

Behested Payments*

Digest by the Ballot Simplification Committee

Status: Draft for Consideration
On: Tuesday, March 1, 2022
Members: Packard, Anderson, Merrill, Patterson

Deadline to Request Reconsideration: TBD

The Way It Is Now: A behested payment is a donation made at the request of a public official to benefit either a government agency or a charitable organization.

City law generally prohibits elected officials, commissioners, department heads, and other City employees with decision-making authority from seeking behested payments from any of the following:

- businesses and other private entities contracting with or seeking to contract with their departments;
- persons who attempted to influence them with respect to governmental actions;
- lobbyists registered to lobby their departments;
- permit expeditors who have contacted their departments during the previous 12 months; or
- persons involved in their departments' proceedings regarding administrative enforcement, a license, or a permit.

The Proposal: Proposition ____ would re-enact the City's existing law regarding behested payments, with two changes:

- members of the Board of Supervisors (Board) could not seek behested payments from contractors, if the Board had approved their contracts with any City department; and
- the Board could only later amend the City's law regarding behested payments, if the City's Ethics Commission approves the proposed amendments by a majority vote and the Board approves the proposed by a two-thirds vote of its members.

A "YES" Vote Means: If you vote "yes," you want to re-enact the City's law regarding behested payments, expand its restrictions to prevent members of the Board of Supervisors (Board) from seeking behested payments from contractors who received their approval, and allow further changes to this law only if the City's Ethics Commission and two-thirds of the Board approves those amendments.

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

**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.*