

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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MEMORANDUM

TO: Richard Halloran, Access Appeals Commission
Bridget Badasow, Aging and Adult Services Commission
Jean Caramatti, Airport Commission
Sharon Page Ritchie, Arts Commission
Laura Hathorn, Asian Art Museum Commission
Dawn Duran, 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
Maura Lane, Citizen's General Obligation Bond Oversight Committee
Michael Brown, Civil Service Commission
Hershell Larrick, Commission on the Status of Women
Tachina Alexander, Elections Commission
Jocelyn Kane, Entertainment Commission
Anthony Valdez, Environment Commission
LeeAnn Pelham, Executive Director, Ethics Commission
Portia Fontes, Film Commission
Megan Bourne, Fine Arts Museums Board of Trustees
Maureen Conefrey, Fire Commission
Dan Mauer, Golden Gate Park Concourse Authority Board of Directors
Mark Morewitz, Health Commission
Laini K. Scott, Health Service System Board
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 and Parking Commission
Jonas Ionin, Director of Commission Affairs, Planning Commission
Rachael Kilshaw, Police Commission
Monique Moyer, Port Commission
Naomi Kelly, City Administrator, Office of the City Administrator
Lorelei Patricio, Rate Fairness Board
Margaret McArthur, Recreation and Parks Commission
Remote Access Network Board

Robert Collins, Acting Executive Director, Residential Rent Stabilization
and Arbitration Board
Diala Batshound, Residential Users Appeal Board
Maura Lane, Retiree Health Care Trust Fund Board
Jay Huish, Executive Director, Retirement Board
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 and Performing Arts Center
Board of Trustees
Lauran Acevedo, Workforce Investment Board

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

DATE: September 27, 2016

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following substitute legislation, introduced by Supervisor Peskin on September 20, 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:
Sheryl Cowan, Human Rights Commission
Darlene Armanino, Retirement Board
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 *“Agent” shall be defined as set forth in Title 2, Section 18438.3 of California Code of*
21 *Regulations, as amended from time to time.*

22 *“Auctioneer” shall mean any person who is engaged in the calling for, the recognition of, and*
23 *the acceptance of, offers for the purchase of goods at an auction.*

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

1 “Charitable Contribution” shall mean any monetary or non-monetary contribution to a
2 government agency, a bona fide public or private educational institution as defined in Section 203 of
3 the California Revenue and Taxation Code, or a nonprofit organization that is exempt from taxation
4 under Section 501(c) of the United States Internal Revenue Code.

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

8 “License, permit, or other entitlement for use” shall be defined as set forth in California
9 Government Code Section 84308, as amended from time to time.

10 “Participant” shall be defined as set forth in California Government Code Section 84308 and
11 Title 2, Section 18438.4 of California Code of Regulations, as amended from time to time.

12 “Party” shall be defined as set forth in California Government Code Section 84308, as
13 amended from time to time.

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

15 (a) FILING REQUIREMENT. If a Commissioner directly or indirectly requests or solicits
16 any Charitable Contribution(s), or series of Charitable Contributions, from any party, participant or
17 agent of a party or participant involved in a proceeding regarding administrative enforcement, a
18 license, a permit, or other entitlement for use before the Commissioner’s board or commission, the
19 Commissioner shall file a Behested Payment Report with the Ethics Commission in the following
20 circumstances:

21 (1) if the party, participant or agent makes any Charitable Contribution, or series of
22 Charitable Contributions, totaling \$1,000 or more while the proceeding is pending, the Commissioner
23 shall file a Behested Payment Report within 30 days of the date on which the Charitable Contribution
24 was made, or if there has been a series of Charitable Contributions, within 30 days of the date on
25 which a Charitable Contribution causes the total amount of the contributions to total \$1,000 or more;

1 (2) if the party, participant or agent makes any Charitable Contribution, or series of
2 Charitable Contributions, totaling \$1,000 or more during the three months following the date a final
3 decision is rendered in the proceeding, the Commissioner shall file a Behested Payment Report within
4 30 days of the date on which the Charitable Contribution was made, or if there has been a series of
5 Charitable Contributions, within 30 days of the date on which a Charitable Contribution causes the
6 total amount of the contributions to total \$1,000 or more; and

7 (3) if the party, participant or agent made any Charitable Contribution, or series of
8 Charitable Contributions, totaling \$1,000 or more in the 12 months prior to the commencement of a
9 proceeding, the Commissioner shall file a Behested Payment Report within 30 days of the date the
10 Commissioner knew or should have known that the source of the Charitable Contribution(s) became a
11 party, participant or agent in a proceeding before the Commissioner's board or commission.

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

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

16 (d) EXCEPTION. A Commissioner has no obligation to file Behested Payment Reports, as
17 required by subsection (a), if the Commissioner solicited Charitable Contributions by acting as an
18 auctioneer at a fundraising event for a nonprofit organization that is exempt from taxation under
19 Section 501(c)(3) of the United States Internal Revenue Code.

20 **SEC. 3.620. REGULATIONS.**

21 (a) The Ethics Commission may adopt rules, regulations, and guidelines for the implementation
22 of this Chapter 6.

23 (b) The Ethics Commission may, by regulation, require Commissioners to electronically submit
24 substantially the same information as required by the Behested Payment Report to fulfill their
25 obligations under Section 3.610.

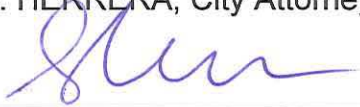
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Section 2. Effective and Operative Dates.

(a) This ordinance shall become effective 30 days 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.

(b) This ordinance shall become operative on January 1, 2018.

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

By: 

ANDREW SHEN
Deputy City Attorney

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