

LEGISLATIVE DIGEST

[Campaign and Governmental Conduct Code - Requiring Commissioners to File Behested Payment Reports]

Ordinance amending the Campaign and Governmental Conduct Code to require members of City boards and commissions to file behested payment reports regarding the solicitation of charitable contributions.

Existing Law

Under state law, when a payment of \$5,000 or more from a single source is made at the “behest” of a local elected official for a governmental or charitable purpose, that official must file a “behested payment report.” See Cal. Gov. Code § 82015(b)(2)(B)(iii). This reporting requirement applies when there has been a single payment of \$5,000 or more, or a series of payments over the course of a calendar year, from a single source.

After reaching the \$5,000 threshold, elected officials subject to this requirement must file a behested payment report with their departments within 30 days. Within another 30 days, such reports must be forwarded from those departments to the Ethics Commission.

No “behested payment reporting” requirement applies to members of City boards and commissions, unless they are also elected officials.

Amendments to Current Law

The proposed amendments would require members of City boards and commissions listed in Campaign and Governmental Conduct Code Section 3.1-103(a)(1) to file behested payment reports when they similarly solicit contributions of \$5,000 or more for a governmental or charitable purpose. After such a payment is made, the board or commission member must file a behested payment report within 30 days of the date on which the payment was made, or if there has been a series of payments, within 30 days of the date on which they totaled \$5,000 or more. Members of City boards and commissions would be required to complete the same form that is currently required of elected officials. These reports must be filed with the Ethics Commission, and the Ethics Commission would be required to make them available through their website.

The proposed amendments would also provide that any member of a City board or commission who fails to comply with this reporting requirement would be subject to the administrative, civil or criminal remedies that generally apply to violations of local conflict of interest laws.

Background Information

The Fair Political Practices Commission requires elected officials to complete a Form 803 to comply with the existing behested payment reporting scheme. The Form 803 is available at: <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/behested-payment-report.html>.

The behested payment reports that have been submitted to the Ethics Commission under existing law are available at: <http://www.sfethics.org/ethics/2012/05/payments-made-at-the-behest-of-an-elected-officer.html>.

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