

TEXT OF PROPOSED ORDINANCE PROPOSITION X

COMPENSATED ADVOCACY

An ordinance prohibiting compensated advocacy by city officers and state legislators before any city commission, and limiting the amount any person may contribute to a candidate for municipal office to \$500, and prohibiting the establishment of officer accounts for the solicitation and expenditure of funds.

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

Section 1. The People of the City and County of San Francisco desire and are entitled to a local government whose officers do not engage in, assist or promote compensated advocacy on behalf of private interest before City and County commissions and boards while serving as City and County officers.

Section 2. No officer of the City and County may, during the term of office, engage in compensated advocacy before any City and County board or commission, or any member of the board or commission or its staff, in order to represent any private interest, for which representation the officer receives, directly or indirectly, any compensation, reward or gift.

Section 3. Officers of the City and County shall not discuss matters pending before their commission or department with other City and County officers or state legislators when those other officers or state legislators are acting as compensated advocates for a private interest.

Section 4. No member of the California State Legislature shall appear before any City and County board, department or commission as a compensated advocate representing a private interest.

Section 5. In the financing of city and county campaigns: (a) No person other than a candidate

shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or in opposition to such candidate, including contributions to political committees supporting or opposing such candidate, to exceed \$500.00. (b) If any person is found guilty of violating the terms of this section, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly from available campaign funds, if any, the amount received from such persons in excess of the amount permitted by this section to the City and County Treasurer for deposit in the general Fund of the City and County. (c) This section shall not apply to any in-kind contribution of television or radio airtime to any candidate or committee pursuant to the "Fairness Doctrine" articulated in Cullman Broadcasting, 40 FCC 576 (1963).

Section 6. Any person violating the terms of this ordinance shall be subject to the penalties set forth in San Francisco Charter Section 8.105. Such penalties shall include, but not be limited to, removal from office.

Section 7. If any provision of this ordinance, or its application to any person or circumstance, is held invalid, it is the expressed intent of the people of the City and County of San Francisco that the remainder of the ordinance, or the application of such provision, or any other provision to other persons or circumstances, shall not be affected thereby.

Section 8: An officer of the City and County of San Francisco, or any person or committee on behalf of an officer of the City and County of San Francisco, is hereby prohibited from establishing any account, other than a cam-

paign fund, for the solicitation and expenditure of funds. Nothing in this section shall prohibit an officer from spending personal funds on official or related business activities. (a) An account established by an officer or on behalf of an officer of the City and County of San Francisco is defined as any account used to pay expenses incurred directly in connection with carrying out the usual and necessary duties of holding office, including but not limited to, travel between an officer's residence and public office, meetings with constituents which are not campaign related meetings, salary payments to staff for other than campaign activities, office promotional materials, advertising, mailings, postage, and paid radio or television airtime. (b) Any and all monies, services, rewards, gifts or anything of monetary value, accepted or received by an officer or on behalf of an officer, except monies, services, rewards, gifts or anything of monetary value accepted or received from or as a result of the officer's personal or business activities, unrelated to his or her office, shall be deposited, credited or otherwise reported to a campaign fund established by that officer or on behalf of that officer and shall be subject to the provisions contained in Section 5 of this ordinance. (c) This section shall not be applied retroactively. Funds held in officer accounts, or accounts on behalf of an officer, existing at the time of the adoption of this ordinance, may be expended on official or business related activities notwithstanding this section. No further deposits, transfers, credits or other additions to the balance of the account shall be made. Upon depletion of all available funds in the officer's account, the account shall be closed. □