

Changes to Local Ethics Laws*

Digest by the Ballot Simplification Committee

Status: Draft for Consideration

On: Monday, November 27, 2023

Members: Packard, Anderson, Unruh, Wong

Deadline to Request Reconsideration: TBD

The Way It Is Now: City law prohibits City officers and employees from accepting gifts from anyone doing business with their department or who has attempted to influence them in governmental decisions, with limited exceptions. City law also prohibits bribery, making it unlawful for any person to offer and any City employee or officer to accept a gift in exchange for performing City business.

City departments must report to the Controller, the Board of Supervisors (Board), and on the department's website, any gifts the department accepts. The Board must approve gifts to departments worth more than \$10,000.

Each City department must adopt a policy identifying non-work activities its officers and employees must not engage in because the activities may conflict with their City duties. City employees or officers may seek advance written permission from their departments that their proposed non-work activities do not conflict with their department duties.

City officers and employees who make governmental decisions must formally disclose any personal, professional, or business relationship they have with a person or entity who is the subject of a decision or who has a financial interest in the decision. There is no penalty for City officials who fail to make the disclosure, but a court may void the decision where a disclosure is not made.

City elected officials, commissioners, and department heads must complete an annual ethics training. The requirement does not apply to other City employees.

Certain City ethics laws were adopted by the Board. The Board may amend these laws by majority vote. The voters enacted other City ethics laws, including those governing campaign consultants, and the Board may not amend those laws without voter approval. The City has an Ethics Commission that proposes and enforces City laws and rules governing ethics and local political campaigns and lobbying

The Proposal: Proposition ____ would make the following changes to the City's ethics laws:

- City officers and employees would be prohibited from accepting gifts from more sources with matters before the City and in more circumstances. Exceptions to the prohibition would be narrowed.
- The definition of bribery would be amended to prohibit City officers and employees from soliciting or accepting, and to prohibit anyone from offering, anything of value if the intent is to influence an official act. This prohibited conduct includes campaign contributions and offers made to others with the intent to influence a City official.
- City department heads would be required to report additional information about gifts to their department, and could be disciplined for failing to meet the reporting requirements.
- A uniform set of rules would govern the non-work activities City officers and employees must not engage in, replacing department-specific policies. The measure would also limit the process that allows City officers and employees to get advance departmental permission to engage in certain non-work activities.
- City officers and employees who fail to make required disclosures about their personal, professional, or business relationships could have to pay monetary penalties to the City.

**Working title, for identification only. The Director of Elections determines the title of each local ballot measure; measure titles are not considered during Ballot Simplification Committee meetings.*

- All City employees with decision-making authority would be required to complete an annual ethics training.

Proposition ___ would provide that any future amendment to City ethics laws must be approved either by the voters or by super-majority votes of at least 4 or 5 Ethics Commissioner and 8 of 11 Board members.

A "YES" Vote Means: If you vote "yes," you want to:

- Expand prohibitions on City officers and employees receiving gifts from donors with matters before the City, and expand the definition of bribery.
- Create uniform rules governing City officers' and employees' activities beyond their City duties.
- Require City department heads to disclose additional information about gifts to their departments.
- Authorize monetary penalties against City officials and employees who fail to disclose relationships with individuals who are the subject of a governmental decision.
- Require all City employees with decision-making authority to complete annual ethics training.
- Require supermajority votes of the Ethics Commission and Board to amend any City ethics laws that the voters do not approve.

A "NO" Vote Means: If you vote "no," you do not want to make these changes.