

File No. 090795

Committee Item No. 9  
Board Item No. \_\_\_\_\_

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 10-15-09

Board of Supervisors Meeting

Date \_\_\_\_\_

**Cmte Board**

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

**OTHER**

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<input type="checkbox"/>	<input type="checkbox"/>	_____
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Completed by: Linda Wong

Date October 7, 2009

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.



1 [Prohibiting City employees and officers from raising funds for City departments.]

2  
3 **Ordinance adding a new Chapter 5 to Article III of the Campaign and Governmental**  
4 **Conduct Code, by adding sections 3.500, 3.505, 3.510 and 3.515, to prohibit City**  
5 **employees and officers from soliciting donations to nonprofit organizations to fund**  
6 **City departments from persons doing business with those departments.**

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

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

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

14 CHAPTER 5: SOLICITING PARTIES DOING BUSINESS WITH THE CITY

15 Sec. 3.500. Definitions.

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

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

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

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

23 (3) files an application with the department for a license, permit or other entitlement for use.

1           Sec. 3.505. Prohibition. No employee or officer of the City and County of San Francisco who  
2 is required to file financial disclosures by Chapter 1 of this Article shall solicit or request a gift or  
3 donation from any person to a nonprofit organization, if:

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

8           (b) the employee or officer knows or has reason to know that the person to whom the  
9 solicitation or request is directed has business with the department that the gift or donation will  
10 support, has had business with that department in the previous twelve months, or will be seeking to  
11 have business with that department in the following twelve months; and

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

15           3.510. Regulations. The Ethics Commission may issue regulations implementing this Chapter,  
16 pursuant to Charter Section 15.102.

17           3.515. Enforcement and Penalties.

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

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

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

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

8 By:



9 JON GIVNER  
Deputy City Attorney

**LEGISLATIVE DIGEST**

[Prohibiting City employees and officers from raising funds for 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.**

**Existing Law**

Existing law does not prohibit City employees and officers from soliciting contributions to nonprofit organizations that support City departments.

When making such solicitations, City employees and officers cannot use City business cards, titles, email, or other City resources in a way that may lead the solicited parties to believe that the employees or officers are acting in an official capacity when they are not. Additionally, certain departments' Statements of Incompatible Activities prohibit employees or officers from serving on the boards of nonprofit organizations that seek grants from those departments.

**Amendments to Current Law**

This legislation would prohibit City employees and officers from soliciting donations to nonprofit organizations when the donations would be used to support a City department and the solicited party does business with or has applied for a license, permit or use entitlement from the department. The legislation would prohibit such solicitations only if the City employee or officer soliciting the donation (1) is required to file a Statement of Economic Interests under local law, and (2) works for, has oversight over, makes decisions regarding, or regularly has professional contact with the department that the gift or donation will support.

Each violation would be punishable by criminal penalties up to \$1,000 and/or six months imprisonment, civil penalties up to \$1,000, and administrative penalties up to \$5,000.