

13 (l) Regulations. The Ethics Commission may adopt regulations implementing this
14 Section 2.115, but such regulations may not establish any exceptions from the limits and
15 prohibitions set forth therein.

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18 **2.118. Reporting Ex Parte Communications.**

19 Any officer of the City and County who receives an ex parte communication shall report the
20 communication to the Director of Public Works and the Ethics Commission within 24 hours.

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22 **3.234. Post-Employment and Post Service Restrictions.**

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25 **(3) Employment With Parties That Contract With The City.** No current or former

1 officer or employee of the City shall be employed by or otherwise receive compensation from
2 a person or entity that entered into a contract with the City within the preceding 12 months
3 where the officer or employee personally and substantially participated in the award of the
4 contract. No current or former officer or employee of the City shall be employed by or otherwise
5 receive compensation from a rate setting lobbyist where the officer or employee personally and
6 substantially participated in a rate setting matter or City contract proceeding involving that rate setting
7 lobbyist within the preceding 36 months.
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