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WELCOME

On behalf of the City of Santa Ana, we welcome and congratulate you for being elected to the City Council. We look forward to working with you as we continue to strive for excellence in providing services to the residents of Santa Ana. This handbook was designed as a resource for many of the processes that you will encounter during your term on the City Council. If you have any questions, please do not hesitate to contact the City Manager at (714) 647-5200.

CITY OVERVIEW

The City of Santa Ana is a 27-square mile, ethnically diverse city located 35 miles south of Los Angeles and roughly 10 miles inland from the Pacific Ocean. With a total population of over 342,000, Santa Ana is Orange County’s second largest city and serves as the county seat. The City is comprised of over 60 neighborhood associations, (refer to Boundary Map with Wards and Neighborhoods for details). Santa Ana Unified School District is the local school district, in addition there are to numerous private and charter schools, and six neighboring school districts (1. Garden Grove, 2. Tustin, 3. Orange, 4. Irvine, 5. Newport-Mesa, and 6. Huntington Beach).

Incorporated in 1886, Santa Ana has long been Orange County’s government powerbase. Santa Ana's centralized location places the City less than 30 minutes from most Southern California destinations, including four airports. Its density and mass transit infrastructure enables residents and employees to embrace a sustainable lifestyle, by commuting to work via bus, train, bicycle, or foot. This convenience attracts a diverse population that appreciates Santa Ana's distinctive, affordable housing choices, energetic nightlife and cultural amenities like the Artist Village, Discovery Science Cube, and the Santa Ana Zoo.

Santa Ana has a very large and diverse business base with over 30,000 businesses and employing over 160,000 people. Santa Ana is the corporate headquarters of several large companies, including Behr Paint, Medtronic, First American Financial Corporation, and Johnson & Johnson. In 2016, the City of Santa Ana was assigned an AA issuer credit rating from Standard and Poor’s.
DEMOGRAPHICS

<table>
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<tbody>
<tr>
<td>Median Age: 31.5</td>
<td>Median Home Price: $461,000</td>
<td>Unemployment Rate: 2.6%</td>
</tr>
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VISION, MISSION, AND GUIDING PRINCIPLES

Vision, Mission and Guiding Principles - The City of Santa Ana is committed to achieving a shared vision for the organization and its community. The vision, mission and guiding principles (values) are the result of a thoughtful and inclusive process designed to set the City and organization on a course that meets the challenges of today and tomorrow.

Vision - The dynamic center of Orange County which is acclaimed for our: Investment in youth; Safe and healthy community; Neighborhood pride; Thriving economic climate; Enriched and diverse culture; and Quality government services.

Mission - To deliver efficient public services in partnership with our community which ensures public safety, a prosperous economic environment, opportunities for our youth, and a high quality of life for residents.


STRATEGIC PLAN 2014-2019

Goal 1 - Community Safety
A safe and secure community is essential to the quality of life and economic success for the City of Santa Ana. The City is committed to a high level of public safety and working in partnership with the community to maintain a safe and secure City.

Goal 2 - Youth, Education, Recreation
Santa Ana enjoys a young, vibrant population. The City is committed to working with other youth-oriented organizations to make a full range of opportunities available so our children and young adults can achieve success in their lives.

Goal 3 - Economic Development
Robust, successful businesses bring jobs and opportunity to the City and provide tax revenues for public services that benefit the entire community. The City of Santa Ana will work aggressively to encourage businesses to locate and invest in our community, providing good jobs, reducing unemployment and bolstering our City’s tax base.
Goal 4 - City Financial Stability
It is essential that the City maintain fiscal stability to be able to deliver high quality services. This requires an effective and transparent financial system, accurate and reliable forecasting of revenues, an enhanced tax base, and control of expenses.

Goal 5 - Community Health, Livability, Engagement & Sustainability
A vibrant community is full of energy and life, characterized by investment in its people, its culture, and its physical environment. Our built environment has a direct effect on the community’s overall quality of life. The task of community planning includes envisioning new commercial areas and new neighborhoods that enhance quality of life, as well as improving the neighborhoods we already have in order to create a sense of place and community. Essential to a vibrant community is strong community involvement, the celebration of arts and cultural diversity, and a focus on resource conservation.

Goal 6 - Community Facilities & Infrastructure
The City of Santa Ana has the responsibility to install and maintain the basic facilities required for a community to operate including streets, sidewalks and bikeways, sanitary sewers, storm drains, water systems, public buildings and facilities, and collection of solid waste. The City also has an important advocacy role concerning mass transit and public utilities.

Goal 7 - Team Santa Ana
The City continues to face increasing demands for service with limited resources. This challenge provides an opportunity for the organization to become innovative and efficient in the delivery of City Services. Success in this effort requires that the City retain and attract experienced, motivated employees who are committed to engaging and serving the community. Additionally, improving interdepartmental and community lines of communication will ensure greater transparency and community engagement.

Organizational Structure of the City of Santa Ana
The City Manager is appointed by the City Council and shall be the chief administrative officer of the administrative branch of the City government. The City Manager will be responsible to and under the direction of the City Council for the proper administration of all affairs of the City. Below is a brief introduction of the City’s organizational departments.
CITY DEPARTMENTS

<table>
<thead>
<tr>
<th>City Manager’s Office</th>
<th>Information Technology Agency</th>
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<tbody>
<tr>
<td>Clerk of the Council</td>
<td>OC Fire Authority (contracted)</td>
</tr>
<tr>
<td>City Attorney’s Office</td>
<td>Parks, Recreations, and Community Services Agency</td>
</tr>
<tr>
<td>Community Development Agency</td>
<td>Planning &amp; Building Agency</td>
</tr>
<tr>
<td>Finance &amp; Management Services Agency</td>
<td>Police Department</td>
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<tr>
<td>Human Resources Department</td>
<td>Public Works Agency</td>
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</tbody>
</table>

1. CITY MANAGER’S OFFICE
The City Manager is appointed by the City Council. The City Manager’s Office (CMO) is responsible for directing the administrative processes that allow a city to operate and implement policies approved by the City Council. City Manager shall appoint all department heads and officers, except for the City Attorney and Clerk of the Council. The City Manager is also responsible for preparing an annual budget for Council adoption and see to the proper administration of City activities, affairs, and business.

2. CLERK OF THE COUNCIL
The Clerk of the Council is appointed by the City Council (COTC). The COTC is responsible for the administration and fulfillment of legal requirements in compliance with the City Charter, Political Reform Act, Brown Act, Public Records Act, Elections Code and applicable State statutes.

The organizational structure of COTC is based on: oversight of campaign reporting; conflict of interest code filings; Ethics training (AB1234); administer elections; prepare Council Agendas and Minutes; oversee boards and commission appointments; administer oaths of office; process agreements, resolutions, ordinances, claims and public records requests.

3. CITY ATTORNEY’S OFFICE
The City Attorney (CAO) is appointed by the City Council and represents the City of Santa Ana as a client. The CAO does not represent individual citizens of the city. CAO prosecutes violations of the Santa Ana Municipal Code, but not violations of State law.

4. COMMUNITY DEVELOPMENT AGENCY
The Community Development Agency (CDA) is responsible for providing services in the area of economic development, job training, affordable housing, and downtown development. The organizational structure of CDA is comprised of: Economic Development, Housing Authority, Housing Development, and Homelessness.
5. FINANCE & MANAGEMENT SERVICES AGENCY
The Finance and Management Services Agency (FMSA) manages the City's financial operations and ensures adequate safeguards are established for the City's cash and its related investment portfolio. In addition, FMSA is responsible for establishing internal controls Citywide to ensure financial reporting is prepared on a true, current, and accurate basis. The FMSA's organizational structure is comprised of: Budget, Accounting, Treasury and Customer Service, Purchasing, Building Maintenance, Fleet, Stores, and Central Services.

6. HUMAN RESOURCES DEPARTMENT
The Human Resources Department (HR) takes a leadership role by recruiting and developing a talented workforce, ensuring a safe and healthy work environment, and delivering highly responsive professional expertise and services using innovative and transparent approaches with professional integrity. HR's organizational structure is based on: Recruitment and Retention of Employees, Classification & Compensation, Employee Training, Contract Negotiation and Employee Relations, Discipline and Grievances, Benefits, and Risk Management.

7. INFORMATION TECHNOLOGY DEPARTMENT
The Information Technology (IT) Department is an internal service department that is responsible for providing a centralized resource for technology deployment and support throughout the City. IT's organizational structure is comprised of: Applications and Client Services Division (desktop assistance, enterprise and specialized applications, Geographic Information Systems-GIS), and Infrastructure Division (network support, telecommunications, data center services, and cybersecurity).

8. ORANGE COUNTY FIRE AUTHORITY
The Orange County Fire Authority (OCFA) is responsible for providing primary response for fire suppression and emergency medical services to the community, and oversees ten fire stations that are strategically located throughout the City. The organizational structure of OCFA is based on: Community Risk Reduction, All Hazard All Risk Emergency Response, and Community Education.

9. PARKS, RECREATION & COMMUNITY SERVICES AGENCY
The Parks, Recreation & Community Services Agency (PRCSA) is responsible for the administration of Park Planning and Maintenance, Santa Ana Zoo, Recreation services, and Library services. PRCSA's organization structure is composed of: Recreation, Parks, Library, Zoo, Community Services, Youth and Family Services, Senior Services, Budget Administration, Inspections, and General Maintenance.
10. PLANNING & BUILDING AGENCY
The Planning & Building Agency (PBA) is responsible for managing the City's urban environment and creating a livable community that balances the needs of residents, businesses, property owners, and visitors. PBA’s organizational structure is comprised of: Planning, Building Safety, Code Enforcement, and Administrative Services.

11. SANTA ANA POLICE DEPARTMENT
The Santa Ana Police Department SAPD is responsible for the public safety of the community, while incorporating integrity, accountability, community engagement, and quality service. SAPD is comprised of: Jail Bureau, Field Operations Bureau, Investigation Bureau, and Administrative Bureau.

12. PUBLIC WORKS AGENCY
The Public Works Agency (PWA) is responsible for building and maintaining all public streets, storm drains, sewers, and water facilities. PWA manages contracts of refuse collection and recycling, street sweeping, tree trimming and landscape maintenance in the public right-of-way, and graffiti abatement. PWA also studies traffic concerns that involve speeding and parking. PWA is comprised of: Operations and Maintenance, Streets, Traffic and Transportation, Engineering, Water System, Sanitation & Sewer System, Refuse, Residential Parking Program, and Street Lighting.

GOVERNING CODES
Below are some of the Government Codes that may apply to you, your service on the City Council, and its operation. City Councilmembers may not use their official position for their own benefit or for the benefit of anyone except the City itself, nor may they represent the City in any transaction in which they are personally interested in obtaining an advantage. The City Attorney’s Office is available for legal advice regarding potential conflicts of interest.

CHARTER CITIES AND GENERAL LAW CITIES
The City of Santa Ana is a charter city in accordance with the California Constitution. Charter cities have the benefit of having supreme authority over “municipal affairs”. In other words, a charter city’s law concerning a municipal affair will trump a state law governing the same topic. Cities that have not adopted a charter are general law cities. General law cities are bound by the state’s general law, even with respect to municipal affairs.

The charter city provision of the State Constitution, commonly referred to as the “home-rule” provision, is based on the principle that a city, rather than the state, is in the best position to know what it needs and how to satisfy those needs. The “home-rule”
provision allows charter cities to conduct their own business and control their own affairs. A charter maximizes local control. A city charter, in effect a city’s constitution, need not set out every municipal affair the city would like to govern. So long as the charter contains a declaration that the city intends to avail itself of the full power provided by the California Constitution, any city ordinance that regulates a municipal affair will govern over a general law of the state. Additional information about charter cities is available the League of California Cities website: http://www.cacities.org/Resources/Charter-Cities

SANTA ANA CITY CHARTER
The City of Santa Ana Charter (Charter) was adopted by the electors in 1952 and several sections have been amended in subsequent years thereafter. The Charter is available for reference online at the California Municode Library: https://library.municode.com/ca/santa_ana/codes/code_of_ordinances.

FAIR POLITICAL PRACTICES COMMISSION
The Fair Political Practices Commission (FPPC) is the agency with primary responsibility for the interpretation of the Political Reform Act (Act). The Act requires local agencies to administer processing of statements of economic interests.

POLITICAL REFORM ACT
The State’s Political Reform Act of 1974 (Act) requires certain public officials at all levels of government to publicly disclose their private economic interests and requires all public officials to disqualify themselves from participating in decisions in which they have a defined financial interest. The Act established the Fair Political Practices Commission (FPPC) to administer its requirements. The current Political Reform Act is available on the FPPC’s website at www.fppc.ca.gov. All City Councilmembers fall under the provisions of California Government Code Section 87200 and following, which generally require disclosure of real property interests within the City’s territorial boundaries, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

STATEMENT OF ECONOMIC INTERESTS
New elected officials are required to file an Assuming Office Statement using the FPPC’s Statement of Economic Interests Form 700, within 30 days of assuming office, and a Leaving Office Statement within 30-days upon your departure from City Council. Mayor and Councilmembers file an annual Statement of Economic Interest, disclosing their investments and interests in real property held on the date of assuming office, as well as income received during the twelve months before assuming office.
The Mayor and each Councilmember shall, each year on April 1 or at a time specified by the FPPC, file an annual statement disclosing investments, interests in real property, and income during the 12-month reporting period. Each elected officer is required to file statements of economic interests and must disclose interests, which are located in, or doing business in, his or her “jurisdiction.” For cities, real property is deemed to be “within the jurisdiction” if the property or any part of it is located within or not more than two miles outside the boundaries of the City, or not more than two miles from any land owned or used by the City.

Please keep in mind that the Form 700 is a public record. You may wish you use your agency’s address, phone number, and/or email instead of your personal information, since this is an acceptable practice according to the FPPC.

The Statement of Economic Interests Form 700, is available at the Office of FPPC, as well as on the FPPC website at www.fppc.ca.gov. The Form 700 is updated each year to accommodate legislative changes. Should you have any difficulty in downloading the form, please contact the Clerk of the Council, and if needed the Clerk will mail you a Form 700.

For technical assistance on how to complete a Statement of Economic Interests Form 700, and for general information regarding conflict of interest disclosure Technical Assistance of the FPPC at (916) 322-5660. In most cases, questions can be answered over the telephone. However, depending on the circumstances, written advice may be required or preferred. You may wish to contact the City Attorney prior to contacting the FPPC, as, in some instances, General Counsel may have already been in contact with the FPPC on similar issues that may apply to your concern(s).

NOTE: It is the Councilmember’s responsibility to file and disclose all interests including that of a spouse.

CONFLICT OF INTEREST CODE
The Act requires every local government agency to adopt a Conflict of Interest Code. The code must be approved by the code reviewing body before it is effective. The code reviewing body for the City is the City Council. The code reviewing body for all other local government agencies, including OCFA, is the County Board of Supervisors. The Conflict of Interest Code is reviewed during even numbered years and amended as needed.
CODE OF ETHICS
On February 5, 2008, a measure was approved by the voters of the City of Santa Ana, adding Section 401.05 to the City Charter, which implemented a Code of Ethics and Conduct applicable to elected officials and members of appointed boards, commissions, and committees. The Code of Ethics is intended to provide high standards of conduct for all elected and appointed officials and also to increase public confidence in City government. All members must have a signed Code of Ethics certificate on file in the COTC office within 30 days of taking office.

City Councilmembers must receive at least two hours of ethics training every two years. The ethics training certificate must be forwarded and recorded by the COTC to satisfy this requirement. No additional training would then be required. Ethics training certificate will be maintained as a public record per current FPPC regulations. Ethics training is sometimes available via your local agency or is also available on-line through the FPPC at http://www.fppc.ca.gov.

ASSEMBLY BILL 1234
Assembly Bill (AB) 1234 contains certain requirements and restrictions on local agency practices relating to reimbursement of officials’ expenses and regular ethics training.

Former State of California Governor Arnold Schwarzenegger signed into law Assembly Bill 1234 (AB 1234) on January 1, 2006, which requires elected and appointed officials to receive two hours of training in ethics principles and laws. The law requires officials to receive said training within one year of taking office and to receive additional training every two years thereafter.

Completion of this training is the responsibility of the Councilmember and must be completed within a year of election/appointment. Records are maintained by the COTC.

NOTE: If any member of the City Council is convicted of a crime involving moral turpitude, said office shall be immediately vacated (Charter § 401).

CITY GIFT BAN ORDINANCE
Santa Ana Municipal Code (SAMC) 2-851 through 2-854 is known as the Gift Ban Ordinance. Generally, the ordinance prohibits designated City officers, officials, and councilmembers from accepting substantially any gift from persons doing business with the City. The ordinance adopts by reference the Political Reform Act is regulations of the California FPPC for purposes of definition of gifts.

The City of Santa Ana’s Gift Ban prohibits gifts from any person and/or company doing business with the City. Doing business with the City shall mean:
1. Seeking the award of a contract or grant from the City; or

2. Having sought the award of a contract or grant from the City in the past twelve (12) months; or

3. Being engaged as a lobbyist or lobbyist firm, as defined in this article, from the time of such engagement until twelve (12) months after the award of the contract grant, license, permit, or other entitlement for use, which was the subject of the engagement; or

4. Having an existing contractual relationship with the City, until twelve (12) months after the contractual obligations of all parties have been completed; or

5. Seeking, actively supporting, or actively opposing the issuance, by the City, of a license, permit, or other entitlement for use, or having done any of these things within the past twelve (12) months.

*Gift* shall have the meaning it is defined to have in the California Political Reform Act, and the regulations issued pursuant to that act, except that the following shall not be deemed to be gifts:

1. Meals, beverages, and free admission at any event sponsored by, or for the benefit of, a bona fide educational, academic, or charitable organization, and commemorative gifts from such organizations with a cumulative value, from any single source, of fifty dollars ($50.00) or less during any 12-month period.

2. Flowers, plants, balloons, or similar tokens which are given to express condolences, congratulations, or sympathy for ill health, or to commemorate special occasions, provided that gifts made or received under this exemption shall not exceed a value of fifty dollars ($50.00) from any single source in any calendar year.

3. A prize awarded on the basis of chance in a bona fide competition not related to the official status of the public official.

4. Gifts from any agency of a foreign sovereign nation, provided that such gifts are unconditionally donated by the public official to the City within forty-five (45) days of receipt, and the public official does not claim any tax deduction by virtue of such donation.

5. Food and beverages consumed by a public official that total less than five ($5.00) per occasion.
RALPH M. BROWN ACT
Meetings of the Santa Ana City Council are conducted pursuant to all applicable federal, state, and local statutes, including the provisions of Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code (Brown Act) with respect to rights of the public to attend meetings, adjournment of regular meetings, calling of special meetings, and the holding of closed sessions.

City Council Meetings, must comply with the Ralph M. Brown Act, Government Code 54950-54963 (Brown Act), which keeps the City Council and committee meetings open and public. The Brown Act is known as California’s open meeting law. The law’s intent is that the actions of local public commissions, boards and councils be taken openly and that their deliberations be conducted openly (Government Code section 54950).

It is the responsibility of the Clerk of the Council and/or committee Recording Secretary to notice all meetings in accordance with the Brown Act and have agendas and staff reports available to members of the public. By law, all regular City Council Meetings and committee agendas are posted 72 hours prior to the meeting in the designated display cases where the meetings will take place and as a courtesy on the City website. Any member of the public may sign-up for an auto alert when agendas become available by registering on the City’s website.

ROBERT’S RULES OF ORDER
City Council meeting procedures are governed by the most current edition of Robert’s Rules of Order, Newly Revised. Application of such procedures shall be vested in the sound discretion of the presiding officer (Resolution No. 2009-043).

RULES OF DECORUM AND PROCEDURES
The City Council adopted Resolution No. 2009-043, establishing rules for the conduct of its proceedings, as well as to preserve order at its meetings. These rules include start time, oral communication, public input, speaker limitations, and more.

PUBLIC RECORDS ACT
The City Council regularly responds to requests from the public for records/documents under the California Public Records Act. If a request should come to the City that specifically names an individual City Councilmember, the City Manager’s Office will contact you as soon as possible. This will not prevent the City from releasing any discloseable records; however, in some instances, the City does have the right to redact certain personal information such as home addresses and phone numbers.
COUNCIL-MANAGER FORM OF GOVERNMENT

The Council-Manager form of local government is a system that combines the strong political leadership of elected officials in the form of a City Council or other governing body, with the strong managerial experience of an appointed local government administrator. This form of government establishes a representative system where all legislative power is concentrated in the elected City Council and the City Council appoints a local government administrator, a City Manager, to oversee the delivery of public services.

In a Council-Manager form of government, City Council members are elected by the electors, or registered voters of the City, to be the leaders and policymakers on behalf of the community and to concentrate on policy issues that are responsive to the needs and wishes of the community. The City Manager is appointed by the City Council to carry out policy and ensure that the entire community is being adequately served.

APPOINTMENT OF OFFICERS
Councilmembers appoint three of the City’s management officers:

1. City Manager
2. City Attorney
3. Clerk of the Council

These appointees report directly to the City Council. The City Council reviews the performance of these positions on or before the annual anniversary date of appointment. The removal from office for each of these officers requires five votes of the City Council (Charter § 701).

ROLE OF MAYOR
Mayors in Council-Manager governments are key political leaders and policy developers. In the case of the City Council, the Mayor is responsible for soliciting residents’ views to form these policies and interpreting them to the public. The Mayor presides at City Council meetings, serves as a spokesperson for the community, facilitates communication and understanding between elected and appointed officials, assists the City Council in setting goals and advocating policy decisions, and serves as a promoter and defender of the community. In addition, the Mayor serves as a key representative in intergovernmental relations. The Mayor, City Councilmembers, and City Manager constitute a policy-development and management team.
ROLE OF CITY COUNCIL
The City Council is the legislative body of the City and its members are the community's decision makers. Legislative power is centralized in the elected City Council, which approves the budget and determines tax rates, for example. The City Council also focuses on the community's goals, major projects, and such long-term considerations as community growth, land-use development, capital improvement plans, capital financing, and strategic planning, to name a few. The City Council appoints a City Manager to carry out the administrative responsibilities of the day-to-day activities of the City.

CITY MANAGER’S PARTICIPATION IN DETERMINING CITY POLICY
The City Manager makes policy recommendations to the City Council, but the City Council may or may not adopt them and may modify the recommendations. The City Manager is bound by whatever action the City Council takes. The City Manager is assisted in the administration of City policy by the Clerk of the Council, City Attorney, and City agencies: Community Development Agency, Finance and Management Services Agency, Human Resources Department, Planning and Building Agency, Public Works Agency, Santa Ana Police Department, and Parks, Recreation and Community Services Agency and the Information Technology Department. The City Council is directed by the City Charter to work with the administrative branch of the City's organizational structure through the City Manager and may not give direction to non-appointed staff or dismiss subordinates of the City Manager (Charter § 408).

The City Manager is authorized to bind the City to any one written contract for an amount not to exceed the sum of twenty-five thousand dollars ($25,000) (SAMC 2-801).

BUDGET AUTHORITY
The City Manager submits a balanced budget to the City Council on or before June 15th of each year for the ensuing fiscal year, which begins July 1st and ends June 30th (Charter § 605). With a majority vote of the City Council, the budget may be adopted or amended (Charter § 607). Prior to the beginning of each fiscal year, the City Council designates a qualified certified public accountant (CPA) to conduct an independent audit of the accounts and financial transactions of the City.
COMPOSITION OF THE COUNCIL
Established through the City Charter, the City Council is a non-partisan legislative body comprised of seven members (six Councilmembers and the Mayor). Councilmembers are nominated from one of six geographic districts, or wards, in the City, and are elected by vote of the electors of the City at large.

The Mayor is nominated and elected at large, although he or she does not represent any individual ward. The Mayor must be a registered voter of the City and may reside in any ward. In the event any Councilmember ceases to be a resident of the ward from which he or she is nominated from, or in the event the Mayor shall cease to be a resident of the City, their respective offices shall immediately become vacant. If a Councilmember is convicted of a crime involving moral turpitude, the office he or she represents also immediately becomes vacant and is so declared by the City Council.

TRAINING OPPORTUNITIES FOR COUNCILMEMBERS
League of California Cities: Councilmembers may attend newly elected type trainings provided by the League of California Cities, typically scheduled in January. Additional details and information available at: https://www.cacities.org/Education-Events/New-Mayors-Council-Members-Academy

Institute for Local Government: Councilmembers may also obtain valuable resources and information through the Institute for Local Government Organization, which promotes good government at the local level, additional information may be obtained by visiting: http://www.ca-ilg.org/

TERM OF OFFICE
Councilmembers serve a term of four years and are limited to three (3) consecutive terms of four (4) years each. A Councilmember who has reached his or her term limit must wait eight (8) years before seeking election to a City Council seat again (Charter § 401). However, Councilmembers are eligible to run for Mayor immediately upon reaching their term limit.

The Mayor serves a term of two years, and is limited to four (4) consecutive terms (Charter § 404).

Time served as a Councilmember would not be applied toward the Mayoral term limit, but the City Charter prohibits any person from serving more than a total of 20 consecutive years as both a Councilmember and Mayor. Sections 401 and 404 of the City Charter provide that after a person serves eight (8) consecutive years as Mayor the person cannot serve as Mayor again until after a period of eight (8) years. Further, the
City Charter provides that after a person serves as both a Councilmember for the consecutive twelve (12)-year maximum term and Mayor for the consecutive eight year maximum term, the person cannot serve again as a Councilmember or Mayor until after a period of eight years.

A term of office begins at 6:00 p.m. on the second Tuesday of December, following certification of election results (Charter § 400).

PRESIDING OFFICER
The Mayor is a voting member of the City Council and presides over meetings of the City Council. Resolutions, ordinances, and contracts are signed by the Mayor, unless authorized otherwise.

MAYOR PRO TEM
The City Council elects a Mayor Pro Tem at the first meeting of the City Council, following any general or special election at which Councilmembers are elected. The Mayor Pro Tem substitutes for the Mayor during his or her absence from the City or during any vacancy in the office of Mayor.

NOTE: In the event that both the Mayor and Mayor Pro Tem are unavailable, the City Council may elect a Councilmember to chair a meeting (pursuant to SAMC 2-101). The Mayor may also appoint an acting Mayor Pro Tem to act as Mayor in the absence of both the Mayor and the Mayor Pro Tem (pursuant to SAMC 2-101.1).

CITY COUNCIL MEETINGS AND COMMITTEES
The City Council performs many important functions as the community’s elected officials. Councilmembers represent various segments of the community and focus on developing public policy that is responsive to the community’s needs and wishes. The City Council is also empowered to lead the community through the City Charter, which provides Councilmembers with the authority to legislate, appoint, advocate, and approve the City budget.

Legislative Authority
The City Council is empowered to enact local laws, approve programs, appropriate funds, and establish local taxes and benefit assessments through its legislative authority. Councilmembers perform their legislative duties when they make legislative or policy decisions at the following meetings:
1. **City Council Meetings**
   The majority of the City Council's legislative duties are conducted at the City Council meetings. Matters of policy are normally determined by a majority vote of the City Council on items listed on the agenda. In some cases a two-thirds (2/3) vote of the City Council is required (e.g. for appropriation adjustments).

2. **Successor Agency**
   All Councilmembers serve as members of the Successor Agency of the City. The enactment of ABX1 26 on February 1, 2012 dissolved all redevelopment agencies in California and created a successor agency to bring to an end the operations of the redevelopment agency. The function of the Successor Agency is to pay enforceable obligations and administer the dissolution of the former Redevelopment Agency. All assets, properties, contracts, and records of the former Redevelopment Agency have been transferred to the Successor Agency for administration.

   **Note:** Members of the City Council may not acquire any interest in any property included within the former project areas in the community. Any direct or indirect financial interest in such property by a Councilmember must be noted in a written disclosure. The Councilmember should abstain from participation on an item if there is a potential conflict of interest.

3. **Housing Authority Meetings**
   The City Council serves as the City’s Housing Authority, which meets on the first Tuesday of each month, in conjunction with the regular City Council meeting.

   The Housing Authority acts as an agent of the state and may borrow money or accept grants from the federal government for any housing project. It makes, amends, and repeals by-laws and regulations to implement the State Housing Authorities Act. The functions of the Housing Authority include determining where there is a shortage of decent housing and approving the development and operation of affordable housing projects.

   **Note:** The Housing Authority members may not have direct or indirect interest in any housing project or in any property included or planned to be included on a project. Members also may not have any direct or indirect interest in a contract for materials or services to be furnished or used in connection with any housing project. If a conflict exists, Housing Authority members must disclose and recuse from voting on such items.
4. Santa Ana Financing Authority Meeting
The City Council and the former Community Redevelopment Agency jointly created the Santa Ana Financing Authority to issue bonds and to purchase bonds issued, or to make loans to, the Agency or the City for financing public capital improvements, working capital, liability and other insurance needs, or projects whenever there are significant public benefits, as determined by the Agency or the City, as the case may be. The Santa Ana Financing Authority is authorized pursuant to Article 4 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Marks-Roos" Local Bond Pooling Act of 1985).

The City Council serves as the Santa Ana Financing Authority and convenes on an as needed basis.

CITY COUNCIL MEETINGS

MEETING DATES/LOCATION
City Council Meetings will occur every will occur on the first and third Tuesday, of each month with Closed Session commencing at the hour of 5:00PM and Regular Meetings commencing at 5:45PM, at the Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701. City Council will determine which meetings will go “dark” at the beginning of the calendar year. The City Council meeting schedule will be made available on the City’s website.

MEETING ATTENDANCE
A majority of the members of the City Council constitute a quorum to do business. The absence of a member of the City Council from all regular and special meetings of the City Council during any calendar month, except by permission of the City Council (excused absence), makes that member ineligible to receive the monthly salary for such calendar month. If permission is granted, the City Council must express their decision during a City Council meeting, which must be included in the minutes.

AGENDA AND STAFF REPORTS
Agenda staff reports are created to facilitate the business of the City. Items for the agenda for any regular meeting of the Council may be included on the agenda only with the approval of the City Manager. All agenda reports are reviewed by the management team prior to being included in the agenda packet. Each staff report contains a summary, committee action (if applicable), recommended action, background, impact to the City, fiscal impact, and attachments.
Agenda packets will be delivered via U.S mail or delivered by staff upon the posting of the agenda. Mail will be delivered to the Councilmember’s address on file for this purpose or a Councilmember may opt out in preference of reviewing the agenda packet electronically. In addition to the delivery of a hardcopy of the agenda packet, electronic links will be provided to all Councilmembers via email at least 72 hours in advance of the meeting.

AGENDA INFORMATION
The agenda is prepared by the COTC after approval of the agenda and agenda materials by the City Manager. The agenda contains a brief general description of each item of business to be discussed and specifies the time and location of the regular meeting.

Agenda descriptions provide the public with a general summary of the items of business to be considered by the City Council. The City Council is not limited in any way by the Recommended Action and may take any action which the City Council deems to be appropriate on any agenda item.

Copies of the agenda are available to the public at the meeting location on the day of the meeting. State law mandates that the agenda be posted at least 72 hours prior to the regular meeting of the City Council in a location accessible to the public; however the City of Santa Ana makes the agenda available 96 hours prior, pursuant to the Sunshine Ordinance approved in October 2012. City Council Meeting Agendas can also be accessed through the internet on the Thursday prior to any City Council Meeting on the City’s website at www.santa-ana.org.

SUNSHINE ORDINANCE
City Council adopted the Sunshine Ordinance in October 2012 to uphold that public agencies’ actions, to the greatest extent possible, should be taken openly and that their deliberations should be conducted openly. Per the Sunshine Ordinance, City Council meeting agendas must be posted at least 96 hours before any regular meeting of the City Council. There are several other requirements listed within the Sunshine Ordinance that may be of benefit to become familiar with by reviewing the adopted resolution NS-2838, included in this handbook.

DISCUSSION OF AGENDA ITEMS
The City Council cannot discuss, nor act, on any item not listed on the posted agenda, except in the following exceptions:

- Government Code § 54954.2 indicates that no action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members
of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

- Upon determination by a two-thirds (2/3) vote of the City Council, or, if less than two-thirds (2/3) of the Councilmembers are present, a unanimous vote of those present, that the need to take action arose prior to the agenda being posted (Government Code 54954.2[b]3), or by a majority vote of the City Council in the case of a declared emergency (Government Code 54956.5.)

AGENDA CONSENT CALENDAR
All matters listed under the Consent Calendar portion of the agenda are considered to be routine by the City Council and will be enacted by one motion without discussion. However, a member of the City Council may pull any item from the Consent Calendar for a separate vote. Also, if the public wishes to speak regarding an item from the Consent Calendar, the item will automatically be pulled from the Consent Calendar.

85A - COUNCIL AGENDA ITEM
Any member of the City Council may place items on the Agenda that are staff directives or policy changes. They are listed on the Agenda as item(s) 85 (Charter § 411). Items may be added by contacting the Clerk of the Council.

PUBLIC COMMENTS/INPUT
The agenda provides an opportunity for members of the public to address the City Council. Individuals from the public must be allowed to speak on any specific item listed on the agenda before or during the City Council’s consideration of the item.

Members of the public may speak under the Public Comments portion of the City Council meeting. Individuals personally, or through counsel, may present grievances at any meeting of the City Council, or offer suggestions for the betterment of the City. Individuals can address the City Council for three minutes on a subject matter within the jurisdiction of the City Council. The time period for the public to speak may be extended by a majority vote of the City Council.
CEREMONIAL RECOGNITIONS

City Councilmembers may recognize individuals, groups, program, or organizations with certificates of recognition or proclamations at the beginning of a City Council Meeting and at events by issuance of proclamations and certificates of recognition.

Each councilmember will have the opportunity to request a maximum of one (1) presentation per City Council meeting. There is a 20 certificates maximum and two proclamations maximum per Council Meeting or event.

**Certificates** - A certificate of recognition is prepared in response to the type of recognition requested. Types of certificates issued include certificates of commendation, recognition, appreciation, accomplishment, and In Memoriam. Certificates are prepared by the City Manager’s Office and signed by the City Council. Certificates may be presented at a City Council meeting or at an event or meeting outside of the City Council meeting, or they may be mailed to the recipient.

**Proclamations** - Proclamations are issued to designate a day, week, month, or year during/in which an event, individual, organization, or cause shall be recognized or observed; and shall have applicability to the Santa Ana community and/or local government entity. Proclamations may also be issued to individuals or organizations in recognition of efforts, actions, or accomplishments of an individual or group when those efforts, actions, or accomplishments have had a positive effect on this community or relationship to this community. Proclamations are prepared by the CMO and signed by the City Council. They may be presented at a City Council meeting or at an outside meeting or event.

**City Seal Tile** - The City Seal Tile is typically awarded to outgoing Board and Commission members by the Mayor and City Council. City Seal Tiles are only awarded to Board and Commission members who have served a minimum of four consecutive years.

**Exceptional Service Award** - This recognition is awarded by the Mayor for rare and exceptional contributions to the community. An example of an Exceptional Service Award is a “Key to the City”.

The COTC shall add the presentation items to the City Council Agenda as approved by the CMO. Presentations will be listed on the Agenda as individual recipients of the recognition (i.e. name of the business, organization, and/or individual(s) identified) to inform the council and public as to who is recipient of
said recognition. In an effort to streamline the presentations, it is recommended that groups larger than 10 be given out as a set and not mentioned individually.

CLOSED SESSION MEETINGS
Closed session meetings are normally scheduled immediately prior to the City Council regular meeting. In accordance with provisions contained in the Brown Act, closed session meetings permit the City Council to discuss certain matters without members of the public present, provided that the items to be discussed be posted 96 hours prior to the City Council meeting and that these items meet the criteria outlined in the Brown Act for permissible closed session discussion. Closed Session meetings are not recorded.

The Santa Ana Municipal Code prohibits any Councilmember, officer, employee, or any individual present during a closed session to disclose the content or substance of any discussion during the meeting, unless the City Council authorizes disclosure by a majority vote.

During the regular meeting, the City Attorney will provide any reportable action, including the vote from the City Council, from the closed session meeting.

SPECIAL CITY COUNCIL MEETINGS
Pursuant to the provisions of the Brown Act, a special meeting may be called at any time by the presiding officer of a legislative body, or by a majority of the members of the legislative body, by delivering personally or by mail, written notice to each member of the body, and to any local newspaper of general circulation, radio or television station that has requested notice in writing. The notice must be received at least 24 hours before the time of the meeting as specified in the notice. Pursuant to Charter Section 409, no additional business items may be considered at a special meeting other than what is specified on the agenda for such meeting.

ABSTENTION/DISQUALIFICATION DUE TO CONFLICT OF INTEREST
A member cannot abstain from a City Council vote unless disqualified. A disqualified Councilmember must openly state the fact and nature of disqualification (SAMC 2-105).

A Councilmember cannot participate in, nor use their official position, to influence a decision of the City Council if the decision will have a material financial impact on a recent major campaign contributor. A recent major campaign contributor is defined as a person who has made campaign contributions totaling two-hundred and fifty dollars ($250.00) or more to a councilmember in the twelve months period immediately preceding the date of the decision (Charter § 425).
Also, Councilmember are prohibited from accepting or soliciting any contribution or loan of two-hundred and fifty dollars ($250.00) or more for a period of three (3) months following the date a final decision is rendered in any proceeding before the City Council involving a license, permit, or other entitlement, if the Councilmember knows or has reason to know that the person had a financial interest in the proceeding. Financial interest, for purposes of this section, is defined in Title 9 of the California Government Code (the Political Reform Act). The Mayor is a Councilmember; therefore, this section shall apply to the Mayor as well (SAMC 2-107).

MEETING MINUTES
The COTC prepares Action Minutes for each regular, special, and adjourned regular meeting of the City Council and maintains a record of the City Council proceedings, which is open to public inspection. Minutes are available following each City Council meeting. They are distributed to the City Council and are made available to the public. City Council meeting minutes are also available through the City’s website on the Friday preceding each City Council Meeting.

RECORDING MEETINGS AND MICROPHONES
City Council meetings that are held in the Council Chambers are recorded and broadcast live on City of Santa Ana Channel 3 (CTV3). The cable TV provider will rebroadcast City Council meetings at times specified by CTV3, which may be found on the City’s website. City Council Meetings are also broadcast live on the City’s website and are archived for a two-year period. The Santa Ana Main Library maintains DVD copies of the City Council meetings for public circulation. These DVDs are also available for purchase from the Parks, Recreation, and Community Services Agency at a nominal cost in accordance with the City’s miscellaneous fees.

All meetings are recorded either by full media or audio. The Council Chambers has full media recording technology, which is operated from the recording booth. In the case of meetings located outside the Council Chambers, a digital handheld audio recording unit is utilized by the Clerk of the Council or designated Recording Secretary, for the purpose of the completion of the Minutes. Closed Sessions are not recorded.

Individual microphones are hardwired into the Council Chambers dais. All microphones in the room are set to the “on” position (as noted by green power indicator light on unit) by our media staff prior to the meeting, but have been set on a muted feature until media staff engages the recording system upon the start of the meeting. Using the microphone’s power button, Directors may turn the microphones “on” and “off” at-will anytime during the meeting.
COUNCIL CHAMBER SEATING ASSIGNMENTS
The Mayor is assigned the seat in the center of the dais and the Councilmembers coordinate seating assignments among themselves.

TRANSLATION SERVICES
English-to-Spanish translation services are provided for all City Council meetings that are held in the Council Chambers, as well as for other official meetings as requested. Translation equipment is available to the public at each City Council meeting.

MEALS AT MEETINGS
Meals are provided to the Mayor and Council at City Council Meetings, as a courtesy, given that the meetings occur during and through a mealtime.

CITY COUNCIL POLICY COMMITTEES
The City Council has six policy committees formed. The Mayor is authorized to appoint not more than three councilmembers to each committee. All committees are subject to the Brown Act. The committees are as follows:

1. Economic Development, Information, Budget & Technology
2. Public Safety, Code Enforcement, and Neighborhood Empowerment
3. Legislative Affairs, Ethics, Transparency, and Communications
4. Santa Ana Unified School District/City Council Joint Policy Meeting

APPOINTMENT OF BOARDS AND COMMISSIONS
The City Charter established Boards and Commissions as a conduit for conveying to Councilmembers a sense of the community’s sentiments on existing or prospective legislation. Board and Commissioners are uniquely positioned to provide elected officials and City staff with invaluable insight and information for fact-based decision making. As such, members perform an invaluable public service by broadening the forum for community input and enhancing the process of representative democracy.

The Charter established the following boards and commissions:

1. Board of Recreation and Parks
2. Planning Commission
3. Personnel Board

The City Council may create, by ordinance or resolution, other appointive boards or commissions and may grant those powers and duties consistent with the provisions of the Charter. Since the establishment of the City Charter, the Council has established
additional Boards and Commissions, however, per the passage of Measure Z, November 2018. Board and Commissions outlined below:

1. Planning Commission
2. Arts and Culture Commission
3. Community Redevelopment and Housing Commission
4. Environmental and Transportation Advisory Committee
5. Board of Parks and Recreation
6. Historic Resources Commission
7. Oversight Committee
8. Workforce Development Board
9. Youth Commission

All City Board and Commission members are appointed and may be removed by the City Council, except for student representatives, who are nominated and appointed by local high schools. Commissioners are appointed and removed by the affirmative votes of a majority of the City Council. Not all commission members are nominated by the City Council. Community organizations, such as the Chamber of Commerce, Santa Ana Unified School District, and Garden Grove Unified School District, nominate representatives for certain boards and commissions.

Except as otherwise provided in the Charter, the members of such boards and commissions shall serve for a term of four (4) years and until their respective successors are appointed and qualified. In no event shall any person be eligible for reappointment who has served three (3) consecutive terms of four (4) years each, irrespective of what seat or seats the member is appointed to by the City Council. Notwithstanding the foregoing, one seat shall be a City-wide seat having a two- (2) year term which coincides with that of the Mayor, and which shall be limited to four (4) consecutive terms of two (2) years each. Short or partial terms shall not be considered (Charter § 401).

Boards and commissions with at least seven (7) members have six (6) seats designated by Council ward, which run concurrent with the term of office of Councilmembers representing that ward. Vacancies in those ward seats are filed by nomination from the Councilmember who represents the ward where there is a vacant position. The Councilmember submits the name of an applicant to the COTC for placement on the next regular City Council Agenda for confirmation by the City Council. Other members of the City Council may also make nominations. Usually the individual has an application on file, but if not, one is requested by the Clerk of the Council. Once the application is received, the SAPD conducts a routine background check of the nominee.
Detailed information regarding the various boards and commissions and the appointment and removal process is available in the Clerk of the Council Office.

RESIDENCY REQUIREMENTS
All board and commission members must reside in the City of Santa Ana. Board members represent the interests of the entire City, and they may reside anywhere in the City of Santa Ana. In 2006, a measure was approved that requires at least fifty percent (50%) of those persons nominated by a Councilmember be residents of the ward represented by such Councilmember. A Councilmember may request that this rule be waived for any one appointment if the requesting member is unable to find a qualified and acceptable ward resident to nominate. A two-thirds (2/3) vote of the City Council (five votes) must be obtained to approve this request.

VOTER REGISTRATION
To qualify for appointment, one must be a registered voter in Santa Ana. Student representatives on the Youth Commission, who are not of voting age, are exempt from this provision.

TREASURER OF CAMPAIGN COMMITTEE
Charter § 901.1 specifies that if any member of an appointive board or commission becomes the treasurer of a campaign committee, which receives contributions for any candidate for Mayor or Councilmember, his or her office shall be declared vacant by the City Council, or be appointed to any appointive board or commission.

PERSONNEL BOARD APPOINTMENT PROHIBITIONS
Charter § 911 prohibits persons who are candidates for public office, or employed in the City of Santa Ana government, or are officers of partisan organizations, from serving on the Personnel Board. Members of the Personnel Board are not eligible for appointment to any salaried office or employment in the service of the City for a period of one (1) year after leaving the Board for any reason.

BOARD OF RECREATION AND PARKS & PLANNING COMMISSION APPOINTMENT PROHIBITIONS
The Charter prohibits any member on the Board of Recreation and Parks or on the Planning Commission from holding any paid office or employment in the City government.

CITY EMPLOYEES APPOINTMENT PROHIBITIONS
Government Code § 1126 prohibits any public agency employee from serving on a board or commission that will directly or indirectly conflict with his/her official duties.
Beginning with terms of office following the 2006 General Municipal Election, no person shall be eligible for appointment to a board or commission who completed a term on the City Council immediately preceding that board or commission term.

**REMOVAL FROM OFFICE**
Pursuant to a Council policy adopted in 1979, the City Council may remove members who incur four (4) unexcused absences within a 6-month attendance reporting period. In addition, City Charter Section 901 provides that a member is automatically removed if absent from two (2) consecutive regular meetings, unless by permission of the board, or fails to attend at least one-half (1/2) of the regular meetings of the board or commission for any reason within a calendar year. A member is also automatically removed if he or she is convicted of a crime involving moral turpitude, or ceases to be a qualified voter of the City.

For stipend, types of positions available, appointment process, etc. please refer to the Boards and Commission Handbook available in the COTC.

**CITY’S CODE OF ETHICS AND CONDUCT AND AB 1234 REQUIREMENTS**
Board and Commission members are required to comply with both of these requirements, just as elected officials.

**REGIONAL BOARDS**
The Mayor and City Council represent the City’s interest in regional public policy issues by serving on a number of regional boards in the areas of transportation, water resources, and public safety.

1. **Orange County Water District (OCWD) Board**
   This committee was established through Government Code § 50270 which allows the Committee to select a board member and alternate.

   Purpose: To provide policy input and direction to OCWD staff regarding the management and maintenance of the large groundwater basin under northern Orange County. The groundwater basin supplies approximately two-thirds (2/3) of the water needs to more than 2.2 million residents in central and northern Orange County.

2. **Orange County Fire Authority (OCFA)**
   A board member is selected by the majority of the City Council. Selection must be done by resolution.
Purpose: The OCFA Board of Directors has twenty-five members and sets policy according to its adopted Rules of Procedure. Twenty-three of the members represent partner cities and two members represent the county unincorporated area. The Board of Directors meets bimonthly, usually on the fourth Thursday of the month. The Board established an Executive Committee, which meets monthly, usually on the third Thursday of the month. The Board also established a standing Budget and Finance Committee to address finance and budget policy issues, which also meets monthly - usually on the second Wednesday of the month. The Chair of the Board, on an annual or as needed basis, makes appointments to the Committee.

3. **Transportation Corridor Agencies (TCA) Board**
A board member and alternate are selected by the majority of the City Council.

Purpose: To provide policy input and direction to TCA staff regarding the operation and maintenance of the San Joaquin Hills and Foothill/Eastern Toll Roads in Orange County.

4. **Orange County Sanitation District (OCSD) Board**
A board member and alternate are selected by the majority of the City Council.

Purpose: To provide policy input and direction to OCSD staff regarding the collection, treatment, and disposal of sewage from Orange County cities.

5. **Transportation System Improvement Agency**
Transportation System Improvement Authority is a joint powers authority (JPA) created by agreement between the cities of Santa Ana and Tustin in 1989. The JPA boundary includes eastern portions of Santa Ana and western portions of Tustin and was created to develop and maintain a program to help mitigate area-wide traffic generated by land development. The JPA originally identified two program benefit areas, both of which straddle Santa Ana and Tustin. The JPA determines appropriate developer transportation impact fees and controls expenditures of fee revenues for transportation improvements which benefit the respective area. The governing board is comprised of four members, consisting of two Council members from each City.

6. **League of California Cities**
The League of California Cities is an association of California city officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities. The League accomplishes its mission to protect and strengthen local control by working with city officials throughout California get involved through a variety of ways.
7. Southern California Association of Governments (SCAG)
The Mayor nominates a representative for Regional Council District 16, representing the City of Santa Ana.

Purpose: Functions as the Metropolitan Planning Organization for six counties: Los Angeles, Orange, San Bernardino, Riverside, Ventura and Imperial; and represents 191 cities. The region encompasses a population exceeding 18 million persons in an area of more than 38,000 square miles.

As the designated Metropolitan Planning Organization, the Association of Governments is mandated by federal and state law to research and draw up plans for transportation, growth management, hazardous waste management, and air quality. Additional mandates exist at the state level.

8. Orange County Council of Governments Board of Directors (OCCOG)
The Mayor nominates a representative for Regional Council District 16, representing the City of Santa Ana.

Purpose: OCCOG is a joint powers agency comprised of 39 dues-paying agencies in Orange County. This organization was created to establish a unified Orange County position in performing its charge as an official sub-region of SCAG, the federally designated Metropolitan Planning Organization (MPO).

9. Metropolitan Water District (MWD)
A board member is selected by the majority of the City Council (member does not have to be an elected official).

Purpose: The MWD of Southern California is a regional wholesaler that delivers water to 26 member public agencies, including 14 cities, 11 municipal water districts, one county water authority. In turn provides water to more than 19 million people in Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura counties. MWD is governed by a 38-member board of directors who represent their respective member agencies ensuring each member agency is part of the governance of MWD.

The mission of the MWD of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way. MWD currently delivers an average of 1.5 billion gallons of water per day to a 5,200-square-mile service area.
10. **Orange County Mosquito and Vector Control District**
   A board member is selected by the majority of the City Council (member does not have to be an elected official).

   Purpose: The mission of the Orange County Vector Control District is to provide the citizens of Orange County with the highest level of protection from vectors and vector-borne diseases.

11. **Orange County Transportation Authority (OCTA) Board**
   This seat is filled through the City Selection Committee process. This committee was established through Government Code § 50270 which allows the Committee to nominate a member to the OCTA, that “the membership of each city selection committee shall consist of the Mayor of each city within the county. In Section 50271, it states that “when the Mayor is unable to attend a meeting of a City selection committee, the mayor shall designate another member of the City's legislative body to attend and vote at the meeting as the mayor’s representative.”

   Purpose: To provide policy input and direction to OCTA staff regarding regional public transportation and public transit issues in Orange County.

12. **South Coast Air Quality Management District (SCAQMD)**
   This seat is filled through the City Selection Committee process. This committee was established through Government Code § 50270 which allows the Committee to nominate a member to SCAQMD. One city official and one county official from Orange County serve on the 13 member Board of Directors.

   Purpose: The SCAQMD is the regional government public health agency responsible for air pollution control in Los Angeles and Orange Counties and parts of Riverside and San Bernardino Counties. SCAQMD regulations must be approved by the California Air Resources Board and the U.S. Environmental Protection Agency.

13. **Orange County Waste Management Commission**
   The Board of Supervisors established the Waste Management Commission on July 13, 1982.

   Purpose: The Waste Management Commission is to advise the Orange County Board of Supervisors on matters relating to municipal solid waste and hazardous waste management, operation and maintenance of the County's landfills, and other facilities related to the County's solid waste disposal system.
COMPENSATION AND BENEFITS
The Mayor and Councilmembers receive compensation for their services pursuant to the City Charter. The compensation package includes salary and stipends, an auto allowance, retirement plan/deferred compensation and health & life insurance benefits.

On the November 8, 2016 general election, voters of the City of Santa Ana approved Measure PP – City of Santa Ana’s Council Compensation Charter Reform. Measure PP amended Section 402 of the City of Santa Ana’s City Charter to state that the Mayor and Councilmembers shall receive a monthly salary in accordance with a population formula set forth in California Government Code Section 36516.

The following is a summary of the City Council compensation package:

- A monthly salary of $1,000.00 for City Council meetings

- A stipend of $50.00 per session as a member of the Housing Authority, provided that Councilmembers not exceed four (4) sessions per calendar month (pursuant to Resolution 89-089)

- A monthly automobile allowance of $500.00 (pursuant to Resolution 91-066).

RETIREMENT BENEFITS/DEFERRED COMPENSATION
The City offers a CalPERS retirement plan for full time employees and designated part time employees, and a deferred compensation plan (in lieu of Social Security). City Councilmembers have the option of either of the following plans:

- Optional membership in the Public Employees Retirement System (PERS) equivalent to a regular City employee (Pursuant to Ordinance NS-2150)

- Deferred Compensation in lieu of Social Security. The City matches the employee's contribution of 3.5% of salary.

HEALTH & LIFE INSURANCE BENEFITS
City Councilmembers are eligible to enroll in several City-sponsored group insurance plans, including medical, dental, vision, and basic life insurance (pursuant to Resolution 89-089). Below is a summary of coverage available:

- A $20,000 basic life insurance policy, while in office
• Medical/Dental insurance coverage paid by the City as normally provided for unrepresented City Council-appointed employees of the City of Santa Ana. Medical/Dental cash-back option is available for those who have medical insurance coverage through other sources.

• Vision insurance available for purchase

• Councilmembers may also enroll in the City’s Section 125 Cafeteria Plan, also known as a Flexible Benefit Plan, allowing payment for certain health benefits with pretax dollars.

TRAVEL
The City’s travel policy recognizes that it is necessary and desirable for members of the City Council to attend various conferences and meetings to perform their official duties. Meeting with regional, state, federal and international officials on matters affecting City policies, such as: participating in regional, state, and national organizations; attending educational seminars designed to improve officials’ skill and information levels; and, promoting public service and morale by participating in community events of substantial benefit to the community.

All arrangements for City-related travel out of the area are made by the City Manager’s Office staff. Registration, transportation, lodging and per diem are processed in advance of the trip, whenever possible, and prepaid by the City. Reimbursable expenses incurred while on City business can be paid for with the per diem allowance or a personal credit card; receipts for all such transactions should be submitted to the City Manager’s Office for travel reconciliation within five days of the end of the City-related travel.

Please note that Assembly Bill 1234 (AB 1234) established a number of ethics reforms in state and local government related to expense reimbursements for public officials. AB 1234 requires local government to do the following: (1) Establish a formal policy for reimbursement of travel, meals, and lodging expenses; (2) Establish formal travel expense report standards; and (3) Establish a regular ethics training program.

Accordingly, a new travel and expense reimbursement policy was implemented June 2018. Please review the travel policy in its entirety to become familiar with the new expense reimbursement standards.

NOTE: All City-related travel must be reported out by the Councilmember at a public meeting. All travel expense reimbursement documents are open for public inspection and review and may be released upon request.
CITY COUNCIL ELECTIONS AND FINANCIAL DISCLOSURES

ELECTIONS
General municipal elections are held on the first Tuesday that follows the first Monday of the month of November, during each even-numbered year. Municipal elections are administered by the COTC through the Orange County Registrar of Voters. The City has the right to consolidate its general municipal election with the election of any public district, county, or other political subdivision including all or part, within the boundaries of the City. Any other municipal elections that may be held by authority of the Charter, or of any law, are considered Special Municipal Elections.

Elections are held in accordance with the provisions of the Elections Code of the State of California as long as those provisions are not in conflict with the City Charter. The powers of initiative, referendum, and recall of elected officers are reserved to the elections of the City.

The Mayor is nominated by electors of the City, while Councilmembers are nominated and elected by electors of respective wards.

The newly elected City Council convenes a special meeting on the second Tuesday of December, following certification of election results, and takes the Oath of Office at said meeting. Terms begin at 6:00 p.m. on said date. (SAMC 2-101).

CAMPAIGN CONTRIBUTION LIMITS / CONFLICT OF INTEREST LIMIT
Pursuant to Santa Ana Charter Section 1206, no candidate for the position of Mayor or Councilmember shall solicit or accept any contribution or loan in excess of one thousand dollars ($1,000.00) during any election cycle from a single source. Mayor is a two year period and Councilmember is a four-year period. An election cycle means the period of time between the date of an election to the office of Mayor or Councilmember and the date of the following election to the same office. A candidate for the office of the City Council, including the Mayor, can have only one campaign committee and one campaign contribution account. All expenses related to a campaign must be withdrawn from one campaign contribution account. Any person who violates this Charter section is guilty of a misdemeanor.

The Santa Ana Municipal Code (SAMC) and the City Charter prohibits a Councilmember or Mayor from voting on, or using his or her position to influence a decision affecting a person who has contributed two-hundred fifty dollars ($250.00) or more to the Councilmember or Mayor’s campaign within the previous 12 months. Additionally, the SAMC does not allow a Councilmember or Mayor to accept any
campaign contribution of two hundred fifty dollars ($250.00) or more from any one person for a period of three (3) months following the date a final decision is rendered in any City Council action involving a license, permit or other entitlement, if the Councilmember knows or has reason to know that the person had a financial interest in the action.

Campaign contribution statements are due twice a year on non-election years (January 31st for the period beginning July 1st through December 31st of the preceding year, and on July 31st for the period beginning January 1 through June 30). In election year, for all candidates involved in the election, there are two additional filings in the months preceding the election. Please contact the COTC for more information, including deadlines.

MASS MAILINGS
Section 89001 of the Government Code prohibits mass mailings from being sent at public expense. Section 82041.5 defines a “mass mailing” as over 200 substantially similar items sent in a single calendar month that identifies an individual Councilmember or the Mayor, excluding form letters or other mail sent in response to an unsolicited request or inquiry. The FPPC has promulgated regulations for interpretation and application of these statutes and other provisions of the Political Reform Act (PRA). Please contact the City Attorney’s Office for specific criteria regulating mass mailings.

CAMPAIGN CONTRIBUTION FORMS - FILING OBLIGATION SCHEDULE

Non-Election Year Filings
- January 31 - Semi-annual Campaign Contribution statement due January 31 (July 1 – December 31)
- April 1 – Conflict of Interest/Statement of Economic Interest forms due April 1 (January 1 – December 31)
- July 31 - Semi-annual Campaign Contribution statement due July 31 (January 1 – June 30)

Election Year Filings
- January 31 - Semi-annual statements due January 31 (July 1 – December 31)
- April 1 - Conflict of Interest (COI) forms due April 1 (January 1 – December 31)
- July 31 - Semi-annual Campaign Contribution statement due July 31 (January 1 – June 30)
- August - All candidates must file Conflict of Interest statement with Clerk of the Council at the same time as filing election Nomination Papers
October – Two pre-election Campaign Contribution forms are due in October; first filing includes July 1 through September 30, and the second is due mid-month (October 1 – Mid-October)

October / November - Late Expenditure and Contribution forms accepted on a continuing basis (starting day after second pre-election Campaign Contribution due date to election date)

December - Assuming and Leaving Office COI Statement due end of month

STAFF SUPPORT SERVICES FOR COUNCIL

The CMO provides the Mayor and City Council with appropriate staff support to facilitate their routine duties as City representatives. Some of the support duties include the following: preparing correspondence, calendaring Councilmember meetings and City events, making arrangements for City-related business travel, providing briefing materials, and other general administrative assistance. Councilmembers are assigned an Executive Assistant for daily assistance and may also request the assistance of a City staff member for additional support, such as for special projects or initiatives.

PUBLIC INFORMATION REQUESTS

The CMO responds to request for public information through the Communications Manager or his or her designee. The Communications Manager responds to all media and public requests for information and coordinates responses from City Departments and agencies. The Communications Manager is also responsible for coordinating press releases and press conferences.

REQUESTS FOR STAFF SUPPORT

The Mayor and City Council members may request assistance directly through their Executive Assistant or other staff in the CMO, who will process the request, track information, and ensure follow-through with each requested item. Examples of such requests include: status report regarding a project under review by the Planning and Building Agency, construction updates from the Public Works Agency, graffiti removal, information about tree trimming in a neighborhood, or any other City-related inquiry. These requests are documented and forwarded to the appropriate City agency, which provides updates and responses to each inquiry. The CMO will ensure that information is provided in a timely manner.

CORRESPONDENCE

The Mayor and City Council may direct the CMO staff to prepare responses, on their behalf, to any incoming correspondence addressed to the Mayor and City Council.
These include phone calls, emails, and written letters. Copies of all correspondence addressed to Mayor and City Council will be forwarded to each Councilmember.

INVITATIONS
The CMO frequently receives invitations for the City Council to attend community meetings and special events and celebrations. Invitations are forwarded to Councilmembers as they are received. Councilmembers interested in attending events should contact the CMO staff for follow-up. Please note that the City Manager is authorized to have the City pay for costs associated with the attendance of a Councilmember and spouse or guest at approved meetings and events (Resolution No. 2006-027).

NOTE: Free admission or ticket(s) to an event may be required to be disclosed on the Statement of Economic Interest (fair market value of $50.00 or more) when you did not give a speech, participate in a panel, seminar, act in a ceremonial capacity, or similar service.

STAFF CONTACT INFORMATION
Councilmembers may reach the CMO staff during regular business hours by calling either of the following phone lines: (714) 647-5200 or (714) 647-6900. Councilmembers wishing to contact City Departments during normal business hours may do so through the City Manager’s Office.

Office phone numbers of the City Manager, City Clerk and City Attorney are:

- City Manager: (714) 647-5200
- City Clerk: (714) 647-5235
- City Attorney: (714) 647-5201

Emergency phone numbers for the Executive Management Team and other key staff will also be provided to Councilmembers.

PARKING
Councilmembers have designated parking spaces in the underground parking area at City Hall (entrance off Ross Street). Councilmembers who attend meetings or conduct other official City business at the SAPD may park in the parking structure directly across the street from SAPD. Parking will be validated at this location by SAPD staff.

Councilmembers also receive a Universal City Parking Pass, which allows the City Councilmember to park in any metered parking space or any permit parking area throughout the City. This parking pass DOES NOT allow parking in any other restricted
parking area, such as disabled person parking spaces, red zones, no stopping any time zones, or loading zones

**ELECTRONIC EQUIPMENT**
The CMO will provide each Councilmember with appropriate electronic equipment to aid in conducting City business. Examples of such equipment include the following: tablet, mobile phone, desktop computer, and printer for office at City Hall. Technical support related to the use of electronic equipment will be coordinated through the City Manager’s Office. Please note that any communications transmitted through these devices are subject to the Public Records Act.

**ELECTRONIC MAIL POLICY & INTERNET USAGE POLICY**
Mayor and Councilmembers will be required to read, understand and sign the Email Usage Policy and the Internet Policy, please refer to the policies included in this Handbook.

**INCIDENTALS**
The City of Santa Ana will supply each Councilmember with Business Cards, and ID Card (access card to the building & parking garage), and will schedule a professional portrait for City use.

**CITY COUNCIL SPECIAL EVENT SPONSORSHIP FUNDS**
On August 4, 2015, the City Council adopted Resolution 2015-042: A Resolution of the City of Santa Ana Establishing a City Special Event Sponsorship Policy and Guidelines for Disbursement of Discretionary Funds. This policy outlines the approval of sponsorships of the City of Santa Ana and City programs and services by external entities. Each Councilmember is able to appropriate up to $10,000 per fiscal year to support eligible organizations, such as non-profit entities and neighborhood associations. Eligible applications may complete and submit a donation request form to the City Manager’s Office for processing.
CITY SEAL, LOGO, AND MOTTOS

The City logo includes one of three different mottos: “Education First”, “Downtown Orange County”, and “The Golden City”. In addition, the City utilizes an official City seal, which was adopted in 1972. The following City policy establishes guidelines regarding the use of the seal, logo, or specific motto on City documents and equipment.

NOTE: It is prohibited to use the City seal, logo, or mottos in any campaign literature.

CITY STATIONERY

All City stationery utilizes the City seal. This includes letterhead, internal memo paper, and correspondence cards. In addition, City business cards, both gold embossed and in blue print, also utilize the City seal.

Formal City business documents also use the City seal. This includes the City Council agendas, Request for Council Action (RFCA) forms, employment documents, purchasing agreements, billing documents, bid invitation forms, and more.

EXTERNAL COMMUNICATION DOCUMENTS

Documents for external distribution, such as PRCSA brochures, branded materials prepared by the CDA, employment announcements, and community meeting announcements may use the seal or the logo and any one of the City mottos. The Agency Director from each City Agency has the authority to make this determination.

Internal communication pieces used to conduct business may also utilize any of the approved seal, logo or mottos.

CITY SEAL, LOGO, AND MOTTOS

![City Seal and Logo](image-url)
RESOLUTIONS/ORDINANCES TO CONSIDER

SANCTUARY CITY ORDINANCE
At the December 6, 2016 meeting, the City Council adopted Resolution No. 2016-086, declaring the City of Santa Ana a sanctuary for all its residents, regardless of their immigration status. Resolution No. 2016-086 outlined that the City would implement various policies called for by the resolution. These policies include the following: protecting sensitive information; reaffirming the City’s commitment to preventing biased-based policing and disallowing the use of City resources for immigration enforcement; exercising appropriate discretion in policing; providing additional training for all affected City employees, officials, and agents; and establishing a task force for oversight. The City Council adopted an ordinance on January 17, 2017 solidifying these policies into law.

WORKER COOPERATIVES AGREEMENT
In October 2018, City Council approved the Worker Cooperative Agreement, which will help the community increase wealth building by becoming the first city in Orange County to adopt a Resolution of Support for worker cooperatives. This community economic development initiative was aimed at increasing the wealth of the City’s residents and providing the necessary resources for residents to become business owners in the City. The two main actions of the policy are summarized below:

1. Develop Worker Cooperative Support Program within the Economic Development Division
2. Support and promote the conversion of businesses into worker cooperatives by offering informational workshops to local businesses

CANNABIS
On November 4, 2014, Santa Ana voters approved Santa Ana’s Medical Marijuana Regulatory Program ordinance (“Measure BB”) with an overwhelming 66% approval, making Santa Ana the first jurisdiction in Orange County to license and regulate medical marijuana collectives.

During both 2017 and 2018 the City Council adopted ordinances approving adult and commercial cannabis uses in the City. Subsequently the ordinances were by a voter approved ballot measure that provided for the taxation of adult use and commercial cannabis businesses. During the development of the adult use cannabis policy the City Council requested staff to ensure that the resulting tax revenue be directed toward providing enhanced youth services and enforcement services.
AFFORDABLE HOUSING ORDINANCE
In 2011, the City Council adopted the Housing Opportunity Ordinance (HOO) (aka Inclusionary Housing Ordinance) to encourage the development and availability of affordable housing by requiring the inclusion of affordable housing units within new developments when the number of units proposed exceeds the densities permitted under the General Plan. Developers have several options to satisfy the Housing Opportunity Ordinance. They may provide 10-15% affordable units on site, or elect to satisfy their Inclusionary Housing requirements for a project by paying a fee in-lieu of providing the required affordable units.
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PART I - THE CHARTER

We, the people of the City of Santa Ana, State of California, do ordain and establish this Charter as the organic law of the City of Santa Ana under the Constitution of the State of California.

FOOTNOTE(S):

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Editor's note—The charter was adopted by the electors on November 4, 1952; and subsequently amended by them on November 2, 1954; April 9, 1957; November 4, 1958; April 2, 1963; and June 7, 1966. The revised edition of 1967 is reprinted herein. Amendments subsequent to 1967 are indicated in the history notes following the sections affected. Captions of articles, divisions and sections have been inserted, broadened or condensed by the editor to more thoroughly inform the user of the contents following such captions. Material appearing in brackets has been added by the editor to clarify certain provisions. For details of particular amendments please consult the original enactments.

ARTICLE I. - INCORPORATION AND SUCCESSION

Sec. 100. - Name of city.

The City of Santa Ana shall continue to be a municipal body politic and corporate and shall be possessed of all the property and interest of which it was possessed at the time this charter takes effect.

Sec. 101. - Boundaries.

The boundaries of the City shall be the boundaries as established at the time this charter takes effect, with the power and authority to change the same being as provided by law.

Sec. 101.1. - Wards of the city.

Prior to the general election in 1988 the City Council shall divide the City into six (6) wards by ordinance according to the following formula:

Each of the wards is to be as nearly equal in population as possible. The wards shall be composed of contiguous and compact territory and bounded by natural boundaries of street lines wherever possible. Any territory hereafter annexed to or consolidated with the City shall become a part of the ward to which it is most contiguous, pending any redistricting necessary to promote equality of population among the wards.
Sec. 101.2. - Wards, boundary changes.

Ward boundaries shall not be altered except as reasonably necessary to promote greater equality of population among the wards when such necessity is shown by the most recent federal decennial census, or by more current census data certified by the City Council as sufficiently reliable and detailed to serve as a basis for ward boundary alteration, or by annexation or consolidation of territory. Such boundary alteration shall be made only by ordinance adopted by affirmative vote of at least two-thirds (2/3) of the full membership of the City Council in accordance with section 101.4. Any such ordinance adopted within one hundred twenty (120) days immediately preceding any election of council members shall not become effective until the day following such election.

Sec. 101.3. - Reserved.

Editor's note—Ord. No. NS-1521, adopted March 17, 1980, approved at election June 3, 1980, repealed § 101.3 relative to increasing the number of wards of the City from 7 to 9 whenever the census data described in § 101.3 disclosed a population of 240,000 people. Said section had previously been amended by Ord. No. NS-1316, adopted Aug. 24, 1976, approved at election Nov, 2, 1976.

Sec. 101.4. - Same—Notice and public hearing.

Before making any change, modification or realignment of ward boundaries or numbers of wards, the City Council shall pass a resolution declaring its intention to make such changes. Such resolution shall set forth a convenient day, hour and place when and where any persons having any interest therein, or any objection to the making thereof, may appear before the City Council and be heard thereon. The City Council shall direct the Clerk of the Council to give notice by publishing said resolution once a week for two (2) weeks in the official newspaper prior to the date set for hearing. Said hearing in the event of increasing the number of wards shall be held not less than sixty (60) days prior to the succeeding general municipal election. In any event, not less than thirty (30) days prior to the general municipal election, publication shall be made by map diagram in the official newspaper showing the new boundary lines of each and every ward.

Sec. 102. - Fiscal year.

The first fiscal year shall begin on the first day the provisions of this charter become effective and shall end on the last day of the following June, and the succeeding fiscal years shall end respectively on the last day of June in each succeeding year.
Cross reference— See also § 603

Sec. 103. - Rights of officers and employees preserved.

Nothing in this charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the City in relation to personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights, or any other rights or privileges of officers or employees of the City or any office, department, or agency thereof.

Secs. 104, 105. - Reserved.

Editor's note— Ord. No. NS-1642, adopted Aug. 2, 1982, approved at election Nov. 2, 1982, repealed §§ 104, 105, 107-109, relative to officers and employees continuing in the performance of their duties at the time of taking effect of the charter, transfer of records and property, continuing in effect of ordinances, contracts, public improvements, etc., and the effect of the charter on pending actions and proceedings.

Sec. 106. - Rights and liabilities.

The City of Santa Ana, as successor in interest of the municipal corporation of the same name, shall own, possess, control, and in every way succeed to and become the owner of all rights and of all property of every kind and nature owned, possessed, or controlled at the time this charter takes effect, and shall be subject to all the debts, obligations, and liabilities then existing of this municipal corporation.

Secs. 107—109. - Reserved.

Note— See the editor's note at § 104.

Sec. 110. - Effective date of Charter.

For the purpose of nominating and electing members of the City Council and the board of education, the provisions of this charter shall become effective from the date of its approval by the Legislature of the State of California. For all other purposes this charter shall be in effect on the first Tuesday next following the first election of members of the City Council thereunder, at (8:00) p.m.

ARTICLE II. - POWERS OF THE CITY

Sec. 200. - Powers of the city.

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be
provided in this charter and in the Constitution of the State of California. The City shall also have all other rights, powers and privileges which are not prohibited by, or in conflict with, the State Constitution or this charter and which it would be proper to specifically set forth in this charter, even though such are not herein set forth. It shall also have the power to exercise any and all rights, powers, privileges heretofore or hereafter established, granted, or prescribed by any law of the state, by this charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution and laws of the State of California.

The enumeration or specification in this charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

The City shall have the power to act pursuant to procedure established by any law of the state, unless a different procedure is established by this charter or by ordinance.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

ARTICLE III. - FORM OF GOVERNMENT

Sec. 300. - Council-manager form.

The municipal government established by this charter shall be known as the "council-manager" form of government.

ARTICLE IV. - CITY COUNCIL

DIVISION 1. - GENERALLY

Sec. 400. - Number, selection and terms of members.

The City Council shall consist of seven (7) members elected at the times and in the manner provided in this charter, each of whom, except for the mayor, shall serve a term of four (4) years. The term of each member shall begin at 6:00 p.m. on the second Tuesday of December following certification of election results, and each shall serve except as otherwise provided for in this charter, until his or her successor is elected and qualified. Each office of councilmember shall be a separate office and, except for the mayor, one (1) of such offices shall be assigned to each of the wards of the City. Candidates for each office of councilmember other than the mayor shall be nominated from such ward by the electors of such ward and candidates for mayor shall be nominated by electors of the City, but all councilmembers shall be elected by the vote of the electors of the City at large.
Sec. 401. - Qualifications of members.

To be eligible to be elected to the office of councilmember, a person must be a qualified voter and a thirty (30) day resident of the ward from which the candidate is nominated at the time nomination papers are issued as provided in the Elections Code of the State of California, except that the mayor need only be a registered voter and thirty (30) day resident of the city at such time. In the event any councilmember other than the mayor shall cease to be a resident of the ward from which the councilmember (or, in the case of an appointee, the councilmember's predecessor) was elected, or in the event the mayor shall cease to be a resident of the city, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies; provided, that where a councilmember ceases to be a resident of the ward from which the councilmember (or, in case of an appointee, the councilmember's predecessor) was elected solely because of a change in boundaries of any ward as in this charter provided, the councilmember shall not lose the office by reason of such change. If a member of the city council shall be convicted of a crime involving moral turpitude, the office shall immediately become vacant and be so declared by the city council.

A person who has served three (3) consecutive terms of four (4) years each shall be eligible for appointment, nomination for or election to the office of councilmember (regardless of wards represented by that person during such period) no sooner than for a term beginning eight (8) years after completion of that councilmember's third consecutive full term.

Short or partial terms shall not be considered in determining eligibility for appointment, nomination or election. For purposes of this Charter, short or partial terms shall only be those where the councilmember was elected or appointed to replace another councilmember who left office before the latter official's term expired. Any councilmember who assumed office at the beginning of a term and left office early for any reason whatsoever shall be deemed to have served a full term; provided, however that any person who has served twenty (20) consecutive years in office, as both a council member and mayor, regardless of the order in which they served, shall not be eligible for appointment, nomination or election as a council member or as mayor, no sooner than for a term beginning eight (8) years after completion of the council member or mayoral term, or vice versa. The provisions of this section related to short or partial terms is deemed to be declaratory of existing law.

(Ord. No. NS-1316, 8-24-76, approved at election 11-2-76; Ord. No. NS-1346, 1-25-77, approved at election 4-5-77; Ord. No. NS-1642, 8-2-82, approved at election 11-2-82; Ord. No. NS-1864, 8-19-86, approved at election 11-4-86; Ord. No. NS-1973, 8-15-88, approved at election 11-10-88; Ord. No. NS-2715, 7-3-06, approved at election 11-7-06)
Sec. 401.05. - Code of ethics and conduct.

The City of Santa Ana shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government elected and appointed officials. The City Council shall adopt the Code of Ethics and Conduct by ordinance or resolution within six months of the effective date of this Charter section.

(Res. No. 2007-057-S1, 11-5-07, approved at election 2-5-08)

Sec. 401.1. - Order of filling offices.

The offices of councilmember from wards one, three, and five shall be filled at the general municipal election held in 1988, and the offices of councilmember from wards two, four and six shall be filled at the general municipal election held in 1990. Thereafter, the offices of councilmember from wards one, three and five and from wards, two, four and six shall be filled alternately at the general municipal elections held in the years in which the terms of such offices respectively expire.

The candidate elected from each ward at each such election shall be the candidate receiving the highest number of votes cast for any candidate from said ward.

(Ord. No. NS-1316, 8-24-76, approved at election 11-2-76; Ord. No. NS-1346, 1-25-77, approved at election 4-5-77; Ord. No. NS-1642, 8-2-82, approved at election 11-2-82; Ord. No. NS-1864, 8-19-86, approved at election 11-4-86)

Sec. 402. - Compensation of members.

Each member of the City Council shall receive as compensation for his or her services as such a monthly salary in the sum of one hundred and twenty-five dollars ($125.00). The member elected to fill the office of mayor shall receive the additional amount of seventy-five dollars ($75.00) for each month said member shall fill the office of mayor. Further, each member of the City Council shall receive reimbursement for required travel and other expenses while on official business of the City as authorized and approved by the City Council.

Absence of a member of the City Council from all regular and special meetings of the City Council during any calendar month shall render him or her ineligible to receive the monthly salary for such a calendar month unless by permission of the City Council expressed in its official minutes.

(Ord. No. NS-1973, 8-15-88, approved at election 11-10-88)

Sec. 403. - Vacancies.

In the event of a vacancy in the City Council, for whatever cause, the City Council shall declare the office vacant and fill the same by appointment. In each case the person so appointed shall hold office until the next general municipal election and until
his successor is elected and qualified for the remainder of an unexpired term. Such appointee must, at the time of his appointment and continuously for one (1) year prior thereto, have been and be a resident of the ward from which his predecessor was elected. If the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty (60) days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, his office shall become vacant and shall be so declared by the City Council.

(Ord. No. NS-1346, 1-25-77, approved at election 4-5-77; Ord. No. NS-1864, 8-19-86, approved at election 11-4-86)

Sec. 404. - Presiding officer, mayor.

The mayor shall be a member of the City Council and shall preside over the meetings of the City Council. The mayor shall have voice and vote in all of the City Council's proceedings and shall be recognized as head of the City government for all ceremonial purposes. The mayor shall have no administrative duties but shall perform such other duties as may be prescribed by this charter, or imposed by the City Council, consistent with his office.

The mayor shall be elected by the voters of the City at large at each general municipal election in November of even-numbered years for a two-year term commencing on the same date as the terms of other council members elected in such year. No person may be a candidate for mayor and a candidate for any other office on the City Council in the same election. In the event an incumbent City Council member other than the mayor is elected mayor such other office shall become vacant at the time he or she assumes office as mayor and the City Council shall call a special election to fill the vacancy.

To be eligible to be elected to the office of mayor a person must be a qualified voter as provided for in the Elections Code of the State of California. If the mayor is convicted of a crime involving moral turpitude, the office shall immediately become vacant and be so declared by the city council.

A person who has served four (4) consecutive terms of two (2) years each, commencing with the term entered as a result of the November 2012 election, shall be eligible for appointment, nomination for or election to the office of mayor no sooner than for a term beginning eight (8) years after completion of the mayor's fourth consecutive full term. This eight year "cooling off" period shall not apply to eligibility for appointment, nomination for or election to a council member office; provided, however, that any person who has served twenty (20) consecutive years in office, as both a council member and mayor, regardless of the order in which they served, shall not be eligible for appointment, nomination or election as a council member or as mayor, no sooner
than for a term beginning eight (8) years after completion of the council member or mayoral term.

Short or partial terms shall not be considered in determining eligibility for appointment nomination or election as mayor. For purposes of this Charter, short or partial terms shall only be those where the mayor was elected or appointed to replace another mayor who left office before the latter official's term expired. Any mayor who assumed office at the beginning of a term and left office early or before term expires for any reason whatsoever shall be deemed to have served a full term. The provisions of this section related to short or partial terms is deemed to be declaratory of existing law.

(Ord. No. NS-1864, 8-19-86, approved at election 11-4-86; Res. No. 2012-034, 8-1-12, approved at election 11-6-12)

Sec. 405. - Mayor pro tem.

In the first meeting of the City Council following any general or special election at which members of the City Council are elected, the City Council shall elect a mayor pro tem who shall act as mayor during the absence from the City or disability of the mayor, or during any vacancy in the office of mayor until otherwise filled in accordance with section 403.

(Ord. No. NS-1864, 8-19-86, approved at election 11-4-86; Ord. No. NS-1973, 8-15-88, approved at election 11-10-88)

Sec. 406. - Council judge of elections and qualifications of members.

The City Council shall be the judge of the election and qualifications of its members as defined in section 401 of this charter and shall meet on the first regularly scheduled meeting after election returns are certified for any municipal election at which members of the City Council are elected, declare the results thereof, and install elected members, if any.

(Ord. No. NS-1973, 8-15-88, approved at election 11-10-88)

Sec. 407. - Powers and duties as prescribed by law.

All powers of the City and the determination of all matters of policy shall be vested in the City Council, subject to the provisions of this charter and to the Constitution of the State of California.

Sec. 408. - Interference in administrative matters.

Except for the purpose of inquiry, the City Council and its members shall deal with the administrative branch of the City government solely through the City Manager or his designated deputy, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Neither the City Council nor any of its members shall direct or request the appointment of any
person to, or his removal from, an office by the City Manager or by any of his
subordinates, or in any manner take part in the appointment or removal of officers and
employees in the administrative branch of the City government, except as specifically
provided in this charter.

Sec. 409. - Meetings.

The council shall provide, by ordinance or resolution, not inconsistent with other
provisions of this section, for the time, place, and manner of holding its meetings.
Copies of such ordinances or resolutions shall be kept on file in the office of the Clerk of
the Council where they shall be available for public inspection. To the extent that they
are not inconsistent with other sections of this charter, the provisions of Chapter 9 of
Part 1 of Division 2 of Title 5 of the Government Code, as they now exist or may
hereafter be amended, insofar as they relate to the right of the public to attend meetings
of council, the adjournment of regular or adjourned regular meetings, the calling of
special meetings, and the holding of executive sessions, shall govern meetings of the
council. No business shall be considered at any special meeting other than such as is
specified in the notice of such meeting.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 410. - Quorum.

A majority of the members of the City Council shall constitute a quorum to do
business, but a lesser number may adjourn from time to time. Except as otherwise
provided elsewhere in this charter or by law, no ordinance, resolution or motion shall be
passed, adopted, or become effective unless it receives the affirmative vote of a
majority of the full membership of the City Council. In the absence of all of the members
of the City Council from any regular meeting, the Clerk of the Council may declare the
same adjourned to a stated day and hour.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 411. - Rules and procedures.

The City Council shall establish rules for the conduct of its proceedings and to
preserve order at its meetings. It shall, through the Clerk of the Council, maintain a
record of its proceedings which shall be open to public inspection. Any member of the
City Council may place items on the City Council agenda to be considered by the City
Council.

The City Council may organize special committees of its members for the principal
functions of the government of the City. It shall be the duty of each such committee to
be informed of the business of the City government included within the assigned
functions of the committee, and, as ordered by the City Council, to report to the City
Council information or recommendations which shall enable the City Council properly to
legislate.
Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority on any investigation or proceeding pending before it to impel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and may be attested by the Clerk of the Council. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds) shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this charter are punishable.

(Ord. No. NS-2074, § 1, 8-6-90, approved at election 11-6-90)

Sec. 412. - Citizen participation.

No citizen shall be denied the right personally, or through counsel, to present grievances at any meeting of the City Council, or to offer suggestions for the betterment of City affairs.

DIVISION 2. - ORDINANCES AND RESOLUTIONS

Sec. 413. - Adoption (ordinances).

Every ordinance shall be introduced in writing. A copy of each ordinance and written resolution shall be available in the council's chambers for public inspection during any council meeting at which the same is to be passed or adopted. No ordinance shall be passed finally on the day it is introduced, except for emergency ordinances as hereinafter defined in Section 415, nor within six (6) days thereafter, nor at any time other than at a regular or adjourned regular meeting. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. The rights and powers conferred on the City Council shall be exercised by ordinance, resolution or motion as may be prescribed by the Constitution or Laws of the State of California, and the provisions of this Charter; provided, that each act of the City Council establishing a fine or other penalty or granting a franchise shall be by ordinance.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting, except when a state of emergency has been declared or at an emergency meeting properly convened.

All ordinances and written resolutions shall be signed by the mayor and attested by the Clerk of the Council.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78; Ord. No. NS-2715, 7-3-06, approved at election 11-7-06)

Sec. 414. - Enactment.
The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Santa Ana does ordain as follows:"

Sec. 415. - Emergency measures.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by the affirmative votes of at least two-thirds (2/3) of the members of the council.

Sec. 416. - Publication.

Except as otherwise provided elsewhere in this charter, and with the exception of ordinances which take effect immediately upon adoption, no ordinance shall be adopted unless (a) it is first passed for publication of title, (b) the title of the ordinance is published as hereinafter provided in this section, and (c) at least six (6) days have elapsed between the date it was passed for publication of title and the date it is adopted. The title of an ordinance shall be deemed to have been "published," as said term is hereinafter used in this section if such title is printed in a newspaper of general circulation in the City no later than the third day immediately preceding the date of its adoption. No part of any ordinance, or proposed ordinance, other than its title, need be published.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 417. - When effective.

Except as otherwise provided in this charter, each adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

The following ordinances shall take effect immediately upon adoption:

(a) An ordinance calling or otherwise relating to an election;
(b) An ordinance adopted pursuant to a state law by virtue of which such ordinance shall be effective immediately;
(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;
(d) An emergency ordinance adopted in the manner provided for in this charter;
(e) An ordinance providing for an appropriation for the usual current expenses of the City;
(f) An ordinance relating to a bond issue.

Nothing contained in this section shall be deemed to require an ordinance when an ordinance is not otherwise required.
Sec. 418. - Amendment.

No section of any ordinance or of any code shall be amended unless the whole section to be amended is set forth as amended.

Sec. 419. - Codification.

Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption and which have not been repealed, may be compiled, consolidated, revised, indexed, and arranged in a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than one (1) copy thereof shall be filed for use and examination in the office of the Clerk of the Council prior to the adoption thereof; and, in lieu of the publication of the ordinance, there shall be published a notice in the official newspaper describing the ordinance in brief and in general terms and stating that the code is available for public inspection at the office of the Clerk of the Council, together with the time and place when and where it will be considered for final passage. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring, or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

Sec. 420. - Violation and penalty.

The City Council may make the violation of its ordinances a misdemeanor or infraction which may be prosecuted in the name of the People of the State of California or may be redressed by civil action and may prescribe punishment for such misdemeanor or infraction in the same manner as provided in the penal code of the State of California as the same now reads or as hereafter amended.

State Law reference—For similar provisions, see §§ 50022.1—50022.8, Gov. Code.
Sec. 421. - Non-public works contracts.

(a) The City shall not be bound by any contract, unless the same shall be made in writing by order of the City Council, except as hereinafter provided, and signed by an officer on behalf of the City who has been authorized to do so by the City Council. The approval of the form of all contracts shall be endorsed thereon by the City Attorney, or his or her designated representative.

(b) The City Council may by ordinance authorize the City Manager to bind the City on contracts for such amounts as may be established from time to time. At least quarterly, the City Manager shall place on the City Council agenda for information, a report of contracts let by the City Manager pursuant to authority granted hereby. That report shall include the identities of contractors and amounts of each contract.

(c) The City Council shall establish by ordinance rules and procedures for competitive bidding for purchases of, or contracts for materials, supplies, equipment, or services, including exceptions from formal bidding as the City Council may deem appropriate, including providing for emergencies. Nevertheless, such rules and procedures shall provide, where feasible, for review of such alternative sources of such materials, supplies, equipment, or services, including professional services, as may be available in competition with one another and selection therefrom on the basis of obtaining maximum quality goods, services, or performance at minimum cost, and may provide for use of other public agency bidding and contracting processes where found to be otherwise consistent with this Charter. Nothing herein contained shall authorize any person to bind the City on any such contract if the same be a portion of a larger purchase or series of purchases which, in the aggregate, exceed the authority set by the City Council hereunder.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78; Ord. No. NS-1642, 8-2-82, approved at election 11-2-82; Ord. No. NS-2715, 7-3-06, approved at election 11-7-06)

Sec. 422. - Public works contracts.

(a) For purposes of this section, "public works construction" shall be deemed to mean a project for the erection or improvement of public buildings, streets, drains, sewers, or parks. Maintenance and repair of public buildings, streets, drains, sewers, or parks shall not be considered as public works construction.

(b) Every contract for public works construction in excess of that amount set from time to time by ordinance of the City Council pursuant to (c) below, shall be made by the City Council with the lowest and best bidder after publication for at least two (2) days in a newspaper of general circulation in the City of notice calling for bids and fixing a period during which such bids will be received, which shall be for not less than ten (10) days after the first publication of said notice, except where alternate contracting procedures are utilized pursuant to (c), below.
(c) The City Council shall adopt by ordinance rules and procedures for competitive bidding for all public works contracts, which rules and procedures shall establish limits for public works contracts approved by the City Manager. Such rules and procedures shall establish criteria for thresholds for formal and informal bidding, and notice requirements therefor; standards for rejection of bids and dispensing with bidding; criteria and procedures for prequalifying bidders and contractors; and utilization of alternate project delivery systems such as design-build contracts. For purposes of this Article, "design-build" means a range of methods of procuring design and construction from a single source, where the selection of the single source occurs before the development of complete plans and specifications. Notwithstanding the foregoing, any rule permitting dispensing of bidding and/or performing work with City forces for any reason including an emergency shall require the affirmative votes of at least two-thirds (2/3) of the members of the City Council.

(Ord. No. NS-2715, 7-3-06, approved at election 11-7-06)

Sec. 423. - Independent audit.

Prior to the beginning of each fiscal year the City Council shall designate a qualified certified public accountant who shall make an independent audit of the accounts and other evidences of financial transactions of the City government during the ensuing fiscal year and shall submit his report to the City Council and the City Manager at the end of such fiscal year. Three (3) copies of his report shall be placed in the office of the Clerk of the Council where the copies of the report shall be made available for inspection by the general public. Such certified public accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of the officers of the City.

Sec. 424. - Reserved.


Sec. 425. - Disqualification due to campaign contributions.

A councilmember shall not participate in, nor use his or her official position to influence, a decision of the City Council if it is reasonably foreseeable that the decision will have a material financial effect, apart from its effect on the public generally or a significant portion thereof, on a recent major campaign contributor. As used herein, "recent major campaign contributor" means a person who has made campaign contributions totaling two hundred fifty dollars ($250.00) or more to the councilmember or to any campaign committee controlled by the councilmember in the twelve-month period immediately preceding the date of the decision. The mayor is a councilmember for purposes of this section.

(Ord. No. NS-2170, § 1, 7-20-92, approved at election 11-3-92)
ARTICLE V. - CITY MANAGER

Sec. 500. - Appointment, removal and qualifications.

The City Council shall appoint a City Manager who by virtue of his position as City Manager shall be an officer of the City and who shall have the powers and shall perform the duties in this charter provided. No member of the City Council shall receive such appointment during the term for which he shall have been elected, nor within one (1) year after the expiration of his term.

The City Council shall appoint the City Manager for an indefinite term and may remove him by motion adopted by the affirmative votes of at least two-thirds (2/3) of the members of the council. At least thirty (30) days before such removal shall become effective, the City Council shall by resolution adopted by the affirmative votes of at least two-thirds (2/3) of the members of the council state the reasons for the removal of the City Manager. The City Manager may reply in writing and any member of the City Council may request a public hearing, which, if requested, shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the City Council may remove the City Manager by motion adopted by the affirmative votes of at least two-thirds (2/3) of the members of the council. The resolution stating the reasons for the removal of the City Manager may provide for the suspension of the City Manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next calendar month following the date of adoption of the resolution.

The City Manager shall be chosen on the basis of his executive and administrative qualifications. He shall be paid a salary commensurate with his responsibilities as chief administrative officer of the City.

Sec. 501. - Powers and duties.

The City Manager shall be the chief administrative officer and the head of the administrative branch of the City government. He shall be responsible to and under the direction of the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities, and duties, the City Manager shall have power and be required to:

(a) Subject to the civil service provisions of this charter, and with the approval of the City Council, appoint all department heads and officers of the City except
those officers the power of appointment of whom is vested in the City Council and as otherwise provided in this charter;

(b) Subject to the civil service provisions of this charter and ordinances adopted pursuant thereto, pass upon and approve all proposed appointments and removals of subordinate employees, by all officers and heads of offices, agencies and departments;

(c) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption;

(d) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

(e) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as to these matters as may seem to him desirable;

(f) Keep himself informed of the activities of the several agencies, offices, and departments of the City and see to the proper administration of their affairs and the efficient conduct of their business;

(g) Be vigilant and active in causing all provisions of the law to be executed and enforced;

(h) Perform all such duties as may be prescribed by this charter or required of him by the City Council, not inconsistent with this charter;

(i) Submit a monthly report to the City Council covering significant activities of the City agencies, offices, and departments under his supervision and any significant changes in administrative rules and procedures promulgated by him;

(j) Submit special reports in writing to the City Council in answer to any requests for information filed with him by a member of the City Council.

(Ord. No. NS-2074, § 5, 8-6-90, approved at election 11-6-90)

Sec. 502. - Seat at council table.

The City Manager shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council, but shall not have a vote. He shall attend all regular and special meetings of the City Council unless physically unable to do so or unless his absence has received prior approval by a majority of the council.

Sec. 503. - Absence, disability.

To perform his duties during his temporary absence or disability, the City Manager may designate by letter filed with the Clerk of the Council one of the other officers or department heads of the City to serve as acting City Manager during such temporary absence or disability. Such designation shall be subject to change thereof by the City
Council. In the event of failure of the City Manager to make such designation, the City Council may by resolution appoint an officer or department head of the City to perform the duties of the City Manager until he shall be prepared to resume the duties of office.

**ARTICLE VI. - REVENUE AND TAXATION**

Secs. 600, 601. - Reserved.

**Editor's note**— Sections 600 and 601, relative to an ad valorem assessment and collection system, and to property tax limits, respectively, were repealed by Ord. No. NS-1864, adopted July 24, 1986, approved at election Nov. 4, 1986.

Sec. 602. - Bonded debt limits.

The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed ten (10) per cent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds (2/3) of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the Constitution of the State of California and this charter.

Bonds, which are payable solely and exclusively out of the revenues of the revenue-producing utilities owned, controlled, or operated by the City, may be issued when the City Council, by ordinance, shall have authorized a proposition therefor, only with the assent of the majority of the voters, voting upon such proposition, at an election at which such proposition shall have been duly submitted to the qualified electors of the City. Such revenue bonds shall be excluded from the debt limit hereinbefore established and shall not constitute an indebtedness of the City.

Such proposition shall specify:

(a) The property to be acquired and/or the improvements or additions to be made to the equipment for such revenue-producing utility, or utilities, and the estimate of the cost thereof,

(b) The maximum amount of bonds to be issued for such purposes,

(c) The regulations and procedures for the sale and issuance of the bonds, and

(d) The provision to be made from the revenue of the utilities for the payment of interest on, and retirement of, the bonds.

Sec. 603. - Fiscal year.
The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth (30th) day of June the following year.

Cross reference—See also § 102

Sec. 604. - Budget—Preparation by the city manager.

At such time as the City Manager may prescribe, but not later than sixty (60) days prior to the beginning of each fiscal year, each head of any office, agency, or department of the City government shall submit, through the director of finance, to the City Manager on forms and in the manner prescribed by the City Manager a detailed financial plan for the proper conduct of the office, agency, or department under his control. With this financial plan shall be submitted such summaries, schedules, and supporting data as may be prescribed by the City Manager. In preparing the proposed City budget, the City Manager shall review the financial plans submitted, hold conferences thereon with the office, agency, and department heads, respectively, and revise such plans as he may deem advisable.

Sec. 605. - Same—Submission to the city council.

On or before the fifteenth (15th) day of June of each year the City Manager shall recommend and submit to the City Council a proposed budget for the next ensuing fiscal year and a proposed appropriation ordinance as prepared by him.

Sec. 606. - Same—Public hearing.

Upon receipt of the proposed budget from the City Manager, the City Council shall proceed to the consideration of the proposed budget and, by the affirmative vote of at least a majority of its members, may increase, decrease, or omit any item or insert new items therein. Before adopting the budget the City Council shall fix the time and place for holding a public hearing upon the proposed budget and shall cause to be published a notice thereof not less than ten (10) days prior to said hearing, by at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the Clerk of the Council at least ten (10) days prior to said hearing. At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Sec. 607. - Same—Further consideration and adoption.

After the conclusion of the public hearing, the City Council may further consider the proposed budget and make any revisions thereof that it may deem advisable. On or before the thirty-first (31st) day of July the City Council shall adopt the budget with revisions, if any, by the affirmative votes of at least a majority of its members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. Between the first (1st) day of July and any subsequent date on which the budget, is adopted the several offices, departments and divisions shall be authorized to expend, each calendar month
subject to the controls established in other sections of this charter, amounts of money equal to the expenditures of each such office, department or division during the preceding June.

The budget adopted by the City Council shall provide for the support of public recreation programs at least the equivalent of six cents (6) on each one hundred dollars ($100) of the assessed value of taxable property in the City on the legal assessment date for the previous fiscal year.

A copy of the adopted budget, certified to by the Clerk of the Council, shall be filed with the director of finance and a further copy shall be placed, and shall remain on file, in the office of the Clerk of the Council where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of all officers, offices, departments, and other agencies of the City and for the use of civic organizations.

Sec. 608. - Reserved.

Editor's note—Section 608, pertaining to the amount of money required to be raised by property tax and the certification of same, was repealed by Ord. No. NS-1864, adopted July 24, 1986, approved at election Nov. 4, 1986.

Sec. 609. - Budget appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several offices, agencies, and departments for the respective objects and purposes therein specified as stated in an appropriation ordinance. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least two-thirds (2/3) of the members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget; except that the City Council shall not reduce that portion of the budget providing for the support of public recreation programs below the amount specified in section 607 of this article.

Sec. 610. - Funds—General fund; stabilization fund.

All money paid into the City treasury shall be credited to and kept in separate funds in accordance with the provisions of this charter, state law, or ordinance. For the purpose of this charter, the "General Fund" is established as a medium of control and accounting for City activities other than activities authorized or contemplated by special funds. All revenues and receipts which are not by this charter, state law, or ordinance pledged for special purposes shall be credited to the general fund.

The City Council shall maintain a revolving fund to be known as the "Stabilization Fund", for the purpose of placing the payment of running expenses of the City during the fiscal year on a cash basis. A reserve shall be built up in this fund from any available
sources in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five (5) months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible on a cash basis. All moneys so transferred from the stabilization fund shall be returned thereto before the end of the fiscal year.

Sec. 611. - Same—Capital improvement funds.

A fund for capital improvements generally is hereby created to be known as the "Capital Improvement Fund". The City Council may create by ordinance a special fund or funds for a special capital improvement purpose. The City Council may levy and collect taxes for capital improvements and may include in the annual tax levy a levy for such purposes, in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this charter, unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The number of years in which such increased levy is to be made shall be specified in such proposition. The City Council may transfer, subject to the provisions of this charter, to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created, and if for a special capital improvement, then for such purpose only, unless the use of such fund for some other purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any capital improvement fund has been created has been accomplished, the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital improvements generally, established by this charter.

Sec. 612. - Same—Working capital revolving funds.

The City Council may provide, by ordinance, for the establishment and maintenance of working capital funds for budgeted activities which are largely of a service nature for offices, departments, or agencies of the City. Such funds shall be operated on a revolving fund basis.

Sec. 613. - Claims—Formalities; treasury warrants.

Any claim against the City shall be in writing and may be in the form of a bill, invoice, payroll, or formal demand. The director of finance, with approval of the City Manager, may prescribe the form, or forms, on which claims against the City shall be presented to him. Each such claim shall be presented to the director of finance, who shall examine and audit it. If the claim is correct in all respects, has not previously been paid nor certified for payment, is provided for by an appropriation for the purpose or
object that gave rise to it, and if sufficient funds for the payment thereof remain
unencumbered in such appropriation, and if the claim is otherwise legally due and
payable, the director of finance shall so certify on the original form evidencing the claim
and shall draw his warrant on the treasury, and against the proper fund, for the payment
thereof.

All claims certified for payment by the director of finance, and warrants drawn by
him for the payment thereof, shall be transmitted by him to the City Manager together
with a list of such warrants payable from each fund, showing for each warrant the
number, date, and amount of the warrant and the name of the payee. The City Manager
may approve or disallow any of the claims so certified for payment. Any person
dissatisfied with the refusal of the director of finance and/or the City Manager to approve
any claim, in whole or in part, may present such claim to the City Council. The City
Council, after examination into the matter, may approve or disapprove the claim in
whole or in part, and, if properly payable under an existing appropriation, may order the
director of finance to draw his warrant on the treasury in payment thereof. For any such
claim for which no provision, by way of appropriation, exists, but which is approved for
payment by the City Council, appropriation by the City Council shall be made therefor
before the director of finance is ordered to draw his warrant in payment thereof.

Warrants on the City treasury which are not paid for lack of funds shall be
registered. All registered warrants shall be paid in the order of their registration when
funds therefor are available and shall bear interest from date of registration at such rate
as shall be fixed by the City Council by resolution.

Sec. 614. - Same—For money or damages.

Except in those cases where a shorter or longer time is otherwise provided by law,
all claims for money or damages against the City must be presented to the director of
finance within ninety (90) days after the occurrence, event, or transaction from which
the damages allegedly arose, and shall set forth in detail the name and address of the
claimant, the time, date, place, and circumstances of the occurrence, and the extent of
the injuries or damages received. All other claims or demands shall be presented to the
director of finance within ninety (90) days after the last item of the account or claim
accrued. In all cases such claims shall be approved or rejected in writing and the date
thereof given. Failure to act upon any claim or demand within sixty (60) days from the
day the same is filed with the director of finance shall be deemed a rejection thereof.

No suit shall be brought on any claim for money or damages against the City, or any
officer or board thereof, until a demand for the same has been presented as herein
provided and rejected in whole or in part.

(Ord. No. NS-2074, § 4, 8-6-90, approved at election 11-6-90)

Sec. 615. - Allotments.

For the purpose of exercising continuous budgeting and for exercising budgetary
control the City Council may establish by ordinance, an allotment system which shall
entail the designation of how much of the budget appropriations may be spent during fixed periods of the year by the various offices, agencies, and departments of the City.

ARTICLE VII. - OFFICERS AND EMPLOYEES

Sec. 700. - City administrative organization.

The City Council may provide by ordinance not inconsistent with this charter, for the organization, conduct, and operation of the several offices, departments, and other agencies of the City as established by this charter, for the creation of additional departments, divisions, offices, and agencies and for their alteration or abolition, for their assignment and reassignment to departments, and for the number, titles, qualifications, powers, duties, and compensation of all officers and employees.

The City Council by ordinance may assign additional functions or duties to offices, departments, or other agencies established by this charter, but shall not discontinue or assign to any other office, department, or other agency any function or duty assigned by this charter to a particular office, department, or agency. No office provided in this charter, to be filled by appointment by the City Manager, shall be combined with an office provided in this charter to be filled by appointment by the City Council.

Notwithstanding the foregoing, the City Council may transfer or consolidate functions of the City government to or with appropriate functions of the state or county government and, in case of any such transfer or consolidation, the provisions of this charter providing for the functions of the City government so transferred or consolidated, shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance establishing such transfer or consolidation. Any such transfer or consolidation may be repealed by ordinance.

Subject to the civil service provisions and section 501 of this charter, all officers and department heads of the City except the City Attorney and the Clerk of the Council, shall be appointed by the City Manager and shall thereafter serve at the pleasure of the City Manager.

(Ord. No. NS-2074, § 5, 8-6-90, approved at election 11-6-90)

Sec. 701. - Officers appointed by the city council.

In addition to the City Manager the City Council shall appoint the City Attorney who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by the affirmative votes of at least two-thirds (2/3) of the members of the council. Subject to the civil service provisions of this charter, the City Council shall appoint the Clerk of the Council who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by the affirmative votes of the
same number of members of the City Council as required to remove the City Manager and the City Attorney.

(Ord. No. NS-2074, § 10, 8-6-90, approved at election 11-6-90)

Sec. 702. - Clerk of the council; powers and duties.

The Clerk of the Council shall have the power and be required to:
(a) Receive all documents addressed to the City Council and present these documents to the City Council;
(b) Attend all meetings of the City Council and its committees and be responsible for the recording and maintaining of an accurate journal of council proceedings and the recording of the ayes and noes in the final action upon the questions of granting franchises, making of contracts, approving of bills, disposing or leasing City property, the passage or reconsideration of any ordinance, or upon any other act that involves the payment of money or the incurring of debt by the City, and in all other cases upon the call of any member of the City Council;
(c) Maintain the journal of council proceedings in books which shall bear appropriate titles and which shall be available for public inspection;
(d) Maintain separate books in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk of the Council annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this charter; and maintain all such books properly indexed and available for public inspection when not in actual use;
(e) Have charge of the repository for contracts, surety bonds, agreements, and other related documents of City business;
(f) Maintain custody of the City seal;
(g) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and issue certified copies of official City records;
(h) Conduct all City elections.

Sec. 703. - City attorney; qualifications, power and duties.

To become eligible for the position of City Attorney the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California. He shall devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation of such office. He shall have the power and be required to:
(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;
(b) Attend all meetings of the City Council and give his advice or opinion in writing whenever requested to do so by the City Council or by any of the officers and boards of the City;

(c) Prepare or approve all proposed ordinances or resolutions for the City, and amendments thereto;

(d) Prosecute on behalf of the people such criminal cases for violation of this charter, or City ordinances, and of misdemeanor offenses and infractions arising upon violations of the laws of the state as in his opinion, or that of the City Council, or of the City Manager, warrant his attention;

(e) Represent and appear for the City, any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee, in or by reason of his official capacity, is concerned or is a party;

(f) Approve the form of all bonds given to, and all contracts made by, the City, endorsing his approval thereon in writing;

(g) On vacating the office, surrender to his successor all books, papers, files, and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

(Ord. No. NS-1642, 8-2-82, approved at election 11-2-82).

Sec. 704. - Director of finance; qualifications, powers and duties.

To become eligible for the position of director of finance, the person appointed by the City Manager shall be qualified to administer and direct an integrated department of finance. The director of finance shall have power and be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager;

(b) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that budget appropriations are not exceeded;

(c) Supervise a system of financial internal control including the auditing of all purchase orders before issuance, the auditing and approving before payment of all invoices, bills, payrolls, claims, demands, or other charges against the City, and, with the advice of the City Attorney, when necessary, determine the regularity, legality, and correctness of such charges;

(d) Settle claims, demands, or other charges, including the issuing of warrants therefor;
(e) Maintain general and cost accounting systems for the City government and each of its offices, departments, and other agencies; keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of appropriations, the amounts paid therefrom, the unpaid obligations against it, and the unencumbered balance; and require reports of the receipts and disbursements from each receiving and expending agency of the City government; to be made daily or at such intervals as he may deem expedient;

(f) Submit to the City Council through the City Manager a monthly statement of all receipts and disbursements and other financial data in sufficient detail to show the exact financial condition of the City, and, as of the end of each fiscal year, submit a complete financial statement and report;

(g) Administer the license and business tax program of the City;

(h) Direct treasury administration for the City, including the receiving and collecting of revenues and receipts from whatever source; have custody of all public funds belonging to or under the control of the City or any office, department, or other agency of the City government; and deposit all funds coming into his hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, by the City Manager, in compliance with all of the provisions of the state constitution and laws of the state governing the handling, depositing, and securing of public funds;

(i) Direct centralized purchasing and a property control system for the City government under rules and regulations to be prescribed by ordinance.

Sec. 705. - Performance review.

On or before the annual anniversary date of appointment of persons serving in the positions of City Manager, City Attorney and Clerk of the Council, the City Council shall review and evaluate the performance of such appointees.

(Ord. No. NS-2074, § 7, 8-6-90, approved at election 11-6-90)

Sec. 706. - Reserved.

Editor’s note—Sections 705 and 706, relative to the qualifications, powers and duties of the director of public works and the director of recreation and parks, were repealed by Ord. No. NS-1642, adopted Aug. 2, 1982, approved at election Nov. 2, 1982. Subsequently, § 705 was reenacted to read as set forth above.

Sec. 707. - Appointment powers of department heads.

Subject to the approval of the City Manager and subject to civil service provisions of this charter and the civil service rules and regulations established thereunder, each head of a department, office, or other agency shall have the power to appoint and
remove such deputies, assistants, subordinates, and employees as are provided for by the City Council for his department, office, or other agency.

ARTICLE VIII. - BOARD OF EDUCATION

FOOTNOTE(S):

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Editor's note—At a special municipal election held June 2, 1970, the electors of the City of Santa Ana amended the City charter by deleting Article VIII, §§ 800—804, dealing with the establishment and regulation of the Santa Ana Board of Education, in order that the state code provisions pertaining thereto might control.

Secs. 800—804. - Reserved.

ARTICLE IX. - APPOINITIVE BOARDS AND COMMISSIONS

Sec. 900. - Established; enumerated.

The following enumerated appointive boards and commissions are here established and shall have the powers and duties contained in this article:

(a) Board of recreation and parks
(b) Planning commission
(c) Personnel board

The City Council may create by ordinance such other appointive boards or commissions as in its judgment are required and may grant to them powers and duties as are consistent with the provisions of this charter. The City Council, by motion adopted by the affirmative votes of at least a majority of its members, may appoint from time to time temporary committees as deemed advisable to render counsel and advice to the appointing authorities on any designated matters or subjects within the jurisdiction of such authorities.

Sec. 901. - Appointments, removals, vacancies, terms.

(a) Except as otherwise specified in this charter, the member of each of the appointive boards and commissions shall be appointed, and may be removed, by the City Council, subject in both appointment and removal by the affirmative votes of a majority of the members. For boards or commissions having at least seven (7)
members, the City Council shall select seven (7) members from nominations made by the council member (or the mayor in the case of the city-wide seat) whose term coincides with that board or commission seat, as determined by the City Council in accordance with subsection (e) below, together with nominations from any other member of the Council. All other appointments shall be as determined by this Charter, or by the City Council from time to time. Beginning with terms starting after the 2006 General Election, at least fifty-percent (50%) of those persons nominated from time to time by a council member shall be residents of the ward represented by such council member. At the request of a council member, this rule may be waived by a 2/3 vote of the City Council for any one appointment if the requesting member is unable to find a qualified and acceptable ward resident to nominate. For purposes of this rule, residency is only required at the time of nomination.

(b) Vacancies from whatever cause arising shall be filled in the same manner. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. All terms shall begin on the same date as City Council member terms as provided in section 400 of this Charter.

(c) If a member of a board or commission absents himself from two (2) regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or fails to attend at least one-half (½) of the regular meetings of such board or commission within a calendar year, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council.

(d) Except as otherwise provided in this section, the members of such boards and commissions shall serve for a term of four (4) years and until their respective successors are appointed and qualified, but in no event shall any person be eligible for reappointment who has served three (3) consecutive terms of four (4) years each, irrespective of what seat or seats the member is appointed to by the City Council. Notwithstanding the foregoing, one seat shall be a city-wide seat having a (4) four year term which coincides with that of the Mayor, and which shall be limited to three (3) consecutive terms. Short or partial terms (as defined for City Council in Section 401 of this Charter) shall not be considered. Unless otherwise provided by ordinance of the City Council for a board or commission having more or less than seven (7) members, the terms of three (3) of the members of each such board or commission shall begin on the date of the beginning of the term of office of council members elected at every second general election commencing with the April, 1983 general election, the terms of three (3) other members shall begin on the date of the beginning of the term of office of council members elected at every second general election commencing with the November, 1984 general election, and one (1), as designated by the City Council, shall coincide with the term of the mayor. It is the intent of this section that the term of office on boards and commissions shall be concurrent with the term of office of council members. Thereafter, any appointment to fill an unexpired term shall be for such an unexpired period. No person shall be
eligible for appointment to a board or commission who completed a term on the City Council immediately preceding that board or commission term.

(e) The City Council shall determine which members of such boards and commissions serving as such at the time of the April, 1983 general election shall serve shortened or extended terms. Beginning with terms starting immediately following the 2006 General Election, for board and commissions with at least seven (7) members, the City Council shall designate seven (7) board and commission seats by ward, and one city-wide. These designations shall be solely for the purpose of nominations and calculations of terms as provided in this Section 901. Except for purposes of the fifty-percent (50%) nomination rule in subsection (a) above, residency in that ward is not required.

(Ord. No. NS-1667, 1-3-83, approved at election 4-5-83; Ord. No. NS-2715, 7-3-06, approved at election 11-7-06; Res. No. 2007-057-S1, 11-5-07, approved at election 2-5-08)

Sec. 901.1. - Prohibition against serving as treasurer for campaign committee.

If any member of an appointive board or commission shall become the treasurer of a campaign committee which receives contributions for any candidate for mayor or councilmember, his or her office shall become vacant and shall be so declared by the City Council. Any provisions of this Article IX notwithstanding, no person who serves as the treasurer of a campaign committee which receives contributions for any candidate for mayor or councilmember shall be eligible for appointment to any appointive board or commission.

(Ord. No. NS-2170, § 2, 7-20-92, approved at election 11-3-92; Ord. No. NS-2715, 7-3-06, approved at election 11-7-06)

Sec. 902. - Appropriations therefor.

The City Council shall include in its annual budget such appropriations of funds as, in its opinion, shall be sufficient for the efficient and proper functioning of such appointive boards and commissions.

Sec. 903. - Existing boards and commissions.

Members of existing appointive boards and commissions at the time this charter takes effect shall continue in office and shall perform their duties until other provisions shall have been made as provided in this charter for the performance of such duties and for the discontinuance of such boards or commissions.

Sec. 904. - Meetings; chairman.

The election of each chairman and vice-chairman shall be held at the meetings of the respective boards and commissions during the month of July of each year. The board or commission, in the event of a vacancy in the office of the chairman or vice-
chairman, shall elect one of its members for the unexpired term. The chairman shall have the responsibility for informing the City Council of board, commission, or committee actions or inactions and the reasons therefor.

Each board or commission, other than the personnel board, shall hold a regular meeting at least once a month with reasonable provision for attendance by the public. The City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board and commission shall prescribe rules and regulations governing its operations which shall be consistent with this charter and shall be filed with the Clerk of the Council for public inspection. The personnel board shall meet monthly, provided there is business on the agenda to come before it. In the event no business is placed on the board's agenda before the Friday preceding the tentative Wednesday meeting date, no meeting need be held; provided, however, that in no event shall more than three (3) months intervene between meetings of such board.

(Ord. No. NS-1028, 8-17-70, approved at election 11-3-70; Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

Sec. 905. - Compensation.

The members of appointive boards and commissions shall receive such compensation, if any, as may be prescribed by ordinance and may receive reimbursement for necessary traveling and other expenses when on official duty of the City when such expenditure has been so authorized by the board or commission and subject to rules and regulations prescribed by ordinance on order of the City Council.

Sec. 906. - Attendance of witnesses; oaths and affirmations.

Each appointive board or commission shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Sec. 907. - Board of recreation and parks—Membership.

The members of the board of recreation and parks shall be appointed from the qualified electors of the City. Seven (7) members shall be appointed as required by this charter.

One additional member shall be appointed by the governing board of each school district operating one or more elementary schools located within the City of Santa Ana, except that there shall not be more than four (4) such additional members. If more than four (4) school districts operate elementary schools within the City, appointment of the additional members shall be made by the governing boards of those districts having the largest assessed value of property lying within the City of Santa Ana. No member of the board of recreation and parks shall hold any paid office or employment in the City government.
Sec. 908. - Same—Powers and duties.

The board of recreation and parks shall have power and be required to:
(a) Consider matters that may be referred to it by the City Council, the City Manager, or the director of recreation and parks and render such counsel and advice in regard thereto as may be requested by the referring authorities; and consider all matters regarding programs, usages, or services of the department of recreation and parks other than administrative matters;
(b) By its own motion, make such studies and investigations as it may deem necessary for the formulation of recreation and park policies, or to determine the wisdom and efficacy of the policies, plans, and procedures dealing with recreation and park matters and report its findings and recommendations to the City Council, the City Manager, or the director of recreation and parks, or to any or all such authorities as it may see fit;
(c) Recommend to the City Council and the City Manager as to the acceptance or rejection of offers of donations of money, personal property, or real estate to be used for recreation and park programs; and additionally, it shall make recommendations on the sale, transfer, or usage of existing or future park property;
(d) Consider the annual budget during the process of its preparation by the director of recreation and parks and make recommendations with respect thereto to the City Manager and the City Council;
(e) Solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies concerned with recreation and park programs of the City.

Sec. 909. - Planning commission—Membership.

The planning commission shall consist of seven (7) members to be appointed by the City Council from the qualified electors of the City, and no member of said commission shall hold any paid office or employment in the City government.

Sec. 910. - Planning commission—Powers and duties.

The planning commission shall have power and be required to:
(a) Periodically review the City's General Plan;
(b) Make studies and plans for future civic land use, including use as public recreation facilities;
(c) Annually review the City's capital improvement program solely for consistency with the General Plan;
(d) Exercise such functions as to land subdivisions, zoning, and other City planning as may be prescribed by ordinance.

(e) By its own motion, make such studies and investigations as it may deem necessary for the formulation of planning and land use policies and report its findings and recommendations to the City Council or the City Manager, or to both such authorities, as it may see fit.

(Ord. No. NS-2715, 7-3-06, approved at election 11-7-06)

Sec. 911. - Personnel board—Membership.

The personnel board shall consist of seven (7) members to be appointed by the City Council from the qualified electors of the City. None of the members shall be removed from office without reasonable and sufficient cause, in accordance with procedures as provided by ordinance. None of the members shall hold public office or employment in the city government or be a candidate for any other public office or position, be an officer of any local, state or national partisan political club or organization, or while a member of the personnel board or for a period of one (1) year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the City.

(Ord. No. NS-1642, 8-2-82, approved at election 11-2-82; Ord. No. NS-2715, 7-3-06, approved at election 11-7-06)

Sec. 912. - Same—Powers and duties.

The personnel board shall have power and be required to:

(a) Hear appeals pertaining to the disciplinary suspension, demotion, or dismissal of any officer or employee having permanent status in any office, position, or employment in the civil service; and as otherwise provided for in the civil service rules and regulations;

(b) Consider matters that may be referred to it by the City Council or the City Manager and render such counsel and advice in regard thereto as may be requested by the referring authorities;

(c) By its own motion, make such studies and investigations as it may deem necessary for the formulation of civil service policies, or to determine the wisdom and efficacy of the policies, plans, and procedures dealing with civil service matters and report its findings and recommendations to the City Manager or the City Council, or to both such authorities, as it may see fit;

(d) Conduct public hearings on all proposed amendments to or repeal of civil service rules and regulations in the manner as prescribed by ordinance, and advise the council of its findings in such matters within sixty (60) days.
ARTICLE X. - CIVIL SERVICE

Sec. 1000. - Civil service system.

A civil service system shall be as follows in addition to necessary rules of implementation to be established by ordinance and as may be recommended by the personnel board:

(a) That the most qualified and competent employees shall be appointed and promoted, based upon fair and equitable competition for the positions to ensure the highest quality City government.

(b) That no political or other outside influences shall affect appointments or promotions.

(c) That there shall be equal opportunity for all persons regardless of age, sex, race, religion, creed, marital status, physical handicap, or national origin.

(d) That there is equitable treatment of all civil service employees in matters of discipline, layoff or dismissal from the City service.

The system should be established in such a manner to ensure the accomplishment of the foregoing standards in appointments, promotions, discipline, layoffs or dismissals of civil service employees.

The civil service rules and regulations shall provide for such matters as the City Council and the personnel board may deem necessary, proper or expedient to carry out the intent and purpose of the civil service provisions of this charter. These rules and regulations shall provide:

(a) Preference for veterans for appointment to civil service positions consistent with the principle of merit.

(b) Vacancies in positions of the higher classes in the civil service of the City shall be filled with preference to employees occupying positions of lower classes having duties and responsibilities which can reasonably be considered as affording training and experience for the performance of the duties of the higher class.

(c) That persons achieving eligibility for a position in the civil service shall retain that eligible status for a time sufficient to offer an opportunity to be appointed to a position in the civil service.

(d) That the right to exercise disciplinary and dismissal powers is vested respectively in the officers of the City who have the power of appointment as to
any position in the personnel system. Actions relating to suspension, demotion or dismissal for reasonable and sufficient cause may be taken by the officer having the power of appointment to the position.

(Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

Sec. 1001. - Reserved.

**Editor's note**— Ord. No. NS-1642, adopted Aug. 2, 1982, approved at election Nov. 2, 1982, repealed §§ 1001, 1003 and 1005—1009. Said sections pertained to civil service rules and regulations generally; appointments from competitive service to excepted service; recruitment and examinations; promotions; eligible lists, certification and appointment of employees; suspensions, demotions, dismissals; and layoffs. Sections 1008 and 1009 had been amended by Ord. No. NS-1405, adopted March 13, 1978, approved at election June 6, 1978.

Sec. 1002. - Civil service and excepted service.

The civil service system of the City shall cover all employees of the City not excepted by this section.

(a) The excepted service shall comprise the following offices and positions:

1. The individual offices held by all elective officers;
2. The City Manager and his assistants, if any;
3. The City Attorney and his legal assistants, if any;
4. The Clerk of the Council;
5. The director of finance;
6. The director of personnel, if any;
7. The head of each department of the City not otherwise specified herein, and the chief administrative officer of the community redevelopment agency of the City of Santa Ana, and of the housing authority of the City of Santa Ana, but not including the police chief or the fire chief;
8. One private secretary to the City Manager;
9. All members of boards and commissions;
10. Positions occupied by persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional nature;
11. Positions in any class or grade created for a special or temporary purpose, and which are to exist for a period of not longer than ninety (90) days;
12. Positions of any class or grade exempted from the civil service for a maximum of six (6) months in any calendar year provided that the personnel board upon application of the City Manager and after public
notice and hearings recommends to the City Council such exemption and the City Council grants such exemption by motion adopted by two-thirds (2/3) of its members. Any such exemption shall not affect the tenure of any person whose appointment has become final under civil service;

(13) Part-time positions or employments requiring less than twenty (20) regular hours of employment per week;

(14) School crossing guards;

(15) All positions occupied by persons employed to replace employees ordered to active duty, enlisted, or drafted for military service during a national emergency or when this country has declared war and until the expiration of the time when such replaced employee could demand his former position of employment under federal or state statutes.

(b) The civil service shall comprise all positions not specifically included by this section in the excepted service.

(c) In the event an officer or employee of the City holding a position in the civil service is appointed to a position in the excepted service and should subsequently be removed therefrom, he shall revert to his former position in the civil service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously.

(Ord. No. NS-1521, 3-17-80, approved at election 6-3-80; Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

Sec. 1003. - Reserved.

Note—See the editor's note at § 1001

Sec. 1004. - Position classification and pay plan.

The City Manager shall prepare, install and maintain a position classification and pay plan covering all positions in both the civil and the excepted services of the City, subject to civil service rules and regulations and the approval of the City Council.

The City Manager shall develop the pay plan, after meeting and conferring with employees' organizations as required by law.

(Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

Secs. 1005—1009. - Reserved.

Note—See the editor's note at § 1001

Sec. 1010. - Prohibitions.
(a) No officer or employee of the City shall in any way favor or discriminate against any employee of the City or any applicant for employment with the City because of his or her race, age, color, religion, sex or national origin.

(b) No officer or employee of the City shall engage in any political activities in violation of Chapter 9.5 of Division 4 of Title 1 of the California Government Code (commencing with Section 3201) as the same exists on the date of adoption of this section or as the same may be thereafter amended, or in violation of any other provisions of applicable law.

(c) No officer or employee of the City and no candidate for any City office shall, directly or indirectly, solicit any assessment, subscription, or contribution, whether voluntary or involuntary, for any political candidate, for Santa Ana municipal office from anyone on an eligible list, or, with the exception of elective officers and members of appointive boards and commissions, anyone holding a position in the service of the City.

(d) No person shall willfully or through culpable negligence make any false statement, certificate, mark, rating, or report in regard to any application, test certification, or appointment held or made under the provisions of this article or in any manner commit or attempt any fraud preventing the impartial execution of such provisions of this article or of the rules and regulations made hereunder.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 1011. - Contract for performance of administrative functions.

The City Council, upon recommendation of the City Manager, may contract with the governing body of any other City or of any county within this state, or with any state department or other state agency for the preparing or conducting of competitive examinations for positions in the service of the City or for the performance of any other personnel administration service.

Sec. 1012. - Employees of consolidated cities.

All officers and employees of any City hereafter consolidated with the City of Santa Ana, who were full-time officers or employees of such consolidated City upon the date of election held in such consolidated City for such consolidation, shall, from the effective date of such consolidation, be deemed to have their names upon eligible lists for the respective positions held by them and to be qualified for appointment to such respective positions in the City of Santa Ana without loss of any rights or benefits that they may theretofore have accrued.

(Ord. No. NS-1521, 3-17-80, approved at election 6-3-80)

Sec. 1013. - Employees of other agencies.

In the event of the annexation of all or a portion of the geographic area of any governmental agency to the City or the agreement by the City to assume responsibility
for providing any service for or on behalf of any governmental agency, it shall be
discretionary with the City Council whether or not all or any of the officers or employees
of such agency shall be entitled to have their names placed upon eligible lists for the
respective types of positions held by them and to be qualified for appointment to such
respective positions in the City of Santa Ana.

(Ord. No. NS-1521, 3-17-80, approved at election 6-3-80)

Sec. 1014. - Work stoppages.

Any officer or employee of the City who engages in any strike, sickout, or other
partial or total stoppage of work shall be summarily subject to suspension, demotion or
dismissal by the appointing authority without right of appeal to the personnel board.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 1015. - Penalty for violation of article.

In addition to the penalties provided for in this charter for violations of its provisions,
any person who by himself or with others violates any of the provisions of this article
shall upon conviction thereof be ineligible for a period of three (3) years for employment
in the service of the City and shall immediately forfeit his office or position if he be an
officer or employee of the City.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

ARTICLE XI. - MISCELLANEOUS PROVISIONS RELATING TO OFFICERS AND
EMPLOYEES

Sec. 1100. - Investigations by the city council or city manager.

The City Council, the City Manager, or any person or committee authorized by
either of them, shall have power to inquire into the conduct of any office, department,
agency, or officer of the City and to make investigation as to City affairs, and for that
purpose may subpoena witnesses, administer oaths, and compel the production of
books, papers, and other evidence.

Secs. 1101, 1102. - Reserved.

Editor's note— Ord. No. NS-1405, adopted March 13, 1978, approved at election June
6, 1978, repealed §§ 1101 and 1102 relative to publicity of records, illegal contracts and
financial interest of officers and employees.
Sec. 1103. - Official bonds.

The City Council shall, by ordinance, fix the amounts and terms of the official bonds of all officers and employees of the City who are required by this charter or by ordinance to give such bonds. All bonds shall be executed by a responsible surety, shall be approved by the City Attorney as to form, and shall be filed with and remain in the keeping of the director of finance, provided that the bond of the director of finance shall be filed with and remain in the keeping of the Clerk of the Council. The premium on any official bond furnished under the provisions of this section and executed by a corporate surety shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinates, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Sec. 1104. - Administering oaths.

Each head of an office, department, or other agency and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Sec. 1105. - Oath of office.

Each member of the City Council and of every board and commission and each officer and full-time employee shall, before entering upon the duties of his office, take and subscribe an oath or affirmation as prescribed by law and to be filed and kept in the office of the director of personnel.

(Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

Sec. 1106. - Officers of the city.

The officers of the City shall be:

Members of the City Council,

City Manager,

City Attorney,

Clerk of the Council,

Such other officers as shall be specified by ordinance.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 1107. - Gifts to officers and employees prohibited.

It shall be unlawful for any person or organization that is financially interested in any decision pending action by any agency, officer or employee of the City, or in any
contract to which the City is a party to make any gifts aggregating in value more than twenty-five dollars ($25.00) in any one calendar month to any officer, or employee of the City. No person or organization shall be deemed to have a financial interest in a decision or contract by reason of any interest which is shared by a significant portion of the general public. No gift is unlawful which is similarly made or offered to a significant portion of the general public. Any person who makes, acts as the agent or intermediary in the making of, or arranges for the making of, any gift which is unlawful hereunder is guilty of a misdemeanor. Any officer or employee who receives any gift which he knows, or reasonably should know, is unlawful hereunder is guilty of a misdemeanor.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

ARTICLE XII. - ELECTIONS

Sec. 1200. - Conducting.

The conduct of all municipal elections by the Clerk of the Council shall be under the control of the City Council which shall, by ordinance or resolution, provide for the holding of all municipal elections.

(Ord. No. NS-2715, 7-3-06, approved at election 11-7-06).

Sec. 1201. - General municipal.

General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City of Santa Ana on the first Tuesday after the first Monday in November in each even-numbered year. However, in the event the state legislature hereafter prescribes a different day for holding of the statewide general election, general municipal elections shall be held upon such day as prescribed for the statewide general election.

(Ord. No. NS-1346, 1-25-77, approved at election 4-5-77; Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

Sec. 1202. - Special municipal.

All other municipal elections that may be held by authority of this charter, or of any law, shall be known as special municipal elections.

Sec. 1203. - Procedures for holding.

Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now
exist or may hereafter be amended, for the holding of elections in general law cities, insofar as the same are not in conflict with this charter.

(Ord. No. NS-1346, 1-25-77, approved at election 4-5-77; Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 1204. - Consolidated elections.

The City may consolidate its general municipal election with the election of any public district, county, or other political subdivision, including any elementary, unified, high school, or community college district, or community college district trustee area, which is included, all or part, within the boundaries of the City. Such consolidation shall be effected upon the order of the governing bodies or officer or officers calling the elections pursuant to the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended.

(Ord. No. NS-1346, 1-25-77, approved at election 4-5-77)

Sec. 1205. - Initiative, referendum and recall.

The powers of the initiative and referendum and of the recall of elected municipal officers are hereby reserved to the electors of the City. Unless otherwise provided by ordinance, hereafter enacted, the provisions of the elections code of the State of California, as the same now exist or may hereafter be amended, governing the initiative, the referendum, and the recall of the municipal officers shall apply to use thereof in the City insofar as such provisions of the elections code are not in conflict with this charter.

Sec. 1206. - Campaign contribution limitation.

No person shall make, and no candidate for mayor or City Council or campaign treasurer shall solicit or accept, any contribution or loan which would cause the total amount contributed or loaned by that person to that candidate, including contributions or loans to all committees controlled by that candidate, to exceed one thousand dollars ($1,000.00) in any election cycle; provided, however, that the City Council may, by ordinance, adjust such limit to reflect changes in the consumer price index; and provided further that nothing herein shall apply to a candidate's contribution of his or her personal funds to his or her own campaign contribution account. As used herein, "election cycle" means the period of time between the date of an election to the office of mayor or councilmember and the date of the next election to the same office.

(Ord. No. NS-2170, § 3, 7-20-92, approved at election 11-3-92)

Charter reference— Disqualification due to campaign contributions, § 425

Cross reference— Prohibited campaign contributions, § 2-107

Sec. 1207. - Campaign committees and bank accounts.
A candidate for the office of mayor or City Council shall have no more than one campaign committee and one campaign contribution account out of which all expenditures for the purpose of seeking such office shall be made. The campaign contribution account shall be established and maintained as set forth in Section 85201 of the Government Code.

(Ord. No. NS-2170, § 3, 7-20-92, approved at election 11-3-92)

Sec. 1208. - Enforcement.

(a) Any person who knowingly or willfully violates sections 1206 or 1207 of this charter is guilty of a misdemeanor.

(b) Any resident of the City may bring an action, at a time during an election period or thereafter, in a court of competent jurisdiction to enjoin actual or threatened violations of, or to compel compliance with, or to obtain a judicial declaration regarding compliance with, section 1206 or 1207.

(c) The City Attorney may maintain, in the name of the City, or a resident of the City may maintain, in his or her own name, a civil action to recover from a candidate or a committee controlled by a candidate any contributions received by such candidate or committee in excess of the contribution limitations established by section 1206. Any money recovered in any such action shall be deposited in the City's general fund.

(Ord. No. NS-2170, § 3, 7-20-92, approved at election 11-3-92)

ARTICLE XIII. - FRANCHISES

Sec. 1300. - Granting authority.

The term "the streets of the City" as used in this article shall include streets, ways, alleys, avenues, highways, boulevards, concourses, driveways, bridges, parks, parkways, and public grounds or waters within or belonging to the City.

Subject to the provisions of this charter, the City Council shall have the power in behalf of the City to grant franchises or rights or make contracts providing for the furnishing of the City and its inhabitants with transportation, communications, terminal facilities, water, light, heat, power, refrigeration and storage, or any other public utility or service, or using the streets of the City for the operation of plants, works, or equipment for the furnishing thereof, or traversing any portion of the streets of the City for the transmitting or conveying of any such service elsewhere.

The City Council may grant a franchise to any person, firm, or corporation, whether operating under an existing franchise or not, and may prescribe the terms and
conditions of any such grant. The City Council may also provide, by procedural
ordinance, the method of procedure and additional terms and conditions for making
such grants, subject to the provisions of this charter.

No grant of any franchise may be transferred or assigned by the grantee except by
consent in writing of the City Council and unless the transferee or assignee thereof shall
covenant and agree to perform and be bound by each and all of the terms and
conditions imposed in the grant or by procedural ordinance and by this charter.

The City may issue permits for the construction of spur or side tracks in and over
the streets of the City and the running of cars thereon for the purpose of connecting
warehouses, factories, or other business industries and enterprises with any line of
railroad within the City, upon such terms and subject to such regulations and conditions
as shall be prescribed from time to time by ordinance. Such tracks shall be used for the
transportation of freight only and shall not be used as a main line or part thereof. Such
tracks must be laid and operated in such manner and under such restrictions as not to
interfere with the use of the streets of the City by the public. All such permits shall be
revocable at the pleasure of the City Council.

Sec. 1301. - Terms of franchises.

Every franchise shall state the term for which it is granted, which, unless it be
indeterminate as provided for herein, shall not exceed twenty-five (25) years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall
endure in full force and effect until the same, with the consent of the public utilities
commission or its successors of the State of California, or the interstate commerce
commission as the case may be, shall be voluntarily surrendered or abandoned by its
possessors, or until the State of California, or some municipal or public corporation,
thereunto duly authorized by law, shall purchase by voluntary agreement or shall
condemn and take, under the power of eminent domain, all property actually used and
useful in the exercise of such franchise and situate within the territorial limits of the
state, municipal, or public corporation purchasing or condemning such property, or until
the franchise shall be forfeited for noncompliance with its terms by the possessor
thereof.

Sec. 1302. - Grants to be in lieu of all other franchises.

Any franchise granted by the City with respect to any given utility service shall be in
lieu of all other franchises, rights, or, privileges owned by the grantee, or by any
successor of the grantee to any right under such franchise, for the rendering of such
utility service within the limits of the City as they may now or hereafter exist, except any
franchises derived under section 19 of Article XI of the Constitution of the State of
California as said section existed prior to amendment thereof adopted October 10,
1911. The acceptance of any franchise hereunder, shall operate as an abandonment of
all such franchises, rights, and privileges within the limits of the City as such limits shall
at any time exist, in lieu of which such franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance
thereof shall have been filed by the grantee thereof with the Clerk of the Council. Such
acceptance shall be filed within thirty (30) days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights, and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory.

Sec. 1303. - Resolution of intention, notice and public hearing.

Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place when and where any persons having any interest therein, or any objection to the granting thereof, may appear before the City Council and be heard thereon. The City Council shall direct the Clerk of the Council to publish said resolution at least once within fifteen (15) days of the passage thereof, in the official newspaper. The time fixed for such hearing shall not be less than twenty (20) nor more than sixty (60) days after the passage of said resolution. At the time set for the hearing, the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, it may grant, or deny, the franchise, subject to the right of referendum of the people.

Sec. 1304. - Duties of grantees.

By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance, and shall further agree to:

(a) Comply with all lawful ordinances, rules, and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance, and operation of the grantee's plants, works, or equipment;

(b) Pay to the City on demand the cost of all repairs to the public property made necessary by any of the operations of the grantee under such franchise;

(c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchise;

(d) Remove and relocate without expense to the City any facilities installed, used, and maintained under the franchise if and when made necessary by any lawful change of grade, alignment, or width of any public street, way, alley, or place that is not a freeway to which all rights of access have been acquired by the State of California, including the construction of any subway or viaduct, or if the public health, comfort, welfare, convenience, or safety so demands;

(e) Pay to the City during the life of the franchise a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.
Sec. 1305. - Exercise of privilege without franchise.

The exercise by any person, firm, or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be a misdemeanor and shall be punishable in the same manner as violations of this charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

Sec. 1306. - Effect on eminent domain.

No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain and nothing herein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

Sec. 1307. - City-owned utilities.

In the event that any public utility shall be taken over by the City, by purchase or through the exercise of the right of eminent domain, the franchise shall have no value.

No public utility owned by the City shall be sold, leased, or otherwise transferred unless authorized by the affirmative votes of two-thirds (2/3) of the electors voting on such proposition at a general or special election at which such proposition is submitted.

ARTICLE XIV. - RETIREMENT

Sec. 1400. - Employees' retirement system.

(a) Duty to provide retirement system. Except as hereinafter otherwise provided, the council shall provide, by ordinance or ordinances, for the creation, establishment and maintenance of a retirement plan or plans for all officers and employees of the City. Such plan or plans need not be the same for all officers and employees. Subject to other provisions of this article, the council may at any time, or from time to time, amend or otherwise change any retirement plan or plans or adopt or establish a new or different plan or plans for all or any officers or employees.

(b) Authority to join other systems. Subject to other provisions of this article, the City, by and through its council, is hereby empowered, but not required, to join or continue as a contracting agency in any retirement or pension system or systems existing or hereafter created under the laws of the State of California or of the United States of America to which municipalities and municipal officers or employees are eligible for membership.

(c) Continuance of existing retirement system. Until otherwise provided by ordinance, the City shall continue to participate in the Public Employees' Retirement System of
the State of California, as the same now exists or may hereafter be amended. The City Council may not terminate any such contract with the Public Employees' Retirement System of the State of California, and may not amend any such contract in a manner which would decrease or eliminate any benefit accruing to persons employed by the City at the time of such contract termination or amendment, unless such amendment shall substitute a retirement system or systems providing equal or greater benefits for said persons.

(d) Exclusions. The council in its discretion may exclude all or any of the following persons from any or all retirement plans, to wit:

Persons mentioned in subsections (b)[(a)](1), (6), (7), (8), (9), (10), (11) and (13) of section 1002 of this charter;

Persons in City service primarily for training, study or educational purposes;

Persons employed or paid on a part-time, per diem, per hour or any basis other than a monthly basis.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

ARTICLE XV. - LEGAL PROVISIONS

Sec. 1500. - Amendments to charter.

Amendments to this charter shall be proposed and submitted to the electors of the City in the manner provided by the Constitution of the State of California.

Sec. 1501. - Violations.

The violation of any provision of this charter shall be deemed a misdemeanor and be punishable upon conviction in the same manner as provided in the Penal Code of the State of California as the same now reads or as hereafter amended.

(Ord. No. NS-2074, § 9, 8-6-90, approved at election 11-6-90)

Sec. 1502. - Definitions.

Unless the provisions or the context otherwise requires, as used in this charter:

(a) Whenever the term "City" occurs in this charter, it means the City of Santa Ana, and whenever the term office, department, agency, board, commission, officer, or employee, as the case may be, is used, it means an office, department, agency, board, commission, officer, or employee of the City of Santa Ana;

(b) "Shall" is mandatory, and "may" is permissive;
(c) "County" is the County of Orange;
(d) "State" is the State of California.

Sec. 1503. - Separability.

If any section or part of section of this charter, or the application thereof to any person or circumstance, shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter, or the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding will directly apply, or the application of such provision to other persons or circumstances.
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Ward Map

Map of Neighborhood Associations
City of Santa Ana
Council Wards

Adopted January 17, 2012
Council Wards and Neighborhoods

SANTA ANA NEIGHBORHOODS

7. Saddleback View  20. Mid-City  33. Shadow Run  45. Republic Homes
12. Delhi
13. Sandpinline
14. Thornton Park
15. Bristol/Warner
16. Laurelhurst
17. South Coast
18. Centennial Park
19. Sunwood Central
20. Mid-City
21. Artesia Pilar
22. Mar-Les
23. Fisher Park
24. Santa Ana Triangle
25. French Court
26. Riverview West
27. Northwest
28. Flower Park
29. Morning Sunwood
30. Windsor Village
31. Park Santiago
32. Portola Park
33. Shadow Run
34. Willard
35. Valley Adams
36. Central City
37. West Flora Park
38. Bristol Memory
39. Riverview Coalition
40. Bella Vista
41. Pico-Lowell
42. Santa Anita
43. Morrison/Ekridge Park
44. West Grove Valley
45. Republic Homes
46. New Horizons
47. Madison Park
48. Cedar Evergreen Co-Op
49. Malbury Park
50. Rosewood Baker
51. Cornerstone Village
52. Casa De Santiago
53. Windsor Village North
54. Concord
55. Riverglen
56. Edna Park
57. Casa Bonita
58. Meredith Parkwood
59. Metro Classic
60. Lyon Street
61. Fairbridge Square
62. Grand Sunrise
63. Downtown
64. Young Square

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Council Wards Adopted: 1-17-2012
City of Santa Ana
Parks and Recreation Facilities

Parks and Recreation Facilities

1  17th Street Triangle
2  6th & Lacy (Proposed)
3  Adams Park
4  Angels Community Park
5  Birch Park
6  Bomo Koral Park
7  Cabrillo Park
8  Cabrillo Tennis Center
9  Centennial Regional Park
10  Cesar Chavez Campeeno Park
11  Chepa's Park
12  Colonel William W. Eldridge Park
13  Delry Park
14  Edna Park
15  El Salvador Park
16  Fairview Triangle
17  Fisher Park
18  French Park
19  Friendship Park
20  Garfield Fitness Park
21  Girset Park
22  Heritage Park
23  Jerome Park
24  Lillie King Park
25  MacFadden Park
26  Madison Park
27  McFadden Triangle
28  Memorial Park
29  Memory Lane Park
30  Morrison Park
31  Myrtle & Raitt (Proposed)
32  Neal Machander Tennis Center
33  Pacific Electric Park (Proposed)
34  Plaza Calle Cuatro
35  Portola Park
36  Riverview Park
37  Rosta Park
38  Saddleback View Park
39  Sandpointe Park
40  Santa Anita Stadium
41  Santa Ana Zoo at Prentice Park
42  Santa Anita Park
43  Santiago Park
44  Sarah May Downie Herb Garden
45  Sasscer Park
46  Segerstrom Triangle Park
47  Spurgeon Park
48  Thornton Park
49  Windsor Park
50  Newhope Branch Library
51  Prentice Park / Zoo
52  Roosevelt/Walker Community Center (Proposed)
53  Sandpointe Rec. Center
54  Santa Anita Rec. Center (Pool)
55  Santiago Wildlife & Watershed Center

Miles

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Organization Chart
Political Reform Act

Fair Political Practice Commission
Political Reform Act 2018

Fair Political Practices Commission
Commission Chair Jodi Remke was appointed by Governor Brown to the Fair Political Practices Commission in April 2014. The Commission is responsible for regulating statewide campaign finance, governmental ethics, and lobbying activity. As Chair, she provides overall policy direction and acts as the presiding officer of the Commission.

Prior to her appointment to the FPPC, Chair Remke was appointed by the California Supreme Court in 2006 to serve as Presiding Judge of the State Bar Court. California was the first state in the country to establish an independent court dedicated to ruling on attorney discipline cases. In that position, she sat on a three-judge panel that hears appeals in attorney disciplinary and regulatory cases. She was responsible for ensuring the prompt disposition of cases by all judges, overseeing the Court's budget, and acting as spokesperson for the Court to the Legislature and the Governor's Office. In 2010, she sponsored an extensive rules revision project to increase the Court's efficiency and improve public protection without sacrificing fundamental fairness. As a result of her efforts and supervision, the average time to resolve a case was reduced by more than 50% at both the trial and appellate levels.

Prior to her appointment as Presiding Judge, she was appointed by the Senate Rules Committee to serve as a trial judge on the State Bar Court from 2000-2006. As Supervising Judge (2004-2006), she participated in the creation and adoption of the Court's performance standards on timeliness and productivity. She also collaborated on development of the Alternative Discipline Program for attorneys with substance abuse or mental health problems with the primary goal to reduce recidivism, thereby decreasing client harm while saving judicial resources.

Prior to her judicial career, Chair Remke served as counsel to the California Senate Judiciary Committee, practiced real estate law with the firm of Miller, Starr and Regalia in Oakland, and was a Vista attorney in Montana representing clients in domestic violence cases and advocating on behalf of children with disabilities in a rural, underserved area. She has also served on the board of directors of Project Open Hand and Girls Inc.

Chair Remke received her Bachelor's degree in Political Science from the University of Illinois, and her J.D. from McGeorge School of Law. She has been a member of the California State Bar since 1992.

Commissioner Maria Audero Commissioner Maria Audero is a partner in the Employment Law practice at Paul Hastings and is chair of the Employment Law Department in the Los Angeles Office. Her practice emphasizes state and federal wage-and-hour nationwide class and collective actions, leave laws, discrimination, harassment, and retaliation claims. She has represented clients in a wide variety of industries, including financial services, entertainment, insurance, medical, restaurant and hospitality, education, automotive, aerospace, sports and consumer. Commissioner Audero is on the Executive Committee of the California Bar Association’s Labor and Employment Law Section. She is also a member of the American Bar Association’s Family and Medical Leave Act Section. In 2013, the ACLU honored her with its Pro Bono Services Award for her work as its outside employment counsel. In addition, the United Way recognized Ms. Audero’s commitment to community involvement by nominating her for its 2013 Outstanding Women Leaders Champion Award. A Republican, Commissioner Audero was appointed by Governor Brown to a four-year term ending January 31, 2019. Commissioner Audero earned her J.D. degree magna cum laude from Southwestern University School of Law in Los Angeles, where she was also Associate Editor of the Southwestern Law Review.

Commissioner Frank Cardenas Frank Cardenas joins the California Fair Political Practices Commission with more than 25 years of practicing law and government service. He is currently an adjunct instructor at California State University, Los Angeles. Mr. Cardenas served as Executive Director of the Los Angeles City Council Redistricting Commission and as Chief of Staff and Executive Officer at the Los Angeles County Metropolitan Transportation Authority. He has also been a consultant on matters such as business planning, organizational assessment, and government relations. In his years in private legal practice, his work focused on the areas of business, administrative and public law.

Mr. Cardenas received his Juris Doctor from Harvard Law School and his undergraduate degree from the University of Southern California. Cardenas, a Democrat, was appointed to the Commission by

Commissioner Brian Hatch represented the California Professional Firefighters (CPF) for nearly 40 years. He began his career as a firefighter with the Ontario Fire Department in San Bernardino County, and would later become a fire captain. He was a union leader, two years as treasurer and 8 years as president of Ontario Firefighters Local 1430. He later became the lead advocate for CPF where he had a hand in nearly every significant advance affecting firefighters’ lives and livelihoods including the creation of Cal-JAC apprenticeship program, workers’ compensation protection for firefighters with job-related cancer, fallen firefighter survivor benefits and secure retirement for all first responders.

Commissioner Hatch also played a key role in the founding and ongoing management of several finance companies as well as the development of a statewide Internet service provider. He has shared his expertise through lectures with government, trade groups and public and private universities including UC Berkeley, UC Davis, and Pepperdine University. He has also provided technical consulting services on municipal bankruptcy, governmental reorganization and tax policy.

A Democrat, Commissioner Hatch was appointed to the Fair Political Practices Commission by Secretary of State Alex Padilla. His terms ends January, 2021.

Commissioner Allison Hayward currently serves on the board of the Office of Congressional Ethics of the U.S. House of Representatives. Previously, she was vice president of policy at the Center for Competitive Politics, an assistant professor at George Mason University School of Law, and chief counsel to Commissioner Bradley A. Smith of the Federal Election Commission. Hayward has practiced election law in California and Washington, D.C., and she is a member of the U.S. Supreme Court Bar, as well as the American Law Institute. After law school, she clerked for the Honorable Danny J. Boggs of the U.S. Court of Appeals for the Sixth Circuit.

Hayward, a Republican, earned her bachelor of arts in political science and economics from Stanford University and her juris doctorate from the University of California, Davis, School of Law. Her term ends January, 2021.
POLITICAL REFORM ACT — 2018

Introduction

This 2018 version of the Political Reform Act (the “Act”) is not an official publication of the Government Code. It has been produced for use by the public and staff of the Fair Political Practices Commission. The boldface title before each Government Code Section and the histories following some sections have been added for clarity and are not part of the Act.

Proposition 34, which was passed by the voters on November 7, 2000, added new campaign finance provisions and made some changes to the disclosure and enforcement provisions of the Act. Proposition 34 took effect on January 1, 2001, except that Section 83 of the measure deferred to November 6, 2002, applicability of portions of Chapter 5 (commencing with Section 85100) of Title 9, to candidates for statewide elective office. Uncodified Sections 83-86 of Proposition 34 appear in Appendix I.

Commission regulations implementing the Act are contained in the California Code of Regulations, Title 2, Division 6 (Sections 18110-18997). References to applicable regulations and opinions follow each statute. These references were accurate as of January 1, 2018, but changes may have occurred since then. Thus, the references are provided for convenience only and should not be relied upon. Opinion summaries appear in Appendix II. In addition, Commission opinions and advice letters are available on Westlaw, Lexis-Nexis, and the FPPC’s website. Appendix III contains Government Code Sections 1090 through 1097.5. AB 1090 (Fong), Chapter 650, Statutes of 2013, authorized the Commission to provide advice to public officials and enforce violations relating to Section 1090, which prohibits specified officials from being financially interested in a contract.

If you need more detailed information or have questions about the Political Reform Act, please call the Fair Political Practices Commission at 1-866-275-3772 or email your questions to advice@fppc.ca.gov. Web site: http://www.fppc.ca.gov.
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§ 81000. Title.
This title shall be known and may be cited as the “Political Reform Act of 1974.”

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18200

§ 81001. Findings and Declarations.
The people find and declare as follows:
(a) State and local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth;
(b) Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them;
(c) Costs of conducting election campaigns have increased greatly in recent years, and candidates have been forced to finance their campaigns by seeking large contributions from lobbyists and organizations who thereby gain disproportionate influence over governmental decisions;
(d) The influence of large campaign contributors is increased because existing laws for disclosure of campaign receipts and expenditures have proved to be inadequate;
(e) Lobbyists often make their contributions to incumbents who cannot be effectively challenged because of election laws and abusive practices which give the incumbent an unfair advantage;
(f) The wealthy individuals and organizations which make large campaign contributions frequently extend their influence by employing lobbyists and spending large amounts to influence legislative and administrative actions;
(g) The influence of large campaign contributors in ballot measure elections is increased because the ballot pamphlet mailed to the voters by the state is difficult to read and almost impossible for a layman to understand; and
(h) Previous laws regulating political practices have suffered from inadequate enforcement by state and local authorities.

§ 81002. Purposes of Title.
The people enact this title to accomplish the following purposes:
(a) Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited.
(b) The activities of lobbyists should be regulated and their finances disclosed in order that
improper influences will not be directed at public officials.

(c) Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided.

(d) The state ballot pamphlet should be converted into a useful document so that voters will not be entirely dependent on paid advertising for information regarding state measures.

(e) Laws and practices unfairly favoring incumbents should be abolished in order that elections may be conducted more fairly.

(f) Adequate enforcement mechanisms should be provided to public officials and private citizens in order that this title will be vigorously enforced.

§ 81003. Construction of Title.
This title should be liberally construed to accomplish its purposes.

§ 81004. Reports and Statements; Perjury; Verification.
(a) All reports and statements filed under this title shall be signed under penalty of perjury and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his knowledge it is true and complete.

(b) A report or statement filed by a committee which qualifies under subdivision (a) of Section 82013 shall be signed and verified by the treasurer, and a report or statement filed by any other person shall be signed and verified by the filer. If the filer is an entity other than an individual, the report or statement shall be signed and verified by a responsible officer of the entity or by an attorney or a certified public accountant acting as agent for the entity. Every person who signs and verifies any report or statement required to be filed under this title which contains material matter which he knows to be false is guilty of perjury.

§ 81004.5. Reports and Statements; Amendments.
Any report or statement filed pursuant to this title may be amended by the filer at any time. Amending an incorrect or incomplete report or statement may be considered as evidence of good faith.

§ 81005. Campaign Reports and Statements; Where to File. [Repealed]
History: Amended by Stats. 1976, Ch. 415, effective Jul 1, 1976; amended by Stats. 1977, Ch. 1161.

§ 81005.1. Lobbying Reports and Statements; Where to File. [Repealed]
History: Added by Stats. 1976, Ch. 1161.

§ 81005.2. Statements of Economic Interests; Where to File. [Repealed]
History: Added by Stats. 1976, Ch. 1161; repealed by Stats. 1979, Ch. 524. (Reenacted as amended and renumbered Section 86111.)

§ 81005.3. Designation of Address for Filing.
History: Added by Stats. 1976, Ch. 1161; repealed by Stats. 1979, Ch. 524. (Reenacted as amended and renumbered Section 86111.)

§ 81005.4. Campaign Reports and Statements; Other Than for Office or_Name.
History: Added by Stats. 1976, Ch. 1161; repealed by Stats. 1979, Ch. 524. (Reenacted as amended and renumbered Section 86111.)

§ 81006. Filing Fees Prohibition.
Except as provided in this title, no fee or charge shall be collected by any officer for the filing of any report or statement or for the forms upon which reports or statements are to be prepared.

§ 81007. Mailing of Report or Statement.
When a report or statement or copies thereof required to be filed with any officer under this title have been sent by first-class mail or by any other guaranteed overnight delivery service addressed to the officer, it shall for purposes of any deadline be deemed to have been received by him or her on the date of the deposit in the mail or of receipt by that delivery service. It shall be presumed until the contrary is established that any date stamped by the post office on the envelope or contained on the delivery service receipt containing the report or statement is the date it was deposited in the mail or
received by the delivery service. Mail which is not received by the filing officer shall be presumed not to have been sent unless the filer possesses a post office or delivery service receipt establishing the date of deposit and the name and address of the addressee.

History: Amended by Stats. 1976, Ch. 1106; amended by Stats. 1994, Ch. 638.

§ 81007.5. Faxing of Report or Statement.

(a) Any report or statement or copies thereof required to be filed with any official under Chapter 4 (commencing with Section 84100) or Chapter 7 (commencing with Section 87100) may be faxed by the applicable deadline, provided that the required originals or paper copies are sent by first-class mail or by any other personal delivery or guaranteed overnight delivery service within 24 hours of the applicable deadline and provided that the total number of pages of each report or statement faxed is no more than 30 pages.

(b) A faxed report or statement shall not be deemed filed if the faxed report or statement is not a true and correct copy of the original or copy of the report or statement personally delivered or sent by first-class mail or guaranteed overnight delivery service pursuant to subdivision (a).

(c) A filing officer who receives a faxed report or statement shall make the report or statement available to the public in the same manner as provided in Section 81008. If the faxed report or statement is requested prior to the receipt of the original or copy of the report or statement by the filing officer, the filing officer shall inform the requester that the faxed report or statement will not be considered a filed report or statement if the requirements of subdivision (b) have not been met by the filer.

History: Added by Stats. 1994, Ch. 638; amended by Stats. 1997, Ch. 394.

§ 81008. Public Records; Inspection; Reproduction; Time; Charges.

Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from these persons. Copies shall be provided at a charge not to exceed ten cents ($0.10) per page. In addition, the filing officer may charge a retrieval fee not to exceed five dollars ($5) per request for copies of reports and statements which are five or more years old. A request for more than one report or statement or report and statement at the same time shall be considered a single request.

History: Amended by Stats. 1979, Ch. 531; amended by Stats. 1984, Ch. 300, effective July 11, 1984; amended by Stats. 1985, Ch. 1183, effective September 29, 1985.

§ 81009. Preservation of Reports and Statements.

(a) Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures, shall be retained by filing officers indefinitely.

(b) Original campaign statements of mayors, city council members, county supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate shall be retained indefinitely, except that original campaign statements of candidates not elected to these offices and of committees supporting candidates not elected to these offices shall be retained by filing officers for a period of not less than five years.

(c) Original campaign statements of all other persons shall be retained by filing officers for a period of not less than seven years.

(d) Original statements of economic interests of persons holding statewide elective office shall be retained by filing officers indefinitely.

(e) Original reports and statements not specified above in this section shall be retained by filing officers for a period of not less than seven years.

(f) Copies of reports or statements shall be retained by the officer with whom they are filed for a period of not less than four years, provided, however, that a filing officer is not required to retain more than one copy of a report or statement.

(g) After an original report or statement or a copy has been on file for at least two years, the officer with whom it is filed may comply with this section by retaining a copy on microfilm or other space-saving materials available for public inspection instead of the original report or statement or copy. Upon request, the officer shall provide copies of such statements pursuant to Section 81008.

History: Amended by Stats. 1976, Ch. 1106; amended by Stats. 1979, Ch. 531; amended by Stats. 1984, Ch. 300, effective July 11, 1984; amended by Stats. 1985, Ch. 1183, effective September 29, 1985.
§ 81009.5. Local Ordinances.
(a) Any local government agency which has enacted, enacts, amends, or repeals an ordinance or other provision of law affecting campaign contributions and expenditures shall file a copy of the action with the Commission.
(b) Notwithstanding Section 81013, no local government agency shall enact any ordinance imposing filing requirements additional to or different from those set forth in Chapter 4 (commencing with Section 84100) for elections held in its jurisdiction unless the additional or different filing requirements apply only to the candidates seeking election in that jurisdiction, their controlled committees or committees formed or existing primarily to support or oppose their candidacies, and to committees formed or existing primarily to support or oppose a candidate or to support or oppose the qualification of, or passage of, a local ballot measure which is being voted on only in that jurisdiction, and to city or county general purpose committees active only in that city or county, respectively.

History: Added by Stats. 1979, Ch. 531; amended by Stats. 1985, Ch. 1456; amended by Stats. 1991, Ch. 674.

References at the time of publication (see page 3):
Regulation: 2 Cal. Code of Regs. Section 18531.5
Opinions: In re Olson (2001) 15 FPPC Ops. 13

§ 81010. Duties of the Filing Officer.
With respect to reports and statements filed with him pursuant to this title, the filing officer shall:
(a) Supply the necessary forms and manuals prescribed by the Commission;
(b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this title;
(c) Notify promptly all persons and known committees who have failed to file a report or statement in the form and at the time required by this title;
(d) Report apparent violations of this title to the appropriate agencies; and
(e) Compile and maintain a current list of all reports and statements filed with this office.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18110
2 Cal. Code of Regs. Section 18115
2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18363
2 Cal. Code of Regs. Section 18732.5
Opinions: In re Rundstrom (1975) 1 FPPC Ops. 188
In re Layton (1975) 1 FPPC Ops. 113

§ 81011. Valuation of Goods, Services and Facilities; Fair Market Value. [Repealed]

§ 81014. Regulations.
Whenever any reference is made in this title to a federal or state statute and that statute has been or is subsequently repealed or amended, the Commission may promulgate regulations to carry out the intent of this title as nearly as possible.

References at the time of publication (see page 3):
§ 81015. Severability.
If any provision of this title, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this title to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this title are severable.

§ 81016. Effective Date.
Chapter 8 of this title shall go into effect immediately. The Director of Finance shall make sufficient funds available to the Secretary of State out of the emergency fund or any other fund of the state for the immediate implementation of Chapter 8. The remainder of this title shall go into effect on January 7, 1975. Wherever reference is made in this title to the effective date of this title, the date referred to is January 7, 1975.

Chapter 2. Definitions.
§ 82000 - 82055
§ 82000. Interpretation of this Title.
§ 82001. Adjusting an Amount for Cost of Living Changes.
§ 82002. Administrative Action.
§ 82003. Agency.
§ 82004. Agency Official.
§ 82004.5 Behested Payment.
§ 82005. Business Entity.
§ 82006. Campaign Statement.
§ 82007. Candidate.
§ 82008. City.
§ 82009. Civil Service Employee.
§ 82009.5. Clerk.
§ 82010. Closing Date.
§ 82012. Commission.
§ 82013. Committee.
§ 82014. Conflict of Interest Code.
§ 82015. Contribution.
§ 82016. Controlled Committee.
§ 82017. County.
§ 82018. Cumulative Amount.
§ 82019. Designated Employee.
§ 82020. Elected Officer.
§ 82021. Elected State Officer.
§ 82022. Election.
§ 82022.5. Election-Related Activities.
§ 82023. Elective Office.
§ 82024. Elective State Office.
§ 82025. Expenditure.
§ 82025.3. External Manager.
§ 82025.5. Fair Market Value.
§ 82026. Filer.
§ 82027. Filing Officer.
§ 82027.5. General Purpose Committee.
§ 82028. Gift.
§ 82029. Immediate Family.
§ 82030. Income.
§ 82030.5. Income; Earned.
§ 82031. Independent Expenditure.
§ 82031.5. Independent Expenditure. [Repealed]
§ 82032. Influencing Legislative or Administrative Action.
§ 82033. Interest in Real Property.
§ 82034. Investment.
§ 82035. Jurisdiction.
§ 82035.5. LAFCO Proposal.
§ 82036. Late Contribution.
§ 82036.5. Late Independent Expenditure.
§ 82037. Legislative Action.
§ 82038. Legislative Official.
§ 82038.5. Lobbying Firm.
§ 82039. Lobbyist.
§ 82039.5. Lobbyist Employer.
§ 82040. Lobbyist’s Account. [Repealed]
§ 82041. Local Government Agency.
§ 82041.3. Made at the Behest of.
§ 82041.5. Mass Mailing.
§ 82042. Mayor.
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§ 82044. Payment.
§ 82045. Payment to Influence Legislative or Administrative Action.
§ 82046. Period Covered.
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§ 82047.3. Placement Agent.
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§ 82047.6. Principal Officer.
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§ 82048. Public Official.
§ 82048.3. Slate Mailer.
§ 82048.4. Slate Mailer Organization.
§ 82048.5. Special District.
§ 82048.7. Sponsored Committee.
§ 82049. State Agency.
§ 82050. State Candidate.
§ 82051. State Measure.
§ 82052. Statewide Candidate.
§ 82052.5. Statewide Election.
§ 82053. Statewide Elective Office.
§ 82054. Statewide Petition.
§ 82000. Interpretation of this Title.

Unless the contrary is stated or clearly appears from the context, the definitions set forth in this chapter shall govern the interpretation of this title.

§ 82001. Adjusting an Amount for Cost of Living Changes.

“Adjusting an amount for cost-of-living changes” means adjusting the amount received the previous year by an amount determined at the beginning of each fiscal year by the Director of Finance corresponding to amounts authorized from the salary and price increase items as set forth in the Budget Act and other cost-of-living adjustments on the same basis as those applied routinely to other state agencies.

History: Amended by Stats. 1978, Ch. 199, effective June 6, 1978.

§ 82002. Administrative Action.

(a) “Administrative action” means either of the following:

(1) The proposal, drafting, development, consideration, amendment, enactment, or defeat by any state agency of any rule, regulation, or other action in any ratemaking proceeding or any quasi-legislative proceeding, which shall include any proceeding governed by Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(2) With regard only to placement agents, the decision by any state agency to enter into a contract to invest state public retirement system assets on behalf of a state public retirement system.

(b) “Ratemaking proceeding” means, for the purposes of a proceeding before the Public Utilities Commission, any proceeding in which it is reasonably foreseeable that a rate will be established, including, but not limited to, general rate cases, performance-based ratemaking, and other ratesetting mechanisms.

(c) “Quasi-legislative proceeding” means, for purposes of a proceeding before the Public Utilities Commission, any proceeding that involves consideration of the establishment of a policy that will apply generally to a group or class of persons, including, but not limited to, rulemakings and investigations that may establish rules affecting an entire industry.

§ 82004.5 Behested Payment.

“Behested payment” means a payment that is made at the behest of a committee, an elected officer, a member of the Public Utilities Commission, or an agent thereof, under any of the following circumstances:

(a) Full and adequate consideration is received from the committee or elected officer.

(b) The payment is made to a different candidate or to a committee not controlled by the behesting candidate.

(c) As to an elected officer, it is clear from the surrounding circumstances that the payment was made for purposes unrelated to the officer’s seeking or holding of elective office. For purposes of this subdivision, a payment is made for purposes related to an elected officer’s seeking or holding of elective office if all or a portion of the payment is used for election-related activities, as defined in Section 82022.5. The following types of payments are presumed to be for purposes unrelated to an elected officer’s seeking or holding of elective office:

(1) A payment made principally for personal purposes, in which case it may be considered a gift under the provisions of Section 82028. Payments that are otherwise subject to the limits of Section 86203 are presumed to be principally for personal purposes.

(2) A payment made by a state, local, or federal governmental agency.

History: Amended by Stats. 1991, Ch. 491; amended by Stats. 2001, Ch. 921; amended by Stats. 2010, Ch. 668.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18202

Opinions: In re Evans (1978) 4 FPPC Ops. 84
In re Leonard (1976) 2 FPPC Ops. 54
In re Nida (1976) 2 FPPC Ops. 1
In re Carson (1975) 1 FPPC Ops. 46
§ 82005. Business Entity.
“Business entity” means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

§ 82006. Campaign Statement.
“Campaign statement” means an itemized report which is prepared on a form prescribed by the Commission and which provides the information required by Chapter 4 of this title.

References at the time of publication (see page 3):
Opinions: In re Layton (1975) 1 FPPC Ops. 113

§ 82007. Candidate.
“Candidate” means an individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials, for nomination for or election to any elective office, or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to any elective office, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. “Candidate” also includes any officeholder who is the subject of a recall election. An individual who becomes a candidate shall retain his or her status as a candidate until such time as that status is terminated pursuant to Section 84214. “Candidate” does not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.

History: Amended by Stats. 1980, Ch. 289.
References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18404
2 Cal. Code of Regs. Section 18531.5
Opinions: In re Johnson (1989) 12 FPPC Ops. 1
In re Lui (1987) 10 FPPC Ops. 10

§ 82008. City.
“City” means a general law or a chartered city.

§ 82009. Civil Service Employee.
“Civil service employee” means any state employee who is covered by the state civil service system or any employee of a local government agency who is covered by a similar personnel system.

§ 82009.5. Clerk.
“Clerk” refers to the city or county clerk unless the city council or board of supervisors has designated any other agency to perform the specified function.

§ 82010. Closing Date.
“Closing date” means the date through which any report or statement filed under this title is required to be complete.

“Code reviewing body” means all of the following:
(a) The commission, with respect to the conflict-of-interest code of a state agency other than an agency in the judicial branch of government, or any local government agency with jurisdiction in more than one county.
(b) The board of supervisors, with respect to the conflict-of-interest code of any county agency other than the board of supervisors, or any agency of the judicial branch of government, and of any local government agency, other than a city agency, with jurisdiction wholly within the county.
(c) The city council, with respect to the conflict-of-interest code of any city agency other than the city council.
(d) The Attorney General, with respect to the conflict-of-interest code of the commission.
(e) The Chief Justice or his or her designee, with respect to the conflict-of-interest code of the members of the Judicial Council, Commission on Judicial Performance, and Board of Governors of the State Bar of California.
(f) The Board of Governors of the State Bar of California with respect to the conflict-of-interest code of the State Bar of California.
(g) The Chief Justice of California, the administrative presiding judges of the courts of appeal, and the presiding judges of superior and municipal courts, or their designees, with respect to
the conflict-of-interest code of any agency of the judicial branch of government subject to the immediate administrative supervision of that court.

(b) The Judicial Council of California, with respect to the conflict-of-interest code of any state agency within the judicial branch of government not included under subdivisions (e), (f), and (g).

History: Amended by Stats. 1980, Ch. 779; amended by Stats. 1984, Ch. 727, operative July 1, 1985; amended by Stats. 1985; Ch. 775; amended by Stats. 1995, Ch. 364, effective January 1, 2016.

§ 82012. Commission.
“Commission” means the Fair Political Practices Commission.

§ 82013. Committee.
“Committee” means any person or combination of persons who directly or indirectly does any of the following:

(a) Receives contributions totaling two thousand dollars ($2,000) or more in a calendar year;
(b) Makes independent expenditures totaling one thousand dollars ($1,000) or more in a calendar year; or
(c) Makes contributions totaling ten thousand dollars ($10,000) or more in a calendar year to or at the behest of candidates or committees.

A person or combination of persons that becomes a committee shall retain its status as a committee until such time as that status is terminated pursuant to Section 84214.

History: Amended by Stats. 1977, Ch. 1213; amended by Stats. 1980, Ch. 289; amended by Stats. 1984, Ch. 670; amended by Stats. 1985; Ch. 775; amended by Stats. 1995, Ch. 364, effective January 1, 2016.

References at the time of publication (see page 3):


§ 82014. Conflict of Interest Code.
“Conflict of Interest Code” means a set of rules and regulations adopted by an agency pursuant to Chapter 7 of this title.

§ 82015. Contribution.
(a) “Contribution” means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, except to the extent that full and adequate consideration is received or if it is clear from the surrounding circumstances that the payment is not made for political purposes.

(b) “Contribution” includes all of the following:

1. The purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the candidate’s own money or property used on behalf of his or her candidacy, other than personal funds of the candidate used to pay either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by any person for the personal services or expenses of any other person if the services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.

2. The transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.

3. The payment of public moneys by a state or local governmental agency for a communication to the public that satisfies both of the following:

A. The communication expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, or, taken as a whole and in context, unambiguously urges a particular result in an election.

B. The communication is made at the behest of the affected candidate or committee.

4. A payment made by a person to a multipurpose organization as defined and described in Section 84222.

5. A payment made by a lobbyist or a cohabitant of a lobbyist for costs related to a fundraising event held at the home of the lobbyist, including the value of the use of the home as a fundraising event venue. A payment described in this paragraph is attributable to the lobbyist for purposes of Section 85702.

B. A payment made by a lobbying firm for costs related to a fundraising event held at the office of the lobbying firm, including the value of the use of the office as a fundraising event venue.
§ 82016. Controlled Committee.

(a) “Controlled committee” means a committee that is controlled directly or indirectly by a candidate or state measure proponent or that acts jointly with a candidate, controlled committee, or state measure proponent in connection with the making of expenditures. A candidate or state measure proponent controls a committee if he or she, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee.

(b) Notwithstanding subdivision (a), a political party committee, as defined in Section 85205, is not a controlled committee.

History: Amended by Stats. 1983, Ch. 898; amended by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18217
2 Cal. Code of Regs. Section 18405
2 Cal. Code of Regs. Section 18521
2 Cal. Code of Regs. Section 18521.5
2 Cal. Code of Regs. Section 18535

§ 82017. County.

“County” includes a city and county.

§ 82018. Cumulative Amount.

(a) Except as provided in subdivisions (b), (c), and (d), “cumulative amount” means the amount of contributions received or expenditures made in the calendar year.

(b) For a filer required to file a campaign statement or independent expenditure report in one year in connection with an election to be held in another year, the period over which the cumulative amount is calculated shall end on the closing date of the first semiannual statement filed after the election.

(c) For a filer required to file a campaign statement in connection with the qualification of a candidate, controlled committee, or state measure proponent or that acts jointly with a candidate, controlled committee, or state measure proponent in connection with the making of expenditures, the period over which the cumulative amount is calculated shall end on December 31 of the second calendar year.

(d) For a person filing a campaign statement with a period modified by the provisions of this section, the next period over which the cumulative amount is calculated shall begin on the day after the closing date of the statement.
§ 82019. 

“Designated employee” means any officer, employee, member, or consultant of any agency whose position with the agency:

(1) Is exempt from the state civil service system by virtue of subdivision (a), (c), (d), (e), (f), (g), or (m) of Section 4 of Article VII of the Constitution, unless the position is elective or solely secretarial, clerical, or manual.

(2) Is elective, other than an elective state office.

(3) Is designated in a Conflict of Interest Code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest.

(4) Is involved as a state employee at other than a clerical or ministerial level in the functions of negotiating or signing any contract awarded through competitive bidding, in making decisions in conjunction with the competitive bidding process, or in negotiating, signing, or making decisions on contracts executed pursuant to Section 10122 of the Public Contract Code.

(b)(1) “Designated employee” does not include an elected state officer, any unsalaried member of any board or commission which serves a solely advisory function, any public official specified in Section 87200, and also does not include any unsalaried member of a nonregulatory committee, section, commission, or other such entity of the State Bar of California.

(2) “Designated employee” does not include a federal officer or employee serving in an official federal capacity on a state or local government agency. The state or local government agency shall annually obtain, and maintain in its files for public inspection, a copy of any public financial disclosure report filed by the federal officer or employee pursuant to federal law.

§ 82020. Elected Officer.

“Elected officer” means any person who holds an elective office or has been elected to an elective office but has not yet taken office. A person who is appointed to fill a vacant elective office is an elected officer.

§ 82021. Elected State Officer.

“Elected state officer” means any person who holds an elective state office or has been elected to an elective state office but has not yet taken office. A person who is appointed to fill a vacant elective state office is an elected state officer.

§ 82022. Election.

“Election” means any primary, general, special or recall election held in this state. The primary and general or special elections are separate elections for purposes of this title.

§ 82022.5. Election-Related Activities.

“Election-related activities” include, but are not limited to, the following with respect to candidate-based elections:

(a) Communications that contain express advocacy of the nomination or election of a candidate or the defeat of his or her opponent.

(b) Communications that contain reference to a candidate’s candidacy for elective office, the candidate’s election campaign, or the candidate’s or his or her opponent’s qualifications for elective office.

(c) Solicitation of contributions to the candidate or to third persons for use in support of the candidate or in opposition to his or her opponent.

(d) Arranging, coordinating, developing, writing, distributing, preparing, or planning of any communication or activity described in subdivisions (a) to (c), inclusive.

(e) Recruiting or coordinating campaign activities of campaign volunteers on behalf of the candidate.

(f) Preparing campaign budgets.

(g) Preparing campaign finance disclosure statements.

(h) Communications directed to voters or potential voters as part of activities encouraging or assisting persons to vote if the communication contains express advocacy of the nomination or election of the candidate or the defeat of his or her opponent.

History: Amended by Stats. 1979, Ch. 749.
§ 82023. Elective Office.

“Elective office” means any state, regional, county, municipal, district or judicial office that is filled at an election. “Elective office” also includes membership on a county central committee of a qualified political party, and membership through election on the Board of Administration of the Public Employees’ Retirement System or the Teachers’ Retirement Board.

History: Amended by Stats. 1998, Ch. 923; amended by Stats. 2010, Ch. 633.

§ 82024. Elective State Office.

“Elective state office” means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Member of the Legislature, member elected to the Board of Administration of the Public Employees’ Retirement System, member elected to the Teachers’ Retirement Board, and member of the State Board of Equalization.

History: Amended by Stats. 1991, Ch. 674; amended by Stats. 1998, Ch. 923; amended by Stats. 2010, Ch. 633.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18723
2 Cal. Code of Regs. Section 18535

§ 82025. Expenditure.

(a) “Expenditure” means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. “Expenditure” does not include a candidate’s use of his or her own money to pay for either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

(b) A payment is made for political purposes if it is any of the following:

(1) For purposes of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure.

(2) Made by any of the following:
(A) A candidate, unless it is clear from surrounding circumstances that the payment was made for personal purposes unrelated to his or her candidacy or status as an officeholder.
(B) A controlled committee.

(C) An official committee of a political party, including a state central committee, county central committee, assembly district committee, or any subcommittee of such committee.

(D) An organization formed or existing primarily for political purposes, as described in paragraph (1), including, but not limited to, a political action committee established by any membership organization, labor union, or corporation.

(c) “Expenditure” includes any monetary or nonmonetary payment made by any person, other than the persons or organizations described in subdivision (b), that is used for communications that expressly advocate the nomination, election, or defeat of a clearly identified candidate or candidates, or the qualification, passage, or defeat of a clearly identified ballot measure.

(1) “Clearly identified” is defined as follows:
(A) A candidate is clearly identified if the communication states his or her name, makes an unambiguous reference to his or her office or status as a candidate, or unambiguously describes him or her in any manner.

(B) A group of candidates is clearly identified if the communication makes an unambiguous reference to some well-defined characteristic of the group, even if the communication does not name each candidate. A communication that clearly identifies a group of candidates and expressly advocates their election or defeat is reportable as an expenditure, but the expenditure need not be allocated among all members of the class or group on the campaign statement reporting the expenditure.

(C) A measure that has qualified to be placed on the ballot is clearly identified if the communication states a proposition number, official title, or popular name associated with the measure. In addition, the measure is clearly identified if the communication refers to the subject matter of the measure and either states that the measure is before the people for a vote or, taken as a whole and in context, unambiguously refers to the measure.

(D) A measure that has not qualified to be placed on the ballot is clearly identified if the communication refers to the subject matter of the measure and the qualification drive.

(2) A communication “expressly advocates” the nomination, election, or defeat of a candidate or the qualification, passage, or defeat of a measure if it contains express words of advocacy such as “vote for,” “elect,” “support,” “cast your ballot,” “vote against,” “defeat,” “reject,” “sign petitions for,” or, within 60 days before an election in which the candidate or measure appears on the ballot, the
communication otherwise refers to a clearly identified candidate or measure so that the communication, taken as a whole, unambiguously urges a particular result in an election.

(A) Except for those communications paid for with public moneys by a state or local government agency, a communication, taken as a whole, unambiguously urges a particular result in an election if it is not susceptible of any reasonable interpretation other than as an appeal to vote for or against a specific candidate or measure. A communication is not susceptible of any reasonable interpretation other than as an appeal to vote for or against a specific candidate or measure when, taken as a whole, it could only be interpreted by a reasonable person as containing an appeal to vote for or against a specific candidate or measure because of both of the following:

(i) The electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning.

(ii) Reasonable minds could not differ as to whether it encourages a vote for or against a clearly identified candidate or measure, or encourages some other kind of action on a legislative, executive, or judicial matter or issue.

(B) The following nonexhaustive examples, referring to candidates or measures on the ballot in an upcoming election, illustrate statements that in most contexts would not be susceptible of any reasonable interpretation other than as an appeal to vote for or against a specific candidate or measure: “Smith’s the One”; “No Measure A”; “Rally ‘round O’Malley”; “Create jobs with Measure X”; “Only Nancy Brown can clean out City Hall”; “Proposition 123 - your last chance to save California”; “Joe Green will earn your trust”; “Bob Boone is unqualified for office and a special-interest puppet”; “Shirley Hall - bad for California, bad for you.”

(C) The following nonexhaustive examples, referring to candidates or measures on the ballot in an upcoming election, illustrate statements that would be susceptible of a reasonable interpretation other than as an appeal to vote for or against a specific candidate or measure: “Assembly Member Nancy Brown needs to be tough on criminals. Call her and tell her to stand firm on AB 100”; “Poor children need a home too. Support the Mayor’s stance against more budget cuts”; “Thank you, Supervisor Smith, for continuing to support our farmers.”

(D) Safe Harbor. A communication does not expressly advocate the nomination, election, or defeat of a candidate, or the qualification, passage, or defeat of a measure, within the meaning of this section, if both of the following apply:

(i) The communication does not mention an election, candidacy, political party unless required by law, opposing candidate, or voting by the general public, and it does not take a position on the character, qualifications, or fitness for office of a candidate or officeholder, or the merits of a ballot measure.

(ii) The communication focuses on a legislative, executive, or judicial matter or issue, either urging a candidate to take a particular position or action with respect to the matter or issue, or urging the public to adopt a particular position and to contact the candidate with respect to the matter or issue.

(E) Rules of Interpretation. If a communication does not qualify for the safe harbor described in subparagraph (D), the commission shall consider if the communication has an interpretation other than as an appeal to vote for or against a clearly identified candidate or measure, in order to determine if, on balance, the communication is not susceptible of any reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate or measure.

(3) Reporting Expenditures.

(A) The amount of an expenditure reportable pursuant to this subdivision shall include all costs directly attributable to the communication, including, but not limited to, salaries, production, postage, space or time purchased, agency fees, printing, and any additional administrative or overhead costs attributable to the communication. The expenditure does not include any of the regular ongoing business overhead that will be incurred in similar amounts regardless of the communication.

(B) When a printed or broadcast communication circulates outside the state, the expenditure may be calculated on the basis of the fraction of the total cost attributable to circulation within the state.

(C) Costs directly traceable to the communication are reportable when the communication is made, or when payments are made in connection with the development, production, or dissemination of the communication, whichever occurs first.

(D) The costs of printing and distributing petitions, recruiting, training, and paying expenses of petition circulators, and other costs incurred in connection with the qualification of a measure are reportable expenditures.

(4) Notwithstanding this subdivision, “expenditure” does not include costs incurred for communications that expressly advocate the nomination, election, or defeat of a clearly identified
§ 82025.3.

candidate or candidates, or the qualification, passage, or defeat of a clearly identified measure by either of the following:

(A) A broadcasting station, including a cable or satellite television operation, programmer, or producer, Internet Web site, or a regularly published newspaper, magazine, or other periodical of general circulation, including an Internet or electronic publication, that routinely carries news and commentary of general interest, for the cost of covering or carrying a news story, commentary, or editorial.

(B) A regularly published newsletter or regularly published periodical, other than those specified in subparagraph (A), whose circulation is limited to an organization’s members, employees, shareholders, other affiliated individuals, and those who request or purchase the publication. This subparagraph applies only to the costs regularly incurred in publishing the newsletter or periodical. If additional costs are incurred because the newsletter or periodical is issued on other than its regular schedule, expanded in circulation, or substantially altered in style, size, or format, the additional costs are expenditures.

(5) The term “expenditure” also does not include uncompensated Internet activity by an individual supporting or opposing a candidate or measure as stated in Section 18215.2 of Title 2 of the California Code of Regulations.

(d) A payment used to make contributions, as defined in Section 82015, is an expenditure.

History: Amended by Stats. 1997, Ch. 394; amended by Stats. 2017, Ch. 546.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18215.2
2 Cal. Code of Regs. Section 18225.4
2 Cal. Code of Regs. Section 18225.7
2 Cal. Code of Regs. Section 18420
2 Cal. Code of Regs. Section 18421.1
2 Cal. Code of Regs. Section 18421.6
2 Cal. Code of Regs. Section 18423
2 Cal. Code of Regs. Section 18450.11
2 Cal. Code of Regs. Section 18530.3
2 Cal. Code of Regs. Section 18531.7
2 Cal. Code of Regs. Section 18531.10
2 Cal. Code of Regs. Section 18901.1

Opinions: In re Lui (1987) 10 FPPC Ops. 10
In re Buchanan (1979) 5 FPPC Ops. 14
In re Welsh (1978) 4 FPPC Ops. 73
In re Cannon (1976) 2 FPPC Ops. 133
In re Juvinall, Stull, Meyers, Republican Central Committee of Orange County, Tuteur (1976) 2 FPPC Ops. 110
In re Sobieski (1976) 2 FPPC Ops. 73
In re Hayes (1975) 1 FPPC Ops. 210
In re Christiansen (1975) 1 FPPC Ops. 170
In re Kelly, Masini (1975) 1 FPPC Ops. 162

§ 82025.3. External Manager.

(a) “External manager” means either of the following:

(1) A person who is seeking to be, or is, retained by a state public retirement system in California or an investment vehicle to manage a portfolio of securities or other assets for compensation.

(2) A person who manages an investment fund and who offers or sells, or has offered or sold, an ownership interest in the investment fund to a state public retirement system in California or an investment vehicle.

(b) For purposes of this section, “investment fund” has the same meaning as set forth in Section 7513.8.

(c) For purposes of this section, “investment vehicle” has the same meaning as set forth in Section 82047.3.

History: Added by Stats. 2010, Ch. 668; amended by Stats. 2011, Ch. 704, effective October 9, 2011.

§ 82025.5. Fair Market Value.

“Fair market value” means the estimated fair market value of goods, services, facilities or anything of value other than money. Whenever the amount of goods, services, facilities, or anything of value other than money is required to be reported under this title, the amount reported shall be the fair market value, and a description of the goods, services, facilities, or other thing of value shall be appended to the report or statement. “Full and adequate consideration” as used in this title means fair market value.

History: Added by Stats. 1985, Ch. 775.

References at the time of publication (see page 3):

Opinions: In re Hopkins (1977) 3 FPPC Ops. 107
In re Stone (1977) 3 FPPC Ops. 52
In re Thomas (1977) 3 FPPC Ops. 30
In re Cory (1975) 1 FPPC Ops. 153

§ 82026. Filer.

“Filer” means the person filing or required to file any statement or report under this title.

§ 82027. Filing Officer.

“Filing officer” means the office or officer with whom any statement or report is required to be filed under this title. If copies of a statement or report are required to be filed with more than one office or officer, the one first named is the filing officer, and the copy filed with him shall be signed in the original and shall be deemed the original copy.

References at the time of publication (see page 3):
§ 82027.5. General Purpose Committee.

(a) “General purpose committee” means all committees pursuant to subdivision (b) or (c) of Section 82013, and any committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or oppose more than one candidate or ballot measure, except as provided in Section 82047.5.

(b) A “state general purpose committee” is a political party committee, as defined in Section 85205, or a committee to support or oppose candidates or measures voted on in a state election, or in more than one county.

(c) A “county general purpose committee” is a committee to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within one county.

(d) A “city general purpose committee” is a committee to support or oppose candidates or measures voted on in only one city.


References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18227
2 Cal. Code of Regs. Section 18227.5
2 Cal. Code of Regs. Section 18247.5
2 Cal. Code of Regs. Section 18247.6
2 Cal. Code of Regs. Section 18421.8
2 Cal. Code of Regs. Section 18521.5

§ 82028. Gift.

(a) “Gift” means, except as provided in subdivision (b), any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.

(b) The term “gift” does not include:

1. Informational material such as books, reports, pamphlets, calendars, or periodicals. No payment for travel or reimbursement for any expenses shall be deemed “informational material.”

2. Gifts which are not used and which, within 30 days after receipt, are either returned to the donor or delivered to a nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code without being claimed as a charitable contribution for tax purposes.

3. Gifts from an individual’s spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin of the spouse of any such person; provided that a gift from any such person shall be considered a gift if the donor is acting as an agent or intermediary for any person not covered by this paragraph.

4. Campaign contributions required to be reported under Chapter 4 of this title.

5. Any devise or inheritance.

6. Personalized plaques and trophies with an individual value of less than two hundred fifty dollars ($250).


References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18229
2 Cal. Code of Regs. Section 18229.1
2 Cal. Code of Regs. Section 18229.2
2 Cal. Code of Regs. Section 18730.1
2 Cal. Code of Regs. Section 18931
2 Cal. Code of Regs. Section 18932.4
2 Cal. Code of Regs. Section 18940
2 Cal. Code of Regs. Section 18940.1
2 Cal. Code of Regs. Section 18941
2 Cal. Code of Regs. Section 18942
2 Cal. Code of Regs. Section 18942.1
2 Cal. Code of Regs. Section 18942.2
2 Cal. Code of Regs. Section 18942.3
2 Cal. Code of Regs. Section 18943
2 Cal. Code of Regs. Section 18944
2 Cal. Code of Regs. Section 18944.1
2 Cal. Code of Regs. Section 18944.2
2 Cal. Code of Regs. Section 18944.3
2 Cal. Code of Regs. Section 18944.4
2 Cal. Code of Regs. Section 18945
2 Cal. Code of Regs. Section 18945.2
2 Cal. Code of Regs. Section 18945.4
2 Cal. Code of Regs. Section 18946-18946.5
2 Cal. Code of Regs. Section 18950
2 Cal. Code of Regs. Section 18950.1
2 Cal. Code of Regs. Section 18950.2
2 Cal. Code of Regs. Section 18950.3

Opinions: In re Roberts (2004) 17 FPPC Ops. 9
In re Hopkins (1977) 3 FPPC Ops. 107
In re Stone (1977) 3 FPPC Ops. 52
In re Gutierrez (1977) 3 FPPC Ops. 44
In re Thomas (1977) 3 FPPC Ops. 30
In re Nida (1977) 3 FPPC Ops. 1
In re Torres (1976) 2 FPPC Ops. 31
In re Brown (1975) 1 FPPC Ops. 677
In re Hayes (1975) 1 FPPC Ops. 210
In re Russel (1975) 1 FPPC Ops. 191
In re Cory (1975) 1 FPPC Ops. 153
In re Cory (1975) 1 FPPC Ops. 137
In re Cory (1976) 2 FPPC Ops. 48
In re Spellman (1975) 1 FPPC Ops. 16
In re Lunardi (1975) 1 FPPC Ops. 97

§ 82029. Immediate Family.

“Immediate family” means the spouse and dependent children.
§ 82030. Income.

(a) “Income” means, except as provided in subdivision (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater.

“Income,” other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title.

(b) “Income” also does not include:

(1) Campaign contributions required to be reported under Chapter 4 (commencing with Section 84100).

(2) Salary and reimbursement for expenses or per diem, and social security, disability, or other similar benefit payments received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

(3) Any devise or inheritance.

(4) Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.

(5) Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States government or a commodity future registered with the Commodity Futures Trading Commission of the United States government, except proceeds from the sale of these securities and commodities futures.

(6) Redemption of a mutual fund.

(7) Alimony or child support payments.

(8) Any loan or loans from a commercial lending institution which are made in the lender’s regular course of business on terms available to members of the public without regard to official status.

(9) Any loan from or payments received on a loan made to an individual’s spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan or loan payment received from any such person shall be considered income if he or she is acting as an agent or intermediary for any person not covered by this paragraph.

(10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender’s regular course of business on terms available to members of the public without regard to official status.

(11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

(12) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States government or from the sale of commodities futures registered with the Commodity Futures Trading Commission of the United States government if the filer sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser.


References at the time of publication (see page 3):

Regulations:

2 Cal. Code of Regs. Section 18229
2 Cal. Code of Regs. Section 18229.1
2 Cal. Code of Regs. Section 18230
2 Cal. Code of Regs. Section 18232
2 Cal. Code of Regs. Section 18234
2 Cal. Code of Regs. Section 18235
2 Cal. Code of Regs. Section 18728.5
2 Cal. Code of Regs. Section 18940
2 Cal. Code of Regs. Section 18944
2 Cal. Code of Regs. Section 18950.1
2 Cal. Code of Regs. Section 18950.2
2 Cal. Code of Regs. Section 18950.3
§ 82030.5. Income; Earned.
(a) For purposes of this title, “earned income” means, except as provided in subdivision (b), income from wages, salaries, professional fees, and other amounts received or promised to be received as compensation for personal services rendered.
(b) Income which is not “earned income” includes, but is not limited to, the following:
(1) Any income derived from stocks, bonds, property, or other investments, or from retail or wholesale sales.
(2) Any amount paid by, or on behalf of, an elected state officer to a tax-qualified pension, profit sharing, or stock bonus plan and received by the elected state officer from the plan.
(3) The community property interest in the income of a spouse.
History: Added by Stats. 1990, Ch. 1075.
References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18229
2 Cal. Code of Regs. Section 18932
Opinions: In re Roberts (2004) 17 FPPC Ops. 9

§ 82031. Independent Expenditure.
“Independent expenditure” means an expenditure made by any person, including a payment of public moneys by a state or local government agency, in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.
History: Formerly titled “Independent Committee.” Repealed by Stats. 1979, Ch. 779. Added by Stats. 1980, Ch. 289. (Formerly Section 82031.5.) Amended by Stats. 2009, Ch. 363.
References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18225.7
2 Cal. Code of Regs. Section 18420.1
2 Cal. Code of Regs. Section 18521.5
2 Cal. Code of Regs. Section 18530.3

§ 82031.5. Independent Expenditure. [Repealed]
History: Added by Stats. 1979, Ch. 779; repealed by Stats. 1980, Ch. 289. (Reenacted as amended and renumbered Section 82031.)

§ 82032. Influencing Legislative or Administrative Action.
“Influencing legislative or administrative action” means promoting, supporting, influencing, modifying, opposing or delaying any legislative or administrative action by any means, including but not limited to the provision or use of information, statistics, studies or analyses.
References at the time of publication (see page 3):
Opinions: In re Evans (1978) 4 FPPC Ops. 54
In re Leonard (1976) 2 FPPC Ops. 54
In re Nida (1976) 2 FPPC Ops. 1

§ 82033. Interest in Real Property.
“Interest in real property” includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family if the fair market value of the interest is two thousand dollars ($2,000) or more. Interests in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10-percent interest or greater.
History: Amended by Stats. 1978, Ch. 607; amended by Stats. 1980, Ch. 1000; amended by Stats. 1984, Ch. 931; amended by Stats. 2000, Ch. 130.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18229.1
2 Cal. Code of Regs. Section 18233
2 Cal. Code of Regs. Section 18234
2 Cal. Code of Regs. Section 18235
2 Cal. Code of Regs. Section 18702.3
2 Cal. Code of Regs. Section 18729

§ 82034. Investment.
“Investment” means any financial interest in or security issued by a business entity, including, but not limited to, common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest owned directly, indirectly, or beneficially by the public official, or other filer, or his or her immediate family, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. An asset shall not be deemed an investment unless its fair market value equals or exceeds two thousand dollars ($2,000). The
term “investment” does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or in a common trust fund created pursuant to Section 1564 of the Financial Code, interest in a government defined-benefit pension plan, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly, or beneficially, a 10-percent interest or greater. The term “parent, subsidiary or otherwise related business entity” shall be specifically defined by regulations of the commission.

History: Amended by Stats. 1978, Ch. 607; amended by Stats. 1980, Ch. 1000; amended by Stats. 1984, Ch. 931; amended by Stats. 2000, Ch. 130; amended by Stats. 2007, Ch. 348.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18229.1
2 Cal. Code of Regs. Section 18230
2 Cal. Code of Regs. Section 18234
2 Cal. Code of Regs. Section 18235
2 Cal. Code of Regs. Section 18237
Opinions: In re Nord (1983) 8 FPPC Ops. 6
In re Baty (1979) 5 FPPC Ops. 10
In re Elmore (1978) 4 FPPC Ops. 8

§ 82035. Jurisdiction.
“Jurisdiction” means the state with respect to a state agency and, with respect to a local government agency, the region, county, city, district or other geographical area in which it has jurisdiction. Real property shall be deemed to be “within the jurisdiction” with respect to a local government agency if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

History: Amended by Stats. 1975, Ch. 499, effective September 5, 1975; amended by Stats. 1993, Ch. 769.

§ 82035.5. LAFCO Proposal.
“LAFCO proposal” means a proposal, as defined in Section 56069, including a proceeding, as defined by Section 56067.

History: Added by Stats. 2008, Ch. 192; amended by Stats. 2009, Ch. 113.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18417

§ 82036. Late Contribution.
“Late contribution” means any of the following:

(a) A contribution, including a loan, that totals in the aggregate one thousand dollars ($1,000) or more and is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure during the 90-day period preceding the date of the election, or on the date of the election, at which the candidate or measure is to be voted on. For purposes of the Board of Administration of the Public Employees’ Retirement System and the Teachers’ Retirement Board, “the date of the election” is the deadline to return ballots.

(b) A contribution, including a loan, that totals in the aggregate one thousand dollars ($1,000) or more and is made to or received by a political party committee, as defined in Section 85205, within 90 days before the date of a state election or on the date of the election.


References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18116
2 Cal. Code of Regs. Section 18425

§ 82036.5. Late Independent Expenditure.
“Late independent expenditure” means an independent expenditure that totals in the aggregate one thousand dollars ($1,000) or more and is made for or against a specific candidate or measure involved in an election during the 90-day period preceding the date of the election or on the date of the election. For purposes of the Board of Administration of the Public Employees’ Retirement System and the Teachers’ Retirement Board, “the date of the election” is the deadline to return ballots.

History: Added by Stats. 1980, Ch. 289; amended by Stats. 2010, Ch. 633; amended by Stats. 2012, Ch. 496; amended by Stats. 2015, Ch. 364, effective January 1, 2016.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18116
2 Cal. Code of Regs. Section 18550

§ 82037. Legislative Action.
“Legislative action” means the drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the Legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the Legislature acting in his official capacity. “Legislative action” also means the action of the Governor in approving or vetoing any bill.
§ 82038.

References at the time of publication (see page 3):
Opinions: In re Cohen (1975) 1 FPPC Ops. 10

§ 82038. Legislative Official.

“Legislative official” means any employee or consultant of the Legislature whose duties are not solely secretarial, clerical or manual.

References at the time of publication (see page 3):
Opinions: In re Morrissey (1976) 2 FPPC Ops. 120

§ 82038.5. Lobbying Firm.

(a) “Lobbying firm” means any business entity, including an individual contract lobbyist, which meets either of the following criteria:

(1) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action on behalf of any other person, and any partner, owner, officer, or employee of the business entity is a lobbyist.

(2) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, to communicate directly with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action on behalf of any other person, if a substantial or regular portion of the activities for which the business entity receives compensation is for the purpose of influencing legislative or administrative action.

(b) No business entity is a lobbying firm by reason of activities described in Section 86300.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985; amended by Stats. 1986, Ch. 905.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18238.5
2 Cal. Code of Regs. Section 18614

§ 82039. Lobbyist.

(a) “Lobbyist” means either of the following:

(1) Any individual who receives two thousand dollars ($2,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, or whose principal duties as an employee are, to communicate directly or through his or her agents with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action.

(2) A placement agent, as defined in Section 82047.3.

(b) An individual is not a lobbyist by reason of activities described in Section 86300.

(c) For the purposes of subdivision (a), a proceeding before the Public Utilities Commission constitutes “administrative action” if it meets any of the definitions set forth in subdivision (b) or (c) of Section 82002. However, a communication made for the purpose of influencing this type of Public Utilities Commission proceeding is not within subdivision (a) if the communication is made at a public hearing, public workshop, or other public forum that is part of the proceeding, or if the communication is included in the official record of the proceeding.


References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18239
2 Cal. Code of Regs. Section 18601
Opinions: In re Evans (1978) 4 FPPC Ops. 54
In re Morrissey (1976) 2 FPPC Ops. 84
In re Leonard (1976) 2 FPPC Ops. 54
In re Zeng (1975) 1 FPPC Ops. 195
In re Harline (1975) 1 FPPC Ops. 140
In re Stern (1975) 1 FPPC Ops. 59
In re McCarthy (1975) 1 FPPC Ops. 50
In re Carson (1975) 1 FPPC Ops. 46
In re California Labor Federation (1975) 1 FPPC Ops. 28
In re Cohen (1975) 1 FPPC Ops. 10

§ 82039.5. Lobbyist Employer.

“Lobbyist employer” means any person, other than a lobbying firm, who:

(a) Employs one or more lobbyists for economic consideration, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action, or

(b) Contracts for the services of a lobbying firm for economic consideration, other than reimbursement for reasonable travel expense, for the purpose of influencing legislative or administrative action.


References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18239.5
2 Cal. Code of Regs. Section 18614

§ 82040. Lobbyist’s Account. [Repealed]


§ 82041. Local Government Agency.

“Local government agency” means a county, city or district of any kind including school district, or any other local or regional political subdivision, or any
department, division, bureau, office, board, commission or other agency of the foregoing.  
History: Amended by Stats. 1984, Ch. 727, effective July 1, 1985.

References at the time of publication (see page 3):
Opinions:  In re Rotman (1987) 10 FPPC Ops. 1
           In re Leach (1978) 4 FPPC Ops. 48
           In re Siegel (1977) 3 FPPC Ops. 62
           In re Witt (1975) 1 FPPC Ops. 1

§ 82041.3. Made at the Behest of.

“Made at the behest of” means made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of.

History: Added by Stats. 2017, Ch. 749.

§ 82041.5. Mass Mailing.

“Mass mailing” means over two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry.

History: Amended by Proposition 73 on the June 1988 statewide primary ballot, effective June 8, 1988; amended by Stats. 1988, Ch. 1027.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18435
           2 Cal. Code of Regs. Section 18901
           2 Cal. Code of Regs. Section 18901.1
Opinions:  In re Welsh (1978) 4 FPPC Ops. 78
           In re Juvanall, Stull, Meyers, Republican Central Committee of Orange County, Tuteur (1976) 2 FPPC Ops. 110
           In re Sobieski (1976) 2 FPPC Ops. 73
           In re Valdez (1976) 2 FPPC Ops. 21

§ 82042. Mayor.

“Mayor” of a city includes mayor of a city and county.

§ 82043. Measure.

“Measure” means any constitutional amendment or other proposition which is submitted to a popular vote at an election by action of a legislative body, or which is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum or recall procedure whether or not it qualifies for the ballot.

References at the time of publication (see page 3):
Regulations:  2 Cal. Code of Regs. Section 18531.5
Opinions:  In re Fontana (1976) 2 FPPC Ops. 25

§ 82044. Payment.

“Payment” means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

References at the time of publication (see page 3):
Regulations:  2 Cal. Code of Regs. Section 18944
           2 Cal. Code of Regs. Section 18950.1
Opinions:  In re Johnson (1989) 12 FPPC Ops. 1
           In re Gutierrez (1977) 3 FPPC Ops. 44
           In re McCormick (1976) 2 FPPC Ops. 42
           In re Burciaga (1976) 2 FPPC Ops. 17
           In re Cory (1975) 1 FPPC Ops. 137

§ 82045. Payment to Influence Legislative or Administrative Action.

“Payment to influence legislative or administrative action” means any of the following types of payment:
(a) Direct or indirect payment to a lobbyist whether for salary, fee, compensation for expenses, or any other purpose, by a person employing or contracting for the services of the lobbyist separately or jointly with other persons;
(b) Payment in support or assistance of a lobbyist or his activities, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist;
(c) Payment which directly or indirectly benefits any elective state official, legislative official or agency official or a member of the immediate family of any such official;
(d) Payment, including compensation, payment or reimbursement for the services, time or expenses of an employee, for or in connection with direct communication with any elective state official, legislative official or agency official;
(e) Payment for or in connection with soliciting or urging other persons to enter into direct communication with any elective state official, legislative official or agency official.

References at the time of publication (see page 3):
Regulations:  2 Cal. Code of Regs. Section 18229.1
Opinions:  In re Kovall (1978) 4 FPPC Ops. 95
           In re Nida (1977) 3 FPPC Ops. 1
           In re Morrissey (1976) 2 FPPC Ops. 84
           In re Naylor (1976) 2 FPPC Ops. 65
           In re Leonard (1976) 2 FPPC Ops. 54
           In re Gillies (1975) 1 FPPC Ops. 165
           In re Morrissey (1975) 1 FPPC Ops. 130

§ 82046. Period Covered.

(a) “Period covered” by a statement or report required to be filed by this title, other than a campaign statement, means, unless a different period is specified, the period beginning with the day after the
closing date of the most recent statement or report which was required to be filed, and ending with the closing date of the statement or report in question. If the person filing the statement or report has not previously filed a statement or report of the same type, the period covered begins on the day on which the first reportable transaction occurred. Nothing in this chapter shall be interpreted to exempt any person from disclosing transactions which occurred prior to the effective date of this title according to the laws then in effect.

(b) “Period covered” by a campaign statement required to be filed by this title means, unless a different period is specified, the period beginning the day after the closing date of the most recent campaign statement which was required to be filed and ending with the closing date of the statement in question. If a person has not previously filed a campaign statement, the period covered begins on January 1.

History: Amended by Stats. 1976, Ch. 1106; amended by Stats. 1980, Ch. 289.

References at the time of publication (see page 3):
Opinions: In re Welsh (1978) 4 FPPC Ops. 78
In re Juvinall, Stull, Meyers, Republican Central Committee of Orange County, Tuteur (1976) 2 FPPC Ops. 110
In re Sobieski (1976) 2 FPPC Ops. 73
In re Valdez (1976) 2 FPPC Ops. 21

§ 82047. Person.
“Person” means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

History: Amended by Stats. 1994, Ch. 1010.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs., Section 18432.5
2 Cal. Code of Regs. Section 18533
Opinions: In re Lumsdon (1976) 2 FPPC Ops. 140
In re Witt (1975) 1 FPPC Ops. 1

§ 82047.3. Placement Agent.
(a) “Placement agent” means an individual directly or indirectly hired, engaged, or retained by, or serving for the benefit of or on behalf of, an external manager or an investment fund managed by an external manager, and who acts or has acted for compensation as a finder, solicitor, marketer, consultant, broker, or other intermediary in connection with the offer or sale to a state public retirement system in California or an investment vehicle either of the following:

1. In the case of an external manager within the meaning of paragraph (1) of subdivision (a) of Section 82025.3, the investment management services of the external manager.

2. In the case of an external manager within the meaning of paragraph (2) of subdivision (a) of Section 82025.3, an ownership interest in an investment fund managed by the external manager.

(b) Notwithstanding subdivision (a), an individual who is an employee, officer, director, equityholder, partner, member, or trustee of an external manager and who spends one-third or more of his or her time, during a calendar year, managing the securities or assets owned, controlled, invested, or held by the external manager is not a placement agent.

(c) Notwithstanding subdivision (a), an employee, officer, or director of an external manager, or of an affiliate of an external manager, is not a placement agent with respect to an offer or sale of investment management services described in subdivision (a) if all of the following apply:

1. The external manager is registered as an investment adviser or a broker-dealer with the Securities and Exchange Commission or, if exempt from or not subject to registration with the Securities and Exchange Commission, any appropriate state securities regulator.

2. The external manager is participating in a competitive bidding process, such as a request for proposals, subject to subdivision (a) of Section 22364 of the Education Code or subdivision (a) of Section 20153 of this code, as applicable, or has been selected through that process, and is providing services pursuant to a contract executed as a result of that competitive bidding process.

3. The external manager, if selected through a competitive bidding process described in paragraph (2), has agreed to a fiduciary standard of care, as defined by the standards of conduct applicable to the retirement board of a public pension or retirement system and set forth in Section 17 of Article XVI of the California Constitution, when managing a portfolio of assets of a state public retirement system in California.

(d) For purposes of this section, “investment fund” has the same meaning as set forth in Section 7513.8.

(e) For purposes of this section, “investment vehicle” means a corporation, partnership, limited partnership, limited liability company, association, or other entity, either domestic or foreign, managed by an external manager in which a state public retirement system in California is the majority investor and that is organized in order to invest with, or retain the investment management services of, other external managers.
§ 82047.5. Primarily Formed Committee.
“Primarily formed committee” means a committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or oppose any of the following:
(a) A single candidate.
(b) A single measure.
(c) A group of specific candidates being voted upon in the same city, county, or multicounty election.
(d) Two or more measures being voted upon in the same city, county, multicounty, or state election.

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 1990, Ch. 626; amended by Stats. 1991, Ch. 191; amended by Stats. 1995, Ch. 295.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18247.5
2 Cal. Code of Regs. Section 18421.8
2 Cal. Code of Regs. Section 18521.5

§ 82047.6. Principal Officer.
(a) “Principal officer” means the individual primarily responsible for approving the political activities of a committee, including, but not limited to, the following activities:
(1) Authorizing the content of communications made by the committee.
(2) Authorizing expenditures, including contributions, on behalf of the committee.
(3) Determining the committee’s campaign strategy.
(b) If two or more individuals share the primary responsibility for approving the political activities of a committee, each individual is a principal officer.

History: Amended by Stats. 2012, Ch. 496.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18402.1

§ 82047.7. Proponent of a State Ballot Measure.
“Proponent of a state ballot measure” means “proponent” as defined in Section 9002 of the Elections Code.

History: Added by Stats. 1988, Ch. 704; amended by Stats. 1994, Ch. 923; renumbered by Stats. 2012, Ch. 496. (Formerly Section 82047.6.)

§ 82048. Public Official.
(a) “Public official” means every member, officer, employee or consultant of a state or local government agency.
(b) Notwithstanding subdivision (a), “public official” does not include the following:
(1) A judge or court commissioner in the judicial branch of government.
(2) A member of the Board of Governors and designated employees of the State Bar of California.
(3) A member of the Judicial Council.
(4) A member of the Commission on Judicial Performance, provided that he or she is subject to the provisions of Article 2.5 (commencing with Section 6035) of Chapter 4 of Division 3 of the Business and Professions Code as provided in Section 6038 of that article.
(5) A federal officer or employee serving in an official federal capacity on a state or local government agency.

History: Amended by Stats. 1984, Ch. 727, operative July 1, 1985; amended by Stats. 2004, Ch. 484.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18700.3
2 Cal. Code of Regs. Section 18701
2 Cal. Code of Regs. Section 18940.1
Opinions: In re Rotman (1987) 10 FPPC Ops. 1
In re Maloney (1977) 3 FPPC Ops. 69
In re Siegel (1977) 3 FPPC Ops. 62

§ 82048.3. Slate Mailer.
“Slate mailer” means a mass mailing which supports or opposes a total of four or more candidates or ballot measures.

History: Added by Stats. 1987, Ch. 905.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18401.1

§ 82048.4. Slate Mailer Organization.
(a) “Slate mailer organization” means, except as provided in subdivision (b), any person who, directly or indirectly, does all of the following:
(1) Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be supported or opposed in the slate mailers.
(2) Receives or is promised payments totaling five hundred dollars ($500) or more in a calendar year for the production of one or more slate mailers.
(b) Notwithstanding subdivision (a), a slate mailer organization shall not include any of the following:
(1) A candidate or officeholder or a candidate’s or officeholder’s controlled committee.
(2) An official committee of any political party.
(3) A legislative caucus committee.
(4) A committee primarily formed to support or oppose a candidate, officeholder, or ballot measure.
§ 82048.5.  
(c) The production and distribution of slate mailers by a slate mailer organization shall not be considered making contributions or expenditures for purposes of subdivision (b) or (c) of Section 82013. If a slate mailer organization makes contributions or expenditures other than by producing or distributing slate mailers, and it reports those contributions and expenditures pursuant to Sections 84218 and 84219, no additional campaign reports shall be required of the slate mailer organization pursuant to Section 84200 or 84200.5.  

History: Added by Stats. 1987, Ch. 905; renumbered by Stats. 1988, Ch. 160.  

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18401.1

§ 82048.5. Special District.  
“Special district” means any agency of the state established for the local performance of governmental or proprietary functions within limited boundaries. “Special district” includes a county service area, a maintenance district or area, an improvement district or zone, an air pollution control district, or a redevelopment agency. “Special district” shall not include a city, county, city and county, or school district.  

History: Added by Stats. 1994, Ch. 36.

§ 82048.7. Sponsored Committee.  
(a) “Sponsored committee” means a committee, other than a candidate controlled committee, that has one or more sponsors. Any person, except a candidate or other individual, may sponsor a committee.  

(b) A person sponsors a committee if any of the following apply:  
(1) The committee receives 80 percent or more of its contributions from the person or its members, officers, employees, or shareholders.  
(2) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.  
(3) The person, alone or in combination with other organizations, provides all or nearly all of the administrative services for the committee.  
(4) The person, alone or in combination with other organizations, sets the policies for soliciting contributions or making expenditures of committee funds.  

(c) A sponsor that is a multipurpose organization, as defined in subdivision (a) of Section 84222, and that makes contributions or expenditures from its general treasury funds shall comply with Section 84222.  

History: Added by Stats. 1985, Ch. 498; amended by Stats. 1988, Ch. 1155; amended by Stats. 1991, Ch. 130; amended by Stats. 2005, Ch. 200; amended by Stats. 2014, Ch. 100, effective July 1, 2014.  

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18419  
2 Cal. Code of Regs. Section 18421.1

§ 82049. State Agency.  
“State agency” means every state office, department, division, bureau, board and commission, and the Legislature.  

History: Amended by Stats. 1984, Ch. 727, operative July 1, 1985.

References at the time of publication (see page 3):  
Regulations: 2 Cal. Code of Regs. Section 18249

§ 82050. State Candidate.  
“State candidate” means a candidate who seeks nomination or election to any elective state office.  

§ 82051. State Measure.  
“State measure” means any measure which is submitted or is intended to be submitted to the voters of the state.

§ 82052. Statewide Candidate.  
“Statewide candidate” means a candidate who seeks election to any statewide elective office.

§ 82052.5. Statewide Election.  
“Statewide election” means an election for statewide elective office.

§ 82053. Statewide Elective Office.  
“Statewide elective office” means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction and member of the State Board of Equalization.  

History: Amended by Stats. 1991, Ch. 674; amended by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

Regulations: 2 Cal. Code of Regs. Section 18535

§ 82054. Statewide Petition.  
“Statewide petition” means a petition to qualify a proposed state measure.

§ 82055. Voting Age Population. [Repealed]  
History: Repealed by Stats. 1979, Ch. 779.

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§ 83100. Establishment; Membership.  
§ 83101. Appointment by Governor.
§ 83101. Appointment by Governor.

The chairman and one additional member of the Commission shall be appointed by the Governor. The Governor’s appointees shall not be members of the same political party.

§ 83102. Appointment by Attorney General, Secretary of State and Controller.

(a) The Attorney General, the Secretary of State and the Controller shall each appoint one member of the Commission.

(b) If the Attorney General, the Secretary of State and the Controller are all members of the same political party, the chairman of the state central committee of any other political party with a registration of more than five hundred thousand may submit to the Controller a list of not less than five persons who are qualified and willing to be members of the Commission. The list shall be submitted not less than ten days after the effective date of this chapter for the Controller’s initial appointment, and not later than January 2 immediately prior to any subsequent appointment by the Controller. If the Controller receives one or more lists pursuant to this section, his appointment shall be made from one of such lists.

§ 83103. Terms of Office.

Members and the chairman of the Commission shall serve four-year terms beginning on February 1 and ending on January 31 or as soon thereafter as their successors are qualified, except that the initial appointees under Section 83102 shall serve six-year terms. No member or chairman who has been appointed at the beginning of a term is eligible for reappointment.

History: Amended by Stats. of 1987, Ch. 624.

§ 83104. Vacancies; Quorum.

Vacancies on the Commission shall be filled, within thirty days, by appointment of the same official who appointed the prior holder of the position. The provisions of Section 83102 (b) are not applicable to the filling of vacancies. Appointments to fill vacancies shall be for the unexpired term of the member or chairman whom the appointee succeeds. A vacancy or vacancies shall not impair the right of the remaining members to exercise all of the powers of the board. Three members shall constitute a quorum.

§ 83105. Qualifications; Removal.

Each member of the Commission shall be an elector. No member of the Commission, during his or her tenure, shall hold, any other public office, serve...
§ 83106. Compensation; Expenses.
The chairman of the Commission shall be compensated at the same rate as the president of the Public Utilities Commission. Each remaining member shall be compensated at the rate of one hundred dollars ($100) for each day on which he engages in official duties. The members and chairman of the Commission shall be reimbursed for expenses incurred in performance of their official duties.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18307

§ 83107. Executive Officer; Staff; Staff Compensation.
The Commission shall appoint an executive director who shall act in accordance with Commission policies and regulations and with applicable law. The Commission shall appoint and discharge officers, counsel and employees, consistent with applicable civil service laws, and shall fix the compensation of employees and prescribe their duties.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18327

§ 83108. Delegation of Authority.
The Commission may delegate authority to the chairman or the executive director to act in the name of the Commission between meetings of the Commission.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18319
2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18361.9
2 Cal. Code of Regs. Section 18363

§ 83109. Civil Service Classification.
For purposes of Section 19818.6, a nonclerical position under the Commission shall not be included in the same class in the civil service classification plan with any position of any other department or agency.

History: Amended by Stats. 2013, Ch. 654.

§ 83110. Offices; Public Meetings.
The principal office of the Commission shall be in Sacramento but it may establish offices, meet, and exercise its powers at any other place in the state. Meetings of the Commission shall be public except that the Commission may provide otherwise for discussions of personnel and litigation.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18310
2 Cal. Code of Regs. Section 18327

§ 83111. Administration and Implementation of Title.
The Commission has primary responsibility for the impartial, effective administration and implementation of this title.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18200
2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18361.10

§ 83111.5. Actions to Implement Title.
The Commission shall take no action to implement this title that would abridge constitutional guarantees of freedom of speech, that would deny any person of life, liberty, or property without due process of law, or that would deny any person the equal protection of the laws.

History: Added by Stats. 1999, Ch. 225, effective August 24, 1999.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18327

§ 83112. Rules and Regulations.
The Commission may adopt, amend and rescind rules and regulations to carry out the purposes and provisions of this title, and to govern procedures of the Commission. These rules and regulations shall be adopted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 4.5, Sections 11371 et seq.) and shall be consistent with this title and other applicable law.


References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18200
2 Cal. Code of Regs. Section 18312
2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18351
2 Cal. Code of Regs. Section 18402
§ 83113. Additional Duties.
The Commission shall, in addition to its other duties, do all of the following:

(a) Prescribe forms for reports, statements, notices and other documents required by this title.

(b) Prepare and publish manuals and instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with and enforcement of this title, and explaining the duties of persons and committees under this title.

(c) Provide assistance to agencies and public officials in administering the provisions of this title.

(d) Maintain a central file of local campaign contribution and expenditure ordinances forwarded to it by local government agencies.

(e) Annually publish a booklet not later than March 1 that sets forth the provisions of this title and includes other information the Commission deems pertinent to the interpretation and enforcement of this title. The Commission shall provide a reasonable number of copies of the booklet at no charge for the use of governmental agencies and subdivisions thereof that request copies of the booklet.

The Commission may charge a fee, not to exceed the prorated cost of producing the booklet, for providing copies of the booklet to other persons and organizations.

History: Amended by Stats. 1979, Ch. 531; amended by Stats. 1999, Ch. 855.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18313
2 Cal. Code of Regs. Section 18313.5
2 Cal. Code of Regs. Section 18313.6
2 Cal. Code of Regs. Section 18327

§ 83114. Requests For and Issuances of Opinions; Advice.

(a) Any person may request the Commission to issue an opinion with respect to his duties under this title. The Commission shall, within 14 days, either issue the opinion or advise the person who made the request whether an opinion will be issued. No person who acts in good faith on an opinion issued to him by the Commission shall be subject to criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request. The Commission’s opinions shall be public records and may from time to time be published.

(b) Any person may request the Commission to provide written advice with respect to the person’s duties under this title. Such advice shall be provided within 21 working days of the request, provided that the time may be extended for good cause. It shall be a complete defense in any enforcement proceeding initiated by the Commission, and evidence of good faith conduct in any other civil or criminal proceeding, if the requester, at least 21 working days prior to the alleged violation, requested written advice from the Commission in good faith, disclosed truthfully all the material facts, and committed the acts complained of either in reliance on the advice or because of the failure of the Commission to provide advice within 21 days of the request or such later extended time.

History: Amended by Stats. 1976, Ch. 1080.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18320
2 Cal. Code of Regs. Section 18321
2 Cal. Code of Regs. Section 18322
2 Cal. Code of Regs. Section 18324
2 Cal. Code of Regs. Section 18326
2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18329
2 Cal. Code of Regs. Section 18329.5

§ 83115. Investigations; Notice.

Upon the sworn complaint of any person or on its own initiative, the Commission shall investigate possible violations of this title relating to any agency, official, election, lobbyist or legislative or administrative action. Within 14 days after receipt of a complaint under this section, the Commission shall notify in writing the person who made the complaint of the action, if any, the Commission has taken or plans to take on the complaint, together with the reasons for such action or nonaction. If no decision has been made within 14 days, the person who made the complaint shall be notified of the reasons for the delay and shall subsequently receive notification as provided above.

History: Amended by Stats. 1985, Ch. 775.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18360
2 Cal. Code of Regs. Section 18361
2 Cal. Code of Regs. Section 18361.1
2 Cal. Code of Regs. Section 18361.2
2 Cal. Code of Regs. Section 18361.3
2 Cal. Code of Regs. Section 18361.4
2 Cal. Code of Regs. Section 18361.5
2 Cal. Code of Regs. Section 18361.6
2 Cal. Code of Regs. Section 18361.7
2 Cal. Code of Regs. Section 18361.8
2 Cal. Code of Regs. Section 18362
§ 83115.5. Findings of Probable Cause; Requirements.

No finding of probable cause to believe this title has been violated shall be made by the Commission unless, at least 21 days prior to the Commission’s consideration of the alleged violation, the person alleged to have violated this title is notified of the violation by service of process or registered mail with return receipt requested, provided with a summary of the evidence, and informed of his right to be present in person and represented by counsel at any proceeding of the Commission held for the purpose of considering whether probable cause exists for believing the person violated this title. Notice to the alleged violator shall be deemed made on the date of service, the date the registered mail receipt is signed, or if the registered mail receipt is not signed, the date returned by the post office. A proceeding held for the purpose of considering probable cause shall be private unless the alleged violator files with the Commission a written request that the proceeding be public.

History: Added by Stats. 1976, Ch. 1080.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18361
2 Cal. Code of Regs. Section 18361.1
2 Cal. Code of Regs. Section 18361.2
2 Cal. Code of Regs. Section 18361.3
2 Cal. Code of Regs. Section 18361.4
2 Cal. Code of Regs. Section 18361.5
2 Cal. Code of Regs. Section 18361.6
2 Cal. Code of Regs. Section 18361.7
2 Cal. Code of Regs. Section 18361.8
2 Cal. Code of Regs. Section 18362

§ 83116. Violation of Title.

When the commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if a violation has occurred. Notice shall be given and the hearing conducted in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, Government Code). The commission shall have all the powers granted by that chapter. When the commission determines on the basis of the hearing that a violation has occurred, it shall issue an order that may require the violator to do all or any of the following:

(a) Cease and desist violation of this title.
(b) File any reports, statements, or other documents or information required by this title.
(c) Pay a monetary penalty of up to five thousand dollars ($5,000) per violation to the General Fund of the state. When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

History: Amended by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18316.5
2 Cal. Code of Regs. Section 18316.6
2 Cal. Code of Regs. Section 18327
2 Cal. Code of Regs. Section 18361
2 Cal. Code of Regs. Section 18361.1
2 Cal. Code of Regs. Section 18361.2
2 Cal. Code of Regs. Section 18361.3
2 Cal. Code of Regs. Section 18361.4
2 Cal. Code of Regs. Section 18361.5
2 Cal. Code of Regs. Section 18361.6
2 Cal. Code of Regs. Section 18361.7
2 Cal. Code of Regs. Section 18361.8
2 Cal. Code of Regs. Section 18361.9
2 Cal. Code of Regs. Section 18361.10
2 Cal. Code of Regs. Section 18361.11
2 Cal. Code of Regs. Section 18362

§ 83116.3. Administrative Law Judge; Rejection.

Whenever the Commission rejects the decision of an administrative law judge made pursuant to Section 11517, the Commission shall state the reasons in writing for rejecting the decision.

History: Added by Stats. 1999, Ch. 297.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18327

§ 83116.5. Liability for Violations; Administrative.

Any person who violates any provision of this title, who purposely or negligently causes any other person to violate any provision of this title, or who aids and abets any other person in the violation of any provision of this title, shall be liable under the provisions of this chapter. However, this section shall apply only to persons who have filing or reporting obligations under this title, or who are compensated for services involving the planning, organizing, or directing any activity regulated or required by this title, and a violation of this section shall not constitute an additional violation under Chapter 11 (commencing with Section 91000).

History: Added by Stats. 1984, Ch. 670; amended by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18316.5
2 Cal. Code of Regs. Section 18316.6
2 Cal. Code of Regs. Section 18327

§ 83117. Authority of Commission.

The Commission may:

(a) Accept grants, contributions and appropriations;
§ 83117.5. Receipt of Gift.
It shall be unlawful for a member of the Commission to receive a gift of ten dollars ($10) or more per month.

“Gift” as used in this section means a gift made directly or indirectly by a state candidate, an elected state officer, a legislative official, an agency official, or a lobbyist or by any person listed in Section 87200.

History: Added by Stats. 1975, Ch. 797, effective September 16, 1975.

§ 83117.6. Financial Disclosure Statement: First Filing by Commission Members. [Repealed]

§ 83118. Subpoena Powers.
The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission’s duties or exercise of its powers.

References at the time of publication (see page 3): Regulations: 2 Cal. Code of Regs. Section 18363

§ 83119. Self-Incrimination.
The Commission may refuse to excuse any person from testifying, or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the Commission notwithstanding an objection that the testimony or evidence required of him may tend to incriminate him. No individual shall be prosecuted in any manner or subjected to any penalty or forfeiture whatever for or on account of any transaction, act, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. No immunity shall be granted to any witness under this section unless the Commission has notified the Attorney General of its intention to grant immunity to the witness at least thirty days in advance, or unless the Attorney General waives this requirement.

§ 83120. Judicial Review.
An interested person may seek judicial review of any action of the Commission.

§ 83121. Judicial Advancement of Action.
If judicial review is sought of any action of the Commission relating to a pending election, the matter shall be advanced on the docket of the court and put ahead of other actions. The court may, consistent with due process of law, shorten deadlines and take other steps necessary to permit a timely decision.

§ 83122. Fair Political Practices Commission; Appropriation.
There is hereby appropriated from the General Fund of the state to the Fair Political Practices Commission the sum of five hundred thousand dollars ($500,000) during the fiscal year of 1974-1975, and the sum of one million dollars ($1,000,000), adjusted for cost-of-living changes, during each fiscal year thereafter, for expenditure to support the operations of the Commission pursuant to this title. The expenditure of funds under this appropriation shall be subject to the normal administrative review given to other state appropriations. The Legislature shall appropriate such additional amounts to the Commission and other agencies as may be necessary to carry out the provisions of this title.

The Department of Finance, in preparing the state budget and the Budget Bill submitted to the Legislature, shall include an item for the support of the Political Reform Act of 1974, which item shall indicate all of the following: (1) the amounts to be appropriated to other agencies to carry out their duties under this title, which amounts shall be in augmentation of the support items of such agencies; (2) the additional amounts required to be appropriated by the Legislature to the Commission to carry out the purposes of this title, as provided for in this section; and (3) in parentheses, for informational purposes, the continuing appropriation during each fiscal year of one million dollars ($1,000,000) adjusted for cost-of-living changes made to the Commission by this section.

The definition of “expenditure” in Section 82025 is not applicable to this section.

History: Amended by Stats. 1976, Ch. 1075, effective September 21, 1976.

§ 83123. Local Enforcement.
The Commission shall establish a division of local enforcement to administer, interpret, and enforce, in accordance with the findings, declarations, purposes, and provisions of this title, those provisions relating to local government agencies as defined in Section 82041.

History: Added by Stats. 1984, Ch. 1681, effective September 30, 1984.

§ 83123.5. Enforcement of San Bernardino County Campaign Ordinance.

(a) Upon mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino, the Commission is authorized to assume primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance passed by the Board of Supervisors of the County of San Bernardino. The Commission is authorized to be the civil prosecutor responsible for the civil enforcement of that local campaign finance reform ordinance in accordance with this title. As the civil prosecutor of the County of San Bernardino’s local campaign finance reform ordinance, the Commission may do both of the following:

(1) Investigate possible violations of the local campaign finance reform ordinance.

(2) Bring administrative actions in accordance with this title and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2.

(b) Any local campaign finance reform ordinance of the County of San Bernardino enforced by the Commission pursuant to this section shall comply with this title.

(c) The Board of Supervisors of the County of San Bernardino shall consult with the Commission prior to adopting and amending any local campaign finance reform ordinance that is subsequently enforced by the Commission pursuant to this section.

(d)(1) The Board of Supervisors of the County of San Bernardino and the Commission may enter into any agreements necessary and appropriate to carry out the provisions of this section, including agreements pertaining to any necessary reimbursement of state costs with county funds for costs incurred by the Commission in administering, implementing, or enforcing a local campaign finance reform ordinance pursuant to this section.

(2) An agreement entered into pursuant to this subdivision shall not contain any form of a cancellation fee, a liquidated damages provision, or other financial disincentive to the exercise of the right to terminate the agreement pursuant to subdivision (e), except that the Commission may require the Board of Supervisors of the County of San Bernardino to pay the Commission for services rendered and any other expenditures reasonably made by the Commission in anticipation of services to be rendered pursuant to the agreement in the event that the Board of Supervisors of the County of San Bernardino terminates the agreement.

(e) The Board of Supervisors of the County of San Bernardino or the Commission may, at any time, by ordinance or resolution, terminate any agreement made pursuant to this section for the Commission to administer, implement, or enforce a local campaign finance reform ordinance or any provision thereof.

(f) If an agreement is entered into pursuant to this section, the Commission shall report to the Legislature regarding the performance of that agreement on or before January 1, 2017, and shall submit that report in compliance with Section 9795. The Commission shall develop the report in consultation with the County of San Bernardino. The report shall include, but not be limited to, all of the following:

(1) The status of the agreement.

(2) The estimated annual cost savings, if any, for the County of San Bernardino.

(3) A summary of relevant annual performance metrics, including measures of utilization, enforcement, and customer satisfaction.

(4) Any public comments submitted to the Commission or the County of San Bernardino relative to the operation of the agreement.

(5) Any legislative recommendations.


§ 83123.6. Enforcement of City of Stockton Campaign Ordinance.

(a) Upon mutual agreement between the Commission and the City Council of the City of Stockton, the Commission is authorized to assume primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance passed by the City Council of the City of Stockton. The Commission is authorized to be the civil prosecutor responsible for the civil enforcement of that local campaign finance reform ordinance in accordance with this title. As the civil prosecutor of the City of Stockton’s local campaign finance reform ordinance, the Commission may do both of the following:

(1) Investigate possible violations of the local campaign finance reform ordinance.
(2) Bring administrative actions in accordance with this title and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2.

(b) Any local campaign finance reform ordinance of the City of Stockton enforced by the Commission pursuant to this section shall comply with this title.

(c) The City Council of the City of Stockton shall consult with the Commission before adopting and amending any local campaign finance reform ordinance that is subsequently enforced by the Commission pursuant to this section.

(d) (1) The City Council of the City of Stockton and the Commission may enter into any agreements necessary and appropriate to carry out the provisions of this section, including agreements pertaining to any necessary reimbursement of state costs with city funds for costs incurred by the Commission in administering, implementing, or enforcing a local campaign finance reform ordinance pursuant to this section.

(2) An agreement entered into pursuant to this subdivision shall not contain any form of a cancellation fee, a liquidated damages provision, or other financial disincentive to the exercise of the right to terminate the agreement pursuant to subdivision (e), except that the Commission may require the City Council of the City of Stockton to pay the Commission for services rendered and any other expenditures reasonably made by the Commission in anticipation of services to be rendered pursuant to the agreement if the City Council of the City of Stockton terminates the agreement.

(e) The City Council of the City of Stockton or the Commission may, at any time, by ordinance or resolution, terminate any agreement made pursuant to this section for the Commission to administer, implement, or enforce a local campaign finance reform ordinance pursuant to this section.

(f) If an agreement is entered into pursuant to this section, the Commission shall report to the Legislature regarding the performance of that agreement on or before January 1, 2019, and shall submit that report in compliance with Section 9795. The Commission shall develop the report in consultation with the City Council of the City of Stockton. The report shall include, but not be limited to, all of the following:

(1) The status of the agreement.

(2) The estimated annual cost savings, if any, for the City of Stockton.

(3) A summary of relevant annual performance metrics, including measures of utilization, enforcement, and customer satisfaction.

(4) Public comments submitted to the Commission or the City of Stockton relative to the operation of the agreement.

(5) Legislative recommendations.

(g) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

History: Added by Stats. 2015, Ch. 186, effective January 1, 2016.

§ 83123.7 Enforcement of City of Sacramento Campaign Ordinance.

(a) Upon mutual agreement between the Commission and the City Council of the City of Sacramento, the Commission is authorized to assume primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance passed by the City Council of the City of Sacramento. The Commission is authorized to be the civil prosecutor responsible for the civil enforcement of that local campaign finance reform ordinance in accordance with this title. As the civil prosecutor of the City of Sacramento’s local campaign finance reform ordinance, the Commission may do both of the following:

(1) Investigate possible violations of the local campaign finance reform ordinance.

(2) Bring administrative actions in accordance with this title and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2.

(b) Any local campaign finance reform ordinance of the City of Sacramento enforced by the Commission pursuant to this section shall comply with this title.

(c) The City Council of the City of Sacramento shall consult with the Commission before adopting and amending any local campaign finance reform ordinance that is subsequently enforced by the Commission pursuant to this section.

(d) (1) The City Council of the City of Sacramento and the Commission may enter into any agreements necessary and appropriate to carry out the provisions of this section, including agreements pertaining to any necessary reimbursement of state costs with city funds for costs incurred by the Commission in administering, implementing, or enforcing a local campaign finance reform ordinance pursuant to this section.

(2) An agreement entered into pursuant to this subdivision shall not contain any form of a cancellation fee, a liquidated damages provision, or other financial disincentive to the exercise of the right to terminate the agreement pursuant to subdivision...
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(e), except that the Commission may require the City Council of the City of Sacramento to pay the Commission for services rendered and any other expenditures reasonably made by the Commission in anticipation of services to be rendered pursuant to the agreement if the City Council of the City of Sacramento terminates the agreement.

(e) The City Council of the City of Sacramento or the Commission may, at any time, by ordinance or resolution, terminate any agreement made pursuant to this section for the Commission to administer, implement, or enforce a local campaign finance reform ordinance or any provision of the ordinance.

(f) If an agreement is entered into pursuant to this section, the Commission shall report to the Legislature regarding the performance of that agreement on or before January 1, 2022, and shall submit that report in compliance with Section 9795. The Commission shall develop the report in consultation with the City Council of the City of Sacramento. The report shall include, but is not limited to, all of the following:

1. The status of the agreement.
2. The estimated annual cost savings, if any, for the City of Sacramento.
3. A summary of relevant annual performance metrics, including measures of use, enforcement, and customer satisfaction.
4. Public comments submitted to the Commission or the City of Sacramento relative to the operation of the agreement.
5. Legislative recommendations.

(g) This section shall remain in effect only until January 1, 2023, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2023, deletes or extends that date.

History: Added by Stats. 2017, Ch. 622.

§ 83124. Cost of Living Adjustment.
The commission shall adjust the contribution limitations and voluntary expenditure limitations provisions in Sections 85301, 85302, 85303, and 85400 in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars ($100) for limitations on contributions and one thousand dollars ($1,000) for limitations on expenditures.

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):
- Regulations: 2 Cal. Code of Regs. Section 18316.6
  2 Cal. Code of Regs. Section 18401
  2 Cal. Code of Regs. Section 18421.2
  2 Cal. Code of Regs. Section 18426.1
  2 Cal. Code of Regs. Section 18427
  2 Cal. Code of Regs. Section 18700.1
- Opinions: In re Augustine (1975) 1 FPPC Ops. 69

§ 84101. Statement of Organization; Filing.
(a) A committee that is a committee by virtue of subdivision (a) of Section 82013 shall file a statement of organization. The committee shall file the original of the statement of organization with the Secretary of State and shall also file a copy of the statement of organization with the local filing officer, if any, with
§ 84101.5. Annual Fees.

(a) Notwithstanding Section 81006, the Secretary of State shall charge each committee that is required to file a statement of organization pursuant to subdivision (a) of Section 84101, and each committee that is required to file a statement of organization pursuant to subdivision (a) of Section 84101 shall pay, a fee of fifty dollars ($50) per year until the committee is terminated pursuant to Section 84214.

(b) A committee shall pay the fee prescribed in subdivision (a) no later than 15 days after filing its statement of organization.

(c)(1) A committee annually shall pay the fee prescribed in subdivision (a) no later than January 15 of each year.

(2) A committee that is created and pays the initial fee pursuant to subdivision (b) in the final three months of a calendar year is not subject to the annual fee pursuant to paragraph (1) for the following calendar year.

(3) A committee that existed prior to January 1, 2013, shall pay the fee prescribed in subdivision (a) no later than February 15, 2013, and in accordance with paragraph (1) in each year thereafter. A committee that terminates pursuant to Section 84214 prior to January 31, 2013, is not required to pay a fee pursuant to this paragraph.

(d)(1) A committee that fails to timely pay a fee required by this section is subject to a penalty equal to three times the amount of the fee.

(2) The Commission shall enforce the requirements of this section.

History: Added by Stats. 2012, Ch. 506.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18402.1
2 Cal. Code of Regs. Section 18404
2 Cal. Code of Regs. Section 18410
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18421.8
2 Cal. Code of Regs. Section 18503
2 Cal. Code of Regs. Section 18520
2 Cal. Code of Regs. Section 18521
§ 84102. Statement of Organization; Contents.

The statement of organization required by Section 84101 shall include all of the following:

(a) The name, street address, and telephone number, if any, of the committee. In the case of a sponsored committee, the name of the committee shall include the name of its sponsor. If a committee has more than one sponsor, and the sponsors are members of an industry or other identifiable group, a term identifying that industry or group shall be included in the name of the committee.

(b) In the case of a sponsored committee, the name, street address, and telephone number of each sponsor.

(c) The full name, street address, and telephone number, if any, of the treasurer and any other principal officers.

(1) A committee with more than one principal officer shall identify its principal officers as follows:

(A) A committee with three or fewer principal officers shall identify all principal officers.

(B) A committee with more than three principal officers shall identify no fewer than three principal officers.

(2) If no individual other than the treasurer is a principal officer, the treasurer shall be identified as both the treasurer and the principal officer.

(d) The full name and office sought by a candidate, and the title and ballot number, if any, of any measure, that the committee supports or opposes as its primary activity. A committee that does not support or oppose one or more candidates or ballot measures as its primary activity shall provide a brief description of its political activities, including whether it supports or opposes candidates or measures and whether such candidates or measures have common characteristics, such as a political party preference.

(e) A statement whether the committee is independent or controlled and, if it is controlled, the name of each candidate or state measure proponent by which it is controlled, or the name of any controlled committee with which it acts jointly. If a committee is controlled by a candidate for partisan or voter-nominated office, the controlled committee shall indicate the political party, if any, for which the candidate has disclosed a preference.

(f) For a committee that is a committee by virtue of subdivision (a) or (b) of Section 82013, the name and address of the financial institution in which the committee has established an account and the account number.

(g) Other information as shall be required by the rules or regulations of the Commission consistent with the purposes and provisions of this chapter.

History: Amended by Stats. 1977, Ch. 1095; amended by Stats. 1985, Ch. 498; amended by Stats. 1986, Ch. 546; amended by Stats. 1990, Ch. 655; amended by Stats. 1992, Ch. 223; amended by Stats. 2000, Ch. 853; amended by Stats. 2012, Ch. 496; amended by Stats. 2013, Ch. 654.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18402
2 Cal. Code of Regs. Section 18402.1
2 Cal. Code of Regs. Section 18404
2 Cal. Code of Regs. Section 18404.1
2 Cal. Code of Regs. Section 18410
2 Cal. Code of Regs. Section 18419
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18421.8
2 Cal. Code of Regs. Section 18430
2 Cal. Code of Regs. Section 18503
2 Cal. Code of Regs. Section 18521.5

Opinions: In re Petris (1975) 1 FPPC Ops. 20

§ 84103. Statement of Organization; Amendment.

(a) If there is a change in any of the information contained in a statement of organization, an amendment shall be filed within 10 days to reflect the change. The committee shall file the original of the amendment with the Secretary of State and shall also file a copy of the amendment with the local filing officer, if any, with whom the committee is required to file the originals of its campaign reports pursuant to Section 84215.

(b) In addition to filing an amendment to a statement of organization as required by subdivision (a), a committee as defined in subdivision (a) of Section 82013 shall, by facsimile transmission, online transmission, guaranteed overnight delivery, or personal delivery within 24 hours, notify the filing officer with whom it is required to file the originals of its campaign reports pursuant to Section 84215 if the change requiring the amendment occurs before the date of the election in connection with which the committee is required to file a preelection statement, but after the closing date of the last preelection statement required to be filed for the election pursuant to Section 84200.8, if any of the following information is changed:

(1) The name of the committee.

(2) The name of the treasurer or other principal officers.

(3) The name of any candidate or committee by which the committee is controlled or with which it acts jointly.

The notification shall include the changed information, the date of the change, the name of the
§ 84104. Recordkeeping.

It shall be the duty of each candidate, treasurer, principal officer, and elected officer to maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements, to establish that campaign statements were properly filed, and to otherwise comply with the provisions of this chapter. The detailed accounts, records, bills, and receipts shall be retained by the filer for a period specified by the Commission. However, the Commission shall not require retention of records for a period longer than the statute of limitations specified in Section 91000.5 or two years after the adoption of an audit report pursuant to Chapter 10 (commencing with Section 90000), whichever is less.

History: Added by Stats. 1979, Ch. 779; amended by Stats. 2004, Ch. 484.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18421.31
2 Cal. Code of Regs. Section 18421.6
2 Cal. Code of Regs. Section 18531.62

§ 84105. Notification to Contributors.

A candidate or committee that receives contributions of five thousand dollars ($5,000) or more from any person shall inform the contributor within two weeks of receipt of the contributions that he or she may be required to file campaign reports, and shall include a reference to the filing requirements for multipurpose organizations under Section 84222. However, a candidate or committee that receives a contribution of ten thousand dollars ($10,000) or more from any person during any period in which late contribution reports are required to be filed pursuant to Section 84203 shall provide the information to the contributor within one week. The notification required by this section is not required to be sent to any contributor who has an identification number assigned by the Secretary of State issued pursuant to Section 84101.

History: Added by Stats. 1984, Ch. 670; amended by Stats. 2014, Ch. 16, effective July 1, 2014.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18427.1

§ 84106. Sponsored Committee; Identification.

(a) Whenever identification of a sponsored committee is required by this title, the identification shall include the full name of the committee as required in its statement of organization.

(b) A sponsored committee shall use only one name in its statement of organization.

History: Added by Stats. 1985, Ch. 498; amended by Stats. 1986, Ch. 546; amended by Stats. 2004, Ch. 484.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18419
2 Cal. Code of Regs. Section 18421.2

§ 84107. Ballot Measure Committee; Identification.

Within 30 days of the designation of the numerical order of propositions appearing on the ballot, any committee which is primarily formed to support or oppose a ballot measure, shall, if supporting the measure, include the statement, “a committee for Proposition ___,” or, if opposing the measure, include the statement, “a committee against Proposition ___,” in any reference to the committee required by law.

History: Added by Stats. 1985, Ch. 498; amended by Stats. 2000, Ch. 853.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 184202
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18521.5
2 Cal. Code of Regs. Section 18531.5
organization shall include the name by which the individual or entity is identified for legal purposes. Whenever identification of a slate mailer organization is required by this title, the identification shall include the full name of the slate mailer organization as contained in its statement of organization.

(2) The full name, street address, and telephone number of the treasurer and other principal officers.

(3) The full name, street address, and telephone number of each person with final decisionmaking authority as to which candidates or measures will be supported or opposed in the organization’s slate mailers.

(c) The statement of organization shall be filed with the Secretary of State within 10 days after the slate mailer organization receives or is promised five hundred dollars ($500) or more for producing one or more slate mailers. However, if an entity qualifies as a slate mailer organization before the date of an election in which it is required to file pre-election statements, but after the closing date of the last campaign statement required to be filed before the election pursuant to Section 84218, the slate mailer organization shall file with the Secretary of State, by facsimile transmission, guaranteed overnight delivery, or personal delivery within 24 hours of qualifying as a slate mailer organization, the information required to be reported in the statement of organization.


References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18402.1
2 Cal. Code of Regs. Section 18421.2

Article 2. Filing of Campaign Statements.
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§ 84200. Semi-Annual Statements.
§ 84200.3. Odd-Year Reports in Connection with a Statewide Direct Primary Election Held in March of an Even-Numbered Year. [Repealed]
§ 84200.4. Time for Filing Reports Required Pursuant to § 84200.3. [Repealed]
§ 84200.5. Preelection Statements.
§ 84200.6. Special Campaign Statements and Reports.
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§ 84200.8. Timing for Filing Preelection Statements.
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§ 84201. Combination of Statements. [Repealed]
§ 84202. Closing Dates. [Repealed]
§ 84202.3. Campaign Statements; Ballot Measure Committees.
§ 84202.5. Supplemental Preelection Statement. [Repealed]
§ 84202.7. Time for Filing by Committees of Odd-Numbered Year Reports.
§ 84203. Late Contribution; Reports.
§ 84203.3. Late In-Kind Contributions.
§ 84203.5. Supplemental Independent Expenditure Report. [Repealed]
§ 84204. Late Independent Expenditures; Reports.
§ 84204.1. Election Statements; Exemption from Filing; Abbreviated Statements. [Repealed]
§ 84204.2. Preelection Statements; Final. [Repealed]
§ 84204.5. Ballot Measure Contributions and Expenditures; Reports
§ 84205. Combination of Statements.
§ 84206. Candidates Who Receive or Spend Less than $2,000.
§ 84207. County Central Committee Candidates Who Receive or Spend Less Than $2,000.
§ 84207.5. Appointments to Office; Filing Requirements. [Repealed]
§ 84208. Independent Expenditures; Reports. [Repealed]
§ 84209. Consolidated Statements.
§ 84210. Special Election Reports. [Repealed]
§ 84211. Contents of Campaign Statement.
§ 84212. Forms; Loans.
§ 84213. Verification.
§ 84214. Termination.
§ 84215. Campaign Reports and Statements; Where to File.
§ 84216. Loans.
§ 84216.5. Loans Made by a Candidate or Committee.
§ 84217. Federal Office Candidates; Places Filed.
§ 84200. Semi-Annual Statements.

(a) Except as provided in paragraphs (1), (2), and (3), elected officers, candidates, and committees pursuant to subdivision (a) of Section 82013 shall file semiannual statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.

(1) A candidate who, during the past six months has filed a declaration pursuant to Section 84206 shall not be required to file a semiannual statement for that six-month period.

(2) Elected officers whose salaries are less than two hundred dollars ($200) a month, judges, judicial candidates, and their controlled committees shall not file semiannual statements pursuant to this subdivision for any six-month period in which they have not made or received any contributions or made any expenditures.

(3) A judge who is not listed on the ballot for reelection to, or recall from, any elective office during a calendar year shall not file semiannual statements pursuant to this subdivision for any six-month period in which they have not made or received any contributions or made any expenditures.

§ 84200.5. Preelection Statements.

In addition to the campaign statements required by Section 84200, elected officers, candidates, and committees shall file preelection statements as follows:

(a) All candidates appearing on the ballot to be voted on at the next election, their controlled committees, and committees primarily formed to support or oppose an elected officer, candidate, or a measure appearing on the ballot to be voted on at the next election shall file the applicable preelection statements specified in Section 84200.8, contribute to any committee required to report receipts, expenditures, or contributions pursuant to this title, or make an slate mailer organization, during the six-month period before the closing date of the statements.

History: Amended by Stats. 1977, Ch. 1193; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled “Time for Filing Campaign Statements in Connection with Elections Held at Times Other than the State Direct Primary or the State General Election.”) Amended by Stats. 1981, Ch. 78; amended by Stats. 1982, Ch. 1069; amended by Stats. 1983, Ch. 898; amended by Stats. 1984, Ch. 1368; repealed and reenacted as amended by Stats. 1985, Ch. 1456; amended by Stats. 1988, Ch. 708; amended by Stats. 1990, Ch. 581; amended by Stats. 1994, Ch. 1129; amended by Stats. 2000, Ch. 130.

References at the time of publication (see page 3):

Regulations:
- 2 Cal. Code of Regs. Section 18117
- 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18405
- 2 Cal. Code of Regs. Section 18420
- 2 Cal. Code of Regs. Section 18421.2
- 2 Cal. Code of Regs. Section 18426
- 2 Cal. Code of Regs. Section 18435
- 2 Cal. Code of Regs. Section 18531.5

Opinions:
- In re Lui (1987) 10 FPPC Ops. 10
- In re Sampson (1975) 1 FPPC Ops. 183
- In re Kelly, Masini (1975) 1 FPPC Ops. 162
- In re Goodwin (1975) 1 FPPC Ops. 24

§ 84200.3. Odd-Year Reports in Connection with a Statewide Direct Primary Election Held in March of an Even-Numbered Year. [Repealed]

History: Added by Stats. 1999, Ch. 158, effective July 23, 1999; amended by Stats. 1999, Ch. 433, effective September 16, 1999; repealed by Stats. 2005, Ch. 200.

§ 84200.4. Time for Filing Reports Required Pursuant to § 84200.3. [Repealed]

History: Added and repealed by Stats. 1995, Ch. 470, (Formerly titled “Campaign Statements. (March 26, 1996).”) added by Stats. 1999, Ch. 158, effective July 23, 1999; repealed by Stats. 2005, Ch. 200.

§ 84200.5. Preelection Statements.

In addition to the campaign statements required by Section 84200, elected officers, candidates, and committees shall file preelection statements as follows:

(a) All candidates appearing on the ballot to be voted on at the next election, their controlled committees, and committees primarily formed to support or oppose an elected officer, candidate, or a measure appearing on the ballot to be voted on at the next election shall file the applicable preelection statements specified in Section 84200.8, contribute to any committee required to report receipts, expenditures, or contributions pursuant to this title, or make an
independent expenditure of five hundred dollars ($500) or more in connection with the statewide primary or general election, shall file the applicable preelection statements specified in Section 84200.8.

(c) A state or county general purpose committee formed pursuant to subdivision (a) of Section 82013, other than a political party committee as defined in Section 85205, shall file the applicable preelection statements specified in Section 84200.8 if it makes contributions or independent expenditures totaling five hundred dollars ($500) or more in connection with the statewide primary or general election during the period covered by the preelection statements. However, a state or county general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the preelection statements specified in Section 84200.8.

(d) A political party committee as defined in Section 85205 shall file the applicable preelection statements specified in Section 84200.8 in connection with a state election if the committee receives contributions totaling one thousand dollars ($1,000) or more, or if it makes contributions or independent expenditures totaling five hundred dollars ($500) or more, in connection with the election during the period covered by the preelection statement.

(e) A city general purpose committee formed pursuant to subdivision (a) of Section 82013 shall file the applicable preelection statements specified in Section 84200.8 if it makes contributions or independent expenditures totaling five hundred dollars ($500) or more in connection with a city election in the committee’s jurisdiction during the period covered by the preelection statements. However, a city general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the preelection statements specified in Section 84200.8.

(f) During an election period for the Board of Administration of the Public Employees’ Retirement System or the Teachers’ Retirement Board:

(1) All candidates for these boards, their controlled committees, and committees primarily formed to support or oppose the candidates shall file the preelection statements specified in Section 84200.9.

(2) A state or county general purpose committee formed pursuant to subdivision (a) of Section 82013 shall file the preelection statements specified in Section 84200.9 if it makes contributions or independent expenditures totaling five hundred dollars ($500) or more during the period covered by the preelection statement to support or oppose a candidate, or a committee primarily formed to support or oppose a candidate on the ballot for the Board of Administration of the Public Employees’ Retirement System or the Teachers’ Retirement Board.

(3) However, a general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the statements specified in Section 84200.9.


References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18404
2 Cal. Code of Regs. Section 18405
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18435
2 Cal. Code of Regs. Section 18531.5

§ 84200.6. Special Campaign Statements and Reports.

In addition to the campaign statements required by Sections 84200 and 84200.5, all candidates and committees shall file the following special statements and reports:

(a) Late contribution reports when required by Section 84203.

(b) Late independent expenditure reports when required by Section 84204.

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 2015, Ch. 364, effective January 1, 2016.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18435
2 Cal. Code of Regs. Section 18531.5

§ 84200.7. Time for Filing Preelection Statements for Elections Held in June or November of an Even-Numbered Year. [Repealed]

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 1986, Ch. 984; amended by Stats. 1994, Ch. 923; repealed by Stats. 2015, Ch. 364, effective January 1, 2016.

§ 84200.8. Timing for Filing Preelection Statements.

Preelection statements shall be filed under this section as follows:
§ 84200.9. Time for Filing Preelection Statements for Candidates for the Board of Administration of the Public Employees' Retirement System and Teachers' Retirement Board.

Preelection statements for an election period for the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board shall be filed as follows:

(a) For the period ending five days before the beginning of the ballot period, as determined by the relevant board, a statement shall be filed no later than two days before the beginning of the ballot period.

(b) For the period ending five days before the deadline to return ballots, as determined by the relevant board, a statement shall be filed no later than two days before the deadline to return ballots.

(c) In the case of a runoff election, for the period ending five days before the deadline to return runoff ballots, as determined by the relevant board, a statement shall be filed no later than two days before the deadline to return runoff ballots.

(d) All candidates being voted upon, their controlled committees, and committees primarily formed to support or oppose a candidate being voted upon in that election shall file this statement by guaranteed overnight delivery service or by personal delivery.

History: Added by Stats. 1991, Ch. 696; amended by Stats. 1986, Ch. 984.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18405
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18435
2 Cal. Code of Regs. Section 18531.5

§ 84202.3. Campaign Statements; Ballot Measure Committees.

(a) In addition to the campaign statements required by Section 84200, committees pursuant to subdivision (a) of Section 82013 that are primarily formed to support or oppose the qualification, passage, or defeat of a measure and proponents of a state ballot measure who control a committee formed primarily to support or oppose the qualification, passage, or defeat of a state ballot measure, shall file campaign statements on the following dates:

(1) No later than April 30 for the period January 1 through March 31.

(2) No later than October 31 for the period July 1 through September 30.

(b) This section shall not apply to a committee during any semiannual period in which the committee is required to file preelection statements pursuant to subdivision (a), (b), or (c) of Section 84200.5.

(c) This section shall not apply to a committee following the election at which the measure is voted upon unless the committee makes contributions or expenditures to support or oppose the qualification or passage of another ballot measure.

History: Added by Stats. 1991, Ch. 696; amended by Stats. 1993, Ch. 769.
§ 84202.5. Supplemental Preelection Statement.

[Repealed]

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 1986, Ch. 984; amended by Stats. 1992, Ch. 89; amended by Stats. 2000, Ch. 130; amended by Stats. 2004, Ch. 484; repealed by Stats. 2015, Ch. 364, effective January 1, 2016.

§ 84202.7. Time for Filing by Committees of Odd-Numbered Year Reports.

(a) Except as provided in subdivision (b), during an odd-numbered year, any committee by virtue of Section 82013 that makes contributions totaling ten thousand dollars ($10,000) or more to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer during a period specified below shall file campaign statements on the following dates:

(1) No later than April 30 for the period of January 1 through March 31.

(2) No later than October 31 for the period of July 1 through September 30.

(b) If a committee makes contributions totaling ten thousand dollars ($10,000) or more to elected state officers, their controlled committees, or committees primarily formed to support or oppose any elected state officer during a period specified in subdivision (a), and all of those contributions are reported pursuant to Section 84202.5 on or before the time specified in subdivision (a), the committee shall not be required to file additional statements for that period pursuant to this section.

History: Added by Stats. 1986, Ch. 984; amended by Stats. 1993, Ch. 218; amended by Stats. 2000, Ch. 130.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18435

§ 84203. Late Contribution; Reports.

(a) Each candidate or committee that makes or receives a late contribution, as defined in Section 82036, shall report the late contribution to each office with which the candidate or committee is required to file its next campaign statement pursuant to Section 84215. The candidate or committee that makes the late contribution shall report his or her full name and street address and the full name and street address of the person to whom the late contribution has been made, the office sought if the recipient is a candidate, or the ballot measure number or letter if the recipient is a committee primarily formed to support or oppose a ballot measure, and the date and amount of the late contribution. The recipient of the late contribution shall report his or her full name and street address, the date and amount of the late contribution, and whether the contribution was made in the form of a loan. The recipient shall also report the full name of the contributor, his or her street address, occupation, and the name of his or her employer, or if self-employed, the name of the business.

(b) A late contribution shall be reported by facsimile transmission, guaranteed overnight delivery, or personal delivery within 24 hours of the time it is made in the case of the candidate or committee that makes the contribution and within 24 hours of the time it is received in the case of the recipient. If a late contribution is required to be reported to the Secretary of State, the report to the Secretary of State shall be by online or electronic transmission only. A late contribution shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

(c) A late contribution need not be reported nor shall it be deemed accepted if it is not cashed, negotiated, or deposited and is returned to the contributor within 24 hours of its receipt.

(d) A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed by this chapter.

(e) The report required pursuant to this section is not required to be filed by a candidate or committee that has disclosed the late contribution pursuant to subdivision (a) or (b) of Section 85309.

History: Amended and renumbered by Stats. 1977, Ch. 1193. (Formerly Section 84201.) (Former Section 84203, titled “Measure; Committee; Time for Filing Campaign Statement,” repealed by Stats. 1977, Ch. 1193.) Repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled “Time for Filing When a Special, General or Runoff Election is Held Less than 60 Days Following the Primary Election.”) Repealed and reenacted as amended by Stats. 1985, Ch. 1456. (Formerly titled “Designation of Final Committee Preelection Statement.”); amended by Stats. 1992, Ch. 89; amended by Stats. 2002, Ch. 211; amended by Stats. 2004, Ch. 478, effective September 10, 2004; amended by Stats. 2005, Ch. 200; amended by Stats. 2010, Ch. 18.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18116
2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.1
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18425
2 Cal. Code of Regs. Section 18435

§ 84203.3. Late In-Kind Contributions.
§ 84203.5.  Supplemental Independent Expenditure Report. [Repealed]

§ 84204.  Late Independent Expenditures; Reports.

(a) Any candidate or committee that makes a late contribution that is an in-kind contribution shall notify the recipient in writing of the value of the in-kind contribution. The notice shall be received by the recipient within 24 hours of the time the contribution is made.

(b) Nothing in this section shall relieve a candidate or committee that makes a late in-kind contribution or the recipient of a late in-kind contribution from the requirement to file late contribution reports pursuant to Section 84203. However, a report filed by the recipient of a late in-kind contribution shall be deemed timely filed if it is received by the filing officer within 48 hours of the time the contribution is received.

History: Added by Stats. 1995, Ch. 77.

References at the time of publication (see page 3):

Regulations:
2 Cal. Code of Regs. Section 18116
2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18425
2 Cal. Code of Regs. Section 18435

§ 84203.5.  Supplemental Independent Expenditure Report. [Repealed]

History: Added by Stats. 1985, Ch. 1456; amended by Stats. 2000, Ch. 130; amended by Stats. 2004, Ch. 483; repealed by Stats. 2015, Ch. 364, effective January 1, 2016.

§ 84204.  Late Independent Expenditures; Reports.

(a) A committee that makes a late independent expenditure, as defined in Section 82036.5, shall report the late independent expenditure by facsimile transmission, guaranteed overnight delivery, or personal delivery within 24 hours of the time it is made. If a late independent expenditure is required to be reported to the Secretary of State, the report to the Secretary of State shall be by online or electronic transmission only. A late independent expenditure shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

(b) A committee that makes a late independent expenditure shall report its full name and street address, as well as the name, office, and district of the candidate if the report is related to a candidate, or if the report is related to a measure, the number or letter of the measure, the jurisdiction in which the measure is to be voted upon, and the amount and the date, as well as a description of goods or services for which the late independent expenditure was made. In addition to the information required by this subdivision, a committee that makes a late independent expenditure shall include with its late independent expenditure report the information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211, covering the period from the day after the closing date of the last campaign report filed to the date of the late independent expenditure, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the late independent expenditure. No information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 that is required to be reported with a late independent expenditure report by this subdivision is required to be reported on more than one late independent expenditure report.

(c) A committee that makes a late independent expenditure shall file a late independent expenditure report in the places where it would be required to file campaign statements under this article as if it were formed or existing primarily to support or oppose the candidate or measure for or against which it is making the late independent expenditure.

(d) A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed by this article.

(e) Expenditures that have been disclosed by candidates and committees pursuant to Section 85500 are not required to be disclosed pursuant to this section.

History: Former Section 84204, titled “Support of Both Candidates and Measures; Filing Requirements,” repealed by Stats. 1977, Ch. 1193; former Section 84202 amended by Stats. 1976, Ch. 1106; renumbered to 84204 by Stats. 1977, Ch. 1193; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled “Time for Filing; Committees Supporting or Opposing the Qualification of a Measure and Proponents of State Measures”); repealed and reenacted as amended by Stats. 1985, Ch. 1456. (Formerly titled “Designation of Final Candidate Preelection Statement”); amended by Stats. 1992, Ch. 89; amended by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001; amended by Stats. 2004, Ch. 478, effective September 10, 2004; amended by Stats. 2005, Ch. 200; amended by Stats. 2010, Ch. 18.

References at the time of publication (see page 3):

Regulations:
2 Cal. Code of Regs. Section 18116
2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18435
2 Cal. Code of Regs. Section 18550

§ 84204.1.  Election Statements; Exemption from Filing; Abbreviated Statements. [Repealed]

History: Added by Stats. 1976, Ch. 1106; repealed by Stats. 1980, Ch. 289.

§ 84204.2.  Preelection Statements; Final. [Repealed]
§ 84204.5. Ballot Measure Contributions and Expenditures; Reports.

(a) In addition to any other report required by this title, a committee pursuant to subdivision (a) of Section 82013 that is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State each time it makes contributions totaling five thousand dollars ($5,000) or more or each time it makes independent expenditures totaling five thousand dollars ($5,000) or more to support or oppose the qualification or passage of a single state ballot measure. The report shall be filed within 10 business days of making the contributions or independent expenditures and shall contain all of the following:

(1) The full name, street address, and identification number of the committee.

(2) The number or letter of the measure if the measure has qualified for the ballot and has been assigned a number or letter; the title of the measure if the measure has not been assigned a number or letter but has been issued a title by the Attorney General; or the subject of the measure if the measure has not been assigned a number or letter and has not been issued a title by the Attorney General.

(3) In the case of a contribution, the date and amount of the contribution and the name, address, and identification number of the committee to whom the contribution was made. In addition, the report shall include the information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211, regarding contributions or loans received from a person described in that subdivision, covering the period from the day after the closing date of the last campaign report filed to the date of the expenditure, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the expenditure. No information described in paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 that is required to be reported pursuant to this subdivision is required to be reported in more than one report provided for in this subdivision for each contribution or loan received from a person described in subdivision (f) of Section 84211.

(b) In addition to any other report required by this title, a committee pursuant to subdivision (a) of Section 82013 shall file a report each time it makes contributions totaling five thousand dollars ($5,000) or more or independent expenditures aggregating five thousand dollars ($5,000) or more to support or oppose the qualification of a single local initiative or referendum ballot measure. A committee that is required to file a report under this subdivision shall file the report in the places where it would be required to file campaign statements under this article as if it were formed or existing primarily to support or oppose the local initiative or referendum ballot measure. The report shall be filed within 10 business days of reaching the aggregate dollar threshold and shall contain all of the following:

(1) The full name, street address, and identification number of the committee.

(2) The name or subject of the measure.

(3) In the case of an independent expenditure, the date, amount, and a description of the goods or services for which the expenditure was made. In addition, the report shall include the information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 regarding contributions or loans received from a person described in that subdivision, covering the period from the day after the closing date of the last campaign report filed to the date of the contribution or expenditure, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the contribution or expenditure. The information described in paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 that is required to be reported pursuant to this subdivision is not required to be reported in
§ 84205. Combination of Statements.

The Commission may by regulation or written advice permit candidates and committees to file campaign statements combining statements and reports required to be filed by this title.

History: Amended by Stats. 1977, Ch. 1193; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled “Closing Dates”); amended by Stats. 1981, Ch. 78; repealed and reenacted as amended by Stats. 1985, Ch. 1456. (Formerly titled “Late Contributions; Reports”); amended by Stats. 1987, Ch. 632; amended by Stats. 1993, Ch. 391; amended by Stats. 2015, Ch. 364, effective January 1, 2016.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18435
2 Cal. Code of Regs. Section 18466

§ 84206. Candidates Who Receive or Spend Less Than $2,000.

(a) The commission shall provide by regulation for a short form for filing reports required by this article for candidates or officeholders who receive contributions of less than two thousand dollars ($2,000), and who make expenditures of less than two thousand dollars ($2,000), in a calendar year.

(b) For the purposes of this section, in calculating whether two thousand dollars ($2,000) in expenditures have been made, payments for a filing fee or for a statement of qualification shall not be included if these payments have been made from the candidate’s personal funds.

(c) Every candidate or officeholder who has filed a short form pursuant to subdivision (a), and who thereafter receives contributions or makes expenditures totaling two thousand dollars ($2,000) or more in a calendar year, shall send written notification to the Secretary of State, the local filing officer, and each candidate contending for the same office within 48 hours of receiving or expending a total of two thousand dollars ($2,000). The written notification shall revoke the previously filed short form statement.

History: Repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled “Semi-Annual Campaign Statements”); repealed and reenacted as amended by Stats. 1985, Ch. 1456. (Formerly titled “Late Contributions; Reports”); amended by Stats. 1987, Ch. 632; amended by Stats. 1993, Ch. 391; amended by Stats. 2015, Ch. 364, effective January 1, 2016.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18406
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18435

Opinions: In re Lui (1987) 10 FPPC Ops. 10

§ 84207. County Central Committee Candidates Who Receive or Spend Less Than $2,000.

(a) An elected member of, or a candidate for election to, a county central committee of a qualified political party who receives contributions of less than two thousand dollars ($2,000) and who makes expenditures of less than two thousand dollars ($2,000) in a calendar year shall not be required to file any campaign statements required by this title.

(b) Notwithstanding Sections 81009.5 and 81013, a local government agency shall not impose any filing requirements on an elected member of, or a candidate for election to, a county central committee of a qualified political party who receives contributions of less than two thousand dollars ($2,000) and who makes expenditures of less than two thousand dollars ($2,000) in a calendar year.

History: Amended by Stats. 1977, Ch. 1193, effective January 1, 1978; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled “Candidate for Reelection to Judicial Office”); repealed by Stats. 1985, Ch. 1456; reenacted as amended by Stats. 2012, Ch. 502. (Formerly titled “Late Independent Expenditures; Reports”); amended by Stats. 2015, Ch. 364, effective January 1, 2016.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18435

§ 84207.5. Appointments to Office; Filing Requirements. [Repealed]

History: Added by Stats. 1976, Ch. 1106; repealed by Stats. 1980, Ch. 289.

§ 84208. Independent Expenditures; Reports. [Repealed]

History: Added by Stats. 1980, Ch. 289; repealed by Stats. 1985, Ch. 1456.
§ 84209. Consolidated Statements.
A candidate or state measure proponent and any committee or committees which the candidate or a state measure proponent controls may file consolidated campaign statements under this chapter. Such consolidated statements shall be filed in each place each of the committees and the candidate or state measure proponent would be required to file campaign statements if separate statements were filed.

History: Added by Stats. 1980, Ch. 289.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18435

§84210. Special Election Reports. [Repealed]
History: Amended by Stats. 1978, Ch. 650; repealed and reenacted as amended by Stats. 1980, Ch. 289; (Formerly titled “Contents of Campaign Statement.”); repealed by Stats. 1985, Ch. 1456.

§ 84211. Contents of Campaign Statement.
Each campaign statement required by this article shall contain all of the following information:
(a) The total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received.
(b) The total amount of expenditures made during the period covered by the campaign statement and the total cumulative amount of expenditures made.
(c) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of one hundred dollars ($100) or more.
(d) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of less than one hundred dollars ($100).
(e) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement.
(f) If the cumulative amount of contributions (including loans) received from a person is one hundred dollars ($100) or more and a contribution or loan has been received from that person during the period covered by the campaign statement, all of the following:
   (1) His or her full name.
   (2) His or her street address.
   (3) His or her occupation.
   (4) The name of his or her employer, or if self-employed, the name of the business.
   (5) The date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan.
   (6) The cumulative amount of contributions.
   (g) If the cumulative amount of loans received from or made to a person is one hundred dollars ($100) or more, and a loan has been received from or made to a person during the period covered by the campaign statement, or is outstanding during the period covered by the campaign statement, all of the following:
      (1) His or her full name.
      (2) His or her street address.
      (3) His or her occupation.
      (4) The name of his or her employer, or if self-employed, the name of the business.
      (5) The original date and amount of each loan.
      (6) The due date and interest rate of the loan.
      (7) The cumulative payment made or received to date at the end of the reporting period.
      (8) The balance outstanding at the end of the reporting period.
      (9) The cumulative amount of contributions.
      (h) For each person, other than the filer, who is directly, indirectly, or contingently liable for repayment of a loan received or outstanding during the period covered by the campaign statement, all of the following:
         (1) His or her full name.
         (2) His or her street address.
         (3) His or her occupation.
         (4) The name of his or her employer, or if self-employed, the name of the business.
         (5) The amount of his or her maximum liability outstanding.
         (i) The total amount of expenditures made during the period covered by the campaign statement to persons who have received one hundred dollars ($100) or more.
         (j) The total amount of expenditures made during the period covered by the campaign statement to persons who have received less than one hundred dollars ($100).
         (k) For each person to whom an expenditure of one hundred dollars ($100) or more has been made.
during the period covered by the campaign statement, all of the following:

(1) His or her full name.
(2) His or her street address.
(3) The amount of each expenditure.
(4) A brief description of the consideration for which each expenditure was made.
(5) In the case of an expenditure which is a contribution to a candidate, elected officer, or committee or an independent expenditure to support or oppose a candidate or measure, in addition to the information required in paragraphs (1) to (4) above, the date of the contribution or independent expenditure, the cumulative amount of contributions made to a candidate, elected officer, or committee, or the cumulative amount of independent expenditures made relative to a candidate or measure: the full name of the candidate, and the office and district for which he or she seeks nomination or election, or the number or letter of the measure; and the jurisdiction in which the measure or candidate is voted upon.

(6) The information required in paragraphs (1) to (4), inclusive, for each person, if different from the payee, who has provided consideration for an expenditure of five hundred dollars ($500) or more during the period covered by the campaign statement.

For purposes of subdivisions (i), (j), and (k) only, the terms “expenditure” or “expenditures” mean any individual payment or accrued expense, unless it is clear from surrounding circumstances that a series of payments or accrued expenses are for a single service or product.

(1) In the case of a controlled committee, an official committee of a political party, or an organization formed or existing primarily for political purposes, the amount and source of any miscellaneous receipt.

(m) If a committee is listed pursuant to subdivision (f), (g), (h), (k), (l), or (q), the number assigned to the committee by the Secretary of State shall be listed, or if no number has been assigned, the full name and street address of the treasurer of the committee.

(n) In a campaign statement filed by a candidate who is a candidate in both a state primary and general election, his or her controlled committee, or a committee primarily formed to support or oppose such a candidate, the total amount of contributions received and the total amount of expenditures made for the period January 1 through June 30 and the total amount of contributions received and expenditures made for the period July 1 through December 31.

(o) The full name, residential or business address, and telephone number of the filer, or in the case of a campaign statement filed by a committee, the name, street address, and telephone number of the committee and of the committee treasurer. In the case of a committee defined by subdivision (b) or (c) of Section 82013, the name that the filer uses on campaign statements shall be the name by which the filer is identified for other legal purposes or any name by which the filer is commonly known to the public.

(p) If the campaign statement is filed by a candidate, the name, street address, and treasurer of any committee of which he or she has knowledge which has received contributions or made expenditures on behalf of his or her candidacy and whether the committee is controlled by the candidate.

(q) A contribution need not be reported nor shall it be deemed accepted if it is not cashed, negotiated, or deposited and is returned to the contributor before the closing date of the campaign statement on which the contribution would otherwise be reported.

(r) If a committee primarily formed for the qualification or support of, or opposition to, an initiative or ballot measure is required to report an expenditure to a business entity pursuant to subdivision (k) and 50 percent or more of the business entity is owned by a candidate or person controlling the committee, by an officer or employee of the committee, or by a spouse of any of these individuals, the committee’s campaign statement shall also contain, in addition to the information required by subdivision (k), that person’s name, the relationship of that person to the committee, and a description of that person’s ownership interest or position with the business entity.

(s) If a committee primarily formed for the qualification or support of, or opposition to, an initiative or ballot measure is required to report an expenditure to a business entity pursuant to subdivision (k), and a candidate or person controlling the committee, an officer or employee of the committee, or a spouse of any of these individuals is an officer, partner, consultant, or employee of the business entity, the committee’s campaign statement shall also contain, in addition to the information required by subdivision (k), that person’s name, the relationship of that person to the committee, and a description of that person’s ownership interest or position with the business entity.

(t) If the campaign statement is filed by a committee, as defined in subdivision (b) or (c) of
§ 84212.

Section 82013, information sufficient to identify the nature and interests of the filer, including:

(1) If the filer is an individual, the name and address of the filer's employer, if any, or his or her principal place of business if the filer is self-employed, and a description of the business activity in which the filer or his or her employer is engaged.

(2) If the filer is a business entity, a description of the business activity in which it is engaged.

(3) If the filer is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents, including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents.

(4) If the filer is not an individual, business entity, or industry, trade, or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.

History: Amended by Stats. 1978, Ch. 650; repealed and reenacted as amended by Stats. 1980, Ch. 289; (Formerly titled “Consideration of Cumulative Amount”); amended by Stats. 1982, Ch. 377; amended by Stats. 1985, Ch. 899; amended by Stats. 1988, Ch. 704; amended by Stats. 1989, Ch. 1452; amended by Stats. 1990, Ch. 581; amended by Stats. 1991, Ch. 674; amended by Stats. 1993, Ch. 1140; amended by Stats. 2000, Ch. 161; amended by Stats. 2000, Ch. 853.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18229
2 Cal. Code of Regs. Section 18229.1
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421
2 Cal. Code of Regs. Section 18421.1
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18421.3
2 Cal. Code of Regs. Section 18421.4
2 Cal. Code of Regs. Section 18421.5
2 Cal. Code of Regs. Section 18421.6
2 Cal. Code of Regs. Section 18421.7
2 Cal. Code of Regs. Section 18421.8
2 Cal. Code of Regs. Section 18421.9
2 Cal. Code of Regs. Section 18423
2 Cal. Code of Regs. Section 18428
2 Cal. Code of Regs. Section 18430
2 Cal. Code of Regs. Section 18431
2 Cal. Code of Regs. Section 18435
2 Cal. Code of Regs. Section 18531.5
2 Cal. Code of Regs. Section 18537

Opinions:
In re Roberts (2004) 17 FPPC Ops. 9
In re Nielsen (1979) 5 FPPC Ops. 18
In re Buchanan (1979) 5 FPPC Ops. 14
In re Klahn (1976) 2 FPPC Ops. 151
In re Lumsdon (1976) 2 FPPC Ops. 140
In re McCormick (1976) 2 FPPC Ops. 42
In re Burciaga (1976) 2 FPPC Ops. 17
In re Hayes (1975) 1 FPPC Ops. 210
In re Cory (1975) 1 FPPC Ops. 137

§ 84212. Forms; Loans.
The forms promulgated by the Commission for disclosure of the information required by this chapter shall provide for the reporting of loans and similar transactions in a manner that does not result in substantial overstatement or understatement of total contributions and expenditures.

History: Amended by Stats. 1975, Ch. 915, effective September 20, 1975, operative January 7, 1975; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled “Candidates Who Receive and Spend $200 or Less.”); amended by Stats. 1985, Ch. 1456.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18404.2
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18435

§ 84213. Verification.

(a) A candidate and state measure proponent shall verify his or her campaign statement and the campaign statement of each committee subject to his or her control. The verification shall be in accordance with the provisions of Section 81004 except that it shall state that to the best of his or her knowledge the treasurer of each controlled committee used all reasonable diligence in the preparation of the committee's statement. This section does not relieve the treasurer of any committee from the obligation to verify each campaign statement filed by the committee pursuant to Section 81004.

(b) If a committee is required to file a campaign statement or report disclosing an independent expenditure pursuant to this title, a principal officer of the committee or, in the case of a controlled committee, the candidate or state measure proponent or opponent who controls the committee shall sign a verification on a report prescribed by the Commission. Notwithstanding any other provision of this title, the report containing the verification required by this subdivision shall be filed only with the Commission. The verification shall read as follows:

I have not received any unreported contributions or reimbursements to make these independent expenditures. I have not coordinated any expenditure made during this reporting period with the candidate or the opponent of the candidate who is the subject of the expenditure, with the proponent or the opponent of the state measure that is the subject of the expenditure, or with the agents of the candidate or the opponent of the candidate or the state measure proponent or opponent.
§ 84214. Termination.

Committees and candidates shall terminate their filing obligation pursuant to regulations adopted by the Commission which insures that a committee or candidate will have no activity which must be disclosed pursuant to this chapter subsequent to the termination. Such regulations shall not require the filing of any campaign statements other than those required by this chapter. In no case shall a committee which qualifies solely under subdivision (b) or (c) of Section 82013 be required to file any notice of its termination.

History: Repealed and reenacted as amended by Stats. 1977, Ch. 344, effective August 20, 1977; repealed and reenacted as amended by Stats. 1980, Ch. 289. (Formerly titled “Late Contributions; Reports.”)

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18427
2 Cal. Code of Regs. Section 18430
2 Cal. Code of Regs. Section 18435
2 Cal. Code of Regs. Section 18465.1
2 Cal. Code of Regs. Section 18570

§ 84215. Campaign Reports and Statements; Where to File.

All candidates and elected officers and their controlled committees, except as provided in subdivisions (d) and (e), shall file one copy of the campaign statements required by Section 84200 with the elections official of the county in which the candidate or elected official is domiciled, as defined in subdivision (b) of Section 349 of the Elections Code. In addition, campaign statements shall be filed at the following places:

(a) Statewide elected officers, including members of the State Board of Equalization; Members of the Legislature; Supreme Court justices, court of appeal justices, and superior court judges; candidates for those offices and their controlled committees; committees formed or existing primarily to support or oppose these candidates, elected officers, justices and judges, or statewide measures, or the qualification of state ballot measures; and all state general purpose committees and filers not specified in subdivisions (b) to (e), inclusive, shall file a campaign statement by online or electronic means, as specified in Section 84605.

(b) Elected officers in jurisdictions other than legislative districts, State Board of Equalization districts, or appellate court districts that contain parts of two or more counties, candidates for these offices, their controlled committees, and committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one of these jurisdictions shall file the original and one copy with the elections official of the county with the largest number of registered voters in the jurisdiction.

(c) County elected officers, candidates for these offices, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in any number of jurisdictions within one county, other than those specified in subdivision (d), and county general purpose committees shall file the original and one copy with the elections official of the county.

(d) City elected officers, candidates for city office, their controlled committees, committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one city, and city general purpose committees shall file the original and one copy with the clerk of the city and are not required to file with the local elections official of the county in which they are domiciled.

(e) Elected members of the Board of Administration of the Public Employees’ Retirement System, elected members of the Teachers’ Retirement Board, candidates for these offices, their controlled committees, and committees formed or existing primarily to support or oppose these candidates or elected members shall file the original and one copy with the Secretary of State, and a copy shall be filed at the relevant board’s office in Sacramento. These elected officers, candidates, and committees need not file with the elections official of the county in which they are domiciled.

(f) Notwithstanding any other provision of this section, a committee, candidate, or elected officer is not required to file more than the original and one copy, or one copy, of a campaign statement with any one county elections official or city clerk or with the Secretary of State.
§ 84216. Loans.

(a) Notwithstanding Section 82015, a loan received by a candidate or committee is a contribution unless the loan is received from a commercial lending institution in the ordinary course of business, or it is clear from the surrounding circumstances that it is not made for political purposes.

(b) A loan, whether or not there is a written contract for the loan, shall be reported as provided in Section 84211 when any of the following apply:
   (1) The loan is a contribution.
   (2) The loan is received by a committee.
   (3) The loan is received by a candidate and is used for political purposes.

History: Added by Stats. 1977, Ch. 1119; amended by Stats. 1980, Ch. 289; amended by Stats. 1982, Ch. 29; repealed and reenacted as amended by Stats. 1985, Ch. 1456; amended by Stats. 1986, Ch. 490; amended by Stats. 1990, Ch. 581; amended by Stats. 2001, Ch. 241, effective September 4, 2001; amended by Stats. 2007, Ch. 54; amended by Stats. 2010, Ch. 18, amended by Stats. 2010, Ch. 633; Amended by Stats. 2017, Ch. 111.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18227
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18404.1
2 Cal. Code of Regs. Section 18405
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18435
2 Cal. Code of Regs. Section 18451

§ 84216.5. Loans Made by a Candidate or Committee.

A loan of campaign funds, whether or not there is a written contract for the loan, made by a candidate or committee shall be reported as provided in Section 84211.

History: Former Section 84216.5 renumbered 84213 by Stats. 1980, Ch. 289; new section added by Stats. 1985, Ch. 899; amended by Stats. 2000, Ch. 853.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18401

§ 84217. Federal Office Candidates; Places Filed.

When the Secretary of State receives any campaign statement filed pursuant to the Federal Election Campaign Act, (2 U.S.C.A. Section 431 et seq.) the Secretary of State shall send a copy of the statement to the following officers:

(a) Statements of candidates for President, Vice President or United States Senator and committees supporting such candidates - one copy with the Registrar-Recorder of Los Angeles County and one copy with the Registrar of Voters of the City and County of San Francisco;

(b) Statements of candidates for United States Representative in Congress and committees supporting such candidates - one copy with the clerk of the county which contains the largest percentage of the registered voters in the election district which the candidate or any of the candidates seek nomination or election and one copy with the clerk of the county within which the candidate resides or in which the committee is domiciled, provided that if the committee is not domiciled in California the statement shall be sent to the Registrar-Recorder of Los Angeles County. No more than one copy of each statement need be filed with the clerk of any county.

History: Amended by Stats. 1977, Ch. 1095; amended and renumbered Section 84226 by Stats. 1979, Ch. 779. (Formerly Section 84208); amended and renumbered by Stats. 1980, Ch. 289. (Formerly Section 84226.)

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18435

Opinions: In re Dennis-Strathmeyer (1976) 2 FPPC Ops. 61

§ 84218. Slate Mailer Organization; Campaign Statements.

(a) A slate mailer organization shall file semiannual campaign statements no later than July 31 for the period ending June 30, and no later than January 31, for the period ending December 31.

(b) In addition to the semiannual statements required by subdivision (a), a slate mailer organizations which produces a slate mailer supporting or opposing candidates or measures being voted on in an election shall file the statements specified in Section 84200.8 if, during the period covered by the preélection statement, the slate mailer organization received payments totaling five hundred dollars (500) or more from any person for the support of or opposition to candidates or ballot measures in...
one or more slate mailers, or expends five hundred dollars (500) or more to produce one or more slate mailers.

(c) A slate mailer organization shall file two copies of its campaign reports with the clerk of the county in which it is domiciled. A slate mailer organization is domiciled at the address listed on its statement of organization unless it is domiciled outside California, in which case its domicile shall be deemed to be Los Angeles County for purposes of this section.

In addition, slate mailer organizations shall file campaign reports as follows:

1. A slate mailer organization which produces one or more slate mailers supporting or opposing candidates or measures voted on in a state election, or in more than one county, shall file campaign reports in the same manner as state general purpose committees pursuant to subdivision (a) of Section 84215.

2. A slate mailer organization which produces one or more slate mailers supporting or opposing candidates or measures voted on in only one county, or in more than one jurisdiction within one county, shall file campaign reports in the same manner as county general purpose committees pursuant to subdivision (c) of Section 84215.

3. A slate mailer organization which produces one or more slate mailers supporting or opposing candidates or measures voted on in only one city shall file campaign reports in the same manner as city general purpose committees pursuant to subdivision (d) of Section 84215.

4. Notwithstanding the above, no slate mailer organization shall be required to file more than the original and one copy, or two copies, of a campaign report with any one county or city clerk or with the Secretary of State.

History: Added by Stats. 1987, Ch. 905; amended by Stats. 2010, Ch. 18; amended by Stats. 2010, Ch. 77; amended by Stats. 2015, Ch. 364, effective January 1, 2016.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
1. 2 Cal. Code of Regs. Section 18401
1. 2 Cal. Code of Regs. Section 18401.1
1. 2 Cal. Code of Regs. Section 18421.2

§ 84219. Slate Mailer Organization; Semi-Annual Statements; Contents.

Whenever a slate mailer organization is required to file campaign reports pursuant to Section 84218, the campaign report shall include the following information:

(a) The total amount of receipts during the period covered by the campaign statement and the total cumulative amount of receipts. For purposes of this section only, “receipts” means payments received by a slate mailer organization for production and distribution of slate mailers.

(b) The total amount of disbursements made during the period covered by the campaign statement and the total cumulative amount of disbursements. For purposes of this section only, “disbursements” means payment made by a slate mailer organization for the production or distribution of slate mailers.

(c) For each candidate or committee that is a source of receipts totaling one hundred dollars ($100) or more during the period covered by the campaign statement:

1. The name of the candidate or committee, identification of the jurisdiction and the office sought or ballot measure number or letter, and if the source is a committee, the committee’s identification number, street address, and the name of the candidate or measure on whose behalf or in opposition to which the payment was made.

2. The date and amount received for each receipt totaling one hundred dollars ($100) or more during the period covered by the campaign statement.

3. The cumulative amount of receipts on behalf of or in opposition to the candidate or measure.

(d) For each person other than a candidate or committee who is a source of receipts totaling one hundred dollars ($100) or more during the period covered by the campaign statement:

1. Identification of the jurisdiction, office or ballot measure, and name of the candidate or measure on whose behalf or in opposition to which the payment was made.

2. Full name, street address, name of employer, or, if self-employed, name of business of the source of receipts.

3. The date and amount received for each receipt totaling one hundred dollars ($100) or more during the period covered by the campaign statement.

4. The cumulative amount of receipts on behalf of or in opposition to the candidate or measure.

(e) For each candidate or ballot measure not reported pursuant to subdivision (c) or (d), but who was supported or opposed in a slate mailer sent by the slate mailer organization during the period covered by the report, identification of jurisdiction, office or ballot measure, and name of the candidate or measure who was supported or opposed.

(f) The total amount of disbursements made during the period covered by the campaign statement to persons who have received one hundred dollars ($100) or more.
(g) The total amount of disbursements made during the period covered by the campaign statement to persons who have received less than one hundred dollars ($100).

(h) For each person to whom a disbursement of one hundred dollars ($100) or more has been made during the period covered by the campaign statement:
   (1) His or her full name.
   (2) His or her street address.
   (3) The amount of each disbursement.
   (4) A brief description of the consideration for which each disbursement was made.
   (5) The information required in paragraphs (1) to (4), inclusive, for each person, if different from the payee, who has provided consideration for a disbursement of five hundred dollars ($500) or more during the period covered by the campaign statement.
   (i) Cumulative disbursements, totaling one thousand dollars ($1,000) or more, made directly or indirectly to any person listed in the slate mailer organization’s statement of organization. For purposes of this subdivision, a disbursement is made indirectly to a person if it is intended for the benefit of or use by that person or a member of the person’s immediate family, or if it is made to a business entity in which the person or member of the person’s immediate family is a partner, shareholder, owner, director, trustee, officer, employee, consultant, or holds any position of management or in which the person or member of the person’s immediate family has an investment of one thousand dollars ($1,000) or more. This subdivision shall not apply to any disbursement made to a business entity whose securities are publicly traded.
   (j) The full name, street address, and telephone number of the slate mailer organization and of the treasurer.
   (k) Whenever a slate mailer organization also qualifies as a general purpose committee pursuant to Section 82027.5, the campaign report shall include, in addition to the information required by this section, the information required by Section 84211.

History: Added by Stats. 1987, Ch. 905. Amended by Stats. 1990, Ch. 905.

References at the time of publication (see page 3):
   Regulations: 2 Cal. Code of Regs. Section 18117
   2 Cal. Code of Regs. Section 18401
   2 Cal. Code of Regs. Section 18401.1
   2 Cal. Code of Regs. Section 18421.2

§ 84221. Slate Mailer Organization; Termination.

Slate mailer organizations shall terminate their filing obligations in the same manner as applies to committees qualifying under subdivision (a) of Section 82013.

History: Added by Stats. 1987, Ch. 905.

References at the time of publication (see page 3):
   Regulations: 2 Cal. Code of Regs. Section 18401
   2 Cal. Code of Regs. Section 18421.2

§ 84222. Multipurpose Organizations.

(a) For purposes of this title, “multipurpose organization” means an organization described in Sections 501(c)(3) to 501(c)(10), inclusive, of the Internal Revenue Code and that is exempt from taxation under Section 501(a) of the Internal Revenue Code, a federal or out-of-state political organization, a trade association, a professional association, a civic organization, a religious organization, a fraternal society, an educational institution, or any other association or group of persons acting in concert, that is operating for purposes other than making contributions or expenditures. “Multipurpose organization” does not include a business entity, an individual, or a federal candidate’s authorized committee, as defined in Section 431 of Title 2 of the United States Code, that is registered and filing reports pursuant to the Federal Election Campaign Act of 1971 (Public Law 92-225).

(b) A multipurpose organization that makes expenditures or contributions and does not qualify as a committee pursuant to subdivision (c) may qualify as an independent expenditure committee or major donor committee if the multipurpose organization satisfies subdivision (b) or (c) of Section 82013.

(c) Except as provided in subparagraph (A) of paragraph (5), a multipurpose organization is a...
recipient committee within the meaning of subdivision (a) of Section 82013 only under one or more of the following circumstances:

1. The multipurpose organization is a political committee registered with the Federal Election Commission, except as provided in subdivision (a) of this section, or a political committee registered with another state, and the multipurpose organization makes contributions or expenditures in this state in an amount equal to or greater than the amount identified in subdivision (a) of Section 82013.

2. The multipurpose organization solicits and receives payments from donors in an amount equal to or greater than the amount identified in subdivision (a) of Section 82013 for the purpose of making contributions or expenditures.

3. The multipurpose organization accepts payments from donors in an amount equal to or greater than the amount identified in subdivision (a) of Section 82013 subject to a condition, agreement, or understanding with the donor that all or a portion of the payments may be used for making contributions or expenditures.

4. The multipurpose organization has existing funds from a donor and a subsequent agreement or understanding is reached with the donor that all or a portion of the funds may be used for making contributions or expenditures in an amount equal to or greater than the amount identified in subdivision (a) of Section 82013. The date of the subsequent agreement or understanding is deemed to be the date of receipt of the payment.

5. The multipurpose organization makes contributions or expenditures totaling more than fifty thousand dollars ($50,000) in a period of 12 months or more than one hundred thousand dollars ($100,000) in a period of four consecutive calendar years.

(A) A multipurpose organization shall not qualify as a committee within the meaning of subdivision (a) of Section 82013 pursuant to this paragraph if the multipurpose organization makes contributions or expenditures using only available nondonor funds. A multipurpose organization that makes contributions or expenditures with nondonor funds shall briefly describe the source of the funds used on its major donor or independent expenditure report.

(B) For purposes of this paragraph, “nondonor funds” means investment income, including capital gains, or income earned from providing goods, services, or facilities, whether related or unrelated to the multipurpose organization’s program, sale of assets, or other receipts that are not donations.

(d) A multipurpose organization that is a committee pursuant to paragraph (1) of subdivision (c) shall comply with the registration and reporting requirements of this chapter, subject to the following:

1. The multipurpose organization is not required to comply with subdivision (k) of Section 84211 for contributions and expenditures made to influence federal or out-of-state elections, which shall instead be reported as a single expenditure and be described as such on the campaign statement.

2. A multipurpose organization registered with the Federal Election Commission is not subject to subdivisions (d) and (f) of Section 84211 but shall disclose the total amount of contributions received pursuant to subdivision (a) of Section 84211, and shall disclose the multipurpose organization’s name and identification number registered with the Federal Election Commission on the campaign statement.

(e) (1) A multipurpose organization that is a committee pursuant to paragraph (2), (3), (4), or (5) of subdivision (c) shall comply with the registration and reporting requirements of this chapter, subject to the following, except that if the multipurpose organization is the sponsor of a committee as described in subdivision (f) it may report required information on its sponsored committee statement pursuant to subdivision (f):

(A) The multipurpose organization shall register in the calendar year in which it satisfies any of the criteria in subdivision (c). The statement of organization filed pursuant to Section 84101 shall indicate that the organization is filing pursuant to this section as a multipurpose organization and state the organization’s nonprofit tax exempt status, if any. The statement of organization shall also describe the organization’s mission or most significant activities, and describe the organization’s political activities. A multipurpose organization may comply with the requirement to describe the mission or significant activities and political activities by referencing where the organization’s Internal Revenue Service Return of Organization Exempt From Income Tax form may be accessed.

(B) Except as provided in this subparagraph, the registration of a multipurpose organization that meets the criteria of paragraph (5) of subdivision (c) shall terminate automatically on December 31 of the calendar year in which the multipurpose organization is registered. The multipurpose organization shall not be required to file a semiannual statement pursuant to subdivision (b) of Section 84200, unless the multipurpose organization has undisclosed contributions or expenditures to report, in which case termination shall occur automatically upon filing the
Contributions or expenditures made in a prior calendar year on the committee’s sponsored committee when it provides support of its sponsored committee shall be reported pursuant to this subdivision. Notwithstanding this subdivision, a multipurpose organization shall report all contributions received in an amount equal to the last in, first out accounting method and disclose the information required by subdivision (f) of Section 84211 for any person who pays dues, a similar payment that does not exceed ten thousand dollars ($10,000) per calendar year from a single source, and that elects to report its contributions and expenditures on its sponsored committee’s campaign statement pursuant to paragraph (1) of subdivision (e) shall report as follows:

(1) The sponsored committee shall report all contributions and expenditures made from the sponsor’s treasury funds on statements and reports filed by the committee. The sponsor shall use a last in, first out accounting method and disclose the information required by subdivision (f) of Section 84211 for any person who pays dues, assessments, fees, or similar payments of one thousand dollars ($1,000) or more to the sponsor’s treasury funds in a calendar year and shall disclose all contributions and expenditures made, as required by subdivision (k) of Section 84211, on the sponsored committee’s campaign statements.

(2) The sponsored committee shall report all other contributions and expenditures in support of the committee by the sponsor, its intermediate units, and the members of those entities. A sponsoring organization makes contributions and expenditures in support of its sponsored committee when it provides the committee with money from its treasury funds, with the exception of establishment or administrative costs. With respect to dues, assessments, fees, and
similar payments channeled through the sponsor or an intermediate unit to a sponsored committee, the original source of the dues, assessments, fees, and similar payments is the contributor.

(3) A responsible officer of the sponsor, as well as the treasurer of the sponsored committee, shall verify the committee’s campaign statement pursuant to Section 81004.

(g) For purposes of this section, “last in, first out accounting method” means an accounting method by which contributions and expenditures are attributed to the multipurpose organization’s contributors in reverse chronological order beginning with the most recent of its contributors or, if there are any prior contributions or expenditures, beginning with the most recent contributor for which unattributed contributions remain.

History: Added by Stats of 2014, Ch. 16, effective July 1, 2014.

References at the time of publication (see page 3):

§ 84222.5. Publicly Funded Nonprofit Organizations.
(a) A publicly funded nonprofit organization that makes contributions or expenditures, either directly or through the control of another entity, shall establish and deposit into a separate bank account all funds that will be used to make contributions and expenditures, and those contributions and expenditures shall come from that separate bank account.

(b) In addition to subdivisions (b) and (c) of Section 84222, a publicly funded nonprofit organization is a recipient committee within the meaning of subdivision (a) of Section 82013 if any of the following occur:

(1) It makes contributions or expenditures totaling fifty thousand dollars ($50,000) or more related to statewide candidates or ballot measures or makes contributions or expenditures totaling two thousand five hundred dollars ($2,500) or more related to local candidates or ballot measures, either directly or through the control of another entity, during the prior quarter.

(2) By January 31 of each odd-numbered year, it makes contributions or expenditures totaling one hundred thousand dollars ($100,000) or more related to statewide candidates or ballot measures or makes contributions or expenditures totaling ten thousand dollars ($10,000) or more related to local candidates or ballot measures, either directly or through the control of another entity, during the previous two years.

(c) If a publicly funded nonprofit organization qualifies as a recipient committee pursuant to subdivision (b), it shall comply with the registration and reporting requirements of Section 84222.

(d) Each publicly funded nonprofit organization that makes contributions or expenditures, either directly or through the control of another entity, shall provide to the Commission, and display on the organization’s Internet Web site, the information it is required to disclose under this section. The information shall be clearly described and identified on a separate Internet Web page that is linked from the homepage of the organization’s Internet Web site. The link to this Internet Web page from the homepage shall be as visible as all similar links.

(e) The Commission may require an audit of a publicly funded nonprofit organization that is required to provide records to the Commission pursuant to this section. The Commission shall require an audit of any publicly funded nonprofit organization that makes contributions or expenditures in excess of five hundred thousand dollars ($500,000) in a calendar year. The publicly funded nonprofit organization shall provide records to the Commission to substantiate the information required to be disclosed by this section.

(f) If the Commission determines at the conclusion of an audit that a publicly funded nonprofit organization has violated this section, the Commission, the Attorney General, or the district attorney for the county in which the organization is domiciled may impose a civil fine upon the organization in an amount up to ten thousand dollars ($10,000) for each violation.

(g) The definitions in subdivision (b) of Section 54964.5 apply to this section.

History: Added by Stats. 2016, Ch. 825.

§ 84223. Top Ten Contributor Lists.
(a) A committee primarily formed to support or oppose a state ballot measure or state candidate that raises one million dollars ($1,000,000) or more for an election shall maintain an accurate list of the committee’s top 10 contributors, as specified by Commission regulations. A current list of the top 10 contributors shall be provided to the Commission for disclosure on the Commission’s Internet Web site, as provided in subdivision (c).

(b) (1) Except as provided in paragraph (4), the list of top 10 contributors shall identify the names of the 10 persons who have made the largest cumulative contributions to the committee, the total amount of each person’s contributions, the city and state of the person, the person’s committee identification number, if any, and any other
information deemed necessary by the Commission. If any of the top 10 contributors identified on the list are committees pursuant to subdivision (a) of Section 82013, the Commission may require, by regulation, that the list also identify the top 10 contributors to those contributing committees.

(2)(A) A committee primarily formed to support or oppose a state ballot measure shall count the cumulative amount of contributions received by the committee from a person for the period beginning 12 months prior to the date the committee made its first expenditure to qualify, support, or oppose the measure and ending with the current date.

(B) A committee primarily formed to support or oppose a state candidate shall count the cumulative amount of contributions received by the committee from a person for the primary and general elections combined.

(3) The aggregation rules of Section 85311 and any implementing regulations adopted by the Commission shall apply in identifying the persons who have made the top 10 cumulative contributions to a committee.

(4) A person who makes contributions to a committee in a cumulative amount of less than ten thousand dollars ($10,000) shall not be identified or disclosed as a top 10 contributor to a committee pursuant to this section.

(c)(1) The Commission shall adopt regulations to govern the manner in which the Commission shall display top 10 contributor lists provided by a committee that is subject to this section, and the Commission shall post the top 10 contributor lists on its Internet Web site in the manner prescribed by those regulations. The Commission shall provide the top 10 contributor lists to the Secretary of State, upon the request of the Secretary of State, for the purpose of additionally posting the contributor lists on the Secretary of State’s Internet Web site.

(2) A committee shall provide an updated top 10 contributor list to the Commission when any of the following occurs:

(A) A new person qualifies as a top 10 contributor to the committee.

(B) A person who is an existing top 10 contributor makes additional contributions to the committee.

(C) A change occurs that alters the relative ranking order of the top 10 contributors.

(3) The 10 persons who have made the largest cumulative contributions to a committee shall be listed in order from largest contribution amount to smallest amount. If two or more contributors of identical amounts meet the threshold for inclusion in the list of top 10 contributors, the order of disclosure shall be made beginning with the most recent contributor of that amount.

(4) The Commission shall post or update a top 10 contributor list within five business days or, during the 16 days before the election, within 48 hours of a contributor qualifying for the list or of any change to the list.

(d) In listing the top 10 contributors, a committee shall use reasonable efforts to identify and state the actual individuals or corporations that are the true sources of the contributions made to the committee from other persons or committees.

(e) In addition to any other lists that the Commission is required to post on its Internet Web site, the Commission shall compile, maintain, and display on its Internet Web site a current list of the top 10 contributors supporting and opposing each state ballot measure, as prescribed by Commission regulations.

History: Added by Stats. of 2014, Ch. 16, effective July 1, 2014.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18422.5

§ 84224. Behested Payment Disclosure.
(a) A behested payment described in subdivision (b) shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars ($5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the behesting officer or member of the Public Utilities Commission with the officer’s or member’s agency and is a public record subject to inspection and copying pursuant to Section 81008. The report shall contain all of the following information: name of payor; address of payor; amount of the payment or payments; date or dates the payment or payments were made; the name and address of the payee; a brief description of the goods or services provided or purchased, if any; and a description of the specific purpose or event for which the payment or payments were made. Once the five-thousand-dollar ($5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source shall be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, state agencies, including the Public Utilities Commission, shall forward a copy of these reports to the Fair Political Practices Commission, and local agencies shall forward a copy of these reports to the officer with
§ 84252. Campaign Reporting.

(a) A committee primarily formed to support or oppose a LAFCO proposal shall file all statements required under this chapter except that, in lieu of the statements required by Sections 84200 and 84202.3, the committee shall file monthly campaign statements from the time circulation of a petition begins until a measure is placed on the ballot or, if a measure is not placed on the ballot, until the committee is terminated pursuant to Section 84214. The committee shall file an original and one copy of each statement on the 15th day of each calendar month, covering the prior calendar month, with the clerk of the county in which the measure may be voted on. If the petition results in a measure that is placed on the ballot, the committee thereafter shall file campaign statements required by this chapter.

(b) In addition to any other statements required by this chapter, a committee that makes independent expenditures in connection with a LAFCO proposal shall file statements pursuant to Section 84203.5.

History: Added by Stats. 2008, Ch. 192.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18417

§ 84251. Payment for Political Purposes.

A payment made for “political purposes,” as that term is used in Sections 82015 and 82025, includes a payment made for the purpose of influencing or attempting to influence the actions of voters or a local agency formation commission for or against the qualification, adoption, or passage of a LAFCO proposal.

History: Added by Stats. 2008, Ch. 192.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18417

§ 84252. Campaign Reporting.

(a) A committee primarily formed to support or oppose a LAFCO proposal shall file all statements required under this chapter except that, in lieu of the statements required by Sections 84200 and 84202.3, the committee shall file monthly campaign statements from the time circulation of a petition begins until a measure is placed on the ballot or, if a measure is not placed on the ballot, until the committee is terminated pursuant to Section 84214. The committee shall file an original and one copy of each statement on the 15th day of each calendar month, covering the prior calendar month, with the clerk of the county in which the measure may be voted on. If the petition results in a measure that is placed on the ballot, the committee thereafter shall file campaign statements required by this chapter.

(b) In addition to any other statements required by this chapter, a committee that makes independent expenditures in connection with a LAFCO proposal shall file statements pursuant to Section 84203.5.

History: Added by Stats. 2008, Ch. 192.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18417

Article 3. Prohibitions.

§ 84300 - 84309

§ 84300. Cash and In-Kind Contributions; Cash Expenditures.

§ 84301. Contributions Made Under Legal Name.

§ 84302. Contributions by Intermediary or Agent.

§ 84303. Expenditure by Agent or Independent Contractor.

§ 84304. Anonymous Contributions; Prohibition.

§ 84305. Requirements for Mass Mailing.
§ 84305. Slate Mailer Identification and Disclaimer Requirements.

§ 84305.6. Slate Mailer Disclosure Requirements; Official Political Party Position. [Repealed]

§ 84305.7. Slate Mailer Requirements; Use of Logos or “Public Safety” Names.

§ 84306. Contributions Received by Agents of Candidates or Committees.

§ 84307. Commingling with Personal Funds.

§ 84307.5. Payments Made to a Spouse or Domestic Partner.

§ 84308. Contributions to Officers; Disqualification.

§ 84309. Transmittal of Campaign Contributions in State Office Buildings; Prohibition.

§ 84310. Identification Requirements for Telephone Calls.

§ 84305. slate Mailer Identification and Disclaimer Requirements.

§ 84305.5. Slate Mailer Identification and Disclaimer Requirements.

§ 84305.6. Slate Mailer Disclosure Requirements; Official Political Party Position. [Repealed]

§ 84305.7. Slate Mailer Requirements; Use of Logos or “Public Safety” Names.

§ 84306. Contributions Received by Agents of Candidates or Committees.

§ 84307. Commingling with Personal Funds.

§ 84307.5. Payments Made to a Spouse or Domestic Partner.

§ 84308. Contributions to Officers; Disqualification.

§ 84309. Transmittal of Campaign Contributions in State Office Buildings; Prohibition.

§ 84310. Identification Requirements for Telephone Calls.

§ 84300. Cash and In-Kind Contributions; Cash Expenditures.

(a) No contribution of one hundred dollars ($100) or more shall be made or received in cash.

A cash contribution shall not be deemed received if it is not negotiated or deposited and is returned to the contributor before the closing date of the campaign statement on which the contribution would otherwise be reported. If a cash contribution, other than a late contribution, as defined in Section 82036, is negotiated or deposited, it shall not be deemed received if it is refunded within 72 hours of receipt. In the case of a late contribution, as defined in Section 82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt.

(b) No expenditure of one hundred dollars ($100) or more shall be made in cash.

(c) No contribution of one hundred dollars ($100) or more other than an in-kind contribution shall be made unless in the form of a written instrument containing the name of the donor and the name of the payee and drawn from the account of the donor, or the intermediary, as defined in Section 84302.

(d) The value of all in-kind contributions of one hundred dollars ($100) or more shall be reported in writing to the recipient upon the request in writing of the recipient.

History: Amended by Stats. 1977, Ch. 1213; amended by Stats. 1978, Ch. 650; repealed and reenacted as amended by Stats. 1979, Ch. 779; amended by Stats. 1980, Ch. 759; amended by Stats. 1996, Ch. 898.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2

§ 84301. Contributions Made Under Legal Name.

No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2

§ 84302. Contributions by Intermediary or Agent.

No person shall make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the contribution both his own full name and street address, occupation, and the name of his employer, if any, or his principal place of business if he is self-employed, and the full name and street address, occupation, and the name of employer, if any, or principal place of business if self-employed, of the other person. The recipient of the contribution shall include in his campaign statement the full name and street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of both the intermediary and the contributor.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18432.5

§ 84303. Expenditure by Agent or Independent Contractor.

(a) An expenditure of five hundred dollars ($500) or more shall not be made, other than for overhead or normal operating expenses, by an agent or independent contractor, including, but not limited to, an advertising agency, on behalf of or for the benefit of a candidate or committee unless it is reported by the candidate or committee as if the expenditure were made directly by the candidate or committee.

(b) A subagent or subcontractor who provides goods or services to or for the benefit of a candidate or committee shall make known to the agent or independent contractor all of the information required to be reported by this section, and the agent or independent contractor shall then make known to the candidate or committee all of the information required to be reported by this section no later than three working days prior to the time the campaign
§ 84304. Anonymous Contributions; Prohibition.

No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totaling one hundred dollars ($100) or more in a calendar year. An anonymous contribution of one hundred dollars ($100) or more shall not be kept by the intended recipient but instead shall be promptly paid to the Secretary of State for deposit in the General Fund of the state.

History: Amended by Stats. 1978, Ch. 650.

References at the time of publication (see page 3):
- Regulations: 2 Cal. Code of Regs. Section 18401
- 2 Cal. Code of Regs. Section 18421.2
- 2 Cal. Code of Regs. Section 18421.5
- 2 Cal. Code of Regs. Section 18421.7
- 2 Cal. Code of Regs. Section 18421.8
- 2 Cal. Code of Regs. Section 18421.9
- 2 Cal. Code of Regs. Section 18423
- 2 Cal. Code of Regs. Section 18431

§ 84305. Requirements for Mass Mailing.

(a) (1) Except as provided in subdivision (b), a candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass mailing unless the name, street address, and city of the committee is shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type that is in a color or print that contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the committee’s address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) (1) A candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass electronic mailing unless the name of the candidate or committee is shown in the electronic mailing preceded by the words “Paid for by” in at least the same size font as a majority of the text in the electronic mailing.

(2) A committee, other than a candidate controlled committee established for an elective office for the controlling candidate or a political party committee, shall not send a mass electronic mailing that is not required to include a disclosure pursuant to Section 84502 or 84504.3 unless the name of the committee is shown in the electronic mailing preceded by the words “Paid for by” in at least the same size font as a majority of the text in the electronic mailing.

(d) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

(e) For purposes of this section, the following terms have the following meaning:

(1) “Mass electronic mailing” means sending more than two hundred substantially similar pieces of electronic mail within a calendar month.

(2) “Sender” means the candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee who pays for the largest portion of expenditures attributable to the designing, printing, and posting of the mailing which are reportable pursuant to Sections 8420 to 84217, inclusive.

(3) To “pay for” a share of the cost of a mass mailing means to make, to promise to make, or to incur an obligation to make, any payment: (A) to any person for the design, printing, postage, materials, or other costs of the mailing, including salaries, fees, commissions, or (B) as a fee or other consideration...
§ 84305.5. Slate Mailer Identification and Disclaimer Requirements.

(a) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:

(1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measure are shown on the outside of each piece of slate mail and on at least one of the inserts included with each piece of slate mail in no less than 8-point roman type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the street address of the slate mailer organization or the committee primarily formed to support or oppose one or more ballot measure is a matter of public record with the Secretary of State’s Political Reform Division.

(2) At the top or bottom of the front side or surface of at least one insert or at the top or bottom of one side or surface of a postcard or other self-mailer, there is a notice in at least 8-point roman boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The notice shall consist of the name, street address, and city of the slate mailer organization or the slate mailer who is a member of a political party whose name or position appears in the mailer, to the Secretary of State’s Political Reform Division.

(3) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures as required by paragraph (1) and the notice required by paragraph (2) may appear on the same side or surface of an insert.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by an *. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by an *. The * required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the * designation applies except that in no case shall the * be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

(5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

(b) For purposes of the designations required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of Section 84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the * designation. The payment shall also be deemed to constitute authorization to appear in the mailer.

History: Amended by Stats. 1987, Ch. 905; amended by Stats. 1991, Ch. 403; amended by Stats. 1992, Ch. 1143; amended by Stats. 1993, Ch. 113.
§ 84305.6. Slate Mailer Disclosure Requirements; Official Political Party Position. [Repealed]

History: Added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; On September 20, 2002, the Federal District Court for the Eastern District of California issued a preliminary injunction prohibiting the FPPC from enforcing this provision against the slate mail organizations which had sought the injunction; repealed by Stats. 2004, Ch. 478, effective September 10, 2004.

§ 84305.7. Slate Mailer Requirements; Use of Logos or “Public Safety” Names.

(a) If a slate mailer organization sends a slate mailer or other mass mailing that displays a logo, insignia, emblem, or trademark that is identical or substantially similar to the logo, insignia, emblem, or trademark of a governmental agency, and that would reasonably be understood to imply the participation or endorsement of that governmental agency, the slate mailer organization shall obtain express written consent from the governmental agency associated with the logo, insignia, emblem, or trademark prior to using the logo, insignia, emblem, or trademark in the slate mailer or other mass mailing.

(b) If a slate mailer organization sends a slate mailer or other mass mailing that displays a logo, insignia, emblem, or trademark that is identical or substantially similar to the logo, insignia, emblem, or trademark of a nongovernmental organization that represents law enforcement, firefighting, emergency medical, or other public safety personnel, the slate mailer organization shall obtain express written consent from the nongovernmental organization associated with the logo, insignia, emblem, or trademark prior to using the logo, insignia, emblem, or trademark in the slate mailer or other mass mailing.

(c) If a slate mailer organization sends a slate mailer or other mass mailing that identifies itself or its source material as representing a nongovernmental organization with a name that includes the term “peace officer,” “reserve officer,” “deputy,” “deputy sheriff,” “sheriff,” “police,” “highway patrol,” “California Highway Patrol,” “law enforcement,” “firefighter,” “fire marshal,” “paramedic,” “emergency medical technician,” “public safety,” or any other term that would reasonably be understood to imply that the nongovernmental organization is composed of, represents, or is affiliated with, law enforcement, firefighting, emergency medical, or other public safety personnel, the slate mailer or mass mailing shall disclose the total number of law enforcement, firefighting, emergency medical, or other public safety personnel members it represents.

(d) A disclosure pursuant to subdivision (c) shall include one of the following statements:

(1) If the slate mailer organization represents public safety personnel members: “This organization represents ____ public safety personnel.” The slate mailer organization shall fill in the blank part of the statement with the number of public safety personnel members it represents.

(2) If the slate mailer organization does not represent public safety personnel members: “This organization does not represent any public safety personnel.”

(e) A disclosure pursuant to subdivision (d) shall be in a format that satisfies all of the following:

(1) Printed in roman type that is no less than 14-point font;

(2) Located on the outside of the slate mailer or mass mailing within one-half of an inch of the recipient’s name and address;

(3) Contained in a box with an outline that has a line weight of at least 3.25 pt. The background color of the box shall be in a contrasting color to the background of the slate mailer or mass mailing. The outline of the box shall be in a contrasting color to both the background color of the mailing and the background color of the box. The color of the text of the disclosure shall be in a contrasting color to the background color of the box.
§ 84306. Contributions Received by Agents of Candidates or Committees.
All contributions received by a person acting as an agent of a candidate shall be reported promptly to the committee or candidate for whom the contribution is intended is required to file.
History: Added by Stats. 1979, Ch. 779.
References at the time of publication (see page 3):
Regulations:
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.1
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18421.3
2 Cal. Code of Regs. Section 18421.31

§ 84307. Commingling with Personal Funds.
No contribution shall be commingled with the personal funds of the recipient or any other person.
History: Added by Stats. 1979, Ch. 779.
References at the time of publication (see page 3):
Regulations:
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2

§ 84307.5. Payments Made to a Spouse or Domestic Partner.
A spouse or domestic partner of an elected officer or a candidate for elective office shall not receive, in exchange for services rendered, compensation from campaign funds held by a controlled committee of the elected officer or candidate for elective office.
History: Added by Stats. 2009, Ch. 360; amended by Stats. 2014, Ch. 902.

§ 84308. Contributions to Officers; Disqualification.
(a) The definitions set forth in this subdivision shall govern the interpretation of this section.

(1) “Party” means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.

(2) “Participant” means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7. A person actively supports or opposes a particular decision in a proceeding if he or she lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.

(3) “Agency” means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, local governmental agencies whose members are directly elected by the voters, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.

(4) “Officer” means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.

(5) “License, permit, or other entitlement for use” means all business, professional, trade and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.

(6) “Contribution” includes contributions to candidates and committees in federal, state, or local elections.

(b) No officer of an agency shall accept, solicit, or direct a contribution of more than two hundred fifty dollars ($250) from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for three months following the date a final decision is rendered in the proceeding if the officer knows or has
reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution for himself or herself, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

(c) Prior to rendering any decision in a proceeding involving a license, permit, or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars ($250) from a party or from any participant shall disclose that fact on the record of the proceeding. No officer of an agency shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars ($250) within the preceding 12 months from a party or his or her agent, or from any participant, or his or her agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.

If an officer receives a contribution which would otherwise require disqualification under this section, returns the contribution within 30 days from the time he or she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he or she shall be permitted to participate in the proceeding.

(d) A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars ($250) made within the preceding 12 months by the party, or his or her agent, to any officer of the agency. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use pending before any agency and no participant, or his or her agent, in the proceeding shall make a contribution of more than two hundred fifty dollars ($250) to any officer of that agency during the proceeding and for three months following the date a final decision is rendered by the agency in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in subdivisions (b), (c), and this subdivision.

(e) Nothing in this section shall be construed to imply that any contribution subject to being reported under this title shall not be so reported.

History: Added by Stats. 1982, Ch. 1049; amended by Stats. 1984, Ch. 1681, effective September 30, 1984; amended by Stats. 1989, Ch. 764.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code ofRegs. Section 18401
2 Cal. Code ofRegs. Section 18421.2
2 Cal. Code ofRegs. Section 18438.1
2 Cal. Code ofRegs. Section 18438.2
2 Cal. Code ofRegs. Section 18438.3
2 Cal. Code ofRegs. Section 18438.4
2 Cal. Code ofRegs. Section 18438.5
2 Cal. Code ofRegs. Section 18438.6
2 Cal. Code ofRegs. Section 18438.7
2 Cal. Code ofRegs. Section 18438.8

Opinions: In re Curiel (1983) 1 FPPC Ops. 1

§ 84309. Transmittal of Campaign Contributions in State Office Buildings; Prohibition.

(a) No person shall receive or personally deliver or attempt to deliver a contribution in the State Capitol, in any state office building, or in any office for which the state pays the majority of the rent other than a legislative district office.

(b) For purposes of this section:
(1) “Personally deliver” means delivery of a contribution in person or causing a contribution to be delivered in person by an agent or intermediary.
(2) “Receive” includes the receipt of a campaign contribution delivered in person.

History: Added by Stats. 1982, Ch. 920.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code ofRegs. Section 18401
2 Cal. Code ofRegs. Section 18421.2
2 Cal. Code ofRegs. Section 18439

§ 84310. Identification Requirements for Telephone Calls.

(a) A candidate, candidate controlled committee established for an elective office for the controlling candidate, political party committee, or slate mailer organization shall not expend campaign funds, directly or indirectly, to pay for telephone calls that are similar in nature and aggregate 500 or more in number, made by an individual, or individuals, or by electronic means and that advocate support of, or opposition to, a candidate, ballot measure, or both, unless during the course of each call the name of the candidate, candidate controlled committee established for an elective office for the controlling candidate, political party committee, or slate mailer
§ 84400. Exemptions.

§ 84400. Exemptions.

Notwithstanding any other provision of the law, the Commission shall have no power to exempt any person, including any candidate or committee, from any of the requirements imposed by the provisions of this chapter.

History: Added by Stats. 1977, Ch. 403.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18440

Article 4. Exemptions.

§ 84400. Exemptions.

§ 84400. Exemptions.

For the purposes of this article, the following definitions apply:

(a) “Advertisement” means any general or public communication that is authorized and paid for by a candidate for elective office or a ballot measure.

(b) “Advisory” means any general or public communication that is authorized and paid for by a committee for the purpose of supporting or opposing a candidate for elective office or a ballot measure.

(c) “Advisory” does not include any of the following:

(A) A communication from an organization, other than a political party, to its members.

(B) A campaign button smaller than 10 inches in diameter; a bumper sticker smaller than 60 square inches; or a small tangible promotional item, such as a pen, pin, or key chain, upon which the disclosure required cannot be conveniently printed or displayed.

(C) Wearing apparel.

(D) Sky writing.

(E) An electronic media communication for which inclusion of the disclosures required by Section 84502, 84503, or 84506.5, is impracticable or would severely interfere with the committee’s ability to convey the intended message because of

organization that authorized or paid for the call is disclosed to the recipient of the call. Unless the organization that authorized the call and in whose name it is placed has filing obligations under this title, and the name announced in the call is the name announced in the call or is the name by which the organization or individual is commonly known, the candidate, candidate controlled committee, political party committee, or slate mailer organization that paid for the call shall be disclosed. This section does not apply to telephone calls made by the candidate, the campaign manager, or individuals who are volunteers.

(b) Campaign and ballot measure committees are prohibited from contracting with any phone bank vendor that does not disclose the information required to be disclosed by subdivision (a).

(c) A candidate, committee, or slate mailer organization that pays for telephone calls as described in subdivision (a) shall maintain a record of the script of the call for the period of time set forth in Section 84104. If any of the calls qualifying under subdivision (a) were recorded messages, a copy of the recording shall be maintained for that period.

(d) This section does not apply to a telephone call that is paid for by an independent expenditure.

History: Added by Stats. 2006, Ch. 439; amended by stats. 2017, Ch. 546.
§ 84502. 

the nature of the technology used to make the communication.

(F) Any other communication as determined by regulations of the Commission.

(b) “Cumulative contributions” means the cumulative amount of contributions received by a committee beginning 12 months before the date of the expenditure and ending seven days before the time the advertisement is sent to the printer or broadcaster.

(c) (1) “Top contributors” means the persons from whom the committee paying for an advertisement has received its three highest cumulative contributions of fifty thousand dollars ($50,000) or more.

(2) If two or more contributors of identical amounts qualify as top contributors, the most recent contributor of that amount shall be listed as the top contributor in any disclosure required by Section 84503.

(3) If a committee primarily formed to support or oppose a state candidate or ballot measure contributes funds to another committee primarily formed to support or oppose the same state candidate or ballot measure and the funds used for the contribution were earmarked to support or oppose that candidate or ballot measure, the committee receiving the earmarked contribution shall disclose the contributors who earmarked their funds as the top contributor or contributors on the advertisement if the definition of top contributor provided for in paragraph (1) is otherwise met. If the committee receiving the earmarked contribution contributes any portion of the contribution to another committee primarily formed to support or oppose the specifically identified ballot measure or candidate, that committee shall disclose the true source of the contribution to the new committee receiving the earmarked funds. The new committee shall disclose the contributor on the new committee’s advertisements if the definition of top contributor provided for in paragraph (1) is otherwise met.

(A) The primarily formed committee making the earmarked contribution shall provide the primarily formed committee receiving the earmarked contribution with the name and address of the contributor or contributors who earmarked their funds and the amount of the earmarked contribution from each contributor at the time the contribution is made. If the committee making the contribution received earmarked contributions that exceed the amount contributed or received contributions that were not earmarked, the committee making the contribution shall use a reasonable accounting method to determine which top contributors to identify pursuant to this subparagraph, but in no case shall the same contribution be disclosed more than one time to avoid disclosure of additional contributors who earmarked their funds.

(B) The committee receiving the earmarked contribution may rely on the information provided pursuant to subparagraph (A) for purposes of complying with the disclosure required by Section 84503 and shall be considered in compliance with Section 84503 if the information provided pursuant to subparagraph (A) is disclosed as otherwise required.

(C) For purposes of this paragraph, funds are considered “earmarked” if any of the circumstances described in subdivision (b) of Section 85704 apply.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18450.1
2 Cal. Code of Regs. Section 18450.5
2 Cal. Code of Regs. Section 18450.11

§ 84502. Disclaimer; Committee Name.

(a) (1) Any advertisement paid for by a committee pursuant to subdivision (a) of Section 82013, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the words “Paid for by” followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101.

(2) Any advertisement paid for by a committee pursuant to subdivision (a) of Section 82013 that is a political party committee or a candidate controlled committee established for an elective office of the controlling candidate shall include the words “Paid for by” followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 if the advertisement is any of the following:

(A) Paid for by an independent expenditure.

(B) An advertisement supporting or opposing a ballot measure.

(C) A radio or television advertisement.

(b) Any advertisement paid for by a committee pursuant to subdivision (b) or (c) of Section 82013 shall include the words “Paid for by” followed by the name that the filer is required to use on campaign statements pursuant to subdivision (o) of Section 84211.
§ 84503. Top Contributor Disclosure.

(a) Any advertisement paid for by a committee pursuant to subdivision (a) of Section 82013, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the words “committee major funding from” followed by the names of the top contributors to the committee paying for the advertisement. If fewer than three contributors qualify as top contributors, only those contributors that qualify shall be disclosed pursuant to this section. If there are no contributors that qualify as top contributors, this disclosure is not required.

(b) The disclosure of a top contributor pursuant to this section need not include terms such as “incorporated,” “committee,” “political action committee,” or “corporation,” or abbreviations of these terms, unless the term is part of the contributor’s name in common usage or parlance.

(c) If this article requires the disclosure of the name of a top contributor that is a committee pursuant to subdivision (a) of Section 82013 and is a sponsored committee pursuant to Section 82048.7 with a single sponsor, only the name of the single sponsoring organization shall be disclosed.

(d) This section does not apply to a committee as defined by subdivision (b) or (c) of Section 82013.


References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18450.1

§ 84504. Disclaimer; Radio and Telephone Ads.

(a) An advertisement paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, that is disseminated over the radio or by telephonic means shall include the disclosures required by Sections 84502, 84503, and 84506.5 at the beginning or end of the advertisement, read in a clearly spoken manner and in a pitch and tone substantially similar to the rest of the advertisement, and shall last no less than three seconds.

(b) Notwithstanding the definition of “top contributors” in paragraph (1) of subdivision (c) of Section 84501, radio and prerecorded telephonic advertisements shall disclose only the top two contributors of fifty thousand dollars ($50,000) or more unless the advertisement lasts 15 seconds or less or the disclosure statement would last more than eight seconds, in which case only the single top contributor of fifty thousand dollars ($50,000) or more shall be disclosed.

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2017, Ch. 546.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.2

§ 84504.1. Disclaimer; Television Ads.

(a) An advertisement paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, that is disseminated as a video, including advertisements on television and videos disseminated over the Internet, shall include the disclosures required by Sections 84502 and 84503 at the beginning or end of the advertisement.

(b) The disclosure required by subdivision (a) shall be written and displayed for at least five seconds of a broadcast of 30 seconds or less or for at least 10 seconds of a broadcast that lasts longer than 30 seconds.

History: Added by Proposition 208 of the November 1996 Statewide General Election; preliminarily enjoined January 6, 1998; permanently enjoined March 1, 2001, as applied to slate mailers only. Repealed and added by Stats. 2017, Ch. 546.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18402
2 Cal. Code of Regs. Section 18421.2
§ 84504.2 Disclaimer; Print Ads.

(a) A print advertisement paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the disclosures required by Sections 84502, 84503, and 84506.5, displayed as follows:

(1) The disclosure area shall have a solid white background and shall be in a printed or drawn box on the bottom of at least one page that is set apart from any other printed matter. All text in the disclosure area shall be in contrasting color.

(2) The text shall be in an Arial equivalent type with a type size of at least 10 point for printed advertisements designed to be individually distributed, including, but not limited to, mailers, flyers, and door hangers.

(3) The top contributors, if any, shall each be disclosed on a separate horizontal line, in descending order, beginning with the top contributor who made the largest cumulative contributions on the first line. The name of each of the top contributors shall be centered horizontally in the disclosure area.

(4) Immediately below the text described in paragraph (3), committees subject to Section 84223 shall include the text “Funding Details At [insert Commission Internet Web site].” The text shall be in an Arial equivalent type with a type size of at least 10 point for printed advertisements designed to be individually distributed, including, but not limited to, mailers, flyers, and door hangers.

(b) Notwithstanding paragraphs (2) and (4) of subdivision (a), the disclosures required by Sections 84502, 84503, and 84506.5 on a printed advertisement that is larger than those designed to be individually distributed, including, but not limited to, yard signs or billboards, shall be in Arial equivalent type with a total height of at least five percent of the height of the advertisement, and printed on a solid black background with sufficient contrast that is easily readable by the average viewer. The text may be adjusted so it does not appear on separate horizontal lines, with the top contributors separated by a comma.

(c) Notwithstanding the definition of “top contributors” in paragraph (1) of subdivision (b) below all other text required to appear in that area in a contrasting color and in Arial equivalent type no less than 8 point font.

§ 84504.3 Disclaimer; Electronic Media Ads.

(a) An electronic media advertisement, other than an Internet Web site, paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall comply with both of the following:

(1) Include the text “Who funded this ad?” in a contrasting color and a font size that is easily readable by the average viewer.

(2) Such text shall be a hyperlink to an Internet Web site containing the disclosures required by Sections 84502, 84503, and 84506.5 in a contrasting color and in no less than 8 point font.

(b) Notwithstanding subdivision (a), the text required by paragraph (1) of subdivision (a) is not required if including the language would be impracticable. In such circumstances the advertisement need only include a hyperlink to an Internet Web site, paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the disclosures required by Sections 84502, 84503, and 84506.5 on a printed advertisement that is larger than those designed to be individually distributed, including, but not limited to, yard signs or billboards, shall be in Arial equivalent type with a total height of at least five percent of the height of the advertisement, and printed on a solid black background with sufficient contrast that is easily readable by the average viewer. The text may be adjusted so it does not appear on separate horizontal lines, with the top contributors separated by a comma.

(c) Notwithstanding subdivisions (a) and (b), an Internet Web site paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the disclosures required by Sections 84502, 84503, and 84506.5 in a contrasting color and in no less than 8 point font.
§ 84504.4. Disclaimer; Radio and Television Ads; Political Parties and Candidates.

A radio or television advertisement that is paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate, and that does not support or oppose a ballot measure and is not paid for by an independent expenditure, shall include the disclosure required by Section 84502 subject to the following requirements:

(a) In a radio advertisement, the words shall be included at the beginning or end of the advertisement and read in a clearly spoken manner and in a pitch and tone substantially similar to the rest of the advertisement.

(b) In a television advertisement, the words shall appear in writing for at least four seconds with letters in a type size that is greater than or equal to 4 percent of the height of the screen.

History: Added by Stats. 2017, Ch. 546

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18450.1

§ 84504.5. Disclaimer; Independent Expenditure Ads; Political Parties and Candidates.

An advertisement that is an independent expenditure and paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate shall include the disclosures required by Sections 84502 and 84506.5. An advertisement that supports or opposes a ballot measure and is paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate shall include the disclosure required by Section 84502. A disclosure that is included in an advertisement pursuant to this section is subject to the following requirements:

(a) A radio or telephone advertisement shall include the required disclosures at the beginning or end of the advertisement and be read in a clearly spoken manner and in a pitch and tone substantially similar to the rest of the advertisement, and shall last no less than three seconds.

(b) A video advertisement, including television and video advertisements disseminated over the Internet, shall include the required disclosures in writing at the beginning or end of the advertisement in text that is of sufficient size to be readily legible to an average viewer and in a color that has a reasonable degree of contrast with the background of the advertisement for at least four seconds. The required disclosure must also be spoken during the advertisement if the written disclosure appears for less than five seconds of a broadcast of thirty seconds or less or for less than ten seconds of a broadcast of sixty seconds or more.

(c) (1) A print advertisement shall include the required disclosures in no less than 10 point font and in a color that has a reasonable degree of contrast with the background of the advertisement.

(2) Notwithstanding paragraph (1), the required disclosures on a print advertisement that is larger than those designed to be individually distributed, such as a yard sign or billboard, shall in total constitute no less than five percent of the total height of the advertisement and shall appear in a color that has a reasonable degree of contrast with the background of the advertisement.

(d) An electronic media advertisement shall include the disclosures required by Section 84504.3.

History: Added by Stats. 2017, Ch. 546

References at the time of publication (see page 3):
§ 84505. Avoidance of Disclosure.
(a) In addition to the requirements of Sections 84502, 84503, and 84506.5, the committee placing the advertisement or persons acting in concert with that committee shall be prohibited from creating or using a noncandidate-controlled committee or a nonsponsored committee to avoid, or that results in the avoidance of, the disclosure of any individual, industry, business entity, controlled committee, or sponsored committee as a top contributor.
(b) Written disclosures required by Sections 84503 and 84056.5 shall not appear in all capital letters, except that capital letters shall be permitted for the beginning of a sentence, the beginning of a proper name or location, or as otherwise required by conventions of the English language.

§ 84506. Disclaimer; Independent Expenditure Ads [Repealed]
History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed and new section added by Stats. 2004, Ch. 478, effective September 10, 2004; amended by Stats. 2012, Ch. 496; repealed by Stats. 2017, Ch. 546.

§ 84506.5. Disclaimer; Independent Expenditure Ads; Not Authorized by Candidate.
An advertisement supporting or opposing a candidate that is paid for by an independent expenditure shall include a statement that it was not authorized by a candidate or a committee controlled by a candidate. If the advertisement was authorized or paid for by a candidate for another office, the expenditure shall instead include a statement that “This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.”

§ 84507. Disclaimer; Legible and Audible. [Repealed]
History: Added by Proposition 208 of the November 1996 Statewide General Election; amended by Stats. 2015, Ch. 747, effective October 10, 2015; repealed by Stats. 2017, Ch. 546.

§ 84508. Disclaimer; Small Ad. [Repealed]
History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2017, Ch. 546.

§ 84509. Amended Disclaimers.
If the order of top contributors required to be disclosed pursuant to this article changes or a new contributor qualifies as a top contributor, the disclosure in the advertisement shall be updated as follows:
(a) A television, radio, telephone, electronic billboard, or other electronic media advertisement shall be updated to reflect the new top contributors within five business days. A committee shall be deemed to have complied with this subdivision if the amended advertisement is delivered, containing a request that the advertisement immediately be replaced, to all affected broadcast stations or other locations where the advertisement is placed no later than the fifth business day.
(b) A print media advertisement, including nonelectronic billboards, shall be updated to reflect the new top contributors before placing a new or modified order for additional printing of the advertisement.

§ 84510. Remedies for Article Violations; Civil Action; Fines.
(a) (1) In addition to the remedies provided for in Chapter 11 (commencing with Section 91000) of this title, any person who violates Section 84503 or 84506.5 is liable in a civil or administrative action brought by the Commission or any person for a fine up to three times the cost of the advertisement, including placement costs.
(2) Notwithstanding paragraph (1), any person who intentionally violates any provision of Sections 84504 to 84504.3, inclusive, or Section 84504.5, for the purpose of avoiding disclosure is liable in a civil or administrative action brought by the Commission or any person for a fine up to three times the cost of the advertisement, including placement costs.
(b) The remedies provided in subdivision (a) shall also apply to any person who purposely causes any other person to violate any of the sections described in paragraph (1) or (2) of subdivision (a) or who aids and abets any other person in a violation.
§ 84511. Ballot Measure Ads; Paid Spokesperson Disclosure.

(a) This section applies to a committee that does either of the following:

(1) Makes an expenditure of five thousand dollars ($5,000) or more to an individual for his or her appearance in an advertisement that supports or opposes the qualification, passage, or defeat of a ballot measure.

(2) Makes an expenditure of any amount to an individual for his or her appearance in an advertisement that supports or opposes the qualification, passage, or defeat of a ballot measure and that states or suggests that the individual is a member of an occupation that requires licensure, certification, or other specialized, documented training as a prerequisite to engage in that occupation.

(b) A committee described in subdivision (a) shall file, within 10 days of the expenditure, a report that includes all of the following:

(1) An identification of the measure that is the subject of the advertisement.
(2) The date of the expenditure.
(3) The amount of the expenditure.
(4) The name of the recipient of the expenditure.
(5) For a committee described in paragraph (2) of subdivision (a), the occupation of the recipient of the expenditure.

(c) An advertisement paid for by a committee described in paragraph (1) of subdivision (a) shall include a disclosure statement stating “(spokesperson’s name) is being paid by this campaign or its donors” in highly visible font shown continuously if the advertisement consists of printed or televised material, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephonic message. If the advertisement is a television or video advertisement, the statement shall be shown continuously, except when the disclosure statement required by Section 84504.1 is being shown.

(d) (1) An advertisement paid for by a committee described in paragraph (2) of subdivision (a) shall include a disclosure statement stating “Persons portraying members of an occupation in this advertisement are compensated spokespersons not necessarily employed in those occupations” in highly visible font shown continuously if the advertisement consists of printed or televised material, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephonic message.

(2) A committee may omit the disclosure statement required by this subdivision if all of the following are satisfied with respect to each individual identified in the report filed pursuant to subdivision (b) for that advertisement:

(A) The occupation identified in the report is substantially similar to the occupation portrayed in the advertisement.

(B) The committee maintains credible documentation of the appropriate license, certification, or other training as evidence that the individual may engage in the occupation identified in the report and portrayed in the advertisement and makes that documentation immediately available to the Commission upon request.

History: Added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001; amended by Stats. 2014, Ch. 868; amended by Stats. 2015, Ch. 747, effective October 10, 2015; amended by Stats. 2017, Ch. 546.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18450.11
2 Cal. Code of Regs. Section 18450.1
2 Cal. Code of Regs. Section 18450.11
§ 84600. Online Disclosure.
This chapter may be known and may be cited as the Online Disclosure Act.

§ 84601. Public Access.
The Legislature finds and declares as follows:
(a) The people of California enacted one of the nation’s most comprehensive campaign and lobbying financial disclosure laws when they voted for Proposition 9, the Political Reform Act of 1974, an initiative statute.
(b) Public access to campaign and lobbying disclosure information is a vital and integral component of a fully informed electorate.
(c) Advances in technology have made it necessary for the State of California to develop a new, data-driven online filing and disclosure system that provides public disclosure of campaign finance and lobbying information in a user-friendly, easily understandable format.
(d) Members of the public, including voters, journalists, and researchers, should be able to access campaign finance and lobbying information in a robust and flexible manner, including through searches and visual displays such as graphs and maps.
History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 2016, Ch. 845.

§ 84602. Secretary of State’s Duties.
(a) To implement the Legislature’s intent, the Secretary of State, in consultation with the Commission, notwithstanding any other provision of this code, shall do all of the following:
(1) Develop online and electronic filing processes for use by persons and entities specified in Section 84605 that are required to file statements and reports with the Secretary of State’s office pursuant to Chapter 4 (commencing with Section 84100) and Chapter 6 (commencing with Section 86100). Those processes shall each enable a user to comply with all of the disclosure requirements of this title and shall include, at a minimum, both of the following:
(A) A means or method whereby filers subject to this chapter may submit required filings free of charge. Any means or method developed pursuant to this subparagraph shall not provide any additional or enhanced functions or services that exceed the minimum requirements necessary to fulfill the disclosure provisions of this title. At least one means or method shall be made available no later than December 31, 2002.
(B) The definition of a nonproprietary standardized record format or formats using industry standards for the transmission of the data that is required of those persons and entities specified in Section 84605 and that conforms with the disclosure requirements of this title. The Secretary of State shall hold public hearings before development of the record format or formats as a means to ensure that affected entities have an opportunity to provide input into the development process. The format or formats shall be made public no later than July 1, 1999, to ensure sufficient time to comply with this chapter.
(2) Accept test files from software vendors and others wishing to file reports electronically, for the purpose of determining whether the file format is in compliance with the standardized record format developed pursuant to paragraph (1) and is compatible with the Secretary of State’s system for receiving the data. A list of the software and service providers who have submitted acceptable test files shall be published by the Secretary of State and made available to the public. Acceptably formatted files shall be submitted by a filer in order to meet the requirements of this chapter.
(3) Develop a system that provides for the online or electronic transfer of the data specified in this section using telecommunications technology that ensures the integrity of the data transmitted and that creates safeguards against efforts to tamper with or subvert the data.
(4) Make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. All late contribution and late independent expenditure reports, as defined by Sections 84203 and 84204, respectively, shall be made available on the Internet within 24 hours of receipt. The data made available on the Internet shall not contain the street name and building number of the persons or
entity representatives listed on the electronically filed forms or any bank account number required to be disclosed pursuant to this title.

(5) Develop a procedure for filers to comply with the requirement that they sign under penalty of perjury pursuant to Section 81004.

(6) Maintain all filed data online for 10 years after the date it is filed, and then archive the information in a secure format.

(7) Provide assistance to those seeking public access to the information.

(8) Implement sufficient technology to seek to prevent unauthorized alteration or manipulation of the data.

(9) Provide the Commission with necessary information to enable it to assist agencies, public officials, and others with the compliance with, and administration of, this title.

(10) Report to the Legislature on the implementation and development of the online and electronic filing and disclosure requirements of this chapter. The report shall include an examination of system security, private security issues, software availability, compliance costs to filers, use of the filing system and software provided by the Secretary of State, and other issues relating to this chapter, and shall recommend appropriate changes if necessary. In preparing the report, the Commission may present to the Secretary of State and the Legislature its comments regarding this chapter as it relates to the duties of the Commission and suggest appropriate changes if necessary. There shall be one report due before the system is operational as set forth in Section 84603, one report due no later than June 1, 2002, and one report due no later than January 31, 2003.

(11) Review the current filing and disclosure requirements of this chapter and report to the Legislature, no later than June 1, 2005, recommendations on revising these requirements so as to promote greater reliance on electronic and online submissions.

(b) (1) To implement the Legislature’s intent, as described in Section 84601, the Secretary of State, in consultation with the Commission, shall develop an online filing and disclosure system for use by persons and entities specified in Section 84605 that are required to file statements and reports with the Secretary of State’s office pursuant to Chapter 4 (commencing with Section 84100) and Chapter 6 (commencing with Section 86100). The system shall enable a user to comply with all of the disclosure requirements of this title and shall include, at minimum, all of the following:

(A) A data-driven means or method that allows filers subject to this chapter to submit required filings free of charge in a manner that facilitates public searches of the data and does all of the following:

(i) Enables a filer to comply with all of the disclosure requirements of this title, including by entering or uploading requisite data or by indicating that the filer had no reportable activity during a particular reporting period.

(ii) Retains previously submitted data so that a filer can access that data to amend disclosures or prepare future disclosures.

(iii) Ensures the security of data entered and stored in the system.

(iv) To the extent feasible, is compatible with potential future capability to accept statements from filers specified in subdivisions (b) to (e), inclusive, of Section 84215.

(B) The definition of a nonproprietary standardized record format or formats using industry standards for the transmission of the data that is required of those persons and entities specified in Section 84605 and that conforms with the disclosure requirements of this title.

(2) The Secretary of State shall do all of the following with respect to the online filing and disclosure system developed pursuant to this subdivision:

(A) Accept test files from software vendors and others wishing to file reports electronically for the purpose of determining whether the file format is in compliance with the standardized record format developed pursuant to this subdivision and is compatible with the Secretary of State’s system for receiving the data. The Secretary of State shall publish and make available to the public a list of the software and service providers who have submitted acceptable test files. A filer shall submit acceptably formatted files in order to meet the requirements of this chapter.

(B) Make the data filed available on the Internet as follows:

(i) In a user-friendly, easily understandable format that provides the greatest public access, including online searches and machine-readable downloads of all data contained in the system, except as specified in clause (iii).

(ii) Free of charge and as soon as possible after receipt, or, in the case of late contribution, late in-kind contribution, and late independent expenditure reports, as defined by Sections 84203, 84203.3, and 84204, respectively, within 24 hours of receipt.

(iii) Not containing the street name or building number of the persons or entity representatives listed
on the electronically filed forms or any bank account number required to be disclosed pursuant to this title.

(iv) In a manner that allows the public to track and aggregate contributions from the same contributor across filers using a permanent unique identifier assigned by the Secretary of State for this purpose. The Secretary of State shall assign this identifier to, at minimum, each contributor who makes contributions totaling ten thousand dollars ($10,000) or more in a calendar year to, or at the behest of, candidates or committees that file electronically with the Secretary of State pursuant to subdivision (a) of Section 84215 or who files with the Secretary of State as a major donor committee under subdivision (c) of Section 82013.

(C) Develop a procedure for filers to comply electronically with the requirement to sign under penalty of perjury pursuant to Section 81004. The electronic signature procedure shall allow the filer to file with the Secretary of State and shall not require an original signature to be filed.

(D) Maintain all filed data online for at least 20 years after the date it is filed, and then archive the information in a secure format.

(E) Provide assistance to those seeking public access to the information.

(F) Implement sufficient technology to seek to prevent unauthorized alteration or manipulation of the data.

(G) Provide the Commission with necessary information to enable it to assist agencies, public officials, and others in complying with and administering this title.

3. The Secretary of State shall do all of the following with respect to developing the online filing and disclosure system and record format pursuant to this subdivision:

   (A) Consult with the Assembly Committee on Elections and Redistricting, the Senate Committee on Elections and Constitutional Amendments, the Commission, users, filers, and other stakeholders, as appropriate, about functions of the online filing and disclosure system.

   (B) In consultation with the Commission, and no later than July 31, 2017, hold at least one public hearing to receive input about developing the online filing and disclosure system and record format.

   (C) No later than December 31, 2017, submit a report to the Assembly Committee on Elections and Redistricting and the Senate Committee on Elections and Constitutional Amendments that includes a plan for the online filing and disclosure system, describes how members of the public will be able to query and retrieve data from the system, and includes a plan for integrating statements as specified in clause (iv) of subparagraph (A) of paragraph (1).

4. The Secretary of State shall make the online filing and disclosure system developed pursuant to this subdivision available for use no later than February 1, 2019. The Secretary of State may extend this date to a date no later than December 31, 2019, after consulting with the Assembly Committee on Elections and Redistricting and the Senate Committee on Elections and Constitutional Amendments and providing to those committees a report that explains the need for the extension and includes a plan for completion.

5. The Secretary of State may accept any funds, services, equipment, or grants to further this subdivision, provided that the Secretary of State shall notify the Assembly Committee on Elections and Redistricting and the Senate Committee on Elections and Constitutional Amendments upon accepting any amount valued at one hundred thousand dollars ($100,000) or more.

6. Because the provisions of this chapter need to be implemented as expeditiously as possible, the information technology procurement requirements described in Chapter 5.6 (commencing with Section 11545) of Part I of Division 3 of Title 2 of this code, and in Section 12100 of the Public Contract Code, do not apply to development of the online filing and disclosure system pursuant to this subdivision. The Secretary of State shall consult with the Department of Technology, as appropriate, in developing the online filing and disclosure system, in order to maximize project success, minimize lifecycle costs, and ensure the security of the system and its data.

7. (A) Before making the system developed pursuant to this subdivision available for public use, the Secretary of State, in consultation with the Commission, shall test the system to ensure its functionality and then certify that the system meets all the requirements of this subdivision. The Secretary of State may consult with the Department of Technology as needed to fulfill his or her duties under this paragraph.

   (B) After the system developed pursuant to this subdivision is certified, the system described in subdivision (a) shall no longer accept reports and filings, unless otherwise directed by the Secretary of State and the Commission. The system described in subdivision (a) shall continue to allow public access to past disclosures unless the Secretary of State migrates that data into the system described in this subdivision.

   (c) On or before December 31, 2017, and on or before every April 15, July 15, October 15, and
January 15 thereafter, the Secretary of State shall submit to the chairs of the Joint Legislative Budget Committee and the fiscal committees of the Legislature a quarterly report on the progress of the Cal-Access Project. Specifically, the Secretary of State shall certify whether he or she (1) anticipates making or has made any changes to the project’s scope, schedule, or budget and (2) considers any problems to be a risk to the project’s completion according to the approved project schedule and budget. This reporting requirement shall end upon the completion or termination of the Cal-Access Project.


§ 84602.1. Secretary of State’s Duties; Online Lobbying Registration; Reports to the Legislature.

History: Added by Stats. 2006, Ch. 69, set to be effective July 12, 2006, but void due to lack of compliance with section 81012.

§ 84602.3. Secretary of State’s Duties; Disclosure of Local Campaign Finance Information.

The Secretary of State shall conspicuously post on his or her Internet Web site hyperlinks to the Internet Web site of any local government agency that contains publically-disclosed campaign finance information. The Secretary of State shall update these hyperlinks no later than December 31 of each year.

History: Added by Stats. 2017, Ch. 624.

§ 84602.5. Online Index of Identification Numbers.

The Secretary of State shall disclose online pursuant to this chapter an index of the identification numbers, as assigned pursuant to subdivision (a) of Section 84101, of every person, entity, or committee that is obligated to make a disclosure pursuant to Chapter 4. This index shall be updated monthly except for the six-week period preceding any statewide regular or special election, during which period the index shall be updated weekly.

History: Added by Stats. 1999, Ch. 208.

§ 84603. Acceptance of Reports.

The Secretary of State, once all state-mandated development, procurement, and oversight requirements have been met, shall make public their availability to accept reports online or electronically. Any filer may then commence voluntarily filing online or electronically any required report or statement that is otherwise required to be filed with the Secretary of State pursuant to Chapter 4 (commencing with Section 84100) or Chapter 6 (commencing with Section 86100) of this title.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 1999, Ch. 433, effective September 16, 1999.

§ 84604. Online Disclosure Program. [Repealed]

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 1999, Ch. 433, effective September 16, 1999; repealed by Stats. 2012, Ch. 503.

§ 84605. Who Shall File Online.

(a) The following persons shall file online or electronically with the Secretary of State:

(1) Any candidate, including superior court, appellate court, and Supreme Court candidates and officeholders, committee, or other persons who are required, pursuant to Chapter 4 (commencing with Section 84100), to file statements, reports, or other documents in connection with a state elective office or state measure, provided that the total cumulative reportable amount of contributions received, expenditures made, loans made, or loans received is twenty-five thousand dollars ($25,000) or more. In determining the cumulative reportable amount, all controlled committees, as defined by Section 82016, shall be included. For a committee that is first subject to this title prior to January 1, 2000, the beginning date for calculating cumulative totals is January 1, 2000. For a committee that is first subject to this title on or after January 1, 2000, the beginning date for calculating cumulative totals is the date the committee is first subject to this title. A committee, as defined in subdivision (c) of Section 82013, shall file online or electronically if it makes contributions of twenty-five thousand dollars ($25,000) or more in a calendar year.

(2) Any general purpose committees, as defined in Section 82027.5, including the general purpose committees of political parties, and small contributor committees, as defined in Section 85203, that cumulatively receive contributions or make expenditures totaling twenty-five thousand dollars ($25,000) or more to support or oppose candidates for any elective state office or state measure. For a committee subject to this title prior to January 1, 2000, the beginning date for calculating cumulative totals is January 1, 2000. For a committee that first is subject to this title on or after January 1, 2000, the beginning date for calculating cumulative totals is the date the committee is first subject to this title.
§ 84606. Operation of Online System.

The Secretary of State shall determine and publicly disclose when the online and electronic disclosure systems are operating effectively. In making this determination, the Secretary of State shall consult with the Commission, the Department of Information Technology, and any other appropriate public or private entity. The online or electronic disclosure system shall not become operative until the Department of Information Technology approves the system. Upon this determination, filers required by this chapter to file online or electronically will no longer be required to file with local filing officers. Furthermore, the date that a filer transmits an online or electronic report shall be the date the filed report is received by the Secretary of State.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 1999, Ch. 433, effective September 16, 1999; Amended by Stats. 2017, Ch. 111

§ 84607. Prohibition Against Political or Campaign Use.

Pursuant to Section 8314, no employee or official of a state or local government agency shall utilize, for political or campaign purposes, public facilities or resources to retrieve or maintain any of the data produced by the requirements of this chapter.

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997.

§ 84609. Candidate and Ballot Measure Committees, [Repealed]

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; repealed by Stats. 2012, Ch. 503.

§ 84610. Appropriation. [Repealed]

History: Added by Stats. 1997, Ch. 866, effective October 11, 1997; amended by Stats. 1999, Ch. 433, effective September 16, 1999; repealed by Stats. 2012, Ch. 503.

§ 84612. Rejection of Electronic Filing; Procedures.

If the Secretary of State rejects a filing made under this chapter, the Secretary of State shall immediately notify the filer, by electronic mail, of the reason or reasons for rejection using plain, straightforward language, avoiding technical terms as much as possible, and using a coherent and easily readable style. The notice shall be written or displayed so that the meaning will be easily understood by those persons directly affected by it.

History: Added by Stats. 2001, Ch. 79.

§ 84615. Campaign Reports and Statements

– Electronic Filing for Local Agencies.

A local government agency may require an elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Chapter 4 (commencing with Section 84100), except an elected officer, candidate, committee, or other person who receives contributions totaling less than one thousand dollars ($1,000), and makes expenditures totaling less than one thousand dollars ($1,000), in a calendar year, to file those statements, reports, or other documents online or electronically with a local filing officer. A local government agency that requires online or electronic filing pursuant to this section shall comply with all of the following:

(a) The legislative body for the local government agency shall adopt an ordinance approving the use of online or electronic filing, which shall include a legislative finding that the online or electronic filing system will operate securely and effectively and would not unduly burden filers. The ordinance adopted by the legislative body for the local government agency may, at the discretion of that legislative body, specify that the electronic or online filing requirements apply only to specifically identified types of filings or are triggered only by identified monetary thresholds. In any instance in which the original statement, report, or other document is required to be filed with the Secretary of State and a copy of that statement, report, or other document is required to be filed with the local government agency, the ordinance may permit, but shall not require, that the copy be filed online or electronically.

(b) The online or electronic filing system shall only accept a filing in the standardized record format that is developed by the Secretary of State pursuant to paragraph (2) of subdivision (a) of Section 84602 and that is compatible with the Secretary of State’s system for receiving an online or electronic filing.

(c) The online or electronic filing system shall ensure the integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.

(d)(1) The local filing officer shall issue to a person who files a statement, report, or other document online or electronically an electronic confirmation that notifies the filer that the statement, report, or other document was received. The confirmation shall include the date and the time that the statement, report, or other document was received by the filing officer and the method by which the filer may view and print the data received by the filing officer.

(2) A copy retained by the filer of a statement, report, or other document that was filed online or electronically and the confirmation issued pursuant to paragraph (1) that shows the filer timely filed the statement, report, or other document shall create a rebuttable presumption that the filer timely filed the statement, report, or other document.

(e) The date of filing for a statement, report, or other document that is filed online or electronically shall be the day that it is received by the local filing officer.

(f) The local filing officer shall make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. The data made available on the Internet shall not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The local filing officer shall make a complete, unredacted copy of any statement, report, or other document filed pursuant to this section, including any street names, building numbers, and bank account numbers disclosed by the filer, available to any person upon request.
(g) The online or electronic filing system shall include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury pursuant to Section 81004.

(h) The local government agency shall enable filers to complete and submit filings free of charge.

(i) The local filing officer shall maintain, for a period of at least 10 years commencing from the date filed, a secured, official version of each online or electronic statement, report, or other document filed pursuant to this section, which shall serve as the official version of that record for purpose of audits and any other legal purpose. Data that has been maintained for at least 10 years may then be archived in a secure format.

(j) Notwithstanding any other provision of law, any statement, report, or other document filed online or electronically pursuant to this section shall not be required to be filed with the local filing officer in paper format.

Chapter 5. Limitations on Contributions.
§ 85100 - 85802

Article 1. Title of Chapter. § 85100 - 85104
1. Candidacy. § 85200 - 85201
2. Applicability of the Political Reform Act of 1974. § 85202 - 85206
3. Contribution Limitations. § 85300 - 85321
4. Voluntary Expenditure Ceilings. § 85400 - 85404
5. Independent Expenditures. § 85500 - 85505
6. Ballot Pamphlet. § 85600 - 85602
7. Additional Contribution Requirements. § 85700 - 85706
8. Appropriation. § 85802

Chapter Title.
§ 85100 - 85104

§ 85100. Chapter Title.
§ 85101. Effect on Local Ordinances. [Repealed]
§ 85102. Terms Used in Chapter 5. [Repealed]
§ 85103. Amendment or Repeal of Chapter. [Repealed]
§ 85104. Operative Date. [Repealed]

§ 85100. Chapter Title.
This chapter shall be known as the “Campaign Contribution and Voluntary Expenditure Limits Without Taxpayer Financing Amendments to the Political Reform Act of 1974.”

§ 85101. Effect on Local Ordinances. [Repealed]

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; repealed and added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

§ 85102. Terms Used in Chapter 5. [Repealed]

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; repealed and added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Findings and Declarations”); repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

§ 85103. Amendment or Repeal of Chapter. [Repealed]

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; repealed by Stats. 1994, Ch. 1010; amended by Stats. 1994, Ch. 1010; repealed and added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Purpose of This Law”); repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

§ 85104. Operative Date. [Repealed]

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; repealed and added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

§ 85200. Statement of Intention to be a Candidate.

§ 85200 - 85201
§ 85200. Statement of Intention to be a Candidate.
§ 85201. Campaign Bank Account.

§ 85200. Statement of Intention to be a Candidate.
Prior to the solicitation or receipt of any contribution or loan, an individual who intends to be a candidate for an elective state office, as that term is defined by Section 82024, shall file with the Secretary of State an original statement, signed under penalty of perjury, of intention to be a candidate for a specific office.

An individual who intends to be a candidate for any other elective office shall file the statement of intention with the same filing officer and in the same location as the individual would file an original campaign statement pursuant to subdivisions (b), (c), and (d) of Section 84215.

For purposes of this section, “contribution” and “loan” do not include any payments from the
candidate’s personal funds for a candidate filing fee or a candidate statement of qualifications fee.


References at the time of publication (see page 3):

§ 85201. Campaign Bank Account.

(a) Upon the filing of the statement of intention pursuant to Section 85200, the individual shall establish one campaign contribution account at an office of a financial institution located in the state.

(b) As required by subdivision (f) of Section 84102, a candidate who raises contributions of two thousand dollars ($2,000) or more in a calendar year shall set forth the name and address of the financial institution where the candidate has established a campaign contribution account and the account number on the committee statement of organization filed pursuant to Sections 84101 and 84103.

(c) All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate’s controlled committee shall be deposited in the account.

(d) Any personal funds which will be utilized to promote the election of the candidate shall be deposited in the account prior to expenditure.

(e) All campaign expenditures shall be made from the account.

(f) Subdivisions (d) and (e) do not apply to a candidate’s payment for a filing fee and statement of qualifications from his or her personal funds.

(g) This section does not apply to a candidate who will not receive contributions and who makes expenditures from personal funds of less than two thousand dollars ($2,000) in a calendar year to support his or her candidacy. For purposes of this section, a candidate’s payment for a filing fee and statement of qualifications shall not be included in calculating the total expenditures made.

(h) An individual who raises contributions from others for his or her campaign, but who raises or spends less than two thousand dollars ($2,000) in a calendar year, and does not qualify as a committee under Section 82013, shall establish a campaign contribution account pursuant to subdivision (a), but is not required to file a committee statement of organization pursuant to Section 84101 or other statement of bank account information.


References at the time of publication (see page 3):

§ 85202 - 85206

Article 2.5. Applicability of the Political Reform Act of 1974.
§ 85202. Interpretation of Chapter 5.
§ 85203. Small Contributor Committee.
§ 85204. Election Cycle for 24-Hour Reports.
§ 85204.5. Special Election Cycle and Special Runoff Election Cycle.
§ 85205. Political Party Committee.
§ 85206. Public Moneys.

§ 85202. Interpretation of Chapter 5.

Unless specifically superseded by the act that adds this section, the definitions and provisions of this title shall govern the interpretation of this chapter.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; amended by Stats. 1989, Ch. 303. (Formerly titled “Contributions to Candidates; Trust for Specific Office”); repealed by Stats. 1990, Ch. 84. Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Applicability of the Political Reform Act”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

§ 85203. Small Contributor Committee.

“Small contributor committee” means any committee that meets all of the following criteria:

(a) The committee has been in existence for at least six months.

(b) The committee receives contributions from 100 or more persons.

(c) No one person has contributed to the committee more than two hundred dollars ($200) per calendar year.
(d) The committee makes contributions to five or more candidates.

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18503

§ 85204. Election Cycle for 24-Hour Reports.
“Election cycle,” for purposes of Sections 85309 and 85500, means the period of time commencing 90 days prior to an election and ending on the date of the election. For purposes of the Board of Administration of the Public Employees’ Retirement System and the Teachers’ Retirement Board, “the date of the election” is the deadline to return ballots.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Two-Year Period”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2010, Ch. 633.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18425
2 Cal. Code of Regs. Section 18550

§ 85204.5. Special Election Cycle and Special Runoff Election Cycle.
With respect to special elections, the following terms have the following meanings:
(a) “Special election cycle” means the day on which the office becomes vacant until the day of the special election.
(b) “Special runoff election cycle” means the day after the special election until the day of the special runoff election.

History: Added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

§ 85205. Political Party Committee.
“Political party committee” means the state central committee or county central committee of an organization that meets the requirements for recognition as a political party pursuant to Section 5100 of the Elections Code.

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18530.3

§ 85206. Public Moneys.
“Public moneys” has the same meaning as defined in Section 426 of the Penal Code.

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].
entity establishes a dedicated fund for this purpose by statute, ordinance, resolution, or charter, and both of the following are true:

(1) Public moneys held in the fund are available to all qualified, voluntarily participating candidates for the same office without regard to incumbency or political party preference.

(2) The state or local governmental entity has established criteria for determining a candidate’s qualification by statute, ordinance, resolution, or charter.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election; amended by Stats. 2016, Ch. 837.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18530

* Please note that recently enacted provisions of Section 85300 are currently the subject of a court challenge. (See Howard Jarvis Taxpayers Assn. v. Brown, Super. Ct. Sacramento County, 2016, No. 34-2016-80002512.)

§ 85301. Limits on Contributions from Persons.

(a) A person, other than a small contributor committee or political party committee, may not make to any candidate for elective state office other than a candidate for statewide elective office, and a candidate for elective state office other than a candidate for statewide elective office may not accept from a person, any contribution totaling more than three thousand dollars ($3,000) per election.

(b) Except to a candidate for Governor, a person, other than a small contributor committee or political party committee, may not make to any candidate for statewide elective office, and except for a candidate for Governor, a candidate for statewide elective office may not accept from a person other than a small contributor committee or a political party committee, any contribution totaling more than five thousand dollars ($5,000) per election.

(c) A person, other than a small contributor committee or political party committee, may not make to any candidate for Governor, and a candidate for governor may not accept from any person other than a small contributor committee or political party committee, any contribution totaling more than twenty thousand dollars ($20,000) per election.

(d) The provisions of this section do not apply to a candidate’s contributions of his or her personal funds to his or her own campaign.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election. (Formerly titled “Contributions by Persons to Candidates”); repealed and added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.4
2 Cal. Code of Regs. Section 18503
2 Cal. Code of Regs. Section 18521
2 Cal. Code of Regs. Section 18521.5
2 Cal. Code of Regs. Section 18523
2 Cal. Code of Regs. Section 18523.1
2 Cal. Code of Regs. Section 18530.4
2 Cal. Code of Regs. Section 18531
2 Cal. Code of Regs. Section 18531.5
2 Cal. Code of Regs. Section 18531.6
2 Cal. Code of Regs. Section 18531.61
2 Cal. Code of Regs. Section 18533
2 Cal. Code of Regs. Section 18537
2 Cal. Code of Regs. Section 18544
2 Cal. Code of Regs. Section 18545

§ 85302. Limits on Contributions from Small Contributor Committees.

(a) A small contributor committee may not make to any candidate for elective state office other than a candidate for statewide elective office, and a candidate for elective state office, other than a candidate for statewide elective office may not accept from a small contributor committee, any contribution totaling more than six thousand dollars ($6,000) per election.

(b) Except to a candidate for Governor, a small contributor committee may not make to any candidate for statewide elective office and except for a candidate for Governor, a candidate for statewide elective office may not accept from a small contributor committee, any contribution totaling more than ten thousand dollars ($10,000) per election.

(c) A small contributor committee may not make to any candidate for Governor, and a candidate for governor may not accept from a small contributor committee, any contribution totaling more than twenty thousand dollars ($20,000) per election.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election. (Formerly titled “Contributions by Persons to Committees”); repealed and added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.4
2 Cal. Code of Regs. Section 18503
2 Cal. Code of Regs. Section 18521
2 Cal. Code of Regs. Section 18521.5
2 Cal. Code of Regs. Section 18523
2 Cal. Code of Regs. Section 18523.1
2 Cal. Code of Regs. Section 18530.4
2 Cal. Code of Regs. Section 18531
2 Cal. Code of Regs. Section 18531.5
2 Cal. Code of Regs. Section 18531.6
2 Cal. Code of Regs. Section 18533
2 Cal. Code of Regs. Section 18537
2 Cal. Code of Regs. Section 18544
§ 85303. Limits on Contributions to Committees and Political Parties.

(a) A person may not make to any committee, other than a political party committee, and a committee other than a political party committee may not accept, any contribution totaling more than five thousand dollars ($5,000) per calendar year for the purpose of making contributions to candidates for elective state office.

(b) A person may not make to any political party committee, and a political party committee may not accept, any contribution totaling more than twenty-five thousand dollars ($25,000) per calendar year for the purpose of making contributions for the support or defeat of candidates for elective state office. Notwithstanding Section 85312, this limit applies to contributions made to a political party used for the purpose of making expenditures at the behest of a candidate for elective state office for communications to party members related to the candidate’s candidacy for elective state office.

(c) Except as provided in Section 85310, nothing in this chapter shall limit a person’s contributions to a committee or political party committee provided the contributions are used for purposes other than making contributions to candidates for elective state office.

(d) Nothing in this chapter limits a candidate for elected state office from transferring contributions received by the candidate in excess of any amount necessary to defray the candidate’s expenses for election related activities or holding office to a political party committee, provided those transferred contributions are used for purposes consistent with paragraph (4) of subdivision (b) of Section 89519.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election. (Formerly titled “Contributions by Committees to Candidates”); repealed and added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.4
2 Cal. Code of Regs. Section 18521.5
2 Cal. Code of Regs. Section 18530.3
2 Cal. Code of Regs. Section 18530.4
2 Cal. Code of Regs. Section 18531
2 Cal. Code of Regs. Section 18531.61
2 Cal. Code of Regs. Section 18531.7
2 Cal. Code of Regs. Section 18533
2 Cal. Code of Regs. Section 18534
2 Cal. Code of Regs. Section 18537
2 Cal. Code of Regs. Section 18544
2 Cal. Code of Regs. Section 18545

§ 85304. Legal Defense Fund.

(a) A candidate for elective state office or an elected state officer may establish a separate account to defray attorney’s fees and other related legal costs incurred for the candidate’s or officer’s legal defense if the candidate or officer is subject to one or more civil or criminal proceedings or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officer’s governmental activities and duties. These funds may be used only to defray those attorney fees and other related legal costs.

(b) A candidate may receive contributions to this account that are not subject to the contribution limits set forth in this article. However, all contributions shall be reported in a manner prescribed by the commission.

(c) Once the legal dispute is resolved, the candidate shall dispose of any funds remaining after all expenses associated with the dispute are discharged for one or more of the purposes set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 89519.

(d) (1) For purposes of this section and Section 85304.5, “attorney’s fees and other related legal costs” includes only the following:

(A) Attorney’s fees and other legal costs related to the defense of the candidate or officer.

(B) Administrative costs directly related to compliance with the requirements of this title.

(2) “Attorney’s fees and other related legal costs” does not include expenses for fundraising, media or political consulting fees, mass mailing or other advertising, or, except as expressly authorized by subdivision (c) of Section 89513, a payment or reimbursement for a fine, penalty, judgment or settlement, or a payment to return or disgorge contributions made to any other committee controlled by the candidate or officer.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election. (Formerly titled “Prohibition on Transfers”); repealed and added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Limitations on Contributions from Political Parties”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2014, Ch. 884.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18521.5
2 Cal. Code of Regs. Section 18530.4
2 Cal. Code of Regs. Section 18530.45
2 Cal. Code of Regs. Section 18535
2 Cal. Code of Regs. Section 18537

Opinions: In re Pelham (2001) 15 FPPC Ops. 1
§ 85304.5. Legal Defense Fund; Local Candidates and Elected Officeholders.

(a) A candidate for elective office other than an elective state office or an elected officer other than an elected state officer may establish a separate account pursuant to subdivision (a) of Section 85304 and may use these funds only to defray attorney’s fees and other related legal costs.

(b) A candidate for an elective office other than an elective state office may receive contributions to the separate account subject to any limitations provided by local ordinance. However, all contributions to these separate accounts shall be reported in a manner prescribed by the commission.

(c) Once the legal dispute is resolved, the candidate or elected officer shall dispose of any funds remaining in the separate accounts after all expenses associated with the dispute are discharged for one or more of the purposes set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 89519.

(d) For purposes of this section, “attorney’s fees and other related legal costs” has the same meaning as in Section 85304.

History: Added by Stats. 2007, Ch. 283; amended by Stats. 2014, Ch. 884.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18521.5
2 Cal. Code of Regs. Section 18530.4
2 Cal. Code of Regs. Section 18530.45

§ 85305. Restrictions on Contributions by Candidates.

A candidate for elective state office or committee controlled by that candidate may not make any contribution to any other candidate for elective state office in excess of the limits set forth in subdivision (a) of Section 85301.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election. (Formerly titled “Restrictions on the Uses of Campaign Funds; Effective Date”); repealed and added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Transfers”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18421.4
2 Cal. Code of Regs. Section 18530.2
2 Cal. Code of Regs. Section 18530.4
2 Cal. Code of Regs. Section 18531.6
2 Cal. Code of Regs. Section 18531.61
2 Cal. Code of Regs. Section 18536
2 Cal. Code of Regs. Section 18537
2 Cal. Code of Regs. Section 18537.1


§ 85306. Transfers Between a Candidate’s Own Committees; Use of Funds Raised Prior to Effective Date.

(a) A candidate may transfer campaign funds from one controlled committee to a controlled committee for elective state office of the same candidate. Contributions transferred shall be attributed to specific contributors using a “last in, first out” or “first in, first out” accounting method, and these attributed contributions when aggregated with all other contributions from the same contributor may not exceed the limits set forth in Section 85301 or 85302.

(b) Notwithstanding subdivision (a), a candidate for elective state office, other than a candidate for statewide elective office, who possesses campaign funds on January 1, 2001, may use those funds to seek elective office without attributing the funds to specific contributors.

(c) Notwithstanding subdivision (a), a candidate for statewide elective office who possesses campaign funds on November 6, 2002, may use those funds to seek elective office without attributing the funds to specific contributors.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election. (Formerly titled “Use of Campaign Funds; Effective Date”); repealed and added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Transfers”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18421.4
2 Cal. Code of Regs. Section 18530.2
2 Cal. Code of Regs. Section 18530.4
2 Cal. Code of Regs. Section 18531.6
2 Cal. Code of Regs. Section 18531.61
2 Cal. Code of Regs. Section 18536
2 Cal. Code of Regs. Section 18537
2 Cal. Code of Regs. Section 18537.1

§ 85307. Loans.

(a) The provisions of this article regarding loans apply to extensions of credit, but do not apply to loans made to a candidate by a commercial lending institution in the lender’s regular course of business on terms available to members of the general public for which the candidate is personally liable.

(b) Notwithstanding subdivision (a), a candidate for elective state office may not personally loan to his or her campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds one hundred thousand dollars ($100,000). A candidate may not charge interest on any loan he or she made to his or her campaign.
§ 85308.

History: Added by Proposition 73 of the June 1988 Statewide Primary Election. (Formerly titled “Loans; Contributions”); repealed and added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2004, Ch. 815, effective September 27, 2004.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.4
2 Cal. Code of Regs. Section 18530.7
2 Cal. Code of Regs. Section 18530.8
2 Cal. Code of Regs. Section 18537

§ 85308. Family Contributions.

(a) Contributions made by a husband and wife may not be aggregated.

(b) A contribution made by a child under 18 years of age is presumed to be a contribution from the parent or guardian of the child.

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18537

Opinions: In re Pelham (2001) 15 FPPC Ops. 1

§ 85309. Online Disclosure of Contributions.

(a) In addition to any other report required by this title, a candidate for elective state office who is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of one thousand dollars ($1,000) or more received during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 24 hours of receipt of the contribution.

(b) In addition to any other report required by this title, any committee primarily formed to support or oppose one or more state ballot measures that is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of one thousand dollars ($1,000) or more received during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 24 hours of receipt of the contribution.

(c) In addition to any other report required by this title, a candidate for elective state office who is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of five thousand dollars ($5,000) or more received at any time other than during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 10 business days of receipt of the contribution.

(d) In addition to any other report required by this title, a committee primarily formed to support or oppose a state ballot measure that is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of five thousand dollars ($5,000) or more received at any time other than during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 10 business days of receipt of the contribution.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Aggregate Contributions from Non-individuals”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18116
2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18425
2 Cal. Code of Regs. Section 18531.5
2 Cal. Code of Regs. Section 18537

§ 85310. Communications Identifying State Candidates.

(a) Any person who makes a payment or a promise of payment totaling fifty thousand dollars ($50,000) or more for a communication that clearly identifies a candidate for elective state office, but does not expressly advocate the election or defeat of the candidate, and that is disseminated, broadcast, or otherwise published within 45 days of an election, shall file online or electronically with the Secretary of State a report disclosing the name of the person, address, occupation, and employer, and amount of the payment. The report shall be filed within 48 hours of making the payment or the promise to make the payment.

(b) (1) Except as provided in paragraph (2), if any person has received a payment or a promise of a payment from other persons totaling five thousand dollars ($5,000) or more for the purpose of making a communication described in subdivision (a), the person receiving the payments shall disclose on the report the name, address, occupation and employer, and date and amount received from the person.

(2) A person who receives or is promised a payment that is otherwise reportable under paragraph (1) is not required to report the payment if the person is in the business of providing goods or services and receives or is promised the payment for the purpose of providing those goods or services.
§ 85315.

(c) Any payment received by a person who makes a communication described in subdivision (a) is subject to the limits specified in subdivision (b) of Section 85303 if the communication is made at the behest of the clearly identified candidate.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Aggregate Contributions to All State Candidates”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18521.5
2 Cal. Code of Regs. Section 18531.10
2 Cal. Code of Regs. Section 18537
2 Cal. Code of Regs. Section 18539.2

§ 85311. Affiliated Entities; Aggregation of Contributions to State Candidates.

(a) For purposes of the contribution limits of this chapter, the following terms have the following meanings:

(1) “Entity” means any person, other than an individual.

(2) “ Majority owned” means an ownership of more than 50 percent.

(b) The contributions of an entity whose contributions are directed and controlled by any individual shall be aggregated with contributions made by that individual and any other entity whose contributions are directed and controlled by the same individual.

(c) If two or more entities make contributions that are directed and controlled by a majority of the same persons, the contributions of those entities shall be aggregated.

(d) Contributions made by entities that are majority owned by any person shall be aggregated with the contributions of the majority owner and all other entities majority owned by that person, unless those entities act independently in their decisions to make contributions.


References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18428
2 Cal. Code of Regs. Section 18537

Opinions: In re Kalm (1976) 2 FPPC Ops. 151
In re Lumsdon (1976) 2 FPPC Ops. 140

§ 85312. Communications to Members of an Organization.

For purposes of this title, payments for communications to members, employees, shareholders, or families of members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or a ballot measure are not contributions or expenditures, provided those payments are not made for general public advertising such as broadcasting, billboards, and newspaper advertisements. However, payments made by a political party for communications to a member who is registered as expressing a preference for that party on his or her affidavit of registration pursuant to Sections 2150, 2151, and 2152 of the Elections Code that would otherwise qualify as contributions or expenditures shall be reported in accordance with Article 2 (commencing with Section 84200) of Chapter 4, and Chapter 4.6 (commencing with Section 84600), of this title.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Communications Within an Organization”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001; amended by Stats. 2012, Ch. 3, effective February 10, 2012.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18215
2 Cal. Code of Regs. Section 18215.2
2 Cal. Code of Regs. Section 18531.7
2 Cal. Code of Regs. Section 18537

Opinions: In re Olson (2001) 15 FPPC Ops. 13

§ 85313. Officeholder Account. [Repealed]

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

§ 85314. Special Elections and Special Runoff Elections as Separate Elections.

The contribution limits of this chapter apply to special elections and apply to special runoff elections.

A special election and a special runoff election are separate elections for purposes of the contribution and voluntary expenditure limits set forth in this chapter.

History: Added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.4
2 Cal. Code of Regs. Section 18537

§ 85315. Elected State Officer Recall Committees.

(a) Notwithstanding any other provision of this chapter, an elected state officer may establish a committee to oppose the qualification of a recall measure, and the recall election. This committee may
be established when the elected state officer receives a notice of intent to recall pursuant to Section 11021 of the Elections Code. An elected state officer may accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contributions limits set forth in this chapter. The voluntary expenditure limits do not apply to expenditures made to oppose the qualification of a recall measure or to oppose the recall election.

(b) After the failure of a recall petition or after the recall election, the committee formed by the elected state officer shall wind down its activities and dissolve. Any remaining funds shall be treated as surplus funds and shall be expended within 30 days after the failure of the recall petition or after the recall election for a purpose specified in subdivision (b) of Section 89519.

History: Added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18521.5
2 Cal. Code of Regs. Section 18531.5
2 Cal. Code of Regs. Section 18535
2 Cal. Code of Regs. Section 18537


§ 85316. Post-Election Fundraising Restrictions; State Officeholder Accounts.

(a) Except as provided in subdivision (b), a contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.

(b) Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the contributions are not expended for any contribution to any state or local committee. Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) No person shall make, and no elected state officer shall receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

A) Three thousand dollars ($3,000) in the case of an elected state officer of the Assembly or Senate.

B) Five thousand dollars ($5,000) in the case of a statewide elected state officer other than the Governor.

C) Twenty thousand dollars ($20,000) in the case of the Governor.

(2) No elected state officer shall receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

A) Fifty thousand dollars ($50,000) in the case of an elected state officer of the Assembly or Senate.

B) One hundred thousand dollars ($100,000) in the case of a statewide elected state officer other than the Governor.

C) Two hundred thousand dollars ($200,000) in the case of the Governor.

(3) Any contribution received pursuant to this subdivision shall be deemed to be a contribution to that candidate for election to any state office that he or she may seek during the term of office to which he or she is currently elected, including, but not limited to, reelection to the office he or she currently holds, and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the office sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission. None of the expenditures made by elected state officers pursuant to this subdivision shall be subject to the voluntary expenditure limitations in Section 85400.

(4) The commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars ($100).

History: Added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2006, Ch. 624, effective September 29, 2006; amended by Stats. 2007, Ch. 130.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18521.5
2 Cal. Code of Regs. Section 18531.6
2 Cal. Code of Regs. Section 18531.61
2 Cal. Code of Regs. Section 18531.62
2 Cal. Code of Regs. Section 18537
2 Cal. Code of Regs. Section 18537.1
2 Cal. Code of Regs. Section 18544
2 Cal. Code of Regs. Section 18545
§ 85317. Carry Over of Contributions.
Notwithstanding subdivision (i) of Section 85306, a candidate for elective state office may carry over contributions raised in connection with one election for elective state office to pay campaign expenditures incurred in connection with a subsequent election for the same elective state office.


References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18531.6
2 Cal. Code of Regs. Section 18531.61
2 Cal. Code of Regs. Section 18537
2 Cal. Code of Regs. Section 18537.1

§ 85318. Contributions Received for Primary and General Elections.
A candidate for elective state office may raise contributions for a general election prior to the primary election, and for a special general election prior to a special primary election, for the same elective state office if the candidate sets aside these contributions and uses these contributions for the general election or special general election. If the candidate for elective state office is defeated in the primary election or special primary election, or otherwise withdraws from the general election or special general election, the general election or special general election funds shall be refunded to the contributors on a pro rata basis less any expenses associated with the raising and administration of general election or special general election contributions. Notwithstanding Section 85201, candidates for elective state office may establish separate campaign contribution accounts for the primary and general elections or special primary and special general elections.


References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18521
2 Cal. Code of Regs. Section 18531.2
2 Cal. Code of Regs. Section 18531.6
2 Cal. Code of Regs. Section 18531.61
2 Cal. Code of Regs. Section 18536
2 Cal. Code of Regs. Section 18537

§ 85319. Returning Contributions.
A candidate for state elective office may return all or part of any contribution to the donor who made the contribution at any time, whether or not other contributions are returned, except a contribution that the candidate made for state elective office to his or her own controlled committee.

History: Added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2002, Ch. 212.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18537

§ 85320. Foreign Entities.
(a) No foreign government or foreign principal shall make, directly or through any other person, any contribution, expenditure, or independent expenditure in connection with the qualification or support of, or opposition to, any state or local ballot measure.

(b) No person and no committee shall solicit or accept a contribution from a foreign government or foreign principal in connection with the qualification or support of, or opposition to, any state or local ballot measure.

(c) For the purposes of this section, a “foreign principal” includes the following:
   (1) A foreign political party.
   (2) A person outside the United States, unless either of the following is established:
      (A) The person is an individual and a citizen of the United States.
      (B) The person is not an individual and is organized under or created by the laws of the United States or of any state or other place subject to the jurisdiction of the United States and has its principal place of business within the United States.
   (3) A partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.
   (4) A domestic subsidiary of a foreign corporation if the decision to contribute or expend funds is made by an officer, director, or management employee of the foreign corporation who is neither a citizen of the United States nor a lawfully admitted permanent resident of the United States.
   (d) This section shall not prohibit a contribution, expenditure, or independent expenditure made by a lawfully admitted permanent resident.

(e) Any person who violates this section shall be guilty of a misdemeanor and shall be fined an amount equal to the amount contributed or expended.

History: Added by Stats. 1997, Ch. 67; amended by Stats. 2000, Ch. 349.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18537

Notwithstanding any other provision of this chapter, if a candidate for elective state office or the
§ 85401.  Candidate Acceptance or Rejection of Expenditure Ceilings.

(a) Each candidate for elective state office shall file a statement of acceptance or rejection of the voluntary expenditure limits set forth in Section 85400 at the time he or she files the statement of intention specified in Section 85200.

(b) A candidate may, until the deadline for filing nomination papers set forth in Section 8020 of the Elections Code, change his or her statement of acceptance or rejection of voluntary expenditure limits provided he or she has not exceeded the voluntary expenditure limits. A candidate may not change his or her statement of acceptance or rejection of voluntary expenditure limits more than twice after the candidate’s initial filing of the statement of intention for that election and office.

(c) Any candidate for elective state office who declined to accept the voluntary expenditure limits but who nevertheless does not exceed the limits in the primary, special primary, or special election, may file a statement of acceptance of the expenditure limits for a general or special runoff election within 14 days following the primary, special primary, or special election.

(d) Notwithstanding Section 81004.5 or any other provision of this title, a candidate may not change his or her statement of acceptance or rejection of voluntary expenditure limits other than as provided for by this section and Section 85402.

History:  Added by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001; amended by Stats. 2004, Ch. 9, effective January 22, 2004; amended by Stats. 2004, Ch. 207.

References at the time of publication (see page 3):

§ 85400 - 85404

§ 85400.  Voluntary Expenditure Ceilings.
§ 85401.  Candidate Acceptance or Rejection of Expenditure Ceilings.
§ 85402.  Lifting Expenditure Limits; Opponent’s Use of Personal Funds.
§ 85403.  Violations of Voluntary Expenditure Limits.
§ 85404.  Expenditure Ceiling Lifted.  [Repealed]

§ 85400.  Voluntary Expenditure Ceilings.

(a) A candidate for elective state office, other than the Board of Administration of the Public Employees’ Retirement System, who voluntarily accepts expenditure limits shall not make campaign expenditures in excess of the following:

(1) For an Assembly candidate, four hundred thousand dollars ($400,000) in the primary or special primary election and seven hundred thousand dollars ($700,000) in the general or special general election.

(2) For a Senate candidate, six hundred thousand dollars ($600,000) in the primary or special primary election and nine hundred thousand dollars ($900,000) in the general or special general election.

(3) For a candidate for the State Board of Equalization, one million dollars ($1,000,000) in the primary election and one million five hundred thousand dollars ($1,500,000) in the general election.

(4) For a statewide candidate other than a candidate for Governor or the State Board of Equalization, four million dollars ($4,000,000) in the primary election and six million dollars ($6,000,000) in the general election.

(5) For a candidate for Governor, six million dollars ($6,000,000) in the primary election and ten million dollars ($10,000,000) in the general election.

(b) For purposes of this section, “campaign expenditures” has the same meaning as “election-related activities” as defined in Section 82022.5.
§ 85402. Lifting Expenditure Limits; Opponent’s Use of Personal Funds.
(a) Any candidate for elective state office who has filed a statement accepting the voluntary expenditure limits is not bound by those limits if an opposing candidate contributes personal funds to his or her own campaign in excess of the limits set forth in Section 85400.

(b) The commission shall require by regulation timely notification by candidates for elective state office who make personal contributions to their own campaign.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Contribution Limits for Candidates Accepting Expenditure Ceilings”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18421.4
2 Cal. Code of Regs. Section 18540
2 Cal. Code of Regs. Section 18542
2 Cal. Code of Regs. Section 18543

§ 85403. Violations of Voluntary Expenditure Limits.
Any candidate who files a statement of acceptance pursuant to Section 85401 and makes campaign expenditures in excess of the limits shall be subject to the remedies in Chapter 3 (commencing with Section 83100) and Chapter 11 (commencing with Section 91000).

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Time Periods for Expenditures”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18421.4
2 Cal. Code of Regs. Section 18540
2 Cal. Code of Regs. Section 18542
2 Cal. Code of Regs. Section 18543

§ 85404. Expenditure Ceiling Lifted. [Repealed]
History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Time Periods for Expenditures”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

Article 5. Independent Expenditures. § 85500-85505
§ 85500. Independent Expenditures; 24-Hour Disclosure; Coordination.
§ 85501. Prohibition on Independent Expenditures by Candidate or Officeholder Controlled Committees.

§ 85505. Internet Display of Independent Expenditures; 24-Hour Disclosure Report.

§ 85500. Independent Expenditures; 24-Hour Disclosure; Coordination.
(a) In addition to any other report required by this title, a committee, including a political party committee, that is required to file reports pursuant to Section 84605 and that makes independent expenditures of one thousand dollars ($1,000) or more during an election cycle in connection with a candidate for elective state office or state ballot measure, shall file online or electronically a report with the Secretary of State disclosing the making of the independent expenditure. This report shall disclose the same information required by subdivision (b) of Section 84204 and shall be filed within 24 hours of the time the independent expenditure is made.

(b) An expenditure may not be considered independent, and shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit, the expenditure is made, if the expenditure is made under any of the following circumstances:
(1) The expenditure is made with the cooperation of, or in consultation with, the candidate on whose behalf, or for whose benefit, the expenditure is made, or any controlled committee or any agent of the candidate.
(2) The expenditure is made in concert with, or at the request or suggestion of, the candidate on whose behalf, or for whose benefit, the expenditure is made, or any controlled committee or any agent of the candidate.
(3) The expenditure is made under any arrangement, coordination, or direction with respect to the candidate or the candidate’s agent and the person making the expenditure.


References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18116
2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18225.7
2 Cal. Code of Regs. Section 18550

§ 85501. Prohibition on Independent Expenditures by Candidate or Officeholder Controlled Committees.
A controlled committee of a candidate may not make independent expenditures and may not contribute funds to another committee for the purpose of making independent expenditures to support or oppose other candidates.


References at the time of publication (see page 3):
Opinions: In re St. Croix (2005) 18 FPPC Ops. 1

§ 85505. Internet Display of Independent Expenditures; 24-Hour Disclosure Report.
(a) The Secretary of State shall include on the Internet Web site of the Secretary of State's office, as part of the campaign finance activity that is publicly disclosed, any independent expenditure, as defined in Section 82031, that is reported pursuant to Section 85500 with respect to a candidate for elective state office and a statewide ballot measure. This information shall be linked to the part of the Web site that the Secretary of State maintains concerning that candidate or ballot measure.
(b) It is the intent of the Legislature that all forms created for the purpose of filing the online or electronic report required pursuant to Section 85500 include a separate field for the filer to input the legislative district number and the number or letter of a statewide ballot measure.

History: Added by Stats. 2002, Ch. 511.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18550

§ 85600-85602

§ 85600. Ballot Pamphlet Designation.
§ 85602. Notification to Voters. [Repealed]

§ 85600. Ballot Pamphlet Designation.
The Secretary of State shall designate in the state ballot pamphlet those candidates for statewide elective office, as defined in Section 82053, who have voluntarily agreed to the expenditure limitations set forth in Section 85400. Local elections officers shall designate in the voter information portion of the sample ballot those candidates for State Senate and Assembly who have voluntarily agreed to the expenditure limitations set forth in Section 85400.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Candidate Access to State Ballot Pamphlet"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

(a) A candidate for statewide elective office, as defined in Section 82053, who accepts the voluntary expenditure limits set forth in Section 85400 may purchase the space to place a statement in the state ballot pamphlet that does not exceed 250 words. The statement may not make any reference to any opponent of the candidate. The statement shall be submitted in accordance with timeframes and procedures set forth by the Secretary of State for the preparation of the state ballot pamphlets.
(b) Notwithstanding subdivision (e) of Section 88001 of this code or subdivision (e) of Section 9084 of the Elections Code, on and after November 6, 2002, the Secretary of State may not include in the state ballot pamphlet a statement from a candidate who has not voluntarily agreed to the expenditure limitations set forth in Section 85400.
(c) A candidate for State Senate or Assembly who accepts the voluntary expenditure limits set forth in Section 85400 may purchase the space to place a statement in the voter information portion of the sample ballot that does not exceed 250 words. The statement may not make any reference to any opponent of the candidate. The statement shall be submitted in accordance with the timeframes and procedures set forth in the Elections Code for the preparation of the voter information portion of the sample ballot.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled "Candidate Access to Local Sample Ballot Materials"); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

§ 85602. Notification to Voters. [Repealed]

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

Article 7. Additional Contribution Requirements.
§ 85700-85706

§ 85700. Donor Information Requirements; Return of Contributions.
§ 85701. Laundered Contributions.
§ 85702. Contributions from Lobbyists.
§ 85703. Local Jurisdictions.
§ 85704. Prohibition on Earmarking.
§ 85705. Contributions from Governmental Employees. [Repealed]
§ 85706. Local Jurisdictions. [Repealed]

§ 85700. Donor Information Requirements; Return of Contributions.
(a) A candidate or committee shall return not later than 60 days of receipt by the candidate or committee any contribution of one hundred dollars ($100) or more for which the candidate or committee does not have on file in the records of the candidate or committee the name, address, occupation, and employer of the contributor.

(b) A candidate or committee may return a contribution pursuant to subdivision (a) after the date that the candidate or committee has reported the contribution under any provision of this title.


References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18570
Opinions: In re Pelham (2001) 15 FPPC Ops. 1

§ 85701. Laundered Contributions.
Any candidate or committee that receives a contribution in violation of Section 84301 shall pay to the General Fund of the state the amount of the contribution.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Receipt of Laundered Contributions”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):
Opinions: In re Pelham (2001) 15 FPPC Ops. 1

§ 85702. Contributions from Lobbyists.
An elected state officer or candidate for elected state office may not accept a contribution from a lobbyist, and a lobbyist may not make a contribution to an elected state officer or candidate for elected state office, if that lobbyist is registered to lobby the governmental agency for which the candidate is seeking election or the governmental agency of the elected state officer.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Bundling of Contributions”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18572

§ 85703. Local Jurisdictions.
(a) Nothing in this act shall nullify contribution limitations or prohibitions of any local jurisdiction that apply to elections for local elective office, except that these limitations and prohibitions may not conflict with Section 85312. However, a local jurisdiction shall not impose any contribution limitations or prohibitions on an elected member of, or a candidate for election to, a county central committee of a qualified political party, or on a committee primarily formed to support or oppose a person seeking election to a county central committee of a qualified political party.

(b) Limitations and prohibitions imposed by a local jurisdiction on payments for a member communication, as defined in subdivision (c), that conflict with Section 85312 and which are thereby prohibited by subdivision (a) include, but are not limited to, any of the following:

(1) Source restrictions on payments for member communications that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the Commission pursuant to Section 83112.

(2) Limitations on payments to a political party committee for a member communication that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the Commission pursuant to Section 83112.

(3) Limitations on the scope of payments considered directly related to the making of a member communication, including costs associated with the formulation, design, production, and distribution of the communication such as surveys, list acquisition, and consulting fees that are not expressly made applicable to member communications by a state statute or by a regulation adopted by the Commission pursuant to Section 83112.

(c) For purposes of this section, “member communication” means a communication, within the meaning of Section 85312, to members, employees, shareholders, or families of members, employees, or shareholders of an organization, including a communication by a political party to a member who is registered as expressing a preference for that party on his or her affidavit of registration pursuant to Sections 2150, 2151, and 2152 of the Elections Code.

History: Added by Proposition 208 of the November 1996 Statewide General Election. (Formerly titled “Earmarking of Contributions Prohibited”); repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2007, Ch. 708; amended by Stats. 2012, Ch. 3, effective February 10, 2012; amended by Stats. 2012, Ch. 502.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18531.7

§ 85704. Prohibition on Earmarking.
(a) A person shall not make any contribution to a committee or candidate that is earmarked for a
§ 85704.

contribution to any other particular committee, ballot measure, or candidate unless the contribution is fully disclosed pursuant to Section 84302.

(b) For purposes of subdivision (a), a contribution is earmarked if the contribution is made under any of the following circumstances:

(1) The committee or candidate receiving the contribution solicited the contribution for the purpose of making a contribution to another specifically identified committee, ballot measure, or candidate, requested the contributor to expressly consent to such use, and the contributor consents to such use.

(2) The contribution was made subject to a condition or agreement with the contributor that all or a portion of the contribution would be used to make a contribution to another specifically identified committee, ballot measure, or candidate.

(3) After the contribution was made, the contributor and the committee or candidate receiving the contribution reached a subsequent agreement that all or a portion of the contribution would be used to make a contribution to another specifically identified committee, ballot measure, or candidate.

(c) Notwithstanding subdivisions (a) and (b), dues, assessments, fees, and similar payments made to a membership organization or its sponsored committee in an amount less than five hundred dollars ($500) per calendar year from a single source for the purpose of making contributions or expenditures shall not be considered earmarked.

(d) The committee making the earmarked contribution shall provide the committee receiving the earmarked contribution with the name and address of the contributor or contributors who earmarked their funds and the amount of the earmarked contribution from each contributor at the time it makes the contribution. If the committee making the contribution received earmarked contributions that exceed the amount contributed, or received contributions that were not earmarked, the committee making the contribution shall use a reasonable accounting method to determine which contributors to identify pursuant to this subdivision, but in no case shall the same contribution be disclosed more than one time to avoid disclosure of additional contributors who earmarked their funds.

(e) Earmarked contributions shall be disclosed on reports required by Chapter 4 (commencing with Section 84100) as follows:

(1) A contributor who qualifies as a committee pursuant to Section 82013 and who makes a contribution to a committee but earmarks the funds to another specifically identified committee pursuant to paragraph (1) or (2) of subdivision (b) shall disclose

(2) A contributor who qualifies as a committee pursuant to Section 82013 and who makes a contribution to a committee and subsequently earmarks the funds pursuant to paragraph (3) of subdivision (b) shall include a notation on the contributor’s next statement that the original contribution was subsequently earmarked, including the name of the specifically identified committee, ballot measure, or candidate supported or opposed. The committee that previously received the funds shall also include a notation on its next statement that the original contribution was subsequently earmarked and shall disclose the original contributor to any new committee to which it transfers the earmarked funds. The new committee shall disclose the true source of the contribution with a notation that the contribution was earmarked to the specific ballot measure or candidate.

(3) A contributor who qualifies as a committee pursuant to Section 82013 and who earmarks a contribution to a specifically identified ballot measure or candidate shall disclose a contribution to the committee that received the contribution with a notation that the contribution was earmarked to the specific ballot measure or candidate. Compliance with this paragraph satisfies the contributor’s disclosure obligations under this title. The committee receiving the earmarked contribution shall disclose the contributor with a notation that the contribution was earmarked to the specific ballot measure or candidate when the contribution is received. The committee receiving the funds is solely responsible for disclosing the ultimate use of the earmarked contribution, whether by contribution or expenditure, at the time the funds are used. If the committee receiving the earmarked contribution contributes any portion of the contribution to another committee to support or oppose the specifically identified ballot measure or candidate, that committee shall disclose the true source of the contribution to the new committee receiving the earmarked funds for
The new committee shall disclose the true source of the contribution with a notation that the contribution was earmarked to the specific ballot measure or candidate.

(f) A violation of this section shall not be based solely on the timing of contributions made or received.

References at the time of publication (see page 3):

Regulations:
2 Cal. Code of Regs. Section 18432.5
2 Cal. Code of Regs. Section 18533

§ 85705. Contributions from Governmental Employees. [Repealed]

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2017, Ch. 546.

§ 85706. Local Jurisdictions. [Repealed]

History: Added by Proposition 208 of the November 1996 Statewide General Election; repealed by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

Article 8. Appropriation.
§ 85802


There is hereby appropriated from the General Fund of the state to the Fair Political Practices Commission the sum of five hundred thousand dollars ($500,000) annually above and beyond the appropriations established for the Commission in the fiscal year immediately prior to the effective date of this act, adjusted for cost-of-living changes, for expenditures to support the operations of the Commission pursuant to this act. If any provision of this act is successfully challenged, any attorney’s fees and costs shall be paid from the General Fund and the Commission’s budget shall not be reduced accordingly.

History: Added by Proposition 208 of the November 1996 Statewide General Election.

Chapter 6. Lobbyists.
§ 86100-86300

Article 1. Registration and Reporting.
§ 86100 - 86118

2. Prohibitions. § 86200 - 86206
3. Exemptions. § 86300

Article 1. Registration and Reporting.
§ 86100-86118

§ 86100. Registration.
§ 86101. Registration; Time.
§ 86102. Registration Fees.
§ 86103. Lobbyist Certification; Requirements.
§ 86104. Lobbying Firm; Registration Requirements.
§ 86105. Lobbyist Employer; Registration Requirements.
§ 86106. Renewal of Registration.
§ 86107. Registration Statement; Amendment; Termination.
§ 86108. Registration Statement; Publication.
§ 86109.5. Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers; Online Version.
§ 86110. Recordkeeping.
§ 86111. Activity Expense; Agency Official.
§ 86112. Activity Expenses; Reporting.
§ 86112.3. Invitations.
§ 86112.5. Notification to Beneficiary of a Gift.
§ 86113. Periodic Reports; Lobbyists; Contents.
§ 86114. Periodic Reports; Lobbying Firms; Contents.
§ 86115. Periodic Reports; Employers and Others.
§ 86116. Periodic Reports; Employers and Others; Contents.
§ 86116.5. Periodic Reports; State and Local Government Agencies.
§ 86117. Periodic Reports; Filing; Time.
§ 86118. Periodic Reports; Where to File.

§ 86100. Registration.

(a) Individual lobbyists shall prepare lobbyist certifications pursuant to Section 86103 for filing with the Secretary of State as part of the registration of the lobbying firm in which the lobbyist is a partner, owner, officer, or employee or as part of the registration of the lobbyist employer by which the lobbyist is employed.

(b) Lobbying firms shall register with the Secretary of State.
§ 86101. Registration; Time.

Every lobbying firm and lobbyist employer who is required to file a registration statement under this chapter shall register with the Secretary of State no later than 10 days after qualifying as a lobbying firm or lobbyist employer.

History: Repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled “Requirement of Registration.”) Amended by Stats. 2010, Ch. 18.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18249
2 Cal. Code of Regs. Section 18601

§ 86102. Registration Fees.

(a) The Secretary of State shall charge each lobbying firm and lobbyist employer required to file a registration statement under this chapter a fee of fifty dollars ($50) per year for each lobbyist required to be listed on its registration statement.

(b) One-half of the moneys collected pursuant to this section shall be deposited in the Political Disclosure, Accountability, Transparency, and Access Fund, and the other one-half of the moneys shall be deposited in the General Fund.

History: Repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled “Renewal of Registration.”); amended by Stats. 2012, Ch. 506.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18601

§ 86103. Lobbyist Certification; Requirements.

A lobbyist certification shall include all of the following:

(a) A recent photograph of the lobbyist, the size of which shall be prescribed by the Secretary of State.

(b) The full name, business address, and telephone number of the lobbyist.

(c) A statement that the lobbyist has read and understands the prohibitions contained in Sections 86203 and 86205.

(d) (1) In the case of a lobbyist who filed a completed lobbyist certification in connection with the last regular session of the Legislature, a statement that the lobbyist has completed, within the previous 12 months or will complete no later than June 30 of the following year, the course described in subdivision (b) of Section 8936. If the lobbyist certification states that the lobbyist will complete the course no later than June 30 of the following year, the certification shall be accepted on a conditional basis. Thereafter, if the lobbyist completes the course no later than June 30 of the following year, the lobbyist shall file a new lobbyist certification with the Secretary of State which shall replace the conditional lobbyist certification previously filed. If the lobbyist certification states that the lobbyist will complete the course no later than June 30 of the following year and the lobbyist fails to do so, the conditional lobbyist certification shall be void and the individual shall not act as a lobbyist pursuant to this title until he or she has completed the course and filed with the Secretary of State a lobbyist certification stating that he or she has completed the course and the date of completion. It shall be a violation of this section for any individual to act as a lobbyist pursuant to this title once his or her conditional certification is void.

(2) If, in the case of a new lobbyist certification, the lobbyist has not completed the course within the previous 12 months, the lobbyist certification shall include a statement that the lobbyist will complete a scheduled course within 12 months, and the lobbyist certification shall be accepted on a conditional basis. Following the lobbyist’s completion of the ethics course, the lobbyist shall file a new lobbyist certification with the Secretary of State which shall replace the conditional lobbyist certification previously filed. If the new lobbyist certification states that the lobbyist will complete the course within 12 months and the lobbyist fails to do so, the conditional lobbyist certification shall be void and the individual shall not act as a lobbyist pursuant to this title until he or she has completed the course and filed with the Secretary of State a lobbyist certification stating he or she has completed the course and the date of completion. It shall be a violation of this section for any individual to act as a lobbyist pursuant to this title once his or her conditional certification is void.
§ 86104. Lobbying Firm; Registration Requirements.

The registration of a lobbying firm shall include:

(a) The full name, business address, and telephone number of the lobbying firm.

(b) A list of the lobbyists who are partners, owners, officers, or employees of the lobbying firm.

(c) The lobbyist certification of each lobbyist in the lobbying firm.

(d) For each person with whom the lobbying firm contracts to provide the following lobbying services.

1. The full name, business address, and telephone number of the person.

2. A written authorization signed by the person.

3. The time period of the contract.

4. Information sufficient to identify the nature and interests of the person including:
   (A) If the person is an individual, the name and address of his or her employer, if any, or his or her principal place of business if the person is self-employed, and a description of the business activity in which the person or his or her employer is engaged.

   (B) If the person is a business entity, a description of the business activity in which it is engaged.

   (C) If the person is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents and, if the association has not more than 50 members, the names of the members.

   (D) If the person is not an individual, business entity, or industry, trade, or professional association, a statement of the person’s nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.

5. The lobbying interests of the person.

6. A list of the state agencies whose legislative or administrative actions the lobbying firm will attempt to influence for the person.

(e) The name and title of a partner, owner, or officer of the lobbying firm who is responsible for filing statements and reports and keeping records required by this chapter on behalf of the lobbying firm, and a statement signed by the designated responsible person that he or she has read and understands the prohibitions contained in Sections 86203 and 86205.

(f) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

History: Amended by Stats. 1984, Ch. 161; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled “Registration Statement; Publication.”); amended by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 391; amended by Stats. 1995, Ch. 346; amended by Stats. 1997, Ch. 574.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18601
2 Cal. Code of Regs. Section 18603.1

Opinions: In re Evans (1978) 4 FPPC Ops. 54

§ 86105. Lobbyist Employer; Registration Requirements.

The registration of a lobbyist employer shall include:

(a) The full name, business address, and telephone number of the lobbyist employer.

(b) A list of the lobbyists who are employed by the lobbyist employer.

(c) The lobbyist certification of each lobbyist employed by the lobbyist employer.

(d) Information sufficient to identify the nature and interests of the filer, including:

1. If the filer is an individual, the name and address of the filer’s employer, if any, or his or her principal place of business if the filer is self-employed, and a description of the business activity in which the filer or his or her employer is engaged.

2. If the filer is a business entity, a description of the business activity in which it is engaged.

3. If the filer is an industry, trade, or professional association, a description of the industry, trade, or profession which it represents including a specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents and, if the association has not more than 50 members, the names of the members.

4. If the filer is not an individual, business entity, or industry, trade, or professional association,
§ 86106. Renewal of Registration.
Each registered lobbying firm and lobbyist employer which will be conducting activities which require registration shall renew its registration by filing photographs of its lobbyists, authorizations, and a registration statement between November 1 and December 31, of each even-numbered year. Each lobbyist shall renew his or her lobbyist certification in connection with the renewal of registration by the lobbyist’s lobbying firm or employer.

History: Amended by Stats. 1979, Ch. 592; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled “Accounts; Designation by Name; Deposits.”); amended by Stats. 1987, Ch. 459.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117

§ 86107. Registration Statement; Amendment; Termination.
(a) If any change occurs in any of the information contained in a registration statement, an appropriate amendment shall be filed both by online or electronic means and physically, submitting the original and one copy of the amendment, in paper format, with the Secretary of State within 20 days after the change. However, if the change includes the name of a person by whom a lobbying firm is retained, the registration statement of the lobbying firm shall be amended and filed to show that change prior to the lobbying firm’s attempting to influence any legislative or administrative action on behalf of that person. Lobbying firms and lobbyist employers that, during a regular session of the Legislature, cease all activity that required registration shall file a notice of termination within 20 days after the cessation. Lobbying firms and lobbyist employers that, at the close of a regular session of the Legislature, cease all activity that required registration are not required to file a notice of termination.

(b) If any change occurs in any of the information contained in a lobbyist certification or if a lobbyist terminates all activity that required the certification, the lobbyist shall submit an amended certification or notice of termination to his or her lobbying firm or lobbyist employer for filing with the Secretary of State within the time limits specified in subdivision (a). A lobbyist who, at the close of a regular session of the Legislature, ceases all activity that required certification is not required to file a notice of termination.

(c) Lobbyists and lobbying firms are subject to Section 86203 for the earlier of six months after filing a notice of termination or six months after the close of a regular session of the Legislature at the close of which the lobbyist or lobbying firm ceased all activity that required certification or registration.

History: Amended by Stats. 1979, Ch. 592; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled “Contents of Periodic Reports.”); amended by Stats. 1986, Ch. 905; amended by Stats. 1987, Ch. 936; amended by Stats. 2010, Ch. 18.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117

2 Cal. Code of Regs. Section 18601

2 Cal. Code of Regs. Section 18603

§ 86108. Registration Statement; Publication.
All information listed on any registration statement and on any amendment, renewal, or notice of termination shall be printed by the Secretary of State and made public within 30 days after filing.

History: Amended by Stats. 1979, Ch. 592; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled “Periodic Reports; Employers and Others.”)

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117

Within 140 days after the commencement of each regular session of the Legislature, the Secretary of State shall publish a directory of registered individual lobbyists, lobbying firms, and lobbyist employers. The Secretary of State shall publish, from time to time, such supplements to the directory as may be necessary.

History: Amended by Stats. 1984, Ch. 161; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled “Periodic Reports; Employers and Others; Contents.”); amended by Stats. 1991, Ch. 391.
§ 86109.5. Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers; Online Version.

(a) The Secretary of State shall establish and maintain on the Internet an online version of the Directory of Lobbyist, Lobbying Firms, and Lobbyist Employers. The Secretary of State shall update the directory weekly.

(b) The Secretary of State shall also display on the Internet a list of the specific changes made to the Directory of Lobbyist, Lobbying Firms, and Lobbyist Employers, including new registrations and listings, additions, deletions, and other revisions, during the seven days preceding the update required by subdivision (a).

(c) This section may not be implemented until July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99.

(d) Notwithstanding any other provision of this title, the lobbying data made available on the Internet shall include the street name and building number of the persons or entity representatives listed on all the documents submitted to the Secretary of State pursuant to Chapter 6 (commencing with Section 86100).

History: Added by Stats. 1999, Ch. 855.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117

§ 86110. Recordkeeping.

Lobbyists, lobbying firms, and lobbyist employers which receive payments, make payments or incur expenses or expect to receive payments, make payments or incur expenses in connection with activities which are reportable pursuant to this chapter shall keep detailed accounts, records, bills, and receipts as shall be required by regulations adopted by the Commission to expedite the performance of all obligations imposed by this chapter.

History: Amended by Stats. 1979, Ch. 592; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Periodic Reports; Filing; Time.")

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18610
2 Cal. Code of Regs. Section 18612
2 Cal. Code of Regs. Section 18615

§ 86111. Activity Expense; Agency Official.

(a) “Activity expense” as used in this chapter means any expense incurred or payment made by a lobbyist, lobbying firm, lobbyist employer or a person described in subdivision (b) of Section 86115, or arranged by a lobbyist or lobbying firm, which benefits in whole or in part any elective state official, legislative official, agency official, state candidate, or a member of the immediate family of one of these individuals. Activity expenses include gifts, honoraria, consulting fees, salaries, and any other form of compensation but do not include campaign contributions.

(b) “Agency official” as used in this chapter means any official of a state agency whose administrative actions the lobbyist, lobbying firm, lobbyist employer, or person described in subdivision (b) of Section 86115 has attempted or is attempting to influence.

History: Added by Stats. 1979, Ch. 592; amended by Stats. 1976, Ch. 415, effective July 10, 1976, repealed former Section 86111 titled "Periodic Reports; Publication"; repealed and reenacted as amended by Stats. 1985, Ch. 1183, effective September 29, 1985. (Formerly titled "Lobbying Reports and Statements; Where to File.")

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18229.1
2 Cal. Code of Regs. Section 18945
2 Cal. Code of Regs. Section 18950

§ 86112. Activity Expenses; Reporting.

When a person is required to report activity expenses pursuant to this article, the following information shall be provided:

(a) The date and amount of each activity expense.

(b) The full name and official position, if any, of the beneficiary of each expense, a description of the benefit, and the amount of benefit.

(c) The full name of the payee of each expense if other than the beneficiary.

(d) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18611
2 Cal. Code of Regs. Section 18613
2 Cal. Code of Regs. Section 18640

§ 86112.3. Invitations.

(a) Each person filing a report pursuant to this article who sends any written or printed invitation to an elected state officer, candidate for elective state office, legislative official or agency official, shall include on the invitation or on a letter attached to the invitation the following typed, printed, or handwritten statement that is at least as large and

References at the time of publication (see page 3):
readable as 8-point Roman boldface type, in a color or print that contrasts with the background so as to be easily legible: Attendance at this event by a public official will constitute acceptance of a reportable gift.

(b) The notice specified in subdivision (a) shall not be required to appear on any invitation wherein attendance at the event described in the invitation will not constitute acceptance of a reportable gift by an elected state officer, candidate for elective state office, legislative official or agency official, pursuant to paragraph (1) of subdivision (a) of Section 87207.

(c) The remedies provided in Chapter 3 (commencing with Section 83100) constitute the exclusive penalty for a violation of this section. The remedies provided in Chapter 11 (commencing with Section 91000) do not apply to this section.

History: Added by Stats. 1993, Ch. 1140.
References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18117

§ 86112.5. Notification to Beneficiary of a Gift.

(a) Each person filing a report pursuant to this article shall provide each beneficiary of a gift listed within the report the following information:

(1) The date and amount of each gift reportable by the beneficiary.

(2) A description of the goods or services provided to the beneficiary.

(b) The information required to be disclosed pursuant to subdivision (a) shall be provided to the beneficiary within 30 days following the end of each calendar quarter in which the gift was provided. For the purposes of meeting the disclosure requirements of this section, a lobbyist firm or lobbyist employer may provide the beneficiary a copy of the activity expense section of the report submitted to the Secretary of State pursuant to this article.

(c) The remedies provided in Chapter 3 (commencing with Section 83100) constitute the exclusive penalty for a violation of this section. The remedies provided in Chapter 11 (commencing with Section 91000) do not apply to this section.

History: Added by Stats. 1991, Ch. 322.
References at the time of publication (see page 3):

Opinions:
In re Nida (1976) 2 FPPC Ops 1
In re Atlantic-Richfield Co. (1975) 1 FPPC Ops. 147
In re Witt (1975) 1 FPPC Ops. 145
In re Horn (1975) 1 FPPC Ops. 126
In re Morrissey (1975) 1 FPPC Ops. 104
In re Spellman (1975) 1 FPPC Ops. 16

§ 86114. Periodic Reports; Lobbying Firms; Contents.

(a) Lobbying firms shall file periodic reports containing all of the following:

(1) The full name, address, and telephone number of the lobbying firm.

(2) The full name, business address, and telephone number of each person who contracted with the lobbying firm for lobbying services, a description of the specific lobbying interests of the person, and the total payments, including fees and the reimbursement of expenses, received from the person for lobbying services during the reporting period.

(3) The total amount of payments received for lobbying services during the period.

(4) A periodic report completed and verified by each lobbyist in the lobbying firm pursuant to Section 86113.

(5) Each activity expense incurred by the lobbying firm including those reimbursed by a person who contracts with the lobbying firm for lobbying services. A total of all activity expenses of the lobbying firm and all of its lobbyists shall be included.

(6) If the lobbying firm subcontracts with another lobbying firm for lobbying services:

(A) The full name, address, and telephone number of the subcontractor.

(B) The name of the person for whom the subcontractor was retained to lobby.

(C) The total amount of all payments made to the subcontractor.
§ 8615. Periodic Reports; Employers and Others.

Subject to the exceptions in Section 86300, the following persons shall file the statements required by Section 86116:

(a) Any lobbyist employer; and

(b) Any person who directly or indirectly makes payments to influence legislative or administrative action of five thousand dollars ($5,000) or more in value in any calendar quarter, unless all of the payments are of the type described in subdivision (c) of Section 82045.

History: Added by Stats. 1985, Ch. 1183, effective September 29, 1985; amended by Stats. 1986, Ch. 905.

References at the time of publication (see page 3):
- Regulations: 2 Cal. Code of Regs. Section 18117
- 2 Cal. Code of Regs. Section 18613
- 2 Cal. Code of Regs. Section 18614
- 2 Cal. Code of Regs. Section 18616.4

§ 8616. Periodic Reports; Employers and Others; Contents.

Every person described in Section 8615 shall file periodic reports containing the following information:

(a) The name, business address, and telephone number of the lobbyist employer or other person filing the report.

(b) The total amount of payments to each lobbying firm.

(c) The total amount of all payments to lobbyists employed by the filer.

(d) A description of the specific lobbying interests of the filer.

(e) A periodic report completed and verified by each lobbyist employed by a lobbyist employer pursuant to Section 86113.

(f) Each activity expense of the filer. A total of all activity expenses of the filer shall be included.

(g) The date, amount, and the name of the recipient of any contribution of one hundred dollars ($100) or more made by the filer to an elected state officer, a state candidate, or a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support the officer or candidate. If this contribution is reported by the filer or by a committee sponsored by the filer in a campaign statement filed pursuant to Chapter 4 which is required to be filed with the Secretary of State, the filer may report only the name of the committee, and the identification number of the committee.

(h) (1) Except as set forth in paragraph (2), the total of all other payments to influence legislative or administrative action including overhead expenses and all payments to employees who spend 10 percent or more of their compensated time in any one month in activities related to influencing legislative or administrative action.

(2) A filer that makes payments to influence a ratemaking or quasi-legislative proceeding before the Public Utilities Commission, as defined in subdivision (b) or (c), respectively, of Section 82002, may, in lieu of reporting those payments pursuant to paragraph (1), report only the portion of those payments made to or for the filer’s attorneys for time spent appearing as counsel and preparing to appear as counsel, or to or for the filer’s witnesses for time spent testifying and preparing to testify, in
§ 86116.5. Periodic Reports; State and Local Government Agencies.

(a) In addition to the information required pursuant to Section 86116, all state and local agencies that file reports pursuant to Sections 86115 and 86116 shall disclose, except for overhead expenses, all payments of two hundred fifty dollars ($250) or more made in a reporting period, including, but not limited to, all of the following:

(1) Goods and services used by a lobbyist or used to support or assist a lobbyist in connection with his or her activities as a lobbyist.

(2) Payments of any other expenses which would not have been incurred but for the filer’s activities to influence or attempt to influence legislative or administrative action.

(3) Dues or similar payments made to any organization, including a federation, confederation, or trade, labor, or membership organization, that makes expenditures equal to 10 percent of its total expenditures, or fifteen thousand dollars ($15,000), or more, during any calendar quarter, to influence legislative or administrative action.

(b) Reports required pursuant to this section may be disclosed on a separate schedule and shall include all of the following information:

(1) The name and address of the payee.

(2) The total payments made during the reporting period.

(3) The cumulative amount paid during the calendar year.

(c) All statements required by this section shall be filed as specified by Sections 86117 and 86118.

History:  Added by Stats. 1992, Ch. 214.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18614
2 Cal. Code of Regs. Section 18616
2 Cal. Code of Regs. Section 18616.4

Opinions:  In re Evans (1978) 4 FPPC Ops. 54
In re Herr (1977) 3 FPPC Ops. 11
In re Sloan (1976) 2 FPPC Ops. 105
In re Nida (1976) 2 FPPC Ops. 1
In re Grunsky (1975) 1 FPPC Ops. 158
In re Atlantic Richfield Co. (1975) 1 FPPC Ops. 147
In re Witt (1975) 1 FPPC Ops. 145
In re Morrissey (1975) 1 FPPC Ops. 130
In re Carothers (1975) 1 FPPC Ops. 122
In re Wallace (1975) 1 FPPC Ops. 118
In re Gillies (1975) 1 FPPC Ops. 110
In re League of California Milk Producers (1975) 1 FPPC Ops. 13
In re Witt (1975) 1 FPPC Ops. 1

§ 86117. Periodic Reports; Filing; Time.

(a) Reports required by Sections 86114 and 86116 shall be filed during the month following each calendar quarter. The period covered shall be from the first day of January of each new biennial legislative session through the last day of the calendar quarter prior to the month during which the report is filed, except as specified in subdivision (b), and except that the period covered shall not include any information reported in previous reports filed by the same person. When total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire legislative session to date.

(b) The period covered by the first report a person is required to file pursuant to Sections 86114 and 86116 shall begin with the first day of the calendar quarter in which the filer first registered or qualified. On the first report a person is required to file, the total amount shall be stated for the entire calendar quarter covered by the first report.

History:  Added by Stats. 1985, Ch. 1183, effective September 29, 1985; amended by Stats. 1994, Ch. 1139.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18616

§ 86118. Periodic Reports; Where to File.

The original and one copy of each report required by Sections 86114 and 86116 shall be filed with the Secretary of State, unless filing in paper format is no longer required by Sections 84605 and 84606.

History:  Added by Stats. 1986, Ch. 905; amended by Stats. 2010, Ch. 18.
§ 86200. Contribution. [Repealed]
§ 86201. Gift.
§ 86202. Unlawful Contribution. [Repealed]
§ 86203. Unlawful Gifts.
§ 86204. Receipt of Unlawful Gift.
§ 86206. Placement Agent Fees.

§ 86200. Contribution. [Repealed]

§ 86201. Gift.
“Gift” as used in this article means a gift made directly or indirectly to any state candidate, elected state officer, or legislative official, or to an agency official of any agency required to be listed on the registration statement of the lobbying firm or the lobbyist employer of the lobbyist.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18624
2 Cal. Code of Regs. Section 18945
2 Cal. Code of Regs. Section 18946.2
Opinions: In re Goddard (1978) 4 FPPC Ops. 1
In re Olson (1975) 1 FPPC Ops. 107
In re Smithers (1975) 1 FPPC Ops. 42

§ 86202. Unlawful Contribution. [Repealed]

§ 86203. Unlawful Gifts.
It shall be unlawful for a lobbyist, or lobbying firm, to make gifts to one person aggregating more than ten dollars ($10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18624
2 Cal. Code of Regs. Section 18942
2 Cal. Code of Regs. Section 18945
2 Cal. Code of Regs. Section 18946.2
Opinions: In re Institute for Governmental Advocates (1982) 7 FPPC Ops. 1
In re Goddard (1978) 4 FPPC Ops. 1
In re Reinhardt (1977) 3 FPPC Ops. 83
In re Zenz (1975) 1 FPPC Ops. 195
In re Horn (1975) 1 FPPC Ops. 126
In re Olson (1975) 1 FPPC Ops. 107
In re Gilchrist (1975) 1 FPPC Ops. 82
In re Smithers (1975) 1 FPPC Ops. 42
In re Blenkle (1975) 1 FPPC Ops. 37

§ 86204. Receipt of Unlawful Gift.
It shall be unlawful for any person knowingly to receive any gift which is made unlawful by Section 86203.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18941

No lobbyist or lobbying firm shall:
(a) Do anything with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to the lobbyist, the lobbying firm, or the lobbyist’s or the firm’s employer.

(b) Deceive or attempt to deceive any elected state officer, legislative official, agency official, or state candidate with regard to any material fact pertinent to any pending or proposed legislative or administrative action.

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat.

(d) Attempt to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action or to cause any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

(e) Represent falsely, either directly or indirectly, that the lobbyist or the lobbying firm can control the official action of any elected state officer, legislative official, or agency official.

(f) Accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18625
Opinions: In re Reinhardt (1977) 3 FPPC Ops. 83

§ 86206. Placement Agent Fees.
Nothing in this article prohibits the payment of fees for contractual services provided to an investment manager by a placement agent, as defined in Section 82047.3, who is registered with the Securities and Exchange Commission and regulated by the Financial Industry Regulatory Authority,
§ 86300. Exemptions.

The provisions of this chapter are not applicable to:

(a) Any elected public official acting in his official capacity, or any employee of the State of California acting within the scope of his employment; provided that, an employee of the State of California, other than a legislative official, who attempts to influence legislative action and who would be required to register as a lobbyist except for the provisions of this subdivision shall not make gifts of more than ten dollars ($10) in a calendar month to an elected state officer or legislative official.

(b) Any newspaper or other periodical of general circulation, book publisher, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisement, which directly or indirectly urge legislative or administrative action if such newspaper, periodical, book publisher, radio or television station or individual, engages in no further or other activities in connection with urging legislative or administrative action other than to appear before a committee of the Legislature or before a state agency in support of or in opposition to such action; or

(c) A person when representing a bona fide church or religious society solely for the purpose of protecting the public right to practice the doctrines of such church.

History: Amended by Stats. 1975, Ch. 1079.

References at the time of publication (see page 3):

Opinions: In re Herr (1977) 3 FPPC Ops. 11
            In re Morgan (1975) 1 FPPC Ops. 177

Chapter 7. Conflicts of Interests.

§ 87100-87500

Article 1. General Prohibitions. § 87100 - 87105

2. Disclosure. § 87200 - 87210

3. Conflict of Interest Codes. § 87300 - 87314

3.5. Multiagency Filers. § 87350

4. Disqualification of Former Officers and Employees. § 87400 - 87410

4.5. Disqualification of State Officers and Employees. § 87450

4.6. Loans to Public Officials. § 87460 - 87462

5. Filing. § 87500 - 87505


§ 87100-87105

§ 87100. Public Officials; State and Local.

§ 87100.1. Professional Engineers and Surveyors as Consultants.

§ 87101. Legally Required Participation in Governmental Decision.


§ 87102.5. Legislature; Use of Position to Influence Decisions.

§ 87102.6. Nongeneral Legislation; Definitions.

§ 87102.8. Elected State Officer; Use of Position to Influence Decisions.

§ 87103. Financial Interest.

§ 87103.5. Income from Retail Sales.

§ 87103.6. Source of Income; Payments to Government Agencies.

§ 87104. Prohibitions on Public Officials.

§ 87105. Manner of Disqualification.

§ 87100. Public Officials; State and Local.

No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18232
            2 Cal. Code of Regs. Section 18700
            2 Cal. Code of Regs. Section 18700.2
            2 Cal. Code of Regs. Section 18700.3
            2 Cal. Code of Regs. Section 18701
            2 Cal. Code of Regs. Section 18701.1
            2 Cal. Code of Regs. Section 18702.1
            2 Cal. Code of Regs. Section 18702.2
            2 Cal. Code of Regs. Section 18702.3
            2 Cal. Code of Regs. Section 18702.4
            2 Cal. Code of Regs. Section 18702.5
            2 Cal. Code of Regs. Section 18703
            2 Cal. Code of Regs. Section 18704
            2 Cal. Code of Regs. Section 18705
            2 Cal. Code of Regs. Section 18705.1
            2 Cal. Code of Regs. Section 18705.2
            2 Cal. Code of Regs. Section 18706
            2 Cal. Code of Regs. Section 18707
            2 Cal. Code of Regs. Section 18730.1
            2 Cal. Code of Regs. Section 18940
§ 87100.1. Professional Engineers and Surveyors as Consultants.

(a) A registered professional engineer or licensed land surveyor who renders professional services as a consultant to a state or local government, either directly or through a firm in which he or she is employed or is a principal, does not have a financial interest in a governmental decision pursuant to Section 87100 where the consultant renders professional engineering or land surveying services independently of the control and direction of the public agency and does not exercise public agency decisionmaking authority as a contract city or county engineer or surveyor.

(b) For purposes of this section, the consultant renders professional engineering or land surveying services independently of the control and direction of the public agency when the consultant is in responsible charge of the work pursuant to Section 6703 or 8703 of the Business and Professions Code.

(c) Subdivision (a) does not apply to that portion of the work that constitutes the recommendation of the actual formula to spread the costs of an assessment district’s improvements if both of the following apply:

1. The engineer has received income of two hundred fifty dollars ($250) or more for professional services in connection with any parcel included in the benefit assessment district within 12 months prior to the creation of the district.

2. The district includes other parcels in addition to those parcels for which the engineer received the income.

The recommendation of the actual formula does not include preliminary site studies, preliminary engineering, plans, specifications, estimates, compliance with environmental laws and regulations, or the collection of data and information, utilized in applying the formula.

History: Added by Stats. 1991, Ch. 887.

§ 87104. Legally Required Participation in Governmental Decision.

Section 87100 does not prevent any public official from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that an official’s vote is needed to break a tie does not make his participation legally required for purposes of this section.

References at the time of publication (see page 3):

Regulations:
2 Cal. Code of Regs. Section 18941
2 Cal. Code of Regs. Section 18942
2 Cal. Code of Regs. Section 18944
2 Cal. Code of Regs. Section 18945
2 Cal. Code of Regs. Section 18950.1

Opinions:
In re Hanko (2002) 16 FPPC Ops. 1
In re Galligan (2000) 14 FPPC Ops. 1


The requirements of Section 87100 are in addition to the requirements of Articles 2 (commencing with Section 87200) and 3 (commencing with Section 87300) and any Conflict of Interest Code adopted thereunder. Except as provided in Section 87102.5, the remedies provided in Chapters 3 (commencing with Section 83100) and 11 (commencing with Section 91000) shall not be applicable to elected state officers for violations or threatened violations of this article.

History: Amended by Stats. 1980, Ch. 1029; amended by Stats. 1990, Ch. 84.

§ 87102.5. Legislature; Use of Position to Influence Decisions.

(a) The remedies provided in Chapter 3 (commencing with Section 83100) shall apply to any Member of the Legislature who makes, participates in making, or in any way attempts to use his or her official position to influence any of the following governmental decisions in which he or she knows or has reason to know that he or she has a financial interest:

1. Any state governmental decision, other than any action or decision before the Legislature, made in the course of his or her duties as a member.

2. Approval, modification, or cancellation of any contract to which either house or a committee of the Legislature is a party.

3. Introduction as a lead author of any legislation that the member knows or has reason to know is nongeneral legislation.

4. Any vote in a legislative committee or subcommittee on what the member knows or has reason to know is nongeneral legislation.

5. Any rollcall vote on the Senate or Assembly floor on an item which the member knows is nongeneral legislation.
§ 87102.6. Nongeneral Legislation; Definitions.

(a) “Nongeneral legislation” means legislation as to which both of the following apply:

(1) It is reasonably foreseeable that the legislation will have direct and significant financial impact on one or more identifiable persons, or one or more identifiable pieces of real property.

(2) It is not reasonably foreseeable that the legislation will have a similar impact on the public generally or on a significant segment of the public.

(b) For purposes of this section and Section 87102.5, all of the following apply:

(1) Any action or decision before the Legislature in which all of the following occur:

(A) The member has received any salary, wages, commissions, or similar earned income within the preceding 12 months from a lobbyist employer.

(B) The member knows or has reason to know the action or decision will have a direct and significant financial impact on the lobbyist employer.

(C) The action or decision will not have an impact on the public generally or a significant segment of the public in a similar manner.

(2) Any action or decision before the Legislature on legislation that the member knows or has reason to know will have a direct and significant financial impact on any person, distinguishable from the impact on the public generally or a significant segment of the public, from whom the member has received any compensation within the preceding 12 months for the purpose of appearing, agreeing to appear, or taking any other action on behalf of that person, before any local board or agency.

(b) For purposes of this section, all of the following apply:

(1) “Any action or decision before the Legislature” means any vote in a committee or subcommittee, or any rollcall vote on the floor of the Senate or Assembly.

(2) “Financial interest” means an interest as defined in Section 87103.

(3) “Legislation” means a bill, resolution, or constitutional amendment.

(4) “Nongeneral legislation” means legislation that is described in Section 87102.6 and is not of a general nature pursuant to Section 16 of Article IV of the Constitution.

(5) A Member of the Legislature has reason to know that an action or decision will have a direct and significant financial impact on a person with respect to which disqualification may be required pursuant to subdivision (a) if either of the following apply:

(A) With the knowledge of the member, the person has attempted to influence the vote of the member with respect to the action or decision.

(B) Facts have been brought to the member’s personal attention indicating that the action or decision will have a direct and significant impact on the person.

(6) The prohibitions specified in subdivision (a) do not apply to a vote on the Budget Bill as a whole, or to a vote on a consent calendar, a motion for reconsideration, a waiver of any legislative rule, or any purely procedural matter.

(7) A Member of the Legislature has reason to know that legislation is nongeneral legislation if facts have been brought to his or her personal attention indicating that it is nongeneral legislation.

(8) Written advice given to a Member of the Legislature regarding his or her duties under this section by the Legislative Counsel shall have the same effect as advice given by the Commission pursuant to subdivision (b) of Section 83114 if both of the following apply:

(A) The member has made the same written request based on the same material facts to the Commission for advice pursuant to Section 83114 as to his or her duties under this section, as the written request and facts presented to the Legislative Counsel.

(B) The Commission has not provided written advice pursuant to the member’s request prior to the time the member acts in good faith reliance on the advice of the Legislative Counsel.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18700.1
2 Cal. Code of Regs. Section 18700.2
2 Cal. Code of Regs. Section 18700.3
2 Cal. Code of Regs. Section 18701
2 Cal. Code of Regs. Section 18701.1
2 Cal. Code of Regs. Section 18702
2 Cal. Code of Regs. Section 18702.1
2 Cal. Code of Regs. Section 18702.2
2 Cal. Code of Regs. Section 18702.3
2 Cal. Code of Regs. Section 18702.4
2 Cal. Code of Regs. Section 18702.5
2 Cal. Code of Regs. Section 18703
2 Cal. Code of Regs. Section 18703.4
2 Cal. Code of Regs. Section 18704
2 Cal. Code of Regs. Section 18704.1
2 Cal. Code of Regs. Section 18704.5
2 Cal. Code of Regs. Section 18705
2 Cal. Code of Regs. Section 18705.1
2 Cal. Code of Regs. Section 18705.2
2 Cal. Code of Regs. Section 18706

Opinions: In re Galligan (2000) 14 FPPC Ops. 1
§ 87102.8. Elected State Officer; Use of Position to Influence Decisions.

(a) No elected state officer, as defined in subdivision (f) of Section 14 of Article V of the California Constitution, shall make or participate in the making of, or use his or her official position to influence, any governmental decision before the agency in which the elected state officer serves, where he or she knows or has reason to know that he or she has a financial interest.

(b) An elected state officer knows or has reason to know that he or she has a financial interest in any action by, or a decision before the agency in which he or she serves where either of the following occur:

(1) The action or decision will have a direct and significant financial impact on a lobbyist employer from which the officer has received any salary, wages, commissions, or similar earned income within the preceding 12 months and the action or decision will not have an impact on the public generally or a significant segment of the public in a similar manner.

(2) The action or decision will have a direct and significant financial impact on any person, distinguishable from its impact on the public generally or a significant segment of the public, from whom the officer has received any compensation within the preceding 12 months for the purpose of appearing, agreeing to appear, or taking any other action on behalf of that person, before any local board or agency.

(c) The definitions of “public generally” and “significant segment of the public” contained in Section 87102.6 shall apply to this section.

(d) Notwithstanding Section 87102, the remedies provided in Chapter 3 (commencing with Section 83100) shall apply to violations of this section.

History: Added by Stats. 1990, Ch. 1075; amended by Stats. 1991, Ch. 674.

References at the time of publication (see page 3):

§ 87102.8. Elected State Officer; Use of Position to Influence Decisions.

Opinions: In re Galligan (2000) 14 FPPC Ops. 1

§ 87103. Financial Interest.

A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its

References at the time of publication (see page 3):

Opinions: In re Galligan (2000) 14 FPPC Ops. 1

History: Added by Stats. 1990, Ch. 84; amended by Stats. 2006, Ch. 538.
effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

(a) Any business entity in which the public official has a direct or indirect investment worth two thousand dollars ($2,000) or more.

(b) Any real property in which the public official has a direct or indirect interest worth two thousand dollars ($2,000) or more.

(c) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars ($500) or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars ($250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. The amount of the value of gifts specified by this subdivision shall be adjusted biennially by the Commission pursuant to subdivision (f) of Section 89503.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity engaged in retail sales of goods or services to the public generally, and the amount of income received by the business entity from the customer is not distinguishable from the amount of income received by its other retail customers.

References at the time of publication (see page 3):

Regulations:
2 Cal. Code of Regs. Section 18229
2 Cal. Code of Regs. Section 18229.1
2 Cal. Code of Regs. Section 18232
2 Cal. Code of Regs. Section 18700
2 Cal. Code of Regs. Section 18700.1
2 Cal. Code of Regs. Section 18700.2
2 Cal. Code of Regs. Section 18700.3
2 Cal. Code of Regs. Section 18702.5
2 Cal. Code of Regs. Section 18701
2 Cal. Code of Regs. Section 18701.1
2 Cal. Code of Regs. Section 18702
2 Cal. Code of Regs. Section 18702.1
2 Cal. Code of Regs. Section 18702.2
2 Cal. Code of Regs. Section 18702.3

Opinions:
In re Roberts (2004) 17 FPPC Ops. 9
In re Hanko (2002) 16 FPPC Ops. 1
In re Galligan (2000) 14 FPPC Ops. 1
In re Legan (1985) 9 FPPC Ops. 1
In re Nord (1983) 8 FPPC Ops. 6
In re Ferraro (1978) 4 FPPC Ops. 62
In re Callanan, Sands and Hill (1978) 4 FPPC Ops. 33
In re Brown (1978) 4 FPPC Ops. 19
In re Hopkins (1977) 3 FPPC Ops. 107
In re Gillmor (1977) 3 FPPC Ops. 38
In re Moore (1977) 3 FPPC Ops. 33
In re Thomas (1977) 3 FPPC Ops. 30
In re Sherwood (1976) 2 FPPC Ops. 168
In re Sankey (1976) 2 FPPC Ops. 157
In re Owen (1976) 2 FPPC Ops. 77
In re Thorner (1975) 1 FPPC Ops. 198
In re Biondo (1975) 1 FPPC Ops. 54
In re Presley (1975) 1 FPPC Ops. 39

§ 87103.5. Income from Retail Sales.

(a) Notwithstanding subdivision (c) of Section 87103, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to an official who owns a 10-percent or greater interest in the entity if the retail customers of the business entity constitute a significant segment of the public generally, and the amount of income received by the business entity from the customer is not distinguishable from the amount of income received from its other retail customers.

(b) Notwithstanding subdivision (c) of Section 87103, in a jurisdiction with a population of 10,000 or less which is located in a county with 350 or fewer retail businesses, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to an official of that jurisdiction who owns a 10-percent or greater interest in the entity, if the
retail customers of the business entity constitute a significant segment of the public generally, and the amount of income received by the business entity from the customer does not exceed one percent of the gross sales revenues that the business entity earned during the 12 months prior to the time the decision is made.

(c) For the purposes of subdivision (b):

(1) Population in a jurisdiction shall be established by the United States Census.

(2) The number of retail businesses in a county shall be established by the previous quarter’s Covered Employment and Wages Report (ES-202) of the Labor Market Information Division of the California Employment Development Department.

History: Added by Stats. 1984, Ch. 931; amended by Stats. 2002, Ch. 654.

§ 87103.6. Source of Income; Payments to Government Agencies.

Notwithstanding subdivision (c) of Section 87103, any person who makes a payment to a state agency or local government agency to defray the estimated reasonable costs to process any application, approval, or any other action, including but not limited to, holding public hearings and evaluating or preparing any report or document, shall not by reason of the payments be a source of income to a person who is retained or employed by the agency.

History: Added by Stats. 1991, Ch. 887.

§ 87104. Prohibitions on Public Officials.

(a) No public official of a state agency shall, for compensation, act as an agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance before, or any oral or written communication to, his or her state agency or any officer or employee thereof, if the appearance or communication is for the purpose of influencing a decision on a contract, grant, loan, license, permit, or other entitlement for use.

(b) For purposes of this section, “public official” includes a member, officer, employee, or consultant of an advisory body to a state agency, whether the advisory body is created by statute or otherwise, except when the public official is representing his or her employing state, local, or federal agency in an appearance before, or communication to, the advisory body.

History: Added by Stats. 1994, Ch. 414; amended by Stats. 1997, Ch. 145.

§ 87105. Manner of Disqualification.

(a) A public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

(1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

(2) Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.

(3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

(4) Notwithstanding paragraph (3), a public official described in subdivision (a) may speak on the issue during the time that the general public speaks on the issue.

(b) This section does not apply to Members of the Legislature.

History: Added by Stats. 2002, Ch. 233.

References at the time of publication (see page 3):

Regulations:
2 Cal. Code of Regs. Section 18702
2 Cal. Code of Regs. Section 18702.1
2 Cal. Code of Regs. Section 18702.5
2 Cal. Code of Regs. Section 18707

Article 2. Disclosure.

§ 87200 - 87210

§ 87200. Applicability.
§ 87201. Candidates.
§ 87202. Officials - Elected, Appointed and Hold Over.
§ 87203. Officeholders; Annual Statements.
§ 87204. Leaving Office.
§ 87205. Persons Completing and Beginning Term of Office on the Same Day.
§ 87206. Disclosure of Investment or Interest in Real Property.
§ 87206.5. Interest in Real Property; Exclusion of Principal Residence. [Repealed]
§ 87207. Disclosure of Income.
§ 87208. Disclosure of Investments and Interest in Real Property; Incorporation by Reference.
§ 87210. Gifts Made Through Intermediaries and Others - Disclosure Requirements.
§ 87200. Applicability.
This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of the High-Speed Rail Authority, members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other public officials who manage public investments, and to candidates for any of these offices at any election.


References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18700.3
2 Cal. Code of Regs. Section 18701
2 Cal. Code of Regs. Section 18702
2 Cal. Code of Regs. Section 18702.1
2 Cal. Code of Regs. Section 18702.5
2 Cal. Code of Regs. Section 18707
2 Cal. Code of Regs. Section 18723
2 Cal. Code of Regs. Section 18724
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18753
2 Cal. Code of Regs. Section 18940.1

§ 87201. Candidates.
Every candidate for an office specified in Section 87200 other than a justice of an appellate court or the Supreme Court shall file no later than the final filing date of a declaration of candidacy, a statement disclosing his or her investments, his or her interests in real property, and any income received during the immediately preceding 12 months.

This statement shall not be required if the candidate has filed, within 60 days prior to the filing of his or her declaration of candidacy, a statement for the same jurisdiction pursuant to Section 87202 or 87203.

History: Amended by Stats. 1977, Ch. 1193; amended by Stats. 1980, Ch. 928; amended by Stats. 1984, Ch. 931; amended by Stats. 1992, Ch. 1141.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18117

§ 87202. Officials - Elected, Appointed and Hold Over.
(a) Every person who is elected to an office specified in Section 87200 shall, within 30 days after assuming the office, file a statement disclosing his or her investments and his or her interests in real property held on the date of assuming office, and income received during the 12 months before assuming office. Every person who is appointed or nominated to an office specified in Section 87200 shall file such a statement not more than 30 days after assuming office, provided, however, that a person appointed or nominated to such an office who is subject to confirmation by the Commission on Judicial Appointments or the State Senate shall file such a statement no more than 10 days after the appointment or nomination.

The statement shall not be required if the person has filed, within 60 days prior to assuming office, a statement for the same jurisdiction pursuant to Section 87203.

(b) Every elected state officer who assumes office during the month of December or January shall file a statement pursuant to Section 87203 instead of this section, except that:
(1) The period covered for reporting investments and interests in real property shall begin on the date the person filed his or her declarations of candidacy.
(2) The period covered for reporting income shall begin 12 months prior to the date the person assumed office.

History: Amended by Stats. 1977, Ch. 1193; amended by Stats. 1978, Ch. 537; amended by Stats. 1989, Ch. 499; amended by Stats. 1997, Ch. 36.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18722
2 Cal. Code of Regs. Section 18723
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18735

§ 87203. Officeholders; Annual Statements.
Every person who holds an office specified in Section 87200 shall, each year at a time specified by Commission regulations, file a statement disclosing his investments, his interests in real property and his income during the period since the previous statement filed under this section or Section 87202. The statement shall include any investments and interests in real property held at any time during the period
§ 87204. Leaving Office.
Every person who leaves an office specified in Section 87200 shall, within thirty days after leaving the office, file a statement disclosing his investments, his interests in real property, and his income during the period since the previous statement filed under Sections 87202 or 87203. The statement shall include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

References at the time of publication (see page 3):
- Regulations: 2 Cal. Code of Regs. Section 18117
- 2 Cal. Code of Regs. Section 18723
- 2 Cal. Code of Regs. Section 18732.5
- Opinions: In re Sampson (1975) 1 FPPC Ops. 183

§ 87205. Persons Completing and Beginning Term of Office on the Same Day.
A person who completes a term of an office specified in Section 87200 and within 45 days begins a term of the same office or another such office of the same jurisdiction is deemed not to assume office or leave office.

References at the time of publication (see page 3):
- Regulations: 2 Cal. Code of Regs. Section 18117
- 2 Cal. Code of Regs. Section 18723
- 2 Cal. Code of Regs. Section 18732.5

§ 87206. Disclosure of Investment or Interest in Real Property.
If an investment or an interest in real property is required to be disclosed under this article, the statement shall contain:

(a) A statement of the nature of the investment or interest.

(b) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged.

(c) The address or other precise location of the real property.

(d) A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars ($2,000) but does not exceed ten thousand dollars ($10,000), whether it exceeds ten thousand dollars ($10,000) but does not exceed one hundred thousand dollars ($100,000), whether it exceeds one hundred thousand dollars ($100,000), but does not exceed one million dollars ($1,000,000) or whether it exceeds one million dollars ($1,000,000).

(e) In the case of a statement filed under Sections 87203 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

(f) For purposes of disclosure under this article, “interest in real property” does not include the principal residence of the filer or any other property which the filer utilizes exclusively as the personal residence of the filer.

References at the time of publication (see page 3):
- Regulations: 2 Cal. Code of Regs. Section 18117
- 2 Cal. Code of Regs. Section 18723
- 2 Cal. Code of Regs. Section 18732.5
- Opinions: In re Schabarum (1975) 1 FPPC Ops. 95

§ 87206.5. Interest in Real Property; Exclusion of Principal Residence. [Repealed]

History: Added by Stats. 1980, Ch. 1000; amended by Stats. 1984, Ch. 931; amended by Stats. 2000, Ch. 130.

§ 87207. Disclosure of Income.
(a) If income is required to be reported under this article, the statement shall contain, except as provided in subdivision (b):

(1) The name and address of each source of income aggregating five hundred dollars ($500) or more in value, or fifty dollars ($50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source.

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred dollars ($500) but did not exceed one thousand dollars ($1,000), whether it was in excess of one thousand dollars ($1,000) but was not greater than ten thousand dollars ($10,000), whether it was greater than ten thousand dollars ($10,000) but not greater than one hundred thousand dollars ($100,000), or whether it was greater than one hundred thousand dollars ($100,000).

(3) A description of the consideration, if any, for which the income was received.

(4) In the case of a gift, the amount and the date on which the gift was received and the travel destination for purposes of a gift that is a travel payment, advance, or reimbursement.
§ 87208. Disclosure of Investments and Interests in Real Property; Incorporation by Reference.

Except in statements required by Section 87203, investments and interests in real property which have been disclosed on a statement of economic interests filed in the same jurisdiction within the previous 60 days may be incorporated by reference.

History: Added by Stats. 1976, Ch. 1161.

References at the time of publication (see page 3):
   Regulations: 2 Cal. Code of Regs. Section 18732.5


When a statement is required to be filed under this article, every person specified in Section 87200 shall disclose any business positions held by that person. For purposes of this section, “business position” means any business entity in which the filer is a director, officer, partner, trustee, employee, or holds any position of management, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction or has done business in the jurisdiction at any time during the two years prior to the date the statement is required to be filed.

History: Added by Stats. 1997, Ch. 455, effective September 24, 1997.

References at the time of publication (see page 3):
   Regulations: 2 Cal. Code of Regs. Section 188230
   2 Cal. Code of Regs. Section 18732.5

§ 87210. Gifts Made Through Intermediaries and Others - Disclosure Requirements.

No person shall make a gift totaling fifty dollars ($50) or more in a calendar year to a person described in Article 2 on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the gift both his own full name, street address, and business activity, if any, and the full name, street address, and business activity, if any, of the actual donor. The recipient of the gift shall include in his Statement of Economic Interests the full name, street address, and business activity, if any, of the intermediary or agent and the actual donor.

History: Added by Stats. 1978, Ch. 640; amended by Stats. 1990, Ch. 1075; amended by Stats. 1997, Ch. 638; amended by Stats. 2000, Ch. 130; amended by Stats. 1984, Ch. 1000; amended by Stats. 1980, Ch. 1000; amended by Stats. 1982, Ch. 29; amended by Stats. 1979, Ch. 674; superseded by Stats. 1979, Ch. 686; amended by Stats. 1980, Ch. 1000; amended by Stats. 1982, Ch. 29; amended by Stats. 1990, Ch. 1075; amended by Stats. 1997, Ch. 638; amended by Stats. 2000, Ch. 130; amended by Stats. 2015, Ch. 757, effective January 1, 2016.

References at the time of publication (see page 3):
   Regulations: 2 Cal. Code of Regs. Section 18732.5
   2 Cal. Code of Regs. Section 18945

Opinions:
   In re Riemer (2013) 21 FPPC Ops. 1
   In re Rosenstiel (2012) 20 FPPC Ops. 1
   In re Taylor (2004) 17 FPPC Ops. 1
   In re Hopkins (1977) 3 FPPC Ops. 107
   In re Carey (1977) 3 FPPC Ops. 99

References at the time of publication (see page 3):
   Regulations: 2 Cal. Code of Regs. Section 18732.5
   2 Cal. Code of Regs. Section 18945
§ 87300. Agency Requirement.

Every agency shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of this article. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18329.5
2 Cal. Code of Regs. Section 18351
2 Cal. Code of Regs. Section 18730
2 Cal. Code of Regs. Section 18730.1
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18750
2 Cal. Code of Regs. Section 18751
2 Cal. Code of Regs. Section 18754
2 Cal. Code of Regs. Section 18755
2 Cal. Code of Regs. Section 18940.1

Opinions: In re Vonk (1981) 6 FPPC Ops. 1
In re Leach (1978) 4 FPPC Ops. 48
In re Siegel (1977) 3 FPPC Ops. 62

§ 87301. Formulation.

It is the policy of this act that Conflict of Interest Codes shall be formulated at the most decentralized level possible, but without precluding intra-departmental review. Any question of the level of a department which should be deemed an “agency” for purposes of Section 87300 shall be resolved by the code reviewing body.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18329.5
2 Cal. Code of Regs. Section 18730
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18751
2 Cal. Code of Regs. Section 18754


Each Conflict of Interest Code shall contain the following provisions:

(a) Specific enumeration of the positions within the agency, other than those specified in Section 87200, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

(b) Requirements that each designated employee, other than those specified in Section 87200, file statements at times and under circumstances described in this section, disclosing reportable investments, business positions, interests in real property and income. The information disclosed with respect to reportable investments, interests in real property, and income shall be the same as the information required by Sections 87206 and 87207. The first statement filed under a Conflict of Interest Code by a designated employee shall disclose any reportable investments, business positions, interests in real property, and income. An initial statement shall be filed by each designated employee within 30 days after the effective date of the Conflict of Interest Code, disclosing investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code.
and income received during the 12 months before the effective date of the Conflict of Interest Code. Thereafter, each new designated employee shall file a statement within 30 days after assuming office, or if subject to State Senate confirmation, 30 days after being appointed or nominated, disclosing investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of assuming office or the date of being appointed or nominated, respectively. Each designated employee shall file an annual statement, at the time specified in the Conflict of Interest Code, disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year. Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

(c) Specific provisions setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making, participating in the making, or using their official position to influence the making of any decision. Disqualification shall be required by the Conflict of Interest Code when the designated employee has a financial interest as defined in Section 87103, which it is reasonably foreseeable may be affected materially by the decision. No designated employee shall be required to disqualify himself or herself with respect to any matter which could not legally be acted upon or decided without his or her participation.

(d) For any position enumerated pursuant to subdivision (a), an individual who resigns the position within 12 months following initial appointment or within 30 days of the date of a notice mailed by the filing officer of the individual’s filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within 30 days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

(1) File a written resignation with the appointing power.
documents to appear on the ballot are required to be filed and shall be filed no later than the final filing date for the declaration or nomination documents.

(b) This section does not apply to either of the following:

(1) A candidate for an elective office designated in a conflict of interest code who has filed an initial, assuming office, or annual statement pursuant to that conflict of interest code within 60 days before the deadline specified in subdivision (a).

(2) A candidate for an elective office who has filed a statement for the office pursuant to Section 87302.6 within 60 days before the deadline specified in subdivision (a).

§ 87302.6. Disclosure by Members of Boards and Commissions of Newly Created Agencies.

Notwithstanding Section 87302, a member of a board or commission of a newly created agency shall file a statement at the same time and in the same manner as those individuals required to file pursuant to Section 87200. A member shall file his or her statement pursuant to Section 87302 once the agency adopts an approved conflict-of-interest code.

History: Added by Stats. 2002, Ch. 348.
References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18751

§ 87303. Submission; Code Reviewing Body.

No conflict of interest code shall be effective until it has been approved by the code reviewing body. Each agency shall submit a proposed conflict of interest code to the code reviewing body by the deadline established for the agency by the code reviewing body. The deadline for a new agency shall be not later than six months after it comes into existence. Within 90 days after receiving the proposed code or receiving any proposed amendments or revisions, the code reviewing body shall do one of the following:

(a) Approve the proposed code as submitted.

(b) Revise the proposed code and approve it as revised.

(c) Return the proposed code to the agency for revision and resubmission within 60 days. The code reviewing body shall either approve the revised code or revise it and approve it. When a proposed conflict of interest code or amendment is approved by the code reviewing body, it shall be deemed adopted and shall be promulgated by the agency.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18329.5
2 Cal. Code of Regs. Section 18351
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18750
2 Cal. Code of Regs. Section 18751
2 Cal. Code of Regs. Section 18755

§ 87304. Failure to Submit, Adopt or Amend a Proposed Code.

If any agency fails to submit a proposed conflict of interest code or amendments, or if any state agency fails to report amendments pursuant to subdivision (b) of Section 87306 within the time limits prescribed pursuant to Section 87303 or 87306, the code reviewing body may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of a conflict of interest code for the agency. If the code reviewing body does not issue an appropriate order or take other action within 90 days of the deadline imposed on the agency as prescribed in Section 87303 or 87306, the Commission may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of a conflict of interest code for the agency. The Commission shall consult with the agency before ordering the adoption of a conflict of interest code for the agency.

History: Amended by Stats. 1988, Ch. 923; amended by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 491.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18329.5
2 Cal. Code of Regs. Section 18351
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18751

§ 87305. Order to Adopt; Superior Court.

If after six months following the deadline for submission of the proposed Conflict of Interest Code to the code reviewing body no Conflict of Interest Code has been adopted and promulgated, the superior court may, in an action filed by the Commission, the agency, the code reviewing body, any officer, employee, member or consultant of the agency, or any resident of the jurisdiction, prepare a Conflict of Interest Code and order its adoption by the agency or grant any other appropriate relief. The agency and the code reviewing body shall be parties to any action filed pursuant to this section.

History: Amended by Stats. 1980, Ch. 765.
References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18329.5
§ 87306. Amendments for Changed Circumstances.

(a) Every agency shall amend its Conflict of Interest Code, subject to the provisions of Section 87303, when change is necessitated by changed circumstances, including the creation of new positions which must be designated pursuant to subdivision (a) of Section 87302 and relevant changes in the duties assigned to existing positions. Amendments or revisions shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. If after nine months following the occurrence of those changes the Conflict of Interest Code has not been amended or revised, the superior court may issue any appropriate order in an action brought under the procedures set forth in Section 87305.

(b) Notwithstanding subdivision (a), every state agency shall submit to the code reviewing body a biennial report identifying changes in its code, including, but not limited to, all new positions designated pursuant to subdivision (a) of Section 87302, changes in the list of reportable sources of income, and relevant changes in the duties assigned to existing positions. These reports shall be submitted no later than March 1 of each odd-numbered year.

History: Amended by Stats. 1990, Ch. 1075.

References at the time of publication (see page 3):
Regulations:
2 Cal. Code of Regs. Section 18329.5
2 Cal. Code of Regs. Section 18351
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18736
2 Cal. Code of Regs. Section 18750
2 Cal. Code of Regs. Section 18751
2 Cal. Code of Regs. Section 18755

§ 87307. Amendments to Code by Agency; Failure to Act.

An agency may at any time amend its Conflict of Interest Code, subject to the provisions of Section 87303, either upon its own initiative or in response to a petition submitted by an officer, employee, member or consultant of the agency, or a resident of the jurisdiction. If the agency fails to act upon such a petition within ninety days, the petition shall be deemed denied. Within thirty days after the denial of a petition, the petitioner may appeal to the code reviewing body. The code reviewing body shall either dismiss the appeal or issue an appropriate order to the agency within ninety days.

References at the time of publication (see page 3):
Regulations:
2 Cal. Code of Regs. Section 18329.5
2 Cal. Code of Regs. Section 18351
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18750
2 Cal. Code of Regs. Section 18751

§ 87308. Judicial Review.

Judicial review of any action of a code reviewing body under this chapter may be sought by the Commission, by the agency, by an officer, employee, member or consultant of the agency, or by a resident of the jurisdiction.

History: Amended by Stats. 1980, Ch. 765.

References at the time of publication (see page 3):
Regulations:
2 Cal. Code of Regs. Section 18329.5
2 Cal. Code of Regs. Section 18351
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18750
2 Cal. Code of Regs. Section 18751

§ 87309. Requirements for Approval.

No Conflict of Interest Code or amendment shall be approved by the code reviewing body or upheld by a court if it:

(a) Fails to provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented;

(b) Fails to provide to each affected person a clear and specific statement of his duties under the Code; or

(c) Fails to adequately differentiate between designated employees with different powers and responsibilities.

References at the time of publication (see page 3):
Regulations:
2 Cal. Code of Regs. Section 18730.1
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18751

Opinions: In re Alperin (1977) 3 FPPC Ops. 77
§ 87310. Designated Employee; Broad or Indefinable Duties.

If the duties of a designated employee are so broad or indefinable that the requirements of Section 87309 cannot be complied with, the Conflict of Interest Code shall require the designated employee to comply with the requirements of Article 2 of this chapter.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18751

§ 87311. Review and Preparation; Administrative Procedure Act.

The review of proposed Conflict of Interest Codes by the Commission and by the Attorney General and the preparation of proposed Conflict of Interest Codes by state agencies shall be subject to the Administrative Procedure Act. The review and preparation of Conflict of Interest Codes by local government agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18351
2 Cal. Code of Regs. Section 18732.5

§ 87311.5. Review and Preparation; Judicial Branch Agencies.

(a) Notwithstanding the provisions of Section 87311, the review of the Conflict of Interest Code of an agency in the judicial branch of government shall not be subject to the provisions of the Administrative Procedure Act. The review and preparation of Conflict of Interest Codes by these agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.

(b) Conflict of Interest Codes of the Judicial Council, the Commission on Judicial Performance, and the Board of Governors and designated employees of the State Bar of California shall not be subject to the provisions of subdivision (c) of Section 87302.

History: Added by Stats. 1984, Ch. 727, effective July 1, 1985.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18732.5

§ 87312. Commission Assistance.

The Commission shall, upon request, provide technical assistance to agencies in the preparation of Conflict of Interest Codes. Such assistance may include the preparation of model provisions for various types of agencies. Nothing in this section shall relieve each agency of the responsibility for adopting a Conflict of Interest Code appropriate to its individual circumstances.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18732.5

§ 87313. Gifts Made Through Intermediaries and Others - Disclosure Requirements.

No person shall make a gift of fifty dollars ($50) or more in a calendar month on behalf of another, or while acting as the intermediary or agent of another to a person whom he knows or has reason to know may be required to disclose the gift pursuant to a conflict of interest code, without disclosing to the recipient of the gift both his own full name, street address, and business activity, if any, and the full name, street address, and business activity, if any, of the actual donor. The recipient of the gift shall include in his Statement of Economic Interests the full name, street address, and business activity, if any, of the intermediary or agent and the actual donor.

History: Added by Stats. 1978, Ch. 640; amended by Stats. 1984, Ch. 931.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18945


(a) A board, commission, or agency of a public pension or retirement system shall attach to its Conflict of Interest Code an appendix entitled “Agency Positions that Manage Public Investments for Purposes of Section 87200 of the Government Code.” The appendix shall list each position with the board, commission, or agency for which an individual occupying the position is required to file a Statement of Economic Interests as a public official who manages public investments within the meaning of Section 87200. The board, commission, or agency shall post the appendix on its Internet Web site in a manner that makes it easily identifiable and accessible by persons who view that Web site.

(b) (1) For purposes of this section, “public official who manages public investments” includes a salaried or unsalaried member of a committee, board, commission, or other entity that exists as, or within, a governmental agency and that possesses decisionmaking authority.
(2) A committee, board, commission, or other entity possesses decisionmaking authority for purposes of this section if any of the following apply:
   (A) The entity may make a final governmental decision.
   (B) The entity may compel a governmental decision or prevent a governmental decision, either by virtue of possessing exclusive power to initiate the decision or by having veto authority that may not be overridden.
   (C) The entity makes substantive recommendations that are, and over an extended period of time have been, regularly approved, without significant amendment or modification, by another public official or governmental agency.

(3) A committee, board, commission, or other entity does not possess decisionmaking authority for purposes of this section if it is formed for the sole purpose of researching a subject and preparing a report or recommendation for submission to another governmental entity that has final decisionmaking authority.

History: Added by Stats. 2010, Ch. 702.

Article 3.5. Multiagency Filers.
§ 87350

§ 87350. Multiagency Filers.
Notwithstanding any other provision of this title, a person required to file more than one assuming office statement, statement of economic interests, or leaving office statement, due to his or her status as a designated employee for more than one joint powers insurance agency, may elect to file a multiagency statement disclosing all investments in entities doing business in the state, all interests in real property located within the state, and all income received during the applicable time period, in lieu of filing the disclosure statements for each agency.

The filer shall notify the Commission of his or her decision to become a multiagency filer. This status shall continue until revoked by the filer.

History: Added by Stats. 1990, Ch. 69.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18735.5

Article 4. Disqualification of Former Officers and Employees.
§ 87400 - 87410

§ 87400. Definitions.
§ 87401. Restrictions on Activities of Former State Officers.
§ 87402. Restrictions on Activities of Former State Officers; Assisting Others.
§ 87401. Restrictions on Activities of Former State Officers.

No former state administrative official, after the termination of his or her employment or term of office, shall for compensation act as agent or attorney for, or otherwise represent, any other person (other than the State of California) before any court or state administrative agency or any officer or employee thereof by making any formal or informal appearance, or by making any oral or written communication with the intent to influence, in connection with any judicial, quasi-judicial or other proceeding if both of the following apply:

(a) The State of California is a party or has a direct and substantial interest.

(b) The proceeding is one in which the former state administrative official participated.

History: Added by Stats. 1980, Ch. 66; amended by Stats. 1985, Ch. 775.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18741.1
2 Cal. Code of Regs. Section 18746.2
2 Cal. Code of Regs. Section 18746.4
Opinions: In re Lucas (2000) 14 FPPC Ops. 14

§ 87402. Restrictions on Activities of Former State Officers; Assisting Others.

No former state administrative official, after the termination of his or her employment or term of office shall for compensation aid, advise, counsel, consult or assist in representing any other person (except the State of California) in any proceeding in which the official would be prohibited from appearing under Section 87401.

History: Added by Stats. 1980, Ch. 66.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18741.1
2 Cal. Code of Regs. Section 18746.4
Opinions: In re Lucas (2000) 14 FPPC Ops. 14

§ 87403. Exemptions.

The prohibitions contained in Sections 87401 and 87402 shall not apply:

(a) To prevent a former state administrative official from making or providing a statement, which is based on the former state administrative official’s own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses; or

(b) To communications made solely for the purpose of furnishing information by a former state administrative official if the court or state administrative agency to which the communication is directed makes findings in writing that:

(1) The former state administrative official has outstanding and otherwise unavailable qualifications;

(2) The former state administrative official is acting with respect to a particular matter which requires such qualifications; and

(3) The public interest would be served by the participation of the former state administrative official; or

(c) With respect to appearances or communications in a proceeding in which a court or state administrative agency has issued a final order, decree, decision or judgment but has retained jurisdiction if the state administrative agency of former employment gives its consent by determining that:

(1) At least five years have elapsed since the termination of the former state administrative official’s employment or term of office; and

(2) The public interest would not be harmed.

History: Added by Stats. 1980, Ch. 66.

§ 87404. Proceedings to Exclude Former State Officers.

Upon the petition of any interested person or party, the court or the presiding or other officer, including but not limited to a hearing officer serving pursuant to Section 11512 of the Government Code, in any judicial, quasi-judicial or other proceeding, including but not limited to any proceeding pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code may, after notice and an opportunity for a hearing, exclude any person found to be in violation of this article from further participation, or from assisting or counseling any other participant, in the proceeding then pending before such court or presiding or other officer.

History: Added by Stats. 1980, Ch. 66.

§ 87405. Application of Requirements.

The requirements imposed by this article shall not apply to any person who left government service prior to the effective date of this article except that any such person who returns to government service on or after the effective date of this article shall thereafter be covered thereby.

History: Added by Stats. 1980, Ch. 66.

(a) This section shall be known, and may be cited, as the Milton Marks Postgovernmental Employment Restrictions Act of 1990.

(b) (1) Except as provided in paragraph (2), a Member of the Legislature, for a period of one year after leaving office, shall not, for compensation, act as agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance, or by making any oral or written communication, before the Legislature, any committee or subcommittee thereof, any present Member of the Legislature, or any officer or employee thereof, if the appearance or communication is made for the purpose of influencing legislative action.

(2) A Member of the Legislature who resigns from office, for a period commencing with the effective date of the resignation and concluding one year after the adjournment sine die of the session in which the resignation occurred, shall not, for compensation, act as agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance, or by making any oral or written communication, before the Legislature, any committee or subcommittee thereof, any present Member of the Legislature, or any officer or employee thereof, if the appearance or communication is made for the purpose of influencing legislative action.

(c) An elected state officer, other than a Member of the Legislature, for a period of one year after leaving office, shall not, for compensation, act as agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance, or by making any oral or written communication, before any state administrative agency, or any officer or employee thereof, if the appearance or communication is for the purpose of influencing legislative action.

(d) (1) A designated employee of a state administrative agency, any officer, employee, or consultant of a state administrative agency who holds a position that entails the making, or participation in the making, of decisions that may foreseeably have a material effect on any financial interest, and a member of a state administrative agency, for a period of one year after leaving office or employment, shall not, for compensation, act as agent or attorney for, or otherwise represent, any other person, by making any formal or informal appearance, or by making any oral or written communication, before any state administrative agency, or officer or employee thereof, for which he or she worked or represented during the 12 months before leaving office or employment, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. For purposes of this paragraph, an appearance before a state administrative agency does not include an appearance in a court of law, before an administrative law judge, or before the Workers’ Compensation Appeals Board. The prohibition of this paragraph only applies to designated employees employed by a state administrative agency on or after January 7, 1991.

(2) For purposes of paragraph (1), a state administrative agency of a designated employee of the Governor’s office includes any state administrative agency subject to the direction and control of the Governor.

(e) The prohibitions contained in subdivisions (b), (c), and (d) do not apply to any individual subject to this section who is or becomes either of the following:

(1) An officer or employee of another state agency, board, or commission if the appearance or communication is for the purpose of influencing legislative or administrative action on behalf of the state agency, board, or commission.

(2) An official holding an elective office of a local government agency if the appearance or communication is for the purpose of influencing legislative or administrative action on behalf of the local government agency.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1990, Ch. 1075; amended by Stats. 1993, Ch. 230; amended by Stats. 1999, Ch. 10, effective April 15, 1999; Amended by Stats. 2017, Ch. 800.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18746.1
2 Cal. Code of Regs. Section 18746.2
2 Cal. Code of Regs. Section 18746.4

§ 87406.1. Postgovernmental Employment Restrictions for Districts and District Boards.
§ 87406.3. Postgovernmental Employment Restrictions for Local Officials.

(a) A local elected official, chief administrative officer of a county, city manager, or general manager or chief administrator of a special district who held a position with a local government agency as defined in Section 82041 shall not, for a period of one year after leaving that office or employment, act as agent or attorney for, or otherwise represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, that local government agency, or any committee, subcommittee, or present member of that legislative body, or any officer or employee of the district, if the appearance or communication is made for the purpose of influencing regulatory action.

(b) Subdivision (a) shall not apply to any individual who is, at the time of the appearance or communication, a board member, officer, or employee of another district or an employee or representative of a public agency.

(c) This section applies to members and former members of district hearing boards.

History: Added by Stats. 1994, Ch. 747.

§ 87407. Influencing Prospective Employment.

No public official shall make, participate in making, or use his or her official position to influence, any governmental decision directly relating to any person with whom he or she is negotiating, or has any arrangement concerning, prospective employment.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 2003, Ch. 778.
§ 87408. Postgovernmental Employment Restrictions for Board of Administration of the Public Employees’ Retirement System and Teachers’ Retirement Board.

(a) A member of the Board of Administration of the Public Employees’ Retirement System, an individual in a position designated in subdivision (a) or (e) of Section 20098, or an information technology or health benefits manager with a career executive assignment designation with the Public Employees’ Retirement System, for a period of four years after leaving that office or position, shall not, for compensation, act as an agent or attorney for, or otherwise represent, any other person, except the state, by making a formal or informal appearance before, or an oral or written communication to, the Public Employees’ Retirement System, or an officer or employee thereof, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing an action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

(b) A member of the Teachers’ Retirement Board, an individual in a position designated in subdivision (a) or (d) of Section 22212.5 of the Education Code, or an information technology manager with a career executive assignment designation with the State Teachers’ Retirement System, for a period of four years after leaving that office or position, shall not, for compensation, act as an agent or attorney for, or otherwise represent, any other person, except the state, by making a formal or informal appearance before, or an oral or written communication to, the State Teachers’ Retirement System, or an officer or employee thereof, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing an action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

History: Added by Stats. 2011, Ch. 551.

§ 87409. Restrictions on Activities of Former Investment Officials; Assisting Others.

(a) A member of the Board of Administration of the Public Employees’ Retirement System, an individual in a position designated in subdivision (a) or (e) of Section 20098, or an information technology or health benefits manager with a career executive assignment designation with the Public Employees’ Retirement System, for a period of two years after leaving that office or position, shall not, for compensation, aid, advise, consult with, or assist a business entity in obtaining the award of, or in negotiating, a contract or contract amendment with the Public Employees’ Retirement System.

(b) A member of the Teachers’ Retirement Board, an individual in a position designated in subdivision (a) or (d) of Section 22212.5 of the Education Code, or an information technology manager with a career executive assignment designation with the State Teachers’ Retirement System, for a period of two years after leaving that office or position, shall not, for compensation, aid, advise, consult with, or assist a business entity in obtaining the award of, or in negotiating, a contract or contract amendment with the State Teachers’ Retirement System.

(c) For purposes of this section, “business entity” has the same meaning as set forth in Section 82005, and includes a parent or subsidiary of a business entity.

History: Added by Stats. 2011, Ch. 551.

§ 87410. Postgovernmental Ban on Placement Agent Activities.

(a) A member of the Board of Administration of the Public Employees’ Retirement System or an individual in a position designated in subdivision (a) or (e) of Section 20098, for a period of 10 years after leaving that office or position, shall not accept compensation for providing services as a placement agent in connection with investments or other business of the Public Employees’ Retirement System or the State Teachers’ Retirement System.

(b) A member of the Teachers’ Retirement Board or an individual in a position designated in subdivision (a) or (d) of Section 22212.5 of the Education Code, for a period of 10 years after leaving that office or position, shall not accept compensation for providing services as a placement agent in connection with investments or other business of the State Teachers’ Retirement System or the Public Employees’ Retirement System.

History: Added by Stats. 2011, Ch. 551.

Article 4.5. Disqualification of State Officers and Employees.

§ 87450

§ 87450. Restrictions in Participation of State Officers in Decisions Relating to Contracts.
§ 87450. Restrictions in Participation of State Officers in Decisions Relating to Contracts.  
(a) In addition to the provisions of Article 1 (commencing with Section 87100), no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family, has engaged in any business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property, or the rendering of goods or services totaling in value one thousand dollars ($1,000) or more within 12 months prior to the time the official action is to be performed.

(b) As used in subdivision (a), “state administrative official” has the same meaning as defined in Section 87440.

History: Added by Stats. 1986, Ch. 653.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18229.1

Article 4.6. Loans to Public Officials.  
§ 87460-87462

§ 87460. Loans to Public Officials.
§ 87461. Loan Terms.
§ 87462. Personal Loans.

§ 87460. Loans to Public Officials.
(a) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer’s agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender’s regular course of business on terms available to members of the public without regard to the elected officer’s official status.

(b) As used in subdivision (a), “state administrative official” has the same meaning as defined in Section 87440.

History: Added by Stats. 1986, Ch. 653.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18229.1

§ 87461. Loan Terms.

§ 87462. Personal Loans.

§ 87461. Loan Terms.
(a) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer’s agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender’s regular course of business on terms available to members of the public without regard to the elected officer’s official status.

(b) As used in subdivision (a), “state administrative official” has the same meaning as defined in Section 87440.

History: Added by Stats. 1986, Ch. 653.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18229.1

§ 87462. Personal Loans.

§ 87462. Personal Loans.
(a) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer’s agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender’s regular course of business on terms available to members of the public without regard to the elected officer’s official status.

(b) As used in subdivision (a), “state administrative official” has the same meaning as defined in Section 87440.

History: Added by Stats. 1986, Ch. 653.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18229.1

Opinions: In re Roberts (2004) 17 FPPC Ops. 9
§ 87461. Loan Terms.
(a) Except as set forth in subdivision (b), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars ($500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.
(b) This section shall not apply to the following types of loans:
   (1) Loans made to the campaign committee of the elected officer.
   (2) Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
   (3) Loans made, or offered in writing, before the operative date of this section.
(c) Nothing in this section shall exempt any person from any other provisions of this title.

History: Added by Stats. 1997, Ch. 638.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18229
Opinions: In re Roberts (2004) 17 FPPC Ops. 9

§ 87462. Personal Loans.
(a) Except as set forth in subdivision (b), a personal loan shall become a gift to the debtor for the purposes of this title in the following circumstances:
   (1) If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
   (2) If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
      (A) The date the loan was made.
      (B) The date the last payment of one hundred dollars ($100) or more was made on the loan.
      (C) The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars ($250) during the previous 12 months.
(b) This section shall not apply to the following types of loans:
   (1) A loan made to the campaign committee of an elected officer or a candidate for elective office.
   (2) A loan that would otherwise not be a gift as defined in this title.
   (3) A loan that would otherwise be a gift as set forth under paragraph (a), but on which the creditor has taken reasonable action to collect the balance due.
   (4) A loan that would otherwise be a gift as set forth under paragraph (a), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
   (5) A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.
   (c) Nothing in this section shall exempt any person from any other provisions of this title.

History: Added by Stats. 1997, Ch. 638.

Article 5. Filing.
§ 87500-87505
§ 87500. Statements of Economic Interests—Where to File.
§ 87500.1. Statements of Economic Interests—Electronic Filing; Pilot Program. [Repealed]
§ 87500.2. Statements of Economic Interests—Electronic Filing.
§ 87500.3. Statements of Economic Interests—Development of Electronic Filing System for the Commission.
§ 87500.4. Statements of Economic Interests—Specifying Persons Authorized to File Electronically with the Commission.
§ 87505. Web Site Notification.

§ 87500. Statements of Economic Interests—Where to File.
Statements of economic interests required by this chapter shall be filed as follows:
(a) Statewide elected officer— one original with the agency, which shall make and retain a copy and forward the original to the Commission. The Commission shall be the filing officer.
(b) Candidates for statewide elective office— one original and one copy with the person with whom the candidate’s declaration of candidacy is filed, who shall
forward the original to the Commission. The Commission shall be the filing officer.

(c) Members of the Legislature and State Board of Equalization – one original with the agency, which shall make and retain a copy and forward the original to the Commission. The Commission shall be the filing officer.

(d) Candidates for the Legislature or the State Board of Equalization – one original and one copy with the person with whom the candidate’s declaration of candidacy is filed, who shall forward the original to the Commission, which shall be the filing officer.

(e) Persons holding the office of chief administrative officer and candidates for and persons holding the office of district attorney, county counsel, county treasurer, and member of the board of supervisors – one original with the county clerk, who shall make and retain a copy and forward the original to the Commission, which shall be the filing officer.

(f) Persons holding the office of city manager or, if there is no city manager, the chief administrative officer, and candidates for and persons holding the office of city council member, city treasurer, city attorney, and mayor – one original with the city clerk, who shall make and retain a copy and forward the original to the Commission, which shall be the filing officer.

(g) Members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, planning commissioners, and members of the California Coastal Commission – one original with the agency, which shall make and retain a copy and forward the original to the Commission, which shall be the filing officer.

(h) Persons appointed to other state boards, commissions, or similar multimember bodies of the state—one original with the respective board, commission, or body. The original shall be handled as set forth in the Conflict of Interest Code of the respective board, commission, or body. If the board, commission, or body is not required by its Conflict of Interest Code to send the original to the Commission, it shall forward a copy to the Commission.

(i) Members of the Fair Political Practices Commission – one original with the Commission, which shall make and retain a copy and forward the original to the office of the Attorney General, which shall be the filing officer.

(j) Judges and court commissioners – one original with the clerk of the court, who shall make and retain a copy and forward the original to the Commission, which shall be the filing officer. Original statements of candidates for the office of judge shall be filed with the person with whom the candidate’s declaration of candidacy is filed, who shall retain a copy and forward the original to the Commission, which shall be the filing officer.

(k) Except as provided for in subdivision (l), heads of agencies, members of boards or commissions not under a department of state government, and members of boards or commissions not under the jurisdiction of a local legislative body – one original with the agency, which shall make and retain a copy and forward the original to the code reviewing body, which shall be the filing officer. The code reviewing body may provide that the original be filed directly with the code reviewing body and that no copy be retained by the agency.

(l) Heads of local government agencies and members of local government boards or commissions, for which the Fair Political Practices Commission is the code reviewing body – one original to the agency or board or commission, which shall be the filing officer, unless, at its discretion, the Fair Political Practices Commission elects to act as the filing officer. In this instance, the original shall be filed with the agency, board, or commission, which shall make and retain a copy and forward the original to the Fair Political Practices Commission.

(m) Designated employees of the Legislature – one original with the house of the Legislature by which the designated employee is employed. Each house of the Legislature may provide that the originals of statements filed by its designated employees be filed directly with the Commission, and that no copies be retained by that house.

(n) Designated employees under contract to more than one joint powers insurance agency and who elect to file a multiagency statement pursuant to Section 87350 – the original of the statement with the Commission, which shall be the filing officer, and, with each agency with which they are under contract, a statement declaring that their statement of economic interests is on file with the Commission and available upon request.

(o) Members of a state licensing or regulatory board, bureau, or commission – one original with the agency, which shall make and retain a copy and forward the original to the Commission, which shall be the filing officer.

(p) Persons not mentioned above – one original with the agency or with the code reviewing body, as provided by the code reviewing body in the agency’s conflict of interest code.

History: Added by Stats. 1979, Ch. 674; amended by Stats. 1983, Ch. 214; amended by Stats. 1984, Ch. 1368; amended by Stats. 1985, Ch. 611; amended by Stats. 1988, Ch. 708; amended by Stats. 1990, Ch. 69; amended by Stats. 1992, Ch. 405; amended
§ 87500.1. Statements of Economic Interests – Electronic Filing; Pilot Program. [Repealed]

-History: Added by Stats. 2008, Ch. 498; amended by Stats. 2009, Ch. 139; amended by Stats. 2010, Ch. 58; amended by Stats. 2011, Ch. 96; Repealed by Stats. 2011, Ch. 96

§ 87500.2. Statements of Economic Interests – Electronic Filing.

(a) An agency may permit the electronic filing of a statement of economic interests required by Article 2 (commencing with Section 87200) or Article 3 (commencing with Section 87300), including amendments, in accordance with regulations adopted by the Commission.

(b) In consultation with interested agencies, the Commission shall use common database integration features in developing database design requirements for all electronic filings that may be used.

(c)(1) An agency that intends to permit electronic filing of a statement of economic interests shall submit a proposal, which shall include a description of the electronic filing system that the agency proposes to use, to the Commission for approval and certification. An agency that submits a proposal shall include a fee of one thousand dollars ($1,000) that is payable to the Commission for the costs of approving and certifying the proposal. However, the Counties of Los Angeles, Orange, Santa Clara, and Ventura and the City of Long Beach, which participated in the pilot program pursuant to Section 87500.1, shall not be required to pay the one thousand dollar ($1,000) fee.

(2) An agency shall not charge a person to electronically file a statement of economic interests.

(3) The Commission shall review an agency’s proposal for compliance with the system requirement regulations adopted pursuant to subdivisions (a) and (b) and the requirements of subdivision (d). If the proposed system complies with these requirements, the Commission shall approve and certify the agency’s electronic filing system as soon as practicable after receiving the agency’s submitted proposal.

(d) An agency’s proposed electronic filing system shall meet the following requirements:

(1) A statement of economic interests filed electronically shall include an electronic transmission that is submitted under penalty of perjury and that conforms to subdivision (b) of Section 1633.11 of the Civil Code.

(2)(A) The agency’s filing officer shall issue to a person who electronically files his or her statement of economic interests or amendment an electronic confirmation that notifies the filer that his or her statement of economic interests or amendment was received. The confirmation shall include the date and the time that the statement of economic interests or amendment was received by the filing officer and the method by which the filer may view and print the data received by the filing officer.

(B) A copy retained by the filer of a statement of economic interests or amendment that was electronically filed and the confirmation issued pursuant to subparagraph (A) that shows that the filer timely filed his or her statement of economic interests or amendment shall create a rebuttable presumption that the filer timely filed his or her statement of economic interests or amendment.

(3) The agency shall utilize an electronic filing system that includes layered security to ensure data integrity. The system shall have the capability to uniquely identify a filer electronically when he or she accesses the electronic filing system. The operational process for the system shall include industry best practices to ensure that the security and integrity of the data and information contained in the statement of economic interests are not jeopardized or compromised.

(4) The agency shall provide the public with a copy of an official’s statement of economic interests upon request, in accordance with Section 81008. The copy of the electronically filed statement of economic interests shall be identical to the statement of economic interests published by the Commission and shall include the date that the statement was filed.

(e) The Commission may adopt regulations to require that an agency redact information on a statement of economic interests prior to posting the statement of economic interests on the Internet.

(f) The Commission may conduct discretionary audits of an agency’s approved and certified electronic filing system to evaluate its performance and compliance with the requirements of this section.

(g) The Commission shall accept an electronic copy of a statement of economic interests that is forwarded to it by an agency that has received an electronically filed statement from a filer pursuant to this section.

(h) A city or county that developed an electronic filing system pursuant to the pilot program established by Section 87500.1 may continue to use that system for purposes of this section, including, but not limited to,

(a) The Commission may develop and operate an online system for filing statements of economic interests required by Article 2 (commencing with Section 87200) and Article 3 (commencing with Section 87300). Consistent with Section 87500.4, the online system shall enable a filer to comply with the requirements of this chapter relating to the filing of statements of economic interests and shall include, but not be limited to, both of the following:

(1) A means or method whereby a filer may electronically file, free of charge, a statement of economic interests that includes an electronic transmission that is submitted under penalty of perjury in conformity with Section 81004 of this code and subdivision (b) of Section 1633.11 of the Civil Code.

(2) Security safeguards that include firewalls, data encryption, secure authentication, and all necessary hardware and software and industry best practices to ensure that the security and integrity of the data and information contained in each statement of economic interests are not jeopardized or compromised.

(b)(1) A system developed pursuant to subdivision (a) shall issue to a person who electronically files his or her statement of economic interests, or an amendment to a statement of economic interests, an electronic confirmation that notifies the filer that his or her statement of economic interests or amendment was received. The confirmation shall include the date and the time that the statement of economic interests or amendment was received and the method by which the filer may view and print the data received.

(2) A paper copy retained by the filer of a statement of economic interests or amendment that was electronically filed and the confirmation issued pursuant to paragraph (1) that shows that the filer timely filed his or her statement of economic interests or amendment shall create a rebuttable presumption that the filer filed his or her statement of economic interests or amendment on time.

(c) If the Commission develops an online system pursuant to subdivision (a), it shall conduct public hearings to receive input on the implementation of that system, maintain ongoing coordination among affected state and local agencies as necessary, and develop training and assistance programs for state and local filing officers and filers regarding use of the online system for filing statements of economic interests.

(d)(1) Except as provided in paragraph (2), the Commission may make all the data filed on a system developed pursuant to subdivision (a) available on the Commission’s Internet Web site in an easily understood format that provides the greatest public access, and shall provide assistance to those seeking public access to the information.

(2) The Commission shall redact private information, including, but not limited to, the signatures of filers, from the data that is made available on the Internet pursuant to this subdivision. The Commission shall develop and implement a policy regarding redaction of private information for the purposes of this paragraph, and shall conduct one or more public hearings to receive input on the development of that policy.

History: Added by Stats. 2013, Ch. 643, effective October 8, 2013.

§ 87500.4. Statements of Economic Interests – Specifying Persons Authorized to File Electronically with the Commission.

(a) If the Commission establishes an online system pursuant to Section 87500.3, the Commission shall specify which categories of persons described in Section 87500 may file statements of economic interests electronically through the online system established by the Commission.

(b)(1) If the Commission, pursuant to subdivision (a), specifies that persons described in Section 87500 may file statements of economic interests electronically through the online system established by the Commission, the Commission, upon authorization by the filing officer designated by Section 87500, shall assume the duties of the filing
§ 87505. Officer for each filer within each category of filers authorized to file electronically through the online system, irrespective of whether the filer elects to file his or her statement of economic interests electronically or on paper with the Commission. A filing officer who does not authorize the Commission to assume his or her duties as described in this paragraph shall continue to perform the duties prescribed in Section 81010. The filing officer duties assumed by the Commission with respect to each filer in each authorized category shall include, but not be limited to, all of the following:

(A) Notifying the filer of his or her filing obligation.
(B) Receiving the filer’s statement of economic interests.
(C) Ensuring compliance with filing requirements in the event the filer fails to file in a timely manner or is required to amend his or her statement of economic interests.
(D) Distributing to filing officers copies of the completed statement of economic interests of a person who is required by this chapter to file more than one statement of economic interests for each period, and who, despite being authorized to file the statement with the Commission electronically, elects to file the statement with the Commission using a paper form.

(2) If the Commission assumes the duties of a filing officer pursuant to this subdivision, the filing officer whose duties are assumed shall provide to the Commission, in a manner prescribed by the Commission, the name and contact information for each filer in the filing officer’s jurisdiction.
(c) The Commission shall notify a filing officer who may be affected by a determination of the Commission pursuant to this section to authorize a category of filers to file electronically, no later than six months before the implementation of that determination, in order to allow adequate preparation for implementation.
(d) A person who is required by this chapter to file more than one statement of economic interests for each reporting period and who files his or her statements of economic interests with the Commission electronically after being authorized to do so pursuant to Section 87500.3 is not required to file a statement of economic interests with any other person or agency. If a filer authorized to file electronically with the Commission files with the Commission on paper, the Commission shall distribute copies of the statement to any other filing officers pursuant to subparagraph (D) of paragraph (1) of subdivision (b).

§ 87506. Web Site Notification.
Each city clerk or county clerk who maintains an Internet Web site shall post on that Internet Web site a notification that includes all of the following:
(a) A list of the elected officers identified in Section 87200 who file statements of economic interests with that city clerk or county clerk pursuant to Section 87500.
(b) A statement that copies of the statements of economic interests filed by the elected officers described in subdivision (a) may be obtained by visiting the offices of the Commission or that city clerk or county clerk, as appropriate. The statement shall include the physical address for the Commission’s office and the city clerk’s office or the county clerk’s office, as appropriate.
(c) A link to the Commission’s Internet Web site and a statement that statements of economic interests for some state and local government agency elected officers may be available in an electronic format on the Commission’s Internet Web site.

Chapter 8. Ballot Pamphlet.
§ 88000-88007
§ 88000. Responsibility.
§ 88001. Contents.
§ 88002. Format.
§ 88002.5. Summary.
§ 88003. Duties of Legislative Analyst.
§ 88004. Manner, Form of Printing Measures.
§ 88005. Printing Specifications.
§ 88005.5. Duties of Legislative Counsel.
§ 88006. Public Examination of Pamphlet.
§ 88007. Amendment of Chapter by Legislature.

§ 88000. Responsibility.
There shall be a state ballot which shall be prepared by the Secretary of State.

§ 88001. Contents.
The ballot pamphlet shall contain all of the following:
(a) A complete copy of each state measure.
(b) A copy of the specific constitutional or statutory provision, if any, that would be repealed or revised by each state measure.
(c) A copy of the arguments and rebuttals for and against each state measure.
(d) A copy of the analysis of each state measure.
(e) Tables of contents, indexes, art work, graphics and other materials that the Secretary of State determines will make the ballot pamphlet easier to understand or more useful for the average voter.
(f) A notice, conspicuously printed on the cover of the ballot pamphlet, indicating that additional copies of the ballot pamphlet will be mailed by the county elections official upon request.
(g) A written explanation of the judicial retention procedure as required by Section 9083 of the Elections Code.
(h) The Voter Bill of Rights pursuant to Section 2300 of the Elections Code.
(i) If the ballot contains an election for the office of United States Senator, information on candidates for United States Senator. A candidate for United States Senator may purchase the space to place a statement in the state ballot pamphlet that does not exceed 250 words. The statement may not make any reference to any opponent of the candidate. The statement shall be submitted in accordance with timeframes and procedures set forth by the Secretary of State for the preparation of the state ballot pamphlet.
(j) If the ballot contains a question as to the confirmation or retention of a justice of the Supreme Court, information on justices of the Supreme Court who are subject to confirmation or retention.
(k) If the ballot contains an election for the offices of President and Vice President of the United States, a notice that refers voters to the Secretary of State’s Internet Web site for information about candidates for the offices of President and Vice President of the United States.
(l) A written explanation of the appropriate election procedures for party-nominated, voter-nominated, and nonpartisan offices as required by Section 9083.5 of the Elections Code.

(m) A written explanation of the top 10 contributor lists required by Section 84223, including a description of Internet Web sites where those lists are available to the public.

History: Amended by Stats. 1977, Ch. 520; amended by Stats. 1991, Ch. 491; amended by Stats. 1994, Ch. 923; amended by Stats. 2008, Ch. 137; amended by Stats. 2009, Ch. 1; amended by Stats. 2014, Ch. 16, effective July 1, 2014.

References at the time of publication (see page 3):
Opinions: In re Miller (1978) 4 FPPC Ops. 26
In re Bunyan (1976) 2 FPPC Ops. 10

§ 88002. Format.
The ballot pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:
(a) Upon the top portion of the first page and not exceeding one-third of the page shall appear:
(1) The identification of the measure by number and title.
(2) The official summary prepared by the Attorney General.
(3) The total number of votes cast for and against the measure in both the State Senate and Assembly if the measure was passed by the Legislature.
(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on single page. If it does not fit on a single page, then the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.
(c) Immediately below the analysis prepared by the Legislative Analyst shall appear a printed statement that refers voters to the Secretary of State’s Internet Web site for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee’s top 10 contributors.
(d) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the page on which the analysis of the Legislative Analyst ends. The rebuttals shall be placed immediately below the arguments.
(e) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.
(f) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing
provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(g) The following statement shall be printed at the bottom of each page where arguments appear: “Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.”

History: Amended by Stats. 1990, Ch. 1430; amended by Stats. 2014, Ch. 920.

§ 88002.5. Summary.

(a) The ballot pamphlet shall also contain a section, located near the front of the pamphlet, that provides a concise summary of the general meaning and effect of “yes” and “no” votes on each state measure.

(b) The summary statements required by this section shall be prepared by the Legislative Analyst. These statements are not intended to provide comprehensive information on each measure. The Legislative Analyst shall be solely responsible for determining the contents of these statements. The statements shall be available for public examination and amendment pursuant to Section 88006.

History: Added by Stats. 1993, Ch. 156; amended by Stats. 1999, Ch. 312.

§ 88003. Duties of Legislative Analyst.

The impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. Any estimate of increased cost to local governments shall be set out in boldface print in the ballot pamphlet. The analysis shall be written in clear and concise terms which will easily be understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information which the average voter needs to understand the measure adequately. The Legislative Analyst may contract with professional writers, educational specialists or other persons for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The Legislative Analyst may also request the assistance of any state department, agency, or official in preparing his or her analysis. Prior to submission of the analysis to the Secretary of State, the Legislative Analyst shall submit the analysis to a committee of five persons appointed by the Legislative analyst for the purpose of reviewing the analysis to confirm its clarity and easy comprehension to the average voter. The committee shall be drawn from the public at large, and one member shall be a specialist in education, one shall be bilingual, and one shall be a professional writer. Members of the committee shall be reimbursed for reasonable and necessary expenses incurred in performing their duties. Within five days of the submission of the analysis to the committee, the committee shall make such recommendations to the Legislative Analyst as it deems appropriate to guarantee that the analysis can be easily understood by the average voter. The Legislative Analyst shall consider the committee’s recommendations, and he or she shall incorporate in the analysis those changes recommended by the committee that he or she deems to be appropriate. The Legislative Analyst is solely responsible for determining the content of the analysis required by this section. The title of the measure which appears on the ballot shall be amended to contain a summary of the Legislative Analyst’s estimate of the net state and local government financial impact.

History: Amended by Stats. 1975, Ch. 486, effective September 2, 1975; amended by Stats. 1992, Ch. 232.

§ 88004. Manner, Form of Printing Measures.

Measures shall be printed in the ballot pamphlet, so far as possible, in the same order, manner and form in which they are designated upon the ballot.

§ 88005. Printing Specifications.

The ballot pamphlet shall be printed according to the following specifications:

(a) The pages of the pamphlet shall be not smaller than 8 x 11 inches in size;

(b) It shall be printed in clear readable type, no less than 10-point, except that the text of any measure may be set forth in 8-point type;

(c) It shall be printed on a quality and weight of paper which in the judgment of the Secretary of State best serves the voters;

(d) The pamphlet shall contain a certificate of correctness by the Secretary of State.

References at the time of publication (see page 3):
§ 88006. Public Examination of Pamphlet.

Not less than 20 days before he or she submits the copy for the ballot pamphlet to the State Printer, the Secretary of State shall make the copy available for public examination. Any elector may seek a writ of mandate requiring the copy to be amended or deleted from the ballot pamphlet. A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading or inconsistent with the requirements of this chapter or the Elections Code, and that issuance of the writ will not substantially interfere with the printing and distribution of the ballot pamphlet as required by law. Venue for a proceeding under this section shall be exclusively in Sacramento County. The Secretary of State shall be named as the respondent and the State Printer and the person or official who authored the copy in question shall be named as real parties in interest. If the proceeding is initiated by the Secretary of State, the State Printer shall be named as the respondent.

History: Amended by Stats. 1996, Ch. 724.

§ 88007. Amendment of Chapter by Legislature.

Notwithstanding the provisions of Section 81012, the Legislature may without restriction amend this chapter to add to the ballot pamphlet information regarding candidates or any other information.

Chapter 9. Incumbency.

§ 89000-89001

§ 89000. Order of Names on Ballot.

§ 89001. Newsletter or Mass Mailing.

§ 89002. Mass Mailings Sent at Public Expense.

§ 89003. Mass Mailings Sent at Public Expense; Temporal Prohibition.

§ 89000. Order of Names on Ballot.

Any provision of law to the contrary notwithstanding, the order of names of candidates on the ballot in every election shall be determined without regard to whether the candidate is an incumbent.

§ 89001. Newsletter or Mass Mailing.

No newsletter or other mass mailing shall be sent at public expense.
however, include the elected officer’s office or district number and the elected officer’s name or district number in his or her Internet Web site address or electronic mail address.

2. A press release sent to members of the media.

3. An item sent in the normal course of business from one governmental entity or officer to another governmental entity or officer, including all local, state, and federal officers or entities.

4. An intra-agency communication sent in the normal course of business to employees, officers, deputies, and other staff.

5. An item sent in connection with the payment or collection of funds by the agency sending the mailing, including tax bills, checks, and similar documents, in any instance in which use of the elected officer’s name, office, title, or signature is necessary to the payment or collection of the funds. The item shall not include the elected officer’s photograph, signature, or any other reference to the elected officer, except as specifically permitted by this section.

6. Any item sent by an agency responsible for administering a government program, to persons subject to that program, in any instance in which the mailing of the item is essential to the functioning of the program, the item does not include the elected officer’s photograph, and use of the elected officer’s name, office, title, or signature is necessary to the payment or collection of the funds.

7. Any legal notice or other item sent as required by law, court order, or order adopted by an administrative agency pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), and in which use of the elected officer’s name, office, title, or signature is necessary in the notice or other mailing. For purposes of this paragraph, inclusion of an elected officer’s name on a ballot as a candidate for elective office, and inclusion of an elected officer’s name and signature on a ballot argument, shall be considered necessary to that notice or other item.

8. A telephone directory, organization chart, or similar listing or roster which includes the names of elected officers as well as other individuals in the agency sending the mailing, in which the name of each elected officer and individual listed appears in the same type size, typeface, and type color. The item shall not include an elected officer’s photograph, name, signature, or any other reference to an elected officer, except as specifically permitted by this section.

9. (A) An announcement of any meeting or event of either of the following:

(i) An announcement sent to an elected officer’s constituents concerning a public meeting that is directly related to the elected officer’s incumbent governmental duties, is to be held by the elected officer, and that the elected officer intends to attend.

(ii) An announcement of any official agency event or events for which the agency is providing the use of its facilities or staff or other financial support.

(B) Any announcement provided for in this paragraph shall not include the elected officer’s photograph or signature and may include only a single mention of the elected officer’s name except as permitted elsewhere in this section.

10. An agenda or other writing that is required to be made available pursuant to Sections 11125.1 and 54957.5, or a bill, file, history, journal, committee analysis, floor analysis, agenda of an interim or special hearing of a committee of the Legislature, or index of legislation, published by the Legislature.

11. A business card that does not contain the elected officer’s photograph or more than one mention of the elected officer’s name.

(c) For purposes of this section, the following terms have the following meanings:

(1) “Elected officer affiliated with the agency” means an elected officer who is a member, officer, or employee of the agency, or of a subunit thereof such as a committee, or who has supervisory control over the agency or appoints one or more members of the agency.

(2) “Features an elected officer” means that the item mailed includes the elected officer’s photograph or signature or singles out the elected officer by the manner of display of his or her name or office in the layout of the document, such as by headlines, captions, type size, typeface, or type color.

(3) “Substantially similar” is defined as follows:

(A) Two items are “substantially similar” if any of the following applies:

(i) The items are identical, except for changes necessary to identify the recipient and his or her address.

(ii) The items are intended to honor, commend, congratulate, or recognize an individual or group, or individuals or groups, for the same event or occasion, are intended to celebrate or recognize the same holiday, or are intended to congratulate an individual or group, or individuals or groups, on the same type of event, such as birthdays or anniversaries.

(iii) Both of the following apply to the items mailed:

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(I) Most of the bills, legislation, governmental action, activities, events, or issues of public concern mentioned in one item are mentioned in the other.

(II) Most of the information contained in one item is contained in the other.

(B) Enclosure of the same informational materials in two items mailed, such as copies of the same bill, public document, or report, shall not, by itself, mean that the two items are “substantially similar.” The informational materials shall not include the elected officer’s name, photograph, signature, or any other reference to the elected officer except as permitted elsewhere in this section.

(C) An item is only considered substantially similar to other items sent by the same official, not to items sent by other officials in the same agency.

(4) “Unsolicited request” is defined as follows:

(A) A written or oral communication, including a petition, that specifically requests a response and is not requested or induced by the recipient elected officer or by any third person acting at his or her behest. However, an unsolicited oral or written communication, including a petition, that does not contain a specific request for a response shall be deemed to constitute an unsolicited request for a single written response.

(B) An unsolicited request for continuing information on a subject shall be deemed an unsolicited request for multiple responses directly related to that subject for a period of time not to exceed 24 months. An unsolicited request to receive a regularly published agency newsletter shall be deemed an unsolicited request for each issue of that newsletter.

(C) A previously unsolicited request to receive an agency newsletter or mass mailing on an ongoing basis shall not be deemed to have become solicited by the sole fact that the requestor responds to an agency notice indicating that, in the absence of a response, his or her name will be purged from the mailing list for that newsletter or mass mailing. A notice in the following language shall be deemed to meet this standard:

“The law does not permit this office to use public funds to keep you updated on items of interest unless you specifically request that it do so.”

Inclusion of a similar notice in other items does not constitute a solicitation under this section.

(D) A communication sent in response to an elected officer’s participation at a public forum or press conference, or to his or her issuance of a press release, shall be deemed an unsolicited request.

(E) A person who subscribes to newspapers or other periodicals published by persons other than elected officers shall be deemed to have made unsolicited requests for materials published in those subscription publications.

References at the time of publication (see page 3):

§ 89003. Mass Mailings Sent at Public Expense; Temporal Prohibition.

Notwithstanding subdivision (b) of Section 89002, a mass mailing, as defined in Section 82041.5, that meets the criteria of subdivision (a) of Section 89002 shall not be sent within the 60 days preceding an election by or on behalf of a candidate whose name will appear on the ballot at that election, except as provided in paragraphs (2) to (8), inclusive, and paragraph (10) of subdivision (b) of Section 89002.

History: Added by Stats. 2017, Ch. 827

Chapter 9.5. Ethics.

§ 89500-89522


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§ 89500. Chapter Title.

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§ 89503.5. Operation of Article. [Repealed]

§ 89500. Chapter Title.

This chapter shall be known and may be cited as the Ethics in Government Act of 1990.

History: Added by Stats. 1990, Ch. 84.

§ 89501. Statements of Economic Interests - Where to File; Regulatory or Licensing Boards, Bureaus or Commissions.

History: Added by Stats. 1991, Ch. 857; repealed and renumbered § 87500(n), Stats. 1992, Ch. 405.

§ 89501. Honoraria.

(a) For purposes of this chapter, “honorarium” means, except as provided in subdivision (b), any payment made in consideration for any speech given, article published, or attendance at any public
or private conference, convention, meeting, social event, meal, or like gathering.

(b) The term “honorarium” does not include:

1. Earned income for personal services which are customarily provided in connection with the practice of a bona fide business, trade, or profession, such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting, unless the sole or predominant activity of the business, trade, or profession is making speeches. The Commission shall adopt regulations to implement this subdivision.

2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the State Controller for donation to the General Fund, or in the case of a public official for local government agency, delivered to his or her agency for donation to an equivalent fund, without being claimed as a deduction from income for tax purposes.

(c) Section 89506 shall apply to all payments, advances, or reimbursements for travel and related lodging and subsistence.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1994, Ch. 36; amended by Stats. 1994, Ch. 1105; repealed and new section added by Stats. 1995, Ch. 690.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18730
2 Cal. Code of Regs. Section 18930
2 Cal. Code of Regs. Section 18931.1
2 Cal. Code of Regs. Section 18931.2
2 Cal. Code of Regs. Section 18931.3
2 Cal. Code of Regs. Section 18932
2 Cal. Code of Regs. Section 18932.1
2 Cal. Code of Regs. Section 18932.2
2 Cal. Code of Regs. Section 18932.3
2 Cal. Code of Regs. Section 18932.4
2 Cal. Code of Regs. Section 18932.5
2 Cal. Code of Regs. Section 18933
2 Cal. Code of Regs. Section 18940
2 Cal. Code of Regs. Section 18944
2 Cal. Code of Regs. Section 18945.1
2 Cal. Code of Regs. Section 18946.1
2 Cal. Code of Regs. Section 18946.2
2 Cal. Code of Regs. Section 18946.5
2 Cal. Code of Regs. Section 18946.6
2 Cal. Code of Regs. Section 18950
2 Cal. Code of Regs. Section 18950.1
2 Cal. Code of Regs. Section 18950.2

§ 89503. Gift Limits.

(a) No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept gifts from any organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into office, or, if the person lost the election after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 84214 or after certification of the election results, whichever is earlier.

(b) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(c) No member of a state board or commission and no designated employee of a state or local government agency shall accept an honorarium from any source if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(d) This section shall not apply to a person in his or her capacity as judge. This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless that position is an elective office.

History: Added by Stats. 1990, Ch. 84; repealed and new section added by Stats. 1995, Ch. 690; amended by Stats. 1996, Ch. 1056.
§ 89503.5.

single source in any calendar year with a total value of more than two hundred fifty dollars ($250).

(b) (1) No candidate for elective state office, for judicial office, or for elective office in a local government agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars ($250). A person shall be deemed a candidate for purposes of this subdivision when the person has filed a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or, if the person lost the election, after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 84214 or after certification of the election results, whichever is earlier.

(2) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(c) No member of a state board or commission or designated employee of a state or local government agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty ($250) if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(d) This section shall not apply to a person in his or her capacity as judge. This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless that position is an elective office.

(e) This section shall not apply to a person in his or her capacity as an elective office.

(f) This section shall not prohibit or limit the following:

(1) Payments, advances, or reimbursements for travel and related lodging and subsistence permitted by Section 89506.

(2) Wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

(f) Beginning on January 1, 1993, the Commission shall adjust the gift limitation in this section on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the nearest ten dollars ($10).

(g) The limitations in this section are in addition to the limitations on gifts in Section 86203.

References at the time of publication (see page 3):

§ 89503.5. Operation of Article. [Repealed]

History: Added by Stats. 1990, Ch. 84; repealed by Stats. 1991, Ch. 857.

Article 2. Gifts.

§ 89504-89505.5

§ 89504. Gifts; Limitations. [Repealed]

§ 89505. Gifts; Prohibitions. [Repealed]

§ 89505.5. Operation of Article. [Repealed]

§ 89504. Gifts; Limitations. [Repealed]

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1994, Ch. 1105; repealed by Stats. 1995, Ch. 690.

§ 89505. Gifts; Prohibitions. [Repealed]

History: Added by Stats. 1990, Ch. 84; repealed by Stats. 1995, Ch. 690.

§ 89505.5. Operation of Article. [Repealed]

History: Added by Stats. 1990, Ch. 84; repealed by Stats. 1991, Ch. 857.

Article 3. Travel.

§ 89506 - 89507

§ 89506. Travel Payments, Advances and Reimbursements.

§ 89507. Operation of Article. [Repealed]

§ 89506. Travel Payments, Advances and Reimbursements.

(a) Payments, advances, or reimbursements for travel, including actual transportation and related lodging and subsistence that is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, are
not prohibited or limited by this chapter if either of the following applies:

(1) The travel is in connection with a speech given by the elected state officer, local elected officeholder, candidate for elective state office or local elective office, an individual specified in Section 87200, member of a state board or commission, or designated employee of a state or local government agency, the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech, and the travel is within the United States.

(2) The travel is provided by a government, a governmental agency, a governmental authority, a bona fide public or private educational institution, as defined in Section 203 of the Revenue and Taxation Code, a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person domiciled outside the United States who substantially satisfies the requirements for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

(b) Gifts of travel not described in subdivision (a) are subject to the limits in Section 89503.

(c) Subdivision (a) applies only to travel that is reported on the recipient’s statement of economic interests.

(d) For purposes of this section, a gift of travel does not include any of the following:

1. Travel that is paid for from campaign funds, as permitted by Article 4 (commencing with Section 89510), or that is a contribution.
2. Travel that is provided by the agency of a local elected officeholder, an elected state officer, member of a state board or commission, an individual specified in Section 87200, or a designated employee.
3. Travel that is reasonably necessary in connection with a bona fide business, trade, or profession and that satisfies the criteria for federal income tax deduction for business expenses in Sections 162 and 274 of the Internal Revenue Code, unless the sole or predominant activity of the business, trade, or profession is making speeches.
4. Travel that is excluded from the definition of a gift by any other provision of this title.

(e) This section does not apply to payments, advances, or reimbursements for travel and related lodging and subsistence permitted or limited by Section 170.9 of the Code of Civil Procedure.

(f) (1) A nonprofit organization that regularly organizes and hosts travel for elected officials and that makes payments, advances, or reimbursements that total more than ten thousand dollars ($10,000) in a calendar year, or that total more than five thousand dollars ($5,000) in a calendar year for a single person, for travel by an elected state officer or local elected officeholder as described in subdivision (a) shall disclose to the Commission the names of donors who did both of the following in the preceding year:

(A) Donated one thousand dollars ($1,000) or more to the nonprofit organization.

(B) Accompanied an elected state officer or local elected officeholder, either personally or through an agent, employee, or representative, for any portion of travel described in subdivision (a).

(2) For purposes of this subdivision, an organization “regularly organizes and hosts travel for elected officials” if the sum of the organization’s expenses that relate to any of the following types of activities with regard to elected officials was greater than one-third of its total expenses reflected on the organization’s Internal Revenue Service Form 990, or the equivalent, filed most recently within the last 12 months:

(A) Travel.

(B) Study tours.

(C) Conferences, conventions, and meetings.

(3) This subdivision does not preclude a finding that a nonprofit organization is acting as an intermediary or agent of the donor. If the nonprofit organization is acting as an intermediary or agent of the donor, all of the following apply:

(A) The donor to the nonprofit organization is the source of the gift.

(B) The donor shall be identified as a financial interest under Section 87103.

(C) The gift shall be reported as required by Section 87207.

(D) The gift shall be subject to the limitations on gifts specified in Section 89503.

(4) For purposes of this subdivision, a nonprofit organization includes an organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 674; amended by Stats. 1994, Ch. 1105; amended by Stats. 1995, Ch. 690; amended by Stats. 1997, Ch. 455, effective September 24, 1997; amended by Stats. 2015, Ch. 757, effective January 1, 2016.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18930
2 Cal. Code of Regs. Section 18931.1
2 Cal. Code of Regs. Section 18931.2
2 Cal. Code of Regs. Section 18931.3
2 Cal. Code of Regs. Section 18932
2 Cal. Code of Regs. Section 18932.1
2 Cal. Code of Regs. Section 18932.2
2 Cal. Code of Regs. Section 18932.3
§ 89507. Operation of Article. [Repealed]

History: Added by Stats. 1990, Ch. 84; Repealed by Stats. 1991, Ch. 1271.

Article 4. Campaign Funds.

§ 89510 - 89522

§ 89510. Contributions Held in Trust.

§ 89511. Campaign Funds Held by Candidates and Committees.

§ 89511.5. Use of Personal Funds for Incumbent Elected Officers.

§ 89512. Expenditures Associated with Seeking or Holding Office.

§ 89512.5. Expenditures by Committees not Controlled by Candidates.

§ 89513. Use of Campaign Funds for Specific Activities.

§ 89514. Use of Campaign Funds for Attorney’s Fees.

§ 89515. Use of Campaign Funds for Donations and Loans.

§ 89516. Use of Campaign Funds for Vehicle Expenses.

§ 89517. Use of Campaign Funds for Real Property, Appliances or Equipment.

§ 89517.5. Use of Campaign Funds for Security System.

§ 89518. Use of Campaign Funds for Compensation.

§ 89519. Use of Surplus Campaign Funds.

§ 89519.5. Use of Campaign Funds Held by an Officeholder Convicted of Certain Felonies of the Elections Code.

§ 89520. Violations.

§ 89521. Unlawful Honorarium, Gift or Expenditure.

§ 89522. Campaign Funds; Prohibited Use Under Elections Code.

§ 89510. Contributions Held in Trust.

(a) A candidate for elective state office may only accept contributions within the limits provided in Chapter 5 (commencing with Section 85100).

(b) All contributions deposited into the campaign account shall be deemed to be held in trust for expenses associated with the election of the candidate or for expenses associated with holding office.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2001, Ch. 241, effective September 4, 2001.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18421.7

§ 89511. Campaign Funds Held by Candidates and Committees.

(a) This article applies to campaign funds held by candidates for elective office, elected officers, controlled committees, ballot measure committees, committees opposed to a candidate or measure, and any committee which qualifies as a committee pursuant to subdivision (a) of Section 82013.

(b) (1) For purposes of this chapter, “campaign funds” includes any contributions, cash, cash equivalents, and other assets received or possessed by a committee as defined by subdivision (a) of Section 82013.

(2) For purposes of this chapter, “committee” means a controlled committee, ballot measure committee, committee opposed to a candidate or measure, and any committee which qualifies as a committee pursuant to subdivision (a) of Section 82013.

(3) For purposes of this chapter, “substantial personal benefit” means an expenditure of campaign funds which results in a direct personal benefit with a value of more than two hundred dollars ($200) to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee.

(4) For purposes of this article, “household” includes the candidate’s or elected officer’s spouse, dependent children, and parents who reside with the candidate or elected officer.

(5) (A) For purposes of this article, “attorney’s fees and other costs” includes only the following:

(i) Attorney’s fees and other legal costs related to the defense of the candidate or officer.

(ii) Administrative costs directly related to compliance with the requirements of this title.

(B) “Attorney’s fees and other costs” does not include expenses for fundraising, media or political consulting fees, mass mailing or other advertising, or, except as expressly authorized by subdivision (c) of Section 89513, a payment or reimbursement for a fine, penalty, judgment or settlement, or a payment to return or disgorge contributions made to any other committee controlled by the candidate or officer.
§ 89511.5. Use of Personal Funds for Incumbent Elected Officers.

(a) An incumbent elected officer may utilize his or her personal funds for expenditures authorized by subdivision (b) of Section 89510 without first depositing those funds in his or her controlled committee’s campaign bank account, if both of the following conditions are met:

(1) The expenditures are not campaign expenses.

(2) The treasurer of the committee is provided with a dated receipt and a written description of the expenditure.

(b) An incumbent elected officer may be reimbursed for expenditures of his or her personal funds, from either the controlled committee campaign bank account established pursuant to Section 85201 with respect to election to the incumbent term of office, or from a controlled committee campaign bank account established pursuant to Section 85201 with respect to election to a future term of office, if all of the following conditions are met:

(1) The expenditures are not campaign expenses.

(2) The incumbent elected officer, prior to reimbursement, provides the treasurer of the committee with a dated receipt and a written description of each expenditure.

(3) Reimbursement is paid within 90 days of the expenditure, in the case of a cash expenditure, or within 90 days of the end of the billing period in which it was included, in the case of an expenditure charged to a credit card or charge account.

(c) When the elected officer’s controlled committee is notified that expenditures totaling one hundred dollars ($100) or more in a fiscal year have been made by the incumbent elected officer, the committee shall report, pursuant to subdivision (k) of Section 84211, the expenditures on the campaign statement for the period in which the expenditures were made and the reimbursements on the campaign statement for the period in which the reimbursements were made.

(d) If reimbursement is not paid within the time authorized by this section, the expenditure shall be reported on the campaign statement as a nonmonetary contribution received on the 90th day after the expenditure is paid, in the case of a cash expenditure, or within 90 days of the end of the billing period in which it was included, in the case of an expenditure charged to a credit card or charge account.

(e) This section shall not be construed to authorize an incumbent elected officer to make expenditures from any campaign bank account for expenses other than those expenses associated with his or her election to the specific office for which the account was established and expenses associated with holding that office.

History: Added by Stats. 1990, Ch. 1075; amended by Stats. 2007, Ch. 348.

§ 89512. Expenditures Associated with Seeking or Holding Office.

(a) An expenditure to seek office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a political purpose. An expenditure associated with holding office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a legislative or governmental purpose. Expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose.

(b) Except as expressly authorized by this article, an expenditure for a fine, penalty, judgment, or settlement is not within the lawful execution of the trust imposed by Section 89510.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 2014, Ch. 884.

§ 89512.5. Expenditures by Committees not Controlled by Candidates.

(a) Subject to the provisions of subdivision (b), any expenditure by a committee not subject to the trust imposed by subdivision (b) of Section 89510 shall be reasonably related to a political, legislative, or governmental purpose of the committee.

(b) Any expenditure by a committee that confers a substantial personal benefit on any individual or individuals with authority to approve the expenditure of campaign funds held by the committee, shall be directly related to a political, legislative, or governmental purpose of the committee.

History: Added by Stats. 1991, Ch. 546.

§ 89513. Use of Campaign Funds for Specific Activities.
This section governs the use of campaign funds for the specific expenditures set forth in this section. It is the intent of the Legislature that this section guide the interpretation of the standard imposed by Section 89512 as applied to other expenditures not specifically set forth in this section.

(a)(1) Campaign funds shall not be used to pay or reimburse the candidate, the elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or employees or staff of the committee, or the elected officer’s governmental agency for travel expenses and necessary accommodations except when these expenditures are directly related to a political, legislative, or governmental purpose.

(2) For the purposes of this section, payments or reimbursements for travel and necessary accommodations shall be considered as directly related to a political, legislative, or governmental purpose if the payments would meet standards similar to the standards of the Internal Revenue Service pursuant to Sections 162 and 274 of the Internal Revenue Code for deductions of travel expenses under the federal income tax law.

(3) For the purposes of this section, payments or reimbursement for travel by the household of a candidate or elected officer when traveling to the same destination in order to accompany the candidate or elected officer shall be considered for the same purpose as the candidate’s or elected officer’s travel.

(4) Whenever campaign funds are used to pay or reimburse a candidate, elected officer, his or her representative, or a member of the candidate’s household for travel expenses and necessary accommodations, the expenditure shall be reported as required by Section 84211.

(5) Whenever campaign funds are used to pay or reimburse for travel expenses and necessary accommodations, any mileage credit that is earned or awarded pursuant to an airline bonus mileage program shall be deemed personally earned by or awarded to the individual traveler. Neither the earning or awarding of mileage credit, nor the redeeming of credit for actual travel, shall be subject to reporting pursuant to Section 84211.

(b)(1) Campaign funds shall not be used to pay for or reimburse the cost of professional services unless the services are directly related to a political, legislative, or governmental purpose.

(2) Expenditures by a committee to pay for professional services reasonably required by the committee to assist it in the performance of its administrative functions are directly related to a political, legislative, or governmental purpose.

(3) Campaign funds shall not be used to pay health-related expenses for a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or members of his or her household. “Health-related expenses” includes, but is not limited to, examinations by physicians, dentists, psychiatrists, psychologists, or counselors, expenses for medications, treatments or medical equipment, and expenses for hospitalization, health club dues, and special dietary foods. However, campaign funds may be used to pay employer costs of health care benefits of a bona fide employee or independent contractor of the committee.

(c)(1) Campaign funds shall not be used to pay or reimburse fines, penalties, judgments, or settlements, except those resulting from either of the following:

(A) Parking citations incurred in the performance of an activity that was directly related to a political, legislative, or governmental purpose.

(B) Any other action for which payment of attorney’s fees from contributions would be permitted pursuant to this title. However, campaign funds shall not be used to pay a fine, penalty, judgment, or settlement relating to an expenditure of campaign funds that resulted in either of the following:

(i) A personal benefit to the candidate or officer if it is determined that the expenditure was not reasonably related to a political, legislative, or governmental purpose.

(ii) A substantial personal benefit to the candidate or officer if it is determined that the expenditure was not directly related to a political, legislative, or governmental purpose.

(2) Campaign funds shall not be used to pay a restitution fine imposed under Section 86 of the Penal Code.

(d) Campaign funds shall not be used for campaign, business, or casual clothing except specialty clothing that is not suitable for everyday use, including, but not limited to, formal wear, if this attire is to be worn by the candidate or elected officer and is directly related to a political, legislative, or governmental purpose.

(e)(1) Except where otherwise prohibited by law, campaign funds may be used to purchase or reimburse for the costs of purchase of tickets to political fundraising events for the attendance of a candidate, elected officer, or his or her immediate family, or an officer, director, employee, or staff of the committee or the elected officer’s governmental agency.
§ 89514.

(2) Campaign funds shall not be used to pay for or reimburse for the costs of tickets for entertainment or sporting events for the candidate, elected officer, or members of his or her immediate family, or an officer, director, employee, or staff of the committee, unless their attendance at the event is directly related to a political, legislative, or governmental purpose.

(3) The purchase of tickets for entertainment or sporting events for the benefit of persons other than the candidate, elected officer, or his or her immediate family are governed by subdivision (f).

(f)(1) Campaign funds shall not be used to make personal gifts unless the gift is directly related to a political, legislative, or governmental purpose. The refund of a campaign contribution does not constitute the making of a gift.

(2) Nothing in this section shall prohibit the use of campaign funds to reimburse or otherwise compensate a public employee for services rendered to a candidate or committee while on vacation, leave, or otherwise outside of compensated public time.

(3) An election victory celebration or similar campaign event, or gifts with a total cumulative value of less than two hundred fifty dollars ($250) in a single year made to an individual employee, a committee worker, or an employee of the elected officer’s agency, are considered to be directly related to a political, legislative, or governmental purpose. For purposes of this paragraph, a gift to a member of a person’s immediate family shall be deemed to be a gift to that person.

(g) Campaign funds shall not be used to make loans other than to organizations pursuant to Section 89515, or, unless otherwise prohibited, to a candidate for elective office, political party, or committee.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 546.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18229.1
2 Cal. Code of Regs. Section 18421.7

§ 89514. Use of Campaign Funds for Attorney’s Fees.

Expenditures of campaign funds for attorney’s fees and other costs in connection with administrative, civil, or criminal litigation are not directly related to a political, legislative, or governmental purpose except where the litigation is directly related to activities of a committee that are consistent with its primary objectives or arises directly out of a committee’s activities or out of a candidate’s or elected officer’s activities, duties, or status as a candidate or elected officer, including, but not limited to, an action to enjoin defamation, defense of an action to enjoin defamation, defense of an action brought for a violation of state or local campaign, disclosure, or election laws, and an action arising from an election contest or recount.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 546.

§ 89515. Use of Campaign Funds for Donations and Loans.

Campaign funds may be used to make donations or loans to bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organizations, where no substantial part of the proceeds will have a material financial effect on the candidate, elected officer, campaign treasurer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or member of his or her immediate family, and where the donation or loan bears a reasonable relation to a political, legislative, or governmental purpose.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 546.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18229.1
2 Cal. Code of Regs. Section 18521.5

§ 89516. Use of Campaign Funds for Vehicle Expenses.

Notwithstanding Sections 89512 and 89513, this section governs the use of campaign funds for vehicle expenses.

(a) Campaign funds shall not be used to purchase a vehicle unless both of the following apply:
(1) Title to the vehicle is held by the committee and not the candidate, elected officer, campaign treasurer, or any other individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or a member of his or her immediate family.

(2) The use of the vehicle is directly related to a political, legislative, or governmental purpose.

(b) Campaign funds shall not be used to lease a vehicle unless both of the following apply:
(1) The lessee is the committee, or a state or local government agency and not the candidate, elected officer, or a member of his or her immediate family; or the lessor is a state or local government agency.

(2) The use of the vehicle is directly related to a political, legislative, or governmental purpose.

(c) Campaign funds may be used to pay for or reimburse the operating costs, including, but not limited to, insurance, maintenance, and repairs, for
any vehicle for which campaign funds may be spent pursuant to this section.

(d) Campaign funds may be used to reimburse a candidate, elected officer, his or her immediate family, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee, or an employee or member of the staff of the committee or of the elected officer’s governmental agency, for the use of his or her vehicle at the rate approved by the Internal Revenue Service pursuant to Section 162 of the Internal Revenue Code in connection with deductible mileage expenses under the federal income tax law, if both of the following requirements are met:

(1) The vehicle use for which reimbursement is sought is directly related to political, governmental, or legislative purposes.

(2) The specific purpose and mileage in connection with each expenditure is documented in a manner approved by the Internal Revenue Service in connection with deductible mileage expenses.

(e) For the purposes of this section, use of a vehicle is considered to be directly related to a political, legislative, or governmental purpose as long as its use for other purposes is only incidental to its use for political, legislative, or governmental purposes.

§ 89517. Use of Campaign Funds for Real Property, Appliances or Equipment.

(a) Campaign funds shall not be used for payment or reimbursement for the lease of real property or for the purchase, lease, or refurbishment of any appliance or equipment, where the lessee or sublessor is, or the legal title resides, in whole or in part, in a candidate, elected officer, campaign treasurer, or any individual or individuals with authority to approve the expenditure of campaign funds, or member of his or her immediate family.

(b) Campaign funds shall not be used to purchase real property. Except as prohibited by subdivision (a), campaign funds may be used to lease real property for up to one year at a time where the use of that property is directly related to political, legislative, or governmental purposes.

(c) For the purposes of this section, real property, appliance, or equipment is considered to be directly related to a political, legislative, or governmental purpose as long as its use for other purposes is only incidental to its use for political, legislative, or governmental purposes.

§ 89518. Use of Campaign Funds for Security System.

Notwithstanding Section 89517, campaign funds may be used to pay, or reimburse the state, for the costs of installing and monitoring an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to his or her physical safety, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported. The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the Commission. The report to the Commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and phone number of the law enforcement agency, and a brief description of the threat. No more than five thousand dollars ($5,000) in campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. The candidate or elected officer shall reimburse the campaign fund account for the costs of installing and monitoring an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to his or her physical safety, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer.

§ 89517.5. Use of Campaign Funds for Security System.

Notwithstanding Section 89517, campaign funds may be used to pay, or reimburse the state, for the costs of installing and monitoring an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to his or her physical safety, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported. The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the Commission. The report to the Commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and phone number of the law enforcement agency, and a brief description of the threat. No more than five thousand dollars ($5,000) in campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. The candidate or elected officer shall reimburse the campaign fund account for the costs of installing and monitoring an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to his or her physical safety, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer.
§ 89519. Use of Surplus Campaign Funds.

(a) Upon the 90th day after leaving an elective office, or the 90th day following the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, campaign funds under the control of the former candidate or elected officer shall be considered surplus campaign funds and shall be disclosed pursuant to Chapter 4 (commencing with Section 84100).

(b) Surplus campaign funds shall be used only for the following purposes:

1. The payment of outstanding campaign debts or elected officer’s expenses.

2. The repayment of contributions.

3. Donations to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the former candidate or elected officer, any member of his or her immediate family, or his or her campaign treasurer.

4. Contributions to a political party committee, provided the campaign funds are not used to support or oppose candidates for elective office. However, the campaign funds may be used by a political party committee to conduct partisan voter registration, partisan get-out-the-vote activities, and slate mailers as that term is defined in Section 82048.3.

5. Contributions to support or oppose any candidate for federal office, any candidate for elective office in a state other than California, or any ballot measure.

6. The payment for professional services reasonably required by the committee to assist in the performance of its administrative functions, including payment for attorney’s fees for litigation that arises directly out of a candidate’s or elected officer’s activities, duties, or status as a candidate or elected officer, including, but not limited to, an action to enjoin defamation, defense of an action brought for a violation of state or local campaign, disclosure, or election laws, and an action from an election contest or recount.

(c) For purposes of this section, the payment for, or the reimbursement to the state of, the costs of installing and monitoring an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to his or her physical safety shall be deemed an outstanding campaign debt or elected officer’s expense, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported. The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the commission. The report to the commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and the telephone number of the law enforcement agency, and a brief description of the threat. No more than five thousand dollars ($5,000) in surplus campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. Payments made pursuant to this subdivision shall be made during the two years immediately following the date upon which the campaign funds become surplus campaign funds. The candidate or elected officer shall reimburse the surplus fund account for the fair market value of the security system no later than two years immediately following the date upon which the campaign funds became surplus campaign funds. The campaign funds become surplus campaign funds upon sale of the property on which the system is installed, or prior to the closing of the surplus campaign fund account, whichever comes first. The electronic security system shall be the property of the campaign committee of the candidate or elected officer.

History: Added by Stats. 1990, Ch. 84; amended by Stats. 1991, Ch. 546; amended by Stats. 1993, Ch. 1143; amended by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election]; amended by Stats. 2013, Ch. 9, effective July 1, 2014; amended by Stats. 2014, Ch. 884.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18521.5

Opinions: In re Pirayou (2006) 19 FPPC Ops. 1

§ 89519.5. Use of Campaign Funds Held by an Officeholder Convicted of Certain Felonies of the Election Code.

(a) An officeholder who is convicted of a felony enumerated in Section 20 of the Elections Code, and whose conviction has become final, shall use funds held by the officeholder’s candidate controlled committee only for the following purposes:

1. The payment of outstanding campaign debts or elected officer’s expenses.
§ 89520. (2) The repayment of contributions.
(b) Six months after the conviction becomes final, the officeholder shall forfeit any remaining funds subject to subdivision (a), and these funds shall be deposited in the General Fund.
(c) This section does not apply to funds held by a ballot measure committee or in a legal defense fund formed pursuant to Section 85304.

History: Added by Stats. 2016, Ch. 837.

§ 89521. Violations.
The remedies provided in Chapter 11 (commencing with Section 91000) shall not apply to violations of this chapter.

History: Added by Stats. 1990, Ch. 84.

§ 89522. Campaign Funds; Prohibited Use Under Elections Code.
This chapter shall not be construed to permit an expenditure of campaign funds prohibited by Section 18680 of the Elections Code.

History: Added by Stats. 1991, Ch. 546; amended by Stats. 1994, Ch. 923.

Chapter 10. Auditing.
§ 90000-90007
§ 90000. Responsibility.
§ 90001. Mandatory Audits and Investigations.
§ 90002. Audits and Investigations; Time.
§ 90003. Discretionary Audits.
§ 90004. Periodic Reports; Public Documents.
§ 90005. Confidentiality; Exception.
§ 90006. Audit and Investigation by Commission.
§ 90007. Auditing Guidelines and Standards.
§ 90008. Preelection Auditing.
§ 90009. Injunction to Compel Disclosure.

§ 90000. Responsibility.
Except as provided in Section 90006, the Franchise Tax Board shall make audits and field investigations with respect to the following:

(a) Reports and statements filed with the Secretary of State under Chapter 4 (commencing with Section 84100), Chapter 5 (commencing with Section 85100), and Chapter 6 (commencing with Section 86100).
(b) Local candidates and their controlled committees selected for audit pursuant to subdivision (i) of Section 90001.

History: Amended by Stats. 1987, Ch. 230; amended by Stats. 2004, Ch. 483.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18531.62
2 Cal. Code of Regs. Section 18993
2 Cal. Code of Regs. Section 18994
2 Cal. Code of Regs. Section 18995

§ 90001. Mandatory Audits and Investigations.
Audits and investigations shall be made pursuant to Section 90000 with respect to the reports and statements of:
(a) Each lobbying firm and each lobbyist employer who employs one or more lobbyists shall be subject to an audit on a random basis with these lobbying firms or lobbyist employers having a 25-percent chance of being audited. When a lobbying firm or lobbyist employer is audited, the individual lobbyists who are employed by the lobbying firm or the lobbyist employer shall also be audited.
(b) Each statewide, Supreme Court, court of appeal, or Board of Equalization candidate in a direct primary or general election for whom it is determined that twenty-five thousand dollars ($25,000) or more in contributions have been raised or twenty-five thousand dollars ($25,000) or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or whose participation in the direct primary or general election is primarily in support of his or her candidacy. Each statewide candidate whose contributions and expenditures are less than twenty-five thousand dollars ($25,000) shall be subject to an audit on a random basis of 10 percent of the number of such candidates.
(c) Each candidate for the Legislature or superior court judge in a direct primary or general election shall be subject to audit by random selection if it is determined that fifteen thousand dollars ($15,000) or more in contributions have been received or fifteen thousand dollars ($15,000) or more in expenditures have been made, whether by the candidate or by a committee or committees controlled...
§ 90002.

by the candidate or primarily supporting his or her candidacy. Random selection shall be made of 25 percent of the Senate districts, 25 percent of the Assembly districts and 25 percent of the judicial offices contested in an election year.

(d) Each candidate for the Legislature in a special primary or special runoff election for whom it is determined that fifteen thousand dollars ($15,000) or more in contributions have been raised or fifteen thousand dollars ($15,000) or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or primarily supporting his or her candidacy.

(e) Each controlled committee of any candidate who is being audited pursuant to subdivision (b), (c), or (d).

(f) Each committee, other than a committee specified in subdivision (c) of Section 82013, primarily supporting or opposing a candidate who is being audited pursuant to subdivision (b), (c), or (d) if it is determined that the committee has expended more than ten thousand dollars ($10,000).

(g) Each committee, other than a committee specified in subdivision (c) of Section 82013, whose participation is primarily in support of or in opposition to a state measure or state measures if it is determined that the committee has expended more than ten thousand dollars ($10,000) on such measure or measures.

(h) Each committee, other than a committee defined in subdivision (c) of Section 82013, a controlled committee or a committee primarily supporting or opposing a state candidate or measure, if it is determined that the committee has raised or expended more than ten thousand dollars ($10,000) supporting or opposing state candidates or state measures during any calendar year, except that if the Commission determines from an audit report that a committee is in substantial compliance with the provisions of the act, the committee thereafter shall be subject to an audit on a random basis with each such committee having a 25-percent chance of being audited.

(i) (1) With respect to local candidates and their controlled committees, the Commission shall promulgate regulations which provide a method of selection for these audits.

(2) With respect to candidates for the Board of Administration of the Public Employees’ Retirement System, the Commission shall promulgate regulations that provide a method for selection of these audits. The Public Employees’ Retirement System shall reimburse the Commission for all reasonable expenses incurred pursuant to this section.

(j) In accordance with subdivisions (a), (b), (c), and (h), the Fair Political Practices Commission shall select by lot the persons or districts to be audited on a random basis. For campaign audits the selection shall be made in public after the last date for filing the first report or statement following the general or special election for which the candidate ran, or following the election at which the measure was adopted or defeated. For lobbying firm and lobbyist employer audits, the selection shall be made in public in February of odd-numbered years.

History: Amended by Stats. 1978, Ch. 1411; amended by Stats. 1979, Ch. 551; amended by Stats. 1984, Ch. 1368; amended by Stats. 1985, Ch. 1183, effective September 29, 1985; amended by Stats. 1986, Ch. 835; amended by Stats. 1994, Ch. 1139; amended by Stats. 1998, Ch. 923.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18531.62
2 Cal. Code of Regs. Section 18601
2 Cal. Code of Regs. Section 18991
2 Cal. Code of Regs. Section 18992
2 Cal. Code of Regs. Section 18993
2 Cal. Code of Regs. Section 18994
2 Cal. Code of Regs. Section 18995
2 Cal. Code of Regs. Section 18997

§ 90003.

Audits and Investigations; Time.

(a) Audits and investigations of lobbying firms and lobbyist employers shall be performed on a biennial basis and shall cover reports filed during a period of two years.

(b) If a lobbying firm or lobbyist employer keeps a separate account for all receipts and payments for which reporting is required by this chapter, the requirement of an audit under subdivision (a) of Section 90001 shall be satisfied by an audit of that account and the supporting documentation required to be maintained by Section 86110.

History: Amended by Stats. 1976, Ch. 564; amended by Stats. 1977, Ch. 492; amended by Stats. 1978, Ch. 1411; amended by Stats. 1980, Ch. 289; operative January 1, 1982; amended by Stats. 1985, Ch. 1456; amended by Stats. 1986, Ch. 905; amended by Stats. 1988, Ch. 442; amended by Stats. 1994, Ch. 1139; amended by Stats. 2013, Ch. 9, effective July 1, 2014.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18531.62
2 Cal. Code of Regs. Section 18996

§ 90003.

Discretionary Audits.

In addition to the audits and investigations required by Section 90001, the Franchise Tax Board and the Commission may make investigations and audits with respect to any reports or statements required by this title.

History: Amended by Stats. 2004, Ch. 483; amended by Stats. 2013, Ch. 9, effective July 1, 2014.
§ 90004. Periodic Reports; Public Documents.
(a) The Franchise Tax Board shall periodically prepare reports, which, except as otherwise provided in this section, shall be sent to the Commission, the Secretary of State, and the Attorney General. If the reports relate to candidates for or committees supporting or opposing candidates for the office of Attorney General, the reports shall be sent to the Commission, the Secretary of State, and the District Attorneys of the Counties of Los Angeles, Sacramento, and San Francisco. If the reports relate to local candidates and their controlled committees, the reports shall be sent to the Commission, the local filing officer with whom the candidate or committee is required to file the originals of campaign reports pursuant to Section 84215, and the district attorney for the candidate’s county of domicile.

(b) The Franchise Tax Board shall complete its report of any audit conducted on a random basis pursuant to Section 90001 within two years after the person or entity subject to the audit is selected by the Commission to be audited.

(c) The reports of the Franchise Tax Board shall be public documents and shall contain in detail the Franchise Tax Board’s findings with respect to the accuracy and completeness of each report and statement reviewed and its findings with respect to any report or statement that should have been but was not filed. The Secretary of State and the local filing officer shall place the audit reports in the appropriate campaign statement or lobbying files.

History: Amended by Stats. 1976, Ch. 564; amended by Stats. 1979, Ch. 531; amended by Stats. 1987, Ch. 230; amended by Stats. 2004, Ch. 591; amended by Stats. 2005, Ch. 22; amended by Stats. 2013, Ch. 9, effective July 1, 2014.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18531.62
2 Cal. Code of Regs. Section 18996
2 Cal. Code of Regs. Section 18993
2 Cal. Code of Regs. Section 18995

§ 90005. Confidentiality; Exception.
A member, employee or agent of the Franchise Tax Board or the Commission shall not divulge or make known in any manner the particulars of any record, documents, or information that he or she receives by virtue of this chapter, except in furtherance of the work of the Franchise Tax Board or the Commission or in connection with a court proceeding or the lawful investigation of any agency.

History: Amended by Stats. 2014, Ch. 9, effective July 1, 2014.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18531.62
2 Cal. Code of Regs. Section 18993
2 Cal. Code of Regs. Section 18995

§ 90006. Audit and Investigation by Commission.
Audits and field investigations of candidates for Controller and member of the Board of Equalization and of committees supporting such candidates shall be made by the Commission instead of the Franchise Tax Board.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18531.62

§ 90007. Auditing Guidelines and Standards.
(a) The Commission shall adopt auditing guidelines and standards which shall govern audits and field investigations conducted under Section 90001. The guidelines and standards shall be formulated to accomplish the following purposes:
(1) The audits should encourage compliance and detect violations of this title;
(2) The audits should be conducted with maximum efficiency in a cost-effective manner; and
(3) The audits should be as unobtrusive as possible consistent with the foregoing purposes.
(b) In adopting its guidelines and standards the Commission shall consider relevant guidelines and standards of the American Institute of Certified Public Accountants to the extent such guidelines and standards are applicable and consistent with the purposes set forth in this section.

History: Added by Stats. 1978, Ch. 779, effective September 18, 1978.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18531.62
2 Cal. Code of Regs. Section 18993
2 Cal. Code of Regs. Section 18995

§ 90008. Preelection Auditing.
(a) It is the intent of the Legislature that the people of California have timely access to information concerning the campaign contributions and expenditures of all committees, corporations, and individuals, and that this information be provided before the election, when it is relevant, in accordance with the requirements of this title. It is the further intent of the Legislature that the Commission ensure that these disclosures are being made, and that this title be liberally construed and any judicial process be expedited to achieve this purpose.
§ 90009. Injunction to Compel Disclosure.
(a) To further the purposes of this title, the Commission may seek injunctive relief in a superior court to compel disclosure consistent with this title.
(b) A court shall grant expedited review to an action filed pursuant to subdivision (a) as follows:
(1) The court shall conduct an expedited hearing with an opportunity for the defendant to respond.
(2) Briefs of the parties shall be required pursuant to an expedited schedule.
(c) A superior or appellate court may, at its discretion, grant a stay of an order granting relief pursuant to subdivision (a).

Chapter 11. Enforcement.
§ 91000-91015
§ 91000. Violations; Criminal.
§ 91000.5. Administrative Proceedings.
§ 91001. Responsibility for Enforcement.
§ 91001.5. Authority of City Attorneys of Charter Cities.
§ 91002. Effect of Conviction.
§ 91003. Injunction.
§ 91003.5. Conflicts of Interest Violation.
§ 91004. Violations of Reporting Requirements; Civil Liability.
§ 91005. Civil Liability for Campaign, Lobbyist, Conflict of Interest Violation.
§ 91005.5. Civil Penalties.
§ 91006. Joint and Several Liability.
§ 91007. Procedure for Civil Actions.
§ 91008. Judgment on the Merits; Precedence; Dismissal.
§ 91008.5. Civil Action Precluded by Commission Order.
§ 91009. Considerations; Liability.
§ 91010. Campaign Disclosure Violations; Request to Civil Prosecutor.
§ 91011. Statute of Limitations.
§ 91012. Costs; Attorney Fees; Bond.
§ 91013. Late Filing of Statement or Report; Fees.

§ 91013.5. Collection of Penalties.
§ 91013.7. Judgment for Collection of Penalties.
§ 91014. Applicability of Other State Law.
§ 91015. Liability for Violations; Criminal and Civil. [Repealed]

§ 91000. Violations; Criminal.
(a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.
(b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars ($10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.
(c) Prosecution for violation of this title must be commenced within four years after the date on which the violation occurred.

§ 91000.5. Administrative Proceedings.
No administrative action brought pursuant to Chapter 3 (commencing with Section 83100) alleging a violation of any of the provisions of this title shall be commenced more than five years after the date on which the violation occurred.
(a) The service of the probable cause hearing notice, as required by Section 83115.5, upon the person alleged to have violated this title shall constitute the commencement of the administrative action.
(b) If the person alleged to have violated this title engages in the fraudulent concealment of his or her acts or identity, the five-year period shall be tolled for the period of concealment. For purposes of this subdivision, “fraudulent concealment” means the person knows of material facts related to his or her duties under this title and knowingly conceals them in performing or omitting to perform those duties, for the purpose of defrauding the public of information to which it is entitled under this title.
(c) If, upon being ordered by a superior court to produce any documents sought by a subpoena in any administrative proceeding under Chapter 3 (commencing with Section 83100), the person alleged to have violated this title fails to produce
documents in response to the order by the date ordered to comply therewith, the five-year period shall be tolled for the period of the delay from the date of filing of the motion to compel until the date of the documents are produced.

History: Added by Stats. 1997, Ch. 179.

References at the time of publication (see page 3):
Regulations: 2 Cal. Code of Regs. Section 18610
2 Cal. Code of Regs. Section 18612
2 Cal. Code of Regs. Section 18615

§ 91001. Responsibility for Enforcement.
(a) The Attorney General is responsible for enforcing the criminal provisions of this title with respect to state agencies, lobbyists and state elections. The district attorney of any county in which a violation occurs has concurrent powers and responsibilities with the Attorney General.

(b) The civil prosecutor is primarily responsible for enforcement of the civil penalties and remedies of this title. The civil prosecutor is the Commission with respect to the state or any state agency, except itself. The Attorney General is the civil prosecutor with respect to the Commission. The district attorneys are the civil prosecutors with respect to any other agency. The civil prosecutor may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction. Upon written authorization from a district attorney, the Commission may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction. Under such circumstances, Section 91007 shall not apply to the Commission.

(c) Whether or not a violation is inadvertent, negligent or deliberate, and the presence or absence of good faith shall be considered in applying the remedies and sanctions of this title.

History: Amended by Stats. 1976, Ch. 1161; repealed and reenacted as amended by Stats. 1977, Ch. 230, effective July 7, 1977; amended by Stats. 1979, Ch. 357.

§ 91001.5. Authority of City Attorneys of Charter Cities.
In any case in which a district attorney could act as the civil or criminal prosecutor under the provisions of this title, the elected city attorney of any charter city may act as the civil or criminal prosecutor with respect to any violations of this title occurring within the city.

History: Added by Stats. 1976, Ch. 594, effective August 26, 1976.

§ 91002. Effect of Conviction.
No person convicted of a misdemeanor under this title shall be a candidate for any elective office or act as a lobbyist for a period of four years following the date of the conviction unless the court at the time of the sentencing specifically determines that this provision shall not be applicable. A plea of nolo contendere shall be deemed a conviction for purposes of this section. Any person violating this section is guilty of a felony.

§ 91003. Injunction.
(a) Any person residing in the jurisdiction may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this title. The court may in its discretion require any plaintiff other than the Commission to file a complaint with the Commission prior to seeking injunctive relief. The court may award to a plaintiff or defendant who prevails his costs of litigation, including reasonable attorney’s fees.

(b) Upon a preliminary showing in an action brought by a person residing in the jurisdiction that a violation of Article 1 (commencing with Section 87100), Article 4 (commencing with Section 87400), or Article 4.5 (commencing with Section 87450) of Chapter 7 of this title or of a disqualification provision of a Conflict of Interest Code has occurred, the court may restrain the execution of any official action in relation to which such a violation occurred, pending final adjudication. If it is ultimately determined that a violation has occurred and that the official action might not otherwise have been taken or approved, the court may set the official action aside as void. The official actions covered by this subsection include, but are not limited to orders, permits, resolutions and contracts, but do not include the enactment of any state legislation. In considering the granting of preliminary or permanent relief under this subsection, the court shall accord due weight to any injury that may be suffered by innocent persons relying on the official action.

History: Amended by Stats. 1976, Ch. 1161; amended by Stats. of 1987, Ch. 628.

§ 91003.5. Conflicts of Interest Violation.
Any person who violates a provision of Article 2 (commencing with Section 87200), 3 (commencing with Section 87300), or 4.5 (commencing with Section 87450) of Chapter 7 is subject to discipline by his or her agency, including dismissal, consistent with any applicable civil service or other personnel laws, regulations and procedures.

History: Amended by Stats. 1986, Ch. 594.

§ 91004. Violations of Reporting Requirements; Civil Liability.
Any person who intentionally or negligently violates any of the reporting requirements of this title shall be liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount not more than the amount or value not properly reported.

History: Amended by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):
Regulations: 2 Cal. Code ofRegs. Section 18427

§ 91005. Civil Liability for Campaign, Lobbyist, Conflict of Interest Violation.

(a) Any person who makes or receives a contribution, gift, or expenditure in violation of Section 84300, 84304, 86203, or 86204 is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to one thousand dollars ($1,000) or three times the amount of the unlawful contribution, gift, or expenditure, whichever amount is greater.

(b) Any designated employee or public official specified in Section 87200, except an elected state officer, who realizes an economic benefit as a result of a violation of Section 87100 or of a disqualification provision of a conflict of interest code is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to three times the value of the benefit.

History: Amended by Stats. 1997, Ch. 455, effective September 24, 1997; amended by Stats. 2000, Ch. 130.

§ 91005.5. Civil Penalties.

Any person who violates any provision of this title, except Sections 84305, 84307, and 89001, for which no specific civil penalty is provided, shall be liable in a civil action brought by the commission or the district attorney pursuant to subdivision (b) of Section 91001, or the elected city attorney pursuant to Section 91001.5, for an amount up to five thousand dollars ($5,000) per violation.

No civil action alleging a violation of this title may be filed against a person pursuant to this section if the criminal prosecutor is maintaining a criminal action against that person pursuant to Section 91000.

The provisions of this section shall be applicable only as to violations occurring after the effective date of this section.

History: Amended by Stats. 1982, Ch. 727; amended by Proposition 208 of the November 1996 Statewide General Election; Repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

§ 91006. Joint and Several Liability.

If two or more persons are responsible for any violation, they shall be jointly and severally liable.

History: Amended by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

References at the time of publication (see page 3):
Regulations: 2 Cal. Code ofRegs. Section 18316.6

§ 91007. Procedure for Civil Actions.

(a) Any person, before filing a civil action pursuant to Sections 91004 and 91005, must first file with the civil prosecutor a written request for the civil prosecutor to commence the action. The request shall include a statement of the grounds for believing a cause of action exists. The civil prosecutor shall respond to the person in writing, indicating whether he or she intends to file a civil action.

(1) If the civil prosecutor responds in the affirmative and files suit within 120 days from receipt of the written request to commence the action, no other action may be brought unless the action brought by the civil prosecutor is dismissed without prejudice as provided for in Section 91008.

(2) If the civil prosecutor responds in the negative within 120 days from receipt of the written request to commence the action, the person requesting the action may proceed to file a civil action upon receipt of the response from the civil prosecutor. If, pursuant to this subdivision, the civil prosecutor does not respond within 120 days, the civil prosecutor shall be deemed to have provided a negative written response to the person requesting the action on the 120th day and the person shall be deemed to have received that response.

(3) The time period within which a civil action shall be commenced, as set forth in Section 91011, shall be tolled from the date of receipt by the civil prosecutor of the written request to either the date that the civil action is dismissed without prejudice, or the date of receipt by the person of the negative response from the civil prosecutor, but only for a civil action brought by the person who requested the civil prosecutor to commence the action.

(b) Any person filing a complaint, cross-complaint or other initial pleading in a civil action pursuant to Sections 91003, 91004, 91005, or 91005.5 shall, within 10 days of filing the complaint, cross-complaint, or initial pleading, serve on the Commission a copy of the complaint,
cross-complaint, or initial pleading or a notice containing all of the following:

(1) The full title and number of the case.
(2) The court in which the case is pending.
(3) The name and address of the attorney for the person filing the complaint, cross-complaint, or other initial pleading.
(4) A statement that the case raises issues under the Political Reform Act.
(c) No complaint, cross-complaint, or other initial pleading shall be dismissed for failure to comply with subdivision (b).

History: Amended by Stats. 1992, Ch. 405.

§ 91008. Judgment on the Merits; Precedence; Dismissal.
Not more than one judgment on the merits with respect to any violation may be obtained under Sections 91004 and 91005. Actions brought for the same violation or violations shall have precedence for purposes of trial in order of the time filed. Such actions shall be dismissed once judgment has been entered or a settlement approved by the court in a previously filed action. The court may dismiss a pending action without prejudice to any other action for failure of the plaintiff to proceed diligently and in good faith. The action may be so dismissed on motion of the civil prosecutor or any plaintiff in an action based on the same violation.

§ 91008.5. Civil Action Precluded by Commission Order.
No civil action may be filed under Section 91004, 91005, or 91005.5 with regard to any person for any violations of this title after the Commission has issued an order pursuant to Section 83116 against that person for the same violation.

History: Added by Stats. 1984, Ch. 670.

§ 91009. Considerations; Liability.
In determining the amount of liability under Sections 91004 or 91005, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action brought under Section 91004 or 91005, the plaintiff shall receive fifty percent of the amount recovered. The remaining fifty percent shall be deposited in the General Fund of the state. In an action brought by the civil prosecutor, the entire amount recovered shall be paid to the general fund or treasury of the jurisdiction.

§ 91010. Campaign Disclosure Violations; Request to Civil Prosecutor.
No request to the civil prosecutor pursuant to Section 91007 shall be made or filed in connection with a report or statement required by Chapter 4 (commencing with Section 84100) until the time when an audit and investigation could be begun under subdivision (c) Section 90002.

History: Amended by Stats. 1999, Ch. 577, effective September 29, 1999.

§ 91011. Statute of Limitations.
(a) No civil action alleging a violation in connection with a report or statement required by Chapter 4 (commencing with Section 84100) shall be filed more than four years after an audit could begin as set forth in subdivision (c) of Section 90002, or more than one year after the Franchise Tax Board forwards its report to the commission, pursuant to Section 90004, of any audit conducted of the alleged violator, whichever period is less.
(b) No civil action alleging a violation of any provisions of this title, other than those described in subdivision (a), shall be filed more than four years after the date the violation occurred.

History: Amended by Stats. 1978, Ch. 1411; amended by Stats. 1980, Ch. 742; amended by Stats. 1997, Ch. 455, effective September 24, 1997; amended by Stats. 2004, Ch. 591.

§ 91012. Costs; Attorney Fees; Bond.
The court may award to a plaintiff or defendant other than an agency, who prevails in any action authorized by this title his costs of litigation, including reasonable attorney’s fees. On motion of any party, a court shall require a private plaintiff to post a bond in a reasonable amount at any stage of the litigation to guarantee payment of costs.

§ 91013. Late Filing of Statement or Report; Fees.
(a) If any person files an original statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this act, be liable in the amount of ten dollars ($10) per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed. Liability need not be enforced by the filing officer if on an impartial basis he or she determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within 30 days for a statement of economic interest, other than a candidate’s statement filed pursuant to Section 87201, five days for a
§ 91013.5. Collection of Penalties.
(a) In addition to any other available remedies, the commission or the filing officer may bring a civil action and obtain a judgment in superior court for the purpose of collecting any unpaid monetary penalties, fees, or civil penalties imposed pursuant to this title. The action may be filed as a small claims, limited civil, or unlimited civil case, depending on the jurisdictional amount. The venue for this action shall be the county where the monetary penalties, fees, or civil penalties were imposed by the order or decision, or the order as modified in accordance with a decision on judicial review.

(b) A civil action brought pursuant to subdivision (a) shall be commenced within four years after the date on which the monetary penalty, fee, or civil penalty was imposed.

History: Added by Stats. 1984, Ch. 670; amended by Stats. 2004, Ch. 483.

§ 91013.7. Judgment for Collection of Penalties.
(a) If the time for judicial review of a final Commission order or decision has lapsed, or if all means of judicial review of the order or decision have been exhausted, the Commission may apply to the clerk of the court for a judgment to collect the penalties imposed by the order or decision, or the order as modified in accordance with a decision on judicial review.

(b) The application, which shall include a certified copy of the order or decision, or the order as modified in accordance with a decision on judicial review, and proof of service of the order or decision, constitutes a sufficient showing to warrant issuance of the judgment to collect the penalties. The clerk of the court shall enter the judgment immediately in conformity with the application.

(c) An application made pursuant to this section shall be made to the clerk of the superior court in the county where the monetary penalties, fees, or civil penalties were imposed by the Commission.

(d) A judgment entered in accordance with this section has the same force and effect as, and is subject to all the provisions of law relating to, a judgment in a civil action and may be enforced in the same manner as any other judgment of the court in which it is entered.

(e) The Commission may bring an application pursuant to this section only within four years after the date on which the monetary penalty, fee, or civil penalty was imposed.

(f) The remedy available under this section is in addition to those available under Section 91013.5 or any other law.

History: Added by Stats. 2013, Ch. 645.

§ 91014. Applicability of Other State Law.
Nothing in this chapter shall exempt any person from applicable provisions of any other laws of this state.

§ 91015. Liability for Violations; Criminal and Civil. [Repealed]
History: Added by Stats. 1984, Ch. 670; repealed by Proposition 208 of the November 1996 Statewide General Election.
Code of Ethics & Conduct
The people of the City of Santa Ana, at an election held on February 5, 2008, approved an amendment to the City Charter of the City of Santa Ana which states: “The City of Santa Ana shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government elected and appointed officials.” Consistent with the vote of the people, the following Code of Ethics and Conduct is hereby adopted by the City of Santa Ana to ensure effective and fair operation of the local government of the City of Santa Ana.

I.

PREAMBLE

It is the intent of this code to achieve fair, ethical, and accountable local government for the City of Santa Ana. The people of Santa Ana expect public officials, both elected and appointed, to comply with both the letter and the spirit of the laws of the State of California, the United States of America, and the Charter, Municipal Code, and established policies of the City of Santa Ana affecting the operations of local government. In addition, public officials are expected to comply with the provisions of this Code of Ethics and Conduct established pursuant to the expressed will of the people. All persons covered by this code will aspire to meet the highest ethical standards in the conduct of their responsibility as an elected or appointed official of the City of Santa Ana.

This code addresses various aspects related to the governance of the City of Santa Ana and supplements, but does not supplant other laws and rules that prescribe the legal responsibilities of City officials. These include, but are not limited to, the Federal and State Constitutions, various provisions of the California Government Code (such as the Brown Act and the Political Reform Act), the Labor Code, laws prohibiting discrimination and harassment, and the City of Santa Ana Charter and Municipal Code. Elected and appointed officials are expected to be familiar with these laws to ensure that they exercise their public responsibilities in a proper fashion. This code is not designed to be used as a tool to remove appointed officials, as the City Council retains the right under the Charter and Municipal Code to remove appointed officials in accordance with those provisions.

While it is not possible to anticipate and provide a rule of conduct and ethics for all situations that public officials may face, this Code of Ethics and Conduct is designed to provide a framework to guide public officials in their daily duties.
II.

SCOPE

The provisions of this Code of Ethics and Conduct shall apply to the Mayor and members of the City Council, and to all members of the boards, commissions, and committees appointed by the City Council or the Mayor or the Mayor and City Council, including any ad hoc committees. Further, the provisions of this Code of Ethics and Conduct shall only apply to these officials and members acting in their official capacities and in the discharge of their duties.

III.

CORE VALUES

Attitudes, words, and actions should demonstrate, support, and reflect the following qualities and characteristics for the well being of our community. The five core values and expressions that reflect these core values are as follows:

INTEGRITY/ HONESTY

- I am honest with my fellow elected officials, the public and others.
- I do not promise what I believe to be unrealistic.
- I am prepared to make unpopular decisions when my sense of the public’s best interests requires it.
- I credit others’ contributions to moving our community’s interests forward.
- I do not knowingly use false or inaccurate information to support my position or views.
- I safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising, objectivity, independence, and honesty.

RESPONSIBILITY/PROTECTING THE PUBLIC’S INTERESTS

- I do not accept gifts, services or other special considerations because of my public position.
- I excuse myself from participating in decisions when my or my immediate family’s financial interests may be affected by my agency’s actions.
- I do not give special treatment or consideration to any individual or group beyond that available to any other individual.
- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.
FAIRNESS/ACCOUNTABILITY

- I promote meaningful public involvement in the agency's decision-making processes.
- I treat all persons, claims and transactions in a fair and equitable manner; I make decisions based on the merits of the issue.
- If I receive substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, I publicly share it with my fellow governing board members and staff.
- I work to contribute to a strong organization that exemplifies transparency and open communication.

RESPECT FOR FELLOW ELECTED OR APPOINTED OFFICIALS, STAFF, AND THE PUBLIC

- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- I work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff; I involve staff in meetings with individuals, those with business before the agency, officials from other agencies and legislators to ensure proper staff support and to keep staff informed
- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I encourage full participation of all persons and groups; I am aware and observe important celebrations and events which reflect the values of our diverse population.

PROPER AND EFFICIENT USE OF PUBLIC RESOURCES

- I do not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.
IV.

IMPLEMENTATION AND ENFORCEMENT

City of Santa Ana elected and appointed officials of the various boards, commissions and committees have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. This code of ethics will be most effective when the elected and appointed officials are thoroughly familiar with it and embrace its provisions.

Upon adoption of this code, all current elected or appointed officials shall be given a copy of the code and asked to affirm in writing that they have received the code, understand its provisions, and pledge to conduct themselves by the code. All new members of the City Council, upon election or reelection, and members of boards, commissions, and committees appointed by the City Council, upon appointment or reappointment, shall be given a copy of the code and are required to affirm in writing they have received the code and understand its provisions, and pledge to conduct themselves by the code. (See Attachment) Additionally, all members of the City Council, boards, commissions, and committees, as part of their AB1234 training, shall be provided additional training clarifying the provisions and application of this code. The City Attorney, or his/her designee, shall serve as a resource person to those persons covered by the code to assist them in determination of appropriate actions consistent with the code.

A periodic review of the code shall be conducted to ensure that the code is an effective and vital document.

This Code of Conduct is intended to be a reflection of the community’s values as articulated by the Mayor and City Council as they represent the will of the people of the City of Santa Ana.
CITY OF SANTA ANA – CODE OF ETHICS AND CONDUCT

CERTIFICATION

As an elected or appointed official of the City of Santa Ana, California, I herein certify that I have received a copy of the Code of Ethics and Conduct of the City of Santa Ana, have been offered training and assistance in understanding this code, and am aware of the provisions of the code and its application to my responsibilities. Consistent with the code, I pledge the following in the conduct of my duties:

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- I am honest with my fellow elected officials, the public and others.
- I do not promise what I believe to be unrealistic.
- I am prepared to make unpopular decisions when my sense of the public’s best interests requires it.
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• I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

Signature: ___________________________ Dated: ____________________
REQUEST FOR COUNCIL ACTION
CITY COUNCIL MEETING DATE: SEPTEMBER 18, 2018
TITLE:

RECEIVE AND FILE REPORT FROM THE LEGISLATIVE AFFAIRS, ETHICS, TRANSPARENCY AND COMMUNICATIONS COUNCIL COMMITTEE (STRATEGIC PLAN NO. 5, 1)

CITY MANAGER

RECOMMENDATION
Receive and file report.

DISCUSSION
At the Special, Legislative Affairs, Ethics, Transparency and Communication Council Committee meeting held on August 15, 2018, the members discussed and provided staff direction on draft policy regarding City Council censure for violations of Code of Conduct and Ethics. The Committee had been presented with various policy options for consideration of sanctions, censure, disapproval, and admonitions. The committee members unanimously agreed to direct staff to bring back a receive and file report to the City Council that recommends a status quo policy. The City has a values based Code of Ethics and Conduct; thus, existing methods of reporting both Brown Act and Political Reform Act violations are appropriate and should remain.

The attached exhibit provides existing reporting mechanism for the Orange County District Attorney’s office, Grand Jury, Fair Political Practices Commission and/or the Attorney General’s Office depending on the type of violation.

STRATEGIC PLAN
Approval of this item allows us to meet Goal #5. Community Health, Livability, Engagement & Sustainability, Priority #1, Establish a comprehensive community engagement initiative to expand access to information and create opportunities for stakeholders to play an active role in discussing public policy and setting priorities.

FISCAL IMPACT
There is no fiscal impact associated with this action.

Maria D. Huizar
Clerk of the Council

Exhibit: 1. Reporting Mechanism

19C-1
Exhibit 1

BROWN ACT VIOLATIONS

Existing Methods of Reporting Brown Act Violations
1. OC District Attorney's Office – Special Prosecution Unit
2. Grand Jury (authorized under AB1945)
3. Attorney General

How to report violations
1. Majority Vote of the City Council in Open Session
2. Member of the Public submit to Enforcement Agency

Caution – Legislative Actions May be Voided
Meetings of public bodies must be "open and public," actions may not be secret, and action taken in violation of open meetings laws may be voided. (§§ 54953(a), 54953(c), 54960.1(d))

What are the Penalties for Violating the Brown Act?
If you are a public official, you need to take the Brown Act seriously. There are both criminal and civil penalties for violating the Brown Act. Participation in unauthorized meetings is a misdemeanor. There are specific remedies available for disclosure of confidential information obtained in closed session.

An action for an injunction or declaratory relief for violations of the Brown Act may be brought by any interested person or by the District Attorney. The court may order the action taken by the legislative body null and void. Prior to bringing an action, however, the complainant must make a demand on the legislative body to cure the defect. If the legislative body fails to cure, then the complainant may file suit.

Action by the legislative body will not be null and void if:
1. The legislative body substantially complied with the provisions of the Brown Act.
2. The action involved the sale or issuance of notes, bonds or a contract with a third party.
3. The action was taken to collect a tax.
4. If the person had actual notice of the item of business within 72 hours prior to the meeting (or 24 hours for a special meeting) despite the lack of agenda.
5. A court may award court costs and reasonable attorneys' fees to any successful plaintiff. Local agencies may be entitled to attorneys' fees where the case is found to be frivolous and without any merit.

Because the penalties for violation of the Act can be severe, it is imperative that all public officials acquaint themselves with the provisions of the Brown Act. The Act applies to legislative bodies of local agencies. Remember that a meeting includes every gathering of the majority of the members of the legislative body, with certain limited exceptions.

All meetings must be noticed with a posted agenda containing the necessary elements—a description of each item to be discussed, time and place of the meeting, and an opportunity for the public to address the legislative body. The reason for any closed session must be disclosed both on the agenda and orally prior to convening the closed session. Following the closed
Exhibit 1

session, an oral or written report of the action taken in closed session must be given which includes the vote of the legislative body members.

Meetings must be held in an accessible location within the jurisdiction. Any and all interested persons must have the opportunity to attend. All materials used by the members of the legislative body both in preparation for and at the meeting are public records.

Remember, it is always better to err on the side of openness to protect yourself. If you have any questions regarding the application of the Act to any part of your agendas, meetings or gatherings, whether informal or formal, seek legal advice.

Summary of Consequences of Violation.

A. Criminal penalties-- misdemeanor where action taken in violation of the act.
B. Civil remedies--
   1. Injunction, mandamus, declaratory relief
   2. Action may be voided following notice to correct, which must be received within 90 days, and acted on within 30 days, lawsuit filed within 15 days.
C. Attorney fees
   1. Awarded against agency, not individual.

About the Orange County District Attorney's Office

The Office of the District Attorney's Special Prosecutions Unit is responsible for prosecuting political corruption. Political/public corruption includes all criminal acts that relate to the election to and/or holding of a public office. The integrity of the political process is vital to our democracy. Among the crimes in this category are campaign money laundering, candidate residency violations, Political Reform Act violations, conflicts of interest, misuse of public funds and Brown Act violations.

The Special Prosecutions Unit reviews all complaints of political corruption submitted to the District Attorney. Often the complaint is discussed with other agencies such as the United States Attorney, the California Attorney General and the California Fair Political Practices Commission. A determination is then reached as to which agency is best suited to handle the complaint. This decision is based on such considerations as the gravity of the violation, potential punishments and any possible conflicts of interest on the part of the District Attorney. If it is decided that the District Attorney can best handle the complaint, a thorough investigation is completed by the Special Assignments Unit of the District Attorney's Bureau of Investigations. A prosecutor specializing in these types of cases in the Special Prosecutions Unit then determines if there is sufficient evidence to prove a specific crime beyond a reasonable doubt. If so, that prosecutor will file charges and handle the case to its conclusion. The District Attorney believes that such crimes encroach on the fundamental democratic political process and should be vigorously prosecuted.

State Legislation Authorizing Grand Jury to Investigate Violations
Legislation, effective January 1, 2003 (AB 1945), confirms that it is a violation of the Brown Act to disclose confidential, closed session information.
LEGISLATIVE COUNSEL'S DIGEST

The Ralph M. Brown Act generally requires that the meetings of the legislative body of a
local agency be conducted openly and publicly, but also provides that the legislative body
of a local agency may hold closed sessions for specified purposes. The act provides that a
member of a legislative body who attends a meeting of that body where action is taken in
violation of the act, and where the member intends to deprive the public of information to
which the member knows or has reason to know the public is entitled under the act, is
guilty of a misdemeanor.

This bill would provide that a person may not disclose confidential information, as defined,
that has been acquired by being present in a closed session authorized under the act, as
specified, unless the legislative body authorizes disclosure of that confidential information.

The bill would provide that a violation of these provisions may be addressed by the
use of remedies that are currently available by law, including, but not limited to,
injunctive relief to prevent the disclosure of confidential information under these
provisions, disciplinary action against an employee who has willfully disclosed
confidential information, and the referral of a member of a legislative body who has
willfully disclosed confidential information to the grand jury for investigation and
possible accusation under specified procedures. The bill would provide that a local
agency may not take any of these actions against a person for making a confidential
inquiry or complaint to a district attorney or grand jury concerning a perceived violation of
law, expressing an opinion concerning the propriety or legality of actions taken by a
legislative body in closed session, including disclosing specified facts to a district attorney
or grand jury to establish the illegality of action taken or potential illegality of action
deliberated upon that would be illegal if the action is taken, or disclosing information
acquired by being present in a closed session that is not confidential information.

The people of the State of California do enact as follows:
SECTION 1. Section 54963 is added to the Government Code, to read:
54963. (a) A person may not disclose confidential information that has been acquired by
being present in a closed session authorized by Section 54963.7, 54963.8, 54963.86,
54963.87, 54963.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to
receive it, unless the legislative body authorizes disclosure of that confidential information.
(b) For purposes of this section, "confidential information" means a communication made
in a closed session that is specifically related to the basis for the legislative body of a local
agency to meet lawfully in closed session under this chapter.
(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

1) **Injunctive relief** to prevent the disclosure of confidential information prohibited by this section.
2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.
3) **Referral** of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.

(d) **Disciplinary action** pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.
2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.
3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.
Exhibit 1

POLITICAL REFORM ACT VIOLATIONS

Referred to: Fair Political Practices Commission (FPPC)

Mission of the Enforcement Division:
The mission of the Fair Political Practices Enforcement Division is to fairly, effectively and efficiently enforce the provisions of the Political Reform Act.

What We Do:
The Act gives the Division the authority to investigate and administratively prosecute violations of the Political Reform Act. A violation of the Act may be prosecuted for a penalty fine of up to $5,000 for each violation. The team of Enforcement Division investigators, attorneys, auditors, political reform consultants and support staff works vigorously to ensure that cases are handled swiftly, effectively and fairly.

Enforcement Process:
A matter will be fully investigated when there is sufficient information to believe that a violation of the Act has occurred. Information regarding potential violations of the Act comes from citizen complaints, referrals from other governmental agencies, media reports, audit findings or may be identified internally.

When sufficient evidence exists to prove a violation of the Act, the Enforcement Division will bring a prosecution action to the Commission, or may issue a Warning Letter, depending upon the facts of the case and the public harm caused. If the evidence is insufficient to warrant prosecution, a case may be closed with an Advisory Letter or without violation.

The Enforcement Division also operates a campaign audit program of both mandatory and discretionary audits.
How to File a Complaint:

Anyone who suspects a violation of the Act should file a sworn complaint with the Enforcement Division. To file a complaint click the button below.

Violations of the Act include:

- Conflict of interests,
- Campaign money laundering,
- Gift limit violations,
- Campaign mass mailing at public expense,
- Failure to file or report all interests on required Statements of Economic Interest
- Inadequate, untimely, or no filing of required campaign statements and reports,
- Improper campaign reporting,
- Improper receipt of campaign funds, including receiving funds from anonymous sources and contributions in excess of limits,
- Improper expenditures of campaign funds, including using campaign funds for personal use.

Violations do NOT include:

- False or misleading campaign materials,
- Election fraud,
- Misuse of public funds unrelated to campaign mass mailing,
- Violations of the Elections Code, the Penal Code, or any laws other than the Political Reform Act,
- Issues related to Federal campaigns,
- Open meeting law issues (Brown Act, Bagley-Keene),
- Local ordinances,
- Vandalism of campaign signs.
- Residency requirements for running for or holding office.

FPPC Toll-Free
1-866-ASK-FPPC (1-866-275-3772)
Monday through Thursday
9:00am - 11:30am
Exhibit 1

CODE OF ETHICS AND VALUES VIOLATIONS

**Values based Code**
- The City Attorney, or his/her designee, shall serve as a resource person to those persons covered by the code to assist them in determination of appropriate actions consistent with the Code.

**Code associated with AB1234 (State’s Ethics Training)**
- Fair Political Practices Commission enforces AB1234 violations.

**Code Adopted via Resolution on June 2, 2008**

The people of the City of Santa Ana, at an election held on February 5, 2008, approved an amendment to the City Charter of the City of Santa Ana which states: “The City of Santa Ana shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government elected and appointed officials.” Consistent with the vote of the people, the following Code of Ethics and Conduct is hereby adopted by the City of Santa Ana to ensure effective and fair operation of the local government of the City of Santa Ana.

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This code addresses various aspects related to the governance of the City of Santa Ana and supplements, but does not supplant other laws and rules that prescribe the legal responsibilities of City officials. These include, but are not limited to, the Federal and State Constitutions, various provisions of the California Government Code (such as the Brown Act and the Political Reform Act), the Labor Code, laws prohibiting discrimination and harassment, and the City of Santa Ana Charter and Municipal Code. Elected and appointed officials are expected to be familiar with these laws to ensure that they exercise their public responsibilities in a proper fashion. This code is not designed to be used as a tool to remove appointed officials, as the City
Exhibit 1

Council retains the right under the Charter and Municipal Code to remove appointed officials in accordance with those provisions.

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SCOPE

The provisions of this Code of Ethics and Conduct shall apply to the Mayor and members of the City Council, and to all members of the boards, commissions, and committees appointed by the City Council or the Mayor or the Mayor and City Council, including any ad hoc committees. Further, the provisions of this Code of Ethics and Conduct shall only apply to these officials and members acting in their official capacities and in the discharge of their duties.

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- I promote meaningful public involvement in the agency’s decision-making processes.
- I treat all persons, claims and transactions in a fair and equitable manner; I make decisions based on the merits of the issue.
- If I receive substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, I publicly share it with my fellow governing board members and staff.
- I work to contribute to a strong organization that exemplifies transparency and open communication.

RESPECT FOR FELLOW ELECTED OR APPOINTED OFFICIALS, STAFF, AND THE PUBLIC

- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- I work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff; I involve staff in meetings with individuals, those with business before the agency, officials from other agencies and legislators to ensure proper staff support and to keep staff informed.
- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I encourage full participation of all persons and groups; I am aware and observe important celebrations and events which reflect the values of our diverse population.

PROPER AND EFFICIENT USE OF PUBLIC RESOURCES

- I do not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

IMPLEMENTATION AND ENFORCEMENT

City of Santa Ana elected and appointed officials of the various boards, commissions and committees have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. This code of ethics will be most effective when the elected and appointed officials are thoroughly familiar with it and embrace its provisions.

19C-11
Exhibit 1

Upon adoption of this code, all current elected or appointed officials shall be given a copy of the code and asked to affirm in writing that they have received the code, understand its provisions, and pledge to conduct themselves by the code. All new members of the City Council, upon election or reelection, and members of boards, commissions, and committees appointed by the City Council, upon appointment or reappointment, shall be given a copy of the code and are required to affirm in writing they have received the code and understand its provisions, and pledge to conduct themselves by the code. Additionally, all members of the City Council, boards, commissions, and committees, as part of their AB1234 training, shall be provided additional training clarifying the provisions and application of this code. The City Attorney, or his/her designee, shall serve as a resource person to those persons covered by the code to assist them in determination of appropriate actions consistent with the code.

A periodic review of the code shall be conducted to ensure that the code is an effective and vital document.

This Code of Conduct is intended to be a reflection of the community’s values as articulated by the Mayor and City Council as they represent the will of the people of the City of Santa Ana.
CHARTER AND MUNICIPAL CODE VIOLATIONS

No reporting mechanism; following Charter provisions may apply:

Charter Section 420. - Violation and penalty.

The City Council may make the violation of its ordinances a misdemeanor or infraction which may be prosecuted in the name of the People of the State of California or may be redressed by civil action and may prescribe punishment for such misdemeanor or infraction in the same manner as provided in the penal code of the State of California as the same now reads or as hereafter amended.

(Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

Charter Section 1100. - Investigations by the city council or city manager.

The City Council, the City Manager, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency, or officer of the City and to make investigation as to City affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence.

Charter Section 1501. - Violations.

The violation of any provision of this charter shall be deemed a misdemeanor and be punishable upon conviction in the same manner as provided in the Penal Code of the State of California as the same now reads or as hereafter amended.

(Ord. No. NS-2074, § 9, 8-6-90, approved at election 11-6-90)
Gift Ban Ordinance
ORDINANCE NO. NS-2201

AN ORDINANCE OF THE CITY OF SANTA ANA
ADDING ARTICLE IX TO CHAPTER 2 OF THE
SANTA ANA MUNICIPAL CODE TO PROHIBIT THE
DONATION AND RECEIPT OF SPECIFIED GIFTS
TO PUBLIC OFFICIALS

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS
FOLLOWS

SECTION 1: That the Santa Ana Municipal Code is hereby
amended by adding an article, to be numbered IX, and consisting of
sections to be numbered 2-851 through 2-854, to Chapter 2 thereof,
which said article reads as follows:

ARTICLE IX

GIFTS TO PUBLIC OFFICIALS

Sec. 2-851. Purpose; meaning of terms; interpretation;
citation.

The City Council finds that the receipt of gifts by public
officials from persons who do business with the City erodes public
confidence in the impartiality of decisions made by those
officials. The purpose of this article is to prohibit the donation
and receipt of specified gifts, thereby eliminating, to the extent
possible, such loss of confidence.

Unless otherwise expressly defined, the terms used in this
ordinance shall have the same meaning as defined in the California
Political Reform Act (Title 9 of the California Government Code)
and regulations issued by the Fair Political Practices Commission
pursuant to the authority of the Political Reform Act, as the Act
and regulations shall be, from time to time, amended.

This article shall be known as, and may be cited as, the "City
of Santa Ana Gift Ban Ordinance."

Sec. 2-852. Definitions.

For the purposes of this article:

(a) "City" means the City of Santa Ana.

(b) "City officer" means every person who is elected or
appointed to an office of the City which is specified in
Section 87200 of the California Government Code.

(c) "Designated employee" means every employee of the City who is designated in the City's Conflict of Interest Codes to file a statement of economic interests and every member of a City board or commission required to file such a statement.

(d) "Doing business with the City" means:

1) seeking the award of a contract or grant from the City, or
2) having sought the award of a contract or grant from the City in the past 12 months, or
3) being engaged as a lobbyist or lobbyist firm, as defined in this Article, from the time of such engagement until 12 months after the award of the contract grant, license, permit, or other entitlement for use, which was the subject of the engagement, or
4) having an existing contractual relationship with the City, until 12 months after the contractual obligations of all parties have been completed, or
5) seeking, actively supporting, or actively opposing the issuance, by the City, of a license, permit, or other entitlement for use, or having done any of these things within the past 12 months.

(e) "Gift" shall have the meaning it is defined to have in the California Political Reform Act, and the regulations issued pursuant to that Act, except that the following shall not be deemed to be gifts:

1) Meals, beverages, and free admission at any event sponsored by, or for the benefit of, a bona fide educational, academic, or charitable organization, and commemorative gifts from such organizations with a cumulative value, from any single source, of $50.00 or less during any twelve month period.

2) Flowers, plants, balloons or similar tokens which are given to express condolences, congratulations, or sympathy for ill health, or to commemorate special occasions, provided that gifts made or received under this exemption shall not exceed a value of $50.00 from any single source in any calendar year.
(3) A prize awarded on the basis of chance in a bona fide competition not related to the official status of the public official.

(4) Gifts from any agency of a foreign sovereign nation, provided that such gifts are unconditionally donated by the public official to the City within 45 days of receipt, and the public official does not claim any tax deduction by virtue of such donation.

(f) "Lobbyist" shall mean any individual, including an attorney, who is employed or contracts for consideration, other than reimbursement of reasonable travel expenses, to communicate directly with any City officer for the purpose of seeking, actively supporting, or actively opposing the award of a contract or grant from the City, or the issuance, by the City, of a license, permit, or other entitlement for use. An attorney shall not be considered a lobbyist when performing activities which can only be performed by a person admitted to the practice of law.

(g) "Lobbyist firm" shall mean (1) any business entity, which is employed or contracts for consideration, other than reimbursement of travel expenses, to communicate directly with a City officer for the purpose of seeking, actively supporting or actively opposing the award of a contract or grant from the City, or the issuance, by the City, of a license, permit, or other entitlement for use, or (2) any business entity of which any member or employee is a lobbyist.

(h) "Principal" shall mean any individual or business entity which employs or contracts with a lobbyist or lobbyist firm for any of the purposes stated in subsections (f) or (g) of this section.

(i) An individual or business entity shall be deemed to be employed or contracting to communicate directly with a City officer if it is reasonably foreseeable that in the course of employment or in the course of performing the contract the individual or an employee of the entity will have a telephone conversation or a discussion with any City officer, outside of any meeting governed by the Ralph M. Brown Act (which is codified in the California Government Code commencing with section 54950), for the purpose of seeking, actively supporting, or actively opposing the award of a contract or grant from the City, or the issuance, by the City, of a license, permit, or other entitlement for use.
(j) An individual lobbyist who is an officer, partner or employee of his or her principal shall be deemed to be "engaged" within the meaning of this section on the first occasion on which he or she engages in a telephone conversation or discussion described in subsection (i) of this section. A lobbyist firm, or an individual lobbyist who is not an officer, partner or employee of his or her principal shall be deemed to be "engaged" within the meaning of this section upon the completion of an agreement, oral or written, to provide the services specified in subsections (f) or (g) of this section.

(k) "Public official" means every City officer and every designated employee.

Sec. 2-853. Prohibitions.

(a) No person who is doing business with the City shall make any gift to any City officer.

(b) No person who is doing business with the City shall make any gift to any designated employee, who, by virtue of his City employment, could make a governmental decision, participate in making a governmental decision, or use his or her official position to influence a governmental decision regarding the pending business of the donor, or who has done any of the above during the twelve months preceding the donation.

(c) No City officer shall solicit or accept any gift from any person whom he knows, or has reason to know, is doing business with the City.

(d) No designated employee shall solicit or accept any gift from any person whom he knows, or has reason to know, is doing business with the City, when such employee by virtue of his City employment, could make a governmental decision, participate in making a governmental decision, or use his or her official position to influence a governmental decision regarding the pending business of the donor, or has done any of the above during the twelve months preceding the donation.

(e) No public official shall accept any gift when the identity of the donor is not known to the public official.

Sec. 2-854. Violations and enforcement.

(a) Any City officer who violates section 2-853 shall be
guilty of a misdemeanor.

(b) Any designated employee who violates section 2-853 shall be subject to discipline for such violation, including, in appropriate cases, termination of employment.

(c) Any member of any City board or commission, other than a board or commission established by the Constitution or a statute of the State of California, who violates section 2-853, shall be subject to removal from office.

(d) Any person who violates subsection (a) of (b) of section 2-853 shall be guilty of a misdemeanor.

(e) These enforcement provisions are in lieu of the penalty provided in section 1-8 of this code, are cumulative, and are not mutually exclusive.

SECTION 2: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 3: Neither the adoption of this ordinance nor the repeal hereby of any ordinance shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provision applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.
ORDINANCE NS-2201
Page 6

ADOPTED this 19th day of July 1993.

ATTEST:

Daniel H. Young
Mayor

Janice C. Guy
Clerk of the Council

COUNCILMEMBERS:

Young
Pulido
Lutz
Mills
Moreno
Norton
Richardson

Aye
Aye
Aye
Aye
Aye
Aye

APPROVED AS TO FORM:

Edward J. Cooper
City Attorney

CERTIFICATE OF ORIGINALITY & PUBLICATION

State of California

County of Orange

I, JANICE C. GUY, Clerk of the Council, do hereby certify the attached Ordinance

NS-2201 to be the original Ord. adopted by the City Council of the

City of Santa Ana on 7-19-93; and that said ordinance was published
in accordance with the Charter of the City of Santa Ana.

Date: 7/21/93

Janice C. Guy
Clerk of the Council
City of Santa Ana
Ralph M. Brown Act
AGENDA ITEM

1. PUBLIC COMMENT: The City Council values your comments; however, pursuant to the Brown Act, Council cannot take action on items not listed on the posted agenda. The public comment period is limited to 20 minutes, with 2 minutes allotted for each speaker. This public comment period is to address the City Council on Consent Calendar items, other agenda items (if the member of the public cannot be present at the time the item is considered) or items of genera...
ACKNOWLEDGEMENTS

The League thanks the following individuals for their work on this publication:

Brown Act Committee

- Michael Jenkins, Committee Chair
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- Michael W. Barrett
  City Attorney, Napa
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Chapter 1

IT IS THE PEOPLE’S BUSINESS

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Chapter 1

IT IS THE PEOPLE’S BUSINESS

The right of access

Two key parts of the Brown Act have not changed since its adoption in 1953. One is the Brown Act’s initial section, declaring the Legislature’s intent:

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.”

“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

The people reconfirmed that intent 50 years later in the November 2004 election by adopting Proposition 59, amending the California Constitution to include a public right of access to government information:

“The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.”

The Brown Act’s other unchanged provision is a single sentence:

“All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.”

That one sentence is by far the most important of the entire Brown Act. If the opening is the soul, that sentence is the heart of the Brown Act.

Broad coverage

The Brown Act covers members of virtually every type of local government body, elected or appointed, decision-making or advisory. Some types of private organizations are covered, as are newly-elected members of a legislative body, even before they take office.

Similarly, meetings subject to the Brown Act are not limited to face-to-face gatherings. They also include any communication medium or device through which a majority of a legislative body
discusses, deliberates or takes action on an item of business outside of a noticed meeting. They include meetings held from remote locations by teleconference.

New communication technologies present new Brown Act challenges. For example, common email practices of forwarding or replying to messages can easily lead to a serial meeting prohibited by the Brown Act, as can participation by members of a legislative body in an internet chatroom or blog dialogue. Communicating during meetings using electronic technology (such as laptop computers, tablets, or smart phones) may create the perception that private communications are influencing the outcome of decisions; some state legislatures have banned the practice. On the other hand, widespread cablecasting and web streaming of meetings has greatly expanded public access to the decision-making process.

**Narrow exemptions**

The express purpose of the Brown Act is to assure that local government agencies conduct the public’s business openly and publicly. Courts and the California Attorney General usually broadly construe the Brown Act in favor of greater public access and narrowly construe exemptions to its general rules.4

Generally, public officials should think of themselves as living in glass houses, and that they may only draw the curtains when it is in the public interest to preserve confidentiality. Closed sessions may be held only as specifically authorized by the provisions of the Brown Act itself.

The Brown Act, however, is limited to meetings among a majority of the members of multi-member government bodies when the subject relates to local agency business. It does not apply to independent conduct of individual decision-makers. It does not apply to social, ceremonial, educational, and other gatherings as long as a majority of the members of a body do not discuss issues related to their local agency’s business. Meetings of temporary advisory committees — as distinguished from standing committees — made up solely of less than a quorum of a legislative body are not subject to the Brown Act.

The law does not apply to local agency staff or employees, but they may facilitate a violation by acting as a conduit for discussion, deliberation, or action by the legislative body.5

The law, on the one hand, recognizes the need of individual local officials to meet and discuss matters with their constituents. On the other hand, it requires — with certain specific exceptions to protect the community and preserve individual rights — that the decision-making process be public. Sometimes the boundary between the two is not easy to draw.

**Public participation in meetings**

In addition to requiring the public’s business to be conducted in open, noticed meetings, the Brown Act also extends to the public the right to participate in meetings. Individuals, lobbyists, and members of the news media possess the right to attend, record, broadcast, and participate in public meetings. The public’s participation is further enhanced by the Brown Act’s requirement that a meaningful agenda be posted in advance of meetings, by limiting discussion and action to matters listed on the agenda, and by requiring that meeting materials be made available.

Legislative bodies may, however, adopt reasonable regulations on public testimony and the conduct of public meetings, including measures to address disruptive conduct and irrelevant speech.

---

**PRACTICE TIP:** Think of the government’s house as being made of glass. The curtains may be drawn only to further the public’s interest. A local policy on the use of laptop computers, tablets, and smart phones during Brown Act meetings may help avoid problems.
Controversy

Not surprisingly, the Brown Act has been a source of confusion and controversy since its inception. News media and government watchdogs often argue the law is toothless, pointing out that there has never been a single criminal conviction for a violation. They often suspect that closed sessions are being misused.

Public officials complain that the Brown Act makes it difficult to respond to constituents and requires public discussions of items better discussed privately — such as why a particular person should not be appointed to a board or commission. Many elected officials find the Brown Act inconsistent with their private business experiences. Closed meetings can be more efficient; they eliminate grandstanding and promote candor. The techniques that serve well in business — the working lunch, the sharing of information through a series of phone calls or emails, the backroom conversations and compromises — are often not possible under the Brown Act.

As a matter of public policy, California (along with many other states) has concluded that there is more to be gained than lost by conducting public business in the open. Government behind closed doors may well be efficient and business-like, but it may be perceived as unresponsive and untrustworthy.

Beyond the law — good business practices

Violations of the Brown Act can lead to invalidation of an agency’s action, payment of a challenger’s attorney fees, public embarrassment, even criminal prosecution. But the Brown Act is a floor, not a ceiling for conduct of public officials. This guide is focused not only on the Brown Act as a minimum standard, but also on meeting practices or activities that, legal or not, are likely to create controversy. Problems may crop up, for example, when agenda descriptions are too brief or vague, when an informal get-together takes on the appearance of a meeting, when an agency conducts too much of its business in closed session or discusses matters in closed session that are beyond the authorized scope, or when controversial issues arise that are not on the agenda.

The Brown Act allows a legislative body to adopt practices and requirements for greater access to meetings for itself and its subordinate committees and bodies that are more stringent than the law itself requires. Rather than simply restate the basic requirements of the Brown Act, local open meeting policies should strive to anticipate and prevent problems in areas where the Brown Act does not provide full guidance. As with the adoption of any other significant policy, public comment should be solicited.

A local policy could build on these basic Brown Act goals:

- A legislative body’s need to get its business done smoothly;
- The public’s right to participate meaningfully in meetings, and to review documents used in decision-making at a relevant point in time;
- A local agency’s right to confidentially address certain negotiations, personnel matters, claims and litigation; and
- The right of the press to fully understand and communicate public agency decision-making.
An explicit and comprehensive public meeting and information policy, especially if reviewed periodically, can be an important element in maintaining or improving public relations. Such a policy exceeds the absolute requirements of the law — but if the law were enough, this guide would be unnecessary. A narrow legalistic approach will not avoid or resolve potential controversies. An agency should consider going beyond the law, and look at its unique circumstances and determine if there is a better way to prevent potential problems and promote public trust. At the very least, local agencies need to think about how their agendas are structured in order to make Brown Act compliance easier. They need to plan carefully to make sure public participation fits smoothly into the process.

**Achieving balance**

The Brown Act should be neither an excuse for hiding the ball nor a mechanism for hindering efficient and orderly meetings. The Brown Act represents a balance among the interests of constituencies whose interests do not always coincide. It calls for openness in local government, yet should allow government to function responsively and productively.

There must be both adequate notice of what discussion and action is to occur during a meeting as well as a normal degree of spontaneity in the dialogue between elected officials and their constituents.

The ability of an elected official to confer with constituents or colleagues must be balanced against the important public policy prohibiting decision-making outside of public meetings.

In the end, implementation of the Brown Act must ensure full participation of the public and preserve the integrity of the decision-making process, yet not stifle government officials and impede the effective and natural operation of government.

**Historical note**

In late 1951, *San Francisco Chronicle* reporter Mike Harris spent six weeks looking into the way local agencies conducted meetings. State law had long required that business be done in public, but Harris discovered secret meetings or caucuses were common. He wrote a 10-part series on “Your Secret Government” that ran in May and June 1952.

Out of the series came a decision to push for a new state open meeting law. Harris and Richard (Bud) Carpenter, legal counsel for the League of California Cities, drafted such a bill and Assembly Member Ralph M. Brown agreed to carry it. The Legislature passed the bill and Governor Earl Warren signed it into law in 1953.

The Ralph M. Brown Act, known as the Brown Act, has evolved under a series of amendments and court decisions, and has been the model for other open meeting laws — such as the Bagley-Keene Act, enacted in 1967 to cover state agencies.

Assembly Member Brown is best known for the open meeting law that carries his name. He was elected to the Assembly in 1942 and served 19 years, including the last three years as Speaker. He then became an appellate court justice.
ENDNOTES:

1 California Government Code section 54950
2 California Constitution, Art. 1, section 3(b)(1)
3 California Government Code section 54953(a)
4 This principle of broad construction when it furthers public access and narrow construction if a provision limits public access is also stated in the amendment to the State’s Constitution adopted by Proposition 59 in 2004. California Constitution, Art. 1, section 3(b)(2).
5 California Government Code section 54952.2(b)(2) and (c)(1); Wolfe v. City of Fremont (2006) 144 Cal.App.4th 533
6 California Government Code section 54953.7

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at www.cacities.org/opengovernment. A current version of the Brown Act may be found at www.leginfo.ca.gov.
Chapter 2

LEGISLATIVE BODIES

What is a “legislative body” of a local agency? ................................................................. 12

What is not a “legislative body” for purposes of the Brown Act? ................................. 14
What is a “legislative body” of a local agency?
A “legislative body” includes:

- **The “governing body” of a local agency** and certain of its subsidiary bodies; “or any other local body created by state or federal statute.” This includes city councils, boards of supervisors, school boards and boards of trustees of special districts. A “local agency” is any city, county, city and county, school district, municipal corporation, successor agency to a redevelopment agency, district, political subdivision or other local public agency. A housing authority is a local agency under the Brown Act even though it is created by and is an agent of the state. The California Attorney General has opined that air pollution control districts and regional open space districts are also covered. Entities created pursuant to joint powers agreements are also local agencies within the meaning of the Brown Act.

- **Newly-elected members** of a legislative body who have not yet assumed office must conform to the requirements of the Brown Act as if already in office. Thus, meetings between incumbents and newly-elected members of a legislative body, such as a meeting between two outgoing members and a member-elect of a five-member body, could violate the Brown Act.

- **Appointed bodies** — whether permanent or temporary, decision-making or advisory — including planning commissions, civil service commissions and other subsidiary committees, boards, and bodies. Volunteer groups, executive search committees, task forces, and blue ribbon committees created by formal action of the governing body are legislative bodies. When the members of two or more legislative bodies are appointed to serve on an entirely separate advisory group, the resulting body may be subject to the

Q. On the morning following the election to a five-member legislative body of a local agency, two successful candidates, neither an incumbent, meet with an incumbent member of the legislative body for a celebratory breakfast. Does this violate the Brown Act?

A. It might, and absolutely would if the conversation turns to agency business. Even though the candidates-elect have not officially been sworn in, the Brown Act applies. If purely a social event, there is no violation but it would be preferable if others were invited to attend to avoid the appearance of impropriety.
Brown Act. In one reported case, a city council created a committee of two members of the city council and two members of the city planning commission to review qualifications of prospective planning commissioners and make recommendations to the council. The court held that their joint mission made them a legislative body subject to the Brown Act. Had the two committees remained separate; and met only to exchange information and report back to their respective boards, they would have been exempt from the Brown Act.8

- **Standing committees** of a legislative body, irrespective of their composition, which have either: (1) a continuing subject matter jurisdiction; or (2) a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.9 Even if it comprises less than a quorum of the governing body, a standing committee is subject to the Brown Act. For example, if a governing body creates long-term committees on budget and finance or on public safety, those are standing committees subject to the Brown Act. Further, according to the California Attorney General, function over form controls. For example, a statement by the legislative body that the advisory committee “shall not exercise continuing subject matter jurisdiction” or the fact that the committee does not have a fixed meeting schedule is not determinative.10 “Formal action” by a legislative body includes authorization given to the agency’s executive officer to appoint an advisory committee pursuant to agency-adopted policy.11

- The governing body of any **private organization** either: (1) created by the legislative body in order to exercise authority that may lawfully be delegated by such body to a private corporation, limited liability company or other entity; or (2) that receives agency funding and whose governing board includes a member of the legislative body of the local agency appointed by the legislative body as a full voting member of the private entity’s governing board.12 These include some nonprofit corporations created by local agencies.13 If a local agency contracts with a private firm for a service (for example, payroll, janitorial, or food services), the private firm is not covered by the Brown Act.14 When a member of a legislative body sits on a board of a private organization as a private person and is not appointed by the legislative body, the board will not be subject to the Brown Act. Similarly, when the legislative body appoints someone other than one of its own members to such boards, the Brown Act does not apply. Nor does it apply when a private organization merely receives agency funding.15

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**PRACTICE TIP:** It can be difficult to determine whether a subcommittee of a body falls into the category of a standing committee or an exempt temporary committee. Suppose a committee is created to explore the renewal of a franchise or a topic of similarly limited scope and duration. Is it an exempt temporary committee or a non-exempt standing committee? The answer may depend on factors such as how meeting schedules are determined, the scope of the committee’s charge, or whether the committee exists long enough to have “continuing jurisdiction.”

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**Q:** The local chamber of commerce is funded in part by the city. The mayor sits on the chamber’s board of directors. Is the chamber board a legislative body subject to the Brown Act?

**A:** **Maybe. If the chamber’s governing documents require the mayor to be on the board and the city council appoints the mayor to that position, the board is a legislative body. If, however, the chamber board independently appoints the mayor to its board, or the mayor attends chamber board meetings in a purely advisory capacity, it is not.**

**Q:** If a community college district board creates an auxiliary organization to operate a campus bookstore or cafeteria, is the board of the organization a legislative body?

**A:** **Yes. But, if the district instead contracts with a private firm to operate the bookstore or cafeteria, the Brown Act would not apply to the private firm.**

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**Certain types of hospital operators.** A lessee of a hospital (or portion of a hospital)
first leased under Health and Safety Code subsection 32121(p) after January 1, 1994, which exercises “material authority” delegated to it by a local agency, whether or not such lessee is organized and operated by the agency or by a delegated authority.16

What is not a “legislative body” for purposes of the Brown Act?

- A temporary advisory committee composed solely of less than a quorum of the legislative body that serves a limited or single purpose, that is not perpetual, and that will be dissolved once its specific task is completed is not subject to the Brown Act.17 Temporary committees are sometimes called ad hoc committees, a term not used in the Brown Act. Examples include an advisory committee composed of less than a quorum created to interview candidates for a vacant position or to meet with representatives of other entities to exchange information on a matter of concern to the agency, such as traffic congestion.18

- Groups advisory to a single decision-maker or appointed by staff are not covered. The Brown Act applies only to committees created by formal action of the legislative body and not to committees created by others. A committee advising a superintendent of schools would not be covered by the Brown Act. However, the same committee, if created by formal action of the school board, would be covered.19

Q. A member of the legislative body of a local agency informally establishes an advisory committee of five residents to advise her on issues as they arise. Does the Brown Act apply to this committee?

A. No, because the committee has not been established by formal action of the legislative body.

Q. During a meeting of the city council, the council directs the city manager to form an advisory committee of residents to develop recommendations for a new ordinance. The city manager forms the committee and appoints its members; the committee is instructed to direct its recommendations to the city manager. Does the Brown Act apply to this committee?

A. Possibly, because the direction from the city council might be regarded as a formal action of the body notwithstanding that the city manager controls the committee.

- Individual decision makers who are not elected or appointed members of a legislative body are not covered by the Brown Act. For example, a disciplinary hearing presided over by a department head or a meeting of agency department heads are not subject to the Brown Act since such assemblies are not those of a legislative body.20

- Public employees, each acting individually and not engaging in collective deliberation on a specific issue, such as the drafting and review of an agreement, do not constitute a legislative body under the Brown Act, even if the drafting and review process was established by a legislative body.21

- County central committees of political parties are also not Brown Act bodies.22

ENDNOTES:

1 Taxpayers for Livable Communities v. City of Malibu (2005) 126 Cal.App.4th 1123, 1127
2 California Government Code section 54952(a) and (b)
3 California Government Code section 54951; Health and Safety Code section 34173(g) (successor agencies to former redevelopment agencies subject to the Brown Act). But see Education Code section 35147, which exempts certain school councils and school site advisory committees from the Brown Act and imposes upon them a separate set of rules.
4 Torres v. Board of Commissioners of Housing Authority of Tulare County (1979) 89 Cal.App.3d 545, 549-550
7 California Government Code section 54952.1
9 California Government Code section 54952(b)
12 California Government Code section 54952(c)(1). Regarding private organizations that receive local agency funding, the same rule applies to a full voting member appointed prior to February 9, 1996 who, after that date, is made a non-voting board member by the legislative body. California Government Code section 54952(c)(2)
16 California Government Code section 54952(d)
17 California Government Code section 54952(b); see also Freedom Newspapers, Inc. v. Orange County Employees Retirement System Board of Directors (1993) 6 Cal.4th 821, 832.

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CHAPTER 3: MEETINGS

Chapter 3

MEETINGS

The Brown Act only applies to meetings of local legislative bodies. The Brown Act defines a meeting as: “... and any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take any action on any item that is within the subject matter jurisdiction of the legislative body.” The term “meeting” is not limited to gatherings at which action is taken but includes deliberative gatherings as well. A hearing before an individual hearing officer is not a meeting under the Brown Act because it is not a hearing before a legislative body.

Brown Act meetings
Brown Act meetings include a legislative body’s regular meetings, special meetings, emergency meetings, and adjourned meetings.

- **“Regular meetings”** are meetings occurring at the dates, times, and location set by resolution, ordinance, or other formal action by the legislative body and are subject to 72-hour posting requirements.
- **“Special meetings”** are meetings called by the presiding officer or majority of the legislative body to discuss only discrete items on the agenda under the Brown Act’s notice requirements for special meetings and are subject to 24-hour posting requirements.
- **“Emergency meetings”** are a limited class of meetings held when prompt action is needed due to actual or threatened disruption of public facilities and are held on little notice.
- **“Adjourned meetings”** are regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted.

Six exceptions to the meeting definition
The Brown Act creates six exceptions to the meeting definition:

**Individual Contacts**
The first exception involves individual contacts between a member of the legislative body and any other person. The Brown Act does not limit a legislative body member acting on his or her own. This exception recognizes the right to confer with constituents, advocates, consultants, news reporters, local agency staff, or a colleague.

Individual contacts, however, cannot be used to do in stages what would be prohibited in one step. For example, a series of individual contacts that leads to discussion, deliberation, or action among a majority of the members of a legislative body is prohibited. Such serial meetings are discussed below.
Conferences
The second exception allows a legislative body majority to attend a conference or similar gathering open to the public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body.

Among other things, this exception permits legislative body members to attend annual association conferences of city, county, school, community college, and other local agency officials, so long as those meetings are open to the public. However, a majority of members cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within their local agency’s subject matter jurisdiction.

Community Meetings
The third exception allows a legislative body majority to attend an open and publicized meeting held by another organization to address a topic of local community concern. A majority cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the legislative body’s subject matter jurisdiction. Under this exception, a legislative body majority may attend a local service club meeting or a local candidates’ night if the meetings are open to the public.

“I see we have four distinguished members of the city council at our meeting tonight,” said the chair of the Environmental Action Coalition. “I wonder if they have anything to say about the controversy over enacting a slow growth ordinance?”

The Brown Act permits a majority of a legislative body to attend and speak at an open and publicized meeting conducted by another organization. The Brown Act may nevertheless be violated if a majority discusses, deliberates, or takes action on an item during the meeting of the other organization. There is a fine line between what is permitted and what is not; hence, members should exercise caution when participating in these types of events.

Q. The local chamber of commerce sponsors an open and public candidate debate during an election campaign. Three of the five agency members are up for re-election and all three participate. All of the candidates are asked their views of a controversial project scheduled for a meeting to occur just after the election. May the three incumbents answer the question?

A. Yes, because the Brown Act does not constrain the incumbents from expressing their views regarding important matters facing the local agency as part of the political process the same as any other candidates.
Other Legislative Bodies

The fourth exception allows a majority of a legislative body to attend an open and publicized meeting of: (1) another body of the local agency; and (2) a legislative body of another local agency. Again, the majority cannot discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within their subject matter jurisdiction. This exception allows, for example, a city council or a majority of a board of supervisors to attend a controversial meeting of the planning commission.

Nothing in the Brown Act prevents the majority of a legislative body from sitting together at such a meeting. They may choose not to, however, to preclude any possibility of improperly discussing local agency business and to avoid the appearance of a Brown Act violation. Further, aside from the Brown Act, there may be other reasons, such as due process considerations, why the members should avoid giving public testimony or trying to influence the outcome of proceedings before a subordinate body.

Q. The entire legislative body intends to testify against a bill before the Senate Local Government Committee in Sacramento. Must this activity be noticed as a meeting of the body?
A. No, because the members are attending and participating in an open meeting of another governmental body which the public may attend.

Q. The members then proceed upstairs to the office of their local Assembly member to discuss issues of local interest. Must this session be noticed as a meeting and be open to the public?
A. Yes, because the entire body may not meet behind closed doors except for proper closed sessions. The same answer applies to a private lunch or dinner with the Assembly member.

Standing Committees

The fifth exception authorizes the attendance of a majority at an open and noticed meeting of a standing committee of the legislative body, provided that the legislative body members who are not members of the standing committee attend only as observers (meaning that they cannot speak or otherwise participate in the meeting).

Q. The legislative body establishes a standing committee of two of its five members, which meets monthly. A third member of the legislative body wants to attend these meetings and participate. May she?
A. She may attend, but only as an observer; she may not participate.
Social or Ceremonial Events

The final exception permits a majority of a legislative body to attend a purely social or ceremonial occasion. Once again, a majority cannot discuss business among themselves of a specific nature that is within the subject matter jurisdiction of the legislative body.

Nothing in the Brown Act prevents a majority of members from attending the same football game, party, wedding, funeral, reception, or farewell. The test is not whether a majority of a legislative body attends the function, but whether business of a specific nature within the subject matter jurisdiction of the body is discussed. So long as no such business is discussed, there is no violation of the Brown Act.

Grand Jury Testimony

In addition, members of a legislative body, either individually or collectively, may give testimony in private before a grand jury. This is the equivalent of a seventh exception to the Brown Act’s definition of a “meeting.”

Collective briefings

None of these exceptions permits a majority of a legislative body to meet together with staff in advance of a meeting for a collective briefing. Any such briefings that involve a majority of the body in the same place and time must be open to the public and satisfy Brown Act meeting notice and agenda requirements.

Retreats or workshops of legislative bodies

Gatherings by a majority of legislative body members at the legislative body’s retreats, study sessions, or workshops are covered under the Brown Act. This is the case whether the retreat, study session, or workshop focuses on long-range agency planning, discussion of critical local issues, or team building and group dynamics.

Q. The legislative body wants to hold a team-building session to improve relations among its members. May such a session be conducted behind closed doors?

A. No, this is not a proper subject for a closed session, and there is no other basis to exclude the public. Council relations are a matter of public business.

Serial meetings

One of the most frequently asked questions about the Brown Act involves serial meetings. At any one time, such meetings involve only a portion of a legislative body, but eventually involve a majority. The Brown Act provides that “[a] majority of the members of a legislative body shall not, outside a meeting … use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.” The problem with serial meetings is the process, which deprives the public of an opportunity for meaningful observation of and participation in legislative body decision-making.
The serial meeting may occur by either a “daisy chain” or a “hub and spoke” sequence. In the daisy chain scenario, Member A contacts Member B, Member B contacts Member C, Member C contacts Member D and so on, until a quorum has discussed, deliberated, or taken action on an item within the legislative body’s subject matter jurisdiction. The hub and spoke process involves at least two scenarios. In the first scenario, Member A (the hub) sequentially contacts Members B, C, and D and so on (the spokes), until a quorum has been contacted. In the second scenario, a staff member (the hub), functioning as an intermediary for the legislative body or one of its members, communicates with a majority of members (the spokes) one-by-one for discussion, deliberation, or a decision on a proposed action. Another example of a serial meeting is when a chief executive officer (the hub) briefs a majority of members (the spokes) prior to a formal meeting and, in the process, information about the members’ respective views is revealed. Each of these scenarios violates the Brown Act.

A legislative body member has the right, if not the duty, to meet with constituents to address their concerns. That member also has the right to confer with a colleague (but not with a majority of the body, counting the member) or appropriate staff about local agency business. An employee or official of a local agency may engage in separate conversations or communications outside of an open and noticed meeting “with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.”

The Brown Act has been violated, however, if several one-on-one meetings or conferences leads to a discussion, deliberation, or action by a majority. In one case, a violation occurred when a quorum of a city council, by a letter that had been circulated among members outside of a formal meeting, directed staff to take action in an eminent domain proceeding.

A unilateral written communication to the legislative body, such as an informational or advisory memorandum, does not violate the Brown Act. Such a memo, however, may be a public record.

The phone call was from a lobbyist. “Say, I need your vote for that project in the south area. How about it?”

“Well, I don’t know,” replied Board Member Aletto. “That’s kind of a sticky proposition. You sure you need my vote?”

“Well, I’ve got Bradley and Cohen lined up and another vote leaning. With you I’d be over the top.”

Moments later, the phone rings again. “Hey, I’ve been hearing some rumbles on that south area project,” said the newspaper reporter. “I’m counting noses. How are you voting on it?”

Neither the lobbyist nor the reporter has violated the Brown Act, but they are facilitating
a violation. The board member may have violated the Brown Act by hearing about the positions of other board members and indeed coaxing the lobbyist to reveal the other board members’ positions by asking “You sure you need my vote?” The prudent course is to avoid such leading conversations and to caution lobbyists, staff, and news media against revealing such positions of others.

The mayor sat down across from the city manager. “From now on,” he declared, “I want you to provide individual briefings on upcoming agenda items. Some of this material is very technical, and the council members don’t want to sound like idiots asking about it in public. Besides that, briefings will speed up the meeting.”

Agency employees or officials may have separate conversations or communications outside of an open and noticed meeting “with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.” Members should always be vigilant when discussing local agency business with anyone to avoid conversations that could lead to a discussion, deliberation or action taken among the majority of the legislative body.

“Thanks for the information,” said Council Member Kim. “These zoning changes can be tricky, and now I think I’m better equipped to make the right decision.”

“Glad to be of assistance,” replied the planning director. “I’m sure Council Member Jones is OK with these changes. How are you leaning?”

“Well,” said Council Member Kim, “I’m leaning toward approval. I know that two of my colleagues definitely favor approval.”

The planning director should not disclose Jones’ prospective vote, and Kim should not disclose the prospective votes of two of her colleagues. Under these facts, there likely has been a serial meeting in violation of the Brown Act.

Q. The agency’s website includes a chat room where agency employees and officials participate anonymously and often discuss issues of local agency business. Members of the legislative body participate regularly. Does this scenario present a potential for violation of the Brown Act?

A. Yes, because it is a technological device that may serve to allow for a majority of members to discuss, deliberate, or take action on matters of agency business.

Q. A member of a legislative body contacts two other members on a five-member body relative to scheduling a special meeting. Is this an illegal serial meeting?

A. No, the Brown Act expressly allows a majority of a body to call a special meeting, though the members should avoid discussing the merits of what is to be taken up at the meeting.
Particular care should be exercised when staff briefings of legislative body members occur by email because of the ease of using the “reply to all” button that may inadvertently result in a Brown Act violation.

**Informal gatherings**

Often members are tempted to mix business with pleasure — for example, by holding a post-meeting gathering. Informal gatherings at which local agency business is discussed or transacted violate the law if they are not conducted in conformance with the Brown Act. A luncheon gathering in a crowded dining room violates the Brown Act if the public does not have an opportunity to attend, hear, or participate in the deliberations of members.

Thursday at 11:30 a.m., as they did every week, the board of directors of the Dry Gulch Irrigation District trooped into Pop’s Donut Shoppe for an hour of talk and fellowship. They sat at the corner window, fronting on Main and Broadway, to show they had nothing to hide. Whenever he could, the managing editor of the weekly newspaper down the street hurried over to join the board.

A gathering like this would not violate the Brown Act if board members scrupulously avoided talking about irrigation district issues — which might be difficult. This kind of situation should be avoided. The public is unlikely to believe the board members could meet regularly without discussing public business. A newspaper executive’s presence in no way lessens the potential for a violation of the Brown Act.

Q. The agency has won a major victory in the Supreme Court on an issue of importance. The presiding officer decides to hold an impromptu press conference in order to make a statement to the print and broadcast media. All the other members show up in order to make statements of their own and be seen by the media. Is this gathering illegal?

A. Technically there is no exception for this sort of gathering, but as long as members do not state their intentions as to future action to be taken and the press conference is open to the public, it seems harmless.

**Technological conferencing**

Except for certain nonsubstantive purposes, such as scheduling a special meeting, a conference call including a majority of the members of a legislative body is an unlawful meeting. But, in an effort to keep up with information age technologies, the Brown Act specifically allows a legislative body to use any type of teleconferencing to meet, receive public comment and testimony, deliberate, or conduct a closed session. While the Brown Act contains specific requirements for conducting a teleconference, the decision to use teleconferencing is entirely discretionary with the body. No person has a right under the Brown Act to have a meeting by teleconference.

“Teleconference” is defined as “a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either
Teleconferencing may be used for all purposes during any meeting;
- At least a quorum of the legislative body must participate from locations within the local agency’s jurisdiction;
- Additional teleconference locations may be made available for the public;
- Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable;
- Agendas must be posted at each teleconference location, even if a hotel room or a residence;
- Each teleconference location, including a hotel room or residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate;
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location; and
- All votes must be by roll call.

**Q.** A member on vacation wants to participate in a meeting of the legislative body and vote by cellular phone from her car while driving from Washington, D.C. to New York. May she?

**A.** She may not participate or vote because she is not in a noticed and posted teleconference location.

The use of teleconferencing to conduct a legislative body meeting presents a variety of issues beyond the scope of this guide to discuss in detail. Therefore, before teleconferencing a meeting, legal counsel for the local agency should be consulted.

**Location of meetings**

The Brown Act generally requires all regular and special meetings of a legislative body, including retreats and workshops, to be held within the boundaries of the territory over which the local agency exercises jurisdiction.

An open and publicized meeting of a legislative body may be held outside of agency boundaries if the purpose of the meeting is one of the following:

- Comply with state or federal law or a court order, or attend a judicial conference or administrative proceeding in which the local agency is a party;
- Inspect real or personal property that cannot be conveniently brought into the local agency’s territory, provided the meeting is limited to items relating to that real or personal property;

**Q.** The agency is considering approving a major retail mall. The developer has built other similar malls, and invites the entire legislative body to visit a mall outside the jurisdiction. May the entire body go?

**A.** Yes, the Brown Act permits meetings outside the boundaries of the agency for specified reasons and inspection of property is one such reason. The field trip must be treated as a meeting and the public must be allowed to attend.
Participate in multiagency meetings or discussions; however, such meetings must be held within the boundaries of one of the participating agencies, and all of those agencies must give proper notice;

Meet in the closest meeting facility if the local agency has no meeting facility within its boundaries, or meet at its principal office if that office is located outside the territory over which the agency has jurisdiction;

Meet with elected or appointed federal or California officials when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction;

Meet in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility; or

Visit the office of its legal counsel for a closed session on pending litigation, when to do so would reduce legal fees or costs.25

In addition, the governing board of a school or community college district may hold meetings outside of its boundaries to attend a conference on nonadversarial collective bargaining techniques, interview candidates for school district superintendent, or interview a potential employee from another district.26 A school board may also interview members of the public residing in another district if the board is considering employing that district’s superintendent.

Similarly, meetings of a joint powers authority can occur within the territory of at least one of its member agencies, and a joint powers authority with members throughout the state may meet anywhere in the state.27

Finally, if a fire, flood, earthquake, or other emergency makes the usual meeting place unsafe, the presiding officer can designate another meeting place for the duration of the emergency. News media that have requested notice of meetings must be notified of the designation by the most rapid means of communication available.28
Endnotes:

1 California Government Code section 54952.2(a)
3 California Government Code section 54954(a)
4 California Government Code section 54956
5 California Government Code section 54956.5
6 California Government Code section 54955
7 California Government Code section 54952.2(c)
8 California Government Code section 54952.2(c)(4)
9 California Government Code section 54952.2(c)(6)
10 California Government Code section 54953.1
12 California Government Code section 54952.2(b)(1)
13 Stockton Newspaper Inc. v. Redevelopment Agency (1983) 171 Cal.App.3d 95
14 California Government Code section 54952.2(b)(2)
16 Roberts v. City of Palmdale (1993) 5 Cal.4th 363
17 California Government Code section 54957.5(a)
18 California Government Code section 54952.2(b)(2)
20 California Government Code section 54953(b)(1)
21 California Government Code section 54953(b)(4)
22 California Government Code section 54953
23 California Government Code section 54954(b)
24 California Government Code section 54954(b)(1)-(7)
26 California Government Code section 54954(c)
27 California Government Code section 54954(d)
28 California Government Code section 54954(e)

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Chapter 4
AGENDAS, NOTICES, AND PUBLIC PARTICIPATION

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Effective notice is essential for an open and public meeting. Whether a meeting is open or how the public may participate in that meeting is academic if nobody knows about the meeting.

**Agendas for regular meetings**

Every regular meeting of a legislative body of a local agency — including advisory committees, commissions, or boards, as well as standing committees of legislative bodies — must be preceded by a posted agenda that advises the public of the meeting and the matters to be transacted or discussed.

The agenda must be posted at least 72 hours before the regular meeting in a location “freely accessible to members of the public.” The courts have not definitively interpreted the “freely accessible” requirement. The California Attorney General has interpreted this provision to require posting in a location accessible to the public 24 hours a day during the 72-hour period, but any of the 72 hours may fall on a weekend. This provision may be satisfied by posting on a touch screen electronic kiosk accessible without charge to the public 24 hours a day during the 72-hour period. While posting an agenda on an agency’s Internet website will not, by itself, satisfy the “freely accessible” requirement since there is no universal access to the internet, an agency has a supplemental obligation to post the agenda on its website if: (1) the local agency has a website; and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body, or (b) has members that are compensated, with one or more members that are also members of a governing body.

Q. May the meeting of a governing body go forward if its agenda was either inadvertently not posted on the city’s website or if the website was not operational during part or all of the 72-hour period preceding the meeting?

A. **At a minimum, the Brown Act calls for “substantial compliance” with all agenda posting requirements, including posting to the agency website.** Should website technical difficulties arise, seek a legal opinion from your agency attorney. The California Attorney General has opined that technical difficulties which cause the website agenda to become inaccessible for a portion of the 72 hours preceding a meeting do not automatically or inevitably lead to a Brown Act violation, provided the agency can demonstrate substantial compliance. This inquiry requires a fact-specific examination of whether the agency or its legislative body made “reasonably effective efforts to notify interested persons of a public meeting” through online posting and other available means. The Attorney General’s opinion suggests that this examination would include an evaluation of how long a technical problem persisted, the efforts made to correct the problem or otherwise ensure that the public was informed, and the actual effect the problem had on public participation.
awareness, among other factors. The City Attorneys’ Department has taken the position that obvious website technical difficulties do not require cancellation of a meeting, provided that the agency meets all other Brown Act posting requirements and the agenda is available on the website once the technical difficulties are resolved.

The agenda must state the meeting time and place and must contain “a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.” Special care should be taken to describe on the agenda each distinct action to be taken by the legislative body, and avoid overbroad descriptions of a “project” if the “project” is actually a set of distinct actions that must each be separately listed on the agenda.

Q. The agenda for a regular meeting contains the following items of business:
   - Consideration of a report regarding traffic on Eighth Street; and
   - Consideration of contract with ABC Consulting.

Are these descriptions adequate?

A. If the first is, it is barely adequate. A better description would provide the reader with some idea of what the report is about and what is being recommended. The second is not adequate. A better description might read “consideration of a contract with ABC Consulting in the amount of $50,000 for traffic engineering services regarding traffic on Eighth Street.”

Q. The agenda includes an item entitled City Manager’s Report, during which time the city manager provides a brief report on notable topics of interest, none of which are listed on the agenda.

Is this permissible?

A. Yes, so long as it does not result in extended discussion or action by the body.

A brief general description may not be sufficient for closed session agenda items. The Brown Act provides safe harbor language for the various types of permissible closed sessions. Substantial compliance with the safe harbor language is recommended to protect legislative bodies and elected officials from legal challenges.

Mailed agenda upon written request

The legislative body, or its designee, must mail a copy of the agenda or, if requested, the entire agenda packet, to any person who has filed a written request for such materials. These copies shall be mailed at the time the agenda is posted. If requested, these materials must be made available in appropriate alternative formats to persons with disabilities.

A request for notice is valid for one calendar year and renewal requests must be filed following January 1 of each year. The legislative body may establish a fee to recover the cost of providing the service. Failure of the requesting person to receive the agenda does not constitute grounds for invalidation of actions taken at the meeting.
Notice requirements for special meetings

There is no express agenda requirement for special meetings, but the notice of the special meeting effectively serves as the agenda and limits the business that may be transacted or discussed. Written notice must be sent to each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation, and radio or television station that has requested such notice in writing. This notice must be delivered by personal delivery or any other means that ensures receipt, at least 24 hours before the time of the meeting.

The notice must state the time and place of the meeting, as well as all business to be transacted or discussed. It is recommended that the business to be transacted or discussed be described in the same manner that an item for a regular meeting would be described on the agenda — with a brief general description. As noted above, closed session items should be described in accordance with the Brown Act’s safe harbor provisions to protect legislative bodies and elected officials from challenges of noncompliance with notice requirements.

The special meeting notice must also be posted at least 24 hours prior to the special meeting using the same methods as posting an agenda for a regular meeting: (1) at a site that is freely accessible to the public, and (2) on the agency’s website if: (1) the local agency has a website; and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body, or (b) has members that are compensated, with one or more members that are also members of a governing body. 

Notices and agendas for adjourned and continued meetings and hearings

A regular or special meeting can be adjourned and re-adjourned to a time and place specified in the order of adjournment. If no time is stated, the meeting is continued to the hour for regular meetings. Whoever is present (even if they are less than a quorum) may so adjourn a meeting; if no member of the legislative body is present, the clerk or secretary may adjourn the meeting. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced. A copy of the order of adjournment must be posted within 24 hours after the adjournment, at or near the door of the place where the meeting was held.

A hearing can be continued to a subsequent meeting. The process is the same as for continuing adjourned meetings, except that if the hearing is continued to a time less than 24 hours away, a copy of the order or notice of continuance must be posted immediately following the meeting.

Notice requirements for emergency meetings

The special meeting notice provisions apply to emergency meetings, except for the 24-hour notice. News media that have requested written notice of special meetings must be notified by telephone at least one hour in advance of an emergency meeting, and all telephone numbers provided in that written request must be tried. If telephones are not working, the notice requirements are deemed waived. However, the news media must be notified as soon as possible of the meeting and any action taken.
News media may make a practice of having written requests on file for notification of special or emergency meetings. Absent such a request, a local agency has no legal obligation to notify news media of special or emergency meetings — although notification may be advisable in any event to avoid controversy.

Notice of compensation for simultaneous or serial meetings
A legislative body that has convened a meeting and whose membership constitutes a quorum of another legislative body, may convene a simultaneous or serial meeting of the other legislative body only after a clerk or member of the convened legislative body orally announces: (1) the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the meeting of the other legislative body; and (2) that the compensation or stipend is provided as a result of convening the meeting of that body.  

No oral disclosure of the amount of the compensation is required if the entire amount of such compensation is prescribed by statute and no additional compensation has been authorized by the local agency. Further, no disclosure is required with respect to reimbursements for actual and necessary expenses incurred in the performance of the member’s official duties, such as for travel, meals, and lodging.

Educational agency meetings
The Education Code contains some special agenda and special meeting provisions. However, they are generally consistent with the Brown Act. An item is probably void if not posted. A school district board must also adopt regulations to make sure the public can place matters affecting the district’s business on meeting agendas and to address the board on those items.

Notice requirements for tax or assessment meetings and hearings
The Brown Act prescribes specific procedures for adoption by a city, county, special district, or joint powers authority of any new or increased tax or assessment imposed on businesses. Though written broadly, these Brown Act provisions do not apply to new or increased real property taxes or assessments as those are governed by the California Constitution, Article XIIIC or XIIID, enacted by Proposition 218. At least one public meeting must be held to allow public testimony on the tax or assessment. In addition, there must also be at least 45 days notice of a public hearing at which the legislative body proposes to enact or increase the tax or assessment. Notice of the public meeting and public hearing must be provided at the same time and in the same document. The public notice relating to general taxes must be provided by newspaper publication. The public notice relating to new or increased business assessments must be provided through a mailing to all business owners proposed to be subject to the new or increased assessment. The agency may recover the reasonable costs of the public meetings, hearings, and notice.

The Brown Act exempts certain fees, standby or availability charges, recurring assessments, and new or increased assessments that are subject to the notice and hearing requirements of the Constitution. As a practical matter, the Constitution’s notice requirements have preempted this section of the Brown Act.
Non-agenda items

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:

- When a majority decides there is an “emergency situation” (as defined for emergency meetings);
- When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action “came to the attention of the local agency subsequent to the agenda being posted.” This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A new need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline; or
- When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

The exceptions are narrow, as indicated by this list. The first two require a specific determination by the legislative body. That determination can be challenged in court and, if unsubstantiated, can lead to invalidation of an action.

“I’d like a two-thirds vote of the board, so we can go ahead and authorize commencement of phase two of the East Area Project,” said Chair Lopez.

“It’s not on the agenda. But we learned two days ago that we finished phase one of schedule — believe it or not — and I’d like to keep it that way. Do I hear a motion?”

The desire to stay ahead of schedule generally would not satisfy “a need for immediate action.” Too casual an action could invite a court challenge by a disgruntled resident. The prudent course is to place an item on the agenda for the next meeting and not risk invalidation.

“We learned this morning of an opportunity for a state grant,” said the chief engineer at the regular board meeting, “but our application has to be submitted in two days. We’d like the board to give us the go ahead tonight, even though it’s not on the agenda.”

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process:

- First, make two determinations: 1) that there is an immediate need to take action, and 2) that the need arose after the posting of the agenda. The matter is then placed on the agenda.
- Second, discuss and act on the added agenda item.

Responding to the public

The public can talk about anything within the jurisdiction of the legislative body, but the legislative body generally cannot act on or discuss an item not on the agenda. What happens when a member of the public raises a subject not on the agenda?
While the Brown Act does not allow discussion or action on items not on the agenda, it does allow members of the legislative body, or its staff, to “briefly respond” to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda. In addition, even without a comment from the public, a legislative body member or a staff member may ask for information, request a report back, request to place a matter on the agenda for a subsequent meeting (subject to the body’s rules or procedures), ask a question for clarification, make a brief announcement, or briefly report on his or her own activities. However, caution should be used to avoid any discussion or action on such items.

Council Member Jefferson: I would like staff to respond to Resident Joe’s complaints during public comment about the repaving project on Elm Street — are there problems with this project?

City Manager Frank: The public works director has prepared a 45-minute power point presentation for you on the status of this project and will give it right now.

Council Member Brown: Take all the time you need; we need to get to the bottom of this. Our residents are unhappy.

It is clear from this dialogue that the Elm Street project was not on the council’s agenda, but was raised during the public comment period for items not on the agenda. Council Member A properly asked staff to respond; the city manager should have given at most a brief response. If a lengthy report from the public works director was warranted, the city manager should have stated that it would be placed on the agenda for the next meeting. Otherwise, both the long report and the likely discussion afterward will improperly embroil the council in a matter that is not listed on the agenda.

The right to attend and observe meetings

A number of Brown Act provisions protect the public’s right to attend, observe, and participate in meetings.

Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise “fulfill any condition precedent” to attending a meeting. Any attendance list, questionnaire, or similar document posted at or near the entrance to the meeting room or circulated at a meeting must clearly state that its completion is voluntary and that all persons may attend whether or not they fill it out.

No meeting can be held in a facility that prohibits attendance based on race, religion, color, national origin, ethnic group identification, age, sex, sexual orientation, or disability, or that is inaccessible to the disabled. Nor can a meeting be held where the public must make a payment or purchase in order to be present. This does not mean, however, that the public is entitled to free entry to a conference attended by a majority of the legislative body.

While a legislative body may use teleconferencing in connection with a meeting, the public must be given notice of and access to the teleconference location. Members of the public must be able to address the legislative body from the teleconference location.
Action by secret ballot, whether preliminary or final, is flatly prohibited.29

All actions taken by the legislative body in open session, and the vote of each member thereon, must be disclosed to the public at the time the action is taken.30

**Q:** The agenda calls for election of the legislative body’s officers. Members of the legislative body want to cast unsigned written ballots that would be tallied by the clerk, who would announce the results. Is this voting process permissible?

**A:** No. *The possibility that a public vote might cause hurt feelings among members of the legislative body or might be awkward — or even counterproductive — does not justify a secret ballot.*

The legislative body may remove persons from a meeting who willfully interrupt proceedings.31 Ejection is justified only when audience members actually disrupt the proceedings.32 If order cannot be restored after ejecting disruptive persons, the meeting room may be cleared. Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The legislative body may establish a procedure to re-admit an individual or individuals not responsible for the disturbance.33

**Records and recordings**

The public has the right to review agendas and other writings distributed by any person to a majority of the legislative body in connection with a matter subject to discussion or consideration at a meeting. Except for privileged documents, those materials are public records and must be made available upon request without delay.34 A fee or deposit as permitted by the California Public Records Act may be charged for a copy of a public record.35

**Q:** In connection with an upcoming hearing on a discretionary use permit, counsel for the legislative body transmits a memorandum to all members of the body outlining the litigation risks in granting or denying the permit. Must this memorandum be included in the packet of agenda materials available to the public?

**A:** No. *The memorandum is a privileged attorney-client communication.*

**Q:** In connection with an agenda item calling for the legislative body to approve a contract, staff submits to all members of the body a financial analysis explaining why the terms of the contract favor the local agency. Must this memorandum be included in the packet of agenda materials available to the public?

**A:** Yes. *The memorandum has been distributed to the majority of the legislative body, relates to the subject matter of a meeting, and is not a privileged communication.*
A legislative body may discuss or act on some matters without considering written materials. But if writings are distributed to a majority of a legislative body in connection with an agenda item, they must also be available to the public. A non-exempt or otherwise privileged writing distributed to a majority of the legislative body less than 72 hours before the meeting must be made available for inspection at the time of distribution at a public office or location designated for that purpose; and the agendas for all meetings of the legislative body must include the address of this office or location. A writing distributed during a meeting must be made public:

- At the meeting if prepared by the local agency or a member of its legislative body; or
- After the meeting if prepared by some other person.

Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency is subject to the California Public Records Act; however, it may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording is to be provided without charge on a video or tape player made available by the local agency. The agency may impose its ordinary charge for copies that is consistent with the California Public Records Act.

In addition, the public is specifically allowed to use audio or video tape recorders or still or motion picture cameras at a meeting to record the proceedings, absent a reasonable finding by the legislative body that noise, illumination, or obstruction of view caused by recorders or cameras would persistently disrupt the proceedings.

Similarly, a legislative body cannot prohibit or restrict the public broadcast of its open and public meetings without making a reasonable finding that the noise, illumination, or obstruction of view would persistently disrupt the proceedings.

The public’s place on the agenda

Every agenda for a regular meeting must allow members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the legislative body. Further, the public must be allowed to speak on a specific item of business before or during the legislative body’s consideration of it.

Q. Must the legislative body allow members of the public to show videos or make a power point presentation during the public comment part of the agenda, as long as the subject matter is relevant to the agency and is within the established time limit?

A. Probably, although the agency is under no obligation to provide equipment.

Moreover, the legislative body cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body itself. But the Brown Act provides no immunity for defamatory statements.
Q. May the presiding officer prohibit a member of the audience from publicly criticizing an agency employee by name during public comments?

A. No, as long as the criticism pertains to job performance.

Q. During the public comment period of a regular meeting of the legislative body, a resident urges the public to support and vote for a candidate vying for election to the body. May the presiding officer gavel the speaker out of order for engaging in political campaign speech?

A. There is no case law on this subject. Some would argue that campaign issues are outside the subject matter jurisdiction of the body within the meaning of Section 54954.3(a). Others take the view that the speech must be allowed under paragraph (c) of that section because it is relevant to the governing of the agency and an implicit criticism of the incumbents.

The legislative body may adopt reasonable regulations, including time limits, on public comments. Such regulations should be enforced fairly and without regard to speakers’ viewpoints. The legislative body has discretion to modify its regulations regarding time limits on public comment if necessary. For example, the time limit could be shortened to accommodate a lengthy agenda or lengthened to allow additional time for discussion on a complicated matter.44

The public does not need to be given an opportunity to speak on an item that has already been considered by a committee made up exclusively of members of the legislative body at a public meeting, if all interested members of the public had the opportunity to speak on the item before or during its consideration, and if the item has not been substantially changed.45

Notices and agendas for special meetings must also give members of the public the opportunity to speak before or during consideration of an item on the agenda but need not allow members of the public an opportunity to speak on other matters within the jurisdiction of the legislative body.46

Endnotes:
1 California Government Code section 54954.2(a)(1)
4 California Government Code sections 54954.2(a)(1) and 54954.2(d)
5 California Government Code section 54960.1(d)(1)
9 California Government Code section 54954.2(a)(1)
10 San Joaquin Raptor Rescue v. County of Merced (2013) 216 Cal.App.4th 1167 (legislative body’s approval of CEQA action (mitigated negative declaration) without specifically listing it on the agenda violates Brown Act, even if the agenda generally describes the development project that is the subject of the CEQA analysis.)
11 California Government Code section 54954.1
12 California Government Code sections 54956(a) and (c)
13 California Government Code section 54955
14 California Government Code section 54954.2(b)(3)
15 California Government Code section 54955.1
16 California Government Code section 54956.5
17 California Government Code section 54952.3
18 Education Code sections 35144, 35145 and 72129
20 California Education Code section 35145.5
21 California Government Code section 54954.6
22 See Cal.Const.Art.XIIIIC, XIIID and California Government Code section 54954.6(h)
23 California Government Code section 54954.2(b)
24 California Government Code section 54954.2(a)(2)
25 California Government Code section 54953.3
26 California Government Code section 54961(a); California Government Code section 11135(a)
27 California Government Code section 54952.2(c)(2)
28 California Government Code section 54953(b)
29 California Government Code section 54953(c)
30 California Government Code section 54953(c)(2)
31 California Government Code section 54957.9.
32 Norse v. City of Santa Cruz (9th Cir, 2010) 629 F.3d 966 (silent and momentary Nazi salute directed towards mayor is not a disruption); Acosta v. City of Costa Mesa (9th Cir, 2013) 718 F.3d 800 (city council may not prohibit “insolent” remarks by members of the public absent actual disruption).
33 California Government Code section 54957.9
34 California Government Code section 54957.5
35 California Government Code section 54957.5(d)
36 California Government Code section 54957.5(b)
37 California Government Code section 54957.5(c)
38 California Government Code section 54953.5(b)
39 California Government Code section 54953.5(d)
40 California Government Code section 54953.5(a)
41 California Government Code section 54953.6
42 California Government Code section 54954.3(a)
43 California Government Code section 54954.3(c)
45 California Government Code section 54954.3(a)
46 California Government Code section 54954.3(a)

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at www.cacities.org/opengovernment. A current version of the Brown Act may be found at www.leginfo.ca.gov.
Chapter 5

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Chapter 5
CLOSED SESSIONS

A closed session is a meeting of a legislative body conducted in private without the attendance of the public or press. A legislative body is authorized to meet in closed session only to the extent expressly authorized by the Brown Act.¹

As summarized in Chapter 1 of this Guide, it is clear that the Brown Act must be interpreted liberally in favor of open meetings, and exceptions that limit public access (including the exceptions for closed session meetings) must be narrowly construed.² The most common purposes of the closed session provisions in the Brown Act are to avoid revealing confidential information (e.g., prejudicing the city’s position in litigation or compromising the privacy interests of employees). Closed sessions should be conducted keeping those narrow purposes in mind. It is not enough that a subject is sensitive, embarrassing, or controversial. Without specific authority in the Brown Act for a closed session, a matter to be considered by a legislative body must be discussed in public. As an example, a board of police commissioners cannot meet in closed session to provide general policy guidance to a police chief, even though some matters are sensitive and the commission considers their disclosure contrary to the public interest.³

In this chapter, the grounds for convening a closed session are called “exceptions” because they are exceptions to the general rule that meetings must be conducted openly. In some circumstances, none of the closed session exceptions apply to an issue or information the legislative body wishes to discuss privately. In these cases, it is not proper to convene a closed session, even to protect confidential information. For example, although the Brown Act does authorize closed sessions related to specified types of contracts (e.g., specified provisions of real property agreements, employee labor agreements, and litigation settlement agreements),⁴ the Brown Act does not authorize closed sessions for other contract negotiations.

Agendas and reports
Closed session items must be briefly described on the posted agenda and the description must state the specific statutory exemption.⁵ An item that appears on the open meeting portion of the agenda may not be taken into closed session until it has been properly agendized as a closed session item or unless it is properly added as a closed session item by a two-thirds vote of the body after making the appropriate urgency findings.⁶

The Brown Act supplies a series of fill-in-the-blank sample agenda descriptions for various types of authorized closed sessions, which provide a “safe harbor” from legal attacks. These sample
agenda descriptions cover license and permit determinations, real property negotiations, existing or anticipated litigation, liability claims, threats to security, public employee appointments, evaluations and discipline, labor negotiations, multi-jurisdictional law enforcement cases, hospital boards of directors, medical quality assurance committees, joint powers agencies, and audits by the California State Auditor’s Office.7

If the legislative body intends to convene in closed session, it must include the section of the Brown Act authorizing the closed session in advance on the agenda and it must make a public announcement prior to the closed session discussion. In most cases, the announcement may simply be a reference to the agenda item.8

Following a closed session, the legislative body must provide an oral or written report on certain actions taken and the vote of every elected member present. The timing and content of the report varies according to the reason for the closed session and the action taken.9 The announcements may be made at the site of the closed session, so long as the public is allowed to be present to hear them.

If there is a standing or written request for documentation, any copies of contracts, settlement agreements, or other documents finally approved or adopted in closed session must be provided to the requestor(s) after the closed session, if final approval of such documents does not rest with any other party to the contract or settlement. If substantive amendments to a contract or settlement agreement approved by all parties requires retyping, such documents may be held until retyping is completed during normal business hours, but the substance of the changes must be summarized for any person inquiring about them.10

The Brown Act does not require minutes, including minutes of closed sessions. However, a legislative body may adopt an ordinance or resolution to authorize a confidential “minute book” be kept to record actions taken at closed sessions.11 If one is kept, it must be made available to members of the legislative body, provided that the member asking to review minutes of a particular meeting was not disqualified from attending the meeting due to a conflict of interest.12 A court may order the disclosure of minute books for the court’s review if a lawsuit makes sufficient claims of an open meeting violation.

**Litigation**

There is an attorney/client relationship, and legal counsel may use it to protect the confidentiality of privileged written and oral communications to members of the legislative body — outside of meetings. But protection of the attorney/client privilege cannot by itself be the reason for a closed session.13

The Brown Act expressly authorizes closed sessions to discuss what is considered pending litigation. The rules that apply to holding a litigation closed session involve complex, technical definitions and procedures. The essential thing to know is that a closed session can be held by the body to confer with, or receive advice from, its legal counsel when open discussion would prejudice the position of the local agency in litigation in which the agency is, or could become, a party.14 The litigation exception under the Brown Act is narrowly construed and does not permit activities beyond a legislative body’s conferring with its own legal counsel and required support staff.15 For example, it is not permissible to hold a closed session in which settlement negotiations take place between a legislative body, a representative of an adverse party, and a mediator.16

**PRACTICE TIP:** Pay close attention to closed session agenda descriptions. Using the wrong label can lead to invalidation of an action taken in closed session if not substantially compliant.
The California Attorney General has opined that if the agency’s attorney is not a participant, a litigation closed session cannot be held. In any event, local agency officials should always consult the agency’s attorney before placing this type of closed session on the agenda in order to be certain that it is being done properly.

Before holding a closed session under the pending litigation exception, the legislative body must publicly state the basis for the closed session by identifying one of the following three types of matters: existing litigation, anticipated exposure to litigation, or anticipated initiation of litigation.

**Existing litigation**

Q. May the legislative body agree to settle a lawsuit in a properly-noticed closed session, without placing the settlement agreement on an open session agenda for public approval?

A. Yes, but the settlement agreement is a public document and must be disclosed on request. Furthermore, a settlement agreement cannot commit the agency to matters that are required to have public hearings.

Existing litigation includes any adjudicatory proceedings before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. The clearest situation in which a closed session is authorized is when the local agency meets with its legal counsel to discuss a pending matter that has been filed in a court or with an administrative agency and names the local agency as a party. The legislative body may meet under these circumstances to receive updates on the case from attorneys, participate in developing strategy as the case develops, or consider alternatives for resolution of the case. Generally, an agreement to settle litigation may be approved in closed session. However, an agreement to settle litigation cannot be approved in closed session if it commits the city to take an action that is required to have a public hearing.

**Anticipated exposure to litigation against the local agency**

Closed sessions are authorized for legal counsel to inform the legislative body of a significant exposure to litigation against the local agency, but only if based on “existing facts and circumstances” as defined by the Brown Act. The legislative body may also meet under this exception to determine whether a closed session is authorized based on information provided by legal counsel or staff. In general, the “existing facts and circumstances” must be publicly disclosed unless they are privileged written communications or not yet known to a potential plaintiff.

**Anticipated initiation of litigation by the local agency**

A closed session may be held under the exception for the anticipated initiation of litigation when the legislative body seeks legal advice on whether to protect the agency’s rights and interests by initiating litigation.

Certain actions must be reported in open session at the same meeting following the closed
session. Other actions, as where final approval rests with another party or the court, may be announced when they become final and upon inquiry of any person. Each agency attorney should be aware of and make the disclosures that are required by the particular circumstances.

**Real estate negotiations**

A legislative body may meet in closed session with its negotiator to discuss the purchase, sale, exchange, or lease of real property by or for the local agency. A “lease” includes a lease renewal or renegotiation. The purpose is to grant authority to the legislative body’s negotiator on price and terms of payment. Caution should be exercised to limit discussion to price and terms of payment without straying to other related issues such as site design, architecture, or other aspects of the project for which the transaction is contemplated.

Q. May other terms of a real estate transaction, aside from price and terms of payment, be addressed in closed session?

A. No. However, there are differing opinions over the scope of the phrase “price and terms of payment” in connection with real estate closed sessions. Many agency attorneys argue that any term that directly affects the economic value of the transaction falls within the ambit of “price and terms of payment.” Others take a narrower, more literal view of the phrase.

The agency’s negotiator may be a member of the legislative body itself. Prior to the closed session, or on the agenda, the legislative body must identify its negotiators, the real property that the negotiations may concern and the names of the parties with whom its negotiator may negotiate.

After real estate negotiations are concluded, the approval and substance of the agreement must be publicly reported. If its own approval makes the agreement final, the body must report in open session at the public meeting during which the closed session is held. If final approval rests with another party, the local agency must report the approval and the substance of the agreement upon inquiry by any person, as soon as the agency is informed of it.

“Our population is exploding, and we have to think about new school sites,” said Board Member Jefferson.

“Not only that,” interjected Board Member Tanaka, “we need to get rid of a couple of our older facilities.”

“Well, obviously the place to do that is in a closed session,” said Board Member O’Reilly. “Otherwise we’re going to set off land speculation. And if we even mention closing a school, parents are going to be in an uproar.”

A closed session to discuss potential sites is not authorized by the Brown Act. The exception is limited to meeting with its negotiator over specific sites — which must be identified at an open and public meeting.
Public employment

The Brown Act authorizes a closed session “to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee.” The purpose of this exception — commonly referred to as the “personnel exception” — is to avoid undue publicity or embarrassment for an employee or applicant for employment and to allow full and candid discussion by the legislative body; thus, it is restricted to discussing individuals, not general personnel policies. The body must possess the power to appoint, evaluate, or dismiss the employee to hold a closed session under this exception. That authority may be delegated to a subsidiary appointed body.

An employee must be given at least 24 hours notice of any closed session convened to hear specific complaints or charges against him or her. This occurs when the legislative body is reviewing evidence, which could include live testimony, and adjudicating conflicting testimony offered as evidence. A legislative body may examine (or exclude) witnesses, and the California Attorney General has opined that, when an affected employee and advocate have an official or essential role to play, they may be permitted to participate in the closed session. The employee has the right to have the specific complaints and charges discussed in a public session rather than closed session. If the employee is not given the 24-hour prior notice, any disciplinary action is null and void.

However, an employee is not entitled to notice and a hearing where the purpose of the closed session is to consider a performance evaluation. The Attorney General and the courts have determined that personnel performance evaluations do not constitute complaints and charges, which are more akin to accusations made against a person.

Q. Must 24 hours notice be given to an employee whose negative performance evaluation is to be considered by the legislative body in closed session?
A. No, the notice is reserved for situations where the body is to hear complaints and charges from witnesses.

Correct labeling of the closed session on the agenda is critical. A closed session agenda that identified discussion of an employment contract was not sufficient to allow dismissal of an employee. An incorrect agenda description can result in invalidation of an action and much embarrassment.

For purposes of the personnel exception, “employee” specifically includes an officer or an independent contractor who functions as an officer or an employee. Examples of the former include a city manager, district general manager or superintendent. Examples of the latter include a legal counsel or engineer hired on contract to act as local agency attorney or chief engineer.

Elected officials, appointees to the governing body or subsidiary bodies, and independent contractors other than those discussed above are not employees for purposes of the personnel exception. Action on individuals who are not “employees” must also be public — including discussing and voting on appointees to committees, or debating the merits of independent contractors, or considering a complaint against a member of the legislative body itself.

PRACTICE TIP: Discussions of who to appoint to an advisory body and whether or not to censure a fellow member of the legislative body must be held in the open.
The personnel exception specifically prohibits discussion or action on proposed compensation in closed session, except for a disciplinary reduction in pay. Among other things, that means there can be no personnel closed sessions on a salary change (other than a disciplinary reduction) between any unrepresented individual and the legislative body. However, a legislative body may address the compensation of an unrepresented individual, such as a city manager, in a closed session as part of a labor negotiation (discussed later in this chapter), yet another example of the importance of using correct agenda descriptions.

Reclassification of a job must be public, but an employee’s ability to fill that job may be considered in closed session.

Any closed session action to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee must be reported at the public meeting during which the closed session is held. That report must identify the title of the position, but not the names of all persons considered for an employment position. However, a report on a dismissal or non-renewal of an employment contract must be deferred until administrative remedies, if any, are exhausted.

“I have some important news to announce,” said Mayor Garcia. “We’ve decided to terminate the contract of the city manager, effective immediately. The council has met in closed session and we’ve negotiated six months severance pay.”

“Unfortunately, that has some serious budget consequences, so we’ve had to delay phase two of the East Area Project.”

This may be an improper use of the personnel closed session if the council agenda described the item as the city manager’s evaluation. In addition, other than labor negotiations, any action on individual compensation must be taken in open session. Caution should be exercised to not discuss in closed session issues, such as budget impacts in this hypothetical, beyond the scope of the posted closed session notice.

Labor negotiations

The Brown Act allows closed sessions for some aspects of labor negotiations. Different provisions (discussed below) apply to school and community college districts.

A legislative body may meet in closed session to instruct its bargaining representatives, which may be one or more of its members, on employee salaries and fringe benefits for both represented (“union”) and non-represented employees. For represented employees, it may also consider working conditions that by law require negotiation. For the purpose of labor negotiation closed sessions, an “employee” includes an officer or an independent contractor who functions as an officer or an employee, but independent contractors who do not serve in the capacity of an officer or employee are not covered by this closed session exception.

These closed sessions may take place before or during negotiations with employee representatives. Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.
During its discussions with representatives on salaries and fringe benefits, the legislative body may also discuss available funds and funding priorities, but only to instruct its representative. The body may also meet in closed session with a conciliator who has intervened in negotiations.42

The approval of an agreement concluding labor negotiations with represented employees must be reported after the agreement is final and has been accepted or ratified by the other party. The report must identify the item approved and the other party or parties to the negotiation.43 The labor closed sessions specifically cannot include final action on proposed compensation of one or more unrepresented employees.

Labor negotiations — school and community college districts
Employee relations for school districts and community college districts are governed by the Rodda Act, where different meeting and special notice provisions apply. The entire board, for example, may negotiate in closed sessions.

Four types of meetings are exempted from compliance with the Rodda Act:

1. A negotiating session with a recognized or certified employee organization;
2. A meeting of a mediator with either side;
3. A hearing or meeting held by a fact finder or arbitrator; and
4. A session between the board and its bargaining agent, or the board alone, to discuss its position regarding employee working conditions and instruct its agent.44

Public participation under the Rodda Act also takes another form.45 All initial proposals of both sides must be presented at public meetings and are public records. The public must be given reasonable time to inform itself and to express its views before the district may adopt its initial proposal. In addition, new topics of negotiations must be made public within 24 hours. Any votes on such a topic must be followed within 24 hours by public disclosure of the vote of each member.46 The final vote must be in public.

Other Education Code exceptions
The Education Code governs student disciplinary meetings by boards of school districts and community college districts. District boards may hold a closed session to consider the suspension or discipline of a student, if a public hearing would reveal personal, disciplinary, or academic information about the student contrary to state and federal pupil privacy law. The student’s parent or guardian may request an open meeting.47

Community college districts may also hold closed sessions to discuss some student disciplinary matters, awarding of honorary degrees, or gifts from donors who prefer to remain anonymous.48 Kindergarten through 12th grade districts may also meet in closed session to review the contents of the statewide assessment instrument.49

Joint Powers Authorities
The legislative body of a joint powers authority may adopt a policy regarding limitations on disclosure of confidential information obtained in closed session, and may meet in closed session to discuss information that is subject to the policy.50
License applicants with criminal records
A closed session is permitted when an applicant, who has a criminal record, applies for a license or license renewal and the legislative body wishes to discuss whether the applicant is sufficiently rehabilitated to receive the license. The applicant and the applicant’s attorney are authorized to attend the closed session meeting. If the body decides to deny the license, the applicant may withdraw the application. If the applicant does not withdraw, the body must deny the license in public, immediately or at its next meeting. No information from the closed session can be revealed without consent of the applicant, unless the applicant takes action to challenge the denial.

Public security
Legislative bodies may meet in closed session to discuss matters posing a threat to the security of public buildings, essential public services, including water, sewer, gas, or electric service, or to the public’s right of access to public services or facilities over which the legislative body has jurisdiction. Closed session meetings for these purposes must be held with designated security or law enforcement officials including the Governor, Attorney General, district attorney, agency attorney, sheriff or chief of police, or their deputies or agency security consultant or security operations manager. Action taken in closed session with respect to such public security issues is not reportable action.

Multijurisdictional law enforcement agency
A joint powers agency formed to provide law enforcement services (involving drugs; gangs; sex crimes; firearms trafficking; felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft) to multiple jurisdictions may hold closed sessions to discuss case records of an on-going criminal investigation, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases. The exception applies to the legislative body of the joint powers agency and to any body advisory to it. The purpose is to prevent impairment of investigations, to protect witnesses and informants, and to permit discussion of effective courses of action.

Hospital peer review and trade secrets
Two specific kinds of closed sessions are allowed for district hospitals and municipal hospitals, under other provisions of law.

1. A meeting to hear reports of hospital medical audit or quality assurance committees, or for related deliberations. However, an applicant or medical staff member whose staff privileges are the direct subject of a hearing may request a public hearing.

2. A meeting to discuss “reports involving trade secrets” — provided no action is taken.

A “trade secret” is defined as information which is not generally known to the public or competitors and which: 1) “derives independent economic value, actual or potential” by virtue of its restricted knowledge; 2) is necessary to initiate a new hospital service or program or facility; and 3) would, if prematurely disclosed, create a substantial probability of depriving the hospital of a substantial economic benefit.

The provision prohibits use of closed sessions to discuss transitions in ownership or management, or the district’s dissolution.
Other legislative bases for closed session

Since any closed session meeting of a legislative body must be authorized by the Legislature, it is important to carefully review the Brown Act to determine if there is a provision that authorizes a closed session for a particular subject matter. There are some less frequently encountered topics that are authorized to be discussed by a legislative body in closed session under the Brown Act, including: a response to a confidential final draft audit report from the Bureau of State Audits, consideration of the purchase or sale of particular pension fund investments by a legislative body of a local agency that invests pension funds, hearing a charge or complaint from a member enrolled in a health plan by a legislative body of a local agency that provides Medi-Cal services, discussions by a county board of supervisors that governs a health plan licensed pursuant to the Knox-Keene Health Care Services Plan Act related to trade secrets or contract negotiations concerning rates of payment, and discussions by an insurance pooling joint powers agency related to a claim filed against, or liability of, the agency or a member of the agency.

Who may attend closed sessions

Meetings of a legislative body are either fully open or fully closed; there is nothing in between. Therefore, local agency officials and employees must pay particular attention to the authorized attendees for the particular type of closed session. As summarized above, the authorized attendees may differ based on the topic of the closed session. Closed sessions may involve only the members of the legislative body and only agency counsel, management and support staff, and consultants necessary for consideration of the matter that is the subject of closed session, with very limited exceptions for adversaries or witnesses with official roles in particular types of hearings (e.g., personnel disciplinary hearings and license hearings). In any case, individuals who do not have an official role in the closed session subject matters must be excluded from closed sessions.

Q. May the lawyer for someone suing the agency attend a closed session in order to explain to the legislative body why it should accept a settlement offer?
A. No, attendance in closed sessions is reserved exclusively for the agency’s advisors.

The confidentiality of closed session discussions

The Brown Act explicitly prohibits the unauthorized disclosure of confidential information acquired in a closed session by any person present, and offers various remedies to address breaches of confidentiality. It is incumbent upon all those attending lawful closed sessions to protect the confidentiality of those discussions. One court has held that members of a legislative body cannot be compelled to divulge the content of closed session discussions through the discovery process. Only the legislative body acting as a body may agree to divulge confidential closed session information; regarding attorney/client privileged communications, the entire body is the holder of the privilege and only the entire body can decide to waive the privilege.
Before adoption of the Brown Act provision specifically prohibiting disclosure of closed session communications, agency attorneys and the Attorney General long opined that officials have a fiduciary duty to protect the confidentiality of closed session discussions. The Attorney General issued an opinion that it is “improper” for officials to disclose information received during a closed session regarding pending litigation, though the Attorney General has also concluded that a local agency is preempted from adopting an ordinance criminalizing public disclosure of closed session discussions. In any event, in 2002, the Brown Act was amended to prescribe particular remedies for breaches of confidentiality. These remedies include injunctive relief; and, if the breach is a willful disclosure of confidential information, the remedies include disciplinary action against an employee, and referral of a member of the legislative body to the grand jury.

The duty of maintaining confidentiality, of course, must give way to the responsibility to disclose improper matters or discussions that may come up in closed sessions. In recognition of this public policy, under the Brown Act, a local agency may not penalize a disclosure of information learned during a closed session if the disclosure: 1) is made in confidence to the district attorney or the grand jury due to a perceived violation of law; 2) is an expression of opinion concerning the propriety or legality of actions taken in closed session, including disclosure of the nature and extent of the illegal action; or 3) is information that is not confidential.

The interplay between these possible sanctions and an official’s first amendment rights is complex and beyond the scope of this guide. Suffice it to say that this is a matter of great sensitivity and controversy.

“I want the press to know that I voted in closed session against filing the eminent domain action,” said Council Member Chang.

“Don’t settle too soon,” reveals Council Member Watson to the property owner, over coffee. “The city’s offer coming your way is not our bottom line.”

The first comment to the press may be appropriate if it is a part of an action taken by the City Council in closed session that must be reported publicly. The second comment to the property owner is not — disclosure of confidential information acquired in closed session is expressly prohibited and harmful to the agency.
ENDNOTES:

1 California Government Code section 54962
2 California Constitution, Art. 1, section 3
3 61 Ops.Cal.Atty.Gen. 220 (1978); but see California Government Code section 54957.8 (multijurisdictional law enforcement agencies are authorized to meet in closed session to discuss the case records of ongoing criminal investigations, and other related matters).
4 California Government Code section 54957.1
5 California Government Code section 54954.5
6 California Government Code section 54954.2
7 California Government Code section 54954.5
8 California Government Code sections 54956.9 and 54957.7
9 California Government Code section 54957.1(a)
10 California Government Code section 54957.1(b)
11 California Government Code section 54957.2
13 Roberts v. City of Palmdale (1993) 5 Cal.4th 363
14 California Government Code section 54956.9; Shapiro v. Board of Directors of Center City Development Corp. (2005) 134 Cal.App.4th 170 (agency must be a party to the litigation).
18 California Government Code section 54956.9(g)
20 Government Code section 54956.9(e)
21 California Government Code section 54957.1
22 California Government Code section 54956.8
23 Shapiro v. San Diego City Council (2002) 96 Cal.App.4th 904; see also 93 Ops.Cal.Atty.Gen. 51 (2010) (redevelopment agency may not convene a closed session to discuss rehabilitation loan for a property already subleased to a loan recipient, even if the loan incorporates some of the sublease terms and includes an operating covenant governing the property); 94 Ops.Cal.Atty.Gen. 82 (2011) (real estate closed session may address form, manner and timing of consideration and other items that cannot be disclosed without revealing price and terms).
25 California Government Code sections 54956.8 and 54954.5(b)
26 California Government Code section 54957.1(a)(1)
27 California Government Code section 54957(b)
31 California Government Code section 54957(b)(3)
34 California Government Code section 54957(b); but see Bollinger v. San Diego Civil Service Commission (1999) 71 Cal.App.4th 568 (notice not required for closed session deliberations regarding complaints or charges, when there was a public evidentiary hearing prior to closed session).
36 Moreno v. City of King (2005) 127 Cal.App.4th 17
37 California Government Code section 54957
39 California Government Code section 54957.1(a)(5)
40 California Government Code section 54957.6
41 California Government Code section 54957.6(b); see also 98 Ops.Cal.Atty.Gen. 41 (2015) (a project labor agreement between a community college district and workers hired by contractors or subcontractors is not a proper subject of closed session for labor negotiations because the workers are not “employees” of the district).
43 California Government Code section 54957.1(a)(6)
44 California Government Code section 3549.1
45 California Government Code section 3540
46 California Government Code section 3547
48 California Education Code section 72122
49 California Education Code section 60617
50 California Government Code section 54956.96
51 California Government Code section 54956.7
52 California Government Code section 54957
54 California Government Code section 54957.8
55 California Government Code section 54962
56 California Health and Safety Code section 32106
57 California Government Code section 54956.75
58 California Government Code section 54956.81
59 California Government Code section 54956.86
60 California Government Code section 54956.87
61 California Government Code section 54956.95
CHAPTER 5: CLOSED SESSIONS

64 Government Code section 54963


66 Roberts v. City of Palmdale (1993) 5 Cal.4th 363


69 California Government Code section 54963

70 California Government Code section 54963

71 California Government Code section 54957.1

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Chapter 6

REMEDIES

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Chapter 6

REMEDIES

Certain violations of the Brown Act are designated as misdemeanors, although by far the most commonly used enforcement provisions are those that authorize civil actions to invalidate specified actions taken in violation of the Brown Act and to stop or prevent future violations. Still, despite all the safeguards and remedies to enforce them, it is ultimately impossible for the public to monitor every aspect of public officials’ interactions. Compliance ultimately results from regular training and a good measure of self-regulation on the part of public officials. This chapter discusses the remedies available to the public when that self-regulation is ineffective.

Invalidation

Any interested person, including the district attorney, may seek to invalidate certain actions of a legislative body on the ground that they violate the Brown Act.1 Violations of the Brown Act, however, cannot be invalidated if they involve the following types of actions:

- Those taken in substantial compliance with the law. No Brown Act violation is found when the given notice substantially complies with the Brown Act, even when the notice erroneously cites to the wrong Brown Act section, but adequately advises the public that the Board will meet with legal counsel to discuss potential litigation in closed session;2
- Those involving the sale or issuance of notes, bonds or other indebtedness, or any related contracts or agreements;
- Those creating a contractual obligation, including a contract awarded by competitive bid for other than compensation for professional services, upon which a party has in good faith relied to its detriment;
- Those connected with the collection of any tax; or
- Those in which the complaining party had actual notice at least 72 hours prior to the regular meeting or 24 hours prior to the special meeting, as the case may be, at which the action is taken.

Before filing a court action seeking invalidation, a person who believes that a violation has occurred must send a written “cure or correct” demand to the legislative body. This demand must clearly describe the challenged action and the nature of the claimed violation. This demand must be sent within 90 days of the alleged violation or 30 days if the action was taken in open session but in violation of Section 54954.2, which requires (subject to specific exceptions) that only properly agendized items are acted on by the governing body during a meeting.3 The legislative body then has up to 30 days to cure and correct its action. If it does not act, any lawsuit must be filed within the next 15 days. The purpose of this requirement is to offer the body an opportunity to consider whether a violation has occurred and to weigh its options before litigation is filed.
Although just about anyone has standing to bring an action for invalidation, the challenger must show prejudice as a result of the alleged violation. An action to invalidate fails to state a cause of action against the agency if the body deliberated but did not take an action.

**Applicability to Past Actions**

Any interested person, including the district attorney, may file a civil action to determine whether past actions of a legislative body occurring on or after January 1, 2013 constitute violations of the Brown Act and are subject to a mandamus, injunction, or declaratory relief action. Before filing an action, the interested person must, within nine months of the alleged violation of the Brown Act, submit a "cease and desist" letter to the legislative body, clearly describing the past action and the nature of the alleged violation. The legislative body has 30 days after receipt of the letter to provide an unconditional commitment to cease and desist from the past action. If the body fails to take any action within the 30-day period or takes an action other than an unconditional commitment, a lawsuit may be filed within 60 days.

The legislative body’s unconditional commitment must be approved at a regular or special meeting as a separate item of business and not on the consent calendar. The unconditional commitment must be substantially in the form set forth in the Brown Act. No legal action may thereafter be commenced regarding the past action. However, an action of the legislative body in violation of its unconditional commitment constitutes an independent violation of the Brown Act and a legal action consequently may be commenced without following the procedural requirements for challenging past actions.

The legislative body may rescind its prior unconditional commitment by a majority vote of its membership at a regular meeting as a separate item of business not on the consent calendar. At least 30 days written notice of the intended rescission must be given to each person to whom the unconditional commitment was made and to the district attorney. Upon rescission, any interested person may commence a legal action regarding the past actions without following the procedural requirements for challenging past actions.

**Civil action to prevent future violations**

The district attorney or any interested person can file a civil action asking the court to:

- Stop or prevent violations or threatened violations of the Brown Act by members of the legislative body of a local agency;
- Determine the applicability of the Brown Act to actions or threatened future action of the legislative body;
- Determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid under state or federal law; or
- Compel the legislative body to tape record its closed sessions.

**PRACTICE TIP:** A lawsuit to invalidate must be preceded by a demand to cure and correct the challenged action in order to give the legislative body an opportunity to consider its options. The Brown Act does not specify how to cure or correct a violation; the best method is to rescind the action being complained of and start over, or reaffirm the action if the local agency relied on the action and rescinding the action would prejudice the local agency.
It is not necessary for a challenger to prove a past pattern or practice of violations by the local agency in order to obtain injunctive relief. A court may presume when issuing an injunction that a single violation will continue in the future where the public agency refuses to admit to the alleged violation or to renounce or curtail the practice. Note, however, that a court may not compel elected officials to disclose their recollections of what transpired in a closed session.

Upon finding a violation of the Brown Act pertaining to closed sessions, a court may compel the legislative body to tape record its future closed sessions. In a subsequent lawsuit to enforce the Brown Act alleging a violation occurring in closed session, a court may upon motion of the plaintiff review the tapes if there is good cause to think the Brown Act has been violated, and make public the relevant portion of the closed session recording.

**Costs and attorney’s fees**

Someone who successfully invalidates an action taken in violation of the Brown Act or who successfully enforces one of the Brown Act’s civil remedies may seek court costs and reasonable attorney’s fees. Courts have held that attorney’s fees must be awarded to a successful plaintiff unless special circumstances exist that would make a fee award against the public agency unjust. When evaluating how to respond to assertions that the Brown Act has been violated, elected officials and their lawyers should assume that attorney’s fees will be awarded against the agency if a violation of the Act is proven.

An attorney’s fee award may only be directed against the local agency and not the individual members of the legislative body. If the local agency prevails, it may be awarded court costs and attorney’s fees if the court finds the lawsuit was clearly frivolous and lacking in merit.

**Criminal complaints**

A violation of the Brown Act by a member of the legislative body who acts with the improper intent described below is punishable as a misdemeanor.

A criminal violation has two components. The first is that there must be an overt act — a member of a legislative body must attend a meeting at which action is taken in violation of the Brown Act.

“Action taken” is not only an actual vote, but also a collective decision, commitment or promise by a majority of the legislative body to make a positive or negative decision. If the meeting involves mere deliberation without the taking of action, there can be no misdemeanor penalty.

A violation occurs for a tentative as well as final decision. In fact, criminal liability is triggered by a member’s participation in a meeting in violation of the Brown Act — not whether that member has voted with the majority or minority, or has voted at all.

The second component of a criminal violation is that action is taken with the intent of a member “to deprive the public of information to which the member knows or has reason to know the public is entitled” by the Brown Act.
As with other misdemeanors, the filing of a complaint is up to the district attorney. Although criminal prosecutions of the Brown Act are uncommon, district attorneys in some counties aggressively monitor public agencies’ adherence to the requirements of the law.

Some attorneys and district attorneys take the position that a Brown Act violation may be pursued criminally under Government Code section 1222.25 There is no case law to support this view; if anything, the existence of an express criminal remedy within the Brown Act would suggest otherwise.26

**Voluntary resolution**

Arguments over Brown Act issues often become emotional on all sides. Newspapers trumpet relatively minor violations, unhappy residents fume over an action, and legislative bodies clam up about information better discussed in public. Hard lines are drawn and rational discussion breaks down. The district attorney or even the grand jury occasionally becomes involved. Publicity surrounding alleged violations of the Brown Act can result in a loss of confidence by constituents in the legislative body. There are times when it may be preferable to consider re-noticing and rehearing, rather than litigating, an item of significant public interest, particularly when there is any doubt about whether the open meeting requirements were satisfied.

At bottom, agencies that regularly train their officials and pay close attention to the requirements of the Brown Act will have little reason to worry about enforcement.

**ENDNOTES:**

1 California Government Code section 54960.1. Invalidation is limited to actions that violate the following sections of the Brown Act: section 54953 (the basic open meeting provision); sections 54954.2 and 54954.5 (notice and agenda requirements for regular meetings and closed sessions); 54954.6 (tax hearings); 54956 (special meetings); and 54956.5 (emergency situations). Violations of sections not listed above cannot give rise to invalidation actions, but are subject to the other remedies listed in section 54960.1.


3 California Government Code section 54960.1 (b) and (c)(1)


6 *Boyle v. City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1116-17, 1118

7 Government Code Section 54960.2(a); Senate Bill No. 1003, Section 4 (2011-2012 Session)

8 Government Code Sections 54960.2(a)(1), (2)

9 Government Code Section 54960.2(b)
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10 Government Code Section 54960.2(a)(4)
11 Government Code Section 54960.2(c)(2)
12 Government Code Section 54960.2(c)(1)
13 Government Code Section 54960.2(c)(3)
14 Government Code Section 54960.2(d)
15 Government Code Section 54960.2(e)
18 Los Angeles Times Communications, LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal. App.4th 1313, 1327-29 and cases cited therein
19 California Government Code section 54960.5
20 California Government Code section 54959. A misdemeanor is punishable by a fine of up to $1,000 or up to six months in county jail, or both. California Penal Code section 19. Employees of the agency who participate in violations of the Brown Act cannot be punished criminally under section 54959. However, at least one district attorney instituted criminal action against employees based on the theory that they criminally conspired with the members of the legislative body to commit a crime under section 54949.
21 California Government Code section 54959
22 California Government Code section 54952.6
24 California Government Code section 54959
25 California Government Code section 1222 provides that “[e]very wilful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision is made for the punishment of such delinquency, is punishable as a misdemeanor.”
26 The principle of statutory construction known as expressio unius est exclusio alterius supports the view that section 54959 is the exclusive basis for criminal liability under the Brown Act.

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Resolution of the City Council of Rules & Procedures for Council Meetings
RESOLUTION NO. 2009-043


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

A. Section 409 of the City Charter and Sections 2-100 et seq. of Santa Ana Municipal Code call for the city council to adopt rules and procedures for the scheduling and conducting of meetings of the city council.

B. The Ralph M. Brown Act found at Chapter 9, Part 1 of Division 2 of Title 5 of the California Government Code beginning with Section 54950 (the "Brown Act") sets forth statewide standards for meetings of local agencies including the Santa Ana City Council.

C. The city council desires to update and revise the various meeting procedures and standards for decorum of city council meetings in conformance with the Brown Act and in furtherance of the need for well-managed, efficient and accessible meetings.

Section 2. Council meetings, time and place

(a) Regular meetings of the city council shall be on the first and third Mondays of each month. The meeting shall begin no sooner than the hour of 5:00 p.m. The city council shall publicly convene the meeting and then recess to conduct closed or executive sessions.

(b) Regular meetings of the city council shall be initially convened in the conference room on the eighth floor of Santa Ana City Hall (unless another location is specified in the meeting notice) and shall thereafter be adjourned to the council chambers in City Hall for all public sessions, except as provided in (c) below. After being convened, all meetings may be adjourned to such other place or places as the city council may order.
(c) Notwithstanding the foregoing, by motion made at a regular or special meeting, the city council may change the place and time of a succeeding regular meeting.

(d) If by reason of damage, repair or alteration of the structure, or other emergency, the council chambers in City Hall are determined to be unsafe, regular meetings may be held for the duration of the emergency at such place as may be determined by the mayor or four (4) members of the city council.

(e) Special meetings of the city council may be held at such locations as stated in the action calling such meetings and otherwise in conformance with the Brown Act.

Section 3. Agenda.

The clerk of the council shall prepare an agenda for each regular and special meeting of the city council containing all items known by such officer to be considered. The order of placing items on the agenda shall be approved from time to time by the city council. The agenda shall contain such information as required by the Brown Act.

Section 4. Rules of Procedure.

Procedures before the city council shall be governed by the most current edition of Robert's Rules of Order, Newly Revised. Application of such procedures shall be vested in the sound discretion of the presiding officer.

Section 5. Decorum; Time limits and other regulations for speaking

(a) The city council shall preserve decorum and an orderly procedure during debate. Councilmembers desiring to speak shall seek recognition from the presiding officer. Upon being recognized, a councilmember shall confine his or her comments to the questions under debate. A councilmember, once recognized, should not be interrupted unless a point of order is raised by another member. The presiding officer should not recognize a councilmember to speak who has already spoken on a matter under debate until all other councilmembers who wish to be heard have spoken. A councilmember should limit himself or herself to three (3) minutes at any one time without permission of the presiding officer. At the end of each meeting, the presiding officer shall recognize each councilmember who may speak up to three (3) minutes on matters of public or community interest.

(b) The agenda for all regular meetings of the city council shall provide members of the public the opportunity to address the city council on agendized matters and non-agendized matters as required by the Brown Act. All requests to speak shall be submitted in writing and submitted to the clerk of the council. No such requests shall be accepted after the public comment session begins without permission of the
presiding officer. The agendas for special and emergency meetings of the city council shall provide for public comment as provided in the Brown Act.

(c) Subject to (d) below, members of the public shall be given a total of three (3) minutes to address the city council on any and all matters contained on the city council agenda as well as the agendas of any of the City's related entities, such as the community redevelopment agency or the housing authority, if those entities have meetings scheduled at the same time.

(d) For public hearings, members of the public shall be given three (3) minutes to address the city council for each duly noticed hearing, unless continued prior to taking testimony. This time limitation shall not apply to the applicant/appellant and/or their representative(s) whose matter is the subject of the public hearing. Applicants shall limit their presentations to a reasonable period of time, subject to the discretion of the presiding officer.

(e) Following the conclusion of all agenda matters, members of the public shall be provided three (3) minutes to address the council on issues of public interest provided that they are within the subject matter jurisdiction of the city council.

(f) Upon being recognized by the presiding officer, a speaker shall step to the designated speaker location, state his or her name and address for informational purposes, identify the matter by agenda designation (if applicable) and direct his or her remarks to the city council as a body and not to any individual member thereof. No person other than members of the council and the person having the floor may be permitted to enter into the discussion without permission of the presiding officer.

(g) It shall be within the sound discretion of the presiding officer to set a maximum time for public comment. In setting any limit, the presiding officer shall take into consideration the level of public interest in the matters in question, the length of the meeting and the need to provide for an orderly and effective meeting. As a means of limiting time while maximizing the public's opportunity to address the city council, if a group of people seeks to address the Council on the same matter or topic, the presiding officer may direct the group to designate a spokesperson or limited number of speakers to address the city council.

(h) The following rules shall apply to all persons addressing the city council:

All speakers shall:
- direct all testimony to the city council or the presiding officer and not individual council members,
- when speaking on agenda matters, limit their comments to the agenda,
- when speaking on non-agenda matters, limit their comments to matters within the jurisdiction of the City of Santa Ana, and
- refrain from profane language, racial epitaphs, libelous or slanderous statements or other comments that disturb the decorum of the meeting.
(i) The presiding officer shall have the power and responsibility to enforce decorum and order of the meeting as set forth in Section 2-104(c). Among the other means of enforcement, the presiding officer may order the podium microphone turned off and/or video broadcast interrupted.

Section 6. The provisions of Section 4 and Section 5 of this resolution shall apply to meetings of committees of the city council, as may be modified from time to time by such committees.

Section 7. This Resolution shall supersede Resolution 2008-010 and shall take effect immediately upon its adoption by the city council. The clerk of the council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 3rd day of August, 2009.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:

Joseph W. Fletcher
City Attorney

AYES: Councilmembers: Benavides, Bustamante, Martinez, Pulido, Sarmiento, Tinajero (6)

NOES: Councilmembers: None (0)

ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: Alvarez (1)
CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2009-043 to be the original resolution adopted by the City Council of the City of Santa Ana on August 3, 2009.

Date: September 1, 2009

Patricia E. Healy
Clerk of the Council
Council Committees
<table>
<thead>
<tr>
<th>Committee</th>
</tr>
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<tbody>
<tr>
<td>Youth, Education, and Community Services Council Committee (and Joint Santa Ana Unified School District and City Council Committee)</td>
</tr>
<tr>
<td>Public Safety, Code Enforcement and Neighborhood Empowerment Council Committee</td>
</tr>
<tr>
<td>Economic Development, Infrastructure, Budget and Technology Committee</td>
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<tr>
<td>Legislative Affairs, Ethics, Transparency and Communications Council Committee</td>
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<tr>
<th>Members</th>
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<tbody>
<tr>
<td>1. Villegas (Chair)</td>
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<td>2. Benavides</td>
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<tr>
<td>3. Tinajero</td>
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<tr>
<td>1. Tinajero (Chair)</td>
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<tr>
<td>2. Villegas (Vice-Chair)</td>
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<tr>
<td>1. Martinez (Chair)</td>
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<td>2. Sarmiento</td>
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<td>3. Benavides</td>
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<tr>
<td>1. Sarmiento (Chair)</td>
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<tr>
<td>2. Martinez (Vice-Chair)</td>
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<tr>
<th>Lead Agency</th>
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<tbody>
<tr>
<td>Parks, Recreation and Community Services</td>
</tr>
<tr>
<td>Police Department Advisory:</td>
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<tr>
<td>- Planning &amp; Building</td>
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<td>- Community Development</td>
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<tr>
<td>Community Development Advisory:</td>
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<td>- Planning &amp; Building</td>
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<td>- Public Works</td>
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<tr>
<td>- Finance</td>
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<tr>
<td>- Information Technology</td>
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<tr>
<td>City Manager's Office Advisory:</td>
</tr>
<tr>
<td>- Clerk of the Council</td>
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<td>- City Attorney</td>
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<table>
<thead>
<tr>
<th>Meeting Schedule</th>
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<tbody>
<tr>
<td>Quarterly 4th Monday @5:30 p.m (Jan, April, July, Oct)</td>
</tr>
<tr>
<td>Every other Month 2nd Tuesday @5:30 p.m (Jan, Mar, May, July, Sept, Nov)</td>
</tr>
<tr>
<td>Every other Month 2nd Monday @5:00 p.m (Jan, Mar, May, July, Sept, Nov)</td>
</tr>
<tr>
<td>Quarterly 4th Wednesday @12 noon (Jan, Mar, June, Sept)</td>
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</tbody>
</table>
Regional Boards and Commissions
## Regional Boards and Commissions

<table>
<thead>
<tr>
<th>Board</th>
<th>Members</th>
<th>Meeting Schedule</th>
<th>Nominated By</th>
<th>Appointed By</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>League of California Cities</td>
<td>1. Michele Martinez</td>
<td>Board Mgs 2nd Tues of mo. @12:30 with Omt e Mgs at 8 a.m and also Omt e Mgs 4th Tues all day</td>
<td>California League of Cities</td>
<td>California League of Cities</td>
<td></td>
</tr>
<tr>
<td>Metropolitan Water District Board (MW)</td>
<td>1. Michele Martinez</td>
<td>Meets once a month on the 4th Wednesday at 6 p.m</td>
<td>Council</td>
<td>Serve at Pleasure of Council (no term limit); No alternate</td>
<td>(Clerk is Maria Ayala (714) 593-7130) - NO TERM LIMIT BUT REQUIRES TO BE ELECTED OFFICIAL</td>
</tr>
<tr>
<td>OC Sanitation District</td>
<td>1. Sal Tinajero  2. David Benavides (Alternate)</td>
<td>Meets once a month on the 4th Wednesday at 6 p.m</td>
<td>Council</td>
<td>4 year term = need to file FPPC 470 form annually in July with OC Registrar’s Office; District Act governs Water District; Section 12. B. re: Division 8, 9, 10 terms (4 years that run concurrent with term of office)</td>
<td></td>
</tr>
<tr>
<td>OC Water District (Division 8)</td>
<td>1. Vicente Sarmiento</td>
<td>Meets once a month on the 4th Wednesday at 6 p.m</td>
<td>Council</td>
<td>4 year appointment</td>
<td>NO ALTERNATE ALLOWED BY THE BOARD</td>
</tr>
<tr>
<td>Orange County Council of Governments Board of Directors (OCCOG)</td>
<td>1. Michele Martinez  2. David Benavides (Alternate)</td>
<td>Meets every month on Thursday at 6:30 p.m</td>
<td>Council</td>
<td>City Council</td>
<td></td>
</tr>
<tr>
<td>Orange County Fire Authority (OCFA)</td>
<td>1. Juan Villegas</td>
<td>2nd and 4th Monday at 9 a.m</td>
<td>Council</td>
<td>City Council through resolution</td>
<td></td>
</tr>
<tr>
<td>Orange County Transportation Authority (OCTA)</td>
<td>1. Miguel Pulido</td>
<td>2nd and 4th Monday at 9 a.m</td>
<td>City Selection Omte</td>
<td>Orange County City Selection Committee</td>
<td>County Commission</td>
</tr>
<tr>
<td>Orange County Waste Management Commission</td>
<td>1. Juan Villegas</td>
<td>Meets quarterly, 4th Thurs. at 4 p.m</td>
<td>OC Supervisors</td>
<td>Must be elected representative</td>
<td></td>
</tr>
<tr>
<td>SA/O Orange Transportation Systems Improvement Agency</td>
<td>1. Vicente Sarmiento</td>
<td></td>
<td>Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Coast Air Quality Management District’s Mobility Source Air Pollution Reduction Review Committee</td>
<td>1. Michele Martinez</td>
<td>District 16 - Meets 1st Thursday of each month, 10 a.m – 1:30 p.m</td>
<td>SCAG Appointee</td>
<td>SCAG</td>
<td></td>
</tr>
<tr>
<td>Southern California Association of Governments (SCAG)</td>
<td>1. Michele Martinez</td>
<td>Meets on the 2nd Thursday at 9:30 a.m</td>
<td>Mayor Nominated</td>
<td>Letter of nomination by Mayor</td>
<td>Must be elected representatives; shall serve until removed or resigned (pleasure of appointing body, ref. section 3.2 of agreement)</td>
</tr>
<tr>
<td>Transportation Corridor Agencies (TCA)</td>
<td>1. Michele Martinez  2. Vicente Sarmiento (Alternate)</td>
<td>Meets on the 1st Thursday at 12:15 p.m</td>
<td>Council</td>
<td></td>
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</tr>
</tbody>
</table>
Travel & Expense Reimbursement Policy
I. Objective
To establish an administrative regulation and procedure for authorized travel and reimbursable expenses.

II. Scope and Applicability
This Administrative Policy is intended to provide a consistent and reasonable application for the payment of travel and reimbursable expenses for both travel and training. It is also intended to ensure payments made by the City are for actual, necessary and reasonable expenses incurred while conducting official City business; or while attending local, in-state or out-of-state conferences, conventions, training sessions, meetings and non-training travel on behalf of or for the benefit of the City of Santa Ana. This regulation and procedure in this Administrative Policy applies to elected and appointed officials, department heads and other City employees. Any expenses incurred which are not in accordance with this policy may be deemed the responsibility of the person incurring them. This policy is not intended to limit any restrictions set forth by grant regulations. Therefore, when a travel is grant-funded, the most restrictive regulations are applicable.

III. Definitions
A. Local travel: Travel for training, conferences, conventions, meetings and non-training travel without an overnight stay.
B. In-State travel: Travel for training, conferences, conventions, meetings and non-training travel with an overnight stay.
C. Out-of-State travel: Travel for training, conferences, conventions, meetings and non-training travel which occurs outside of California or not meeting definitions discussed in A or B.
D. Non-training travel: Includes but not limited to police investigations, inspections, and emergency calls.
E. Elected Officials: Shall mean members of the City Council.
F. Department Head or designee: The officially designated individual who directs the daily operation of any department.
G. City staff: Elected and appointed officials, department heads and other employees.
H. Designated authority: Executive Director (or his/her designee) or the City Manager (or his/her designee).
I. Per Diem: A daily allowance for meals and incidental expenses, a specific amount of money that an organization provides an individual per day to cover traveling expenses per established rates by the U.S. General Services Administration (GSA) by locale.

IV. Travel Expense Procedures
The purpose of this section is to define the guidelines on travel and to establish accountability for travel expenses.

A. Conventions and Conferences: Training
1. City staff may attend conferences and conventions if there is a direct benefit to Santa Ana’s operational, economic, or political condition as a result of attending the conference and/or
convention, or if there is training at the conference and/or convention which meets the definition discussed in the following paragraph.

2. Training is defined as a learning experience, structured in nature which focuses on enhancing specific skills or body of knowledge which ultimately results in departmental benefits and the enhancement of an individual’s ability to function more effectively and productively on the job. Local, in-state, and out-of-state training shall be processed in accordance with this travel policy.

3. Any City staff that is an officer of a professional association may be allowed to attend the association’s convention or conference if the association or the City staff is bearing the cost for travel, meals, and lodging. If the professional association’s convention or conference is of direct benefit to the City, the City may cover the aforementioned costs upon approval by the Executive Director.

4. All City sponsored off-site training sessions and retreats must be conducted within Santa Ana boundaries whenever practical.

B. Attendance Guidelines

1. Attendance to conventions, conferences, or trainings are strongly encouraged to be reflected in the Departmental budget.

2. The Executive Director or designated authority shall decide if it is appropriate to send two or more individuals to the same program or session.

3. When training sessions or conferences are offered at various geographical locations during the year, the geographical location closest to Santa Ana should be chosen whenever possible.

C. Approval of Individual Attendance

1. City staff must obtain written approval from his/her respective Executive Director or designated authority to attend conferences, conventions, training sessions, meetings or non-training events prior to the date of the event.

2. Executive Directors or designated authority are responsible for approving all City staff’s travel with regard to purpose, participant, frequency and expense. They are responsible for verifying funds are available and any required special approvals have been obtained prior to incurring expenses. Approval of the Travel Request and Expense Report will be taken as evidence of the reasonableness of the claim, the availability of funds, and the necessity of the trip on behalf or for the benefit of the City of Santa Ana.

3. The City Manager or his/her designee must approve all City staff’s out-of-state and overnight travel before actual departure.

4. Council members and Executive Directors shall obtain approval from the City Manager or his/her designee to attend conferences, conventions, training sessions, meetings or non-training events prior to the date of the event.

D. Travel Request and Expense Report

1. Local Travel: does not require the submission of a Travel Request and Expense Report.

2. In-State and Out-of-State travel: An approved Travel Request and Expense Report form must be filed with the Finance and Management Services Agency (FMSA) Accounts Payable department prior to any overnight stay and out-of-state travel, even if there will be no cost to the City.

3. All City staff must reconcile and submit the Travel Request and Expense Report within thirty (30) calendar days of completing an approved trip. The reconciled report with actual expenses must be approved by the Executive Director or designated authority. It must be submitted to Accounts Payable with all supporting documentation (e.g. receipts and invoices) for reimbursements, refunds and/or prepaid expenses related to the travel, even if there was only one type of expense (e.g. registration fee, transportation, etc.).

E. Process for Advance Payment

1. Advances will be permitted if the estimated expenses are approved by the Executive Director or designated authority. Otherwise, City staff will pay all bills and submit a reconciled Travel Request and Expense Report as explained in the above procedures. For local travel, City staff
must turn in receipts to his/her Executive Director or designated authority for reimbursement or request cash advancement through petty cash and/or a Direct Payment Voucher (DPV) if the amount exceeds the petty cash limits. (No Travel Request and Expense Report are required.)

2. For any advance payments, City staff should submit an approved and completed Travel Request and Expense Report to Accounts Payable at least 10 full City working days prior to the travel and expense date. Late requests for cash advancement may be delayed and may require City staff to be reimbursed instead.

F. Process for Reimbursement

1. All reimbursement requests must be reconciled and submitted within thirty (30) calendar days from when the claimed expenses were incurred. Requests received after thirty days may be denied unless prior written approval from the City Manager or his/her designee is obtained.

2. Requests must be accompanied by appropriate receipts (originals preferred) with an itemized listing of purchases and all corresponding approvals.

3. Travel expenses that are disputed may be reviewed by the FMSA Executive Director or the City Manager or his/her designee for approval.

G. Meal Expenses

1. The City will not reimburse City staff for meals for local travel, in-state or out-of-state travel that does not require an overnight stay.

2. Expenses for meals and incidentals shall be reasonable and shall not exceed the daily per diem amounts set by the United States General Services Administration (GSA) based upon the location of the convention, conference, training session, meeting or non-training event (www.gsa.gov). Meals exceeding the daily per diem amounts shall be the responsibilities of the City staff.

3. For the first and last day of travel, 75 percent of the daily per diem rate for meals and incidental expenses shall be allowed, as provided on the GSA website.

4. Receipts for per diem expenses do not need to be provided.

5. An individual who has received a per diem may submit receipts for reimbursement of a business meeting involving meals under the following conditions: the meal is part of business travel, the meal conforms to the guidelines as permitted under this policy, and the associated per diem meal amount assigned to the individual is deducted from the total amount requested. An individual who has received a per diem and does not submit receipts for reimbursement is not subject to the same guidelines.

H. Other Meal Expenses

1. Meetings for the purpose of discussing City business involving a meal between the City Manager, Executive Director or his/her designee and a Council, Board, or Commission member, an Executive Director or any other designated City staff member are permitted.

2. Meetings for the purpose of discussing City business involving meals, snacks or refreshments are permitted if it involves an individual(s), consultant, community member or group, or political representative that are not City staff.

3. When items on a meal claim are unusual or the nature of the event causes an unusually high claim, a written explanation must be provided and shall require approval of the City Manager or his/her designee prior to submitting the request for reimbursement.

4. Gratuity may be reimbursed, but should be limited to a maximum of 18% of the total check (excluding alcoholic beverages). An exception may be granted if a food vendor/caterer charges higher gratuity for larger parties/events.

5. Meals, snacks, or refreshments for Human Recourses-related examination panels are permitted only if the panel includes non-City staff (raters).

6. Meals, snacks, refreshments are permitted during declared emergencies or when the Emergency Operations Center is activated.

7. Departments should use food vendors identified by the Purchasing Division or established within the City limits.
I. **Hotel Expenses**

The following rules apply to expenses relating to lodging while at a conference, convention, training session, meeting or non-training event:

1. Compensation shall be limited to the minimum number of nights required to conduct the assigned City business.
2. City staff, when given a choice, should lodge in a facility with reasonable rates. Advance reservation payments should be processed through Accounts Payable or on a City credit card.
3. Single room rates shall always be used, except when two City staff share the same room. The City shall not pay for room companions who are not on City business.
4. The room itemized receipt must be attached to the final Travel Request and Expense Report.
5. City staff will not be reimbursed the going rate for a hotel room if they choose to lodge with family or friends and forego hotel accommodations while traveling on City business.

J. **Travel by Commercial Carrier**

When traveling to a conference, convention, training session, meeting or non-training event by commercial carrier, the following rules apply to expenses:

1. Nonstop fare routes at economy fare will be the maximum cost that the City will pay. City staff shall bear the cost of any airline premiums or seat upgrades.
2. A ticket copy or electronic receipt must be attached to the final Travel Request and Expense Report.
3. If air travel is appropriate and the City staff elects another method of travel to an event, reimbursement will not exceed that of the cost of air travel and the cost of transportation to and from the airport. Price and calculation comparison details must be submitted with the travel reimbursement request.
4. If air travel is appropriate and the City staff elects another method of travel to an event which results in extra time-off during the work week, the City staff will be required to use vacation, compensatory time or unpaid leave to extend his/her stay.
5. If a voucher is issued to the employee by the airline for flight cancellation or any other reason, the voucher shall be turned over to the departmental travel coordinator for future City use.

K. **Travel by Car**

When traveling by car, the following rules apply:

1. City staff is encouraged to use a City car for local travel. If using a City vehicle is not practical, a private vehicle may be used. All gas and vehicle related receipts for City cars are reimbursable.
2. If City staff uses a private vehicle, reimbursement will be at the current Internal Revenue Service standard mileage reimbursement rate per mile (which includes gas, oil, insurance and depreciation). The City staff is responsible for maintaining liability insurance on the private vehicle as required by the State of California.
3. In accordance with standard business practice, mileage reimbursement will be calculated for mileage exceeding the City staff’s regular commute to and from work. For example, if round trip mileage for travel was 20 miles and City staff’s normal commute to work is 15 miles round trip then the reimbursement will be calculated based off of the difference, 5 miles. The mileage rate will be based off the current IRS rate.
4. Drivers must be legally licensed and shall carry sufficient vehicle insurance required by the State of California.
5. Any and all citations or tickets incurred as a result of a violation of local, state, or Federal laws and regulations shall be the responsibility of the City staff regardless of whether a City or private vehicle was used.
6. For further information on guidelines and procedures related to all vehicles, please see the City’s Vehicle Use Policy.
L. **Rental Car, Taxi, Shuttle and Other Ground Transportation Fees**

Such expenses are permitted providing adherence to the following:

1. Approval of the necessity to use a rental car must be made by the Executive Director prior to the travel.
2. The user shall rent from the agency offering the most reasonable rate at the place of destination.
3. Rental car receipts shall be attached to the final Travel Request and Expense Report.
4. Necessary taxi, shuttle or other ground transportation fees will be compensated without prior approval but must be accompanied by a receipt or certified by the City staff on the final Travel Request and Expense Report.
5. Any sharing of transportation expenses must be reflected on the final Travel Request and Expense Report (e.g. non-City staff sharing in rental car expenses).

M. **Parking Fees and Tolls**

1. Tolls and parking fees paid in route and at the destination when using a City or private car is reimbursable. Receipts should accompany reimbursement requests.
2. Parking fees related to one day seminars, conferences, training are reimbursable.
3. When practical, carpooling is encouraged.
4. Long-term airport parking must be used for travel exceeding twenty-four hours.

N. **Group Travel**

When two or more City staff travel together, each will be reimbursed only for that City staff’s actual expenses.

O. **Non-City Staff Travel**

When a City staff’s travel expenses are increased because the City staff has chosen to take his/her spouse, family or companion with him/her on a trip, reimbursement will be based entirely on what the minimum charges would have been had the City staff traveled alone. It shall be the City staff’s responsibility to determine the single room rate and single travel fare and to submit these to Accounts Payable for reimbursement.

P. **Miscellaneous Travel Expenses**

1. City staff will be reimbursed for internet access connection if the internet access is necessary for City business. Reimbursement must be substantiated by a receipt.
2. Per diem amounts set by the United States General Services Administration include a daily allocation for incidental expenses related to fees and tips (porters, baggage handlers, hotel staff, etc.). Any request for reimbursement above the set amount will not be reimbursed.
3. The City shall not reimburse City staff for personal expenses which are not directly related to the purpose of the trip (e.g. toiletries, movie rentals, phone use, laundry service, optional events or special tours).

Q. **Exceptions to Travel Regulations**

1. Out-of-State and/or overnight travel for police personnel for unexpected circumstances, police matters or emergencies are subject to the Police Chief or his/her designee’s approval but not the City Manager's approval before actual departure; however, all other travel policy requirements apply.
2. The Commission on Peace Officer Standards Training (POST) sets per diem or allowance rate requirements provided to peace officers that may not comply with this policy. City staff is expected to follow POST requirements in such instances.
3. Any City staff that receives a car allowance or is assigned a City vehicle is not eligible for mileage reimbursement. However, City staff that receives a car allowance may be reimbursed for mileage provided that business held is outside of Orange County limits.
4. Any exceptions or unusual circumstances not provided for in these regulations must have specific written approval of the City Manager or his/her designee in advance.

R. Travel Costs Charged to Federal Grants

1. If travel costs are charged directly to a Federal grant, they must comply with Office of Management and Budget’s Uniform Guidance for Travel Costs (2 CFR §200.474). This guidance includes a requirement that documentation must justify the following:
   a. Participation of the individual is necessary to the Federal award; and
   b. The costs and supporting documentation are reasonable and consistent with the City’s established travel policy.

2. Travel costs that are not consistent with the City’s established travel policy will not be allowed; however, an exception to this policy will be permitted if the granting agency’s written approval is obtained prior to the travel date.

V. Unauthorized Expenses

A. Meals

Unless prior approval from the City Manager or his/her designee is received, the following are prohibited:

1. Meals, snacks or incidental expenses for staff-to-staff meetings. This applies to meetings where the participants are exclusively staff members.

2. Meals at City Board, Commission, and Committee meetings. Snacks and refreshments are permitted.

3. Meals for department-wide City staff recognition and appreciation events unless funding is established under established budget guidelines and is approved within the City budget. Snacks and refreshments are permitted.

4. Meals at full-day City staff training sessions and retreats unless a third party individual, team or consultant is participating (see permitted meals). Snacks and refreshments are permitted.

5. Meals and other expenses related to retirement celebrations, recognitions, or other special occasions.

B. Miscellaneous

Unless prior approval from the City Manager or his/her designee is received or approval consideration by the City Manager is granted to the department head, the following are prohibited:

1. Miscellaneous expenses for City sponsored events, not adhering to the City’s Purchasing Policies and Procedures.

2. Miscellaneous purchase of office supplies and office equipment, not adhering to the City’s Purchasing Policies and Procedures.

3. Purchases of goods and services which are for the personal use or enjoyment of a City staff or department (e.g. plants, coffee maker, heater, etc.).

Personal expenses that the City will not reimburse include:

1. Alcoholic Beverages
2. Political events
3. Charitable contributions or events.
4. Recreational or cultural activities (e.g. green fees, athletic events, concerts, admission to museums).
5. Non-mileage personal automobile expense including repairs, traffic citations, toll citations, insurance or gasoline.

Any questions regarding the propriety of a particular type of expense should be resolved before the expense is incurred.
VI. City Credit Cards

Cardholders should refer to the City’s Credit Card policy for allowable uses and other information.

VII. Responsibilities

The responsibility for implementing and monitoring the compliance of this Administrative Policy has been assigned primarily to the Executive Director of each Department. FMSA will review all travel and reimbursement requests to ensure departmental compliance.
RESOLUTION NO. 2006-027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING A TRAVEL AND EXPENSE REIMBURSEMENT POLICY IN COMPLIANCE WITH GOVERNMENT CODE SECTION 53232.2 TO PAY FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

A. It is necessary and desirable for members of the City Council and certain other appointed City officials to incur various expenses in performance of their official duties.

B. Santa Ana Charter Section 402 directs that members of the City Council receive “reimbursement for required travel and other expenses while on official business of the City as authorized and approved by the City Council.” The City of Santa Ana has along standing policy of ensuring that expenses incurred by its officials be reasonable and restricted to City business.

C. The California Legislature has enacted Government Code Sections 53232.2 and 53232.3 as part of AB 1234, a comprehensive open-government measure. Many provisions of AB 1234 are or may be inapplicable to Santa Ana as a charter city. Nevertheless, the City Council, in recognition of the City Council’s stewardship in matters of public finance, seeks to implement the purpose and intent of Section 53232.2 by formally establishing standards for public officials’ expense reimbursement.

D. Public resources should only be used when there is a substantial benefit to the City such as meeting with regional, state, federal and international officials on matters affecting City policies; participating in regional, state and national organizations, attending educational seminars designed to improve officials’ skill and information levels; and, promoting public service and morale by participating in community events.

Section 2. That certain City Council and Board & Commission Travel and Expense Reimbursement Policy attached hereto and identified as Attachment A is hereby adopted as the official policy which shall control the incurrence or
reimbursement of necessary business expenses for members of the City Council and
the Mayor, as well as members of any City board, commission or committee covered by
Section 53232.2.

Section 3. This Resolution shall take effect immediately upon its adoption by
the City Council, and the Clerk of the Council shall attest to and certify the vote adopting
this Resolution.

ADOPTED this 15th day of May, 2006.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:

Joseph W. Fletcher, City Attorney

AYES Councilmembers Alvarez, Bist, Bustamante, Garcia, Pulido,
Solorio (6)

NOES: Councilmembers None (0)

ABSTAIN: Councilmembers None (0)

NOT PRESENT: Councilmembers Christy (1)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify the
attached Resolution No. 2006-027 to be the original resolution adopted by the City
Council of the City of Santa Ana on May 15, 2006.

Date: 5-22-06

Patricia E. Healy
Clerk of the Council
Attachment A

City Council and Board & Commission Travel and Expense Reimbursement Policy

A. Covered Officials/Activities

This policy shall apply to expense reimbursement requests for members of the City Council including the Mayor and when acting in their elected roles as well as when acting in their capacities as members of the governing boards of the Santa Ana Community Redevelopment Agency, Santa Ana Housing Authority, Santa Ana Public Financing Authority, and any other agency for which the City Councils acts as the governing body. This shall also apply to members of the following City boards, commissions and committees; Planning Commission, Community Redevelopment and Housing Commission, Library Board, Recreation Parks and Community Services Board, Personnel Board, Human Relations Commission, Environmental and Transportation Advisory Committee, Youth Commission and any other City controlled body which meets the definition of “legislative body” found in Government Code Section 53232.2.

B. Authorized Expenses.

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

1. Communicating, lobbying and negotiating with representatives of regional, state, national and foreign governments on matters affecting City policies and positions, and representation of the City with such other governments at official events and memorials;

2. Attending educational seminars designed to improve officials' skill and information levels;

3. Representing Santa Ana on state and regional agencies, authorities and districts such as the Metropolitan Water District; Orange County Sanitation District, Transportation Corridors Agency, Orange County Transportation Authority and the Orange County Water District;

4. Participating in regional, state and national organizations whose activities affect the City’s interests;

5. Attending official events of local and regional charities and other prominent non-profit agencies active in the Santa Ana and Orange County communities;
6. Attending City events including employee awards programs, neighborhood events and community meetings;

7. Meals for persons with whom the official is conducting City-related business;

8. Participating in City-sanctioned economic development activities promoting or implementing a strategy for attracting or retaining businesses and other development to the City.

C. Unauthorized Expenses.

The following expenditures incurred by affected officials in the course and scope of their official duties shall not be reimbursed without prior City Council approval:

1. The personal portion of any trip;

2. Political contributions;

3. Family expenses, including those of a partner when accompanying an affected official on official business, child or pet care. Solely in the case of local charity/community activities described in B5 and B6 above, the City Manager may pay for attendance of a spouse or guest of the affected official.

4. Entertainment expenses, including theatre, shows, movies, sporting events, golf, spa treatments, etc.

5. Non-mileage personal automobile expenses including repairs, insurance, gasoline, traffic citations.

D. Statement of Policy

Travel expenses shall be allowed or reimbursed for days actually spent on City business, for programmed days of a conference or meetings, and for time spent in travel to and from these events. Expenses shall be computed for the days of the conference or event attended and for travel days not to exceed one day before and after the event if reasonably necessary.

E. Airfare

Generally, air transportation expenses shall not exceed the cost of jet air coach. First class travel may be approved by the City Manager when it is the only class available or if delay would result in additional expenses. All air travel shall be booked as far in advance as possible so as to receive the lowest fares possible. Overnight flight may be chosen by the individual but is not required. Affected officials shall use government and group rates for travel offered in conjunction with the event when available. Mileage for use
of a personal vehicle may be paid in lieu of airfare, not to exceed the lowest available coach fare. In such a case, however, no additional lodging shall be permitted attributable to vehicular travel time.

F. **Meals**

Affected officials shall be entitled to reimbursement for meals and associated gratuities at a per diem rate of $50.00. Meal expenses in the high cost metropolitan areas shall be $65.00. The Executive Director of Management and Financial Services shall establish a list of qualifying high cost areas. He or she shall also adjust the per diem amounts annually in accordance with changes in the consumer price index.

G. **Lodging**

1. Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay.

2. Conferences/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, then the official must request government rates, when available.

3. Other Lodging. Where lodging is necessary for an activity that is not related to a conference or other organized educational activity, reimbursement shall be provided at an amount not exceeding the prevailing rate in the community for business class hotels. Whenever available, government rates shall be utilized.

H. **Travel**

1. Mileage expenses for use of official’s personal vehicle at the IRS approved rate unless the official receives an auto allowance as part of compensation, except when in lieu of airfare as provided below.

2. Bridge tolls and parking charges.

3. Taxi fares or shuttles fares including a 15 percent gratuity per fare, where no rental car is utilized.

4. Rental car expenses. The use of rental cars is permitted when determined to be the most effective use for local transportation. Mid-size vehicles shall be utilized unless the conference/event is being attended by multiple city officials/staff members, in which case the sharing of rental cars should be considered where reasonable.
5. Airport parking for the official's personal vehicle. Long term airport parking shall be utilized where feasible. In lieu of parking, an airport shuttle may be used not to exceed long term parking costs for the trip.

I. Miscellaneous Expenses

The following additional expenses are reimbursable.

1. Actual and documented telephone and fax expenses incurred on City business.

2. Internet access connection and/or usage fees.

3. Miscellaneous travel expenses such as baggage handling fees of up to $2 per bag and reasonable tips and gratuities.

4. Conference and Training registration fees.

J. Implementation/Documentation/Reports

The Executive Director of Management and Finance Services, in consultation with the City Attorney, shall develop an Expense Reimbursement Form complying with the terms of Government Code Section 53232.3. All requests for advances or reimbursement shall be made in conformance with the adopted form and this Policy. Any qualifying expense may be provided in advance payments provided such expenses are supported by receipts.

City Council members shall coordinate all travel and other City-related expenses with the City Manager's Office. The City Manager shall adopt procedures to further implement the policy herein created. The City Manager is also encouraged to implement comparable policies for City staff.

In the case of members of the City boards, commissions and committees, no reimbursement otherwise allowable by this policy shall be reimbursed unless the expenditure is approved in advance by the City Manager or Agency Executive Director responsible for the particular board, commission or committee.

Each affected official seeking reimbursement for expenses hereunder to attend a Brown Act-governed meeting shall made a brief written or verbal report to their body at its next regular meeting.

Resolution No. 2006-027
Page 6 of 6
Campaign & Contributions
# City of Santa Ana Campaign Contribution Regulations

<table>
<thead>
<tr>
<th>Rule or Regulations</th>
<th>Applies to…</th>
<th>When it applies…</th>
<th>Exceptions</th>
<th>Disclosure</th>
<th>Subject to Gift Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Disqualification</strong></td>
<td>All City Council Members</td>
<td>Once a campaign contribution of $250 or more is made to a Council Member or to a campaign committee controlled by a Council Member.</td>
<td>Just like the Fair Political Practices Commission regulations there is an exception if the impact or effect of the Council Member's decision will have an effect on the public generally.</td>
<td>Contributions must be disclosed in accordance with FPPC regulations.</td>
<td>No</td>
</tr>
<tr>
<td>City Charter Section 425: ($250 contribution 12 months before decision)</td>
<td>Mayor</td>
<td>The Council Member cannot for a period of twelve (12) months participate in any decision that will have a material financial effect on the contributor.</td>
<td><strong>Participation is broadly defined so it means more than just voting; it includes talking with staff or other elected officials about the matter.</strong></td>
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55394.00000/7658774.1
## City of Santa Ana Campaign Contribution Regulations

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</table>
| Contribution Limit  | • All City Council Members  
• Mayor  
• Applies to a City Commissioner who runs for elected City office.  
• Applies to all candidates seeking elected City office.  
• Applies to people making campaign contributions or loans. | • From the date between one municipal election until the date of the next municipal election at which City officers are elected. | • None | Contributions must be disclosed in accordance with FPPC regulations. | No |

**City Charter Section 1206:** ($1,000 contribution and/or loan limit)

No person shall make, and no candidate for mayor or City Council or campaign treasurer shall solicit or accept, any contribution or loan which would cause the total amount contributed or loaned by that person to that candidate, including contributions or loans to all committees controlled by that candidate, to exceed one thousand dollars ($1,000.00) in any election cycle; provided, however, that the City Council may, by ordinance, adjust such limit to reflect changes in the consumer price index; and provided further that nothing herein shall apply to a candidate’s contribution of his or her personal funds to his or her own campaign contribution account. As used herein, "election cycle" means the period of time between the date of an election to the office of mayor or councilmember and the date of the next election to the same office.
City of Santa Ana Campaign Contribution Regulations

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</tr>
</tbody>
</table>
| S.A. Municipal Code Section 2-107: ($250 contribution 3 months after decision) | - All City Council Members  
- Mayor  
**Does not appear to apply to a City Commissioner who runs for elected City office.** | Once a Council Member makes a final decision on a license, permit or entitlement, then the Council Member cannot ask for accept a campaign contribution of $250 or more from a person or entity that benefitted financially; the prohibition lasts for a period of three months. | The FPPC financial interest test is used in this case so there may be several exceptions that need to be determined on a case-by-case basis, taking into consideration the specific facts of each case. | Contributions must be disclosed in accordance with FPPC regulations. | No |
Email & Internet Policy
1. **Objective**
   To establish administrative regulations which standardize the electronic mail policy for authorized users.

2. **Purpose**
   The purpose of this policy is to define who is authorized to use the City electronic mail system and to define the acceptable use of those services. Any restriction of use contained in this policy is intended to ensure the appropriate use of electronic mail and to protect the City of Santa Ana and its resources.

3. **Scope and Applicability**
   3.1 The use of the City’s electronic mail system is a privilege, not a right, which may be revoked at any time for unacceptable use.

   3.2 The authorized users of the City’s electronic mail system include all full-time and part-time City employees, and those individuals authorized by an Executive Director.

   3.3 The City reserves the right, for any reason, to remove a user’s access to the City’s electronic mail system.

   3.4 The electronic mail system is owned by the City of Santa Ana and the contents thereof may be reviewed in the course of business without the consent of the sender or recipient. Electronic mail users have no expectations of privacy in their messages whether sent or received.

   3.5 All electronic mail, despite the designation of any message as “private,” in the course of administering the system or under other provisions of this policy may be viewed without the consent of the sender or receiver as specified in Section 4.3.

   3.6 This policy applies to electronic mail only and excludes electronic files that the City of Santa Ana maintains in the regular course of business. Electronic mail, whole or in part, which is printed out or converted into computerized formats or other media, is excluded from this policy.

3.7 **Global Announcements**
   3.7.1 Electronic mail sent globally throughout the organization must get prior approval by agency Executive Director.

   3.7.2 Flyers and graphics for global announcements will be displayed on the Intranet only.

   3.7.3 After obtaining the Executive Director’s approval, forward the text for the subject line of the global announcement to City Web Team (email address: citywebupdates) and attach the flyers or other graphics that will be posted on the City Intranet site.
3.7.3.1 The opening text of the global announcement should state the following:
“This e-mail has been approved for global distribution by the Executive Director of the __________________ Agency.”

3.7.3.2 The global e-mail notification will be distributed with only the subject, approval notice and link to the City Intranet page.

3.7.4 Flyers designed for the purpose of sharing special events outside the scope of City goals must be kept to one page in dimension (8½” x 11” sheet of paper) and must be 500 KB or less in size.

3.7.5 Acceptable formats for the Intranet posted item are.

3.7.5.1 Adobe PDF.

3.7.5.2 Microsoft PowerPoint.

3.7.5.3 Microsoft Word.

4. Implementation

4.1 New electronic mail accounts for a full-time or part-time City employee.

4.1.1 As required to perform City business, Supervisors may authorize individuals, who are full or part time City employees, to have access to the City’s electronic mail system.

4.1.2 Prior to an application for use of City electronic mail, the nominated individual must: (a) Read the City Electronic Mail Policy and (b) Acknowledge their understanding, acceptance, and willingness to abide by the provisions of the City Electronic Mail Policy by completing, with their signature, an Electronic Mail Policy Acceptance form [see Attachment A].

4.1.3 Complete a Request for Electronic Mail Service form [see Attachment B]

4.1.4 Requests must be authorized by the individual’s supervisor.

4.1.5 Completed and signed Request for Electronic Mail Service form [Attachment B] should be sent to City Electronic Mail Administrator, mail station M-12.

4.1.6 A signed copy of the Electronic Mail Policy Acceptance Statement [see Attachment A] shall be retained by the requesting Agency/Department.

4.2 New electronic mail accounts for a non-City employee.

4.2.1 As required to perform City business and limited to the period of time necessary to support City business, Executive Directors may authorize individuals, who are not full or part time City employees, to participate in the City’s electronic mail system.

4.2.2 Prior to an application for use of City electronic mail, the nominated individual must: (a) Read the City Electronic Mail Policy and (b) Acknowledge their understanding, acceptance, and willingness to abide by the provisions of the City Electronic Mail Policy by completing, with their signature, an Electronic Mail Policy Acceptance form [see Attachment A].

4.2.3 Complete a Request for Electronic Mail Service [Non-City employee] form [see Attachment C].

4.2.4 Requests must be authorized by an Executive Director (or their delegated representative).
4.2.5 Completed and signed Request for Electronic Mail Service [Non-City employee] form [Attachment C] should be sent to City Electronic Mail Administrator, mail station M-12.

4.2.6 A signed copy of the Electronic Mail Policy Acceptance Statement [see Attachment A] shall be retained by the requesting Agency/Department.

4.3 Special Entry Authorization

4.3.1 Under special circumstances, it may be necessary to gain direct entry to a specific electronic mail account. Only an Executive Director can authorize such special entry.

4.3.2 Special entry involves overriding the City electronic mail system security controls to change an account password to a new password and to provide that password to authorized individual.

4.3.3 If special entry is required, complete a Special Entry Authorization to Electronic Mail Account form [see Attachment D].

4.3.4 Completed and signed Special Entry Authorization to Electronic Mail Account form [Attachment D] should be delivered to City Electronic Mail Administrator, mail station M-12, for action.

4.4 Remote Access to the City Electronic Mail System

4.4.1 As required to perform City business, Executive Directors may request individuals who are currently authorized to use the City electronic mail system to be granted remote access privileges.

4.4.2 Prior to an application for remote access privileges to City electronic mail, the nominated individual must have previously: (a) Read the City Electronic Mail Policy and (b) Acknowledged their understanding, acceptance, and willingness to abide by the provisions of the City Electronic Mail Policy by completing, with their signature, an Electronic Mail Policy Acceptance form [see Attachment A].

4.4.3 Complete a Request for Remote Access to City Electronic Mail Service form [see Attachment E]

4.4.4 Requests must be authorized by the individual’s Executive Director and the Executive Director of Personnel.

4.4.5 Completed and signed forms are sent to City Electronic Mail Administrator, mail station M-12.

4.4.6 The individual seeking remote electronic mail access privileges is solely responsible for:

4.4.6.1 Providing the Internet access used to connect to the City electronic mail system.

4.4.6.2 Providing the PC to be used with remote access.

4.4.6.3 Providing the anti-virus software to be used on the remote accessing PC.

4.4.6.4 Ensuring anti-virus software is installed properly, operating, and up-to date on the remote accessing PC.

4.4.6.5 Ensuring that no one else uses the remote access to the City’s Electronic Mail System
4.4.7 Final implementation of remote electronic mail access privileges will be based on request from the individual’s Executive Director and a positive assessment of the responses to prerequisite technical and operational questions [see Attachment E].

4.5 Dissemination of Electronic Mail Policy

4.5.1 All new users to the City electronic mail system will be notified of this City policy prior to their gaining use of the system.

4.5.2 An Electronic Mail Policy Acceptance Statement form [see Attachment A] must be signed by the new users and retained by their Agency/Department prior to submission of the request for service.

4.5.3 Each existing user of the City electronic mail system will be notified and provided access to a copy of this policy upon any change in the policy.

4.5.4 Subsequent reminders on and updates to this policy will be periodically transmitted via the system to all City electronic mail system users.

4.6 Delete or Relocate a City Electronic Mail Account

4.6.1 To delete a current electronic mail account when a user has been terminated or there is no further business need, notify the City Electronic Mail Administrator in writing (mail station M-12 or email address: E-Mail Administrator).

4.6.2 To relocate a current electronic mail account when a user has been reassigned within the City, notify the City Electronic Mail Administrator in writing (mail station M-12 or email address: E-Mail Administrator).

4.6.3 It is the responsibility of each Agency/Department to send an immediate notification (see 4.6.1 above) when anyone authorized to use the City electronic mail system leaves City employment, ends their relationship with the City, or no longer requires its use. Rapid notification is essential to maintain the integrity and information security of the system.

4.7 City Electronic Mail Account Storage Size Limitation

4.7.1 Each electronic mail account user is responsible for managing and controlling the contents and size of their individual account.

4.7.2 Electronic mail accounts stored as part of the electronic mail system hosted by the City and Police Department Computing Centers will be limited to 400 MB in storage size.

4.7.3 Warning messages will be sent if the electronic mail account maximum storage size is being approached.

4.7.4 If the maximum storage size of an electronic mail account is reached, the electronic mail account will be notified and electronic mail service will be suspended. The service suspension will continue until the electronic mail account storage size has been reduced below the maximum storage size of 400 MB.

4.7.5 Electronic mail account users who have a justifiable City business requirement for account storage size in excess of the City maximum may submit a Request for Increase to the Electronic Mail Account Storage Size Limitation form [see Attachment F].
5. **Retention Guidelines**

5.1 For the purposes of retention, the City’s Electronic Mail Messages are considered to be the contents of items contained in the “InBox,” “Deleted Items,” and “Sent Items” folders including the contents of subfolders of any of these folders of electronic mail applications operated by the City.

5.2 All Electronic Mail Messages are considered transitory writing, not public records, and are not retained in the City of Santa Ana’s normal course of business.

5.3 Electronic Mail Messages shall not be retained beyond 30 days by City electronic mail applications. Agencies/Departments and/or individuals hosting the storage of Electronic Mail Messages are responsible for implementing this requirement.

5.4 Electronic Mail Messages retained beyond 30 days shall no longer be considered transitory writing.

5.5 Users of the City electronic mail systems shall on a frequent basis review messages (e.g. in “In Box,” “Deleted Items,” “Sent Items,” etc.) and delete mail items no longer required.

6. **Violations and Enforcement**

6.1 Violations of the City’s Electronic Mail Policy will be evaluated on a case-by-case basis by the sponsoring Executive Director. Violation of this policy may result in disciplinary action, up to and including dismissal, and may include referral of a case to appropriate authorities for civil or criminal prosecution.

6.2 Users may be subject to random internal audits of electronic mail use.

7. **Electronic Mail User Responsibility**

7.1 Each individual with access to the City’s electronic mail system is responsible for understanding and following this policy.

7.1.1 All such users must sign a statement acknowledging that they have been provided with a copy of the City’s electronic mail Policy and agree to abide by it as a condition of being provided such access.

7.1.2 Unauthorized or improper use of the City’s electronic mail system may result in terminating the individual’s Electronic Mail access, and depending on the severity of the circumstances may result in disciplinary action, including termination.

7.2 System security and passwords.

7.2.1 Each electronic mail system user has a uniquely assigned user name and password for information security purposes. These are an important component of the City’s overall information systems protection.

7.2.2 Protecting his/her password is an individual’s responsibility. Passwords should be kept safe so that they are not used by someone who is not authorized.

7.2.3 Users are cautioned that they are responsible for the content of all electronic mail sent or received via their user name and login session.

7.2.4 Anti-virus screening software must be enabled and running on a computer before any attempt to use the City’s electronic mail system.

8. **Acceptable Use**

8.1 Acceptable use of electronic mail is to carry forward City business.
8.2 Electronic mail communication with professional associations, governments, universities, businesses and/or individuals associated with the facilitation of City business, research and education efforts as authorized by the sponsoring Executive Director.

8.3 With the permission of the department’s Executive Director, the occasional use of social electronic mail is permitted as long as it does not interfere with regular City business, is not excessive, and does not cause an adverse impact (e.g. congestion) on the City’s electronic networks.

8.4 Distribution of information to the general public whereby such information is made available under the City’s guidelines and policies for the release of information.

8.5 Incidental communications among authorized users and professional colleagues which facilitate work assignments and professional development or debate in a work field of knowledge.

8.6 Encryption of messages is permitted; however, the authorized user must agree to provide the de-encryption scheme and key upon request of the electronic mail administrator and/or his/her Executive Director.

8.7 City of Santa Ana electronic mail users will:

8.7.1 Remember that electronic communications sent from the City travel on City of Santa Ana’s electronic stationery and as such, are the same as if they were sent on City of Santa Ana letterhead.

8.7.2 Assume that all communications via electronic mail can and will be read by systems administrators or other parties.

8.7.3 Take all required precautions against the importation of computer viruses.

8.7.4 Make diligent efforts to conserve system resources. For example, frequently delete unused files of any type.

8.7.5 Use common sense at all times.

9. Unacceptable Use

9.1 Intentional introduction of, or experimentation with, malicious computer code such as computer worms or viruses.

9.2 Illegal, fraudulent or malicious activity; political activity; religious promotion; or activity on behalf of organizations or individuals who have no affiliation with the City.

9.3 Transmission of material in violation of applicable copyright laws or patents.

9.4 The sending of messages that are likely to result in the loss of recipients’ work or system and any other types of use which could cause congestion of the electronic network or otherwise interfere with the work of others.

Introducing or forwarding “chain letters” is an example of such unacceptable use.

9.5 City of Santa Ana electronic mail system users are prohibited from:

9.5.1 Taking actions that cause interference to the City’s electronic network or the work of others.

9.5.2 Operating a business through the City of Santa Ana electronic mail system (and Internet electronic mail link).

9.5.3 Generating, storing, or transmitting communications, files, programs or use data or other matter containing offensive or harassing statements. Included are:
comments based on race, national origin, sex, sexual orientation, age, disability, religion or political beliefs.

9.5.4 Sending or receiving sexually oriented messages or images.

10. Etiquette and Privacy

10.1 Users are expected to abide by the generally accepted rules of network etiquette. These rules include (but are not limited to) the following:

10.2 Be Polite.

Never send, or encourage others to send, abusive messages or communications

10.3 Use Appropriate Language

Remember that as a user you are a representative of the City of Santa Ana. You may be alone with your computer, but what you say and do can be viewed globally! Never swear, use vulgarities, or any other inappropriate language. Illegal activities of any kind are strictly forbidden.

10.4 Privacy

Do not reveal personal data (e.g., your home address or telephone number or those of anyone else).

10.5 Disruptions

Do not use access to the electronic mail in any way that would disrupt use of the system or City resources by others.

10.6 Other considerations

10.6.1 Do be brief. Few people will bother to read a long communication.

10.6.2 Do minimize spelling errors and make sure your communication is easy to understand and to read.

10.6.3 Do get the most appropriate audience for your communication, not the widest.

10.6.4 Do remember that humor and satire are very often misinterpreted.

10.6.5 Do cite references for any facts you present.

10.6.6 Do forgive the spelling and grammar errors of others.

10.6.7 Do keep signatures brief.

10.6.8 Do remember that all electronic mail users are human beings. Don’t “attack” correspondents; persuade them with facts.

10.6.9 Do post (i.e. communicate) only to groups you know.
Electronic Mail Policy
Acceptance Statement

Acceptance
Your signature below certifies that you have read the City’s Electronic Mail Policy and that you understand, accept and will abide by the provisions stated in it, or in the Policy as revised and distributed from time to time.

Signature of electronic mail system user

Name (print)

Date

Agency/Department

Phone

Mail Station or Address

Note: The user’s Agency/Department keeps one signed copy of this form on file.
Request for Electronic Mail Service
For use in requesting service for full-time and part-time City employees only
[see City Electronic Mail Policy, section 4.1]

Please provide the following individual an electronic mail account on the City of Santa Ana electronic mail system.

Full Name (print) __________________________________________

Windows NT Domain user name
(See your systems administrator for explanation) __________________________________________

Work Location/Room Number
(be as specific as possible) __________________________________________

Telephone __________________________________________

Mail station __________________________________________

Date Service is Needed __________________________________________

I, the undersigned, certify that:

The above named individual has read the City of Santa Ana Electronic Mail Policy.
The individual has signed an Electronic Mail Policy Acceptance Statement attesting to their understanding.
This Agency/Department has retained a signed copy of Electronic Mail Policy Acceptance Statement on file.

Supervisor’s Signature __________________________________________

Supervisor’s Name (print) __________________________________________

Agency/Department __________________________________________

Date __________________________________________

Send to: City Electronic Mail Administrator
Information Services Division
Mail Station M-12

Date received ________________________________ ________________________________ _______
Date account established ________________________________ _____________________________
Date user notified ________________________________ ________________________________ _______
Comments ________________________________ ________________________________ _______

City of Santa Ana Electronic Mail Policy
Policy #IT-02, revised June 2003
Attachment B
Request for Electronic Mail Service for Non-City Employees
[See City Electronic Mail Policy, section 4.2]

Please provide the following individual an electronic mail account on the City of Santa Ana electronic mail system.

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<td>Windows NT Domain user name</td>
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<td>Work Location/Room Number</td>
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<td>(be as specific as possible)</td>
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<tr>
<td>Telephone</td>
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<tr>
<td>Mail station</td>
</tr>
<tr>
<td>Date Service is Needed</td>
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<tr>
<td>Projected End Date for the Account</td>
</tr>
</tbody>
</table>

I, the undersigned, certify that:

- The above named individual has read the City of Santa Ana Electronic Mail Policy.
- The individual has signed an Electronic Mail Policy Acceptance Statement attesting to their understanding.
- This Agency/Department has retained a signed copy of Electronic Mail Policy Acceptance Statement on file.

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<th>Executive Director’s Signature (or delegated representative's)</th>
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<tbody>
<tr>
<td>Executive Director’s Name (print) (or delegated representative’s)</td>
</tr>
<tr>
<td>Agency/Department</td>
</tr>
<tr>
<td>Date</td>
</tr>
</tbody>
</table>

Send to: City Electronic Mail Administrator
          Information Services Division
          Mail Station M-12

For Internal Use Only
(Please do not write below)

<table>
<thead>
<tr>
<th>Date received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date account established</td>
</tr>
<tr>
<td>Date user notified</td>
</tr>
<tr>
<td>Comments</td>
</tr>
</tbody>
</table>

City of Santa Ana Electronic Mail Policy
Special Entry Authorization to an Electronic Mail Account
[see City Electronic Mail Policy, section 4.3]

Authorization is granted to override the City’s electronic mail system security controls and to give access to the following electronic mail account.

Email account name ________________________________
(As is appears on electronic mailbox)

Agency/Department of account ________________________________

Division of account ________________________________

Effective Date ________________________________

Name of person to be granted special access ______________________________

Phone of person to be granted special access _____________________________

I, the undersigned, certify that I am the Executive Director for the above named City of Santa Ana electronic mail account:

Signature ______________________________

Name _________________________________

Date _________________

Submit to: City Electronic Mail Administrator
Information Services Division
Mail Station M-12

For Internal Use Only
(Please do not write below)

Date Received_______________________________

Date Special Access Granted______________________________

Comments___________________________________________

Comments___________________________________________________________________
Request for Remote Access to City Electronic Mail Service
[See City Electronic Mail Policy, section 4.4]

Please enable the following individual with the capability to remotely access the City of Santa Ana electronic mail system.

Full Name (print) ____________________________________________

Mail station ____________________________________________________________________________

City Telephone Number ____________________________________________

Remote Location

☐ Residence ☐ Traveling ☐ Other: ___________________________

Date Service is Needed ______________________________________________________________________

Qualifying Questions:

Does the individual:

☐ Currently have a City email account? ☐ Yes ☐ No

☐ Have a PC to use for remote email access? (City does not provide) ☐ Yes ☐ No

☐ Have an Internet connection available? (City does not provide)

☒ Via Modem dial up service
☒ Via cable Internet service
☒ Via DSL Internet service
☒ Via satellite Internet service
☒ Other: _________________

☐ Have anti-virus (for virus detection and removal) software installed on the PC or PC’s to be used for remote email access? (City does not provide) ☐ Yes ☐ No

☐ Ensure that the anti-virus software enabled at all times? ☐ Yes ☐ No

☐ Update the anti-virus software each time before Internet access is used? ☐ Yes ☐ No

I, the undersigned, certify that:

The above named individual has:

Read and signed their acceptance of the City of Santa Ana Electronic Mail Policy.

Executive Director’s Signature ____________________________________________

Executive Director’s Name (print) ____________________________________________

Agency/Department ____________________________________________

Date ____________________________________________

Review and Approval by the Executive Director of the Personnel

Executive Director of Personnel’s Signature ____________________________________________

Date ____________________________________________

Send to: City Electronic Mail Administrator
Information Services Division
Mail Station M-12

For Internal Use Only
(Please do not write below)

Date received _________________________________________________________________________

Date account established _______________________________________________________________________

Date user notified _________________________________________________________________________

Comments ____________________________________________
Request for Increase to the Electronic Mail Account Storage Size Limitation
[see City Electronic Mail Policy, section 4.7.5]

I request an increase to the City electronic mail account storage size limitation.

Full Name (print) ____________________________________________

Email account name ____________________________________________

Work Location/Room Number _____________________________________

Telephone ____________________________________________________

Mail station __________________________________________________

Requested increase in email account storage size (if known) ________

Explanation of City business requirement for exceeding email storage limit ____________________________________________________________

I, the undersigned, certify that:

The above named individual has justified business need for an increase in their email account maximum storage size.

Executive Director’s Signature
(or delegated representative’s) ________________________________

Executive Director’s Name (print)
(or delegated representative’s) ________________________________

Agency/Department __________________________________________

Date ________________________________

Submit to: City Electronic Mail Administrator
Information Services Division
Mail Station M-12

For Internal Use Only
(Please do not write below)

Date Received ________________________________

Date Increase in Max Account Storage Size Granted ________________________________

Revised Max Account Storage Size Granted ____________ MB

Comments __________________________________________________________
1. Objective
   To establish administrative regulations which standardize the Internet policy for authorized users.

2. Purpose
   The purpose of this policy is to define who is authorized to employ City resources for access to the Internet and to define the acceptable use of those services. Any restriction of use contained in this policy is intended to ensure the appropriate use of the Internet and to protect the City of Santa Ana and its resources.

3. Scope and Applicability
   3.1 The use of the Internet is a privilege, not a right, which may be revoked at any time for unacceptable use.
   3.2 As required to perform City business, Executive Directors may authorize individuals to access the Internet via City systems and/or equipment.
   3.3 The City reserves the right, for any reason, to remove a user’s access to the Internet.
   3.4 The Internet access server, associated security, communications, networking, and microcomputer systems and components used to access the Internet are owned or operated by the City of Santa Ana and the contents of all communications using these may be reviewed in the course of business without the advanced notice or consent of the sender or recipient.
   3.5 All electronic communications, despite any designation as ‘private’ or restricted access, in the course of administering the service or under other provisions of this policy may be viewed without the advanced notice or consent of the sender or receiver.
   3.6 Internet communications and messaging via the Internet are governed by the City’s Electronic Mail Policy.

4. Implementation
   4.1 New Internet access for a full-time or part-time City employee.
      4.1.1 As required to perform City business, Executive Directors or their authorized delegates may authorize individuals, who are full or part time City employees, to have access to the Internet through the City’s network.
      4.1.2 Prior to an application for Internet access and any use of the Internet, the nominated individual must: (a) Read the City Internet Usage Policy and (b) Acknowledge their understanding, acceptance, and willingness to abide by the provisions of the City Internet Usage Policy by completing, with their signature, an Internet Usage Policy Acceptance form [see Attachment A].
4.1.3 Complete a **Request for Internet Services** form [see Attachment B].

4.1.4 Requests must be authorized by the individual’s Executive Director or delegated representative.

4.1.5 Completed and signed **Request for Internet Services** form [Attachment B] should be sent to City Internet Administrator, mail station M-12.

4.1.6 A signed copy of the **Internet Usage Policy Acceptance Statement** [see Attachment A] shall be retained by the requesting Agency/Department.

4.2 New Internet access for a non-City employee.

4.2.1 As required to perform City business, Executive Directors may authorize individuals, who are not full or part time City employees, to have access to the Internet through the City’s network.

4.2.2 Prior to an individual applying for access and use of the Internet, the individual must: (a) Read the City Internet Usage Policy and (b) Acknowledge their understanding, acceptance, and willingness to abide by the provisions of the City Internet Usage Policy by completing, with their signature, an Internet Usage Policy Acceptance form [see Attachment A].

4.2.3 Complete a **Request for Internet Services [Non-City employee]** form [see Attachment C].

4.2.4 Requests must be authorized by the individual’s Executive Director or delegated representative.

4.2.5 Completed and signed **Request for Internet Services [Non-City employee]** form [Attachment C] should be sent to City Internet Administrator, mail station M-12.

4.2.6 A signed copy of the Internet Usage Policy Acceptance Statement [see Attachment A] shall be retained by the requesting Agency/Department.

4.3 Charge for Service

An annual fee will be assessed to each Department/Agency for each user authorized to access the Internet. The charge will be used to defray the costs associated with accessing the Internet. The Information Services Division will be responsible for proposing and administrating this annual service fee.

4.3.1 The fee applies to each user and can not be “shared”.

4.3.2 The fee is annual and is not pro-rated or refunded for partial periods.

4.3.3 One user may not be substituted for another user under the same fee.

4.4 Dissemination of the Internet Policy

4.4.1 All new users accessing the Internet through City systems will be notified of this City policy prior to their gaining access to the system.

4.4.2 An Internet Usage Policy Acceptance Statement form [see Attachment A] must be signed by the new users and retained by their Agency/Department prior to submission of the request for service.

4.4.3 Each existing user accessing the Internet through City systems will be notified and provided access to a copy of this policy upon any change in the policy.

4.4.4 Subsequent reminders on and updates to this policy will be periodically transmitted via the electronic mail system to all users accessing the Internet through City systems.
4.5 Delete or Relocate authorization to access the Internet through City systems

4.5.1 To delete a current authorization to access the Internet through City systems when an individual has been terminated or there is no further business need, notify the City Internet Administrator in writing (mail station M-12 or email address: Internet Administrator).

4.5.2 To relocate a current authorization to access the Internet through City systems when an individual has been reassigned within the City, notify the City Internet Administrator in writing (mail station M-12 or email address: Internet Administrator).

5. **Retention Guidelines**

   All electronic communications via the Internet are considered transitory writing, not public records, and are not retained in the City of Santa Ana’s normal course of business.

6. **Violations and Enforcement**

   6.1 Violations of the City’s Internet Policy will be evaluated on a case-by-case basis by the sponsoring Executive Director. Violation of this policy may result in disciplinary action, up to and including dismissal, and may include referral of a case to appropriate authorities for civil or criminal prosecution.

   6.2 Users may be subject to random internal audits of Internet use.

7. **Acceptable Use**

   7.1 Acceptable use of the Internet is to carry forward City business.

   7.2 Internet interaction with professional associations, governments, universities, businesses and/or individuals associated with the facilitation of City business, research and education efforts as authorized by the sponsoring Executive Director.

   7.3 With the permission of the department’s Executive Director, the occasional use of social interaction via the Internet is permitted as long as it does not interfere with regular City business, is not excessive, and does not cause an adverse impact (e.g., congestion) on the City’s electronic networks.

   7.4 Distribution of information to the general public whereby such information is made available under the City’s guidelines and policies for the release of information and the Public Records Act.

   7.5 Incidental interactions among authorized users and professional colleagues which facilitate work assignments and professional development or debate in a work field of knowledge.

   7.6 Encryption of interactions beyond that provided by City as part of its Internet services is NOT permitted.

   7.7 City of Santa Ana Internet users **will**:

      7.7.1 Remember that electronic interactions sent from the City travel on City of Santa Ana’s electronic stationery and as such, are the same as if they were sent on City of Santa Ana letterhead.

      7.7.2 Be aware that in the normal course of system operations an audit log is recorded and maintained of all Internet sites sent to or received from by all Internet users.

      7.7.3 Assume that all communications via Internet can and will be read by systems administrators or other parties.
7.7.4 Take all required precautions against the importation of computer viruses.
7.7.5 Not download and/or install from the Internet any program or software, including shareware, freeware, updates or trail versions of software, without the explicit permission of the information services unit supporting them.
7.7.6 Make diligent efforts to conserve system resources. For example, frequently delete unused files of any type.
7.7.7 Use common sense at all times.

8. Unacceptable Use
8.1 To gain unlawful access to information on computers and communications resources.
8.2 Intentional introduction of, or experimentation with, malicious computer code such as computer worms or viruses.
8.3 Illegal, fraudulent or malicious activity; political activity; religious promotion; or activity on behalf of organizations or individuals who have no affiliation with the City.
8.4 Transmission of material in violation of applicable copyright laws or patents.
8.5 The sending of messages or interactions that are likely to result in the loss of recipients’ work or system and any other types of use which could cause congestion of the electronic network or otherwise interfere with the work of others.
8.6 City of Santa Ana Internet users are prohibited from:
   8.6.1 Taking actions that cause interference to the City’s electronic network or the work of others.
   8.6.2 Posting items on the Internet that do not reflect the policies of the City of Santa Ana.
   8.6.3 Operating a business through the City of Santa Ana Internet link.
   8.6.4 Generating, storing, or transmitting communications, files, programs or use data or other matter containing offensive or harassing statements, including comments based on race, national origin, sex, sexual orientation, age, disability, religion or political beliefs.
   8.6.5 Sending or receiving sexually oriented messages or images.
   8.6.6 Taking control of another computer, or login to any computer using another person’s identity or a fictitious identity.
   8.6.7 Using the login of another individual, nor shall an individual reveal their login information of another person.
   8.6.8 Allowing another person to use their login information to gain access to any computer connected to the City computer network or to the Internet.

9. Etiquette and Privacy
9.1 Users are expected to abide by the generally accepted rules of network etiquette. These rules include (but are not limited to) the following:
9.2 Be Polite.
   Never send, or encourage others to send, abusive messages or communications.
9.3 Use Appropriate Language
   Remember that as a user you are a representative of the City of Santa Ana. You may be alone with your computer, but what you say and do can be viewed globally! Never
swear, use vulgarities, or any other inappropriate language. Illegal activities of any kind are strictly forbidden.

9.4 Privacy
Do not reveal personal data (e.g., your home address or telephone number or those of anyone else).

9.5 Internet communications and messaging
All word communications and messaging via the Internet are governed by the City’s Electronic Mail Policy. They are not private and are subject to review for administrative and security purposes.

9.6 Disruptions
Do not use access to the Internet in any way that would disrupt use of the system or City resources by others.

9.7 Other considerations
9.7.1 Do be brief. Few people will bother to read a long communication.
9.7.2 Do minimize spelling errors and make sure your communication is easy to understand and to read.
9.7.3 Do get the most appropriate audience for your communication, not the widest.
9.7.4 Do remember that humor and satire are very often misinterpreted.
9.7.5 Do cite references for any facts you present.
9.7.6 Do forgive the spelling and grammar errors of others.
9.7.7 Do keep signatures brief.
9.7.8 Do remember that all Internet users are human beings. Don’t “attack” correspondents; persuade them with facts.
9.7.9 Do post (i.e. communicate) only to groups you know.
Acceptance

Your signature below certifies that you have read the City’s Internet Usage Policy and that you understand, accept and will abide by the provisions stated in it, or in the Policy as revised and distributed from time to time.

Signature of Internet user

Name (print)

Date

Agency/Department

Phone

Mail Station or Address

Note: The user’s Agency/Department keeps one signed copy of this form on file.
Request for Internet Services
For use in requesting access for full-time and part-time City employees only
[See City Internet Usage Policy, section 4.1]

Please allow the following individual to access the Internet through the City of Santa Ana Internet connection.

Full Name (print) 

Windows NT Domain user name
(See your systems administrator for explanation)

Work Location/Room Number
(be as specific as possible)

Telephone 

Mail station 

Date Service is Needed 

Internet Services Usage Fee
There will be an annual Fiscal Year usage fee of $120 assessed to each authorized Internet user. The fee is a flat rate, is not pro-rated, and will be charged at the beginning of the fiscal year or when a new user is granted Internet access.

Budget Account for usage fee: 

I, the undersigned, certify that:
The above named individual has read the City of Santa Ana Internet Usage Policy. The individual has signed an Internet Usage Acceptance Statement attesting to their understanding. This Agency/Department has retained the signed Internet Usage Acceptance Statement on file.

I authorize payment of the annual Internet Services Usage Fee.

Executive Director’s Signature
(or delegated representative's) 

Executive Director’s Name (print)
(or delegated representative's) 

Agency/Department 

Date 

Send to: City Internet Administrator
Information Services Division
Mail Station M-12

For Internal Use Only
(Please do not write below)

Date received 

Date account established 

Date user notified 

Comments 

City of Santa Ana Internet Usage Policy
Policy #IT-01, revised June 2003

Attachment B
Request for Internet Services for Non-City Employees
[See City Internet Usage Policy, section 4.2]

Please provide the following individual an electronic mail account on the City of Santa Ana electronic mail system.

Full Name (print) ____________________________________________

Windows NT Domain user name
(See your systems administrator for explanation)

Work Location/Room Number
(be as specific as possible)

Telephone ____________________________

Mail station __________________________

Date Service is Needed __________________________

Projected End Date for the Account __________________________

Internet Services Usage Fee
There will be an annual Fiscal Year usage fee of $120 assessed to each authorized Internet user. The fee is a flat rate, is not pro-rated, and will be charged at the beginning of the fiscal year or when a new user is granted Internet access.

Budget Account for usage fee: __________________________ [Mandatory requirement; no service without account]

I, the undersigned, certify that:

The above named individual has read the City of Santa Ana Internet Usage Policy.
The individual has signed an Internet Usage Acceptance Statement attesting to their understanding.

This Agency/Department has retained the signed Internet Usage Acceptance Statement on file.

I authorize payment of the annual Internet Services Usage Fee.

Executive Director’s Signature
(or delegated representative’s)
__________________________________________

Executive Director’s Name (print)
(or delegated representative’s)
__________________________________________

Agency/Department __________________________

Date __________________________

Send to: City Internet Administrator
Information Services Division
Mail Station M-12

For Internal Use Only
(Please do not write below)

Date received __________________________

Date account established __________________________

Date user notified __________________________

Comments: __________________________

City of Santa Ana Internet Usage Policy
Policy #IT-01, revised June 2003

Attachment C
Sunshine Ordinance
ORDINANCE NO. NS-2838

AN ORDINANCE OF THE CITY OF SANTA ANA ADDING ARTICLE II.I through ARTICLE II.III to CHAPTER 2 OF THE SANTA ANA MUNICIPAL CODE RELATING TO THE CITY OF SANTA ANA SUNSHINE ORDINANCE

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Santa Ana hereby finds, determines, and declares as follows:

A. That all public agencies’ actions, to the greatest extent possible, should be taken openly and that their deliberations should be conducted openly.

B. An informed public is essential to democracy. It is the goal and intent of the City of Santa Ana Sunshine Ordinance that citizens of Santa Ana have timely access to information, opportunities to address the various legislative bodies prior to decisions being made, and easy and timely access to public records.

C. The City Council’s duty is to serve the public, reaching its decisions in full view of the public.

D. The City Council, appointed legislative bodies, and other city officials exist to conduct the People’s business.

E. The City Council reaffirms its commitment to the purpose of the Brown Act that “all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency.”

F. That while the Brown Act and Public Records Act exist to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation by public bodies, the Santa Ana Sunshine Laws are designed to reaffirm and strengthen the need for transparency as represented by these laws.

G. The City Council enacts this Sunshine Ordinance to ensure that the people of Santa Ana remain in control of the government that they have created.
SECTION 2. The adoption of this ordinance is exempt from CEQA and a Notice of Exemption will be filed if this ordinance is adopted.

SECTION 3. Chapter 2, ARTICLE II.I, Section 2-150 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

ARTICLE II.I
PUBLIC ACCESS TO MEETINGS

Sec. 2-150. – Meetings and Agenda Postings for City Council

Pursuant to Government Code Section 54953.7 of the Brown Act the City of Santa Ana is imposing the following additional requirements on itself to allow greater community access to its meetings:

(1) City Council meeting agendas must be posted at least 96 hours before any regular meeting of the City Council.

(2) The City will make notices of the City Council meetings accessible on the City’s web site in various languages including Spanish through the use of free web-based translation application.

(3) Agendas will list future items on major projects. The list of “major projects” identified for the City Council agenda will be compiled at the discretion of the City Manager.

SECTION 4. Chapter 2, ARTICLE II.II, Section 2-151 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

ARTICLE II.II.
PUBLIC MEETINGS FOR CERTAIN DEVELOPMENT PROJECTS

Sec. 2-151. – Definitions

For purposes of this article, the following terms have the following respective meanings:

a) Public subsidy: As used in this division, the term “public subsidy” means financial assistance provided by the City, including, but not limited to: grants; rent subsidies or reductions; loans; loan forgiveness; City-issued bond financing; a sale or lease of City-assembled land for less than its fair market value (i.e., a “land write-down”); a Development Agreement or Disposition and Development Agreement; contingent obligations taken on
by the City such as any guarantee or pledge of City funds; and any City fee or tax reduction or waiver.

b) **City-sponsored development project:** any development project that has received or will receive public subsidy from the City of Santa Ana.

c) **Community meeting:** any meeting required pursuant to Section Sec. 2-153(a) whose purpose is to provide input into the review of development projects.

SECTION 5. Chapter 2, ARTICLE II.II, Section 2-152 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

Sec. 2-152. – Plan Approval

Prior to the submittal of the application for discretionary approval which meets the criteria of Section 2-153(a), the applicant shall meet all community meeting requirements as set forth in Section 2-153.

SECTION 6. Chapter 2, ARTICLE II.II, Section 2-153 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

Sec. 2-153 – Public input through community meetings prior to discretionary approval

(a) **Applicability:** The requirements of ARTICLE II.II apply to development projects requiring discretionary approval and that meet one or more of the following criteria:

1. City-sponsored development projects;

2. New residential projects containing 25 or more units, except that the Director of Planning and Building may exempt a developer from the requirements of ARTICLE II.II if, in the case of affordable housing, the developer can show that it will be in jeopardy of losing Tax Credits.

3. New non-residential projects (including additions to existing buildings) of 10,000 square feet or more and which are, in the determination of the City, subject to a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report as defined under the California Environmental Quality Act;
4. Development projects requiring a zone change, Specific Plan amendment, or General Plan amendment.

(b) Number and timing of community meeting: For those development projects that meet the criteria listed in Sec. 2-153(a), the applicant shall hold one community meeting no later than 20 days after submittal of an application for administrative site plan review. Should the applicant fail to hold the community meeting within this time, the completion of administrative site plan review shall be delayed until such time as the community meeting is held.

(c) Noticing: Notice of any community meeting held under this section shall be provided to all property owners, and at least one occupant per dwelling unit having a valid United States Postal Service address within a 500 foot radius of the subject property. Said notice shall be mailed no less than 10 days prior to the community meeting. The notice shall also be posted on the development project site and published in a newspaper of general circulation no less than 10 days prior to the community meeting. The City shall then post the notice on the City's website. It shall be the sole responsibility of the applicant to prepare and distribute this notice.

(d) Notice content: The notice shall include the time, place and date of the community meeting; a map depicting the location of the subject property, including the properties contained within the notification boundary; a brief description of the project; and the applicant’s contact information. The notice shall be written in English and Spanish and include instructions as to how to request language interpretation services for those wishing to have interpretation during the community meeting in languages other than English.

(e) Community meeting time and place: The community meeting shall be held either on a weeknight during the early evening hours or on a Saturday. The meeting shall be held in any facility that is accessible to the public and that is no more than 1 mile from the project site. Should there not be any such facilities available in the required area, the applicant may arrange, at their own expense and subject to availability, to use the next closest City facility.

(f) Community meeting language interpretation: Should the applicant receive a written request for language interpretation services no later than forty-eight (48) hours prior to the meeting, it shall be the applicant’s responsibility to arrange for such services to be available at the community meeting.

(g) Community meeting format and content: During the community meeting the applicant shall give a presentation detailing the components of the proposed development project and a description of any impacts or benefits to the community, and provide contact information so that members of the public can contact them for further information. The applicant shall allow enough time for the attendees to ask questions and provide input. The applicant shall prepare
detailed minutes of the meeting including a written record of the comments provided by the community members.

(h) Providing information to City after community meeting: Not less than four days following the community meeting the developer shall submit to the City an affidavit under penalty of perjury that the required community meeting was held in compliance with this section and will submit copies of all notices, notification lists, site postings, advertisements, or other communications used to publicize the meeting. The applicant shall also provide to the City a copy of the minutes and the written record of, and response to, the public comments made at the community meeting. The public input will be made part of the public record and included as attachments to Planning Commission staff reports.

(i) Notice of planning commission public hearings shall be in conformance with the requirements provided in section 2-153(c), except that it shall be the responsibility of the applicant to provide the director of planning and development services the mailing lists of the names and addresses of those entitled to receive notice under subsection 2-153(c). The noticing provisions contained 2-153(c) shall supersede those contained in section 41-672.

SECTION 7. Chapter 2, ARTICLE II.III, Section 2-154 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

ARTICLE II.III.
PUBLIC INFORMATION AND PUBLIC RECORDS

Sec. 2-154 – Access to Contracts, Bids and Proposals

(a) All initial City Requests for Proposals ("RFP's") shall be kept in a central repository and shall be made available for public inspection upon request. In addition, RFP's shall be placed in one location on the City's website for a period from the date the RFP was issued to the date that the RFP is due and for a period of 30 days after the RFP is awarded the City shall notice on the City website the name of the person or company awarded the contract, along with the second and third ranked persons or companies.

(b) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a RFP has been completed, a ranking of the
firms can be made available. Evaluation forms and score sheets used by persons in the RFP evaluation or contractor selection process shall be made available for public inspection after contract negotiations have been concluded.

SECTION 8. Chapter 2, ARTICLE II.III, Section 2-155 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

Sec. 2-155 – Calendars of Certain City Officials

(a) Members of the City Council (including the Mayor), the City Manager, Clerk of the Council, City Attorney, Community Development Agency Director, Finance and Management Services Director, Parks, Recreation and Community Services Director, Planning and Building Director, Police Chief, Director of External Affairs, Public Works Director, Deputy City Manager, and any additional persons in management positions that are considered part of the City’s Executive Management Team shall maintain a monthly City Calendar.

(b) The Calendar shall include all scheduled City-related appointments, meetings, including regular and special City Council meetings, meetings with developers, meetings with union representatives, meetings with consultants, meetings with lobbyists, regional meetings, and meetings of subcommittees or task forces.

(c) The Calendars of the Mayor, City Council, and City Manager, and other department heads listed in subsection (a) shall be a public record subject to inspection during normal business hours at the office of the Clerk of the Council and additionally available in electronic format on the City’s official website. The calendar shall be made available on the first of each month and shall reflect the schedules of the previous month.

(d) Each City-related appointment must include the following information: name(s), title(s), and affiliated organization(s). The following information shall be exempted:

1. Personal appointments, including personal business appointments;
2. Information protected by the attorney-client privilege;
3. Information about attorney work product;
4. Information about City staff recruitment;
5. Information about a personnel issue;
6. Information about corporate recruiting and retention;
7. Information about criminal investigations and security;
8. Information about whistle blowers;
9. Information about those who reasonably fear that public disclosure of the fact of their appointment will result in
retaliation that will result in significant economic, physical or other tangible harm; and

(10) Information that is otherwise prohibited from disclosure.

(e) Any violation of this section relating to calendars shall not be a basis for any criminal prosecution.

SECTION 9. Chapter 2, ARTICLE II.III, Section 2-156 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

Sec. 2-156 -- Access to Lobbyist Information

The City shall provide access, and a link on the City’s Website, to the following Forms: Recipient Committee Campaign Statement (Form 460), Behested Payment Report (Form 803), and Statement of Economic Interests (Form 700). These Forms will be found on the City’s website under the title of “Access to Lobbyist Information.

SECTION 10. Chapter 2, ARTICLE II.III, Section 2-157 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

Sec. 2-157 -- Public Meetings related to City five-year Strategic Plan and Annual Budget

(a) City Strategic Plan—Creation and Public Hearings

(1) Not later than approval of the annual budget beginning with the 2013/2014 fiscal year, and every five years thereafter, the City Manager shall prepare and submit to the City Council a strategic plan setting forth the City’s mission, core values, five year goals, detailed measurable objectives and key performance measures. Prior to submitting the strategic plan to the City Council, the City Manager will conduct a public meeting to review a draft of the plan with the public and receive input from the public regarding the plan.

(2) Each September, the City Manager will conduct a public meeting to present the City’s five (5) year Strategic Plan to the community. The purpose of the meeting will be to review the City’s progress in achieving its plan and goals with the community and to gain public input on any issues related to the City’s five (5) year Strategic Plan.

(b) Annual Budget Meetings. In connection with the preparation of the annual budget, each February and September, or upon the written request of at least 30 city residents, City staff will conduct a community meeting with neighborhood
associations, community groups, and other members of the public to present the budget and discuss the budget process and any other issues related to the budget.

SECTION 11. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

ADOPTED this 15th day of October 2012.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Sonia R. Carvalho

YES: Councilmembers: Benavides, Martinez, Tinajero, Sarmiento (4)

NOES: Councilmembers: Alvarez, Bustamante, Pulido (3)

ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: None (0)
CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Maria D. Huizar, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-2838 to be the original ordinance adopted by the City Council of the City of Santa Ana on October 15, 2012 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 10/22/2012

Maria D. Huizar
Clerk of the Council
City of Santa Ana