

1 [Behested Payment Waiver - Fundraising for Services Related to Immigration, LGBTQ+
2 Rights, Environmental Protection, Reproductive Rights, and Racial Equity]

3 **Resolution authorizing the Assessor Recorder, the Deputy Assessors, and Director of**
4 **Policy and Government Affairs in the Assessor-Recorder's Office to solicit donations**
5 **from various private, nonprofit, philanthropic, and other entities to support 1) the**
6 **urgent provision of legal services related to the creation and enforcement of**
7 **immigration laws, regulations, and policies, including litigation and regulatory reform**
8 **efforts at the local, state, and federal level and non-legal services and support for the**
9 **City's immigrant communities, 2) goods and services, including legal services, related**
10 **to defending and supporting LGBTQ+ rights, 3) goods and services, including legal**
11 **services, related to defending and supporting reproductive rights, 4) goods and**
12 **services, including legal services, related to defending existing environmental**
13 **protection laws and promoting environmental protection efforts, and 5) goods and**
14 **services, including legal services, related to racial equity initiatives, all notwithstanding**
15 **the Behested Payment Ordinance.**

16 WHEREAS, The City and County of San Francisco ("the City") has a longstanding
17 commitment to advocate for the fair and lawful treatment of all City residents, including hard
18 working people and families, notwithstanding their immigration status; and

19 WHEREAS, The City has long led the country in legal advocacy for the rights of
20 LGBTQ+ individuals and support for the community in a variety of ways, creating a place
21 where LGBTQ+ people feel safe and able to live their lives without fear of violence and
22 discrimination, and making the City home to a large and vibrant LGBTQ+ community; these
23 efforts include securing equal benefits and marriage equality, and providing health and
24 housing services targeted to support the community; and
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1 WHEREAS, The City's laws and policies have made San Francisco a place where
2 people have the freedom to make their own reproductive healthcare decisions without
3 intrusion from the government; the City has advocated for these legal rights through litigation
4 as well as provided financial and other support to promote reproductive freedom; and

5 WHEREAS; The City has numerous policies and initiatives aimed at reducing the City's
6 impact on the environment, including policies to reduce greenhouse gas emissions, conserve
7 water, and reduce solid waste; and the City has pursued legal action to enforce the City's
8 environmental laws and goals; and

9 WHEREAS; The City has a legal framework and numerous programs and policies to
10 remedy the effects of past racial discrimination and to eliminate such discrimination and
11 ensure racial equity for all City residents, including the efforts of the City's Office of Racial
12 Equity, and other initiatives and policies targeted to help underserved communities; and

13 WHEREAS, Consistent with the authority and duty of that office, the City Attorney
14 monitors federal, state, and local laws, regulations, and policies impacting the health, safety,
15 and day-to-day lives of San Franciscans including those related to immigration, LGBTQ+
16 rights, reproductive rights, environmental protection, and racial equity and, as necessary,
17 engages in advocacy and litigation regarding these issues; and

18 WHEREAS, San Francisco's private, nonprofit, and philanthropic community, including
19 members of the legal community, have a proud history of supporting the City in protecting the
20 rights of City residents, the environment, and the fair and equal treatment of all individuals
21 without regard to race; and

22 WHEREAS, While the City Attorney continues these efforts, we know that more
23 resources will be urgently needed in the near future to ensure that City residents are treated
24 fairly, with dignity, and consistently with local, state, and federal law, and that the City's efforts
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1 to protect the environment and promote fair and equal treatment for all people are not
2 undermined; and

3 WHEREAS, In the past, the City Attorney has established successful and innovative
4 public-private partnerships to pursue these aims; and

5 WHEREAS, The City Attorney, Office of the Mayor, Office of the City Administrator,
6 and the Assessor Recorder from time to time partner and engage with philanthropic
7 organizations, nonprofits, and private entities including law firms and legal service
8 organizations; and

9 WHEREAS, The Assessor Recorder, the Deputy Assessors, and the Director of Policy
10 and Government Affairs in the Assessor-Recorder's Office may seek to fundraise or engage in
11 philanthropic partnerships with law firms and other entities yet to be identified that may be
12 considered interested parties to one or more of these departments for the purposes identified
13 herein; and

14 WHEREAS, The Assessor Recorder, the Deputy Assessors, and the Director of Policy
15 and Government Affairs in the Assessor-Recorder's Office seek a waiver of the City's
16 Behested Payment Ordinance (Campaign and Governmental Conduct Code, Section 3.600 et
17 seq.) to the extent it restricts the Assessor Recorder, the Deputy Assessors, and the Director
18 of Policy and Government Affairs in the Assessor-Recorder's Office from soliciting financial
19 support or in-kind goods or services, from persons or entities that would be considered
20 interested parties, to support (1) the provision of legal services to ensure the fair and lawful
21 treatment of City residents notwithstanding their immigration status and non-legal services
22 and support for the City's immigrant communities, (2) goods and services, including legal
23 services, related to defending and supporting LGBTQ+ rights, (3) goods and services,
24 including legal services, related to defending and supporting reproductive rights, (4) goods
25 and services, including legal services, related to defending existing environmental protection

1 laws and promoting environmental protection efforts, and (5) goods and services, including
2 legal services, related to racial equity initiatives; and

3 WHEREAS, The Board previously granted 6-month waivers for the purposes described
4 herein for the City Attorney's Office, Office of the Mayor, and Office of the City Administrator
5 (File No. 250047), and for the Assessor Recorder and identified staff in that office (File No.
6 250139), and the need for such waivers persist; and

7 WHEREAS, The parties receiving this waiver have agreed to report to the Board of
8 Supervisors donations to the City that were solicited under this waiver; such reports will
9 identify the donor, the amount of the donation, and the interested relationship the donor has
10 with the department that solicited the donation; the departments will submit the reports to the
11 Board within 60 days of the expiration of the 6-month period authorized by this waiver; now,
12 therefore, be it

13 RESOLVED, That under Section 3.620(f) of the Campaign and Governmental Conduct
14 Code, the Board of Supervisors hereby waives application of the Behested Payment
15 Ordinance for a period of six months from the effective date of this Resolution as to the
16 Assessor Recorder, the Deputy Assessors, and the Director of Policy and Government Affairs
17 in the Assessor-Recorder's Office, so that they may solicit donations from private, nonprofit,
18 and other organizations and philanthropists to support (1) the provision of legal services to
19 ensure the fair and lawful treatment of City residents notwithstanding their immigration status
20 and non-legal services and support for the City's immigrant communities, (2) goods and
21 services, including legal services, related to defending and supporting LGBTQ+ rights, (3)
22 goods and services, including legal services, related to defending and supporting reproductive
23 rights, (4) goods and services, including legal services, related to defending existing
24 environmental protection laws and promoting environmental protection efforts, and (5) goods
25 and services, including legal services, related to racial equity initiatives; and, be it

1 FURTHER RESOLVED, That granting this waiver serves the public interest by
2 supporting the Assessor Recorder, the Deputy Assessors, and the Director of Policy and
3 Government Affairs in the Assessor-Recorder's Office in the provision of legal services and
4 other support to ensure fair and lawful treatment of all City residents notwithstanding their
5 immigration status, to support and defend LGBTQ+ rights, to support and defend reproductive
6 freedom, to bolster and defend environmental protection efforts, and to protect initiatives that
7 ensure all people are treated fairly regardless of race, at a time when the provision of such
8 services and support may be more urgently required than ever before; and, be it

9 FURTHER RESOLVED, That granting this waiver does not create an appearance of
10 impropriety.
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