

SANTA CRUZ LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2008-4

On the motion of Commissioner
duly seconded by Commissioner
the following resolution is adopted:

AMENDING POLICY CONCERNING DISCLOSURE OF
CONTRIBUTIONS AND EXPENDITURES REGARDING PROPOSALS

WHEREAS, on May 2, 2001 by Resolution No.2001-9, this Commission adopted a policy concerning public disclosure of certain contributions and expenditures made to influence passage or defeat of proposals subject to LAFCO proceedings; and

WHEREAS, the Commission has reviewed this policy in order to comply with Assembly Bill 745 of the 2007 Legislative session and to otherwise clarify said policy: and

WHEREAS, this Commission has held a noticed hearing on January 9, 2008 to receive public comments on the proposed amendments;

NOW, THEREFORE, BE IT RESOLVED that:

Effective January 9, 2008, the disclosure policy originally adopted in Resolution No. 2001-9 is hereby amended as shown on Exhibit A.

PASSED AND ADOPTED by the Local Agency Formation Commission of Santa Cruz County this 9th day of January 2008.

AYES:
NOES:
ABSENT:

TONY CAMPOS, CHAIRPERSON
Santa Cruz Local Agency Formation Commission

Attest:

Approved as to form:

Patrick McCormick, Executive Officer

Christopher Cheleden, LAFCO Counsel

EXHIBIT A, RESOLUTION NO. ~~2001-9~~ 2008-4

SANTA CRUZ LAFCO
POLICIES AND PROCEDURES FOR THE DISCLOSURE OF
CONTRIBUTIONS AND EXPENDITURES
IN SUPPORT OF AND OPPOSITION TO PROPOSALS
DISCLOSURE OF POLITICAL CONTRIBUTIONS AND EXPENDITURES
REGARDING LAFCO PROCEEDINGS

1. EFFECTIVE DATE

These amended policies and procedures shall apply to all applications submitted for filing after May 2, 2001 effective January 9, 2008.

2. POLICY

The Commission finds that the public interest would be served by adoption of procedures for the public disclosure of contributions and expenditures relating to Commission proposals, and further finds that adopting the process which applies statewide to local initiative measures to the extent possible would be the appropriate and efficient means of carrying out such disclosure.

3. DEFINITIONS

Unless otherwise provided, definitions of the terms used herein shall be those adopted by the Fair Political Practices Commission.

"Contribution" as used herein shall have the same definition as provided in Government Code Section 82015, as amended.

"Expenditure" as used herein shall have the same definition as provided in Government Code Section 82025, as amended.

"Independent expenditure" as used herein shall have the same definition as provided in Government Code Section 82031, as amended, except that the term "measure" as used in Section 82031 shall be replaced with the term "proposal for organization or reorganization."

"Political purposes" as used herein shall mean for the purpose(s) of: (i) influencing public opinion; (ii) lobbying public officials; and/or, (iii) influencing legislative or administrative action as defined in Government Code § 82032. It shall not include for the purpose(s) of complying with legal requirements and LAFCO rules for the processing of a proposal, including, but not limited to and by way of example only, preparation of a comprehensive fiscal analysis for an incorporation (Government Code Section 56800) or documents necessary to comply with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., such as a mitigated negative declaration or environmental impact report.

4. APPLICABILITY

These policies and procedures are applicable to changes of organization and reorganization as defined in the Cortese-Knox-Hertzberg Local Government Act of

2000 and sphere of influence adoption, amendment or review, when applications for same are submitted for filing with Executive Officer.

Changes of organization include but are not limited to:

- Annexation to a city or district
- Incorporation to a city
- Formation or dissolution of a district

5. GENERAL REQUIREMENTS OF DISCLOSURE

~~It is required that a person or combination of persons publicly disclose contributions, expenditures, and independent expenditures totaling \$1,000 or more which that person or combination of persons has made in support of or opposition to a proposal for a reorganization, change of organization, or sphere of influence adoption or amendment that has been submitted to the Santa Cruz Local Agency Formation Commission, or that has been authorized by Santa Cruz LAFCO for protest or election proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Commission intends that the specific procedures for accomplishing the disclosure shall be those set out by State law and administrative regulation for the disclosure of contributions and expenditures to support and oppose local initiative measures under the Political Reform Act (Government Code Section §81000 et seq.).~~

~~Contributions and expenditures made prior to submission of the application shall be considered in determining whether the \$1,000 threshold for disclosure has been met, but no filing of disclosures shall be required until the matter is noticed for commission action, as described below under Filing Schedule.~~

Any person or combination of persons who directly or indirectly makes an expenditure or independent expenditure for political purposes of \$1,000 or more in support of, or in opposition to, a change of organization, reorganization, or sphere of influence adoption or amendment proposal submitted to the commission shall comply with the reporting and disclosure requirements of the Political Reform Act (Government Code §§ 81000 et seq.), to the same extent and subject to the same requirements as for local initiative measures. Such reporting and disclosure requirements, except as otherwise excluded herein, extend to those required by the Fair Political Practices Commission Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.

6. CERTAIN REPORTS AND DISCLOSURES

This policy also requires that the persons subject to it comply with the regulations regarding the names of campaign committees, disclosures of the sources of mass mailings, and disclosures of the source of automated telephone calls under Government Code Sections 84501 et seq. and the regulations of the Fair Political Practices Commission implementing those sections.

7. FILING OFFICE

All reports and disclosures required hereunder shall be filed with the Santa Cruz County elections official, who the Santa Cruz LAFCO hereby designates as a deputy of Santa Cruz LAFCO for purposes of receiving and filing such reports.

~~Disclosures required hereunder shall be filed at:~~

As of the effective date of this policy amendment, the contact information for the elections official is:

Santa Cruz County Elections Department
701 Ocean Street #210
Santa Cruz CA 95060
Phone: 831-454-2060

For this purpose, forms developed by the Fair Political Practices Commission for disclosures relating to ballot measures shall be used as specified by the Santa Cruz County Elections Office. Acceptable methods of filing or delivery shall conform to those applicable to elections relating to ballot measures. Copies of filed statements will be available to any person upon payment of 10¢ per page.

8. FILING SCHEDULE

Prior to a LAFCO decision by resolution on an application, any required disclosures shall be filed with the Santa Cruz County Elections Department no later than twelve days before the noticed date of the public hearing or continued deliberation or discussion on the proposal at LAFCO. The period covered by this report shall be from any prior filing period to seventeen days preceding the LAFCO hearing date. Additionally, contributions and expenditures for the period commencing sixteen days before the LAFCO meeting and ending one day before the LAFCO meeting shall also be filed with the Santa Cruz County Elections Department within 24 hours of receipt or expenditure but in no event later than 24 hours before the LAFCO meeting begins. Should the LAFCO hearing or deliberation or discussion be continued to additional dates, or be accepted for reconsideration, the foregoing periods apply for expenditures or contributions received after the initial date and prior to the subsequent dates. Additionally, contributions and expenditures from any prior filing period to seven days after a decision has been made, shall be filed with the Elections Department no later than fourteen days after a decision has been made.

After a final LAFCO decision by resolution and until the completion of protest and election proceedings, disclosures shall conform to all requirements for campaign committees pursuant to the Political Reform Act.

For purposes of determining the deadlines by which such reports and disclosures must be filed, the term "election" as used in the Political Reform Act for determining such deadlines shall mean the date of the originally scheduled commission hearing on a proposal for organization, reorganization, or sphere of influence adoption or amendment. If no hearing date has been scheduled at the time a person becomes subject to disclosure under this policy, he or she shall request that the executive officer establish a date to serve as the "election" date for this purpose. The executive officer shall establish a date, such as, but not limited to, the date which is 6 months after the first filing with the commission regarding the proposal, and inform the requestor of that date in writing.

9. NOTICE

The following notice shall be ~~added to~~ printed on the Commission's application forms, the resulting notices of public hearing, the agenda of each meeting, and the Commission's website:

Pursuant to Government Code Sections §56100.1, §56700.1, §56300(b), §56700.1, §59009, and §81000 et seq., and Santa Cruz LAFCO's Policies and Procedures for the Disclosures of Contributions and Expenditures in Support of and Opposition to

Proposals, any person or combination of persons who directly or indirectly contributes a total of \$1,000 or more or expends a total of \$1,000 or more in support of or opposition to a proposal for a change of organization, reorganization or sphere of influence that has been submitted to Santa Cruz LAFCO or a proposal that has subsequently been authorized by Santa Cruz LAFCO for protest proceedings or election must comply with the disclosure requirements of State law which apply to local initiative measures. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information may be obtained at the Santa Cruz County Elections Department, 701 Ocean Street, Room 210, Santa Cruz CA 95060 (phone 831-454-2060).

10. AMENDMENT

These policies and procedures may be further amended from time to time by Santa Cruz LAFCO following a noticed public hearing pursuant to State law.

11. REPORTING REQUIREMENTS ARE NON-EXCLUSIVE

The disclosure and reporting requirements herein are in addition to any other requirements that may be otherwise applicable under provisions of the Political Reform Act or by local ordinance.

12. ENFORCEMENT

Enforcement and penalties for violation of these policies and procedures shall be the same as for violations of the Political Reform Act of 1974 and its corresponding regulations, to the extent permitted by law.