

LEGISLATIVE DIGEST

(12/1/2016, Amended in Committee)

[Campaign and Governmental Conduct Code – Form 700 (Statement of Economic Interests) Filing Requirements]

Ordinance amending the Campaign and Governmental Conduct Code to update the Conflict of Interest Code’s Form 700 (Statement of Economic Interests) filing requirements for the City, the San Francisco Community College District, the San Francisco Unified School District, and the Successor Agency to the Redevelopment Agency, by adding, deleting, and changing titles of designated officials and employees to reflect organizational and staffing changes, and by refining disclosure requirements for designated officials and employees.

Existing Law

The Political Reform Act of 1974, California Government Code section 87300, et seq., requires that San Francisco adopt a Conflict of Interest Code and review and update the Code every two years. The City’s Conflict of Interest Code is set forth in Article III, Chapter 1 of the Campaign and Governmental Conduct Code. The Code designates those City officials and employees who periodically must file public statements disclosing their personal financial interests. The Code also specifies the types of financial interests – i.e., disclosure categories – that designated officials and employees must disclose.

Amendments to Current Law

The proposed amendments to the Conflict of Interest Code add, delete, and change the titles of designated employees to reflect organizational and staffing changes made by City departments and agencies since the Code was last amended in January 2015. The proposed amendments also revise the disclosure requirements applicable to some designated officials and employees.

The proposed amendments amend the sections of the Conflict of Interest Code governing the following local agencies: Airport, Board of Supervisors, Department of Building Inspection, Department of Child Support Services, Children and Families First Commission, Department of Children, Youth, and Their Families, Office of Citizen Complaints, City Attorney, Community College District, District Attorney, Department of Economic and Workforce Development, Department of Emergency Management, Ethics Commission, Fire Department, General Services Agency – City Administrator, General Services Agency – Department of Public Works, General Services Agency – Department of Technology, Health Service System, Retiree Health Care Trust Fund, Housing Authority, Human Services Agency, Library, Parking Authority, Port, Department of Public Health, Public Utilities Commission, Recreation and Park Department, Retirement System, Sheriff, San Francisco Unified School District, Successor

Agency to the Redevelopment Agency (Office of Community Investment and Infrastructure), Transportation Authority, and the Treasurer-Tax Collector.

The proposed amendments also add a section for the Department of Homelessness and Supportive Housing.

Background Information

The City's Conflict of Interest Code must list those employees and officers who make or participate in the making of governmental decisions on behalf of the City. Cal. Gov. Code §§ 87300, 87302(a). A City employee or officer "makes a governmental decision" when he or she: (1) votes on a matter; (2) appoints a person; (3) obligates or commits his or her agency to any course of action; or (4) enters into any contractual agreement on behalf of his or her agency. 2 C.C.R. § 18704(a). A City employee or officer "participates in making a governmental decision" when he or she directly, without significant substantive review: (1) negotiates with a governmental entity or private person regarding a governmental decision; or (2) advises or makes recommendations to the final decision-maker by conducting research or an investigation, or preparing or presenting a report, analysis or opinion. Id. § 18704(b). The City's Conflict of Interest Code should not include employees who carry out solely clerical or ministerial tasks. See id. § 18704(d)(1).

On December 1, 2016, the Government Audit and Oversight Committee amended this legislation to make further modifications to sections of the code addressing the Department of Public Health, Parking Authority, Produce Market Corporation, Public Utilities Commission, and Retirement System.

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