

LEGISLATIVE DIGEST

[Campaign and Governmental Conduct Code - Behested Payments]

Ordinance amending the Campaign and Governmental Conduct Code to permit the Board of Supervisors to waive by resolution the requirements of the behested payment ordinance for the Board itself and to require any party that receives a waiver to report certain information to the Board of Supervisors no later than 60 days after expiration of the waiver.

Existing Law

Local law prohibits elected officials, department heads, commissioners, and designated employees from soliciting behested payments from “interested parties,” as defined in the Campaign and Governmental Conduct Code. Current law permits the Board of Supervisors to waive the rule by resolution upon request by a City department, but prohibits the Board of Supervisors from waiving the rule for itself. A proposed resolution must summarize the purpose of the solicitation(s), identify the type of interested parties or the specific interested parties, when the identity is known, to whom the solicitation(s) would be directed, and state why the department believes the parties are interested parties.

Amendments to Current Law

The amendments will allow the Board of Supervisors to waive the behested payments prohibition for itself or for any of its members. The authority of the Board of Supervisors to waive the behested payments prohibition for itself or for any of its members shall expire on June 30, 2029 unless the Board and the Ethics Commission approve extending that authority.

In addition, this ordinance will modify the required elements of any waiver resolution to require that the proposed resolution identify the City employees and officers to whom the waiver will apply and state why the parties that would be solicited are interested parties. It will also require any party that receives a waiver to provide a written report to the Board of Supervisors within 60 days of the expiration of the waiver of any donations to the City or any third party that were solicited under that waiver. Such report shall identify the donor, the amount of the donation made, the party that received the donation, and the interested relationship between the donor and the department that solicited the donation.

This ordinance also amends the chapter title to reflect prior amendments to the chapter, which replaced the former reporting requirement with the current rules governing the solicitation of behested payments by local officials.

Background Information

This most recent amendment to the ordinance adds the reporting requirement as well as a three-year sunset for the Board of Supervisors' authority to waive the behested payments prohibition for itself or for any of its members.

The proposed amendments to the Campaign and Governmental Conduct Code must be approved by a majority vote of the Ethics Commission, and approved by a supermajority vote of at least eight members of the Board of Supervisors.