

Attachment 2

P. Keane Submission for Presentation at March 27, 2017 Ethics Commission Meeting

Comparative Chart for Prop J Restoration – 3.2.17

Provision	Original Prop J	Current 1.126	1.126 Prop J restoration
Personal or campaign advantage prohibited	<p>(1) gift, honoraria, emolument, or personal pecuniary interest benefit of \$50+;</p> <p>(2) employment for compensation;</p> <p>(3) contribution for elective office said official may pursue.</p>	Contributions	<p>(1) Contribution, (2) payment to an SMO, (3) gift, (4) payment to an agency, (5) behested payment, (6) any other payment to nonprofit or business entity, (7) contract not widely available to public (including employment), (8) contractual option, (9) offer to purchase stock or other investment that is not widely available to the public, (10) any other personal pecuniary interest, emolument or other thing of value not widely available to the public, or (11) prohibited fundraising for any of the above</p>
Official or candidate's interest that may not receive advantage	Public official	Officeholder, candidate, or their controlled committee (Regulation excludes CCC committees)	<p>Officeholder (includes immediate family), candidate (includes immediate family), their controlled committee, SMO promoting them (<i>if at behest of officeholder or candidate</i>), their agency (<i>if executive or board member</i>), any person (<i>if at behest of officeholder or candidate</i>), organization run at least in part by officeholder, candidate or their appointee, or their business entity (<i>if 20% or more ownership</i>);</p> <p><i>However</i>, is both Mayor, Supervisor, or candidates for those offices if land use matter</p>

Attachment 2

P. Keane Submission for Presentation at March 27, 2017 Ethics Commission Meeting

Provision	Original Prop J	Current 1.126	1.126 Prop J restoration
Person prohibited from providing advantage	Persons who receives public benefit + <i>ancillary</i>	Person who contracts with + <i>ancillary</i>	Person who seeks or receives the public benefit (party or prospective party to the decision or person with a financial interest in the decision) + <i>expanded ancillary</i>
Prohibition period	From the date of approval/voting-to-approve to whichever of the following happens first: (1) Two years after the term of office of the individual serving when the decide whether or not to approve the public benefit made; (2) Two years after the individual in office, who decided or was on the board that decided whether or not to approve a public benefit, leaves office; (3) Six years from the date that of the decision of whether or not to approve the public benefit	Negotiation period + 6 months after decision to approve	Submission/negotiation period + 12 months after decision, whether or not decision approved
Decision-maker that triggers the prohibition	Public official	Officeholder, Board on which they serve, or State Board for which they made appointment	Officeholder, Board on which they serve, their subordinates or appointees & any Boards for which they made appointment; <i>However</i> , for land use matter matters, also the following: Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Department of Building Inspection, Office of Community Investment and Infrastructure, Historic Preservation

Attachment 2

P. Keane Submission for Presentation at March 27, 2017 Ethics Commission Meeting

Provision	Original Prop J	Current 1.126	1.126 Prop J restoration
			Commission, Planning Commission, or Planning Department
Types of public benefits that trigger the law	Certain contracts, franchises (as defined), land use decisions, tax abatement, or providing money	Contracts	Contracts, land use decisions, licenses/permits/entitlement (where discretion used), underwriting services (as defined), tax/fee/penalty reduction (if not generally/regularly available), tax savings from change in law, franchise, or cash/other-thing-of-value
Types of land use decisions (public benefit) that trigger the law	Land use variance, special use permit, or other exception to a pre-existing master plan or land use ordinance pertaining to real property	n/a	Land use matter (as defined) or other land use decision including a variance or other zoning change, special or conditional use permit, subdivision, adoption of, amendment to, or exception to a master, specific, or general plan, adoption of, amendment to, or exception to a development agreement or disposition and development agreement, or any land use resolution or ordinance pertaining to real property
Value of public benefit decision that triggers	\$5,000 - 50,000, depending upon type of decision	\$50,000	\$0 - \$50,000, depending upon type of decision (for land use matters, project's value or construction cost must be \$1 million or more)

Attachment 2

P. Keane Submission for Presentation at March 27, 2017 Ethics Commission Meeting

Provision	Original Prop J	Current 1.126	1.126 Prop J restoration
the law			
Penalties	Misdemeanor; Fine up to 5 times amount of personal or campaign advantage; or injunctive	Misdemeanor (up to \$5,000 fine, 6 months jail, or both); Fine up to \$5,000; or Injunctive; + forfeiture	Misdemeanor (up to \$5,000 fine, 6 months jail, or both); Fine up to \$5,000 or 3 times amount received in excess of 1.126, whichever is greater; or Injunctive; + forfeiture, debarment, & lobbyist/contractor bar
How enforced	Private suit by resident or Ethics Commission	Civil prosecutor or Ethics commission, or private suit by voter (injunctive only)	Civil prosecutor or Ethics commission, or private suit by resident (suits for penalties subject to some thresholds)