

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

July 30, 1976

76-260

Mr. S. L. Burr
Staff Assistant
Office of City Manager
1500 Warburton Avenue
Santa Clara, California

Dear Mr. Burr:

I have been asked to respond to your letter of July 27, 1976, addressed to Chairman Lowenstein. You asked the following question:

We are contemplating having designated persons for agencies of the City file statements of economic interest pursuant to a Conflict of Interest Code with the Office of the City Clerk rather than with the Agency.

Please inform us whether the Political Reform Act of 1974 as amended by SB 1373 would preclude us from adopting this policy.

§81005(g) of the Act requires all Statements of Economic Interests to be filed with the agency, which shall make and retain a copy and forward the original to the code reviewing body. Senate Bill 1373, an urgency measure which took effect immediately upon signature by the Governor, revised the above procedure to require that only statements filed by specified persons be transmitted to the code reviewing body. Current law contains the requirement that such statements must be filed with the agency. Thus, the agency continues to be the filing officer within the meaning of Government Code §82027. So long as it is clear that the agency bears the responsibility for receipt of Statements of Economic Interests from its designated employees, the agency may delegate the duty attendant to such administration and receipt to the City Clerk. We would strongly urge, however, that a provision be placed in the Code of city agencies which participate in such delegation, that the Clerk is the recipient of the statements on behalf of the agency.

I trust this has answered your question. If we can be of further assistance, please do not hesitate to call us at 916/322-6444.

Sincerely,

Delbert L. Spurlock, Jr., Chief
Conflicts of Interest Division

THE CITY OF SANTA CLARA
CALIFORNIA

1500 Warburton Ave.
984-3102

July 27, 1976

76260

Mr. Daniel Lowenstein, Chairman
Fair Political Practices Commission
1100 K Street
Sacramento, California 95814

Dear Mr. Lowenstein:

We are contemplating having designated persons for agencies of the City file statements of economic interest pursuant to a Conflict of Interest Code with the Office of the City Clerk rather than with the Agency.

Please inform us whether the Political Reform Act of 1974 as amended by SB 1373 would preclude us from adopting this policy.

Very truly yours,



S. L. Burr
Staff Assistant,
Office of the City Manager

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