

1 [Campaign and Governmental Conduct Code - Lobbying and Ethics Regulations]

2

3 **Ordinance amending the Campaign and Governmental Conduct Code to expand the**
4 **definition of a lobbyist; expand the definition of an Officer of the City and County;**
5 **expand the list of reportable lobbying contacts; hold employers and clients of lobbyists**
6 **jointly and severally liable for violations of this Ordinance committed by the lobbyist on**
7 **behalf of that employer or client; enhance lobbyist training, auditing, and record-**
8 **keeping requirements; require public reports about City officials who fail to file**
9 **Statements of Economic Interest; require a public guide to local campaign finance**
10 **laws; require permit consultants to register with the Ethics Commission and file regular**
11 **disclosure reports; and require major developers to disclose donations to nonprofits**
12 **active in the City.**

13

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

18

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

20 Section 1. The Campaign and Governmental Conduct Code is hereby amended by
21 revising Sections 2.105, 2.110, 2.116, 2.135 and 2.145, and adding Sections 2.106, 2.107,
22 and 2.136, to read as follows:

23 **SEC. 2.105. DEFINITIONS.**

24 Whenever used in this Chapter, the following words and phrases shall have the
25 definitions provided in this Section:

1 ~~(a)~~ "Activity expenses" means any expense incurred or payment made by a
2 lobbyist or a lobbyist's client at the behest of the lobbyist, or arranged by a lobbyist or a
3 lobbyist's client at the behest of the lobbyist, which benefits in whole or in part any: officer of
4 the City and County; candidate for City and County office; aide to a member of the Board of
5 Supervisors; or member of the immediate family or the registered domestic partner of an
6 officer, candidate, or aide to a member of the Board of Supervisors. An expense or payment is
7 not an "activity expense" unless it is incurred or made within three months of a contact with
8 the officer, candidate, or Supervisor's aide who benefits from the expense or payment, or
9 whose immediate family member or registered domestic partner benefits from the expense or
10 payment. "Activity expenses" include honoraria, consulting fees, salaries, and any other thing
11 of value totaling more than \$25 in value in a consecutive three-month period, but do not
12 include political contributions.

13 ~~(b)~~ "Candidate" shall have the same meaning as set forth in Section 1.104 of this
14 Code.

15 ~~(c)~~—"Client" means the person for whom lobbyist services are performed by a
16 lobbyist.

17 ~~(d)~~—"Contact" means communication, oral or written, including communication made
18 through an agent, associate or employee, for the purpose of influencing local legislative or
19 administrative action.

20 ~~(1)~~—The following activities are not "contacts" within the meaning of this Chapter.

21 ~~(A)~~—A representative of a news media organization gathering news and information
22 or disseminating the same to the public, even if the organization, in the ordinary course of business,
23 publishes news items, editorials or other commentary, or paid advertisements, that urge action upon
24 local legislative or administrative matters;

25

1 ~~————(B) A person providing oral or written testimony that becomes part of the record of~~
2 ~~a public hearing; provided, however, that if the person making the appearance or providing testimony~~
3 ~~has already qualified as a lobbyist under this Chapter and is appearing or testifying on behalf of a~~
4 ~~client, the lobbyist's testimony shall identify the client on whose behalf the lobbyist is appearing or~~
5 ~~testifying;~~

6 ~~————(C) A person performing a duty or service that can be performed only by an~~
7 ~~attorney, an architect, or a professional engineer licensed to practice in the State of California,~~
8 ~~including any communication by an attorney in connection with litigation involving the City and~~
9 ~~County or a claim filed pursuant to Administrative Code Section 10.20-1 et seq.;~~

10 ~~————(D) A person making a speech or producing any publication or other material that~~
11 ~~is distributed and made available to the public, through radio, television, cable television, or other~~
12 ~~medium of mass communication;~~

13 ~~————(E) A person providing written information in response to an oral or written request~~
14 ~~made by an officer of the City and County, provided that the written information is a public record~~
15 ~~available for public review;~~

16 ~~————(F) A person providing oral or written information pursuant to a subpoena, or~~
17 ~~otherwise compelled by law or regulation;~~

18 ~~————(G) A person providing oral or written information in response to a request for~~
19 ~~proposals, request for qualifications, or other similar request, provided that the information is directed~~
20 ~~to the department or official specifically designated in the request to receive such information;~~

21 ~~————(H) A person submitting a written petition for local legislative or administrative~~
22 ~~action, provided that the petition is a public record available for public review;~~

23 ~~————(I) A person making an oral or written request for a meeting, or any other similar~~
24 ~~administrative request, if the request does not include an attempt to influence local legislative or~~
25 ~~administrative action;~~

1 ~~————(J) A person appearing before an officer of the City and County pursuant to any~~
2 ~~procedure established by law or regulation for levying an assessment against real property for the~~
3 ~~construction or maintenance of an improvement;~~

4 ~~————(K) A person providing purely technical data, analysis, or expertise in the presence~~
5 ~~of a registered lobbyist;~~

6 ~~————(L) A person distributing to any officer of the City and County any regularly~~
7 ~~published newsletter or other periodical which is not primarily directed at influencing local legislative~~
8 ~~or administrative action;~~

9 ~~————(M) A person disseminating information or material on behalf of an organization or~~
10 ~~entity to all or a significant segment of the organization's or entity's employees or members;~~

11 ~~————(N) A person communicating in connection with the administration of an existing~~
12 ~~contract between the person and the City and County of San Francisco. For purposes of this~~
13 ~~Subsection, communication, "in connection with the administration of an existing contract" includes,~~
14 ~~but is not limited to, communication regarding: insurance and bonding; contract performance and/or~~
15 ~~default; requests for in-scope change orders; legislative mandates imposed on contractors by the City~~
16 ~~and County; payments and invoicing; personnel changes; prevailing wage verification; liquidated~~
17 ~~damages and other penalties for breach of contract; audits; assignments; and subcontracting.~~
18 ~~Communication "in connection with the administration of an existing contract" does not include~~
19 ~~communication regarding new contracts, or out-of-scope change orders;~~

20 ~~————(O) A person negotiating the terms of a contract after being selected to enter into a~~
21 ~~contract with the City and County through a competitive bidding process, or as otherwise permitted~~
22 ~~under the Administrative Code;~~

23 ~~————(P) A person appearing as a party or a representative of a party in an~~
24 ~~administrative adjudicatory proceeding before a City agency or department; and~~

1 ~~————(Q) A person communicating, on behalf of a labor union representing City~~
2 ~~employees, regarding the establishment, amendment, or interpretation of a collective bargaining~~
3 ~~agreement or memorandum of understanding with the City, or communicating about a management~~
4 ~~decision regarding the working conditions of employees represented by a collective bargaining~~
5 ~~agreement or a memorandum of understanding with the City.~~

6 ~~————(2) The following activities are not "contacts" for the purpose of determining whether a~~
7 ~~person qualifies as a "lobbyist," but are "contacts" for purpose of disclosures required by this Chapter:~~

8 ~~————(A) A person providing oral information to an officer of the City and County in~~
9 ~~response to an oral or written request made by that officer;~~

10 ~~————(B) A person making an oral or written request for the status of an action; and~~

11 ~~————(C) A person participating in a public interested persons meeting, workshop, or~~
12 ~~other forum convened by a City agency or department for the purpose of soliciting public input.~~

13 ~~—(e) "Economic consideration" means any payments, fees, reimbursement for~~
14 ~~expenses, gifts, or anything else of value, provided that "economic consideration" does not~~
15 ~~include salary, wages or benefits furnished by a federal, state or local government agency.~~

16 ~~"Employee" means any person who receives an Internal Revenue Service Form W-2 wage~~
17 ~~and tax statement.~~

18 ~~"Employer" means any person who provides an Internal Revenue Service Form W-2 wage~~
19 ~~and tax statement to an employee who performs lobbyist services on behalf of that person.~~

20 ~~—(f) "Gift" shall be defined as set forth in the Political Reform Act, Government~~
21 ~~Code Section 81000 et seq., and the regulations adopted thereunder.~~

22 ~~—(g) "Lobbyist" means any individual who:~~

23 ~~————(1) receives or is promised economic consideration of \$3,000 or more within three~~
24 ~~consecutive calendar months for lobbyist services; and~~

1 —(2)— ~~on behalf of the persons providing the economic consideration, makes any contact with an~~
2 ~~officer of the City and County.~~ (1) makes five or more contacts in a calendar month with officers of the
3 City and County on behalf of the individual's employer; or (2) makes one or more contacts in a
4 calendar month with an officer of the City and County on behalf of any person who pays the individual
5 or the individual's employer for lobbyist services. An individual is not a lobbyist if that individual is
6 lobbying on behalf of a business of which the individual owns a 20% or greater share.

7 —(h) "Lobbyist services" means services rendered for the purpose of influencing
8 local legislative or administrative action, including but not limited to contacts with officers of
9 the City and County of San Francisco.

10 —(i) "Local legislative or administrative action" includes, but is not limited to, the
11 drafting, introduction, consideration, modification, enactment, defeat, approval, veto, granting
12 or denial by any officer of the City and County of any resolution, motion, appeal, application,
13 petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement to
14 use or contract.

15 —(j) "Measure" shall have the same meaning as set forth in Section 1.104 of this
16 Code.

17 —(k) "Officer of the City and County" means any officer identified in ~~San Francisco~~
18 ~~Administrative Code Section 1.50~~ Section 3.203 of this Code, as well as any official body composed
19 of such officers. In addition, for purposes of this Chapter, "officer of the City and County"
20 includes (1) members of the Board of Education, Community College Board, First Five
21 Commission, Law Library Board of Trustees, Local Agency Formation Commission, Health Authority
22 Board, Housing Authority Commission, Parking Authority, Relocation Appeals Board, Redevelopment
23 Agency, and Successor Agency to the former Redevelopment Agency of the City and County of San
24 Francisco, Oversight Board of the Successor Agency, Successor Agency Commission, Transportation
25 Authority, Workforce Investment San Francisco Board as well as any official body composed of

1 such officers, and any person appointed as the chief executive officer under any such board or
2 commission; (2) the Zoning Administrator, (3) the City Engineer, (4) the County Surveyor, and
3 (5) the Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping.

4 —(l) "Person" means an individual, partnership, corporation, association, firm, labor
5 union or other organization or entity, however organized.

6 —(m) "Public hearing" means any open, noticed proceeding.

7
8 **SEC. 2.106 LOBBYING CONTACTS**

9 (a) Whenever used in this Chapter, "contact" means any communication, oral or written,
10 including communication made through an agent, associate or employee, for the purpose of influencing
11 local legislative or administrative action, except as provided in Subsections (b) and (c).

12 (b) The following activities are not "contacts" within the meaning of this Chapter.

13 (1) A representative of a news media organization gathering news and information or
14 disseminating the same to the public, even if the organization, in the ordinary course of business,
15 publishes news items, editorials or other commentary, or paid advertisements, that urge action upon
16 local legislative or administrative matters;

17 (2) A person providing oral or written testimony that becomes part of the record of a
18 public hearing; provided, however, that if the person making the appearance or providing testimony
19 has already qualified as a lobbyist under this Chapter and is appearing or testifying on behalf of a
20 client, the lobbyist's testimony shall identify the client on whose behalf the lobbyist is appearing or
21 testifying;

22 (3) A person performing a duty or service that can be performed only by an architect
23 or a professional engineer licensed to practice in the State of California,;

- 1 (4) A person making a speech or producing any publication or other material that is
2 distributed and made available to the public, through radio, television, cable television, or other
3 medium of mass communication;
- 4 (5) A person providing written information in response to an oral or written request
5 made by an officer of the City and County, provided that the written information is a public record
6 available for public review;
- 7 (6) A person providing oral or written information pursuant to a subpoena, or
8 otherwise compelled by law or regulation;
- 9 (7) A person submitting a written petition for local legislative or administrative
10 action, provided that the petition is a public record available for public review;
- 11 (8) A person making an oral or written request for a meeting, or any other similar
12 administrative request, if the request does not include an attempt to influence local legislative or
13 administrative action;
- 14 (9) A person appearing before an officer of the City and County pursuant to any
15 procedure established by law or regulation for levying an assessment against real property for the
16 construction or maintenance of an improvement;
- 17 (10) A person providing purely technical data, analysis, or expertise in the presence
18 of a registered lobbyist;
- 19 (11) A person distributing to any officer of the City and County any regularly
20 published newsletter or other periodical which is not primarily directed at influencing local legislative
21 or administrative action;
- 22 (12) A person disseminating information or material on behalf of an organization or
23 entity to all or a significant segment of the organization's or entity's employees or members;
- 24 (13) A person appearing as a party or a representative of a party in an administrative
25 adjudicatory proceeding before a City agency or department;

1 (14) A person communicating, on behalf of a labor union representing City
2 employees, regarding the establishment, amendment, or interpretation of a collective bargaining
3 agreement or memorandum of understanding with the City, or communicating about a management
4 decision regarding the working conditions of employees represented by a collective bargaining
5 agreement or a memorandum of understanding with the City;

6 (15) A party or prospective party to a contract providing oral or written information
7 in response to a request for proposals, request for qualifications, or other similar request, provided
8 that the information is directed to the department or official specifically designated in the request to
9 receive such information; negotiating the terms of the contract with the City after being selected to
10 enter into the contract; or communicating in connection with the administration of an existing contract
11 between the party and the City. For the purposes of this Subsection:

12 (A) A “party or prospective party” includes that party’s officers or employees; a
13 subcontractor listed in the contract, bid, or proposal; or that subcontractor’s officers or employees. A
14 “party or prospective party” does not include any other agent or associate, including any outside
15 consultant or independent contractor.

16 (B) Communication "in connection with the administration of an existing
17 contract" includes, but is not limited to, communication regarding: insurance and bonding; contract
18 performance and/or default; requests for in-scope change orders; legislative mandates imposed on
19 contractors by the City and County; payments and invoicing; personnel changes; prevailing wage
20 verification; liquidated damages and other penalties for breach of contract; audits; assignments; and
21 subcontracting. Communication "in connection with the administration of an existing contract" does
22 not include communication regarding new contracts, or out-of-scope change orders.

23 (16) An officer or employee of a nonprofit organization or an organization fiscally
24 sponsored by such a nonprofit organization communicating on behalf of their organization. For
25 purposes of this subsection only, “nonprofit organization” means either an organization with tax

1 exempt status under 26 United States Code Section 501(c)(3), or an organization with tax exempt status
2 under 26 United States Code Section 501(c)(4) whose most recent tax filing included an IRS Form 990-
3 N or an IRS Form 990-EZ.

4 (c) The following activities are not "contacts" for the purpose of determining whether a
5 person qualifies as a lobbyist, but are "contacts" for purpose of disclosures required by this Chapter:

6 (1) A person providing oral information to an officer of the City and County in
7 response to an oral or written request made by that officer;

8 (2) A person making an oral or written request for the status of an action; and

9 (3) A person participating in a public interested persons meeting, workshop, or
10 other forum convened by a City agency or department for the purpose of soliciting public input.

11
12 **SEC. 2.107. NO CONFLICT WITH STATE BAR ACT.**

13 Nothing in this Chapter is intended to regulate attorneys engaged in the practice of law under
14 the California State Bar Act, Business and Professions Code sections 6000 et seq.

15
16 **SEC. 2.110. REGISTRATION AND DISCLOSURES; FEES; TERMINATION OF**
17 **REGISTRATION.**

18 (a) REGISTRATION OF LOBBYISTS REQUIRED. Lobbyists shall register with the
19 Ethics Commission and comply with the disclosure requirements imposed by this Chapter.
20 Such registration shall occur no later than five business days of qualifying as a lobbyist, but
21 the lobbyist shall register prior to making any additional contacts with an officer of the City and
22 County of San Francisco.

23 (b) REGISTRATION. At the time of initial registration each lobbyist shall report to the
24 Ethics Commission the following information:

1 (1) The name, business address, e-mail address, and business telephone number of
2 the lobbyist;

3 (2) The name, business address, and business telephone number of each client for
4 whom the lobbyist is performing lobbyist services;

5 (3) The name, business address, and business telephone number of the lobbyist's
6 employer, firm or business affiliation; and

7 (4) Any other information required by the Ethics Commission consistent with the
8 purposes and provisions of this Chapter.

9 (c) LOBBYIST DISCLOSURES. For each calendar month, each lobbyist shall submit
10 the following information no later than the fifteenth calendar day following the end of the
11 month:

12 (1) The name, business address and business telephone number of each person from
13 whom the lobbyist or the lobbyist's employer received or expected to receive economic
14 consideration to influence local legislative or administrative action during the reporting period;

15 (2) The name of each officer of the City and County of San Francisco with whom the
16 lobbyist made a contact during the reporting period;

17 (3) The date on which each contact was made;

18 (4) The local legislative or administrative action that the lobbyist sought to influence,
19 including, if any, the title and file number of any resolution, motion, appeal, application,
20 petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement, or
21 contract, and the outcome sought by the client;

22 (5) The client on whose behalf each contact was made;

23 (6) The amount of economic consideration received or expected by the lobbyist or the
24 lobbyist's employer from each client during the reporting period;

25

1 (7) All activity expenses incurred by the lobbyist during the reporting period, including
2 the following information:

3 (A) The date and amount of each activity expense;

4 (B) The full name and official position, if any, of the beneficiary of each activity
5 expense, a description of the benefit, and the amount of the benefit;

6 (C) The full name of the payee of each activity expense if other than the beneficiary;

7 (D) Whenever a lobbyist is required to report a salary of an individual pursuant to this
8 Subsection, the lobbyist need only disclose whether the total salary payments made to the
9 individual during the reporting period was less than or equal to \$250, greater than \$250 but
10 less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater
11 than \$10,000.

12 (8) All political contributions of \$100 or more made or delivered by the lobbyist or the
13 lobbyist's employer, or made by a client at the behest of the lobbyist or the lobbyist's employer
14 during the reporting period to an officer of the City and County, a candidate for such office, a
15 committee controlled by such officer or candidate, or a committee primarily formed to support
16 or oppose such officer or candidate, or any committee primarily formed to support or oppose a
17 ballot measure to be voted on only in San Francisco. This report shall include such political
18 contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or
19 intermediary.

20 The following information regarding each political contribution shall be submitted to the
21 Ethics Commission:

22 (A) The amount of the contribution;

23 (B) The name of the contributor;

24 (C) The date on which the contribution was made;

25 (D) The contributor's occupation;

1 (E) The contributor's employer, or if self-employed, the name of the contributor's
2 business; and

3 (F) The committee to which the contribution was made.

4 (9) For each contact at which a person providing purely technical data, analysis, or
5 expertise was present, as described in ~~Section 2.105(d)(1)(K)~~ 2.106(a)(10), the name, address,
6 employer and area of expertise of the person providing the data, analysis or expertise.

7 (10) Any amendments to the lobbyist's registration information required by Subsection
8 (b).

9 (11) Any other information required by the Ethics Commission consistent with the
10 purposes and provisions of this Chapter.

11 (d) REGISTRATION AND FILING OF DISCLOSURES BY ORGANIZATIONS. The
12 Ethics Commission is authorized to establish procedures to permit the registration and filing of
13 lobbyist disclosures by a business, firm, or organization on behalf of the individual lobbyists
14 employed by those businesses, firms, or organizations.

15 (e) FEES; TERMINATION OF REGISTRATION.

16 (1) At the time of registration each lobbyist shall pay a fee of \$500. On or before every
17 subsequent February 1, each registered lobbyist shall pay an additional fee of \$500.

18 (2) Failure to pay the annual fee by February 1 shall constitute a termination of a
19 lobbyist's registration with the Ethics Commission. The Ethics Commission is also authorized
20 to establish additional processes for the termination of a lobbyist's registration.

21 (3) The Ethics Commission shall waive all registration fees for any full-time employee
22 of a tax-exempt organization presenting proof of the organization's tax-exempt status under
23 26 U.S.C. Section 501(c)(3) or 501(c)(4).

24 (4) The Ethics Commission shall deposit all fees collected pursuant to this Section in
25 the General Fund of the City and County of San Francisco.

1
2 **SEC. 2.116. LOBBYIST TRAINING.**

3 (a) Each lobbyist must complete a lobbyist training session offered by the Ethics
4 Commission within one year of the lobbyist's initial registration. Thereafter, lobbyists shall
5 attend additional training sessions as required by the Executive Director, at his or her
6 discretion.

7 (b) The Ethics Commission shall make lobbyist training sessions available on its website.

8 (c) On or before the deadline for completing any required lobbyist training session, each
9 lobbyist must file a signed declaration with the Ethics Commission stating, under penalty of perjury,
10 that the lobbyist has completed the required training session.

11
12 **SEC. 2.135. FILING UNDER PENALTY OF PERJURY; RETENTION OF**
13 **DOCUMENTS; AUDITS.**

14 (a) All information required under this Chapter shall be submitted to the Ethics
15 Commission, in the format designated by the Commission. The lobbyist shall verify, under
16 penalty of perjury, the accuracy and completeness of the information provided under this
17 Chapter.

18 (b) The lobbyist shall retain for a period of five years all books, papers and documents
19 necessary to substantiate the registration and disclosure reports required by this Chapter.
20 These records shall include, but not be limited to, copies of all invitations sent by the lobbyist for
21 fundraising events for an officer of the City and County, a candidate for such office, a committee
22 controlled by such officer or candidate, or a committee primarily formed to support or oppose such
23 officer or candidate, or any committee primarily formed to support or oppose a ballot measure to be
24 voted on only in San Francisco.

1 (c) On an annual basis, the Executive Director shall initiate audits of one or more lobbyists
2 selected at random. At the request of the Executive Director, the Controller may assist in conducting
3 these audits. This requirement shall not restrict the authority of the Executive Director or the Ethics
4 Commission to undertake any other audits or investigations of a lobbyist authorized by law or
5 regulation.

6
7 **SEC. 2.136 FALSE INFORMATION; DUTY TO COOPERATE AND ASSIST.**

8 (a) Prohibition. No person shall knowingly and intentionally furnish false or fraudulent
9 evidence, documents, or information to the Ethics Commission, District Attorney or City Attorney, or
10 knowingly and intentionally misrepresent any material fact, or conceal any evidence, documents, or
11 information relevant to an investigation by the Ethics Commission, District Attorney or City Attorney of
12 an alleged violation of this Chapter.

13 (b) Duty to Cooperate and Assist. The Ethics Commission, District Attorney or City Attorney
14 may request and shall receive from every City officer and employee cooperation and assistance with an
15 investigation into an alleged violation of this Chapter.

16
17 **SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.**

18 (a) If any lobbyist fails to submit any information required by this Chapter after any
19 applicable deadline, the Ethics Commission shall, in addition to any other penalties or
20 remedies established in this Chapter, impose a late filing fee of \$50 per day after the deadline
21 until the information is received by the Ethics Commission. The Executive Director of the
22 Ethics Commission may reduce or waive a late filing fee if the Executive Director determines
23 that the late filing was not willful and that enforcement will not further the purposes of this
24 Chapter. If such reduction or waiver equals or exceeds \$500, the Executive Director shall
25 notify the Commission of his or her determination. Thereafter, any two or more members of

1 the Commission may cause the reduction or waiver to be calendared for consideration by the
2 full Commission in open session at the next Commission meeting occurring no sooner than
3 ten days from the date the Executive Director informs the Commission of the Executive
4 Director's recommendation. A Commissioner's request that a reduction or waiver be
5 calendared must be received by the Executive Director no fewer than five days prior to the
6 date of the meeting, so that the Executive Director may comply with the applicable notice and
7 agenda requirements. The Ethics Commission shall deposit funds collected under this Section
8 in the General Fund of the City and County of San Francisco.

9 (b) Any person who knowingly or negligently violates this Chapter, including but not
10 limited to, by providing inaccurate or incomplete information regarding lobbying activities, may
11 be liable in an administrative proceeding before the Ethics Commission pursuant to Charter
12 Section C3.699-13. In addition to the administrative penalties set forth in the Charter, the
13 Ethics Commission may issue warning letters regarding potential violations of this Chapter
14 both to the lobbyist and the person who pays or employs the lobbyist.

15 (c) Any person or entity which knowingly or negligently violates this Chapter may be
16 liable in a civil action brought by the City Attorney for an amount up to \$5,000 per violation, or
17 three times the amount not properly reported, or three times the amount given or received in
18 excess of the gift limit, whichever is greater.

19 (d) In investigating any alleged violation of this Chapter the Ethics Commission and
20 City Attorney shall have the power to inspect all documents required to be maintained under
21 this Chapter. This power to inspect documents is in addition to other powers conferred on the
22 Ethics Commission and City Attorney by the Charter or by ordinance, including the power of
23 subpoena.

24 (e) Joint and Several Liability.
25

1 _____(1) Should two or more persons be responsible for any violation under this
2 Chapter, they may be jointly and severally liable.

3 (2) The client or employer of a lobbyist shall be jointly and severally liable for all
4 violations of this Chapter committed by the lobbyist in connection with acts or omissions undertaken on
5 behalf of that client or employer.

6 _____(3) If a business, firm or organization registers or files lobbyist disclosures on
7 behalf of its employees pursuant to Section 2.110(d), the business, firm or organization may
8 be held jointly and severally liable for any failure to disclose its employees' lobbying activities.

9 (f) The City Attorney may also bring an action to revoke for up to one year the
10 registration of any lobbyist who has knowingly violated this Chapter.

11
12 Section 2. The Campaign and Governmental Conduct Code is hereby amended by
13 amending Section 3.1-104, to read as follows:

14 **SEC. 3.1-104. FILING OFFICER REPORTS.**

15 (a) On or before April 10th of each year, every filing officer shall submit a written
16 report to the Ethics Commission setting forth the names of those persons who are required to
17 file an annual statement with that filing officer under this Chapter but have failed to do so, or a
18 report stating that all such persons have filed.

19 (b) On or before April 10th of each year, the Ethics Commission shall prepare a report setting
20 forth the names of those persons who are required to file an annual statement with the Ethics
21 Commission under this Chapter but have failed to do so, or a report stating that all such persons have
22 filed. On or before May 10th of each year, the Ethics Commission shall prepare a supplemental report
23 setting forth the names of any persons who are required to file an annual statement with the Ethics
24 Commission under this Chapter but have failed to do so by May 1st, or a report stating that all such
25

1 persons have filed. The Ethics Commission shall make these reports publicly available, including by
2 posting the reports on its website.

3
4 Section 3. The Campaign and Governmental Conduct Code is hereby amended by
5 adding Section 3.302, to read as follows:

6 **SEC. 3.302. PUBLIC GUIDE FOR CONTRIBUTORS.**

7 The Ethics Commission shall prepare and distribute a public guide regarding campaign
8 contributions. The guide shall include a summary of local law regarding contribution limits, required
9 reporting by contributors and committees, and rules regarding who may contribute to committees. The
10 guide shall be for informational purposes only, and shall not have the force or effect of law or
11 regulation.

12
13 Section 4. The Campaign and Governmental Conduct Code is hereby amended by
14 adding Sections 3.405 and 3.410 to read as follows:

15 **SEC. 3.405. DEFINITIONS.**

16 “Contact” means any communication, oral or written, including communication made through
17 an agent, associate or employee.

18 “Client” means the person for whom permit consulting services are performed by a permit
19 consultant.

20 “Permit consultant” is any individual who receives or is promised compensation to provide
21 permit consulting services. This includes any employee who receives salary attributable to time spent
22 on permit consulting services. This does not include:

23 (1) The licensed architect or engineer of record for construction activity allowed or
24 contemplated by the permit, or an employee of the architect or engineer; or

1 (2) The contractor who will be responsible for all construction activity associated with
2 the requested permit.

3 “Permit consulting services” means any contact with the Department of Building Inspection,
4 the Entertainment Commission, the Planning Department, or the Department of Public Works to help a
5 permit applicant obtain a permit.

6
7 **SEC. 3.410. PERMIT CONSULTANT REGISTRATION AND DISCLOSURES.**

8 (a) REGISTRATION OF PERMIT CONSULTANTS REQUIRED. Permit consultants shall
9 register with the Ethics Commission and comply with the disclosure requirements imposed by this
10 Chapter. Such registration shall occur no later than five business days after providing permit
11 consulting services, but the permit consultant shall register prior to providing any further permit
12 consulting services.

13 (b) REGISTRATION. At the time of initial registration each permit consultant shall report
14 to the Ethics Commission the following information:

15 (1) The name, business address, e-mail address, and business telephone number of the
16 permit consultant;

17 (2) The name, business address, e-mail address, and business telephone number of
18 each client for whom the permit consultant is performing permit consulting services;

19 (3) The name, business address, e-mail address, and business telephone number of the
20 permit consultant's employer, firm or business affiliation; and

21 (4) Any other information required by the Ethics Commission consistent with the
22 purposes and provisions of this Chapter.

23 (c) PERMIT CONSULTANT DISCLOSURES. For each calendar month, each permit
24 consultant shall submit the following information no later than the fifteenth calendar day following the
25 end of the month:

1 (1) The name, business address, e-mail address, and business telephone number of
2 each person from whom the permit consultant or the permit consultant's employer received or expected
3 to receive economic consideration for permit consulting services during the reporting period, and the
4 amount of economic consideration the permit consultant received or expected to receive;

5 (2) For each contact with the Department of Building Inspection, the Entertainment
6 Commission, the Planning Department, or the Department of Public Works in the course of providing
7 permit consulting services during the reporting period:

8 (A) The name of each officer or employee of the City and County of San
9 Francisco with whom the permit consultant made contact;

10 (B) The date of each contact;

11 (C) A description of the permit sought or obtained, including the application
12 number for the permit; and

13 (D) The client on whose behalf the contact was made.

14 (3) All political contributions of \$100 or more made by the permit consultant or the
15 permit consultant's employer during the reporting period to an officer of the City and County, a
16 candidate for such office, a committee controlled by such officer or candidate, a committee primarily
17 formed to support or oppose such officer or candidate, or any committee primarily formed to support
18 or oppose a ballot measure to be voted on only in San Francisco.

19 (4) Any amendments to the permit consultant's registration information required by
20 Subsection (b).

21 (5) Any other information required by the Ethics Commission consistent with the
22 purposes and provisions of this Chapter.

23
24 Section 5. The Campaign and Governmental Conduct Code is hereby amended by
25 adding Article 3, Chapter 5, consisting of Sections 3.500, 3.510, and 3.520, to read as follows:

1
2 **CHAPTER 5. DEVELOPER DISCLOSURES**

3 Sec. 3.500 Findings

4 Sec. 3.510 Definitions

5 Sec. 3.520 Required Disclosure

6

7 **SEC 3.500. FINDINGS.**

8 The Board of Supervisors finds that public disclosure of the donations that developers make to

9 nonprofit organizations that may communicate with the City and County regarding major development

10 projects is essential to protect public confidence in the fairness and impartiality of City and County

11 land use decisions. The Board further finds that disclosure is essential to allow the public to fully and

12 fairly evaluate the City and County’s land use decisions. It is the purpose and intent of this Chapter to

13 impose reasonable disclosure requirements on developers to provide the public with information about

14 these donations.

15

16 **SEC 3.510. DEFINITIONS**

17 "Affiliate" shall mean any individual or entity that directly or indirectly controls, is controlled

18 by or is under common control with, another entity, and for these purposes "control" means the power

19 to direct the affairs or management of another entity, whether by contract, operation of law or

20 otherwise.

21 “CEQA” shall mean the California Environmental Quality Act (Public Resources Code Section

22 21,000 et seq.), the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3,

23 Section 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code, as any of them may

24 be amended.

1 “Developer” shall mean the individual or entity that is the project sponsor responsible for filing
2 a completed Environmental Evaluation Application with the Planning Department (or other lead
3 agency) under CEQA for a major project. For any project sponsor that is an entity, “Developer” shall
4 include all of its constituent individuals or entities that have decision-making authority regarding any
5 of the entity’s major decisions or actions. By way of example and without limitation, if the project
6 sponsor is a limited liability company, each of its members is considered a developer for purposes of
7 the requirements of this Chapter, and similarly if the project sponsor is a partnership, each of its
8 general partners is considered a developer for purposes of the requirements of this Chapter. If the
9 owner or agent that signs and submits the Environmental Evaluation Application will not be
10 responsible for obtaining the entitlements or developing the major project, then for purposes of the
11 requirements of this Chapter the developer shall be instead the individual or entity that is responsible
12 for obtaining the entitlements for the major project.

13 “Donation” shall mean any gift of money, property, goods or services.

14 “EIR” shall mean an environmental impact report prepared under CEQA. For purposes of this
15 Chapter, an EIR shall also include, without limitation, any CEQA determination that the Planning
16 Department or Planning Commission (or other appropriate lead agency) makes to allow consideration
17 of approval of a major project to proceed under an EIR, a previously certified program EIR, master
18 EIR or staged EIR.

19 “Entity” shall mean any partnership, corporation (including, but not limited to, any business
20 trust or nonprofit corporation), limited liability company, joint stock company, trust, unincorporated
21 association, joint venture or any other organization or association. “Entity” shall not include any state
22 or local government agency.

23 “Major project” shall mean a real estate development project located in the City and County
24 for which the City’s Planning Commission (or any other local lead agency) has certified an EIR under
25 CEQA and which has estimated construction costs exceeding \$1,000,000. As used in the preceding

1 sentence, the term “real estate development project” includes any project involving construction of one
2 or more new structures or an addition to one or more existing structures, change of use within one or
3 more existing structures, or substantial rehabilitation of one or more existing structures, where, in any
4 such instance, the structure includes any occupiable floor area, excluding only a residential
5 development project with four or fewer dwelling units. Estimated construction costs shall be calculated
6 in the same manner used to determine building permit fees under the Building Code.

7 “Nonprofit organization” shall mean any corporation formed under California Corporations
8 Code Section 5000 et seq. for any public or charitable purpose, or any organization described in 26
9 United States Code Section 501(c), that, in either instance, has attempted to influence City and County
10 legislative or administrative action since the date one year before the Environmental Evaluation
11 Application for the major project was filed.

12 “Structure” shall have the same meaning as the Planning Code defines such term.

13
14 **SEC 3.520. REQUIRED DISCLOSURE**

15 (a) Any developer of a major project shall, within 30 days of the date the Planning Commission
16 (or any other local lead agency) certifies the EIR for that project or, for a major project relying on a
17 program EIR, within 30 days of the date that the Planning Department, Planning Commission, or any
18 other local lead agency adopts a final environmental determination under CEQA, report the following
19 information to the Ethics Commission:

20 _____ (1) The name, business address, business e-mail address and business telephone
21 number of the developer, as well as those of any affiliates that made donations subject to this Chapter.

22 _____ (2) The EIR case number and a description of the major project.

23 _____ (3) The date the Planning Commission (or other local lead agency) certified the EIR or
24 adopted the final environmental determination.

1 (4) The name, business address, business e-mail address, business telephone number
2 and website of any nonprofit organization to whom the developer or any affiliate of the developer has
3 made cumulative donations of \$5,000 or more since the date one year before the Environmental
4 Evaluation Application for the major project was filed.

5 (5) For each nonprofit organization reported under Subsection (a)(4), the date and
6 amount of each donation the developer or affiliate made to the nonprofit during the reporting period.

7 (6) Any other information required by the Ethics Commission consistent with the
8 purposes and provisions of this Chapter.

9 (b) After a developer files a report required by Subsection (a), the developer shall file a total of
10 four additional quarterly reports, according to the following schedule: The developer shall file a
11 report on April 15 for the period starting January 1 and ending March 31; on July 15 for the period
12 starting April 1 and ending June 30; on October 15 for the period starting July 1 and ending September
13 30; and on January 15 for the period starting October 1 and ending December 31. Each quarterly
14 report shall include:

15 (1) The name, business address, business e-mail address, and business telephone
16 number of the developer and any affiliates that made donations subject to this Chapter.

17 (2) The EIR case number and a description of the major project.

18 (3) The date the Planning Commission (or other local lead agency) certified the EIR or
19 adopted the final environmental determination.

20 (4) The name, business address, business e-mail address, business telephone number
21 and website of any nonprofit organization to which the developer has made cumulative donations of
22 \$5,000 or more since the date one year before the Environmental Evaluation Application was filed.

23 (5) For each nonprofit organization reported under Subsection (b)(4), the date and
24 amount of each donation the developer made to the nonprofit during the reporting period.

1 (6) Any other information required by the Ethics Commission consistent with the
2 purposes and provisions of this Chapter.

3 (e) At the time of filing the initial report required by subsection (a), the developer shall pay a
4 fee of \$500.

5
6 **SEC. 3.530. PENALTIES AND ENFORCEMENT.**

7 (a) If any developer fails to submit any information required by this Chapter after any
8 applicable deadline, the Ethics Commission shall, in addition to any other penalties or remedies
9 established in this Chapter, impose a late filing fee of \$50 per day after the deadline until the
10 information is received by the Ethics Commission. The Executive Director of the Ethics Commission
11 may reduce or waive a late filing fee if the Executive Director determines that the late filing was not
12 willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall
13 deposit funds collected under this Section in the General Fund of the City and County of San
14 Francisco.

15 (b) Any person who knowingly or negligently violates this Chapter, including but not limited to,
16 by providing inaccurate or incomplete information, may be liable in an administrative proceeding
17 before the Ethics Commission pursuant to Charter Section C3.699-13. In addition to the administrative
18 penalties set forth in the Charter, the Ethics Commission may issue warning letters regarding potential
19 violations of this Chapter.

20 (c) Any person or entity which knowingly or negligently violates this Chapter may be liable in a
21 civil action brought by the City Attorney for an amount up to \$5,000 per violation, or three times the
22 amount not properly reported, whichever is greater.

23 (d) In investigating any alleged violation of this Chapter the Ethics Commission and City
24 Attorney shall have the power to inspect all documents required to be maintained under this Chapter.

1 This power to inspect documents is in addition to other powers conferred on the Ethics Commission
2 and City Attorney by the Charter or by ordinance, including the power of subpoena.

3 (e) Should two or more persons be responsible for any violation under this Chapter, they may
4 be jointly and severally liable.

5
6 Section 6. Effective Date. This ordinance shall become effective 30 days after
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9 of Supervisors overrides the Mayor's veto of the ordinance.

10
11 Section 7. In enacting this ordinance, the Board intends to amend only those words,
12 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams,
13 or any other constituent part of the Campaign and Governmental Conduct Code that are
14 explicitly shown in this ordinance as additions, deletions, Board amendment additions, and
15 Board amendment deletions in accordance with the "Note" that appears under the official title
16 of the ordinance.

17
18
19 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

20
21 By: _____
Joshua S. White
22 Deputy City Attorney

23 n:\legana\as2013\1300406\00842461.docx