

FILE NO. 070505

ORDINANCE NO. 218-07

[Expanding Post-Employment Restrictions For Senior Mayoral Staff and Board Aides.]

Ordinance amending section 3.234 of the San Francisco Campaign and Governmental Conduct Code to prohibit individuals who have served as senior staff members to either the Mayor or a member of the Board of Supervisors from communicating with any representative of the City with the intent to influence a government decision for one year after they terminate employment with the City.

Note: Additions are single-underline italics Times New Roman; deletions are ~~strikethrough italics Times New Roman~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby amended by amending Section 3.234, to read as follows:

SEC. 3.234. POST-EMPLOYMENT RESTRICTIONS.

(a) All Officers and Employees.

(1) General Post-Employment Restrictions.

(A) Permanent restriction on representation in particular matters. 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;

1 (ii) in which the former officer or employee participated personally and
2 substantially as a City officer or employee;

3 (iii) which involved a specific party or parties at the time of such participation;
4 and

5 (iv) which is the same matter in which the officer or employee participated as
6 a City officer or employee.

7 (B) Permanent restriction on assisting others in particular matters. No former
8 officer or employee of the City and County, after the termination of his or her service or
9 employment with the City, shall aid, advise, counsel, consult or assist another person (except
10 the City and County) in any proceeding in which the officer or employee would be precluded
11 under subsection (A) from personally appearing.

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

17 (D) One year restriction on communicating with former department. No
18 former officer or employee of the City and County, for one year after termination of his or her
19 service or employment with the City, shall, with the intent to influence a government decision,
20 communicate orally, in writing, or in any other manner on behalf of any other person (except
21 the City and County) with any officer or employee of the department, board, commission,
22 office or other unit of government, for which the officer or employee served.

23 (E) Waiver.
24
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1 (i) At the request of a former City officer or employee, the Ethics
2 Commission may waive any of the restrictions in subsections (a)(1)(A), (a)(1)(B) and (a)(1)(D)
3 if the Commission determines that granting a waiver would not create the potential for undue
4 influence or unfair advantage. The Ethics Commission shall adopt regulations implementing
5 this provision.

6 (ii) The Ethics Commission may waive any of the restrictions in subsections
7 (a)(1)(A), (a)(1)(B) and (a)(1)(D) for members of City boards and commissions who, by law,
8 must be appointed to represent any profession, trade, business, union or association.

9 (2) Future Employment.

10 (A) Future Employment With Parties That Contract With The City. No officer
11 or employee of the City shall, for a period of one year after termination of City service or
12 employment, be employed by or otherwise receive compensation from a person or entity that
13 entered into a contract with the City within the 12 months prior to the officer or employee
14 leaving City service where the officer or employee personally and substantially participated in
15 the award of the contract.

16 (B) Waiver. At the request of a former City officer or employee, the Ethics
17 Commission may waive the prohibition in subsection (a)(2)(A) if the Commission determines
18 that imposing the restriction would cause extreme hardship for the former City officer or
19 employee. The Ethics Commission shall adopt regulations implementing this provision.

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

22 (1) One year restriction on communicating with City departments. For
23 purposes of the one-year restriction under subsection (a)(1)(D), the "department" for which a
24 former Mayor, a former ~~or~~ member of the Board of Supervisors, or a former senior staff member

1 to either the Mayor or a member of the Board of Supervisors served shall be the City and County
2 and the prohibition in subsection (a)(1)(D) shall extend to communications with:

3 (A) a board, department, commission or agency of the City and County;

4 (B) an officer or employee of the City and County;

5 (C) an appointee of a board, department, commission, agency, officer, or
6 employee of the City and County; or

7 (D) a representative of the City and County.

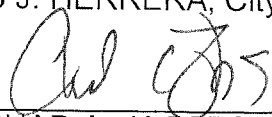
8 For the purposes of this subsection, "a former senior staff member to either the Mayor
9 or a member of the Board of Supervisors" means an individual employed in any of the following
10 positions at the time the individual terminated his or her employment with the City: as the Mayor's
11 Chief of Staff, the Mayor's Deputy Chief of Staff, a Legislative Aide to a member of the Board of
12 Supervisors or an equivalent position as determined by the Ethics Commission based upon an
13 analysis of the functions and duties of the position a position that the Ethics Commission
14 determines by regulation is an equivalent position based on an analysis of the functions and
15 duties of the position. Section 3.234(b) does not apply to any senior staff member of the
16 Mayor or Member of the Board of Supervisors who left employment prior to the effective date
17 of this amendment.

18 (2) City service. No former Mayor or member of the Board of Supervisors shall be
19 eligible for a period of one year after the last day of service as Mayor or member of the Board
20 of Supervisors, for appointment to any full time, compensated employment with the City and
21 County. This restriction shall not apply to a former Mayor or Supervisor elected to an office of
22 the City and County, appointed to fill a vacancy in an elective office of the City and County, or
23 appointed to a board or commission in the executive branch.

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

By:


CHAD A. JACOBS
Deputy City Attorney

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 070505

Date Passed:

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August 14, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

September 11, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,
McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

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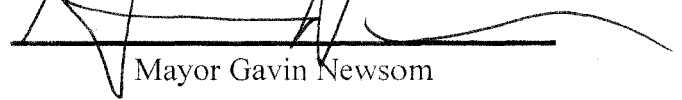
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on September 11,
2007 by the Board of Supervisors of the City
and County of San Francisco.

9/21/07

Date Approved



Signature Clerk



Mayor Gavin Newsom