



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Approve Policy and Guidelines for Imposing and Waiving Fines for Fair Political Practices Commission (FPPC) Filings

MEETING DATE: February 4, 1998

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council adopt resolution approving Policy and Guidelines for Imposing and Waiving Fines associated with financial and campaign statements as required by the Fair Political Practices Commission (FPPC).

BACKGROUND INFORMATION: Pursuant to requirements of the FPPC, the City Clerk acts as the Filing Officer for those who are subject to file Conflict of Interest and Campaign Statements. The exception to this is for original filings that are retained by FPPC, including Conflict of Interest Statements for Council Members, Planning Commissioners, City Manager, City Attorney and Finance Director.

One of the responsibilities as Filing Officer is to impose or waive fines for late filings. FPPC strongly suggests that each City adopt a standard policy in which to follow when imposing or waiving fines.

Therefore, it recommended that the City Council adopt the attached resolution approving the Policy and Guidelines for Imposing and Waiving Fines. This policy is taken directly from FPPC.

FUNDING: None required.

Alice M. Reimche
Alice M. Reimche
City Clerk

APPROVED: _____

H. Dixon Flynn
H. Dixon Flynn -- City Manager

RESOLUTION NO. 98-22

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE POLICY AND GUIDELINES FOR
IMPOSING AND WAIVING FINES FOR THE FAIR
POLITICAL PRACTICES COMMISSION FILINGS

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BE IT RESOLVED, that the Lodi City Council does hereby approve the Policy and Guidelines for imposing and waiving fines associated with financial and campaign statement filings as required by the Fair Political Practices Commission; and

Dated: February 4, 1998

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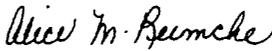
I hereby certify that Resolution No. 98-22 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 4, 1998 by the following vote:

AYES: Council Members – Land, Mann, Pennino, Warner and
Sieglock (Mayor)

NOES: Council Members - None

ABSENT: Council Members - None

ABSTAIN: Council Members - None


ALICE M. REIMCHE
City Clerk

*Policy and Guidelines for
Imposing and Waiving Fines
Associated With Filings As Required by the
Fair Political Practices Commission (FPPC)*

Fines issued pursuant to these guidelines shall not exceed \$10 per day up to a maximum of \$100.

- a. Full fines will be imposed upon the following:
 - (1) Persons who do not otherwise qualify for a waiver and who fail to file a statement within 30 days after receiving adequate notice that their statement is late.
 - (2) Persons who fail to file a statement within 30 days after specific written notice is sent.
 - (3) Persons who fail to respond within 30 days after receiving the filing officer's certified letter requesting a justification for the late filing.
 - (4) Persons who do not qualify for a waiver pursuant to subsections b. and c. below.
- b. Partial or full waivers may be issued to the persons described below. A stricter standard may be applied to persons who filed late statements within the two years prior to the late filing in question.
 - (1) Persons who, because of illness, injury, personal tragedy or similar reasons, found it extremely difficult to file on or before their filing deadline but filed as soon as possible thereafter. Full details of the emergency must be provided in writing.
 - (2) Persons who were necessarily out of town immediately prior to and on the filing deadline but who filed as soon as possible thereafter. Full details concerning the absence must be provided in writing.
 - (3) Persons who received inadequate or erroneous notification of their filing requirement but who filed within 30 days after receiving adequate notice. Full details concerning the type of notice received or lack thereof must be provided in writing.
 - (4) Persons serving in an acting officeholder capacity who filed within 30 days of the first adequate notice provided by an agency official or the FPPC.
 - (5) Persons who left office without receiving adequate notice of their filing requirement but who filed within 30 days of receiving such notice from an agency official or the FPPC.
 - (6) Persons who wrote their agency prior to the filing deadline, or who had someone write on their behalf, indicating that the filing would be late for a justifiable reason and who filed as soon as possible.

- c. In cases in which persons do not have sufficient reason to justify the late filing, the following guidelines will apply:
 - (1) Persons who received adequate notice of the filing requirement prior to the filing deadline and nevertheless filed late, but did so prior to receiving a post-deadline reminder from an agency official or the FPPC shall be assessed fines of between \$10 and \$25.
 - (2) Persons who received adequate notice of their filing requirement prior to the filing deadline and nevertheless filed late, but who filed within 30 days after receiving a post-filing deadline notification by an agency official or the FPPC shall be assessed fines of between \$25 and \$100.

- d. In cases in which persons filed within five days of the due date, the following guidelines will apply:
 - (1) Persons who filed within five days of the filing deadline with no prior history of late filing will be granted automatic waivers.
 - (2) Persons who filed within five days of the filing deadline, but who have a history of filing late the prior two years will be subject to guidelines a. through c. on waiving and imposing fines.