

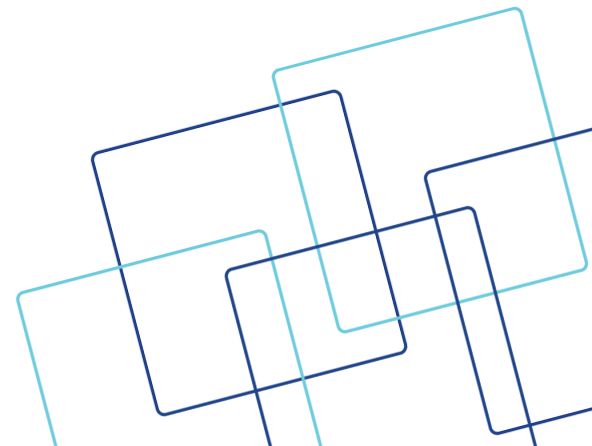


SB 1439 UPDATE

Presented by: Scott Cross, City Attorney

City of Fowler

October 17, 2023



Update – SB 1439 (Amendment to LeVine Act – Gov. Code Section 84308)

Effective January 1, 2023, Gov. Code Section 84308 amended to prohibit City Council Members from:

- Participating in a proceeding involving a license, permit, or entitlement for use if a campaign contribution in excess of \$250 was received from the party (or participant) seeking the approval within 12 months *preceding* the decision – must disclose and recuse.
- “License, permit, or other entitlement for use” means all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.
- Shall not accept, solicit, or direct a campaign contribution in excess of \$250 from a party (or participant) while a proceeding for a license, permit, or entitlement for use is pending and for 12 months *after* the date of the decision.
- Both a “Look Back” and “Look Forward” Period of 12 months.
- FPPC Opinion on 12/22/22 – “look back” goes only back to 1/1/23.

Ability for Officials to Cure

- Officials and party to preceding each have duty to disclose on the record – make oral announcement – any contribution in excess of \$250 made in prior 12 months (since 1/1/23) by party or agent.
- Pre-decision cure.
 - Return within 30 days of knowledge.
- Post-decision cure.
 - Return within 14 days of knowledge.
- Violations are misdemeanors.

Update – Gift Limit

- Gift limit increase to \$590 in 2023 – 2024.
- **Prohibited** from receiving gift or gifts in excess of \$590 from a single source in a calendar year (Gov. Code Section 89503).
- Official has a **disqualifying** financial interest if decision will have a financial effect on source of gift/gifts – at least \$590 in 12 months before decision is made. (Recusal required)

Basic Rule, Guide and Test

- Handling of gifts
 - 30 days to return to donor, regift, or reimburse
 - Regift must be to a 501(c)(3) non-profit
 - 30 days of receipt and before participating or using influence

Reminder

- Recusal/Disqualification Requirement.
 - Publicly identify the financial interest immediately before consideration of the agenda item (oral announcement), including closed session item.
 - Name of business entity, general description of business, position held
 - Real property address, APN, or note personal residence
 - Name of source of income
 - Name of source of gift
 - Name of party (or participant) involved in proceeding if campaign contribution over \$250 in last 12 months.
 - Leave the meeting room and not participate in the discussion or decision.
 - May remain in the room if item is on a consent calendar but may not participate in discussion or decision.
 - Official may leave the dais and speak as a member of the public and remain in the public seating area during discussion and decision.
 - Partial absence does not excuse the public identification of the financial interest and disqualification.

(2 Cal.CodeRegs. 18707)



Questions?



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