



LOS ANGELES COUNTY REDISTRICTING 2021

LIVE VIRTUAL CRC MEETING

LOS ANGELES COUNTY CITIZENS REDISTRICTING COMMISSION



To listen only, call:
(669) 900-9128, enter: 833 9342 5612 #



To attend or participate virtually:
[Click Here](#)

or: <https://us02web.zoom.us/j/83393425612>



To view via web:
<https://www.youtube.com/user/GaylaKH>



To submit written comments through our CRC website at: CommServ@bos.lacounty.gov





LOS ANGELES COUNTY REDISTRICTING 2021

LOS ANGELES COUNTY CITIZENS REDISTRICTING COMMISSION AGENDA

REGULAR MEETING – January 13, 7:00 pm]

VIA ZOOM VIRTUAL CONFERENCE

*Commissioner Jean Franklin
Commissioner David Holtzman
Commissioner Daniel Mayeda
Commissioner Mark Mendoza
Commissioner Apolonio Morales
Commissioner Nelson Obregon
Commissioner Priscilla Orpinela-Segura*

*Commissioner Hailes Soto
Commissioner Saira Soto
Commissioner Priya Sridharan
Commissioner Brian Stecher
Commissioner John Vento
Commissioner Carolyn Williams
Commissioner Doreena Wong*

Virtual Meeting Location

This meeting is being conducted using video conferencing and electronic means consistent with Governor Newsom's Executive Order N-29-20, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed online at: <https://www.youtube.com/user/GaylaKH>. The meeting may also be viewed via Zoom by using the following link: <https://us02web.zoom.us/j/83393425612>.

Public Comment Submissions

The public may submit comments remotely and/or register to speak by multiple means.

Before 5:00 p.m. on Tuesday, January 12, 2021

Comments submitted before the CRC meeting will be distributed to the Commissioners and posted online ahead of the meeting. The registration information should include your name, organization (if any), and the agenda item(s) on which you request to speak or have written comment read aloud.

1. Submit Public Comment: CommServ@bos.lacounty.gov
2. Submit a written comment via mail at P.O. Box. 56447, Sherman Oaks, CA 91413
3. Submit a written comment via email to: ghartsough@crc.lacounty.gov

At the CRC Meeting

At the time of the meeting, join the Zoom webinar via the link above OR call in via phone at (818) 907-0397.





LOS ANGELES COUNTY REDISTRICTING 2021

Wish to Make Public Comment During the Meeting?

- If you are participating by Zoom, submit a request to speak, using the Q&A feature. The request should include:
 - Your name
 - Organization (if any)
 - Agenda item(s) on which you request to comment
- Registered speakers' names will be called during public comment for the item(s) listed. The host will enable you to speak after you are called.
- If you are participating via phone, press *9 to raise your hand. Once called upon, press *6 to unmute and speak.

Wish to Submit Written Comments During the Meeting?

- If you are participating by Zoom, submit a written comment, using the Q&A feature. The comment should include:
 - Your name
 - Organization (if any)
 - Agenda item(s) along with what you would like to have read in public
- Your written comment will be read during public comment for the item(s) indicated, subject to the time limit set for public comments at the meeting

Accommodations

Please telephone (818) 907-0397 (voice) from 8:00 a.m. to 5:00 p.m., Monday – Friday, or you may email: CommServ@bos.lacounty.gov. Upon 72 hours' advance notice, accommodations, such as sign language interpretation, and translation services can be provided. Para información en español, por favor comuníquese al número (213) 974 1431, entre 8:00 a.m. y 5:00 p.m., de lunes a viernes.

The Commission reserves the right to alter the order of the agenda to allow for an effective meeting. Note: Any written materials submitted to the Commission are public record under the Public Records Act.





LOS ANGELES COUNTY **REDISTRICTING 2021**

Agenda

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. OATH OF OFFICE**
- 4. APPROVAL OF AGENDA**
- 5. PUBLIC COMMENT—GENERAL**

This is the time for public comment on matters not on the agenda. Pursuant to state law, the Commission may not discuss or take action on issues not on the meeting agenda, except that members of the Commission or staff may briefly respond to statements made or questions posed. Staff may be asked to follow up on such items.

6. CONSENT ITEMS

Items listed under the consent calendar are considered by the CRC Executive Director to be routine in nature and will be enacted by one motion unless a Commissioner requests otherwise, in which case the item will be removed for separate consideration.

- a. Review and take appropriate action on the December 26, 2020 Draft Los Angeles County Citizens Redistricting Commission (CRC) Minutes.
- b. Review and take appropriate action on the December 28, 2020 Draft Los Angeles County Citizens Redistricting Commission (CRC) Minutes.





LOS ANGELES COUNTY REDISTRICTING 2021

7. ACTION/DISCUSSION ITEMS

Approach to Each Action/Discussion Item

For each item on the Agenda:

1. Item is introduced
2. Staff present staff report or PowerPoint, if used
3. Commissioners can ask clarifying questions of staff during or after the presentation
4. Public Comment on that specific item is held
5. Public Comment is closed
6. Commission discusses, debates, and votes on the item

Action/Discussion Items

- a. Commissioner Introductions
- b. Commissioner Selection Process (Draft Report) – Gayla Kraetsch Hartsough, Ph.D., CRC Executive Director
 - Receive and consider approval of Draft Report
- c. Consent Under California Professional Rule of Responsibility No. 1.8.6 to Independent Legal Counsel’s Representation of the Commission-- Gayla Kraetsch Hartsough, Ph.D., CRC Executive Director; Holly O. Whatley, Esq., CRC Independent Legal Counsel
 - Review and consider approval of Required Consent
- d. Overview of Brown Act/Conflict of Interest/ PRA, including the need to complete AB 1234 training online within 60 days – Holly O. Whatley, Esq., CRC Independent Legal Counsel
 - Receive training
- e. Draft Bylaws – Holly O. Whatley, Esq., CRC Independent Legal Counsel
 - Review and consider adopt of Draft Bylaws
- f. Proposal of 2-4 Community Organizations presentations at each meeting because of importance of community partnerships – Gayla Kraetsch Hartsough, Ph.D., CRC Executive Director
 - Review and consider approval for proposed Community Organization presentations





LOS ANGELES COUNTY REDISTRICTING 2021

8. FUTURE AGENDA ITEMS

This is the time for Commissioners to request items be placed on future agendas.

9. EXECUTIVE DIRECTOR'S REPORT

- a. CRC website update
- b. CRC email update
- c. Proposed survey of the public to obtain input regarding CRC values for discussion at a future CRC meeting
- d. Redistricting mapping tools update
- e. Indigenous Land Acknowledgement
- f. Follow up on outstanding "Matters Not Posted" in December 2020 CRC special meetings:
 - i. Different acronym than CRC be considered in the future so there is no confusion with the California Citizens Redistricting Commission

10. ADJOURNMENT

For information on the CRC and to sign up for receiving future notices or provide written public comment, go to: CommServ@bos.lacounty.gov



**Citizens Independent Commission Meeting
Day, January 13, 2021 at 7:00 p.m.**

LIVE STREAM WILL BEGIN SHORTLY



LOS ANGELES COUNTY
REDISTRICTING
2021





LOS ANGELES COUNTY
REDISTRICTING 2021

Los Angeles County Citizens Redistricting Commission (CRC)

Regular CRC Meeting: January 13, 2021



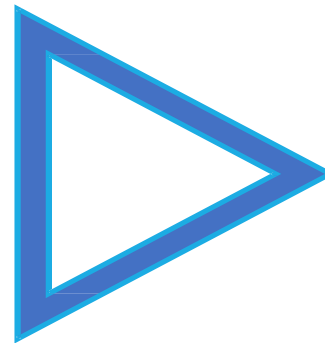


Notice

THIS MEETING IS BEING RECORDED AND WILL BE POSTED AT THE LOS ANGELES COUNTY COMMISSION PUBLICATION SITE: <https://lacounty.gov/compub/>

The CRC Website is currently under development.

This meeting is streaming live at: <https://www.youtube.com/user/GaylaKH>



**During the CRC meeting, if you need technical assistance,
use the Q&A button at the bottom of your Zoom Webinar screen.
Thai Le of KH is there to assist.**

Other Public Comment Submissions: CommServ@bos.lacounty.gov





1. Call to Order

2. Roll Call

Commissioner Jean Franklin
Commissioner David Holtzman
Commissioner Daniel Mayeda
Commissioner Mark Mendoza
Commissioner Apolonio Morales
Commissioner Nelson Obregon
Commissioner Priscilla Orpinela-Segura

Commissioner Hailes Soto
Commissioner Saira Soto
Commissioner Priya Sridharan
Commissioner Brian Stecher
Commissioner John Vento
Commissioner Carolyn Williams
Commissioner Doreena Wong





3. Oath of Office: Commission Overview

- In 2016, the California Legislature passed Senate Bill 958 requiring Los Angeles County to assemble the CRC following the Federal census.
- The role of the CRC is to adjust the boundary lines of the five single-member supervisorial districts of the County of Los Angeles Board of Supervisors (Board) following each federal decennial census.
- The CRC is to be independent from the influence of the Board and reasonably representative of the County's diversity.
- In redistricting, the CRC will ensure:
 - Each district is reasonably equal in population
 - Geographically contiguous
 - Boundaries take into account:
 - Topography and geography
 - Cohesiveness, contiguity, integrity, compactness of territory
 - Community of interest of the Supervisorial Districts





3. Oath of Office

After an overview of the Commission and why each member was selected, at this time may we have Commissioners please stand so that I may swear you in. Please repeat after me:

I, (state your name), during such times as I hold the office of the County of Los Angeles Citizens Redistricting Commission do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion and that I will well and faithfully discharge the duties upon which I am about to enter.

Congratulations



4. Approval of Agenda





5. Public Comment: General – Matters Not on the Agenda

If you wish to speak, provide the following information through the Q&A button at the bottom of your screen as though you were completing a Public Comment card:

- Public Comment Speaker
- Your Name
- Your Affiliation/Organization

If on a phone line, press *9 to raise your hand. Once called upon, press *6 to unmute and speak.

Each Person Gets 1 Minute

When you speak, share your name and affiliation at the beginning.

If you feel comfortable, please turn on your video while speaking.

If you do not wish to speak, you can also enter public comment through the Q&A button by providing:

- Your Name
- Your Affiliation/Organization
- Your Public Comment to be read aloud





5. Public Comment : General – Matters Not on the Agenda

Public Correspondence Received Posted





6. Consent Items: Minutes

Since the full CRC was not in place in December 2020, suggest that only the 8 Commissioners attending the following meetings approve these minutes:

- a. Review and take appropriate action on the December 26, 2020 Draft Los Angeles County Citizens Redistricting Commission (CRC) Minutes.
- b. Review and take appropriate action on the December 28, 2020 Draft Los Angeles County Citizens Redistricting Commission (CRC) Minutes.



7. Action/Discussion Items

Overview of Approach

1. Item is introduced
2. Staff present staff report or PowerPoint, if used
3. Commissioners can ask clarifying questions of staff during or after the presentation
4. Public Comment on that specific item is held
5. Public Comment is closed
6. Commission discusses, debates, and votes on the item





7. Public Comment on Agenda Item 7

If you wish to speak, provide the following information through the Q&A button at the bottom of your screen as though you were completing a Public Comment card:

- Public Comment Speaker
- Indicate Agenda Item # (e.g., 7a, 7d)
- Your Name
- Your Affiliation/Organization

If on a phone line, press *9 to raise your hand. Once called upon, press *6 to unmute and speak.

Each Person Gets 1 Minute, including the reading aloud of Public Correspondence Received Posted

If you speak, share your name and affiliation at the beginning.
If you feel comfortable, please turn on your video while speaking.

If you do not wish to speak, you can also enter public comment through the Q&A button by providing:

- Your Name
- Your Affiliation/Organization
- Your Public Comment to be read aloud





7. Action/Discussion Items

- a. **Commissioner Introductions**
- b. Overview of Commissioner Selection Process for New Commissioners – Gayla Kraetsch Hartsough, Ph.D., CRC Executive Director
- c. Consent Under California Professional Rule of Responsibility No. 1.8.6 to Independent Legal Counsel’s Representation of the Commission -- Gayla Kraetsch Hartsough, Ph.D., CRC Executive Director; Holly O. Whatley, Esq., CRC Independent Legal Counsel
- d. Overview of Brown Act/Conflict of Interest/ PRA, including the need to complete AB 1234 training online within 60 days – Holly O. Whatley, Esq., CRC Independent Legal Counsel
- e. Draft Bylaws – Holly O. Whatley, Esq., CRC Independent Legal Counsel
- f. Proposal of 2-4 Community Organizations presentations at each meeting because of importance of community partnerships – Gayla Kraetsch Hartsough, Ph.D., CRC Executive Director



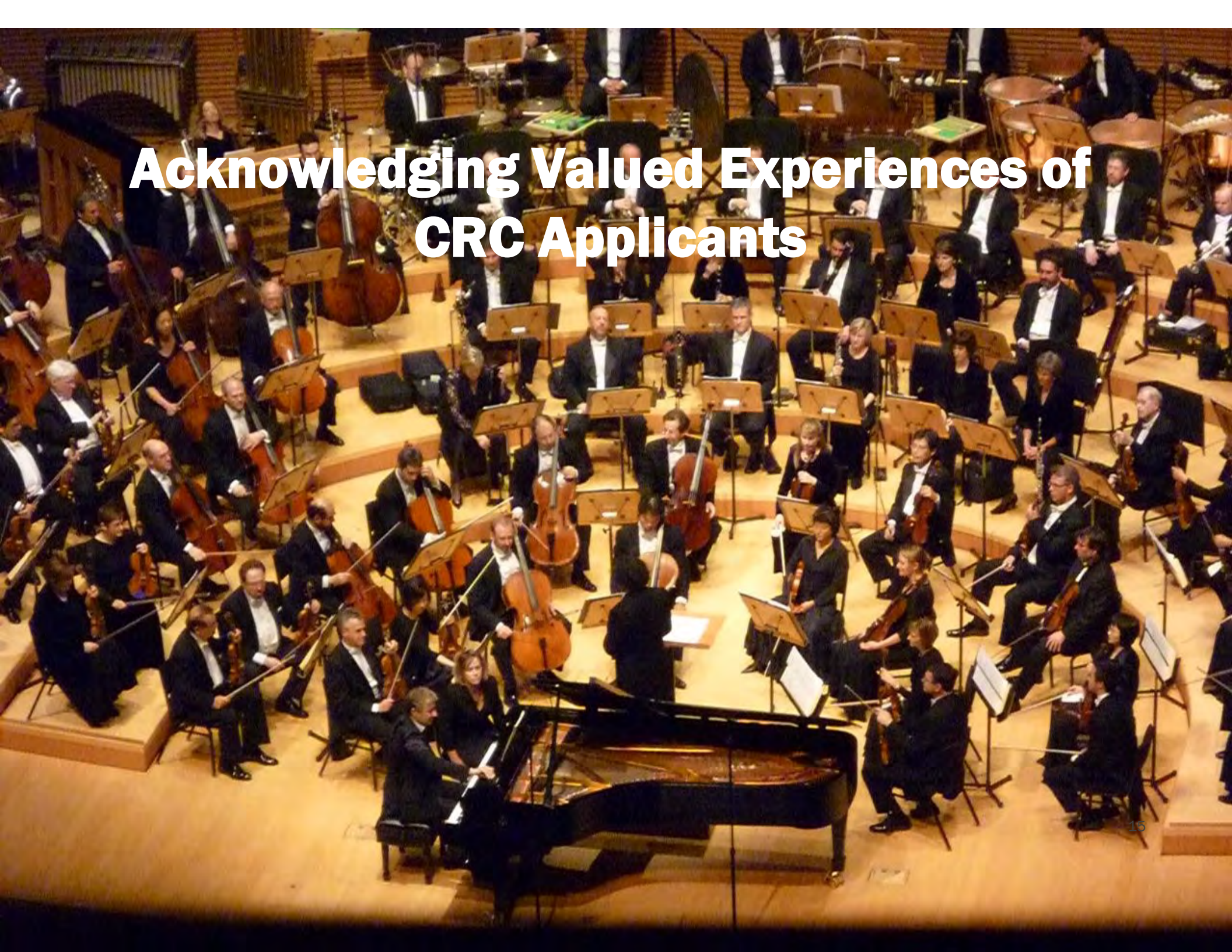


7. Action/Discussion Items

- a. Commissioner Introductions
- b. Commissioner Selection Process for New Commissioners (Draft Report) – Gayla Kraetsch Hartsough, Ph.D., CRC Executive Director**
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Acknowledging Valued Experiences of CRC Applicants





Commissioner Selection Process

Phase 1:

Registrar-Recorder/County Clerk Identification of 60 Most Qualified Applicants

- 741 applications
- 533 qualified applicants
- 60 most qualified



Phase 2:

Auditor-Controller Random Drawing of 8 Commissioners

- 1 randomly drawn per Supervisorial District
- 3 randomly drawn from remaining 55 applicants



Phase 3:

Selection of 6 Additional Commissioners

- Ratings of all 60 applications
 - Holistic approach
 - Scale of 1-10
- List narrowed to reflect:
 - Political party affiliations
 - Diverse demographics
- Slate of 6

- Applications available by candidates' first names at: <https://lavote.Net/2020-citizens-redistricting-commission>





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8. Future Agenda Items

Commissioners, do we have any “Matters Not Posted”
to be placed on a future agenda?



9. Executive Director's Report

- a. CRC website update
- b. CRC email update
- c. Proposed survey of the public to obtain input regarding CRC values for discussion at a future CRC meeting
- d. Redistricting mapping tools update
- e. Indigenous Land Acknowledgement
- f. Follow up on outstanding “Matters Not Posted” in December 2020 CRC special meetings:
 - i. Different acronym than CRC be considered in the future so there is no confusion with the California Citizens Redistricting Commission



Los Angeles County Department of Arts & Culture Update

9e. Promote cultural equity, diversity, inclusion, and belonging

Identify ways to acknowledge Indigenous Peoples as traditional stewards of this land at County public events and ceremonial functions and celebrate the contributions of culture bearers and traditional arts practices of diverse communities.

Source: https://library.municode.com/ca/la_county_-_bos/codes/board_policy?nodeId=CH3ADGEGO_3.180COCUPO





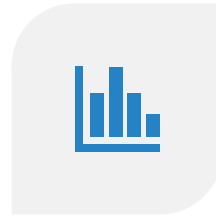
CRC Commitment



Transparency



Integrity



Objectivity



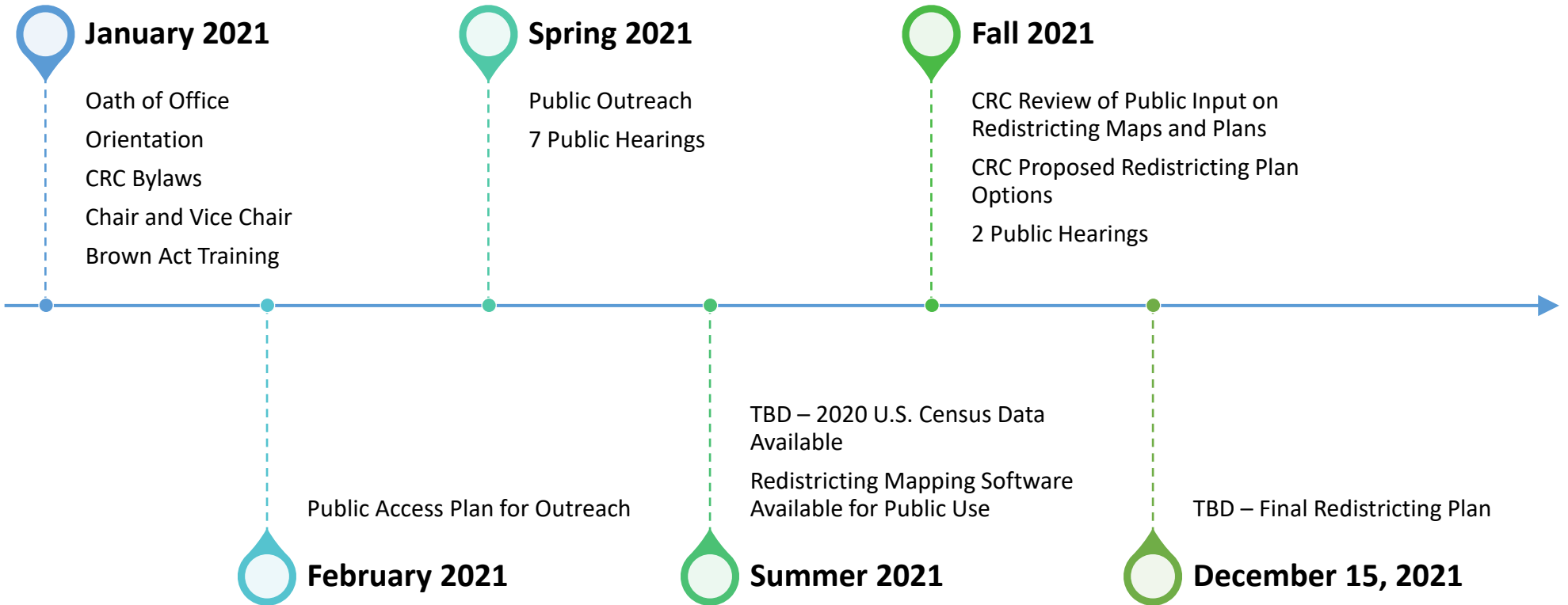
Public
Engagement



Civil Discourse



CRC 2021 Milestones



10. Adjournment



Citizens Redistricting Commission Staff

Executive Director

Gayla Kraetsch Hartsough, Ph.D.

Los Angeles County Citizens Redistricting Commission
P.O. Box 56447
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ghartsough@crc.lacounty.gov

Thai V. Le (Doctoral Candidate, USC)
GIS, Public Policy, and Technical Support

Independent Legal Counsel

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Citizens Independent Commission Meeting

*** RECESS ***

LIVE STREAM WILL RESUME SHORTLY



LOS ANGELES COUNTY
REDISTRICTING
2021



LOS ANGELES COUNTY
REDISTRICTING 2021

SUPPORTING DOCUMENTS, by Agenda Number

CRC Regular Meeting:
January 13, 2021





6. Consent Items: Minutes

- a. Review and take appropriate action on the December 26, 2020 Draft Los Angeles County Citizens Redistricting Commission (CRC) Minutes.**
- b. Review and take appropriate action on the December 28, 2020 Draft Los Angeles County Citizens Redistricting Commission (CRC) Minutes.**





DRAFT MINUTES FOR THE LOS ANGELES COUNTY CITIZENS REDISTRICTING COMMISSION

Saturday, December 26, 2020

10:00 AM

VIDEO FILE FOR ENTIRE MEETING NOW POSTED ON YOUTUBE: (21-0157)

Attachments: [VIDEO LINK](#)

Call to Order. (20-6846)

The meeting was called to order at 10:06 a.m. Thai V. Le, KH Consulting Group staff for the CRC, took roll call.

Present: Commissioner Jean A. Franklin, Commissioner David Holtzman, Commissioner Daniel Mayeda, Commissioner Nelson Obregon, Commissioner Priscilla Orpinela-Segura, Commissioner Hailes Soto, Commissioner Brian Stecher PhD and Commissioner John Vento

I. CONSENT CALENDAR

1. Review and take appropriate action on the December 14, 2020 Draft Los Angeles County Citizens Redistricting Commission (CRC) Minutes. (Continued from the meeting of 12/21/20) (20-6844)

On motion of Commissioner Stecher, seconded by Commissioner Franklin, the CRC Commissioners reviewed and unanimously approved the December 14, 2020 Revised Draft CRC Minutes.

Ayes: 8 - Commissioner Jean A. Franklin, Commissioner David Holtzman, Commissioner Daniel Mayeda, Commissioner Nelson Obregon, Commissioner Priscilla Orpinela-Segura, Commissioner Hailes Soto, Commissioner Brian Stecher PhD and Commissioner John Vento

Attachments: [SUPPORTING DOCUMENT](#)

2. Review and take appropriate action on the December 21, 2020 Draft Los Angeles County Citizens Redistricting Commission (CRC) Minutes. (21-0088)

On motion of Commissioner Mayeda, seconded by Commissioner Franklin, the CRC Commissioners reviewed and unanimously approved the December 21, 2020 Draft CRC Minutes with one change: Page 2, 4th full paragraph: Change “The Commissioners identified top choices...” to “Some Commissioners identified top choices...”

Ayes: 8 - Commissioner Jean A. Franklin, Commissioner David Holtzman, Commissioner Daniel Mayeda, Commissioner Nelson Obregon, Commissioner Priscilla Orpinela-Segura, Commissioner Hailes Soto, Commissioner Brian Stecher PhD and Commissioner John Vento

Attachments: [SUPPORTING DOCUMENT](#)

II. ADMINISTRATIVE MATTER

3. Review of the Commissioners’ evaluation of the CRC applicants and selection of six additional CRC members and possible alternative members and complete selection by December 31, 2020 or scheduling additional meeting on:

- Monday, December 28, 2020 at 10:00 a.m.
- Tuesday, December 29, 2020 at 2:00 p.m.
- Tuesday, December 29, 2020 at 7:00 p.m. (20-6767)

Executive Director, Gayla Kraetsch Hartsough, Ph.D. (Gayla KH), provided an update for the Commissioners regarding the actions they needed to take in December to select the remaining six Citizens Redistricting Commission (CRC) Commissioners. She provided some updates to the qualified applicant pool:

- **One applicant’s race/ethnicity was incomplete in the provided Registrar-Recorder/County Clerk’s table: Stevan Colin is Native American-Blackfeet Tribe/Mexican-American**
- **James Toma has withdrawn his name from consideration**
- **Dan Wood’s residence is in Santa Monica, CA, not Los Angeles, CA.**

Commissioner Holtzman and Gayla KH agreed to meet to review the voter registration numbers provided by the Los Angeles Registrar-Recorder/County Clerk with his analytics and report back to the CRC.

Thai V. Le presented a series of maps that plotted, by zip code, where the top 23 qualified applicants resided.

NEXT STEPS

The Commissioners refined the list of qualified applicants and have agreed to complete an online survey, to be developed by Gayla KH. The purpose of the survey is for Commissioners to propose their slate of 6 candidates. She will compile the results for review at the Monday, December 28, 2020, CRC meeting.

- **Larry Harris made a public comment.**
- **Thai V. Le read to the Commissioners an email received from Stevan Colin.**

Attachments: [SUPPORTING DOCUMENT](#)
[PUBLIC COMMENT/CORRESPONDENCE](#)

III. MISCELLANEOUS

Matters Not Posted

4. **Matters not on the posted agenda, to be placed on the agenda for action at a future meeting, for matters that required immediate action because of an emergency situation or where the need to take action came to the attention of the Commission subsequent to the posting of the agenda. (20-6768)**

Commissioner Holtzman requested that a statement be made regarding, “Indigenous Land Acknowledgement,” at the start of CRC meetings. He has offered to draft some language for consideration.

Commissioner Holtzman requested that a different acronym than CRC be considered in the future so there is no confusion with the California Citizens Redistricting Commission.

Adjournment

5. **Adjournment of the meeting of Saturday, December 26, 2020. (20-6749)**

The meeting of December 26, 2020 was adjourned at 12:00 p.m.



**DRAFT MINUTES FOR THE
VIRTUAL MEETING OF THE
LOS ANGELES COUNTY
CITIZENS REDISTRICTING COMMISSION**

Monday, December 28, 2020

10:00 AM

VIDEO FILE FOR ENTIRE MEETING NOW POSTED ON YOUTUBE: (21-0217)

Attachments: [Video Link](#)

Call to Order. (21-0107)

The meeting was called to order at 10:05 a.m. Thai V. Le, KH Consulting Group staff for the CRC, took roll call.

Present: Commissioner Jean A. Franklin, Commissioner David Holtzman, Commissioner Daniel Mayeda, Commissioner Nelson Obregon, Commissioner Priscilla Orpinela-Segura, Commissioner Hailes Soto, Commissioner Brian Stecher PhD and Commissioner John Vento

I. CONSENT CALENDAR

1. Review and take appropriate action on the December 26, 2020 Draft Los Angeles County Citizens Redistricting Commission (CRC) Minutes. (21-0108)

Draft minutes for the December 26, 2020 meeting were not ready for CRC review.

Attachments: [SUPPORTING DOCUMENT](#)

II. ADMINISTRATIVE MATTERS

2. Review of the Commissioners' evaluation of the CRC applicants and selection of six additional CRC members and possible alternate members and complete selection by December 31, 2020, or schedule additional meetings on:

- Tuesday, December 29, 2020 at 2:00 p.m. OR
- Tuesday, December 29, 2020 at 7:00 p.m. (21-0110)

Commissioner Holtzman's percentages for Political Party Affiliations includes voters who are registered in other parties (i.e., not republican or not democratic), which he included with the registered voters who are No Party Preference. The CRC will use his percentages to reflect political party affiliations and representation.

The Commissioners had completed an online survey where they proposed their Slate of 6 Commissioners to be added to the CRC, along with comments. Executive Director, Gayla Kraetsch Hartsough, Ph.D., (Gayla KH), displayed the Commissioners' individual Slates of 6. Each Commissioner presented his/her rationale for their respective slates. Gayla KH also shared frequency counts of applicants who appeared on one or more Slates of 6.

Thai Le presented a series of maps that plotted, by zip code, where the qualified applicants being considered resided.

Thai V. Le read to the Commissioners a written comment from Nancy Diaz. The Commissioners pointed out that since the initial evaluation of the 52 qualified applicants, the Commissioners have read many more of the applications to develop their Slates of 6.

The Commissioners discussed the options and refined the Slate of 6. On motion of Commissioner Mayeda, seconded by Commissioner Franklin, the CRC Commissioners reviewed and approved the following Slate of 6:

- Carolyn Williams
- Apolonio Morales
- Doreena Wong
- Saira Soto
- Mark Mendoza
- Priya Sridharan

The Commissioners requested Gayla KH to have the Executive Office:

- **Notify the 6 new Commissioners as quickly as possible**

-
- **Inform the other 46 qualified applicants of the decision and inquire if they would want to remain on the list as possible candidates to serve as Alternates.**

Gayla KH will be surveying the 14 Commissioners to schedule the first meeting when they will be sworn into office.

There were no public comments.

Ayes: 7 - Commissioner Jean A. Franklin, Commissioner Daniel Mayeda, Commissioner Nelson Obregon, Commissioner Priscilla Orpinela-Segura, Commissioner Hailes Soto, Commissioner Brian Stecher PhD and Commissioner John Vento

Noes: 1 - Commissioner David Holtzman

Attachments: [SUPPORTING DOCUMENT](#)
[PUBLIC COMMENT](#)

III. MISCELLANEOUS

Matters Not Posted

3. Matters not on the posted agenda, to be placed on the agenda for action at a future meeting, for matters that required immediate action because of an emergency situation or where the need to take action came to the attention of the Commission subsequent to the posting of the agenda. (21-0111)

Commissioner Holtzman is researching possibilities for a statement regarding, “Indigenous Land Acknowledgement,” at the start of CRC meetings – to be discussed with the full Commission once sworn into office.

Adjournment

4. Adjournment of the meeting of Monday, December 28, 2020. (21-0112)

The meeting of December 28, 2020 was adjourned at 12:48 p.m.



7. Action/Discussion Items: Supporting Documents

7a. CRC Staff Biographies





LOS ANGELES COUNTY REDISTRICTING 2021

Gayla Kraetsch Hartsough, Ph.D., CRC Executive Director

Gayla Kraetsch Hartsough, Ph.D., is President of KH Consulting Group (KH), headquartered in Los Angeles since 1986. She is also an Associate Adjunct Professor, University of Southern California, Sol Price School of Public Policy/International Public Policy & Management (IPPAM).

She has more than 35 years experience in public policy, strategic planning, organization change, management audits and performance reviews, program and service delivery, human resources, accountability metrics, community needs assessments, and stakeholder buy-in.

Some quick facts:

- Her firm has served 200 clients in 25 states in U.S. and 9 foreign countries
- She specializes in local government and higher education
 - Performed 19 performance reviews on behalf of the Los Angeles County Civil Grand Jury since 1999
 - Served public agencies: Los Angeles County; Los Angeles City; Orange County (CA); diverse cities within Los Angeles County, such as Beverly Hills and Pico Rivera; LAX; Port of Los Angeles; Port of Long Beach; State of California; U.S. Federal Government; and other governmental agencies (City and County of Denver, LACCD, LAUSD)
 - Assisted 30% of the Los Angeles County departments in developing their strategic plans; 60% retained KH subsequently for strategic plan updates or implementation assistance
 - Conducted studies for 30% of the community colleges in California, as well as California State University System, UCLA, and USC
- Certified WBE, CBE, and LSBE

For more information: www.KHConsultingGroup.com

Prior to KH, she was with Willis Towers Watson (formerly Towers Perrin), Managing Consultant, in Washington, D.C.; Sydney, Australia; and Los Angeles, CA. She also worked at a not-for-profit research firm in Washington, D.C.

Education: B.S., Northwestern University, School of Communications; Masters, Tufts University; Ph.D. and Masters, University of Virginia; and post-doctorate, The Institute for Citizens & Scholars (formerly Woodrow Wilson National Fellowship, Princeton, NJ)





LOS ANGELES COUNTY REDISTRICTING 2021

Holly O. Whatley, Esq., Independent Legal Counsel

Holly Whatley is a Shareholder of the firm Colantuono, Highsmith and Whatley, PC, and specializes in providing legal services to local public agencies throughout the State. Her practice includes both advisory and litigation matters, focusing on election law, municipal finance issues, public utility rates, matters involving Local Agency Formation Commissions (LAFCOs), land use, California Public Records Act, the Brown Act, conflict of interest laws, CEQA and public works. In 2013, the last year they made such an award, the *Daily Journal* recognized her as one of the top 20 municipal lawyers in the state of California. Holly currently serves as the Commission Counsel for the San Diego County Local Agency Formation Commission. She previously served as City Attorney for La Habra Heights and Assistant City Attorney of Calabasas, Sierra Madre and South Pasadena.

Holly has a particular expertise in litigating complex cases in a broad range of areas, including class actions against public agencies. She has represented cities in municipal finance litigation, including writ actions involving multi-million-dollar claims. Engagements include a constitutional challenge to A.B. 1484, the post-redevelopment legislation, a \$10 million per year dispute between Los Angeles County and 47 of its cities regarding property tax administration fees, a multi-million-dollar dispute between a telecommunications carrier and more than 30 cities regarding telecommunications user taxes, and a \$24 million per year dispute between Chevron and the City of Richmond regarding business license taxes.

Holly also leads her firm's Elections Law practice and has litigated many elections disputes, including initiative proposals, ballot argument disputes and the like, including recent writ matters involving a voter-approved measures. She provides advice to local agencies on elections practices and compliance with Elections Code requirements, and has advised cities transitioning from at large elections to district-based elections.

Education: Holly graduated with a Bachelor of Arts degree *cum laude* from the University of Texas at Austin in 1988. She received her J.D from the University of Texas School of Law in 1992 and joined the California Bar that same year. While in law school, Holly taught legal research and writing to first-year students.





LOS ANGELES COUNTY REDISTRICTING 2021

Thai V. Le, CRC Mapping and Technical Support

Thai V. Le is a Ph.D. candidate in the Sol Price School of Public Policy at the University of Southern California (USC) where he researches and advocates on issues of social equity, racial justice, and intersectionality.

As a mixed-methods researcher, Thai uses a series of spatial, quantitative, and qualitative tools to incorporate data-driven analyses in examining policy topics including immigration, economic mobility, public finance, and the digital divide. Currently, Thai is working on his dissertation which looks at the inequitable barriers to citizenship and integration that immigrants face. He focuses on how race/ethnicity, class, gender, and immigration status facilitate cumulative disadvantages and inequitable outcomes. Thai is interested in identifying these intersectional experiences to shape policies that will close such disparities.

Thai's experiences in research and advocacy also include collaborative reports and policy recommendations with research groups such as the Equity Research Institute (formerly the Center for the Study of Immigrant Integration and the Program for Environmental and Regional Equity) and the Connected Communities and Inclusive Growth team—ranging in topics from economic recovery and housing to broadband access. Thai's collaborative work with organizations and research centers focus on addressing local inequities to uplift marginalized communities' voices.

Education: He holds a Master's degree in Public Policy from USC and a Bachelor's degree in International Development Studies and Asian American Studies from the University of California, Los Angeles (UCLA).





7. Action/Discussion Items: Supporting Documents

7b. Overview of Commissioner Selection Process for New Commissioners –
Gayla Kraetsch Hartsough, Ph.D., CRC Executive Director





LOS ANGELES COUNTY REDISTRICTING 2021

Los Angeles Citizens Redistricting Commission (CRC) Commissioner Selection Process

Draft Prepared January 8, 2021

Draft Report Prepared by:

Gayla Kraetsch Hartsough, Ph.D. | Executive Director, Los Angeles County Citizens Redistricting Commission

DRAFT, PAGE 1





LOS ANGELES COUNTY REDISTRICTING 2021

Contents

Overview	3
Selection Process	3
Phase 1 – Applications and Development of the 60 Most Qualified Applicant Pool	4
Phase 2 – Random Selection of Eight CRC Commissioners	4
Phase 3 – Selection of Six Additional CRC Commissioners	4
December 14, 2020, Special Meeting	5
December 21, 2020, Special Meeting	6
December 26, 2020, Special Meeting	7
December 28, 2020, Special Meeting	7
Selected Commissioners’ Demographics	8
Selected Commissioners	8
Political Party Preference	8
Reflection of LA County Diversity and Demographics	10
Age Ranges	10
Race/Ethnicity Representation	11
Gender Representation	12
Supervisory District Representation	12
Geographic Representation	14
Attachment A	15





LOS ANGELES COUNTY **REDISTRICTING 2021**

Los Angeles Citizens Redistricting Commission (CRC) Commissioner Selection Process

This document outlines the process for selecting the Los Angeles Citizens Redistricting Commission (CRC) Commissioners. The CRC did not become an official commission until all 14 Commissioners were selected by the State's required deadline of December 31, 2020. The 14 Commissioners are necessary to establish a quorum of 9 members and conduct the business of the Commission; in addition, 9 votes are necessary to pass any action.

Overview

Every 10 years, Los Angeles County's Supervisorial District boundaries are to be adjusted to ensure the Supervisorial Districts and Board of Supervisors are representative of the County's population. In 2016, the California Legislature passed Senate Bill 958 requiring Los Angeles County to the CRC to redraw Supervisorial District boundaries following the Federal census.

The Commissioners are required to reflect the County's diversity, including racial, ethnic, geographic, and gender diversity, and demonstrate they possess the following experience:

- Analytical skills relevant to the redistricting process and voting rights
- An ability to comprehend and apply the applicable State and Federal legal requirements
- Ability to be impartial
- An appreciation for the diverse demographics and geography of Los Angeles County

The political party preferences of the CRC Commissioners are not required to be exactly the same as the proportion of political party preferences among the registered voters of Los Angeles County; however, they must be as proportionate as possible.

Selection Process

The selection process involved three phases, involving different review groups to reinforce the CRC's independence from the Board of Supervisors:





LOS ANGELES COUNTY REDISTRICTING 2021

- Phase 1 – Screening of applications by the Los Angeles County Registrar-Recorder/County Clerk (RR/CC) to identify the pool of 60 most qualified applicants
- Phase 2 – Random selection of eight Commissioners from the pool of 60 most qualified applicants by the Los Angeles County Auditor-Controller
- Phase 3 – Selection of the final six Commissioners from the remaining 52 most qualified applicants in the subpool by the eight randomly selected Commissioners

Phase 1 – Applications and Development of the 60 Most Qualified Applicant Pool

RR/CC received 741 applications by September 8, 2020. The RR/CC then reviewed the applications and narrowed the applicant pool to 533 qualified applicants, based on specific requirements of Los Angeles County residency, voter registration, and election participation. The RR/CC separated demographic information from the review of subjective questions to eliminate potential bias. The RR/CC then assigned RR/CC staff to independently review the applications.

RR/CC identified the pool of 60, representing the 12 most qualified applicants from each of the 5 current Supervisorial Districts. The RR/CC submitted these names to the Auditor-Controller after the 30-day public review period.

Attachment A lists the 60 most qualified applicants. Copies of the 60 most qualified applications are available online at: <https://lavote.net/2020-citizens-redistricting-commission>.

Phase 2 – Random Selection of Eight CRC Commissioners

The Los Angeles County Auditor-Controller conducted random drawings at the Board of Supervisors' meeting on November 24, 2020, selecting 1 Commissioner from each of the 5 existing Supervisorial Districts and 3 Commissioners randomly drawn from the remaining 55 applicants.

Here is the link to view the live random drawing: <https://www.facebook.com/watch/?v=185484406501211>

Phase 3 – Selection of Six Additional CRC Commissioners

In accordance with Elections Code section 21550(g), the eight randomly selected Commissioners reviewed the remaining applicants in the subpools of most qualified applicants with the goal of selecting six additional Commissioners. To accomplish this goal, the Commissioners met during four public special meetings between December 14, 2020, and December 28, 2020. Recordings of each of these CRC meetings can viewed at:





LOS ANGELES COUNTY REDISTRICTING 2021

- December 14, 2020, meeting: <https://youtu.be/lpwG3X1ad8U>
- December 21, 2020, meeting: https://youtu.be/Nc3K_2g8y6k
- December 26, 2020, meeting: <https://youtu.be/DVFWpSkyUME>
- December 28, 2020, meeting: <https://youtu.be/gISNsypnVMY>

At each public special meeting, the Commissioners received public comments regarding the process, most qualified applicants, and future considerations.

December 14, 2020, Special Meeting

The Commissioners considered five options for evaluating the 52 most qualified applicants. They opted to use a holistic approach in which they read applications and rated applicants in terms of the applicants' overall analytical skills relevant to redistricting/voting rights, State and Federal legal requirements, impartiality, and appreciation of LA County's diverse demographics and geography. They agreed to:

- Ensure applicants had at least two Commissioners review their applications; each Commissioner reviewed 12 to 13 applications randomly assigned to him/her/them.
- Provide latitude to Commissioners to evaluate more of the most qualified applicants if they wanted to

The Commissioners agreed to apply a 10-point scale, displayed in Table 1, that distinguished gradations of qualifications among the 52 remaining most qualified applicants.

Table 1: 10-Point Rating Scale for First Round of Commissioners' Evaluations

Scale	Evaluation Groupings
10	Exceptional applicant, stands out from all of the rest
9	
8	Top 30% of the applicant applications reviewed
7	
6	
5	Middle 30% of the applicant applications reviewed
4	
3	
2	Bottom 30% of the applicant applications reviewed
1	





LOS ANGELES COUNTY REDISTRICTING 2021

December 21, 2020, Special Meeting

The Commissioners acknowledged the valued experiences of the 52 remaining most qualified applicants. On average, the Commissioners had each reviewed 27 applications for a total of 215 application reviews. Applications had an average of 4 Commissioner reviews.

Attachment A lists the Commissioners' ratings of all 52 applicants (**in brown**). Overall, 12 applicants (23% of the subpool) scored ratings of 8.0 or above; another 11 applicants (21% of the subpool) were in the 7.0 to 7.9 ratings range, as displayed in Table 2.

Table 2: Distributing of Commissioners' Ratings

Commissioners' Ratings	Most Qualified Applicants	
	Number	Percent
8.0 or above	12	23%
7.0-7.9	11	21%
6.0-6.9	15	29%
5.0-5.9	5	10%
4.0 or below	9	17%
Total	52	100%

The Commissioners initially focused on the applicants rated 7.0 and above on the 10-point rating scale to see if they could meet the other criteria within this group.

The CRC application that each applicant submitted to RR/CC has a privacy waiver that allows the County to disclose the applicant's city and supervisorial district but does not permit release of their physical or mailing addresses. As a result, the CRC Executive Director was able to obtain cities and zip codes for each of the individuals on the list of 60 most qualified applicants for the December 21, 2020, meeting. Attachment A lists the location of the most qualified applicants (**cities or unincorporated areas and zip codes in green**).

Once the Commissioners reviewed these new data points, the Commissioners agreed to expand their discussions and deliberations of the most qualified applicants to ensure the Los Angeles County political party affiliation and geographic and demographic diversity requirements were met. For example, some of the 52



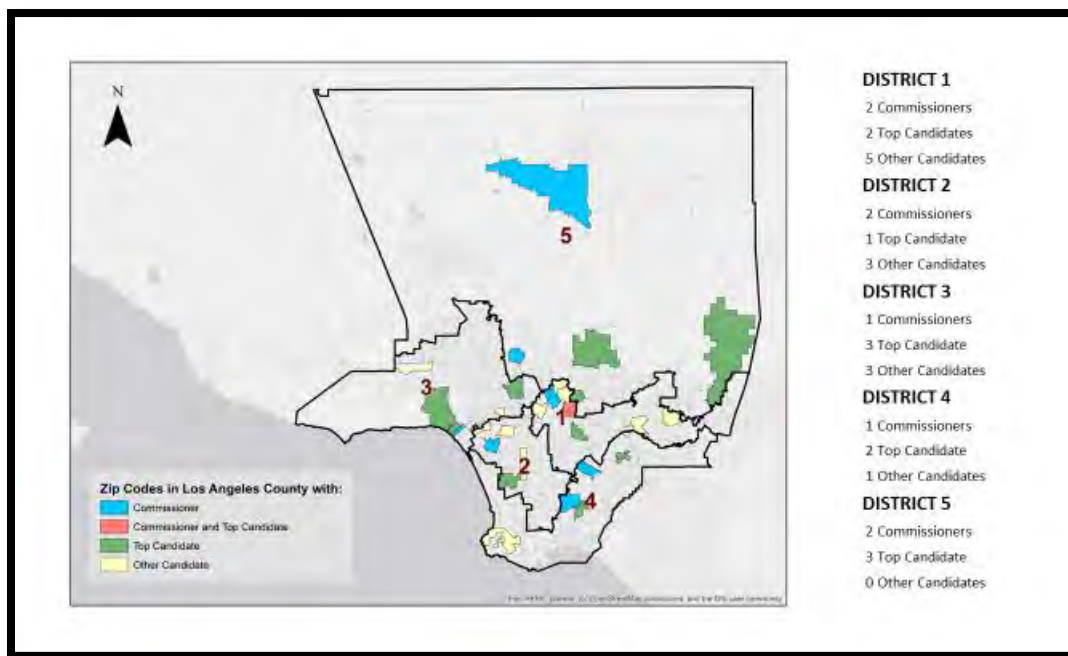


LOS ANGELES COUNTY REDISTRICTING 2021

most qualified applicants rated 7.0 or higher resided in zip codes that were the same as or adjacent to the eight Commissioners' zip codes.

December 26, 2020, Special Meeting

The Commissioners analyzed a series of maps that CRC staff had developed that indicated the geographic location of the eight Commissioners and most qualified applicants under consideration.



This discussion led to the Commissioners refining their list of applicants and agreeing to each develop their own individual "Slate of 6" to share at the next meeting.

December 28, 2020, Special Meeting

The Commissioners shared their rationale for their Slates of 6. Attachment A indicates the frequency that most qualified applicants appeared on Commissioners' Slates of 6 (in brown). After further deliberations, the Commissioners made a motion for a proposed Slate of 6, which was approved by a vote of seven to one among the Commissioners.





LOS ANGELES COUNTY REDISTRICTING 2021

Selected Commissioners' Demographics

Approximately 10 million individuals reside in Los Angeles County. Los Angeles County consists of 88 incorporated cities and more than 100 unincorporated areas.

Selected Commissioners

Table 3 lists the official CRC 14 Commissioners, listed alphabetically by last name.

Table 3: CRC Commissioners

Commissioners	Supervisory District (SD)
Commissioner Jean A. Franklin	SD 2
Commissioner David Adam Holtzman	SD 5
Commissioner Daniel Mark Mayeda	SD 2
Commissioner Apolonio Morales	SD 4
Commissioner Mark Mendoza	SD 5
Commissioner Nelson Obregon	SD 1
Commissioner Priscilla Orpinela-Segura	SD 1
Commissioner Brian Mark Stecher, PhD	SD 3
Commissioner Saira Soto	SD 1
Commissioner Hailes Horacio Soto	SD 4
Commissioner Priya Sridharan	SD 5
Commissioner John Patrick Kevin Vento	SD 5
Commissioner Carolyn Williams	SD 2
Commissioner Doreena Wong	SD 3

Political Party Preference

As of January 5, 2021, RR/CC reports that Los Angeles County has 5.89-million registered voters. Overall, 73% of the Los Angeles County population is over age 18 (n=7.3 million); thus, 79% of the eligible population are registered voters.^{1, 2}

¹ Registrar-Recorder Voter Registration Information: <https://lavote.net>

² Registrar-Recorder Voter Registration specific report, October 19, 2020: https://lavote.net/docs/RR/CC/election-info/LA_ROR_County_Summary_10192020.pdf





LOS ANGELES COUNTY REDISTRICTING 2021

The California Election Code indicates that the Commissioners' political party preferences "...shall be as proportionate as possible," but are not required to be exactly the same as the proportion of political party preferences among the registered voters of Los Angeles County. According to the RR/CC, the major political party affiliations among Los Angeles County registered voters are democratic (52%), nonpartisan (26%), and Republican (17%), displayed in Table 4.

Table 4: Number of Registered Voters by Political Party Affiliation in Los Angeles County

Political Party Affiliation	Registered Voters	% of Total Registered Voters
Democratic	3,079,289	52%
Nonpartisan	1,553,117	26%
Republican	1,013,590	17%
American Independent	146,859	2%
Libertarian	45,051	1%
Peace and Freedom	35,817	1%
Green	22,904	0%
	5,896,627	100%

Attachment A lists the political party preferences (in purple). Among the remaining 52 most qualified applicants, there was one Green party member and none from the American Independent, Libertarian, or Peace & Freedom Parties.

The Commissioners decided to take into consideration the larger voter registration mix in Los Angeles County. The "Not Democrat/Not Republican" or NDR category includes Los Angeles County registered voters who are:

- Not Democrat
- Not Republican
- No Party Preference (NPP) or Nonpartisan
- Other Party Affiliations³

Table 5 displays the calculations the Commissioners used for considering Political Party Affiliation makeup of the CRC. The Commissioners began by looking at party affiliation in three groups: Democrat, Republican, and No Party Preference (NPP).

³ Los Angeles County has approximately 317,038 registered voters in this "other" category.





LOS ANGELES COUNTY REDISTRICTING 2021

Table 5: Number of Registered Voters by Democratic, NDR, and Republican Political Party Affiliation in Los Angeles County

Political Party Affiliation	Registered Voters	% of Total Registered Voters
Democratic	3,079,289	52%
NDR	1,803,748	31%
Republican	1,013,590	17%
	5,896,627	100%

Upon further discussions, the Commissioners realized that these three categories did not reflect other parties fully. In response, the Commissioners created a new category with no affiliation plus minor parties. The Commissioners then focused on balancing political party affiliation of the CRC this new breakdown, displayed in Table 6.

Table 6: Comparison of Commissioner and Los Angeles County Political Party Affiliations

Political Party Preferences	# CRC Commissioners	% CRC	% of Total Registered Voters in LA County
Democratic	8	57%	52%
NDR, including NPP	4	29%	31%
Republican	2	14%	17%

Reflection of LA County Diversity and Demographics

The Election Code requires that the 14 Commissioners reflect the County's diversity, including racial, ethnic, geographic, and gender diversity. Formulas or specific ratios, however, cannot be applied for this purpose.

Los Angeles County population demographics used for assessing this reflection are based on the U.S. Census Bureau's most recent estimates: <https://www.census.gov/quickfacts/fact/table/losangelescountycalifornia#> (July 1, 2019). Attachment A lists the demographic information (in blue).

Age Ranges

The Commissioners range in age from 31 to 73 years. In Los Angeles County, approximately 27% of the population is under age 18 and, therefore, not eligible to register to vote. Another 59% of the Los Angeles County population is between ages 18 and 64; 14% are age 65 or older.

Approximately 64% of the Commissioners are between age 30 and 64 in comparison to the Los Angeles general population of 59%; 36% of the Commissioners are age 65 or older, as displayed in Table 7.





LOS ANGELES COUNTY REDISTRICTING 2021

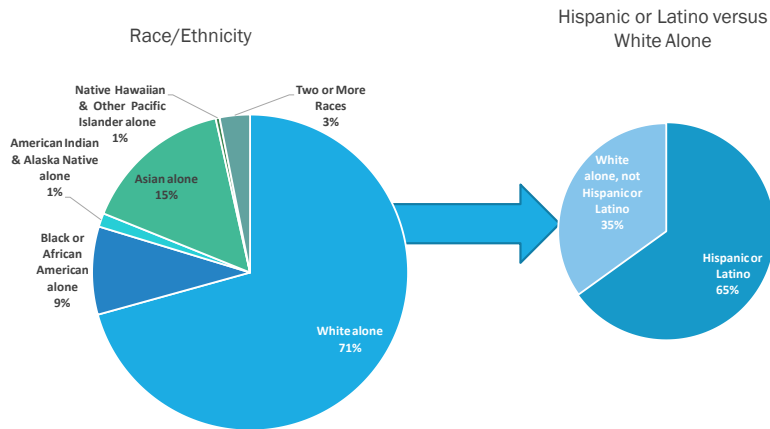
Table 7: Comparison of Commissioner and Los Angeles County Age Ranges

Age Ranges	# CRC Commissioners	% CRC	% CRC	% of LA County
Under 18	NA	NA	NA	27%
Under 30	0	0%		
30 – 39	2	14%		
40 - 49	3	21%	64%	59%
50 - 59	2	14%		
60 - 64	2	14%		
65 - and Over	5	36%	36%	14%
	14	100%	100%	100%

Race/Ethnicity Representation

The graph displays the race/ethnicity makeup of Los Angeles County and includes a further break-down that differentiates between Hispanic/Latino versus White Alone.

Los Angeles County Demographics: Race/Ethnicity



U.S. Census <https://www.census.gov/quickfacts/fact/table/losangelescountycalifornia#>





LOS ANGELES COUNTY REDISTRICTING 2021

Table 8 displays the Commissioners' racial/ethnic makeup compared to Los Angeles County.

Table 8: Comparison of Commissioner and Los Angeles County Racial/Ethnicity Demographics

Race/Ethnicity	# CRC Commissioners	% CRC	% of LA County
Hispanic/Latino/Latina/Latinx	6	43%	46%
Asian (incl. Pacific Islander)	3	21%	15%
White (Not of Hispanic Origin)	3	21%	25%
Black/African American	2	14%	9%
Other (incl. American Indian/Alaskan Native)		0%	5%

Gender Representation

The Phase 2 random selection of the eight Commissioners resulted in an outcome of six male and two female Commissioners. Table 9 displays the final Commissioner gender comparisons.

Table 9: Comparison of Commissioner and Los Angeles County Gender Demographics

Gender	# CRC Commissioners	% CRC	% of LA County
Female	6	43%	50%
Male	8	57%	50%
Non-Binary	0		

Supervisorial District Representation

Each supervisorial district serves approximately 2 million residents. If the 14 Commissioners' were divided, evenly each Supervisorial District would have between 2 and 3 Commissioners. Subdivision (c) states: *At least one commission member shall reside in each of the five existing supervisorial districts of the board.* At least one of the 14 Commissioners resides in each of the five supervisorial districts, as displayed in Table 10.

Table 10: Commissioners Residency, by Los Angeles County Supervisorial District

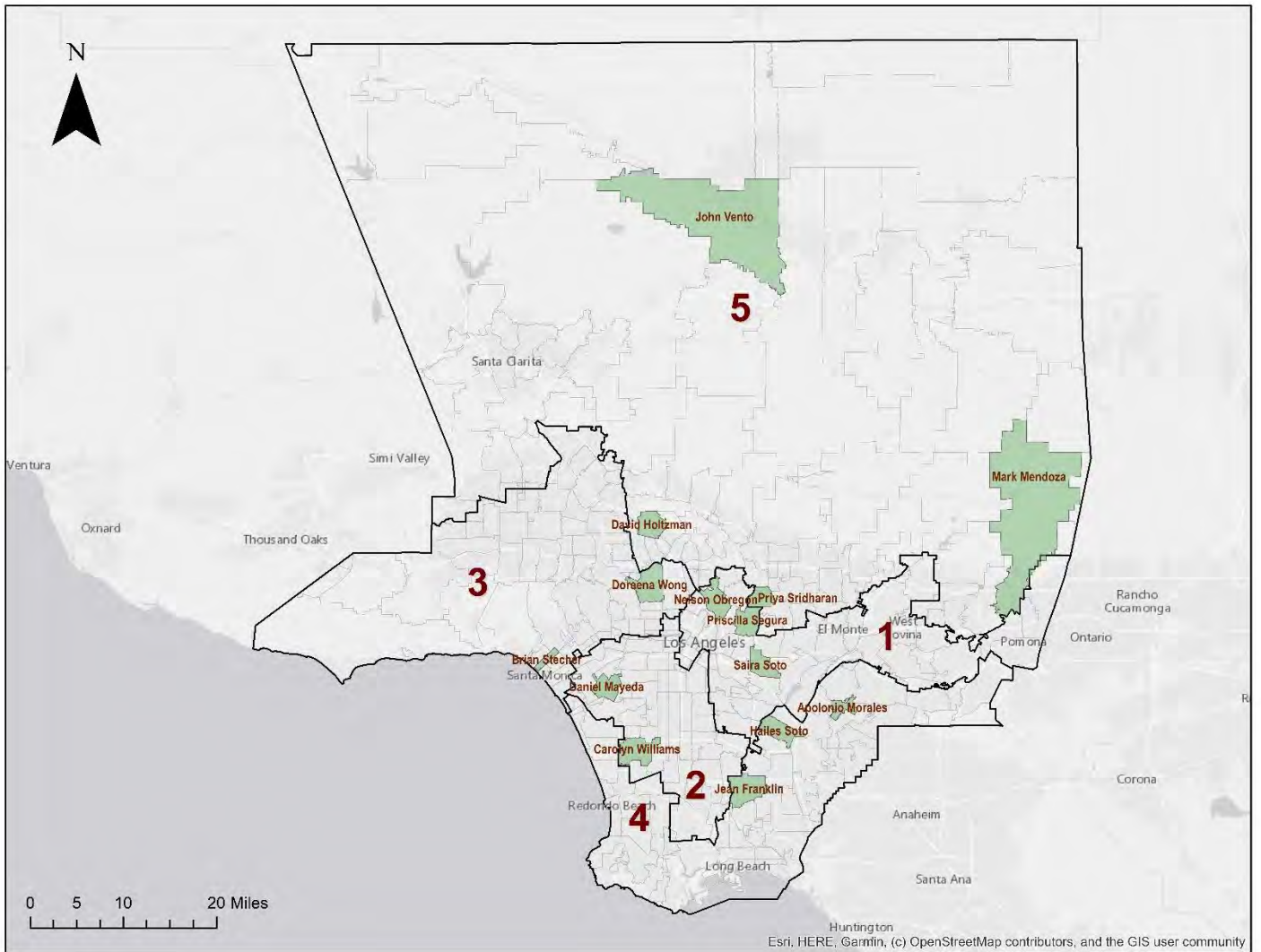
Districts	# CRC Commissioners	% CRC	% of LA County
District 1	3	21%	20%
District 2	3	21%	20%
District 3	2	14%	20%
District 4	2	14%	20%
District 5	4	29%	20%





LOS ANGELES COUNTY REDISTRICTING 2021

This map displays the geographic representation of the Commissioners, based on their zip codes and by current supervisorial districts:

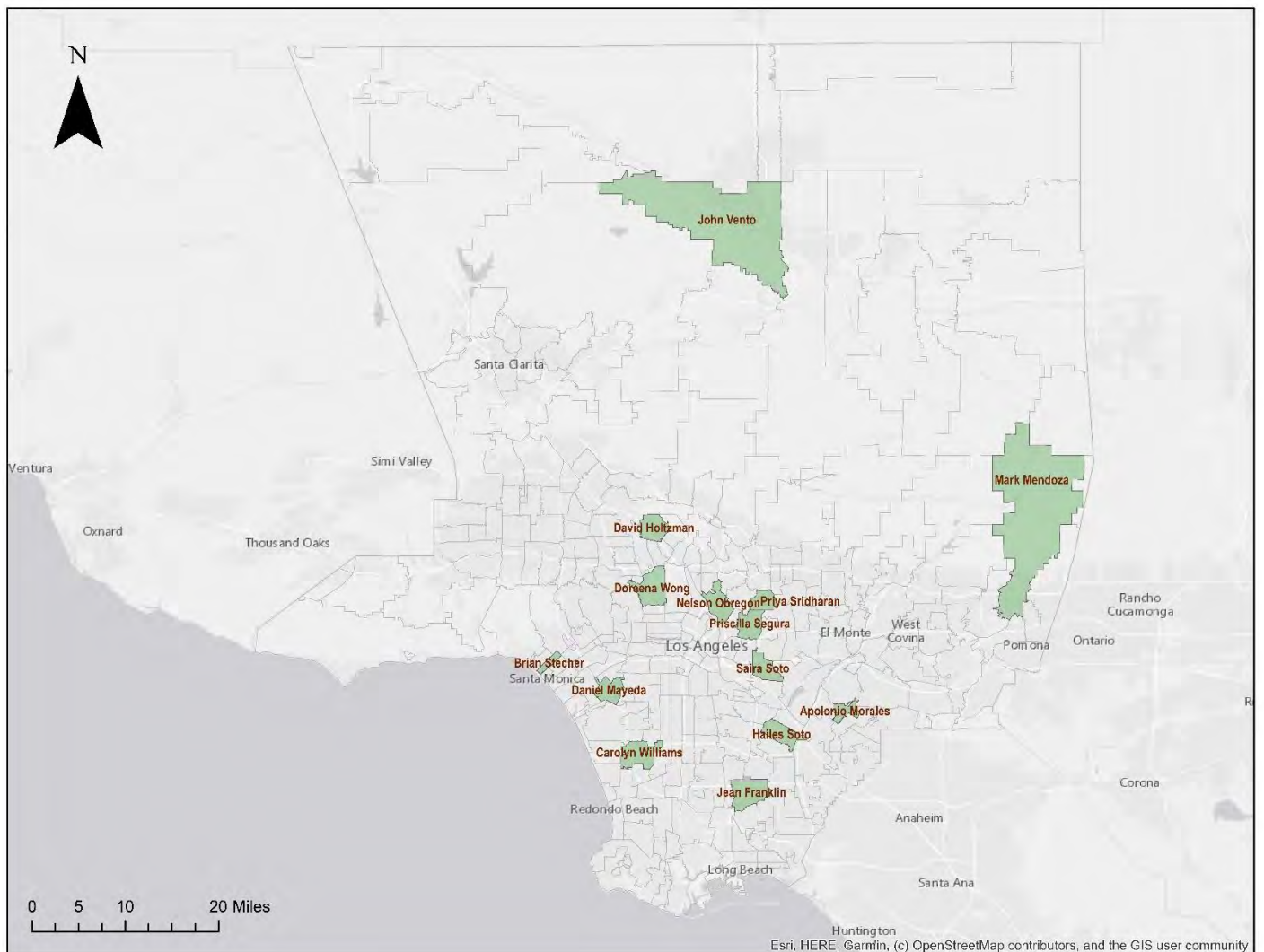




LOS ANGELES COUNTY REDISTRICTING 2021

Geographic Representation

The Commissioners were interested in understanding geographic distribution, regardless of existing supervisorial districts. This map displays the geographic representation of the Commissioners, based on their zip codes, without regard to current supervisorial districts:



**Los Angeles County Citizen Redistricting Committee (CRC)
Final 60 Most Qualified Candidates, Sorted Alphabetically**

Name	Political Party Affiliation	Demographics			Geographic Distribution		
		Gender	Age (yrs)	Race / Ethnicity	SD#	City or Unincorporated Area	Zip Code
8 Commissioners Randomly Selected by Auditor-Controller							
Brian Stecher	D	M	73	White	3	Santa Monica	90403
Daniel Mayeda	D	M	62	Japanese	2	Culver City	90230
David Holtzman	NDR	M	60	White	5	Burbank	91504
Hailes Soto	NDR	M	39	Mexican/Mexican American	4	Downey	90241
Jean Franklin	D	F	72	Black	2	Long Beach	90805
John Vento	NDR	M	51	White	5	Palmdale	93551
Nelson Obregon	R	M	59	Cuban	1	Los Angeles	90065
Priscilla Segura	D	F	31	Mexican/Mexican American	1	Los Angeles	90032
6 Commissioners Selected by the 8 Commissioners							
Apolonio Morales	D	M	42	Mexican/Mexican American	4	Whittier	90602
Carolyn Williams	D	F	67	Black/African American	2	Hawthorne	90250
Doreena Wong	D	F	68	Chinese	3	Los Angeles	90068
Mark Mendoza	R	M	68	Mexican/Mexican American	5	La Verne	91750
Priya Sridharan	D	F	45	Asian Indian	5	South Pasadena	91030
Saira Soto	NDR	F	40	Mexican/Mexican American	1	Los Angeles	90022
Remaining 46 CRC Applicants							
Adela Barajas	D	F	54	White, Mexican/Mexican American	1	South Gate	90280
Alan Ehrlich	NDR	M	57	White	5	South Pasadena	91030
Arturo Adame	NDR	M	72	Mexican/Mexican American	4	Redondo Beach	90278
Avo Babian	D	M	41	Armenian	3	Sherman Oaks	91423

**Los Angeles County Citizen Redistricting Committee (CRC)
Final 60 Most Qualified Candidates, Sorted Alphabetically**

Name	Political Party Affiliation	Demographics			Geographic Distribution		
		Gender	Age (yrs)	Race / Ethnicity	SD#	City or Unincorporated Area	Zip Code
Carmen Gonzalez	D	F	57	Mexican/Mexican American, White, Other Latinx	5	Glendale	91202
Charles Lindenblatt	D	M	53	White	3	Los Angeles	90048
Charlotte Williams	D	F	53	Black, Latinx	2	Inglewood	90302
Christine Walker	NDR	F	36	Black/African American	2	Westchester	90045
Christopher Castaneda	NDR	M	46	Mexican/Mexican American	1	Los Angeles	90032
Constance Boukidis	D	F	62	White	3	Los Angeles	90024
Dan Woods	R	M	67	White	3	Santa Monica	90402
David Coher	R	M	43	Hispanic/Latinx	5	Pasadena	91103
Elizabeth Johnson	D	F	77	Black/African American	2	Los Angeles	90047
Gloria Medel	D	F	50	Mexican/Mexican American	5	Pasadena	91104
James Toma	D	M	49	Japanese	1	West Covina	91791
Jia Lin Sayers	R	F	41	Chinese, Other Hispanic/Latinx	4	San Pedro	90731
John Merguerian	R	M	46	White	5	Glendale	91202
Jose Avila	NDR	M	33	Mexican/Mexican American	3	North Hollywood	91605
Jose Luis Benavides	NDR	M	59	Mexican/Mexican American	5	Glendale	91202
Joseph Roth	D	M	53	White	3	Los Angeles	90064
Lawrence Harris	NDR	M	64	White	2	Los Angeles	90048
Linda Timmons	D	F	70	Black	4	Paramount	90723
Louise Chao	D	F	66	Chinese	4	Rancho Palos Verdes	90275
Luis Claro	D	M	29	Mexican/Mexican American	3	Pacoima	91331
Manuel Gonez	D	M	55	Mexican/Mexican American	1	Pomona	91767
Margaret Milligan	D	F	65	White	3	Pacific Palisades	90272

**Los Angeles County Citizen Redistricting Committee (CRC)
Final 60 Most Qualified Candidates, Sorted Alphabetically**

Name	Political Party Affiliation	Demographics			Geographic Distribution		
		Gender	Age (yrs)	Race / Ethnicity	SD#	City or Unincorporated Area	Zip Code
Maria Williams-Slaughter	NDR	F	52	Black	4	Lakewood	90712
Marisa DiDomenico	G	F	51	White	5	Burbank	92626
Mary Kenney	R	F	70	White/Lithuanian American	4	Palos Verdes Estates	90274
Molly Greene	D	F	35	White	1	Los Angeles	90026
Mona Field	D	F	67	White	1	Los Angeles	90041
Nancy Diaz	NDR	F	41	Latinx	1	Pomona	91766
Nyanza Shaw	D	F	50	Black/African American	2	Los Angeles	90016
Patricia Don	NDR	F	66	Black	2	Los Angeles	90232
Ricardo Mireles	D	M	55	Mexican/Mexican American	1	Los Angeles	90042
Rosalinda Lugo	D	F	60	Mexican/Mexican American	1	La Puente	91746
Sara Eastwood	D	F	27	White	1	Los Angeles	90015
Stevan Colin	D	M	63	Native American-Blackfeet Tribe and Mexican/Mexican American	4	Redondo Beach	90278
Teresa Wheatley-Humphrey	D	F	53	Black/African American	2	Los Angeles	90008
Theresa Fuentes	D	F	51	Mexican/Mexican American	5	Altadena	91001
Thomas Baxter	NDR	M	65	White	5	Pasadena	91106
Tim Forest	R	M	60	White	3	Woodland Hills	91367
Todd Hays	R	M	58	White	4	Torrance	90501
Verda Bradley	D	F	79	Black/African American	2	Los Angeles	90056
Victor Manalo	D	M	57	Filipino	4	Artesia	90701
Vinod Kashyap	R	M	78	Asian Indian	4	Diamond Bar	91745



7. Action/Discussion Items: Supporting Documents

7c. Consent Under California Professional Rule of Responsibility No. 1.8.6 to
Independent Legal Counsel's Representation of the Commission --

Gayla Kraetsch Hartsough, Ph.D., CRC Executive Director;

Holly O. Whatley, Esq., CRC Independent Legal Counsel





LOS ANGELES COUNTY **REDISTRICTING 2021**

COMMISSION AGENDA REPORT

TO: Honorable Commissioners

FROM: Gayla Kraetsch Hartsough, Executive Director
Holly O. Whatley, Independent Legal Counsel

DATE: January 5, 2021

SUBJECT: Consent Under California Professional Rules of Conduct 1.8.6 (Compensation from One Other than Client)

SUMMARY RECOMMENDATION

Staff recommends the Commission ratify the earlier written consent provided under California Professional Rules of Conduct 1.8.6 (Compensation from One Other than Client).

REPORT

Elections Code section 21534, subdivision (c)(8) requires that the Board of Supervisors provide reasonable funding and staffing for the Commission; such funding includes the County paying for the services of the Independent Legal Counsel. Because the County of Los Angeles has agreed to pay the Independent Counsel's invoices directly, the Independent Counsel's obligations under Rule 1.8.6 are implicated. That rule states:

A lawyer shall not enter into an agreement for, charge, or accept compensation for representing a client from one other than the client unless:

- (a) there is no interference with the lawyer's independent professional judgment or with the lawyer-client relationship;
- (b) information is protected as required by Business and Professions Code section 6068, subdivision (e)(1) and rule 1.6; and





LOS ANGELES COUNTY REDISTRICTING 2021

(c) the lawyer obtains the client's informed written consent* at or before the time the lawyer has entered into the agreement for, charged, or accepted the compensation, or as soon thereafter as reasonably* practicable, provided that no disclosure or consent is required if:

- (1) nondisclosure or the compensation is otherwise authorized by law or a court order; or
- (2) the lawyer is rendering legal services on behalf of any public agency or nonprofit organization that provides legal services to other public agencies or the public.

The Independent Legal Counsel was retained before the full Commission was constituted so that the initial eight Commissioners selected could have the benefit of legal advice during the decision-making process to select the remaining six Commissioners. The Executive Director provided interim written consent per Rule 1.8.6, subject to ratification by the full Commission, to enable Independent Counsel to begin work to assist in constituting the Commission. A representative from the County also signed the consent acknowledging that the County is not the client of the Independent Legal Counsel's office. (See page 6 of the attached agreement.)

Now that the full Commission is fully constituted, the Commission should consider ratifying such written consent. Because an affirmative vote of nine of the fourteen Commissioners is required, the first meeting of the full CRC represents the soonest practicable time to obtain ratification of such consent. As the attached legal services agreement makes clear:

- Although the County will pay Independent Legal Counsel's invoices, the client is the Commission, not the County;
- The Independent Legal Counsel takes direction from the Commission on legal matters, not the County; and,
- The Executive Director will review Independent Legal Counsel's invoices before they are submitted to the County, but to maintain client confidences all attorney client privileged information will be redacted from the Independent Legal Counsel's invoices before they are submitted to the County for payment.





LOS ANGELES COUNTY REDISTRICTING 2021

Staff recommends that the Commission ratify the written consent as described above.

ATTACHMENTS:

Exh. A: Professional Rule 1.8.6

Exh. B: Legal Services Agreement





The State Bar of California

Rule 1.8.6 Compensation from One Other than Client (Rule Approved by the Supreme Court, Effective November 1, 2018)

A lawyer shall not enter into an agreement for, charge, or accept compensation for representing a client from one other than the client unless:

- (a) there is no interference with the lawyer's independent professional judgment or with the lawyer-client relationship;
- (b) information is protected as required by Business and Professions Code section 6068, subdivision (e)(1) and rule 1.6; and
- (c) the lawyer obtains the client's informed written consent* at or before the time the lawyer has entered into the agreement for, charged, or accepted the compensation, or as soon thereafter as reasonably* practicable, provided that no disclosure or consent is required if:
 - (1) nondisclosure or the compensation is otherwise authorized by law or a court order; or
 - (2) the lawyer is rendering legal services on behalf of any public agency or nonprofit organization that provides legal services to other public agencies or the public.

Comment

[1] A lawyer's responsibilities in a matter are owed only to the client except where the lawyer also represents the payor in the same matter. With respect to the lawyer's additional duties when representing both the client and the payor in the same matter, see rule 1.7.

[2] A lawyer who is exempt from disclosure and consent requirements under paragraph (c) nevertheless must comply with paragraphs (a) and (b).

[3] This rule is not intended to abrogate existing relationships between insurers and insureds whereby the insurer has the contractual right to unilaterally select counsel for the insured, where there is no conflict of interest. (See *San Diego Navy Federal Credit Union v. Cumis Insurance Society* (1984) 162 Cal.App.3d 358 [208 Cal.Rptr. 494].).

[4] In some limited circumstances, a lawyer might not be able to obtain client consent before the lawyer has entered into an agreement for, charged, or accepted compensation, as required by this rule. This might happen, for example, when a lawyer is retained or paid by a family member on behalf of an incarcerated client or in certain commercial settings, such as when a lawyer is retained by a creditors' committee involved in a corporate debt restructuring and agrees to be compensated for any services to be provided to other similarly situated creditors who have not yet been identified. In such limited situations, paragraph (c) permits the lawyer to comply with this rule as soon thereafter as is reasonably* practicable.

[5] This rule is not intended to alter or diminish a lawyer's obligations under rule 5.4(c).

790 E. Colorado Boulevard, Suite 850
Pasadena, CA 91101-2109
Voice (213) 542-5700
Fax (213) 542-5710

COLANTUONO
HIGSMITH
WHATLEY, PC

Holly O. Whatley
(213) 542-5704
HWhatley@chwlaw.us

December 10, 2020

VIA ELECTRONIC MAIL

Peter Bollinger
Assistant County Counsel
Government Services Division
Office of the County Counsel
Kenneth Hahn Hall of Administration
500 W. Temple Street, Sixth Floor
Los Angeles, California 90012

Gayla Kraetsch Hartsough
Executive Director
County of Los Angeles Citizens Redistricting
Commission
KH Consulting Group
1901 Avenue of the Stars, Ste. 200
Los Angeles, CA 90067

**Re: Representation of County of Los Angeles Citizens Redistricting
Commission**

Dear Peter and Gayla:

As you asked, I write to propose the terms under which we agree to represent the County of Los Angeles Citizens Redistricting Commission ("you" or "Commission"), which is charged with adjusting the boundary lines of the districts of the Board of Supervisors of the County of Los Angeles. This will be our sole project for the Commission.

This letter sets forth the basis upon which our firm will provide legal services to the Commission and bill the County of Los Angeles for services and costs. This fee agreement is made with both the County of Los Angeles (as the party responsible for the

payment) and the Commission as our client, subject to the disclosures and consent required by Rule 1.8.6 of the Rules of Professional Conduct (explained below). If it is acceptable, we need you both to execute it and return it to me. If you have questions or concerns about this form of agreement, please call me at the direct-dial number listed above.

The firm maintains a conflict of interest index which lists all clients of our firm and matters in which we represent them. We will not represent any party with an interest that may be adverse to an indexed person without first determining if a professional conflict of interest would arise. We propose to index the following with respect to this matter:

Client-Affiliated Parties:

County of Los Angeles Citizens Redistricting Commission

Please let me know if this name is incorrect or if there are other parties with an interest in this matter that we should list. Unless we hear from you to the contrary, we will assume that the above listing is accurate and complete.

We have reviewed our files and our conflicts index and have no other client relationships which would interfere with our ability to represent the Commission in this matter. Because the County of Los Angeles has agreed to pay our bills directly, our obligations under Rule 1.8.6 will be implicated. That rule states:

A lawyer shall not enter into an agreement for, charge, or accept compensation for representing a client from one other than the client unless:

- (a) there is no interference with the lawyer's independent professional judgment or with the lawyer-client relationship;
- (b) information is protected as required by Business and Professions Code section 6068, subdivision (e)(1) and rule 1.6

We see no difficulty in complying with this rule, as our work will be for the Commission, we will take our direction from the Commission and preserve its secrets, and will not view the County of Los Angeles as our client for this representation. By signing below, the Commission and the County agree: (i) to retain us to represent the Commission as provided in this letter, and (ii) to our acceptance of payment from the County of Los Angeles.

Peter Bollinger
December 10, 2020
Page 3

As we have discussed, the nature of the matter makes it impossible for us to precisely estimate the fees the Commission may incur. The County of Los Angeles will receive monthly statements informing it of the fees and costs incurred during the prior month. If necessary, we will redact any privileged information from such invoices. We will, of course, do our best to represent the Commission efficiently and without undue expense.

Please make payments payable to Colantuono, Highsmith & Whatley, PC directly to our Grass Valley office at:

Colantuono, Highsmith & Whatley, PC
420 Sierra College Drive, Suite 140
Grass Valley, CA 95945-5091

Our federal employer identification number is 75-3031545.

Pamela Graham and I will have primary responsibility for representing the Commission, and the firm will use other attorneys and legal assistants in the best exercise of our professional judgment. If you have questions, concerns or criticisms at any time, please contact me at once. Naturally, we expect the Commission to keep us reasonably informed of all significant developments regarding this representation.

We review all statements before they are issued to ensure the amount charged is appropriate. The statement for fees is simply the product of the hours worked multiplied by the hourly rates for the attorneys and legal assistants who did the work.

Our hourly rates are based upon the experience, reputation and ability of the lawyer or legal assistant performing the services, and for 2020 range between \$220 and \$525 per hour for attorneys@time, and between \$145 and \$170 for the time of paralegals and legal assistants. As a courtesy to you, however, we agree to cap our rates at the amounts set forth in Exhibit A , a substantial discount from my full hourly rate of \$525. Our rate structure in general and the rates of particular lawyers may be increased from time to time, and are usually adjusted as of the beginning of each calendar year. However, we will not lift the hourly caps outlined above without first discussing with the Commission and the County our need to do so. Moreover, we will not seek to lift the specified caps before December 31, 2021.

It may be necessary to bill for items such as, but not limited to, authorized travel,, filing fees, and the like. These items are separately itemized on our statement as "disbursements." These amounts will be billed in addition to our fees and in accordance with the terms set forth on Exhibit A.

The terms and conditions attached hereto as Exhibit A are incorporated here by reference. If there are conflicts between Exhibit A and this letter the terms in Exhibit A control with the sole exception that the Commission and not the County is our client.

We rarely have disputes with clients over our fees. Nevertheless, you should be aware that you are entitled to require that any fee dispute be resolved by binding arbitration in Los Angeles Counties pursuant to the arbitration rules for legal fee disputes of the Los Angeles County Bar Association. Such fee arbitration is at your option.

The Commission has the right to terminate our representation at any time. We have the same right, subject to an obligation to give you reasonable notice to arrange alternative representation, if necessary. In either circumstance, you agree to secure new counsel to represent you as quickly as possible and to cooperate fully in the substitution of any necessary new counsel as counsel of record. Notwithstanding the termination of our representation, the County will remain obligated to pay to us all fees and costs incurred previously.

You agree that we may, in our discretion, maintain all or part of your client file in electronic format. The firm may store part or all of your documents using secure cloud storage services. If so, the firm will apply all reasonable methods to maintain the confidentiality of your files, just as it does for your non-digital information. Your data will be password protected and encrypted using currently available technology. Clients requiring information from their files may obtain that information only by written request to us.

You also agree that following termination of our attorney-client relationship, we will not be required to maintain your client file for more than four years. If you ask us to deliver your file to you, you agree that delivery of an electronic version, together with any materials that cannot be saved electronically, satisfies our obligation to release all your client papers and property to you. Two years after termination of our relationship, and after reasonable notice, you agree that we will be free to destroy your client file, including all electronic records. We may also discharge our obligation to maintain your

file before two years expire by mailing a copy to you at your address last known to us. You agree that "reasonable notice" means our mailing a notice of our intent to destroy your client file to you at that address.

I apologize for the formality of this letter, but we are required by California law to provide this information to you in writing. We are also required to inform you that we currently maintain professional liability insurance coverage.

Please review the foregoing and, if it meets with your approval, execute it and return it to me. If you have any questions, please feel free to call me at the direct-dial number above. Thank you for the opportunity to represent you!

Very truly yours,



Holly O. Whatley

HOW:how

On behalf of the Commission, I agree to: (i) retain Colantuono, Highsmith & Whatley, PC to provide legal services as set forth above, and (ii) consent to the firm's acceptance of payment for such services from the County of Los Angeles.

By: _____

Date: December ____, 2020

Title: Executive Director

On behalf of County of Los Angeles, I agree: (i) to the retention of the firm by the Commission, and (ii) that the County of Los Angeles will be responsible for the payment of such services but will not be a client of the firm with respect to the services provided to the Commission.

By:  _____

Date: December 15, 2020

Title: ACTING COUNTY COUNSEL

Peter Bollinger
December 10, 2020
Page 5

file before two years expire by mailing a copy to you at your address last known to us. You agree that "reasonable notice" means our mailing a notice of our intent to destroy your client file to you at that address.

I apologize for the formality of this letter, but we are required by California law to provide this information to you in writing. We are also required to inform you that we currently maintain professional liability insurance coverage.

Please review the foregoing and, if it meets with your approval, execute it and return it to me. If you have any questions, please feel free to call me at the direct-dial number above. Thank you for the opportunity to represent you!

Very truly yours,

Holly O. Whatley

HOW:how

On behalf of the Commission, I agree to: (i) retain Colantuono, Highsmith & Whatley, PC to provide legal services as set forth above, and (ii) consent to the firm's acceptance of payment for such services from the County of Los Angeles.

By:  _____

Date: December 10, 2020

Title: Executive Director

Gayla Kraetsch Hartsough, President, KH Consulting Group

On behalf of County of Los Angeles, I agree: (i) to the retention of the firm by the Commission, and (ii) that the County of Los Angeles will be responsible for the payment of such services but will not be a client of the firm with respect to the services provided to the Commission.

By: _____

Date: December ____, 2020

Title:

EXHIBIT A

The maximum hourly rates (billed in one-tenth of an hour/six-minute increments) for this matter have been set as follows:

Advisory Rates	Litigation Rates
Holly Whatley—Shareholder (\$355 per hour)	Holly Whatley—Shareholder (\$395 per hour)
Pamela Graham—Senior Counsel (\$355 per hour)	Pamela Graham—Senior Counsel (\$385 per hour)
Aleks Giragosian—Associate (\$300 per hour)	Jin Soo Lee—Associate (\$300 per hour)
Evelyn Scott—Paralegal (\$170 per hour)	Evelyn Scott—Paralegal (\$170 per hour)

In addition to setting rates, the County also has standard billing requirements and terms and conditions it requires of all contracted law firms. Those terms, applicable to Colantuono, Highsmith & Whatley, PC (“CHW” or “your firm”), are detailed in the following pages. After CHW initials each page, signs and dates at the end, and returns the enclosed copy of this Exhibit accepting these terms, CHW may remit invoices for payment in accord with these terms.

BILLING REQUIREMENTS

SUBMISSION OF INVOICE

Invoices for services and reimbursable expenses must be submitted monthly (in arrears). Each invoice must be for services performed and expenses incurred commencing on the first day of the calendar month and ending on the last day of that month. The monthly invoice must include all services and reimbursable expenses incurred during the month. Charges for court reporters, experts, document reproduction, and other recurrent expenses must be included in the invoice for the month in which the cost was incurred. As may be necessary to maintain the attorney-client privilege of the Commission, you may redact portions of the description of any particular time entry before submittal to County personnel.

Please submit an unredacted invoice to:

Gayla Kraetsch Hartsough
Executive Director
County of Los Angeles Citizens Redistricting Commission
KH Consulting Group

1901 Avenue of the Stars, Ste. 200
Los Angeles, CA 90067

Please submit copies of all invoices with redactions to:

Lorayne P. Lingat
Assistant Executive Officer
Executive Office of the Board
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Please submit copies of all invoices with redactions to:

Peter M. Bollinger
Assistant County Counsel
Office of the Los Angeles County Counsel
648 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

TIME CHARGES

All legal services must be billed in one-tenth of an hour (**.10/hour**) or six-minute increments. Legal services billed in quarter-hour or half-hour increments are not acceptable. The legal services category of the invoice must set forth: (1) the *date* of each service; (2) a *description* of the specific service rendered; (3) the *identity of the attorney or paralegal* rendering the service; (4) the *time expended* for each service; and (5) the *amount charged* for each service.

DESCRIPTION OF SERVICE

Only professional services should be billed. There are numerous secretarial or clerical functions which are integral to the business of the law firm which do not constitute professional services. Such functions include scheduling meetings, collating, proofreading, calendaring, and processing of vendor bills. Such services are considered firm overhead expenses. Generic or general activity descriptions for purposes of invoicing are acceptable, in this matter, for payment. However, detailed descriptions of each billed service must be maintained by your firm and described with sufficient detail to permit: (1) a determination of the precise legal service provided, and (2) an assessment as to the appropriateness of the related time charge. Each specific service must be separately described. "Block billing" is not acceptable. Descriptions

which are acceptable: (1) *identify* the purpose and attendees of the conference; (2) *describe* the form of discovery propounded or responded to; (3) *identify* the deponent and the party who noticed the deposition; (4) *provide* a general description of the documents reviewed; and (5) *specify* the nature and purpose of the research. Your firm's detailed descriptions may be audited or reviewed by a court or other authorized party.

TIME EXPENDED

The time charged must reflect the *actual time* expended on the service. Standardized charges are not acceptable. Many documents are maintained as forms and are utilized repeatedly as modified for a particular case or matter. *Only* the time required for modification should be billed. Such billing practices also apply to similar or identical notices or subpoenas which are prepared with minimal modifications and served on multiple parties. *Only* the time spent on modifications should be billed.

OVERHEAD EXPENSES

Expenses, such as document reproduction and scanning, postage, telephone charges (local and long distance), facsimile/telecopier (local and long distance), local (within the counties of Los Angeles, Orange, Riverside, San Bernardino and Ventura) transportation costs (travel/mileage/parking), secretarial or clerical time or overtime, on-line computer-assisted research, word processing, books, office supplies, time responding to invoice audits or inquiries, and other ordinary expenses which the firm incurs to maintain its offices are overhead expenses and are **not** reimbursed by the County.

REIMBURSABLE EXPENSES AND DISBURSEMENTS

Reimbursable expenses and disbursements include costs attributable to conducting depositions (including transcript and videos fees), retaining experts and consultants, messenger and investigative services, filing fees for which the County is not exempt, and out-of-town travel expenditures.

The following guidelines should be observed with regard to these particular cost items:

Messenger/Courier/ Delivery/Express/Overnight Mail Services. The use of messengers and expedited mail services is considered part of the normal overhead costs of the firm. Such costs will *only* be reimbursed if they are: (1) required because of an emergency situation over which the firm had no control; or (2) necessary to ensure the safekeeping of sensitive documents or materials.

Travel. The County does not reimburse for taxis, mileage, meals, parking or other *local* (within counties of Los Angeles, Orange, Riverside, San Bernardino and Ventura) travel expenses. When *out-of-town travel* is required, mileage will be

reimbursed. The County will also reimburse for coach airline travel only. Should counsel or a retained expert elect to travel first-class, the coach rate should be indicated on the travel voucher submitted with the invoice. Airport parking will be reimbursed at various rates depending upon the location of the lot. Out-of-town ground transportation (taxi or rental car) will be reimbursed at cost. A per diem is provided for out-of-town meals. The actual cost of meals must be itemized and supported by receipts. Lodging will be reimbursed on a per night basis (single-occupancy, plus tax) with the submission of the hotel receipt. Telephone bills and personal expenses, such as charges for "gift shop," "valet," "movies," "bar," and the like, will not be reimbursed.

Reproduction/Photocopying and Scanning. The internal copying and scanning of documents are considered to be overhead items which are part of the firm's cost of doing business. The County expects all monthly copying and scanning *projects* not exceeding **500 pages** to be performed internally. A single billing period may contain multiple copying and scanning "*projects*." Outside photocopying or scanning services should be used for large volume (exceeding 500 pages), or special-sized or formatted projects.

Copying. When documents are *copied* by an outside vendor, the County will reimburse the firm for the actual cost of the copying project, not to exceed **\$.15 per page**. Should the number of copies exceed **2,500 pages**, the County shall be billed at a reduced rate, not to exceed **\$.10 per page**. If the firm elects to internally copy a large volume (exceeding 500 pages) project, the County will reimburse the firm at a rate comparable to that charged by local outside vendors, not to exceed **\$.15 per page** for copies **over 500 pages** and **\$.10 per page** for copies **over 2,500 pages**.

Scanning. When documents are *scanned or imaged* by an outside vendor, the County will reimburse the firm for the actual cost of imaging, not to exceed **\$.20 per page**. Hard copies or "blow-backs" produced by imaging vendors will be reimbursed at **\$.05 per page**. An additional charge of up to **\$.03 per hard copy** may be added if the documents are "bate-stamped." The County will reimburse the firm for projects **over 500 pages** at the firm's actual cost of scanning or imaging, "blow-backs," and bate-stamping, not to exceed the allowable outside vendor rates for such services.

Invoicing. Copying and scanning charges must be documented, i.e., the number of pages and cost per page as reflected by the firm's records when copied or scanned internally, and by the vendor's invoice when copied or scanned outside. The firm or vendor invoice should specifically reference each copying or scanning project for which reimbursement is sought.

On-Line Computer-Assisted Research. Charges arising from Westlaw, LexisNexis, and other on-line computer research databases are non-reimbursable.

OTHER STANDARD TERMS AND CONDITIONS

A. Indemnification:

Your firm shall indemnify, defend and save harmless the Commissionits members, agents (including the Executive Director), officers, employees, and volunteers, and the County, its agents, officers, employees and volunteers from and against any and all liability expense, including defense costs and legal fees, and claims for damages , including, but not limited to, bodily injury, death, personal injury, or property damage (including your firm's property), based on the alleged negligent acts, errors or omissions of the CHW in connection with CHW's performance of this Agreement.

B. Insurance:

Without limiting your firm's indemnification of the County and its officers, agents and employees, your firm shall provide and maintain at its own expense the following programs of insurance covering your firm's operations during the term of our engagement.

1. Liability: Such insurance shall be primary to, and not contributing with, any other insurance maintained by the County, shall name the "County of Los Angeles Citizens Redistricting Commission" and "County of Los Angeles" as additional insureds, and shall include, but not be limited to:

- a) Comprehensive General Liability insurance endorsed for Premises-Operations, Products/Completed Operations, Contractual, Broad Form Property Damage, and Personal Injury with a combined single limit of not less than \$1,000,000 per occurrence.

- b) Professional liability insurance with a liability limit of at least \$1,000,000 per claim. In lieu of naming the County as an additional insured, the policy may be endorsed as follows:

"Insurance afforded by this policy shall also apply to the liability assumed by the insured under the agreement with the County of Los Angeles for legal services, provided such liability results from an error, omission, or negligent act of the insured, its officers, employees, agents, or subcontractors. All other provisions of this policy remain unchanged."

- c) Comprehensive Auto Liability endorsed for all owned, non-owned, and hired vehicles with a combined single limit of at least \$300,000 per occurrence.

2. **Workers' Compensation:** A program of Workers' Compensation insurance in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including Employers Liability with a \$1,000,000 limit, covering all persons providing services on behalf of your firm.

C. **Warranty of Adherence to the County's Child Support Compliance Program:**

1. Your firm acknowledges that the County has established a goal of ensuring that all firms which benefit financially by contracting with the County are in compliance with their court ordered child, family and spousal support obligations in order to mitigate the economic burden otherwise imposed upon the County and its taxpayers.
2. As required by the County's Child Support Compliance Program (County Code Chapter 2.200) and without limiting your firm's duty to comply with all applicable provisions of law, your firm warrants that it is now in compliance, and shall maintain compliance with employment and wage reporting requirements in the Federal Social Security Act (42 USC §653a) and California Unemployment Insurance Code §1088.5, and shall implement all lawfully served Wage and Earnings Withholding Orders or Child Support Services Department Notices of Wage and Earnings Assignment for Child or Spousal Support, pursuant to Code of Civil Procedure §706.031 and Family Code §5246(b).

D. **Compliance with the County's Jury Service Program:**

1. **Jury Service Program:** Subject to the provisions of the County's ordinance entitled Contractor Employee Jury Service ("Jury Service Program") as codified in §2.203.010 through §2.203.090 of the County Code.
2. **Written Employee Jury Service Policy:**
 - a) Unless your firm has demonstrated to the County's satisfaction either that your firm is not a "Contractor" as defined under the Jury Service Program (County Code §2.203.020) or that your firm qualifies for an exception to the Jury Service Program (County Code §2.203.070), your firm shall have and adhere to a written policy that provides that its employees shall receive from your firm, on an annual basis, no less than five days of regular pay for actual jury service. The policy may provide that employees deposit any fees received for such jury service with your firm, or that your firm deduct from the employee's regular pay the fees received for jury service.

- b) For purposes of this Paragraph, "Contractor" means a person, partnership, corporation or other entity which has a contract with the County and has received or will receive an aggregate sum of \$50,000 or more in any 12-month period under one or more County contracts or subcontracts. "Employee" means any California resident who is a full-time employee of your firm. "Full time" means 40 hours or more worked per week, or a lesser number of hours if: (1) the lesser number is a recognized industry standard as determined by the County, or (2) your firm has a long-standing practice that defines the lesser number of hours as full time. Full-time employees providing short-term, temporary services of 90 days or less within a 12-month period are not considered full time for purposes of the Jury Service Program. If your firm uses any subcontractor to perform services for the County, the subcontractor shall also be subject to the provisions of this Paragraph. The provisions of this Paragraph shall be inserted into any such subcontract agreement.

- c) If your firm is not required to comply with the Jury Service Program, your firm shall have a continuing obligation to review the applicability of its "exception status" from the Jury Service Program, and your firm shall immediately notify the County if your firm at any time either comes within the Jury Service Program's definition of "Contractor" or if your firm no longer qualifies for an exception to the Jury Service Program. In either event, your firm shall immediately implement a written policy consistent with the Jury Service Program. The County may also require, at its sole discretion, that your firm demonstrate to the County's satisfaction that your firm either continues to remain outside of the Jury Service Program's definition of "Contractor" and/or that your firm continues to qualify for an exception to the Program.

E. Independent Contractor Status:

1. This agreement is not intended, and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association, as between the County and your firm.

2. Your firm understands and agrees that all your firm personnel furnishing services to the County are employees solely of your firm and not of the County for purposes of workers' compensation liability.

3. Your firm shall bear the sole responsibility and liability for furnishing workers' compensation benefits to any of your firm's personnel for injuries arising from services performed.

F. Warranty Against Contingent Fees:

Your firm warrants that no person or selling agency has been employed or retained to solicit or secure your employ upon an agreement or understanding for a commission, percentage, brokerage or contingent fee.

G. Governing Laws:

This agreement shall be governed by and construed in accordance with the laws of the State of California, and any action brought by either party on the agreement shall be brought in Los Angeles County.

H. Compliance with Applicable Law:

1. Your firm shall comply with all applicable federal, State, and local laws, rules, regulations and ordinances, and all provisions required thereby to be included in this agreement are hereby incorporated herein.
2. Your firm shall indemnify and hold harmless the Commission and the County, and their officers, agents, and employees, from and against any and all liability, damages, costs, and expenses, including, but not limited to, defense costs and attorneys' fees, arising from or related to any violation on the part of your firm or its employees, agents, or subcontractors of any such laws, rules, regulations, ordinances, or directives.

I. County Lobbyists:

Your firm and each County lobbyist or County lobbying firm as defined in County Code §2.160.010, retained by your firm, shall fully comply with the County Lobbyist Ordinance, County Code Chapter 2.160.

J. Employment Eligibility Verification:

Your firm warrants that it fully complies with all statutes and regulations regarding employment of aliens and others, and that all its employees performing services hereunder meet the citizenship or alien status requirements contained in all statutes and regulations. Your firm shall obtain, from all covered employees performing services hereunder, all verification and other documentation of employment eligibility status required by all statutes and regulations as they currently exist and as they may be

hereafter amended. Your firm shall retain such documentation for all covered employees for the period prescribed by law. Your firm shall indemnify, defend and hold harmless the County, its officers and employees from employer sanctions and any other liability which may be assessed against your firm or the County in connection with any alleged violation of any statute or regulation pertaining to the eligibility for employment of persons performing services.

K. Fair Labor Standards:

Your firm shall comply with all applicable provisions of the Federal Fair Labor Standards Act and shall indemnify, defend, and hold harmless the County and its agents, officers, and employees from any and all liability, including, but not limited to, wages, overtime pay, liquidated damages, penalties, court costs, and attorneys' fees arising under any wage and hour law, including, but not limited to, the Federal Fair Labor Standards Act, for work performed by your firm's employees for which the County or its officers, agents and employees may be found jointly or solely liable.

L. Record Retention and Inspection:

Your firm shall allow authorized agencies or any duly-authorized representative, to have the right to access, examine, audit, excerpt, copy or transcribe any pertinent transaction, activity, time cards or other records relating to your services under this agreement. Your firm shall keep such material, including all pertinent cost accounting, financial records and proprietary data for a period of four (4) years after termination or completion.

M. Nondiscrimination and Affirmative Action:

1. Your firm certifies and agrees that all persons employed by it, its affiliates, subsidiaries, or holding companies are and shall be treated equally without regard to or because of race, color, religion, ancestry, national origin, sex, age, physical or mental disability, marital status, or political affiliation, in compliance with all applicable federal and State anti-discrimination laws and regulations.
2. Your firm shall certify to, and comply with, the provisions of your firm's Equal Employment Opportunity Certification.
3. Your firm shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, religion, ancestry, national origin, sex, age, physical or mental disability, marital status, or political affiliation, in compliance with all applicable federal and State anti-discrimination laws and regulations. Such action shall include, but is not limited to: employment, upgrading, demotion, transfer, recruitment or

recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

4. Your firm certifies and agrees that it will deal with its subcontractors, bidders, or vendors without regard to or because of race, color, religion, ancestry, national origin, sex, age, or physical or mental disability, marital status, or political affiliation.
5. Your firm certifies and agrees that it, its affiliates, subsidiaries, or holding companies shall comply with all applicable federal and State laws and regulations to the end that no person shall, on the grounds of race, color, religion, ancestry, national origin, sex, age, physical or mental disability, marital status, or political affiliation, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination.

N. Assurance of Compliance with Civil Rights Laws:

Your firm assures that it shall comply with Subchapter VI of the Civil Rights Act of 1964, 42 USC §§ 2000e through 2000e (17), to the end that no person shall, on the grounds of race, religion, ancestry, national origin, sex, age, condition of physical handicap, marital status or political affiliation, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this agreement or under any project, program or activity supported by this agreement.

O. Confidentiality:

1. Your firm shall maintain the confidentiality of all information which it may acquire arising out of or connected with activities in accordance with all applicable federal, State and County laws, regulations, ordinances and directives relating to confidentiality, including the Code of Professional Responsibility. Your firm shall inform all of its principals, employees and agents providing services hereunder of the confidentiality provisions.
2. Your firm shall ensure that all attorneys, paralegals, and secretarial and clerical personnel having access to information relevant to your firm's provision of services under this agreement, are aware of and acknowledge the confidentiality requirements set forth in Paragraph 1, above.
3. These confidentiality obligations shall survive this agreement's termination or expiration.

P. Conflict of Interest:

Your firm shall comply with all conflict of interest laws, ordinances, and regulations now in effect or hereafter to be enacted.

Q. Termination for Non-Appropriation of Funds:

Notwithstanding any other provision of this agreement, the County shall not be obligated for your firm's performance hereunder, or by any provision of this agreement during any of the County's future fiscal years, unless and until the County's Board of Supervisors appropriates funds for this agreement in the County's budget for each such future fiscal year. In the event that funds are not appropriated for this agreement, this agreement shall terminate as of June 30 of the last fiscal year for which funds were appropriated. The County shall notify your firm in writing of any such non-allocation of funds at the earliest possible date.

R. Termination for Insolvency:

The County may terminate this agreement for default in the event any of the following occur:

1. Your firm's insolvency – your firm shall be deemed to be insolvent if it has ceased to pay its debts in the ordinary course of business, or cannot pay its debts as they become due, whether it has committed an act of bankruptcy or not, and whether insolvent within the meaning of the Federal Bankruptcy Law or not;
2. Your firm's filing of a voluntary petition for reorganization or bankruptcy;
3. The appointment of a Receiver or Trustee for your firm; or
4. Your firm's execution of an assignment for the benefit of creditors.

S. Authorization Warranty:

Your firm represents and warrants that the signatory to this agreement is fully authorized to obligate your firm, and that all corporate acts necessary to the execution of this agreement have been accomplished.

T. Changes and Amendments of Terms:

County reserves the right to change any portion of the work required under this agreement, or amend its terms and conditions as may become necessary.

U. Validity:

The invalidity, in whole or in part, of any provision of this agreement shall not void or affect the validity of any other provision.

V. Waiver:

No waiver of a breach of any provision of this agreement by either party shall constitute a waiver of any other breach of the provision or any other provision of this agreement. Failure of either party to enforce any provision of this agreement at any time shall not be construed as a waiver of that provision. County's remedies, as described in this agreement, shall be cumulative and additional to any other remedies in law or equity.

W. Remedies Reserved to County:

The remedies reserved to County shall be cumulative and additional to any other remedies provided in law or equity.

X. Complete Agreement and Interpretation:

This agreement supersedes all prior communications and all previous written and oral agreements, and shall constitute the complete and exclusive statement of understanding between County and firm relating to the subject matter of this agreement. No provision of this agreement is to be interpreted for or against either party because that party's legal representative drafted such provision.

HW / 12-10-20



7. Action/Discussion Items: Supporting Documents

7d. Overview of Brown Act/Conflict of Interest/ PRA, including the need to complete AB 1234 training online within 60 days –

Holly O. Whatley, Esq., CRC Independent Legal Counsel



Agenda 7.d Topics to be Covered



Brown Act Overview

Conflict of Interest Overview

Public Records Act Overview

AB 1234 Training

- AB 1234 provides guidelines for ethics training for local agency officials
- Tonight's overview is not a substitute for the full AB 1234 training
- Commissioners can satisfy the recommended training through a no-cost, online self study course provided by the FPPC
- <https://www.fppc.ca.gov/learn/public-officials-and-employees-rules-ethics-training.html>



Brown Act: History

- Prior to 1952, public could not keep track of multiple public meeting laws written to govern specific types of agencies
- In 1952, reporter Michael Harris (left) publishes a 10-part series in the San Francisco Chronicle titled “Your Secret Government”
- The California League of Cities lobbies Assembly Member Ralph M. Brown (right) to adopt one set of reforms to apply to all local public agencies



Heart of the Brown Act

“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 provided in this chapter.”



What is a “Legislative Body”?

- Governing body of a local agency (e.g. City Council/Board of Supervisors)
- A local agency created by state or federal statute (e.g. this Commission)
- Any standing sub-committee, board, or commission created by the local agency

Exceptions

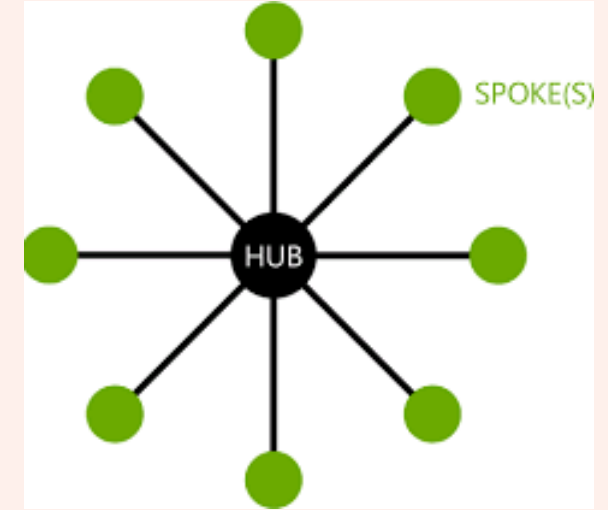
- Ad Hoc Committee of Commission:
 - Advisory to legislative body
 - Temporary
 - Limited Purpose
 - Composed of less than quorum and solely of legislative body's members
- Special advisory groups
 - Created by staff or a single member of the legislative body
 - Advisory to staff or the single member
- Public employees

What is a “Meeting”?

“Any congregation of a majority of the members of a legislative body at the same time and place, to **hear, discuss, or deliberate** upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.”

Any use of a **series of communications** of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

Serial Meetings



- Hub and Spoke
- Daisy Chain



Examples of Serial Meetings



Serial Briefings



Email



Social Media

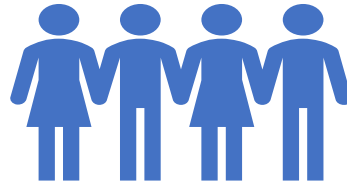
Exceptions to the Definition of Meeting



Individual
Contacts



Conferences



Community
Meetings



Meetings of
another
Legislative Body



Social or
Ceremonial
Occasions

Remote Meetings (COVID-19 Exception)

- Generally, meetings by teleconference have significant restrictions—COVID-19 has changed that
- All votes are by roll call, even during COVID-19

Different Meetings and Requirements

Meeting Type	Publish Agenda	Public Comment for Items Not on Agenda
Regular	72 Hours Before Meeting	Yes
Special	24 Hours Before Meeting	No
Emergency	As soon as possible	No
Adjourned	No agenda posted if meeting is adjourned for less than 5 days	Depends on whether it is a regular or special meeting

Content of Agenda

- Call to Order
- Roll Call
- Approval of Agenda
- Approval of Minutes
- Public Comment on Items Not on the Agenda
- Consent Items
- Discussion Items with brief description of each item
- Future Agenda Items

Public Comment

- Two types:
 - For items on the agenda
 - For items not on the agenda
- With very limited exceptions, never discuss public comments not on the agenda

Public Comment



- Four appropriate responses to public comments regarding items not on the agenda:
 - Ask clarifying question of commenter
 - Briefly respond to comment
 - Refer matter to staff
 - Ask to agendize for subsequent discussion

Right to Public Comment

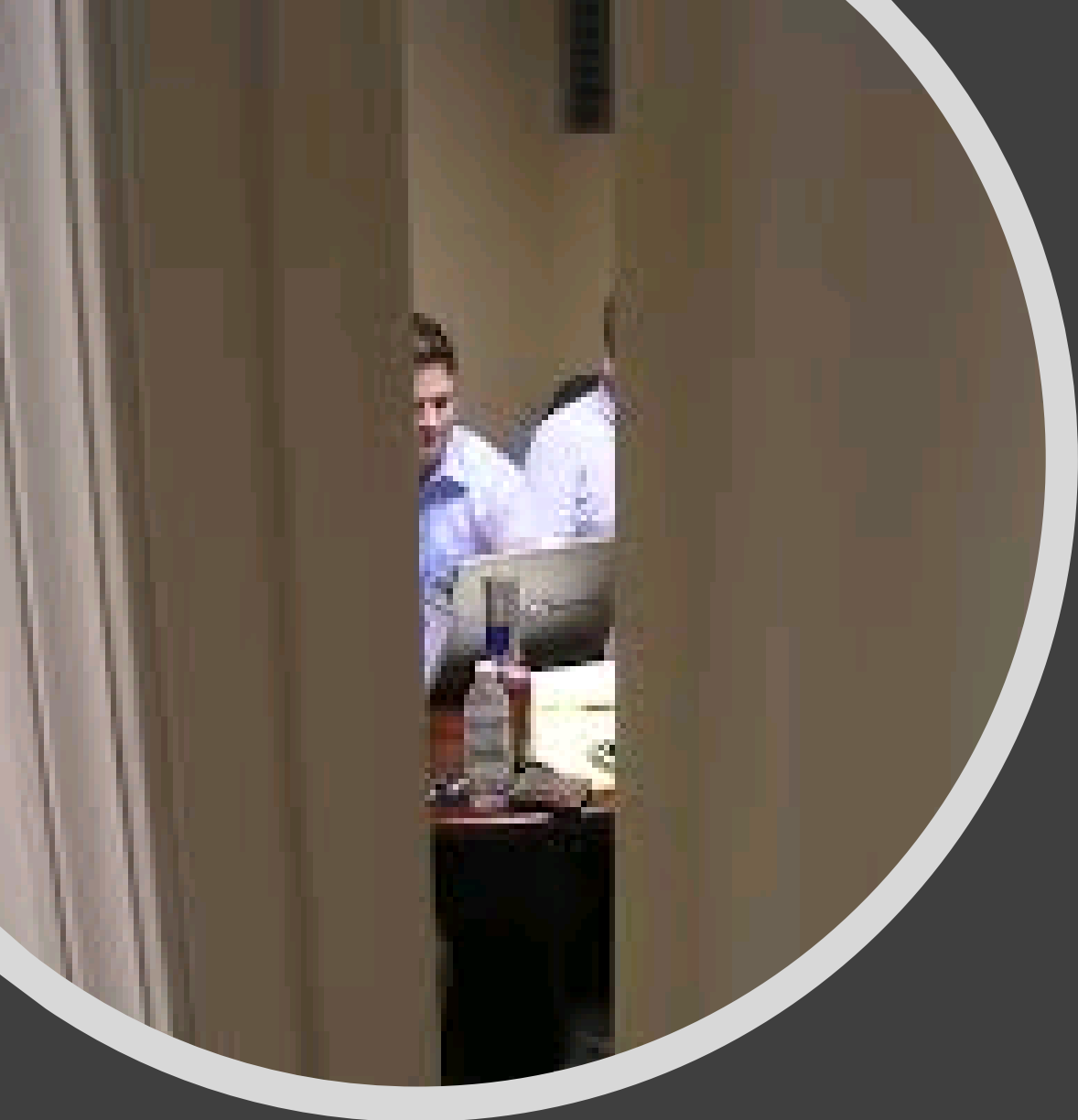
- Public Commenters are entitled to speak for the time set by the body
- Public Commenter should not be interrupted, unless speech is not protected by First Amendment (e.g. threats, incitement of violence, extreme obscenity)





Public Rights

-
- Public right to photograph and record meetings
 - Cannot limit public access
 - Reasonable time, place, and manner restrictions permitted



Closed Sessions

- Exception to open meeting requirement
- Limited to topics identified in State law
- Limited to Commission and necessary staff
- Specified agenda format and “reporting out” requirements
- Don’t go into closed session without legal assistance
- Don’t disclose closed session confidences

Conflict of Interest Outline

1. Government Code Section 1090
 2. Political Reform Act
 3. Statement of Economic Interest
- [A Notorious Conflict of Interest](#)



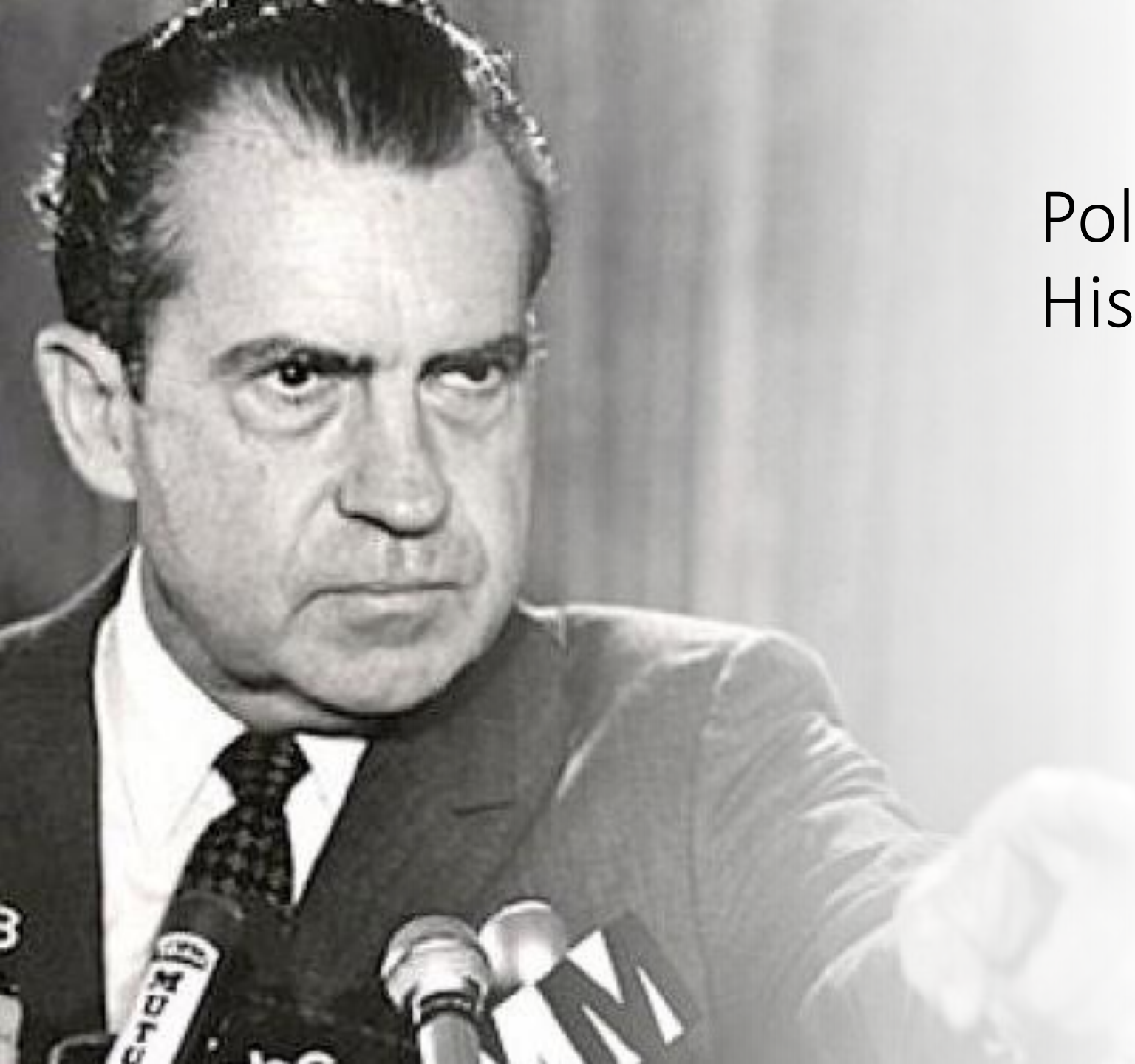
Government Code § 1090

Basic Rule

- Adopted as early as 1851, later recodified in 1943
- Public officials “shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.”
- Prohibition applicable even when:
 - Contract is objectively fair and reasonable
 - Contract reflects lowest price or best value
 - Official abstains from participation in contract

Consequences

- Contract is void and unenforceable
- Agency may keep benefit of the contract
- Official must disgorge any monies
- Violation is a **felony**
 - Fine,
 - Imprisonment,
 - Lifetime ban from public office
- [Example of a 1090 Violation](#)



Political Reform Act: History

- In response to Watergate
- Californians adopt Proposition 9 in 1974
- Championed by Secretary of State Jerry Brown, the People's Lobby, and Common Cause

Does the Political Reform Act Apply?

Public Official

```
graph TD; A[Public Official] --> B[Governmental Decision]; B --> C[Financial Interest];
```

Governmental Decision

Financial Interest

Who is a “Public Official”?



87200 Filers



Designated Public Servants



Consultants who serve in a staff capacity by contract, or make decisions on behalf of the public agency

Elections Code § 21533, subd. (e)



Each commission member shall be a designated employee for purposes of the conflict of interest code adopted by the County of Los Angeles



On Jan. 5, 2021, the County adopted the Conflict of Interest Code for the Commission designating which financial disclosures must be made

Statement of Economic Interest

- All local agencies must adopt conflict of interest code which designates certain employees as Form 700 filers
- Must file upon taking office, leaving office, and on an annual basis
- Requires disclosure of personal financial interests to:
 - Alert official to a personal, financial interest that might be affected
 - Inform the public about potential conflicts of interest

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 _____

Address (Business Address Acceptable):
Check one: Trust, go to 2 Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE IF APPLICABLE, LIST DATE
 \$2,000 - \$10,000 1/09 1/09
 \$10,001 - \$100,000 ACQUIRED DISPOSED
 \$100,001 - \$1,000,000
 Over \$1,000,000

NATURE OF INVESTMENT
 Sole Proprietorship Partnership 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

3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$1,000 OR MORE (check a separate sheet if necessary)

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

Check one box:
 INVESTMENT REAL PROPERTY

Name of Business Entity or Trust _____
Street Address or Assessor's Parcel Number of Real Property _____

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

FAIR MARKET VALUE IF APPLICABLE, LIST DATE
 \$2,000 - \$10,000 1/09 1/09
 \$10,001 - \$100,000 ACQUIRED DISPOSED
 \$100,001 - \$1,000,000
 Over \$1,000,000

NATURE OF INTEREST _____

What is a
“Financial
Interest”?



What To Do If There Is a Conflict

1. When the agenda item is announced, but before discussion of the item begins, state that you have a conflict of interest
2. Publicly identify each financial interest.
3. Recuse yourself from participation in discussion
4. Leave the room for the duration of the discussion and only return once the next agenda item is called

Political Reform Act Violations & Fines

- Criminal
- Civil
- The Court of Public Opinion
- [Recent Example](#)



CA Public Records Act: History



- Modeled on Federal Freedom of Information Act
- Signed by Governor Reagan in 1968
- Requires inspection and disclosure of public records

CA Public Records Act: Purpose

- California Constitution: “the People have the right of access to information concerning the conduct of the people’s business”
- Government Code: “In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.”

CA Public Records Act: Elements

- “Any writing
 - [Including emails and social media posts]
- Containing information relating to the conduct of the public’s business
 - [Not just within the subject matter jurisdiction of the Commission]
- prepared, owned, used, or retained
 - [Even those retained on personal devices]
- by any state or local agency
 - [like the Commission]
- regardless of physical form or characteristics.”

CA Public Records Act: Process

Commission receives CPRA request

01

Staff has 10 days to provide records, make them available for inspection during business hours, notify requestor of exemption, or request extension

02

Staff has additional 14 days to provide records, make them available for inspection during business hours, or notify requestor of exemption

Exemptions from Duty to Disclose

- “Preliminary drafts, notes or memoranda ... not retained ... in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure.”
- Pending litigation
- “personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy
- Documents of agency contractors that are not by contract owned by the agency
- Commissioners’ home addresses or phone numbers
- Records protected by legal privilege (attorney-client or work product)
- General balancing exception



Questions
and Answers

Conflict of Interest Code
of the

Citizens Redistricting Commission

Incorporation of FPPC Regulation 18730 (2 California Code of Regulations,
Section 18730) by Reference

The Political Reform Act (Government Code Section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated into the conflict of interest code of this agency by reference. This regulation and the attached Appendices (or Exhibits) designating officials and employees and establishing economic disclosure categories shall constitute the conflict of interest code of this agency.

Place of Filing of Statements of Economic Interests

All officials and employees required to submit a statement of economic interests shall file their statements with the agency head, or his or her designee. The agency shall make and retain a copy of all statements filed by its Commission Members and Executive Director forward the originals of such statements to the Executive Office of the Board of Supervisors of Los Angeles County.

The agency shall retain the originals of statements for all other Designated Positions named in the agency's conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

Conflict of Interest Code
of the

Citizens Redistricting Commission

EXHIBIT "A"

CATEGORY 1

Persons in this category shall disclose all interests in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Persons are not required to disclose a residence, such as a home or vacation cabin, used exclusively as a personal residence; however, a residence in which a person rents out a room or for which a person claims a business deduction may be reportable.

CATEGORY 2

Persons in this category shall disclose all investments and business positions.

CATEGORY 3

Persons in this category shall disclose all income (including gifts, loans and travel payments) and business positions.

CATEGORY 4

Persons in this category shall disclose all business positions, investments in, or income (including gifts, loans and travel payments) received from business entities that manufacture, provide or sell service and/or supplies of a type utilized by the agency and associated with the job assignment of designated positions assigned to this disclosure category.

Conflict of Interest Code
of the

Citizens Redistricting Commission

EXHIBIT “B”

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Commissioner	1, 2, 3
Executive Director	1, 2, 3
Independent Legal Counsel	1, 2, 3
Consultants/New Positions*	

*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitations:

The Executive Director or his or her designee may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with disclosure requirements in this section. Such written determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director or his or her designee’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

Individuals who perform under contract the identical duties of any designated position shall be required to file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position.

EFFECTIVE DATE:

2020-2021 Statement of Economic Interests



Form 700

A Public Document

Table of Contents

Quick Start Guide	p.2
Who? Where? How? When?	p.3
Types of Statements.....	p.4
Cover Page and Schedules	
Cover Page	p.5
Schedule A-1 (<i>Investments</i>).....	p.7
Schedule A-2 (<i>Business Entities/Trusts</i>)	p.9
Schedule B (<i>Real Property</i>)	p.11
Schedule C (<i>Income</i>)	p.13
Schedule D (<i>Gifts</i>).....	p.15
Schedule E (<i>Travel Payments</i>).....	p.17
Restrictions and Prohibitions.....	p.19
Q & A	p.20

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

Toll-free advice line: 1 (866) ASK-FPPC • 1 (866) 275-3772

Telephone: (916) 322-5660 • Website: www.fppc.ca.gov

December 2020

Quick Start Guide

Detailed instructions begin on page 3.

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, and annuities.
B: Real Property	Rental property in filer's jurisdiction, or within two miles of the boundaries of the jurisdiction.	A residence used exclusively as a personal residence (such as a home or vacation property).
C: Income	Non-governmental salaries. Note that filers are required to report only half of their spouse's or partner's salary.	Governmental salary (from school district, for example).
D: Gifts	Gifts from businesses, vendors, or other contractors (meals, tickets, etc.).	Gifts from family members.
E: Travel Payments	Travel payments from third parties (not your employer).	Travel paid by your government agency.

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

QUESTIONS?

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

E-FILING ISSUES?

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

What's New

Gift Limit Increase

The gift limit increased to **\$520** for calendar years **2021** and **2022**. The gift limit in 2020 was **\$500**.

Who must file:

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

Exception:

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

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

Where to file:

87200 Filers

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

Code Filers — State and Local Officials, Employees, and Consultants Designated in a Conflict of Interest

Code: File with your agency, board, or commission unless otherwise specified in your agency's code (e.g., Legislative staff files directly with FPPC). In most cases, the agency, board, or commission will retain the statements.

Members of Boards and Commissions of Newly Created Agencies:

File with your newly created agency or with your agency's code reviewing body.

Employees in Newly Created Positions of Existing Agencies:

File with your agency or with your agency's code reviewing body. (See Reference Pamphlet, page 3.)

Candidates: File with your local elections office.

How to file:

The Form 700 is available at www.fppc.ca.gov. Form 700 schedules are also available in Excel format. All

statements must have an original "wet" signature or be duly authorized by your filing officer to file electronically under Government Code Section 87500.2.

When to file:

Annual Statements

⇒ March 1, 2021

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

⇒ April 1, 2021

- Most other filers

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

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

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

Assuming Office and Leaving Office Statements

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

Exception:

If you assumed office between October 1, 2020, and December 31, 2020, and filed an assuming office statement, you are not required to file an annual statement until March 1, 2022, or April 1, 2022, whichever is applicable. The annual statement will cover the day after you assumed office through December 31, 2021. (See Reference Pamphlet, page 6, for additional exceptions.)

Candidate Statements

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

Late Statements

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

Amendments

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

Types of Statements

Assuming Office Statement:

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

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

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

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

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

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

Annual Statement:

Generally, the period covered is January 1, 2020, through December 31, 2020. If the period covered by the statement is different than January 1, 2020, through December 31, 2020, (for example, you assumed office between October 1, 2019, and December 31, 2019 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 2020.

- 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, 2020, through the date you stopped performing the duties of your position. If the period covered differs from January 1, 2020, through the date you stopped performing the duties of your position (for example, you assumed office between October 1, 2019, and December 31, 2019, 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 2020.

Candidate Statement:

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

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

Amendments:

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

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

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, 2020, through December 31, 2020.
-or- The period covered is / / , through December 31, 2020.
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, 2020, through the date of leaving office.
-or- The period covered is / / , through the date of leaving office.

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

Schedules attached

Schedule A-1 - Investments – schedule attached
Schedule A-2 - Investments – schedule attached
Schedule B - Real Property – schedule attached
Schedule C - Income, Loans, & Business Positions – schedule attached
Schedule D - Income – Gifts – schedule attached
Schedule E - Income – Gifts – Travel Payments – schedule attached

-or- None - No reportable interests on any schedule

5. Verification

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

DAYTIME TELEPHONE NUMBER EMAIL ADDRESS
()

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

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

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

Instructions Cover Page

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

Part 1. Office, Agency, or Court

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

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

Example:

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

Part 2. Jurisdiction of Office

- Check the box indicating the jurisdiction of your agency and, if applicable, identify the jurisdiction. Judges, judicial candidates, and court commissioners have statewide jurisdiction. All other filers should review the Reference Pamphlet, page 13, to determine their jurisdiction.

- If your agency is a multi-county office, list each county in which your agency has jurisdiction.
- If your agency is not a state office, court, county office, city office, or multi-county office (e.g., school districts, special districts and JPAs), check the “other” box and enter the county or city in which the agency has jurisdiction.

Example:

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

1. Office, Agency, or Court	
Agency Name (Do not use acronyms) Feather River Irrigation District	
Division, Board, Department, District, if applicable N/A	Your Position Board Member
► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)	
Agency: N/A	Position:
2. Jurisdiction of Office (Check at least one box)	
<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 2020 annual statement, **do not** change the pre-printed dates to reflect 2021. Your annual statement is used for reporting the **previous year's** economic interests. Economic interests for your annual filing covering January 1, 2021, through December 31, 2021, will be disclosed on your statement filed in 2022. See Reference Pamphlet, page 4.

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

Part 4. Schedule Summary

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

Part 5. Verification

Complete the verification by signing the statement and entering the date signed. All statements must have an original “wet” signature or be duly authorized by your filing officer to file electronically under Government Code Section 87500.2.

When you sign your statement, you are stating, under penalty of perjury, that it is true and correct. Only the filer has authority to sign the statement. An unsigned statement is not considered filed and you may be subject to late filing penalties.

SCHEDULE A-1

Investments

Stocks, Bonds, and Other Interests

(Ownership Interest is Less Than 10%)

Investments must be itemized.

Do not attach brokerage or financial statements.

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:

_____/_____/20 _____/_____/20
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:

_____/_____/20 _____/_____/20
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:

_____/_____/20 _____/_____/20
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:

_____/_____/20 _____/_____/20
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:

_____/_____/20 _____/_____/20
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:

_____/_____/20 _____/_____/20
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
- Insurance policies
- Annuities
- Commodities
- Shares in a credit union
- Government bonds (including municipal bonds)
- Retirement accounts invested in non-reportable interests (e.g., insurance policies, mutual funds, or government bonds) (See Reference Pamphlet, page 15.)

- Government defined-benefit pension plans (such as CalPERS and CalSTRS plans)
- Certain interests held in a blind trust (See Reference Pamphlet, page 16.)

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

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

To Complete Schedule A-1:

Do not attach brokerage or financial statements.

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

Examples:

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

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

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.

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

<p>FAIR MARKET VALUE</p> <p>\$0 - \$1,999</p> <p>\$2,000 - \$10,000</p> <p>\$10,001 - \$100,000</p> <p>\$100,001 - \$1,000,000</p> <p>Over \$1,000,000</p>	<p>IF APPLICABLE, LIST DATE:</p> <p style="text-align: center;">____/____/20 ____/____/20</p> <p style="text-align: center;">ACQUIRED DISPOSED</p>
--	--

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

<p>FAIR MARKET VALUE</p> <p>\$0 - \$1,999</p> <p>\$2,000 - \$10,000</p> <p>\$10,001 - \$100,000</p> <p>\$100,001 - \$1,000,000</p> <p>Over \$1,000,000</p>	<p>IF APPLICABLE, LIST DATE:</p> <p style="text-align: center;">____/____/20 ____/____/20</p> <p style="text-align: center;">ACQUIRED DISPOSED</p>
--	--

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 _____

<p>FAIR MARKET VALUE</p> <p>\$2,000 - \$10,000</p> <p>\$10,001 - \$100,000</p> <p>\$100,001 - \$1,000,000</p> <p>Over \$1,000,000</p>	<p>IF APPLICABLE, LIST DATE:</p> <p style="text-align: center;">____/____/20 ____/____/20</p> <p style="text-align: center;">ACQUIRED DISPOSED</p>
---	--

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 _____

<p>FAIR MARKET VALUE</p> <p>\$2,000 - \$10,000</p> <p>\$10,001 - \$100,000</p> <p>\$100,001 - \$1,000,000</p> <p>Over \$1,000,000</p>	<p>IF APPLICABLE, LIST DATE:</p> <p style="text-align: center;">____/____/20 ____/____/20</p> <p style="text-align: center;">ACQUIRED DISPOSED</p>
---	--

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	____/____/20	____/____/20
\$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	____/____/20	____/____/20
\$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, she received rental income of \$12,000, from a single tenant who rented property she owned in the city's jurisdiction. If Allison received \$6,000 each from two tenants, the tenants' names would not be required because no single tenant paid her \$10,000 or more. A married couple is considered a single tenant.

ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS 4600 24th Street	
CITY Sacramento	
FAIR MARKET VALUE <input type="checkbox"/> \$2,000 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input checked="" type="checkbox"/> \$100,001 - \$1,000,000 <input type="checkbox"/> Over \$1,000,000	IF APPLICABLE, LIST DATE: ACQUIRED _____ DISPOSED _____ 19 XX / / 19 XX
NATURE OF INTEREST <input type="checkbox"/> Ownership/Deed of Trust <input type="checkbox"/> Easement <input type="checkbox"/> Leasehold Yes, remaining _____ 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 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 8 % <input type="checkbox"/> None	TERM (Months/Years) 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												
<p>NAME OF SOURCE OF INCOME _____</p> <p>ADDRESS <i>(Business Address Acceptable)</i> _____</p> <p>BUSINESS ACTIVITY, IF ANY, OF SOURCE _____</p> <p>YOUR BUSINESS POSITION _____</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">GROSS INCOME RECEIVED</td> <td style="width: 50%; border: none;">No Income - Business Position Only</td> </tr> <tr> <td style="border: none;">\$500 - \$1,000</td> <td style="border: none;">\$1,001 - \$10,000</td> </tr> <tr> <td style="border: none;">\$10,001 - \$100,000</td> <td style="border: none;">OVER \$100,000</td> </tr> </table> <p>CONSIDERATION FOR WHICH INCOME WAS RECEIVED</p> <p>Salary Spouse's or registered domestic partner's income (For self-employed use Schedule A-2.)</p> <p>Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.)</p> <p>Sale of _____ <i>(Real property, car, boat, etc.)</i></p> <p>Loan repayment</p> <p>Commission or Rental Income, list each source of \$10,000 or more</p> <p>_____ <i>(Describe)</i></p> <p>Other _____ <i>(Describe)</i></p>	GROSS INCOME RECEIVED	No Income - Business Position Only	\$500 - \$1,000	\$1,001 - \$10,000	\$10,001 - \$100,000	OVER \$100,000	<p>NAME OF SOURCE OF INCOME _____</p> <p>ADDRESS <i>(Business Address Acceptable)</i> _____</p> <p>BUSINESS ACTIVITY, IF ANY, OF SOURCE _____</p> <p>YOUR BUSINESS POSITION _____</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">GROSS INCOME RECEIVED</td> <td style="width: 50%; border: none;">No Income - Business Position Only</td> </tr> <tr> <td style="border: none;">\$500 - \$1,000</td> <td style="border: none;">\$1,001 - \$10,000</td> </tr> <tr> <td style="border: none;">\$10,001 - \$100,000</td> <td style="border: none;">OVER \$100,000</td> </tr> </table> <p>CONSIDERATION FOR WHICH INCOME WAS RECEIVED</p> <p>Salary Spouse's or registered domestic partner's income (For self-employed use Schedule A-2.)</p> <p>Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.)</p> <p>Sale of _____ <i>(Real property, car, boat, etc.)</i></p> <p>Loan repayment</p> <p>Commission or Rental Income, list each source of \$10,000 or more</p> <p>_____ <i>(Describe)</i></p> <p>Other _____ <i>(Describe)</i></p>	GROSS INCOME RECEIVED	No Income - Business Position Only	\$500 - \$1,000	\$1,001 - \$10,000	\$10,001 - \$100,000	OVER \$100,000
GROSS INCOME RECEIVED	No Income - Business Position Only												
\$500 - \$1,000	\$1,001 - \$10,000												
\$10,001 - \$100,000	OVER \$100,000												
GROSS INCOME RECEIVED	No Income - Business Position Only												
\$500 - \$1,000	\$1,001 - \$10,000												
\$10,001 - \$100,000	OVER \$100,000												

▶ 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:

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

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 **\$500** limit in **2020**. (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

Name _____

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

<small>▶ NAME OF SOURCE (Not an Acronym)</small>	
Health Services Trade Association	
<small>ADDRESS (Business Address Acceptable)</small>	
1230 K Street, Suite 610	
<small>CITY AND STATE</small>	
Sacramento, CA	
<input type="checkbox"/> 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE	
Association of Healthcare Workers	
<small>DATE(S):</small> ___/___/___ <small>(if gift)</small> <small>AMT: \$</small> 550.00	
<small>▶ MUST CHECK ONE:</small> <input type="checkbox"/> Gift <small>-or-</small> <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>	
<small>▶ If Gift, Provide Travel Destination</small> _____	

Example:

Mayor Kim travels to China on a trip organized by China Silicon Valley Business Development, a California nonprofit, 501(c)(6) organization. The Chengdu Municipal People’s Government pays for Mayor Kim’s airfare and travel costs, as well as his meals and lodging during the trip. The trip’s agenda shows that the trip’s purpose is to promote job creation and economic activity in China and in Silicon Valley, so the trip is reasonably related to a governmental purpose. Thus, Mayor Kim must report the gift of travel,

<small>▶ NAME OF SOURCE (Not an Acronym)</small>	
Chengdu Municipal People’s Government	
<small>ADDRESS (Business Address Acceptable)</small>	
2 Caoshi St. CaoShiJie, Qingyang Qu, Chengdu Shi,	
<small>CITY AND STATE</small>	
Sichuan Sheng, China, 610000	
<input type="checkbox"/> 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE	
<small>DATE(S):</small> <u>09/04/XX</u> - <u>09/08/XX</u> <small>(if gift)</small> <small>AMT: \$</small> 3,874.38	
<small>▶ MUST CHECK ONE:</small> <input checked="" type="checkbox"/> Gift <small>-or-</small> <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>	
<small>▶ If Gift, Provide Travel Destination</small> <u>Sichuan Sheng, China</u>	

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.)

Restrictions and Prohibitions

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

Gift Prohibition

Gifts received by most state and local officials, employees, and candidates are subject to a limit. In 2021-2022, the gift limit increased to \$520 from a single source during a calendar year. In 2019 and 2020, the gift limit was \$500 from a single source during a calendar year.

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

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

Disqualification

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

Honorarium Ban

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

Loan Restrictions

Certain state and local officials are subject to restrictions

on loans. (See Reference Pamphlet, page 14.)

Post-Governmental Employment

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

Late Filing

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

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

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

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

Form 700 is a Public Document Public Access Must Be Provided

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

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

Questions and Answers

General

- Q. What is the reporting period for disclosing interests on an assuming office statement or a candidate statement?
- A. On an assuming office statement, disclose all reportable investments, interests in real property, and business positions held on the date you assumed office. In addition, you must disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you assumed office.
- On a candidate statement, disclose all reportable investments, interests in real property, and business positions held on the date you file your declaration of candidacy. You must also disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you file your declaration of candidacy.
- Q. I hold two other board positions in addition to my position with the county. Must I file three statements of economic interests?
- A. Yes, three are required. However, you may complete one statement listing the county and the two boards on the Cover Page or an attachment as the agencies for which you will be filing. Report your economic interests using the largest jurisdiction and highest disclosure requirements assigned to you by the three agencies. Make two copies of the entire statement before signing it, sign each copy with an original signature, and distribute one original to the county and to each of the two boards. Remember to complete separate statements for positions that you leave or assume during the year.
- Q. I am a department head who recently began acting as city manager. Should I file as the city manager?
- A. Yes. File an assuming office statement as city manager. Persons serving as “acting,” “interim,” or “alternate” must file as if they hold the position because they are or may be performing the duties of the position.
- Q. My spouse and I are currently separated and in the process of obtaining a divorce. Must I still report my spouse’s income, investments, and interests in real property?
- A. Yes. A public official must continue to report a spouse’s economic interests until such time as dissolution of marriage proceedings is final. However, if a separate property agreement has been reached prior to that time, your estranged spouse’s income may not have to be reported. Contact the FPPC for more information.

- Q. As a designated employee, I left one state agency to work for another state agency. Must I file a leaving office statement?
- A. Yes. You may also need to file an assuming office statement for the new agency.

Investment Disclosure

- Q. I have an investment interest in shares of stock in a company that does not have an office in my jurisdiction. Must I still disclose my investment interest in this company?
- A. Probably. The definition of “doing business in the jurisdiction” is not limited to whether the business has an office or physical location in your jurisdiction. (See Reference Pamphlet, page 13.)
- Q. My spouse and I have a living trust. The trust holds rental property in my jurisdiction, our primary residence, and investments in diversified mutual funds. I have full disclosure. How is this trust disclosed?
- A. Disclose the name of the trust, the rental property and its income on Schedule A-2. Your primary residence and investments in diversified mutual funds registered with the SEC are not reportable.
- Q. I am required to report all investments. I have an IRA that contains stocks through an account managed by a brokerage firm. Must I disclose these stocks even though they are held in an IRA and I did not decide which stocks to purchase?
- A. Yes. Disclose on Schedule A-1 or A-2 any stock worth \$2,000 or more in a business entity located in or doing business in your jurisdiction.
- Q. The value of my stock changed during the reporting period. How do I report the value of the stock?
- A. You are required to report the highest value that the stock reached during the reporting period. You may use your monthly statements to determine the highest value. You may also use the entity’s website to determine the highest value. You are encouraged to keep a record of where you found the reported value. Note that for an assuming office statement, you must report the value of the stock on the date you assumed office.

Questions and Answers Continued

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

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

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

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

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

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

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

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

Income Disclosure

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

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

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

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

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

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

Questions and Answers Continued

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

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

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

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

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

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

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

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

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

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

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

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

Real Property Disclosure

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

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

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

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

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

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

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

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

Gift Disclosure

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

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

Questions and Answers Continued

- 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 2020 the gift limit was \$500, so the Bensons may have given the supervisor artwork valued at no more than **\$1,000**. The supervisor must identify Jared and Julia Benson as the sources of the gift.
- Q. I 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.
- 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.



7. Action/Discussion Items: Supporting Documents

7e. Draft Bylaws –

Holly O. Whatley, Esq., CRC Independent Legal Counsel



DRAFT—The highlighted portions are placeholders for discussion

BYLAWS FOR THE COUNTY OF LOS ANGELES CITIZENS REDISTRICTING COMMISSION

Article I. Authority

The County of Los Angeles Citizens Redistricting Commission (CRC) is formed under California Elections Code¹ Section 21530 et seq.

Article II. Purpose

The role of the CRC is to adjust the boundary lines of the five single-member supervisorial districts of the County of Los Angeles Board of Supervisors (Board) following each federal decennial census to rebalance shifts in population and demographics across districts and to increase accountability of elected representatives to Los Angeles citizens. The CRC is to be independent from the influence of the Board and reasonably representative of the County's diversity.

Article III. Powers and Duties

Section 3.01 Criteria. As set forth in Section 21534 of the Elections Code, the CRC shall establish single-member supervisorial districts for the Board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

- (a) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.
 - (1) *Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.*
 - (2) *Notwithstanding subparagraph (A), an incarcerated person, as that term is used in Elections Code Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database is made publicly available.*
- (b) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

¹ Unless otherwise indicated, all statutory references herein are to the California codes.

- (c) Districts shall be geographically contiguous.
- (d) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (a~~1~~) to (c~~3~~), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
- (e) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

Section 3.02 Prohibition. The CRC shall not consider the place of residence of any incumbent or political candidate in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

Section 3.03 Public Records. All records of the CRC related to redistricting and all data considered by the CRC in drawing the draft and final maps are public records.

Section 3.04 Public Hearings. As set forth in Elections Code section 21534:

- (a) Before drawing a map, the CRC shall conduct at least seven (7) public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.
- (b) In the event any state or local health order prohibits large gatherings, the CRC may modify the locations of the hearing, including the use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the CRC modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The CRC shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.
- (c) After drawing a draft map, the CRC shall do both of the following:
 - (1) *Post the map for public comment on the Internet Web site of the County of Los Angeles.*
 - (2) *Conduct at least two (2) public hearings to take place over a period of no fewer than 30 days.*

Section 3.05 Calendar. The CRC shall establish and make available to the public a calendar of all public hearings described in Section 3.04. Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

Section 3.06 Agenda. Notwithstanding Section 54954.2 of the Government Code, the CRC shall post the agenda for the public hearings described in Section 3.04 at least seven (7) days before the hearings. The agenda for a meeting required by Section 3.04, subsection paragraph (c) shall include a copy of the draft map.

Section 3.07 Translation. The CRC shall arrange for the live translation of a public hearing held pursuant to Section 3.04 in an applicable language if a request for translation is made at least 24 hours before the hearing. An “applicable language” means a language for which the number of residents of the County of Los Angeles who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

Section 3.08 Participation. The CRC shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

- (a) Providing information through media, social media, and public service announcements.
- (b) Coordinating with community organizations.
- (c) Posting information on the Commission’s web site that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the CRC.
- (d) Encouraging interested residents to submit proposed maps for review and consideration by the CRC.

Section 3.09 Redistricting Plan. The CRC shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in Elections Code Section 21501(a). The CRC shall not release a draft map before the date set forth in Elections Code Section 21508(d)(3).

- (a) The plan shall be subject to referendum in the same manner as ordinances.
- (b) The CRC shall issue, with the final map, a report that explains the basis on which the CRC made its decisions in achieving compliance with the criteria described in Elections Code Section 21534 (a) and (b).

Section 3.10 Consultants. The CRC shall not retain any consultant who would not qualify to be an applicant under subparagraph (d) of Section 4.04. “Consultant” means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process.

Article IV. Membership

Section 4.01 Selection. The CRC shall be selected in the manner provided by Section 21532 of the Elections Code and created no later than December 31, 2020, and in each year ending in the number zero thereafter. The selection process is designed to produce a commission that is independent from the influence of the Board, political parties, campaign contributors or other special financial interests, and is reasonably representative of the County's diversity.

Section 4.02 Size. The CRC shall be composed of 14 members.

Section 4.03 Term. The term of office of each member of the CRC expires upon the appointment of the first member of the succeeding commission.

Section 4.04 Qualifications. Each CRC member shall meet all of the following qualifications:

- (a) Be a resident of the County of Los Angeles.
- (b) Be a voter who has been continuously registered in the County of Los Angeles with the same political party or no party preference and who has not changed their political party or no party preference for five or more years immediately preceding the date of their appointment to the CRC.
- (c) Have voted in at least one of the last three statewide elections immediately preceding their application to be a member of the CRC.
- (d) Within the 10 years immediately preceding the date of application to the CRC, neither the applicant, nor an immediate family member of the applicant, has done any of the following:
 - (1) *Been appointed to, elected to, or have been a candidate for office at the local, state, or federal level representing the County of Los Angeles, including as a member of the board.*
 - (2) *Served as an employee of, or paid consultant for, an elected representative at the local, state, or federal level representing the County of Los Angeles.*
 - (3) *Served as an employee of, or paid consultant for, a candidate for office at the local, state, or federal level representing the County of Los Angeles.*
 - (4) *Served as an officer, employee, or paid consultant of a political party or as an appointed member of a political party central committee.*
 - (5) *Been a registered state or local lobbyist.*

- (e) Possess experience that demonstrates analytical skills relevant to the redistricting process and voting rights, and possess an ability to comprehend and apply the applicable state and federal legal requirements.
- (f) Possess experience that demonstrates an ability to be impartial.
- (g) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the County of Los Angeles.

Any CRC Member who ceases to meet these qualifications during their term of service (e.g., moves outside Los Angeles County) must immediately notify the Chairperson and Executive Director in writing of such fact.

Section 4.05 Conduct. Each CRC member shall conduct him or herself in a manner that reinforces public confidence in the integrity of the redistricting process and shall apply Elections Code sections 21530 et seq in an impartial manner.

Section 4.06 Conflict of Interest. Each CRC member shall be a designated employee for purposes of the conflict of interest code adopted by the County of Los Angeles pursuant to Article 3 (commencing with Section 87000) of Chapter 7 of Title 9 of the Government Code, attached herein as Addendum A. All CRC Members shall file a Statement of Economic Interest (Form 700) upon taking office.

Section 4.07 Ethics Training. All CRC Members shall complete AB 1234 Local Officials Ethics Training offered by the Fair Political Practices Commission within 90 days of taking office and shall provide proof of completion to the CRC's Independent Counsel. CRC Members who completed AB 1234 training in the eighteen months before taking office need not repeat such training upon taking office, but are required to provide proof of such completion to the CRC's Independent Counsel and must also comply with the obligation to repeat such training within two years of their last training.

Section 4.08 Ineligibility for Public Office. Each CRC member shall be ineligible for a period of five years beginning from the date of appointment to hold elective public office at the federal, state, county, or city level in this state. Each CRC member shall be ineligible for a period of three years beginning from the date of appointment to hold appointive federal, state, or local public office, to serve as paid staff for, or as a paid consultant to, the Board of Equalization, the Congress, the Legislature, or any individual legislator, or to register as a federal, state, or local lobbyist in this state.

Section 4.09 Alternates. **OPTION 1** Within 60 days of being sworn in, the CRC shall review the remaining candidates in the subpool of applicants and shall appoint up to two additional applicants to serve as alternates. Alternates may not vote and may not be counted towards the establishment of a quorum. They are expected to keep themselves informed of the CRC's business and attend meetings.

[OPTION 2] Any vacancy on the CRC shall be filled by the CRC at a meeting called for that purpose within ten business days of the vacancy's occurrence. The CRC shall fill the vacancy from among the remaining eligible applicants.

Section 4.10 Vacancy. A vacancy may arise upon any of the following occurrences:

- (a) Death of a CRC member;
- (b) Submission of a written notice to the Chairperson and the Executive Director stating a CRC member's intent to resign; or,
- (c) Removal of a CRC member by a quorum of the CRC due to:
 - (1) **Three consecutive unexcused absences or five total unexcused absences in a calendar year.** An unexcused absence means an absence which is not approved by the Chairperson;
 - (2) A CRC member's or alternate's failure to continue to meet the qualifications listed in Section 4.04;
 - (3) Conviction of a felony, violation of election law, the Ralph M. Brown Act, the California Public Records Act, or any crime involving moral turpitude; or
 - (4) Violation of any provision of these By-laws or Elections Code Section 21530 et seq.

The decision of the Commission is final and may not be appealed. Any vacancy on the CRC will be filled by a quorum of the CRC members appointing an alternate at its next regular meeting.

- (d) Any vacancy among the alternates of the CRC will be filled by a quorum of the CRC members from the subpool of applicants.

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Section 4.11 Communications.

- (a) Each CRC Member will use the Commission-provided email address for all communications involving CRC business. Any communication involving CRC business sent to a CRC Member's personal email address shall be forwarded to the CRC Member's Commission-provided email address.
- (b) CRC Members shall not communicate outside of a public meeting with any member of the Board of Supervisors or a Board member's immediate family members or a member's staff regarding redistricting matters.
- (c) The Chairperson is the sole official spokesperson for the Commission unless this responsibility is delegated in writing by the Chairperson or by a vote of nine CRC Members. Except as provided in this subsection, no statements shall be made or action

taken by any CRC Member on behalf of or in the name of the CRC unless expressly authorized by the Commission. This does not prevent CRC Members from publication of information regarding the time, place and agendas of upcoming CRC meetings.

- (d) CRC Members shall publicly disclose all substantive communications they have with any member of the public, organizations, or interest groups regarding redistricting outside of public meetings. This disclosure obligation does not extend to discussions with CRC staff or discussions of information regarding the time, place and list of items on the agenda for upcoming meetings.
- (e) Copies of all written, including electronic, communications CRC Members receive regarding redistricting matters, other than from Commission staff, shall be forwarded to the _____ within 24 hours. Oral communications received by CRC Members, other than from Commission staff, must be summarized in writing and forwarded to the _____ within 24 hours of the communication. The _____ shall distribute such forwarded material to all CRC Members and post it on the CRC web site within _____ working days of receipt.
- (f) CRC Members should keep in mind the Section 4.06 above and are encouraged to use caution when communicating about redistricting on any internet platform or social media website, including the use of any digital icons that express emotion in response to a communication.

Article V. Officers

Section 5.01 General Responsibilities of the Chairperson and Vice Chairperson. The officers of the CRC shall be a Chairperson and Vice Chairperson. These officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the CRC.

Section 5.02 Duties of Officers.

- (a) The duties of the Chairperson shall include the following:
 - (1) *To preside over CRC meetings, including all meetings and public hearings required by Elections Code Section 21534(c).*
 - (2) *To work with the CRC Executive Director to determine the meeting agendas.*
 - (3) *To determine whether a quorum is present subject to the requirements of Section 21533 of the Elections Code.*
 - (4) *To call special meetings when necessary, subject to the Ralph M. Brown Act.*
 - (5) *To appoint CRC members to subcommittees or working groups as the CRC deems necessary to carry out its work.*

(6) To work with the CRC Executive Director, consultants, and/or CRC staff to prepare any reports, maps, or other documents required by law.

(7) And such other duties applicable to the office as prescribed by the parliamentary authority adopted by the CRC.

(b) The duties of the Vice Chairperson shall include the following:

(1) To preside over meetings of the CRC in the absence of the Chairperson.

(2) To assist in the preparation of any CRC reports, maps, or other documents required by law.

(3) To perform any other responsibilities at the direction of the Chairperson.

Section 5.03 Election of Officers.

(a) CRC officers shall be elected no later than the third meeting of the full CRC following each new constitution of the CRC following each decennial census.

(b) The term of office is one year from the date of election unless a quorum of the CRC votes otherwise.

(c) Officers may serve multiple and/or consecutive terms.

Section 5.04 Succession of Duties. If both the Chairperson and Vice-Chairperson are absent from a meeting, a quorum of the members of the CRC may select a Chairperson Pro Tem.

Article VI. Meetings

Section 6.01 Brown Act. The CRC shall comply with the Ralph M. Brown Act (beginning at Section 54950 of the Government Code).

Section 6.02 Rules of Order. The rules contained in the 2011 edition of "Rosenberg's Rules of Order," attached herein as Addendum B, except as otherwise provided herein, shall govern the CRC in its proceedings. The CRC may adopt additional rules to govern conduct at its meeting and all proceedings. Such rules may be changed by a quorum of the CRC.

Section 6.03 Regular Commission Meetings. Regular meetings of the CRC shall be held on the second and fourth Wednesdays of each month, at 7 a.m./p.m. Unless noticed otherwise, regular meetings during the COVID shut down will be virtual meetings.

A meeting may be rescheduled or cancelled by a quorum of the members present at a regular meeting. If it has been determined that a quorum will not be present for a particular meeting, the Chairperson at his/her discretion may cancel that meeting. CRC staff will give post public notice of a meeting or any meeting cancellations.

Section 6.04 Special Meetings. Special meetings of the CRC may be called in the manner provided by Section 54956 of the Government Code.

Section 6.05 Quorum. Nine members of the CRC shall constitute a quorum. Nine or more affirmative votes shall be required for any official action.

Section 6.06 Agenda Items. Items may be placed on the CRC agenda with approval from the Chairperson. Items may also be placed on the CRC agenda at the request of four or more CRC members.

Section 6.07 Committees. The CRC may establish subcommittees or working groups to focus on key issues. Such committees shall consist of less than a quorum (nine members) of the CRC.

Section 6.08 Attendance. CRC members shall contact the Chairperson and the CRC Executive Director in advance to report meeting absences or tardiness.

Section 6.09 Public comment. Public comment on non-agenda items will be limited to [redacted] minutes per person, and public comment on agenda items will be limited to [redacted] minutes per person. The Chairperson may increase or decrease the time per person in the exercise of the Chairperson' discretion. To the extent time is increased or decreased, all persons speaking on a particular item will be given equal time.

Section 6.10 Land Acknowledgment. [TBD—Awaiting input from the Los Angeles County Department of Arts and Culture regarding the Countywide Cultural Policy to identify ways to acknowledge Indigenous Peoples as traditional stewards of this land at County public events.]

Article VII. Adoption and Amendment of Bylaws

Section 7.01 Adoption. These bylaws may be adopted by a quorum of the CRC members present at a duly convened regular meeting.

Section 7.02 Amendment. These bylaws may be amended by a vote of nine (9) CRC members present at a duly convened regular meeting.



LOS ANGELES COUNTY REDISTRICTING 2021

COMMISSION AGENDA REPORT

TO: Honorable Commissioners

FROM: Holly O. Whatley, Independent Legal Counsel

cc: Gayla Kraetsch Hartsough, Executive Director

DATE: January 5, 2021

SUBJECT: Commission Bylaws

SUMMARY RECOMMENDATION

Staff recommends the Commission adopt bylaws to govern the Commission's organization and procedures.

REPORT

The Commission was formed under Election Code section 21530 et seq. ("Elections Code"). The Elections Code, the Brown Act and the Government Code govern certain aspects of how the Commission is organized and conducts its business. Those laws, however, do not cover every aspect of Commission business, such as when to hold its regular meetings, when and how to elect a Chair and Vice-Chair, etc. The Commission may adopt by-laws to fill those gaps provided such by-laws are consistent with other applicable law.

Staff has prepared a draft set of bylaws for the Commission to consider and anticipates the Commission will provide direction to staff regarding edits it would like to see before final adoption. While all aspects of the bylaws are open for Commissioners' discussion, staff notes the following areas in particular merit Commissioners' attention:





LOS ANGELES COUNTY REDISTRICTING 2021

1. Alternates—Draft Bylaw Section 4.10

The Elections Code does not provide for alternate commissioners, but it also does not prohibit them. Many cities with independent redistricting commissions, including Oakland, Long Beach, San Diego, and Berkeley, authorize the appointment of alternate commissioners. On the other hand, some independent redistricting commissions have no alternates, such as the State's redistricting commission and the County of San Diego's.

The Commission may want to consider designating alternate commissioners in the event a commissioner resigns, is removed, or is unable to serve. The advantage of designating alternate commissioners now is that they will have followed the Commission's proceedings and can assume office with little delay. Given the disruptions caused by the COVID-19 pandemic and the short statutory timeframes to complete the Commission's work, the Commission may want to limit any preventable delays.

The disadvantage of designating alternate commissioners now is that in the event of a vacancy, the Commission may be limited to choosing from the available alternates. The effect might be to forfeit certain demographic characteristics in the Commission as a whole if the alternate commissioners do not mirror the background of the commissioner to be replaced. Waiting until there is a vacancy, if at all, allows the Commission to preserve its representative characteristics by choosing an alternate that more closely matches the demographic background of the commissioner to be replaced.

Since the Elections Code is silent as to alternate commissioners, if the Commission opts to select alternates, it should address the issue in its bylaws. The Commission should consider:

- The method of appointing alternate commissioners
- When alternate commissioners are authorized to assume office
- Whether alternate commissioners may be counted toward quorum
 - To be consistent with the Elections Code, staff recommends an alternate not count towards a quorum
- Whether alternate commissioners may be allowed to vote in place of an absent Commissioner





LOS ANGELES COUNTY REDISTRICTING 2021

- Staff recommends that alternates, if any, do not vote until such time as they are seated, if at all, as a permanent Commissioner
- The duties of an alternate commissioner
 - Staff recommends that alternates, if any, be required to:
 - i. Stay current on the Commission's business either through attendance at all meetings or viewing the recorded meetings;
 - ii. Comply with any applicable disclosure obligations regarding communications about redistricting that do not take place at a public meeting; and,
 - iii. Comply with the County's Conflict of Interest Code applicable to Commissioners.

2. Vacancy—Draft Bylaw Section 4.11

The Commissioners should discuss what constitutes a vacancy on the Commission. For discussion purposes, the draft bylaws provide a vacancy occurs upon three consecutive unexcused absences or a total of five unexcused absences in a calendar year.

3. Commissioners' Communications—Draft Bylaw Section 4.12

The Commission may want to consider including provisions regarding communications. For discussion purposes, the draft bylaws contain the following provisions for Commissioner's consideration, with the Commission having the discretion to adopt or reject any subsection:

- Prohibiting Commissioners from communicating with any member of the Board of Supervisors or member's staff or family regarding redistricting outside of a public meeting;
- Designating the Chair as the sole official spokesperson of the Commission unless another Commissioner is expressly authorized to do so;
- Requiring Commissioners to disclose all communications, other than with staff, regarding redistricting that they have with the public outside of a public meeting;
- Specifying how the disclosure of such communications must be made; and,
- Caution regarding Commissioner's use of social media.





LOS ANGELES COUNTY **REDISTRICTING 2021**

4. Meetings—Draft Bylaw Article VI

The Commission should consider the following issues regarding its meetings:

- When it will hold its regular meetings (Section 6.03)
- How items may be placed on the agenda (Section 6.06)
- Whether to have any standard rule regarding time limits for public comment (Section 6.09)
- Whether to consider a land acknowledgment at its meetings (Section 6.10)

Staff will incorporate directions from the Commission regarding the draft bylaws and will return with the edited bylaws and the next CRC meeting for further consideration and/or adoption. Alternatively, the Commission may adopt the draft bylaws at this meeting provided the Commission fills in the blanks remaining in the draft.

ATTACHMENTS:

Exh. A.: Draft Bylaws

Exh. B: Rosenberg's Rules of Order



BYLAWS FOR THE COUNTY OF LOS ANGELES CITIZENS REDISTRICTING COMMISSION

Article I. Authority

The County of Los Angeles Citizens Redistricting Commission (CRC) is formed under California Elections Code¹ Section 21530 et seq.

Article II. Purpose

The role of the CRC is to adjust the boundary lines of the five single-member supervisorial districts of the County of Los Angeles Board of Supervisors (Board) following each federal decennial census to rebalance shifts in population and demographics across districts and to increase accountability of elected representatives to Los Angeles citizens. The CRC is to be independent from the influence of the Board and reasonably representative of the County's diversity.

Article III. Powers and Duties

Section 3.01 Criteria. As set forth in Section 21534 of the Elections Code, the CRC shall establish single-member supervisorial districts for the Board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

- (a) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.
 - (1) *Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.*
 - (2) *Notwithstanding subparagraph (A), an incarcerated person, as that term is used in Elections Code Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database is made publicly available.*
- (b) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

¹ Unless otherwise indicated, all statutory references herein are to the California codes.

- (c) Districts shall be geographically contiguous.
- (d) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
- (e) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

Section 3.02 Prohibition. The CRC shall not consider the place of residence of any incumbent or political candidate in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

Section 3.03 Public Records. All records of the CRC related to redistricting and all data considered by the CRC in drawing the draft and final maps are public records.

Section 3.04 Public Hearings. As set forth in Elections Code section 21534:

- (a) Before drawing a map, the CRC shall conduct at least seven (7) public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.
- (b) In the event any state or local health order prohibits large gatherings, the CRC may modify the locations of the hearing, including the use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the CRC modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The CRC shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.
- (c) After drawing a draft map, the CRC shall do both of the following:
 - (1) *Post the map for public comment on the Internet Web site of the County of Los Angeles.*
 - (2) *Conduct at least two (2) public hearings to take place over a period of no fewer than 30 days.*

Section 3.05 Calendar. The CRC shall establish and make available to the public a calendar of all public hearings described in Section 3.04. Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

Section 3.06 Agenda. Notwithstanding Section 54954.2 of the Government Code, the CRC shall post the agenda for the public hearings described in Section 3.04 at least seven (7) days before the hearings. The agenda for a meeting required by Section 3.04, subsection paragraph (c) shall include a copy of the draft map.

Section 3.07 Translation. The CRC shall arrange for the live translation of a public hearing held pursuant to Section 3.04 in an applicable language if a request for translation is made at least 24 hours before the hearing. An “applicable language” means a language for which the number of residents of the County of Los Angeles who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county. In contrast, 72-hours notice is requested for CRC public meetings.

Section 3.08 Participation. The CRC shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

- (a) Providing information through media, social media, and public service announcements.
- (b) Coordinating with community organizations.
- (c) Posting information on the Commission’s web site that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the CRC.
- (d) Encouraging interested residents to submit proposed maps for review and consideration by the CRC.

Section 3.09 Redistricting Plan. The CRC shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in Elections Code Section 21501(a). The CRC shall not release a draft map before the date set forth in Elections Code Section 21508(d)(3).

- (a) The plan shall be subject to referendum in the same manner as ordinances.
- (b) The CRC shall issue, with the final map, a report that explains the basis on which the CRC made its decisions in achieving compliance with the criteria described in Elections Code Section 21534 (a) and (b).

Section 3.10 Consultants. The CRC shall not retain any consultant who would not qualify to be an applicant under subparagraph (d) of Section 4.04. “Consultant” means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process.

Article IV. Membership

Section 4.01 Selection. The CRC shall be selected in the manner provided by Section 21532 of the Elections Code and created no later than December 31, 2020, and in each year ending in the number zero thereafter. The selection process is designed to produce a commission that is independent from the influence of the Board, political parties, campaign contributors or other special financial interests, and is reasonably representative of the County's diversity.

Section 4.02 Size. The CRC shall be composed of 14 members.

Section 4.03 Term. The term of office of each member of the CRC expires upon the appointment of the first member of the succeeding commission.

Section 4.04 Qualifications. Each CRC member shall meet all of the following qualifications:

- (a) Be a resident of the County of Los Angeles.
- (b) Be a voter who has been continuously registered in the County of Los Angeles with the same political party or no party preference and who has not changed their political party or no party preference for five or more years immediately preceding the date of their appointment to the CRC.
- (c) Have voted in at least one of the last three statewide elections immediately preceding their application to be a member of the CRC.
- (d) Within the 10 years immediately preceding the date of application to the CRC, neither the applicant, nor an immediate family member of the applicant, has done any of the following:
 - (1) *Been appointed to, elected to, or have been a candidate for office at the local, state, or federal level representing the County of Los Angeles, including as a member of the board.*
 - (2) *Served as an employee of, or paid consultant for, an elected representative at the local, state, or federal level representing the County of Los Angeles.*
 - (3) *Served as an employee of, or paid consultant for, a candidate for office at the local, state, or federal level representing the County of Los Angeles.*
 - (4) *Served as an officer, employee, or paid consultant of a political party or as an appointed member of a political party central committee.*
 - (5) *Been a registered state or local lobbyist.*

- (e) Possess experience that demonstrates analytical skills relevant to the redistricting process and voting rights, and possess an ability to comprehend and apply the applicable state and federal legal requirements.
- (f) Possess experience that demonstrates an ability to be impartial.
- (g) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the County of Los Angeles.

Any CRC Member who ceases to meet these qualifications during their term of service (e.g., moves outside Los Angeles County) must immediately notify the Chairperson and Executive Director in writing of such fact.

Section 4.05 Conduct. Each CRC member shall conduct him or herself in a manner that reinforces public confidence in the integrity of the redistricting process and shall apply Elections Code sections 21530 et seq in an impartial manner.

Section 4.06 Conflict of Interest. Each CRC member shall be a designated employee for purposes of the conflict of interest code adopted by the County of Los Angeles pursuant to Article 3 (commencing with Section 87000) of Chapter 7 of Title 9 of the Government Code, attached herein as Addendum A. All CRC Members shall file a Statement of Economic Interest (Form 700) upon taking office.

Section 4.07 Ethics Training. All CRC Members shall complete AB 1234 Local Officials Ethics Training offered by the Fair Political Practices Commission within 90 days of taking office and shall provide proof of completion to the CRC's Independent Counsel. CRC Members who completed AB 1234 training in the eighteen months before taking office need not repeat such training upon taking office, but are required to provide proof of such completion to the CRC's Independent Counsel and must also comply with the obligation to repeat such training within two years of their last training.

Section 4.08 Ineligibility for Public Office. Each CRC member shall be ineligible for a period of five years beginning from the date of appointment to hold elective public office at the federal, state, county, or city level in this state. Each CRC member shall be ineligible for a period of three years beginning from the date of appointment to hold appointive federal, state, or local public office, to serve as paid staff for, or as a paid consultant to, the Board of Equalization, the Congress, the Legislature, or any individual legislator, or to register as a federal, state, or local lobbyist in this state.

Section 4.09 Alternates. [OPTION 1] Within 60 days of being sworn in, the CRC shall review the remaining candidates in the subpool of most qualified applicants and shall appoint up to two of them to serve as alternates. Alternates may not vote and may not be counted toward the establishment of a quorum. They are expected to keep themselves informed of the CRC's business and attend meetings.

[OPTION 2] Any vacancy on the CRC shall be filled by the CRC at a meeting called for that purpose within ten business days of the vacancy's occurrence. The CRC shall fill the vacancy from among the remaining eligible most qualified applicants.

Section 4.10 Vacancy. A vacancy may arise upon any of the following occurrences:

- (a) Death of a CRC member;
- (b) Submission of a written notice to the Chairperson and the Executive Director stating a CRC member's intent to resign; or,
- (c) Removal of a CRC member by a quorum of the CRC due to:
 - (1) *Three consecutive unexcused absences or five total unexcused absences in a calendar year. An unexcused absence means an absence which is not approved by the Chairperson;*
 - (2) *A CRC member's or alternate's failure to continue to meet the qualifications listed in Section 4.04;*
 - (3) *Conviction of a felony, violation of election law, the Ralph M. Brown Act, the California Public Records Act, or any crime involving moral turpitude; or*
 - (4) *Violation of any provision of these By-laws or Elections Code Section 21530 et seq.*

The decision of the Commission is final and may not be appealed. Any vacancy on the CRC will be filled by a quorum of the CRC members appointing an alternate at its next regular meeting. Any vacancy among the alternates of the CRC will be filled by a quorum of the CRC members from the subpool of the most qualified applicants.

Section 4.11 Communications.

- (a) Each CRC Member will use the Commission-provided email address for all communications involving CRC business. Any communication involving CRC business sent to a CRC Member's personal email address shall be forwarded to the CRC Member's Commission-provided email address.
- (b) CRC Members shall not communicate outside of a public meeting with any member of the Board of Supervisors or a member's immediate family members or a member's staff regarding redistricting matters.
- (c) Except as provided in this subsection, no statements shall be made or action taken by any CRC Member on behalf of or in the name of the CRC unless expressly authorized by the Commission. This does not prevent CRC Members from publication of information regarding the time, place and agendas of upcoming CRC meetings.

- (d) CRC Members shall publicly disclose all substantive communications they have with any member of the public, organizations, or interest groups regarding redistricting outside of public meetings. This disclosure obligation goes not extend to discussions with CRC staff or discussions of information regarding the time, place and list of items on the agenda for upcoming meetings.
- (e) Copies of all written, including electronic, communications CRC Members receive regarding redistricting matters, other than from Commission staff, shall be forwarded to the _____ within 24 hours. Oral communications received by CRC Members, other than from Commission staff, must be summarized in writing and forwarded to the _____ within 24 hours of the communication. The _____ shall distribute such forwarded material to all CRC Members and post it on the CRC web site within _____ working days of receipt.
- (f) CRC Members should keep in mind the Section 4.05 above and are encouraged to use caution when communicating about redistricting on any internet platform or social media website, including the use of any digital icons that express emotion in response to a communication.

Article V. Officers

Section 5.01 General Responsibilities of the Chairperson and Vice Chairperson. The officers of the CRC shall be a Chairperson and Vice Chairperson. These officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the CRC.

Section 5.02 Duties of Officers.

- (a) The duties of the Chairperson shall include the following:
 - (1) *To preside over CRC meetings, including all meetings and public hearings required by Elections Code Section 21534(c).*
 - (2) *To work with the CRC Executive Director to determine the meeting agendas.*
 - (3) *To determine whether a quorum is present subject to the requirements of Section 21533 of the Elections Code.*
 - (4) *To call special meetings when necessary, subject to the Ralph M. Brown Act.*
 - (5) *To appoint CRC members to subcommittees or working groups as the CRC deems necessary to carry out its work.*
 - (6) *To work with the CRC Executive Director, consultants, and/or CRC staff to prepare any reports, maps, or other documents required by law.*

(7) *And such other duties applicable to the office as prescribed by the parliamentary authority adopted by the CRC.*

(b) The duties of the Vice Chairperson shall include the following:

(1) *To preside over meetings of the CRC in the absence of the Chairperson.*

(2) *To assist in the preparation of any CRC reports, maps, or other documents required by law.*

(3) *To perform any other responsibilities at the direction of the Chairperson.*

Section 5.03 Election of Officers.

(a) CRC officers shall be elected no later than the third meeting of the full CRC following each new constitution of the CRC following each decennial census.

(b) The term of office is one year from the date of election unless a quorum of the CRC votes otherwise.

(c) Officers may serve multiple and/or consecutive terms.

Section 5.04 Succession of Duties. If both the Chairperson and Vice-Chairperson are absent from a meeting, a quorum of the members of the CRC may select a Chairperson Pro Tem.

Article VI. Meetings

Section 6.01 Brown Act. The CRC shall comply with the Ralph M. Brown Act (beginning at Section 54950 of the Government Code).

Section 6.02 Rules of Order. The rules contained in the 2011 edition of "Rosenberg's Rules of Order," attached herein as Addendum B, except as otherwise provided herein, shall govern the CRC in its proceedings. The CRC may adopt additional rules to govern conduct at its meeting and all proceedings. Such rules may be changed by a quorum of the CRC.

Section 6.03 Regular Commission Meetings. Regular meetings of the CRC shall be held Wednesdays, at 7:00 p.m.; all meetings will be virtual until such time that the Los Angeles County Public Health Department issues a clearance for in-person meetings. A meeting may be rescheduled or cancelled by a quorum of the members present at a regular meeting. If it has been determined that a quorum will not be present for a particular meeting, the Chairperson at his/her discretion may cancel that meeting. CRC staff will give notice of a meeting or meeting cancellation.

Section 6.04 Special Meetings. Special meetings of the CRC may be called in the manner provided by Section 54956 of the Government Code.

Section 6.05 Quorum. Nine members of the CRC shall constitute a quorum. Nine or more affirmative votes shall be required for any official action.

Section 6.06 Agenda Items. Items may be placed on the CRC agenda with approval from the Chairperson. Items may also be placed on the CRC agenda at the request of four or more CRC members.

Section 6.07 Committees. The CRC may establish subcommittees or working groups to focus on key issues. Such committees shall consist of less than a quorum (nine members) of the CRC.

Section 6.08 Attendance. CRC members shall contact the Chairperson and the CRC Executive Director in advance to report meeting absences or tardiness.

Section 6.09 Public comment. Public comment on non-agenda items will be limited to _____ minutes per person, and public comment on agenda items will be limited to _____ minutes per person. The Chairperson may increase or decrease the time per person in the exercise of the Chairperson's discretion. To the extent time is increased or decreased, all persons speaking on a particular item will be given equal time.

Section 6.10 Land Acknowledgment. [TBD—Awaiting input from the Los Angeles County Department of Arts and Culture regarding the Countywide Cultural Policy to identify ways to acknowledge Indigenous Peoples as traditional stewards of this land at County public events.]

Article VII. Adoption and Amendment of Bylaws

Section 7.01 Adoption. These bylaws may be adopted by a vote of nine (9) CRC members present at a duly convened regular meeting.

Section 7.02 Amendment. These bylaws may be amended by a vote of nine (9) CRC members present at a duly convened regular meeting.



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

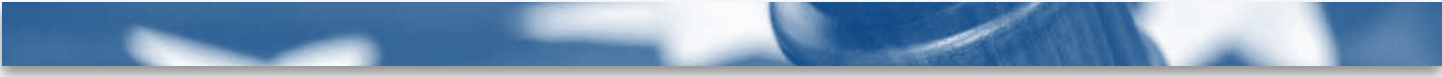


TABLE OF CONTENTS

About the Author	ii
Introduction	2
Establishing a Quorum.....	2
The Role of the Chair.....	2
The Basic Format for an Agenda Item Discussion	2
Motions in General.....	3
The Three Basic Motions.....	3
Multiple Motions Before the Body.....	4
To Debate or Not to Debate.....	4
Majority and Super-Majority Votes	5
Counting Votes.....	5
The Motion to Reconsider.....	6
Courtesy and Decorum	7
Special Notes About Public Input	7

INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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