



## CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 5, 2012 CONSENT CALENDAR

SUBJECT: ADOPTION OF FAIR POLITICAL PRACTICES FORM 806 RELATING TO COMPENSATED CITY COUNCIL APPOINTMENTS PURSUANT TO THE CAL. CODE OF REGULATIONS § 18705.5

FROM: David H. Ready, City Manager

BY: James Thompson, City Clerk

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### SUMMARY

The City Council will consider the adoption of the Fair Political Practices Commission Form 806 pursuant to recent changes to the California Code of Regulations regarding compensation of City Council appointments.

### RECOMMENDATION:

Adopt FPPC Form 806 Agency Report of Public Official Appointments dated August 1, 2012.

### STAFF ANALYSIS:

In December every two-years, the City Council appoints members of the City Council to various agencies boards or commissions as permitted. Some of such boards or commissions pay a small stipend amount to appointed members.

As you may recall in December 2011, City Staff recommended the City Council not participate in the discussion or vote pertaining to any outside regional commission or board appointment of which the individual Councilmember would receive a stipend. Such recommendation was based on potential enforcement actions pending before the Fair Political Practices Commission (FPPC) pertaining to some agencies located in Orange County. While such a process was procedurally challenging, the City Council followed the Staff recommendation.

Recently, the FPPC amended § 18705.5 of the Regulations to authorize public officials to vote on their own appointments to compensated positions on various regional boards and commissions. However, before a public official may participate in a decision or vote

ITEM NO. 2.N.

to appoint themselves to a compensation position, § 18705.5 requires a new Form 806, as developed by the FPPC, be adopted by the City Council and posted on the website.

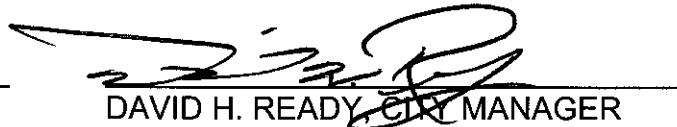
City Clerk staff has compiled the necessary information from the regional boards that the Mayor and City Council serve which compensation is received, and prepared FPPC Form 806 for adoption of the City Council.

As new appointments are made, Form 806 must be amended to reflect such new appointments. Therefore, after its initial adoption, Form 806 will need to be updated and adopted by the City Council, from time to time, to reflect current City Council appointments to outside regional boards, commissions, joint power authorities, and the similar agencies.

FISCAL IMPACT:

Minimal staff time to research, complete FPPC Form 806 and post on the website.

  
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JAMES THOMPSON, CITY CLERK

  
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DAVID H. READY, CITY MANAGER

Attachments:

Regulation § 18705.5  
FPPC Form 806

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

**§ 18705.5. Materiality Standard: Economic Interest in Personal Finances.**

(a) A reasonably foreseeable financial effect on a public official's or his or her immediate family's personal finances is material if it is at least \$250 in any 12-month period. When determining whether a governmental decision has a material financial effect on a public official's economic interest in his or her personal finances, neither a financial effect on the value of real property owned directly or indirectly by the official, nor a financial effect on the gross revenues, expenses, or value of assets and liabilities of a business entity in which the official has a direct or indirect investment interest shall be considered.

(b) The financial effects of a decision which affects only the salary, per diem, or reimbursement for expenses the public official or a member of his or her immediate family receives from a federal, state, or local government agency shall not be deemed material, unless the decision is to appoint, hire, fire, promote, demote, suspend without pay or otherwise take disciplinary action with financial sanction against the official or a member of his or her immediate family, or to set a salary for the official or a member of his or her immediate family which is different from salaries paid to other employees of the government agency in the same job classification or position, or when the member of the public official's immediate family is the only person in the job classification or position.

(c) Notwithstanding subsection (b), pursuant to Section 82030(b)(2) and Regulation 18232, a public official may make, participate in making, or use his or her official position to influence or attempt to influence, a government decision where all of the following conditions are satisfied:

(1) The decision is on his or her appointment as an officer of the body of which he or she is a member (e.g., mayor or deputy mayor), or to a committee, board, or commission of a public agency, a special district, a joint powers agency or authority, a joint powers insurance agency or authority, or a metropolitan planning organization.

(2) The appointment is one required to be made by the body of which the official is a member pursuant to either state law, local law, or a joint powers agreement.

(3) The body making the appointment referred to in paragraph (1) adopts and posts on its website, on a form provided by the Commission, a list that sets forth each appointed position for which compensation is paid, the salary or stipend for each appointed position, the name of the public official who has been appointed to the position and the name of the public official, if any, who has been appointed as an alternate, and the term of the position.

COMMENT: Cross-references: For the definition of “immediate family,” see Government Code section 82029.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87100, 87102.5, 87102.6, 87102.8 and 87103, Government Code.

#### HISTORY

1. New section filed 11-23-98; operative 11-23-98 pursuant to the 1974 version of Government Code section 11380.2 and title 2, California Code of Regulations, section 18312(d) and (e) (Register 98, No. 48).
2. Change without regulatory effect amending section heading filed 3-26-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 13).
3. Editorial correction of History 1 (Register 2000, No. 25).

4. Amendment of section heading and section filed 1-17-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 3).
5. Amendment of subsection (a) filed 1-16-2002; operative 2-15-2002 (Register 2002, No. 3).
6. Amendment of subsection (b) filed 6-21-2005; operative 7-21-2005 (Register 2005, No. 25).
7. Amendment of subsection (a) filed 12-18-2006; operative 1-17-2007. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).
8. New subsections (c)-(c)(3) filed 4-23-2012; operative 5-23-2012. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2012, No. 17).

**Agency Report of:  
Public Official Appointments**

RECEIVED Public Document  
CITY OF PALM SPRINGS

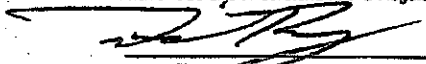
<b>1. Agency Name</b> City of Palm Springs Division, Department, or Region (if Applicable) N/A Designated Agency Contact (Name, Title) James Thompson, City Clerk Area Code/Phone Number (760) 323-8204 E-mail CityClerk@palmspringsca.gov		2012 AUG - 1 PM 4:11 JAMES THOMPSON CITY CLERK	California Form <b>806</b> Official Use Only Date Posted: 08-01-2012 (Month, Day, Year)
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**2. Appointments**

Agency Boards and Commissions	Name of Appointed Person	Appt Date and Length of Term	Per Meeting/Annual Salary/Stipend
CVAG Executive Committee	Name <u>Steve Pougnet</u> <small>(Last, First)</small> Alternate, if any <u>Chris Mills</u> <small>(Last, First)</small>	12 / 12 / 07 <small>Appt Date</small> None <small>Length of Term</small>	Per Meeting: \$ <u>100.00</u> Estimated Annual: <input checked="" type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> Other
CVAG Energy and Environment Committee	Name <u>Paul Lewin</u> <small>(Last, First)</small> Alternate, if any <u>Rick Hutcheson</u> <small>(Last, First)</small>	07 / 11 / 12 <small>Appt Date</small> None <small>Length of Term</small>	Per Meeting: \$ <u>75.00</u> Estimated Annual: <input checked="" type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> Other
CVAG Homelessness Committee	Name <u>Ginny Foat</u> <small>(Last, First)</small> Alternate, if any <u>Paul Lewin</u> <small>(Last, First)</small>	12 / 12 / 07 <small>Appt Date</small> None <small>Length of Term</small>	Per Meeting: \$ <u>75.00</u> Estimated Annual: <input checked="" type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> Other
CVAG Public Safety Committee	Name <u>Paul Lewin</u> <small>(Last, First)</small> Alternate, if any <u>Rick Hutcheson</u> <small>(Last, First)</small>	12 / 14 / 11 <small>Appt Date</small> None <small>Length of Term</small>	Per Meeting: \$ <u>75.00</u> Estimated Annual: <input checked="" type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> Other

**3. Verification**

I have read and understand FPPC Regulation 18705.5. I have verified that the appointment and information identified above is true to the best of my information and belief.


David H. Ready
City Manager
08-01-2012  
Signature of Agency Head or Designee
Print Name
Title
(Month, Day, Year)

Comment: \_\_\_\_\_

**Agency Report of:  
Public Official Appointments  
Continuation Sheet**

**1. Agency Name**  
City of Palm Springs

**Date Posted:** 08-01-2012  
(Month, Day, Year)

**2. Appointments**

Agency Boards and Commissions	Name of Appointed Person	Appt Date and Length of Term	Per Meeting/Annual Salary/Stipend
CVAG Transportation Committee	<p>▶ Name <u>Ginny Foat</u> <small>(Last, First)</small></p> <p>Alternate, if any <u>Paul Lewin</u> <small>(Last, First)</small></p>	<p>▶ <u>12 / 14 / 11</u> <small>Appt Date</small></p> <p>▶ <u>None</u> <small>Length of Term</small></p>	<p>▶ Per Meeting: \$ <u>75.00</u></p> <p>▶ Estimated Annual:  <input checked="" type="checkbox"/> \$0-\$1,000    <input type="checkbox"/> \$2,001-\$3,000  <input type="checkbox"/> \$1,001-\$2,000    <input type="checkbox"/> Other</p>
Coachella Valley Conservation Commission	<p>▶ Name <u>Chris Mills</u> <small>(Last, First)</small></p> <p>Alternate, if any <u>Ginny Foat</u> <small>(Last, First)</small></p>	<p>▶ <u>12 / 12 / 07</u> <small>Appt Date</small></p> <p>▶ <u>None</u> <small>Length of Term</small></p>	<p>▶ Per Meeting: \$ <u>75.00</u></p> <p>▶ Estimated Annual:  <input checked="" type="checkbox"/> \$0-\$1,000    <input type="checkbox"/> \$2,001-\$3,000  <input type="checkbox"/> \$1,001-\$2,000    <input type="checkbox"/> Other</p>
Palm Springs Desert Resort Communities Convention and Visitors Authority	<p>▶ Name <u>Steve Pougnet</u> <small>(Last, First)</small></p> <p>Alternate, if any <u>Chris Mills</u> <small>(Last, First)</small></p>	<p>▶ <u>12 / 12 / 07</u> <small>Appt Date</small></p> <p>▶ <u>None</u> <small>Length of Term</small></p>	<p>▶ Per Meeting: \$ <u>50.00</u></p> <p>▶ Estimated Annual:  <input checked="" type="checkbox"/> \$0-\$1,000    <input type="checkbox"/> \$2,001-\$3,000  <input type="checkbox"/> \$1,001-\$2,000    <input type="checkbox"/> Other</p>
Riverside County Transportation Commission	<p>▶ Name <u>Ginny Foat</u> <small>(Last, First)</small></p> <p>Alternate, if any <u>Steve Pougnet</u> <small>(Last, First)</small></p>	<p>▶ <u>12 / 14 / 11</u> <small>Appt Date</small></p> <p>▶ <u>None</u> <small>Length of Term</small></p>	<p>▶ Per Meeting: \$ <u>100.00</u></p> <p>▶ Estimated Annual:  <input checked="" type="checkbox"/> \$0-\$1,000    <input type="checkbox"/> \$2,001-\$3,000  <input type="checkbox"/> \$1,001-\$2,000    <input type="checkbox"/> Other</p>
Sunline	<p>▶ Name <u>Rick Hutcheson</u> <small>(Last, First)</small></p> <p>Alternate, if any <u>Steve Pougnet</u> <small>(Last, First)</small></p>	<p>▶ <u>12 / 14 / 11</u> <small>Appt Date</small></p> <p>▶ <u>None</u> <small>Length of Term</small></p>	<p>▶ Per Meeting: \$ <u>50.00</u></p> <p>▶ Estimated Annual:  <input checked="" type="checkbox"/> \$0-\$1,000    <input type="checkbox"/> \$2,001-\$3,000  <input type="checkbox"/> \$1,001-\$2,000    <input type="checkbox"/> Other</p>
	<p>▶ Name _____ <small>(Last, First)</small></p> <p>Alternate, if any _____ <small>(Last, First)</small></p>	<p>▶ _____ <small>Appt Date</small></p> <p>▶ _____ <small>Length of Term</small></p>	<p>▶ Per Meeting: \$ _____</p> <p>▶ Estimated Annual:  <input type="checkbox"/> \$0-\$1,000    <input type="checkbox"/> \$2,001-\$3,000  <input type="checkbox"/> \$1,001-\$2,000    <input type="checkbox"/> Other</p>