

**AGENDA**  
1110<sup>th</sup> MEETING OF THE BOARD OF TRUSTEES  
OF THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
FEBRUARY 8TH, 2023

TIME: 5:00 P.M.  
PLACE: Hybrid Meeting of the Board of Trustees  
Physically held at the Office of the District  
23187 Connecticut Street, Hayward, CA 94545 and  
Teleconferencing at <https://us02web.zoom.us/j/87462896077>  
**see below for additional details.**

TRUSTEES: Victor Aguilar, President, City of San Leandro  
Cathy Roache, Vice-President, County-at-Large  
Shawn Kumagai, Secretary, City of Dublin  
Tyler Savage, City of Alameda  
Robin López, City of Albany  
P. Robert Beatty, City of Berkeley  
Courtney Welch, City of Emeryville  
George Young, City of Fremont  
Elisa Márquez, City of Hayward  
Steven Cox, City of Livermore  
Eric Hentschke, City of Newark  
Jan O. Washburn, City of Oakland  
Hope Salzer, City of Piedmont  
Valerie Arkin, City of Pleasanton  
Subru Bhat, City of Union City

1. Call to order.
2. Roll call.
3. President Aguilar invites any member of the public to speak at this time on any issue relevant to the district (each individual is limited to three minutes).
4. Approval of the minutes of the 1109<sup>th</sup> Regular Meeting held January 11<sup>th</sup>, 2023 (**Board action required**).
5. Presentation of the President's Award Plaque to Immediate Past President Subru Bhat by President Victor Aguilar (Information only).
6. Review finance committee and staff recommendation to realign reserve investments (**Board action required**)
  - a. California CLASS investment option flier
  - b. Investment, Cash, & Reserve January statement
  - c. Financial reserve policies
7. LAFCo (Local Agency Formation Commission) Special District Regular Seat Election May 10<sup>th</sup>, 2023, ACMAD Presiding Officer designation (**Board action required**)
  - a. Presiding Officer: ACMAD Board President Victor Aguilar
  - b. Presiding Officer Alternate: ACMAD Board Vice-President Cathy Roache
8. Meetings returning to in-person in March, with certain exceptions. (Information only).
  - a. Staff report

- b. Brown Act Guide for Special Districts
  - c. Text of AB 2449
9. Form 700 FFPP Conflict of Interest Report Due end of March (Information only).
- a. Cover sheet excerpt
  - b. Form 700
10. Financial Reports as of January 31<sup>st</sup>, 2023: (Information only).
- a. Check Register
  - b. Income Statement
  - a. Investments, reserves, and cash report
  - b. Balance Sheet
11. Presentation of the Monthly Staff Report (Information only).
12. Presentation of the Manager's Report (Information only).
- a. Trustee & Staff Anniversary Recognitions
  - b. ACSDA Annual Dinner: Monday, March 20<sup>th</sup>, Redwood Canyon Golf Course
  - c. Recently completed or upcoming city council presentations: Albany: 2/6/23, San Leandro: 3/6/23, Dublin: 3/7/23, Emeryville: 3/21/23
  - d. Training due: AB 1234: Lopez, Kumagai, Arkin; AB 1825: Lopez, Kumagai, Young, Cox
13. Board President asks for reports on conferences and seminars attended by Trustees.
14. Board President asks for announcements from members of the Board.
15. Board President asks trustees for items to be added to the agenda for the next Board meeting.
16. Adjournment.

ANYONE ATTENDING THE MEETING MAY SPEAK ON ANY AGENDA ITEM AT THEIR REQUEST.

**Please Note: Board Meetings are accessible to people with disabilities and others who need assistance. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to observe and/or participate in this meeting and access meeting-related materials should contact Ryan Clausnitzer at least 48 hours before the meeting at 510-783-7744 or [acmad@mosquitoes.org](mailto:acmad@mosquitoes.org).**

**IMPORANT NOTICE REGARDING MEETING PARTICIPATION:**

All members of the public seeking to observe and/or to address the local legislative body may participate in the meeting by attending in person at the address listed above, telephonically, or otherwise electronically in the manner described below.

**HOW TO OBSERVE THE MEETING:**

**In Person:** Attend in person at the Office of the District located at 23187 Connecticut Street, Hayward, CA 94545.

**Telephone:** Listen to the meeting live by calling Zoom at **(669) 900-6833** Enter the **Meeting ID# 874 6289 6077** followed by the pound (#) key.

**Computer:** Watch the live streaming of the meeting from a computer by navigating to <https://us02web.zoom.us/j/87462896077>

**Mobile:** Log in through the Zoom mobile app on a smartphone and enter **Meeting ID# 874 6289 6077**

### HOW TO SUBMIT PUBLIC COMMENTS:

**Before the Meeting:** Please email your comments to [acmad@mosquitoes.org](mailto:acmad@mosquitoes.org), write "Public Comment" in the subject line. In the body of the email, include the agenda item number and title, as well as your comments. If you would like your comment to be read aloud at the meeting (not to exceed three minutes at staff's cadence), prominently write "Read Aloud at Meeting" at the top of the email. All comments received before 12:00 PM the day of the meeting will be included as an agenda supplement on the District's website under the relevant meeting date and provided to the Trustees at the meeting. Comments received after this time will not be read aloud but will be added to the record after the meeting.

**During the Meeting:** The Board President or designee will announce the opportunity to make public comments. Speakers will be asked to provide their name and city of residence, although providing this is not required for participation. Each speaker will be afforded up to 3 minutes to speak unless another time is specified. Speakers should remain silent and/or will be muted until their opportunity to provide public comment.

**In Person:** Members of the public may raise their hand and wait to be recognized by the Board President or designee.

**Telephone:** Press star (\*)9, which will alert staff that you have a comment to provide.

**Computer or Mobile:** Use the "raise hand" feature to alert staff that you have a comment to provide.

### PUBLIC RECORDS:

Public records that relate to any item on the open session agenda for a meeting are available for public inspection. Those records that are distributed after the agenda posting deadline for the meeting are available for public inspection at the same time they are distributed to all or a majority of the members of the Board. The Board has designated the District's website located at <https://www.mosquitoes.org/board-of-trustees-regular-meetings> as the place for making those public records available for inspection. The documents may also be obtained by emailing [acmad@mosquitoes.org](mailto:acmad@mosquitoes.org).

## MINUTES

### 1109<sup>th</sup> MEETING OF THE BOARD OF TRUSTEES OF THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT

January 11<sup>th</sup>, 2023

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TIME: 5:00 P.M.  
PLACE: Hybrid Meeting of the Board of Trustees  
Physically held at the Office of the District  
23187 Connecticut Street, Hayward, CA 94545 and  
Teleconferencing at <https://us02web.zoom.us/j/85196102244>  
TRUSTEES: Subru Bhat, President, City of Union City  
Victor Aguilar, Vice-President, City of San Leandro  
Cathy Roache, Secretary, County-at-Large  
Tyler Savage, City of Alameda  
Robin López, City of Albany  
P. Robert Beatty, City of Berkeley  
Shawn Kumagai, City of Dublin  
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Steven Cox, City of Livermore  
Eric Hentschke, City of Newark  
Jan O. Washburn, City of Oakland  
Hope Salzer, City of Piedmont  
Valerie Arkin, City of Pleasanton

1. Board President Bhat called the regularly scheduled board meeting to order at 5:03 P.M.
2. Trustees Bhat, Aguilar, Márquez, Hentschke, and Washburn were present in-person at the district. Trustees Beatty, Savage, Kumagai, Cox, López and Salzer were present on the Zoom conference. Trustees Arkin, Welch, Roache, and Young were absent.
3. Introduction of new Board Members Mr. Robin López, representing the City of Albany and Valerie Arkin representing the City of Pleasanton (Information only). Trustee López provided a brief introduction to the Board and was welcomed by all; Trustee Arkin was absent.
4. Board President Bhat invited members of the public to speak on any issue relevant to the District. Vikki Rodriguez from Maze & Associates was present via zoom for item 7. Information Technology Director Robert Ferdan was present for technical support. Vector Biologist Sarah Lawton was present via zoom for minutes. Financial & HR Specialist Michelle Robles was present to provide financial information related to the audit. Lab Director Eric Haas-Stapleton was present to give presentation on *An. Stephensi*. No public comments were submitted.
5. Approval of the minutes of the 1108<sup>th</sup> meeting held December 14<sup>th</sup>, 2022.  
**Motion:** Trustee Márquez moved to approve the minutes

**Second:** Vice-President Aguilar  
**Vote:** motion carries: unanimous.

6. Election of Board Officers. Gavel transfer from President Bhat to the newly elected President. Trustee Márquez stated the proposed officers up for election: President: Aguilar, Vice President: Roache, Secretary Kumagai

**Motion:** Márquez

**Second:** Beatty

**Vote:** Motion carries: Unanimous

7. Presentation of the Draft Annual Comprehensive Financial Report for Fiscal Year 2021-2022 by Maze & Associates. Vikki Rodriguez: Year ended 6/30/2022

**Discussion:**

No significant findings, adjustments or recommendations. Audit went very smoothly, books closed effectively. Trustee Salzer asked for further explanation on “miscellaneous revenues.” Accountant Robles stated that revenues come from credit card rebates as well as from IT assistance by IT Director Robert Ferdan. The General Manager added that most of that revenue is a OPEB reimbursement. Trustee Márquez asked what the discount rate was before PEPR (she will have to look into that) President Aguilar thanked the auditor and the General Manager thanked Michelle Robles on her fine work.

**Motion:** Trustee Hentschke

**Second:** Trustee Washburn

**Vote:** Motion carries: unanimous

8. Review of 2023 Board Meeting dates. Information to set calendar.

**Discussion:**

Márquez asked the locations of the three upcoming conferences (MVCAC: Anaheim; AMCA: Reno; CSDA: Monterey)

**Motion:** Trustee Washburn

**Second:** Trustee Bhat

**Vote:** Motion carries: unanimous

9. Confirm Finance Committee membership, set upcoming meeting dates, and appoint a Chair

**Discussion:**

The motion must determine the Chair, the membership, and the three next meeting dates. Trustee Márquez volunteered to be the new Chair along with additional members Hentschke and Bhat with the first meeting on Monday, January 23<sup>rd</sup> at 5:00pm, second and third meetings will be prior to regular board meetings in March and April, respectively.

**Motion:** Márquez

**Second:** Beatty

**Vote:** Motion carries: unanimous

10. Presentation by Lab Director, Eric Haas-Stapleton, PhD: *Anopheles stephensi*: malaria on the move (Information only).

**Discussion:**

Trustee Beatty asked if *An. stephensi* are found in multiple habitats (Trustee Washburn answered that they are not well-suited to cold climates). Trustee Bhat asked how they migrated from Asia to Africa (likely travel). President Aguilar asked if there are any suitable habitats here (Yes). Trustee Bhat asked when the last time malaria was reported in Alameda County (a

couple of weeks ago but only travel related). Trustee Márquez asked if someone has malaria, is it required by law to report (yes, it is a reportable illness and with our relationship with Public Health, we receive (HIPAA-compliant) information on the resident's general location and sometimes the ability to interview the resident. Trustee Márquez asked if we have the same relationship with the City of Berkeley (yes). Trustee Salzer asked wow quickly the mosquito is spreading (Trustee Washburn answered that it was first detected in Africa in 2017, so the spread we are looking at has occurred over 7 years).

11. Financial Reports as of December 31st, 2022.

**Discussion:**

None.

12. Presentation of the Monthly Staff Report.

**Discussion:**

Haas-Stapleton also summarized his report which led Trustee Washburn to add that the rain is detrimental to tree-hole mosquitoes, as it washes out all the larvae.

13. Presentation of the Manager's Report

**Discussion:**

Trustee Beatty, Aguilar and Márquez are interested in attending the ACSDA annual dinner.

14. Board President asks for reports on conferences and seminars attended by Trustees. None.

15. Board President asks for announcements from members of the Board.

Trustee Márquez promoted the shoreline tour sponsored by EBRPD which she along with Trustees Hentschke, Aguilar, and Roache will be attending.

16. Board President asks trustees for items to be added to the agenda for the next Board meeting. The General Manager will be reporting on proposed changes to the district's credit card carrier and reserve account options.

17. Adjournment at 6:18pm

**Respectfully submitted,**

Approved as written and/or corrected  
at the 1109<sup>th</sup> meeting of the Board of  
Trustees held January 11<sup>th</sup>, 2023

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Victor Aguilar, President  
BOARD OF TRUSTEES

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Shawn Kumagai, Secretary  
BOARD OF TRUSTEES



23187 Connecticut Street  
Hayward, CA 94545

T: (510) 783-7744  
F: (510) 783-3903

[acmad@mosquitoes.org](mailto:acmad@mosquitoes.org)

**Board of Trustees**

**President**

Victor Aguilar

**San Leandro**

**Vice-President**

Cathy Roache

**County-at-Large**

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Tyler Savage

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Robin López

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P. Robert Beatty

**Berkeley**

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George Young

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Jan O. Washburn

**Oakland**

Eric Hentschke

**Newark**

Hope Salzer

**Piedmont**

Valerie Arkin

**Pleasanton**

Subru Bhat

**Union City**

**Ryan Clausnitzer**

General Manager

**Reserve account realignment**

**Background:**

The district had an existing LAIF account for local government investment reserve options when it became a participant in CAMP of November of 2017. In March of 2022, the district chose to be a founding member of a *new* local government investment pool, California CLASS, by depositing \$500,000 in July of 2022 which also allowed it to have a Trustee on the Board of the Joint Powers Authority: The General Manager, who was appointed by the CSDA Board of Directors to a 3-year term.

**Analysis:**

While the performance of CAMP and California CLASS are comparable, they both outperform LAIF (currently, by 2%) because of its investment authorization found in California Government Code §53601 vs, §16430 & §16480. 4. Also, CAMP and California pay interest monthly, rather than quarterly with LAIF.

While CAMP and California CLASS are comparable local government investment options, the district benefits from *more* participation with California CLASS based on its direct oversight as a Board member, participation with similarly sized local governments written into the formation documents, cost structure, customer service, and client portal.

Soon, California CLASS is launching an option to PRIME called Enhanced Cash. This differs from PRIME as it has a longer weighted average maturity and is thus more suited to an investment horizon of 12-18 months.

**Recommendation:**

The Finance Committee and staff are recommending the following adjustments to our investment reserve accounts and to report interest income every quarter between reserve accounts: LAIF, California CLASS, CAMP.

**Current Reserve Accounts**

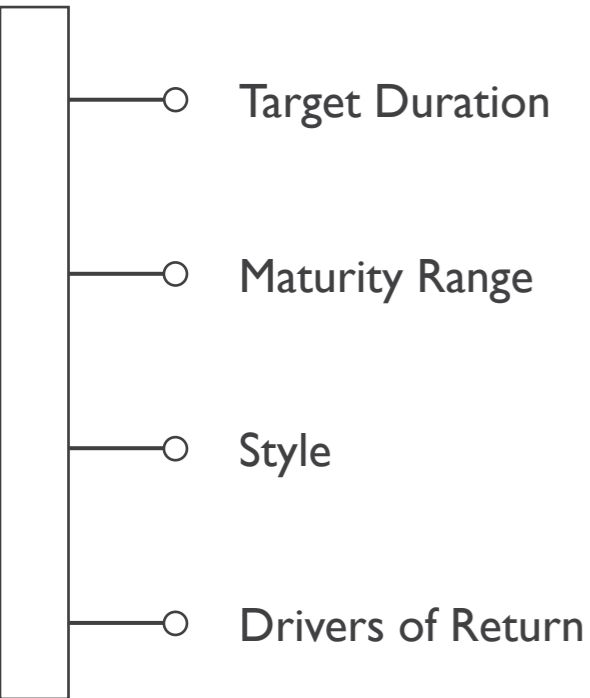
LAIF (operational funds)  
CAMP: Repair & Replace  
CAMP: Operational Reserve  
CAMP: Capital Reserve  
California CLASS Prime: Pub Health  
County Account

**Proposed Reserve Accounts**

*California CLASS Prime: Operational Funds*  
*California CLASS Prime: Repair & Replace \**  
*California CLASS Prime Class: Op. Reserve \**  
*(No change)*  
*(No change) \**  
*LAIF (portion of County Funds)*

\* Move these accounts to California CLASS Enhanced Cash, when available.

# Complementary Investment Strategies



California CLASS Prime	
Target Duration	60 Day WAM Maximum
Maturity Range	One to 397 Days
Style	<ul style="list-style-type: none"> <li>o Stable NAV</li> <li>o Overnight Cash</li> <li>o Operating Core</li> </ul>
Drivers of Return	Federal Funds Target Rate Monetary policy expectations Shape of the yield curve Asset allocation Security selection

California CLASS Enhanced Cash	
Target Duration	1.5 – 2 Years
Maturity Range	One to five years
Style	<ul style="list-style-type: none"> <li>o Actively Managed</li> <li>o Focused on Income</li> <li>o Longer Investment Horizon</li> </ul>
Drivers of Return	Duration management Shape of the yield curve Asset allocation Security selection

California CLASS offers two complementary strategies that prudently seek to achieve higher returns on operating and reserve funds. California CLASS enables public agencies to take advantage of the full range of investments authorized in the Code of California with the guidance of a professional fund manager.

Please refer to the disclosure slide of this presentation for more information.



# California Local Government Investment Pool Options

	California <b>CLASS</b>		<b>LAIF</b>
<b>Portfolio Type</b>	Prime Style MMF	Enhanced Cash	Enhanced Cash*
<b>Purpose</b>	Short term liquidity	Core reserve strategy	Short term liquidity
<b>Investment Advisor</b>	PTA	PTA	CA State Treasurer
<b>Rating</b>	AAAm	AAAf SI	Not Rated
<b>Liquidity Offered</b>	Daily	Next Day	Daily
<b>Investment Authorization</b>	53601	53601	16430 and 16480.4
<b>Weighted Average Maturity</b>	60-day max	9mos – 1.25yr	Unlimited**
<b>Interest Paid</b>	Monthly	Monthly	Quarterly
<b>Rate</b>	Calculated Daily	Calculated Daily	Posted Weekly
<b>Governance</b>	Board of Trustees		Local Investment Advisory Board

**Alameda County Mosquito Abatement District  
Investment, Reserves, and Cash Balance Report  
January 31, 2023. (7 of 12 mth, 58%)**

Account #	Investment Accounts	Beginning Balance	Deposits	Withdrawls	Earnings <sup>1</sup>	Ending Balance	
1004	LAIF	\$ 585,385.10	\$ 3,062,000.00	\$ (129,000.00)	\$ 5,518.63	\$ 3,523,903.73	
1005	OPEB Fund	\$ 4,324,529.20	\$ -	\$ -	\$ 236,889.09	\$ 4,561,418.29	
1006	VCJPA Member Contingency <sup>2</sup>	\$ 341,986.00	\$ -	\$ -	\$ -	\$ 341,986.00	
1008	CAMP: Repair and Replace	\$ 2,667,094.10	\$ -	\$ -	\$ 10,259.25	\$ 2,677,353.35	
1010	CAMP: Operating Reserve	\$ 1,978,863.55	\$ -	\$ -	\$ 7,611.90	\$ 1,986,475.45	
1011	CAMP: Capital Reserve Fund	\$ 371,515.51	\$ -	\$ -	\$ 1,429.07	\$ 372,944.58	
1012	PARS: Pension Stabilization <sup>3</sup>	\$ 2,063,867.60	\$ -	\$ -	\$ (35,973.90)	\$ 2,027,893.70	
1013	California CLASS: Public Health Emergency Fund	\$ 534,913.63	\$ -	\$ -	\$ 2,051.14	\$ 536,964.77	
<b>Total</b>		<b>\$ 12,868,154.69</b>	<b>\$ 3,062,000.00</b>	<b>\$ (129,000.00)</b>	<b>\$ 227,785.18</b>	<b>\$ 16,028,939.87</b>	
		Beginning Balance			Withdrawls	Activity	Ending Balance
Cash Accounts							
1001	Bank of America (Payroll Account) *	\$ 158,686.67			-	-	\$ 73,394.10
1002	Bank of The West (Transfer Account) *	\$ 340,254.83			-	-	\$ 505,941.74
1003	County Account	\$ 3,387,330.68			\$ (3,237,330.68)	\$ 32,449.86	\$ 182,449.86
1013	Petty Cash	\$ 275.59			\$ -	\$ (1.99)	\$ 273.60
<b>Total</b>		<b>\$ 3,886,547.77</b>			<b>\$ (3,237,330.68)</b>	<b>\$ 32,447.87</b>	<b>\$ 762,059.30</b>

1 - Earnings are booked as unrealized gains/losses. These earnings would not be recognized as "realized" gains/losses until the accounts are liquidated.

2 - VCJPA Member Contingency balance is as of September 30, 2022.

3- PARS - Pension Stabilization balance is as of December 31, 2022.

## APPENDIX 200-1

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT PUBLIC HEALTH EMERGENCY FUND

#### **Purpose of Fund:**

The purpose of the Public Health Emergency Fund is to mitigate the financial impact of unusually high levels of vector-borne disease activity or prevent a future threat to public health from a newly detected invasive mosquito species.

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as the "Public Health Emergency Fund."
2. The Public Health Emergency Fund shall be designated as a Committed Fund.
3. These funds will be used to replenish operating cash flow in the General Fund should circumstances cause the District to incur greater than normal expenses to prevent or manage an imminent threat to public health from vectors and vector-borne disease.
4. Expenditure of Public Health Emergency Funds must be authorized by the Board of Trustees at a publicly noticed meeting.
5. Expenditures from this designated fund that are subsequently recovered, either partially or fully, from State sources, shall be utilized solely for the purpose of refunding the Public Health Emergency Fund.
6. Investment earnings from the Public Health Emergency Fund may be credited to the District's General Fund.
7. The Public Health Emergency Fund may be invested in financial institutions and instruments that maintain the highest level of liquidity, such as checking, savings, and interest earning savings accounts.
8. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements.
9. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

**Target Fund Level:**

The target balance of this fund is based on an estimate of likely operational needs should the most likely public health threat scenario become reality. This target balance will be reviewed annually and adjusted as needed to remain current. However, it is recognized that having a minimum fund balance of \$500,000 would be prudent.

## APPENDIX 200-2

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT REPAIR AND REPLACE FUND

#### **Purpose of Fund:**

The purpose of the Repair and Replace Fund is to set aside sufficient financial resources to ensure timely replacement and upgrade of the District's vehicles, mobile equipment, laboratory equipment, operational equipment, administrative equipment, and facilities.

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as the "Repair and Replace Fund."
2. The Repair and Replace Fund shall be designated as a Committed Fund.
3. These funds will be used to pay for capital assets according to the District budget and purchasing policies.
4. Each year, funds can be transferred from the Repair and Replace Fund to the General Fund to cover the cost of capital purchases designated and approved during the annual budgeting process.
5. Funds transferred from the Repair and Replace Fund shall be expended solely for the purpose of replacement, repair, and upgrade of existing District vehicles and equipment, or for renovations or replacement of District facilities.
6. The Repair and Replace Fund may be invested in financial institutions and instruments that maintain the highest level of liquidity, such as checking, savings, and reserve accounts.
7. Investment earnings from the Capital Improvement Fund may be credited to the District's General Fund.
8. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements.
9. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

#### **Target Fund Level:**

The target balance for this fund is determined by the District's capital asset replacement program and the total cumulative depreciation for the District's capital assets as stated in the District's Basic Financial Statements prepared by the auditor each year. This target

will be reviewed annually and adjusted as needed with the additions, deletions, or replacements of capital assets. A more thorough review shall be completed every 5 years to update the escalation rates, the discount rate, net present value, and overall cash flow required to extend the replacement plan another 5 years. This fund shall be funded in order of preference in 3 or 4-year installments, a lump sum payment, or pay as you go.

## APPENDIX 200-3

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT OPERATING RESERVE FUND

#### **Purpose of Fund:**

This fund would act as a rate stabilizer, covering unforeseen losses in revenue caused by drastic reductions in property taxes. This fund will preserve the District's credit worthiness, ensure adequate financial resources are available for timely payment of District obligations, and provide liquidity throughout the fiscal year.

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. The fund shall be known as the "Operating Reserve Fund."
2. The Operating Reserve shall be designated as a Committed reserve fund.
3. Each year, funds can be transferred from the General Fund to the Operating Reserve Fund to ensure the target fund balance is met.
4. Funds transferred from the Operating Reserve Fund shall be expended solely for the purpose covering unforeseen losses in revenue caused by drastic reductions in property taxes.
5. Investment earnings from the Operating Reserve Fund may be credited to the District's General Fund.
6. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements.
7. This policy shall be reviewed on an annual basis for long-term adequacy and use restrictions.

#### **Target Fund Level:**

The target fund level for the Operating Reserve Fund is to maintain a minimum equal to 60% of discretionary General Fund revenues, as of July 1st of each fiscal year. If underfunded, 25% of excess revenues will be deposited into the Operation Reserve Fund. This target fund level was established based upon the following general guidelines:

1. The District shall maintain a balance in the Operating Reserve Fund equal to approximately 60% of budgeted expenditures for the fiscal year.
2. For the purpose of this policy, budgeted expenditures shall include all expenditures associated with the following:

- (a) Salaries and Employee Benefits; and
- (b) Services and Supplies.



## **APPENDIX 200-4**

### **ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT CAPITAL RESERVE FUND**

#### **Purpose of Fund:**

The purpose of the Capital Reserve Fund is to set aside money for large projects rather than withdrawing those funds from the general fund account. Projects may include future capital assets that are ineligible for repair and replace funding such as flooring and painting, or adding new capital assets that are not listed in the capital asset replacement program.

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as the “Capital Reserve Fund.”
2. The Capital Reserve Fund shall be designated as a Committed Fund.
3. These funds will be used to finance large projects that may be identified in the strategic plan.
4. Each year, funds can be transferred from the General Fund to Capital Reserve Fund to ensure the target fund balance is met.
5. Funds transferred from the Operating Capital Reserve shall be expended solely on capital projects that have been identified in the strategic plan
6. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

#### **Target Fund Level:**

The target balance of this fund is based on large future capital project needs. This target balance will be reviewed annually and adjusted as needed to remain current. If under-funded, 25% of excess revenues will be deposited into the Capital Reserve Fund.

## APPENDIX 200-5

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT PENSION STABILIZATION FUND

#### **Purpose of Fund:**

The purpose of the Pension Stabilization Fund is to ensure that increasing pension costs are offset by investments in interest-earning accounts.

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as the "Pension Stabilization Fund."
2. The Pension Stabilization Fund shall be designated as a Restricted Fund.
3. These funds will be used to offset increases in pension costs from unfunded liabilities.
4. The Pension Stabilization Fund will be invested in financial institutions that restrict the funds for only pension-related expenses.
5. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

#### **Target Fund Level:**

The target balance of this fund is based on the annual CalPERS actuarial report of unfunded liability. This target balance will consider funds in CalPERS combined with the amount in PARS to not exceed 100% of liabilities. If under-funded, 25% of excess revenues will be deposited into the PARS 115 Trust.

#### **Withdrawal:**

Withdrawals may be considered in the event of:

- Pension costs affecting operational costs;
- If the growth of pension contribution rates (in dollars) is greater than the growth in property tax revenue;
- Paying off specific pension liabilities that will result in interest savings greater than interest earnings on the Trust Fund;
- Economic conditions or fiscal demands arise, e.g. non-discretionary expenditures exceeding revenues.

## APPENDIX 200-6

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT OTHER POST-EMPLOYEE BENEFITS (OPEB) FUND

#### **Purpose of Fund:**

The purpose of the Other Post-Employee Benefits (OPEB) Fund is to ensure that agreed-upon health, dental, and vision benefits to retired employees will be fulfilled.

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as the "Other Post-Employee Benefits (OPEB) Fund."
2. The Other Post-Employee Benefits (OPEB) Fund shall be designated as a Restricted Fund.
3. These funds will be used to annually replenish expenses occurred in the General Fund used to provide health, dental, and vision benefits to qualified retired employees along with fund management.
4. The Other Post-Employee Benefits (OPEB) Fund will be invested in financial institutions that restrict the funds for only OPEB-related expenses.
5. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

#### **Target Fund Level:**

It is the intent of the District to fully fund the OPEB. The funded status of the OPEB will be assessed based upon the most recent actuarial valuation. Should the plan drop below 90% funded, the District shall consider making an annual contribution equal to at least 50% of the annual determined contribution (ADC) as defined by the most recent actuarial valuation (or whatever percentage the District deems appropriate) from excess revenues. Additionally, the District will review this policy at a minimum biennially, coincident with preparation of the actuarial valuation, to determine if changes to this policy are necessary to ensure adequate resources are being accumulated to fund OPEB benefits.

#### **Withdrawal:**

Annual withdrawals are calculated after the close of the fiscal year by adding the prior year's retiree health care, dental, and vision costs along with retiree reimbursements and US Bank and PFM administrative fees.



# LAFCO

*Alameda* Local Agency Formation Commission

February 6, 2023

Board Presidents  
Independent Special District Selection Committee

**SUBJECT: Notice of Regular Special District Seat on Alameda LAFCO**

Dear Committee Members:

This letter serves as notice that the Special District Member Seat on the Alameda Local Agency Formation Commission (LAFCO) is vacant and will expire on May 8, 2023. Therefore, Alameda LAFCO, in conjunction with the Alameda County Chapter of the California Special Districts Association, is calling a meeting of the Alameda County Independent Special District Selection Committee (ISDSC) for **Wednesday, May 10, 2023 at 10:00 a.m.**, following the regular ACSDA meeting. Candidate nominations are due **Friday, May 5, 2023.**

Alameda LAFCO is a political subdivision of the State of California and currently operates under authority of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2001 (Government Code Section 56000). LAFCO is delegated regulatory and planning responsibilities to coordinate the efficient and responsive delivery of local governmental services and highlighted by overseeing the formation, expansion and related changes involving cities and special districts. There are presently 14 cities and 29 special districts subject to LAFCO’s jurisdiction in Alameda County.

Decision-making at Alameda LAFCO is directly vested with its 11-member Commission. The Commission is divided between seven regular voting members and four alternate voting members. Representation on the Commission is also divided between four distinct appointee categories: (a) three appointees from the County of Alameda, (b) three appointees from the cities/towns, (c) three appointees from the independent special districts, and (d) two appointees from the general public. State law specifies all Commission members shall exercise their independent judgment on behalf of the interests of the public as a whole and not on behalf of their appointing authorities.

The purpose of the ISDSC is to elect special district members to LAFCO. The ISDSC consists of the presiding officers of the legislative bodies of each independent special district in Alameda County. Pursuant to Government Code Section 56332 and the ISDSC rules, a special district’s board of directors may appoint one of its members to attend the meeting if the presiding officer is unable to attend. Please find the ISDSC’s rules and the Government Code Section 56332 enclosed (Attachment 1 and Attachment 2).

<b>Administrative Office</b> Rachel Jones, Executive Officer 224 West Winton Avenue, Suite 110 Hayward, California 94544 T: 510.670.6267 <a href="http://www.alamedalafco.org">www.alamedalafco.org</a>	<b>Nate Miley, Regular</b> County of Alameda  <b>David Haubert, Regular</b> County of Alameda  <b>Vacant, Alternate</b> County of Alameda	<b>Karla Brown, Regular</b> City of Pleasanton  <b>Melissa Hernandez, Reg</b> City of Dublin  <b>John Marchand, Alternate</b> City of Livermore	<b>Ralph Johnson, Regular</b> Castro Valley Sanitary District  <b>Vacant, Regular</b> Special District Member  <b>Georgean Vonheeder-Leopold, Alternate</b> Dublin San Ramon Services District	<b>Sblend Sblendorio, Chair</b> Public Member  <b>Vacant, Alternate</b> Public Member
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For this election each independent special district is entitled to nominate one board member for the LAFCO special district non-enterprise seat. The nominees must meet the eligibility requirements outlined in Section VI of the ISDC's rules (Attachment 1). A nomination and voting delegate form is enclosed (Attachment 3). Eligible nominees may circulate a statement of qualifications prior to or at the May 10<sup>th</sup> ISDSC meeting.

Any district nominating a candidate must ratify that nomination by board resolution. Furthermore, upon nomination, the nominating district must notify in writing all other districts of their candidate selection. No resolution is needed from a district that does not wish to nominate a candidate. Attached is a list of each district's contact information (Attachment 4).

Please note the following timeline:

**Friday, May 5, 2023**

Nominations due from each district. Please complete and return the attached form to Alameda LAFCO. Please note that pursuant to Government Code Section 56332, "if only one candidate is nominated for a vacant seat, that candidate shall be deemed selected, with no further proceedings."

**Friday, May 5, 2023**

Each district submits the name of the presiding officer or designee who will be voting at the May 10<sup>th</sup> meeting. Please complete and return the attached form to Alameda LAFCO.

**Before, Wednesday, May 10, 2023**

All nominating agencies must ratify their district's nominee via board resolution and send notice of the nomination to the presiding officers of all the other districts (see attached contact information). Please submit a copy of the resolution to Alameda LAFCO.

**Wednesday, May 10, 2023**

Independent Special District Selection Committee meeting at same location as the ACSDA meeting.

Should you have any questions, please contact me directly by telephone at 510.670.6267 or by e-mail at [rachel.jones@acgov.org](mailto:rachel.jones@acgov.org).

Sincerely,



Rachel Jones

Attachments:

1. ISDSC Rules
2. Government Code Section 56332
3. Nomination and Voting Delegate Form Special District Contact Information
4. Special District Contact List

Revised 1/14/04

RULES  
FOR THE LAFCO  
INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE

Adopted April 13, 1994

By: Alameda County Chapter, California Special Districts Association

SECTION I PURPOSE

The purpose of the Independent Special District Selection Committee (ISDSC) shall be to appoint the regular and alternate special district members to the Alameda County Local Agency Formation Commission (LAFCo) whenever a vacancy exists among members representing independent special districts (Government Code Section 56332).

SECTION II MEMBERSHIP

The ISDSC shall be composed of the presiding officer of the legislative body of each independent special district either located wholly within Alameda County or containing territory within Alameda County that represents 50% or more of the assessed value of taxable property of the district. The district may appoint one of its members as an alternate ISDSC member in the event the presiding officer is unavailable (Government Code Section 56332).

SECTION III MEETINGS

The LAFCo Executive Officer shall give written notice to the presiding officer of each eligible independent special district that a meeting of the ISDSC will be held on a specified date and at a specified time and place pursuant to:

- A. A vacancy existing among the members or alternate member representing independent special districts upon the Commission; or
- B. Receipt of a written request by one or more members of the ISDSC representing districts having 10% or more of the assessed value of taxable property within Alameda County (Government Code Section 56332).

All meetings of the ISDSC shall be open meetings and comply with all applicable provisions of the Ralph M. Brown Act.

SECTION IV QUORUM

Each presiding officer or alternate member attending the meeting shall be required to register their attendance. Members representing a majority of the eligible districts shall constitute a quorum for the conduct of the ISDSC business. No meeting shall be convened by the LAFCo Executive Office prior to establishing a quorum.

SECTION V VOTING

Each member of the ISDSC shall be entitled to one vote for each independent special district of which he or she is the presiding officer (Government Code Section 56332).

SECTION VI ELIGIBILITY

To be eligible for nomination and selection to the Alameda County Local Agency Formation Commission, an individual:

- A. Must be an elected or appointed independent special district officer within Alameda County (Government Code Section 563323);
- B. Must be a resident of Alameda County (Government Code Section 563323);
- C. Must not be a member of the legislative body of a city or county (Government Code Section 563323);
- D. Must act in such a manner so as to represent the diverse interests of all agencies, not his or her individual district; and
- E. Must be willing to make a time commitment to fulfilling his or her county-wide role representing all special districts.

An elected or appointed independent special district board member who is an employee of the State of California, a county, a city, or a special district is eligible for nomination and selection to the Commission as a special district representative (Government Code Section 563323).

SECTION VII SEATING DESIGNATION

The seating of special district representatives on the Alameda County Local Agency Formation Commission shall be in accordance with the following designations:

- 1. One regular seat shall be designated as an "Enterprise District" seat;
- 2. One regular seat shall be designated as a "Non-Enterprise District" seat; and

3. One alternate seat shall be designated from either and Enterprise or Non-Enterprise district.

An "Enterprise" district is defined as any jurisdiction that derives the majority of its total revenues from user fees and/or service charges.

A "Non-Enterprise" district is defined as any jurisdiction that derives the majority of its total revenues from property taxes.

## SECTION VIII NOMINATING PROCESS

Each independent special district shall be entitled to nominate a maximum of one board member from any district.

Each special district board shall determine its own internal process for selecting a name to be placed in nomination and for ensuring said nominee meets the eligibility criteria as set forth in Section VI.

- Districts are required to ratify said nominee by adoption of a board resolution.

Upon selection of a district nominee, the presiding officer of the district shall provide written notification of their nominee to the presiding officers of all other independent special districts.

An eligible district nominee may circulate a statement of his/her qualifications prior to the date of the ISDSC meeting.

## SECTION IX BALLOTING PROCESS

At the meeting of the ISDSC, the balloting shall be conducted in accordance with the following:

- A. If vacant, the first balloting shall be for selection of the "Enterprise District" representative. The candidate receiving a simple majority shall be declared the winner. In the event of a tie or no majority winner, a run-off ballot(s) shall be conducted.
- B. If vacant, the second balloting shall be for selection of the "Non-Enterprise District" representative. The candidate receiving a simple majority shall be declared the winner. In the event of a tie or no majority winner, a run-off ballot(s) shall be conducted.
- C. If vacant, the third balloting shall be for selection of the alternate representative. The candidate receiving a simple majority shall be declared the winner. In the event of a tie or no majority winner, a run-off ballot(s) shall be conducted.



When previous balloting has taken place for Enterprise and/or Non-Enterprise vacancies, the ballot for the alternate representative shall also include the names of all non-winning candidates from the other ballots, if the candidate so desires.

Upon completion of the balloting, the ISDSC shall provide written notification to the LAFCo Executive Officer of the name(s) of the Committee's appointment(s) to the Commission.

## SECTION X ALTERNATE NOMINATING AND BALLOTING PROCESS

In the event that the LAFCo Executive Officer determines that securing a quorum of ISDSC members for a meeting is not feasible, the LAFCo Executive Officer may conduct business of the ISDSC in writing (Government Code Section 56332).

## SECTION XI TERMS OF OFFICE

Regular representatives shall serve staggered four year terms. The alternate representative shall serve a four year term.

If a representative or alternate is unable to complete a full term, and more than one year is remaining in the uncompleted term, a nominating and balloting process shall be conducted in accordance with these bylaws.

The expiration date of the term of office of each member shall be the first Monday in May in the year in which the term of the member expires (Government Code Section 56334).

Any district member may be removed at any time and without cause by a majority vote of the ISDSC, as the appointing body (Government Code Section 56334). Failure to attend three regular Commission meetings in a calendar year may be grounds for possible removal by the ISDSC.

## SECTION XII MEMBER DISQUALIFICATION

At the time of appointment of a regular member or alternate, the ISDSC may, by majority vote, provide that the member or alternate is disqualified from voting as a member of the Commission on any proposal affecting the district of which the member is a representative (Government Code Section 56332).

**State of California****GOVERNMENT CODE****Section 56332**

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56332. (a) The independent special district selection committee shall consist of the presiding officer of the legislative body of each independent special district. However, if the presiding officer of an independent special district is unable to participate in a meeting or election of the independent special district selection committee, the legislative body of the district may appoint one of its members as an alternate to participate in the selection committee in the presiding officer's place. Those districts shall include districts located wholly within the county and those containing territory within the county representing 50 percent or more of the assessed value of taxable property of the district, as shown on the last equalized county assessment roll. Each member of the committee shall be entitled to one vote for each independent special district of which he or she is the presiding officer or his or her alternate as designated by the governing body. Members representing a majority of the eligible districts shall constitute a quorum.

(b) The executive officer shall call and give written notice of all meetings of the members of the selection committee. A meeting shall be called and held under one of the following circumstances:

(1) Whenever the executive officer anticipates that a vacancy will occur within the next 90 days among the members or alternate member representing independent special districts on the commission.

(2) Whenever a vacancy exists among the members or alternate member representing independent special districts upon the commission.

(3) Upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

(c) The selection committee shall appoint two regular members and one alternate member to the commission. The members so appointed shall be elected or appointed members of the legislative body of an independent special district residing within the county but shall not be members of the legislative body of a city or county. If one of the regular district members is absent from a commission meeting or disqualifies himself or herself from participating in a meeting, the alternate district member may serve and vote in place of the regular district member for that meeting. Service on the commission by a regular district member shall not disqualify, or be cause for disqualification of, the member from acting on proposals affecting the special district on whose legislative body the member serves. The special district selection committee may, at the time it appoints a member or alternate, provide that the member or alternate

is disqualified from voting on proposals affecting the district on whose legislative body the member serves.

(d) If the office of a regular district member becomes vacant, the alternate member may serve and vote in place of the former regular district member until the appointment and qualification of a regular district member to fill the vacancy.

(e) A majority of the independent special district selection committee may determine to conduct the committee's business by mail, including holding all elections by mailed ballot, pursuant to subdivision (f).

(f) If the independent special district selection committee has determined to conduct the committee's business by mail or if the executive officer determines that a meeting of the special district selection committee, for the purpose of appointing the special district members or filling vacancies, is not feasible, the executive officer shall conduct the business of the committee by mail. Elections by mail shall be conducted as provided in this subdivision.

(1) The executive officer shall prepare and deliver a call for nominations to each eligible district. The presiding officer, or his or her alternate as designated by the governing body, may respond in writing by the date specified in the call for nominations, which date shall be at least 30 days from the date on which the executive officer mailed the call for nominations to the eligible district.

(2) At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed appointed. If two or more candidates are nominated, the executive officer shall prepare and deliver one ballot and voting instructions to each eligible district. The ballot shall include the names of all nominees and the office for which each was nominated. Each presiding officer, or his or her alternate as designated by the governing body, shall return the ballot to the executive officer by the date specified in the voting instructions, which date shall be at least 30 days from the date on which the executive officer mailed the ballot to the eligible district.

(3) The call for nominations, ballot, and voting instructions shall be delivered by certified mail to each eligible district. As an alternative to the delivery by certified mail, the executive officer, with prior concurrence of the presiding officer or his or her alternate as designated by the governing body, may transmit materials by electronic mail.

(4) If the executive officer has transmitted the call for nominations or ballot by electronic mail, the presiding officer, or his or her alternate as designated by the governing body, may respond to the executive officer by electronic mail.

(5) Each returned nomination and ballot shall be signed by the presiding officer or his or her alternate as designated by the governing body of the eligible district.

(6) For an election to be valid, at least a quorum of the special districts must submit valid ballots. The candidate receiving the most votes shall be elected, unless another procedure has been adopted by the selection committee. Any nomination and ballot received by the executive officer after the date specified is invalid, provided, however, that if a quorum of ballots is not received by that date, the executive officer shall extend the date to submit ballots by 60 days and notify all districts of the extension.

The executive officer shall announce the results of the election within seven days of the date specified.

(7) All election materials shall be retained by the executive officer for a period of at least six months after the announcement of the election results.

(g) For purposes of this section, “executive officer” means the executive officer or designee as authorized by the commission.

(Amended by Stats. 2015, Ch. 114, Sec. 8. (AB 1532) Effective January 1, 2016.)

## **Alameda LAFCO Special District Non-Enterprise Seat Election 2023**

Please complete the following information and  
return by **Friday, May 5, 2023 to:**

Rachel Jones, Executive Officer  
Alameda LAFCO  
224 West Winton, Suite 110  
Hayward, CA 94544

Telephone: (510) 670-6267  
Email: rachel.jones@acgov.org

Name of presiding officer or designee who will attend and vote at the May 10, 2023 ISDSC election meeting at 10 am, following the Alameda County Special Districts Association meeting.

NAME: Victor Aguilar

DISTRICT: Alameda County Mosquito Abatement District

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### **NOMINATING DISTRICTS ONLY**

You may nominate a maximum of one Board member for the LAFCO special district non-enterprise seat and the nomination must be ratified by a Board resolution prior to May 10, 2023.\*

Candidate Name for Non-Enterprise Seat:

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***\* If your district is nominating a candidate, you must notify all 14 other independent district presiding officers by mail, fax or e-mail (see enclosed list of contact information).***



## Special District Contact Information\*

December 15, 2022

	<b>District</b>	<b>Address</b>	<b>Fax #</b>	<b>Contact/E-Mail</b>
1	<b>Alameda County Mosquito Abatement District</b>	23187 Connecticut St. Hayward, CA 94545	510-925-1756	Ryan Clausnitzer, General Manager <a href="mailto:ryan@mosquitoes.org">ryan@mosquitoes.org</a>
2	<b>Alameda County Resource Conservation District</b>	3585 Greenville Rd., Suite 2 Livermore, CA 94550	925-371-0154	Katherine Boxer, Executive Officer <a href="mailto:Katherine.boxer@acrcd.org">Katherine.boxer@acrcd.org</a>
3	<b>Alameda County Water District</b>	P.O. Box 5110 Fremont, CA 94537	510-668-4201	Ed Stevenson, General Manager <a href="mailto:ed.stevenson@acwd.com">ed.stevenson@acwd.com</a>
4	<b>Castro Valley Sanitary District</b>	21040 Marshall Street Castro Valley, CA 94546	510-537-0757	Roland Williams, General Manager <a href="mailto:Roland@cvsan.org">Roland@cvsan.org</a>
5	<b>City of Alameda Health Care District</b>	2070 Clinton Avenue Alameda, CA 94501	510-263-8223	Debi Stebbins, General Manager <a href="mailto:dstebbins125@gmail.com">dstebbins125@gmail.com</a>
6	<b>Dublin San Ramon Services District</b>	7051 Dublin Boulevard Dublin, CA 94568	925-875-2200	Daniel McIntyre, General Manager <a href="mailto:mcintyre@dsrsd.com">mcintyre@dsrsd.com</a>
7	<b>East Bay Municipal Utility District</b>	PO Box 24055, MS 804 Oakland, CA 94623	510-287-0101	Clifford Chan, General Manager <a href="mailto:clifford.chan@ebmud.com">clifford.chan@ebmud.com</a>
	<b>East Bay Regional Park District</b>	2950 Peralta Oaks Ct. Oakland, CA 94605	510-544-2001	Sabrina Landreth, General Manager <a href="mailto:slandreth@ebparks.org">slandreth@ebparks.org</a>
9	<b>Eden Township Healthcare District</b>	20400 Lake Chabot Rd, Suite 303 Castro Valley, CA 94546	510- 538-2031 x 203	Mark Friedman, CEO <a href="mailto:mark@ethd.org">mark@ethd.org</a>
10	<b>Fairview Fire Protection District</b>	777 B Street Hayward, CA 94541	510-386-2151	Michael Preston, General Manager <a href="mailto:mike.preston@fairviewfiredistrict.org">mike.preston@fairviewfiredistrict.org</a>
11	<b>Hayward Area Recreation &amp; Park District</b>	1099 E Street Hayward, CA 94541	510-881-6710	James Wheeler, General Manager <a href="mailto:whej@haywardrec.org">whej@haywardrec.org</a>
12	<b>Livermore Area Recreation &amp; Park District</b>	4444 East Avenue Livermore, CA 94550	925-373-5727 (w) 831-206-5724 (c)	Mathew Fuzie, General Manager <a href="mailto:mfuzie@larpd.org">mfuzie@larpd.org</a>
13	<b>Oro Loma Sanitary District</b>	2600 Grant Avenue San Lorenzo, CA 94580	510-755-7956	Jimmy Dang, General Manager <a href="mailto:jdang@oroloma.org">jdang@oroloma.org</a>
14	<b>Union Sanitary District</b>	5072 Benson Road Union City, CA 94587	510-477-7502	Paul Eldredge, General Manager <a href="mailto:paul_eldredge@unionsanitary.com">paul_eldredge@unionsanitary.com</a>
15	<b>Washington Hospital Health Care District</b>	2000 Mowry Avenue Fremont, CA 94538	510-818-4813	Kimberly Hartz, CEO <a href="mailto:kimberly_hartz@whhs.org">kimberly_hartz@whhs.org</a>

\*Districts not listed do not participate in the LAFCo election process.

## Independent Special Districts: Enterprise/Non-enterprise Status

	<b>District</b>	<b>Enterprise</b>	<b>Non-Enterprise</b>
1	Alameda County Mosquito Abatement District		X
2	Alameda County Resource Conservation District		X
3	Alameda County Water District	X	
4	Castro Valley Sanitary District	X	
5	City of Alameda Health Care District		X
6	Dublin San Ramon Services District	X	
7	East Bay Municipal Utility District	X	
8	East Bay Regional Park District		X
9	Eden Township Healthcare District		X
10	Fairview Fire Protection District		X
11	Hayward Area Recreation & Park District		X
12	Livermore Area Recreation & Park District		X
13	Oro Loma Sanitary District	X	
14	Union Sanitary District	X	
15	Washington Hospital Health Care District		X

From the State Controllers website

(<http://www.sco.ca.gov/ard/local/locrep/districts/forms/0708/distinstruct.pdf>)

The following types of district activities should be reported as non-enterprise activities.

- Air Pollution Control
- Ambulance Service
- Animal Control
- Cemetery
- Drainage and Drainage Maintenance
- Financing and Constructing Facilities
- Fire Protection
- Flood Control and Water Conservation
- Governmental Services
- Health
- Land Reclamation and Levee Maintenance
- Library Services
- Lighting and Lighting Maintenance
- Local and Regional Planning or Development
- Memorial
- Parking
- Pest Control

- Police Protection and Personal Safety
- Recreation and Park
- Resource Conservation
- Self Insurance
- Streets and Roads – Construction and Maintenance
- Television Translator Station Facility
- Underground Electric and Communication Facilities

Enterprise activities include:

- Airport
- Electric
- Harbor and Port
- Hospital
- Waste Disposal
- Water





## Return to In-Person Meetings on March 8<sup>th</sup>.

### Board of Trustees

#### **President**

Victor Aguilar

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Eric Hentschke

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Valerie Arkin

#### **Pleasanton**

Subru Bhat

#### **Union City**

#### **Ryan Clausnitzer**

General Manager

### **Background:**

Prior to the COVID-19 pandemic, except for a narrow exception for teleconference participation, California law required all meetings of a public governing body to be open to the public at a posted location and time in compliance of the legal requirements of the Ralph M. “Brown Act” (Government Code § 54950 et seq.) In March of 2020, these rules were suspended, and remote meetings were allowed by Governor Newsom’s executive orders (and later codified in AB 361) given the state of emergency which the President of the Board of Trustees also declared on March 30<sup>th</sup>, 2020. The district exclusively met remotely until conditions allowed otherwise, beginning in late 2021, reverting to remote meetings as recommended by the Alameda County Public Health Officer following the legal requirements allowed under AB 361.

Governor Newsom intends to end the emergency declaration allowing for remote meetings at the end of February 2023. This will require all governing bodies to revert back to the in-person meeting requirements found within the Brown Act, except as allowed under the teleconferencing rules or by the new exception added under AB 2449 (attached).

### **Summary:**

Trustees have the following options to attend district governing body meetings:

- 1) Attend in-person.
- 2) Attend remotely under the following requirements:
  - a. Teleconferencing (page 9 in attached Brown Act Guide for Special Districts):
    - i. A week prior, tell the General Manager the teleconference location as it will be listed in the agenda.
    - ii. At least a quorum of Trustees (8) must participate from within Alameda County.
    - iii. Post the agenda outside teleconference location and allow public participation.
  - b. AB 2449 Remote Participation (CA Government Code referenced and attached):
    - i. At least a quorum of Trustees (8) **must** attend in-person in the boardroom and certain audio/visual standards must be met to allow remote public participation.
    - ii. Those requesting AB 2449 exceptions must have a “just cause” or “emergency circumstance.”
    - iii. “Just cause” can only be used two times a year per Trustee using only a limited number of causes (§54953(j)(2)).
    - iv. “Emergency circumstances” must be approved by the Board prior to or at the meeting being requested under certain conditions (§54953 (e)(2)(A)(ii)) and capped at 3 months or 3 meetings.


**Communication is key to all scenarios to ensure the district can perform its duties; please respond to the General Manager regarding meeting attendance.**



**California Special  
Districts Association**  
*Districts Stronger Together*

# **Brown Act Compliance Manual**

*for Special Districts*



**The Ralph M. Brown Act (“Brown Act”) was enacted in 1953 in response to series of articles in the San Francisco Chronicle detailing the way local agencies at the time conducted secret meetings or caucuses even though state law had long required that local agencies conduct business publically.** The purpose behind the Brown Act, as originally adopted and as it remains today, is to ensure that actions of local public agencies – including their deliberations - are taken in open and public meetings, with posted agendas, and where all persons are permitted to attend and participate.

This manual provides special districts with guidelines and tips for complying with the various meeting agenda, notice, public participation, and public reporting requirements of the Brown Act. Districts are permitted to and should consider adopting local policies that exceed the minimum requirements of the Brown Act in terms of providing greater public access and openness to district business.

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions betaken openly and that their deliberations be conducted openly.”<sup>3</sup>

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 *Printed on recycled paper.*





# Overview of the Brown Act

The Ralph M. Brown Act (“Brown Act”)<sup>1</sup> was enacted in 1953 in response to series of articles in the *San Francisco Chronicle* detailing the way local agencies at the time conducted secret meetings or caucuses even though state law had long required that local agencies conduct business publically. The purpose behind the Brown Act, as originally adopted and as it remains today, is to ensure that actions of local public agencies – including their deliberations - are taken in open and public meetings, with posted agendas, and where all persons are permitted to attend and participate. Courts construe the Brown Act liberally, in favor of openness and narrowly construe its limited exemptions.

The Brown Act and provisions of the Americans with Disabilities Act not only guarantee the public’s right to attend and participate in open and public meetings, but ensure that the meetings will actually be accessible to all members of the public. Violations of the Brown Act can result in the action taken being invalidated and the award of attorney’s fees and costs if there is a successful legal action against a public agency. Certain intentional violations can result in criminal prosecution. And regardless of the nature of the violation, the mere fact that the public perceives that an agency is improperly conducting business behind closed doors can indelibly damage the public’s trust in local government.

This manual provides special districts<sup>2</sup> with guidelines and tips for complying with the various meeting agenda, notice, public participation, and public reporting requirements of the Brown Act. Districts are permitted to and should consider adopting local policies that exceed the minimum requirements of the Brown Act in terms of providing greater public access and openness to district business.

This manual is not intended, however, to provide legal advice on any specific issue. Also, because the statutory and case law summarized in this manual is subject to change, district staff and officials should always seek the advice of agency legal counsel as to the application of the Brown Act in a particular situation and to ascertain whether there have been recent changes to the Brown Act or its interpretation by the courts.

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## PURPOSE AND BASIC RULE

### ***The purpose of the Brown Act is elegantly stated in the opening declaration:***

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. ***It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.***<sup>3</sup>

Similarly, the Brown Act’s basic and unchanged rule provides:

*“All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body.”<sup>4</sup>*

As summarized by one court: “It is clearly the policy of this state that the proceedings of public agencies, and the conduct of the people’s business, [must] take place at open meetings, and that the deliberative process by which decisions related to the public’s business are made [must] be conducted in full view of the public.”<sup>5</sup> Thus, except for certain closed session items, all aspects of the decision-making process by legislative bodies—including the acquisition of information, discussion and debate—must be conducted in public.





## District Bodies and Groups Covered and Not Covered by the Brown Act

The Brown Act only applies to a district “legislative body” as defined in Section 54952. Therefore, understanding the scope of that term is the critical first step in determining whether the Brown Act applies to a particular district body or group.

### ***What bodies are considered a “legislative body” subject to the Brown Act?***


1. **The Governing body** of a district (i.e., the board of directors) is considered a “legislative body” subject to the Brown Act.<sup>6</sup>

*Note:* The Brown Act also applies to persons elected to serve on a legislative body covered by the Brown Act but who have not yet assumed the duties of office.<sup>7</sup>

2. **Standing committees** of a legislative body, regardless of their composition (i.e., including less than a quorum of the legislative body), that have either (a) continuing subject matter jurisdiction or (b) a meeting schedule fixed by formal action of a legislative body are subject to the Brown Act.<sup>8</sup>

3. **Appointed bodies**, whether permanent or temporary, decision-making or advisory, created by a formal act of the governing body are subject to the Brown Act.<sup>9</sup> The “formal act” required to create a Brown Act legislative body includes any official action and is not necessarily limited to formation by a formal vote or adoption of a resolution.<sup>10</sup>

4. **Joint Powers Authority** legislative bodies of a legally separate entity established by districts under the Joint Exercise of Powers Act must comply with the Brown Act.<sup>11</sup>



5. **Private organizations.** The board or other governing body of a private organization, such as a nonprofit corporation, is subject to the Brown Act, if: (a) a district legislative body created or was involved in bringing the organization into existence to exercise lawfully delegated authority, or (b) if both of the following requirements are met: (i) the organization receives funds from the district and (ii) a member has been appointed as a full voting member of such board by the district’s legislative body.<sup>12, 13</sup>

***What district bodies or groups are not considered a “legislative body” subject to the Brown Act?***

1. **A temporary advisory committee** (often referred to as an **ad hoc committee**) composed solely of less than a quorum of the legislative body that is created for a single or limited purpose (e.g., a recruitment committee for a vacant position or a committee to investigate a particular incident or issue) that will dissolve once its task is completed is not subject to the Brown Act.

2. **Groups advisory to a single member of a legislative body** created by the informal action of the particular member to advise the member are not covered by the Brown Act.<sup>14</sup>

3. **A group appointed by district staff** (e.g., a committee to assist with a district social or community event) is not subject to the Brown Act.



**Compliance Tip**

Forming a true ad hoc advisory committee that is composed solely of less than a quorum of the legislative body and that is not subject to the Brown Act requires careful consideration of these restrictions.





The Brown Act only applies to “meetings” of district legislative bodies.

## Meetings Covered and Exempted

The Brown Act only applies to “meetings” of district legislative bodies. Thus, it is critical to understand what meetings are covered and what gatherings are not considered a meeting.

### **Definition of meeting.**

The Brown Act defines a “meeting” as any congregation of a majority of the members of a legislative body at the same time and location, including a teleconference location, to hear, discuss, deliberate, or take action on any item that is within the legislative body’s subject matter jurisdiction.<sup>15</sup> As defined, the term “meeting” is not limited to gatherings at which action is taken but applies equally to situations where a quorum of the legislative body merely hears, discusses, or deliberates on district business. These terms have their ordinary meaning, but there is a specific definition for “action taken,” which includes: (1) a collective decision by a majority of the members of a legislative body; (2) a collective commitment, or promise by a majority of the members to make a positive or negative decision; or (3) an actual vote by a majority of the members of the legislative body sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.<sup>16</sup>

### **Prohibition against serial meetings.**

Outside of a properly noticed and conducted Brown Act meeting, a majority of the members of a legislative body may not use a series of communication of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the body’s subject matter jurisdiction.<sup>17</sup>

This type of prohibited “serial meeting” can occur in two ways:

- (1) **Chain:** If member A contacts member B, and B contacts member C, and C contacts member D, and so on, until a quorum of the legislative body has been involved.
- (2) **Hub-and-spoke:** An intermediary, such as the general manager, contacts at least a quorum of the members of the legislative body to develop a collective concurrence (or communicate each member’s respective positions) on an action to be taken by the legislative body.



### **Compliance Tip**

The use of e-mail can easily result in a serial meeting along with a paper trail establishing a potential violation of the Brown Act.<sup>18</sup> District legislative body members must be extremely careful with the use of e-mail, except to pass along general information. For example, members should refrain in e-mails from stating or taking a position on matters that may come before the district. Members should also refrain from giving instructions or directions to staff members unless they have clear authority to do so. One never knows where or in how many “in” boxes an e-mail may end up. This tip is equally applicable to members posting comments on social media and other technological platforms.

## Meetings Covered and Exempted (continued)

### **Technological Conferencing.**

Meetings may be conducted by teleconferencing (i.e., any electronic audio or video connection) under the following conditions:<sup>19</sup>

- (1) the agenda specifies all teleconference locations and is posted at each teleconference location;
- (2) public access is provided at each teleconference location;
- (3) public opportunity to speak is provided at each teleconference location; and
- (4) all votes are taken by roll call.

At least a quorum of the members of the legislative body must participate in the teleconference within the boundaries of the district.

**Note:** The use of teleconferencing is a meeting option available to the legislative body and the statute appears to require a concurrence of the majority of the body for its use [“If the legislative body elects to use teleconferencing...”].<sup>20</sup> The Brown Act does not create a right for the public to participate in meetings via teleconferencing unless members of the legislative body are present at such location, though the legislative body may in its discretion provide the public with additional locations.<sup>21</sup>



### **Compliance Tip**

Districts should consider adopting a policy on the use of teleconferencing that addresses the circumstances under which it may be appropriate to use this technology, how much advance notice must be given, and the permissible additional costs, if any, that may be incurred.

### **What is not a meeting?**

The Brown Act lists seven circumstances that are not considered a regulated “meeting.” The first, individual contacts, is rather obvious, while the others are express exceptions to the general quorum meeting rule.

1. **Individual Contacts.** Individual district legislative body members may engage in separate conversations or communications with staff, the public, and even another member of a legislative body, provided that the official or the person they contact “*does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.*”<sup>22</sup> In other words, the Brown Act does not restrain a member of a legislative body’s individual actions, but such contacts cannot lead to the type of prohibited serial meeting described above.

### **Quorum Exceptions.**

Attendance by a quorum of members of a legislative body is permitted in the following circumstances, provided that a majority of the members do not discuss district business amongst themselves (other than as part of the scheduled meeting, occasion or program):<sup>23</sup>

2. **Standing Committee Meetings.** Members may attend an open and noticed meeting of a standing committee of the legislative body (provided that the members of the body who are not members of the committee attend only as observers).
3. **Meetings of another district legislative body** that are open and publicized.
4. **Meetings of a legislative body of another local agency** that are open and publicized (e.g., county board of supervisors, city council, or the board of directors of another district).
5. **Community meetings** organized to address topics of local community concern by a person or organization other than the district, provide the meeting is open and publicized.

*Note:* The Brown Act does not define what “publicized” means for the purposes of the community meeting exemption, but notice in a newspaper, a mass mailing, physical posting in multiple locations around a community, or posting on Internet Web sites should be sufficient to satisfy the Brown Act’s openness requirements.

6. **Conferences or similar gatherings** that are open to the public and are for purposes of discussing issues of general interest to the public or to public agencies such as the district.
7. **Social or ceremonial events** such as parties, weddings, funerals, retirement celebrations or charitable fundraisers.



### **Practice Tip**

Public officials do not have to stop engaging with the public because of the Brown Act. But they should take some simple precautions to avoid unintentional violations of the law. This includes warning members of the public that you cannot discuss the views of other officials and stopping any such discussion by a member of the public as soon as possible.

## Categories of Meetings, and Applicable Notice, Location, Agenda and Procedural Requirements

### *Categories of meetings subject to the Brown Act.*

1. **Regular meetings** are meetings held at the dates, times and location set by ordinance, resolution, bylaws or other formal action of a legislative body.<sup>24</sup>
2. **Special meetings** are meetings called by the presiding officer or a majority of the legislative body and may be held at any time subject to a 24-hour notice requirement. Such written notice must be delivered to each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation, and to each radio and television station that has requested such notice in writing. Only the business set forth in the notice may be considered at the meeting.<sup>25</sup>
3. **Adjourned meetings** are regular or special meetings that have been adjourned to a time and place specified in the order of adjournment.<sup>26</sup>
4. **Emergency meetings** are meetings that may occur where the legislative body determines there is an emergency situation that severely impairs public health or safety or there is an existing or threatened situation that poses immediate and significant peril. The special meeting provisions apply to emergency meetings, except the 24-hour notice is not required. News media must be notified by telephone at least one hour in advance of an emergency meeting (except for “dire” emergencies), and all telephone numbers provided must be tried. If telephones are not working, the notice requirements are deemed waived, but the news media must be notified as soon as possible of the meeting and any action taken. Closed sessions are permitted during an emergency meeting under Section 54957 if agreed to by 2/3 vote of the members present (or all of the members if less than 2/3 present). The minutes of the meeting, a list of the persons notified or attempted to be notified, a copy of any roll call vote, and any action taken at the meeting must be posted in a public place for a minimum of ten days as soon after the emergency meeting as possible.<sup>27</sup>

## Categories of Meetings (continued)

### **Permitted locations for meetings.**

1. **Regular and special meetings** must be held *within the boundaries* of the agency's jurisdiction except when:
  - complying with federal or state law or court order;
  - inspecting real property or personal property that cannot be conveniently brought to the agency;
  - participating in multi-agency meetings (provided the meeting takes place in a member agency's jurisdiction and is properly noticed);
  - meeting in the closest meeting facility if the district has no meeting facility within its boundaries;
  - meeting with elected or appointed federal or state officials when a local meeting would be impractical (solely to discuss local issues over which such officials have jurisdiction);
  - meeting in or nearby a facility owned by the agency (provided the meeting is limited to items directly related to the facility); and
  - visiting the office of its legal counsel for a closed session on pending litigation when to do so would reduce legal costs.<sup>28</sup>

**Note:** Retreats and workshops for agencies other than statewide JPAs must be held within the territory of the agency.

2. **Joint powers agencies** may meet within the territory of any member, or if members are located throughout the state, then they can meet anywhere in the state, provided such facility is open to all members of the public.<sup>29</sup>

3. **Emergency meetings** are subject to the same locational rules as regular and special meetings except that the presiding officer may move them to another location if it is unsafe to meet in the regular designated meeting location.<sup>30</sup>

Closed sessions are permitted during an emergency meeting under Section 54957 if agreed to by 2/3 vote of the members present (or all of the members if less than 2/3 present). The minutes of the meeting, a list of the persons notified or attempted to be notified, a copy of any roll call vote, and any action taken at the meeting must be posted in a public place for a minimum of ten days as soon after the emergency meeting as possible.

## Categories of Meetings (continued)

### **Agenda requirements.**

#### **General Rules:**

- A written agenda must be prepared for each regular or adjourned regular meeting of the legislative body.
- The agenda must be posted at least 72 hours in advance of the regular meeting to which it relates.
- Each item of business to be transacted or discussed, including items to be discussed in closed session, must be the subject of a brief general description, which generally need not exceed 20 words.<sup>31</sup>
- If the agency has an Internet Web site, agendas must be posted at least 72 hours before a regular meeting and at least 24 hours before a special meeting on the agency's Web site. The special meeting Internet posting requirement only applies to an agenda of either (a) the governing body, or (b) the participating members are compensated, and one or more members attending are also members of the governing body.<sup>32</sup>



#### **Compliance Tip**

Drafting an agenda description that is brief but discloses enough information for the public to understand a proposed action is not as easy task. Including information such as the location of a project, the purpose of a project (as opposed to just an agency or applicant given name), the parties involved, and the costs associated with the action will help deflect claims of lack of proper notice.

**Notes:** Agendas at physical locations must be posted in areas that are freely accessible to the public at all times. Posting on a bulletin board inside the district's office that is locked after business hours is not in compliance. The Internet Web site posting requirement may be excused if there are technical difficulties, provided that the district continues to comply with all other notice requirements.<sup>33</sup> The Internet Web site posting requirement has also been amended so that effective January 1, 2019, the agenda must be posted as a direct link on the homepage of the agency's Web site and in an open format that permits the public to retrieve, download, index, and search for the agenda through the Internet, in a manner that is "platform independent and machine readable."<sup>34</sup>

#### **Non-Agenda Items.**

Action or discussion on any item not appearing on the posted agenda is generally prohibited except that members of the legislative body may:<sup>35</sup>

- briefly respond to statements made or questions posed by the public;
- ask a question for clarification;
- make a brief announcement;
- make a brief report on activities;



- provide a reference to staff or other sources for factual information;
- request staff to report back to the legislative body at a subsequent meeting; or
- direct staff to place a matter of business on a future agenda.<sup>36</sup>

#### **Statutory exceptions to action on non-agenda items.**

A legislative body may take action on items of business not appearing on the agenda under the following conditions:

- **Emergency:** When a majority decides that an *emergency situation* exists (i.e., work stoppage, crippling disaster, etc.).
- **Subsequent need urgency item:** When 2/3 present (or all members if less than 2/3 are present) determine there is a need to take immediate action and that *the need for action came to the attention of the district subsequent to the agenda being posted.*
- **Hold over item:** When the item appeared on the agenda of, and was continued from, a regular meeting held not more than five days earlier.<sup>37</sup>

#### **Special agenda disclosure for concurrent meetings.**

A legislative body that convenes a meeting and whose membership constitutes a quorum of another legislative body may convene a meeting of the other legislative body, either simultaneously or in serial order, only if a clerk or member of the body verbally announces, prior to convening any simultaneous or serial meeting, the amount of “compensation” or “stipend” that each member will receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body. No agenda announcement is required if:

- (1) The amount of compensation is prescribed by statute; and
- (2) No additional compensation for the simultaneous or subsequent meeting has been authorized by the district.

The terms “compensation” and “stipend” do not include reimbursement for actual and necessary expenses incurred by a member in the performance of official duties, including travel, meals, and lodging.<sup>38</sup>



## Rights of the Public at Meetings

### **Public attendance.**

The Brown Act's mandate that all persons must be "permitted to attend any meeting of a legislative body"<sup>39</sup> is implemented in a variety of ways:

- Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise fulfill any condition precedent to attending. If an attendance list, register, questionnaire or similar document is circulated to persons present during the meeting, it must state that the signing, registering or completion of the document is voluntary.<sup>40</sup>
- No meeting or any other function can be held in a facility that prohibits attendance based on race, religious creed, color, national origin, ancestry, or sex, or which is inaccessible to the disabled.<sup>41</sup>
- No meeting may be held where the public must pay or make a purchase to attend (this includes remote locations where teleconferencing is used).<sup>42</sup>
- And if teleconferencing is used, members of the public must be given notice of the teleconference location and be able to address the legislative body from such location.<sup>43</sup>

### **Public accommodation (Americans With Disabilities Act).**

All open meetings under the Brown Act must also comply with Section 202 of the Americans with Disabilities Act ("ADA") and its implementing rules and regulations.<sup>44</sup> The ADA prohibits a governmental entity from discriminating against individuals with disabilities in the programs, services, and activities it offers.<sup>45</sup> Programs and activities are required to be readily accessible to and usable by disabled individuals.<sup>46</sup> Therefore, public entities must make accommodations for disabled individuals to participate in the meetings unless doing so would be an undue burden or cause a fundamental alteration in the program or activity.<sup>47</sup> This is accomplished in the following two ways.

1. **Physical facilities:** In addition to the meeting room being accessible, the telephones and bathrooms must also be made accessible if phones and bathrooms are provided for non-disabled individuals.<sup>48</sup> Meeting rooms must also have wheelchair seating and assistive listening systems.<sup>49</sup>





2. **Agenda and written materials:** Agendas must include information regarding how, to whom and when a request for disability-related modification or accommodation may be made in order for a person with a disability to participate in the meeting. When requested by a person with a disability, the agenda and documents in the agenda packet must be made available in “appropriate alternative formats,” and writings distributed at a public meeting must also be made available in “appropriate alternative formats,” even when the materials are handed out by members of the public.<sup>50</sup>

***Public access to meeting records.***

The public has the right to review agendas and documents and other writings distributed to a majority of the legislative body (except for privileged documents). A fee or deposit may be charged for a copy of these public records.<sup>51</sup>



**Compliance Tip**

The agenda must designate the address where such documents may be inspected by the public.<sup>52</sup>

Documents and other writings related to a meeting must be made available to the public at the time of distribution to a majority of the legislative body meeting if prepared by the district or a member of a legislative body, or after the meeting if prepared by some other person.<sup>53</sup>

If requested in writing in advance, a member of the public may be mailed copies of the agenda or agenda packet at the time it is distributed to a majority of the legislative body. Such a request is valid for the calendar year filed. A public agency may establish a mailing fee not to exceed the cost of providing this service.<sup>54,55</sup>

Any audio or video tape record of a public meeting made by or at the direction of the district is subject to inspection under the Public Records Act and such inspection must be provided without charge on equipment made available by the district. If copies of the audio or video tape are desired, the agency may impose its ordinary charge for copies. Audio and video tapes may, however, be erased or destroyed 30 days after the taping or recording.<sup>56</sup>



**Compliance Tip**

With the advent of digital files, most agencies maintain copies of meeting recordings on their Web site, either permanently or for an extended period of time, to ensure continued public access and as an aid for reminding officials and staff precisely what transpired in such meetings.

The legislative body may remove any person from a meeting who willfully interrupts the proceedings.

## Rights of the Public at Meetings (continued)

### **Public participation.**

A regular meeting agenda must allow an opportunity for members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the legislative body.<sup>57</sup>

The public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.<sup>58</sup>



### **Compliance Tip**

If a closed session is held before the start of the regular open session agenda, the public must be provided an opportunity to address the legislative body on any closed session item before the legislative body adjourns to closed session.

The legislative body may adopt reasonable regulations, including time limits, on public comments (e.g., 3-5 minutes/speaker).<sup>59</sup> The public is allowed to use audio or video tape recorders or still or motion picture cameras at an open meeting, absent a reasonable finding by the legislative body that such recording, if continued, would persistently disrupt the proceedings due to noise, illumination, or obstruction of view.<sup>60</sup>

### **Public conduct.**

**Disturbances.** The legislative body may remove any person from a meeting who willfully interrupts the proceedings. Removal is only justified, however, when an audience member actually disrupts the meeting.<sup>61</sup> If order still cannot be restored, the meeting room may be cleared.<sup>62</sup> Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The legislative body may also re-admit individuals not responsible for the disturbance.<sup>63</sup>

**Non-disruptive criticism.** The legislative body cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body itself.<sup>64</sup> Expressions of opposition to actions of the district (provided they are not overly disruptive) constitute protected speech.<sup>65</sup>

## Closed Sessions

The Brown Act recognizes that not all local agency business should be conducted in the open and provides limited exceptions termed “closed sessions” for sensitive matters such as litigation, security threats and certain personnel matters. If a matter is not listed in the Brown Act as an appropriate subject for a closed session, the matter must be discussed in public even if the subject is sensitive, embarrassing or controversial. In addition to the listing the permissible subjects for closed sessions, the Brown Act outlines how such matters should be agendized, and when and how the matters must be disclosed in an open meeting or otherwise made public.

### ***Matters appropriate for closed session and applicable agenda description.<sup>67</sup>***

**1. Public employment.** A closed session may be held to appoint, employ, evaluate the performance of, discipline, or dismiss a public employee.<sup>68</sup> A closed session may also be used to hear specific complaints or charges brought against a public employee unless the employee requests a public session upon 24 hours’ advance written notice.<sup>69</sup> The applicable safe harbor agenda descriptions for these matters are:

#### PUBLIC EMPLOYMENT

Government Code section 54957

Title: (Specify description of position to be filled)

#### PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code section 54957

Title: (Specify position title of employee being reviewed)

#### PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code section 54957

(No description is required.)

**Note:** The public employment exception only applies to “public employees.” This includes independent contractors that function as an officer or employee such as a contract general counsel or human resources officer. Discussions or action taken on persons other than employees (e.g., elected officials, appointed members of a committee, and independent contractors that do not function as an officer or employee) must be taken in open session unless there is another applicable exception such as potential litigation.<sup>70</sup>



### **Compliance Tip**

Interviews for appointments to district legislative or advisory bodies must be conducted in open session. While candidates for such positions cannot be compelled to stay outside the room where the interview is held while other candidates are being interviewed, most will comply with a request to do so.



As noted below, a legislative body may address compensation of an unrepresented employee, such as a general manager, under the labor negotiation exception.

## Closed Sessions (continued)

**Note:** The personnel exception does not authorize action on proposed compensation in closed session, except for a reduction in pay as a result of proposed disciplinary action. Reviewing an employee’s job performance and making threshold decisions about whether any salary increase should be granted is permissible for closed session, but any action concerning the amount of any salary increase must be held in an open session.<sup>71</sup> As noted below, a legislative body may address compensation of an unrepresented employee, such as a general manager, under the labor negotiation exception.

2. **Labor negotiations.** A closed session is appropriate to discuss, with the agency’s bargaining representative, salaries, salary schedules, fringe benefits, funding priorities and other matters within the statutory scope of employee representation for both represented (e.g., union or other recognized employee organization) and unrepresented employees (e.g., management). Final action must be taken in open session.<sup>72</sup> The applicable safe harbor agenda description is:

### CONFERENCE WITH LABOR NEGOTIATORS

Government Code section 54957.6

Agency designated representatives: (Specify names of designated representatives attending the closed session)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

**Note:** The Brown Act was recently amended to require an oral report in open session at the meeting where final action is to be taken that summarizes the recommendation for final action on the salary, salary schedule, or compensation paid in the form of fringe benefits of a “local agency executive” as that term is defined in Government Code section 3511.1 (e.g., management and department heads, including persons serving under an employment contract).<sup>73</sup> The intent appears to be to preclude placing such items on a consent calendar or similar action item that may involve no discussion of the matter.



3. **Litigation.** A closed session is appropriate to discuss (1) threatened litigation against the district; (2) potential exposure to litigation; (3) potential initiation of litigation; and (4) existing litigation.

*Potential litigation against or to be initiated by the district.* A closed session may be held in situations where there is anticipated litigation against the district or when the district is contemplating bringing a legal action. Where the agency seeks to discuss with its legal counsel threatened or anticipated litigation, there must be “existing facts and circumstances” to support the closed session. Existing facts and circumstances include:

- facts and circumstances that the agency believes are not known to a potential plaintiff;
- the receipt by the agency of a claim pursuant to the Government Claims Act or some other written communication threatening litigation;
- a statement made by a person in a public meeting threatening litigation on a specific matter within the responsibility of the legislative body; or
- a statement made outside a public meeting so long as the official or employee of the agency receiving knowledge of the threat makes a record of the statement prior to the meeting, and the statement is available for public inspection.



## Closed Sessions (continued)

A legislative body may also meet in closed session to decide if the above facts and circumstances are present and thus whether the closed session is authorized.<sup>74</sup> The applicable safe harbor agenda descriptions are:

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) or (3) [as applicable]: (Specify number of potential cases)<sup>75</sup>  
or  
Initiation of litigation pursuant to Government Code section 54956.9(d)(4): (Specify number of potential cases)

*Existing litigation.* Where a legal action has already been initiated by or against the district, a closed session may be held to provide updates to the board and discuss strategy. The applicable safe harbor agenda description is:

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION  
Government Code section 54956.9(d)(1)  
Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)  
or  
Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

**Notes:** The ability to meet in closed session for existing litigation only applies to litigation to which the district is a party. It is general understood, consistent with the safe harbor description, that the agency's attorney must be a participant in all litigation-related closed sessions.<sup>76</sup>



“ The real estate exemption is very limited.

4. **Real estate negotiations.** A closed session is permitted for the legislative body to discuss with its real property negotiator the purchase, sale, exchange or lease of real property by or for the district. As part of the discussion, the legislative body may discuss the price and terms of the transaction. According to the Attorney General, this includes only the following:

- The amount of consideration that the district is willing to pay or accept in exchange for the real property rights to be acquired or transferred in the particular transaction;
- The form, manner, and timing of how that consideration will be paid; and
- Items that are essential to arriving at the authorized price and payment terms, such that their public disclosure would be tantamount to revealing the information that the exception permits to be kept confidential.<sup>77</sup>

The real estate exemption is very limited. Discussions regarding related policy matters such as design work for the project, traffic, and EIR considerations, etc., are beyond the scope of the exemption.<sup>78</sup> The applicable safe harbor agenda description is:

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Government Code section 54956.8

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)



## Closed Sessions (continued)

5. **License applications.** A closed session is appropriate if the legislative body finds it necessary to discuss the license application of an applicant with a criminal record, and whether that applicant is sufficiently rehabilitated to obtain the license.<sup>79</sup> The applicable safe harbor description is:

LICENSE/PERMIT DETERMINATION  
Government Code section 54956.7  
Applicant(s): (Specify number of applicants)

6. **Security of public facilities and services.** A closed session is appropriate for the legislative body to discuss matters posing a threat to the security of public buildings and facilities as well as essential public services, and threats to the public's right of access to public services or facilities.<sup>80</sup> The applicable safe harbor description is:

THREAT TO PUBLIC SERVICES OR FACILITIES  
Government Code section 54957  
Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)



### Compliance Tip

For convenience, many districts schedule closed sessions prior to commencement of the regular agenda and often hold such closed sessions in separate locations. Under § 54957, the public has the right to be present at such location and also has the right to address the legislative body regarding any agenda item under § 54954.3 prior to the legislative body adjourning into closed session.

### ***Procedure for adjourning to closed session.***

Prior to holding any closed session, the legislative body must disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may simply refer to the items as they are listed on the closed session agenda. This announcement may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcement.<sup>81</sup>

### ***Who may be present in closed session?***

Closed sessions should only include those members of the legislative body and support staff necessary to conduct business regarding the specific item (e.g., legal counsel, consultants, real estate or labor negotiators, etc.).<sup>82</sup>





The Brown Act only applies to “meetings” of district legislative bodies.

### ***Reporting after closed sessions.***

The legislative body must reconvene in open session to report any “action taken” in closed session. In general, only final action on a matter need be reported (e.g., an agreement to buy property, settlement of a lawsuit where the other party has signed the agreement, acceptance of a resignation, etc.). Thus, for example, the dismissal or nonrenewal of an employment contract is not reported until the first public meeting following exhaustion of administrative remedies, if any. Once final approval occurs, the agency must disclose the action taken “upon inquiry by any person.”<sup>83</sup> Copies of contracts, settlement agreements, or other documents finalized in closed session must be made available within 24 hours of the action, or, in the case of substantial amendments or retyping, when complete.<sup>84,85</sup>

### ***Improper disclosure of closed session information.***

The disclosure of confidential information acquired in a closed session 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. Violations of this disclosure prohibition may be addressed by any legal remedy, including: injunctive relief to prevent future disclosures; disciplinary action (against employees); or referral to a grand jury (for violations by members of the legislative body).<sup>86</sup>

**Note:** A joint powers agency may authorize in its agreement or bylaws the disclosure of confidential information by members of the agency’s legislative body to their district legislative body in a closed session as well as to legal counsel of a member district.<sup>87</sup>



### **Compliance Tip**

Although § 54957.1(a) (1) indicates that real estate agreements may be approved in closed session, as a practical and political matter, it is prudent to take final action on such agreements in open session so that the public may more fully participate in the deliberations.

## Adjournments and Continuances

### **Adjournments.**

The legislative body may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may adjourn such meetings and if all members are absent, the clerk or secretary of the legislative body may declare the meeting adjourned. Written notice of the adjournment must be provided in the same manner as notice for special meetings.

A copy of the order or notice of adjournment must be conspicuously posted on or near the door of the place where the meeting was held within 24 hours of the adjournment. When a regular or adjourned regular meeting is adjourned, the resulting adjourned meeting is a regular meeting for all purposes. If the order of adjournment fails to state a specific hour for the next meeting, the meeting must be held at the hour designated for regular meetings.<sup>88</sup>

### **Continuances.**

A duly noticed hearing may also be continued in the same manner as adjourned meetings. However, if the hearing is continued to a meeting that will occur in less than 24 hours, a copy of a notice of continuance must be posted immediately following the meeting at which the continuance was adopted.<sup>89</sup>

Less than a quorum may adjourn such meetings and if all members are absent, the clerk or secretary of the legislative body may declare the meeting adjourned. Written notice of the adjournment must be provided in the same manner as notice for special meetings.

## Remedies and Penalties for Violations

### ***Criminal penalties.***

A member of a legislative body may be charged with a misdemeanor where (a) the member attends a meeting where an action is taken in violation of the Brown Act, and (b) the member intends to deprive the public of information to which the public is entitled under the Brown Act.<sup>90</sup>

**Note:** If the challenged meeting involves only deliberation and no action is taken, there can be no misdemeanor penalty. Moreover, as with most criminal statutes, it is often difficult to prove criminal intent. As a result, criminal enforcement of the Brown Act is rare.

### **Civil action to prevent future violations.**

The district attorney or any interested person may file a civil action to:

- Stop or prevent a threatened violation of the Brown Act.<sup>91</sup>
- Determine the applicability of the Brown Act to ongoing actions or threatened future action of the legislative body.<sup>92</sup>
- Determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid under state or federal law.<sup>93</sup>
- Compel the legislative body to tape record its closed sessions.<sup>94</sup>
- Determine that an action of a Legislative Body violated the Brown Act and the action is null and void.<sup>95</sup>

### **Opportunity for the legislative body to cure and correct alleged violations.<sup>96</sup>**

Before filing a legal action alleging that a legislative body violated the Brown Act, the complaining party must send a written “cure or correct” demand to the legislative body. The demand must clearly describe the challenged action, the nature of the alleged violation, and the “cure” sought, and must be sent within 90 days of the alleged violation (or 30 days if the action was taken in open session but in violation of § 54952.2, which defines “meetings”). The legislative body has up to 30 days to cure and correct its action. If it does not act, any lawsuit must be commenced within 15 days after (a) receipt of written notice from the legislative body of such non-action, or (b) the expiration of the 30-day cure period if the legislative body does not respond to the cure request.



## Remedies and Penalties for Violations (continued)

### **Opportunity for the legislative body to commit to cease & desist alleged past actions or practices.<sup>97</sup>**

Prior to commencing an action to determine if past actions of a legislative body are a violation of the Brown Act under § 54960, the complaining party must send a “cease and desist letter.” The cease and desist letter must be sent within nine months of the alleged violation. The legislative body may respond to the cease and desist letter within 30 days by making an unconditional commitment to cease and desist from the past action in open session at a regular or special meeting as a separate item of business, and not on its consent agenda, and providing such commitment to the complaining party. The commitment must state that:

- The legislative body has received the cease and desist letter; and
- The legislative body unconditionally commits to cease and desist from the challenged action; and

If the legislative body chooses to send an unconditional commitment agreeing to cease and desist from the challenged conduct within 30 days of receipt of the cease and desist letter, then no legal action can be commenced. Any party sending a cease and desist letter can commence a legal action challenging past conduct of a legislative body on whichever is earlier: (a) 60 days of receiving a response other than an unconditional commitment to cease and desist; or (b) within 60 days of the expiration of the legislative body’s 30-day time period to respond to the cease and desist letter.



### **Compliance Tip**

The cure & correct and cease & desist options allow a legislative body to avoid litigation over alleged Brown Act violations unless it is abundantly clear that no violation occurred and a district wants to defend what it believes to be a correct policy or procedure.

And even if a legislative body waits to cure or correct an alleged violation until after a lawsuit is commenced, an action seeking invalidation must be dismissed.

Because a subsequent cure or correction cannot be introduced as evidence of a violation of the Brown Act, there is rarely a legitimate reason for a legislative body not to take any post-lawsuit steps to cure or correct an alleged violation if there is any question as to Brown Act compliance.<sup>98</sup>



If a court finds that a legislative body violated the Brown Act, the plaintiff may be awarded costs and attorney fees.

### **Invalidation of certain types actions.**

Only actions taken in violation of the Brown Act under the following circumstances may be invalidated:<sup>99</sup>

- the basic open meeting provision;<sup>100</sup>
- notice and agenda requirements for regular meetings and closed sessions;<sup>101</sup>
- tax hearings;<sup>102</sup>
- special meetings;<sup>103</sup> and
- emergency situations.<sup>104</sup>
- Certain actions taken in violation of the Brown Act will not be invalidated if they involve:<sup>105</sup>
- substantial compliance;
- sale or issuance of notes, bonds or other indebtedness, or related contracts or agreements;
- a contractual obligation upon which a party has in good faith relied to its detriment;
- the collection of any tax; or
- the complaining party had actual notice at least 72 hours prior to the meeting at which the action is taken.

### **Award of costs and attorney fees.**

If a court finds that a legislative body violated the Brown Act, the plaintiff may be awarded costs and attorney fees.<sup>106</sup> The costs and fees are the liability of the district and not its officers or employees. A district may only recover its costs and attorney fees if it wins and the court determines that the lawsuit was "clearly frivolous and totally lacking in merit."<sup>107</sup>

## Acknowledgment

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**DONALD M. DAVIS, ESQ.**

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## Endnotes

1. The Brown Act is codified in the Government Code starting at Section 54950. Unless otherwise indicated, all statutory references are to the California Government Code.
2. Please note that school districts and community college districts have a number of unique Brown Act provisions applicable only to such districts that are outside the scope of this manual.
3. § 54950.
4. § 54953(a).
5. *Epstein v. Hollywood Entertainment Dist. II Bus. Improvement Dist.* (2001) 87 Cal.App.4th 862, 867.
6. § 54952(a).
7. § 54952.1.
8. § 54952(b).
9. § 54952(b).
10. See *Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 805; *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781, 792-793.
11. See *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal.App.4th 354.
12. § 54952(c).
13. See also Op.Cal.Atty.Gen No. 01-401 (2002), available at <https://oag.ca.gov/system/files/opinions/pdfs/01-401.pdf>; and *International Longshoreman's & Warehouseman's Union v. L.A. Export Terminal, Inc.* (1999) 69 Cal.App.4th 287.
14. See 56 Ops. Cal Atty Gen 14 (1973).
15. § 54952.2(a).
16. § 54952.6.
17. § 54952.2(b)(1).
18. See Op.Cal.Atty.Gen. No. 00-906 (2001), available at <https://oag.ca.gov/system/files/opinions/pdfs/00-906.pdf?>.
19. § 54953(b).
20. § 54953(b)(3).
21. § 54953(b)(4).
22. §§ 54952.2(b)(2), 54952.2(c)(1).
23. § 54952.2(c)(2)-(6).
24. § 54954(a).
25. § 54956.
26. § 54955.
27. § 54956.5.
28. § 54954(b).
29. § 54954(d).
30. § 54954(e).
31. § 54954.2; Compare *San Diegans for Open Government v. City of Oceanside* (2016) 4 Cal.App.5th 637 [agenda description provided fair notice of what would be considered] with *Hernandez v. Town of Apple Valley* (2017) 7 Cal.App.5th 194 [omission of significant items of business from agenda violated Brown Act and led to invalidation of action]; and *San Joaquin Raptor Rescue v. County of Merced* (2013) 216 Cal.App.4th 1167 [Brown Act violated where agenda description for project approval did not include proposed approval of CEQA action (mitigated negative declaration)].
32. §§ 54954.2 and 54956.
33. See Op.Cal.Atty.Gen. No. 14-1203 (2016), available at <https://oag.ca.gov/system/files/opinions/pdfs/14-1203.pdf?>.

## Endnotes (continued)

34. See Assembly Bill 2257, available at [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB2257](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB2257).
35. § 54954.2(a).
36. See *Cruz v. City of Culver City* (2016) 205 Cal. App.5th 239.
37. § 54954.2(b).
38. § 54952.3.
39. § 54953.
40. § 54953.3.
41. § 54961(a).
42. § 54961(a).
43. § 54953(b)(3).
44. § 54953.2.
45. 42 U.S.C. § 12101 et seq.
46. 42 U.S.C. § 12132; 28 C.F.R. § 35.149.
47. 28 C.F.R. §§ 35.149, 35.150.
48. Department of Justice Technical Assistance Manual (Title II), Section II-5.1000. The Manual is available at: <https://www.ada.gov/taman2.html>.
49. 28 C.F.R. §§ 35.150, 35.151.
50. §§ 54954.2(a), 54954.1, 54957.5(b).
51. § 54957.5.
52. § 54957.5(b)(2).
53. § 54957.5(c).
54. § 54954.1.
55. § 54957.5 (c).
56. § 54953.5(b); see also § 6253(b).
57. § 54954.3.
58. § 54954.3(a).
59. § 54954.3; See *Chaffee v. San Francisco Public Library Commission* (2005) 134 Cal.App.4th 109.
60. §§ 54957.5 and 54953.5.
61. *Acosta v. City of Costa Mesa* (9th Cir. 2013) 718 F.3d 800 [“insolent” remarks did not constitute actual disruption]; *Norse v. City of Santa Cruz* ((9th Cir. 2010) 629 F.3d 966 [silent Nazi salute directed at mayor is not a disruption].
62. § 54957.9.
63. § 54957.9.
64. § 54954.3(c).
65. *White v. City of Norwalk* (9th Cir. 1990) 900 F.2d 1421.
66. The Brown Act provides a format for describing closed sessions, which if substantially followed, create a “safe harbor” from any alleged notice violations of the Brown Act. See § 54954.5. This manual provides adapted versions of such safe harbor descriptions.
67. For a complete list of all permissible closed session matters see § 54954.5.
68. § 54957(b)(1).
69. § 54957(b)(2); see also *Fischer. v. Los Angeles Unified School District* (1999) 70 Cal.App.4th 87 [decision by school board not to reemploy probationary employees based on the evaluation of performance, but not specific complaints or charges, does not require 24 hours’ advance written notice]; and *San Diego Civil Service Com. v. Bollinger* (1999) 71 Cal.App.4th 568 [if charges have already been heard and sustained at a public evidentiary hearing, employee notice of closed session is not required].



70. § 54957(b)(4).
71. *San Diego Union v. City Council (1983)* 146 Cal.App.3d 947 [two-step process contemplated: (1) closed session for evaluation of performance or appointment; (2) open session for setting employee's salary].
72. § 54957.6.
73. § 54953(c)(3).
74. § 54956.9
75. In addition, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to Section 54956.9(e)(2) to (5).
76. See for example, "The Brown Act," California Attorney General (2003), p.40.
77. See Op.Cal.Atty.Gen. No. 10-206 (2011), available at <https://oag.ca.gov/system/files/opinions/pdfs/10-206.pdf?>.
78. See *Shapiro v. San Diego City Council* (2002) 96 Cal.App. 4th 904.
79. § 54956.7.
80. § 54957(a).
81. § 54957.7.
82. See Op.Cal.Atty.Gen. No. 03-604 (2003), available at <https://oag.ca.gov/system/files/opinions/pdfs/03-604.pdf?>.
83. See §§ 54957.1 and 54957.7.
84. § 54957.1.
85. See §§ 54957.1 and 54957.7.
86. § 54963.
87. § 54956.96.
88. § 54955.
89. § 54955.1.
90. § 54959.
91. § 54960(a).
92. § 54960 (a).
93. § 54960 (a).
94. § 54960 (b).
95. § 54960.1(a).
96. § 54960.1.
97. § 54960.2.
98. § 54960.1(e) and (f).
99. § 54960.1(a).
100. § 54953.
101. §§ 54954.2 and 54954.5.
102. § 54954.6.
103. § 54956.
104. § 54956.5; see also § 54960.1.
105. § 54960.1(d).
106. See *Los Angeles Times Communications v. Los Angeles County Board of Supervisors (2003)* 112 Cal. App.4th 1313 ["fees are 'presumptively appropriate' and a successful plaintiff 'should ordinarily recover attorney's fees unless special circumstances would render such an award unjust'"].
107. § 54960.5.



## AB-2449 Open meetings: local agencies: teleconferences. (2021-2022)

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Date Published: 09/14/2022 09:00 PM

### Assembly Bill No. 2449

#### CHAPTER 285

An act to amend, repeal, and add Sections 54953 and 54954.2 of the Government Code, relating to local government.

[ Approved by Governor September 13, 2022. Filed with Secretary of State September 13, 2022. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2449, Blanca Rubio. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. The act authorizes a legislative body to take action on items of business not appearing on the posted agenda under specified conditions. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health.

This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception, the bill would authorize a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances. The emergency circumstances basis for remote participation would be contingent on a request to, and action by, the legislative body, as prescribed. The bill, until January 1, 2026, would authorize a legislative body to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances if the request

does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The bill would define terms for purposes of these teleconferencing provisions.

This bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 54953 of the Government Code, as amended by Section 3 of Chapter 165 of the Statutes of 2021, is amended to read:

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet

website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

**SEC. 2.** Section 54953 of the Government Code, as added by Section 4 of Chapter 165 of the Statutes of 2021, is amended to read:

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further



action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(6) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(7) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(8) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(j) This section shall become operative January 1, 2024, shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 3.** Section 54953 is added to the Government Code, to read:

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each

teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2026.

**SEC. 4.** Section 54954.2 of the Government Code is amended to read:

**54954.2.** (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city,

county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) "Legislative body" has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

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

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(4) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote of the legislative body.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 5.** Section 54954.2 is added to the Government Code, to read:

**54954.2.** (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or

redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) "Legislative body" has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

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

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of

Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall become operative January 1, 2026.

**SEC. 6.** The Legislature finds and declares that Sections 1 and 2 of this act, which amend Section 54953 of the Government Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hospital room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

**SEC. 7.** The Legislature finds and declares that Sections 1 and 2 of this act, which amend Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings.

# 2022-2023 Statement of Economic Interests



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## Form 700

A Public Document

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### ***Helpful Resources***

- Video Tutorials
- 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](mailto: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](http://www.fppc.ca.gov)

December 2022



## Quick Start Guide

Detailed instructions begin on page 3.

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### WHEN IS THE ANNUAL STATEMENT DUE?

- March 1 – 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 Entities/Trusts	Business entities, sole proprietorships, partnerships, LLCs, corporations and trusts. (e.g., Form 1099 filers).	Savings and checking accounts, cryptocurrency, 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](mailto: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](mailto:form700@fppc.ca.gov).

## What's New

### Gift Limit Increase

The gift limit increased to **\$520** for calendar years **2021** and **2022**.

### 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
- Employees in newly created positions of existing agencies

For more information, see Reference Pamphlet, page 3, at [www.fppc.ca.gov](http://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 Newly Created Boards and Commissions:** File with your agency or with your agency's code reviewing body pursuant to Regulation 18754.

**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 as follow:

State offices, Judicial offices and multi-county offices	⇒	County elections official with whom you file your declaration of candidacy
County offices	⇒	County elections official
City offices	⇒	City Clerk
Public Employee's Retirement System (CalPERS)	⇒	CalPERS
State Teacher's Retirement Board (CalSTRS)	⇒	CalSTRS

### How to file:

The Form 700 is available at [www.fppc.ca.gov](http://www.fppc.ca.gov). Form 700 schedules are also available in Excel format. Each Statement must have a handwritten "wet" signature or "secure electronic signature," meaning either (1) a signature submitted using an approved electronic filing system or (2) if permitted by the filing officer, a digital signature submitted via the filer's agency email address. (See Regulations 18104 and 18757.) Companies such as Adobe and DocuSign offer digital signature services. All statements are signed under the penalty of perjury and must be verified by the filer. See Regulation 18723.1(c) for filing instructions for copies of expanded statements.

### When to file:

#### Annual Statements

##### ⇒ March 1, 2023

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

##### ⇒ April 3, 2023

- Most other filers

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

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, 2022, and December 31, 2022, and filed an assuming office statement, you are not required to file an annual statement until March 1, 2024, or April 1, 2024, whichever is applicable. The annual statement will cover the day after you assumed office through December 31, 2023. (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. The amended schedule(s) is attached to your original filed statement. Obtain amendment schedules at [www.fppc.ca.gov](http://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 Maria 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, 2022, through December 31, 2022. If the period covered by the statement is different than January 1, 2022, through December 31, 2022, (for example, you assumed office between October 1, 2021, and December 31, 2021 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 2022.

- 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, 2022, through the date you stopped performing the duties of your position. If the period covered differs from January 1, 2022, through the date you stopped performing the duties of your position (for example, you assumed office between October 1, 2021, and December 31, 2021, 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 2022.

### 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](http://www.fppc.ca.gov).

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

### Expanded Statement:

If you hold multiple positions subject to reporting requirements, you may be able to file an expanded statement for each position, rather than a separate and distinct statement for each position. The expanded statement must cover all reportable interests for all jurisdictions and list all positions on the Form 700 or on an attachment for which it is filed. The rules and processes governing the filing of an expanded statement are set forth in Regulation 18723.1.

**STATEMENT OF ECONOMIC INTERESTS**  
**COVER PAGE**  
*A PUBLIC DOCUMENT*

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, Retired Judge, Pro Tem 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, 2022, through December 31, 2022.

-or- The period covered is / / , through December 31, 2022.

**Assuming Office:** Date assumed / /

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

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

The period covered is January 1, 2022, through the date of leaving office.

-or- The period covered is / / , through the date of leaving office.

**4. Schedule Summary (required)**

► 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.)

# 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 separate and distinct statements with each agency. To simplify your filing obligations, in some cases you may instead complete a single expanded statement and file it with each agency.
  - The rules and processes governing the filing of an expanded statement are set forth in Regulation 18723.1. To file an expanded statement for multiple positions, enter the name of each agency with which you are required to file and your position title with each agency in the space provided. **Do not use acronyms.** Attach an additional sheet if necessary. Complete one statement disclosing all reportable interests for all jurisdictions. Then file the expanded statement with each agency as directed by Regulation 18723.1(c).

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 their 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 the Counties of Placer and Yuba. The City is located within Placer County. Brian may complete one expanded statement to disclose all reportable interests for both offices and list both positions on the Cover Page. Brian will file the expanded statement with each the City and the District as directed by Regulation 18723.1(c).

## 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.

<b>1. Office, Agency, or Court</b>	
Agency Name: <i>(Do not use acronyms)</i>	
Feather River Irrigation District	
Division, Board, Department, District, if applicable	Your Position
N/A	Board Member
▶ If filing for multiple positions, list below or on an attachment. <i>(Do not use acronyms)</i>	
Agency: N/A	Position:
<b>2. Jurisdiction of Office</b> <i>(Check at least one box)</i>	
<input type="checkbox"/> State	<input type="checkbox"/> Judge or Court Commissioner (Statewide Jurisdiction)
<input checked="" type="checkbox"/> Multi-County Yuba & Sutter Counties	<input type="checkbox"/> County of _____
<input type="checkbox"/> City of _____	<input type="checkbox"/> 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 2022 annual statement, **do not** change the pre-printed dates to reflect 2023. Your annual statement is used for reporting the **previous year's** economic interests. Economic interests for your annual filing covering January 1, 2023, through December 31, 2023, will be disclosed on your statement filed in 2024. See Reference Pamphlet, page 4.

Combining Statements: Certain types of statements for the same position 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. Each statement must have an original “wet” signature unless filed with a secure electronic signature. (See page 3 above.) All statements must be signed under penalty of perjury and be verified by the filer pursuant to Government Code Section 81004. See Regulation 18723.1(c) for filing instructions for copies of expanded statements.

**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.

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:

\_\_\_\_/\_\_\_\_/22      \_\_\_\_/\_\_\_\_/22  
ACQUIRED                  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:

\_\_\_\_/\_\_\_\_/22      \_\_\_\_/\_\_\_\_/22  
ACQUIRED                  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:

\_\_\_\_/\_\_\_\_/22      \_\_\_\_/\_\_\_\_/22  
ACQUIRED                  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:

\_\_\_\_/\_\_\_\_/22      \_\_\_\_/\_\_\_\_/22  
ACQUIRED                  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:

\_\_\_\_/\_\_\_\_/22      \_\_\_\_/\_\_\_\_/22  
ACQUIRED                  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:

\_\_\_\_/\_\_\_\_/22      \_\_\_\_/\_\_\_\_/22  
ACQUIRED                  DISPOSED

Comments: \_\_\_\_\_

## 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
- Cryptocurrency
- Insurance policies
- Annuities
- Commodities
- Shares in a credit union
- Government bonds (including municipal bonds)

### 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.

- 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.)

**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. Do not use acronyms for 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. Frank’s conflict of interest code requires full disclosure of investments. Frank must disclose 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 Frank’s spouse or registered domestic partner and dependent children.

Alice Lance is a city council member. Alice 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	IF APPLICABLE, LIST DATE:	
\$0 - \$1,999	____/____/22	____/____/22
\$2,000 - \$10,000	ACQUIRED	DISPOSED
\$10,001 - \$100,000		
\$100,001 - \$1,000,000		
Over \$1,000,000		

NATURE OF INVESTMENT  
 Partnership     Sole Proprietorship    \_\_\_\_\_ Other

YOUR BUSINESS POSITION \_\_\_\_\_

**▶ 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	IF APPLICABLE, LIST DATE:	
\$0 - \$1,999	____/____/22	____/____/22
\$2,000 - \$10,000	ACQUIRED	DISPOSED
\$10,001 - \$100,000		
\$100,001 - \$1,000,000		
Over \$1,000,000		

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	\$10,001 - \$100,000
\$500 - \$1,000	OVER \$100,000
\$1,001 - \$10,000	

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

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

**▶ 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 \_\_\_\_\_

**▶ 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	IF APPLICABLE, LIST DATE:	
\$2,000 - \$10,000	____/____/22	____/____/22
\$10,001 - \$100,000	ACQUIRED	DISPOSED
\$100,001 - \$1,000,000		
Over \$1,000,000		

NATURE OF INTEREST  
 Property Ownership/Deed of Trust       Stock       Partnership

Leasehold \_\_\_\_\_ Other \_\_\_\_\_  
Yrs. remaining

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

**▶ 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	IF APPLICABLE, LIST DATE:	
\$2,000 - \$10,000	____/____/22	____/____/22
\$10,001 - \$100,000	ACQUIRED	DISPOSED
\$100,001 - \$1,000,000		
Over \$1,000,000		

NATURE OF INTEREST  
 Property Ownership/Deed of Trust       Stock       Partnership

Leasehold \_\_\_\_\_ Other \_\_\_\_\_  
Yrs. remaining

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

**Comments:** \_\_\_\_\_



## 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.

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

Name \_\_\_\_\_

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

---

FAIR MARKET VALUE      IF APPLICABLE, LIST DATE:

\$2,000 - \$10,000		
\$10,001 - \$100,000	____/____/22	____/____/22
\$100,001 - \$1,000,000	ACQUIRED	DISPOSED
Over \$1,000,000		

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      IF APPLICABLE, LIST DATE:

\$2,000 - \$10,000		
\$10,001 - \$100,000	____/____/22	____/____/22
\$100,001 - \$1,000,000	ACQUIRED	DISPOSED
Over \$1,000,000		

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      TERM (Months/Years)

_____%	None	_____
--------	------	-------

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      TERM (Months/Years)

_____%	None	_____
--------	------	-------

HIGHEST BALANCE DURING REPORTING PERIOD

\$500 - \$1,000	\$1,001 - \$10,000
\$10,001 - \$100,000	OVER \$100,000

Guarantor, if applicable \_\_\_\_\_

Comments: \_\_\_\_\_

## 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 **not** 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,

### 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?

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, Allison received rental income of \$12,000, from a single tenant who rented property 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	IF APPLICABLE, LIST DATE:
<input type="checkbox"/> \$2,000 - \$10,000	<input type="checkbox"/> / / XX / XX
<input type="checkbox"/> \$10,001 - \$100,000	<input type="checkbox"/> ACQUIRED <input type="checkbox"/> DISPOSED
<input checked="" type="checkbox"/> \$100,001 - \$1,000,000	
<input type="checkbox"/> Over \$1,000,000	
NATURE OF INTEREST	
<input type="checkbox"/> Ownership/Deed of Trust	<input type="checkbox"/> Easement
<input type="checkbox"/> Leasehold	<input type="checkbox"/> Other
IF RENTAL PROPERTY, GROSS INCOME RECEIVED	
<input type="checkbox"/> \$0 - \$499	<input type="checkbox"/> \$500 - \$1,000
<input type="checkbox"/> \$1,001 - \$10,000	<input type="checkbox"/> \$10,001 - \$10,000
<input checked="" type="checkbox"/> \$10,001 - \$100,000	<input type="checkbox"/> 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.	
<input type="checkbox"/> 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	TERM (Months/Years)
8 % <input type="checkbox"/> None	15 Years
HIGHEST BALANCE DURING REPORTING PERIOD	
<input type="checkbox"/> \$500 - \$1,000	<input type="checkbox"/> \$1,001 - \$10,000
<input checked="" type="checkbox"/> \$10,001 - \$100,000	<input type="checkbox"/> OVER \$100,000
<input type="checkbox"/> Guarantor, if applicable	
Comments:	

# SCHEDULE C

## Income, Loans, & Business Positions

(Other than Gifts and Travel Payments)

**CALIFORNIA FORM 700**

FAIR POLITICAL PRACTICES COMMISSION

Name \_\_\_\_\_

▶ 1. INCOME RECEIVED		▶ 1. INCOME RECEIVED	
NAME OF SOURCE OF INCOME _____		NAME OF SOURCE OF INCOME _____	
ADDRESS <i>(Business Address Acceptable)</i> _____		ADDRESS <i>(Business Address Acceptable)</i> _____	
BUSINESS ACTIVITY, IF ANY, OF SOURCE _____		BUSINESS ACTIVITY, IF ANY, OF SOURCE _____	
YOUR BUSINESS POSITION _____		YOUR BUSINESS POSITION _____	
GROSS INCOME RECEIVED	No Income - Business Position Only	GROSS INCOME RECEIVED	No Income - Business Position Only
\$500 - \$1,000	\$1,001 - \$10,000	\$500 - \$1,000	\$1,001 - \$10,000
\$10,001 - \$100,000	OVER \$100,000	\$10,001 - \$100,000	OVER \$100,000
CONSIDERATION FOR WHICH INCOME WAS RECEIVED		CONSIDERATION FOR WHICH INCOME WAS RECEIVED	
Salary	Spouse's or registered domestic partner's income <i>(For self-employed use Schedule A-2.)</i>	Salary	Spouse's or registered domestic partner's income <i>(For self-employed use Schedule A-2.)</i>
Partnership <i>(Less than 10% ownership. For 10% or greater use Schedule A-2.)</i>		Partnership <i>(Less than 10% ownership. For 10% or greater use Schedule A-2.)</i>	
Sale of _____ <i>(Real property, car, boat, etc.)</i>		Sale of _____ <i>(Real property, car, boat, etc.)</i>	
Loan repayment		Loan repayment	
Commission or Rental Income, <i>list each source of \$10,000 or more</i>		Commission or Rental Income, <i>list each source of \$10,000 or more</i>	
_____ <i>(Describe)</i>		_____ <i>(Describe)</i>	
Other _____ <i>(Describe)</i>		Other _____ <i>(Describe)</i>	

▶ 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* _____	INTEREST RATE _____ %	TERM (Months/Years) _____
ADDRESS <i>(Business Address Acceptable)</i> _____	None _____	
BUSINESS ACTIVITY, IF ANY, OF LENDER _____	SECURITY FOR LOAN	
HIGHEST BALANCE DURING REPORTING PERIOD	None _____ Personal residence _____	
\$500 - \$1,000	Real Property _____ <i>Street address</i>	
\$1,001 - \$10,000	_____ <i>City</i>	
\$10,001 - \$100,000	Guarantor _____	
OVER \$100,000	Other _____ <i>(Describe)</i>	

**Comments:** \_\_\_\_\_

# 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 not 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.

**SCHEDULE D**  
**Income – Gifts**

Name \_\_\_\_\_

▶ 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:** \_\_\_\_\_

## 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 \$520 limit in 2022. (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 not 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.

**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:** \_\_\_\_\_



## 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 not 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 \$500 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 MaryClaire's 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 they are not providing services are likely considered gifts.

▶ NAME OF SOURCE (Not an Acronym)	
Health Services Trade Association	
ADDRESS (Business Address Acceptable)	
1230 K Street, Suite 610	
CITY AND STATE	
Sacramento, CA	
<input type="checkbox"/> 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE	
Association of Healthcare Workers	
DATE(S):	AMT: \$ 550.00
(if gift)	
▶ MUST CHECK ONE: <input type="checkbox"/> Gift -or- <input checked="" type="checkbox"/> Income	
<input type="radio"/> Made a Speech/Participated in a Panel	
<input checked="" type="radio"/> Other - Provide Description <u>Travel reimbursement for board meeting.</u>	
▶ If Gift, Provide Travel Destination	

Note that the same payment from a 501(c)(3) would NOT be reportable.

### 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 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.

▶ 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	
<input type="checkbox"/> 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE	
DATE(S):	AMT: \$ 3,874.38
(if gift)	
▶ MUST CHECK ONE: <input checked="" type="checkbox"/> Gift -or- <input type="checkbox"/> Income	
<input type="radio"/> Made a Speech/Participated in a Panel	
<input checked="" type="radio"/> Other - Provide Description <u>Travel reimbursement for trip to China.</u>	
▶ If Gift, Provide Travel Destination	
Sichuan Sheng, China	

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](http://www.fppc.ca.gov).)

## 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 economic interests including personal assets and income. The Act's conflict of interest provisions also disqualify a public official from taking part in a governmental decision if it is reasonably foreseeable that the decision will have a material financial effect on these economic interests as well as the official's personal finances and those of immediate family. (Gov. Code Sections 87100 and 87103.) 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 Act's provisions.

### Gift Prohibition

Gifts received by most state and local officials, employees, and candidates are subject to a limit. In 2021-2022, the gift limit increased to \$520 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](http://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](mailto: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

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### 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 instead complete an expanded statement listing the county and the two boards on the Cover Page or an attachment as the agencies for which you will be filing. Disclose all reportable economic interests in all three jurisdictions on the expanded statement. File the expanded statement for your primary position providing an original “wet” signature unless filed with a secure electronic signature. (See page 3 above.) File copies of the expanded statement with the other two agencies as required by Regulation 18723.1(c). 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.

## Questions and Answers Continued

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- 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](http://www.fppc.ca.gov). (See Reference Pamphlet, page 14.)

## Questions and Answers Continued

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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 spouse is a partner in a four-person firm where all of their business is based on their 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 spouse's investment in the firm is 10% or greater, disclose 100% of your spouse's share of the business on Schedule A-2, Part 1 and 50% of your spouse's income on Schedule A-2, Parts 2 and 3. For example, a client of your spouse'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 that real property.

## Questions and Answers Continued

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### 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 2022 the gift limit was \$520, so the Bensons may have given the supervisor artwork valued at no more than \$1,040. 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.

**STATEMENT OF ECONOMIC INTERESTS**  
**COVER PAGE**  
*A PUBLIC DOCUMENT*

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, Retired Judge, Pro Tem 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, 2022, through December 31, 2022. Leaving Office: Date Left (Check one circle.)  
-or- The period covered is through December 31, 2022. The period covered is January 1, 2022, through the date of leaving office.  
Assuming Office: Date assumed -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 (required)**

► 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 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 Signature  
(month, day, year) (File the originally signed paper statement with your filing official.)

Alameda County Mosquito Abatement Dist.  
**Check Register**  
For the Period From Jan 1, 2023 to Jan 15, 2023

Filter Criteria includes: Report order is by Date.

<b>Check #</b>	<b>Date</b>	<b>Payee</b>	<b>Amount</b>
3442	1/11/23	Airgas	114.43
3443	1/11/23	AT&T	83.65
3444	1/11/23	Bay Alarm	37.93
3445	1/11/23	CarQuest	37.74
3446	1/11/23	Cintas	1,780.86
3447	1/11/23	Clarke	1,262.55
3448	1/11/23	Coverall North America, Inc.	495.00
3449	1/11/23	Heluna Health	640.00
3450	1/11/23	PC Professional	2,191.00
3451	1/11/23	PFM Asset Management LLC	1,534.22
3452	1/11/23	PG&E	1,353.72
3454	1/11/23	U.S Bank Corporate Payment System	15,344.75
3455	1/11/23	Vista Medical Group	275.00
3456	1/11/23	VSP	681.04
3457	1/11/23	Waste Management of Alameda County	297.04
3458	1/11/23	Voya Institutional Trust Company	181.43
3459	1/11/23	Rusmiser, John	2,400.00
ACH	1/11/23	Alameda County Mosquito Abatement Dist	81,745.02
ACH	1/11/23	CalPERS Retirement	15,336.65
ACH	1/11/23	CalPERS 457	3,489.57

Voided check: 3453

**Total Expenditures - January 15, 2023      129,281.60**



Alameda County Mosquito Abatement Dist.  
**Check Register**  
For the Period From Jan 16, 2023 to Jan 31, 2023

Filter Criteria includes: Report order is by Date.

<b>Check #</b>	<b>Date</b>	<b>Payee</b>	<b>Amount</b>
3460	1/26/23	ACSDA	196.00
3461	1/26/23	Adapco	2,469.73
3462	1/26/23	Airgas	538.91
3463	1/26/23	Argo Adventure	1,547.20
3464	1/26/23	CarQuest	310.17
3465	1/26/23	CCCMA Occupational Clinic	260.00
3466	1/26/23	Cintas	978.70
3467	1/26/23	Conner, Barbara	1,200.00
3468	1/26/23	Delta Dental	4,679.81
3469	1/26/23	Grainger	85.58
3470	1/26/23	Hayward Water System	495.03
3471	1/26/23	Hentschke, Eric Armin	100.00
3472	1/26/23	KBA Docusys	590.19
3473	1/26/23	Nearmap US, Inc	10,000.00
3474	1/26/23	PG&E	660.79
3475	1/26/23	The Hartford	107.19
3476	1/26/23	VCJPA	245.16
3477	1/26/23	Verizon	485.36
3478	1/26/23	Voya Institutional Trust Company	181.43
3479	1/26/23	VSP	701.85
3480	1/26/23	WEX Bank	2,136.98
ACH	1/26/23	Alameda County Mosquito Abatement Dist	84,277.81
ACH	1/26/23	Aguilar, Victor	100.00
ACH	1/26/23	Beatty, Robert .P	100.00
ACH	1/26/23	Bhat, Subrahmanya Y	100.00
ACH	1/26/23	CalPERS Health	43,076.10
ACH	1/26/23	CalPERS Retirement	15,611.66
ACH	1/26/23	CalPERS 457	3,498.64
ACH	1/26/23	Cox, Steven	100.00
ACH	1/26/23	Kumagai, Shawn	100.00
ACH	1/26/23	Marquez, Elisa	100.00
ACH	1/26/23	Salzer, Hope	100.00
ACH	1/26/23	Savage, Tyler	100.00
ACH	1/26/23	Washburn, Jan	100.00
<b>Total Expenditures - January 31, 2023</b>			<b>175,334.29</b>

**Alameda County Mosquito Abatement District**  
**Income Statement**  
**January 31, 2023. (7 of 12 mth, 58%)**

REVENUES	Actual 2020/21	Actual 2021/22	Current Month	Year to Date 2022/23	Budget 2022/23	Actual vs Budget
<b>Total Revenue</b>	\$ 5,150,753.15	\$ 5,386,808.18	\$ 33,598.86	\$ 3,165,519.90	\$ 4,900,658.00	65%

EXPENDITURES	Actual 2020/21	Actual 2021/22 <sup>1</sup>	Current Month <sup>2</sup>	Year to Date 2022/23	Budget 2022/23	Actual vs Budget
Salaries	\$ 2,029,103.97	\$ 2,129,077.24	\$ 183,290.59	\$ 1,374,697.46	\$2,371,703	58%
CalPERS Retirement	\$ 423,110.21	\$ 471,085.19	\$ 18,031.31	\$ 434,472.90	\$534,559	81%
Medicare & Social Security	\$ 27,866.82	\$ 30,025.60	\$ 2,439.58	\$ 21,075.85	\$38,763	54%
Fringe Benefits	\$ 502,898.39	\$ 484,487.10	\$ 52,845.99	\$ 361,841.12	\$564,969	64%
<b>Total Salaries, Retirement, &amp; Benefits</b>	\$ 2,982,979.39	\$ 3,114,675.13	\$ 256,607	\$ 2,192,087	\$3,509,994	62%
Clothing and personal supplies (purchased)	\$ 4,859.20	\$ 7,881.80	\$ 351.58	\$ 3,064.26	\$9,000	34%
Laundry service and supplies (rented)	\$ 9,124.98	\$ 10,417.41	\$ 2,529.79	\$ 8,264.68	\$13,000	64%
Utilities	\$ 15,421.56	\$ 18,134.35	\$ 2,806.58	\$ 7,153.36	\$21,700	33%
Communications-IT	\$ 71,771.02	\$ 74,950.03	\$ 6,565.62	\$ 58,908.24	\$107,400	55%
Maintenance: structures & improvements	\$ 20,261.51	\$ 26,671.36	\$ 46.49	\$ 12,422.18	\$30,000	41%
Maintenance of equipment	\$ 22,290.34	\$ 25,354.56	\$ 2,293.33	\$ 17,874.12	\$30,000	60%
Transportation, travel, training, & board	\$ 74,653.03	\$ 120,418.29	\$ 7,896.51	\$ 68,634.56	\$119,840	57%
Professional services	\$ 91,622.03	\$ 97,726.00	\$ 3,155.62	\$ 53,166.34	\$152,200	35%
Memberships, dues, & subscriptions	\$ 22,906.45	\$ 25,103.23	\$ -	\$ 20,928.94	\$37,000	57%
Insurance - (VCJPA, UAS)	\$ 141,650.37	\$ 160,932.64	\$ 245.16	\$ 177,472.32	\$179,436	99%
Community education	\$ 26,317.23	\$ 26,225.45	\$ 84.39	\$ 13,529.94	\$55,000	25%
Operations	\$ 223,362.22	\$ 182,575.57	\$ 13,034.38	\$ 45,013.17	\$227,500	20%
Household expenses	\$ 15,882.05	\$ 25,388.02	\$ 532.93	\$ 9,361.91	\$19,950	47%
Office expenses	\$ 9,747.67	\$ 7,002.84	\$ 865.95	\$ 2,990.53	\$12,000	25%
Laboratory supplies	\$ 64,135.55	\$ 82,354.03	\$ 7,976.42	\$ 66,654.70	\$132,500	50%
Small tools and instruments	\$ 2,189.34	\$ 1,963.31	\$ 13.33	\$ 397.88	\$3,000	13%
<b>Total Staff Budget</b>	\$ 816,194.55	\$ 893,098.89	\$ 48,398.08	\$ 565,837.13	\$1,149,526	49%
<b>Total Operating Expenditures</b>	\$ 3,799,173.94	\$ 4,007,774.02	\$ 305,005.55	\$ 2,757,924.46	\$4,659,520	59%

1 - As of June 30, 2021. Unaudited.

2 - Total Operating Expenditures in current month may not match the check register due to accounts receivable and petty cash transactions.

**Alameda County Mosquito Abatement District  
Investment, Reserves, and Cash Balance Report  
January 31, 2023. (7 of 12 mth, 58%)**

Account #	Investment Accounts	Beginning Balance	Deposits	Withdrawls	Earnings <sup>1</sup>	Ending Balance	
1004	LAIF	\$ 585,385.10	\$ 3,062,000.00	\$ (129,000.00)	\$ 5,518.63	\$ 3,523,903.73	
1005	OPEB Fund	\$ 4,324,529.20	\$ -	\$ -	\$ 236,889.09	\$ 4,561,418.29	
1006	VCJPA Member Contingency <sup>2</sup>	\$ 341,986.00	\$ -	\$ -	\$ -	\$ 341,986.00	
1008	CAMP: Repair and Replace	\$ 2,667,094.10	\$ -	\$ -	\$ 10,259.25	\$ 2,677,353.35	
1010	CAMP: Operating Reserve	\$ 1,978,863.55	\$ -	\$ -	\$ 7,611.90	\$ 1,986,475.45	
1011	CAMP: Capital Reserve Fund	\$ 371,515.51	\$ -	\$ -	\$ 1,429.07	\$ 372,944.58	
1012	PARS: Pension Stabilization <sup>3</sup>	\$ 2,063,867.60	\$ -	\$ -	\$ (35,973.90)	\$ 2,027,893.70	
1013	California CLASS: Public Health Emergency Fund	\$ 534,913.63	\$ -	\$ -	\$ 2,051.14	\$ 536,964.77	
<b>Total</b>		<b>\$ 12,868,154.69</b>	<b>\$ 3,062,000.00</b>	<b>\$ (129,000.00)</b>	<b>\$ 227,785.18</b>	<b>\$ 16,028,939.87</b>	
		Beginning Balance			Withdrawls	Activity	Ending Balance
Cash Accounts							
1001	Bank of America (Payroll Account) *	\$ 158,686.67			-	-	\$ 73,394.10
1002	Bank of The West (Transfer Account) *	\$ 340,254.83			-	-	\$ 505,941.74
1003	County Account	\$ 3,387,330.68			\$ (3,237,330.68)	\$ 32,449.86	\$ 182,449.86
1013	Petty Cash	\$ 275.59			\$ -	\$ (1.99)	\$ 273.60
<b>Total</b>		<b>\$ 3,886,547.77</b>			<b>\$ (3,237,330.68)</b>	<b>\$ 32,447.87</b>	<b>\$ 762,059.30</b>

1 - Earnings are booked as unrealized gains/losses. These earnings would not be recognized as "realized" gains/losses until the accounts are liquidated.

2 - VCJPA Member Contingency balance is as of September 30, 2022.

3- PARS - Pension Stabilization balance is as of December 31, 2022.

Alameda County Mosquito Abatement  
Balance Sheet Comparison  
January

ASSETS	1/31/2023	1/31/2022	1/31/2021
Current Assets			
Bank of America payroll	\$ 152,644.84	\$ 91,386.20	\$ 106,639.18
Bank of the West	440,883.01	393,231.09	3,246,411.17
County	182,449.86	3,260,140.99	164,719.35
Cash with LAIF	3,523,903.73	1,427,778.59	647,655.96
VCJPA- Member Contingency	341,986.00	371,021.00	376,428.00
CAMP - Repair and Replace	2,677,353.35	1,355,673.12	1,040,697.35
CAMP - Public Health Emergency <sup>1</sup>	-	526,378.50	526,075.19
CAMP - Operating Reserve	1,986,475.45	1,944,913.34	1,943,792.59
CAMP - Capital Reserve Fund	372,944.58	30,006.18	59,090.86
PARS	2,027,893.70	1,818,487.99	1,778,908.86
California CLASS: Public Health Emergency Fund	536,964.77	-	-
Accounts Receivable	-	1,195.46	-
Petty cash	273.60	276.06	405.78
	<b>12,243,772.89</b>	<b>11,220,488.52</b>	<b>9,890,824.29</b>
Property and Equipment			
Acc Dep - equipment	(1,709,382.00)	(1,594,225.00)	(1,479,068.00)
Acc Dep - stru & improv	(2,723,997.00)	(2,604,632.00)	(2,485,267.00)
Construction in progress	3,757.50	-	-
Equipment	1,830,175.69	1,769,859.00	1,751,859.00
Structure/improvement	4,760,618.00	4,760,618.00	4,760,618.00
Land	61,406.00	61,406.00	61,406.00
	2,222,578.19	2,393,026.00	2,609,548.00
Total Property and Equipment			
Other Assets			
Net OPEB Asset	1,225,311.00	2,522,763.00	1,823,556.00
	1,225,311.00	2,522,763.00	1,823,556.00
Total Other Assets			
	1,225,311.00	2,522,763.00	1,823,556.00
<b>Total Assets</b>	<b>\$ 15,691,662.08</b>	<b>\$ 16,136,277.52</b>	<b>\$ 14,323,928.29</b>
<b>LIABILITIES AND CAPITAL</b>			
Current Liabilities			
Accounts payable	\$ 99,846.27	\$ 138,181.43	\$ 118,258.66
Acc payroll/vacation	201,023.94	208,228.89	200,290.26
Def inflow - 75	1,046,869.00	1,254,695.00	931,786.00
Def inflow pen defer GASB 68	1,941,395.00	208,602.00	289,664.00
Defer outflow pen cont GASB 68	(822,206.00)	(936,411.00)	(1,056,534.00)
Net pension liability GASB 68	2,034,280.00	3,603,091.00	3,277,554.00
	4,501,208.21	4,476,387.32	3,761,018.92
Total Current Liabilities			
	\$ 4,501,208.21	\$ 4,476,387.32	\$ 3,761,018.92
<b>Total Liabilities</b>	<b>4,501,208.21</b>	<b>4,476,387.32</b>	<b>3,761,018.92</b>
Capital			
Designated fund balances	3,044,832.55	4,412,645.55	4,440,057.25
Investment in general fixed as	7,642,845.18	6,677,881.96	5,296,151.61
Net Income	502,776.14	569,362.69	826,700.51
	11,190,453.87	11,659,890.20	10,562,909.37
Total Capital			
	11,190,453.87	11,659,890.20	10,562,909.37
<b>Total Liabilities &amp; Capital</b>	<b>\$ 15,691,662.08</b>	<b>\$ 16,136,277.52</b>	<b>\$ 14,323,928.29</b>

1 - CAMP: Public Health Emergency Fund was closed September of 2022.



23187 Connecticut Street  
Hayward, CA 94545

T: (510) 783-7744  
F: (510) 783-3903

[acmad@mosquitoes.org](mailto:acmad@mosquitoes.org)

MOTHLY STAFF REPORT –1110

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Subru Bhat

### Union City

### Ryan Clausnitzer

General Manager

## OPERATIONS REPORT

The last week of December and the first few weeks of January saw significant rainfall via storms dubbed “atmospheric rivers”. Alameda County received over 200% of its normal rainfall for the period. To date, our county is already over average rainfall totals for the entire rainy season. This intense rainfall has posed numerous challenges for ACMAD operations staff: flooding, downed trees, and landslides leading to numerous road closures, park closures, and access to many of our winter sources. Also, many sources were filled to levels not observed in decades. The larvae of all four of our main fall/winter mosquito species were collected by the close of December, many new larval detections made in January. Operations staff worked in teams to conduct treatments of larger sources. Larval treatments of several hundred acres were conducted by both Argo and by hand.

Treatment efforts focused on *Aedes squamiger*, *Aedes washinoi*, and *Culiseta inornata*. Operations staff took advantage of high-water levels and conducted several “edge treatments”. When a large source is full, there is often a large amount of open water; mosquito larvae do not fare well in open water and concentrate around the vegetated edges. Thus, a ten-acre source that would usually require a full ten-acre treatment at normal levels might require just a one or two-acre treatment around the edges.

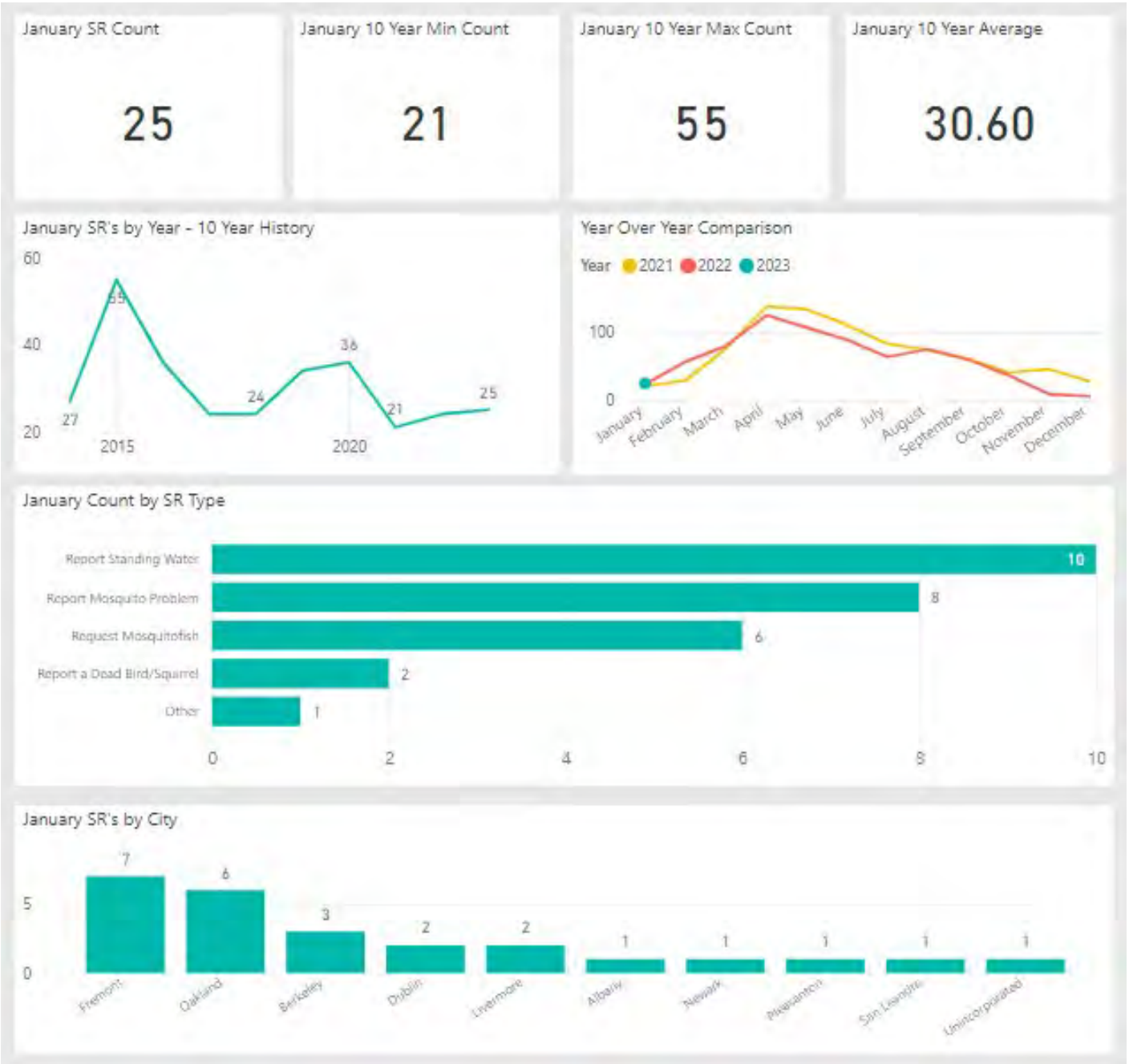
Flooding and significant flow in creeks throughout our county had both a scouring effect and silt deposition effect that may well provide some long-term benefits for ACMAD operations in the months, possibly years, to come. Many areas along creeks that had dense vegetation making access difficult and areas conducive to standing water in potholes in spring and summer have been flushed significantly. High flows scoured out vegetation, and silt filled many potholes leveling higher bank areas. Operations staff will continue to monitor and treat our fall/winter species, work through access issues, and assess sources throughout the county in the months to come. This will help determine areas of focus for the rest of our fall/winter season and into our spring/summer season.

Requests for service received from the public in January were below the ten-year average for the month. Not surprisingly, requests to report standing water were the highest SR type for the month. These calls were generated by containers, ponds, and unmaintained swimming pools filling due to the heavy rains. Six calls were received to “report a mosquito problem”, only two of these were attributable to mosquitoes. One was caused by significant flooding under a school building which produced large numbers of *Culex pipiens*, an uncommon species for this time of year. Six requests for mosquito fish were received for back yard ponds and containers. Two requests to report dead birds were received and the birds went to the ACMAD lab for West Nile Virus testing, neither were WNV positive. The final request fell into the “other” category, this was a request to collect fish from an unmaintained swimming pool slated for demolition. Mosquito fish are a valuable biological control resource and when ponds/pools are removed, we request to be notified to collect the fish so they can be redistributed to future homes.

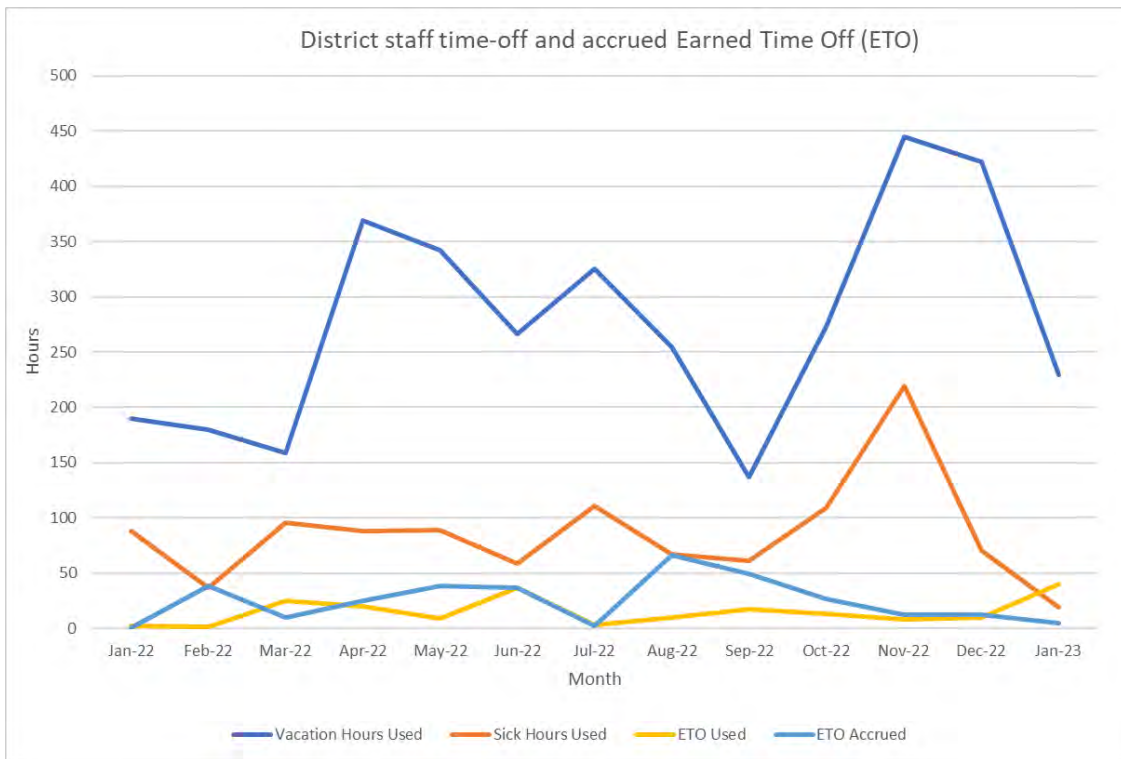
*Field Operations Supervisor*  
*Joseph Huston*

**Operational Report**

**Service Requests January 2023**

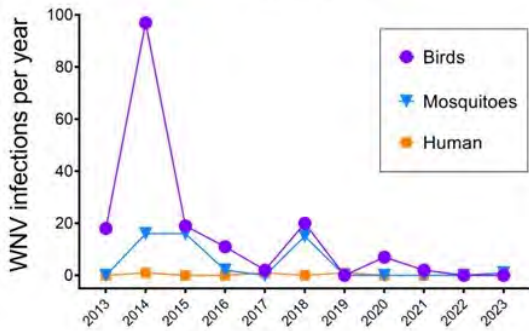


**Activity Report**

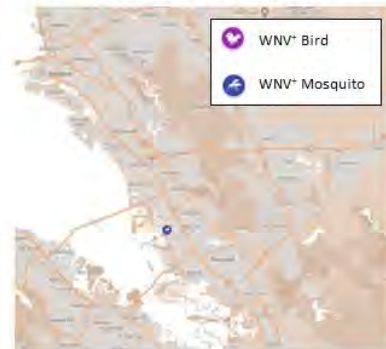


## WNV Activity

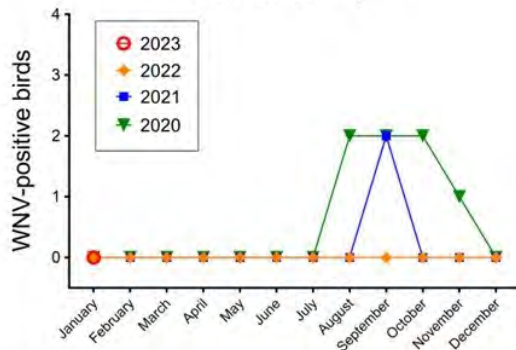
WNV infections detected in Alameda County 2013 – 2023



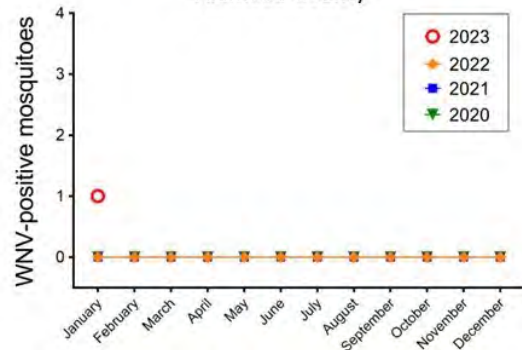
Locations of WNV-infected mosquitoes and birds in Alameda County during 2023



WNV-infected birds collected in Alameda County



WNV-infected mosquitoes collected in Alameda County



## A. LAB

### Summary

- *Weather.* Consecutive days without rain or high winds afforded ample opportunity for placing CO<sub>2</sub>-baited encephalitis virus survey (EVS) traps in the southern and eastern regions of the county (N = 114 EVS traps).
- *Arboviruses in mosquitoes.* West Nile virus (WNV) was detected in one pool of *Culex tarsalis* mosquitoes that was collected in Union City (N = 15 adult females). This is the first WNV detection in mosquitoes for the state this year, and the first detection in Alameda County since 2018. The trapping response collected a moderate number of mosquitoes in one trap (N = 30 *Cx. tarsalis*) and zero to a few mosquitoes in the remaining traps (N = 16 traps). None of the mosquitoes that were collected in the 16 traps were infected with WNV, Saint Louis encephalitis virus (SLEV) or Western equine encephalitis virus (WEEV).
- *Arboviruses in birds.* WNV was not detected in birds during January of 2023. Saint Louis encephalitis virus (SLEV) and Western equine encephalitis virus (WEEV) have not been detected in Alameda County during the prior 5 years.
- *Native mosquitoes.* A total of 114 EVS traps were placed during December, catching 489 adult female mosquitoes (4.2 mosquitoes per trap night).
- Sentinel chicken flocks will be returned to service during mid-spring of 2023
- Invasive *Aedes* mosquitoes were not detected in Alameda County during 2022.

### Arbovirus Monitoring

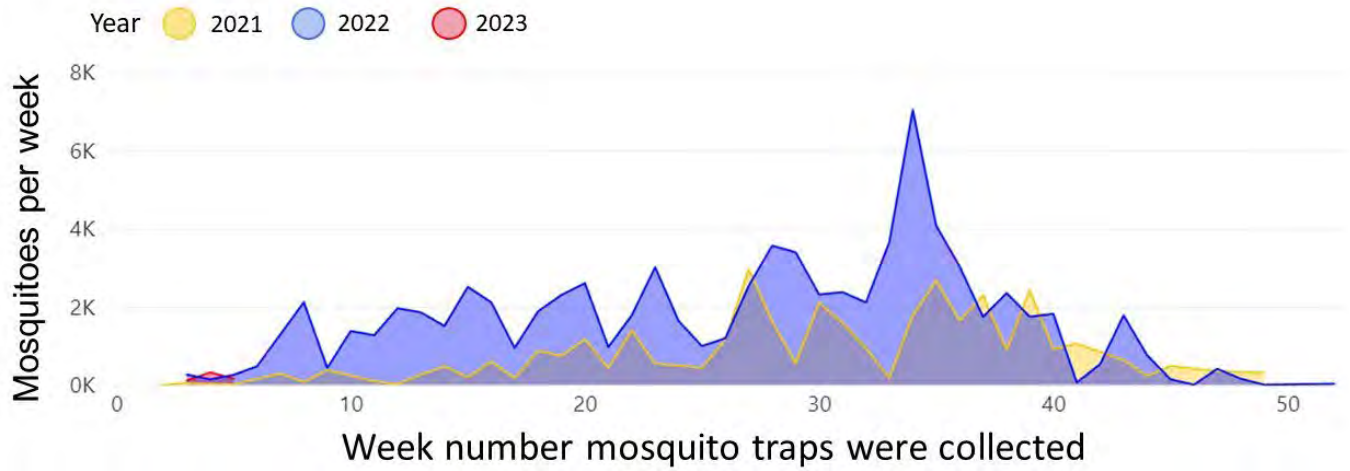
- WNV was detected in one pool of *Culex tarsalis* mosquitoes (N = 15 adult females) that were collected in an EVS trap from a tule marsh in Union City on January 25 (approximately 700 feet east of Union Sanitary District; Ct value of the quantitative PCR test was 27.936). This is the first WNV detection in mosquitoes for the state this year, and the first detection in Alameda County since 2018 (WNV Activity figure, above). Male *Cx. tarsalis* mosquitoes have not been detected in traps this year, suggesting that the reproduction cycle for the year has yet to begin. Consequently, the positive mosquito(es) in the pool were likely diapausing females from the prior year. The female *Culex erythrothorax* mosquitoes that were collected in the same EVS trap were not infected with WNV. The response on the day that lab staff obtained the positive result included operations staff inspecting and applying larvicide, and laboratory staff placing EVS traps at the site of detection, in the surrounding marshes and residential community. The traps were collected the following day and a total of 47 *Cx. tarsalis* and 8 *Culiseta inornata* female mosquitoes were collected in the traps. Quantitative PCR tests of the *Cx. tarsalis* were made the same day, and none were found to be infected with WNV, SLEV, or WEEV.
- None of the dead birds that were collected during January were infected with WNV, SLEV, or WEEV. The last arbovirus detection in birds occurred during 2021 (WNV Activity figure, above).

### Native Mosquito Abundance

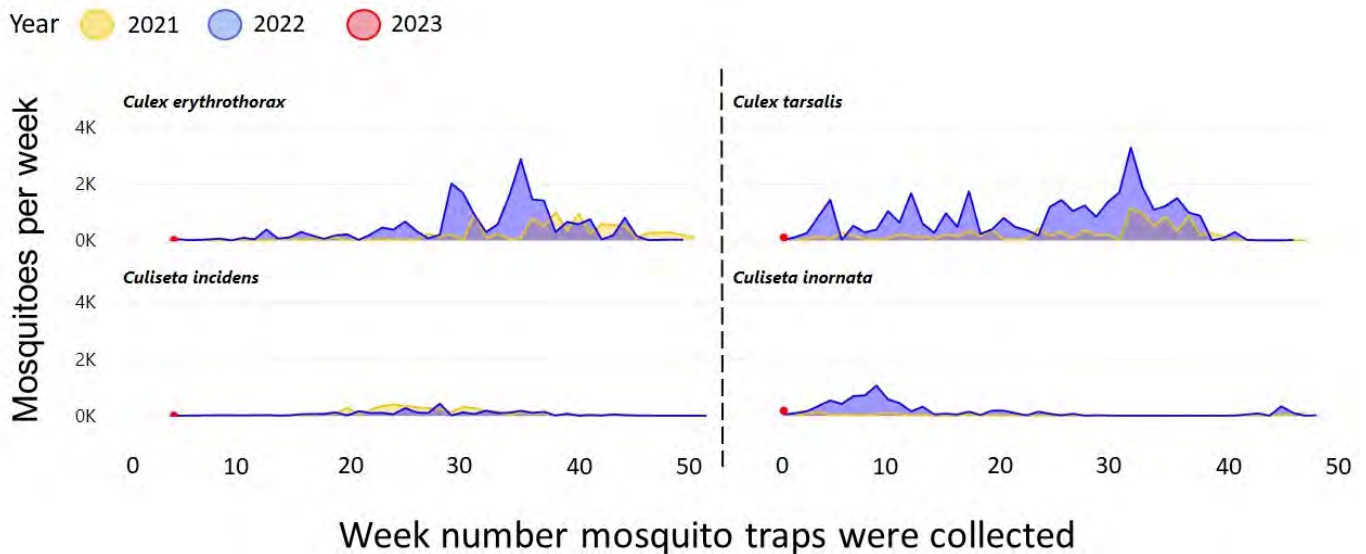
- The following three species are the principal transmitters of WNV, SLEV and WEEV in California: *Culex pipiens* (occurs predominantly in urban settings), *Culex tarsalis* (associated with marsh and peri-urban areas), and *Culex erythrothorax* (occurs exclusively in marsh but adults can disperse into nearby communities).
- Slightly warmer weather with less rain during January afforded the opportunity to place EVS traps in the central, southern and eastern regions of the county (N = 114 EVS traps). A total of 489 adult female mosquitoes were collected (4.2 mosquitoes per trap night), which was 1.2-fold higher than the prior month (Figure 1). As the weather was overall cool, the abundance of all species was very low (Figure 2 and Figure 3). *Culiseta inornata*, a species that does not transmit arboviruses to people, was the most common species in EVS traps, followed by *Cx. tarsalis* (Figure 3).
- Adult mosquito traps that were placed in the county during January caught few mosquitoes (Figure 4), which is typical for this time of year (Figure 1).

## LAB FIGURES



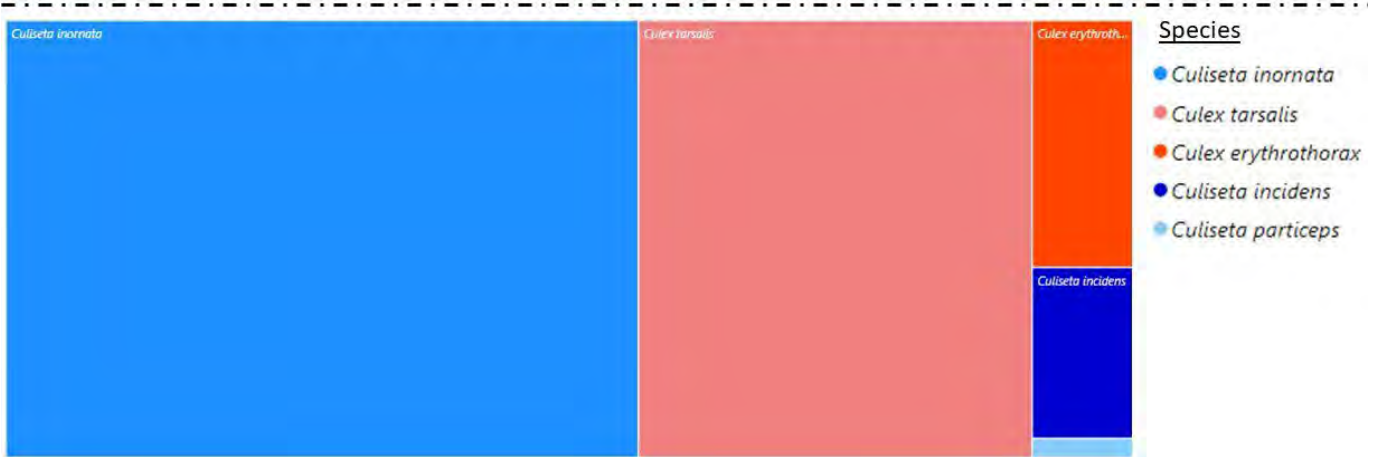
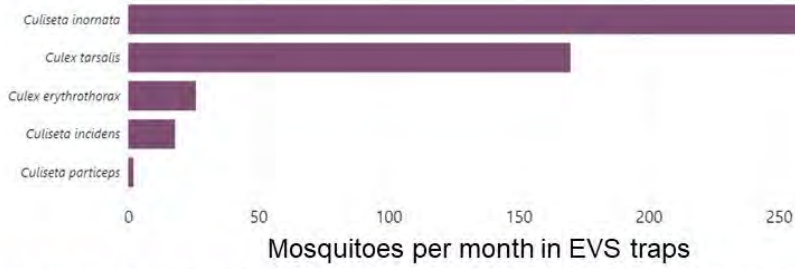


**Figure 1. Mosquitoes captured in EVS CO<sub>2</sub> traps from 2021 – 2023.** A total of 489 adult female mosquitoes were captured in EVS CO<sub>2</sub> traps during the month and identified to species. Week 24 was excluded from the graph because the high anomalous abundance during 2021 skewed the y-axis.

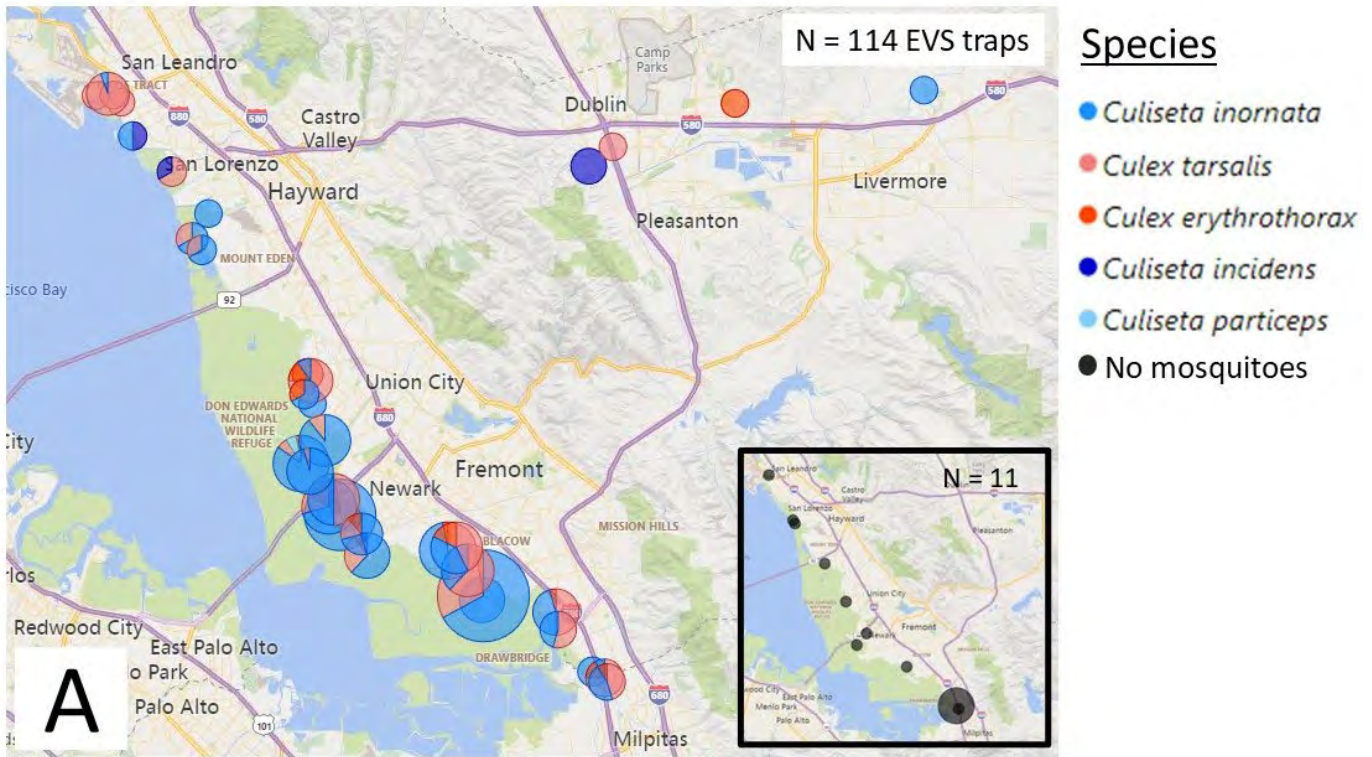


**Figure 2. Weekly abundance of important mosquito species during 2021, 2022 and 2023.**

### January 2023 – EVS CO<sub>2</sub> Traps



**Figure 3. The most abundant species of mosquito captured using EVS CO<sub>2</sub> traps. Larger squares and rectangles indicate higher abundance of that species.**

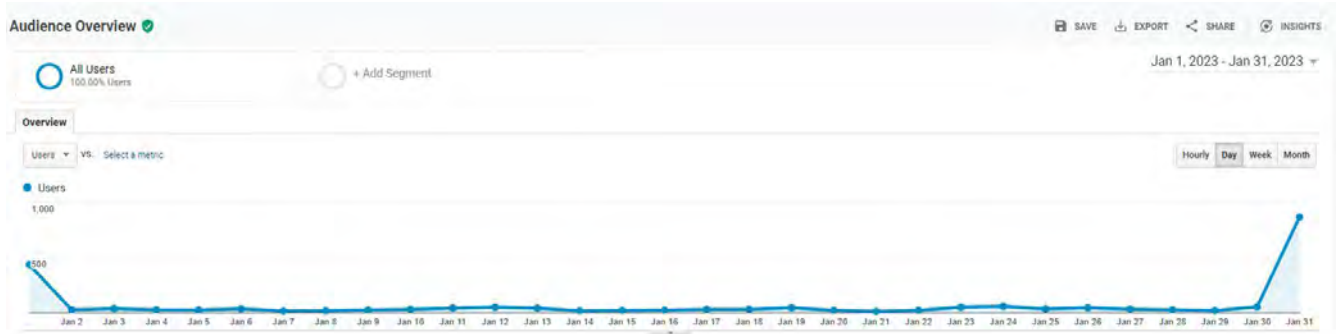


**Figure 4. Mosquito abundance by trap site evaluated using EVS CO<sub>2</sub> traps.** Pie charts over trap sites indicate the distribution of mosquito species collected at the trap site. The size of each pie chart indicates the relative number of mosquitoes at each site during the month in (A) Alameda County (the insert shows traps that were placed but did not collect mosquitoes).

Analysis and report by Eric Haas-Stapleton, PhD, Laboratory Director

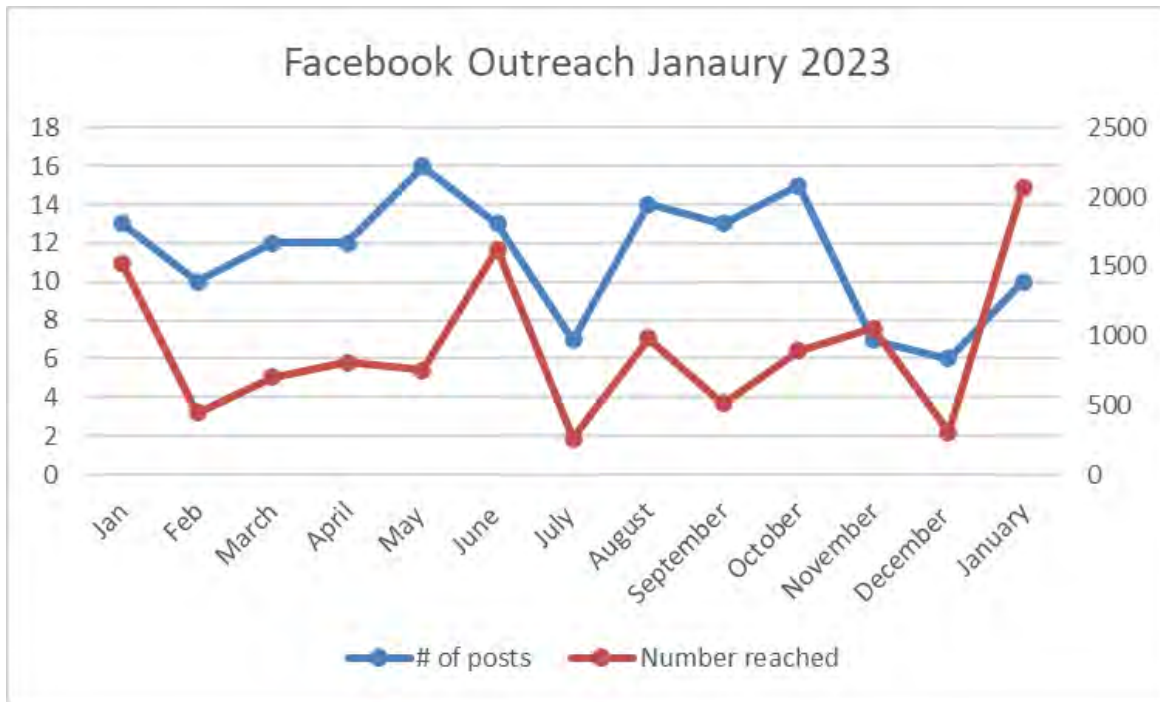
**B. PUBLIC EDUCATION**

**Google Analytics**



**Figure 1:** January website users 2023

**Facebook**



**December Data:** Posts-6

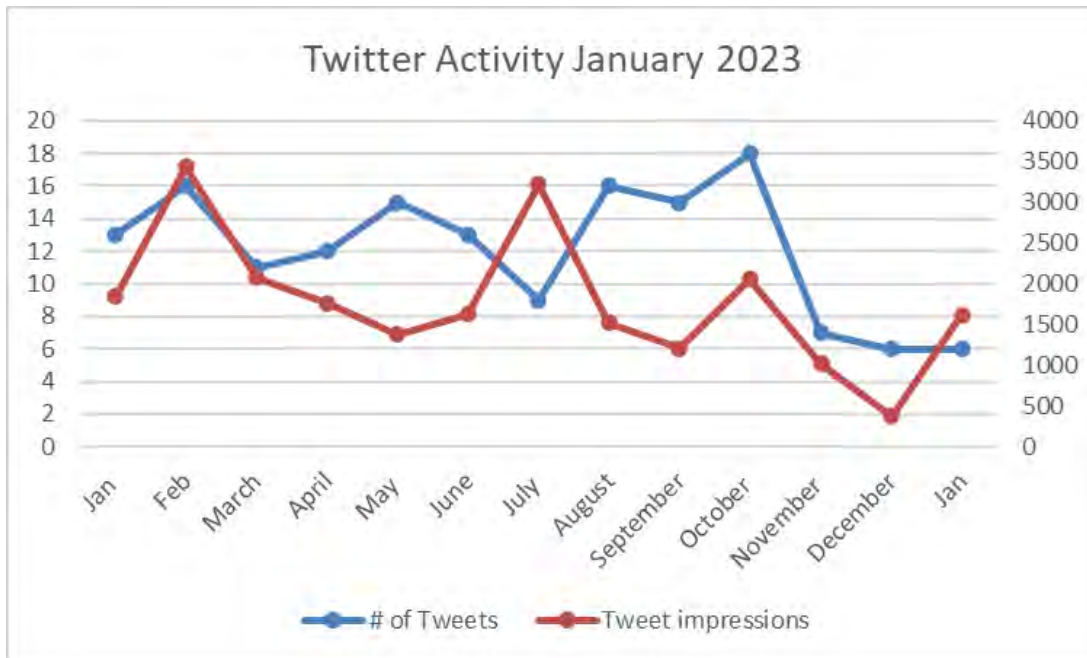
Reach – 2,070

Followers – 387 (1 added)



**Top January Facebook Post:** Finally some sunshine after all the rain! If you have buckets or other containers without a lid or screen, make sure to use all the water within four days to avoid making mosquito habitats.

**Twitter**

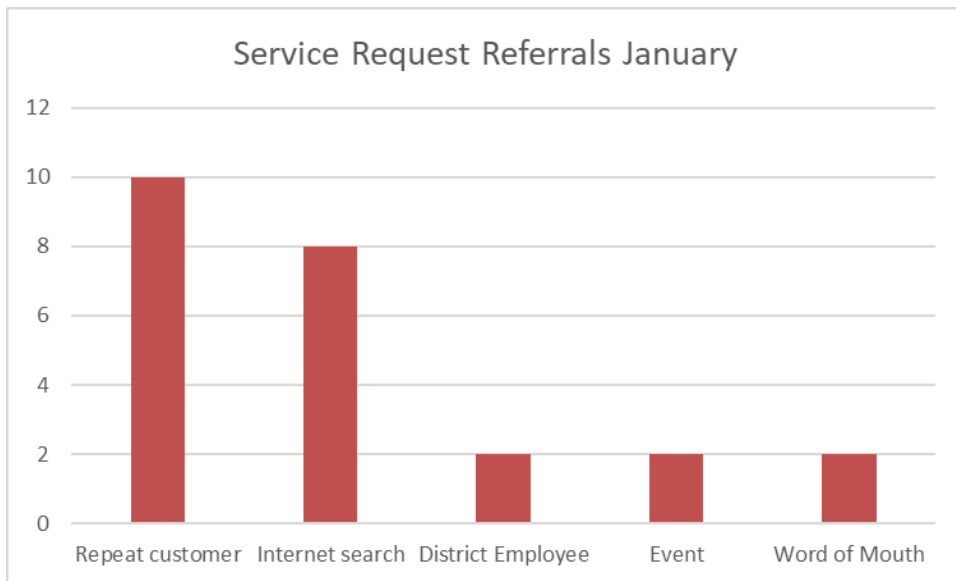


**January Data:** Posts – 6 Impressions – 1623 Followers – 799 (5 added)



**Top January 2023 Twitter Post:** Finally some sunshine after all the rain! If you have buckets or other containers without a lid or screen, make sure to use all the water within four days to avoid making mosquito habitats.

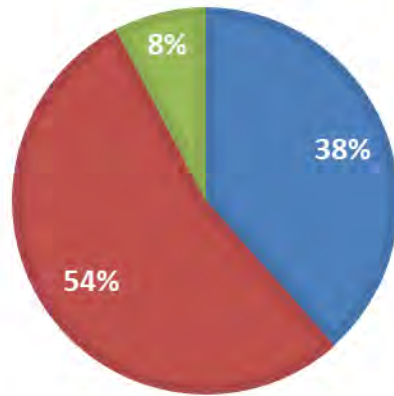
**Service Request Referral Summary for January**



**Channels Used by Residents to Request Service**

## CHANNELS USED FOR SERVICE REQUESTS

■ Website Submission ■ Call Into Office ■ Email



**24 requests in total:** 10 calls, 12 website requests, 2 emails



23187 Connecticut Street  
Hayward, CA 94545

T: (510) 783-7744  
F: (510) 783-3903

[acmad@mosquitoes.org](mailto:acmad@mosquitoes.org)

### Trustee & Staff Anniversary Recognitions:

#### Board of Trustees

**President**

Victor Aguilar

**San Leandro**

**Vice-President**

Cathy Roache

**County-at-Large**

**Secretary**

Shawn Kumagai

**Dublin**

Tyler Savage

**Alameda**

Robin López

**Albany**

P. Robert Beatty

**Berkeley**

Courtney Welch

**Emeryville**

George Young

**Fremont**

Elisa Márquez

**Hayward**

Steven Cox

**Livermore**

Jan O. Washburn

**Oakland**

Eric Hentschke

**Newark**

Hope Salzer

**Piedmont**

Valerie Arkin

**Pleasanton**

Subru Bhat

**Union City**

**Ryan Clausnitzer**

*General Manager*

**Background:**

ACMAD is pleased to recognize and thank the following Trustees and Staff on their anniversaries in February.

Trustee	City	Years of Service	Anniversary Date
George Young*	Fremont	10	February 1 <sup>st</sup>
Victor Aguilar	San Leandro	4	February 4 <sup>th</sup>
Cathy Roache	County-at-Large	4	February 11 <sup>th</sup>
Shawn Kumagai	Dublin	3	February 4 <sup>th</sup>
Employee	Title	Years of Service	Anniversary Date
Mark Wieland	Mechanic Specialist	8	February 9 <sup>th</sup>

\* Per District Policy §107.1, Staff and Trustees are awarded a bronze belt buckle engraved with the district logo for their 10-year anniversary.