



California Fair Political Practices Commission

February 9, 1990

Albert Thomas Henley
General Counsel
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Re: Your Request for Informal Assistance
Our File No. I-90-021

Dear Mr. Henley:

You have requested informal assistance regarding the responsibilities of the Santa Clara Valley Water District's (district) Finance Manager pursuant to the disclosure requirements of the conflict-of-interest provisions of the Political Reform Act ("Act").^{1/}

QUESTION

Does the filing of a Form 730 statement of economic interests satisfy the disclosure requirement applicable to "public officials who manage public investments" as contained in the 1989 amendment to Section 87200 (Ch. 403, Stats. 1989)?

CONCLUSION

The Finance Manager's filing of the Form 730 as a designated employee of the district satisfies his filing requirements for 1990, which apply to the period from January 1, to December 31, 1989. Commencing in 1991, however, the Finance Manager will be required to file utilizing the Form 721.

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

Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

FACTS

Investments of the district are made by or under the direct supervision of the district's Finance Manager. The Finance Manager is a designated employee who currently files an annual disclosure statement utilizing the Form 730 statement of economic interests, under the district's approved conflict of interest code.

ANALYSIS

Effective January 1, 1990, Section 87200 was amended to include city and county treasurers and public officials who manage public investments and candidates for those offices.

Officials holding any position as specified in Section 87200 are required to file the Form 721 statement of economic interests whenever a statement of economic interests is required to be filed. The Form 730 is to be utilized only by positions specifically designated in a conflict of interest code developed by their agency.

The change in filing duties, pursuant to Section 87200, operates prospectively only. Annual statements of economic interests filed in 1990 cover the assets and income of public officials during the 1989 calendar year. Accordingly, we advise that the amendments to Section 87200 do not change the financial disclosure obligations for public officials who are required to disclose their 1989 assets and income pursuant to their agency's conflict of interest code.

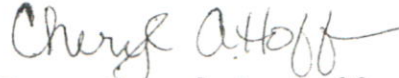
Thus, employees who manage public investments and who, prior to January 1, 1990, were "designated employees" in their agency's conflict of interest code, should file their 1989 annual statement on the Form 730. For most agencies this statement is due no later than April 1, 1990. Those employees would file the Form 721 if they should leave office during 1990. If they should continue employment, they would file the Form 721 as their 1990 annual statement, which would be due no later than April 1, 1991.

If you should have any questions regarding the filing of your statements of economic interests, please contact the Technical Assistance and Analysis Division at (916) 322-5662.

If you should have questions in the area of conflict of interest code adoption or amendments, please feel free to call me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel



By: Cheryl A. Hoff
Staff Services Analyst
Legal Division

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Enclosures