

State of California

Fair Political Practices Commission



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

Technical Assistance •• Administration •• Executive/Legal •• Enforcement
(916) 322-5662 322-5660 322-5901 322-6441

September 25, 1984

James P. Botz
County Counsel
County of Sonoma
County Administration Center
575 Administration Drive, Room 116
Santa Rosa, CA 95401-2881

Re: Your Request for Advice
Our File No. A-84-220

Dear Mr. Botz:

Thank you for your request for advice on behalf of the Board of Supervisors of Sonoma County concerning the financial disclosure obligations of County Appraisers and Auditor-Appraisers under the Political Reform Act and the applicability of Commission regulation 2 Cal. Adm. Code Section 18733.^{1/}

My understanding of the situation is as follows. Sonoma County employs a number of Appraisers and Auditor-Appraisers who work under the general supervision of a Supervising Auditor-Appraiser, the Assistant Assessor and the County Assessor. The Appraisers and Auditor-Appraisers appraise taxable real and personal property in Sonoma County. Presently the applicable conflict of interest code requires that the individuals holding these positions disclose the following:

- (a) all real property interests and interests in personal property of the type subject to assessment by the department,
- (b) investments in business entities and income from sources owning or possessing any real or taxable personal property subject to assessment by the County Assessor, and

^{1/} All statutory references are to the Government Code, and all regulatory references are to Title 2 of the California Administrative Code.

- (c) his or her status as a director, officer, partner, trustee, employee or holder of any position of management in any business entity described in paragraph (b) above.

The Appraisers and Auditor-Appraisers have requested that the Board of Supervisors amend these disclosure categories in accordance with Regulation 18733. The Board of Supervisors is requesting our advice as to the applicability of this regulation.

Regulation 18733 provides that a code reviewing body may approve a different type of financial disclosure than what is normally required for auditors, investigator, inspectors, and other persons similarly situated if certain criteria are met. These criteria are:

- (1) The designated employee is not a high level decision or policy maker;

- (2) The designated employee's job functions primarily involve case assignments which are drawn from a large number of persons, business entities or parcels of real property;

- (3) The persons or business entities which are the subject of the designated employee's case assignments are varied in nature and are not selected from a single or limited number of industries, trades or professions;

- (4) The total number of cases assigned to the designated employee during a year constitutes only a small percentage of the total number of persons, business entities or parcels of real property from which the case assignments are drawn;

If these criteria are met, the regulation further provides that these employees need only disclose their financial interests in any person, business entity or parcel of real property which was the subject of a case assignment during the period covered by the statement.

The determination of whether the criteria of this regulation are met and the disclosure appropriately lies within the discretion of the Board of Supervisors as the code reviewing body. See Sections 87300-87312. We would be unable to

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independently evaluate the situation without obtaining more information on the operation of the Assessor's office and the job duties of the Appraisers and Auditor-Appraisers. It is the duty of the Board of Supervisors as the code reviewing body to make this evaluation. If the Board of Supervisors decides that the criteria are met and that the more limited type of disclosure spelled out in the regulation is appropriate, we will not review that decision absent unusual circumstances.

If I can be of further assistance, please feel free to contact me.

Sincerely,



Diane Maura Fishburn
Staff Counsel
Legal Division

DMF:plh

JAMES P. BOTZ
COUNTY COUNSEL

OFFICE OF THE

F F P O COUNTY COUNSEL

COUNTY OF SONOMA

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August 15, 1984

Barbara Milman, General Counsel
Fair Political Practices Commission
Post Office Box 807
Sacramento, California 95804

Re: Disclosure Category for Deputy County Assessors

Dear Ms. Milman:

The Board of Supervisors of the County of Sonoma has asked that I request the opinion of the Fair Political Practices Commission regarding the applicability of California Administrative Code section 18733.

The County of Sonoma employs a number of Appraisers and Auditor-Appraisers who work under the general supervision of a Supervising Auditor-Appraiser, the Assistant Assessor and the County Assessor. These Appraisers and Auditor-Appraisers appraise taxable real and personal property in the County of Sonoma. Their job functions primarily involve case assignments which are drawn from the large number of people, business entities and parcels of real property in the County of Sonoma. The persons or business entities which are the subject of these employees' case assignments are varied in nature and not selected from a single or limited number of industries, trades or professions and the total number of cases assigned to the designated employee represent small but not infinitesimal percentage of the total number of persons, business, entities or parcels of real property from which the case assignments are drawn. The decisions made or participated in by the designated employee generally affect only the persons, business, entities or parcels of real property which is the subject of the case assignment. Lastly, Appraisers and Auditor-Appraisers are not high level decision or policy makers.

Barbara Milman, General Counsel
August 15, 1984

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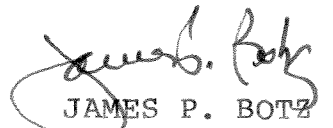
Presently, the disclosure categories in the existing conflict of interest code for these individuals require that they disclose:

- (a) all real property interests and interests in personal property of the type subject to assessment by the department,
- (b) investments in business entities and income from sources owning or possessing any real or taxable personal property subject to assessment by the County Assessor, and
- (c) his or her status as a director, officer, partner, trustee, employee or holder of any position of management in any business entity described in paragraph (b) above.

Appraisers and Auditor-Appraisers have requested that the Board of Supervisors consider allowing the approval of a conflict of interest code which permits disclosure in the fashion allowed by subsection (c) of the above-cited regulation. Prior to the Supervisors' consideration, a preliminary question has arisen as to the applicability of this regulation to these Deputy Assessors. The Board of Supervisors wishes to thank you in advance for your advice regarding this regulation.

Please feel free to contact the Assistant County Counsel, Lynda Millspaugh, at (707) 527-2421 or the Sonoma County Assessor, Ernest Comalli, at (707) 527-2293 in the event of any questions.

Sincerely yours,


JAMES P. BOTZ
County Counsel

JPB:kh
cc :Board of Supervisors
:Sonoma County Assessor
:SCOPPE

State of California



Fair Political Practices Commission

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August 24, 1984

James P. Botz
County Counsel
575 Administration Drive, Room 116
Santa Rosa, CA 95401-2881


Re: A-84-220

Dear Mr. Botz:

Your letter requesting advice under the Political Reform Act has been referred to Diane Maura Fishburn, an attorney in the Legal Division of the Fair Political Practices Commission. If you have any questions about your advice request, you may contact this attorney directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,


Barbara A. Milman
General Counsel

BAM:plh