

SAN FRANCISCO
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PROPOSED INITIATIVE ORDINANCE TO BE SUBMITTED BY FOUR OR MORE SUPERVISORS TO THE VOTERS AT THE JUNE 2011 MUNICIPAL ELECTION.

[Under Charter Sections 3.100(15) and 2.113(b), this measure must be submitted to the Board of Supervisors and filed with the Department of Elections no less than 45 days prior to deadline for submission of such initiatives to the Department of Elections set in Municipal Elections Code Section 300(b)]

[Allowing former appointed Mayor to obtain City employment]

Ordinance amending San Francisco Campaign and Governmental Conduct Code

Section 3.234 to allow an appointed former Mayor to obtain full-time City employment within one year after leaving office.

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strike-through italics Times New Roman*~~.

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) 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:

1 (i) in which the City and County is a party or has a direct and substantial interest;

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

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

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

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

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

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

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

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

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

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

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

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

11 For the purposes of this subsection, "a former senior staff member to either the Mayor
12 or a member of the Board of Supervisors" means an individual employed in any of the
13 following positions at the time the individual terminated his or her employment with the City:
14 the Mayor's Chief of Staff, the Mayor's Deputy Chief of Staff, a Legislative Aide to a member
15 of the Board of Supervisors or a position that the Ethics Commission determines by regulation
16 is an equivalent position based on an analyses of the functions and duties of the position.

17 (2) City service.

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

1 (B) The one-year restriction in Subsection (A) shall not apply to a former Mayor who was
2 appointed to office of Mayor under Charter Section 13.101.5 to fill a vacancy and who did not
3 subsequently file a declaration of candidacy for election to that office.

4 (c) Waiver.

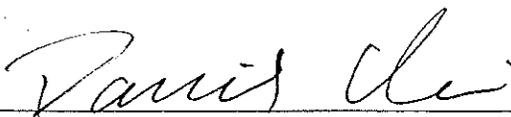
5 (1) At the request of a current or former City employee or officer, the Ethics
6 Commission may waive any of the restrictions in Subsections (a)(1) and (a)(2) if the
7 Commission determines that granting a waiver would not create the potential for undue
8 influence or unfair advantage.

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

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

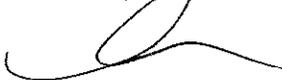
16 (4) The Ethics Commission may adopt regulations implementing these waiver
17 provisions.

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19 SUBMITTED.

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Date: 3/4/2011

22 Member, Board of Supervisors

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Date: 3/4/2011

24 Member, Board of Supervisors

25 CARMEN CHU