

MEMORANDUM

To: Chair Ravel, Commissioners Casher, Eskovitz, Wasserman, and Wynne

From: Lynda Cassady, Chief, Technical Assistance Division

Subject: Approval of Amendments to Commission Form 806
Agency Report of Public Official Appointments

Date: June 5, 2013

Attached for Commission approval is amended Form 806-Agency Report of Public Official Appointments.

Background:

In general, the Act's provisions provide that 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 or more in any 12-month period. In other words, an official may be biased if a decision affects his or her personal finances of \$250 or more, (regardless of the source of the funds) and thus the official has a conflict of interest and cannot vote.

In March 2012, FPPC Regulation 18705.5 was amended to create a limited exception to allow public officials to vote on their appointment as representatives of the entity to other paid public boards even though the appointment results in additional income of \$250 or more in a 12 month period to the voting official. Pursuant to the regulation an agency must identify the appointments on a Form 806 prepared by the Commission.

In December 2012, the Commission amended Regulation 18705.5 to permit public officials to vote on their appointments to positions and committees of their own agency when they receive additional compensation for those duties and eliminated the requirement that such appointments be required by law. Prior to the December amendment the vote could only be in relation to a board or committee of another agency.

We found the form provides useful information to the public that prior to the disclosure was difficult to discover. Several cities and counties are posting the Form 806. A review of the forms showed that most appointments result in a per meeting payment in the \$100 range with either the \$1,001-\$2,000 box or the \$2,001 to \$3,000 box marked for the estimated annual income. Some forms showed an estimated annual income over \$5,000. I will have samples at the meeting to share upon request.

Since December 2012, we continue to gain experience with and obtain feedback regarding the form and present a revised form for your consideration. Political Reform Consultant, Cynthia Jones, assisted me in this project and handled the technical work in preparing the amendment. A minor technical change was incorporated as part of the comments received during the May public comment period.

Approval Request:

I ask for your approval to incorporate the latest revisions to the Form 806 and the FAQ informational sheet (questions 4 through 14 are new).

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