

RESOLUTION NO. 2017-56

A RESOLUTION OF THE LODI CITY COUNCIL REPEALING
RESOLUTION NO. 98-22 IN ITS ENTIRETY AND APPROVING
POLICY AND GUIDELINES FOR WAIVING FINES
ASSOCIATED WITH FILINGS AS REQUIRED BY THE FAIR
POLITICAL PRACTICES COMMISSION – STATEMENTS OF
ECONOMIC INTERESTS (FORM 700)

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WHEREAS, in 1988, the City Council adopted Resolution No. 98-22 approving the Policy and Guidelines for Imposing and Waiving Fines for the Fair Political Practices Commission (FPPC) Filings; and

WHEREAS, the FPPC has since updated its policy and guidelines, making the 1998 policy outdated; and

WHEREAS, staff requests that the City Council approve the revised, updated policy on waiving fines associated with Statements of Economic Interests (Form 700).

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby repeal Resolution No. 98-22 in its entirety, and approves the attached policy and guidelines, marked Exhibit A, for waiving fines associated with the Fair Political Practices Commission for Statements of Economic Interests (Form 700).

Date: April 5, 2017

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I hereby certify that Resolution No. 2017-56 was passed and adopted by the Lodi City Council in a regular meeting held April 5, 2017, by the following vote:

- AYES: COUNCIL MEMBERS – Chandler, Johnson, Mounce, and Mayor Kuehne
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – Nakanishi
- ABSTAIN: COUNCIL MEMBERS – None


JENNIFER M. FERRAIOLO
City Clerk

POLICY AND GUIDELINES
Waiving Fines Associated with Filings
Required by the Fair Political Practices Commission (FPPC)

Statements of Economic Interests (Form 700)

Employees and officeholders at local government agencies, as well as candidates for public office, are required to file Statements of Economic Interests (Form 700) to disclose their personal financial interests. Once filed, the form is a public document and must be made available to the public on request (GC Section 81008). The forms alert public officials about their own economic interests and potential areas of conflict in relation to their duties, and provide information to members of the public who may monitor official actions for any conflicts.

Any person who files a Statement of Economic Interests (Form 700) after the deadline imposed by the Political Reform Act is liable for a late fine pursuant to Government Code Section 91013. Fines issued pursuant to this section shall not exceed \$10 per day to a maximum of \$100.

The City of Lodi will consider a request to waive the full or partial payment of a late fine if the request is based on "good cause."

Waiver Request

A written request for waiver of a late fine must be submitted to the City Clerk. The waiver request must be signed by the person required to file the particular statement upon which the late filing fine was assessed.

Good Cause

1. Incapacitation for Medical Reasons

Adequate documentation consists of a doctor's, psychologist's, therapist's, chiropractor's, or other medical provider's statement giving the nature of the incapacitation, the date(s) therefore, and the individual's name. This information may also be provided for an immediate family member's illness.

2. Hospitalization

Adequate documentation consists of a copy of the hospital bill or doctor's statement showing the patient's name and the date(s) of the hospitalization.

3. Accident Involvement

If medical attention is provided and results in the late filing, a copy of the hospital bill, emergency room service, or doctor's statement, showing the patient's name and date(s) and time(s) of medical attention, is adequate documentation. If the accident involvement results in delay or vehicle disablement which causes the late filing, adequate documentation consists of a police report showing the individual's name, the date and time of the accident, and, if applicable, whether or not the vehicle was disabled.

4. Loss or Unavailability of Records

The loss or unavailability of records due to a fire, flood, theft, or similar reason. Adequate documentation shall consist of a police, fire, or insurance report, containing the date of the occurrence and the extent of the loss or damage.

5. Other Good Cause as Shown

The City Clerk may waive any late fine for other good cause as shown.

Late fines will NOT be waived for reasons such as:

- Vacation
- Filer's busy season
- Spouse/assistant failed to file the form on behalf of the filer
- Filer needed additional time to gather information in order to file
- Filer is waiting for professional assistance from financial advisor/CPA/FPPC before filing
- Filer asserts that he or she has not been late before, but promises to file on time in the future
- Form was accidentally misplaced on desk, home, or in vehicle
- Filer did not receive a reminder to file his or her statement

Fine Guidelines

In cases in which individuals filed within five days of the due date, the following guidelines will apply:

- Those who filed within five days of the filing deadline with no prior history of late filing will be granted automatic waivers.
- Those who filed within five days of the filing deadline, but who have a history of filing late the prior two years, will be subject to guidelines 1 through 5 under Good Cause on waiving or imposing fines.

In cases in which individuals do not have sufficient reason to justify the late filing, the following guidelines will apply. Any reduced or partial fee waiver will be assessed at the low-end amount of the range.

- Those who received adequate notice of the filing requirement prior to the filing deadline and nevertheless filed late, but did so prior to receiving a post-deadline reminder from the City Clerk shall be assessed fines of between **\$10 and \$50**.
- Those who received adequate notice of their filing requirement prior to the filing deadline and nevertheless filed late, but who filed within 30 days after receiving a post-filing deadline notification by the City Clerk shall be assessed fines of between **\$50 and \$100**.