

File No. 091015

Committee Item No. 5
Board Item No. 31

COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST

Committee: Rules Date December 3, 2009

Board of Supervisors Meeting Date 12-15-09

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Alisa Somera Date November 30, 2009
 Completed by: L.W. Date 12-9-09

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
 The complete document can be found in the file and the online version.

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

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;
8 deletions are strike through italics Times New Roman.
9 Board amendment additions are double-underlined;
Board amendment deletions are strikethrough normal.

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

14 CHAPTER 6: REIMBURSEMENT TO THE CITY FOR
15 CAMPAIGN-RELATED TRAVEL BY ELECTED OFFICIALS.

16
17 SEC. 3.600. REIMBURSEMENT TO CITY.

18 (a) Calculation of Average Hourly Cost of Security. Annually, each City department
19 providing security to City elective officers shall consult the Controller to determine the average
20 cost per hour for security provided to each City elective officer. The average cost per hour
21 shall include the base salary, benefits, overtime pay, per diem payments, transportation,
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
24 provides personal security to a City elective officer traveling outside the City, and the officer engages
25

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 Subsection (b).

4 (1) Within 45 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

1 activities and meetings, and divide that figure by the total amount of time spent on all activities and
2 meetings in the officer's schedule, including the time spent in transit to and from the activities and
3 meetings.

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

6 The Ethics Commission shall specify the form and content of all forms and statements required
7 to be filed under this Chapter. The Ethics Commission also may adopt regulations to implement this
8 Chapter under Charter Section 15.102.

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

11 (a) Criminal penalties. Any person who willfully violates Section 3.600(b) ~~6.100(a)(1), (a)(3)~~
12 or (a)(4) of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be
13 punished by a fine of not more than \$1,000 for each violation or by imprisonment in the County jail for
14 a period of not more than six months or by both such fine and imprisonment.

15 (b) Civil penalties. Any person who willfully or negligently violates Section 3.600(b)
16 ~~6.100(a)(1), (a)(3) or (a)(4)~~ of this Chapter shall be liable in a civil action brought by the City
17 Attorney for an amount up to \$1,000 for each violation.

18 (c) Administrative penalties. Any person who willfully or negligently violates Section 3.600(b)
19 ~~6.100(a)(1), (a)(3) or (a)(4)~~ of this Chapter shall be liable in an administrative proceeding before the
20 Ethics Commission held pursuant to the Charter, and shall be subject to the administrative orders and
21 penalties authorized therein. In addition to the administrative orders and penalties set forth in the
22 Charter, the person shall be liable for the cost of the Ethics Commission's investigation. The Ethics
23 Commission also may issue warning letters to City elective officers.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

By: 

JON GIVNER
Deputy City Attorney

FILE NO. 091015

LEGISLATIVE DIGEST

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

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.

Existing Law

Under existing State and City laws, the City and County of San Francisco may not expend City resources for political activities. These laws prohibit City employees and officers from using City resources, including work time, to support or oppose ballot measures or the election or defeat of candidates for federal, state or local office. These laws do not prohibit the City from using public funds to pay for regularly assigned, City-funded drivers and security officers to protect the safety of City officers who are on 24-hour duty, even when those officers are engaged in political activities.

Existing law does not require City officers who receive dignitary security to reimburse the City for the cost of that security.

Amendments to Current Law

The legislation would require City elective officers to reimburse the City for the cost of dignitary security provided by the City during campaign-related travel outside the City. The legislation would impose four requirements:

1. The legislation would require each City department providing security to City elective officers to consult annually with the Controller to determine the average cost per hour for security provided to each City elective officer. The average cost per hour would include base salary, benefits, overtime pay, per diem payments, transportation, meals and all other expenses for security personnel traveling with the elective officer.
2. Whenever an elective officer receives security services while traveling outside the City and engages in campaign activity for or against any candidate for federal, state or City office, the legislation would require the officer to report to the Ethics Commission all the officer's activities and meetings during the travel, excluding purely personal activities and meetings. The legislation would require the report to state the amount of time the officer spent on each activity or meeting and whether each activity or meeting was campaign-related.
3. Within 45 days after submitting the report, the officer would be required to reimburse the City for the portion of the bill associated with the officer's campaign activities. The

FILE NO. 091015

officer would calculate the amount of the reimbursement by determining the portion of the officer's schedule spent on campaign activities, and paying that portion of the City's bill. Instead of paying the bill to the City, the officer could also arrange for a third party to make the payment.

4. The legislation also would require the officer to file with the Ethics Commission a report documenting the amount of the reimbursement, the name of the person paying the reimbursement, the date of the travel, and any other information required by the Ethics Commission.

A City elective officer would not be required to file any reports or pay any reimbursement to the City if the total cost of City-provided security for campaign-related activities and meetings during the travel is \$500 or less.

The legislation would authorize the Ethics Commission to adopt regulations and forms. Violations of the ordinance would carry potential criminal, civil and administrative penalties.

Background Information

On December 3, 2009, the Rules Committee made three changes to the legislation. First, the Committee amended the legislation to require reimbursement based on an average per-hour cost determined annually, rather than an actual per-hour cost determined for each trip. Second, the Committee amended the legislation to add a de minimis exception for security costing the City \$500 or less. Third, the Committee changed the deadlines for filing an initial report and for paying the reimbursement from 15 days to 45 days.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

MEMORANDUM

TO: Ethics Commission
FROM: Angela Calvillo, Clerk of the Board
DATE: September 21, 2009
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Rules Committee

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 SEP 28 AM 9:52

The Board of Supervisors Rules Committee has received the following proposed ordinance, which is being referred to the Ethics Commission for comment and recommendation.

File: 091015

Ordinance adding a new Chapter 6 to Article III of the Campaign and Governmental Conduct Code, by adding Sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.

Please return this cover sheet with the Commission's response to **Linda Wong, Clerk, Rules Committee.**

RESPONSE FROM ETHICS COMMISSION - Date: _____

- No Comment
- Recommendation Attached

Chairperson, Ethics Commission

