BOARD of SUPERVISORS

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M E M O R A N D U M

TO: Patrick Ford, Executive Director, Ethics Commission

FROM: Monique Crayton, Assistant Clerk, Government Audit and Oversight Committee

DATE: September 22, 2026

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the Ordinance request introduced by Supervisor Jackie Fielder on September 15, 2026.

File No. 261016

Campaign and Governmental Conduct Code - Behested Payments Waiver Reporting

Ordinance amending the Campaign and Governmental Conduct Code to require persons or departments who received a waiver under the Behested Payments Ordinance to file a report with the Clerk of the Board before expiration of the waiver; to require the Clerk of the Board to promptly publish the reports on DataSF in searchable format; to require waivers to contain the title of each position that will be entitled to rely on the waiver; and for requests for waivers covering the same or similar purpose as a previously approved waiver, to prohibit departments from introducing a new waiver request until the required report has been submitted to the Clerk and at least one year has passed since the previous waiver request was introduced.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: monique.crayton@sfgov.org.

cc:
Michael Canning, Ethics Commission

[Campaign and Governmental Conduct Code - Behested Payments Waiver Reporting]

Ordinance amending the Campaign and Governmental Conduct Code to require persons or departments who received a waiver under the Behested Payments Ordinance to file a report with the Clerk of the Board before expiration of the waiver; to require the Clerk of the Board to promptly publish the reports on DataSF in searchable format; to require waivers to contain the title of each position that will be entitled to rely on the waiver; and for requests for waivers covering the same or similar purpose as a previously approved waiver, to prohibit departments from introducing a new waiver request until the required report has been submitted to the Clerk and at least one year has passed since the previous waiver request was introduced.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Chapter 6 of Article III of the Campaign and Governmental Conduct Code is hereby amended by revising the title of the Chapter and revising Section 3.620, to read as follows:

CHAPTER 6: BEHESTED PAYMENT*S* ~~***REPORTING***~~

*** * * ***

SEC. 3.620. PROHIBITING ELECTED OFFICIALS, DEPARTMENT HEADS, COMMISSIONERS, AND DESIGNATED EMPLOYEES FROM SOLICITING BEHESTED PAYMENTS FROM INTERESTED PARTIES.

* * * *

(f) **EXCEPTION – WAIVER.** Upon request by a City department, the Board of Supervisors may waive the requirements of this Section 3.620 by resolution, but may not waive it for itself. A proposed resolution that seeks a waiver shall summarize the purpose of the solicitation(s) and shall identify the type of interested parties or the specific interested parties, when the identity is known, to whom the solicitation(s) would be directed, and a statement as to why the department believes the parties are interested parties. *The resolution must specify the title of each position that will be permitted to rely on the waiver.* The resolution must include a finding that the waiver would not create an appearance of impropriety and would be in the public interest. *If the Board previously granted the department a waiver for the same or substantially similar purpose, the resolution must contain separate findings that the report required by subsection (f)(1) of this Section 3.620 has been submitted to and accepted by the Clerk of the Board and that at least one year has passed since the previous waiver request was introduced.* Waivers granted under this subsection (f) shall apply prospectively for six months, unless the approving resolution specifies a shorter duration, and shall have no effect as to past solicitations and may not be approved retroactively after the solicitations have occurred. Within 30 days of the enactment of such a resolution, the Clerk of the Board shall publish information regarding the resolution to a dataset of all approved waiver resolutions on DataSF.

*(1) **Reporting**. Any officers, designated employees, or departments granted a waiver under subsection (f) of this Section 3.620 must, by the end of the six-month waiver period, submit a single report to the Clerk of the Board containing the names of any interested parties who were solicited under the waiver, a complete description specifying why those parties meet the definition of*

interested parties, the amount of each behested payment made by each such interested party, if any, and the names of any individuals or entities who received each payment, if any. All reports must be submitted in a form and format established by the Clerk of the Board.

(A) The Clerk of the Board shall ensure that each complete report is published on DataSF in searchable and sortable format within 30 days of accepting the report.

Section 2. Prerequisites for Enactment; Ethics Commission Majority Vote Requirement, Board of Supervisors Super-Majority Vote Requirement. The enactment of Section 1 of this ordinance is subject to provisions of the Campaign and Governmental Conduct Code that require the amendments to be approved by the Ethics Commission by a majority vote of at least three members of the Commission, and approved by a supermajority vote of at least eight members of the Board of Supervisors.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

Section 4. Effective Date. This ordinance shall become effective on the 31st day after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Michael Gerchow
MICHAEL GERCHOW
Deputy City Attorney

4909-0387-7072

FILE NO. 261016

LEGISLATIVE DIGEST

[Campaign and Governmental Conduct Code - Behested Payments Waiver Reporting]

Ordinance amending the Campaign and Governmental Conduct Code to require persons or departments who received a waiver under the Behested Payments Ordinance to file a report with the Clerk of the Board before expiration of the waiver; to require the Clerk of the Board to promptly publish the reports on DataSF in searchable format; to require waivers to contain the title of each position that will be entitled to rely on the waiver; and for requests for waivers covering the same or similar purpose as a previously approved waiver, to prohibit departments from introducing a new waiver request until the required report has been submitted to the Clerk and at least one year has passed since the previous waiver request was introduced.

Existing Law

Local law prohibits elected officials, department heads, commissioners, and designated employees from soliciting behested payments from "interested parties," as defined in the Campaign and Governmental Conduct Code. Current law permits the Board of Supervisors to waive the rule by resolution upon request by a City department. A proposed resolution must summarize the purpose of the solicitation, identify the type of interested parties or the specific interested parties, when the identity is known, to whom the solicitation would be directed, and state why the department believes the parties are interested parties. Granted waivers are effective for six months, after which the Board may grant a new waiver covering the same or similar subject matter.

Amendments to Current Law

The proposed ordinance would require those relying on a waiver to submit a single report to the Clerk of the Board by the end of the six-month waiver period. The report would need to contain the names of any interested parties who were solicited under the waiver, a complete description specifying why those parties meet the definition of interested parties, the amount of each behested payment made by each such interested party, if any, and the names of any individuals or entities who received each payment, if any. The Clerk of the Board would be required to ensure that each complete report is published on DataSF in searchable and sortable format within 30 days.

The proposed ordinance would also require resolutions seeking a wavier to include the specific title of each City position that would be permitted to rely on the waiver. And if a waiver is requested for the same or similar purpose as a previous waiver, the accompanying resolution must contain separate findings that the report has been submitted to and accepted by the Clerk of the Board and that at least one year has passed since the previous waiver request was introduced.

4937-7866-2341

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- [x] 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- [ ] 2. Request for next printed agenda (For Adoption Without Committee Reference)
  (Routine, non-controversial and/or commendatory matters only)
- [ ] 3. Request for Hearing on a subject matter at Committee
- [ ] 4. Request for Letter beginning with "Supervisor _____ inquires…"
- [ ] 5. City Attorney Request
- [ ] 6. Call File No. _____ from Committee.
- [ ] 7. Budget and Legislative Analyst Request (attached written Motion)
- [ ] 8. Substitute Legislation File No. _____
- [ ] 9. Reactivate File No. _____
- [ ] 10. Topic submitted for Mayoral Appearance before the Board on _____

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

☐ Small Business Commission ☐ Youth Commission ☒ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Fielder, Chan, Chen

Subject:

Campaign and Governmental Conduct Code - Behested Payments Waiver Reporting

Long Title or text listed:

Ordinance amending the Campaign and Governmental Conduct Code to require persons or departments who received a waiver under the behested payments ordinance to file a report with the Clerk of the Board before expiration of the waiver; to require the Clerk of the Board to promptly publish the reports on DataSF in searchable format; to require waivers to contain the title of each position that will be entitled to rely on the waiver; and for requests for waivers covering the same or similar purpose as a previously approved waiver, to prohibit departments from introducing a new waiver request until the required report has been submitted to the Clerk and at least one year has passed since the previous waiver request was introduced.

Signature of Sponsoring Supervisor: /s/Jackie Fielder