



CITY OF STOCKTON

OFFICE OF THE CITY MANAGER

City Hall • 425 N. El Dorado Street • Stockton, CA 95202-1951 • 209 / 937-8212 • Fax 209 / 937-7149
www.stocktonca.gov

September 4, 2024

Via Email:

civilgrandjury@sicourts.org

Honorable Gus C. Barrerra II, Presiding Judge
Attn: Civil Grand Jury c/o Mr. Irving Jimenez
San Joaquin County Superior Court
180 E. Weber Ave, Suite 1306J
Stockton, CA 95202

CITY OF STOCKTON RESPONSE TO THE 2023-24 SAN JOAQUIN CIVIL GRAND JURY

On August 20, 2024, the Stockton City Council approved [Motion 2024-08-20-1210](#) to Accept the Final 2023-24 San Joaquin County Civil Grand Jury Report and Approve the City of Stockton responses to 4 reports.

A copy of the meeting minutes, staff report, and each response are attached as listed below:

- Exhibit 1 - August 20, 2024, Stockton City Council Meeting Minutes
- Exhibit 2 - Legislation Text, File #24-0838 (staff report)
- Exhibit 3 - City Response to Stockton: Crisis in Government, Case No. 0123
- Exhibit 4 - City Response to Cold Cases in San Joaquin County, Case No. 0318
- Exhibit 5 - City Response to Illegal Dumping, Case No. 0519
- Exhibit 6 - City Response to School Safety in San Joaquin County, Case No. 0322

The City will send both an electronic and physical copy to the Grand Jury, c/o Mr. Irving Jiminez.

Please take a look at the Council approved response provided and let us know if you have any questions or need any additional information in the meantime.

Thank you,

HARRY BLACK
CITY MANAGER



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August 21, 2024

Via Email:

civilgrandjury@sjcourts.org

Honorable Gus C. Barrerra II, Presiding Judge
San Joaquin County Superior Court
180 E. Weber Ave, Suite 1306J
Stockton, CA 95202

**CITY OF STOCKTON RESPONSE TO 2023-24 SAN JOAQUIN COUNTY CIVIL
GRAND JURY REPORT "CITY OF STOCKTON: CRISIS IN GOVERNMENT"
CASE NO. 0123**

The City of Stockton received the above-named Grand Jury report on Monday, June 10, 2024. In accordance with Sections 933 and 933.05 of the California Penal Code, specific responses to all findings and recommendations contained in the report are to be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The City of Stockton, and the Stockton City Council accept the 2023-24 San Joaquin County Civil Grand Jury Report titled "City of Stockton: Crisis in City Government, Case No. 0123" and acknowledge all findings contained within: F1.1 thru F1.6, F2.1 thru F2.6, and F3.1.

Additionally, the City and Council of the City of Stockton offer the following responses to the Grand Jury recommendations, broken out by area of investigation, as outlined in the report. These responses were presented to the Council for consideration and approval during its public meeting on August 20, 2024, and approved by motion 2024-08-20-1210.

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1. Threatening Work Environment

Recommendations & Responses:

R1.1 *The City Council should stop enabling the SMP from interfering with effective city government through their continued association and/or support of individuals associated with the SMP.*

CITY RESPONSE:

The City Council acknowledges the Grand Jury's recommendation R1.1.

R1.2 *By March 31, 2025, the City Council should adopt rules for handling unlawful threatening Communications received by City officials and employees. Unlawful threats, not covered under the First Amendment, should be referred to the District Attorney's office.*

CITY RESPONSE:

The City's Charter Officers (Manager, Attorney, Auditor, and Clerk) plan to work together, in coordination with the City Council's Audit and Legislative Committees, to discuss and prepare appropriate and relevant draft policies for review and approval by the full Council no later than March 31, 2025. A progress update will be provided to the Grand Jury and Presiding Judge in April of 2025.

R1.3 *By March 31, 2025, the City should adopt an ordinance similar to the City of San Francisco Campaign and Governmental Conduct Code Section 1500 et seq., to strengthen election transparency. That ordinance requires political consultants and candidates to file reports directly to the City in all municipal elections listing business relationships, financial investments, and who they pay for political help or receive in-kind support from, as well as indicating who they support in elections.*

CITY RESPONSE:

The Interim City Clerk brought this item to the City Council's Legislative and Environmental Committee for an introductory discussion, on July 17, 2024, as item 3.2 ([agenda](#)). The Committee members discussed and provided to staff feedback, including consideration of the above-mentioned code language from City of San Francisco. This item will continue to be updated under the direction of the Council Committee before being finalized to go to the full Council for approval and adoption. Supporting documents from the July 17th Committee meeting are included as **Attachment R1.3**.

R1.4 *By March 31, 2025, the City should not agendize Chartered Officers performance reviews on an ongoing basis but set them annually or for*

specific situations which require notice by law.

CITY RESPONSE:

The City Council provided direction to cease the agendization of Chartered Officers performance reviews on an ongoing basis and instead set them annually and for specific situations which require notice by law.

R1.5 *By March 31, 2025, the City should amend its policies and procedures to make all Form 700 filings available to the public online.*

CITY RESPONSE:

The City agrees with this recommendation. As such, the Interim City Clerk notified staff of the updates to the public's ability to access Form 700 information online, via memo on June 24, 2024 (**Attachment R1.5**). Links to the Public Portal are now available on the Clerk's webpage on the City website, under the [Fair Political Practices Commission \(FPPC\)](#) tab.

R1.6 *By March 31, 2025, the City shall enact a policy that all employees of the Mayor's office are under the same mandated employment rules and laws as the rest of the City staff.*

CITY RESPONSE:

The City's Charter Officers (Manager, Attorney, Auditor, and Clerk) plan to work together, in coordination with the City Council's Audit and Legislative Committees, to discuss and prepare appropriate and relevant draft policies for review and approval by the full Council no later than March 31, 2025. A progress update will be provided to the Grand Jury and Presiding Judge in April of 2025.

2. Brown Act

Recommendations & Responses:

R2.1 *By March 31, 2025, the City should amend its Closed Session policies and procedures to minimize the risk of revealing confidential information. There should be a requirement that no phone, electronic communication or recording devices be allowed in the room when it is a Closed Session. Additionally, each attendee should sign a pledge of secrecy on entering each meeting as an immediate and continual reminder that the rules of the Brown Act apply.*

CITY RESPONSE:

The City Attorney is scheduled to introduce draft language related to use of cellphone and technology to the Council Legislative Committee meeting,

August 28, 2024, for discussion and feedback. This item will continue to be updated under the direction of the Council Committee before being finalized to go to the full Council for approval and adoption before March 31, 2025. A progress update will be provided to the Grand Jury and Presiding Judge in April of 2025.

- R2.2** *By March 31, 2025, the City should develop a City Ordinance regarding Brown Act violators that includes an impartial process for determining whether the Brown Act confidentiality requirement related to Closed Session has been violated and appropriate sanctions for the violator, including but not limited to, mandatory public censure and removal from committees and commissions.*

CITY RESPONSE:

The City Attorney is scheduled to introduce draft language related to censure and discipline to the Council Legislative Committee meeting, August 28, 2024, for discussion and feedback. A separate discussion will be planned related to handling Brown Act violations or violators. These item will continue to be updated under the direction of the Council Committee before being finalized to go to the full Council for approval and adoption before March 31, 2025. A progress update will be provided to the Grand Jury and Presiding Judge in April of 2025.

- R2.3** *By March 31, 2025, the City should enact a policy that all findings of Brown Act violations investigations must be released to the Civil Grand Jury within seven days of receipt by the Council.*

CITY RESPONSE:

The City's Charter Officers (Manager, Attorney, Auditor, and Clerk) plan to work together, in coordination with the City Council's Audit and Legislative Committees, to discuss and prepare appropriate and relevant draft policies for review and approval by the full Council no later than March 31, 2025. A progress update will be provided to the Grand Jury and Presiding Judge in April of 2025.

- R2.4** *By March 31, 2025, the City should amend their policies and procedures regarding the use of City Stationary. For example, the City of Lodi ordinance states:*

Section 7.4 Use of City Letterhead or City Seal All Council Member correspondence written on City resources, i.e. letterhead, staff support, postage, etc., will reflect a majority position of the Council, not individual Council Members' positions. All Council Member correspondence using City resources shall be copied to the full Council.

CITY RESPONSE:

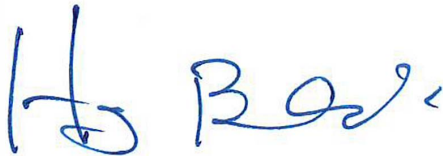
In April of 2024, the Stockton City Council directed the City Manager and City Attorney to work with the Council Legislative Committee to draft a policy addressing concerns regarding the use of City letterhead. Stockton Council Policy 2.06 – Council Communications was revised to add a new section, Policy 2.06.020 – Use of City Letterhead. This Council Policy was approved by the full Stockton City Council at its [June 18, 2024 meeting, as consent item 12.4](#), under Resolution 2024-06-18-1204. A copy of the staff report, resolution, and related attachments have been included as **Attachment R2.4**.

3. Grievance Process**Recommendations & Responses:**

R3.1 *By March 31, 2025, the City should hire an independent third party to investigate the City's Ethics Hotline process to regain employee and public trust in the system.*

CITY RESPONSE:

The City Attorney, with assistance from the City Auditor and City Manager, will engage an independent third party to assess the ethics hotline process. A progress update will be provided to the Grand Jury and Presiding Judge in April of 2025



HARRY BLACK
CITY MANAGER



City of Stockton

Legislation Text

File #: 24-0658, Version: 1

DISCUSSION OF COUNCILMEMBER CODE OF ETHICS AND EXISTING CREED FOR COUNCILMEMBERS

RECOMMENDATION

It is recommended that the Legislation and Environmental Committee receive information and discuss a Councilmember Code of Ethics as well as review the existing Creed for Councilmembers and decide whether changes are necessary.

Summary

The Council Policy Manual (CPM) contains Chapter 2.03 - Code of Ethics for Elected Officials and Commissioners and several policies with sections related to ethical conduct throughout the manual. Review of the CPM revealed an opportunity to clarify areas of ethical conduct as well as those not previously addressed.

Likewise, there is an existing Creed for Councilmembers dating back to the mid-80's which needs review and modernization.

Staff seeks direction from the Legislation and Environmental Committee on potential revisions to the CPM and Creed.

DISCUSSION

Background

Council Policy Manual

Currently, CPM Chapter 2.03 - Code of Ethics for Elected Officials and Commissioners (Attachment A) is very brief and speaks specifically to requirements under AB1234, state required mandatory ethics training. As a reminder, AB1234 relates to financial interests and perks for covered officials.

Other Chapters within the CPM which contain sections that address areas of ethical conduct, include Chapter 4.04 - Closed Sessions; Chapter 4.06 - Roles and Rules; Chapter 4.07 - Decorum primarily address conduct during meetings; and Chapter 4.08 - Council Censure addresses formal action procedures for Councilmember misconduct. These Chapters may return for further review as applicable during the CPM update process.

There is an opportunity to incorporate additional language into the Council Policy Manual to reflect best practices.

Creed

On January 13, 1986, Councilmember McGaughey presented a Creed for Councilmembers that originated from the City of San Jose. The City Council voted to send it to the Legislation and Election Committee for consideration. On February 12, 1986, at the Legislation and Election Committee meeting, members reviewed and forwarded the Creed for Councilmembers to the City Council for adoption. The City Council adopted the Creed for Councilmembers at the meeting of March 17, 1986, via Resolution 86-0131 (Attachment B).

Present SituationCouncil Policy Manual

For consideration, and consistent with the recommendation of the San Joaquin County Civil Grand Jury, staff has provided excerpts from the City and County of San Francisco's Campaign and Governmental Conduct Code ("SF Code").

Within the SF Code, is Article I, Chapter 5 Regulation of Campaign Consultants (Attachment C). Staff asks the Committee to consider potential adoption of excerpts of this chapter to increase the integrity and transparency of the electoral process and governance within the City of Stockton.

Article III, Chapter 2 of the SF Code addresses Conflict of Interest and Other Prohibited Activities (Attachment D) and defines prohibited activities in greater detail than currently addressed in the Stockton CPM or elsewhere in its policies or regulations. Staff recommends the Committee consider incorporating language from Chapter 2 of the SF Code to further refine the language in the Stockton CPM.

Creed

The Creed for Councilmembers has not been reviewed in 38 years. Accordingly, Staff recommends a review of the Creed for any relevant additions or deletions.

Next Steps

Staff requests direction from the Legislation and Environmental Committee on what changes, if any, to bring back for review at a subsequent meeting.

CHAPTER 2.03
CODE OF ETHICS FOR ELECTED OFFICIALS AND COMMISSIONERS

§ 2.03.010. Policy.

- 1) State law (commonly known as AB 1234) requires mandatory ethical training on all elected local officials and those Commissions eligible to receive a stipend or reimbursement.
- 2) Each Commissioner to which this chapter applies must receive two hours training in ethics within the first year of his/her appointment and, thereafter, must receive two hours of ethics training every two years.
- 3) The City will endeavor to provide this training live, and Commissioners are strongly encouraged to attend the live training in order to have interaction with, and to ask questions of, the presenter. The training may, however, also be taken online.
- 4) Failure to meet this training requirement within the applicable timeframe is cause for removal.

§ 2.03.020. Responsibilities.

Locally elected officials: Attend required ethics training or take training online.
Commissioners eligible for a stipend: Attend required ethics training or take training online.

§ 2.03.030. Relevant authority.

Assembly Bill No. 1234, AB 1234.

§ 2.03.040. Related administrative directive, city policy, city procedure.

None applicable.

§ 2.03.050. Related forms, documents, or links.

California Office of the Attorney General – Free online ethics training courses:

<http://oag.ca.gov/ethics>

§ 2.03.060. Frequently asked questions.

None applicable.

§ 2.03.070. Update history.

10/31/77 - Adopted Resolution No. 34,620

2/6/84 - Amended by Resolution No. 40-380

8/25/86 - Amended by Resolution No. 86-0549

City of Stockton, CA

§ 2.03.070

Attachment R1.3
§ 2.03.070


11/7/88 - Amended by Resolution No. 88-0696
1/3/89 - Amended by Resolution No. 89-0017
3/19/90 - Amended by Resolution No. 90-0174
4/1/91 - Amended by Resolution No. 91-0211
5/28/91 - Amended by Resolution No. 91-0390
2/22/93 - Amended by Resolution No. 93-0070
10/10/95 - Amended by Resolution No. 95-0490
6/10/96 - Amended by Resolution No. 96-0303
5/01/07 - Amended by Resolution No. 07-0172
8/24/10 - Amended by Resolution No. 10-0271
6/28/11 - Amended by Resolution No. 11-0175
12/13/11 - Repealed and replaced by Resolution No. 11-0332
10/09/12 - Amended by Resolution No. 2012-10-09-1203
1/26/16 - Amended by Resolution No. 2016-01-26-1203

STOCKTON CITY COUNCIL


BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

That the CREED FOR COUNCILMEMBERS, attached hereto as Exhibit "A" and by reference made a part hereof, is hereby adopted.

PASSED, APPROVED and ADOPTED this 17th day of
March, 1986.


BARBARA FASS, Mayor
of the City of Stockton

ATTEST:


FRANCES HONG, City Clerk
of the City of Stockton

CREED FOR COUNCILMEMBERS

Attachment R1.3

As a City Councilmember, I believe:

That the proper operation of democratic government requires that public officials be independent and impartial in their judgment and actions; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government and public officials.

And that the realization of these ends is impaired whenever there exists, or appears to exist, an actual or potential conflict between the private interests of a governmental official and his or her public duties. The public interest requires high standards with respect to official conduct.

Therefore, as a City Councilmember of the City of Stockton, I assert my solemn belief that the primary responsibility for maintaining a high level of conduct among city officials and employees falls upon the Council as the governing body elected by the people.

Consequently, as a Councilmember, I believe it is my duty to:

1. Represent and work for the common good of the people of my city and not for private interest, assuring fair and equal treatment of all persons, claims, and transactions coming before me in my official capacity.
2. Learn the background and purposes of major ordinances before voting.
3. Refrain from disclosing confidential information concerning the city government, in accordance with the provisions of the Brown Act.
4. Help the Council maintain the highest standard of rules of conduct by refusing to approve breaches of public trust or improper attempts to influence legislation and by being willing to vote to censure any Councilmember who willfully violates the duly established rules of conduct for Councilmembers. Censure should be for just cause and not for political purposes.
5. Refuse to represent private interests before Stockton City agencies except, as may be my duty toward constituents, such service to be rendered without compensation, and refuse to accept or engage in any employment incompatible with my public duties.
6. Faithfully perform my duties as a Councilmember by attending all sessions of the Council and of its committees of which I am a member, unless unable to do so for some compelling reason or disability. I will make every attempt to be punctual and ready for Council business.

Councilmember signature

Exhibit "A"

ADOPTED BY
 RESOLUTION NO. 66-073-1
 DATE: 3-17-86

CHAPTER 5:

Attachment R1.3

REGULATION OF CAMPAIGN CONSULTANTS



New Legislation Notice

Publisher's Note: This Chapter has been **AMENDED** by new legislation ([Proposition D](#), adopted 3/5/2024, effective 4/12/2024, oper. 10/12/2024). The text of the section will be included below when the new legislation is operative.

- Sec. 1.500. Findings.
- Sec. 1.510. Prohibitions.
- Sec. 1.515. Registration, Reregistration, Reporting, and Fees.
- Sec. 1.520. Powers and Duties of the Ethics Commission.
- Sec. 1.525. Administrative and Civil Enforcement, and Penalties.
- Sec. 1.530. Code of Conduct.
- Sec. 1.535. Severability.
- Sec. 1.540. Electronic Filing of Statements and Reports.
- Sec. 1.545. Construction with Other Laws.

SEC. 1.500. FINDINGS.

(a) The City and County of San Francisco has a paramount interest in protecting the integrity and credibility of its electoral and government institutions. Election campaigns are highly competitive in San Francisco, and candidates frequently contract for the services of professional campaign consultants who specialize in guiding and managing campaigns.

(b) It is the purpose and intent of the people of the City and County of San Francisco in enacting this Chapter to impose reasonable registration and disclosure requirements on campaign consultants. Required registration and disclosure of information by campaign consultants will assist the public in making informed decisions, and protect public confidence in the electoral and governmental processes.

• (Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.540; added by Proposition G, 11/4/97)

SEC. 1.505. DEFINITIONS.

Whenever used in this Chapter, the following definitions shall apply:

(a) "Campaign consultant" means any person or entity that receives or is promised economic consideration equaling \$1,000 or more in a calendar year for campaign consulting services. The term "campaign consultant" includes any person or entity that subcontracts with a campaign consultant to provide campaign consulting services, and that receives or is promised economic consideration equaling \$1,000 or more in a calendar year for providing campaign consulting services. The term "campaign consultant" does not include persons who are employees of a campaign consultant, attorneys who provide only legal services, accountants who provide only accounting services, pollsters who provide only polling services, and treasurers who provide only those services which are required of treasurers by the Political Reform Act, California Government Code Section 81000, et seq.

(b) "Campaign consulting services" means participating in campaign management or developing or participating in the development of campaign strategy.

(c) "Campaign management" means conducting, coordinating or supervising a campaign to elect, defeat, retain or recall a candidate, or adopt or defeat a measure, including but not limited to hiring or authorizing the hiring of campaign staff and consultants, spending or authorizing the expenditure of campaign funds, directing, supervising or conducting the solicitation of contributions to the campaign, and selecting or recommending vendors or subvendors of goods or services for the campaign.

(d) "Campaign strategy" means plans for the election, defeat, retention or recall of a candidate, or for the adoption or defeat of a measure, including but not limited to producing or authorizing the production of campaign literature and print and broadcast advertising, seeking endorsements of organizations or individuals, seeking financing, or advising on public policy positions.

(e) "Candidate" means a person who has taken affirmative action to seek nomination or election to local office, a local officeholder who has taken affirmative action to seek nomination or election to any elective office, or a local officeholder who is the subject of a

recall election.

- (f) "Economic consideration" means any payments, fees, commissions, reimbursements for expenses, gifts, or anything else of value. Attachment R1.3
- (g) "Lobby" means communicate with a local officeholder for the purpose of influencing local legislative or administrative action in exchange for economic consideration.
- (h) "Lobbyist" is defined in Article II of this Code.*
- (i) "Local office" means the following elective offices in the City and County of San Francisco: Mayor, Board of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender, Board of Education of the San Francisco Unified School District, and Governing Board of the San Francisco Community College District.
- (j) "Measure" means a local referendum or local ballot measure, whether or not it qualifies for the ballot.
- (k) "Vendor" means a person or entity who sells goods or services, other than campaign consulting services, including but not limited to printing, catering, and transportation services. The term "vendor" does not include attorneys who provide only legal services, accountants who provide only accounting services, pollsters who provide only polling services, and treasurers who provide only those services which are required of treasurers by the Political Reform Act, California Government Code Section 81000 et seq.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.541; added by Proposition G, 11/4/97)

Editor's note

**The Regulation of Lobbyists Ordinance, which was previously codified at Administrative Code Section 16.520, et seq., is now codified in Article II of this Code.*

SEC. 1.510. PROHIBITIONS.

It shall be unlawful for any campaign consultant to provide campaign consulting services, or accept any economic consideration for the provision of campaign consulting services, without first registering with the Ethics Commission and complying with the reporting requirements specified in Section 1.515.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.542; added by Proposition G, 11/4/97)

SEC. 1.515. REGISTRATION, REREGISTRATION, REPORTING, AND FEES.

(a) REGISTRATION REPORTS. At the time of initial registration, each campaign consultant shall report to the Ethics Commission the following information:

- (1) The name, business address and business phone number of the campaign consultant;
 - (2) If the campaign consultant is an individual, the name of the campaign consultant's employer and a description of the business activity engaged in by the employer;
 - (3) The names of any individuals employed by the campaign consultant to assist in providing campaign consulting services;
 - (4) A statement of whether the campaign consultant is required to register with the Ethics Commission pursuant to the Regulation of Lobbyists Ordinance, San Francisco Campaign and Governmental Conduct Code, Article II;*
 - (5) A statement of whether the campaign consultant is required to register with the Tax Collector pursuant to the Business Tax Ordinance, San Francisco Municipal Code, Part III, Section 1001, et. seq.;
 - (6) The name, address, and telephone number of each client to whom the campaign consultant provided campaign consulting services during the preceding three months;
 - (7) For each client, the total economic consideration promised by or received from the client in exchange for the provision of campaign consulting services during the preceding three months, provided that the total is \$500 or more;
 - (8) Each political contribution of \$100 or more made or delivered by the campaign consultant, or made by a client at the behest of the campaign consultant, or for which the campaign consultant acted as an agent or intermediary, during the preceding three months in support of or in opposition to a candidate or measure;
 - (9) The cumulative total of all political contributions made or delivered by the campaign consultant, or which is made by a client at the behest of the campaign consultant, or for which the campaign consultant acted as an agent or intermediary, during the preceding three months in support of or in opposition to each individual candidate or measure, provided that the cumulative total is \$500 or more;
 - (10) Any gifts promised or made by the campaign consultant to a local officeholder during the preceding three months which in the aggregate total \$50 or more; and
 - (11) Any other information required by the Ethics Commission consistent with the purposes and provisions of this Chapter.
- (b) REREGISTRATION REPORTS. Each campaign consultant shall reregister annually no later January 1st.
- (c) FEES. At the time of initial registration and reregistration, each campaign consultant shall pay to the Ethics Commission a

registration fee and an additional fee for each client of the campaign consultant. The amount of the fee shall be:

- Attachment R1.3
- (i) Campaign consultants earning at least \$1,000 but not more than \$5,000 per calendar year shall pay a registration fee of \$50 and shall pay a client fee of \$50 per client;
 - (ii) Campaign consultants earning more than \$5,000 but not more than \$20,000 per calendar year shall pay a registration fee of \$200 and a client fee of \$50 per client;
 - (iii) Campaign consultants earning more than \$20,000 per calendar year shall pay a registration fee of \$400 and a client fee of \$50 per client.

When a client is acquired subsequent to initial registration or reregistration, the per client fee shall be paid at the time of filing the information required by Subsection (d). The Ethics Commission shall deposit fees collected pursuant to this Section in the General Fund of the City and County of San Francisco. On or after July 1, 1999, the Ethics Commission shall evaluate the fees set by this Section and propose any amendments for approval by the Board of Supervisors no later than December 1, 1999. If the Ethics Commission or the Board of Supervisors takes no action, the fees set by this Section shall remain in effect.

(d) CLIENT AUTHORIZATION STATEMENTS. At the time of initial registration, the campaign consultant shall submit to the Ethics Commission a written authorization from each client that contracts with the campaign consultant for campaign consulting services.

If the campaign consultant is retained by a client after the date of initial registration, the campaign consultant must file a Client Authorization Statement before providing any campaign consulting services to the client and before receiving any economic consideration from the client in exchange for campaign consulting services, and in any event no later than 15 days after being retained to provide campaign consulting services to the client.

(e) QUARTERLY REPORTS. Each campaign consultant shall file with the Ethics Commission quarterly reports containing the following information:

- (1) For each client, the total economic consideration promised by or received from the client during the reporting period for campaign consulting services, provided that the total is \$500 or more;
- (2) The total economic consideration promised by or received from all clients during the reporting period for campaign consulting services;
- (3) Political contributions of \$100 or more made or delivered by the campaign consultant, or made by a client at the behest of the campaign consultant, or for which the campaign consultant acted as an agent or intermediary, during the reporting period in support of or in opposition to a candidate or measure;
- (4) The cumulative total of all political contributions made or delivered by the campaign consultant, or made by a client at the behest of the campaign consultant, or for which the campaign consultant acted as an agent or intermediary, during the reporting period in support of or in opposition to each individual candidate or measure, provided that the cumulative total is \$500 or more;
- (5) Any gifts promised or made by the campaign consultant to a local officeholder during the reporting period which in the aggregate total \$50 or more;
- (6) Economic consideration promised to or received by the campaign consultant during the reporting period from vendors and subvendors who provided campaign-related goods or services to a current client of the campaign consultant;
- (7) The name of each local officeholder and City employee who is employed by the campaign consultant, or by a client of the campaign consultant at the behest of the campaign consultant, during the reporting period;
- (8) Each City contract obtained by the campaign consultant during the reporting period, provided that the contract is approved by a local officeholder who is a client of the campaign consultant;
- (9) Each appointment to public office received by the campaign consultant during the reporting period, provided that the appointment is made by a local officeholder who is a client of the campaign consultant;
- (10) Any other information required by the Ethics Commission consistent with the purposes and provisions of this Chapter.

Quarterly reports are due as follows: The report for the period starting December 1st and ending February 28th is due March 15th; the report for the period starting March 1st and ending May 31st is due June 15th; the report for the period starting June 1st and ending August 31st is due September 15th; and the report for the period starting September 1st and ending November 30th is due December 15th.

(f) CLIENT TERMINATION STATEMENTS. Within 30 days after a client terminates the services of a campaign consultant, the campaign consultant shall submit to the Ethics Commission a statement that the client has terminated the services of the campaign consultant. A campaign consultant may not provide campaign consulting services to a client or accept economic consideration for the provision of campaign consulting services after a client termination statement is filed, until a new client authorization statement has been filed pursuant to Section 1.515(d).

(g) CAMPAIGN CONSULTANT TERMINATION STATEMENTS. A campaign consultant shall comply with all requirements of this Chapter until the campaign consultant ceases all activity as a campaign consultant and files a statement of termination with the Ethics Commission. A statement of termination must include all information required by Subsection (e) for the period since the campaign consultant's last quarterly report.

(h) Each campaign consultant shall verify, under penalty of perjury, the accuracy and completeness of the information provided under Sections 1.515 and 1.520(c).
Attachment R1.3

(i) Each campaign consultant shall retain for a period of five years all books, papers and documents necessary to substantiate the reports and statements required under this Chapter.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.543; added by Proposition G, 11/4/97)

Editor's note

**The Regulation of Lobbyists Ordinance, which was previously codified at Administrative Code Section 16.520, et seq., is now codified in Article II of this Code.*

SEC. 1.520. POWERS AND DUTIES OF THE ETHICS COMMISSION.

(a) The Ethics Commission shall provide forms for the reporting of all information required by this Chapter.

(b) The Ethics Commission shall issue a registration number to each registered campaign consultant.

(c) At the time of initial registration and reregistration, the Ethics Commission shall provide the campaign consultant with a copy of the City's campaign and lobbyist laws, the Code of Conduct specified in Section 1.530, and any related material which the Commission determines will serve the purposes of this Chapter. Each campaign consultant must sign a statement acknowledging receipt of these materials.

(d) The Ethics Commission shall compile the information provided in registration and quarterly reports filed pursuant to this Chapter as soon as practicable after the close of each quarter and shall forward a report of the compiled information to the Board of Supervisors and the Mayor.

(e) The Ethics Commission shall preserve all original reports, statements, and other records required to be kept or filed under this Chapter for a period of five years. Such reports, statements, and records shall constitute a part of the public records of the Ethics Commission and shall be open to public inspection.

(f) The Commission shall provide formal and informal advice regarding the duties under this Chapter of a person or entity pursuant to the procedures specified in San Francisco Charter Section C3.699-12.

(g) The Ethics Commission shall have the power to adopt all reasonable and necessary rules and regulations for the implementation of this Chapter pursuant to the procedure specified in Charter Section 15.102.*

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.544; added by Proposition G, 11/4/97)

Editor's note

**The Ethics Commission's authority to adopt rules and regulations was previously codified as Charter Section 3.699-9. Under Proposition E, adopted by the San Francisco voters on November 7, 1995, Charter Section 3.699-9 was recodified as Charter Section 15.102. Accordingly, references to Section 3.699-9 have been changed to Section 15.102.*

SEC. 1.525. ADMINISTRATIVE AND CIVIL ENFORCEMENT, AND PENALTIES.

(a) If any campaign consultant files an original statement or report after any deadline imposed by this Chapter, the Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter, fine the campaign consultant \$50 per day after the deadline until the statement or report is received by the Ethics Commission. If any campaign consultant files an original statement or report after any deadline imposed by this Chapter, when the deadline is fewer than 30 days before or after an election, the Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter, fine the campaign consultant \$100 per day after the deadline until the statement or report is received by the Ethics Commission. The Ethics Commission may reduce or waive a fine if the Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall deposit funds collected under this Section in the General Fund of the City and County of San Francisco.

(b) Any person who believes that Section 1.510 has been violated may file a complaint with the Ethics Commission. Upon receipt of a complaint, or upon its own initiative, the Commission may investigate allegations of a violation of Section 1.510 and enforce the provisions of Section 1.510 pursuant to the procedures established in San Francisco Charter Section C3.699-13, and the Commission's rules and regulations adopted pursuant to Charter Section 15.102.*

(c) When the Commission, pursuant to the procedures specified in Charter Section C3.699-13, determines on the basis of substantial evidence that a person or entity has violated Section 1.510, the Commission may require the person or entity to: (1) cease and desist the violation; (2) file any reports or statements or pay any fees required by this Chapter, and/or (3) pay a monetary penalty of up to \$5,000 for each violation, or three times the amount not properly reported, whichever is greater. The Commission may cancel for up to one year the registration of any campaign consultant who has violated Section 1.510. A campaign consultant whose registration has been canceled pursuant to this Section may not provide campaign consulting services in exchange for economic consideration for the period that the registration is canceled. When the period of cancellation ends, the campaign consultant may reregister pursuant to Section 1.515(a) and (c).

(d) Any person or entity which knowingly or negligently violates or who causes any other person to violate Section 1.510 may be liable in a civil action brought by the City Attorney for an amount up to \$5,000 per violation, or three times the amount not properly

reported, whichever is greater.

(e) Any person or entity which intentionally or negligently violates Section 1.510 is guilty of a misdemeanor. Attachment R1.3

(f) No administrative, civil, or criminal action shall be maintained to enforce Section 1.510 unless brought within four years after the date the cause of action accrued or the date that the facts constituting the cause of action were discovered by the Ethics Commission, City Attorney, or District Attorney, whichever is later.

(g) In investigating any alleged violation of Section 1.510, the Ethics Commission and City Attorney shall have the power to inspect, upon reasonable notice, all documents required to be maintained under Section 1.515(i). This power to inspect documents is in addition to other powers conferred on the Ethics Commission and City Attorney by the Charter, or by ordinance, including the power of subpoena.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.545; added by Proposition G, 11/4/97)

Editor's note

**The Ethics Commission's authority to adopt rules and regulations was previously codified as Charter Section 3.699-9. Under Proposition E, adopted by the San Francisco voters on November 7, 1995, Charter Section 3.699-9 was recodified as Charter Section 15.102. Accordingly, references to Section 3.699-9 have been changed to Section 15.102.*

SEC. 1.530. CODE OF CONDUCT.

At the time of initial registration and reregistration, each campaign consultant must elect whether to voluntarily comply with the following Code of Conduct:

"I am familiar with all the laws, rules and regulations applicable to local campaigns;

"I will not knowingly make false statements about the qualifications or positions of any candidate, or about the scope and effect of any measure;

"I will not knowingly make false statements that any real or fictitious person supports or opposes a candidate or measure;

"In the event that I make inadvertent false statements about the qualifications or positions of any candidate or about the scope and effect of any measure, I will endeavor to provide corrected information in written form to the Ethics Commission within five days;

"I will refrain from appealing to prejudice in the conduct of a campaign, and from conducting, managing or advising a campaign, which appeals to prejudice based on race, gender, ethnic background, religious affiliation or nonaffiliation, sexual orientation, age, disability, or economic status;

"I will refrain from seeking to obtain the support of or opposition to any candidate or measure by the use of financial inducements or by the use of threats or coercion;

"I will refrain from influencing the submission of a measure to the San Francisco voters for the sole purpose of obtaining economic consideration for campaign consulting services;

"I will disclose through a filing at the San Francisco Ethics Commission any agreements that would result in a campaign consulting contract resulting from my efforts to influence the submission of a measure to the San Francisco voters at the time that I seek submission of any such measure;

"I will refrain from seeking to evade, or participating in efforts of others to evade, the legal requirements in laws pertaining to political campaigns;

"I will not knowingly participate in the preparation, dissemination, or broadcast of paid political advertising or campaign materials that contain false information; and

"I will refrain from accepting clients whose interests are adverse to each other."

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.546; added by Proposition G, 11/4/97)

SEC. 1.535. SEVERABILITY.

If any Section, subsection, subdivision, sentence, clause, phrase or portion of this Chapter, or the application thereof to any person or entity is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter or its application to other persons, business entities, or organizations. The Board of Supervisors hereby declares that it would have adopted this Chapter, and each Section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions, or the application thereof to any person or entity, to be declared invalid or unconstitutional.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 16.547; added by Proposition G, 11/4/97)

SEC. 1.540. ELECTRONIC FILING OF STATEMENTS AND REPORTS.

(a) ELECTRONIC FILING REQUIRED. Whenever campaign consultants are required by this Chapter to file an original statement

or report, the Ethics Commission may require the consultants to file an electronic copy of the statement or report. The electronic copy shall be due no later than the deadline imposed by this Chapter for filing the original statement or report. Attachment R1.3

(b) POWERS AND DUTIES OF THE ETHICS COMMISSION.

(i) Pursuant to San Francisco Charter Section 15.102, the Ethics Commission shall adopt regulations specifying the electronic filing requirements applicable to campaign consultants. The Ethics Commission shall adopt these regulations no fewer than 120 days before the electronic filing requirements are effective.

(ii) The Ethics Commission shall prescribe the format for electronic copies of statements and reports no fewer than 90 days before the statements and reports are due to be filed.

(c) PENALTIES. If any campaign consultant files an electronic copy of a statement or report after the deadline imposed by this Section, the Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter, fine the campaign consultant \$10 per day after the deadline until the electronic copy is received by the Ethics Commission. The Ethics Commission may reduce or waive a fine if the Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter. The Ethics Commission shall deposit funds collected under this Section in the General Fund of the City and County of San Francisco.

• (Added by Ord. 223-00, File No. 000742, App. 9/29/2000)

SEC. 1.545. CONSTRUCTION WITH OTHER LAWS.

Lobbying by campaign consultants and employees of campaign consultants is governed by the applicable provisions of Article II, Chapter 1 of this Code, including Section 2.117, which prohibits campaign consultants and employees of campaign consultants from communicating with current and former clients on behalf of another person or entity for the purpose of influencing local legislative or administrative action in exchange for economic consideration.

(Added by Ord. 28-04, File No. 031656, App. 2/20/2004)

CHAPTER 2:

Attachment R1.3

CONFLICT OF INTEREST AND OTHER PROHIBITED ACTIVITIES

- Sec. 3.200. Findings and Purpose.
- Sec. 3.201. Citation.
- Sec. 3.202. Construction.
- Sec. 3.203. Definitions.
- Sec. 3.204. Amendment or Repeal of this Chapter.
- Sec. 3.206. Financial Conflicts of Interest.
- Sec. 3.207. Additional Conflicts of Interest for City Elective Officers and Members of Boards and Commissions.
- Sec. 3.208. Appointments and Nominations.
- Sec. 3.209. Recusals.
- Sec. 3.210. Voting on Own Character or Conduct.
- Sec. 3.212. Decisions Involving Family Members.
- Sec. 3.214. Disclosure of Personal, Professional and Business Relationships.
- Sec. 3.216. Gifts.
- Sec. 3.218. Incompatible Activities.
- Sec. 3.220. Prohibition on Dual Office Holding.
- Sec. 3.222. Prohibiting Officers From Contracting With the City and County.
- Sec. 3.224. Prohibition on Representing Private Parties Before Other City Officers and Employees – Compensated Advocacy.
- Sec. 3.226. Referrals.
- Sec. 3.228. Disclosure or Use of Confidential City Information.
- Sec. 3.230. Prohibition on Political Activity.
- Sec. 3.231. Prohibitions on Political Activity for City Elective Officers and Members of Boards and Commissions.
- Sec. 3.232. Prohibition on Use of Public Funds for Printed Greeting Cards.
- Sec. 3.234. Post-Employment and Post-Service Restrictions.
- Sec. 3.236. Aiding and Abetting.
- Sec. 3.238. Filing of False Charges.
- Sec. 3.240. Provision of False or Misleading Information; Withholding of Information; and Duty to Cooperate and Assist.
- Sec. 3.242. Penalties and Enforcement.
- Sec. 3.244. Severability.

SEC. 3.200. FINDINGS AND PURPOSE.

(a) The people of the City and County of San Francisco declare that public office is a public trust and all officers and employees of the City and County shall exercise their public duties in a manner consistent with this trust. To assure that the governmental processes of the City and County promote fairness and equity for all residents and to maintain public trust in governmental institutions, the people of the City and County declare that they have a compelling interest in creating laws regulating conflicts of interest and outside activities of City officers and employees.

(b) The proper operation of the government of the City and County of San Francisco requires that public officers and employees be independent, impartial, and responsible to the people and that public office and employment not be used for personal gain. The public interest, therefore, requires that officers and employees of the City and County be prohibited from making, participating in making or otherwise seeking to influence governmental decisions in which they have a financial interest or accepting gifts and other things of value from regulated sources.

(c) In order to maintain the public's confidence in the integrity of governmental decisions related to the appointment and discipline of public officers and employees, public officers and employees must not give or receive anything of value in consideration of their appointment or accept anything of value from their subordinates, and must not participate in decisions related to their own character or conduct or that of their family members.

(d) City and County contracts should be, and should appear to be, awarded on a fair and impartial basis. The practice of members of Boards and Commissions of the City and County contracting with the City and County creates the potential for, and the appearance of, favoritism or preferential treatment by the City and County. Prohibiting members of Boards and Commissions of the City and County from contracting with the City and County will eliminate both actual and perceived favoritism or preferential treatment without creating

unnecessary barriers to public service.

(e) Government decisions of officers and employees of the City and County should be, and should appear to be, made on a fair and impartial basis. The practice of former officers and employees communicating with their former colleagues on behalf of private interests and the practice of current officers of the City and County communicating with other officers and employees on behalf of any other person for compensation creates the potential for, and the appearance of, undue influence, favoritism or preferential treatment. Prohibiting former officers and employees from communicating orally, in writing, or in any other manner with their former colleagues for specified periods of time and prohibiting current officers from communicating orally, in writing, or in any other manner with other officers and employees of the City and County on behalf of any other person for compensation will eliminate both actual and perceived undue influence, favoritism or preferential treatment without creating unnecessary barriers to public service.

(Added by Proposition E, 11/4/2003) (Former Section 3.200 added by Ord. 71-00, File No. 000358, App. 4/28/2000; repealed by Proposition E, 11/4/2003. Derivation: Former Administrative Code Section 16.980; added by Ord. 374-96, App. 9/30/96)

SEC. 3.201. CITATION.

This Chapter may be cited as the San Francisco Government Ethics Ordinance.

(Added by Ord. 244-09, File No. 091013, App. 12/3/2009)

SEC. 3.202. CONSTRUCTION.

This Chapter shall be liberally construed in order to effectuate its purposes, provided that nothing in this Chapter shall be interpreted or applied to prohibit officers, members and representatives of employee organizations from engaging in organizational activities that are protected by the California Meyers-Milias-Brown Act, the First Amendment to the United States Constitution or any other federal, state or local law. No error, irregularity, informality, neglect or omission of any officer in any procedure taken under this Chapter which does not directly affect the jurisdiction of the Board of Supervisors or the City and County to control the ethical conduct of its officers and employees shall avoid the effect of this Chapter.

(Added by Proposition E, 11/4/2003)

SEC. 3.203. DEFINITIONS.

Whenever in this Chapter 2 the following words or phrases are used, they shall mean:

“Anything of value” shall mean any money or property, private financial advantage, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the City, contributions as defined herein, or gifts that qualify for gift exceptions established by State or local law.

“Associated,” when used in reference to an organization, shall mean any organization in which an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the equity, or of which an individual or a member of his or her immediate family is an agent or employee.

“City elective officer” shall mean a person who holds the office of Mayor, Member of the Board of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor and Public Defender.

“Contribution” shall be defined as set forth in the California Political Reform Act, California Government Code section 81000, *et seq.*

“Fundraising” shall mean:

- (a) requesting that another person make a contribution;
- (b) inviting a person to a fundraising event;
- (c) supplying names to be used for invitations to a fundraiser;
- (d) permitting one’s name or signature to appear on a solicitation for contributions or an invitation to a fundraising event;
- (e) permitting one’s official title to be used on a solicitation for contributions or an invitation to a fundraising event;
- (f) providing the use of one’s home or business for a fundraising event;
- (g) paying for at least 20% of the costs of a fundraising event;
- (h) hiring another person to conduct a fundraising event;
- (i) delivering a contribution, other than one’s own, by whatever means to a City elective officer, a candidate for City elective office, or a candidate-controlled committee; or
- (j) acting as an agent or intermediary in connection with the making of a contribution.

“Immediate family” shall mean spouse, registered domestic partner, and dependent children.

“Officer” shall mean any person holding City elective office; any member of a board or commission required by Article III, Chapter 1

of this Code to file a statement of economic interests; any person appointed as the chief executive officer under any such board or commission; the head of each City department; the Controller; and the City Administrator.

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“Solicit” shall mean personally requesting a contribution for any candidate or committee, either orally or in writing.

“Subordinate employee” shall mean an employee of any person whose official City responsibilities include directing or evaluating the performance of the employee or any of the employee’s supervisors.

• (Added by Ord. 244-09, File No. 091013, App. 12/3/2009; amended by Ord. 129-18, File No. 180280, App. 5/30/2018, Eff. 6/30/2018, Oper. 6/30/2018)

SEC. 3.204. AMENDMENT OR REPEAL OF THIS CHAPTER.

The voters may amend or repeal this Chapter. The Board of Supervisors may amend this Chapter if all of the following conditions are met:

- (a) The amendment furthers the purposes of this Chapter;
- (b) The Ethics Commission approves the proposed amendment by at least a four-fifths vote of all its members;
- (c) The proposed amendment is available for public review at least 30 days before the amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors; and
- (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of all its members.

• (Added by Proposition E, 11/4/2003)

SEC. 3.206. FINANCIAL CONFLICTS OF INTEREST.

(a) **Incorporation of the California Political Reform Act.** No officer or employee of the City and County shall make, participate in making, or seek to influence a decision of the City and County in which the officer or employee has a financial interest within the meaning of California Government Code Section 87100 et seq. and any subsequent amendments to these Sections.

(b) **Incorporation of California Government Code 1090, et seq.** No officer or employee of the City and County shall make a contract in which he or she has a financial interest within the meaning of California Government Code Section 1090 et seq. and any subsequent amendments to these Sections.

(c) **Future Employment.** No officer or employee of the City shall make, participate in making, or otherwise seek to influence a governmental decision, affecting a person or entity with whom the officer or employee is discussing or negotiating an agreement concerning future employment.

• (Added by Proposition E, 11/4/2003)

SEC. 3.207. ADDITIONAL CONFLICTS OF INTEREST FOR CITY ELECTIVE OFFICERS AND MEMBERS OF BOARDS AND COMMISSIONS.

(a) **Prohibitions.** In addition to the restrictions set forth in Section 3.206 and other provisions of this Chapter 2, the following shall also constitute conflicts of interest for City elective officers and members of boards and commissions:

(1) No City elective officer or member of a board or commission may use his or her public position or office to seek or obtain anything of value for the private or professional benefit of himself or herself, his or her immediate family, or for an organization with which he or she is associated.

(2) No City elective officer or member of a board or commission may, directly or by means of an agent, give, offer, promise to give, withhold, or offer or promise to withhold his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a contribution.

(3) No person may offer or give to an officer, directly or indirectly, and no City elective officer or member of a board or commission may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the officer’s vote, official actions, or judgment with respect to a particular pending legislative or administrative action, or could reasonably be considered as a reward for any official action or inaction on the part of the officer. This subsection (a)(3) does not prohibit a City elective officer or member of a board or commission from engaging in outside employment.

(b) **Exception: public generally.** The prohibition set forth in subsection (a)(1) shall not apply if the resulting benefit, advantage, or privilege also affects a significant segment of the public and the effect is not unique. For purposes of this subsection (b):

- (1) A significant segment of the public is at least 25% of:
 - (A) all businesses or non-profit entities within the official’s jurisdiction;
 - (B) all real property, commercial real property, or residential real property within the official’s jurisdiction; or
 - (C) all individuals within the official’s jurisdiction.

(2) A unique effect on a public official's financial interest includes a disproportionate effect on:

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- (A) the development potential or use of the official's real property or on the income producing potential of the official's real property or business entity;
- (B) an official's business entity or real property resulting from the proximity of a project that is the subject of a decision;
- (C) an official's interests in business entities or real properties resulting from the cumulative effect of the official's multiple interests in similar entities or properties that is substantially greater than the effect on a single interest;
- (D) an official's interest in a business entity or real property resulting from the official's substantially greater business volume or larger real property size when a decision affects all interests by the same or similar rate or percentage;
- (E) a person's income, investments, assets or liabilities, or real property if the person is a source of income or gifts to the official;
- or
- (F) an official's personal finances or those of his or her immediate family.

• (Added by Ord. [129-18](#), File No. 180280, App. 5/30/2018, Eff. 6/30/2018, Oper. 6/30/2018)

SEC. 3.208. APPOINTMENTS AND NOMINATIONS.

No person shall give or promise, and no officer or employee of the City and County may solicit or accept, any money or other valuable thing in consideration for (i) the person's nomination or appointment to any City and County office or employment, or promotion or other favorable City and County employment action, or (ii) any other person's nomination or appointment to any City and County office or employment or promotion or other favorable City and County employment action.

• (Added by Proposition E, 11/4/2003)

SEC. 3.209. RECUSALS.

(a) **Recusal Procedures.** Any member of a City board or commission who has a conflict of interest under Sections 3.206 or 3.207, or who must recuse himself or herself from a proceeding under California Government Code Section 84308, shall, in the public meeting of the board or commission, upon identifying a conflict of interest immediately prior to the consideration of the matter, do all of the following:

- (1) publicly identify the circumstances that give rise to the conflict of interest in detail sufficient to be understood by the public, provided that disclosure of the exact street address of a residence is not required;
- (2) recuse himself or herself from discussing or acting on the matter; and
- (3) leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on and remains on the consent calendar.

(b) **Recusal Notification.** A member of a City board or commission who is required to file a statement of economic interests pursuant to Article III, Chapter 1 of the Campaign and Governmental Conduct Code shall file a recusal notification form each time the member recuses himself or herself, as required by subsection (a).

(1) The member shall file the original recusal notification form, along with a copy of the meeting agenda containing the item involving the conflict of interest, with the Ethics Commission within 15 calendar days after the date of the meeting at which the recusal occurred.

(2) The member shall file the recusal notification form with the Ethics Commission even if the member is not present at the meeting that would have involved the conflict of interest.

(3) The recusal notification form shall be filed under penalty of perjury in a method prescribed by the Ethics Commission and shall include, at a minimum, the following:

- (A) the member's name;
- (B) the name of the member's board or commission;
- (C) the date of the meeting at which the recusal occurred or would have occurred;
- (D) the agenda item number, a brief description of the matter, and a statement of whether the matter concerns the making of a contract; and
- (E) the financial interest causing the recusal.

(c) **Exception.** The requirements of this Section 3.209 shall not apply to the members of the Board of Supervisors.

• (Added by Ord. [129-18](#), File No. 180280, App. 5/30/2018, Eff. 6/30/2018, Oper. 1/1/2019)

SEC. 3.210. VOTING ON OWN CHARACTER OR CONDUCT.

(a) **Prohibition.** No officer or employee of the City and County shall knowingly vote on or attempt to influence a governmental decision involving his or her own character or conduct, or his or her appointment to any office, position, or employment. Attachment R1.3

(b) **Exceptions.** Nothing in this Section shall prohibit an officer or employee from (i) responding to allegations, applying for an office, position, or employment, or responding to inquiries; or (ii) participating in the decision of his or her board, commission, or committee to choose him or her as chair, vice chair, or other officer of the board, commission, or committee.

• (Added by Proposition E, 11/4/2003)

SEC. 3.212. DECISIONS INVOLVING FAMILY MEMBERS.

(a) **Prohibition.** No officer or employee of the City and County may make, participate in making, or otherwise seek to influence a decision of the City and County regarding an employment action involving a relative. Nothing in this Section shall prohibit an officer or employee from acting as a personal reference or providing a letter of reference for a relative who is seeking appointment to a position in any City department, board, commission or agency other than the officer or employee's department, board, commission or agency or under the control of any such department, board, commission or agency.

(b) **Delegation.** A Department Head who is prohibited under Subsection (a) from participating in an employment action involving a relative shall delegate in writing to an employee within the department any decisions regarding such employment action.

(c) **Definitions.** For purposes of this Section, the term "employment action" shall be limited to hiring, promotion, or discipline, and the term "relative" shall mean a spouse, domestic partner, parent, grandparent, child, sibling, parent-in-law, aunt, uncle, niece, nephew, first cousin, and includes any similar step relationship or relationship created by adoption.

• (Added by Proposition E, 11/4/2003)

SEC. 3.214. DISCLOSURE OF PERSONAL, PROFESSIONAL AND BUSINESS RELATIONSHIPS.

(a) **Disclosure.** A City officer or employee shall disclose on the public record any personal, professional or business relationship with any individual who is the subject of or has an ownership or financial interest in the subject of a governmental decision being made by the officer or employee where as a result of the relationship, the ability of the officer or employee to act for the benefit of the public could reasonably be questioned. For the purposes of this Section, the minutes of a public meeting at which the governmental decision is being made, or if the governmental decision is not being made in a public meeting, a memorandum kept on file at the offices of the City officer or employee's department, board, commission or agency shall constitute the public record.

(b) **Penalties.** A court may void any governmental decision made by a City officer or employee who fails to disclose a relationship as required by Subsection (a) if the court determines that: (1) the failure to disclose was willful; and (2) the City officer or employee failed to render his or her decision with disinterested skill, zeal, and diligence and primarily for the benefit of the City. No other penalties shall apply to a violation of this Section, provided that nothing in this Section shall prohibit an appointing authority from imposing discipline for a violation of this Section.

(c) **Regulations.** The Ethics Commission may adopt regulations setting forth the types of personal, professional and business relationships that must be disclosed pursuant to this Section.

• (Added by Proposition E, 11/4/2003)

SEC. 3.216. GIFTS.

(a) **Prohibition on Bribery.** No person shall offer or make, and no officer or employee shall accept, any gift with the intent that the City officer or employee will be influenced thereby in the performance of any official act.

(b) **General gift restrictions.** In addition to the gift limits and reporting requirements imposed by the Political Reform Act and this Code and any subsequent amendments thereto, no officer or employee of the City and County shall solicit or accept any gift or loan from a person who the officer or employee knows or has reason to know is a restricted source, except loans received from commercial lending institutions in the ordinary course of business.

(1) **Restricted Source.** For purposes of this section, a restricted source means: (A) a person doing business with or seeking to do business with the department of the officer or employee; or (B) a person who during the prior 12 months knowingly attempted to influence the officer or employee in any legislative or administrative action.

(2) **Gift.** For purposes of this subsection, the term gift has the same meaning as under the Political Reform Act, California Government Code Section 81000 et seq., and the regulations adopted thereunder, including any subsequent amendments. Gifts exempted from the limits imposed by California Government Code Section 89503 and Section 3.1-101 of the Campaign and Governmental Conduct Code shall also be exempted from the prohibition set forth in this subsection.

(3) **Regulations.** The Ethics Commission shall issue regulations implementing this section, including regulations exempting voluntary gifts that are nominal in value such as gifts that are given by vendors to clients or customers in the normal course of business.

(c) **Gifts from Subordinates.** No officer or employee shall solicit or accept any gift or loan, either directly or indirectly, from any subordinate or employee under his or her supervision or from any candidate or applicant for a position as a subordinate or employee

under his or her supervision. The Ethics Commission shall issue regulations implementing this Section, including regulations exempting voluntary gifts that are given or received for special occasions or under other circumstances in which gifts are Attachment 11-13 or exchanged.

(d) **Gifts of Travel.**

(1) **Gifts to Elected Officers.** In addition to the gift limits and reporting requirements imposed by the Political Reform Act and this Code, no elected officer may accept a gift of transportation, lodging, or subsistence for any out-of-state trip paid for in part by an individual or entity other than the City and County of San Francisco, another governmental body, or a bona fide educational institution, defined in Section 203 of the Revenue and Taxation Code, unless the officer has first disclosed on a form filed with the Ethics Commission:

(A) the name of the individual or entity and the total amount that will be paid by the individual or entity to fund the trip, including but not limited to the amount directly related to the cost of the elected officer's transportation, lodging, and subsistence;

(B) the name, occupation and employer of any contributor who has contributed more than \$500 to the individual or entity funding the trip and whose contributions were used in whole or in part to fund the trip;

(C) a description of the purpose of the trip and the itinerary; and

(D) the name of any individual accompanying the official on the trip who is:

(i) a City employee required to file a Statement of Economic Interests,

(ii) a lobbyist or campaign consultant registered with the Ethics Commission,

(iii) an employee of or individual who has any ownership interest in a lobbyist or campaign consultant registered with the Ethics Commission, or

(iv) the individual funding the trip, or an employee or officer of the entity funding the trip.

(2) **Reimbursement of Gifts of Travel.** In addition to any other reporting requirements imposed by the Political Reform Act or local law, an elected officer who reimburses an individual or entity for a gift of transportation, lodging or subsistence related to out-of-state travel and thereby avoids having received or accepted the gift shall file a form with the Ethics Commission within 30 days of such reimbursement disclosing:

(A) the name of the individual or entity that originally paid for the transportation, lodging or subsistence;

(B) the amount paid by the individual or entity for the elected officer's transportation, lodging or subsistence;

(C) the amount reimbursed by the elected officer to the individual or entity and the process used to determine that amount; and

(D) a description of the purpose of the trip and the itinerary.

(3) **Format.** The Ethics Commission shall provide forms for the disclosure required by this subsection and shall make the completed forms available on its website.

(4) **Definition.** For the purpose of this subsection, the term "elected officer" means the Mayor, member of the Board of Supervisors, City Attorney, District Attorney, Public Defender, Assessor, Treasurer, and Sheriff.

(e) **Restrictions.** Nothing in this section shall prohibit a City department, agency, board or commission from imposing additional gift restrictions on its officers or employees.

(Added by Proposition E, 11/4/2003; amended by Ord. 128-06, File No. 060217, App. 6/22/2006; Ord. 301-06, File No. 061333, App. 12/18/2006; Ord. 107-11, File No. 110335, App. 6/20/2011, Eff. 7/20/2011)

SEC. 3.218. INCOMPATIBLE ACTIVITIES.

(a) **Prohibition.** No officer or employee of the City and County may engage in any employment, activity, or enterprise that the department, board, commission, or agency of which he or she is a member or employee has identified as incompatible in a statement of incompatible activities adopted under this Section. No officer or employee may be subject to discipline or penalties under this Section unless he or she has been provided an opportunity to demonstrate that his or her activity is not in fact inconsistent, incompatible or in conflict with the duties of the officer or employee.

(b) **Statement of Incompatible Activities.** Every department, board, commission, and agency of the City and County shall, by August 1 of the year after which this Section becomes effective, submit to the Ethics Commission a statement of incompatible activities. No statement of incompatible activities shall become effective until approved by the Ethics Commission after a finding that the activities are incompatible under the criteria set forth in Subsection (c). After initial approval by the Ethics Commission, a department, board, commission or agency of the City and County may, subject to the approval of the Ethics Commission, amend its statement of incompatible activities. The Ethics Commission may, at any time, amend the statement of incompatible activities of any department, board, commission or agency of the City and County.

(c) **Required Language.** Each statement of incompatible activities shall list those outside activities that are inconsistent, incompatible, or in conflict with the duties of the officers and employees of the department, board, commission, or agency of the City and County. This list shall include, but need not be limited to, activities that involve: (1) the use of the time, facilities, equipment and supplies of the City and County; or the badge, uniform, prestige, or influence of the City and County officer or employee's position for private

gain or advantage; (2) the receipt or acceptance by an officer or employee of the City and County of any money or other thing of value from anyone other than the City and County for the performance of an act that the officer or employee would not be expected to render in the regular course of his or her service or employment with the City and County; (3) the performance of an act in a capacity other than as an officer or employee of the City and County that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of the City and County officer or employee's department, board, commission or agency; and (4) time demands that would render performance of the City and County officer or employee's duties less efficient. The Ethics Commission may permit City boards and commissions to exclude any required language from their statement of incompatible activities if their members, by law, must be appointed in whole or in part to represent any profession, trade, business, union or association.

(d) **Meet and Confer.** No statement of incompatible activities or any amendment thereto shall become operative until the City and County has satisfied the meet and confer requirements of State law.

(e) **Notice.** Every department, board, commission and agency of the City and County shall annually provide to its officers and employees a copy of its statement of incompatible activities.

(f) **Existing Civil Service Rules.** Rules and Regulations relating to outside activities previously adopted or approved by the Civil Service Commission shall remain in effect until statements of incompatible activities are adopted pursuant to this Section.

• (Added by Proposition E, 11/4/2003)

SEC. 3.220. PROHIBITION ON DUAL OFFICE HOLDING.

Any person holding an office under the City and County with an annual salary in excess of \$2,500, whether by election or by appointment, who shall, during his or her term of office, hold or retain any other office with such a salary under the government of the United States, the State of California, or the City and County shall be deemed to have thereby vacated the office held by him or her under the City and County. For the purposes of this Section, the term salary does not include: (1) a stipend, per diem, or other payment provided for attendance at meetings; or (2) health, dental or vision insurance, or other non-cash benefits.

• (Added by Proposition E, 11/4/2003)

SEC. 3.222. PROHIBITING OFFICERS FROM CONTRACTING WITH THE CITY AND COUNTY.

(a) **Definitions.** For purposes of this Section, the following definitions shall apply:

(1) **Business.** The term "business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, or other legal entity or undertaking organized for economic gain.

(2) **City and County.** The term "City and County" includes any commission, board, department, agency, committee, or other organizational unit of the City and County of San Francisco.

(3) **Contract.** The term "contract" means any agreement other than a grant or an agreement for employment in exchange for salary and benefits.

(4) **Subcontract.** The term "subcontract" means a contract to perform any work that a primary contractor has an agreement with the City and County, the San Francisco Redevelopment Agency, the San Francisco Housing Authority, the San Francisco Unified School District, or the San Francisco Community College District to perform.

(b) **Prohibition.** During his or her term of office, no officer shall enter, submit a bid for, negotiate for, or otherwise attempt to enter, any contract or subcontract with the City and County, the San Francisco Redevelopment Agency, the San Francisco Housing Authority, the San Francisco Unified School District, or the San Francisco Community College District, where the amount of the contract or the subcontract exceeds \$10,000.

(c) **Exceptions.** This Section shall not apply to the following contracts or subcontracts:

(1) A contract or subcontract with a nonprofit organization;

(2) A contract or subcontract with a business with which an officer is affiliated unless the officer exercises management and control over the business. A member exercises management and control if he or she is:

(A) An officer or director of a corporation;

(B) A majority shareholder of a closely held corporation;

(C) A shareholder with more than five percent beneficial interest in a publicly traded corporation;

(D) A general partner or limited partner with more than 20 percent beneficial interest in the partnership; or

(E) A general partner regardless of percentage of beneficial interest and who occupies a position of, or exercises management or control of the business;

(3) A contract or subcontract entered into before a member of a board or commission commenced his or her service;

(4) An agreement to provide property, goods or services to the City and County at substantially below fair market value; or

(5) A settlement agreement resolving a claim or other legal dispute.

(d) **Waiver.** The Ethics Commission may waive the prohibitions in this section for any officer who, by law, must be appointed to represent any profession, trade, business, union or association. Attachment R1.3

(e) **Limitation.** Failure of an officer to comply with this Section shall not be grounds for invalidating any contract with the City and County.

• (Added by Proposition E, 11/4/2003; Ord. 244-09, File No. 091013, App. 12/3/2009)

SEC. 3.224. PROHIBITION ON REPRESENTING PRIVATE PARTIES BEFORE OTHER CITY OFFICERS AND EMPLOYEES – COMPENSATED ADVOCACY.

(a) **Prohibition.** No officer of the City and County shall directly or indirectly receive any form of compensation to communicate orally, in writing, or in any other manner on behalf of any other person with any other officer or employee of the City and County with the intent to influence a government decision.

(b) **Exceptions.** This section shall not apply to any communication by: (1) an officer of the City and County on behalf of the City and County; (2) an officer of the City and County on behalf of a business, union, or organization of which the officer is a member or full-time employee; (3) an associate, partner or employee of an officer of the City and County, unless it is clear from the totality of the circumstances that the associate, partner or employee is merely acting as an agent of the City and County officer; or (4) a City officer in his or her capacity as a licensed attorney engaged in the practice of law, which includes representing clients in communications with the City Attorney's Office, District Attorney's Office, Public Defender's Office, attorneys in the Tax Collector's Office or Sheriff's Office, outside legal counsel hired by the City, representatives of the City who are named in a pending litigation matter or witnesses or potential witnesses in a pending litigation matter.

(c) **Waiver.** The Ethics Commission may waive the prohibitions in this section for any officer who, by law, must be appointed to represent any profession, trade, business, union or association.

• (Added by Proposition E, 11/4/2003; Ord. 97-06, File No. 051837, App. 5/19/2006; Ord. 244-09, File No. 091013, App. 12/3/2009)

SEC. 3.226. REFERRALS.

No officer or employee of the City and County shall: (a) receive any money, gift or other thing of economic value from a person or entity other than the City and County for referring a member of the public to a person or entity for any advice, service or product related to the processes of the City and County; or (b) condition any governmental action on a member of the public hiring, employing, or contracting with any specific person or entity. The Ethics Commission may waive the restriction in Subsection (b) if the Commission determines that granting a waiver is necessary for the proper administration of a governmental program or action.

• (Added by Proposition E, 11/4/2003)

SEC. 3.228. DISCLOSURE OR USE OF CONFIDENTIAL CITY INFORMATION.

No current or former officer or employee of the City and County shall: (a) willfully or knowingly disclose any confidential or privileged information, unless authorized or required by law to do so; or (b) use any confidential or privileged information to advance the financial or other private interest of himself or herself or others. Confidential or privileged information is information that at the time of use or disclosure was not subject to disclosure under the Sunshine Ordinance or California Public Records Act.

• (Added by Proposition E, 11/4/2003)

SEC. 3.230. PROHIBITION ON POLITICAL ACTIVITY.

(a) **Solicitation of Contributions.** No City officer or employee shall knowingly, directly or indirectly, solicit political contributions from other City officers or employees or from persons on employment lists of the City. Nothing in this Section shall prohibit a City officer or employee from communicating through the mail or by other means requests for political contributions to a significant segment of the public which may include City officers or employees.

(b) **Political Activities in Uniform.** No City officer or employee shall participate in political activities of any kind while in uniform.

(c) **Political Activities on City Time or Premises.** No City officer or employee may engage in political activity during working hours or on City premises. For the purposes of this Subsection, the term "City premises" shall not include City owned property that is made available to the public and can be used for political purposes.

• (Added by Proposition E, 11/4/2003)

SEC. 3.231. PROHIBITIONS ON POLITICAL ACTIVITY FOR CITY ELECTIVE OFFICERS AND MEMBERS OF BOARDS AND COMMISSIONS.

(a) **Solicitation of Campaign Volunteers.** No City elective officer or member of a board or commission shall solicit uncompensated volunteer services from any subordinate employee for a campaign for or against any ballot measure or candidate. Attachment R1.3

(b) **Fundraising for Appointing Authorities.** No member of a board or commission may engage in fundraising on behalf of (1) the officer's appointing authority, if the appointing authority is a City elective officer; (2) any candidate for the office held by the officer's appointing authority; or (3) any committee controlled by the officer's appointing authority. For the purposes of this subsection, "member of a board or commission" shall not include a member of the Board of Supervisors.

• (Added by Ord. [129-18](#), File No. 180280, App. 5/30/2018, Eff. 6/30/2018, Oper. 6/30/2018)

SEC. 3.232. PROHIBITION ON USE OF PUBLIC FUNDS FOR PRINTED GREETING CARDS.

(a) **Definitions.** The term "greeting card" means any printed card that celebrates or recognizes a holiday.

(b) **Prohibition.** No public funds may be used to design, produce, create, mail, send, or deliver any printed greeting card. The Controller of the City and County of San Francisco shall, in the Controller's sole discretion, determine whether a payment is prohibited under this Section.

The Controller's decision regarding whether a payment is prohibited under this Section is final.

• (Added by Proposition E, 11/4/2003)

SEC. 3.234. POST-EMPLOYMENT AND POST SERVICE RESTRICTIONS.

(a) **All Officers and Employees.**

(1) **Permanent Restriction on Representation In Particular Matters.**

(A) **Prohibition.** No former officer or employee of the City and County, after the termination of his or her service or employment with the City, shall, with the intent to influence, act as agent or attorney, or otherwise represent, any other person (except the City and County) before any court, or before any state, federal, or local agency, or any officer or employee thereof, by making any formal or informal appearance or by making any oral, written, or other communication in connection with a particular matter:

- (i) in which the City and County is a party or has a direct and substantial interest;
- (ii) in which the former officer or employee participated personally and substantially as a City officer or employee; and
- (iii) which involved a specific party or parties at the time of such participation.

(B) **Restriction on assisting others.** No former officer or employee of the City and County, after the termination of his or her service or employment with the City, shall aid, advise, counsel, consult or assist another person (except the City and County) in any proceeding in which the officer or employee would be precluded under Subsection (A) from personally appearing.

(C) **Exception for testimony.** The prohibitions in Subsections A and B do not prohibit a former officer or employee of the City and County from testifying as a witness, based on the former officer's or employee's personal knowledge, provided that no compensation is received other than the fees regularly provided for by law or regulation of witnesses.

(2) **One-Year Restriction on Communicating with Former Department.** No current or former officer or employee of the City and County, for one year after termination of his or her service or employment with any department, board, commission, office or other unit of the City, shall, with the intent to influence a government decision, communicate orally, in writing, or in any other manner on behalf of any other person (except the City and County) with any officer or employee of the department, board, commission, office or other unit of government, for which the officer or employee served.

(3) **Employment With Parties That Contract With The City.** No current or former officer or employee of the City shall be employed by or otherwise receive compensation from a person or entity that entered into a contract with the City within the preceding 12 months where the officer or employee personally and substantially participated in the award of the contract.

(b) **Mayor, Members of the Board of Supervisors, and their Senior Staff Members.**

(1) **One year restriction on communicating with City departments.** For purposes of the one-year restriction under subsection (a) (2), the "department" for which a former Mayor, a former member of the Board of Supervisors, or a former senior staff member to either the Mayor or a member of the Board of Supervisors served shall be the City and County and the prohibition in subsection (a)(2) shall extend to communications with:

- (A) a board, department, commission or agency of the City and County;
- (B) an officer or employee of the City and County;
- (C) an appointee of a board, department, commission, agency, officer, or employee of the City and County; or
- (D) a representative of the City and County.

For the purposes of this subsection, "a former senior staff member to either the Mayor or a member of the Board of Supervisors"

means an individual employed in any of the following positions at the time the individual terminated his or her employment with the City: the Mayor's Chief of Staff, the Mayor's Deputy Chief of Staff, a Legislative Aide to a member of the Board of Supervisors or a position that the Ethics Commission determines by regulation is an equivalent position based on an analysis of the functions and duties of the position.

(2) **City service.**

(A) Except as provided in Subsection (B), no former Mayor or member of the Board of Supervisors shall be eligible for a period of one year after the last day of service as Mayor or member of the Board of Supervisors, for appointment to any full time, compensated employment with the City and County. This restriction shall not apply to a former Mayor or Supervisor elected to an office of the City and County, appointed to fill a vacancy in an elective office of the City and County, or appointed to a board or commission in the executive branch.

(B) Notwithstanding the one-year restriction in Subsection (A), a former Mayor who was appointed to that office under Charter Section 13.101.5 to fill a vacancy shall be eligible for appointment to any City employment, provided that (i) the former Mayor did not file a declaration of candidacy for election to the office of Mayor after being appointed to that office, (ii) the former Mayor was employed by the City immediately prior to assuming the office of Mayor, and (iii) the salary in the first year of the new employment shall not exceed the salary received by the former Mayor in the City employment that he or she held immediately prior to assuming office as Mayor.

(c) **Waiver.**

(1) At the request of a current or former City employee or officer, the Ethics Commission may waive any of the restrictions in Subsections (a)(1) and (a)(2) if the Commission determines that granting a waiver would not create the potential for undue influence or unfair advantage.

(2) At the request of a current or former City employee or officer, the Ethics Commission may waive any of the restrictions in Subsections (a)(1) and (a)(2) for members of City boards and commissions who, by law, must be appointed to represent any profession, trade, business union or association.

(3) At the request of a current or former City officer or employee, the Ethics Commission may waive the prohibition in Subsection (a)(3) if the Commission determines that imposing the restriction would cause extreme hardship for the City officer or employee.

(4) The Ethics Commission may adopt regulations implementing these waiver provisions.

(Added by Proposition E, 11/4/2003; amended by Ord. 218-07, File No. 070505, App. 9/21/2007; Ord. 208-09, File No. 090219, App. 9/25/2009; Ord. 86-11, File No. 110023, App. 5/31/2011, Eff. 6/30/11)

SEC. 3.236. AIDING AND ABETTING.

No person shall knowingly and intentionally provide assistance to or otherwise aid or abet any other person in violating any of the provisions of this Chapter.

(Added by Proposition E, 11/4/2003)

SEC. 3.238. FILING OF FALSE CHARGES.

No person shall knowingly and intentionally file with the Ethics Commission, the District Attorney or the City Attorney any false charge alleging a violation of this Chapter.

(Added by Proposition E, 11/4/2003)

SEC. 3.240. PROVISION OF FALSE OR MISLEADING INFORMATION; WITHHOLDING OF INFORMATION; AND DUTY TO COOPERATE AND ASSIST.

(a) **Prohibition.** No person shall knowingly and intentionally furnish false or fraudulent evidence, documents, or information to the Ethics Commission, District Attorney or City Attorney, or knowingly and intentionally misrepresent any material fact, or conceal any evidence, documents, or information relevant to an investigation by the Ethics Commission, District Attorney or City Attorney of an alleged violation of this Chapter.

(b) **Duty to Cooperate and Assist.** The Ethics Commission, District Attorney or City Attorney may request and shall receive from every City officer and employee cooperation and assistance with an investigation into an alleged violation of this Chapter.

(Added by Proposition E, 11/4/2003)

SEC. 3.242. PENALTIES AND ENFORCEMENT.

(a) **Criminal Penalties.** Any person who knowingly or willfully violates any of the City's conflict of interest and governmental ethics laws shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$10,000 for each violation or by imprisonment in the County jail for a period of not more than one year in jail or by both such fine and imprisonment.

(b) **Civil Penalties.** Any person who intentionally or negligently violates any City conflict of interest or governmental ethics law shall be liable in a civil action brought by the City Attorney for an amount up to \$5,000 for each violation. Attachment R1.3

(c) **Injunctive Relief.** The City Attorney or any resident may bring a civil action on behalf of the people of San Francisco to enjoin violations of or compel compliance with a conflict of interest or governmental ethics law. No resident may commence a civil action under this Section without first notifying the City Attorney in writing of the intent to file a civil action under this Section. If the City Attorney fails to notify the resident within 120 days of receipt of the notice that the City Attorney has filed or will file a civil action, the complainant may file the action. No resident may file an action under this Section if the City Attorney responds within 120 days that the City Attorney intends to file an action or has already filed a civil action. No resident may bring an action under this Section if the Ethics Commission has issued a finding of probable cause arising out of the same facts, the District Attorney has commenced a criminal action arising out of the same facts, or another resident has filed a civil action under this Section arising out of the same facts. A court may award reasonable attorney's fees and costs to any resident who obtains injunctive relief under this Section.

(d) **Administrative Penalties.** Any person who violates any of the City's conflict of interest or governmental ethics laws shall be liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter. In addition to the administrative penalties set forth in the Charter, the Ethics Commission may issue warning letters to City officers and employees.

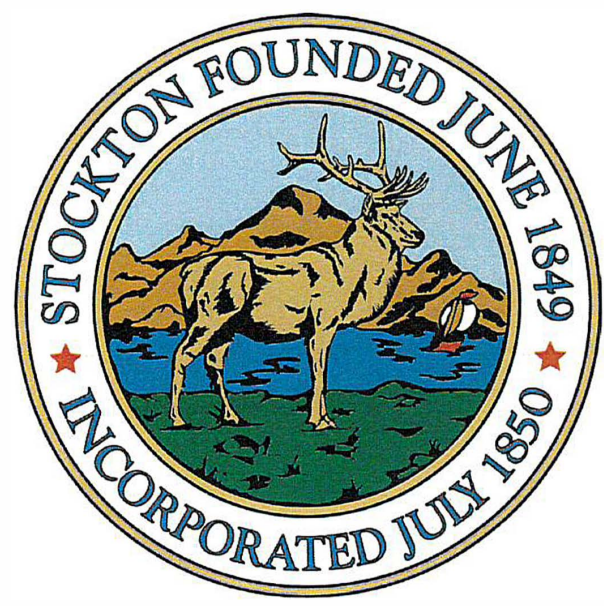
(e) **Statute of Limitations.** No person may bring a criminal, civil or administrative action under this Section against any other person more than four years after the date of the alleged violation.

■ (Added by Proposition E, 11/4/2003)

SEC. 3.244. SEVERABILITY.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Chapter and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

(Added by Proposition E, 11/4/2003)



COUNCIL CREED AND CODE OF ETHICS

ITEM 3.2
7/17/2024

CREED FOR COUNCILMEMBERS

ATTACHMENT B

Common good of
the people versus
private interest

Due diligence

Confidentiality
(Brown Act)

Breaches of
public trust and
censure

Incompatibility
with public duties

Attendance

CAMPAIGN CONSULTANTS

SAN FRANCISCO CITY/COUNTY CODE ARTICLE I, CHAPTER 5

ATTACHMENT C

- Local Office/Local Measure
- Must register annually to lawfully consult or accept compensation for services
- Registration includes a tiered fee and the following information
 - Name, Business Address, and Phone Number
 - If an individual, name of employer
 - Names of individuals employed by the consultant
 - Names and contact information for clients for the preceding three months
 - Economic considerations promised or received from the clients in exchange for services which total in excess of \$500
 - Political contributions of \$100 or more, cumulative total of \$500 or more
 - Gifts of an aggregate total of \$50 or more
 - Client Authorization
 - Quarterly reporting

EXHIBIT 3

Attachment R1.3



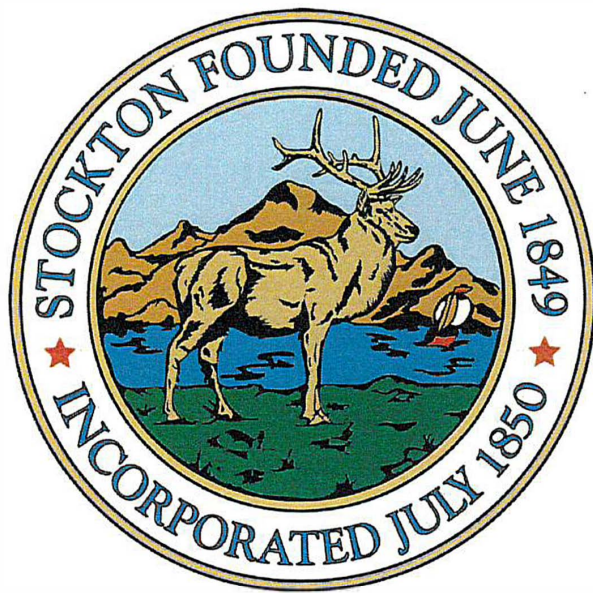
CONFLICT OF INTEREST
SAN FRANCISCO CITY/COUNTY CODE
ARTICLE III, CHAPTER 2
ATTACHMENT D



Prohibition on
representing private
parties SEC. 3.224

Disclosure or use of
confidential city
information SEC. 3.228

Prohibition on Political
Activity for City Elective
Officers SEC. 3.231



DISCUSSION AND DIRECTION



CITY OF STOCKTON

OFFICE OF THE CITY CLERK

MEMORANDUM

June 24, 2024

TO: EXECUTIVE TEAM, EXECUTIVE ASSISTANTS

FROM: KATHERINE ROLAND, INTERIM CITY CLERK

SUBJECT: **CHANGE TO PUBLIC ACCESS OF FORM 700 THROUGH NETFILE**

Subsequent to the release of the San Joaquin Civil Grand Jury Report (case number 0123), the City Clerk's Office reviewed the requirements to display the FPPC Form 700, Statement of Economic Interest, filed through Netfile on the City's website. Although filers designated under California Government Code 87200 were publicly available on the City's website through Netfile, those otherwise required to file under our Conflict of Interest Code were not. After this review and in the interest of the best access and transparency, we will be making the change to include all filers as publicly accessible on the City's website through Netfile. These forms will display in their redacted format, removing address, phone, and email information. There is no change to the ability for the public to review an unredacted form upon request and in person with the Clerk's Office.

Please share this information with any affected persons within your department. For any questions, please contact the Clerk's Office at City.Clerk@stocktonca.gov or (209)937-8458.



KATHERINE ROLAND, CMC, CPMC
INTERIM CITY CLERK



City of Stockton

Legislation Text

File #: 24-0441, **Version:** 1

Approved by Resolution 2024-06-18-1204

APPROVE AMENDMENT TO CITY COUNCIL POLICY MANUAL CHAPTER 2.06 - COUNCIL COMMUNICATIONS GUIDELINES

RECOMMENDATION

It is recommended that City Council approve by resolution an amendment to the City Council Policy Manual Chapter 2.06 - Council Communication by adding a policy defining the use of City Council letterhead.

Summary

The City Council Policy Manual does not contain a policy for the use of City or Council Letterhead. The Legislation / Environmental Committee members have requested that staff present the attached policy for review and approval by the full Council.

DISCUSSION

Background

The Legislation / Environmental Committee members have been reviewing and making recommendations to update the City Council Policy Manual. During the review of Chapter 2.06 - Council Communication Guidelines, it was discovered that the current policy does not address the use of City or Council letterhead (Attachment A - Council Policy Manual Chapter 2.06, current online version). The members of the Council Legislation / Environmental Committee directed staff to develop a policy.

Present Situation

Staff researched available city policies from several cities that had posted their policy on the Institute for Local Government website. Based on the information presented at the April 17, 2024, Legislation / Environmental Committee meeting, Committee members have requested that staff present the amended policy for review and approval by the full Council (Attachment B - Proposed Council Policy Chapter 2.06). The current guidelines located at Council Policy Manual Title 2, Chapter 2.06 - Council Communication Guidelines will be consolidated under Section 2.06.010. The new proposed policy concerning letterheads would be codified under Section 2.06.020. The remaining sections of Chapter 2.06 at 2.06.030 through 2.06.070, having been consolidated into 2.06.010, would be stricken.

Approval of this policy would also address recommendation R2.4 of the 2024 San Joaquin County Civil Grand Jury Report, "City of Stockton: Crisis in Government, Case # 0123" issued on June 10, 2024.

FINANCIAL SUMMARY

There is no financial impact to amending the policy.

Attachment A - Current Council Policy Chapter 2.06, online version

Attachment B - Proposed Council Policy Chapter 2.06

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 2.06 CITY COUNCIL COMMUNICATION GUIDELINES

§ 2.06.010 Policy.

- 1) The City has a responsibility to clearly report to the public it serves the actions and conduct of city government in all of its complexity. This policy intends to ensure that relevant information is communicated to the public and that it is timely, accurate, and distributed properly.
- 2) The City will use media coverage to generate interest, encourage involvement, increase understanding, and provide a vital link between all citizens and their governments.
- 3) The City will dedicate sufficient staff to initiate and maintain contacts with media representatives, develop and distribute information, plan and implement information campaigns, monitor media reports, and look for opportunities to highlight the positives of our community.
- 4) City leaders will be available for interviews, respond promptly to requests for information in order to facilitate effective communication with citizens and to ensure that news reports are timely and accurate.
- 5) The Mayor, Councilmembers, City Manager, and department heads shall make major announcements and respond to questions when the issues or policies are controversial or sensitive.
- 6) Community Relations and Public Information staff will help the media gain access to elected officials, employees, and public records.
- 7) The City Manager shall develop and maintain an administrative directive to guide City of Stockton communications.

§ 2.06.020 Responsibilities.

Mayor, Councilmembers, City Manager, and Department Heads:

Make major announcements.

Respond to questions regarding controversial or sensitive issues or policies.

§ 2.06.030 Relevant authority.

None applicable.

§ 2.06.040 Related administrative directive, city policy, city procedure.

Administrative Directive -- Communications <IV.A> (MAN-23).

Administrative Directive – Public Information <IV.C> (TBD).

Citywide Policy – Media Contact Reporting <IV.C.a> (MAN-04).

§ 2.06.050 *Related forms, documents, or links.*

None applicable.

§ 2.06.060 *Frequently asked questions.*

None applicable.

§ 2.06.070 *Update history.*

9/29/98 - Adopted by Resolution No. 98-0409

1/26/16 - Amended by Resolution No. 2016-01-26-1203

CHAPTER 2.06: CITY COUNCIL COMMUNICATION GUIDELINES

POLICY 2.06.010: GENERAL COMMUNICATION GUIDELINES

Policy

- 1) The City has a responsibility to clearly report to the public it serves the actions and conduct of city government in all of its complexity. This policy intends to ensure that relevant information is communicated to the public and that it is timely, accurate, and distributed properly.
- 2) The City will use media coverage to generate interest, encourage involvement, increase understanding, and provide a vital link between all citizens and their governments.
- 3) The City will dedicate sufficient staff to initiate and maintain contacts with media representatives, develop and distribute information, plan and implement information campaigns, monitor media reports, and look for opportunities to highlight the positives of our community.
- 4) City leaders will be available for interviews, respond promptly to requests for information in order to facilitate effective communication with citizens and to ensure that news reports are timely and accurate.
- 5) The Mayor, Councilmembers, City Manager, and department heads shall make major announcements and respond to questions when the issues or policies are controversial or sensitive.
- 6) Community Relations and Public Information staff will help the media gain access to elected officials, employees, and public records.
- 7) The City Manager shall develop and maintain an administrative directive to guide City of Stockton communications.

Responsibilities

Mayor, Councilmembers, City Manager, and Department Heads:

- Make major announcements.
- Respond to questions regarding controversial or sensitive issues or policies.

Relevant Authority

Stockton City Charter, Article III, Powers of the City

Stockton City Charter, Article XI-A, Public Information Office

Gov. Code, § 54950, the Ralph M Brown Act

Related Administrative Directive, City Policy, City Procedure
Citywide Policies and Procedures, Chapter 13 – Communication

Related Forms, Documents, or Links
None applicable.

Frequently Asked Questions or Comments
The examples provided in Responsibilities, Relevant Authority, and Related Administrative Directive sections of the Council Policies are intended to be illustrative and not exhaustive.

Update History
9/29/98 - Adopted by Resolution No. 98-0409
1/26/16 - Amended by Resolution No. 2016-01-26-1203

CHAPTER 2.06: CITY COUNCIL COMMUNICATION GUIDELINES

POLICY 2.06.020: USE OF CITY AND COUNCIL LETTERHEAD

Policy

“City letterhead” and/or “City Resources” (i.e., staff support, postage, etc.), may only be used to communicate the official policy, position, or actions of the City or City Council, not individual Councilmember positions or opinions. City letterhead means letterhead which include the official city logo, the location and contact information for City Hall, contains the heading “Office of the City Council” and a listing of the current councilmembers (Exhibit 1). Notwithstanding the above, the City Council is allowed to communicate using city letterhead for official city business with a copy to the City Council. No Councilmember may use the City letterhead for the purpose of press release, news release, or communications with the media.

City letterhead shall not be altered by a Councilmember. City letterhead shall include the following, and shall be maintained by the City Manager:

1. City Logo
2. “Office of the City Council”
3. The address/location of the governing body – City Hall
4. Names of the elected members of the Stockton City Council

Councilmembers may use “Council letterhead” (Exhibit 2) for any purpose including but not limited to responding to inquires or communicating their personal opinions, support for, or responses to constituents , other non-constituent individuals, or organizations. Council letterhead contains the heading “Office of Councilmember [xxx], District [#]” or any letterhead created for a councilmember which identifies the councilmember as a city representative but may not include use of the official city logo. When a councilmember utilizes Council letterhead as described in this policy, the councilmember shall include the following disclaimer:

“This communication does not reflect the policies or opinion of the City of Stockton or the Stockton City Council.”

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1. “Office of Councilmember [xxx], District [#]”
2. The address/location of the governing body – City Hall

Responsibilities

Mayor, Councilmembers, City Manager, City Attorney, and City Clerk:

- Monitor and enforce the intention of the policy as outlined.

Enforcement

Stockton City Council Policy Chapter 4.08 Council Censure

Relevant Authority

Stockton City Charter, Article III, Powers of the City

Stockton City Charter, Article XI-A, Public Information Office

Gov. Code, § 54950, the Ralph M Brown Act

Related Administrative Directive, City Policy, City Procedure

Citywide Policies and Procedures, Chapter 13 – Communication

Related Forms, Documents, or Links

Exhibit 1 – SAMPLE City Letterhead

Exhibit 2 – SAMPLE Council Letterhead

Frequently Asked Questions or Comments

The examples provided in Responsibilities, Relevant Authority, and Related Administrative Directive sections of the Council Policies are intended to be illustrative and not exhaustive.

Update History

Draft Prepared April 2024, pending Council approval in June 2024

Resolution No. 2024-06-18-1204

STOCKTON CITY COUNCIL**A RESOLUTION ADOPTING A REVISED CITY COUNCIL POLICY CHAPTER 2.06 – CITY COUNCIL COMMUNICATIONS GUIDELINES**

Chapter 2.06 of the Council Policy Manual addresses the responsibilities and guidelines related to the method in which the Stockton City Council reports and communicates to the public; and

Chapter 2.06 of the Council Policy Manual did not address the Councilmembers specific use of City letterhead; and

On June 10, 2024, the San Joaquin Civil Grand Jury issued a report regarding Case # 0123 titled "City of Stockton: Crisis in Government" which included recommendation R2.4, stating that "by March 31, 2025, the City should amend their policies and procedures regarding the use of City Stationary;" and

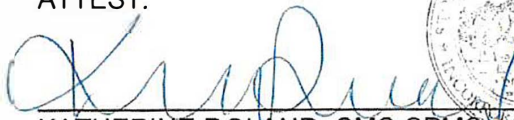
The Legislation and Environmental Committee voted on April 17, 2024, to forward a recommendation to Council to address the recommended revisions; now, therefore,


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:


1. City Council approves the revised City Council Policy 2.06 entitled "Council Communications Guidelines;" attached hereto as "Exhibit 1."
2. At the appropriate time, the City Manager or City Attorney is authorized to submit the approved City Council Policy 2.06 to the San Joaquin County Civil Grand Jury as a part of the City's response, specifically to their recommendation R2.4.
3. The City Manager is hereby authorized to take appropriate and necessary actions to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED June 18, 2024.

ATTEST:


KATHERINE ROLAND, CMC, CPMC
Interim City Clerk of the City of Stockton.




KEVIN J. LINCOLN II
Mayor of the City of Stockton

CHAPTER 2.06: CITY COUNCIL COMMUNICATION GUIDELINES

POLICY 2.06.010: GENERAL COMMUNICATION GUIDELINES

Policy

- 1) The City has a responsibility to clearly report to the public it serves the actions and conduct of city government in all of its complexity. This policy intends to ensure that relevant information is communicated to the public and that it is timely, accurate, and distributed properly.
- 2) The City will use media coverage to generate interest, encourage involvement, increase understanding, and provide a vital link between all citizens and their governments.
- 3) The City will dedicate sufficient staff to initiate and maintain contacts with media representatives, develop and distribute information, plan and implement information campaigns, monitor media reports, and look for opportunities to highlight the positives of our community.
- 4) City leaders will be available for interviews, respond promptly to requests for information in order to facilitate effective communication with citizens and to ensure that news reports are timely and accurate.
- 5) The Mayor, Councilmembers, City Manager, and department heads shall make major announcements and respond to questions when the issues or policies are controversial or sensitive.
- 6) Community Relations and Public Information staff will help the media gain access to elected officials, employees, and public records.
- 7) The City Manager shall develop and maintain an administrative directive to guide City of Stockton communications.

Responsibilities

Mayor, Councilmembers, City Manager, and Department Heads:

- Make major announcements.
- Respond to questions regarding controversial or sensitive issues or policies.

Relevant Authority

Stockton City Charter, Article III, Powers of the City

Stockton City Charter, Article XI-A, Public Information Office

Gov. Code, § 54950, the Ralph M Brown Act

Related Administrative Directive, City Policy, City Procedure
Citywide Policies and Procedures, Chapter 13 – Communication

Related Forms, Documents, or Links

None applicable.

Frequently Asked Questions or Comments

The examples provided in Responsibilities, Relevant Authority, and Related Administrative Directive sections of the Council Policies are intended to be illustrative and not exhaustive.

Update History

9/29/98 - Adopted by Resolution No. 98-0409

1/26/16 - Amended by Resolution No. 2016-01-26-1203

CHAPTER 2.06: CITY COUNCIL COMMUNICATION GUIDELINES

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Enforcement

Stockton City Council Policy Chapter 4.08 Council Censure

Relevant Authority

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Exhibit 2 – SAMPLE Council Letterhead

Frequently Asked Questions or Comments

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Update History

Draft Prepared April 2024, pending Council approval in June 2024

KEVIN LINCOLN II
Mayor

KIMBERLY WARMSLEY
Vice Mayor
District 6



CITY OF STOCKTON

OFFICE OF THE CITY COUNCIL
CITY HALL • 425 N. El Dorado Street • Stockton, CA 95202-1997
209 / 937-8244 • Fax 209 / 937-7149

EXHIBIT 3
BRANDO VILLAPUDUA
District 1

Attachment 2
GARY BRIGHT
District 2

MICHAEL BLOWER
District 3

SUSAN LENZ
District 4

BRANDO VILLAPUDUA
District 5

EXHIBIT 1
Council Policy 2.06.020

SAMPLE

OFFICE OF COUNCILMEMBER [xxx]
DISTRICT [#]

CITY OF STOCKTON
CITY HALL • 425 N. El Dorado Street • Stockton, CA 95202-1997
209 / 937-8244 • Fax 209 / 937-7149

EXHIBIT 2
Council Policy 2.06.020

SAMPLE

*“This communication does not reflect the policies or opinion of the
City of Stockton or the Stockton City Council.”*