



# California Fair Political Practices Commission

December 11, 1987

Tony Spitaleri  
Legislative Director  
Independent Business Owners and  
Concerned Citizens Association  
of Sunnyvale  
663 South Bernardo Avenue, Suite 195  
Sunnyvale, CA 94087

Re: Your Request for Informal  
Assistance; Our File  
No. I-87-268

Dear Mr. Spitaleri:

You have requested advice on behalf of the Independent Business Owners and Concerned Citizens Association of Sunnyvale ("IBCCA") concerning its responsibilities under the campaign disclosure provisions of the Political Reform Act (the "Act").<sup>1/</sup>

Your letter of October 23, 1987, the materials enclosed with it, and several telephone conversations with you and Leslie Renna have provided the facts upon which this letter is written. However, you indicated in a telephone conversation with me that you would send additional information: a copy of your latest amended campaign statement, and information regarding relevant activities of IBCCA during 1986. Since I have not received all of the information pertinent to your request for advice, this letter will provide informal assistance under Regulation 18329 (copy enclosed).

## QUESTION

1. Is IBCCA a campaign committee within the meaning of the Act?
2. If IBCCA is a campaign committee which has disclosure obligations under the Act, what statements must it file ?

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<sup>1/</sup>Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

### CONCLUSIONS

1. The IBCCA is a city general purpose recipient committee because it has received contributions for political purposes which totaled \$500 or more in a calendar year.

2. A city general purpose committee must file semiannual disclosure statements whether or not it has activity during the six-month period, and it must file regular preelection statements if it makes contributions or independent expenditures of \$500 or more during the period covered by the statement. "Late contribution reports" may be required if campaign contributions or expenditures are made during the last 16 days before a city election.

### FACTS

Your letter contains a photocopy of an unofficial campaign statement (i.e., it has not been logged in by the filing officer) which covers the period "1/1/87 through 10/17/87" and has the words "amended statement" in cursive on the top of the page. Also included is a photocopy of the "constitution and bylaws" of IBCCA. The pertinent facts provided by you are as follows:

1. IBCCA was organized in 1986. The purposes of IBCCA, as stated in the bylaws, include to: "...sponsor, promote and protect legislation, local charter provisions and ordinances..." and to "...seek and promote and endorse Sunnyvale citizens ...for Sunnyvale municipal elections."

2. Article 8, Section 4 of the bylaws, provides that [m]embership fees are due by June 31st [sic] of each year." Article 8, Section 5 lists fees as "\$100.00 per business, \$25.00 per citizen, \$50.00 per associate member."

3. A statement of organization, Form 410, was filed by IBCCA in 1986, to establish a city general purpose recipient committee. No campaign disclosure statement has been filed by IBCCA before October 22 or 23, 1987.

4. You stated in a telephone conversation with me that no contributions were made to candidates, officeholders, or measures in 1986. The campaign statement which you included with your letter indicated that the first contribution to a candidate by IBCCA was made on August 8, 1987. That contribution was \$850 to an incumbent city councilperson in Sunnyvale. The statement also shows cash contributions of \$1,000 each to two candidates for city council in the November 3, 1987 election, and in-kind contributions of \$1,633 for each of three candidates for city council in the November 3, 1987 city election.

5. One of the candidates who received a contribution from IBCCA, George I. Rodriquez, is a co-founder and current vice-president of IBCCA.

#### ANALYSIS

A recipient committee has qualified under the Act when any person or combination of persons receives contributions of \$500 or more in calendar year. (Section 82013(a).) Contributions are payments for political purposes. (Section 82015, Regulation 18215.) A payment is made for political purposes if it is for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure. (Regulation 18215.)

When IBCCA was formed in 1986, the bylaws clearly expressed aims and intentions which were "political purposes" within the meaning of the Act. Supporting candidates and measures in Sunnyvale elections is a fundamental goal of the organization. The fact that IBCCA filed a statement of organization, Form 410, within about one month of the date when IBCCA was created, also indicates that the members intended to establish an organization for political purposes. Therefore, the members who joined in 1986 and 1987 knew or should have known that all or part of their dues would be used for political purposes.

Some of the activities of IBCCA, such as lobbying the Sunnyvale City Council may not be reportable on campaign statements. Therefore, in order to determine when IBCCA became a committee and when it was first required by the Act to file campaign statements, it must be determined when IBCCA received \$500 or more in dues money which was used or was earmarked to be used for political purposes.

We cannot provide specific advice concerning IBCCA's past filing obligations. However, based on the information provided with your letter, it appears that IBCCA has received contributions totaling \$500 or more in a calendar year. Therefore, IBCCA has qualified as a city general purpose recipient committee and has campaign disclosure responsibilities. (Sections 82013(a), 82027.5(d), 84200, 84200.5 and 84200.6.) Our conclusion is based on the fact that IBCCA collected sufficient funds to make political contributions totaling more than \$500 in 1987.

As a city general purpose recipient committee, IBCCA should file the following campaign statements:

- 1) Semiannual statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.

2) A first preelection statement for the period ending 45 days before any city election if IBCCA made contributions or independent expenditures totaling \$500 or more during the period covered by the statement. (Sections 84200.5(e)(2) and 84200.8(a).)

3) A second preelection statement for the period ending 17 days before any city election if IBCCA made contributions totaling \$500 or more during the period covered by the statement. (Sections 84200.5(e)(2) and 84200.8(b).)

4) Supplemental independent expenditure reports if IBCCA made independent expenditures of \$500 or more to support or oppose a specific candidate or measure. Supplemental independent expenditure reports cover the same periods referred to in paragraphs (1), (2), and (3) above. (Section 84203.5)

5) Late contribution and late independent expenditure reports for contributions and independent expenditures totaling \$1,000 or more that IBCCA made to or in support of any candidate in a city election during the 16 days immediately preceding the election. (Sections 84203 and 84204.)

Based on the information provided with your letter, it appears that, at a minimum, IBCCA should file a first preelection statement covering the period ending September 19, 1987, a second preelection statement covering the period ending October 17, 1987, and a semiannual statement covering the period ending December 31, 1987. We are unable to determine from your letter whether IBCCA has any additional filing obligations.

My recommendation that IBCCA should file campaign statements as a city general purpose committee assumes that the committee is not a "controlled committee." (Section 82016.) A committee is controlled by a candidate if the candidate "has a significant influence on the actions or decisions of the committee." (Section 84016.) If the candidate for city council, George I. Rodriguez, who is a co-founder and vice-president of IBCCA, or the other candidates, had significant influence on the actions or decisions of IBCCA, then the organization would be a controlled committee. A controlled committee should file a consolidated campaign statement with the controlling candidate using a Form 490, on all the dates when the candidate is required to file a statement. All campaign receipts and expenditures by or on behalf of the candidate and all controlled committees would be consolidated in a single statement filed by the controlling candidate. In the event IBCCA is a committee controlled by two or three candidates it would file a Form 420 which would be verified by all the candidates who controlled it. The committee's filing obligations are determined by whether it is a controlled committee. Therefore, it is essential that you call me so we can determine if the committee is controlled.

Tony Spitaleri  
Page 5

You also should be aware that IBCCA's campaign statements must disclose individuals who contributed \$100 or more in a calendar year to IBCCA. The statements must disclose the contributor's name, street address, occupation, employer or name of business if self employed, and the date and amount of each contribution for the period covered by the statement and the cumulative amount for the calendar year. (Section 84211.) Thus, IBCCA should file campaign statements which disclose this information regarding IBCCA members and any other contributors to IBCCA.

If you have any questions regarding this letter, or have additional information to provide, please feel free to contact me by writing or calling me at (916) 322-5662.

Sincerely,

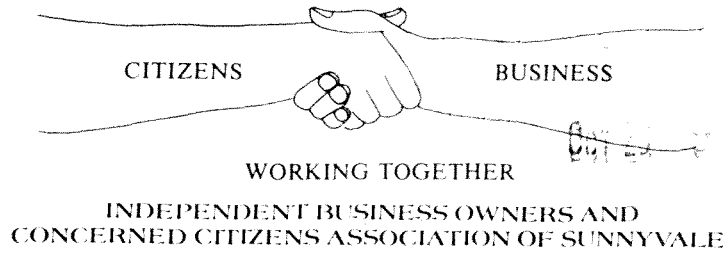
Diane M. Griffiths  
General Counsel



By: Bruce W. Robeck  
Political Reform Consultant

DMG:BWR:kmt  
cc: Carol Ann Butler  
Deputy City Clerk

# I.B.C.C.A.



October 23, 1987

Mr. Bruce Robeck  
Fair Political Practices Commission  
P. O. Box 807  
Sacramento, Calif. 95804

Re: I. D. # 861364

Dear Bruce,

As per our phone conversation today, please find enclosed a copy of our amended Form 420 for the period 1/1/87 through 10/17/87 and a copy of our by-laws.

Please inform us if an additional filing is needed, other than this one and the Form 420 submitted to the city clerk for the period of 9/20/87 through 10/17/87.

As you know, there is a city council election going on in Sunnyvale. At this time, we do not anticipate additional contributions to be made. However, in the event we do so, we would like to know how to properly file.

I would sincerely like to thank you for your cooperation and help in this matter.

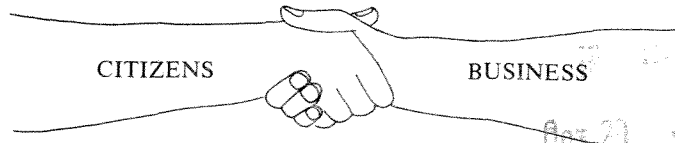
Sincerely,

  
Tony Spitaleri  
Legislative Director

Encls.

I.B.C.C.A.

87-268



WORKING TOGETHER

INDEPENDENT BUSINESS OWNERS AND  
CONCERNED CITIZENS ASSOCIATION OF SUNNYVALE

Oct 23 10 18 AM '87

October 23, 1987

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Fair Political Practices Commission  
P. O. Box 807  
Sacramento, Calif. 95804

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Sincerely,

  
Tony Spitaleri  
Legislative Director

Encls.



# California Fair Political Practices Commission

October 29, 1987

Tony Spitaleri  
Legislative Director  
I.B.C.C.A.  
663 So. Bernardo Avenue, Suite 195  
Sunnyvale, CA 94087

Re: 87-268

Dear Mr. Spitaleri:

Your letter requesting advice under the Political Reform Act was received on October 28, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Jeanne Pritchard  
Chief  
Technical Assistance and Analysis  
Division

JP:plh

(b) Formal action does not include decisions: to approve conflict of interest codes; to hear testimony; to convene, adjourn or recess a meeting; or to conduct discussions.

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 83107-83117, Government Code.

**HISTORY:**

1. New section filed 4-30-76; effective thirtieth day thereafter (Register 76, No. 18).
2. Amendment filed 11-2-78; effective thirtieth day thereafter (Register 78, No. 44).
3. Amendment filed 10-29-81; effective thirtieth day thereafter (Register 81, No. 44).
4. Amendment filed 5-18-87; operative 5-18-87 (Register 87, No. 21).

**18329. Formal Written Advice and Informal Assistance.**

(a) The Commission will assist persons in complying with the Political Reform Act. The Commission will make every reasonable effort to provide formal written advice pursuant to Government Code Section 83114(b) or informal assistance without unnecessary delay and in sufficient time to facilitate compliance with the Act.

(b) Formal Written Advice.

(1) Formal written advice may be requested in writing pursuant to Government Code Section 83114(b) by any person whose duties under the Act are in question or by that person's authorized representative.

(2) Requests for formal written advice will not be acted upon unless the following requirements are met:

(A) The name, title or position, and mailing address of the person whose duties are in question are provided. In addition, if the request is submitted by an authorized representative, it shall contain a specific statement that such authorization has been made.

(B) All the facts material to the consideration of the question or questions presented have been provided in a clear and concise manner.

(3) The time period specified in Government Code Section 83114(b) does not commence until the requirements of subsection (2) have been satisfied.

(4) If a formal written advice request does not meet the requirements in subsection (2) the requestor shall promptly be notified of that fact in writing and shall be provided with a copy of this regulation.

(5) When a request for formal written advice is received which complies with the requirements in subsection (2) the request shall promptly be acknowledged in writing. In addition, the acknowledgement shall provide the requestor with the name of the staff person to whom the request has been assigned, the staff person's office phone number, and the date on which the period specified in Government Code Section 83114(b) expires. If the request is from an authorized representative, a copy of the foregoing acknowledgement shall also be sent to the person on whose behalf the advice is being requested. If the request is received directly from a member of an agency a copy of the request and the acknowledgement may also be sent to the agency's counsel and/or the head or clerk of the agency.

(6) With the exception of advice that a person need not disclose specific private economic interests, copies of the advice request and the formal written advice shall be public records. Summaries of the advice provided may be published from time to time in the Commission's Bulletin newsletter.

(7) Formal written advice provided pursuant to Government Code Section 83114(b) does not constitute an Opinion of the Commission issued pursuant to Government Code Section 83114(a) nor a declaration of policy by the Commission. Formal written advice is the application of the law to a particular set of facts provided by the requestor. While this advice may provide guidance to others, the immunity provided by Government Code Section 83114(b) is limited to the requestor and to the specific facts contained in the formal written advice.

(8) Subsection (a) notwithstanding, the Commission may decline to give formal written advice. The requestor shall be notified if the request for formal written advice is declined. Formal written advice may be declined in any of the following circumstances:

(A) The requestor is seeking advice relating to past conduct.

(B) The requestor is seeking advice about another person's duties under the Act and has not been authorized to do so by that person.

(C) It appears that the material facts provided in the request may be inaccurate, incomplete, or in dispute.

(D) The request does not present a question under the Political Reform Act, or is purely hypothetical.

(E) The request presents issues requiring a policy interpretation best made through a Commission Opinion under Government Code Section 83114(a) or by adoption of a regulation pursuant to Government Code Section 83112.

(F) A response rendering formal written advice would be inappropriate or otherwise not in the public interest.

(9) A request for formal written advice under Government Code Section 83114(b) and this regulation may be treated as a request for an Opinion under Government Code Section 83114(a), or as a request for informal assistance under subsection (c).

(c) Informal Assistance.

(1) Informal assistance may be requested by any person whose duties under the Act are in question or by that person's authorized representative. In addition, informal assistance may be requested by any person with a duty to advise other persons relating to their duties or actions under the Act. Informal assistance may also be requested by any agency whose members or employees are subject to the provisions of the Act.

(2) Informal assistance may be requested or rendered orally or in writing.

(3) Informal assistance rendered pursuant to this regulation does not provide the requestor with the immunity set forth in either Government Code Section 83114(a) or (b).

(4) The Commission may decline to provide informal assistance or may limit such assistance to the explanation, in general terms, of the requirements of the Act in any of the following circumstances:

(A) Assistance or advice is being sought regarding past conduct, unless the advice or assistance sought is related to possible amendment of previous reports filed by the person requesting the advice.

(B) The requestor is seeking advice anonymously.

(C) Assistance or advice is being sought regarding the duties of another person and the requestor does not appear to be authorized to make the request as the person's representative, or does not provide the identity of the person on whose behalf the assistance is being sought.

(D) The question presented is purely hypothetical.

(E) The question presented is too complex or is otherwise inappropriate for resolution by informal assistance and should be resolved by formal written advice or an Opinion.

(F) The facts presented are insufficient or too vague to render specific informal assistance or do not appear to present a question under the Act.

(G) Rendering informal assistance would be inappropriate or otherwise not in the public interest.

NOTE: Authority cited: Section 83112, Government Code. Reference: Section 83114(b), Government Code.

HISTORY:

1. New section filed 5-10-76 as an emergency; effective upon filing (Register 76, No. 20).
2. Certificate of Compliance filed 7-28-76 (Register 76, No. 31).
3. Repealer and new section filed 3-31-77; effective thirtieth day thereafter (Register 77, No. 14).
4. Amendment of subsections (c)–(g) filed 11-2-78; effective thirtieth day thereafter (Register 78, No. 44).
5. Amendment of section heading filed 10-29-81; effective thirtieth day thereafter (Register 81, No. 44).
6. Amendment of subsection (g) filed 7-14-83; effective thirtieth day thereafter (Register 83, No. 29).
7. Repealer and new section filed 7-16-85; effective thirtieth day thereafter (Register 85, No. 29).

**18350. Moscone Governmental Conflict of Interest Act. Disclosure of Economic Interests by Fair Political Practices Commission and Staff.**

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 3700–3710, Government Code.

HISTORY:

1. New Chapter 5 (Section 18350) filed 5-30-75 as an emergency; effective upon filing (Register 75, No. 22).
2. Certificate of Compliance filed 8-14-75 (Register 75, No. 33).
3. Repealer filed 9-28-76; effective thirtieth day thereafter (Register 76, No. 40).

**18351. Conflict of Interest Code of the Fair Political Practices Commission.**

(a) The Political Reform Act, Government Code Sections 81000, *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Adm. Code Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Fair Political Practices Commission. Designated employees shall file statements of economic interests pursuant to 2 Cal. Adm. Code Section 18730(b) (4) (A).



FORM 420  
1987

*Amended  
Statement*

RECIPIENT COMMITTEE  
CAMPAIGN STATEMENT  
(Government Code Sections 84200-84217) 11 57  
Type or Print in Ink

Statement covers period 1/1/87 through 10/22/87

CHECK ONE OF THE FOLLOWING BOXES TO INDICATE THE TYPE OF STATEMENT BEING FILED.

- PRE-ELECTION STATEMENT
- SEMI-ANNUAL STATEMENT
- SUPPLEMENTAL PRE-ELECTION STATEMENT (If filing a Supplemental Pre-Election Statement, you must complete Form 496 and attach it to this statement.)
- BALLOT MEASURE QUALIFICATION STATEMENT
- SPECIAL ODD-YEAR CAMPAIGN REPORT

A OFFICIAL USE ONLY

NAME OF COMMITTEE: INDEPENDENT BUSINESS OWNERS & CONCERNED CITIZENS ASSOC. OF SUNNYVALE I.D. NUMBER 861364  
ADDRESS OF COMMITTEE: NO. AND STREET CITY STATE ZIP CODE AREA CODE/PHONE NUMBER

663 SO. BERNARDO AVE., SUITE 195, SUNNYVALE, CA 94087 408-733-3350

NAME OF TREASURER: VINCE PEZZELLA  
PERMANENT ADDRESS OF TREASURER: NO. AND STREET CITY STATE ZIP CODE AREA CODE/BUSINESS PHONE NUMBER

II IS THIS A SPONSORED COMMITTEE? (See definition on reverse)  
 YES  NO

III IS THIS A CONTROLLED COMMITTEE? (See definition on reverse)  
 YES (If yes, candidate or officeholder must verify the campaign statement)  NO DATE OF ELECTION (Mo., Day, Yr.) (if applicable): TOTAL PAGES

IV CANDIDATES OR STATE MEASURE PROPONENTS CONTROLLING THIS COMMITTEE; CANDIDATES, STATE MEASURE PROPONENTS OR COMMITTEES WITH WHICH THIS COMMITTEE ACTS JOINTLY. NOTE: If this committee is controlled by more than one candidate, the name of each controlling candidate must be listed below.

NAME OF CANDIDATE, STATE MEASURE PROPONENT OR AFFILIATED COMMITTEE, IF CANDIDATE, ALSO PROVIDE THE NAME OF THE ELECTIVE OFFICE SOUGHT OR HELD, AND DISTRICT NUMBER, IF ANY. IF ACTING JOINTLY WITH ANOTHER COMMITTEE, IDENTIFICATION NUMBER OF COMMITTEE OR TREASURER'S NAME AND PERMANENT STREET ADDRESS

V CANDIDATE(S) OR MEASURE(S) FOR WHICH THIS COMMITTEE IS PRIMARILY FORMED

NAME OF CANDIDATE OR MEASURE	SUPPORT	OPPOSE	OFFICE OF CANDIDATE	OR	BALLOT MEASURE NUMBER OR LETTER AND JURISDICTION

Attach additional information on appropriately labeled continuation sheets.

VERIFICATION

C I have used all reasonable diligence in preparing this Statement. I have reviewed the Statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

D Executed on 10/23/87 at SUNNYVALE, CA by [Signature]  
(DATE) (CITY AND STATE) (SIGNATURE OF TREASURER)

E A candidate, officeholder or state measure proponent who controls a committee must also verify the campaign statement. I have used all reasonable diligence and to the best of my knowledge the treasurer has used all reasonable diligence in preparing this Statement. I have reviewed the Statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

F Executed on \_\_\_\_\_ at \_\_\_\_\_ by \_\_\_\_\_  
(DATE) (CITY AND STATE) (SIGNATURE OF CANDIDATE, OFFICEHOLDER OR PROPONENT)

Executed on \_\_\_\_\_ at \_\_\_\_\_ by \_\_\_\_\_  
(DATE) (CITY AND STATE) (SIGNATURE OF CANDIDATE, OFFICEHOLDER OR PROPONENT)

Executed on \_\_\_\_\_ at \_\_\_\_\_ by \_\_\_\_\_  
(DATE) (CITY AND STATE) (SIGNATURE OF CANDIDATE, OFFICEHOLDER OR PROPONENT)

For information required to be provided to you pursuant to the Information Practices Act of 1977, see "Information Manual on Campaign Disclosure Provisions of the Political Reform Act."





*Amended statement*

**CAMPAIGN DISCLOSURE STATEMENT SUMMARY PAGE  
FORM 420 OR 490**

STATEMENT COVERS PERIOD  
FROM THROUGH

(Amounts May Be Rounded To Whole Dollars)

11/1/87 10/17/87

NAME OF CANDIDATE, OFFICEHOLDER OR COMMITTEE:

I.D. NUMBER (IF COMMITTEE)

*FBCCA*

*861364*

	COLUMN A Cumulative total from previous period *	COLUMN B Total this period from attached schedules	COLUMN C Cumulative to date (Columns A + B)
<b>CONTRIBUTIONS RECEIVED</b>			
1. Monetary contributions .....	\$ _____	\$ <u>7749</u> SCHEDULE A, LINE 3	\$ <u>7749</u>
2. Loans received .....	_____	<u>0</u> SCHEDULE B, LINE 7	<u>0</u>
3. SUBTOTAL CASH RECEIPTS .....	\$ _____ LINES 1 + 2	\$ <u>7749</u> LINES 1 + 2	\$ <u>7749</u> LINES 1 + 2
4. Non-monetary contributions .....	_____	<u>0</u> SCHEDULE C, LINE 3	<u>0</u>
5. TOTAL CONTRIBUTIONS WITHOUT PLEDGES .....	_____ LINES 3 + 4	<u>7749</u> LINES 3 + 4	<u>7749</u> LINES 3 + 4
6. Pledges .....	_____	<u>0</u> SCHEDULE D, LINE 7	<u>0</u>
7. TOTAL CONTRIBUTIONS .....	_____ LINES 5 + 6	<u>7749</u> LINES 5 + 6	<u>7749</u> LINES 5 + 6 (SHOULD EQUAL LINE 7, COLUMNS A + B)
<b>EXPENDITURES MADE</b>			
8. Payments .....	\$ _____	\$ <u>4745</u> SCHEDULE E, LINE 6	\$ <u>4745</u>
9. Loans made .....	_____	<u>0</u> SCHEDULE EE, LINE 7	<u>0</u>
10. SUBTOTAL .....	_____ LINES 8 + 9	<u>4745</u> LINES 8 + 9	<u>4745</u> LINES 8 + 9
11. Accrued expenses (unpaid bills) .....	_____	<u>3004</u> SCHEDULE F, LINE 6	<u>3004</u>
12. TOTAL EXPENDITURES .....	\$ _____ LINES 10 + 11	\$ <u>7749</u> LINES 10 + 11	\$ <u>7749</u> LINES 10 + 11 (SHOULD EQUAL LINE 12, COLUMNS A + B)

\* IF THIS IS THE FIRST REPORT FILED FOR THE CALENDAR YEAR, COLUMN A SHOULD BE BLANK EXCEPT FOR UNPAID LOANS RECEIVED, PLEDGES, OUTSTANDING LOANS MADE AND UNPAID BILLS (LINES 2, 6, 9 AND 11).

**STATEMENT OF CHANGES IN FINANCIAL CONDITION**

13. Cash on hand at the beginning of this period. (Enter "Cash on Hand at Closing Date" from previous statement filed.) .....	\$ _____	<u>0</u>
14. Cash receipts this period (Line 3, Column B above) .....	_____	<u>7749</u>
15. Miscellaneous adjustments to cash (Schedule G, Line 8) .....	_____	<u>0</u>
16. Cash payments this period (Line 10, Column B above) .....	_____	<u>4745</u>
17. Cash on hand at closing date (Lines 13 + 14 + 15 - 16 above) .....	\$ _____	<u>3004</u>
18. Cash equivalents (other assets held including outstanding loans made to others). Important: See instructions on reverse .....	\$ _____	
19. Outstanding debts (Line 2 + Line 11 of Column C above) .....	\$ _____	<u>3004</u>

**MARY FOR CANDIDATES IN BOTH A JUNE AND NOVEMBER ELECTION (See Instructions on Reverse)**

	1/1 thru 6/30	7/1 to date
20. CONTRIBUTIONS RECEIVED:		
21. EXPENDITURES MADE:		

**SCHEDULE B  
LOANS RECEIVED  
FORM 420 OR 490**

(Amounts May Be Rounded To Whole Dollars)

PAGE 1 OF 1

STATEMENT COVERS PERIOD  
FROM THROUGH

11/1/87 | 10/17/87

NAME OF CANDIDATE, OFFICEHOLDER OR COMMITTEE:

I.D. NUMBER (IF COMMITTEE)

LBCCA

861364

**PART I: LOANS RECEIVED**

DATE REC'D	FULL NAME AND ADDRESS OF LENDER AND ANY GUARANTORS OR COSIGNERS (If committee, also enter I.D. number or treasurer's name and address).	OCCUPATION	EMPLOYER (If self-employed, enter name of business)	INT. RATE	DUE DATE	AMOUNT OF LOAN	CUMULATIVE TO DATE
	<i>None</i>						
						<b>SUBTOTAL</b>	

If more space is needed, check box and attach additional Schedules B.

**PART 2: LOAN REPAYMENTS MADE, LOANS FORGIVEN OR PAID BY A THIRD PARTY**

DATE OF RE-PAYMENT OR FORGIVENESS	DATE OF ORIGINAL LOAN	FULL NAME OF LENDER	INT. RATE (IF CHANGED)	CHECK IF APPLICABLE		AMOUNT REPAYED OR FORGIVEN ON PRINCIPAL (DO NOT INCLUDE PAYMENT OF INTEREST)	OUTSTANDING PRINCIPAL	INTEREST PAID**
				FORGIVEN*	REPAID BY THIRD PARTY*			
		<i>None</i>						
						<b>SUBTOTAL</b>		

\* IMPORTANT: IF A LOAN IS FORGIVEN OR REPAYED IN WHOLE OR IN PART BY A THIRD PARTY, THE PERSON FORGIVING THE LOAN OR THE THIRD PARTY MAKING THE PAYMENT AND THE AMOUNT PAID MUST BE ITEMIZED ON SCHEDULE A AS A CONTRIBUTION, WITH A NOTATION THAT IT IS A FORGIVEN LOAN, OR THIRD PARTY REPAYMENT OF LOAN.

If more space is needed, check box and attach additional Schedules B.

\*\* TOTAL ALL INTEREST PAID THIS PERIOD. ALSO ENTER ON LINE 3 OF THE SUMMARY SECTION OF SCHEDULE E. DO NOT CARRY THIS TOTAL TO THE SUMMARY BELOW.

TOTAL INTEREST PAID THIS PERIOD

**SUMMARY**

1. LOANS OF \$100 OR MORE THIS PERIOD (Part 1).....	\$	
2. LOANS UNDER \$100 THIS PERIOD (Not itemized) .....		
3. TOTAL LOANS RECEIVED THIS PERIOD (Line 1 + 2).....		
4. LOANS OF \$100 OR MORE REPAYED, FORGIVEN OR PAID BY A THIRD PARTY THIS PERIOD (Part 2 Column (a)) .....		
5. LOANS UNDER \$100 REPAYED, FORGIVEN OR PAID BY A THIRD PARTY (not previously itemized). (If forgiven or paid by a third party, also enter amount on Line 2 of the summary section of Schedule A) .....		
6. TOTAL LOANS REPAYED, FORGIVEN OR PAID BY A THIRD PARTY THIS PERIOD (Line 4 + 5) .....		
7. NET CHANGE THIS PERIOD (Subtract Line 6 from Line 3) Enter the difference here and on Line 2, Column B of Summary Page.....	\$	0

AFTER COMPLETING THE SUMMARY SECTION OF SCHEDULE B, REFER TO THE INSTRUCTIONS ON THE REVERSE SIDE OF PAGE 5, BEFORE COMPLETING PART 3 OF SCHEDULE B.

(May be negative figure)



**SCHEDULE D  
PLEDGES  
FORM 420 OR 490**

(Amounts May Be Rounded To Whole Dollars)

STATEMENT COVERS PERIOD	
FROM	THROUGH
<u>11/1/87</u>	<u>10/31/87</u>
I.D. NUMBER (IF COMMITTEE)	
<u>861364</u>	

NAME OF CANDIDATE, OFFICEHOLDER OR COMMITTEE:

LBCCA

DATE REC'D	FULL NAME AND ADDRESS OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER OR TREASURER'S NAME AND ADDRESS)	OCCUPATION	EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT PLEDGED THIS PERIOD	AMOUNT PAID (ALSO ENTER ON SCHEDULE A)	CUMULATIVE PLEDGE UNPAID
	<u>None</u>					
				(a)	(b)	
				SUBTOTALS		

If more space is needed, check box at left and attach additional Schedules D.

**SUMMARY**

1. PLEDGES OF \$100 OR MORE THIS PERIOD (Column (a)) .....	\$	
2. PLEDGES UNDER \$100 THIS PERIOD (Not itemized) .....		
3. TOTAL PLEDGES RECEIVED (Line 1 + 2) .....		
4. PLEDGES OF \$100 OR MORE PAID THIS PERIOD (Column (b)) .....		
5. PLEDGES UNDER \$100 PAID THIS PERIOD (Not itemized) (Also enter on Line 2 of the summary section of Schedule A) .....		
6. TOTAL PLEDGES PAID (Line 4 + 5) .....		
NET CHANGE THIS PERIOD (Subtract Line 6 from Line 3) Enter the difference here and on Line 6, Column B of Summary Page .....	\$	<u>0</u>

(May be negative figure)



**SCHEDULE EE  
LOANS MADE  
FORM 420 OR 490**

(Amounts May Be Rounded To Whole Dollars)

STATEMENT COVERS PERIOD	
FROM	THROUGH
<u>1/1/87</u>	<u>10/17/86</u>
I.D. NUMBER (IF COMMITTEE)	
<u>861364</u>	

NAME OF CANDIDATE, OFFICEHOLDER OR COMMITTEE:

LBCCA

**PART I: LOANS MADE**

DATE OF LOAN	FULL NAME AND ADDRESS OF RECIPIENT	INT. RATE	DUE DATE	AMOUNT	CUMULATIVE AMOUNT
<i>None</i>					
					<b>SUBTOTAL</b>

If more space is needed, check box and attach additional Schedules EE.

**PART 2: LOAN REPAYMENTS RECEIVED AND LOANS FORGIVEN BY THIS CANDIDATE, OFFICEHOLDER OR COMMITTEE**

DATE OF RE-PAYMENT OR FORGIVENESS	DATE OF ORIGINAL LOAN	FULL NAME OF RECIPIENT OF LOAN	INT. RATE (IF CHANGED)	FORGIVEN/PAID BY THIRD PARTY FORGIVEN LOANS: Enter "Forgiven." ALSO itemize forgiven loans on Schedule E. PAYMENT BY THIRD PARTY: Enter name and address of third party.	AMOUNT REPAID OR FORGIVEN ON PRINCIPAL (DO NOT INCLUDE RECEIPT OF INTEREST)	OUTSTANDING PRINCIPAL	INTEREST* RECEIVED
<i>None</i>							
						<b>SUBTOTAL</b>	<b>(a)</b>

If more space is needed, check box and attach additional Schedules EE.

\*TOTAL ALL INTEREST RECEIVED THIS PERIOD AND ENTER ON LINE 3 OF THE SUMMARY SECTION OF SCHEDULE G. DO NOT CARRY THIS TOTAL TO THE SUMMARY BELOW.

TOTAL INTEREST PAYMENTS RECEIVED THIS PERIOD

**(b)**

**SUMMARY**

1. LOANS OF \$100 OR MORE MADE THIS PERIOD (Part 1) .....	\$	
2. LOANS UNDER \$100 MADE THIS PERIOD (Not itemized) .....		
3. TOTAL LOANS MADE (Line 1 + 2) .....		
4. PAYMENTS RECEIVED ON LOANS OF \$100 OR MORE (including a forgiveness or payment by a third party) (Part 2, Column (a)) .....		
5. PAYMENTS RECEIVED ON LOANS UNDER \$100 (including a forgiveness or payment by a third party) (Not itemized) .....		
6. TOTAL LOAN REPAYMENTS RECEIVED THIS PERIOD (Line 4 + 5) .....		
7. NET CHANGE THIS PERIOD (Subtract Line 6 from Line 3) .....		
Enter the difference here and on Line 9, Column B of Summary Page .....		\$ 0

(May be negative figure)

**SCHEDULE F**

**ACCRUED EXPENSES  
(UNPAID BILLS)  
FORM 420 OR 490**

(Amounts May Be Rounded To Whole Dollars)

PAGE 1 OF 1

STATEMENT COVERS PERIOD	
FROM	THROUGH
<u>11/1/87</u>	<u>10/17/87</u>

NAME OF CANDIDATE, OFFICEHOLDER OR COMMITTEE:  
IBCCA

I.D. NUMBER (IF COMMITTEE)  
861364

**CODES FOR CLASSIFYING ACCRUED EXPENSES**

If one of the following codes is used to describe the accrued expense, no written description is needed. (Note exceptions on the back of this schedule for codes "C", "I" and "T".) Refer to the back of this schedule for detailed explanations of each category.

- |   |  |
|---|--|
| "C" — MONETARY & IN-KIND CONTRIBUTIONS TO OTHER CANDIDATES OR COMMITTEES. | "S" — SURVEYS, SIGNATURE GATHERING, DOOR-TO-DOOR SOLICITATIONS |
| "I" — INDEPENDENT EXPENDITURES  | "F" — FUNDRAISING EVENTS                                       |
| "L" — LITERATURE  | "G" — GENERAL OPERATIONS AND OVERHEAD                          |
| "B" — BROADCAST ADVERTISING   | "T" — TRAVEL, ACCOMMODATIONS AND MEALS                         |
| "N" — NEWSPAPER AND PERIODICAL ADVERTISING                                | "P" — PROFESSIONAL MANAGEMENT AND CONSULTING SERVICES          |
| "O" — OUTSIDE ADVERTISING   |  |

NAME AND ADDRESS OF PAYEE, CREDITOR OR RECIPIENT OF CONTRIBUTION (IF COMMITTEE, ALSO ENTER I.D. NUMBER OR NAME AND ADDRESS OF TREASURER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT ACCRUED
<u>QUICK PRINT 730 E. EL CAMINO REAL SUNNYVALE, CA 94087</u>	<u>L</u>			<u>3004</u>

If more space is needed, check box at left and attach additional Schedules F.

**SUBTOTAL**

**IMPORTANT:** Do not itemize the *payment* of accrued expenses on Schedules E or F. Report the lump sum of these payments on Schedule E, Line 4, and on Schedule F, Line 4. Do not re-itemize accrued expenses which have been reported in a previous period.

**SUMMARY**

ACCRUED EXPENSES OF \$100 OR MORE THIS PERIOD .....	<u>3004</u>
ACCRUED EXPENSES OF UNDER \$100 THIS PERIOD (Not itemized) .....	
TOTAL ACCRUED EXPENSES INCURRED THIS PERIOD (Line 1 + 2).....	<u>3004</u>
ACCRUED EXPENSES PAID THIS PERIOD (Not itemized) (Enter here and on Schedule E, Line 4).....	
NET CHANGE THIS PERIOD (Subtract Line 4 from Line 3) Enter difference here and on Line 11, Column B of Summary Page .....	<u>3004</u>

(May be negative figure)

CONSTITUTION AND BY-LAWS  
INDEPENDENT BUSINESS OWNERS AND CONCERNED CITIZENS ASSOCIATION  
OF SUNNYVALE (I.B.C.C.A.)

ARTICLE 1 "NAME"

This organization shall be known as "INDEPENDENT BUSINESS OWNERS AND CONCERNED CITIZENS OF SUNNYVALE" (I.B.C.C.A.)

ARTICLE 2 "OBJECTIVES"

Section 1 - The objectives of this association shall be to recruit all Sunnyvale business owners and as many of the Sunnyvale citizens that can be recruited.

Section 2 - The association shall sponsor, promote and protect legislation, local charter provisions and ordinances advancing the best interest and welfare of Sunnyvale business owners and citizens.

Section 3 - The association shall seek and promote and endorse Sunnyvale citizens who have the best interest of Sunnyvale for Sunnyvale municipal elections.

ARTICLE 3 "MEMBERSHIP"

Section 1 - The membership of this association shall be comprised of Sunnyvale business owners, Sunnyvale citizens and business persons who do business in Sunnyvale.

Section 2 - Associate membership may be given to non Sunnyvale business owners and non Sunnyvale citizens.

Section 3 - Associate members cannot vote or hold office in this association.

ARTICLE 4 "MEETINGS"

Section 1 - Regular meetings of this association shall be called at the discretion of the Executive Board, but there shall be no less than four meetings per year or no more than one per month. Membership will be notified seven (7) days in advance as to the date, time and place of the regular meeting.

Section 2 - Special or emergency meetings will be called by the President with the approval of the Executive Board when urgent business warrants same. Such meetings shall be call with a five (5) day notice to the members of this association.

## ARTICLE 5 "OFFICERS AND ELECTIONS"

Section 1 - The elected officers of this association shall consist of President, Vice President, Secretary, Treasurer and five (5) Board of Directors. The Officers and Board of Directors shall be elected by the members of this association by secret ballot at a regular meeting held during the month of November during the odd number years. A majority vote shall be necessary to elect. In case no candidate receives a majority, the candidate receiving the lowest number of votes shall be dropped until a candidate receives a majority vote.

Section 2 - No person shall be eligible to any office or to the membership of any committee unless they are a member of this association as prescribed in ARTICLE 3, Section 1 of the By-Laws of this association.

Section 3 - No elective Officer of this association shall be entitled to hold two (2) or more offices of this association at the same time.

Section 4 - Should a vacancy occur in any office the Executive Board shall have the power to fill this vacancy by a majority vote of the board.

Section 5 - No more than sixty (60) days shall lapse in the filling of any vacancy.

## ARTICLE 6 "LEGISLATOR DIRECTOR"

Section 1 - The Legislator Director shall be appointed by the Executive Board and confirmed by the membership of this association.

Section 2 - It shall be the duty of the Legislator Director to attend all meetings of this association.

Section 3 - It shall be the duty of the Legislator Director to attend all meetings of the Sunnyvale City Council and other meetings as deemed important by this association.

Section 4 - The Legislator Director shall report to the Executive Board on all meetings attended.

Section 5 - Report on and track all issues that will affect the members of this association

Section 6 - Shall not have the right to vote on the Executive Board of this association.

Section 7 - Shall have the right to vote at membership meetings and elections of Officers, if the Legislator Director is a member as prescribed in ARTICLE 3, Section 1 of the By-Laws of this association

Section 8 - The Legislator Director shall have the authority to speak on behalf of this association on all issues concerning this association.

## ARTICLE 7 "DUTIES OF OFFICERS"

Section 1 - It shall be the duty of the President to represent the Independent Business Owners and Concerned Citizens Association of Sunnyvale (I.B.C.C.A.).

- a. Preside at all meetings of this association.
- b. Be an ex-officio member of all committees.
- c. Shall have the power to call a meeting of the Executive Board by giving at least a five (5) day notice.
- d. Shall appoint, subject to approval of the Executive Board, all committees as may be deemed necessary or desirable.
- e. Shall sign official documents when required.
- f. Shall cast the deciding vote in case of a tie at the meetings of the Executive Board and membership meeting.

Section 2 - It shall be the duty of the Vice President to assume the duties of the President when the President is absent and to perform such duties as may be necessary.

Section 3 - It shall be the duty of the Secretary to take charge of all papers and effects of this association.

- a. Compile and keep up-to-date a list showing the name and post office address of each member of this association.
- b. Act as Secretary of the Executive Board and all meetings of the association.
- c. Keep all letters and documents, etc., open to inspection to all members of this association.
- d. Print proceedings of all meetings of the council.

Section 4 - It shall be the duty of the Treasurer to receive and hold all monies turned over to the Treasurer from the members and deposit same within two (2) weeks after receipt in only such banks as shall be designated by the Executive Board, in the name of the Independent Business Owners and Concerned Citizens Association (I.B.C.C.A.).

- a. All disbursements shall be by check signed by the Treasurer and a board member selected by the Executive Board.
- b. Prepare a financial statement for all regular meetings of this association.
- c. Deliver to the successor of the office of Treasurer all books, papers and other property of the association that may be in the Treasurer's possession at the close of the official term.

## ARTICLE 8 "REVENUES"

Section 1 - Membership fees shall be set by the membership of this association and paid at the time of becoming a member.

Section 2 - Membership fees can be waived because of hardship by the Executive Board of this association.

Section 3 - Membership fee payments can be scheduled by the Treasurer.

Section 4 - Membership fees are due by June 31st of each year.

Section 5 - Fees       \$100.00     per business  
                      \$ 25.00     per citizen  
                      \$ 50.00     per associate member

Section 6 - Distribution of Funds upon Dissolution

a. All monies and monies received from the sale of properties owned by Independent Business Owners and Concerned Citizens Association of Sunnyvale (I.B.C.C.A.) shall be equally divided among its members who are members of Independent Business Owners and Concerned Citizens Association of Sunnyvale (I.B.C.C.A.) at the time of dissolution and who held membership continuously for four (4) years of the date of announcement of dissolution of Independent Business Owners and Concerned Citizens Association of Sunnyvale (I.B.C.C.A.).

Section 7 - All monies collected shall be accountable for by the Treasurer.

ARTICLE 9 "REIMBURSEMENT"

Section 1 - No reimbursement of funds will be granted when a member of this association withdraws.

ARTICLE 10 "POLITICAL INVOLVEMENT"

Section 1 - The Independent Business Owners and Concerned Citizens Association of Sunnyvale (I.B.C.C.A.), shall be a non partisan association.

Section 2 - This association shall be restricted in its endorsements to non partisan elections and issues.

ARTICLE 11 "AMENDMENTS"

Section 1 - This Constitution and By-Laws shall not be amended except by a two-thirds (2/3) vote of the members of this association.

Section 2 - No constitutional changes shall be voted on and adopted unless all members are so notified of the constitutional change in writing prior to voting and further all constitutional changes shall be voted on by members at the next meeting following notice of members.

ARTICLE 12 "VOTING"

Section 1 - Each member shall have one vote, no member shall be represented by proxy.

### ARTICLE 13 "ORDER OF BUSINESS"

1. Opening of meeting.
2. Roll call of Officers.
3. Reading of minutes of previous meeting.
4. Report on new members.
5. Treasurer's report.
6. Reports of Officers, Committees and Legislator Director.
7. Communications and bills.
8. Unfinished business.
9. New business.
10. Nomination and election of Officers.
11. Appointment of standing and/or special committees.
12. Good and welfare of the association.
13. Adjournment.

### ARTICLE 14 "QUORUM"

Section 1 - Ten percent (10%) of members up to 100 members and additional one percent (1%) of members above 100.

### ARTICLE 15 "RULES OF ORDER"

In absence of other authority, the deliberations of this association shall be governed by Atwoods Rules of Order.

### ARTICLE 16 "MEMBERSHIP NAMES, ADDRESSES AND TELEPHONE NUMBERS"

Section 1 - No members' information shall be given out without the express permission of the Board of Directors.

### ARTICLE 17 "ATTENDANCE AT MEETINGS"

Section 1 - Independent Business Owners and Concerned Citizens Association (I.B.C.C.A.) Executive meetings are closed meetings to all non-members.

Section 2 - Members of Independent Business Owners and Concerned Citizens Association (I.B.C.C.A.) may attend Executive Board meetings. The following rules shall apply:

- a. Members shall not interfere with the conducting of the meeting.
- b. Members shall not interact with officers of Independent Business Owners and Concerned Citizens Association (I.B.C.C.A.) after meeting has commenced.
- c. Members shall not ask the Executive Board to take up an issue(s) unless as provided in Section 3 of this article.

Section 3 - Members may request issues to be heard by Independent Business Owners and Concerned Citizens Association (I.B.C.C.A.) by the following procedures.

- a. Requested at a general meeting.

- b. Requested by letter with all facts sent to the Secretary five (5) days prior to Executive Board meeting.
- c. Requested in person at Executive Board meeting. A personal appearance must be scheduled through the Secretary. The Secretary will set the time and date of appearance.

Section 4 - Visitors at Executive Board meeting and general membership meetings.

- a. Visitors addressing Executive Board meeting must make appointments through Secretary for date and time when subject issue(s) must be stated.
- b. Members may request an appearance before Executive Board for a visitor. Members must make appointment through Secretary for time and date. Subject issue(s) and name must be stated.
- c. When a visitor is attending an Executive Board meeting, the normal business of a meeting will be suspended by a motion and seconded and approval by the board members. After the visitor is finished with their subject the visitor will then be excused from the meeting and the normal business will be taken up.

Section 5 - Visitors at general membership meeting.

- a. Members may bring visitors to a general meeting. Members must inform Secretary of person's name and what the purpose of appearance at least five (5) days prior to general meeting.