



FAIR POLITICAL PRACTICES COMMISSION

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December 4, 2002

Janice Durant
Orange County Water District
Post Office Box 8300
Fountain Valley, CA 92728-8300

**Re: Your Request for Advice
Our File No. A-02-299**

Dear Ms. Durant:

This letter is in response to your request for advice on behalf of the Orange County Water District regarding the filing officer provisions of the Political Reform Act (the "Act").¹

QUESTION

As the district secretary for the Orange County Water District, what are your responsibilities for performing duties in regard to your board of directors' campaign statements (Forms 460 and 470) and statements of economic interests (Form 700)?

CONCLUSION

You are not required to perform any duties under the Act for your directors' campaign statements, including reviewing your directors' completed campaign statements for accuracy. Since your directors are required to file statements of economic interests with you for forwarding to the Orange County Board of Supervisors, you are only required to perform the duties prescribed in regulation 18115(b) which are outlined in the analysis below. You are not required to review your directors' completed statements of economic interests for accuracy.

FACTS

You are the district secretary for the Orange County Water District. As such, you are the filing official for the board of directors' campaign statements (Forms 460 and

¹ Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

470) and statements of economic interests (Form 700). In your capacity, you provide the forms to the directors for timely completion and, when completed, you forward them to the County of Orange, which is the filing officer for both sets of forms.

The board of directors has recently questioned your level of responsibility with regard to reviewing their completed forms for accuracy. You would like to know if you have some legal liability for ensuring the accuracy of the provided information.

ANALYSIS

The Act requires the filing of campaign statements and statements of economic interests by elected officials. (Sections 84200, et seq. and 87302, et seq.) Section 84215(d) requires your directors to file their original campaign statements directly with the Orange County Clerk. Section 87500(j) requires your directors to file statements of economic interests with your agency. Your agency must retain a copy of the statements and forward the original statements to the code reviewing body, which is the Orange County Board of Supervisors.

Pursuant to section 82027, a filing officer is defined as the office or officer with whom any original statement or report is required to be filed. Filing officers are required to perform the following duties for campaign statements and statements of economic interests:

“With respect to reports and statements filed with him pursuant to this title, the filing officer shall:

- (a) Supply the necessary forms and manuals prescribed by the Commission;
- (b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this title;
- (c) Notify promptly all persons and known committees who have failed to file a report or statement in the form and at the time required by this title;
- (d) Report apparent violations of this title to the appropriate agencies; and
- (e) Compile and maintain a current list of all reports and statements filed with this office.” (Section 81010.)

Since the Orange County Clerk is the filing officer for your directors' campaign statements, that office is required to perform the duties noted above, including the review of original statements to determine whether they conform on their face with the requirements of the Act and regulations. You have no duties or responsibilities under the Act to ensure the accuracy of your directors' campaign statements, nor are you required to supply your directors with campaign forms, or to forward them to the Orange County Clerk.

Under the District's conflict of interest code, your directors are required to file statements of economic interests with your agency, and you are required to forward them to the Orange County Board of Supervisors, which is the filing officer. Therefore, you are required to perform the following duties pursuant to regulation 18115(b) (copy enclosed):

- Forward the statements to the Orange County Board of Supervisors no later than five days after the filing deadline or five days after receipt in the case of a statement filed late.
- Date stamp each statement with the date of receipt on the face of the statement and make and retain a copy of each statement forwarded to the Orange County Board of Supervisors for retention by your agency.²
- Supply the Statement of Economic Interests (Form 700) prescribed by the Fair Political Practices Commission to your directors.
- Notify the Orange County Board of Supervisors of the following events within ten days of their occurrence:
 - An election held in the jurisdiction, the names of the candidates, the persons elected, and the office to which each person was elected;
 - A vacancy in an office;
 - Any other event affecting filing obligations.
- Notify the Orange County Board of Supervisors no later than February 1 of each year of the names and positions of every person whose statements must be forwarded to them.
- Compile and maintain a current list of all statements forwarded to the Orange County Board of Supervisors.

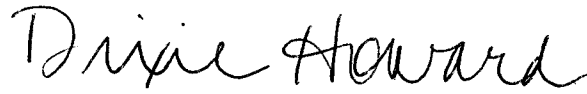
When the person assigned to perform the filing officer duties for the Board of Supervisors receives the original statements from your office, among other duties, he or she is required to review statements in compliance with Regulation 18115(a)(2) – (5). You have no duties or responsibilities under the Act or regulations to review the statements to ensure the accuracy of the directors' statements of economic interests.

² You must retain these copies for not less than four years and make the statements accessible for public inspection and reproduction. (Sections 81008 and 81009, copies enclosed.)

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca
General Counsel

A handwritten signature in cursive script that reads "Dixie Howard".

By: Dixie Howard
Manager, Filing Officer Programs

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