References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18945.3

## Article 3. Conflict of Interest Codes. § 87300 - 87313

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### § 87300. Agency Requirement.

Every agency shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of this article. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18329.5
2 Cal. Code of Regs. Section 18351
2 Cal. Code of Regs. Section 18730
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18750
2 Cal. Code of Regs. Section 18750.1
2 Cal. Code of Regs. Section 18750.2
2 Cal. Code of Regs. Section 18751
2 Cal. Code of Regs. Section 18754
2 Cal. Code of Regs. Section 18755

Opinions: In re Vonk (1981) 6 FPPC Ops. 1
In re Leach (1978) 4 FPPC Ops. 48
In re Siegel (1977) 3 FPPC Ops. 62

### § 87301. Formulation.

It is the policy of this act that Conflict of Interest Codes shall be formulated at the most decentralized level possible, but without precluding intra-departmental review. Any question of the level of a department which should be deemed an "agency" for purposes of Section 87300 shall be resolved by the code reviewing body.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18329.5
2 Cal. Code of Regs. Section 18730
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18754

### § 87302. Required Provisions.

Each Conflict of Interest Code shall contain the following provisions:

(a) Specific enumeration of the positions within the agency, other than those specified in Section 87200, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

(b) Requirements that each designated employee, other than those specified in Section 87200, file statements at times and under circumstances described in this section, disclosing reportable investments, business positions, interests in real property and income. The information disclosed with respect to reportable investments, interests in real property, and income shall be the same as the information required by Sections 87206 and 87207. The first statement filed under a Conflict of Interest Code by a designated employee shall disclose any reportable investments, business positions, interests in real property, and income. An initial statement shall be filed by each designated employee within 30 days after the effective date of the Conflict of Interest Code, disclosing investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12 months before the effective date of the Conflict of Interest Code. Thereafter, each new designated employee shall file a statement within 30 days after assuming office, or if subject to State Senate

confirmation, 30 days after being appointed or nominated, disclosing investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of assuming office or the date of being appointed or nominated, respectively. Each designated employee shall file an annual statement, at the time specified in the Conflict of Interest Code, disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year. Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

(c) Specific provisions setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making, participating in the making, or using their official position to influence the making of any decision. Disqualification shall be required by the Conflict of Interest Code when the designated employee has a financial interest as defined in Section 87103, which it is reasonably foreseeable may be affected materially by the decision. No designated employee shall be required to disqualify himself or herself with respect to any matter which could not legally be acted upon or decided without his or her participation.

(d) For any position enumerated pursuant to subdivision (a), an individual who resigns the position within 12 months following initial appointment or within 30 days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within 30 days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

(1) File a written resignation with the appointing power.

(2) File a written statement with the filing officer on a form prescribed by the Commission and signed under penalty of perjury stating that the individual, during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

History: Amended by Stats. 1978, Ch. 537; amended by Stats. 1979, Ch. 674; amended by Stats. 1980, Ch. 765; amended by Stats. 1987, Ch. 1188; amended by Stats. 1989, Ch. 499; amended by Stats. 1991, Ch. 857; amended by Stats. 1992, Ch. 441.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18329.5
2 Cal. Code of Regs. Section 18351
2 Cal. Code of Regs. Section 18701
2 Cal. Code of Regs. Section 18722
2 Cal. Code of Regs. Section 18730
2 Cal. Code of Regs. Section 18732
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18733
2 Cal. Code of Regs. Section 18735
2 Cal. Code of Regs. Section 18736
2 Cal. Code of Regs. Section 18736.1
2 Cal. Code of Regs. Section 18737
2 Cal. Code of Regs. Section 18754
2 Cal. Code of Regs. Section 18940
2 Cal. Code of Regs. Section 18942
2 Cal. Code of Regs. Section 18943
2 Cal. Code of Regs. Section 18944.2
2 Cal. Code of Regs. Section 18945
2 Cal. Code of Regs. Section 18946
2 Cal. Code of Regs. Section 18946.1
2 Cal. Code of Regs. Section 18946.2
2 Cal. Code of Regs. Section 18946.3
2 Cal. Code of Regs. Section 18946.4
2 Cal. Code of Regs. Section 18946.5
2 Cal. Code of Regs. Section 18950
2 Cal. Code of Regs. Section 18950.3

Opinions: In re Alperin (1977) 3 FPPC Ops. 77

**§ 87302.6. Disclosure by Members of Boards and Commissions of Newly Created Agencies.**

Notwithstanding Section 87302, a member of a board or commission of a newly created agency shall file a statement at the same time and in the same manner as those individuals required to file pursuant to Section 87200. A member shall file his or her statement pursuant to Section 87302 once the agency adopts an approved conflict-of-interest code.

History: Added by Stats. 2002, Ch. 264.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18117
2 Cal. Code of Regs. Section 18329.5
2 Cal. Code of Regs. Section 18732.5
2 Cal. Code of Regs. Section 18754

**§ 87303. Submission; Code Reviewing Body.**

No conflict of interest code shall be effective until it has been approved by the code reviewing body. Each agency shall submit a proposed conflict of interest code to the code reviewing body by the deadline established for the agency by the code reviewing body. The