

## San Francisco Campaign and Governmental Conduct Code

### **SEC. 3.1-100. DEFINITIONS.**

As used in this chapter:

(a) "Political Reform Act" means the Political Reform Act of 1974, as said Act reads on the date this ordinance is adopted and as said Act may be amended from time to time.

(b) All other words used in this ordinance shall have the meanings ascribed to them by the Political Reform Act, if the Act provides a definition.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 58.1; added by Ord. 3-90, App. 1/5/90; amended by Ord. 340-99, File No. 992046, App. 12/30/99)

### **SEC. 3.1-101. ADOPTION OF STATE CODE.**

The provisions of Regulation 18730 of the California Fair Political Practices Commission (2 Cal. Admin. Code § 18730), as the regulation reads on the date this ordinance is adopted and as the regulation may be amended from time to time by the Fair Political Practices Commission, are hereby adopted and incorporated herein by this reference as the Conflict of Interest Code for agencies of the City and County of San Francisco listed in this Chapter, commencing with Section 3.1-110. The San Francisco Ethics Commission shall maintain copies of Regulation 18730.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 58.2; added by Ord. 3-90, App. 1/5/90; amended by Ord. 340-99, File No. 992046, App. 12/30/99)

### **SEC. 3.1-102. FILING REQUIREMENTS.**

(a) Officers and Employees. Each officer and employee of the City and County of San Francisco holding a position designated in this Chapter, other than those officials identified in Section 3.1-500, shall file statements disclosing the information required by the disclosure categories set forth in this Chapter, on such forms as may be specified by the Fair Political Practices Commission (Form 700 unless otherwise provided by the Commission), and at such times required by Regulation 18730. A copy of the forms to be used shall be supplied by the Ethics Commission to each filing officer. Every officer and employee holding a position designated in this Chapter shall retain his or her filing obligations, notwithstanding any reclassification or title change that may occur in the future as to the same job duties.

(b) Candidates. Each candidate for City elective office, as that term is defined in Chapter 1 of Article I of this Code, shall file no later than the final filing date for a declaration of candidacy, a statement disclosing the information required by the disclosure category for the City elective office sought by the candidate. Candidates shall file such statements with the Department of Elections on the same forms as used by filers under subsection (a) of this Section. This statement shall not be required if the candidate has filed, within 60 days prior to the filing of his or her declaration of candidacy, a statement for the same jurisdiction pursuant to this Chapter or Sections 87202 or 87203 of the California Government Code.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; Ord. 98-06, File No. 051876, App. 5/19/2006) (Derivation: Former Administrative Code Section 58.3; added by Ord. 3-90, App.

1/5/90; amended by Ord. 311-92, App. 10/9/92; Ord. 386-95, App. 12/14/95; Ord. 340-99, File No. 992046, App. 12/30/99)

**SEC. 3.1-102.5. FAILURE TO FILE.**

(a) Subject to the removal and Civil Service provisions of the Charter as well as any applicable Civil Service Rules, any officer or employee of the City and County of San Francisco who fails to file any statement required by Sections 3.1-101 and 3.1-102 of the Campaign and Governmental Conduct Code within 30 days after receiving notice from the Ethics Commission of a failure to file may be subject to disciplinary action by his or her appointing authority, including removal from office or termination of employment.

(b) The Ethics Commission may issue a letter to an appointing authority recommending removal of any City officer or termination of any City employee who has failed to file a statement required by Sections 3.1-101 and 3.1-102 of the Campaign and Governmental Conduct Code if the City officer or employee has not filed the required statement within 30 days of receiving notice from the Ethics Commission of his or her failure to file.

(c) [*Reserved.* ]

(Added by Proposition E, 11/4/2003; Ord. 80-07, File No. 070122, App. 4/19/2007)

**SEC. 3.1-103. FILING OFFICERS.**

With the exception of those officials identified in Section 3.1-500, persons holding designated positions shall file their Statements of Economic Interest with the filing officers designated in this Section.

(a) Members of commissions, boards, and committees as well as department heads, shall file their statements with the Ethics Commission.

(b) The agency heads of the Unified School District, the Community College District, the San Francisco Housing Authority, the Redevelopment Agency, the Office of Citizen Complaints, and the Law Library shall file their statements with the Ethics Commission.

(c) Members of the Civil Grand Jury shall file with the Executive Officer of the Superior Court.

(d) All other persons holding designated positions shall file with their respective department head or the executive director of the agency.

(e) In instances where the proper filing officer for a particular, designated position is unclear, the Ethics Commission may designate the filing officer.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 58.4; added by Ord. 3-90, App. 1/5/90; amended by Ord. 311-92, App. 10/9/92; Ord. 386-95, App. 12/14/95; Ord. 345-98, App. 11/19/98)

**SEC. 3.1-104. FILING OFFICER REPORTS.**

On or before April 10th of each year, every filing officer shall submit a written report to the Ethics Commission setting forth the names of those persons who are required to file an annual statement with that filing officer under this Chapter but have failed to do so, or a report stating that all such persons have filed.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 58.5; added by Ord. 3-90, App. 1/5/90; amended by Ord. 386-95, App. 12/14/95)

**SEC. 3.1-105. NOTICE OF APPOINTMENT AND RESIGNATION.**

(a) Every appointing authority whose appointees file statements required by Sections 3.1-101 and 3.1-102 of the Campaign and Governmental Conduct Code with the Ethics Commission shall provide written notice to the Ethics Commission of the name of any appointee who has assumed or left office or employment. Such notice shall be provided within 15 days of the City officer or employee assuming or leaving office or employment. Failure to provide such notice may constitute official misconduct.

(b) Whenever the Mayor or a board or commission appoints a department head, or receives the resignation or retirement notice of a department head, the official or the secretary to the board or commission who makes the appointment or receives the resignation or retirement notice, shall inform the department head of the necessity to file within 30 days of assuming office or leaving office a statement of economic interests. Upon receiving notice of the appointment, or the resignation or retirement, of the department head, the Ethics Commission shall perform the required duties of the filing officer and obtain the required statement of economic interests. (Added by Ord. 71-00, File No. 000358, App. 4/28/2000; Ord. 80-07, File No. 070122, App. 4/19/2007) (Derivation: Former Administrative Code Section 58.6; added by Ord. 3-90, App. 1/5/90; amended by Ord. 386-95, App. 12/14/95; Ord. 287-96, App. 7/12/96; Ord. 56-97, App. 3/6/97)

### **SEC. 3.1-106. DISCLOSURE CATEGORIES.**

For each agency of the City and County of San Francisco, disclosure categories shall include Category 1 as specified in Section 3.1-107, and such additional categories as may be included in the Sections of this Chapter applicable to each such agency.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 58.7; added by Ord. 3-90, App. 1/5/90; amended by Ord. 340-99, File No. 992046, App. 12/30/99)

### **SEC. 3.1-107. DISCLOSURE CATEGORY 1.**

Unless otherwise specified, for each department or agency, Disclosure Category 1 shall read: "Disclosure Category 1. Persons in this category shall disclose income from any source, interests in real property, investments, and all business positions in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management."

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 58.8; added by Ord. 3-90, App. 1/5/90; amended by Ord. 56-97, App. 3/6/97; Ord. 340-99, File No. 992046, App. 12/30/99)

### **SEC. 3.1-108. CONSULTANTS.**

Unless otherwise stated in this Chapter, consultants for departments and agencies covered by this Chapter shall be deemed designated employees for the purposes of this Chapter and shall disclose economic interests in Disclosure Category 1; provided, however, that the director of the department or agency for which a consultant works may determine in writing that the consultant is not required to comply with the disclosure requirements described in this section or is required to disclose economic interests in a disclosure category other than Disclosure Category 1 because the consultant performs a range of duties that are limited in scope. Such a determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The determination shall be a public record and shall be

retained for public inspection in the same manner and location as statements filed under this Chapter.

(Added by Ord. 80-07, File No. 070122, App. 4/19/2007)

**SEC. 3.1-109. RESERVED.**

**Editor's note:** Ord. 80-07, File No. 070122, Approved April 19, 2007, repealed § 3.1-109, which pertained to Administrative Services, Department of.

(Added by Ord. 58-01, File No. 001951, App. 4/13/2001; amended by Ord. 35-02, File No. 011875, App. 3/29/2002; Ord. 73-03, File No. 022027, App. 4/25/2003; Ord. 99-05, File No. 041570, App. 5/25/2005; Ord. 80-07, File No. 070122, App. 4/19/2007)

**SECTIONS 3.1-109 THROUGH 3.1-455** set out the various City departments and commissions and identify the members and employees who must file Statements of Economic Interests and their disclosure categories. For further information, please visit <http://www.municode.com/Resources/gateway.asp?pid=14133&sid=5>

**SEC. 3.1-460. COURT POSITIONS.**

The following agencies are not included in this ordinance because, under the Political Reform Act, the Board of Supervisors does not act as the Code reviewing body for these agencies:

Superior Court

Municipal Court

Juvenile Court

Juvenile Justice Commission

Adult Probation.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000) (Derivation: Former Administrative Code Section 58.500; added by Ord. 3-90, App. 1/5/90; amended by Ord. 190-90, App. 5/24/90)

**SEC. 3.1-500. POSITIONS DESIGNATED BY STATE--FILING OFFICIAL.**

Members of the Board of Supervisors, District Attorney, Mayor, City Attorney, Treasurer, members of the Planning Commission, public officials who manage public investments, and any other officer who may be subject to the provisions of Government Code Section 87200, shall file one original of all statements of economic interests with the Ethics Commission, the filing official, who shall make and retain a copy and forward the original to the Fair Political Practices Commission which shall be the filing officer.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; Ord. 80-07, File No. 070122, App. 4/19/2007) (Derivation: Former Administrative Code Section 58.600; added by Ord. 3-90, App. 1/5/90; amended by Ord. 190-90, App. 5/24/90; Ord. 386-95, App. 12/14/95; Ord. 56-97, App. 3/6/97; Ord. 345-98, App. 11/19/98)