

LEGISLATIVE DIGEST

(11/7/2022)

[Campaign and Governmental Conduct Code - Form 700 (Statement of Economic Interests) Filing Requirements]

Ordinance amending the Campaign and Governmental Conduct Code to update the Conflict of Interest Code's Form 700 (Statement of Economic Interests) filing requirements by adding, deleting, and changing titles of certain designated officials and employees to reflect organizational and staffing changes, and by refining disclosure requirements for certain 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 2020. 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:

- Department of Aging and Adult Services
- Airport
- Asian Art Museum
- Arts Commission
- Assessor-Recorder
- Board of Supervisors
- Department of Building Inspection
- Department of Children and Families First Commission
- Department of Children, Youth and Their Families

- Department of Police Accountability
- City Attorney
- Controller
- Office of Economic and Workforce Development
- Department of Emergency Management
- Entertainment Commission
- Department of the Environment
- Ethics Commission
- Film Commission
- Fine Arts Museums
- General Services Agency – City Administrator
- General Services Agency – Department of Technology
- Health Service System
- Department of Homelessness and Supportive Housing
- Department of Human Resources
- Human Rights Commission
- Human Services Agency
- Juvenile Probation Commission
- Public Library
- Mayor’s Office
- Port
- Department of Public Health
- Public Utilities Commission
- Public Works
- Recreation and Park Department
- Remote Access Network Board
- Residential Rent Stabilization and Arbitration Board
- Retirement System
- Sanitation and Streets
- Sheriff
- Office of Small Business
- Successor Agency to the Redevelopment Agency
- Transportation Authority
- Treasurer-Tax Collector

The proposed amendments delete the section of the Conflict of Interest Code governing the Remote Access Network Board. The proposed amendments add new sections of the Conflict of Interest Code for the Entertainment Commission and the Refuse Rate Board.

Background Information

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 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. Cal. Code Regs. § § 18704(a). A City employee or officer "participates in making a governmental decision" when she directly, without significant substantive review, provides information, an opinion, or a recommendation for the purpose of affecting a government decision. *Id.* at § 18704(b). The City's Conflict of Interest Code should not include employees who carry out solely clerical or ministerial tasks. *Id.* at § 18704(d)(1).