

Contra Costa LAFCO
Campaign Disclosure Requirements
(adopted 12/19/07)

Pursuant to Government Code §§56700.1 and 57009, effective January 1, 2008, expenditures for political purposes related to a proposal for a change of organization or reorganization and contributions in support of or in opposition to any proposal at the conducting authority stage of the LAFCO process are subject to the reporting and disclosure to the same extent as required for local initiative measures under the Political Reform Act (PRA), Gov. Code §81000 et seq., and the regulations of the Fair Political Practices Commission (FPPC) implementing that law.

Contra Costa LAFCO adopts the following reporting and disclosure requirements to implement Gov. Code §§56700.1 and 57009.

1. Definitions

- a. "Contribution" as used herein shall have the same definition as provided in Gov. Code §82015, as amended.
- b. "Expenditure" as used herein shall have the same definition as provided in Gov. Code §82025, as amended.
- c. "Independent expenditure" as used herein shall have the same definition as provided in Gov. Code §82031, as amended, except that the term "measure" as used in §82031 shall be replaced with the term "proposal for organization or reorganization."
- d. "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 Gov. Code §82032. Political purposes shall not include compliance with legal requirements and LAFCO rules for the processing of a proposal, including, but not limited to, preparation of a comprehensive fiscal analysis for an incorporation (Gov. Code §56800) or documents necessary to comply with the California Environmental Quality Act, Pub. Resources Code §21000 et seq., such as a mitigated negative declaration or environmental impact report.

2. Disclosure Requirements for Proposals for Organization or Reorganization

- a. 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 or reorganization submitted to the commission to which Gov. Code §56700.1 applies, shall comply with the reporting and disclosure requirements of the PRA (Gov. 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 FPPC Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.
- b. For purposes of determining the deadlines by which such reports and disclosures must be filed, the term "election" as used in the PRA for determining such deadlines shall mean the date of the originally scheduled commission hearing on a proposal for organization or reorganization. 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 six months after the first filing with the commission regarding the proposal, and inform the requestor of that date in writing.

- c. In the event the originally scheduled hearing date for the proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues, and reports shall be filed on or before the 10th day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

3. Disclosure Requirements for Conducting Authority Proceedings

- a. Any person or combination of persons who directly or indirectly makes an expenditure for political purposes of \$1,000 or more related to conducting authority proceedings for a change of organization or reorganization to which Gov. Code §57009 applies, or in support of or in opposition to those conducting authority proceedings, shall comply with the reporting and disclosure requirements of the PRA (Gov. 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 FPPC Regulations regarding such disclosures and shall include disclosure of contributions, expenditures and independent expenditures.
- b. For purposes of determining the deadlines by which such reports and disclosures must be filed, the term “election” as used in the PRA for determining such deadlines shall mean the date of the originally scheduled conducting authority hearing on the proposal for organization or reorganization. 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.
- c. In the event the originally scheduled conducting authority hearing date for a proposal for organization or reorganization is rescheduled or continued to a later date, the obligation to file continues and reports shall be filed on or before the 10th day of each month following the original hearing date with respect to contributions and expenditures received in the previous calendar month up to and including the third calendar month following final action by the commission on the proposal.

4. Certain Reports and Disclosures Excluded

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 Gov. Code §84501 and following the regulations of the FPPC implementing those sections.

5. Where to File

All reports and disclosures required hereunder shall be filed with the Contra Costa County elections official, who the Contra Costa LAFCO hereby designates as a Deputy Executive Officer of Contra Costa LAFCO for purposes of receiving and filing such reports.

6. 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 PRA or by local ordinance.

7. Sunset provision

This policy is intended to implement Gov. Code §§56700.1 and 57009 and shall be of no further force and effect upon the effective date of legislation repealing or amending those sections to transfer responsibility for enforcing disclosure of expenditures for political purposes affecting commission proceedings to the FPPC or otherwise terminates the responsibility of this commission to adopt and implement this policy.