

To: James L. App, City Manager
FROM: Meg Williamson, Assistant City Manager
SUBJECT: Adoption of Form 806 – List of Compensated Council Appointments
DATE: October 2, 2012

NEEDS: For the City Council to approve the Form 806 listing of Council appointments for which compensation is received and direct the City Clerk to post Form 806 on the City's website.

- FACTS:
1. In March of this year the Fair Political Practices Commission (FPPC) adopted an amendment to California Code of Regulation, Title 2, Section 18705.5 (copy attached). The new regulation clarifies authorization for public officials to vote on their own appointments to compensated positions on various types of boards and commissions.
 2. Before a public official may participate in a decision to appoint him or herself to a compensated position, Section 18705.5 requires a new Form 806 be adopted by the public agency and posted on its website.
 3. Form 806 requires public agencies to list the following:
 - Each appointed position for which compensation is paid;
 - The salary or stipend for each appointed position;
 - The name of the public official who has been appointed to the position and the name of the public official, if any, who has been appointed as an alternate;
 - The term of the position.
 4. The FPPC recommends that each public agency prepare and adopt a Form 806 identifying all of the current paid appointments as soon as possible.

ANALYSIS
AND

CONCLUSION: The City Clerk has compiled the necessary information from the regional boards that the Mayor and Council serve on for which compensation is received. This information has been included in the attached Form 806, which serves as the City's report of all compensated public official appointments. Upon adoption of Form 806, the City is required to post the Form 806 on the City's website.

As new appointments are made, Form 806 must be amended to reflect those new appointments. Therefore, after its initial adoption, Form 806 will need to be updated from time to time to reflect current Council appointments.

By adopting Form 806, the members of the City Council will be able to appoint themselves to external boards and commission. Service on external boards and commission benefits the City because it provides an opportunity to collaborate and cooperate with other agencies on issues and matters of regional concern.

FISCAL
IMPACT:

No financial impact is projected.

OPTIONS:

- a. Approve the attached Form 806 as presented and direct its posting on the City's website;
- b. Amend, modify, or reject the above option.

Attachments :

- 1) California Code of Regulations, Title 2, Section 18705.5
- 2) Form 806



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2 CA ADC § 18705.5

§ 18705.5. Materiality Standard: Economic Interest in Personal Finances.

Term

2 CCR § 18705.5

Cal. Admin. Code tit. 2, § 18705.5

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Title 2. Administration

Division 6. Fair Political Practices Commission

Chapter 7. Conflicts of Interest

Article 1. Conflicts of Interest; General Prohibition (Refs & Annos)

⇒ § 18705.5. Materiality Standard: Economic Interest in Personal Finances.

(a) A reasonably foreseeable financial effect on a public official's or his or her immediate family's personal finances is material if it is at least \$250 in any 12-month period. When determining whether a governmental decision has a material financial effect on a public official's economic interest in his or her personal finances, neither a financial effect on the value of real property owned directly or indirectly by the official, nor a financial effect on the gross revenues, expenses, or value of assets and liabilities of a business entity in which the official has a direct or indirect investment interest shall be considered.

(b) The financial effects of a decision which affects only the salary, per diem, or reimbursement for expenses the public official or a member of his or her immediate family receives from a federal, state, or local government agency shall not be deemed material, unless the decision is to appoint, hire, fire, promote, demote, suspend without pay or otherwise take disciplinary action with financial sanction against the official or a member of his or her immediate family, or to set a salary for the official or a member of his or her immediate family which is different from salaries paid to other employees of the government agency in the same job classification or position, or when the member of the public official's immediate family is the only person in the job classification or position.

(c) Notwithstanding subsection (b), pursuant to Section 82030(b)(2) and Regulation 18232, a public official may make, participate in making, or use his or her official position to influence or attempt to influence, a government decision where all of the following conditions are satisfied:

(1) The decision is on his or her appointment as an officer of the body of which he or she is a member (e.g., mayor or deputy mayor), or to a committee, board, or commission of a public agency, a special district, a joint powers agency or authority, a joint powers insurance agency or authority, or a metropolitan planning organization.

(2) The appointment is one required to be made by the body of which the official is a member pursuant to either state law, local law, or a joint powers agreement.

(3) The body making the appointment referred to in paragraph (1) adopts and posts on its website, on a form provided by the Commission, a list that sets forth each appointed position for which compensation is paid, the salary or stipend for each appointed position, the name of the public official who has been appointed to the position and the name of the public official, if any, who has been appointed as an alternate, and the term of the position.

California Code of Regulations

COMMENT: Cross-references: For the definition of "immediate family," see Government Code section 82029.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87100, 87102.5, 87102.6, 87102.8 and 87103, Government Code.

HISTORY

1. New section filed 11-23-98; operative 11-23-98 pursuant to the 1974 version of Government Code section 11380.2 and title 2, California Code of Regulations, section 18312(d) and (e) (Register 98, No. 48).
2. Change without regulatory effect amending section heading filed 3-26-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 13).
3. Editorial correction of History 1 (Register 2000, No. 25).
4. Amendment of section heading and section filed 1-17-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 3).
5. Amendment of subsection (a) filed 1-16-2002; operative 2-15-2002 (Register 2002, No. 3).
6. Amendment of subsection (b) filed 6-21-2005; operative 7-21-2005 (Register 2005, No. 25).
7. Amendment of subsection (a) filed 12-18-2006; operative 1-17-2007. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).
8. New subsections (c)-(c)(3) filed 4-23-2012; operative 5-23-2012. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2012, No. 17).

2 CCR § 18705.5, ← 2 CA ADC § 18705 →. ← 5 →

This database is current through 6/1/12 Register 2012, No. 22

END OF DOCUMENT

 Term

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[Docs In Sequence](#) [Table of Contents](#)

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**Agency Report of:
Public Official Appointments**

A Public Document

1. Agency Name City of Paso Robles		California Form 806 <small>For Official Use Only</small>	
Division, Department, or Region <i>(If Applicable)</i>			
Designated Agency Contact <i>(Name, Title)</i> Dennis Fansler, City Clerk			
Area Code/Phone Number (805) 237-3888	E-mail cityclerk@prcity.com	Page <u>1</u> of <u>1</u>	Date Posted: <u>10/03/12</u> <small>(Month, Day, Year)</small>

2. Appointments

Agency Boards and Commissions	Name of Appointed Person	Appt Date and Length of Term	Per Meeting/Annual Salary/Stipend
Local Agency Formation Commission	▶ Name <u>Picanco, Duane</u> <small>(Last, First)</small> Alternate, if any _____ <small>(Last, First)</small>	▶ <u>12 / 31 / 10</u> <small>Appt Date</small> ▶ <u>4 years</u> <small>Length of Term</small>	▶ Per Meeting: \$ <u>50.00</u> ▶ Estimated Annual: <input checked="" type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> Other
San Luis Obispo Council of Governments	▶ Name <u>Strong, Fred</u> <small>(Last, First)</small> Alternate, if any <u>Gilman, Nick</u> <small>(Last, First)</small>	▶ <u>01 / 04 / 12</u> <small>Appt Date</small> ▶ <u>1 year</u> <small>Length of Term</small>	▶ Per Meeting: \$ <u>100.00</u> ▶ Estimated Annual: <input checked="" type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> Other
Air Pollution Control District	▶ Name <u>Hamon, John</u> <small>(Last, First)</small> Alternate, if any _____ <small>(Last, First)</small>	▶ <u>01 / / 07</u> <small>Appt Date</small> ▶ <u>open</u> <small>Length of Term</small>	▶ Per Meeting: \$ <u>100.00</u> ▶ Estimated Annual: <input checked="" type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> Other
California Joint Powers Insurance Authority	▶ Name <u>Picanco, Duane</u> <small>(Last, First)</small> Alternate, if any _____ <small>(Last, First)</small>	▶ <u>07 / 15 / 03</u> <small>Appt Date</small> ▶ <u>open</u> <small>Length of Term</small>	▶ Per Meeting: \$ <u>100.00</u> ▶ Estimated Annual: <input checked="" type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> Other

3. Verification

I have read and understand FPCC Regulation 18705.5. I have verified that the appointment and information identified above is true to the best of my information and belief.

_____ Dennis Fansler <small>Signature of Agency Head or Designee</small>	_____ City Clerk <small>Print Name</small>	_____ 10/03/12 <small>Title</small>
_____ (Month, Day, Year)		

Comment: _____