

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

3 **Resolution authorizing the Assessor-Recorder and the Deputy Assessors and Director**  
4 **of Policy and Government Affairs in the Assessor-Recorder’s Office to solicit**  
5 **donations from various private, nonprofit, philanthropic, and other entities to support**  
6 **1) the 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.**

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

20 WHEREAS, The City has long led the country in legal advocacy for the rights of  
21 LGBTQ+ individuals and support for the community in a variety of ways, creating a place  
22 where LGBTQ+ people feel safe and able to live their lives without fear of violence and  
23 discrimination, and making the City home to a large and vibrant LGBTQ+ community; these  
24 efforts include securing equal benefits and marriage equality, and providing health and  
25 housing services targeted to support the community; and

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 residents of the City, the environment, and the fair and equal treatment of all  
21 individuals 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 Office of the Assessor-Recorder from time to time partner and engage with  
7 philanthropic organizations, nonprofits, and private entities including law firms and legal  
8 service organizations; and

9 WHEREAS, The Board of Supervisors in the resolution in Board File No. 250047  
10 approved a waiver of the behested payments ordinance under Section 3.620(f) of the  
11 Campaign and Governmental Conduct Code to allow the Office of the City Attorney, Office of  
12 the Mayor, Office of the City Administrator, and the head of each division, office, and  
13 department under the City Administrator's supervision to seek to fundraise or engage in  
14 philanthropic partnerships with law firms and other entities yet to be identified that may be  
15 considered interested parties to one or more of these departments for the purposes identified  
16 herein; and

17 WHEREAS, The Assessor-Recorder seeks to partner with the Mayor's Office, City  
18 Attorney's Office, and the City Administrator's Office on these efforts and seeks a waiver of  
19 the City's Behested Payment Ordinance (Campaign and Governmental Conduct Code,  
20 Section 3.600 et seq.) to the extent it restricts the Assessor-Recorder and the Deputy  
21 Assessors and Director of Policy and Government Affairs in the Assessor-Recorder's Office  
22 from soliciting financial support or in-kind goods or services, from persons or entities that  
23 would be considered interested parties, to support (1) the provision of legal services to ensure  
24 the fair and lawful treatment of City residents notwithstanding their immigration status and  
25 non-legal services and support for the City's immigrant communities, (2) goods and services,

1 including legal services, related to defending and supporting LGBTQ+ rights, (3) goods and  
2 services, including legal services, related to defending and supporting reproductive rights, (4)  
3 goods and services, including legal services, related to defending existing environmental  
4 protection laws and promoting environmental protection efforts, and (5) goods and services,  
5 including legal services, related to racial equity initiatives; and

6 WHEREAS, The parties receiving this waiver have agreed to report to the Board of  
7 Supervisors on a monthly basis solicitations made under this waiver and donations that  
8 resulted from such solicitations; the reports will identify the party solicited or the party who  
9 made a donation, the amount of the solicitation or donation, and the interested relationship the  
10 party who was solicited or the party who made a donation has with the Assessor-Recorder's  
11 Office; now, therefore, be it

12 RESOLVED, That under Section 3.620(f) of the Campaign and Governmental Conduct  
13 Code, the Board of Supervisors hereby waives application of the Behested Payment  
14 Ordinance as to the Assessor-Recorder and the Deputy Assessors and Director of Policy and  
15 Government Affairs in the Assessor-Recorder's Office so that these individuals may solicit  
16 donations from private, nonprofit, and other organizations and philanthropists to support (1)  
17 the provision of legal services to ensure the fair and lawful treatment of City residents  
18 notwithstanding their immigration status and non-legal services and support for the City's  
19 immigrant communities, (2) goods and services, including legal services, related to defending  
20 and supporting LGBTQ+ rights, (3) goods and services, including legal services, related to  
21 defending and supporting reproductive rights, (4) goods and services, including legal services,  
22 related to defending existing environmental protection laws and promoting environmental  
23 protection efforts, and (5) goods and services, including legal services, related to racial equity  
24 initiatives; this waiver shall begin on the effective date of this resolution and end six months  
25 after the effective date of the resolution in Board File No. 250047; and, be it

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