



“Promoting Excellence in Child Care”

Sacramento County Local Child Care and Development Planning Council
Meeting of the Executive Committee
Wednesday, March 28, 2007 3:30 p.m.
Child Action, Inc., 9961 Horn Road, Sacramento

AGENDA

1. Committee Reports
 - a. Policy
 - b. Quality/CARES
 - c. Business & PR
 - d. Child Care Plan

2. Child Care Plan Board Hearings
 - a. Board of Supervisors 2:15 p.m., 4/3/07
 - b. Board of Education 6:30 p.m., 4/25/07

3. Annual Retreat Planning
 - a. June 12, 2007 at Sierra Health
 - b. Facilitator – Kathy Walker not available
 - c. Review draft of meeting/orientation packet (attached)
 - d. Workplan Development – discuss possible process for development of a workplan for the new Child Care Plan
 - e. Committee Review – will committees need to be restructured, retired, created?

4. Other Business and Next Meeting

Committee members may make announcements or note business not on the agenda for the committee’s consideration. The next meeting is scheduled for April 25, 2007 at 3:30 p.m. at the Child Action, Inc. offices at 9961 Horn Road.

Sacramento LPC 2007/2008 Retreat Orientation Packet

In prior years each member was provided a new binder, with the annual retreat packet inserted. To minimize expenses, it is recommended members are asked to bring their existing binders to the retreat, so they may insert the new materials.

Member Information

- Mission Statement and History of the LPC
- Council Member Position Description
- Council Chair, Vice-Chair and Committee Chair Position Descriptions
- Committee Descriptions
- Copy of Member Agreement
- Membership Roster
- Meeting Calendars and Maps to Meeting Sites
- Staff Contact Information
- Acronymary

Governing Documents

- Ed Code
- Proposed LPC Regulations (?)
- Brown Act
- By-Laws

Conflict of Interest

- Why does it affect Council members?
 - Definitions
- How to determine conflicts
 - Can I Vote?
- Required reporting
 - Form 700
 - Schedules

Committee

- Descriptions and Summary Report on Activities from each committee
- Participation Pledge Form
- Chair Appointments

Council Budget

- Council Budget FY 07-08
- CARES/AB212 Budget

Publications

- Sacramento County Local Child Care & Development Planning Council Early Education and Development Plan: 2007-12
- Priorities and Zip Code Data Summary
- Sacramento County Local Child Care & Development Planning Council Report out on 2003-2007 Child Care Plan
- The Capacity of Early Care and Education Programs to Serve Children with Special Needs: A Status Report for Sacramento County
- The Capacity of Early Care and Education Programs to Serve Children with Special Needs: Implementation Plan



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Sacramento County Local Child Care & Development Planning Council

The Sacramento County Local Planning Council is authorized by the Sacramento County Board of Supervisors and Board of Education in accordance with state law, Education Code 8499.3-8499.7.

Mission Statement

The purpose of the Council is:

- To provide a forum for the planning of child care services that meet the diverse needs of families in Sacramento County
 - To promote public participation in the planning process
 - To advocate for the needs of families in the County with respect to child care
 - To advise the Board of Supervisors and Board of Education with respect to the child care needs of families in Sacramento County
 - To serve as a forum for discussion of community child care issues.
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The Sacramento County Local Child Care and Development Planning Council has developed a new child care plan for Sacramento County, "Promoting Excellence in Child Care and Education, A Strategic Plan for Child Care in Sacramento County: 2007-2012."

The plan, including the recommendations and funding priorities contained within, were approved by the Sacramento County Board of Supervisors on April 3, 2007 and the Sacramento County Board of Education on April 25, 2007. A copy of the plan is included in this packet.

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A History on the Development of Local Planning Councils

In October 1991, the United States Congress established a federal Child Care and Development Block Grant (CCDBG) through which each state was allocated funds to assist low-income families in obtaining child care and development services.

Subsequently, California developed a State Plan which specified that local communities should have a voice in the appropriation and allocation of CCDBG funds. In the same year, AB 2141 authored by Assemblywoman Jackie Speier was passed which requested each county to establish a Local Child Care and Development Planning Council (LPC) to identify priorities for CCDBG funds based on the needs of families. There are currently 58 individual planning councils representing each county in California.

The primary mission of the LPCs is to plan for child care and development services based on the needs of families in the local community. Through collaborative efforts with other individuals and organizations interested in the welfare of families, LPCs should also support the existing child care infrastructure by coordinating services that are locally available. As a result of planning, collaboration, and support for the child care systems that currently exist, the LPCs plan and determine local priorities for new state and federal funds. In order to be fully effective, councils are highly encouraged to strengthen the partnerships with both public and private organizations in each county. By forming strong community partnerships, each group involved becomes empowered to share their ideas and concerns during the local planning process.

Although the new language on governing local child care planning councils is found in the welfare reform legislation, the purpose and scope of the LPC goes beyond child care programs funded by the federal block grant. LPCs are intended to serve as a forum to address the child care needs of all families in the community and all child care programs - including both subsidized and non-subsidized child care.

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Sacramento County Local Child Care & Development Planning Council

COUNCIL MEMBER POSITION DESCRIPTION

PURPOSE

The purpose of the Sacramento Local Child Care & Development Planning Council is to advise the Sacramento County Board of Supervisors and the Sacramento County Board of Education with respect to the child care needs of families in Sacramento County.

The Council fulfills this role by:

- Preparing a comprehensive, county-wide child care plan in accordance with state guidelines, which includes:
 - Establishing and periodically updating local priorities for the maintenance, expansion and improvement of child care services for children and families eligible under the state CalWORKs program.
 - Collecting and evaluating data regarding local supply, demand, cost and market rates of child care services.
- On an on-going basis:
 - Reviewing and evaluating legislation affecting child care, and considering community concerns and issues that affect local child care services
 - Creating linkages with educational institutions, government agencies, business and corporate interests
 - Providing a non-judgmental forum or arena where representatives from all types of child care services feel comfortable to express themselves and participate in planning child care services that meet the diverse needs of families in Sacramento County
 - Serving as the clearinghouse for information about child care services, issues and public policy
 - To promote public participation in the planning process
- Reporting annually on the results of the planning process to the Board of Supervisors and the Board of Education.

MEMBERSHIP REQUIREMENTS

The Council is comprised of 20 members, ten of which are appointed by the Board of Supervisors and ten by the Board of Education. Members are selected to fill two slots for each board in five categories:

- Consumer
- Child Care Provider
- Community
- Agency Representative
- Board Discretion

Members are appointed for a two-year term of office, but may be appointed after the start of a term and therefore may serve less than the two-year term. Members are allowed to be re-appointed for additional two-year terms. There is currently no term limit.

Members are required to complete a Form 700, Statement of Economic Interest form which is filed with the County Clerk's office. This is required within 30 days of appointment or resignation/leaving the Council, as well as annually. Failure to complete these forms may result in a substantive fine to the Council member.

ATTENDANCE REQUIREMENT

Members must attend at least 75% of all scheduled Council and assigned committee meetings each calendar year (pro rated). Failure to do so may result in the appointment of a new member (by the appropriate Board) to fill the remaining term of the said member.

The full Council meets on a quarterly basis, and committees are required to meet at least once each quarter, but may meet every month.

RESIDENCE REQUIREMENT

Council members must reside *or* work in Sacramento County.

PARTICIPATION REQUIREMENT

1. Attend quarterly meetings of the Local Planning Council and participate in the discussion and voting at those meetings.
2. Commits to actively participates in at least one committee of the Local Planning Council.
3. Carries out the work plan of that committee by:
 - Regularly attending and preparing for committee meetings;
 - Volunteering for and willingly accepting assignments and completing them thoroughly and on time;
 - Actively participating in the committee's annual evaluation and planning efforts;
 - Staying informed about committee matters;
 - Providing review and comment on minutes and reports; and
 - Building collegial working relationships with other committee and Council members that contributes to consensus.
4. Attend periodic public meetings or forums to represent the Local Planning Council to elected officials and to the community.
5. Promote the purpose and goals of the Local Planning Council to members of other organizations and to the community as a whole.
6. Advocate for the needs of children and families in Sacramento County.
7. Provide assistance in resource development, community relations and sharing knowledge in areas of expertise where appropriate.
8. Uphold the Bylaws of the Sacramento County Local Child Care & Development Planning Council.



Sacramento County Local Child Care & Development Planning Council

COUNCIL CHAIR POSITION DESCRIPTION

1. Is a member of the Council.
2. Works closely with Committee Chairs and staff in achieving the organization's mission.
3. Provides leadership to the Council.
4. Chairs meetings of the Council after developing the agenda with the Executive Committee and Council Coordinator.
5. Chairs meetings according to accepted rules of order for the purposes of
 - a. encouraging all members to participate in discussion;
 - b. arriving at decisions in an orderly, timely and democratic manner.
6. Encourages Council's role in strategic planning.
7. Appoints the chairpersons of committees, in consultation with other Council members.
8. Serves *ex officio* as a member of committees and attends their meetings when invited.
9. Discusses issues confronting the organization with the Council Coordinator and Executive Committee.
10. Helps guide and mediate Council actions with respect to organizational priorities and governance concerns.
11. Reviews with the Council Coordinator any issues of concern to the Board.
12. Monitors financial planning and financial reports.
13. Evaluates annually the performance of the organization in achieving its mission.
14. Sets tone for Council work.

15. Ensures that members have the information needed to do their jobs.
 16. Works closely with the Coordinator and other staff.
 17. Assigns work to the committee members, sets the agenda and runs the meetings, and ensures distribution of meeting minutes.
 18. Upholds the governing documents of the Sacramento County Local Child Care & Development Planning Council.
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COUNCIL VICE-CHAIR POSITION DESCRIPTION

This position is typically a successor to the Chair position. In addition to the responsibilities outlined in the Committee Member job description, this position:

1. Is a member of the Council.
2. Performs Chair responsibilities when the Chair cannot be available (see Chair Job Description).
3. Reports to the Council's Chair.
4. Works closely with the Chair and other staff.
5. Participates closely with the Chair to develop and implement officer transition plans.
6. Performs other responsibilities as assigned by the Council and Chair.



Sacramento County Local Child Care & Development Planning Council

CHECKLIST FOR THE CHAIRPERSON

by Nathan Garber, *Nathan Garber and Associates*

John Kenneth Galbraith wrote: "Meetings are indispensable when you don't want to do anything." Unfortunately, in many cases, he is right. To make meetings creative and useful, a good chairperson is essential. The chair can make the difference between a successful, productive, stimulating meeting and a frustrating, disappointing, waste of time. Chairing a meeting effectively does not come naturally, but it can be learned through practice and effort. Use this checklist to help you as you learn the job.

Before the Meeting

- Meetings are for making decisions. Be sure you understand what decisions have to be made at the meeting.
- Plan the agenda to ensure that the most important and most time-critical decisions are made first.
- Make sure that reports and information necessary to make the needed decisions are sent with the agenda in sufficient time for them to be read.
- Contact individuals scheduled to make a verbal report and make sure they will be present or will appoint someone else to give the report.
- Note when someone comes unprepared to the meeting. Call them in advance of the next meeting with a reminder to read and think about the agenda items before the meeting.
- The board or committee can be severely handicapped when members are absent. Frequent absences may indicate personal problems for the member or a problem with the Board. If you have reason to think that any member is not making a serious effort to attend all meetings, call them to find out why.

At the Meeting

- Use a "Consent Agenda" to dispense quickly with routine and non-controversial agenda items.

- Rules of order are important to ensure that decisions are made fairly and that the rights of the majority and minorities are protected. Make sure that the rules you follow encourage adequate discussion and participation.
- Start meetings at the scheduled time.
- Introduce and welcome all newcomers.
- Summarize the issues to be discussed.
- Clarify the time-line for discussion.
- Keep a speakers list. Make sure that everyone who wishes to speak has done so before any speaker has a second opportunity.
- Encourage the quiet ones. Direct questions to them or go around the table so that everyone can comment.
- When discussion wanders, bring it back to the matter at hand.
- Be alert to nonverbal behaviours signifying dissent. Ask the dissenter to comment.
- When debate becomes confrontational and positions become entrenched, seek ways to identify the interests and values that underlie the positions and seek ways to negotiate resolution.
- Watch for signs that the debate has run its course. Then summarize the discussion and ask for a vote or expression of consensus.
- Ask the secretary to read all motions, amendments to be sure that they are clear, express the intent of the mover, and are correctly entered in the minutes.
- Before the meeting is adjourned (or before people start leaving), make sure that anyone who has been assigned a task is clear on their responsibilities and aware of the reporting date.
- Check to see if anyone has a problem with the next meeting date and time.
- End the meeting on time.

After the Meeting

- Review the previous meetings to identify problems so that they can be addressed before the next meeting.
- Review the Annual Agenda to see what is coming up in the months ahead. Update the annual agenda if necessary.
- Review this checklist. Consider what you might do to make the next meeting better, and what long-term strategies might improve your meetings.
- Consider what you might do to assist new members, deal with absenteeism, or remediate poor performance.
- If you have a vice-chairperson or if there is someone in line for the chairperson's role, include her or him in this review process.

Membership Roster Placeholder...hope to have directory done

Event Calendar and Map Placeholder



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Staff Contact Information

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ACRONYMARY

AFDC: Aid to Families with Dependent Children. A federal entitlement program repealed in 1996 and replaced by TANF. California’s AFDC program was repealed in 1997 and replaced by CalWORKs. AFDC provided cash assistance and work support, including child care assistance, to low income families with children.

Alternative Payment (AP) program: A program run by a local government agency or nonprofit organization that has contracted with the CDE to provide payments to a child care provider selected by an eligible parent (Education Code, Section 8208).

Cal-SAFE: California School Age Families Education (Cal-SAFE) Program is designed to increase the availability of support services necessary for enrolled expectant/parenting students to improve academic achievement and parenting skills and to provide a quality child care/development program for their children.

CalWORKs: California Work Opportunity and Responsibility to Kids, a program that replaced California’s Aid to Families with Dependent Children (AFDC) program. CalWORKs, established by California statute in 1997, is California’s TANF program. It provides cash assistance and work support services including child care to low income families with children.

Comprehensive Approaches to Raising Educational Standards (CARES):
The Comprehensive Approaches to Raising Education Standards (CARES) program provides stipends to child care providers to continue their education and stay up to date on best practices in caring for children. The focus is on professional development and retention.

CDD: Child Development Division (of CDE)

CDE: California Department of Education, sometimes referred to as the State Department of Education. Serves as the administrative agency for all state child care finding and CalWORKs child care Stages 2 and 3.

CEL: Centralized Eligibility List

Child care and development programs: Programs that offer a full range of services for children from infancy through age 12, for any part of a day, by a public or private agency, in centers and family child care homes (Education Code, Section 8208).

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Child care center: Any child care facility of any capacity, other than a family child care home, in which less than 24-hour per day non-medical care and supervision are provided to children in a group setting (CCR, Title 22, Section 101152).

Child care license: A written authorization from the DSS or a county to operate a child care center or family child care home and to provide care and supervision (CCR, Title 22, Section 10152).

Children at risk of abuse, neglect, or exploitation: Children who are so identified by a legal, medical, or social service agency, or emergency shelter (Education Code, Section 8263).

Community Care Licensing (CCL): State Department of Social Services (DSS) division that licenses and monitors child care facilities. The local office is 1515 Clay Street, Oakland.

DOE: Department of Education (federal)

DoF: California Department of Finance.

DSS: California Department of Social Services. Serves as the administrative agency for CalWORKs Stage 1 child care funding.

ECE: Early Care and Education

Eligible children: Children who are currently eligible for state subsidized child care and development services (Education Code, Section 8263).

Entitlement: Programs governed by legislation in a way that legally obligates the government to make specific payments to qualified recipients.

Family Child Care: Care for children in the child care provider's home, licensed for eight or fourteen children by the State Department of Social Services.

Head Start: A federal program for low-income families that serves primarily 3 and 4 year olds part day and part year.

LAO: Legislative Analyst's Office

License-exempt child care provider: A person 18 years of age or older who provides child care to a minor and is not required to hold a child care license (Health and Safety Code Section 1596.792).

LINCC: Local Investment in Child Care

LPC – Local Planning Council

NAEYC: National Association for the Education of Young Children (state group is CAEYC)

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Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA): A federal statute, enacted August 22, 1996, that repealed federal AFDC and related child care programs, and established TANF and the CCDF.

Regional Market Rate (RMR): The rate that is used to calculate the reimbursement to providers who serve children who have AP vouchers.

Resource and Referral (R&R): A program run by a public or private agency to provide parents with information and assistance in locating child care (Education Code, Section 8208). The Sacramento County R&R agency is Child Action, Inc.

RMR – Regional Market Rate

School-age child care center: A child care center where care and supervision are provided to school-age children in a group setting (CCR, Title 22, Section 101152).

SCOE: Sacramento County Office of Education

State Median Income (SMI)

Standard Reimbursement Rate (SRR): The per-child maximum payment rate established by the CDE that is used to calculate the amount of a contract earned by subsidized child care centers for service to one preschool-age child. The SRR is adjusted by several factors to account for increased costs to serve infants, toddlers, and children with special needs (Education Code, Section 8265.5).

State preschool program: A part-day educational program for low income or otherwise disadvantaged prekindergarten-age children (Education Code, Section 8208).

SWOT – Strengths, Weaknesses, Opportunities, Threats/Trends

TANF: Temporary Assistance to Needy Families, which replaced the federal Aid to Families with Dependent Children (AFDC) program in 1996, is a federal funding stream that provides block grants of aid to enable states to provide time-limited cash assistance and work support services to low income families with children. A portion of TANF funding may be used for child care services to low income families.

Political Reform Act Compliance

"Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided."

Gov. Code section 81002(c)

"No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

Gov. Code Section 87100

Definitions pertinent to the Council:

Source: California State Government Code, Section 82000-83054

82003. "Agency" means any state agency or local government agency.

82041. "Local government agency" means a county, city or district of any kind including school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency of the foregoing.

82048. (a) "Public official" means every member, officer, employee or consultant of a state or local government agency.

Three primary reasons Council Members must complete Form 700 Statement of Economic Interest Forms:

1. As appointees of local government agencies, members are subject to the definition of a public official;
2. In the capacity of public officials, Council Members are bound by the Code of Ethics and Conflict of Interest Rules pertaining to public funds;
3. Council members have authority over expenditures of public funds through the CARES program.

Political Reform Act Compliance

The Political Reform Act prevents conflicts of interest in two ways -- disclosure and disqualification. (See Gov. Code Sections 87100-87350.)

Disclosure

The purpose of financial disclosure is to alert public officials to personal interests that might be affected while they are performing their official duties, i.e., making governmental decisions. Disclosure also helps inform the public about potential conflicts of interest.

Public officials at every level of state and local government must disclose their personal financial interests. Elected officials, judges, and high-ranking appointed officials generally have the most comprehensive disclosure requirements. (Gov. Code Section 87200.) These include disclosure of:

- Investments in business entities (e.g., stock holdings, owning a business, a partnership)
- Interests in real estate (real property)
- Sources of personal income, including gifts, loans and travel payments
- Positions of management or employment with business entities

For most other officials, including employees of state and local government agencies, it is up to the agencies that employ them to decide what their disclosure requirements are. Each state and local agency must adopt a conflict of interest code tailoring the disclosure requirements for each position within the agency to the types of governmental decisions a person holding that position would make. For example, an employee who approves contracts for goods or services purchased by her agency should not be required to disclose real estate interests, but should be required to disclose investments in and income from individuals and entities that supply equipment, materials, or services to the agency. (Gov. Code Sections 87301 and 87302.)

Unpaid members of boards and commissions and consultants to state and local government agencies also may be required to disclose their personal financial interests if they make or participate in making governmental decisions that could affect their private financial interests.

Disclosure is made on a form called a "statement of economic interests" (Form 700). The form must be filed each year. Filed forms are public documents that must be made available to anyone who requests them.

Disqualification

If a public official has a conflict of interest, the official may be required to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence or attempt to influence a governmental decision.

See the fact sheet, [Can I Vote? Conflicts of Interest Overview](#).

Political Reform Act Compliance

Regulations of the Fair Political Practices Commission ¹

The Mission of the California FAIR POLITICAL PRACTICES COMMISSION is to promote the integrity of representative state and local government in California through fair, impartial interpretation and enforcement of political campaign, lobbying, and conflict of interest laws.

TITLE 2, DIVISION 6, CALIFORNIA CODE OF REGULATIONS

§ 18700. Basic Rule; Guide to Conflict of Interest Regulations.

(a) No public official at any level of state or local government may make, participate in making or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know he/she has a disqualifying conflict of interest. A public official has a conflict of interest if the decision will have a reasonably foreseeable material financial effect on one or more of his/her economic interests, unless the public official can establish either: (1) that the effect is indistinguishable from the effect on the public generally, or (2) a public official's participation is legally required.

(b) To determine whether a given individual has a disqualifying conflict of interest under the Political Reform Act, proceed with the following analysis:

(1) Determine whether the individual is a public official, within the meaning of the Act. (See Government Code section 82048; 2 Cal. Code Regs. § 18701.) If the individual is not a public official, he or she does not have a conflict of interest within the meaning of the Political Reform Act.

(2) Determine whether the public official will be making, participating in making, or using or attempting to use his/her official position to influence a government decision. (See 2 Cal. Code Regs. § 18702.) If the public official is not making, participating in making, or using or attempting to use his/her official position to influence a government decision, then he or she does not have a conflict of interest within the meaning of the Political Reform Act.

(3) Identify the public official's economic interests. (See 2 Cal. Code Regs. § 18703.)

(4) For each of the public official's economic interests, determine whether that interest is directly or indirectly involved in the governmental decision which the public official will be making, participating in making, or using or attempting to use his/her official position to influence. (See 2 Cal. Code Regs. § 18704.)

(5) Determine the applicable materiality standard for each economic interest, based upon the degree of involvement determined pursuant to California Code of Regulations, title 2, section 18704. (See 2 Cal. Code Regs. § 18705.)

(6) Determine whether it is reasonably foreseeable that the governmental decision will have a material financial effect (as defined in California Code of Regulations, title 2, section 18705) on each economic interest identified pursuant to California Code of Regulations, title 2, section

¹ The California Fair Political Practices website at www.fppc.ca.gov serves as the source for this document except where noted otherwise

Political Reform Act Compliance

18703. (See 2 Cal. Code Regs. § 18706.) If it is not reasonably foreseeable that there will be a material financial effect on any of the public official's economic interests, he or she does not have a conflict of interest within the meaning of the Political Reform Act. If it is reasonably foreseeable that there will be a material financial effect on any of the public official's economic interests, and the official does not participate in the decision, determine whether the official may segment the decision into separate decisions to allow his or her participation in subsequent decisions. (See 2 Cal. Code Regs. § 18709.)

(7) Determine if the reasonably foreseeable financial effect is distinguishable from the effect on the public generally. If the official can establish that the reasonably foreseeable material financial effect on his or her economic interest is indistinguishable from the effect on the public generally, he or she does not have a conflict of interest within the meaning of the Political Reform Act. If the reasonably foreseeable material financial effect on the public official's economic interest is distinguishable from the effect on the public generally, he or she has a conflict of interest within the meaning of the Political Reform Act. (See 2 Cal. Code Regs. § 18707.)

(8) Determine if the public official's participation is legally required despite the conflict of interest. If the official can establish that his or her participation is legally required, he or she may participate in the governmental decision despite the conflict of interest. (See 2 Cal. Code Regs. § 18708.)

NOTE: Authority cited: Section 83112, Government Code.
Reference: Sections 87100 and 87103, Government Code.

§ 18701. Public Official, Definitions.

(a) For purposes of Government Code section 82048, which defines "public official," and Government Code section 82019, which defines "designated employee," the following definitions apply:

(1) "Member" shall include, but not be limited to, salaried or unsalaried members of committees, boards or commissions with decisionmaking authority.

(A) A committee, board or commission possesses decisionmaking authority whenever:

(i) It may make a final governmental decision;

(ii) It may compel a governmental decision; or it may prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto that may not be overridden; or

(iii) It makes substantive recommendations that are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or governmental agency.

(B) A committee, board, or commission does not possess decisionmaking authority under subsection (a)(1)(A)(i) of this regulation if it is formed for the sole purpose of researching a topic and preparing a report or recommendation for submission to another governmental body that has final decisionmaking authority.

Political Reform Act Compliance

(2) "Consultant" means an individual who, pursuant to a contract with a state or local government agency:

(A) Makes a governmental decision whether to:

(i) Approve a rate, rule, or regulation;

(ii) Adopt or enforce a law;

(iii) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;

(iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;

(v) Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;

(vi) Grant agency approval to a plan, design, report, study, or similar item;

(vii) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(B) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in regulation 18702.2 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code under Government Code section 87302.

(b) For purposes of Government Code section 87200, the following definitions apply:

(1) "Other public officials who manage public investments" means:

(A) Members of boards and commissions, including pension and retirement boards or commissions, or of committees thereof, who exercise responsibility for the management of public investments;

(B) High-level officers and employees of public agencies who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers. This category shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers; and

(C) Individuals who, pursuant to a contract with a state or local government agency, perform the same or substantially all the same functions that would otherwise be performed by the public officials described in subdivision(b)(1)(B) above.

(2) "Public investments" means the investment of public moneys in real estate, securities, or other economic interests for the production of revenue or other financial return.

(3) "Public moneys" means all moneys belonging to, received by, or held by, the state, or any city, county, town, district, or public agency therein, or by an officer thereof acting in his or her official capacity, and includes the proceeds of all bonds and other evidences of indebtedness,

Political Reform Act Compliance

trust funds held by public pension and retirement systems, deferred compensation funds held for investment by public agencies, and public moneys held by a financial institution under a trust indenture to which a public agency is a party.

(4) "Management of public investments" means the following nonministerial functions: directing the investment of public moneys; formulating or approving investment policies; approving or establishing guidelines for asset allocations; or approving investment transactions.

COMMENT: In limited circumstances, the members of a nonprofit organization may be "public officials." (*In re Siegel* (1977) 3 FPPC Ops. 62.)

Note: Authority cited: Section 83112, Government Code.

Reference: Sections 82019, 82048, 87100, 87200 and 87302, Government Code.