

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Richard Halloran, Access Appeals Commission
Shireen McSpadden, Executive Director, Department of Aging and Adult Services
Jean Caramatti, Airport Commission
Sharon Page Ritchie, Arts Commission
Laura Furney Hathhorn, Asian Art Museum Commission
Dawn Dinh, Assessment Appeals Board
Cynthia Goldstein, Board of Appeals
Howard Zee, Board of Examiners
Sonya Harris, Building Inspection Commission
Laurel Kloomok, Children and Families First Commission
Citizen's General Obligation Bond Oversight Committee
Michael Brown, Civil Service Commission
Elizabeth Newman, Commission on the Status of Women
Nadya Hewitt, Elections Commission
Crystal Stewart, Entertainment Commission
Anthony Valdez, Environment Commission
LeeAnn Pelham, Executive Director, Ethics Commission
Film Commission
Michelle Gutierrez, CFO, Fine Arts Museums
Maureen Conefrey, Fire Commission
Phil Ginsburg, General Manager, Recreation and Parks Department
Mark Morewitz, Health Commission
Catherine Dodd, Director, Health Service System
Jonas Ionin, Acting Commission Secretary, Historic Preservation Commission
Theresa Sparks, Executive Director, Human Rights Commission
Louise Rainey, Human Services Commission
Pauline Silva-Re, Juvenile Probation Commission
Sue Blackman, Library Commission
Jason Fried, Local Agency Formation Commission
Roberta Boomer, Municipal Transportation Agency Board of Directors
Jonas Ionin, Director of Commission Affairs, Planning Commission
Greg Suhr, Chief, Police Department
Amy Quesada, Port Commission
Naomi Kelly, City Administrator, Office of the City Administrator
Robert Collins, Acting Executive Director, Residential Rent Stabilization and Arbitration Board
Maura Lane, Retiree Health Care Trust Fund Board
Jay Huish, Executive Director, Retirement Board

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Government Audit and Oversight Committee
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Derek Evans, Revenue Bond and Oversight Committee
Harlan Kelly, Jr., General Manager, Public Utilities Commission
Regina Dick-Endrizzi, Director, Small Business Commission
Victor Young, Sunshine Ordinance Task Force
Kate Austin, Treasure Island Development Authority Board of Directors
Elizabeth Murray, Director, War Memorial
Todd Rufo, Director, Office of Economic and Workforce Development

FROM: Erica Major, Assistant Committee Clerk, Government Audit and Oversight
Committee, Board of Supervisors

DATE: May 10, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Peskin on May 3, 2016:

File No. 160478

Ordinance amending the Campaign and Governmental Conduct Code to require members of City boards and commissions to file behested payment reports regarding the solicitation of charitable contributions.

If you have any additional 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.

c:

Bridget Badasow, Department of Aging and Adult Services
Gary Cantara, Board of Appeals
Sarah Madland, Recreation and Parks Department
Margaret McArthur, Recreation and Parks Department
Christine Fountain, Police Department
Sergeant Rachael Kilshaw, Police Department
Menaka Mahajan, Small Business Commission
Jennifer Norris, War Memorial

1 [Campaign and Governmental Conduct Code - Requiring Commissioners to File Behested
2 Payment Reports]

3 **Ordinance amending the Campaign and Governmental Conduct Code to require**
4 **members of City boards and commissions to file behested payment reports regarding**
5 **the solicitation of charitable contributions.**

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

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

14 Section 1. The Campaign and Governmental Conduct Code is hereby amended by
15 adding Chapter 6, Sections 3.600, 3.610, and 3.620, to read as follows:

16 **CHAPTER 6: BEHESTED PAYMENT REPORTING FOR COMMISSIONERS**

17 **SEC. 3.600. DEFINITIONS.**

18 *Whenever in this Chapter 6 the following words or phrases are used, they shall have the*
19 *following meanings:*

20 *“Behested Payment Report” shall mean the Fair Political Practices Commission Form 803, or*
21 *any other successor form, required by the Fair Political Practices Commission to fulfill the disclosure*
22 *requirements imposed by California Government Code Section 82015(b)(2)(B)(iii), as amended from*
23 *time to time.*

24 *“Charitable Contribution” shall mean any monetary or non-monetary contribution to a*
25 *government agency, a bona fide public or private educational institution as defined in Section 203 of*

1 the California Revenue and Taxation Code, or a nonprofit organization that is exempt from taxation
2 under Section 501(c) of the United States Internal Revenue Code.

3 “Commissioner” shall mean any member of a board or commission listed in Campaign and
4 Governmental Conduct Code Section 3.1-103(a)(1); provided, however, that “Commissioner” shall not
5 include any member of the Board of Supervisors.

6 **SEC. 3.610. REQUIRED FILING OF BEHESTED PAYMENT REPORTS**

7 (a) Any Commissioner who, directly or indirectly, requests or solicits any Charitable
8 Contribution, or series of Charitable Contributions, of \$5,000 or more from a single source in a
9 calendar year must file a Behested Payment Report with the Ethics Commission within 30 days of the
10 date on which the Charitable Contribution was made, or if there has been a series of contributions,
11 within 30 days of the date on which a Charitable Contribution causes the total amount of contributions
12 to total \$5,000 or more in a calendar year.

13 (b) The Ethics Commission shall make available through its website all Behested Payment
14 Reports it receives from Commissioners.

15 (c) A Commissioner who fails to comply with this Section 3.610 is subject to the administrative
16 process and penalties set forth in Section 3.242(d).


17
18 **SEC. 3.620. REGULATIONS.**

19 The Ethics Commission shall have the power to adopt rules, regulations, and guidelines for the
20 implementation of this Chapter 6.

21
22 Section 2. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
25 of Supervisors overrides the Mayor’s veto of the ordinance.

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

By: 

ANDREW SHEN
Deputy City Attorney

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LEGISLATIVE DIGEST

[Campaign and Governmental Conduct Code - Requiring Commissioners to File Behested Payment Reports]

Ordinance amending the Campaign and Governmental Conduct Code to require members of City boards and commissions to file behested payment reports regarding the solicitation of charitable contributions.

Existing Law

Under state law, when a payment of \$5,000 or more from a single source is made at the “behest” of a local elected official for a governmental or charitable purpose, that official must file a “behested payment report.” See Cal. Gov. Code § 82015(b)(2)(B)(iii). This reporting requirement applies when there has been a single payment of \$5,000 or more, or a series of payments over the course of a calendar year, from a single source.

After reaching the \$5,000 threshold, elected officials subject to this requirement must file a behested payment report with their departments within 30 days. Within another 30 days, such reports must be forwarded from those departments to the Ethics Commission.

No “behested payment reporting” requirement applies to members of City boards and commissions, unless they are also elected officials.

Amendments to Current Law

The proposed amendments would require members of City boards and commissions listed in Campaign and Governmental Conduct Code Section 3.1-103(a)(1) to file behested payment reports when they similarly solicit contributions of \$5,000 or more for a governmental or charitable purpose. After such a payment is made, the board or commission member must file a behested payment report within 30 days of the date on which the payment was made, or if there has been a series of payments, within 30 days of the date on which they totaled \$5,000 or more. Members of City boards and commissions would be required to complete the same form that is currently required of elected officials. These reports must be filed with the Ethics Commission, and the Ethics Commission would be required to make them available through their website.

The proposed amendments would also provide that any member of a City board or commission who fails to comply with this reporting requirement would be subject to the administrative, civil or criminal remedies that generally apply to violations of local conflict of interest laws.

Background Information

The Fair Political Practices Commission requires elected officials to complete a Form 803 to comply with the existing behested payment reporting scheme. The Form 803 is available at: <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/behested-payment-report.html>.

The behested payment reports that have been submitted to the Ethics Commission under existing law are available at: <http://www.sfethics.org/ethics/2012/05/payments-made-at-the-behest-of-an-elected-officer.html>.

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