



California Fair Political Practices Commission

December 31, 1992

Shelba Powell, City Clerk
City of Long Beach
333 West Ocean Blvd.
Long Beach, CA 90802

Re: Your Request for Advice
Our File No. A-92-649

Dear Ms. Powell:

You have requested advice concerning the conflict of interest disclosure provisions of the Political Reform Act (the "Act").^{1/}

QUESTIONS

1. Must the former Assistant City Auditor file a leaving office statement of economic interests and an assuming office statement of economic interests as the newly appointed City Auditor?
2. Should the City Prosecutor and City Auditor file Form 721 or Form 730 statement economic interests? Both are elected positions and the City Auditor manages public investments.

^{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.

CONCLUSIONS

1. The City Auditor is not required to complete a leaving office or an assuming office statement of economic interests. However, he/she must disclose on the 1992 annual statement all interests required to be disclosed by both the Assistant City Auditor and City Auditor disclosure categories.
2. The City Prosecutor and City Auditor must file Form 730.

ANALYSIS

1. Regulation 18735 states that a designated employee who transfers from one designated position to another designated position within the same agency is not deemed to have assumed or left office within the meaning of Section 87302 or any Conflict of Interest Code. The next statement of economic interests filed by such a designated employee must contain:

- (1) Interests made reportable by the employee's original disclosure category which were held or received at any time during the period from the opening date of the statement to the transfer date; and
- (2) Interests made reportable by the employee's new disclosure category which were held or received at any time during the period from the date of the transfer through the closing date of the statement.

In addition, a designated employee who transfers to the position of board member, commissioner, head of an agency, executive director or other chief executive officer must, within ten days following the transfer, amend his or her most recent statement of economic interests to disclose any investments or interests in real property held on the date of transfer which are made reportable by the new disclosure category, but which were not previously reported. (Regulation 18735(b).)

2. Section 87200 was amended in January, 1990, to include county treasurers, city treasurers, and public officials who manage public investments as persons required to file the Form 721. The Commission is in the process of adopting regulations to clarify the term "public officials who manage public investments." Pending adoption of the regulations, our interim advice is that public officials who are currently designated in a conflict of interest code continue filing on Form 730. Therefore, the City Auditor should file the Form 730.

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The position of City Prosecutor is not listed in Section 87200 as a Form 721 filer. This position must be designated in the City's conflict of interest code and file Form 730.

Only candidates for the positions listed in Section 87200 file "candidate" Form 721. Candidates for elected positions listed in the City's conflict of interest code are required to file "candidate" statements on the Form 730 only if candidates for those positions are so designated in the code.

Therefore, if the City of Long Beach's conflict of interest code requires candidates for City Auditor and City Prosecutor to file "candidate" statements of economic interests the candidates must file on the Form 730.

If I can be of further assistance, please contact me at (916) 322-5662.

Sincerely,

Scott Hallabrin
Acting General Counsel



by: Colleen McGee
Political Reform Consultant
Technical Assistance Division