City Of Long Beach

Office of the City Clerk
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# Authorities, Boards, Commissions, and Committees Handbook

***Last Revised January 10, 2020***

**Approved by the Long Beach City Council on February 19, 2008**

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**MESSAGE FROM THE CITY CLERK:**

*Welcome and congratulations on your appointment as a City of Long Beach Commission or Board member. As a member, it is your task to provide the Long Beach City Council with your advice and information on a wide variety of matters. Over the years, the services and programs provided by the City have expanded. Without your insight, many decisions made for this City would have been done without adequate information and thought. The detailed studies and considered advice of boards and commissions are key to creating new programs and policies that will make this City the best it can be.*

*Serving on a board is leadership in a significant way in that your actions can speak louder than words. Serving on a board or commission is a rewarding experience where constituents can be directly involved in major decision making to improve our community.*

*A democracy relies on the participation of its constituents and those courageous enough to keep alive and balance multiple opinions relative to good city policy and governance. It is the duty of the government to listen to its people, but it's the responsibility of the people to speak.*

*Thank you for your service and your dedication to the City of Long Beach.*

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Chapter
1

# INTRODUCTION

## A. CITIZEN PARTICIPATION

Long Beach's system of authorities, boards, commissions, and committees provides one way for residents who have special experience or interests to participate in the City's decision-making process by advising the City Council on numerous issues. Other ways for citizens to get involved in local government include speaking at public hearings, speaking before the City Council and its subcommittees, participating in neighborhood-based organizations, petitioning, and letter writing.

The boards and commissions system provides the opportunity to interact creatively with people of all ages, interests, and backgrounds. Democracy can be realized when citizens are able to come together across neighborhood and economic lines to assist in making the community decisions that will shape all of their lives. While commissioners are themselves appointed from within the community, it is important that they in turn ensure that a wide variety of viewpoints from the rest of the community are considered when commissions make recommendations to the City Council. Commissioners should treat these widely varying viewpoints of other commissioners and members of the public with respect so that all citizens are encouraged to participate in government.

Please note that in this manual the term “commissions/commissioners” is inclusive of authorities, committees, boards and the members of such agencies.

For additional information, please contact your commission liaison, who is your primary contact with the City. If more assistance is required you may also contact the Office of the City Clerk at (562) 570-6101.

## B. COMMISSION ORIGINS

Commissions originate from four different sources: the City Charter, City Council action, vote of the people, and state mandate.

### Charter

Six Charter Commissions exist in the City of Long Beach. The City Charter, approved by the voters, governs each of these commissions. The Long Beach City Charter is analogous to the Constitution.

### City-Owned Corporations appointed by the City

There are several non-profit corporations in which the City is the sole shareholder. These corporations are considered separate entities, governed by their own articles of incorporation and by-laws.

### Council Action (Ordinance or Resolution)

Some commissions are created through City Council action when they see a need for an additional commission. An ordinance is a law of the City; all laws of the City are codified in the Long Beach Municipal Code. A resolution is a statement of City policy.

### Regional Districts

The City of Long Beach belongs to several regional districts, but did not form the entities. The City sends appointed representatives to their boards.

### State Mandate

Some commissions are required by the state, for which their duties and purposes are outlined by the state codes. For example, all cities are required to have a Planning Commission.

### Vote of the People

Some commissions derive their authority from measures adopted directly by the voters, by initiative, and can only be changed with a vote of the people.

### Miscellaneous

Advisory corporations that advises the City not appointed by the Mayor.

## C. CURRENT LIST OF COMMISSIONS

The following is a list of the commissions that currently exist in The City of Long Beach; the numbers in the parenthesis show the number of members on each commission:

- *Charter Commissions:*
  - Citizens Police Complaint Commission (11)
  - Civil Service Commission (5)
  - Ethics Commission (7) *[Created by Measure CCC, November 6, 2018]*
  - Harbor Commission (5)
  - Independent Redistricting Commission (13 and 2 alternates) *[Created by Measure DDD, November 6, 2018 – Organization in process.]*

- Parks and Recreation Commission (7)
- Planning Commission (7) *(also State Mandated)*
- Water Commission (5)

- *City-Owned Corporations appointed by the City:*
  - Long Beach Public Transportation Company (7)
  - Long Beach Community Investment Company (7)

- *Council Action (Ordinance or Resolution) Commissions:*
  - Airport Advisory Commission (9)
  - Belmont Shore Parking and Business Improvement Area Advisory Commission (7)
  - Board of Examiners, Appeals, and Condemnation (7)
  - Board of Health and Human Services (15)
  - Cable Communications Advisory Commission (11) *[Inactive]*
  - Citizens' Advisory Commission on Disabilities (9)
  - Commission on Youth and Children (19) *[Dissolution by Resolution No. RES-18-0099, July 10, 2018]*
  - Commission on Youth and Families (9) *[Added by Ordinance No. ORD-18-0019, July 10, 2018)*
  - Cultural Heritage Commission (7)
  - Economic Development Commission (11)
  - Homeless Services Advisory Committee (11)
  - Human Relations Commission (13)
  - Marine Advisory Commission (9)
  - Public Safety Advisory Commission (13)
  - Senior Citizen Advisory Commission (9)
  - Sustainable City Commission (11)
  - Technology and Innovation Commission (7)
  - Transactions and Use Tax Citizens' Advisory Committee (5)
  - Veterans Affairs Commissions (9)

- *Regional Districts:*
  - California State University Headquarters Building Joint Powers Authority (5) *[Suspended 2015]*
  - Greater Los Angeles County Vector Control District (2)
  - Metropolitan Water District of Southern California (37)
  - Southern California Library Cooperative (1)

- *State Mandate:*
  - Disabled Access Appeals Board (5) *(Created by Resolution)* *[Dissolved effective 11/18/2014 pursuant to ORD-14-0019, responsibilities shiefted to Board of Examiners, Appeals and condemnation]*
  - Long Beach Housing Authority (11) *(Created by Resolution)*
  - Pacific Gateway Workforce Investment Board (45) *(Created by Resolution)*

- *Vote of the People:*
  - Pedestrian Safety Advisory Committee (13) *(Created by Ordinance)*

- *Miscellaneous:*
  - Arts Council for Long Beach (31)
  - Downtown Long Beach Associates (29)
  - Long Beach Convention and Visitors' Bureau

## D. COMMISSION FUNCTION

Commission functions fall into four major categories. Commission functions can and often do cross one or more category.

### Quasi-Judicial

Certain commissions hold the authority to make decisions, which require or restrict the action of individuals. For example, the Planning Commission has the right to approve or deny permits, subject to appeal to the City Council.

### Administrative

Some commissions may have the power to appoint, discipline, and dismiss their own employees. For example, the Harbor Commission has the power to hire its own staff.

### Advisory to the City Manager

Certain Boards make recommendations to the City Manager when it comes to personnel hiring, discipline, or firing. For example, the Citizens Police Complaint Commission makes recommendations to the City Manager regarding the discipline of police officers.

### Advisory to the City Council

All commissions advise the City Council concerning policies and programs upon request of the City Council.

## E. OFFICE OF THE CITY CLERK

### Duties of the Office of the City Clerk

In 2007, the Office of the City Clerk was charged with the responsibility for coordinating administrative processes related to the appointment and enrollment of citizens to all Boards and Commissions. Specifically the Office of the City Clerk is responsible for processing new incoming members via an orientation program in compliance with State Law. (The processes are contained within this handbook). In addition to these responsibilities, the Office of the City Clerk is responsible for the maintenance and distribution of this handbook and the Boards and Commissions Roster throughout the City. Key City facilities where this handbook will be available include: City Hall and the Public Library, as well as the Internet.

Chapter
2

# SERVING ON A COMMISSION

This chapter addresses all aspects of the process of becoming a commissioner, serving on the commission, the responsibilities tied in with the position, and leaving the commission.

## A. MEMBERSHIP

This section outlines the steps required to be taken throughout the commission process, from applying to serve on a commission to the completion of service.

### 1) APPLICATION/ SELECTION PROCEDURES

The following are the procedures required for one to apply and be selected for a commission.

a. Residency Requirements

The members of each body must reside in the City at the time of appointment, and must maintain residence within the City at all times during their service on the advisory body. This is as stated in the Long Beach Municipal Code (LBMC) § 2.18.050 (B). In some instances, the residency requirement maybe satisfied by business ownership or other nexus with the City.

b. Application

Most commissions apply through the Mayor's office where the application can be picked up and turned in. Departments are responsible to assist the Mayor's Office in community outreach and application distribution. Applications will remain valid and in an active status for two years. To apply, go online to:

http://www.longbeach.gov/mayor/action/commissions/

For commissions not under the exclusive jurisdiction of the City (*e.g.*, Pacific Gateway Workforce Investment Board), there may be a separate application and appointment process.

c. Fingerprinting and Background Check

Prior to nomination or appointment to a commission the Office of the Mayor will order a Live Scan background and fingerprint check with the Long Beach Police Department. City departments will be "charged-back" the cost of the Live Scan and all the Live Scan reports will filed in the City's Human Resource Department.

d. Appointment

Appointments are generally made by the Mayor and then approved by the City Council. See LBMC § 2.18.050(A). Appointments to charter commissions are first referred to the City Council Personnel and Civil Service Committee before being heard by the full Council. See LBMC § 2.03.065.

For commissions not under the jurisdiction of the City, commissioners may be appointed by other jurisdictions as well. Examples of such commission include: Pacific Gateway Workforce Investment Board, Metropolitan Cooperative Library System Advisory Board, and Vector Control District.

Appointments for the Pedestrian Safety Advisory Committee are made by the City Manager. For this exception, and to learn more about this committee's particular set of rules, see LBMC § 10.68.010.

## 2) ENROLLMENT

Once appointed and approved, these are the procedures that must be completed before being enrolled on the commission: Live Scan, Form 700, ethics training, written ethics pledge, and the oath of office; which will not be administered before the completion of the previously mentioned requirements.

a. Form 700

The Political Reform Act (California Government Code §§ 81000-91014) requires most state and local government officials and employees to publicly disclose their personal assets and income. They also must disqualify themselves from participating in commission decisions that may affect their personal economic interest. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the attached Statement of Economic Interests, Form 700, and for interpreting the law's provisions. All commissioners are required to fill out the Form 700. This form must be filed before assuming office, every year thereafter by April 1st, and upon leaving office. The commission liaison is responsible for the submittal of the Form 700 of all commissioners. Copy of the Form 700 is attached in Appendix A, or you may retrieve it from the FPPC's website at:

http://www.fppc.ca.gov/Form700.html

b. Ethics Training Assembly Bill 1234

The Long Beach Municipal Code § 2.07.020 requires Ethics Training for all commission and advisory members. In the event that a member of any City Charter commission or advisory body fails to complete the ethics training required by California Government Code Section 53234 et seq., within the time period specified therein, that person shall automatically be removed from membership from the commission or advisory body (ORD-06-0050 § 1, 2006). The training certificate must be submitted to the Office of the City Clerk before assuming office. Failure to complete training will result in automatic termination. The training can be provided in the Office of the City Clerk or you may take it online at:

http://localethics.fppc.ca.gov/login.aspx

c. Written Ethics Pledge

Pursuant to the Long Beach Municipal Code 2.07.010, elected officials shall pledge in writing to follow certain principles while acting in their official capacity. A written code of ethics pledge is required, and a copy of the signed pledge must be submitted to the Office of the City Clerk. Copy of ethics pledge is attached in Appendix B.

d. Oath of Office

According to the California Constitution in Article 20, § 3, members of the Legislature, and all public officers and employees, executive, legislative, and judicial, except such inferior officers and employees as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the Oath of Office. This will be administered at the Office of the City Clerk upon receiving the Form 700, signed Ethics Pledge, and the completion of the Ethics Training. Failure to take the Oath of Office will bar an appointee from participating and/or voting on any board or commission proceeding. Copy of Oath of Office is attached in Appendix C.

## 3) TENURE AND CONDITIONS OF SERVICE

The terms of office, regulations, attendance, and the process of completion of service are listed below.

a. Term of Office

*Charter Commissions*

The term of office of members of the Commissions set forth in this Charter shall be four (4) years, except that the term of office of members of the Harbor Commission shall be six (6) years and the term of office for Water Commission members shall be five (5) years, beginning with the first Monday after the first day of July following their respective appointments, and until their successors are appointed and take office. No person shall serve more than two (2) full terms on any one Commission. Serving any portion of an unexpired term shall not be counted as service of one term on such Commission. Long Beach City Charter § 508.

Additionally, members of the Citizen Police Complaint Commission are limited to two (2) year terms. § 1151.

*Council Action (Ordinance or Resolution) Commissions*

For non-Charter commissions, the term of office shall be two (2) years for members of each body. Members may be reappointed after their initial term, but in no event shall any person who has served four (4) consecutive two (2) year terms on the same body be eligible for reappointment to that body. Serving any portion of an unexpired term shall not be counted as service of one term. Members not eligible for reappointment may continue to serve until their successors are appointed and qualified. The specific terms of office for members of all advisory bodies are set forth in the roster.

b. Commissions with Special Regulations

A few commissions require special qualifications such as degrees or certificates, specialized backgrounds or experience. When these positions become available, any special qualifications will be noted.

c. Attendance Requirement

For non-charter commissions, the members of each body may be removed by a majority vote of all members of the City Council for absence from three consecutive meetings without official permission expressed in the official minutes. LBMC § 2.18.050(F1).

d. Accommodations for Commissioners with Disabilities

Commissioners who have disabilities are entitled to receive reasonable accommodations upon request in order to fully participate in board or commission meetings and events.

e. Stipends

Commission members shall receive compensation for the performance of their official duties. A list of the advisory bodies currently eligible for compensation is attached in Appendix F. Member compensation is set by resolution and approved by the City Council.

f. Removal by Majority Vote/Automatic Terminations

1. For charter commissions, members can be removed by action of the Mayor with the concurrence of 2/3 of the Council. Long Beach Charter § 510.

2. For non-charter commissions, the members of each body may be removed by a majority vote of all members of the City Council for the following causes:

   a) Absence from three (3) consecutive meetings without official permission expressed in the official minutes;
   b) Incompetence, malfeasance, misfeasance, neglect of duty, or conviction of a crime involving moral turpitude; and
   c) Refusal to resign from an advisory body when no longer a resident of the City. LBMC § 2.18.050 (F).

3. Automatic termination can result from the following:
   a) Absence from three (3) consecutive meetings;
   b) Not filing the required Form 700;
   c) Non-Residency within the City of Long Beach;
   d) Failure to take the Oath of Office within 30 days of appointment letter; and
   e) Failure to complete required Ethics Training.

g. Resignation Procedures

A commissioner wishing to resign shall submit a letter of resignation directly to the commission liaison who then shall send the original to the Office of the City Clerk for retention and to update the official commissioner roster. Department staffs are requested to contact the Office of the City Clerk for the current procedures regarding the electronic transmission of resignation notices.

## B. CONFLICT OF INTEREST

Conflict of Interest rules exist to reinforce public confidence that City officials, employees and commissioners are acting in the best interests of the public, and not in furtherance of their own self-interests. As a general rule, commissioners should avoid situations where their official actions may affect or appear to affect their private interests, financial or otherwise.

1) **RELATION TO CONTRACTS**

State law prohibits commissioners from being financially interested in any City contract if your duties call on you to participate in any way or at any stage in the approval of the contract. Any participation (including discussion) in the process by which such a contract is developed, negotiated or executed is a violation of the law.

2) **PUBLIC DISCLOSURE REQUIREMENT**

If disqualification on a meeting agenda item is required, the commissioner must publicly disclose the interest that is the subject of the potential conflict as well as the fact that they are disqualifying themselves from any participation in the decision. The disclosure may be made orally at the public meeting and/or in writing to the board secretary and must be made a part of the agency's official records (*e.g.,* the minutes of the meeting.) If commissioners have any further questions, please contact the City Attorney's office.
For more information please reference the Ethics Guide for Long Beach City Officials & Employees.

## C. COMMISSION ORGANIZATION

The commissions follow Robert's Rules of Order for their meetings and their general organization. Highlights of these aspects are listed below:

1) **OFFICER ELECTIONS AND TERM OF OFFICE**

a. Each commission shall have at least two (2) officers (such as Chair and Vice-Chair) and such other officers it deems necessary.

b. All officers shall be elected by the members for a term of one (1) year and no officer shall serve more than two (2) successive terms. LBMC § 2.18.060.

2) **DUTIES OF OFFICERS**

The chair, or in his/her absence, the vice chair, performs the following duties:

- Presides at all meetings of the commission and ensures that the work of the commission is accomplished;
- Appoints commission members to temporary subcommittees and ad hoc committees subject to the approval of committee;
- As necessary approves agenda prior to distribution;
- Signs the correspondence on behalf of the commission;
- Represents the commission before the City Council with the approval of the commission; and

- Approves and signs commission reports to Council as prepared by the commission.

3) **TRANSFER OF CHAIR**

In the absence of the chair or his/her inability to act, the vice chair presides in their place. In the event that neither can perform, the remaining committee must elect a temporary chair.

4) **DUTIES OF COMMISSION LIAISON**

The commission liaison is a City employee assigned from the operating department normally designated to the commission. This individual assists the commission in its functions and advises them of staff's recommendations. The liaison should inform commissioners about activities, projects, and work taking place in the organization. Their duties include the following:

- Insure that commissioners file their Form 700 prior to taking part in the commission, every year there after by April 1st and upon leaving office;

- Insure that commissioners complete their required Ethics Training before taking their position as a commissioner;

- Execute commission meeting and agenda process to maintain compliance with the Brown Act, including tasks such as preparation of the agenda and minutes, notices, records of votes and attendance utilizing the City's legislative information management system. System training will be provided by the Office of the City Clerk;

- Serve as the primary contact to the Office of the City Clerk for the commission;

- Notify the Office of the City Clerk of resignations;

- Request permission from the City Manager or department director to have extensive staffing; and

- Initiate suggestions to help lead commissioners in the right direction.

5) **DUTIES OF SUPPORTING DEPARTMENT**

Supporting departments are responsible for providing orientation to the commissioners regarding the role of the commission to which they have been appointed. Departments also have the authority to provide the commissioners with business cards, which are to be used for City business. Departments also pay the costs of Live Scan.

Chapter
3

# COORDINATION WITH COUNCIL

In this chapter certain roles and procedures pertaining to the relationship between commission and City Council are outlined.

## A. COORDINATION WITH COUNCIL

Some commissions' main function is to report and advise the City Council on issues. This section outlines major ways of doing so.

### 1) RELATIONSHIP TO COUNCIL

The City Council welcomes advice and input from City commissions. The Council relies on the various commissions to have a large number of viewpoints and talents to help solve City problems.

### 2) PRESENTING AGENDA ITEMS TO COUNCIL

Commissions are welcome to request an item be placed on the City Council agenda. Commissioners must act through the department liaison. The liaison will work with the City Manager to request placement in the agenda at an appropriate time. Due to limited time available in City Council meetings, placement cannot be guaranteed and is up to the discretion of the City Manager. In addition to requesting that the City Manager place an item on an agenda, all citizens (including commissioners) have the right to request that a Councilmember or the Mayor place an item on the Council agenda.

### 3) ANNUAL REPORT

Commissions are required by the Long Beach Municipal Code to submit an annual report.

LBMC § 2.18.090

A. Each body shall present an annual written report of its activities for the past year to the Mayor and City Council; it may also make appropriate recommendations. The report shall include the following:

1. The name of the body;

2. Its objectives and functions;

3. A reference to all reports and recommendations presented to the City Council, including the number of subject matters referred by the City Council;

4. The number of meetings held;

5. Attendance records of all members;

6. The number of public hearings conducted;

7. The amount of money, if any, expended in support of that body;

8. A list of City personnel who regularly assist that body; and

9. A recommendation as to whether that body should be abolished, modified or continued.

B. The department liaison shall forward the original report to the City Council and shall maintain a copy. Such reports shall be open to public inspection.

4) **COUNCIL MEETINGS AND AGENDAS**

Regular City Council meetings are held every Tuesday except the last Tuesday of the month. Commissioners are welcome to attend and participate in the public comment period. When commissioners address the Council they should clarify whether they are speaking on their own behalf or on the behalf of the commission, at the beginning of their commentary. Only the chair of a commission, or a member who has the prior approval of the commission, should speak on behalf of the commission.

Chapter
4

# COMMISSION PROCEDURES

This chapter is intended to highlight and assist commissioners and staff with meeting-to-meeting operations required for a well-functioning commission.

## A. WORK PROGRAM

Commissioners may find it helpful to establish a yearly work program to set goals for the upcoming year. In it they could outline specific projects and estimated dates of completion. However, the commission controls its own ways of conducting business, and so it may decide on alternate procedures to conduct work efficiently and effectively.

## B. MEETINGS

This section is designed to help commissioners and staff to understand the meeting process from writing the agenda, the type of meetings, regulations, minutes and record keeping.

1) **REQUIREMENT TO MEET IN PUBLIC**

The Brown Act (California Government Code § 54950 et seq.), adopted by the State of California, requires that commission meetings be held in public when a commission majority is present and thus allow all persons to attend such meetings. Reasons valid for holding closed sessions are very limited. Specific cases must be cleared by the City Attorney prior to the scheduling of the meeting. For more information on the Brown Act regulations, reference Appendix D or visit:

http://oag.ca.gov/sites/all/files/agweb/pdfs/publications/brownAct2003.pdf for the complete act and http://www.cacities.org/Resources/Open-Government for a guide to the Brown Act.

2) **REQUIREMENT TO BE ACCESSIBLE TO PUBLIC**

All meetings must be held in an accessible location.

3) **REQUIREMENT TO ALLOW FOR PUBLIC PARTICIPATION**

a. Opportunity for Public Comment

The Brown Act requires that agendas for legislative bodies provide an opportunity for the public to address the body. Please refer to the Act or attachment in Appendix D for more information on procedures and time limits.

b. Formal Participation/Presentations

An individual wishing to formally address the commission or make a presentation must submit a written request to the commission liaison and if appropriate it will be scheduled on a future agenda. Once the request is on the agenda, the commission may grant or deny the presentation.

## 4) TYPES OF MEETINGS

Please consult the Brown Act or reference Appendix D for more information.

a. Public Hearing

Public Hearings are held when required by law or when the commission determines that such a hearing would be desirable. When law requires the hearing, that law may also specify the procedure for that hearing.

b. Workshops or Study Sessions

Workshops and study sessions are designed to elicit citizen input in an informal manner, it allows for citizens to interact with commissioners, which also allows commissioners to work on matters in more depth. Workshops or study sessions do not culminate in action at that meeting. Actions and recommendations should be taken at the next regular meeting.

c. Sub-committees and Ad Hoc committees

Sub-committees are designed to allow commissioners to discuss particular items for an indefinite length of time. Sub-committees are subject to the Brown Act if they have on going jurisdiction on a matter.

Ad Hoc committees are designed for a specific issue for a specific amount of time. Ad Hoc committees are not subject to the Brown Act because they are made up of less than quorum. For more information please reference the Brown Act.

## 5) MEETING REGULATIONS

- The subject matter must be clearly stated.
- Where a public hearing is mandated by law, the specified form and timing of the advanced notice is 72 hours prior to regular meeting and 24 hours prior to a special meeting.
- When conducting a hearing, the procedures depend on the subject matter and time available. When a hearing is run in a quasi-judicial fashion, minimal requirements for receiving testimony must be met. These include but are not limited to an introduction by the liaison or the chair, testimony by affected parties, interested citizens and the presentation of documents.
- Hearings should be formally declared open by the chair and should be terminated by commission motion.

- Findings that may be needed must be formally stated for the record.
- Any action resulting from the hearing must be clearly stated for the record. Under state law, action is prohibited on any matters not publicly noticed.
- If no action is taken, it should be announced by the chair and advise the public of when action is expected to take place.
- If a commissioner cannot participate because of conflict of interest, it should be noted at the commencement of the hearing.

## C. COMMISSION AGENDA

This section is designed to give an overview of the agenda process and structure.

### 1) AGENDA TITLES/PURPOSES

The purpose of the agenda is to inform the public about the topics that will be discussed at the meeting. It is required by the Brown Act that the titles be as specific as necessary to fully describe the topic at hand.

### 2) AGENDA FORMAT

Prior to the scheduled meeting, the agenda needs to be formatted and distributed to include: Roll Call, Public Comment, Approval of Minutes, Public Hearing, Old Business, New Business, and Adjournment. Please refer to Appendices D & E for information.

### 3) SUBMISSION OF AGENDA REPORTS

All reports prepared by staff assisting the commission need to be submitted to the department director for policy and operational clearance about 3 full working days prior to mailing out deadline.

### 4) DISTRIBUTION OF AGENDA PACKETS

For those commissions staffed by the Office of the City Clerk, it is requested that all necessary documents be submitted eight full working days prior to the meeting. For these commissions, the Office of the City Clerk will mail out agenda packets no later than seven days prior to the meeting to commissioners and any other required individuals. For all commissions, complete agendas must be made available to the public and commissioners 72 hours prior to the meeting, and 24 hours prior to a special meeting. Agendas may be distributed to other departments that work with the commission or those that find interest in it. The City's goal is to post all agendas on the Internet. To find an agenda for those commissions that are currently posting on the Internet, please go to:

http://longbeach.legistar.com/Calendar.aspx

For other commissions, please contact the department liaison.

## D. MINUTES

In this section, the process of noting and recording minutes is explained.

1) **ACTION MINUTES**

An accurate record of the commission's proceedings must be kept either by the City Clerk staff or by the liaison executive secretary of the commission. The action minutes will state the date, time, place of the meeting, attendance of members and staff, and a description of the actions taken. Approved motions are indicated by "moved, seconded, or carried" and include the breakdown of the vote.

Minutes are then presented to the commission for approval in the next meeting. If any corrections are made, the corrected minutes shall be approved as corrected.

2) **RECORDING MINUTES**

It is the policy of the City to record the meetings by audio or video streaming. The audio or video streaming must be maintained in accordance with the City's Records Retention Schedule.

## E. OFFICIAL COMMISSION RECORDS

All agendas, minutes, reports, communications, audio, videos, and any other related material should be kept in an organized manner as to facilitate the passing on of documents from one staff person to the next. It is the responsibility of the commission liaison or executive secretary to keep such documents in order.

# APPENDICES

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B. Written Ethics Pledge

C. Oath of Office

D. Robert's Rules of Order Quick Reference Outline

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# 2019-2020 Statement of Economic Interests

# Form 700

A Public Document

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***Helpful Resources***

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- Reference Pamphlet
- Excel Version
- FAQs
- Gift and Travel Fact Sheet for State and Local Officials

**California Fair Political Practices Commission**

**1102 Q Street, Suite 3000 • Sacramento, CA 95811**
**Email Advice: advice@fppc.ca.gov**
**Toll-free advice line: 1 (866) ASK-FPPC • 1 (866) 275-3772**
**Telephone: (916) 322-5660 • Website: www.fppc.ca.gov**

**December 2019**

# Quick Start Guide

**Detailed instructions begin on page 3.**

## WHEN IS THE ANNUAL STATEMENT DUE?

- March 2 – Elected State Officers, Judges and Court Commissioners, State Board and Commission members listed in Government Code Section 87200
- April 1 – Most other filers

## WHERE DO I FILE?

Most people file the Form 700 with their agency. If you're not sure where to file your Form 700, contact your filing officer or the person who asked you to complete it.

## ITEMS TO NOTE!

- The Form 700 is a public document.
- Only filers serving in active military duty may receive an extension on the filing deadline.
- You must also report interests held by your spouse or registered domestic partner.
- Your agency's conflict of interest code will help you to complete the Form 700. You are encouraged to get your conflict of interest code from the person who asked you to complete the Form 700.

## NOTHING TO REPORT?

Mark the "No reportable interests" box on Part 4 of the Cover Page, and submit only the signed Cover Page. Please review each schedule carefully!

| Schedule | Common Reportable Interests | Common Non-Reportable Interests |
|---|---|---|
| A-1: Investments | Stocks, including those held in an IRA or 401K. Each stock must be listed. | Insurance policies, government bonds, diversified mutual funds, funds similar to diversified mutual funds. |
| A-2: Business Entitites/Trusts | Business entities, sole proprietorships, partnerships, LLCs, corporations and trusts. (e.g., Form 1099 filers). | Savings and checking accounts, and annuities. |
| B: Real Property | Rental property in filer's jurisdiction, or within two miles of the boundaries of the jurisdiction. | A residence used exclusively as a personal residence (such as a home or vacation property). |
| C: Income | Non-governmental salaries. Note that filers are required to report only half of their spouse's or partner's salary. | Governmental salary (from school district, for example). |
| D: Gifts | Gifts from businesses, vendors, or other contractors (meals, tickets, etc.). | Gifts from family members. |
| E: Travel Payments | Travel payments from third parties (not your employer). | Travel paid by your government agency. |

*Note:* Like reportable interests, non-reportable interests may also create conflicts of interest and could be grounds for disqualification from certain decisions.

## QUESTIONS?

- advice@fppc.ca.gov
- (866) 275-3772 Mon-Thurs, 9-11:30 a.m.

## E-FILING ISSUES?

- If using your agency's system, please contact technical support at your agency.
- If using FPPC's e-filing system, write to form700@fppc.ca.gov.

## What's New

**Gift Limit Increase**

The gift limit increased to $500 for calendar years 2019 and 2020.

## Who must file:

- Elected and appointed officials and candidates listed in Government Code Section 87200
- Employees, appointed officials, and consultants filing pursuant to a conflict of interest code ("code filers"). **Obtain your disclosure categories, which describe the interests you must report, from your agency;** they are not part of the Form 700
- Candidates running for local elective offices that are designated in a conflict of interest code (e.g., county sheriffs, city clerks, school board trustees, and water board members)

  ***Exception:***

  - Candidates for a county central committee are not required to file the Form 700.
  - Members of newly created boards and commissions not yet covered under a conflict of interest code
  - Employees in newly created positions of existing agencies

For more information, see Reference Pamphlet, page 3, at *www.fppc.ca.gov.*

## Where to file:

**87200 Filers**

| | | |
|---|---|---|
| State offices | ➲ | Your agency |
| Judicial offices | ➲ | The clerk of your court |
| Retired Judges | ➲ | Directly with FPPC |
| County offices | ➲ | Your county filing official |
| City offices | ➲ | Your city clerk |
| Multi-County offices | ➲ | Your agency |

**Code Filers — State and Local Officials, Employees, and Consultants Designated in a Conflict of Interest Code:** File with your agency, board, or commission unless otherwise specified in your agency's code (e.g., Legislative staff files directly with FPPC). In most cases, the agency, board, or commission will retain the statements.

**Members of Boards and Commissions of Newly Created Agencies:** File with your newly created agency or with your agency's code reviewing body.

**Employees in Newly Created Positions of Existing Agencies:** File with your agency or with your agency's code reviewing body. (See Reference Pamphlet, page 3.)

**Candidates:** File with your local elections office.

## How to file:

The Form 700 is available at *www.fppc.ca.gov*. Form 700 schedules are also available in Excel format. All statements must have an original "wet" signature or be duly authorized by your filing officer to file electronically under Government Code Section 87500.2.

## When to file:

**Annual Statements**

➲ **March 2, 2020**

- Elected State Officers
- Judges and Court Commissioners
- State Board and State Commission Members listed in Government Code Section 87200

➲ **April 1, 2020**

- Most other filers

Individuals filing under conflict of interest codes in city and county jurisdictions should verify the annual filing date with their local filing officers.

Statements postmarked by the filing deadline are considered filed on time.

Statements of 30 pages or less may be emailed or faxed by the deadline as long as the originally signed paper version is sent by first class mail to the filing official within 24 hours.

**Assuming Office and Leaving Office Statements**

Most filers file within 30 days of assuming or leaving office or within 30 days of the effective date of a newly adopted or amended conflict of interest code.

***Exception:***

If you assumed office between October 1, 2019, and December 31, 2019, and filed an assuming office statement, you are not required to file an annual statement until March 2, 2021, or April 1, 2021, whichever is applicable. The annual statement will cover the day after you assumed office through December 31, 2020. (See Reference Pamphlet, page 6, for additional exceptions.

**Candidate Statements**

File no later than the final filing date for the declaration of candidacy or nomination documents. A candidate statement is not required if you filed an assuming office or annual statement for the same jurisdiction within 60 days before filing a declaration of candidacy or other nomination documents.

**Late Statements**

There is no provision for filing deadline extensions unless the filer is serving in active military duty. (See page 19 for information on penalties and fines.)

**Amendments**

Statements may be amended at any time. You are only required to amend the schedule that needs to be revised. It is not necessary to amend the entire filed form. Obtain amendment schedules at *www.fppc.ca.gov.*

# Types of Statements

## Assuming Office Statement:

If you are a newly appointed official or are newly employed in a position designated, or that will be designated, in a state or local agency's conflict of interest code, your assuming office date is the date you were sworn in or otherwise authorized to serve in the position. If you are a newly elected official, your assuming office date is the date you were sworn in.

- Report: Investments, interests in real property, and business positions held on the date you assumed the office or position must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date you assumed the office or position.

For positions subject to confirmation by the State Senate or the Commission on Judicial Appointments, your assuming office date is the date you were appointed or nominated to the position.

- Example: Maria Lopez was nominated by the Governor to serve on a state agency board that is subject to state Senate confirmation. The assuming office date is the date Maria's nomination is submitted to the Senate. Maria must report investments, interests in real property, and business positions she holds on that date, and income (including loans, gifts, and travel payments) received during the 12 months prior to that date.

If your office or position has been added to a newly adopted or newly amended conflict of interest code, use the effective date of the code or amendment, whichever is applicable.

- Report: Investments, interests in real property, and business positions held on the effective date of the code or amendment must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the effective date of the code or amendment.

## Annual Statement:

Generally, the period covered is January 1, 2019, through December 31, 2019. If the period covered by the statement is different than January 1, 2019, through December 31, 2019, (for example, you assumed office between October 1, 2018, and December 31, 2018 or you are combining statements), you must specify the period covered.

- Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2019.
- If your disclosure category changes during a reporting period, disclose under the old category until the effective date of the conflict of interest code amendment and disclose under the new disclosure category through the end of the reporting period.

## Leaving Office Statement:

Generally, the period covered is January 1, 2019, through the date you stopped performing the duties of your position. If the period covered differs from January 1, 2019, through the date you stopped performing the duties of your position (for example, you assumed office between October 1, 2018, and December 31, 2018, or you are combining statements), the period covered must be specified. The reporting period can cover parts of two calendar years.

- Report: Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2019.

## Candidate Statement:

If you are filing a statement in connection with your candidacy for state or local office, investments, interests in real property, and business positions held on the date of filing your declaration of candidacy must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date of filing your declaration of candidacy is reportable. Do not change the preprinted dates on Schedules A-1, A-2, and B.

Candidates running for local elective offices (e.g., county sheriffs, city clerks, school board trustees, or water district board members) must file candidate statements, as required by the conflict of interest code for the elected position. The code may be obtained from the agency of the elected position.

## Amendments:

If you discover errors or omissions on any statement, file an amendment as soon as possible. You are only required to amend the schedule that needs to be revised; it is not necessary to refile the entire form. Obtain amendment schedules from the FPPC website at *www.fppc.ca.gov.*

*Note:* Once you file your statement, you may not withdraw it. All changes must be noted on amendment schedules.

**CALIFORNIA FORM 700**
**FAIR POLITICAL PRACTICES COMMISSION**

# STATEMENT OF ECONOMIC INTERESTS

## COVER PAGE

*A PUBLIC DOCUMENT*

Date Initial Filing Received
*Filing Official Use Only*

*Please type or print in ink.*

NAME OF FILER (LAST) (FIRST) (MIDDLE)

## 1. Office, Agency, or Court

Agency Name *(Do not use acronyms)*

Division, Board, Department, District, if applicable Your Position

► If filing for multiple positions, list below or on an attachment. *(Do not use acronyms)*

Agency: _____ Position: _____

## 2. Jurisdiction of Office *(Check at least one box)*

☐ State

☐ Multi-County _____

☐ City of _____

☐ Judge, Retired Judge, Pro Tem Judge, or Court Commissioner (Statewide Jurisdiction)

☐ County of _____

☐ Other _____

## 3. Type of Statement *(Check at least one box)*

☐ **Annual:** The period covered is January 1, 2019, through December 31, 2019.

**-or-**

The period covered is _____/_____/_____, through December 31, 2019.

☐ **Assuming Office:** Date assumed _____/_____/_____

☐ **Leaving Office:** Date Left _____/_____/_____
*(Check one circle.)*

○ The period covered is January 1, 2019, through the date of leaving office.

**-or-**

○ The period covered is _____/_____/_____, through the date of leaving office.

☐ **Candidate:** Date of Election _____ and office sought, if different than Part 1: _____

## 4. Schedule Summary (must complete) ► *Total number of pages including this cover page:* _____

***Schedules attached***

☐ **Schedule A-1 -** *Investments* – schedule attached

☐ **Schedule A-2 -** *Investments* – schedule attached

☐ **Schedule B -** *Real Property* – schedule attached

☐ **Schedule C -** *Income, Loans, & Business Positions* – schedule attached

☐ **Schedule D -** *Income – Gifts* – schedule attached

☐ **Schedule E -** *Income – Gifts – Travel Payments* – schedule attached

**-or-** ☐ ***None*** **-** *No reportable interests on any schedule*

## 5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
*(Business or Agency Address Recommended - Public Document)*

DAYTIME TELEPHONE NUMBER
( )

EMAIL ADDRESS

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

**I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

**Date Signed** _____
*(month, day, year)*

**Signature** _____
*(File the originally signed paper statement with your filing official.)*

Clear Page Print

# Instructions
## Cover Page

Enter your name, mailing address, and daytime telephone number in the spaces provided. **Because the Form 700 is a public document, you may list your business/office address instead of your home address.**

### Part 1. Office, Agency, or Court

- Enter the name of the office sought or held, or the agency or court. Consultants must enter the public agency name rather than their private firm's name. (Examples: State Assembly; Board of Supervisors; Office of the Mayor; Department of Finance; Hope County Superior Court)
- Indicate the name of your division, board, or district, if applicable. (Examples: Division of Waste Management; Board of Accountancy; District 45). **Do not use acronyms.**
- Enter your position title. (Examples: Director; Chief Counsel; City Council Member; Staff Services Analyst)
- If you hold multiple positions (i.e., a city council member who also is a member of a county board or commission), you may be required to file statements with each agency. To simplify your filing obligations, you may complete an expanded statement.
  - To do this, enter the name of the other agency(ies) with which you are required to file and your position title(s) in the space provided. **Do not use acronyms.** Attach an additional sheet if necessary. Complete one statement covering the disclosure requirements for all positions. Each copy must contain an original signature. Therefore, before signing the statement, make a copy for each agency. Sign each copy with an original signature and file with each agency.

If you assume or leave a position after a filing deadline, you must complete a separate statement. For example, a city council member who assumes a position with a county special district after the April annual filing deadline must file a separate assuming office statement. In subsequent years, the city council member may expand his or her annual filing to include both positions.

**Example:**
Brian Bourne is a city council member for the City of Lincoln and a board member for the Camp Far West Irrigation District – a multi-county agency that covers Placer and Yuba counties. Brian will complete one Form 700 using full disclosure (as required for the city position) and covering interests in both Placer and Yuba counties (as required for the multi-county position) and list both positions on the Cover Page. Before signing the statement, Brian will make a copy and sign both statements. One statement will be filed with City of Lincoln and the other will be filed with Camp Far West Irrigation District. Both will contain an original signature.

### Part 2. Jurisdiction of Office

- Check the box indicating the jurisdiction of your agency and, if applicable, identify the jurisdiction. Judges, judicial candidates, and court commissioners have statewide jurisdiction. All other filers should review the Reference Pamphlet, page 13, to determine their jurisdiction.
- If your agency is a multi-county office, list each county in which your agency has jurisdiction.
- If your agency is not a state office, court, county office, city office, or multi-county office (e.g., school districts, special districts and JPAs), check the "other" box and enter the county or city in which the agency has jurisdiction.

**Example:**
This filer is a member of a water district board with jurisdiction in portions of Yuba and Sutter Counties.

**1. Office, Agency, or Court**
Agency Name *(Do not use acronyms)*
Feather River Irrigation District
Division, Board, Department, District, if applicable: N/A
Your Position: Board Member
► If filing for multiple positions, list below or on an attachment. *(Do not use acronyms)*
Agency: N/A Position:

**2. Jurisdiction of Office** *(Check at least one box)*
☐ State
☒ Multi-County Yuba & Sutter Counties
☐ City of
☐ Judge or Court Commissioner (Statewide Jurisdiction)
☐ County of
☐ Other

### Part 3. Type of Statement

Check at least one box. The period covered by a statement is determined by the type of statement you are filing. If you are completing a 2019 annual statement, **do not** change the pre-printed dates to reflect 2020. Your annual statement is used for reporting the **previous year's** economic interests. Economic interests for your annual filing covering January 1, 2020, through December 31, 2020, will be disclosed on your statement filed in 2021. See Reference Pamphlet, page 4.

Combining Statements: Certain types of statements may be combined. For example, if you leave office after January 1, but before the deadline for filing your annual statement, you may combine your annual and leaving office statements. File by the earliest deadline. Consult your filing officer or the FPPC.

### Part 4. Schedule Summary

- Complete the Schedule Summary after you have reviewed each schedule to determine if you have reportable interests.
- Enter the total number of completed pages including the cover page and either check the box for each schedule you use to disclose interests; **or** if you have nothing to disclose on any schedule, check the "No reportable interests" box. Please **do not** attach any blank schedules.

### Part 5. Verification

Complete the verification by signing the statement and entering the date signed. All statements must have an original "wet" signature or be duly authorized by your filing officer to file electronically under Government Code Section 87500.2. **When you sign your statement, you are stating, under penalty of perjury, that it is true and correct.** Only the filer has authority to sign the statement. An unsigned statement is not considered filed and you may be subject to late filing penalties.

# SCHEDULE A-1
## Investments
### Stocks, Bonds, and Other Interests
(Ownership Interest is Less Than 10%)

*Investments must be itemized.*
*Do not attach brokerage or financial statements.*

**CALIFORNIA FORM 700**
FAIR POLITICAL PRACTICES COMMISSION

Name _____

► NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
☐ $2,000 - $10,000 ☐ $10,001 - $100,000
☐ $100,001 - $1,000,000 ☐ Over $1,000,000

NATURE OF INVESTMENT
☐ Stock ☐ Other _____ (Describe)
☐ Partnership ◯ Income Received of $0 - $499
◯ Income Received of $500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:
____/____/ 19 ACQUIRED ____/____/ 19 DISPOSED

► NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
☐ $2,000 - $10,000 ☐ $10,001 - $100,000
☐ $100,001 - $1,000,000 ☐ Over $1,000,000

NATURE OF INVESTMENT
☐ Stock ☐ Other _____ (Describe)
☐ Partnership ◯ Income Received of $0 - $499
◯ Income Received of $500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:
____/____/ 19 ACQUIRED ____/____/ 19 DISPOSED

► NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
☐ $2,000 - $10,000 ☐ $10,001 - $100,000
☐ $100,001 - $1,000,000 ☐ Over $1,000,000

NATURE OF INVESTMENT
☐ Stock ☐ Other _____ (Describe)
☐ Partnership ◯ Income Received of $0 - $499
◯ Income Received of $500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:
____/____/ 19 ACQUIRED ____/____/ 19 DISPOSED

► NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
☐ $2,000 - $10,000 ☐ $10,001 - $100,000
☐ $100,001 - $1,000,000 ☐ Over $1,000,000

NATURE OF INVESTMENT
☐ Stock ☐ Other _____ (Describe)
☐ Partnership ◯ Income Received of $0 - $499
◯ Income Received of $500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:
____/____/ 19 ACQUIRED ____/____/ 19 DISPOSED

► NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
☐ $2,000 - $10,000 ☐ $10,001 - $100,000
☐ $100,001 - $1,000,000 ☐ Over $1,000,000

NATURE OF INVESTMENT
☐ Stock ☐ Other _____ (Describe)
☐ Partnership ◯ Income Received of $0 - $499
◯ Income Received of $500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:
____/____/ 19 ACQUIRED ____/____/ 19 DISPOSED

► NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
☐ $2,000 - $10,000 ☐ $10,001 - $100,000
☐ $100,001 - $1,000,000 ☐ Over $1,000,000

NATURE OF INVESTMENT
☐ Stock ☐ Other _____ (Describe)
☐ Partnership ◯ Income Received of $0 - $499
◯ Income Received of $500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:
____/____/ 19 ACQUIRED ____/____/ 19 DISPOSED

**Comments:** _____

Clear Page Print

# Instructions – Schedules A-1 and A-2
## Investments

"Investment" means a financial interest in any business entity (including a consulting business or other independent contracting business) that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency's jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling $2,000 or more at any time during the reporting period. (See Reference Pamphlet, page 13.)

**Reportable investments include:**

- Stocks, bonds, warrants, and options, including those held in margin or brokerage accounts and managed investment funds (See Reference Pamphlet, page 13.)
- Sole proprietorships
- Your own business or your spouse's or registered domestic partner's business (See Reference Pamphlet, page 8, for the definition of "business entity.")
- Your spouse's or registered domestic partner's investments even if they are legally separate property
- Partnerships (e.g., a law firm or family farm)
- Investments in reportable business entities held in a retirement account (See Reference Pamphlet, page 15.)
- If you, your spouse or registered domestic partner, and dependent children together had a 10% or greater ownership interest in a business entity or trust (including a living trust), you must disclose investments held by the business entity or trust. (See Reference Pamphlet, page 16, for more information on disclosing trusts.)
- Business trusts

**You are not required to disclose:**

- Government bonds, diversified mutual funds, certain funds similar to diversified mutual funds (such as exchange traded funds) and investments held in certain retirement accounts. (See Reference Pamphlet, page 13.) (Regulation 18237)
- Bank accounts, savings accounts, money market accounts and certificates of deposits
- Insurance policies
- Annuities
- Commodities
- Shares in a credit union
- Government bonds (including municipal bonds)
- Retirement accounts invested in non-reportable interests (e.g., insurance policies, mutual funds, or government bonds) (See Reference Pamphlet, page 15.)
- Government defined-benefit pension plans (such as CalPERS and CalSTRS plans)
- Certain interests held in a blind trust (See Reference Pamphlet, page 16.)

**Reminders**

- Do you know your agency's jurisdiction?
- Did you hold investments at any time during the period covered by this statement?
- Code filers – your disclosure categories may only require disclosure of specific investments.

**Use Schedule A-1** to report ownership of less than 10% (e.g., stock). Schedule C (Income) may also be required if the investment is not a stock or corporate bond. (See second example below.)

**Use Schedule A-2** to report ownership of 10% or greater (e.g., a sole proprietorship).

## To Complete Schedule A-1:

Do not attach brokerage or financial statements.

- Disclose the name of the business entity.
- Provide a general description of the business activity of the entity (e.g., pharmaceuticals, computers, automobile manufacturing, or communications).
- Check the box indicating the highest fair market value of your investment during the reporting period. If you are filing a candidate or an assuming office statement, indicate the fair market value on the filing date or the date you took office, respectively. (See page 20 for more information.)
- Identify the nature of your investment (e.g., stocks, warrants, options, or bonds).
- An acquired or disposed of date is only required if you initially acquired or entirely disposed of the investment interest during the reporting period. The date of a stock dividend reinvestment or partial disposal is not required. Generally, these dates will not apply if you are filing a candidate or an assuming office statement.

Examples:

Frank Byrd holds a state agency position. His conflict of interest code requires full disclosure of investments. Frank must disclose his stock holdings of $2,000 or more in any company that is located in or does business in California, as well as those stocks held by his spouse or registered domestic partner and dependent children.

Alice Lance is a city council member. She has a 4% interest, worth $5,000, in a limited partnership located in the city. Alice must disclose the partnership on Schedule A-1 and income of $500 or more received from the partnership on Schedule C.

# SCHEDULE A-2
## Investments, Income, and Assets of Business Entities/Trusts
(Ownership Interest is 10% or Greater)

**CALIFORNIA FORM 700**
FAIR POLITICAL PRACTICES COMMISSION

Name _____

**▶ 1. BUSINESS ENTITY OR TRUST**

Name _____

Address *(Business Address Acceptable)* _____

*Check one*
☐ Trust, *go to 2* ☐ Business Entity, *complete the box, then go to 2*

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
☐ $0 - $1,999
☐ $2,000 - $10,000
☐ $10,001 - $100,000
☐ $100,001 - $1,000,000
☐ Over $1,000,000

IF APPLICABLE, LIST DATE:
___/___/ 19 ACQUIRED ___/___/ 19 DISPOSED

NATURE OF INVESTMENT
☐ Partnership ☐ Sole Proprietorship ☐ _____ Other

YOUR BUSINESS POSITION _____

**▶ 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)**

☐ $0 - $499
☐ $500 - $1,000
☐ $1,001 - $10,000
☐ $10,001 - $100,000
☐ OVER $100,000

**▶ 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF $10,000 OR MORE** (Attach a separate sheet if necessary.)

☐ None or ☐ Names listed below

_____

**▶ 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST**

*Check one box:*
☐ INVESTMENT ☐ REAL PROPERTY

Name of Business Entity, if Investment, or
Assessor's Parcel Number or Street Address of Real Property _____

Description of Business Activity or
City or Other Precise Location of Real Property _____

FAIR MARKET VALUE
☐ $2,000 - $10,000
☐ $10,001 - $100,000
☐ $100,001 - $1,000,000
☐ Over $1,000,000

IF APPLICABLE, LIST DATE:
___/___/ 19 ACQUIRED ___/___/ 19 DISPOSED

NATURE OF INTEREST
☐ Property Ownership/Deed of Trust ☐ Stock ☐ Partnership

☐ Leasehold _____ Yrs. remaining ☐ Other _____

☐ Check box if additional schedules reporting investments or real property are attached


**▶ 1. BUSINESS ENTITY OR TRUST**

Name _____

Address *(Business Address Acceptable)* _____

*Check one*
☐ Trust, *go to 2* ☐ Business Entity, *complete the box, then go to 2*

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
☐ $0 - $1,999
☐ $2,000 - $10,000
☐ $10,001 - $100,000
☐ $100,001 - $1,000,000
☐ Over $1,000,000

IF APPLICABLE, LIST DATE:
___/___/ 19 ACQUIRED ___/___/ 19 DISPOSED

NATURE OF INVESTMENT
☐ Partnership ☐ Sole Proprietorship ☐ _____ Other

YOUR BUSINESS POSITION _____

**▶ 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)**

☐ $0 - $499
☐ $500 - $1,000
☐ $1,001 - $10,000
☐ $10,001 - $100,000
☐ OVER $100,000

**▶ 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF $10,000 OR MORE** (Attach a separate sheet if necessary.)

☐ None or ☐ Names listed below

_____

**▶ 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST**

*Check one box:*
☐ INVESTMENT ☐ REAL PROPERTY

Name of Business Entity, if Investment, or
Assessor's Parcel Number or Street Address of Real Property _____

Description of Business Activity or
City or Other Precise Location of Real Property _____

FAIR MARKET VALUE
☐ $2,000 - $10,000
☐ $10,001 - $100,000
☐ $100,001 - $1,000,000
☐ Over $1,000,000

IF APPLICABLE, LIST DATE:
___/___/ 19 ACQUIRED ___/___/ 19 DISPOSED

NATURE OF INTEREST
☐ Property Ownership/Deed of Trust ☐ Stock ☐ Partnership

☐ Leasehold _____ Yrs. remaining ☐ Other _____

☐ Check box if additional schedules reporting investments or real property are attached


**Comments:** _____

Clear Page Print

# Instructions – Schedule A-2
## Investments, Income, and Assets of Business Entities/Trusts

Use Schedule A-2 to report investments in a business entity (including a consulting business or other independent contracting business) or trust (including a living trust) in which you, your spouse or registered domestic partner, and your dependent children, together or separately, had a 10% or greater interest, totaling $2,000 or more, during the reporting period and which is located in, doing business in, planning to do business in, or which has done business during the previous two years in your agency's jurisdiction. (See Reference Pamphlet, page 13.) A trust located outside your agency's jurisdiction is reportable if it holds assets that are located in or doing business in the jurisdiction. Do not report a trust that contains non-reportable interests. For example, a trust containing only your personal residence not used in whole or in part as a business, your savings account, and some municipal bonds, is not reportable.

Also report on Schedule A-2 investments and real property held by that entity or trust if your pro rata share of the investment or real property interest was $2,000 or more during the reporting period.

## To Complete Schedule A-2:

**Part 1.** Disclose the name and address of the business entity or trust. If you are reporting an interest in a business entity, check "Business Entity" and complete the box as follows:

- Provide a general description of the business activity of the entity.
- Check the box indicating the highest fair market value of your investment during the reporting period.
- If you initially acquired or entirely disposed of this interest during the reporting period, enter the date acquired or disposed.
- Identify the nature of your investment.
- Disclose the job title or business position you held with the entity, if any (i.e., if you were a director, officer, partner, trustee, employee, or held any position of management). A business position held by your spouse is not reportable.

**Part 2.** Check the box indicating **your pro rata** share of the **gross** income received **by** the business entity or trust. This amount includes your pro rata share of the **gross** income **from** the business entity or trust, as well as your community property interest in your spouse's or registered domestic partner's share. Gross income is the total amount of income before deducting expenses, losses, or taxes.

**Part 3.** Disclose the name of each source of income that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency's jurisdiction, as follows:

- Disclose each source of income and outstanding loan **to the business entity or trust** identified in Part 1 if your pro rata share of the **gross** income (including your community property interest in your spouse's or registered domestic partner's share) to the business entity or trust from that source was $10,000 or more during the reporting period. (See Reference Pamphlet, page 11, for examples.) Income from governmental sources may be reportable if not considered salary. See Regulation 18232. Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.
- Disclose each individual or entity that was a source of commission income of $10,000 or more during the reporting period through the business entity identified in Part 1. (See Reference Pamphlet, page 8.)

You may be required to disclose sources of income located outside your jurisdiction. For example, you may have a client who resides outside your jurisdiction who does business on a regular basis with you. Such a client, if a reportable source of $10,000 or more, must be disclosed.

Mark "None" if you do not have any reportable $10,000 sources of income to disclose. Phrases such as "various clients" or "not disclosing sources pursuant to attorney-client privilege" are not adequate disclosure. (See Reference Pamphlet, page 14, for information on procedures to request an exemption from disclosing privileged information.)

**Part 4.** Report any investments or interests in real property held or leased **by the entity or trust** identified in Part 1 if your pro rata share of the interest held was $2,000 or more during the reporting period. Attach additional schedules or use FPPC's Form 700 Excel spreadsheet if needed.

- Check the applicable box identifying the interest held as real property or an investment.
- If investment, provide the name and description of the business entity.
- If real property, report the precise location (e.g., an assessor's parcel number or address).
- Check the box indicating the highest fair market value of your interest in the real property or investment during the reporting period. (Report the fair market value of the portion of your residence claimed as a tax deduction if you are utilizing your residence for business purposes.)
- Identify the nature of your interest.
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property or investment during the reporting period.

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name

# SCHEDULE B
## Interests in Real Property
(Including Rental Income)

► ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

CITY

FAIR MARKET VALUE
- ☐ $2,000 - $10,000
- ☐ $10,001 - $100,000
- ☐ $100,001 - $1,000,000
- ☐ Over $1,000,000

IF APPLICABLE, LIST DATE:
___/___/ 19 ACQUIRED
___/___/ 19 DISPOSED

NATURE OF INTEREST
- ☐ Ownership/Deed of Trust
- ☐ Easement
- ☐ Leasehold _____ Yrs. remaining
- ☐ _____ Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED
- ☐ $0 - $499
- ☐ $500 - $1,000
- ☐ $1,001 - $10,000
- ☐ $10,001 - $100,000
- ☐ OVER $100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of $10,000 or more.

☐ None

► ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

CITY

FAIR MARKET VALUE
- ☐ $2,000 - $10,000
- ☐ $10,001 - $100,000
- ☐ $100,001 - $1,000,000
- ☐ Over $1,000,000

IF APPLICABLE, LIST DATE:
___/___/ 19 ACQUIRED
___/___/ 19 DISPOSED

NATURE OF INTEREST
- ☐ Ownership/Deed of Trust
- ☐ Easement
- ☐ Leasehold _____ Yrs. remaining
- ☐ _____ Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED
- ☐ $0 - $499
- ☐ $500 - $1,000
- ☐ $1,001 - $10,000
- ☐ $10,001 - $100,000
- ☐ OVER $100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of $10,000 or more.

☐ None

* You are not required to report loans from a commercial lending institution made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE _____% ☐ None

TERM (Months/Years)

HIGHEST BALANCE DURING REPORTING PERIOD
- ☐ $500 - $1,000
- ☐ $1,001 - $10,000
- ☐ $10,001 - $100,000
- ☐ OVER $100,000

☐ Guarantor, if applicable

NAME OF LENDER*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE _____% ☐ None

TERM (Months/Years)

HIGHEST BALANCE DURING REPORTING PERIOD
- ☐ $500 - $1,000
- ☐ $1,001 - $10,000
- ☐ $10,001 - $100,000
- ☐ OVER $100,000

☐ Guarantor, if applicable

**Comments:** _____

Clear Page  Print

# Instructions – Schedule B
## Interests in Real Property

Report interests in real property located in your agency's jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling $2,000 or more any time during the reporting period. Real property is also considered to be "within the jurisdiction" of a local government agency if the property or any part of it is located within two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency. (See Reference Pamphlet, page 13.)

**Interests in real property include:**

- An ownership interest (including a beneficial ownership interest)
- A deed of trust, easement, or option to acquire property
- A leasehold interest (See Reference Pamphlet, page 14.)
- A mining lease
- An interest in real property held in a retirement account (See Reference Pamphlet, page 15.)
- An interest in real property held by a business entity or trust in which you, your spouse or registered domestic partner, and your dependent children together had a 10% or greater ownership interest (Report on Schedule A-2.)
- Your spouse's or registered domestic partner's interests in real property that are legally held separately by him or her

**You are <u>not</u> required to report:**

- A residence, such as a home or vacation cabin, used exclusively as a personal residence (However, a residence in which you rent out a room or for which you claim a business deduction may be reportable. If reportable, report the fair market value of the portion claimed as a tax deduction.)
- Some interests in real property held through a blind trust (See Reference Pamphlet, page 16.)
  - **Please note:** A non-reportable property can still be grounds for a conflict of interest and may be disqualifying.

## To Complete Schedule B:

- Report the precise location (e.g., an assessor's parcel number or address) of the real property.
- Check the box indicating the fair market value of your interest in the property (regardless of what you owe on the property).
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property during the reporting period.
- Identify the nature of your interest. If it is a leasehold, disclose the number of years remaining on the lease.
- If you received rental income, check the box indicating the gross amount you received.
- If you had a 10% or greater interest in real property and received rental income, list the name of the source(s) if your pro rata share of the gross income from any single tenant was $10,000 or more during the reporting period. If you received a total of $10,000 or more from two or more tenants acting in concert (in most cases, this will apply to married couples), disclose the name of each tenant. Otherwise, mark "None."
- Loans from a private lender that total $500 or more and are secured by real property may be reportable. **Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.**

  When reporting a loan:
  - Provide the name and address of the lender.
  - Describe the lender's business activity.
  - Disclose the interest rate and term of the loan. For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period. The term of a loan is the total number of months or years given for repayment of the loan at the time the loan was established.
  - Check the box indicating the highest balance of the loan during the reporting period.
  - Identify a guarantor, if applicable.

If you have more than one reportable loan on a single piece of real property, report the additional loan(s) on Schedule C.

**Example:**

Allison Gande is a city planning commissioner. During the reporting period, she received rental income of $12,000, from a single tenant who rented property she owned in the city's jurisdiction. If Allison received $6,000 each from two tenants, the tenants' names would not be required because no single tenant paid her $10,000 or more. A married couple is considered a single tenant.

ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS
4600 24th Street
CITY
Sacramento
FAIR MARKET VALUE
☐ $2,000 - $10,000
☐ $10,001 - $100,000
☒ $100,001 - $1,000,000
☐ Over $1,000,000
IF APPLICABLE, LIST DATE:
___/___/ 18 ACQUIRED ___/___/ 18 DISPOSED
NATURE OF INTEREST
☐ Ownership/Deed of Trust ☐ Easement
☐ Leasehold ____ Yrs. remaining ☐ ____ Other
IF RENTAL PROPERTY, GROSS INCOME RECEIVED
☐ $0 - $499 ☐ $500 - $1,000 ☐ $1,001 - $10,000
☒ $10,001 - $100,000 ☐ OVER $100,000
SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of $10,000 or more.
☐ None
Henry Wells
NAME OF LENDER*
Sophia Petroillo
ADDRESS *(Business Address Acceptable)*
2121 Blue Sky Parkway, Sacramento
BUSINESS ACTIVITY, IF ANY, OF LENDER
Restaurant Owner
INTEREST RATE
8 % ☐ None
TERM (Months/Years)
15 Years
HIGHEST BALANCE DURING REPORTING PERIOD
☐ $500 - $1,000 ☐ $1,001 - $10,000
☒ $10,001 - $100,000 ☐ OVER $100,000
☐ Guarantor, if applicable
Comments:

**Reminders**

- Income and loans already reported on Schedule B are not also required to be reported on Schedule C.
- Real property already reported on Schedule A-2, Part 4 is not also required to be reported on Schedule B.
- Code filers – do your disclosure categories require disclosure of real property?

# SCHEDULE C
# Income, Loans, & Business Positions
(Other than Gifts and Travel Payments)

**CALIFORNIA FORM 700**
**FAIR POLITICAL PRACTICES COMMISSION**

Name _____

## ▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME _____

ADDRESS *(Business Address Acceptable)* _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

YOUR BUSINESS POSITION _____

GROSS INCOME RECEIVED
- ☐ No Income - Business Position Only
- ☐ $500 - $1,000
- ☐ $1,001 - $10,000
- ☐ $10,001 - $100,000
- ☐ OVER $100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
- ☐ Salary
- ☐ Spouse's or registered domestic partner's income (For self-employed use Schedule A-2.)
- ☐ Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.)
- ☐ Sale of _____ *(Real property, car, boat, etc.)*
- ☐ Loan repayment
- ☐ Commission or
- ☐ Rental Income, *list each source of $10,000 or more*

_____ *(Describe)*

- ☐ Other _____ *(Describe)*

## ▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME _____

ADDRESS *(Business Address Acceptable)* _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

YOUR BUSINESS POSITION _____

GROSS INCOME RECEIVED
- ☐ No Income - Business Position Only
- ☐ $500 - $1,000
- ☐ $1,001 - $10,000
- ☐ $10,001 - $100,000
- ☐ OVER $100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
- ☐ Salary
- ☐ Spouse's or registered domestic partner's income (For self-employed use Schedule A-2.)
- ☐ Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.)
- ☐ Sale of _____ *(Real property, car, boat, etc.)*
- ☐ Loan repayment
- ☐ Commission or
- ☐ Rental Income, *list each source of $10,000 or more*

_____ *(Describe)*

- ☐ Other _____ *(Describe)*

## ▶ 2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from a commercial lending institution, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER* _____

ADDRESS *(Business Address Acceptable)* _____

BUSINESS ACTIVITY, IF ANY, OF LENDER _____

HIGHEST BALANCE DURING REPORTING PERIOD
- ☐ $500 - $1,000
- ☐ $1,001 - $10,000
- ☐ $10,001 - $100,000
- ☐ OVER $100,000

INTEREST RATE _____% ☐ None

TERM (Months/Years) _____

SECURITY FOR LOAN
- ☐ None
- ☐ Personal residence
- ☐ Real Property _____ *Street address*

_____ *City*

- ☐ Guarantor _____
- ☐ Other _____ *(Describe)*

**Comments:** _____

Clear Page  Print

# Instructions – Schedule C
## Income, Loans, & Business Positions
## (Income Other Than Gifts and Travel Payments)

**Reporting Income:**
Report the source and amount of gross income of $500 or more you received during the reporting period. Gross income is the total amount of income before deducting expenses, losses, or taxes and includes loans other than loans from a commercial lending institution. (See Reference Pamphlet, page 11.) You must also report the source of income to your spouse or registered domestic partner if your community property share was $500 or more during the reporting period.

The source and income must be reported only if the source is located in, doing business in, planning to do business in, or has done business during the previous two years in your agency's jurisdiction. (See Reference Pamphlet, page 13.) Reportable sources of income may be further limited by your disclosure category located in your agency's conflict of interest code.

**Reporting Business Positions:**
You must report your job title with each reportable business entity even if you received no income during the reporting period. Use the comments section to indicate that no income was received.

**Commonly reportable income and loans include:**
- Salary/wages, per diem, and reimbursement for expenses including travel payments provided by your employer
- Community property interest (50%) in your spouse's or registered domestic partner's income - **report the employer's name and all other required information**
- Income from investment interests, such as partnerships, reported on Schedule A-1
- Commission income not required to be reported on Schedule A-2 (See Reference Pamphlet, page 8.)
- Gross income from any sale, including the sale of a house or car (Report your pro rata share of the total sale price.)
- Rental income not required to be reported on Schedule B
- Prizes or awards not disclosed as gifts
- Payments received on loans you made to others
- An honorarium received prior to becoming a public official (See Reference Pamphlet, page 10.)
- Incentive compensation (See Reference Pamphlet, page 12.)

**Reminders**
- Code filers – your disclosure categories may not require disclosure of all sources of income.
- If you or your spouse or registered domestic partner are self-employed, report the business entity on Schedule A-2.
- Do not disclose on Schedule C income, loans, or business positions already reported on Schedules A-2 or B.

**You are <u>not</u> required to report:**
- Salary, reimbursement for expenses or per diem, or social security, disability, or other similar benefit payments received by you or your spouse or registered domestic partner from a federal, state, or local government agency.
- Stock dividends and income from the sale of stock unless the source can be identified.
- Income from a PERS retirement account.

(See Reference Pamphlet, page 12.)

## To Complete Schedule C:

**Part 1. Income Received/Business Position Disclosure**
- Disclose the name and address of each source of income or each business entity with which you held a business position.
- Provide a general description of the business activity if the source is a business entity.
- Check the box indicating the amount of gross income received.
- Identify the consideration for which the income was received.
- For income from commission sales, check the box indicating the gross income received and list the name of each source of commission income of $10,000 or more. (See Reference Pamphlet, page 8.) **Note: If you receive commission income on a regular basis or have an ownership interest of 10% or more, you must disclose the business entity and the income on Schedule A-2.**
- Disclose the job title or business position, if any, that you held with the business entity, even if you did not receive income during the reporting period.

**Part 2. Loans Received or Outstanding During the Reporting Period**
- Provide the name and address of the lender.
- Provide a general description of the business activity if the lender is a business entity.
- Check the box indicating the highest balance of the loan during the reporting period.
- Disclose the interest rate and the term of the loan.
  - For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period.
  - The term of the loan is the total number of months or years given for repayment of the loan at the time the loan was entered into.
- Identify the security, if any, for the loan.

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name

# SCHEDULE D
## Income – Gifts

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|---|---|---|
| ___/___/___ | $_____ | _____ |
| ___/___/___ | $_____ | _____ |
| ___/___/___ | $_____ | _____ |

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|---|---|---|
| ___/___/___ | $_____ | _____ |
| ___/___/___ | $_____ | _____ |
| ___/___/___ | $_____ | _____ |

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|---|---|---|
| ___/___/___ | $_____ | _____ |
| ___/___/___ | $_____ | _____ |
| ___/___/___ | $_____ | _____ |

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|---|---|---|
| ___/___/___ | $_____ | _____ |
| ___/___/___ | $_____ | _____ |
| ___/___/___ | $_____ | _____ |

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|---|---|---|
| ___/___/___ | $_____ | _____ |
| ___/___/___ | $_____ | _____ |
| ___/___/___ | $_____ | _____ |

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|---|---|---|
| ___/___/___ | $_____ | _____ |
| ___/___/___ | $_____ | _____ |
| ___/___/___ | $_____ | _____ |

**Comments:** _____

Clear Page  Print

# Instructions – Schedule D
## Income – Gifts

A gift is anything of value for which you have not provided equal or greater consideration to the donor. A gift is reportable if its fair market value is $50 or more. In addition, multiple gifts totaling $50 or more received during the reporting period from a single source must be reported.

It is the acceptance of a gift, not the ultimate use to which it is put, that imposes your reporting obligation. Except as noted below, you must report a gift even if you never used it or if you gave it away to another person.

If the exact amount of a gift is unknown, you must make a good faith estimate of the item's fair market value. Listing the value of a gift as "over $50" or "value unknown" is not adequate disclosure. In addition, if you received a gift through an intermediary, you must disclose the name, address, and business activity of both the donor and the intermediary. You may indicate an intermediary either in the "source" field after the name or in the "comments" section at the bottom of Schedule D.

**Commonly reportable gifts include:**

- Tickets/passes to sporting or entertainment events
- Tickets/passes to amusement parks
- Parking passes not used for official agency business
- Food, beverages, and accommodations, including those provided in direct connection with your attendance at a convention, conference, meeting, social event, meal, or like gathering
- Rebates/discounts not made in the regular course of business to members of the public without regard to official status
- Wedding gifts (See Reference Pamphlet, page 16)
- An honorarium received prior to assuming office (You may report an honorarium as income on Schedule C, rather than as a gift on Schedule D, if you provided services of equal or greater value than the payment received. See Reference Pamphlet, page 10.)
- Transportation and lodging (See Schedule E.)
- Forgiveness of a loan received by you

**Reminders**

- Gifts from a single source are subject to a $500 limit in 2019. (See Reference Pamphlet, page 10.)
- Code filers – you only need to report gifts from reportable sources.

**Gift Tracking Mobile Application**

- FPPC has created a gift tracking app for mobile devices that helps filers track gifts and provides a quick and easy way to upload the information to the Form 700. Visit FPPC's website to download the app.

**You are <u>not</u> required to disclose:**

- Gifts that were not used and that, within 30 days after receipt, were returned to the donor or delivered to a charitable organization or government agency without being claimed by you as a charitable contribution for tax purposes
- Gifts from your spouse or registered domestic partner, child, parent, grandparent, grandchild, brother, sister, and certain other family members (See Regulation 18942 for a complete list.). The exception does not apply if the donor was acting as an agent or intermediary for a reportable source who was the true donor.
- Gifts of similar value exchanged between you and an individual, other than a lobbyist registered to lobby your state agency, on holidays, birthdays, or similar occasions
- Gifts of informational material provided to assist you in the performance of your official duties (e.g., books, pamphlets, reports, calendars, periodicals, or educational seminars)
- A monetary bequest or inheritance (However, inherited investments or real property may be reportable on other schedules.)
- Personalized plaques or trophies with an individual value of less than $250
- Campaign contributions
- Up to two tickets, for your own use, to attend a fundraiser for a campaign committee or candidate, or to a fundraiser for an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The ticket must be received from the organization or committee holding the fundraiser.
- Gifts given to members of your immediate family if the source has an established relationship with the family member and there is no evidence to suggest the donor had a purpose to influence you. (See Regulation 18943.)
- Free admission, food, and nominal items (such as a pen, pencil, mouse pad, note pad or similar item) available to all attendees, at the event at which the official makes a speech (as defined in Regulation 18950(b)(2)), so long as the admission is provided by the person who organizes the event.
- Any other payment not identified above, that would otherwise meet the definition of gift, where the payment is made by an individual who is not a lobbyist registered to lobby the official's state agency, where it is clear that the gift was made because of an existing personal or business relationship unrelated to the official's position and there is no evidence whatsoever at the time the gift is made to suggest the donor had a purpose to influence you.

## To Complete Schedule D:

- Disclose the full name (not an acronym), address, and, if a business entity, the business activity of the source.
- Provide the date (month, day, and year) of receipt, and disclose the fair market value and description of the gift.

CALIFORNIA FORM **700**
FAIR POLITICAL PRACTICES COMMISSION

Name _____

# SCHEDULE E
# Income – Gifts
# Travel Payments, Advances, and Reimbursements

- **Mark either the gift or income box.**
- **Mark the "501(c)(3)" box for a travel payment received from a nonprofit 501(c)(3) organization or the "Speech" box if you made a speech or participated in a panel. Per Government Code Section 89506, these payments may not be subject to the gift limit. However, they may result in a disqualifying conflict of interest.**
- **For gifts of travel, provide the travel destination.**

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

CITY AND STATE

☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE(S): ___/___/___ - ___/___/___ AMT: $_____
*(If gift)*

► MUST CHECK ONE: ☐ Gift **-or-** ☐ Income

◯ Made a Speech/Participated in a Panel

◯ Other - Provide Description _____

► If Gift, Provide Travel Destination _____

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

CITY AND STATE

☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE(S): ___/___/___ - ___/___/___ AMT: $_____
*(If gift)*

► MUST CHECK ONE: ☐ Gift **-or-** ☐ Income

◯ Made a Speech/Participated in a Panel

◯ Other - Provide Description _____

► If Gift, Provide Travel Destination _____

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

CITY AND STATE

☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE(S): ___/___/___ - ___/___/___ AMT: $_____
*(If gift)*

► MUST CHECK ONE: ☐ Gift **-or-** ☐ Income

◯ Made a Speech/Participated in a Panel

◯ Other - Provide Description _____

► If Gift, Provide Travel Destination _____

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

CITY AND STATE

☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE(S): ___/___/___ - ___/___/___ AMT: $_____
*(If gift)*

► MUST CHECK ONE: ☐ Gift **-or-** ☐ Income

◯ Made a Speech/Participated in a Panel

◯ Other - Provide Description _____

► If Gift, Provide Travel Destination _____

**Comments:** _____

Clear Page  Print

# Instructions – Schedule E
## Travel Payments, Advances, and Reimbursements

Travel payments reportable on Schedule E include advances and reimbursements for travel and related expenses, including lodging and meals.

Gifts of travel may be subject to the gift limit. In addition, certain travel payments are reportable gifts, but are not subject to the gift limit. To avoid possible misinterpretation or the perception that you have received a gift in excess of the gift limit, you may wish to provide a specific description of the purpose of your travel. (See the FPPC fact sheet entitled "Limitations and Restrictions on Gifts, Honoraria, Travel, and Loans" to read about travel payments under section 89506(a).)

**You are <u>not</u> required to disclose:**

- Travel payments received from any state, local, or federal government agency for which you provided services equal or greater in value than the payments received, such as reimbursement for travel on agency business from your government agency employer.
- A payment for travel from another local, state, or federal government agency and related per diem expenses when the travel is for education, training or other inter-agency programs or purposes.
- Travel payments received from your employer in the normal course of your employment that are included in the income reported on Schedule C.
- A travel payment that was received from a nonprofit entity exempt from taxation under Internal Revenue Code Section 501(c)(3) for which you provided equal or greater consideration, such as reimbursement for travel on business for a 501(c)(3) organization for which you are a board member.

  **Note: Certain travel payments may not be reportable if reported via email on Form 801 by your agency.**

## To Complete Schedule E:

- Disclose the full name (not an acronym) and address of the source of the travel payment.
- Identify the business activity if the source is a business entity.
- Check the box to identify the payment as a gift or income, report the amount, and disclose the date(s).
  - **Travel payments are gifts** if you did not provide services that were equal to or greater in value than the payments received. You must disclose gifts totaling $50 or more from a single source during the period covered by the statement.

    When reporting travel payments that are gifts, you must provide a description of the gift, the **date(s)** received, and the **travel destination.**
  - **Travel payments are income** if you provided services that were equal to or greater in value than the payments received. You must disclose income totaling $500 or more from a single source during the period covered by the statement. You have the burden of proving the payments are income rather than gifts. When reporting travel payments as income, you must describe the services you provided in exchange for the payment. You are not required to disclose the date(s) for travel payments that are income.

**Example:**
City council member MaryClaire Chandler is the chair of a 501(c)(6) trade association, and the association pays for her travel to attend its meetings. Because MaryClaire is deemed to be providing equal or greater consideration for the travel payment by virtue of serving on the board, this payment may be reported as income. Payments for MaryClaire to attend other events for which she is not providing services are likely considered gifts. Note that the same payment from a 501(c)3 would NOT be reportable.

► NAME OF SOURCE *(Not an Acronym)*
Health Services Trade Association
ADDRESS *(Business Address Acceptable)*
1230 K Street, Suite 610
CITY AND STATE
Sacramento, CA
☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE
Association of Healthcare Workers
DATE(S): ___/___/___ - ___/___/___ *(If gift)* AMT: $ 550.00
► MUST CHECK ONE: ☐ Gift -or- ☒ Income
○ Made a Speech/Participated in a Panel
◉ Other - Provide Description Travel reimbursement for board meeting.
► If Gift, Provide Travel Destination

**Example:**
Mayor Kim travels to China on a trip organized by China Silicon Valley Business Development, a California nonprofit, 501(c)(6) organization. The Chengdu Municipal People's Government pays for Mayor Kim's airfare and travel costs, as well as his meals and lodging during the trip. The trip's agenda shows that the trip's purpose is to promote job creation and economic activity in China and in Silicon Valley, so the trip is reasonably related to a governmental purpose. Thus, Mayor Kim must report the gift of travel, but the gift is exempt from the gift limit. In this case, the travel payments are not subject to the gift limit because the source is a foreign government and because the travel is reasonably related to a governmental purpose. (Section 89506(a)(2).) Note that Mayor Kim could be disqualified from participating in or making decisions about The Chengdu Municipal People's Government for 12 months. Also note that if China Silicon Valley Business Development (a 501(c)(6) organization) paid for the travel costs rather than the governmental organization, the payments would be subject to the gift limits. (See the FPPC fact sheet, Limitations and Restrictions on Gifts, Honoraria, Travel and Loans, at www.fppc.ca.gov.)

► NAME OF SOURCE *(Not an Acronym)*
Chengdu Municipal People's Government
ADDRESS *(Business Address Acceptable)*
2 Caoshi St, CaoShiJie, Qingyang Qu, Chengdu Shi,
CITY AND STATE
Sichuan Sheng, China, 610000
☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE
DATE(S): 09 / 04 / XX - 09 / 08 / XX *(If gift)* AMT: $ 3,874.38
► MUST CHECK ONE: ☒ Gift -or- ☐ Income
○ Made a Speech/Participated in a Panel
◉ Other - Provide Description Travel reimbursement for trip to China.
► If Gift, Provide Travel Destination Sichuan Sheng, China

# Restrictions and Prohibitions

The Political Reform Act (Gov. Code Sections 81000-91014) requires most state and local government officials and employees to publicly disclose their personal assets and income. They also must disqualify themselves from participating in decisions that may affect their personal economic interests. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the attached Statement of Economic Interests, Form 700, and for interpreting the law's provisions.

## Gift Prohibition

Gifts received by most state and local officials, employees, and candidates are subject to a limit. In 2019-2020, the gift limit is $500 from a single source during a calendar year.

Additionally, state officials, state candidates, and certain state employees are subject to a $10 limit per calendar month on gifts from lobbyists and lobbying firms registered with the Secretary of State. See Reference Pamphlet, page 10.

State and local officials and employees should check with their agency to determine if other restrictions apply.

## Disqualification

Public officials are, under certain circumstances, required to disqualify themselves from making, participating in, or attempting to influence governmental decisions that will affect their economic interests. This may include interests they are not required to disclose. For example, a personal residence is often not reportable, but may be grounds for disqualification. Specific disqualification requirements apply to 87200 filers (e.g., city councilmembers, members of boards of supervisors, planning commissioners, etc.). These officials must publicly identify the economic interest that creates a conflict of interest and leave the room before a discussion or vote takes place at a public meeting. For more information, consult Government Code Section 87105, Regulation 18707, and the Guide to Recognizing Conflicts of Interest page at *www.fppc.ca.gov.*

## Honorarium Ban

Most state and local officials, employees, and candidates are prohibited from accepting an honorarium for any speech given, article published, or attendance at a conference, convention, meeting, or like gathering. (See Reference Pamphlet, page 10.)

## Loan Restrictions

Certain state and local officials are subject to restrictions on loans. (See Reference Pamphlet, page 14.)

## Post-Governmental Employment

There are restrictions on representing clients or employers before former agencies. The provisions apply to elected state officials, most state employees, local elected officials, county chief administrative officers, city managers, including the chief administrator of a city, and general managers or chief administrators of local special districts and JPAs. The FPPC website has fact sheets explaining the provisions.

## Late Filing

The filing officer who retains originally-signed or electronically filed statements of economic interests may impose on an individual a fine for any statement that is filed late. The fine is $10 per day up to a maximum of $100. Late filing penalties may be reduced or waived under certain circumstances.

Persons who fail to timely file their Form 700 may be referred to the FPPC's Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to $5,000 per violation may be imposed.

**For assistance** concerning reporting, prohibitions, and restrictions under the Act:

- Email questions to advice@fppc.ca.gov.
- Call the FPPC toll-free at (866) 275-3772.

### Form 700 is a Public Document Public Access Must Be Provided

Statements of Economic Interests are public documents. The filing officer must permit any member of the public to inspect and receive a copy of any statement.

- Statements must be available as soon as possible during the agency's regular business hours, but in any event not later than the second business day after the statement is received. Access to the Form 700 is not subject to the Public Records Act procedures.
- No conditions may be placed on persons seeking access to the forms.
- No information or identification may be required from persons seeking access.
- Reproduction fees of no more than 10 cents per page may be charged.

# Questions and Answers

## General

Q. What is the reporting period for disclosing interests on an assuming office statement or a candidate statement?

A. On an assuming office statement, disclose all reportable investments, interests in real property, and business positions held on the date you assumed office. In addition, you must disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you assumed office.

On a candidate statement, disclose all reportable investments, interests in real property, and business positions held on the date you file your declaration of candidacy. You must also disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you file your declaration of candidacy.

Q. I hold two other board positions in addition to my position with the county. Must I file three statements of economic interests?

A. Yes, three are required. However, you may complete one statement listing the county and the two boards on the Cover Page or an attachment as the agencies for which you will be filing. Report your economic interests using the largest jurisdiction and highest disclosure requirements assigned to you by the three agencies. Make two copies of the entire statement before signing it, sign each copy with an original signature, and distribute one original to the county and to each of the two boards. Remember to complete separate statements for positions that you leave or assume during the year.

Q. I am a department head who recently began acting as city manager. Should I file as the city manager?

A. Yes. File an assuming office statement as city manager. Persons serving as “acting,” “interim,” or “alternate” must file as if they hold the position because they are or may be performing the duties of the position.

Q. My spouse and I are currently separated and in the process of obtaining a divorce. Must I still report my spouse’s income, investments, and interests in real property?

A. Yes. A public official must continue to report a spouse’s economic interests until such time as dissolution of marriage proceedings is final. However, if a separate property agreement has been reached prior to that time, your estranged spouse’s income may not have to be reported. Contact the FPPC for more information.

Q. As a designated employee, I left one state agency to work for another state agency. Must I file a leaving office statement?

A. Yes. You may also need to file an assuming office statement for the new agency.

## Investment Disclosure

Q. I have an investment interest in shares of stock in a company that does not have an office in my jurisdiction. Must I still disclose my investment interest in this company?

A. Probably. The definition of “doing business in the jurisdiction” is not limited to whether the business has an office or physical location in your jurisdiction. (See Reference Pamphlet, page 13.)

Q. My spouse and I have a living trust. The trust holds rental property in my jurisdiction, our primary residence, and investments in diversified mutual funds. I have full disclosure. How is this trust disclosed?

A. Disclose the name of the trust, the rental property and its income on Schedule A-2. Your primary residence and investments in diversified mutual funds registered with the SEC are not reportable.

Q. I am required to report all investments. I have an IRA that contains stocks through an account managed by a brokerage firm. Must I disclose these stocks even though they are held in an IRA and I did not decide which stocks to purchase?

A. Yes. Disclose on Schedule A-1 or A-2 any stock worth $2,000 or more in a business entity located in or doing business in your jurisdiction.

Q. The value of my stock changed during the reporting period. How do I report the value of the stock?

A. You are required to report the highest value that the stock reached during the reporting period. You may use your monthly statements to determine the highest value. You may also use the entity’s website to determine the highest value. You are encouraged to keep a record of where you found the reported value. Note that for an assuming office statement, you must report the value of the stock on the date you assumed office.

Q. I am the sole owner of my business, an S-Corporation. I believe that the nature of the business is such that it cannot be said to have any "fair market value" because it has no assets. I operate the corporation under an agreement with a large insurance company. My contract does not have resale value because of its nature as a personal services contract. Must I report the fair market value for my business on Schedule A-2 of the Form 700?

A. Yes. Even if there are no *tangible* assets, intangible assets, such as relationships with companies and clients are commonly sold to qualified professionals. The "fair market value" is often quantified for other purposes, such as marital dissolutions or estate planning. In addition, the IRS presumes that "personal services corporations" have a fair market value. A professional "book of business" and the associated goodwill that generates income are not without a determinable value. The Form 700 does not require a precise fair market value; it is only necessary to check a box indicating the broad range within which the value falls.

Q. I own stock in IBM and must report this investment on Schedule A-1. I initially purchased this stock in the early 1990s; however, I am constantly buying and selling shares. Must I note these dates in the "Acquired" and "Disposed" fields?

A. No. You must only report dates in the "Acquired" or "Disposed" fields when, during the reporting period, you initially purchase a reportable investment worth $2,000 or more or when you dispose of the entire investment. You are not required to track the partial trading of an investment.

Q. On last year's filing I reported stock in Encoe valued at $2,000 - $10,000. Late last year the value of this stock fell below and remains at less than $2,000. How should this be reported on this year's statement?

A. You are not required to report an investment if the value was less than $2,000 during the **entire** reporting period. However, because a disposed date is not required for stocks that fall below $2,000, you may want to report the stock and note in the "comments" section that the value fell below $2,000. This would be for informational purposes only; it is not a requirement.

Q. We have a Section 529 account set up to save money for our son's college education. Is this reportable?

A. If the Section 529 account contains reportable interests (e.g., common stock valued at $2,000 or more), those interests are reportable (not the actual Section 529 account). If the account contains solely mutual funds, then nothing is reported.

## Income Disclosure

Q. I reported a business entity on Schedule A-2. Clients of my business are located in several states. Must I report all clients from whom my pro rata share of income is $10,000 or more on Schedule A-2, Part 3?

A. No, only the clients located in or doing business on a regular basis in your jurisdiction must be disclosed.

Q. I believe I am not required to disclose the names of clients from whom my pro rata share of income is $10,000 or more on Schedule A-2 because of their right to privacy. Is there an exception for reporting clients' names?

A. Regulation 18740 provides a procedure for requesting an exemption to allow a client's name not to be disclosed if disclosure of the name would violate a legally recognized privilege under California or Federal law. This regulation may be obtained from our website at *www.fppc.ca.gov.* (See Reference Pamphlet, page 14.)

Q. I am sole owner of a private law practice that is not reportable based on my limited disclosure category. However, some of the sources of income to my law practice are from reportable sources. Do I have to disclose this income?

A. Yes, even though the law practice is not reportable, reportable sources of income to the law practice of $10,000 or more must be disclosed. This information would be disclosed on Schedule C with a note in the "comments" section indicating that the business entity is not a reportable investment. The note would be for informational purposes only; it is not a requirement.

Q. I am the sole owner of my business. Where do I disclose my income - on Schedule A-2 or Schedule C?

A. Sources of income to a business in which you have an ownership interest of 10% or greater are disclosed on Schedule A-2. (See Reference Pamphlet, page 8.)

Q. My husband is a partner in a four-person firm where all of his business is based on his own billings and collections from various clients. How do I report my community property interest in this business and the income generated in this manner?

A. If your husband's investment in the firm is 10% or greater, disclose 100% of his share of the business on Schedule A-2, Part 1 and 50% of his income on Schedule A-2, Parts 2 and 3. For example, a client of your husband's must be a source of at least $20,000 during the reporting period before the client's name is reported.

Q. How do I disclose my spouse's or registered domestic partner's salary?

A. Report the name of the employer as a source of income on Schedule C.

Q. I am a doctor. For purposes of reporting $10,000 sources of income on Schedule A-2, Part 3, are the patients or their insurance carriers considered sources of income?

A. If your patients exercise sufficient control by selecting you instead of other doctors, then your patients, rather than their insurance carriers, are sources of income to you. (See Reference Pamphlet, page 14.)

Q. I received a loan from my grandfather to purchase my home. Is this loan reportable?

A. No. Loans received from family members are not reportable.

Q. Many years ago, I loaned my parents several thousand dollars, which they paid back this year. Do I need to report this loan repayment on my Form 700?

A. No. Payments received on a loan made to a family member are not reportable.

## Real Property Disclosure

Q. During this reporting period we switched our principal place of residence into a rental. I have full disclosure and the property is located in my agency's jurisdiction, so it is now reportable. Because I have not reported this property before, do I need to show an "acquired" date?

A. No, you are not required to show an "acquired" date because you previously owned the property. However, you may want to note in the "comments" section that the property was not previously reported because it was used exclusively as your residence. This would be for informational purposes only; it is not a requirement.

Q. I am a city manager, and I own a rental property located in an adjacent city, but one mile from the city limit. Do I need to report this property interest?

A. Yes. You are required to report this property because it is located within 2 miles of the boundaries of the city you manage.

Q. Must I report a home that I own as a personal residence for my daughter?

A. You are not required to disclose a home used as a personal residence for a family member unless you receive income from it, such as rental income.

Q. I am a co-signer on a loan for a rental property owned by a friend. Since I am listed on the deed of trust, do I need to report my friend's property as an interest in real property on my Form 700?

A. No. Simply being a co-signer on a loan for property does not create a reportable interest in real property for you.

## Gift Disclosure

Q. If I received a reportable gift of two tickets to a concert valued at $100 each, but gave the tickets to a friend because I could not attend the concert, do I have any reporting obligations?

A. Yes. Since you accepted the gift and exercised discretion and control of the use of the tickets, you must disclose the gift on Schedule D.

Q. Julia and Jared Benson, a married couple, want to give a piece of artwork to a county supervisor. Is each spouse considered a separate source for purposes of the gift limit and disclosure?

A. Yes, each spouse may make a gift valued at the gift limit during a calendar year. For example, during 2019 the gift limit was $500, so the Bensons may have given the supervisor artwork valued at no more than $1,000. The supervisor must identify Jared and Julia Benson as the sources of the gift.

Q. I am a Form 700 filer with full disclosure. Our agency holds a holiday raffle to raise funds for a local charity. I bought $10 worth of raffle tickets and won a gift basket valued at $120. The gift basket was donated by Doug Brewer, a citizen in our city. At the same event, I bought raffle tickets for, and won a quilt valued at $70. The quilt was donated by a coworker. Are these reportable gifts?

A. Because the gift basket was donated by an outside source (not an agency employee), you have received a reportable gift valued at $110 (the value of the basket less the consideration paid). The source of the gift is Doug Brewer and the agency is disclosed as the intermediary. Because the quilt was donated by an employee of your agency, it is not a reportable gift.

Q. My agency is responsible for disbursing grants. An applicant (501(c)(3) organization) met with agency employees to present its application. At this meeting, the applicant provided food and beverages. Would the food and beverages be considered gifts to the employees? These employees are designated in our agency's conflict of interest code and the applicant is a reportable source of income under the code.

A. Yes. If the value of the food and beverages consumed by any one filer, plus any other gifts received from the same source during the reporting period total $50 or more, the food and beverages would be reported using the fair market value and would be subject to the gift limit.

Q. I received free admission to an educational conference related to my official duties. Part of the conference fees included a round of golf. Is the value of the golf considered informational material?

A. No. The value of personal benefits, such as golf, attendance at a concert, or sporting event, are gifts subject to reporting and limits.

**APPENDIX B**

**Long Beach Municipal Code Section 2.07.010 - Written Ethics Pledge.**

I, _____, do hereby pledge to follow these principles while acting in my official capacity for the City of Long Beach:

A. To place the best interests of the City above all other interests.

B. To uphold all laws, regulations, and policies.

C. To take no action for the purpose of benefiting the official or employee personally.

D. To make every effort to avoid a conflict of interest.

E. To avoid disclosure of confidential information obtained in the performance of their duties or in their official capacity.

F. To exercise prudence and good judgment at all times.

G. To be fair, impartial, and unbiased in the decision making process.

H. To treat each other and the public with respect.

_____ _____

Signature Date

_____ _____

Name – Print Title

APPENDIX C

# CITY OF LONG BEACH

# OATH OR AFFIRMATION OF ALLEGIANCE

**(Pursuant to Section 3 or Article XX of the State Constitution of the State of California)**

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

_____
SIGNATURE

_____
DEPARTMENT

The above oath was taken and subscribed to before me on _____

_____
CITY CLERK

(07/14)

# *Robert's Rules of Order*
# *Quick Reference Outline*

## INTRODUCTION

The following is a brief outline of the rules of "Parliamentary" procedure that are generally followed in meetings conducted by the City Council and various Boards and Commissions in the City. These guidelines are not exhaustive and certain boards or commissions may have adopted their own rules of procedure that are slightly different from the material contained below. In the event of a conflict, the rules of procedure specifically adopted by a Board or Commission would prevail. The Charter and state laws such as the Brown Act also override Robert's Rules when in conflict.

## I. COMMON MOTIONS

### Main Motion

A main motion is the formal proposal of a suggestion for consideration of the group. A main motion gives the group something to react to and act on so that there can be a final decision. A typical example of a main motion in City Council and Commission practice is a motion to approve or disapprove an item on the agenda. A main motion limits discussion to something definite so that everyone knows what is at stake and what the outcome will be. To make a motion, a member says, "I move that _____."

A second is required for consideration of a main motion indicating that at least two people feel that the proposal merits consideration. If a second is not given, the item is not discussed, simply because it doesn't have enough interest to be considered. A second is not necessarily an indication of support for the motion, only an indication of interest in discussion the motion. To second a motion, a member says, "I second that motion."

### Amendments or Substitute Motions

Amendments are suggested changes to the motion before the body. They are often referred to as "substitute motions." They must be germane (which means they must have something to do with the motion being discussed). There can even be an amendment to an amendment. (However, only two substitute motions can be pending at any given time.) Amendments must be seconded.

Once before the group, discussion is limited to the amendment in question. The group votes on the <u>last amendment proposed and works its way back to the main motion.</u> Usually, but not always, the group's vote on the amended or substitute motion dispenses with the matter, and no action is necessary on the main motion.

To amend a motion, you say, "I move to amend the motion by _____ or "I wish to make a substitute motion that _____."

**Withdraw a Motion**

When you have made a motion and want to withdraw it, you say, "I withdraw my motion" unless discussion has started on your motion. Then it is the property of the body and can only be withdrawn by a motion to permit withdrawal which requires a second, is neither debatable nor amendable, and requires a majority vote. Of course, if no one objects, a motion may be withdrawn at any time.

**Adjourn**

When you want to end the meeting, you say, "I move we adjourn." The motion requires a second, is not debatable, and must be put to an immediate vote. It requires a majority vote for passage. Adjournment ends the meeting. Any agenda items that have not been dealt with are then typically considered under unfinished business at the next meeting. The motion to adjourn can be made even if a body has lost its quorum.

**Recess**

When you want to interrupt a meeting to take a break, or wait for a necessary participant, you say, "I move we recess until _____ ." The motion requires a second, is debatable only as to the time of the resumption of the meeting, and requires a majority vote. The only acceptable amendment is on the time of the resumption of the meeting.

**End Debate**

When you want to end debate and put the question being discussed to an immediate vote, you say, "I move we end the debate." The motion requires a second, is not debatable, is not amendable, and requires a 2/3 vote. If there is more than one part of the proposal being discussed., i.e., there are amendments, or other motions to refer to committee, or to postpone, etc., you should specify whether you are moving for a vote on the item under immediate consideration or on all matters pertaining to that question.

If there is no objection, the chairman may end debate on his own or at the suggestion of a member. However, if there is an objection from any member, a motion is required to end the debate. (In some organizations the phrases "I would like to call the question" or "I move the previous question" are used instead of "end debate" but they all mean the same thing).

**Limit Debate**

When you want to limit debate to a certain amount of time or to a certain number of additional speakers, you say, "I move we limit the debate to _____ [a specified

number of speakers on each side or a specific time]." If there is more than one part to the proposal being considered, you should specify whether you want to limit debate to just the part currently under discussion or to all discussion on the main question. The motion requires a second, is not debatable, and requires a 2/3 vote.

### Refer to a Committee

When you want to have a smaller group go over what is being discussed before further action, you say, "I move we refer this matter to [an existing committee or “a committee consisting of _____ ]." The motion requires a second, is debatable and amendable only as to which committee will handle the matter and the membership of the committee if it is not already in existence, and requires a majority vote

### Appeal

When you want to reverse a decision or ruling of the chair, you say, "I appeal the decision of the chair (stating the action or decision that is objected to)." This appeal requires a second. The chair may explain the reasoning behind the decision without leaving the chair. The appeal is debatable, is not amendable, requires a majority vote to overrule the chair. The appeal must be made immediately after the decision in question. The chair must recognize all appeals.

## II. ACTIONS AFTER A MOTION HAS BEEN ADOPTED

### Move to Reconsider

If a member who voted on the winning side of a matter wishes to reconsider the action taken, that member can “move to reconsider” the matter. However, this motion can only be made during the same meeting as the action being reconsidered. If there is a second (anyone can second), the chair should first take a vote on whether a majority of the body wishes to reconsider the action. If the body votes to reconsider the action, then the original motion is placed again before the body for consideration. The body may then discuss and votes again on the original motion.

### Move to Rescind (annul or repeal)

Anyone, regardless of how he or she voted, may move to rescind a motion already adopted, even at a later meeting. The motion is debatable and amendable (so that the prior action can be partially rescinded or amended), must be placed in advance on an agenda and requires a majority vote. A motion to rescind can’t be used where something has been done to implement the previous vote that can’t be undone. For example, if the motion has already resulted in a contract, you cannot rescind the motion, but you may be able to terminate the contract.

## III. FREQUENTLY ASKED QUESTIONS

**Can the chair vote?**

As a member, the chair has the right to vote unless the specific procedures of the body dictate otherwise.

**Can the chair make motions?**

Yes, the chair, if a member, has the same RIGHT to make a motion as any other member. In small boards of not more than about a dozen members, the chair usually participates to the same extent as other members. However, in larger assemblies, the chair has a duty to remain impartial, so would usually not make a motion.

The chairman may also assume a motion, as in: "If there are no [further] corrections, the minutes stand approved as read [corrected]." or "If there is no further business to come before the meeting, this meeting will now adjourn. [pause] Hearing none, this meeting is adjourned."

**Can a meeting be adjourned if there is still business pending?**
Yes.

**What is a quorum?**

It is the minimum number of voting members who must be present at a meeting in order to conduct business, usually specified by the bylaws. If not specified in the bylaws, then in most bodies a quorum is a majority of the entire membership. Note that exactly half of the membership is not a majority - a majority is more than half.

**How do you count abstentions? As ayes? As noes?**

In the usual case, abstentions are not counted at all. They are not "votes" technically.

**In the event of a tie vote what are the Chair's duties or options?**

On a tie vote, the motion is lost, since a tie is not a majority.

**Can a member vote on or second a motion to approve the minutes of a meeting that he or she did not attend?**

Yes. There is no requirement in Robert's Rules of Order that a member have first-hand knowledge of the minutes before voting on them. In fact, a motion need not be made regarding the approval of the minutes. The chair says, "Are there any corrections to the minutes?" Members may offer corrections, and when there are no further corrections forthcoming, the chair says, "If there are no further corrections to the minutes, they stand approved as corrected . . . the next item of business is _____ "or, if no

corrections are offered, "If there are no corrections to the minutes, they stand approved as read .. . the next items of business is . . ." Note that the second and the vote are assumed if there is no objection.

APPENDIX E

# ETHICS GUIDE FOR LONG BEACH CITY OFFICIALS & EMPLOYEES

- *Ethics*
- *Accepting Gifts*
- *Conflicts of Interest*
- *Financial Disclosure*
- *Use of City Tickets*
- *Political Activities*
- *Brown Act*
- *Public Records Act*
- *Restrictions on Public Mailings*
- *"Revolving Door" Restrictions*
- *Fraud Prevention and Reporting Policy*

*Prepared by the Office of the Long Beach City Attorney*
**CHARLES PARKIN, City Attorney**

*March 2015*

# INTRODUCTION

Thank you for your service and commitment to the citizens of the City of Long Beach. The goal of this Handbook is to increase your awareness of the ethics, conflict of interest and open meeting laws which will govern your service, and to provide you with information about how to seek advice on these matters from the Office of the City Attorney. This 2015 revision of the Ethics Guide has been updated to include the Fraud Prevention and Reporting Policy.

Very truly yours,

Charles Parkin

Charles Parkin, City Attorney

# ANY TIME YOU NEED ASSISTANCE

The information provided here describes these regulations in general and encourages City employees, officers and commission members to remain aware of potential ethics, conflict of interest and open meeting issues. The law in this area is sometimes complex and legal advice is always dependent on the specific facts of a given situation. Therefore, it may be necessary for you to seek legal advice regarding your specific situation. For additional information please contact:

Office of the City Attorney
333 W. Ocean Boulevard, 11th Floor
Long Beach, California 90802

Telephone: (562) 570-2200
Facsimile: (562) 436-1579
E-Mail: cityattorney@longbeach.gov

This Guide is available at the Long Beach City Attorney's Web site:

**http://www.longbeach.gov/attorney**

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# CODE OF ETHICS

On February 6, 2003, the City Council of the City of Long Beach adopted a Code of Ethics, which applies to City employees, officers and commission members. This Code requires that all employees, officers and commission members shall pledge:

- To place the best interests of the City above all other interests.
- To uphold all laws, regulations and policies.
- To take no action for the purpose of benefiting the official or employee personally.
- To make every effort to avoid a conflict of interest.
- To avoid disclosure of confidential information obtained in the performance of his or her duties or in his or her official capacity.
- To exercise prudence and good judgment at all times.
- To be fair, impartial, and unbiased in the decision-making process.
- To treat each other and the public with respect.

# ETHICS TRAINING

State law now requires that certain City officials participate in ethics training.

**Who is Required to Receive Ethics Training?**

All elected officials, commission, and advisory board members are required to participate in such training. Failure to complete this requirement will result in dismissal from the board or commission.

**How Often is the Training Required?**

Two hours of training are required for every two years of service on the commission or advisory board.

**What Topics are Included in the Training?**

The required topics are general ethical principals, laws relating to personal financial gain by public servants, perks of office, and government transparency laws, among other topics.

**How do I Sign up for the Training?**

Please contact the Long Beach City Clerk's Office for details on the City-provided training. Please note that you are responsible for providing a Certificate of Participation in the training, which will be kept on file in the City Clerk's Office.

**Can I Complete the Training On-Line?**

Yes. You can go to **http://www.localethics.fppc.ca.gov.** and follow the direction posted there. Please remember to print out your Certificate of Participation and mail it to the City Clerk's Office.

# ACCEPTING GIFTS

The state's Political Reform Act regulates your receipt of certain gifts. These laws apply to all persons required to file a Statement of Economic Interests - Form 700. It is important for you to be familiar with these laws because accepting a prohibited gift may subject you to penalties and may require the City to void contracts if a conflict of interest has occurred.

## What is a Gift?

A "gift" is anything of value that you receive for which you do not provide monetary or other consideration of equal or greater value. A gift may include meals, tickets to sporting events, and rebates or discounts in the price of anything of value unless the rebate or discount is made in the regular course of business to any member of the public without regard to official status. Any official who claims that he or she did not receive a gift because he or she provided consideration has the burden of proving that the consideration is worth as much as or more than the gift.

## Important Note For City Employees in City Manager Departments

City employees working in departments under the City Manager's jurisdiction are subject to restrictions on the acceptance of gifts **in addition** to those set forth below. Such employees **may not** accept passes or tickets to recreational or entertainment events, unless they are assigned to attend such events as part of their duties. Further, they **may not** accept gifts of consumable goods, such as food, drink and other products provided by someone actually or potentially involved with business with the City.

# ACCEPTING GIFTS

**Gift Restrictions for City Officials and Board Members**

You may *not* accept any gift intended to influence you in the performance of your official duties. In addition, those persons who are required to file statements of economic interests may not accept a gift or combination of gifts during the calendar year from a single source with a total value that exceeds **$460** (effective 1/1/15 – 12/31/16) if the gift is required to be reported on your statement of economic interests. A gift is required to be reported if the donor does business within the City of Long Beach.

**Gift Limits for Certain Officials**

If you are a City elected official, Planning Commissioner, City Manager, City Attorney or an official that manages the City's investments, you may not accept a gift from any source with a total value that exceeds $460.

**Accepting Honoraria**

Honoraria are gifts or payments received for speaking engagements, etc. There are complex regulations governing when honoraria may be accepted, so please contact the City Attorney's Office prior to accepting any honorarium.

**Public Disclosure of Gifts**

You must *publicly disclose* a gift you receive and its value if:

- the donor is a source described in your agency's Conflict of Interest Code; and
- the total value of all gifts you received from that source during the calendar year is at least **$50**.

If the exact dollar amount of a gift is unknown, you must report a good faith estimate of the item's fair market value on your statement of economic interests. Reporting the value as "over $50" or "value unknown" is not adequate disclosure. This disclosure should be made on your Statement of Economic Interests - Form 700.

# ACCEPTING GIFTS

## Exceptions to the Gift Limits

Items listed below are *not* subject to City or state gift limitations, and, if received, need *not* be disclosed on your statement of economic interests, except where noted.

- Gifts not used and returned or donated to charity or the City without being claimed as a tax deduction within thirty (30) days after acceptance.

- A single ticket to a fundraising event for a tax exempt 501(c)(3) non-profit organization, if it is provided by the non-profit organization, or a single ticket to a political fundraising event, if it is provided by the campaign committee.

- Gifts from family members (spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother or sister-in-law, nephew, niece, aunt, uncle, first cousin, or the spouse of any of these persons) or a partner in a bona fide dating relationship as long as they are not acting as intermediaries for restricted sources.

- Gifts to you or an immediate family member in connection with a non-recurring ceremonial event (e.g., wedding, bar mitzvah) valued at no more than $100.

- Informational material such as books, reports, pamphlets, calendars, seminars, or informational conferences exclusively for official or office use and valued at less than $250. (Note: travel is never informational material.)

- Items received from your union; food and beverage from another union if you are a member of a union.

- Personalized plaques and trophies valued at less than $250.

- Meals and lodging offered in an individual's home.
- Meals provided at an event at which you speak, participate in a seminar, or provide a similar service, only if paid for by a federal, state or local government agency (Form 801 must be filled out).
- Inheritances and bequests.

**Are Meals Considered Gifts?**

**Yes.** A meal is a gift, unless one of the exceptions to the gift limitation regulations applies. A meal provided to an official by an individual in his or her home when the individual or a member of the individual's immediate family (an individual's spouse and dependent children) is present is also not considered a gift.

**Are Invitations to Events Considered Gifts?**

**Yes.** An invitation or a ticket to an event is considered a gift, unless it is a political fundraiser or a fundraiser for an organization exempt from taxation (i.e., a charitable organization), and you have received a single ticket from the charity itself, or from the political committee itself. If the event is not exempt, the reportable value of the invitation or ticket is generally its face value. If there is no face value, the reportable value is the cost to the donor. It is your responsibility to contact the donor to ascertain the total per-person cost of the event. In other words, you must ask the person or entity hosting the event to determine your pro-rata share of the total cost, including food, beverages, entertainment, decorations, etc. As discussed below, if you give the invitation or ticket to someone else, you must still report it as a gift to you. In addition, if you take a guest with you to the event, you must report the value of two invitations/tickets. If a ticket or invitation is discarded or unused, it is not considered a gift.

**Are Raffle Prizes Considered Gifts?**

**Yes.** Any raffle prizes awarded to City employees donated by an entity other than the City of Long Beach or a fellow City employee, is a gift and must be reported as such.

# ACCEPTING GIFTS

**If a Gift is Given Away, Does it Still Count As A Gift?**

**Yes.** If you receive a gift and then give it to someone else or throw it away, it is *still* considered a gift to you.

**Gifts of Travel are Severely Restricted**

**Generally, you may not accept reimbursement for travel and related expenses from sources other than the City of Long Beach if traveling on official duty.** Some minor exceptions apply, and you should contact the City Attorney's Office for advice about how to proceed if such travel is offered. It is important to get advice, because if an outside entity pays for your travel, the travel must be reported, and in certain circumstances, is prohibited.

Travel that is offered to you as a gift is subject to the gift limits - even if offered to you in your personal life outside the scope of your official duties. In some cases, you may be prohibited from accepting a "gift of travel." For example, City officials may *not* accept a gift of travel from any transportation company, included, but not limited to, airlines, railroads, bus and shipping companies.

Exemptions to the gift limits may apply for certain types of travel offered to you depending on the destination and whether you are providing a service, such as making a speech, in exchange for the travel. In most instances, a Form 801 must be filled out by the employee and posted on the City's website. For information, please contact the Office of the City Attorney.

# CONFLICTS OF INTERESTS

Conflict of interest rules exist to reinforce public confidence that City officials, employees and commissioners are acting in the best interests of the public, and not in furtherance of their own self-interests. As a general rule, you should avoid situations where your official actions may affect or appear to affect your private interests, financial or non-financial.

For purposes of this Handbook, reference to "board members" includes City councilmembers, commission members and committee members.

## What is a Conflict of Interest?

You have a conflict of interest if your public actions as a City official, employee or board member affect your personal financial interests or the interests of your immediate family members. It does not matter whether the action has a negative or positive effect on the interest. Therefore, state law prohibits you from making, participating in making, or attempting to influence *any* government decision if it is reasonably foreseeable that the decision will have a material financial effect on any of your economic interests or those of an immediate family member.

### Decisions Related to Contracts

State law prohibits you from being financially interested in any City contract if your duties call on you to participate in any way or at any stage in the approval of the contract. Any participation (including discussion) in the process by which such a contract is developed, negotiated or executed is a violation of the law.

# CONFLICTS OF INTERESTS

**How Do I Know If I Have a Conflict?**

It can be difficult to determine whether you have a legal conflict of interest pursuant to state law. Therefore, you should *always* contact the City Attorney's Office if a question arises.

You may have a conflict of interest if:

- You are an officer, director, partner, employee, trustee or manager of a company with business before your department or board.
- You have an investment of $2,000 or more in a company with business before your department or board.
- You have an interest in real property of $2,000 or more and that real property is the subject matter of an item before your department or board. This includes leasehold interests that are longer than a "month-to-month" tenancy.
- You own or lease an interest in real property that is located within 500 feet of a property which is the subject matter of a decision before your department or board. (An "interest in real property" does not include a "month-to-month" tenancy.)
- You receive any income which totals $500 or more within the prior 12 months, from a person or entity with business before your department or board. Income includes loans or forgiveness of indebtedness.
- You receive a gift or gifts totaling $440 or more within the prior 12 months, from a person or entity with business before your department or board (gifts include rebates, discounts, free meals, free tickets or travel).

- You or someone that is a source of income to you ($500 or more within the prior 12 months) is the subject of a proceeding before your department or board.

- As a result of a decision before your department or board your personal finances or those of your immediate family will either increase or decrease in any manner.

Remember that if you are married, one-half of your spouse's income is deemed to be your income. Therefore, if your spouse has any of the interests described above, you will have a conflict of interest.

The City Attorney will work with you to determine if you have a conflict pursuant to City or state law and to determine whether you must "disqualify" yourself. Please note that the mere presence of one of the interests listed does not necessarily mean that you have a conflict. Since other factors may be involved, if there is any question you should consult with the City Attorney's Office.

## What Are the Remedies for Conflicts?

If a conflict of interest exists, you must be "disqualified" – meaning that you must **abstain** from making, participating in making, discussing or attempting to use your official position in any way to influence the government decision that might affect that personal interest. (If you are a Councilmember or a Planning Commissioner, you must also leave the room while the issue is being discussed.) Again, the City Attorney's Office will provide advice concerning the existence of a conflict and if disqualification is required. Further, there are circumstances when your entire board may be disqualified.

Please be aware that severe penalties may result for you and the City, if you do not abstain when appropriate.

**How Do I Disqualify Myself If I Have a Conflict of Interest?**

If disqualification on a meeting agenda item is required, you must **publicly disclose** the interest which is the subject of the potential conflict as well as the fact that you are disqualifying yourself from any participation in the decision. The disclosure may be made orally at the public meeting and/or in writing to the board secretary and must be made a part of the agency's official records (e.g., the minutes of the meeting.)

# FINANCIAL DISCLOSURE

State law requires that all cities adopt a Conflict of Interest Code, which requires that designated City employees and officials make a written disclosure of certain financial interests.

## What is a Conflict of Interest Code?

A Conflict of Interest Code is a set of rules and regulations adopted pursuant to California's Political Reform Act. Each Conflict of Interest Code designates positions required to file a **Statement of Economic Interests - Form 700**, and assigns disclosure categories specifying the types of interests to be reported.

The types of interests you must disclose depend upon the responsibilities of your designated position. The disclosure requirements may include the reporting of investments, business positions, interests in real property, income and other financial interests.

## How Do I Know I Must File a Statement of Economic Interests - Form 700?

If you are required to file, the City Clerk will notify you of this fact in writing immediately upon your commencement of service with the City.

## Why Do I Have To File a Statement of Economic Interests - Form 700?

California state law requires the filing of Statements of Economic Interests. The Act states that:

> "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)."

# FINANCIAL DISCLOSURE

All elected City officials, board and advisory committee members must file Statements of Economic Interests. Certain employees holding positions that involve making or participating in the making of decisions, which may foreseeably have a material effect on the employee's financial interests, must also file.

For more information on this subject, please review the FPPC guide, *Your Duty to File,* at:
**http://www.fppc.ca.gov/library/seibook9-04.pdf**

## When Do I Have To File?

The Statement of Economic Interests - Form 700 must be filed under the following circumstances:

- An **Initial** statement is required within 30 days after the date when an office or position has been added to a newly-adopted or newly-amended conflict of interest code.
- An **Assuming Office** statement is required within 30 days after the date when you take your new position.
- **Annual** statements are required by April 1 of each year, covering the preceding calendar year. If you assumed office on or after October 1st of that year, no annual statement is due until the following April.
- A **Leaving Office** statement is required within 30 days after the date you leave a designated position.

## Where Do I Have To File?

The completed Statement of Economic Interests - Form 700 must be received in the City Clerk Department, 333 W. Ocean Boulevard, Long Beach, CA 90802, on or before the filing deadline. Faxes are not accepted, and the Form 700 must include an original signature.

## How Do I Complete My Statement of Economic Interests?

This depends upon what interests you are required to disclose, and what interests you hold. The City Clerk will supply you with the Form 700 and the appropriate department's Conflict of Interest Code which outlines your disclosure categories.

- **Complete** the top section of the Cover Page of the Form 700 with your full name, mailing address (may be a business address), and daytime phone number.

  - **Section #1, Office, Agency or Court:** Put the name of the **department** you work for or your **board** or **commission** on the first line. On the second line, if you are in a department that is broken into divisions, please list your **division**. On the third line, put the **name of your position** as it appears in the Conflict of Interest Code.

    There are a few people who hold more than one designated position. They may file a single "expanded statement," which discloses all the interests required by them by each of their disclosure categories.

  - **Section #2:** Your **jurisdiction** is the City of Long Beach.

  - **Section #3:** You will be advised by letter of the type of statement, whether **Initial**, **Assuming**, **Annual**, or **Leaving**. If Initial, Assuming or Leaving, check the appropriate box and fill in the date.

  - **Period Covered:** For the Annual Statement, remember that you are disclosing information from the previous *calendar* year. For an Initial or Assuming statement, you are disclosing information from the year prior to your appointment date.

- Carefully **review your disclosure category** to determine if you have reportable interests.

- **Read the instructions** for each schedule of the Form 700, and be sure to use the appropriate schedule for each type of interest you must report. Put your name on each schedule you complete.

- When you have completed the appropriate schedule(s), go back to the Cover Page of the Form 700. Go to:

  - **Section #4, Schedule Summary:** If you have disclosed reportable interests on any of the schedules, **attach** them to the Cover Page. Please **check the appropriate box** or boxes in Section #4. You are confirming that one or more schedules are attached to the cover page and contain information that you are required by law to disclose.

  - You may have no interests of the type you are required to disclose, according to your conflict of interest code. **If you do not complete any schedules, check the "No Reportable Interests" box** and file only the completed and signed cover page with the City Clerk Department.

  - Indicate the total number of pages completed including the Cover Page.

  - **Section #5, Verification: You must date** and **sign** the cover page. *The Form 700 cannot be accepted without your original signature.*

**Who Will See My Form?**

Once filed, **the Form 700 - Statement of Economic Interests is a public document**, and must be made available to the public on request. Filers must sign the Form 700 under penalty of perjury.

**What Else Should I Know?**

**FILE ON TIME!** Late filers may face fines or other penalties. Persons who do not file within 30 days of specific written notice provided by the City Clerk may be removed from their positions.

**Where Do I Go For Help?**

Questions relating to the City of Long Beach's Conflict of Interest Code and local filing obligations should be directed to the City Clerk. Questions of a legal nature may be directed to the Office of the City Attorney.

An interactive version of the Statement of Economic Interests - Form 700 and more information relating the Political Reform Act is available from the Fair Political Practices Commission (FPPC) website at **www.fppc.ca.gov/**. You may also contact the Fair Political Practices Commission's toll free help line at (866) 275-3772. For more detailed information, see *How Do I Get Advice From the FPPC?* at:

**http://www.fppc.ca.gov/pdf/advice.pdf**

# USE OF CITY TICKETS

At various times, the City receives free tickets to sporting or entertainment events, either pursuant to a City contract or a donation from the event's sponsor. As a City official or employee, you may be offered the use of such tickets. However, you should be aware there are restrictions on who can use such tickets.

**Can I Use City Tickets to Events?**

Yes, however, your attendance at the event must (1) be authorized by the City's ticket policy, located on the City's website and (2) must serve a governmental or public purpose.

**If I Use the Tickets, What Do I Have to Do?**

Any use of City tickets will require the user to fill out a Form 802 within 30 days of the event. This form, which can be obtained from the City Manager's Office, lists the official's name, the event and the governmental or public purpose that was served by attendance at the event. The executed Form 802 must then be returned to the City, so that it can be made available to the public on the City's website.

For more information on the City's ticket policy, see:

**http://www.longbeach.gov/hr/policies/use_of_tickets_and_passes.asp**

# POLITICAL ACTIVITY

Laws governing the political activity of City officials have been established to: (1) safeguard public resources; (2) ensure the government remains nonpartisan and neutral in election matters; and (3) protect City employees from pressure to support or oppose candidates or ballot measures.

## What Is Prohibited Political Activity?

You **may not**:

- use or authorize the use of City offices, stationery, telephones, vehicles, equipment or any other City property for any campaign activity;
- engage in fundraising or other campaign activities during hours for which you are paid to conduct City business;
- knowingly solicit contributions for or against a political candidate or ballot measure from *any* City official or employee. Soliciting a contribution from the spouse of a City officer or employee is permissible so long as it is not a subterfuge for soliciting the City employee;
- permit yourself to be solicited for a campaign contribution by another City official or employee;
- receive, deliver, or attempt to deliver a political contribution in City Hall, any City office building, or in any office for which the City pays the majority of the rent.

# POLITICAL ACTIVITY

**What Is Permissible Political Activity?**

You **may**:

- perform volunteer work, endorse* candidates, and take a position on ballot measures, as long as these activities do not involve the use of City time, property, facilities or equipment;

- use your own funds to make political contributions, subject to applicable laws;

- solicit political contributions from persons *other* than City officials and employees on behalf of candidates or ballot measures.

- use City resources to provide unbiased, balanced, and factual information about the purposes, provisions and estimated impact of City, state and school district bond issues and ballot measures, as long as all views on the subject are equally presented. (Remember, however, that City funds may not be spent to urge the passage or defeat of any ballot measure.)

*City officials should make clear that they are acting as individuals and take *all* steps to avoid giving the impression that the City supports the candidate.

# BROWN ACT

Meetings of the City Council and nearly all of the City's boards, commissions and committees are subject to extensive regulations known as the Brown Act (the "Act"), which are designed to ensure that all deliberations and decisions of City agencies take place in public. It is important for City councilmembers and board members to understand these requirements, because a violation may either void the proposed action or subject the board members to criminal liability.

## What Bodies Are Covered by the Brown Act?

The Act governs the meetings of all local "legislative bodies," that is, all multimember councils, boards, commissions, committees and the like of the City. Only bodies created by charter, ordinance or the minute order of the City Council are covered by the Act.

**Committees May Also Be Covered**

The Act also governs the meetings of "standing committees" (those which have continued responsibility over a particular subject matter, as well as those with fixed meeting schedules) of the City's boards. It may not include temporary advisory committees (or "ad hoc" committees) which consist solely of less than a quorum of the members of the board, but the City Attorney's Office should be consulted. These will typically be committees of two members (of a five-member board) assigned to investigate and report back on a single issue.

## What is a Meeting?

A "meeting" of a board includes a gathering of at least a majority of the members (i.e., a quorum) at the same time and in the same place to hear, discuss or act on one or more matters under the jurisdiction of the board.

Such meetings may lawfully be held *only* if the notice and other requirements discussed below are followed.

Informal, social gatherings of board members are *not* meetings, and need not comply with the Act, as long as there is no discussion of any subject matter under the board's jurisdiction. If these informal gatherings will involve discussions among a majority of the members relating to the board's official business, the meeting should be properly noticed, and an agenda of the business items that will be discussed must be posted. The public must be allowed to attend and participate.

The Act prohibits the use of direct or indirect communications, intermediaries or technical devices used by a majority of a board to assist them in arriving at any decision, which is called a "serial meeting." For instance, the Chair may not call two other members of a five member board to discuss an agenda item. Nor may one member contact a second member, who then calls a third member. The same is true for the use of forwarded e-mails, blanket faxes and the like for communication among a majority of members.

**May a Majority of Board Members Attend a Conference or a Meeting of a Private Group?**

Members *may* attend a conference or a meeting of a private group (e.g., a homeowner association), even if the conference or meeting will discuss matters of general interest to the community. However, a majority of the members may attend such an event at the same time *only* if:

- The conference or meeting is open to attendance by the public;
- If the event is a meeting of a private group, it has been publicized; and
- The members do not discuss among themselves, other than as part of the scheduled program, business that is within the subject matter jurisdiction of the board.

Otherwise, a conference attended by a majority of members must be open to the public. The Act does not require the organizers to allow members of the public to attend free of charge if others are charged an admission fee.

## What Are the Act's Notice and Agenda Requirements?

### Requirements for Regular Meetings

The time and place for regular board meetings are established by ordinance, resolution or rules of order. They can be changed by similar formal action.

The agenda of a regular meeting of a board must be posted at least 72 hours before the start of the meeting. With the exceptions described below, all matters that will be discussed or acted on by the board must be listed on the agenda.

### Requirements for Special Meetings

A "special meeting" of a board may be called by posting a notice/agenda and by delivering (by mail or personal delivery) the notice/agenda to all members and to all media outlets that have requested to be so notified 24 hours before the meeting. The notice/agenda must state the place and time of the meeting, as well as the matters that will be discussed and/or decided.

### Exceptions to the Agenda Requirement

Under almost all circumstances, a matter may not be discussed at board meetings unless it is listed on the agenda. A board may discuss a matter that is not on the agenda at a regular meeting *only* if one of the following requirements are met:

- By majority vote, the board determines that the issue to be discussed constitutes an emergency. This discussion must be held in open session.

- By a two-thirds vote of the entire membership, the board determines that there is a need to act immediately, that the board's consideration of the matter cannot await the next meeting of the board and that the need for immediate action arose after the posting of the agenda.

**What Information Must an Agenda Contain?**

The agenda must list *all* of the matters that will be considered at the meeting. Each item on the agenda should be described by a brief but informative summary of the nature of the matter to be discussed and/or decided. That description should inform interested members of the public about the matter so that they can decide whether to attend and participate.

**What Rights Do the Public Have at Meetings?**

Except when closed sessions are permitted (see below), all board meetings *must* be held in public. Members of the public who choose to do so must be allowed to attend; they may not be asked to sign-in or provide any information as a condition of attending. Also, members of the public must be allowed to record a meeting on a video or audio tape or to broadcast the proceedings, unless the board makes a reasonable finding that the activity would disrupt the meeting.

Members of the public must be allowed to present testimony or otherwise address a board about each item on the agenda. A board may not act on an agenda item until it has allowed for public comment on that item. At regular meetings, the public must also be given an opportunity to address the board on any matter under its jurisdiction, even if the matter is not on the agenda. Boards may adopt reasonable rules governing the amount of time for such public comment on each item on the agenda as well as the time each member of the public will be allowed to speak. The public may discuss information relating to specific matters and must be allowed to criticize the policies, procedures or programs of the agency. However, disruptions of a meeting need not be tolerated.

Meetings may not be held in facilities which are inaccessible to disabled persons. If a board holds a meeting in an unusual location, such as a restaurant, the public must be allowed to attend without the need to pay any price for entry (e.g., if the meeting is held in a restaurant, they must be able to attend without buying lunch). They must be able to hear the proceedings and must be allowed to present public testimony.

## Under What Circumstances May Closed Sessions Be Held?

Under certain circumstances specifically allowed by the Act, a board is allowed to meet in closed session. If a meeting is closed to the public, it is not permissible to allow some interested persons to attend while denying access to others. Generally, the only persons who may attend closed sessions are the members of the board and any City staff that is needed to assist the board in its deliberations. Persons without official roles should not attend.

In order for a board to be able to meet in closed session, the item must be listed on the agenda, or one of the exceptions to the agenda requirement must be applicable. **Such exceptions are <u>extremely</u> limited, and should not be utilized without first receiving advice from the City Attorney's Office.** These exceptions are:

- personnel discipline and evaluations
- discussion of pending or threatened litigation
- real estate negotiations
- labor negotiations

## What Are the Penalties for Violating the Brown Act?

It is a misdemeanor for a member of a board to attend a meeting at which action is taken in violation of the Brown Act, if the member intends to deprive the public of information to which the member knows (or has reason to know) the public is entitled.

Violations of the Act may also result in the issuance of injunctions and writs of mandate to correct violations, prevent future violations, or void actions taken by a board in violation of the Act.

# PUBLIC RECORDS ACT

California law requires that, with very few exceptions, all records of the City be made available for public inspection upon request.

**What Records Must Be Made Available for Public Inspection?**

All written notes, memos, letters and electronic records (such as e-mails and documents saved on computer drives) must be copied and made available to the public upon request.

**What If I Am Not Aware That the City Kept My Memo or E-mail?**

The law requires disclosure of a record, even if the sender is unaware that it was retained in the City's files. Therefore, treat all correspondence with the City as if it were immediately available to the public.

# RESTRICTIONS ON PUBLIC MAILINGS

State laws regulate mailings sent with the use of public funds. If a mailed item "features" an elected official, there are strict limits on how many can be sent. These regulations become even stricter during any campaign period.

**Which Type of Mailings are Affected by this Rule?**

These rules only apply to mailings that are sent out at public expense. "At public expense" means public (City, state or federal) funds were used for the stationary, copying, stamps, etc. It applies to items that are sent through the mail or hand-delivered at residences or businesses. It does not apply to handouts at meetings.

**Do These Limits Apply to E-Mails?**

No, they do not.

**What Does it Mean That an Elected Official is "Featured" in a Mailing?**

An elected official is "featured" in a mailed item if it contains his or her name, photograph or signature, except for a single reference to the name of the elected official in the letterhead of the stationary or in the return address on the envelope.

**If an Elected Official is "Featured," What are the Limits on the Mailing?**

No more than 199 substantially similar pieces of mail can be sent out in each calendar month if an elected official is featured in the mailing.

# RESTRICTIONS ON PUBLIC MAILINGS

**When are Mailings "Substantially Similar"?**

Mailings are "substantially similar" and are counted as the same mailing is they are identical, contain most of the same information, or are intended to honor or celebrate the same group or holiday.

**Are There Any Exceptions to This Rule?**

Yes, if the mailing consists of a notice of a public meeting. The 199 limit can be exceeded only if (1) the announcement concerns a meeting directly relating to the elected officer's duties, (2) the elected official will be conducting the meeting, and (3) the elected official's name only occurs once within the mailing. There are other less common exceptions – please call this office to determine if they will apply.

**Do Different Rules Apply During a Campaign Period?**

Yes. The Long Beach Municipal Code requires that after an incumbent elected official has filed his or her nomination papers, that elected official cannot mail out more than 199 items, regardless of whether his or her name, photo or signature is included in the document. The only exception is (1) meeting notices for meetings conducted by the official or (2) meeting notices for events for which the City is providing facilities, staff or other financial support. This rule applies until the election is held.

# "REVOLVING DOOR" RESTRICTIONS

To prevent former City officials, employees and board members from exercising, or appearing to exercise, improper influence over City decision-making, City law establishes certain "revolving door" limits on their attempts to influence City decisions after they leave City service. These restrictions apply to you only if you are compensated for these activities.

**The One-Year Restriction**

All former City employees, officials and board members must observe a one-year ban on directly communicating, for compensation, with their former agency for the purpose of attempting to influence action on any matter pending before that agency. (Mayors and City Councilmembers may not communicate, for compensation, with *any* City agency for the purpose of influencing action on any pending matter.)

**Exceptions to the One-Year Restriction**

Exceptions to the restrictions occur under limited circumstances, including:

- if your communication is made when you are an elected or appointed employee or officer of *another* public agency; or
- if your communication is made when representing yourself, *in your individual capacity,* in connection with a matter before the agency.

# FRAUD PREVENTION AND REPORTING POLICY

**Policy and Purpose**

The residents of Long Beach expect efficient, honest, lawful, and ethical service from their City government. To meet these expectations, City of Long Beach employees are committed to performing their duties to the public in a manner that is free of fraud, waste, and abuse. Employees are also obligated to report any suspicion of fraud, waste, and abuse by others.

Fraud and theft of City funds, property or materials as well as intentional damage to City property are all criminal activities and constitute unacceptable and intolerable behavior. The purpose of this policy is to provide guidance to City Management and employees on the process to follow when such activities are encountered.

**Scope**

This policy applies to all City employees in all departments, including boards, commissions and agencies under the direction of the Mayor and City Council, as well as all elected officials.

**Enforcement of City Personnel Rules and Guidelines**

City personnel rules and guidelines must be clear that these activities are subject to discipline up to and including immediate termination and possible criminal prosecution. It should be made clear that these activities are not only illegal, but also harm the City, its residents and businesses.

**Internal Controls**

City departments must establish adequate internal controls to prevent fraud, waste, and abuse of City funds, property, and materials. Internal controls are subject to review by the City Auditor at any time.

## Reporting and Follow-up

Fraud, waste, and abuse of City funds or City property and materials must be reported to either the Department Director, City Manager, the City Auditor's Office, or anonymously through the City Auditor's Fraud Hotline at 1-888-FRAUD-07 (1-888-372-8307)

Complaints shall be investigated immediately as deemed necessary by the City Auditor's Office, the Police Department, or the Human Resources Department. The City Council shall establish a culture that recognizes the inappropriateness of these activities and encourages an atmosphere of intolerance for these activities, as well as an acceptance of reporting and follow-up on suspected activities.

## Conclusion

The City of Long Beach recognizes that the vast majority of employees approach their jobs with integrity and a commitment to serve the public. However, it is important to acknowledge that fraud, waste, and abuse can and does occur. It is expected that all City employees will fully cooperate with relevant department management, the City Auditor's Office, and law enforcement agencies, if warranted, during the course of any potential investigations.

## Advisory Bodies Currenty Eligible for Compensation

| City Charter Commissions | Members | Amount | Rate |
|---|---|---|---|
| Citizen Police Complaint Commission | 11 | $200/meeting | $200/meeting ($7,000/yr max) |
| Civil Service Commission | 5 | $200/meeting | $200/meeting ($7,000/yr max) |
| Harbor Commission | 5 | $200/meeting | $200/meeting ($7,000/yr max) |
| Ethics Commission | 7 | $200/meeting | $200/meeting ($7,000/yr max) |
| Independent Redistricting Commission | 9 | $200/meeting | $200/meeting ($7,000/yr max) |
| Parks and Recreation Commission | 7 | $200/meeting | $200/meeting ($7,000/yr max) |
| Planning Commission | 7 | $200/meeting | $200/meeting ($7,000/yr max) |
| Water Commission | 5 | $200/meeting | $200/meeting ($7,000/yr max) |

| Council Appointed Committees | Members | Amount | Rate |
|---|---|---|---|
| Airport Advisory Commission | 9 | $75/meeting | $75/meeting ($1,000/yr max) |
| Board of Examiners, Appeals, and Condemnation | 7 | $50/meeting | $50/meeting ($1,000/yr max) |
| Citizens Advisory Commission on Disabilities | 9 | $50/meeting | $50/meeting ($1,000/yr max) |
| Commission on Youth & Families | 9 | $50/meeting | $50/meeting ($1,000/yr max) |
| Homeless Services Advisory Committee | 11 | $50/meeting | $50/meeting ($1,000/yr max) |
| Housing Authority of the City of Long Beach | 11 | $50/meeting | $50/meeting ($1,000/yr max) |
| Human Relations Commission | 13 | $50/meeting | $50/meeting ($1,000/yr max) |
| Marine Advisory Commission | 9 | $50/meeting | $50/meeting ($1,000/yr max) |
| Metropolitan Water District of Southern California | 1 | $50/meeting | $50/meeting ($1,000/yr max) |
| Pedestrian Safety Advisory Commission | 13 | $50/meeting | $50/meeting ($1,000/yr max) |
| Senior Citizen Advisory Commission | 9 | $50/meeting | $50/meeting ($1,000/yr max) |
| Sustainable City Commission | 11 | $50/meeting | $50/meeting ($1,000/yr max) |
| Technology and Innovation Commission | 7 | $50/meeting | $50/meeting ($1,000/yr max) |
| Transactions and Use Tax Citizens Advisory Committee | 5 | $50/meeting | $50/meeting ($1,000/yr max) |
| Veterans Affairs Commission | 9 | $50/meeting | $50/meeting ($1,000/yr max) |