



Independent Redistricting Commission

SPECIAL MEETING MINUTES

Date: 11/18/2021
Time: 6:00 p.m.
Location: Zoom.us/join – ID# 862 2329 9689

Special Session (Zoom.us/join – ID# 862 2329 9689)

A. Call To Order

City Clerk Herren called the meeting to order at 6:07 p.m.

B. Roll Call

Present: Arellano, Gilmer, Wolter

Absent: None

Staff: City Clerk Judi A. Herren, Administrative Assistant Sarah Sandoval, Assistant City Attorney Denise Bazzano

C. Public Hearing

C1. Selection of four Independent Redistricting Commissioners and two Alternates (Staff Report #21-001-IRC)

City Clerk Herren introduced the item.

Commissioner Arellano provided information on the interview process and thanked applicants for their time, noting that each applicant was more than qualified to serve on the Commission. Commissioner Arellano encouraged all applicants to participate in the redistricting process.

ACTION: The Commission made selections to fill the Independent Redistricting Commission (IRC):

- Susan Erhart (Arellano/ Gilmer), passed unanimously.
- Susannah Hill (Wolter/ Gilmer), passed unanimously.
- Nabil Saad (Gilmer/ Arellano), passed unanimously.
- Shanda Bahles (Arellano/ Wolter), passed unanimously.
- Brian Kissel, alternate (Gilmer/ Arellano), passed unanimously.
- Marion Marquardt, alternate (Gilmer/ Arellano), passed unanimously.

C2. Oaths of Office

City Clerk Herren administered the oath of office to the Commissioners.

D. Regular Business

D1. Selection of the Independent Redistricting Commission Chair and Vice Chair

City Clerk Herren introduced the item.

ACTION: The Commission made the selections for Chair and Vice Chair:

- Commissioner Arellano, Chair (Wolter/ Gilmer), passed unanimously.

- Commissioner Wolter, Vice Chair (Saad/ Arellano), failed 3-4 (Gilmer, Wolter, Bahles, Hill dissenting).
- Commissioner Gilmer, Vice Chair (Wolter/ Hill), passed unanimously.

D2. Establishing the Independent Redistricting Commission's regular meeting schedule (Staff Report #21-002-IRC)

City Clerk Herren introduced the item.

ACTION: Motion and second (Arellano/ Bahles), to adopt, by minute order, the IRC's regular meeting schedule, passed unanimously.

D3. Adopt Resolution No. 0001-IRC establishing the Independent Redistricting Commission's policies and procedures (Staff Report #21-003-IRC)

ACTION: Motion and second (Erhart/ Gilmer), to adopt Resolution No. 0001-IRC establishing the IRC's policies and procedures, passed unanimously.

E. Presentations

E1. Assembly Bill 1234 presentation

Assistant City Attorneys Denise Bazzano and Tamar Burke made the presentation (Attachment).

F. Adjournment

City Clerk Herren adjourned the meeting at 8:22 p.m.

Sarah Sandoval, Administrative Assistant

These minutes were approved at the Independent Redistricting Commission meeting of December 9, 2021.



AB 1234 TRAINING

Independent Redistricting Commission

November 18, 2021

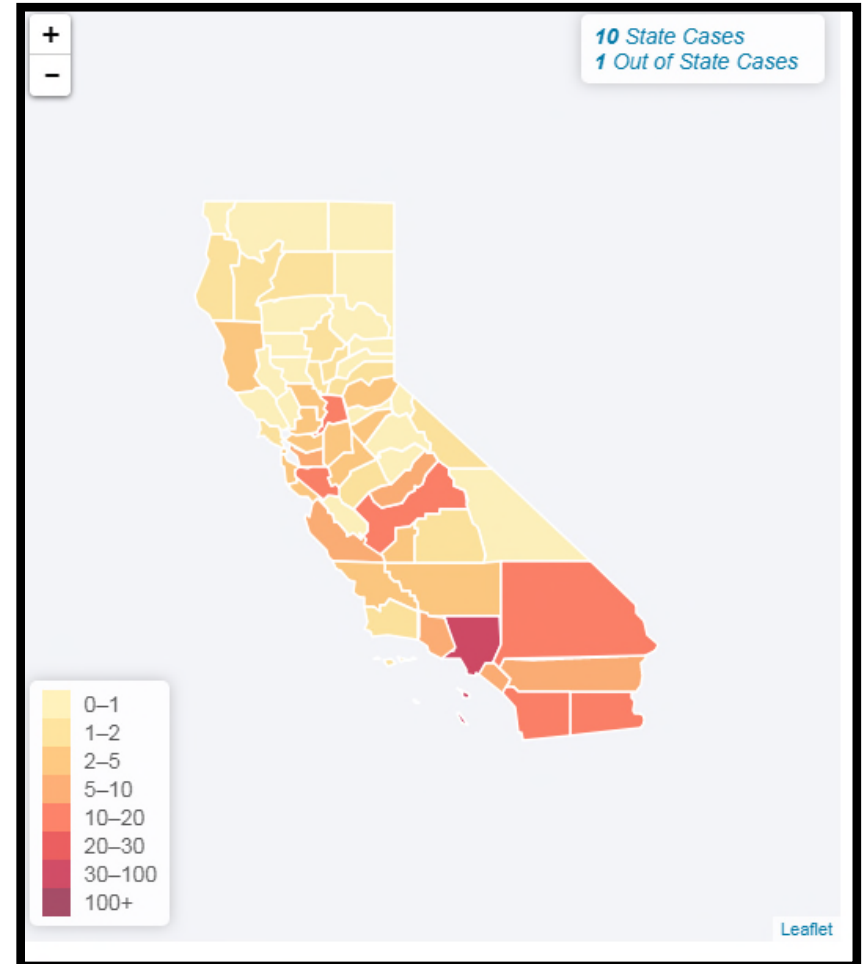


AB 1234 adopted in 2006 in response to City of Bell Scandal



FPPC “Heat Map”

- The FPPC prosecutes hundreds of cases every year. This map details the location FPPC cases prosecuted.



Attorney Advice



The sooner you speak to legal counsel the better, but remember...

- The City Attorney represents the City and not you personally.
- Reliance on advice from legal counsel is not a defense if your actions result in a violation.
- Only a formal advice letter from the Fair Political Practices Commission protects you from violations of FPPC regulations.

Be Hypothetical

Reminder:

*Because violations are personal to you,
please ask questions in the hypothetical –
No Confessions Please!*



Agenda



got ethics?

I. Transparency Laws

- a. Brown Act
- b. Public Records Act

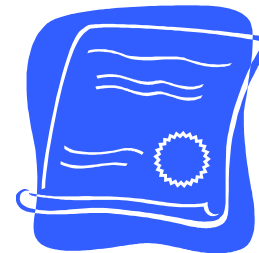
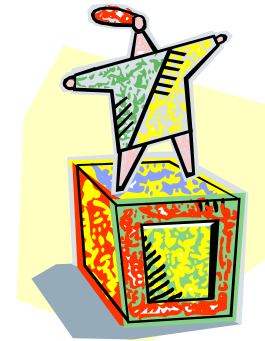
II. Personal Financial Interests and Fair Processes

- a. Conflicts-of-Interest Rules: Political Reform Act
- b. Common law conflicts: Personal Interests and Bias
- c. Contractual Conflicts of Interest: Government Code section 1090
- d. Fair Process

III. Legal Limitations on Perks and Advantages of Office

Goals

1. **Familiarize** you with **laws** that govern your service and when to **ask questions**
2. Encourage you to **think beyond legal restrictions (outside the box)**
3. **Satisfy** your AB 1234 requirement



I: Transparency Laws



The Brown Act

“Public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. ***It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.***”

Gov. Code § 54950



The Brown Act



- All *meetings* of the *legislative body* of a *local agency* must be *open and public*
- *All persons must be permitted to attend any meeting*

The Brown Act

Basic Rule: Meetings of legislative body are covered by the Brown Act.

- What is legislative body?
 - includes standing committees or commissions
 - advisory committee made up of less than quorum is not “legislative body”
- What is a **Meeting**?
 - any gathering of a **majority of the members** of a legislative body
 - at the **same time** and location
 - to **hear, discuss, deliberate** or **take action** upon any item which is within its subject matter jurisdiction

The Brown Act

Formal Meetings:

- Regular meetings – regular 72 hour notice required
- Special meetings – 24 hour notice required
- Emergency meetings – can be as little as 1 hour notice to media

The Brown Act

Normal Teleconferencing Requirements:

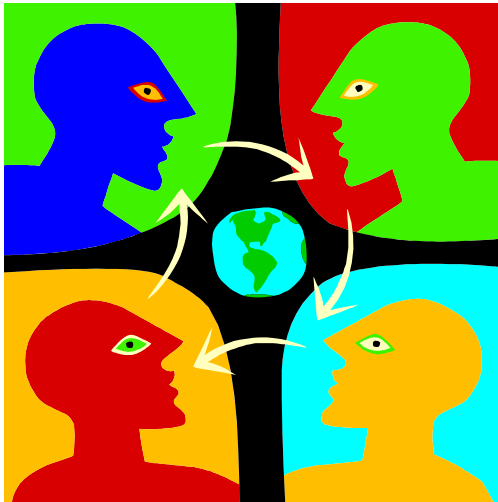
- Agenda must be posted at all locations, with teleconference locations specifically identified
- All teleconference locations must be open to public with public participation at each location
- Must be quorum participating from locations within agency boundaries
- Roll call votes only

The Brown Act

AB 361 – Emergency Teleconferencing

- **Meetings may be held remotely without observing normal teleconferencing requirements *if* there is a statewide state of emergency AND (1) state or local officials have imposed/recommended social distancing measures OR (2) meeting in person would present imminent risks to the health/safety of attendees**
- **City Council must pass a Resolution making the above findings**

Improper “Informal” Meetings



Caution: “A majority of the members of a legislative body **shall not...use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action** on any item of business that is within the subject matter jurisdiction of the legislative body.

Gov. Code § 54952(b)(1)

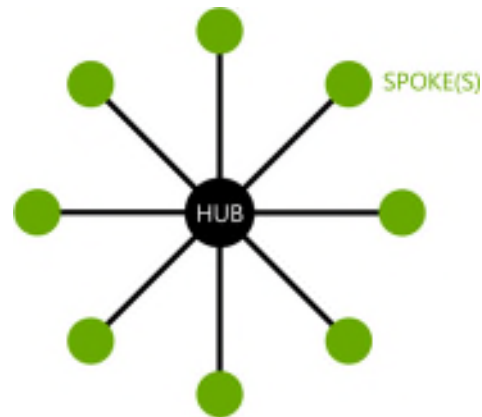
Improper “Serial” Meeting

- **Daisy Chain**: If Member A contacts Member B, and Member B contacts Member C, and so on, until a quorum has been involved, this type of “serial meeting” may result in a violation of the Brown Act.



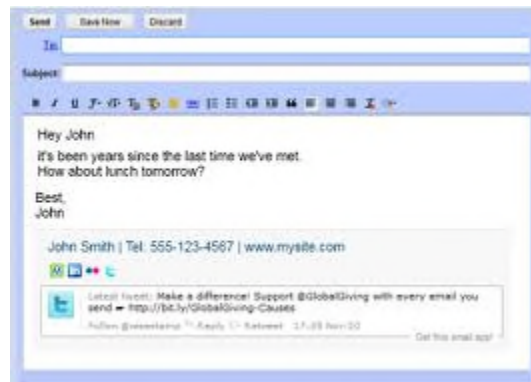
Improper “Serial” Meeting

- **Hub and spoke**: An intermediary contacts at least a quorum of the members to develop a collective concurrence on action to be taken by the legislative body.



Improper “Technology” Meetings

- **Use of email or other technology/media by a majority of a legislative body to discuss, deliberate, or take action on items within the body’s jurisdiction violates the Brown Act.**



Recommendations for Email/Technology

- **Avoid sending emails to the whole body.**
 - If necessary, provide information only.
 - Do not solicit a response.
- **Be careful replying to emails.**
 - Do not communicate your position or make a commitment on a pending matter.
 - Do not direct a reply to a majority of the body.
- **Think carefully before sending any email.**
 - Remember, your email can be forwarded by others to a majority of the body.
 - The Internet has a long memory.



Emergency Meetings

- The legislative body determines a *work stoppage, crippling disaster, or other activity severely impairs public health or safety.*
- The legislative body determines that a “*dire*” emergency exists, such as mass destruction, terrorist act or threat *that poses immediate and significant peril.*
- The special meeting provisions apply to emergency meetings, except for the 24-hour notice.

Gov. Code § 54956.5 (a) and (d)



Brown Act Violations

CODE COMPLIANCE
NOTICE OF VIOLATION

- Request to Cure/Action Invalidated
- Civil Action to prevent future violations
- Costs and Attorneys' Fees
- Criminal Charges
 - . . .where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, ***is guilty of a misdemeanor.***

Gov. Code § § 54959, 54960, 54960.1

Individual Meetings - OK

- A City employee or official may:
 - engage in **“separate conversations or communications”** outside of a meeting
 - in order to **“answer questions or provide information”**
 - so long as that person **“does not communicate to members of the legislative body the comments or positions of any other member or members.”**



Gov. Code § 54952.2(b)(2).

Non-Meetings

- Attendance by a majority of members at:
 - A **conference** that is related to the business of the agency that is **open to the public**;

Provided that a majority of the members do not discuss amongst themselves business “of a specific nature” that is within the subject matter jurisdiction of the agency.

Gov. Code § 54952.2 (c)(2)



Non-Meetings

- Attendance by a majority of members at:
 - An **open and noticed meeting of a standing committee** of that body,
Provided that the members of the legislative body who are not members of the standing committee **attend only as observers.**
Gov. Code § 54952.2(c)(6)



Non-Meetings

- Individual contacts or conversations between a member and any other person (provided that person is not serving as an intermediary between other members of the legislative body).

Gov. Code § 54952.2(c)(1)



Non-Agendized Items

- Action or discussion on any item not appearing on the posted agenda is generally prohibited.
- Legislative body may only:
 - Briefly respond to public statements or questions;
 - Ask a question for clarification;
 - Make a brief announcement;
 - Make a brief report on his or her activities;
 - Provide a reference to staff or other sources for factual information; or
 - Request staff to place the matter on a future agenda and report back to the legislative body in a subsequent meeting.

Gov. Code § 54954.2(a)(2)

Closed Sessions

Closed Sessions:

- Closed sessions are an **exception** to the rule that agency meetings must be open and public.
- Only topics authorized under the Brown Act may be discussed in closed session.
- The most common closed session topics are: Litigation (Existing or Potential), Real Estate Negotiations, Personnel Matters, and Labor Negotiations.

Gov. Code § 54954.3

Closed Sessions

- The disclosure of confidential information is prohibited unless the legislative body authorizes the disclosure of the information.
- **“Confidential information”** means communication made in closed session that is specifically related to the basis for the closed session meeting.

Gov. Code § 54963(a) and (b)



AVOID THESE HEADLINES

Loss of open meetings lawsuit to cost city more than \$100K in legal fees — February 25, 2020

The city of Bakersfield has agreed to pay more than \$100,000 in attorneys fees after a judge ruled the City Council violated open meeting laws when it held three closed session meetings to discuss the city's financial outlook.

The two plaintiffs in the case, First Amendment Coalition and Californians Aware, say they had very clear evidence of what was discussed during the meetings,. The legal advocacy groups obtained slides that were displayed during the meetings.

The city must also record closed sessions for one year in case future Brown Act complaints emerge, according to a court ruling.

Who Can Attend Closed Session?

According to the California Attorney General:

1. No “semi-closed” sessions where only certain “interested” members of the public attend.
2. In general, the Commission, essential support staff, legal counsel, consultants and other persons with an official role in the item.

Access to Public Records

- Access to public records is a constitutional right.



Public Records



- “Public Record” means:
 - Any writing,
 - Containing information relating to the conduct of the public’s business,
 - Prepared, owned, used or retained by any state or local agency,
 - Regardless of physical form or characteristic.

Gov. Code § 6252(e)

Public Records



Exceptions include:

- Preliminary drafts not ordinarily retained,
- Pending litigation,
- Personnel, medical, or similar files,
- Attorney-client privileged, and
- Catch-all (public interest balancing test).

Personal Devices/Public Records

City of San Jose v. Superior Court

- City employees' or officials' communications about official agency business may be subject to disclosure as “public records” retained by the agency under the CPRA, even if the employees used personal email or text message accounts in their preparation or transmission



Public Records

- Not every document is a “public record.”
- New Test:
 - Does it relate in some substantive way to the conduct of the public’s business?
 - Or is it primarily personal?
- Factors: content; context; purpose; audience; was the individual acting within the scope of their employment or office.

II: Personal Financial Interests and Fair Processes



Purpose of Conflict Rules

- Public officials owe paramount loyalty to the public.
- Personal or private financial interests should not be allowed to enter into the decision making process.



Sources of Conflicts of Interest

- Remember: conflicts of interest are not limited to financial conflicts
- Perceptions matter

Farcus

by David Waisglass
Gordon Coulthart



**“What conflict of interest?!
I work here in my spare time.”**

Statutory Conflicts of Interest Rules

- **Political Reform Act**
 - Government Code § 87100, *et seq.*
 - Regulations of the Fair Political Practices Commission (FPPC)
California Code of Regulations, title 2, division 6, section 18109, *et seq.*
- **Contractual Conflicts**
 - Government Code § 1090



Recognizing the Need to Seek Advice

- The conflict rules and regulations are complex.
- **Recognizing** potential conflicts is essential.
- **Talk early on** with the General Counsel and consider seeking advice from the FPPC when economic interests may be affected (positively or negatively) by a decision.



Disclosure of Financial Interests

- Statements of Economic Interests “Form 700”
- Purpose:
 - alert officials of personal interests that might be affected
 - inform the public about potential conflicts

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION
A PUBLIC DOCUMENT

STATEMENT OF ECONOMIC INTERESTS Date Initial Filing Received _____
Official Use Only

COVER PAGE

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 Judge or Court Commissioner (Statewide Jurisdiction)

Multi-County _____ County of _____

City of _____ Other _____

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

Annual: The period covered is January 1, 2017, through December 31, 2017.

Leaving Office: Date Left _____ (Check one)

The period covered is _____ through _____ The period covered is January 1, 2017, through the date of leaving office.

Assuming Office: Date assumed _____ 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 C - Income, Loans, & Business Positions - schedule attached

Schedule A-2 - Investments - schedule attached Schedule D - Income - Gifts - schedule attached

Schedule B - Real Property - 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 E-MAIL 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 _____ Signature _____
(month, day, year) (File the originally signed statement with your filing official)

[Clear Page](#) [Print](#)

FPPC Form 700 (2017/2018)
FPPC Advice Email: advice@fppc.ca.gov
FPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov

The Who, What, When and Where of Disclosure

- **Who?** All “designated” officials under Government Code 87200.
- **What?** Interests in real property, investments, business positions, sources of income and gifts.
- **When?** Upon assuming office, annually (by 4/2), and upon leaving office.
- **Where?** File with local agency.

Can I Participate?

Political Reform Act



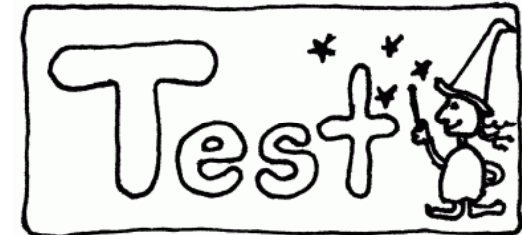
General Rule of Disqualification

- A public official may not:
 - make/participate in the making/or influence
 - a governmental decision
 - that will have a reasonably foreseeable material financial effect and material financial effect on
 - the official's or his or her immediate family's financial interests
 - that is distinguishable from the effect on the public generally
- Must consider financial interests of “immediate family,” which includes spouse and dependent children

Conflicts of Interest: Financial Interests

Four Step Test to Identify Financial Conflict:

1. Is it reasonably foreseeable that the decision will have a financial effect on the official's economic interests?
2. Will the effect be material?
3. Is the effect indistinguishable from the effect on the public generally?
4. Is the official "making, participating in making, or attempting to influence" the decision?



Potential Economic Interests

- **Business Entity:**

Any business entity, as defined in Section 82005, in which the public official has a direct or indirect investment worth at least \$2,000 or in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

Potential Economic Interests

- **Real Property:**

Any real property in which the public official has a direct or indirect interest of at least \$2,000.



Potential Economic Interests

- **What’s an “Indirect investment”?**
- “any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially at least a 10-percent interest.”

Potential Economic Interests

- **Source of Income:**

Any source of income, including commission income and incentive income, amounting to a total of at least \$500, provided or promised to, and received by the public official within 12 months before the decision is made.

Potential Economic Interests

- **Source of Gift:**

Any gift amounting to a total of at least \$520, provided or promised to, and received by the public official within 12 months before the decision is made.

Potential Economic Interests

FPPC Enforcement Decisions:

Richard F, **City Councilmember**, violated conflict of interest laws by **voting to obtain a \$491,520 state grant to extend a water and sewer line to an area of the city where he owned real property and operated an inn and restaurant.**

Fine: \$4,000



Potential Economic Interests

FPPC Enforcement Decisions:

Gregory C. is a member of the **San Diego County Board of Supervisors and California Coastal Commission.** In 2015, his **spouse purchased 500 shares of SeaWorld,** and he was unaware that she made the purchase of SeaWorld stock. SeaWorld had an application before the Coastal Commission, and a member sought to add a condition banning captive breeding of orcas. **Gregory was the lone dissenting vote.**

Fine: \$3,000



Exceptions to Potential Economic Interest Conflicts

- Two exceptions to potential financial conflicts:
 - The “**public generally**” (Section 18703)
 - The “**legally required participation**” (Sections 87101, 18705)

Public Generally Exception

- Decisions that affect a **broad range of persons or interests** may be exempted: 25% of (i) all businesses, (ii) all real property, or (iii) all individuals.

Example: Sewer rate decisions



Legally Required Participation Exception

- May apply if a conflict disqualifies so many officials that there is no longer a quorum to make a decision.



Note: Does not apply: (1) quorum could later be met; (2) to break a tie vote.

What Happens If Disqualified?

- If disqualified:
 - Identify the applicable interest (with specificity).
 - Step down from the dais and leave the room (unless on consent calendar).
 - Refrain from any discussion or participation.



Exception: You can participate as a member of public from the audience on matters affecting *personal* economic interests.

Potential Economic Interests

FPPC Enforcement Decisions:

Robert S, a member of a city council, attempted to use his official position to influence a governmental decision in which he had a financial interest, by **speaking before the Planning Commission** regarding the approval of an application for the **subdivision of land owned by a client**.

Fine: \$3,000



Common Law Conflict: Personal Interests or Bias

- Personal interests or biases (positive or negative) about the facts or the parties may cast doubt on your ability to make a fair decision.
- Need to exercise power with at least the appearance of ***disinterested*** skill, zeal, and diligence.



Contractual Conflicts of Interest Government Code § 1090

Prohibition on
“Self Dealing”



Contractual Conflicts of Interest Government Code § 1090

- Section 1090 prohibits **officials** and **employees** from having **financial interests in contracts made by them in their official capacities** or any board of which they are members.



Contractual Conflicts of Interest

- **Rule:** Public officials are absolutely prohibited from having a financial interest in a contract made by them or their body.
- **Government Code § 1090**
 - **Purpose:** Prohibits contractual self-dealing.

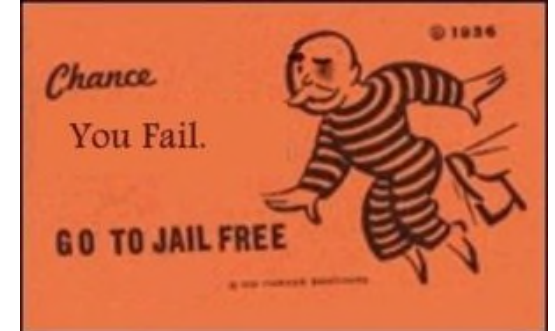


Contractual Conflicts of Interest:

- **Application of § 1090:**
 - **“Public officials”** - Virtually all City commissioners, officers, and employees.
 - **“Financial interest”** - One penny is enough.
 - **“Absolutely prohibited”** – the individual’s conflict extends to entire Commission and his/her participation is presumed.
- **Exceptions** - may apply under a “rule of necessity,” or if the financial interest is minor or remotely involved.

Contractual Conflicts of Interest:

- **Consequences of § 1090 Violation:**
 - Contract is void and unenforceable.
 - Official must return any money, but agency keeps the benefits received.
 - Violation is a felony (if willful):
 - Fine,
 - Imprisonment, and
 - Lifetime bar from holding office in California.



Contractual Conflicts of Interest

- There are also exceptions for:
 - “**Remote interests**” (§ 1091)
(landlord or tenant of contracting party)
 - “**Non-interests**” (§ 1091.5)
(non-compensated officer of a non-profit)



 ***Still must abstain from voting***

Other Fairness And Process Laws

- Due Process
- Public Bidding Requirements:
 - Public Contract Code
 - Grant Requirements - Federal Regulations Regarding Procurement
- Nondiscrimination Requirements
- Embezzlement (Penal Code section 424)

Due Process Considerations

- Quasi-judicial or "administrative" hearings are subject to the fair process requirements of CCP § 1094.5(b); and
- If a vested property or liberty interest is implicated, the hearings are subject to due process requirements of the 14th Amendment to the United States Constitution.



Due Process Considerations

The 14th Amendment Requires:

- Proper notice
- Right to present case
- Fair unbiased decision makers



These due process requirements do not apply to purely legislative actions.

Incompatible Offices

- Gov. Code Section 1099 – codifies common law prohibition.
- May not simultaneously hold two public offices if:
 - One office exercises a supervisory, auditing, or removal power over the other office
 - there is a significant clash of duties or loyalties between the offices
 - there are public policy considerations that make it improper.
- The consequence of holding an incompatible office is that the person is “deemed to have forfeited the first office upon acceding to the second.”

Incompatible Offices

- Inapplicable:
 - Where specifically authorized by statute;
 - To a position of employment, including a civil service position;
 - To a governmental body that has only advisory powers; and
 - Where a member of a multimember body holds an office that may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over another office when the body has any of these powers over the other office or over a multimember body that includes that other office.

III: Legal Limitations on Personal Advantages and Perks



Expense Reimbursement



General Rule: *Actual* and *Necessary* Expenses

Reporting: Timely use of report forms (with receipts documenting the expenses); oral report at subsequent meeting (only for attendance at Brown Act “meetings”)

Penalty: Loss of reimbursement privilege; restitution; civil penalties and 3x value of misused resources; jail; ban from public office

Remember...

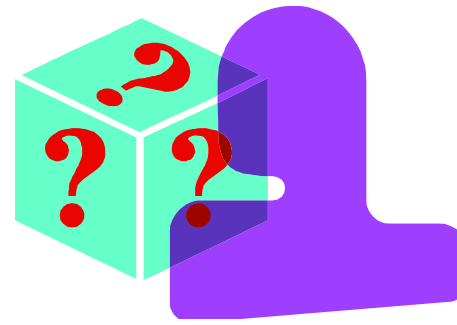
Your expense report forms are
PUBLIC RECORDS



Gifts

- **What is a Gift?**

- Anything of value you receive for which you do not provide monetary or other consideration of equal or greater value.
- May include discounts and rebates if not also given to the general public.



Report - \$50 or more in
a year/source

Limit - \$520/year/source

1/1/2020-12/31/2021



Gifts



Options when you receive a gift over \$50:

- Decide if you want to report it on your Form 700.
- If so, report it within 30 days of receipt.
- If not, then within 30 days:
 - Reimburse the donor for the fair market value,
 - Return the gift unused, or
 - Donate the gift to charity (no deductions).
- If the gift exceeds \$500, you have a duty to reject it.
 - Or “buy down” the value.

Disclosure of Gifts

- Must report gifts on your Form 700 if:
 - Total value of all gifts from that source during the calendar year is at least \$50.
 - Gift are reportable regardless of the location of the donor.



Tip: If the amount is unknown, you must make a good faith estimate of the item's fair market value.

Avoid These Headlines

Los Angeles -- Mayor and four city councilmen were fined for ethics violations for receiving gifts worth more than \$100 and tickets to Hollywood's hottest awards shows, the city ethics commission voted Tuesday.

The mayor was fined \$20,849 by the city commission. He had earlier been fined \$21,000 by the state's Fair Political Practice Commission.



Gifts

- **Are Meals Gifts?**

Yes. A meal is a gift unless:

- provided at an individual's home (existing relationship)
- Provided as part of a reciprocal exchange
- paid for by a governmental agency



Gifts



FPPC Enforcement Decisions:

James L., as Mayor of Palmdale, failed to timely disclose gifts of two meals totaling \$253.39 on his Statement of Economic Interests. All gifts were from E.J. De La Rosa & Co., Inc.

Penalty: \$200.

SACRAMENTO — Spurred by an investigation by the Ventura County District Attorney's Office into the activities of Oxnard city officials, the Fair Political Practices Commission found 205 government officials across the state failed to properly report gifts from the same companies involved in the Oxnard case.

Gifts

Many exceptions to general gift limitations:

- Gifts from family members
- Food gifts for office
- Trophies/Plaques less than \$250

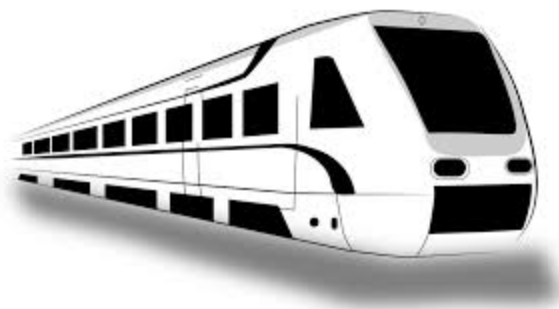


Prohibition on Gratuities or Rewards



It is a misdemeanor to receive any kind of gratuity or reward for performing one's duties.

Prohibited Travel Discounts



- Cal. Const. art. XII, § 7 (“A transportation company may not grant free passes or discounts to anyone holding an office in this state . . .”).
- FPPC Regs. § 18950.1(h)(2) prohibits acceptance by public officials

Honoraria

- Receipt of honoraria (e.g., any payment for a speech, article, attendance at a conference, event or similar gathering) is ***prohibited***.
- **Exception:** Speech or article in connection with private business.

Tip: You can **return** or **donate** the honoraria within 30 days of receipt.



www.shutterstock.com · 153531818

Misuse of Public Resources



- **Rule:** No use of public funds or resources for personal, non-public purposes, including campaigns.
- **“Public Resources”** includes staff time, office equipment and supplies, but excludes incidental or minimal uses.



- **Penalties:** disqualification from office, jail, civil penalties up to \$1000/day plus 3x the value of the unlawful use.

Tip: Ensure that expense or use is consistent with adopted agency policy or practice.

Rule Against Advocacy When Conducting Official Activities

- In your official capacity, you may present information in an even-handed manner.
- You cannot conduct advocacy activities in your official capacity.

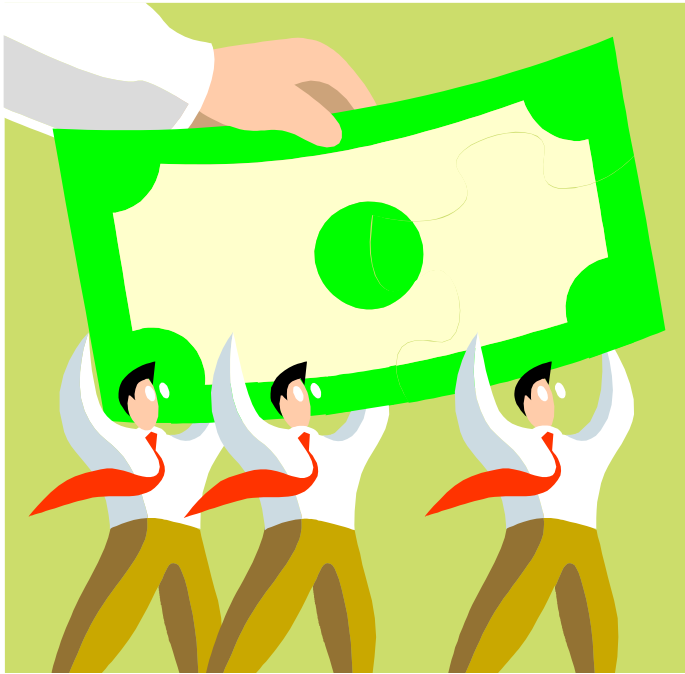


Solicitations of Political Support

- Soliciting campaign funds from agency officers or employees is unlawful (except when included as part of a communication to a significant segment of the community).
- Conditioning employment and compensation decisions on political support is also prohibited.



Gifts of Public Funds



- Local agencies are prohibited from making a “gift” of public money or anything of value.
- Expenditures for ***public purposes*** are not considered gifts even if a private party incidentally benefits.

Mass Mailing Prohibition

A mailing is generally prohibited if each of the following criteria is met:

- 1) Delivery - A tangible item, such as a newsletter or brochure, is delivered, by any means, including by transmission of a fax, to a person's residence, place of employment or business, or post office box.
- 2) Item Features an Elected Officer- The item sent either features an elected officer affiliated with the agency.
- 3) Public Money is Used for Mailing- Any of the costs of distribution are paid for with public moneys, or if public funds are not used for the actual distribution, in excess of \$50 in public moneys is used to design, produce, or print the item.
- 4) Mass Mailing- More than 200 substantially similar items are sent in a calendar month, excluding any item sent in response to an unsolicited request.

Mass Mailing Prohibition

The Public Eye: Rocklin fined \$2,000 for newsletter containing prohibited photos

Richard Chang / *The Sacramento Bee*

Rocklin was fined \$2,000 by the California Fair Political Practices Commission last week for blanketing households with a newsletter that contained photos of City Council members, a violation of the Political Reform Act.

The State considers such activities a prohibited form of campaigning with taxpayer funds that gives incumbents an unfair advantage.

City officials said the inaugural newsletter, *Inside Rocklin*, was a well-intentioned effort to keep citizens informed and that they were unaware of the state rules.

MAYOR'S MESSAGE . . .

Welcome to the inaugural issue of *Inside Rocklin*. We hope this guide helps you enjoy the best that Rocklin has to offer. Whether you are a long-time resident or new to the area, I invite you to take a look and see what's happening in Rocklin. Rocklin is a thriving city of 60,000 residents consisting of a vibrant and historical downtown, friendly neighborhoods, unique shopping and strong businesses that offer diverse employment. Rocklin residents and visitors alike enjoy numerous hometown community events, scenic parks and rustic open spaces. Public safety is our top priority. We are fortunate to have a highly-ranked fire department, and an accredited police department in part responsible for keeping our crime rate among the lowest in the region. Rocklin is also a center for educational excellence, proudly home to the #1 ranked unified school district in the region—Rocklin Unified. Sierra College and William Jessup University round out higher-education choices. Something extra special that makes Rocklin a great

place to live, visit or work stems from our caring community. People get involved—and stay involved—by volunteering numerous hours and support in a variety of important ways. And most noticeable, Rocklin people are nice. It's what sets Rocklin apart and maintains a small-town feel in a mid-size city.

Hang on to this guide, refer to it often to find out what's going on and how you can stay connected to your wonderful community.

You can also find the latest information and updates on the City's website at rocklin.ca.us, or 'like' us on Facebook (City of Rocklin, California Government). Explore and enjoy all that Rocklin has to offer!



Scott Yuill
Mayor, City of Rocklin



George Magnuson
Vice Mayor



Diana Ruslin
Councilmember



Dave Butler
Councilmember



Greg Janda
Councilmember



Restrictions on Loans

- Officials cannot receive loans:
 - from anyone within the official's agency or with whom the agency contracts; or
 - greater than \$500 (except in writing and with clear terms)

PERSONAL
LOANS



Exceptions: Loans received by the official's campaign committee; normal bank and credit indebtedness; and loans from family members.

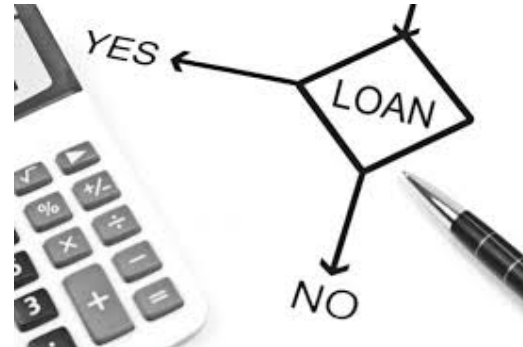
Restrictions on Loans

FPPC Enforcement Decisions:

Antoinette R, was the **Inspection Services Manager for the City**.

Ms. R violated conflict of interest laws when she approved and signed a series of contracts with a contractor, her former brother-in-law, from whom she had received a loan in the amount of \$50,000.

Fine: \$6,500



Final Questions to Ask



- What would inspire public confidence?
- What decisions best serve the interests of the community as a whole?

Public Perception

- Even if you are confident about the “right thing to do” – Don’t forget about public perception.
- The public needs to believe that “the right thing has been done.”



Resources

- FPPC: 1-866-ASK-FPPC and on the web at fppc.ca.gov
- Attorney General: oag.ca.gov
- League of California Cities: cacities.org
- Institute for Local Government: ca.ilg.org

You made it!!!

