

File No. 091015

Committee Item No. 6  
Board Item No. \_\_\_\_\_

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee: Public Safety Committee

Date: January 4, 2010

Board of Supervisors Meeting

Date \_\_\_\_\_

**Cmte Board**

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input 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"/> | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input 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"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

**OTHER**

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Completed by: Victor Young

Date December 30, 2009

Completed by: Victor Young

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.



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, 3.610 and 3.615, to require City elective officers to**  
5 **reimburse the City for the cost of dignitary security provided by the City during travel**  
6 **for campaign-related activities or meetings and to require the Police Department to**  
7 **report to the Board of Supervisors regarding the cost of security.**

8 NOTE: Additions are single-underline italics Times New Roman;  
9 deletions are strike-through italics Times New Roman.  
10 Board amendment additions are double-underlined;  
11 Board amendment deletions are ~~striketrough-normal~~.

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

12 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby  
13 amended by adding a new Chapter 6 to Article III, including Sections 3.600, 3.605, 3.610 and  
14 3.615, to read as follows:

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

17  
18 SEC. 3.600. REIMBURSEMENT TO CITY.

19 (a) Calculation of Average Hourly Cost of Security. Annually, Biannually, on or before  
20 June 30 and December 31 of each year, each City department providing security to City  
21 elective officers shall consult the Controller to determine the average cost per hour for security  
22 provided to each City elective officer. The average cost per hour shall include the base  
23 salary, benefits, overtime pay, per diem payments, transportation, meals and all other  
24 expenses for security personnel traveling with the elective officer.  
25

1            (a)(b) Reporting and Reimbursement. Whenever the City and County of San Francisco  
2 provides personal security to a City elective officer traveling outside the City California, and the  
3 officer engages in any campaign-related activity or meeting during the travel, the officer and the City  
4 department expending funds to provide security to the officer shall take all the steps prescribed in  
5 this Subsection (b).

6            (1) Within 45 45 days after the travel, the City elective officer shall deliver to the City  
7 department expending funds to provide security a schedule including Ethics Commission a  
8 summary of the total amount of time the officer was outside the City California and all of the  
9 officer's activities and meetings during the period when the officer was outside the City California,  
10 excluding purely personal activities or meetings that are not reasonably related to a political,  
11 governmental or legislative purpose. The summary schedule shall indicate the amount of time the  
12 officer spent on each activity or meeting and whether each activity or meeting was campaign-related,  
13 but the summary schedule need not include additional details about the activity or meeting if such  
14 details would undermine the security of the City elective officer.

15            (2) The City department expending funds to provide security shall, within 15 days after  
16 receiving the schedule described in subsection (a)(1), provide the officer a statement of the  
17 funds expended by the City for security in association with the travel. The statement shall  
18 consist of the total cost of base salary, benefits, overtime pay, per diem payments,  
19 transportation, meals and all other expenses for security personnel travelling with the elective  
20 officer. The statement shall include an itemized accounting of costs unless the City  
21 department providing the statement determines that disclosure of an itemized accounting  
22 would undermine the security of the City elective officer.

23            (3)(2) Within 15 days after receiving a statement from the City described in subsection  
24 (a)(2), Within 45 days after filing the summary described in subsection (b)(1), the City elective  
25 officer shall reimburse the City for the total cost of security provided in connection with campaign-

1 related activities and meetings, or arrange for such reimbursement by a third party. At the time of  
2 reimbursement, the City elective office shall also disclose to the Ethics Commission the  
3 amount of the reimbursement, the person making the reimbursement, the dates of travel, and  
4 any other information required by the Ethics Commission by regulation in furtherance of this  
5 Chapter.

6 (4) ~~Within 15 days after receiving a statement from the City described in subsection~~  
7 ~~(a)(2), the City elective officer shall file with the Ethics Commission a copy of the schedule~~  
8 ~~described in Subsection (a)(1); the statement described in Subsection (a)(2); and a report~~  
9 ~~documenting the amount of the reimbursement described in Subsection (a)(2), the person~~  
10 ~~making the reimbursement, the date of the travel, and any other information required by the~~  
11 ~~Ethics Commission by regulation in furtherance of this Chapter.~~

12 (c) De minimis exception. No City elective officer shall be required to take the steps  
13 prescribed in Subsection (b) if the total cost of security for campaign-related activities and  
14 meetings during the travel is \$500 or less.

15 (b)(d) Definitions. For the purpose of this Section, the following words and phrases shall  
16 mean:

17 (1) "Campaign-related activity or meeting" shall mean any activity or meeting with the purpose  
18 of advocating or raising funds for the City elective officer's election or defeat of a candidate for  
19 City, to any State or Federal elective office, or raising funds for such a candidate.

20 (2) "The cost of security provided in connection with campaign-related activities and meetings"  
21 shall mean the product of (i) the total amount expended by the City for security for the time the officer  
22 was out of the City-California, reported travel using the average cost per hour for security  
23 determined under subsection (a), and (ii) the percentage of time in the officer's summary  
24 schedule devoted to campaign-related activities or meetings. To determine the percentage of time in  
25 the officer's summary schedule devoted to campaign-related activities, the officer shall take the total

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

5  
6 **SEC. 3.605. REPORT TO BOARD OF SUPERVISORS**

7 Within 30 days of a request of the Board of Supervisors or any committee thereof, the  
8 San Francisco Police Department shall report regarding the general cost of security provided  
9 in the preceding 12 months by the Police Department to City officials and visiting dignitaries,  
10 to the extent the Police Department can do so consistent with its obligations to preserve the  
11 security of its personnel, the officials and dignitaries for whom the City provides security  
12 services, and the City's public facilities.

13  
14 **SEC. 3.610 3.605. FORMS AND REGULATIONS.**

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

18  
19 **SEC. 3.615 3.610. ENFORCEMENT AND PENALTIES.**

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

1           (b) Civil penalties. Any person who willfully or negligently violates Section 3.600(b)  
2 6.100(a)(1), (a)(3) or (a)(4) of this Chapter shall be liable in a civil action brought by the City  
3 Attorney for an amount up to \$1,000 for each violation.

4           (c) Administrative penalties. Any person who willfully or negligently violates Section 3.600(b)  
5 6.100(a)(1), (a)(3) or (a)(4) of this Chapter shall be liable in an administrative proceeding before the  
6 Ethics Commission held pursuant to the Charter, and shall be subject to the administrative orders and  
7 penalties authorized therein. In addition to the administrative orders and penalties set forth in the  
8 Charter, the person shall be liable for the cost of the Ethics Commission's investigation. The Ethics  
9 Commission also may issue warning letters to City elective officers.

10  
11 APPROVED AS TO FORM:  
12 DENNIS J. HERRERA, City Attorney

13 By:   
14       JON GIVNER  
15       Deputy City Attorney

