

1 [Prohibiting Gifts From Restricted Sources.]

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3 **Ordinance amending section 3.216 of the Campaign and Governmental Conduct Code**
4 **to prohibit City officers and employees from receiving any gifts from restricted sources**
5 **other than nominal gifts exempted by the Ethics Commission and to clarify that**
6 **exemptions to gift limits under state law also apply to limits imposed by local law.**

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

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

11 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby
12 amended by amending Section 3.216, to read as follows:

13 **SEC. 3.216. GIFTS.**

14 (a) **Prohibition on bribery.** No person shall offer or make, and no officer or
15 employee shall accept, any gift with the intent that the City officer or employee will be
16 influenced thereby in the performance of any official act.

17 (b) **General gift restrictions.** In addition to the gift limits imposed by California
18 Government Code section 89503, section 3.1-101 of the Campaign and Governmental
19 Conduct Code and any subsequent amendments to those sections, no officer or employee of
20 the City and County shall solicit or accept any gift *in excess of \$100 in a calendar year* from a
21 person who the officer or employee knows or has reason to know is a restricted source. ~~For~~
22 ~~purposes of this subsection, the term gift has the same meaning as under California Government Code~~
23 ~~section 89503 and any subsequent amendments to that section.~~

24 (1) **Restricted Source.** For purposes of this section, a restricted source means:
25 (A) a person doing business with or seeking to do business with the department of the officer

SUPERVISOR MIRKARIMI
ETHICS COMMISSION
BOARD OF SUPERVISORS

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1 or employee; (B) any person who during the prior 12 months knowingly attempted to influence
2 the officer or employee in any legislative or administrative action.

3 (2) Gift. *For purposes of this subsection, the term gift has the same meaning as under the*
4 *Political Reform Act, California Government Code section 81000 et. seq., and the regulations adopted*
5 *thereunder, including any subsequent amendments. Gifts exempted from the limits imposed by*
6 *California Government Code section 89503 and section 3.1-101 of the Campaign and Governmental*
7 *Conduct Code shall also be exempted from the prohibition set forth in this subsection*

8 (3) Regulations. *The Ethics Commission shall issue regulations implementing this section,*
9 *including regulations exempting voluntary gifts that are nominal in value such as gifts that are given by*
10 *vendors to clients or customers in the normal course of business.*

11 ~~*Adjustment of gift limits. The Ethics Commission is authorized to adjust annually the gift limits*~~
12 ~~*imposed by this section to reflect changes in the California Consumer Price Index.*~~

13 (c) **Gifts from subordinates.** No officer or employee shall solicit or accept any
14 gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or
15 employee or from any candidate or applicant for a position as employee or subordinate under
16 him or her. The Ethics Commission shall issue regulations implementing this section,
17 including regulations exempting voluntary gifts that are given or received for special occasions
18 or under other circumstances in which gifts are traditionally given or exchanged.

19 (d) **Gifts of Travel.**

20 (1) **Gifts to Elected Officers.** In addition to the gift limits and reporting
21 requirements imposed by the Political Reform Act and this Code, no elected officer may
22 accept a gift of transportation, lodging, or subsistence for any out-of-state trip paid for in part
23 by an entity other than the City and County of San Francisco, another governmental body, or
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1 a bona fide educational institution, defined in Section 203 of the Revenue and Taxation Code,
2 unless the officer has first disclosed on a form filed with the Ethics Commission:

3 (A) the name of the entity and the total amount that will be paid by the entity to fund
4 the trip, including but not limited to the amount directly related to the cost of the elected
5 officer's transportation, lodging, and subsistence;

6 (B) the name, occupation and employer of any contributor who has contributed
7 more than \$500 to the entity funding the trip and whose contributions were used in whole or in
8 part to fund the trip;

9 (C) a description of the purpose of the trip and the itinerary; and

10 (D) the name of any individual accompanying the official on the trip who is:

11 (i) a City employee required to file a Statement of Economic Interests,

12 (ii) a lobbyist or campaign consultant registered with the Ethics Commission,

13 (iii) an employee of or individual who has any ownership interest in a lobbyist or
14 campaign consultant registered with the Ethics Commission, or

15 (iv) an employee or officer of the entity that will pay for the gift of transportation,
16 lodging, or subsistence.

17 (2) **Gifts to the City.** In addition to any other reporting requirements imposed by
18 the Political Reform Act or local law, an elected officer shall file a form with the Ethics
19 Commission disclosing the information required under subsections (d)(1)(A)--(D) of this
20 Section before accepting a gift of transportation, lodging, or subsistence for any out-of-state
21 trip paid for by the City in whole or in part with funds donated from an entity other than another
22 governmental body or a bona fide educational institution, as defined in Section 203 of the
23 Revenue and taxation Code.

1 (3) **Reimbursement of Gifts of Travel.** In addition to any other reporting
2 requirements imposed by the Political Reform Act or local law, an elected officer who
3 reimburses an entity for a gift of transportation, lodging or subsistence related to out-of-state
4 travel in order to avoid having received or accepted the gift shall file a form with the Ethics
5 Commission within 30 days of such reimbursement disclosing:

6 (A) the name of the entity that originally paid for the transportation, lodging or
7 subsistence;

8 (B) the amount paid by the entity for the elected officer's transportation, lodging or
9 subsistence;

10 (C) the amount reimbursed by the elected officer to the entity and the process used
11 to determine the fair-market value of that amount; and

12 (D) a description of the purpose of the trip and the itinerary.

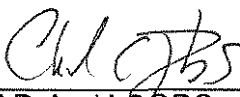
13 (4) **Format.** The Ethics Commission shall provide forms for the disclosure required
14 by this subsection and shall make the completed forms available on its website.

15 (5) **Definition.** For the purpose of this subsection, the term "elected officer" means
16 the Mayor, member of the Board of Supervisors, City Attorney, District Attorney, Public
17 Defender, Assessor, Treasurer, and Sheriff.

18 (e) **Additional Restrictions.** Nothing in this section shall prohibit a City
19 department, agency, board or commission from imposing additional gift restrictions on its
20 officers or employees.

21
22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By:



25 CHAD A. JACOBS
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 061333

Date Passed:

Ordinance amending section 3.216 of the Campaign and Governmental Conduct Code to prohibit City officers and employees from receiving any gifts from restricted sources other than nominal gifts exempted by the Ethics Commission and to clarify that exemptions to gift limits under state law also apply to limits imposed by local law.

December 5, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

December 12, 2006 Board of Supervisors — FINALLY PASSED

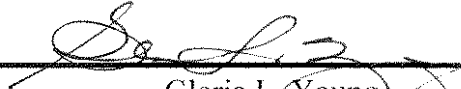
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

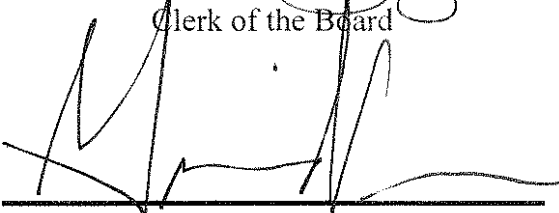
File No. 061333

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on December 12,
2006 by the Board of Supervisors of the City
and County of San Francisco.

12/18/06

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Gavin Newsom