

AMENDMENT OF THE WHOLE - 3/15/05

FILE NO. 050355

ORDINANCE NO.

1 [Requiring persons who do not qualify as lobbyists but who are paid to provide testimony, or  
2 pay someone else to provide testimony, at a public hearing of the City and County to disclose  
3 the source of the payment.]

4 **Ordinance amending the Lobbyist Ordinance, Article II, Chapter 1 of the Campaign and**  
5 **Governmental Conduct Code, by adding a new section 2.118 to require persons who do**  
6 **not qualify as lobbyists but who are paid to provide testimony, or pay someone else to**  
7 **provide testimony, at a public hearing of the City and County to disclose the source of**  
8 **the payment.**

9 Note: Additions are single-underline italics Times New Roman;  
10 deletions are ~~strikethrough italics Times New Roman~~.  
11 Board amendment additions are double underlined.  
12 Board amendment deletions are ~~strikethrough normal~~.

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

14 Section 1. The San Francisco Campaign and Governmental Conduct Code, Article II,  
15 Chapter 1, is hereby amended by adding section 2.118, to read as follows:

16 Sec. 2.118. DISCLOSURE BY PAID SPEAKERS AND THEIR SPONSORS.

17 (a) Required Disclosure of Source of Payment by Paid Speaker. Any person who does not  
18 qualify as a lobbyist under section 2.105(i), but who is paid economic consideration for providing oral  
19 or written testimony that becomes part of the record of a public hearing of a board, commission, or  
20 advisory body of the City and County, shall disclose on the record at the hearing where the testimony is  
21 provided the source of the economic consideration.

22 (b) Required Notice by Source of Economic Consideration. Any person who does not qualify as  
23 a lobbyist under section 2.105(i) and who pays another person to provide oral or written testimony that  
24 becomes part of the record of a public hearing of a board, commission, or advisory body of the City  
25 and County, shall, in advance of the hearing at which the testimony is to be provided, provide written  
notice of the requirements of this section to the paid speaker. If the paid speaker fails to disclose the

1 source of the payment at the hearing as required under subsection (a), the person who paid for the  
2 testimony shall, within 48 hours of when the testimony is provided, submit written notice to the board,  
3 commission or task force to which the testimony was provided of the source of the payment.

4 (c) Exceptions. This section does not apply to

5 (i) a public official acting in the public official's official capacity, as defined under  
6 section 2.105(d)(1)(A),

7 (ii) a person providing testimony in response to a subpoena, or otherwise compelled to  
8 testify by law or regulation; or

9 (iii) a person communicating in connection with the administration of an existing  
10 contract between the person and the City and County of San Francisco. Communicating in connection  
11 with the administration of an existing contract has the same meaning as in section 2.105(d)(1)(O).

12 (d) Penalties.

13 (i) Violation of 2.118(a). Section 2.145 does not apply to a violation of subsection (a)  
14 of this section. The penalty for a willful violation of subsection (a) is limited to a fine of \$100, which  
15 may be enforced by the Ethics Commission under the Commission's rules and procedures adopted  
16 under Charter section C3.699-9.

17 (ii) Violation of 2.118(b). Section 2.145 (b), (c) and (e) apply to a willful violation of  
18 subsection (b) of this section.

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

21 By: \_\_\_\_\_  
22 Claire Sylvia  
23 Deputy City Attorney