

[Prohibiting City employees and officers from raising funds for nonprofit organizations to support City departments.]

**Ordinance adding a new Chapter 5 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.500, 3.505, 3.510 and 3.515, to prohibit City employees and officers from soliciting donations to nonprofit organizations to fund City departments from persons doing business with those departments.**

NOTE: Additions are *single-underline italics Times New Roman*;  
deletions are *strike-through italics Times New Roman*.  
Board amendment additions are double-underlined;  
Board amendment deletions are ~~strike-through normal~~.

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

Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby amended by adding a new Chapter 5 to Article III, and by adding sections 3.500, 3.505, 3.510 and 3.515 to read as follows:

**CHAPTER 5: SOLICITING PARTIES DOING BUSINESS WITH THE CITY.**

**Sec. 3.500. Definitions. For the purposes of this Chapter, the following words shall mean:**

**(a) For the purpose of this Chapter, a ~~A~~ "person" is means any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized.**

**(b) For the purpose of this Chapter, a ~~A~~ person "has business with" a department if the person:**

**(1) is a party to a contract with the City that the department awarded, and receives compensation from the City for goods received or services performed;**

1           (2) is an paid executive officer of or has an ownership interest of more than ten percent in an  
2 entity that is a party to a contract with the City that the department awarded; or

3           (3) files an application with the department for a permit, variance, exception, waiver or  
4 other approval under the Building Code or the Planning Code, with the department for a  
5 license, permit or other entitlement for use.

6           (c) "City" means the City and County of San Francisco.

7           Sec. 3.505. Prohibition.

8           (a) A No-City employee or officer of the City and County of San Francisco who must is  
9 required to file financial disclosures by under Chapter 1 of this Article may not shall solicit or  
10 request a gift or donation from any person to a nonprofit organization, if:

11           (a1) the employee or officer knows or has reason to know that the organization will use a  
12 portion of the gift or donation directly to fund the activities of a department of the City and County of  
13 San Francisco including, but not limited to, training, purchase of equipment, admission and travel to  
14 conferences and meetings;

15           (b2) the employee or officer knows or has reason to know that the person to whom the  
16 solicitation or request is directed has business with the department that the gift or donation will  
17 support, has had business with that department in the previous twelve months, or will be seeking to  
18 have business with that department in the following twelve months; and

19           (c3) in his or her official capacity with the City, the employee or officer works for, has  
20 oversight over, makes decisions regarding, or regularly has professional contact with the department  
21 that the gift or donation will support.

22           (b) This Section shall not apply to the Asian Art Museum, the Fine Arts Museums or  
23 the War Memorial and Performing Arts Center, or to their respective employees or officers.

1           (c) Under this Section, a gift or donation does not directly fund the activities of a  
2 department if the nonprofit organization receiving the gift or donation uses the gift or donation  
3 exclusively for the operations or activities of the nonprofit organization.

4           3.510. Regulations. The Ethics Commission may issue regulations implementing this Chapter,  
5 pursuant to Charter Section 15.102.

6           3.515. Enforcement and Penalties.

7           (a) Criminal penalties. Any person who knowingly or willfully violates Section ~~3.505~~ ~~5.105~~ of  
8 this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine  
9 of not more than \$1,000 for each violation or by imprisonment in the County jail for a period of not  
10 more than six months or by both such fine and imprisonment.

11           (b) Civil penalties. Any person who intentionally or negligently violates Section ~~3.505~~ ~~5.105~~  
12 of this Chapter shall be liable in a civil action brought by the City Attorney for an amount up to \$1,000  
13 for each violation.

14           (c) Administrative penalties. Any person who intentionally or negligently violates Section  
15 ~~3.505~~ ~~5.105~~ of this Chapter shall be liable in an administrative proceeding before the Ethics  
16 Commission held pursuant to the Charter, and shall be subject to the administrative orders and  
17 penalties authorized therein. In addition to the administrative orders and penalties set forth in the  
18 Charter, the Ethics Commission may issue warning letters to City officers and employees.

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

22 By:

23           JON GIVNER  
24           Deputy City Attorney