



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

February 24, 2016

Lawrence Stone, Assessor
Santa Clara County
70 W Hedding Street 5th Floor East Wing
San Jose, CA 95110

Re: Your Request for Advice
Our File No. A-16-001

Dear Mr. Stone:

This letter responds to your request for advice regarding the lobbying provisions of the Political Reform Act (the "Act").¹ We base this letter on the facts presented. The Fair Political Practices Commission (the "Commission") does not act as a finder of fact when it renders assistance. (*In re Oglesby* (1975) 1 FPPC Ops. 71.)

QUESTION

In light of the fact that the County of Santa Clara pays for your membership in the California Assessor's Association, a lobbyist employer, do you or the county have reporting or disclosure obligations under the Act's lobbyist registration and reporting provisions?

CONCLUSION

The Act's lobbying provisions do not require that you or the county report dues paid by the county for your membership in the California Assessor's Association.

FACTS

You are the Santa Clara County Assessor. As the County Assessor, you are a member of the California Assessor's Association, a statewide non-profit professional association for county assessors that was formed in 1902. All 58 elected assessors within the state are members of the association, and each county pays the membership dues in proportion to the county's population.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

The California Assessor's Association contracts with a lobbying firm to educate and advocate on behalf of the association with the California State Legislature. As a dues-paying member of the association, you ask whether you or your county have any reporting or disclosure obligations under the Act's lobbying provisions resulting from your membership.

ANALYSIS

Sections 86100 through 86300 of the Act establish registration requirements for individual lobbyists, lobbyist firms, and lobbyist employers and reporting requirements for individual lobbyists, lobbyist firms, lobbyist employers, and persons who directly or indirectly make payments to influence legislative or administrative action of \$5,000 or more in any calendar quarter (a "\$5,000 filer"). Generally, "except as provided in [Section] 86116.5, which is applicable to state and local agencies," dues for membership "in a bona fide association, including any federation, confederation, or trade, labor, or other membership organization" are not considered "payments to influence legislative or administrative action," and are not reportable by lobbyist employers or \$5,000 filers. (Sections 86115 and 86116; Regulation 18616(g)(4).)

Under Section 86116.5(a)(3), all state and local agencies that are lobbyist employers or \$5,000 filers, subject to reporting under Section 86116, must disclose all payments, except for overhead expenses, of \$250 or more made in a reporting period for:

"Dues or similar payments made to any organization, including a federation, confederation, or trade, labor, or membership organization, that makes expenditures equal to 10 percent of its total expenditures, or [\$15,000] or more, during a calendar quarter, to influence legislative or administrative action."

In this case, the determinative question is whether the payments for your membership dues in the California Assessor's Association are membership payments by the County of Santa Clara that are potentially reportable under Section 86116.5(a)(3). Previously, we have advised that Section 86116.5 applies only to dues for an agency's or an agency department's membership to an organization, and not to an agency's payment for an individual employee's membership dues to an organization. (*Einhorn* Advice Letter, No. I-93-165.) Accordingly, dues for your membership in the California Assessor's Association are not reportable under Section 86116.5, and pursuant to Regulation 18616(g)(4) the dues paid to the organization are not considered payments to influence legislative or administrative action. Based upon the facts provided, the Act's lobbying provisions do not require that you or the county report dues paid for your membership in the California Assessor's Association.²

² This conclusion applies only to the county's payment of your membership dues in the California Assessor's Association. We express no opinion regarding the application of the Act's lobbying provisions to any other activity or payments by the county.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Hyla P. Wagner
General Counsel

A handwritten signature in black ink, appearing to be "B. Lau", written over a horizontal line.

By: Brian G. Lau
Senior Counsel, Legal Division

BGL:jgl