

File No. 091015

Committee Item No. 5

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Rules Date December 3, 2009

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

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| <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 checked="" 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                           |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

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Completed by: Alisa Somera Date November 30, 2009

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

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file and the online version.

[Reimbursement to City for dignitary security provided during campaign-related travel by elected officials.]

**Ordinance adding a new Chapter 6 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.**

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 ~~strikethrough-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 6 to Article III, and by adding sections 3.600, 3.605 and 3.610 to read as follows:

CHAPTER 6: REIMBURSEMENT TO THE CITY FOR CAMPAIGN-RELATED TRAVEL BY ELECTED OFFICIALS.

Section 3.600. Reimbursement to City.

(a) Whenever the City and County of San Francisco provides personal security to a City elective officer traveling outside the City, and the officer engages in any campaign-related activity or meeting during the travel, the officer and the City department expending funds to provide security to the officer shall take all the steps prescribed in this Section.

(1) Within 15 days after the travel, the City elective officer shall deliver to the City department expending funds to provide security a schedule including all of the officer's activities and meetings during the period when the officer was outside the City, excluding purely personal activities or

1 meetings that are not reasonably related to a political, governmental or legislative purpose. The  
2 schedule shall indicate the amount of time the officer spent on each activity or meeting and whether  
3 each activity or meeting was campaign-related, but the schedule need not include additional details  
4 about the activity or meeting if such details would undermine the security of the City elective officer.

5 (2) The City department expending funds to provide security shall, within 15 days after  
6 receiving the schedule described in subsection (a)(1), provide the officer a statement of the funds  
7 expended by the City for security in association with the travel. The statement shall consist of the total  
8 cost of base salary, benefits, overtime pay, per diem payments, transportation, meals and all other  
9 expenses for security personnel travelling with the elective officer. The statement shall include an  
10 itemized accounting of costs unless the City department providing the statement determines that  
11 disclosure of an itemized accounting would undermine the security of the City elective officer.

12 (3) Within 15 days after receiving a statement from the City described in subsection (a)(2), the  
13 City elective officer shall reimburse the City for the total cost of security provided in connection with  
14 campaign-related activities and meetings, or arrange for such reimbursement by a third party.

15 (4) Within 15 days after receiving a statement from the City described in subsection (a)(2), the  
16 City elective officer shall file with the Ethics Commission a copy of the schedule described in  
17 Subsection (a)(1); the statement described in Subsection (a)(2); and a report documenting the amount  
18 of the reimbursement described in Subsection (a)(2), the person making the reimbursement, the date of  
19 the travel, and any other information required by the Ethics Commission by regulation in furtherance  
20 of this Chapter.

21 (b) Definitions. For the purpose of this Section, the following words and phrases shall mean:

22 (1) "Campaign-related activity or meeting" shall mean any activity or meeting with the purpose  
23 of advocating for the election or defeat of a candidate for City, State or Federal elective office, or  
24 raising funds for such a candidate.

1           (2) "The cost of security provided in connection with campaign-related activities and meetings"  
2 shall mean the product of (i) the total amount expended by the City for security for the reported travel  
3 and (ii) the percentage of time in the officer's schedule devoted to campaign-related activities or  
4 meetings. To determine the percentage of time in the officer's schedule devoted to campaign-related  
5 activities, the officer shall take the total amount of time spent on campaign-related activities and  
6 meetings, including the time spent in transit to and from such activities and meetings, and divide that  
7 figure by the total amount of time spent on all activities and meetings in the officer's schedule.

8           3.605. Forms and Regulations. The Ethics Commission shall specify the form and content of  
9 all forms and statements required to be filed under this Chapter. The Ethics Commission also may  
10 adopt regulations to implement this Chapter under Charter Section 15.102.

11           3.610. Enforcement and Penalties.

12           (a) Criminal penalties. Any person who willfully violates Section 6.100(a)(1), (a)(3) or (a)(4)  
13 of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a  
14 fine of not more than \$1,000 for each violation or by imprisonment in the County jail for a period of not  
15 more than six months or by both such fine and imprisonment.

16           (b) Civil penalties. Any person who willfully or negligently violates Section 6.100(a)(1), (a)(3)  
17 or (a)(4) of this Chapter shall be liable in a civil action brought by the City Attorney for an amount up  
18 to \$1,000 for each violation.

19           (c) Administrative penalties. Any person who willfully or negligently violates Section  
20 6.100(a)(1), (a)(3) or (a)(4) of this Chapter shall be liable in an administrative proceeding before the  
21 Ethics Commission held pursuant to the Charter, and shall be subject to the administrative orders and  
22 penalties authorized therein. In addition to the administrative orders and penalties set forth in the  
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Charter, the person shall be liable for the cost of the Ethics Commission's investigation. The

Ethics Commission also may issue warning letters to City elective officers.

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

By:   
\_\_\_\_\_  
JON GIVNER  
Deputy City Attorney

## LEGISLATIVE DIGEST

[Reimbursement to City for dignitary security provided during campaign-related travel by elected officials.]

**Ordinance adding a new Chapter 6 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.**

### Existing Law

Under existing State and City laws, the City and County of San Francisco may not expend City resources for political activities. These laws prohibit City employees and officers from using City resources, including work time, to support or oppose ballot measures or the election or defeat of candidates for federal, state or local office. These laws do not prohibit the City from using public funds to pay for regularly assigned, City-funded drivers and security officers to protect the safety of City officers who are on 24-hour duty, even when those officers are engaged in political activities.

Existing law does not require City officers who receive dignitary security to reimburse the City for the cost of that security.

### Amendments to Current Law

The legislation would require City elective officers to reimburse the City for the cost of dignitary security provided by the City during campaign-related travel outside the City. The legislation would impose four requirements:

1. Whenever an elective officer receives security services while traveling outside the City and engages in campaign activity for or against any candidate for federal, state or local office, the legislation would require the officer to submit his or her travel schedule, excluding purely personal activities and meetings, to the City department paying for the security. The legislation would require the schedule to state the amount of time the officer spent on each activity or meeting and whether each activity or meeting was campaign-related.
2. The legislation would require a City department to provide a statement of costs to the officer within 15 days of receiving such a schedule. The statement would include the total cost of base salary, benefits, overtime pay, per diem payments, transportation, meals and all other expenses for security personnel traveling with the officer.
3. Within 15 days of receiving the bill, the officer would be required to reimburse the City for the portion of the bill associated with the officer's campaign activities. The officer

FILE NO.

would calculate the amount of the reimbursement by determining the portion of the officer's schedule spent on campaign activities, and paying that portion of the City's bill. Instead of paying the bill to the City, the officer could also arrange for a third party to make the payment.

4. The legislation also would require the officer to file with the Ethics Commission copies of the travel schedule and the City's statement of costs, as well as a report documenting the amount of the reimbursement, the name of the person paying the reimbursement, the date of the travel, and any other information required by the Ethics Commission.

The legislation would authorize the Ethics Commission to adopt regulations and forms. Violations of the ordinance would carry potential criminal, civil and administrative penalties.

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

**MEMORANDUM**

TO: Ethics Commission  
FROM: Angela Calvillo, Clerk of the Board  
DATE: September 21, 2009  
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Rules Committee

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2009 SEP 28 AM 9:52  
BY [Signature]

The Board of Supervisors Rules Committee has received the following proposed ordinance, which is being referred to the Ethics Commission for comment and recommendation.

**File: 091015**

Ordinance adding a new Chapter 6 to Article III of the Campaign and Governmental Conduct Code, by adding Sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.

Please return this cover sheet with the Commission's response to **Linda Wong, Clerk, Rules Committee.**

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RESPONSE FROM ETHICS COMMISSION - Date: \_\_\_\_\_

- No Comment
- Recommendation Attached

[Signature]  
\_\_\_\_\_  
Chairperson, Ethics Commission