

REVISED LEGISLATIVE DIGEST

(11/20/2014, Amended in Committee)

[Campaign and Governmental Conduct Code - Conflict of Interest Code Amendments]

Ordinance amending the Campaign and Governmental Conduct Code to update the Conflict of Interest Code for the City, the Community College District, the Local Agency Formation Commission, the San Francisco Unified School District, the County Transportation Authority, and the Successor Agency to the Redevelopment Agency, by adding, deleting, and changing titles of designated officials and employees to reflect organizational and staffing changes, and by refining the disclosure requirements applicable to some designated officials and employees.

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 add, delete, and change the titles of designated employees to reflect organizational and staffing changes made by City departments and agencies since the Code was last amended in February 2013. The proposed amendments also revise the disclosure requirements applicable to some designated officials and employees.

The proposed amendments amend the sections of the Conflict of Interest Code governing the following local agencies: Airport, Asian Art Museum, Arts Commission, Assessor-Recorder, Board of Supervisors, Department of Building Inspection, City Attorney, Civil Service Commission, Community College District, Controller, District Attorney, Department of Emergency Management, Environment, General Services Agency – City Administrator, General Services Agency – Department of Public Works, General Services Agency – Department of Technology, Health Service System, Department of Human Resources, Human Services Agency, Local Agency Formation Commission, Mayor's Office, Municipal Transportation Agency, Planning, Police Department, Port, Department of Public Health, Public Utilities Commission, Retirement System, San Francisco Unified School District, and the Transportation Authority.

The proposed amendments also add a section to address the Successor Agency to the Redevelopment Agency, and delete a section that applied to the Produce Market Corporation.

Background

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 he or 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. 2 C.C.R. § 18702.1(a). A City employee or officer "participates in making a governmental decision" when he or she directly, without significant substantive review: (1) negotiates with a governmental entity or private person regarding a governmental decision; or (2) advises or makes recommendations to the final decision-maker by conducting research or an investigation, or preparing or presenting a report, analysis or opinion. *Id.* § 18702.2. The City's Conflict of Interest Code should not include employees who carry out solely clerical or ministerial tasks. See *id.* § 18702.4(a).