In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the office of the City Clerk (951) 694-6444. Notification 48 hours prior to a meeting will enable the City to make reasonable arrangements to ensure accessibility to that meeting [28 CFR 35.102.35.104 ADA Title II].

AGENDA

TEMECULA CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
41000 MAIN STREET
TEMECULA, CALIFORNIA
JANUARY 13, 2026 - 3:00 PM

CLOSED SESSION - 2:00 PM

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. The City Council will meet in closed session pursuant to Government Code Section 54956.8 regarding the potential acquisition and conveyance of portions five properties in connection with the French Valley Interchange Project. The first property is owned by England Family Mortuary, APN 910-262-006, approximately, 1.25 acres, and located at 27135 Madison Avenue, Temecula. The second property is owned by the City, APN 910-262-007, approximately 1.07 acres and located on McCabe Court westerly of the first property. The third property is the City owned Jefferson Recreation Center, APN 910-262-008, approximately 1.1 acres, and located on McCabe Court westerly of the second property on McCabe Court. The fourth property is owned by the City, APN 910-262-061, approximately 1.83 acres, and located on McCabe Court westerly of the third property. The fifth property is vacant property owned by Hoffman Investments, APN 910-272-001, approximately 1.68 acres, and located on Madison Avenue easterly of McCabe Court. Negotiators for the City are Aaron Adams, Kevin Hawkins, Luke Watson, Ron Moreno, Anissa Sharp, and Haide Urias. Under negotiations are price and terms of the potential acquisition and/or sale of one or more of the properties by the City for relocation obligations to England Family Mortuary.

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION. The City Council will meet in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(4) with respect to one matter of potential litigation. A point has been reached where, in the opinion of the City Attorney, based on existing facts and circumstances, there is a significant exposure to litigation involving the City and the City Council will decide whether to initiate litigation.

CALL TO ORDER: Mayor Jessica Alexander

INVOCATION: TBD

FLAG SALUTE: Mayor Jessica Alexander

ROLL CALL: Alexander, Kalfus, Rahn, Schwank, Stewart

PRESENTATIONS

Presentation by Mayor Alexander Regarding the 250th Anniversary of the United States of America

Presentation to Incoming/Outgoing Mayor and Community Services District President
Presentation Regarding Community Emergency Response Team (CERT)

BOARD / COMMISSION REPORTS - NONE

PUBLIC SAFETY REPORT

County of Riverside, Sheriff's Department

PUBLIC COMMENTS - NON-AGENDA ITEMS

A total of 30 minutes is provided for members of the public to address the City Council on matters not listed on the agenda. Each speaker is limited to 3 minutes. Public comments may be made in person at the meeting by submitting a speaker card to the City Clerk. Speaker cards will be called in the order received. Still images may be displayed on the projector. All other audio and visual use is prohibited. Public comments may also be submitted by email for inclusion into the record. Email comments must be received prior to the time the item is called for public comments and submitted to CouncilComments@temeculaca.gov. All public participation is governed by Council Policy regarding Public Participation at Meetings adopted by Resolution No. 2021-54.

CITY COUNCIL REPORTS

Reports by the members of the City Council on matters not on the agenda will be made at this time. A total, not to exceed, ten minutes will be devoted to these reports.

CONSENT CALENDAR

All matters listed under Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no discussion of these items unless members of the City Council request specific items be removed from the Consent Calendar for separate action. A total of 30 minutes is provided for members of the public to address the City Council on matters on the Consent Calendar. Each speaker is limited to 3 minutes. Public comments may be made in person at the meeting by submitting a speaker card to the City Clerk. Speaker cards will be called in the order received. Still images may be displayed on the projector. All other audio and visual use is prohibited. Public comments may also be submitted by email for inclusion into the record. Email comments must be received prior to the time the item is called for public comments and submitted to CouncilComments@temeculaca.gov. All public participation is governed by Council Policy regarding Public Participation at Meetings adopted by Resolution No. 2021-54.

1. Waive Reading of Title and Text of All Ordinances and Resolutions Included in the Agenda

Recommendation: That the City Council waive the reading of the title and text of all ordinances and resolutions included in the agenda.

Attachments: Agenda Report

2. Approve Action Minutes of December 9, 2025

Recommendation: That the City Council approve the action minutes of December 9, 2025.

Attachments: Action Minutes

3. Approve List of Demands

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ALLOWING CERTAIN CLAIMS AND DEMANDS AS SET FORTH IN EXHIBIT A

Attachments: Agenda Report
Resolution
List of Demands

4. Approve City Treasurer's Report for the Period of October 1, 2025 Through October 31, 2025

Recommendation: That the City Council approve and file the City Treasurer's report for the period of October 1, 2025 through October 31, 2025.

Attachments: Agenda Report
City Treasurer's Report

5. Receive and File Citywide Year-End Report Highlighting 2025 Accomplishments

Recommendation: That the City Council receive and file the citywide year-end report highlighting 2025 accomplishments.

Attachments: Agenda Report
2025 Year-End Report

6. Approve Annual Legislative Platform for Calendar Year 2026

Recommendation: That the City Council approve the annual legislative platform for calendar year 2026.

Attachments: Agenda Report
2026 Legislative Platform

7. Approve Annual City Council Protocol Manual for Calendar Year 2026

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPTING THE CITY COUNCIL PROTOCOL MANUAL RELATED TO POLICIES GOVERNING THE OPERATIONS OF THE CITY COUNCIL

Attachments: Agenda Report
2026 City Council Protocol Manual

8. Approve Annual Boards, Committees and Commissions Handbook for Calendar Year 2026

Recommendation: That the City Council approve the annual Boards, Committees and Commissions Handbook for calendar year 2026.

Attachments: Agenda Report
2026 BCC Handbook

9. Approve Annual Citywide Records Retention Schedule and Records Destruction for Calendar Year 2026

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING REVISIONS TO THE ESTABLISHED CITYWIDE RECORDS RETENTION SCHEDULE, THEREBY AMENDING AND RESTATING THE RECORDS RETENTION POLICY, AND APPROVING THE DESTRUCTION OF CERTAIN RECORDS

Attachments: Agenda Report
Resolution
Exhibit A - Retention and Destruction Schedule

10. Approve Non-Exclusive Services Agreement With Data Ticket, Inc. for Administrative and Parking Citation Processing

Recommendation: That the City Council approve a five-year Non-Exclusive Services Agreement with Data Ticket, Inc. for Administrative and Parking Citation Processing Services in the amount of $250,000.

Attachments: Agenda Report
Agreement

11. Award Consultant Services Agreement to Willdan Financial Services for Full Cost Allocation Plan, Comprehensive User Fee Study and Development Impact Fee Study

Recommendation: That the City Council award a Consultant Services Agreement toWilldan Financial Services, in the amount of $100,000 for Full Cost Allocation Plan, Comprehensive User Fee Study and Development Impact Fee Study.

Attachments: Agenda Report
Agreement

12. Accept Improvements and File the Notice of Completion for the Murrieta Creek Trail Solar Lights, PW21-13

Recommendation: That the City Council:

1. Accept the construction of the Murrieta Creek Trail Solar Lights, PW21-13, as complete; and

2. Direct the City Clerk to file and record the Notice of Completion, release the Performance Bond, and accept a one-year Maintenance Bond in the amount of 10% of the final contract amount; and

3. Release the Labor and Materials Bond seven months after filing the Notice of Completion, if no liens have been filed.

Attachments:
Agenda Report
Notice of Completion
Contractor's Affidavit and Final Release
Maintenance Bond

13. Approve Increase to Construction Contingency for the Contract with American Asphalt South, Inc. for the Citywide Slurry Seal Project, PW25-06

Recommendation: That the City Council:

1. Approve increase to the construction contingency for the contract with American Asphalt South, Inc., in the amount of $245,000 for the Citywide Slurry Seal Project, PW25-06, resulting in a total construction contingency of $779,027.15; and

2. Approve increase to the City Manager's authorization to approve contract change orders up to $779,027.15.

Attachments:
Agenda Report
Project Location Map
Extra Work Street Names

14. Award Construction Contract to Roadway Engineering & Construction Corp. for the Vail Ranch Park Restrooms Project, PW23-06

Recommendation: That the City Council:

1. Award a construction contract to Roadway Engineering & Construction Corp., in the amount of $264,052 for the Vail Ranch Park Restrooms Project, PW23-06; and

2. Authorize the City Manager to approve contract change orders up to

10% of the contract amount, $26,405.20; and

3. Make a finding that this project is exempt from Multiple Species Habitat Conservation Plan fees.

Attachments: Agenda Report
Contract
Project Description
Project Location

15. Award Construction Contract to Roadway Engineering & Construction Corp. for the Long Canyon Creek Park Restrooms Project, PW23-18

Recommendation: That the City Council:

1. Award a construction contract to Roadway Engineering & Construction Corp., in the amount of $189,695.50 for the Long Canyon Creek Park Restrooms Project, PW23-18; and

2. Authorize the City Manager to approve contract change orders up to 10% of the contract amount, $18,969.55; and

3. Make a finding that this project is exempt from Multiple Species Habitat Conservation Plan fees.

Attachments: Agenda Report
Contract
Project Description
Project Location Map

RECESS CITY COUNCIL MEETING TO SCHEDULED MEETINGS OF THE TEMECULA COMMUNITY SERVICES DISTRICT, THE SUCCESSOR AGENCY TO THE TEMECULA REDEVELOPMENT AGENCY, THE TEMECULA HOUSING AUTHORITY, AND/OR THE TEMECULA PUBLIC FINANCING AUTHORITY

TEMECULA COMMUNITY SERVICES DISTRICT MEETING

CALL TO ORDER: President James Stewart

ROLL CALL: Alexander, Kalfus, Rahn, Schwank, Stewart

CSD PUBLIC COMMENTS - NON-AGENDA ITEMS

A total of 30 minutes is provided for members of the public to address the Board of Directors on matters not listed on the agenda. Each speaker is limited to 3 minutes. Public comments may be made in person at the meeting by submitting a speaker card to the City Clerk. Speaker cards will be called in the order received. Still images may be displayed on the projector. All other audio and visual use is prohibited. Public comments may also be submitted by email for inclusion into the record. Email comments must be received prior to the time the item is called for public comments and submitted to CouncilComments@temeculaca.gov. All public participation is governed by Council Policy regarding Public Participation at Meetings adopted by Resolution No. 2021-54.

CSD CONSENT CALENDAR

All matters listed under Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no discussion of these items unless members of the Community Services District request specific items be removed from the Consent Calendar for separate action. A total of 30 minutes is provided for members of the public to address the Board of Directors on items that appear on the Consent Calendar. Each speaker is limited to 3 minutes. Public comments may be made in person at the meeting by submitting a speaker card to the City Clerk. Speaker cards will be called in the order received. Still images may be displayed on the projector. All other audio and visual use is prohibited. Public comments may also be submitted by email for inclusion into the record. Email comments must be received prior to the time the item is called for public comments and submitted to CouncilComments@temeculaca.gov. All public participation is governed by Council Policy regarding Public Participation at Meetings adopted by Resolution No. 2021-54.

16. Approve Action Minutes of December 9, 2025

Recommendation: That the Board of Directors approve the action minutes of December 9, 2025.

Attachments: Action Minutes

CSD DIRECTOR OF COMMUNITY SERVICES REPORT

CSD GENERAL MANAGER REPORT

CSD BOARD OF DIRECTOR REPORTS

CSD ADJOURNMENT

The next regular meeting of the Temecula Community Services District will be held on Tuesday, January 27, 2026, at 2:00 p.m., for a Closed Session, with regular session commencing at 3:00 p.m., at the Council Chambers located at 41000 Main Street, Temecula, California.

SUCCESSOR AGENCY TO THE TEMECULA REDEVELOPMENT AGENCY

CALL TO ORDER: Chair Jessica Alexander

ROLL CALL: Alexander, Kalfus, Rahn, Schwank, Stewart

SARDA PUBLIC COMMENTS - NON-AGENDA ITEMS

A total of 30 minutes is provided for members of the public to address the Board of Directors on matters not listed on the agenda. Each speaker is limited to 3 minutes. Public comments may be made in person at the meeting by submitting a speaker card to the City Clerk. Speaker cards will be called in the order received. Still images may be displayed on the projector. All other audio and visual use is prohibited. Public comments may also be submitted by email for inclusion into the record. Email comments must be received prior to the time the item is called for public comments and submitted to CouncilComments@temeculaca.gov. All public participation is governed by Council Policy regarding Public Participation at Meetings adopted by Resolution No. 2021-54.

SARDA CONSENT CALENDAR

All matters listed under Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no discussion of these items unless members of the Successor Agency to the Redevelopment Agency request specific items be removed from the Consent Calendar for separate action. A total of 30 minutes is provided for members of the public to address the Board of Directors on items that appear on the Consent Calendar. Each speaker is limited to 3 minutes. Public comments may be made in person at the meeting by submitting a speaker card to the City Clerk. Speaker cards will be called in the order received. Still images may be displayed on the projector. All other audio and visual use is prohibited. Public comments may also be submitted by email for inclusion into the record. Email comments must be received prior to the time the item is called for public comments and submitted to CouncilComments@temeculaca.gov. All public participation is governed by Council Policy regarding Public Participation at Meetings adopted by Resolution No. 2021-54.

17. Approve Recognized Obligation Payment Schedule and Administrative Budget for the Period of July 1, 2026 Through June 30, 2027 (ROPS 26-27)

Recommendation: That the Board of Directors adopt the following resolutions entitled:

RESOLUTION NO. SARDA

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE TEMECULA REDEVELOPMENT AGENCY APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JULY 1, 2026 THROUGH JUNE 30, 2027 PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

RESOLUTION NO. SARDA

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE TEMECULA REDEVELOPMENT AGENCY APPROVING THE PROPOSED ADMINISTRATIVE BUDGET PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

Attachments: Agenda Report
Resolution and Exhibit A - ROPS
Resolution and Exhibit A - Administrative Budget

SARDA EXECUTIVE DIRECTOR REPORT

SARDA BOARD OF DIRECTOR REPORTS

SARDA ADJOURNMENT

The next regular meeting of the Successor Agency to the Redevelopment Agency will be held on Tuesday, January 27, 2026, at 2:00 p.m., for a Closed Session, with regular session commencing at 3:00 p.m., at the Council Chambers located at 41000 Main Street, Temecula, California.

TEMECULA HOUSING AUTHORITY - NO MEETING

TEMECULA PUBLIC FINANCING AUTHORITY - NO MEETING

RECONVENE TEMECULA CITY COUNCIL

PUBLIC HEARING

Any person may submit written comments to the City Council before a public hearing or may appear and be heard in support of or in opposition to the approval of a project at the time of the hearing. If you challenge a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in written correspondence delivered to the City Clerk at or prior to the public hearing. For public hearings each speaker is limited to 5 minutes. Public comments may be made in person at the meeting by submitting a speaker card to the City Clerk or by submitting an email to be included into the record. Email comments must be submitted to CouncilComments@temeculaca.gov. Email comments on all matters, including those not on the agenda, must be received prior to the time the item is called for public comments. At public hearings involving land use matters, the property owner and/or applicant has the burden of proof and, therefore, shall be allowed 15 minutes for an initial presentation, and an additional 10 minutes for rebuttal by its development team following other comments on the matter. An appellant, other than the property owner and/or applicant, and the spokesperson for an organized group of residents residing within the noticed area of the property, which is the subject of the public hearing, shall be allowed 15 minutes to present the appellant's position to the Council. The Mayor may allow more time if required to provide due process for the property owner, applicant or appellant. All other members of the public may speak during the public hearing for a maximum period of 5 minutes each. Deferral of one speaker's time to another is not permitted. In the event of a large number of speakers, the Mayor may reduce the maximum time limit for members of the public to speak. All public participation is governed by the Council Policy regarding Public Participation at Meetings adopted by Resolution No. 2021-54.

18. Introduce Ordinance Amending Title 8 of the Temecula Municipal Code to Regulate Kratom Products (Long Range Project No. LR25-0438)

Recommendation: That the City Council introduce an ordinance entitled:

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLE 8 OF THE TEMECULA MUNICIPAL CODE TO REGULATE THE SALE, DISTRIBUTION, AND POSSESSION OF KRATOM PRODUCTS, AND MAKE A FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061 (b)(3)

Attachments:
Agenda Report
Ordinance
Notice of Public Hearing
Notice of Exemption

BUSINESS

Any member of the public may address the City Council on items that appear on the Business portion of the agenda. Each speaker is limited to 5 minutes. Public comments may be made in person at the meeting by submitting a speaker card to the City Clerk. Speaker cards will be called in the order received. Still images may be displayed on the projector. All other audio and visual use is prohibited. Public comments may also be submitted by email for inclusion into the record. Email comments must be received prior to the time the item is called for public comments and submitted to CouncilComments@temeculaca.gov. All public participation is governed by Council Policy regarding Public Participation at Meetings adopted by Resolution No. 2021-54.

19. Approve Voluntary Intergovernmental Agreement Between the City of Temecula and the Pechanga Band of Indians (At the Request of Pechanga Tribal Council Representatives Rahn and Schwank)

Recommendation: That the City Council approve a voluntary Intergovernmental Agreement between the City of Temecula and the Pechanga Band of Indians in substantial form.

Attachments: Agenda Report
Intergovernmental Agreement

20. Approve Annual Proclamation List for Calendar Year 2026

Recommendation: That the City Council approve the annual proclamation list for calendar year 2026.

Attachments: Agenda Report
Public Recognitions Policy
Proclamation List

21. Consider Appointments to City Council Committees for Calendar Year 2026

Recommendation: That the City Council appoint members to serve on committees for calendar year 2026 and approve related City Council Committee Appointments List.

Attachments: Agenda Report
DRAFT - 2026 Council Committee Assignments

DEPARTMENTAL REPORTS (RECEIVE AND FILE)

22. Police Department Monthly Report

Attachments: Agenda Report
November Police Report

PUBLIC COMMENTS - NON-AGENDA ITEMS

A total of 30 minutes is provided for members of the public to address the City Council on matters not listed on the agenda. Each speaker is limited to 3 minutes. Public comments may be made in person at the meeting by submitting a speaker card to the City Clerk. Speaker cards will be called in the order received. Still images may be displayed on the projector. All other audio and visual use is prohibited. Public comments may also be submitted by email for inclusion into the record. Email comments must be received prior to the time the item is called for public comments and submitted to CouncilComments@temeculaca.gov. All public participation is governed by Council Policy regarding Public Participation at Meetings adopted by Resolution No. 2021-54.

ITEMS FOR FUTURE CITY COUNCIL AGENDAS

Any Council Member, including the Mayor, may request an item be placed on a future agenda. Any such request will be discussed under this section. In making the request, a Council Member may briefly describe the topic of the proposed agenda item and any timing associated with the placement of the item on the agenda. This description shall not exceed 3 minutes. No substantive discussion on the subject of the motion may occur. Items may only be placed on the agenda by Council Members pursuant to policy or by the City Manager based on administrative or operational needs of the City. Public comments on the placement of these agenda items shall be limited to a maximum of 30 minutes. Individual comments shall not exceed 3 minutes. All public participation is governed by the Council Policy regarding Public Participation at Meetings and Agenda Placements by Council Members adopted by Resolution No. 2021-54.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

ADJOURNMENT (In Memory of Linda Williams and Firefighter Danny Cook)

The next regular meeting of the City Council will be held on Tuesday, January 27, 2026, at 2:00 p.m., for a Closed Session, with regular session commencing at 3:00 p.m., at the Council Chambers located at 41000 Main Street, Temecula, California.

NOTICE TO THE PUBLIC

The full agenda packet (including staff reports, public closed session information, and any supplemental material available after the original posting of the agenda), distributed to a majority of the City Council regarding any item on the agenda, will be available for public viewing in the main reception area of the Temecula Civic Center during normal business hours at least 72 hours prior to the meeting. The material will also be available on the City's website at TemeculaCa.gov. and available for review at the respective meeting. If you have questions regarding any item on the agenda, please contact the City Clerk's Department at (951) 694-6444.

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Randi Johl, Director of Legislative Affairs/City Clerk

DATE: January 13, 2026

SUBJECT: Waive Reading of Title and Text of All Ordinances and Resolutions Included in the Agenda

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PREPARED BY: Randi Johl, Director of Legislative Affairs/City Clerk

RECOMMENDATION: That the City Council waive the reading of the title and text of all ordinances and resolutions included in the agenda.

BACKGROUND: The City of Temecula is a general law city formed under the laws of the State of California. With respect to adoption of ordinances and resolutions, the City adheres to the requirements set forth in the Government Code. In accordance with Government Code Section 34934, the title of each ordinance is included on the published agenda and a copy of the full ordinance has been available to the public online on the City's website and will be available in print at the meeting prior to the introduction or passage of the ordinance. Unless otherwise required, the full reading of the title and text of all ordinances and resolutions is waived.

FISCAL IMPACT: None

ATTACHMENTS: None

ACTION MINUTES

TEMECULA CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
41000 MAIN STREET
TEMECULA, CALIFORNIA
DECEMBER 9, 2025 - 3:00 PM

CLOSED SESSION - 1:00 PM

CONFERENCE WITH LEGAL COUNSEL--POTENTIAL LITIGATION. The City Council convened in closed session with the City Attorney and Special Counsel Laura Drottz Kalty pursuant to Government Code Section 54956.9(d)(2) with respect to one matter of potential litigation. A point has been reached where, in the opinion of the City Attorney and Special Counsel, based on existing facts and circumstances, there is a significant exposure to litigation involving a confidential discrimination claim, Government Code Section 7927.700.

LABOR NEGOTIATIONS — The City Council convened in closed session with its designated representatives to discuss labor negotiations pursuant to Government Code Section 54957.6. The City's designated representatives are City Manager Aaron Adams, City Attorney Peter Thorson, Assistant City Manager Kevin Hawkins, Director of Finance Jennifer Hennessey, Deputy City Manager Luke Watson and Assistant Director of Human Resources/Risk Management Becky Obmann. The employee organization is the California Teamsters Local Union No. 986, an affiliate of the International Brotherhood of Teamsters, General Teamsters, Airline, Aerospace & Allied Employees, Public, Professional, & Medical Employees, Warehousemen, Drivers, Construction, Rock & Sand.

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION. The City Council convened in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(4) with respect to one matter of potential litigation. A point has been reached where, in the opinion of the City Attorney, based on existing facts and circumstances, there is a significant exposure to litigation involving the City and the City Council will decide whether to initiate litigation.

CALL TO ORDER: Mayor Brenden Kalfus

INVOCATION: Pastor Drew Davis of United Methodist Church

FLAG SALUTE: Mayor Brenden Kalfus

ROLL CALL: Alexander, Kalfus, Rahn, Schwank, Stewart

PRESENTATIONS

Presentation of Certificate of Recognition to Avlin Odviar Upon Retirement
Presentation of Certificate of Recognition to Tom Cole Upon Retirement
Presentation of Certificate of Recognition to Annie Bostre-Le Upon Retirement
Presentation of Years of Service Pins to Councilmember Jessica Alexander (5) and Commissioners Kathy Sizemore (5), David Matics (5), Crystal Pastorian (5), Jackie Steed (5), Denyse Wilson (5)
Presentation Regarding Citywide Projects by Public Works Department and Office of Public Information

BOARD / COMMISSION REPORTS

Planning Commission

PUBLIC SAFETY REPORT

County of Riverside, Fire Department (CAL FIRE)

PUBLIC COMMENTS - NON-AGENDA ITEMS

The following individual(s) addressed the City Council:

- Mayor Cindy Warren – City of Murrieta
- Ernie Castro
- Ron Larson

PUBLIC COMMENTS - AGENDA ITEMS

The following individual(s) addressed the City Council:

- Ernie Castro (Item #16)
- Jack Guerrero (Item #18)

CITY COUNCIL REPORTS

CONSENT CALENDAR

Unless otherwise indicated below, the following pertains to all items on the Consent Calendar.

Approved the Staff Recommendation (5-0): Motion by Alexander, Second by Rahn. The vote reflected unanimous approval.

1. Waive Reading of Title and Text of All Ordinances and Resolutions Included in the Agenda

Recommendation: That the City Council waive the reading of the title and text of all ordinances and resolutions included in the agenda.

2. Approve Action Minutes of November 18, 2025

Recommendation: That the City Council approve the action minutes of November 18, 2025.

3. Approve List of Demands

Recommendation: That the City Council adopt a resolution entitled:

RESOLUTION NO. 2025-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ALLOWING CERTAIN CLAIMS AND DEMANDS AS SET FORTH IN EXHIBIT A

4. Adopt Ordinance No. 2025-16 Amending Title 17 of the Temecula Municipal Code Regarding Off-Premises Signs Standards (Second Reading)

Recommendation: That the City Council adopt an ordinance entitled:

ORDINANCE NO. 2025-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING CHAPTER 17.28 OF TITLE 17 OF THE TEMECULA MUNICIPAL CODE REGARDING OFF-PREMISES SIGN STANDARDS, AND MAKE A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) SECTION 15061 (B)(3)

5. Approve Memorandum of Understanding with the Foundation for Senior Care for Transportation and Parking Lot Related Services at Mary Phillips Senior Center

Recommendation: That the City Council approve the Memorandum of Understanding with the Foundation for Senior Care for transportation and parking lot related services at the Mary Phillips Senior Center.

6. Approve Appropriation of Public, Education and Government Funds for the Replacement of Microphones for City Council Workshops, Committee Meetings and Community Events

Recommendation: That the City Council approve the appropriation of $70,000 from the Public, Education and Government Fund for the purchase of microphones and related equipment used for City Council workshops, committee meetings and community events.

7. Award Construction Contract to Aster Construction Services for Ronald Reagan Sports Park Skate Park, PW22-07

Recommendation: That the City Council:

1. Award a construction contract to Aster Construction Services in the amount of $4,276,862 for the Ronald Reagan Sports Park Skate Park, PW22-07; and

2. Authorize the City Manager to approve contract change orders up to 15% of the contract amount, $641,529.30; and

3. Make a finding that this project is exempt from Multiple Species Habitat Conservation Plan fees.

8. Approve Parcel Map 38833 (Located South of the Intersection of Loma Portola Drive and Camino Del Sol)

Recommendation: That the City Council approve Parcel Map 38833 in conformance with the Conditions of Approval.

9. Accept Improvements and File Notice of Completion for Bridge Maintenance, PW23-08

Recommendation: That the City Council:

1. Accept the construction of the Bridge Maintenance, PW23-08, as complete; and

2. Direct the City Clerk to file and record the Notice of Completion, release the performance bond, and accept a one-year Maintenance Bond in the amount of 10% of the final contract amount; and

3. Release the Labor and Materials Bond seven months after filing the Notice of Completion, if no liens have been filed.

10. Accept Improvements and File Notice of Completion for Park Restrooms Renovations, Expansion and Americans with Disabilities Act (ADA) Improvements Project, PW17-06 (REBID)

Recommendation: That the City Council:

1. Accept the construction of the Park Restrooms Renovations, Expansion and Americans with Disabilities Act (ADA) Improvements Project, PW17-06 (REBID); and

2. Direct the City Clerk to file and record the Notice of Completion, release the Performance Bond, and accept a one-year Maintenance Bond in the amount of no less than 10% of the final contract amount; and

3. Release the Labor and Materials Bond seven months after filing the Notice of Completion, if no liens have been filed.

11. Accept Improvements and File Notice of Completion for Traffic Signal - Pedestrian Signal Equipment Upgrade Phase 2 - Citywide Project, PW23-12

Recommendation: That the City Council:

1. Accept the improvements for Traffic Signal - Pedestrian Signal Equipment Upgrade Phase 2 - Citywide Project, PW23-12, as complete; and

2. Direct the City Clerk to file and record the Notice of Completion, release the Performance Bond; and accept a one-year Maintenance Bond in the amount of 10% of the final contract amount; and

3. Release the Labor and Materials Bond seven months after filing the Notice of Completion, if no liens have been filed.

12. Accept Improvements and File Notice of Completion for Citywide Pavement Rehabilitation Rancho Way, Santiago Road, and Felix Valdez Avenue, PW24-08

Recommendation: That the City Council:

1. Accept the construction of Citywide Pavement Rehabilitation Rancho Way, Santiago Road, and Felix Valdez Avenue, PW24-08, as complete; and

2. Direct the City Clerk to file and record the Notice of Completion, release the Performance Bond, and accept a one-year Maintenance Bond in the amount of 10% of the final contract amount; and

3. Release the Labor and Materials Bond seven months after filing the Notice of Completion, if no liens have been filed.

RECESS:

At 4:13 PM, the City Council recessed and convened as the Temecula Community Services District and Successor Agency to the Temecula Redevelopment Agency Meetings. At 4:16 PM the City Council resumed with the remainder of the City Council Agenda.

RECONVENE TEMECULA CITY COUNCIL

BUSINESS

15. Consider Agreement Extension with Care Solace for 24/7 Essential Health Care Support and Coordination and Provide General Direction Regarding Same (At the Request of Mayor Pro Tem Alexander)

Recommendation: That the City Council:

1. Consider an agreement extension with Care Solace for 24/7 Essential Health Care Support and Coordination and provide general direction regarding same; and

2. Approve a budget appropriation of $34,900, if approved.

Approved the Staff Recommendation (5-0): Motion by Alexander, Second by Stewart. The vote reflected unanimous approval.

16. Receive and File Report Regarding the Regulation Landscape Related to Electronic Bicycles and Motorcycles and Provide General Direction Regarding the Same (At the Request of Council Member Stewart)

Recommendation: That the City Council receive and file a report regarding the regulation landscape related to electronic bicycles (e-bikes) and electronic motorcycles (e-motorcycles) and provide general direction regarding the same.

General Direction Only.

17. Consider the Creation of a Public-Facing Commission and Provide General Direction Regarding the Same (At the Request of Mayor Kalfus)

Recommendation: That the City Council consider the creation of a public-facing commission and provide general direction regarding the same.

Motion to consider creation of an Ad Hoc Subcommittee when considering annual subcommittee list for further discussion on a community commission . (5-0): Motion by Kalfus, Second by Rahn. The vote reflected unanimous approval.

JOINT MEETING - CITY COUNCIL AND COMMUNITY SERVICES DISTRICT

18. Appoint the Mayor, Mayor Pro Tempore, President and Vice President for Calendar Year 2026

Recommendation: That the City Council/Board of Directors:

1. Appoint the Mayor and Mayor Pro Tempore, effective January 1, 2026, to serve in this capacity until December 31, 2026; and

2. Appoint the President and Vice President, effective January 1, 2026, to serve in this capacity until December 31, 2026.

Motion to appoint Jessica Alexander as Mayor and Matt Rahn as Mayor Pro Tempore (5-0): Motion by Alexander, Second by Rahn. The vote reflected unanimous approval.

Motion to appoint James Stewart as TCSD President and Zak Schwank as TCSD Vice President (4-1, Kalfus opposed): Motion by Schwank, Second by Stewart. The vote reflected approval with Kalfus opposing.

DEPARTMENTAL REPORTS (RECEIVE AND FILE)

19. Community Development Department Monthly Report

20. Police Department Monthly Report

21. Public Works Department Monthly Report

ITEMS FOR FUTURE CITY COUNCIL AGENDAS

The City Council approved the placement of the following topics on a future agenda:

1. General Direction for City Manager to have an existing subcommittee consider a snow hill at the Temecula Duck Pond during future holidays (Schwank)

(5-0): Motion by Schwank, Second by Stewart. The vote reflected unanimous approval.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

City Attorney reported that on the first Closed Session item that Council approved a settlement agreement with the Claimant. Written notice will be submitted to the City Clerk as soon as the agreement is completed. No other actions to report from Closed Session.

ADJOURNMENT

At 6:12 PM, the City Council meeting was formally adjourned to Tuesday, January 13, 2026, at 2:00 PM for Closed Session, with regular session commencing at 3:00 PM, City Council Chambers, 41000 Main Street, Temecula, California.

_____

Brenden Kalfus, Mayor

ATTEST:

_____

Randi Johl, City Clerk

[SEAL]

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Jennifer Hennessy, Director of Finance

DATE: January 13, 2026

SUBJECT: Approve List of Demands

PREPARED BY: Tricia Hawk, Finance Manager

RECOMMENDATION: That the City Council adopt a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ALLOWING CERTAIN CLAIMS AND DEMANDS AS SET FORTH IN EXHIBIT A

BACKGROUND: All claims and demands are reported and summarized for review and approval by the City Council on a routine basis at each City Council meeting. The attached claims represent the paid claims and demands since the last City Council meeting.

FISCAL IMPACT: All claims and demands were paid from appropriated funds or authorized resources of the City and have been recorded in accordance with the City's policies and procedures.

ATTACHMENTS:
1. Resolution
2. List of Demands

RESOLUTION NO. 2026-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ALLOWING CERTAIN CLAIMS AND DEMANDS AS SET FORTH IN EXHIBIT A

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. That the following claims and demands as set forth in Exhibit A, on file in the office of the City Clerk, has been reviewed by the City Manager's Office and that the same are hereby allowed in the amount of $6,427,761.67.

Section 2. The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 13th day of January, 2026.

Jessica Alexander, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 2026- was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 13th day of January, 2026, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____

Randi Johl, City Clerk

CITY OF TEMECULA

LIST OF DEMANDS

11/22/2025 - 12/26/2025 TOTAL CHECK RUN:		4,386,286.85
12/04/2025 TOTAL PAYROLL RUN:		929,873.07
12/10/2025 TOTAL PAYROLL RUN:		271,811.84
12/18/2025 TOTAL PAYROLL RUN:		839,789.91
TOTAL LIST OF DEMANDS FOR 1/13/2026 COUNCIL MEETING:	$	6,427,761.67
11/22/2025 - 12/26/2025 APPROVED PURCHASE CARD DETAIL:		131,213.34

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
305074	12/18/2025	1288	2 HOT UNIFORMS INC	97366	UNIFORMS: TCC: FIRE	Printed Check	342.01
305074	12/18/2025	1288	2 HOT UNIFORMS INC	97375	UNIFORMS: TCC: FIRE	Printed Check	322.43
305074	12/18/2025	1288	2 HOT UNIFORMS INC	97432	UNIFORMS: PD	Printed Check	86.95
608131	12/24/2025	2238	79 FIELD HOCKEY INC	3115.201 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	714.00
607908	11/26/2025	3997	A STEP IN THE RIGHT DIRECTION LLC	251096150EL	ADA AIDE SVCS: TCSD	EFT Posted	390.00
608132	12/24/2025	3997	A STEP IN THE RIGHT DIRECTION LLC	251198519EL	ADA AIDE SVCS: TCSD	EFT Posted	260.00
19106	11/28/2025	3901	ABM INTEL LLC	2080	REGISTRATION: EDUCATION: PD	Credit Card	1,000.00
607960	12/4/2025	2183	ACCENTURE LLP	36207	CONSTRUCTION MGMT SVCS: TRAFFIC: PW23-12	EFT Posted	760.00
607960	12/4/2025	2183	ACCENTURE LLP	36206	CONSTRUCTION MGMT SVCS: TRAFFIC: PW23-11	EFT Posted	415.00
607909	11/26/2025	1943	AIR EXCHANGE INC	91614980	PLYMOVENT SVCS: FIRE STATION 73: FIRE	EFT Posted	2,095.49
19006	10/29/2025	1435	ALASKA AIRLINES	4241	BAG CHECK: DC LOBBYING TRIP: CMO	Credit Card	35.00
19013	10/29/2025	1435	ALASKA AIRLINES	8375	BAG CHECK: DC LOBBYING TRIP: CMO	Credit Card	35.00
19028	11/7/2025	1435	ALASKA AIRLINES	8383	BAG CHECK: DC LOBBYING TRIP: CMO	Credit Card	35.00
18994	11/7/2025	1435	ALASKA AIRLINES	9687	BAG CHECK: DC LOBBYING TRIP: CMO	Credit Card	35.00
18989	11/7/2025	1435	ALASKA AIRLINES	9846	BAG CHECK: DC LOBBYING TRIP: CMO	Credit Card	35.00
305023	11/25/2025	1236	ALL AMERICAN ASPHALT	1237131	ASPHALT SUPPLIES: STREET MAINT: PW	Printed Check	251.68
305033	12/4/2025	1236	ALL AMERICAN ASPHALT	1237590	ASPHALT SUPPLIES: STREET MAINT: PW	Printed Check	7,135.82
305033	12/4/2025	1236	ALL AMERICAN ASPHALT	1237746	ASPHALT SUPPLIES: STREET MAINT: PW	Printed Check	6,713.66
305123	12/23/2025	1236	ALL AMERICAN ASPHALT	1238746	ASPHALT SUPPLIES: STREET MAINT: PW	Printed Check	404.58
607961	12/4/2025	1512	ALLEGRO MUSICAL VENTURES INC	28578	PIANO TUNING/MAINTENANCE: TCSD	EFT Posted	300.00
608041	12/18/2025	1512	ALLEGRO MUSICAL VENTURES INC	28596	PIANO TUNING/MAINTENANCE: THEATER: TCSD	EFT Posted	600.00
608041	12/18/2025	1512	ALLEGRO MUSICAL VENTURES INC	28599	PIANO TUNING/MAINTENANCE: RHRTPL: TCSD	EFT Posted	300.00
608042	12/18/2025	1609	ALLIED TRAFFIC AND EQUIPMENT RENTALS INC	97886	LIGHTS TOWERS & MISC EQUIPMENT RENTALS: TCSD	EFT Posted	460.00
607962	12/4/2025	1538	ALTEC INC	51855998	REPAIR & MAINTENANCE - VEHICLE: PW	EFT Posted	1,537.80
607962	12/4/2025	1538	ALTEC INC	51856670	REPAIR & MAINTENANCE - VEHICLE: PW	EFT Posted	1,303.03
607963	12/4/2025	1418	AMAZON	1KY3-K9L1-WP7F	BOOK COLLECTIONS: RHR LIBRARY: TCSD	EFT Posted	181.24
607963	12/4/2025	1418	AMAZON	13NM-P9P1-YP6C	BOOK COLLECTIONS: RHR LIBRARY: TCSD	EFT Posted	28.25
607963	12/4/2025	1418	AMAZON	1L91-PMTX-V9Q7	BOOK COLLECTIONS: RHR LIBRARY: TCSD	EFT Posted	10.86
607997	12/11/2025	1418	AMAZON	14Y4-YQ6X-P7LG	BOOK COLLECTIONS: RHR LIBRARY: TCSD	EFT Posted	19.74
607997	12/11/2025	1418	AMAZON	1RDP-WDN1-DXRM	BOOK COLLECTIONS: RHR LIBRARY: TCSD	EFT Posted	19.14
607910	11/26/2025	1261	AMERICAN FORENSIC NURSES INC	79854	DEC '25 STAND BY FEE: PD	EFT Posted	1,630.00
608043	12/18/2025	1261	AMERICAN FORENSIC NURSES INC	79886	JAN '26 STAND BY FEE: PD	EFT Posted	1,630.00
607911	11/26/2025	1080	AMERICAN NATIONAL RED CROSS	23017011	STAFF TRAINING & CERTIFICATION: AQUATICS: TCSD	EFT Posted	238.50
608044	12/18/2025	1080	AMERICAN NATIONAL RED CROSS	23041489	STAFF TRAINING & CERTIFICATION: AQUATICS: TCSD	EFT Posted	794.70
19012	10/29/2025	1766	APPLE.COM	8794	ADD'L PHONE STORAGE: SOCIAL MEDIA: CMO	Credit Card	2.99
18978	11/7/2025	1766	APPLE.COM	2182	APP SUBSCRIPTION: ITSS	Credit Card	9.90
607913	11/26/2025	1805	AQUA CHILL OF SAN DIEGO	20084199	DRINKING WATER SYSTEM MAINT: CIVIC CTR: PW	EFT Posted	223.00
607913	11/26/2025	1805	AQUA CHILL OF SAN DIEGO	20084212	DRINKING WATER SYSTEM MAINT: MARGARITA PARK: PW	EFT Posted	94.00
607913	11/26/2025	1805	AQUA CHILL OF SAN DIEGO	20084222	DRINKING WATER SYSTEM MAINT: SPORTS PARK: PW	EFT Posted	69.60
607913	11/26/2025	1805	AQUA CHILL OF SAN DIEGO	20084223	DRINKING WATER SYSTEM MAINT: CRC AQUATICS: PW	EFT Posted	64.00
607913	11/26/2025	1805	AQUA CHILL OF SAN DIEGO	20084201	DRINKING WATER SYSTEM MAINT: CRC: PW	EFT Posted	40.00
607913	11/26/2025	1805	AQUA CHILL OF SAN DIEGO	20084190	DRINKING WATER SYSTEM MAINT: MPSC: PW	EFT Posted	36.00
607913	11/26/2025	1805	AQUA CHILL OF SAN DIEGO	20084173	DRINKING WATER SYSTEM MAINT: FOC: PW	EFT Posted	30.00
607914	11/26/2025	1805	AQUA CHILL OF SAN DIEGO	20084218	DRINKING WATER SYSTEM MAINT: HARVESTON PARK: PW	EFT Posted	30.00
607913	11/26/2025	1805	AQUA CHILL OF SAN DIEGO	20084225	DRINKING WATER SYSTEM MAINT: TCC: PW	EFT Posted	30.00
607913	11/26/2025	1805	AQUA CHILL OF SAN DIEGO	20084176	DRINKING WATER SYSTEM MAINT: THATER: PW	EFT Posted	30.00
607914	11/26/2025	1805	AQUA CHILL OF SAN DIEGO	20084203	DRINKING WATER SYSTEM MAINT: TPL: PW	EFT Posted	30.00
607913	11/26/2025	1805	AQUA CHILL OF SAN DIEGO	20084200	DRINKING WATER SYSTEM MAINT: TVM: PW	EFT Posted	30.00
607964	12/4/2025	1805	AQUA CHILL OF SAN DIEGO	20084211c	DRINKING WATER SYSTEM MAINT: CIP: PW	EFT Posted	10.00
607964	12/4/2025	1805	AQUA CHILL OF SAN DIEGO	20084211a	DRINKING WATER SYSTEM MAINT: LAND DEV: PW	EFT Posted	10.00
607964	12/4/2025	1805	AQUA CHILL OF SAN DIEGO	20084211b	DRINKING WATER SYSTEM MAINT: TRAFFIC: PW	EFT Posted	10.00
608133	12/24/2025	1805	AQUA CHILL OF SAN DIEGO	20084503	DRINKING WATER SYSTEM MAINT: PD	EFT Posted	62.00
608133	12/24/2025	1805	AQUA CHILL OF SAN DIEGO	20084507	DRINKING WATER SYSTEM MAINT: PD	EFT Posted	62.00
608133	12/24/2025	1805	AQUA CHILL OF SAN DIEGO	20084502	DRINKING WATER SYSTEM MAINT: ITSS	EFT Posted	30.00
607965	12/4/2025	2777	ARAMARK SERVICES INC	0106082537	REFRESHMENT SVCS: FACILITIES: PW	EFT Posted	1,305.88
608045	12/18/2025	2777	ARAMARK SERVICES INC	14361459	REFRESHMENT SVCS: FACILITIES: PW	EFT Posted	61.00
607999	12/11/2025	2917	ARJONA GLORIA	Perf: 11/21/25	BRAZILIAN & LATIN JAZZ: TCSD	EFT Posted	1,326.10
305124	12/23/2025	4405	ARTICULATE GLOBAL LLC	00421884	ARTICULATE 360 TEAMS: ITSS	Printed Check	1,749.00
608022	12/11/2025	4321	ASAD HOLDINGS LLC	02 PW21-13	MURRIETA CREEK TRAIL SOLAR LIGHTS PROJECT: PW21-13	EFT Posted	72,918.62
19020	11/3/2025	1976	ASSOC OF ENVIRONMENTAL PROFESSIONALS	5810	REGISTRATION: CEQA ESSENTIALS WORKSHOP: PLAN	Credit Card	1,080.00
19019	11/3/2025	1976	ASSOC OF ENVIRONMENTAL PROFESSIONALS	8806	REGISTRATION: CEQA ESSENTIALS WORKSHOP: PLAN	Credit Card	390.00
19021	11/3/2025	1976	ASSOC OF ENVIRONMENTAL PROFESSIONALS	9713	MEMBERSHIP DUES: PLAN	Credit Card	275.00
305075	12/18/2025	2242	AT&T	594951	LOCATION/ACTIVATION FEES: PD	Printed Check	495.00
18926	10/28/2025	3250	AYERS HOTEL	1845	LODGING: MOTORCYCLE TRAINING COURSE: PD	Credit Card	1,183.50
18925	10/28/2025	3250	AYERS HOTEL	5443	LODGING: CERT COURSE: PD	Credit Card	827.56
607966	12/4/2025	2381	AYERS WILLIAM BRIAN	3102	ELECTRICAL SVCS: LIBRARY EOC: ITSS	EFT Posted	1,456.00
607966	12/4/2025	2381	AYERS WILLIAM BRIAN	3099	ELECTRICAL SVCS: LIBRARY EOC: ITSS	EFT Posted	785.00
608046	12/18/2025	2073	AZTEC LANDSCAPING INC	J2213	NOV '25 JANITORIAL SVCS: CITY PARKS: PW	EFT Posted	10,309.49

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
608134	12/24/2025	1405	B&H FOTO & ELECTRONICS CORP	239733280	AV EQUIP: PEG: ITSS	EFT Posted	27.72
305034	12/4/2025	1745	BACKHAUS DANCE	Ck Adv: 01/31/26	PERFORMANCE: 01/31/26: THEATER: TCSD	Printed Check	7,500.00
305056	12/11/2025	1909	BAMM PROMOTIONAL PRODUCTS INC	13178	UNIFORMS: CODE ENFORCEMENT: COMDV	Printed Check	176.18
305056	12/11/2025	1909	BAMM PROMOTIONAL PRODUCTS INC	13163	EMBROIDERY: BUILDING & SAFETY: COMDV	Printed Check	21.75
608135	12/24/2025	2125	BARNES JOHN	0523	RECOGNITION AWARDS: PD	EFT Posted	54.38
607915	11/26/2025	4155	BEACON ECONOMICS LLC	2005838	REGIONAL OVERVIEW REPORT: COMSP	EFT Posted	44,500.00
19022	11/3/2025	2194	BEENVERIFIED.COM	4883	DIGITAL SUBSCRIPTION: CODE ENFORCEMENT	Credit Card	52.45
608137	12/24/2025	2935	BETTS KENNETH E	1900.205-1910.205	INSTRUCTOR EARNINGS: TCSD	EFT Posted	2,940.00
608137	12/24/2025	2935	BETTS KENNETH E	1900-1910.206 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	2,870.00
607967	12/4/2025	1980	BGP RECREATION INC	4005-4010.203 2nd	INSTRUCTOR EARNINGS: TCSD	EFT Posted	1,764.00
608000	12/11/2025	1980	BGP RECREATION INC	4005.204-4010.204	INSTRUCTOR EARNINGS: TCSD	EFT Posted	1,915.20
608138	12/24/2025	1980	BGP RECREATION INC	4030-4040 2nd '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	2,529.80
608138	12/24/2025	1980	BGP RECREATION INC	4075.101 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	136.50
305076	12/18/2025	1095	BIG EAR AUDIO LLC	INV-05806	EQUIPMENT RENTAL: ROCKTOBER 2025: TCSD	Printed Check	4,042.28
305057	12/11/2025	1264	BIO TOX LABORATORIES	48197	JULY '25 PHLEBOTOMY SVCS: PD	Printed Check	411.00
305057	12/11/2025	1264	BIO TOX LABORATORIES	48327	OCT '25 PHLEBOTOMY SVCS: PD	Printed Check	335.00
305077	12/18/2025	1264	BIO TOX LABORATORIES	48266	AUG-OCT '25 PHLEBOTOMY SVCS: PD	Printed Check	2,200.00
607916	11/26/2025	1101	BLUETRITON BRANDS INC	15K0028910578	WATER DELIVERY SVCS: PW	EFT Posted	569.84
607916	11/26/2025	1101	BLUETRITON BRANDS INC	O5K6702622575	WATER DELIVERY SVCS: INCUBATOR: COMSP	EFT Posted	161.80
608047	12/18/2025	1101	BLUETRITON BRANDS INC	15K0028662112	WATER DELIVERY SVCS: PBSP: PW	EFT Posted	45.23
608047	12/18/2025	1101	BLUETRITON BRANDS INC	05K0036263176	WATER DELIVERY SVCS: HELP CENTER: TCSD	EFT Posted	6.51
608139	12/24/2025	1101	BLUETRITON BRANDS INC	05L6702622575	WATER DELIVERY SVCS: INCUBATOR: COMSP	EFT Posted	165.03
19018	11/3/2025	2773	BOARD AND BREW	9802	REFRESHMENTS: PLANNING COMMISSION MTG: PLAN	Credit Card	361.48
608048	12/18/2025	2047	BOB CALLAHANS POOL SERVICE	0222	NOV '25 POOL & FOUNTAIN MAINT: FACILITIES: PW	EFT Posted	3,200.00
18951	11/3/2025	2743	BOOT BARN	5303	SUPPLIES: STAFF: TCSD	Credit Card	201.17
608049	12/18/2025	3670	BOWEN TIMOTHY D	1100.211-1100.212	INSTRUCTOR EARNINGS: TCSD	EFT Posted	2,452.10
608050	12/18/2025	1918	BOYER WAYNE	3188	UNIFORMS: PD	EFT Posted	2,389.00
607968	12/4/2025	2612	BRAND ASSASSINS	23613	AUTO-MALL WAYFINDING SIGNS: CM22-01	EFT Posted	750.00
608140	12/24/2025	2415	BRAUN PETER	5783	DEC '25 PLANT MAINTENANCE: FACILITIES: PW	EFT Posted	500.00
608140	12/24/2025	2415	BRAUN PETER	5741	DEC '25 PLANT MAINTENANCE: FACILITIES: PW	EFT Posted	200.00
607969	12/4/2025	1634	BRODART CO	B7099129	BOOK COLLECTIONS: RHR LIBRARY: TCSD	EFT Posted	589.67
607969	12/4/2025	1634	BRODART CO	B7099152	BOOK COLLECTIONS: RHR LIBRARY: TCSD	EFT Posted	507.66
608001	12/11/2025	1634	BRODART CO	B7092010	BOOK COLLECTIONS: RHR LIBRARY: TCSD	EFT Posted	331.15
608001	12/11/2025	1634	BRODART CO	B7081400	BOOK COLLECTIONS: RHR LIBRARY: TCSD	EFT Posted	299.19
608001	12/11/2025	1634	BRODART CO	B7092009	BOOK COLLECTIONS: RHR LIBRARY: TCSD	EFT Posted	157.25
608051	12/18/2025	2622	BROWN JAMAL DEON	2300.206-2310.206	INSTRUCTOR EARNINGS: TCSD	EFT Posted	1,231.30
608051	12/18/2025	2622	BROWN JAMAL DEON	2360.205 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	700.00
608052	12/18/2025	2836	BRYANT ROBERT	1401.1405.208 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	4,102.56
608002	12/11/2025	2399	BUCHER BRET PHILLIP	3512.206	INSTRUCTOR EARNINGS: TCSD	EFT Posted	1,069.25
608053	12/18/2025	2399	BUCHER BRET PHILLIP	3500.206-3530.206	INSTRUCTOR EARNINGS: TCSD	EFT Posted	6,954.50
19010	10/29/2025	3767	BULLFEATHERS	0611	REFRESHMENTS: DC LOBBYING TRIP: CMO	Credit Card	143.32
607970	12/4/2025	4188	BUSY BEES LOCKS AND KEYS INC	91185559	EMERGENCY LOCKSMITH SVCS: MAINTENANCE: PW	EFT Posted	15.05
608003	12/11/2025	4188	BUSY BEES LOCKS AND KEYS INC	91185222	EMERGENCY SAFE REPAIR: FIN	EFT Posted	735.00
305035	12/4/2025	3157	CAHALAN JASON	4540	DOOR REPAIRS: RRSP: PW	Printed Check	320.00
305078	12/18/2025	3157	CAHALAN JASON	4567	GATE REPAIRS: FOC: PW	Printed Check	918.31
305078	12/18/2025	3157	CAHALAN JASON	4559	BAY DOOR MAINTENANCE: FIRE	Printed Check	330.00
305078	12/18/2025	3157	CAHALAN JASON	4561	BAY DOOR MAINTENANCE: FIRE	Printed Check	280.00
18949	11/6/2025	1573	CALIF DEPT OF CHILD SUPPORT	Ben351321	SUPPORT PAYMENT	Wire	1,267.54
305125	12/23/2025	1612	CALIF DEPT OF INDUSTRIAL RELATIONS	OSIP 73300	WORKER'S COMP ADMINISTRATION SVCS: RISK	Printed Check	731.96
305036	12/4/2025	1332	CANON FINANCIAL SERVICES INC	42132458	OCT '25 CANON COPIERS LEASE: TEM PUB LIBRARY: ITSS	Printed Check	1,979.20
608004	12/11/2025	3970	CARBON HEALTH MEDICAL GROUP	51141	MEDICAL EMPLOYMENT SCREENING: HR	EFT Posted	178.00
18957	11/3/2025	4397	CARDENAS MARKETS	3374	GIFT CARD: HOMELESS CLIENT: TCSD	Credit Card	50.00
305024	11/25/2025	2063	CASC ENGINEERING AND CONSULTING INC	0054086	ENVIRONMENTAL REVIEW TTM 38924: PA22-0047	Printed Check	895.00
305024	11/25/2025	2063	CASC ENGINEERING AND CONSULTING INC	0053849	ENVIRONMENTAL REVIEW TTM 38924: PA22-0047	Printed Check	127.50
305037	12/4/2025	2063	CASC ENGINEERING AND CONSULTING INC	0054196	OCT '25 STORMWATER CONSULTING: PW	Printed Check	412.50
305079	12/18/2025	2063	CASC ENGINEERING AND CONSULTING INC	0054123	SEP '25 STORMWATER CONSULTING: PW	Printed Check	4,142.50
607918	11/26/2025	1280	CDW LLC	AG7S82K	PANASONIC TOUGHBOOK: SIGNAL TECH: ITSS	EFT Posted	3,211.61
607918	11/26/2025	1280	CDW LLC	AG7U63Q	MONITOR REPLACEMENT: COUNCIL CHAMBERS: ITSS	EFT Posted	2,055.09
607918	11/26/2025	1280	CDW LLC	AG7VE3K	SMALL TOOLS/EQUIPMENT: ITSS	EFT Posted	117.97
608005	12/11/2025	1280	CDW LLC	AG9BZ5B	SMALL TOOLS/EQUIPMENT: ITSS	EFT Posted	2,283.49
608055	12/18/2025	1280	CDW LLC	AH1KD7D	COMPUTER LIFECYCLE REPLACEMENT: ITSS	EFT Posted	23,236.34
608055	12/18/2025	1280	CDW LLC	AH1ZK4Q	COMPUTER LIFECYCLE REPLACEMENT: ITSS	EFT Posted	7,745.45
608055	12/18/2025	1280	CDW LLC	AH2IW3Q	SMALL TOOLS/EQUIPMENT: ITSS	EFT Posted	1,556.39
608055	12/18/2025	1280	CDW LLC	AH1RL9Q	SMALL TOOLS/EQUIPMENT: ITSS	EFT Posted	523.50
608055	12/18/2025	1280	CDW LLC	AH2H71P	SMALL TOOLS/EQUIPMENT: ITSS	EFT Posted	333.91
608142	12/24/2025	1280	CDW LLC	AH2UW2J	SMALL TOOLS/EQUIPMENT: ITSS	EFT Posted	237.65
305080	12/18/2025	1528	CERTIFION CORP	1125EP31197	NOV '25 SOFTWARE SUBSCRIPTION: PD	Printed Check	200.00
607919	11/26/2025	1100	CES HOLDINGS LLC	274865	POOL SUPPLIES: AQUATICS: PW	EFT Posted	785.12

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
607919	11/26/2025	1100	CES HOLDINGS LLC	277061	POOL SUPPLIES: AQUATICS: PW	EFT Posted	491.16
607919	11/26/2025	1100	CES HOLDINGS LLC	280260	POOL SUPPLIES: AQUATICS: PW	EFT Posted	473.30
607972	12/4/2025	1100	CES HOLDINGS LLC	279389	POOL SUPPLIES: AQUATICS: PW	EFT Posted	923.53
608143	12/24/2025	2116	CHA CONSULTING INC	2025-10LS 15-79LS	CONSTRUCTION MGMT SVCS: I-15/SR79 SOUTH: PW17-19	EFT Posted	79,875.00
305081	12/18/2025	1222	CHAPARRAL HIGH SCHOOL	Santa Parade '25	TRANSPORTATION: SANTA PARADE: TCSD	Printed Check	200.00
305038	12/4/2025	1942	CHRISTIAN STITCHERY INC	15987	SPORTS AWARDS AND UNIFORMS: TCSD	Printed Check	3,794.07
305082	12/18/2025	1942	CHRISTIAN STITCHERY INC	16031	SPORTS AWARDS AND UNIFORMS: TCSD	Printed Check	1,118.66
18998	11/7/2025	4410	CITY OF SANTA BARBARA	5331	PARKING: CCMF BOARD MEMBER MTG: CMO	Credit Card	66.00
607920	11/26/2025	1701	CLEAR IMAGE ENTERPRISES INC	19241	WINDOW WASHING SERVICE: TVE2: PW	EFT Posted	825.00
607920	11/26/2025	1701	CLEAR IMAGE ENTERPRISES INC	19242	WINDOW WASHING SERVICE: FOC: PW	EFT Posted	500.00
607920	11/26/2025	1701	CLEAR IMAGE ENTERPRISES INC	19243	WINDOW WASHING SERVICE: WEST WING: PW	EFT Posted	298.00
608144	12/24/2025	1701	CLEAR IMAGE ENTERPRISES INC	19315	PRESSURE WASHING: OLD TOWN: PW	EFT Posted	6,740.00
608144	12/24/2025	1701	CLEAR IMAGE ENTERPRISES INC	19316	PRESSURE WASHING: SENIOR CENTER: PW	EFT Posted	770.00
608056	12/18/2025	3043	COMMERCIAL CLEANING BY ROGERS	12575	NOV '25 JANITORIAL SVCS: MALL & OTSF: PD	EFT Posted	833.33
607921	11/26/2025	1276	COMMUNITY WORKS DESIGN GROUP LLC	16657	DESIGN CONSULTANT SVCS: RRSP SKATE PARK: PW22-07	EFT Posted	2,767.50
607922	11/26/2025	1046	COMPUTER ALERT SYSTEMS INC	124028	SMOKE DETECTORS SERVICE CALL: CIVIC CENTER: PW	EFT Posted	328.99
607922	11/26/2025	1046	COMPUTER ALERT SYSTEMS INC	124033	SMOKE DETECTORS SERVICE CALL: CIVIC CENTER: PW	EFT Posted	238.99
607973	12/4/2025	1046	COMPUTER ALERT SYSTEMS INC	124061	SERVICE CALL: FOC ALARM REPAIRS: PW	EFT Posted	285.75
608057	12/18/2025	1046	COMPUTER ALERT SYSTEMS INC	123235b	FIRE ALARM & BURGLAR MONITORING: FACILITIES: PW	EFT Posted	4,410.00
608057	12/18/2025	1046	COMPUTER ALERT SYSTEMS INC	123235d	FIRE ALARM & BURGLAR MONITORING: FACILITIES: PW	EFT Posted	1,680.00
608057	12/18/2025	1046	COMPUTER ALERT SYSTEMS INC	123235c	FIRE ALARM & BURGLAR MONITORING: FACILITIES: PW	EFT Posted	420.00
608057	12/18/2025	1046	COMPUTER ALERT SYSTEMS INC	124501	FIRE ALARM & BURGLAR MONITORING: PD	EFT Posted	225.00
608057	12/18/2025	1046	COMPUTER ALERT SYSTEMS INC	123235a	FIRE ALARM & BURGLAR MONITORING: FACILITIES: PW	EFT Posted	135.00
608006	12/11/2025	2338	CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	1069-1057864	LIGHTGRID SOFTWARE RENEWAL: STREET LIGHTS: ITSS	EFT Posted	25,327.88
607923	11/26/2025	1666	CORELOGIC INC	82273961	OCT SOFTWARE SUBSCRIPTION: CODE ENF: COMDV	EFT Posted	295.50
608007	12/11/2025	3130	CORTEZ GASTELUM MARIA VICTORIA	250830	NEWSPAPERS: MPSC: TCSD	EFT Posted	125.00
608007	12/11/2025	3130	CORTEZ GASTELUM MARIA VICTORIA	250928	NEWSPAPERS: MPSC: TCSD	EFT Posted	125.00
608007	12/11/2025	3130	CORTEZ GASTELUM MARIA VICTORIA	251026	NEWSPAPERS: MPSC: TCSD	EFT Posted	125.00
607974	12/4/2025	1771	COSSOU CELINE	1600.202 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	235.20
608058	12/18/2025	1771	COSSOU CELINE	1600.205-1645.202	INSTRUCTOR EARNINGS: TCSD	EFT Posted	1,770.30
608058	12/18/2025	1771	COSSOU CELINE	1620-1635.202 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	994.00
608145	12/24/2025	1849	COSTAR REALTY INFORMATION INC	123153690	DEC '25 WEB SUBSCRIPTION: COMSP	EFT Posted	1,420.68
18981	11/7/2025	1098	COSTCO	3985	REFRESHMENTS: MEETINGS: CC	Credit Card	65.25
608059	12/18/2025	2004	COX KRISTI	4100.209-4180.206	INSTRUCTOR EARNINGS: TCSD	EFT Posted	2,317.70
608059	12/18/2025	2004	COX KRISTI	4200.206 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	240.00
608059	12/18/2025	2004	COX KRISTI	4210.206 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	180.00
608146	12/24/2025	2004	COX KRISTI	4170.101 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	487.20
607924	11/26/2025	1592	CRAFTSMEN PLUMBING & HVAC INC	004567	PLUMBING REPAIRS: VARIOUS PARKS: PW	EFT Posted	465.00
608060	12/18/2025	1592	CRAFTSMEN PLUMBING & HVAC INC	004577	PLUMBING MAINTENANCE & REPAIRS: FIRE	EFT Posted	2,426.06
608060	12/18/2025	1592	CRAFTSMEN PLUMBING & HVAC INC	004572	PLUMBING MAINTENANCE & REPAIRS: FIRE	EFT Posted	635.00
608060	12/18/2025	1592	CRAFTSMEN PLUMBING & HVAC INC	004573	PLUMBING MAINTENANCE & REPAIRS: FIRE	EFT Posted	305.00
608008	12/11/2025	3607	CROWN CASTLE INC	1984099	FIBER SVCS: 44900 TEMECULA LANE: ITSS	EFT Posted	550.00
607925	11/26/2025	1195	DAISYECO INC	4086782	PRINTER AND PLOTTER SUPPLIES: ITSS	EFT Posted	4,270.56
305084	12/18/2025	3209	DATA PROCESSING DESIGN INC	EGOLD-12158671	CLOUD FAXING SERVICE: ITSS	Printed Check	75.99
608148	12/24/2025	1105	DATA TICKET INC	186547	OCT '25 CITATION PROCESSING: PD	EFT Posted	1,185.62
608148	12/24/2025	1105	DATA TICKET INC	186035	OCT '25 CITATION PROCESSING: PD	EFT Posted	200.00
607926	11/26/2025	1699	DAVID EVANS AND ASSOCIATES INC	600052	DIAZ ROAD EXPANSION: PW17-25	EFT Posted	25,321.73
608062	12/18/2025	1699	DAVID EVANS AND ASSOCIATES INC	604008	DIAZ ROAD EXPANSION: PW17-25	EFT Posted	39,625.87
305085	12/18/2025	1177	DAVID N M TURCH	Nov '25	FEDERAL LEGISLATIVE CONSULTANT SVCS: COMSP	Printed Check	5,500.00
305086	12/18/2025	2192	DE NOVO PLANNING GROUP	4885	GENERAL PLAN UPDATE: PW21-02: COMDV	Printed Check	81,995.50
607927	11/26/2025	2227	DG INVESTMENT	IN00405728	SECURITY SYSTEM LICENSING: ITSS	EFT Posted	37,168.00
608009	12/11/2025	2227	DG INVESTMENT	IN00410134	MAINT & REPAIR: SECURITY SYSTEM: ITSS	EFT Posted	495.00
608063	12/18/2025	2227	DG INVESTMENT	IN00415721	MAINT & REPAIR: SECURITY SYSTEM: ITSS	EFT Posted	2,377.02
608063	12/18/2025	2227	DG INVESTMENT	IN00413488	MAINT & REPAIR: SECURITY SYSTEM: ITSS	EFT Posted	1,988.00
608149	12/24/2025	2227	DG INVESTMENT	IN00413511	SECURITY SYSTEM: RRSP HOCKEY RINK: PW22-06: ITSS	EFT Posted	27,727.99
607975	12/4/2025	1235	DIAMOND ENVIRONMENTAL SERVICES	0006583871	PORTABLE RESTROOM RENTAL: RIVERTON LN: PW	EFT Posted	160.88
608010	12/11/2025	1235	DIAMOND ENVIRONMENTAL SERVICES	0006602623	FENCE RENTAL: JRC: PW	EFT Posted	95.00
608064	12/18/2025	1235	DIAMOND ENVIRONMENTAL SERVICES	0006583870	PORTABLE RESTROOM RENTAL: MARGARITA RD: PW	EFT Posted	1,389.39
608064	12/18/2025	1235	DIAMOND ENVIRONMENTAL SERVICES	0006583873	PORTABLE RESTROOM RENTAL: HARMONY LN: PW	EFT Posted	235.88
608064	12/18/2025	1235	DIAMOND ENVIRONMENTAL SERVICES	0006583869	PORTABLE RESTROOM RENTAL: LA SERENA WY: PW	EFT Posted	160.88
608064	12/18/2025	1235	DIAMOND ENVIRONMENTAL SERVICES	0006583872	PORTABLE RESTROOM RENTAL: N GENERAL KEARNY: PW	EFT Posted	160.88
608064	12/18/2025	1235	DIAMOND ENVIRONMENTAL SERVICES	0006605580	PORTABLE RESTROOMS: NIGHTHAWK PASS: PW	EFT Posted	160.88
608064	12/18/2025	1235	DIAMOND ENVIRONMENTAL SERVICES	0006597868	PORTABLE RESTROOM RENTAL: CHANNEL ST: PW	EFT Posted	156.97
608064	12/18/2025	1235	DIAMOND ENVIRONMENTAL SERVICES	0006583874	PORTABLE RESTROOM RENTAL: DE PORTOLA RD: PW	EFT Posted	156.97
608064	12/18/2025	1235	DIAMOND ENVIRONMENTAL SERVICES	0006583875	PORTABLE RESTROOM RENTAL: WALCOTT LN: PW	EFT Posted	156.97
608064	12/18/2025	1235	DIAMOND ENVIRONMENTAL SERVICES	0006583876	PORTABLE RESTROOM RENTAL: WINCHESTER RD: PW	EFT Posted	156.97
18960	11/3/2025	2200	DICKS SPORTING GOODS INC	2081	SUPPLIES: STAFF: TCSD	Credit Card	103.27
18964	11/3/2025	2200	DICKS SPORTING GOODS INC	5084	SUPPLIES: STAFF: TCSD	Credit Card	54.36

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
608065	12/18/2025	3810	DISABILITY SPORTS FOUNDATION	2000.202 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	50.00
608066	12/18/2025	2137	DIVERSIFIED WATERSCAPES INC	10007775	NOV '25 ANNUAL LAKE & POND MAINTENANCE: PARKS: PW	EFT Posted	8,190.00
305087	12/18/2025	1803	DOROTHY MCELHINNEY MIDDLE SCHOOL BAND	Santa Parade '25	TRANSPORTATION: SANTA PARADE: TCSD	Printed Check	200.00
18997	11/7/2025	4409	DRIFT SANTA BARBARA	7483	LODGING: CCMF BOARD MEMBER MTG: CMO	Credit Card	637.34
608069	12/18/2025	1678	DUDEK	202509773R	CONSTRUCTION MGMT SVCS: PW19-14	EFT Posted	5,920.00
608150	12/24/2025	1678	DUDEK	202509738	CONSTRUCTION MGMT SVCS: CIP: PW22-06	EFT Posted	38,541.93
19014	10/29/2025	3256	DUNKIN DONUTS	5248	REFRESHMENTS: DC LOBBYING TRIP: CMO	Credit Card	7.78
19029	11/7/2025	3256	DUNKIN DONUTS	5107	REFRESHMENTS: CAL CITIES CONFERENCE: CMO	Credit Card	4.94
608151	12/24/2025	2258	ECONOMIC ALTERNATIVES INC	CINV53410	DEC '25 WATER SYSTEMS MONITORING: FACILITIES: PW	EFT Posted	654.72
608075	12/18/2025	1664	EE VENDOR #1664	Reimb: 11/06/25	REIMB: UNIFORMS: CODE ENF: BLDSF	EFT Posted	123.27
608119	12/18/2025	2291	EE VENDOR #2291	Reimb: 11/24/25	REIMB: UNIFORMS: CODE ENF: BLDSF	EFT Posted	96.09
305058	12/11/2025	2503	EE VENDOR #2503	Reimb Motorcycle '25	REIMB: MOTORCYCLE TRAINING COURSE: PD	Printed Check	703.40
305055	12/9/2025	3350	EE VENDOR #3350	12/05/25	SETTLEMENT	Printed Check	171,290.24
607952	11/26/2025	3479	EE VENDOR #3479	10/30/25	REIMB: UNIFORMS: CODE ENF: BLDSF	EFT Posted	121.23
608162	12/24/2025	3742	EE VENDOR #3742	Reimb: 12/04/25	REIMB: SPECIAL EVENTS: TCSD	EFT Posted	100.50
608097	12/18/2025	3808	EE VENDOR #3808	Reimb: 11/04/25	REIMB: UNIFORMS: CODE ENF: BLDSF	EFT Posted	119.59
305042	12/4/2025	3834	EE VENDOR #3834	Reimb: '25 DC Trip	REIMB: DC LOBBYING TRIP: CC	Printed Check	137.00
608136	12/24/2025	3900	EE VENDOR #3900	Reimb: 12/01/25	REIMB: STAFF TRAINING/EDUCATION: PW	EFT Posted	950.00
608082	12/18/2025	4313	EE VENDOR #4313	11/03/25	REIMB: UNIFORMS: CODE ENF: BLDSF	EFT Posted	119.58
305097	12/18/2025	100	EE VENDOR #437	Reimb: 11/13/25	REIMB: SUPPLIES: TCSD	Printed Check	112.53
607936	11/26/2025	4388	EE VENDOR #4388	Reimb 10/11/25	REIMBURSE: REFRESHMENTS: PLAN	EFT Posted	53.96
608080	12/18/2025	4388	EE VENDOR #4388	Reimb: 11/24/25	REIMB: UNIFORMS: CODE ENF: BLDSF	EFT Posted	45.65
305029	11/25/2025	4396	EE VENDOR #4396	Reimb: 9/22-9/26/25	REIMB: TRAFFIC COLLISION INVESTIGATE TRAINING: PD	Printed Check	315.32
305070	12/11/2025	4396	EE VENDOR #4396	Reimb:10/27-10/31/25	REIMB: SFST/ARIDE TRAINING: PD	Printed Check	242.08
608012	12/11/2025	2385	EIDE BAILLY LLP	EI01970889	AUDIT SVCS: FIN	EFT Posted	8,900.00
608152	12/24/2025	2031	ELITE CLAIMS MANAGEMENT INC	2025-873	NOV '25 3RD PARTY CLAIM ADMIN: WC: HR	EFT Posted	1,250.00
607976	12/4/2025	1156	ENGINEERING RESOURCES OF SO CA	61967	ENGINEERING SVCS: PW20-11	EFT Posted	10,920.90
607928	11/26/2025	3515	ENSURITY MOBILE CORP	38079	GPS TRACKING AND MONITORING: PD	EFT Posted	407.81
305126	12/23/2025	1338	ENTERPRISE HOLDINGS INC	88033H	CAR RENTAL: ECDEV	Printed Check	448.44
305068	12/11/2025	4393	EPSILON OMEGA GROUP INC	CoT-001	DEC '25 EMPLOYEE QUARTERLY LUNCHEON: HR	Printed Check	9,000.00
19027	11/7/2025	4402	EQUINOX RESTAURANT	8361	REFRESHMENTS: DC LOBBYING TRIP: CMO	Credit Card	340.60
305088	12/18/2025	1004	ESGIL LLC	2687371	OCT '25 PLAN REVIEW SVCS: COMDV	Printed Check	24,404.22
19004	10/29/2025	1911	EVENTBRITE.COM	4920	REGISTRATION: CAYON LAKE STATE OF THE CITY: CMO	Credit Card	50.00
305060	12/11/2025	1366	EXHIBIT ENVOY	1608C2-Rev	EXHIBITION: AM I AN AMERICAN OR I AM NOT: TCSD	Printed Check	1,593.75
305089	12/18/2025	2469	EXP US SERVICES INC	159393	SANTA GERTRUDIS CREEK PHASE II: PW19-04	Printed Check	152.00
18959	11/3/2025	2749	EXTENDED STAY AMERICA	4612	LODGING: HOMELESS CLIENT: TCSD	Credit Card	1,334.76
18958	11/3/2025	2749	EXTENDED STAY AMERICA	5867	LODGING: HOMELESS CLIENT: TCSD	Credit Card	667.38
18942	11/6/2025	1998	EYEMED VISION CARE	Ben351291	VISION PLAN PAYMENT	Wire	2,093.07
305025	11/25/2025	1005	FEDERAL EXPRESS INC	8-963-61917	EXPRESS MAIL SVCS: ITSS	Printed Check	9.47
305039	12/4/2025	1005	FEDERAL EXPRESS INC	9-067-96131	EXPRESS MAIL SVCS: CLERK	Printed Check	16.61
305040	12/4/2025	1005	FEDERAL EXPRESS INC	9-059-07463a	EXPRESS MAIL SVCS: FIN	Printed Check	8.95
305040	12/4/2025	1005	FEDERAL EXPRESS INC	9-059-07463b	EXPRESS MAIL SVCS: HR	Printed Check	8.95
305090	12/18/2025	1005	FEDERAL EXPRESS INC	9-085-24235	EXPRESS MAIL SVCS: LAND DEV: PW	Printed Check	11.34
608153	12/24/2025	4191	FERGUSON US HOLDINGS INC	5948592	WATER HEATER: SENIOR CENTER: PWFR-11	EFT Posted	6,068.25
608013	12/11/2025	1109	FIELDMAN ROLAPP AND ASSOC	31291	FINANCIAL ADVISOR SVCS CFD 25-01 ELDERBERRY PK	EFT Posted	2,775.50
305061	12/11/2025	1219	FINE ARTS NETWORK	2nd Adv pmt IrvingB	ADV PMT: WHITE CHRISTMAS MUSICAL: TCSD	Printed Check	40,000.00
305091	12/18/2025	1219	FINE ARTS NETWORK	Perf: 11/22-11/23/25	STTLMNT: RIDE THE CYCLONE: TCSD	Printed Check	5,090.95
608190	12/24/2025	4338	FIRST TRADE LLC	2 PW19-14	FIRE STATION 84 RENOVATION: PW19-14	EFT Posted	89,975.64
608154	12/24/2025	1871	FLATIRON WEST INC	30	I-15 FRENCH VALLEY PKWY IMPROVEMENTS: PW16-01	EFT Posted	491,913.53
608154	12/24/2025	1871	FLATIRON WEST INC	Rel Ntc: Robertson's	RELEASE NOTICE: ROBERTSONS: PW16-01	EFT Posted	8,092.24
608154	12/24/2025	1871	FLATIRON WEST INC	Stp Ntc: Robertson's	STOP NOTICE: ROBERTSONS: PW16-01	EFT Posted	(8,092.24)
608071	12/18/2025	2582	FLOCK GROUP INC	INV-80441	LICENSE PLATE RECOGNITION CAMERAS: PD	EFT Posted	200,000.00
608072	12/18/2025	2643	FORENSIC NURSING OF SOCAL INC	XHOXM0M2-0002	NOV '25 SART EXAMS: PD	EFT Posted	1,200.00
305062	12/11/2025	1176	FRANCHISE TAX BOARD	Ben351365	WAGE GARNISHMENT PAYMENT	Printed Check	306.61
305063	12/11/2025	1176	FRANCHISE TAX BOARD	Ben351363	WAGE GARNISHMENT PAYMENT	Printed Check	150.00
19061	10/28/2025	2067	FRONTIER CALIFORNIA INC	VAR OCT '25	VARIOUS OCT INTERNET SVCS	Wire	707.21
305127	12/23/2025	2067	FRONTIER CALIFORNIA INC	951-676-3861	UTILITY: FLEXIBLE FAMILY ASSISTANCE: TCSD	Printed Check	64.83
305064	12/11/2025	1673	GEOCON WEST INC	725100424	GEOTECH & MATERIAL TESTING: PA25-0263: COMDV	Printed Check	1,495.00
305092	12/18/2025	1673	GEOCON WEST INC	725100423	GEOTECHNICAL REVIEW: LA PAZ ROUNDABOUT: PW25-04	Printed Check	4,107.50
607929	11/26/2025	2722	GEOTAB USA INC	IN459306	VEHICLE TELEMATICS: CITY FLEET: ITSS	EFT Posted	1,757.75
608155	12/24/2025	2722	GEOTAB USA INC	IN464110	VEHICLE TELEMATICS: CITY FLEET: ITSS	EFT Posted	1,757.75
608156	12/24/2025	3631	GIBBS SAVANNAH	2500-2550 2nd '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	4,431.00
608156	12/24/2025	3631	GIBBS SAVANNAH	2515.202-2555.202	INSTRUCTOR EARNINGS: TCSD	EFT Posted	1,257.20
608073	12/18/2025	2359	GILLIS AND PANICHAPAN ARCHITECTS INC	109162J	ARCHITECTURAL SVCS: CIP: PW19-14	EFT Posted	7,200.00
608157	12/24/2025	4133	GLOBAL INVESTIGATIVE SERVICES INC	105864	TENANT TRACKING SVCS: TVE2: COMSP	EFT Posted	156.00
19043	11/7/2025	1813	GODS FAN CLUB	8476	REGISTRATION: FUNDRAISER: CC	Credit Card	140.00
608074	12/18/2025	3527	GOLDEN STATE COMMUNICATIONS INC	SI09791	CHARGING BANKS: SPECIAL EVENTS: TCSD	EFT Posted	1,761.75
305041	12/4/2025	1108	GOVERNMENT TRAINING AGENCY	18208	EMPLOYMENT CONSORTIUM FEES: FY 25-26: HR	Printed Check	1,941.00

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
607930	11/26/2025	1225	GRAINGER	9699528338	MAINTENANCE SUPPLIES: STREETS: PW	EFT Posted	702.54
305093	12/18/2025	1457	GREAT OAK HIGH SCHOOL	Santa Parade '25	TRANSPORTATION: SANTA PARADE: TCSD	Printed Check	200.00
19015	10/29/2025	4415	GRILLE DISTRICT REAGAN NATIONAL AIRPORT	4848	REFRESHMENTS: DC LOBBYING TRIP: CMO	Credit Card	115.88
19005	10/29/2025	4412	GUERILLA VENDING	2189	REFRESHMENTS: DC LOBBYING TRIP: CMO	Credit Card	3.00
608116	12/18/2025	1383	HANCOCK LORENA	3700-3710.206 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	1,029.00
608040	12/18/2025	1110	HEALTH AND HUMAN RESOURCES CENTER INC	E0357281	DEC '25 EAP BENEFITS: HR	EFT Posted	1,619.80
608014	12/11/2025	1093	HEALTHPOINTE MEDICAL GROUP INC	42612-4719040	MEDICAL EMPLOYMENT SCREENING: HR	EFT Posted	350.00
608076	12/18/2025	1093	HEALTHPOINTE MEDICAL GROUP INC	42612-4731060	MEDICAL EMPLOYMENT SCREENING: HR	EFT Posted	175.00
607931	11/26/2025	1791	HELIXSTORM	18276	PALO ALTO RENEWAL:TRAFFIC, MPSC & THEATER: ITSS	EFT Posted	2,443.82
608015	12/11/2025	1791	HELIXSTORM	18448	CORE SWITCHES: CITY HALL: ITSS	EFT Posted	2,412.00
608077	12/18/2025	1791	HELIXSTORM	18465	VEEAM RENEWAL: ITSS	EFT Posted	43,304.36
608158	12/24/2025	1761	HESS JOHN PAUL	1693	VIDEOGRAPHY SVCS: SOTC: CMO	EFT Posted	750.00
19041	11/7/2025	1192	HOME DEPOT	5175	SMALL TOOLS/EQUIPMENT: FIRE	Credit Card	178.58
19011	10/29/2025	3244	HYATT REGENCY	0251	LODGING: DC LOBBYING TRIP: CMO	Credit Card	1,735.77
19009	10/29/2025	3244	HYATT REGENCY	5153	REFRESHMENTS: DC LOBBYING TRIP: CMO	Credit Card	16.73
18970	11/3/2025	3244	HYATT REGENCY	9121	LODGING: DC LOBBYING TRIP: PW	Credit Card	1,894.87
19026	11/7/2025	3244	HYATT REGENCY	0434	LODGING: CAL CITIES CONFERENCE: CMO	Credit Card	1,735.77
18993	11/7/2025	3244	HYATT REGENCY	0525	LODGING: CAL CITIES CONFERENCE: CMO	Credit Card	1,735.77
18985	11/7/2025	3244	HYATT REGENCY	8537	LODGING: DC LOBBYING TRIP: CC	Credit Card	1,230.23
19002	11/7/2025	3244	HYATT REGENCY	4765	LODGING: CAL CITIES CONFERENCE: CMO	Credit Card	1,034.88
19055	11/7/2025	3244	HYATT REGENCY	4054	LODGING: CAL CITIES CONFERENCE: CC	Credit Card	689.92
19038	11/7/2025	3244	HYATT REGENCY	5960	LODGING: CAL CITIES CONFERENCE: CMO	Credit Card	609.92
18984	11/7/2025	3244	HYATT REGENCY	1522	LODGING: CAL CITIES CONFERENCE: CMO	Credit Card	601.92
19003	11/7/2025	3244	HYATT REGENCY	0394	PARKING: CAL CITIES CONFERENCE: CMO	Credit Card	132.00
19039	11/7/2025	3244	HYATT REGENCY	0337	PARKING: CAL CITIES CONFERENCE: CMO	Credit Card	88.00
18990	11/7/2025	3244	HYATT REGENCY	1061	REFRESHMENTS: DC LOBBYING TRIP: CMO	Credit Card	73.60
19025	11/7/2025	3244	HYATT REGENCY	3655	REFRESHMENTS: CAL CITIES CONFERENCE: CMO	Credit Card	49.80
19053	11/7/2025	3244	HYATT REGENCY	3433	REFRESHMENTS: CAL CITIES CONFERENCE: CC	Credit Card	27.65
18983	11/7/2025	3244	HYATT REGENCY	3086	REFRESHMENTS: CAL CITIES CONFERENCE: CMO	Credit Card	24.12
19001	11/7/2025	3244	HYATT REGENCY	3060	REFRESHMENTS: CAL CITIES CONFERENCE: CMO	Credit Card	23.02
19036	11/7/2025	3244	HYATT REGENCY	4266	REFRESHMENTS: CAL CITIES CONFERENCE: CMO	Credit Card	22.12
19034	11/7/2025	3244	HYATT REGENCY	3128	REFRESHMENTS: CAL CITIES CONFERENCE: CMO	Credit Card	19.81
19050	11/7/2025	3244	HYATT REGENCY	7308	REFRESHMENTS: CAL CITIES CONFERENCE: CC	Credit Card	9.96
19037	11/7/2025	3244	HYATT REGENCY	4841	REFRESHMENTS: CAL CITIES CONFERENCE: CMO	Credit Card	7.64
19052	11/7/2025	3244	HYATT REGENCY	2815	REFRESHMENTS: CAL CITIES CONFERENCE: CC	Credit Card	6.64
19054	11/7/2025	3244	HYATT REGENCY	4734	REFRESHMENTS: CAL CITIES CONFERENCE: CC	Credit Card	6.64
19035	11/7/2025	3244	HYATT REGENCY	3144	REFRESHMENTS: CAL CITIES CONFERENCE: CMO	Credit Card	6.53
19149	11/25/2025	3244	HYATT REGENCY	5945	LODGING: CAL CITIES CONFERENCE: CC	Credit Card	650.92
608159	12/24/2025	1585	I P C INDUSTRIES INC	01-207497	GOLF CART RENTALS: SPECIAL EVENTS: TCSD	EFT Posted	7,224.60
608160	12/24/2025	1593	ICC GENERAL CODE INC	PG000044436	MUNICIPAL CODE SVCS: CLERK	EFT Posted	5,158.00
608078	12/18/2025	3911	IMEG CONSULTANTS CORP	24003461.03 - 3	ENGINEERING SVCS: FIRE STATION 73: PW19-13	EFT Posted	6,606.00
607932	11/26/2025	4340	IMPERIAL BAG & PAPER CO LLC	39354796	JANITORIAL SUPPLIES: PARKS: PW	EFT Posted	540.05
608079	12/18/2025	4340	IMPERIAL BAG & PAPER CO LLC	39753917	JANITORIAL SUPPLIES: PARKS: PW	EFT Posted	4,314.94
608079	12/18/2025	4340	IMPERIAL BAG & PAPER CO LLC	39605416	JANITORIAL SUPPLIES: PARKS: PW	EFT Posted	1,079.23
607933	11/26/2025	1352	INLAND EMPIRE PROPERTY SERVICES INC	41211	WEED ABATEMENT: CODE ENFORCEMENT: COMDV	EFT Posted	2,267.00
607933	11/26/2025	1352	INLAND EMPIRE PROPERTY SERVICES INC	41209	WEED ABATEMENT: CODE ENFORCEMENT: COMDV	EFT Posted	1,525.63
607933	11/26/2025	1352	INLAND EMPIRE PROPERTY SERVICES INC	41210	WEED ABATEMENT: CODE ENFORCEMENT: COMDV	EFT Posted	1,525.62
607977	12/4/2025	2564	INLAND FLEET SOLUTIONS INC	10245	REPAIR & MAINTENANCE - EQUIPMENT: STREETS: PW	EFT Posted	2,736.47
608161	12/24/2025	2564	INLAND FLEET SOLUTIONS INC	10313	REPAIR & MAINTENANCE - EQUIPMENT: STREETS: PW	EFT Posted	868.61
305111	12/18/2025	1533	INLAND VALLEY CLASSICAL BALLET THEATRE	Perf: 11/21-11/23/25	STTLMNT: NUTCRACKER BALLET: TCSD	Printed Check	46,430.95
608016	12/11/2025	1396	INNOVATIVE DOCUMENT SOLUTIONS	274937	OCT '25 COPIER REPAIRS AND MAINT: CITYWIDE: ITSS	EFT Posted	5,904.68
18946	11/6/2025	1047	INSTATAX EDD	Ben351315	STATE TAX PAYMENT	Wire	50,901.12
18924	10/28/2025	4323	INSTITUTE OF POLICE TECHNOLOGY AND MGMT	0782	REGISTRATION: INVESTIGATIVE MOTORCYCLE CRASHES: PD	Credit Card	(895.00)
607912	11/26/2025	3035	INTERFLEX PAYMENT LLC	INV918488	FSA & COBRA SVCS: HR	EFT Posted	473.25
607998	12/11/2025	3035	INTERFLEX PAYMENT LLC	Ben351375	FSA & COBRA SVCS: HR	EFT Posted	27,410.62
608182	12/24/2025	4261	INTERNATIONAL BROTHERHOOD OF 986 TCWH	Ben351353	DEC '25 UNION MEMBERSHIP DUES PAYMENT	EFT Posted	5,103.00
607978	12/4/2025	2085	INTERPRETERS UNLIMITED	433117	TRANSLATION SVCS: PD	EFT Posted	23.25
608017	12/11/2025	1757	INTRADO LIFE AND SAFETY INC	0100-008317	OCT ENTERPRISES 911 SVCS: ITSS	EFT Posted	330.14
19000	11/7/2025	4108	ISLANDS	9285	REFRESHMENTS: CAL CITIES CONFERENCE: CMO	Credit Card	22.33
607979	12/4/2025	2045	JAMES ELLIOTT ENTERTAINMENT	Perf: 11/14/25	STTLMNT: STONE SOUL: THEATER: TCSD	EFT Posted	5,460.00
607979	12/4/2025	2045	JAMES ELLIOTT ENTERTAINMENT	Perf: 11/13/25	STTLMNT: BLUE SUEDE CHRISTMAS: THEATER: TCSD	EFT Posted	4,963.00
607986	12/4/2025	3971	KELLY JOHN	PERF: 11/14/25	TICKET SALES AGMT: FRIDAY NIGHT LIVE IMPROV: TCSD	EFT Posted	61.95
305026	11/25/2025	1933	KELLY SPICERS INC	12055765	PAPER SUPPLIES: CENTRAL SVCS: ITSS	Printed Check	4,993.00
607934	11/26/2025	1090	KEYSER MARSTON ASSOCIATES INC	0040186	OCT '25 ON CALL CONSULTANT SVCS: COMDV	EFT Posted	19,781.25
607935	11/26/2025	3754	KIMLEY HORN AND ASSOCIATES INC	095382005-0925	REDHAWK SPECIFIC PLAN: CEQA REVIEW: COMDV	EFT Posted	645.42
305065	12/11/2025	1136	LAKE ELSINORE ANIMAL FRIENDS	DEC 2025	DEC '25 ANIMAL CONTROL SVCS: COMDV	Printed Check	11,252.19
19017	10/29/2025	1788	LAKE ELSINORE VALLEY CHAMBER OF COMMERCE	8330	REGISTRATION: STATE OF THE CITY: CMO	Credit Card	100.00
19047	11/7/2025	1788	LAKE ELSINORE VALLEY CHAMBER OF COMMERCE	7656	REGISTRATION: STATE OF THE CITY: CC	Credit Card	100.00

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
19032	11/7/2025	1788	LAKE ELSINORE VALLEY CHAMBER OF COMMERCE	0858	REGISTRATION: STATE OF THE CITY: CMO	Credit Card	100.00
18996	11/7/2025	1788	LAKE ELSINORE VALLEY CHAMBER OF COMMERCE	9298	REGISTRATION: STATE OF THE CITY: CMO	Credit Card	100.00
305027	11/25/2025	4074	LAS HACIENDAS HOUSING ASSOCIATES LP	11/13/25	CDBG RENTAL ASSISTANCE: HOMELESS PREVENTION: COMSP	Printed Check	3,298.48
305043	12/4/2025	4074	LAS HACIENDAS HOUSING ASSOCIATES LP	28101 COLORADO AVE	CDBG RENTAL ASSISTANCE: HOMELESS PREVENTION: COMSP	Printed Check	1,727.00
608081	12/18/2025	3111	LAWNSCAPE SYSTEMS INC	453904	WEED ABATEMENT: STREETS: PW	EFT Posted	81,705.00
608018	12/11/2025	2154	LEONIDA BUILDERS INC	25013-2	BRIDGE MAINTENANCE CONTRACTOR: PW23-08	EFT Posted	46,810.75
607937	11/26/2025	2278	LESO PAMELA	9587	CRIME PREVENTION SUPPLIES: PD	EFT Posted	854.25
607937	11/26/2025	2278	LESO PAMELA	9609	CRIME PREVENTION SUPPLIES: PD	EFT Posted	752.43
607937	11/26/2025	2278	LESO PAMELA	9607	CRIME PREVENTION SUPPLIES: PD	EFT Posted	590.90
607937	11/26/2025	2278	LESO PAMELA	9608-A	CRIME PREVENTION SUPPLIES: PD	EFT Posted	493.92
608083	12/18/2025	1320	LIEBERT CASSIDY WHITMORE	309041	OCT LEGAL SVCS: TE060-00022: HR	EFT Posted	12,949.35
608083	12/18/2025	1320	LIEBERT CASSIDY WHITMORE	309038	OCT LEGAL SVCS: TE060-00028: HR	EFT Posted	8,443.50
608083	12/18/2025	1320	LIEBERT CASSIDY WHITMORE	309040	OCT LEGAL SVCS: TE060-00024: HR	EFT Posted	6,670.50
608083	12/18/2025	1320	LIEBERT CASSIDY WHITMORE	309039	OCT LEGAL SVCS: TE060-00026: HR	EFT Posted	3,065.50
608083	12/18/2025	1320	LIEBERT CASSIDY WHITMORE	309042	OCT LEGAL SVCS: TE060-00011: HR	EFT Posted	640.00
608163	12/24/2025	1320	LIEBERT CASSIDY WHITMORE	308598	OCT LEGAL SVCS: TE060-00001: HR	EFT Posted	9,702.50
607938	11/26/2025	1216	LIFE ASSIST INC	2009859	CPR PROGRAM SUPPLIES: MEDIC: FIRE	EFT Posted	1,220.41
607938	11/26/2025	1216	LIFE ASSIST INC	2007909	EMERGENCY RESPONSE EQUIPMENT: TCSD	EFT Posted	(273.89)
608084	12/18/2025	1216	LIFE ASSIST INC	2022441	PARAMEDIC PROGRAM SUPPLIES: MEDIC: FIRE	EFT Posted	1,881.54
608084	12/18/2025	1216	LIFE ASSIST INC	2022556	PARAMEDIC PROGRAM SUPPLIES: MEDIC: FIRE	EFT Posted	185.34
19051	11/7/2025	4092	LONG BEACH CONVENTION CENTER	4965	REFRESHMENTS: CAL CITIES CONFERENCE: CC	Credit Card	14.37
608164	12/24/2025	3198	LOOMIS ARMORED US LLC	13867717	ARMORED CAR SVCS: FIN	EFT Posted	1,531.68
18992	11/7/2025	2271	LYFT	3627	TRANSPORTATION: DC LOBBYING TRIP: CMO	Credit Card	24.90
305066	12/11/2025	1806	M C I COMM SERVICE	7DK90589 11/17/25	NOV 7DK90589 XXX-3046 GEN USAGE: ITSS	Printed Check	37.04
305066	12/11/2025	1806	M C I COMM SERVICE	7DK89878 11/17/25	NOV 7DK89878 XXX-0714 USAGE MALL PD: ITSS	Printed Check	32.92
305044	12/4/2025	1224	MAIN STREET SIGNS	49130	FACILITY SIGNS: PW	Printed Check	153.67
608085	12/18/2025	1243	MANALILI DE VILLA AILEEN	1200.202-1206.203	INSTRUCTOR EARNINGS: TCSD	EFT Posted	4,053.00
607939	11/26/2025	2619	MARIPOSA TREE MANAGEMENT INC	4196	MITIGATION TREE TRIMMING & REMOVAL: LIBRARY: FIRE	EFT Posted	16,107.14
607939	11/26/2025	2619	MARIPOSA TREE MANAGEMENT INC	4194	ANNUAL TREE TRIMMING SVCS: PARKS: PW	EFT Posted	2,464.32
607939	11/26/2025	2619	MARIPOSA TREE MANAGEMENT INC	4197	TREE TRIMMING & REMOVAL: HARVESTON: PW	EFT Posted	2,209.89
607939	11/26/2025	2619	MARIPOSA TREE MANAGEMENT INC	4195	TREE TRIMMING & REMOVAL: HARVESTON: PW	EFT Posted	434.88
607980	12/4/2025	2619	MARIPOSA TREE MANAGEMENT INC	4167	ANNUAL TREE TRIMMING SVCS: PARKS: PW	EFT Posted	776.52
608086	12/18/2025	2619	MARIPOSA TREE MANAGEMENT INC	4191	TREE TRIMMING & REMOVAL: VAIL RANCH: PW	EFT Posted	1,195.92
608165	12/24/2025	2619	MARIPOSA TREE MANAGEMENT INC	4237	ANNUAL TREE TRIMMING SVCS: PARKS: PW	EFT Posted	8,936.85
608165	12/24/2025	2619	MARIPOSA TREE MANAGEMENT INC	4225	TREE TRIMMING & REMOVAL: WOODCREST: PW	EFT Posted	3,734.42
608165	12/24/2025	2619	MARIPOSA TREE MANAGEMENT INC	4231	TREE TRIMMING & REMOVAL: HARVESTON: PW	EFT Posted	3,116.64
608165	12/24/2025	2619	MARIPOSA TREE MANAGEMENT INC	4233	TREE TRIMMING & REMOVAL: HARVESTON: PW	EFT Posted	2,209.89
608165	12/24/2025	2619	MARIPOSA TREE MANAGEMENT INC	4235	TREE TRIMMING & REMOVAL: CITY FACILITIES: PW	EFT Posted	2,063.58
608165	12/24/2025	2619	MARIPOSA TREE MANAGEMENT INC	4234	ANNUAL ROW TREE TRIMMING SVCS: PARKS: PW	EFT Posted	1,874.85
608165	12/24/2025	2619	MARIPOSA TREE MANAGEMENT INC	4238	ANNUAL TREE TRIMMING SVCS: PARKS: PW	EFT Posted	1,740.80
608165	12/24/2025	2619	MARIPOSA TREE MANAGEMENT INC	4228	ANNUAL TREE TRIMMING SVCS: PARKS: PW	EFT Posted	1,174.91
608165	12/24/2025	2619	MARIPOSA TREE MANAGEMENT INC	4230	TREE TRIMMING & REMOVAL: VINTAGE HILLS: PW	EFT Posted	869.76
608165	12/24/2025	2619	MARIPOSA TREE MANAGEMENT INC	4226	TREE TRIMMING & REMOVAL: SUTTON PLACE: PW	EFT Posted	465.24
608166	12/24/2025	2619	MARIPOSA TREE MANAGEMENT INC	4227	ANNUAL ROW TREE TRIMMING SVCS: PARKS: PW	EFT Posted	292.62
608167	12/24/2025	2376	MARK THOMAS AND COMPANY INC	57775	ENGINEERING SVCS: LA PAZ ROUNDABOUT: PW25-04	EFT Posted	33,963.94
608168	12/24/2025	1996	MATCHETT VIVIAN	1320.205 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	235.20
608087	12/18/2025	2057	MDG ASSOCIATES INC	20252	OCT CONSULTING SVCS: CDBG ADMINISTRATION: COMDV	EFT Posted	7,545.00
608087	12/18/2025	2057	MDG ASSOCIATES INC	20253	OCT CONSULTING SVCS: CDBG-CV ADMINISTRATION: COMDV	EFT Posted	3,975.00
608019	12/11/2025	1185	METLIFE SMALL BUSINESS CENTER	Ben351347	METLIFE DENTAL PAYMENT – DIVISION 0001	EFT Posted	16,290.07
607981	12/4/2025	2259	MICHELLE MEDINA	1040.203 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	551.25
608020	12/11/2025	2259	MICHELLE MEDINA	1040.204-1045.204	INSTRUCTOR EARNINGS: TCSD	EFT Posted	1,260.00
608088	12/18/2025	1795	MIKO MOUNTAINLION INC	1220	REGRADING: RRSP: PWPI-14	EFT Posted	21,500.00
608089	12/18/2025	1681	MIRANDA JULIO CESAR	3600-3630.206 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	1,161.30
19044	11/7/2025	4404	MISSION HOPE	1305	REGISTRATION: FUNDRAISER: CC	Credit Card	100.00
19048	11/7/2025	4404	MISSION HOPE	2332	REGISTRATION: FUNDRAISER: CC	Credit Card	100.00
608090	12/18/2025	1118	MIYAMOTO JURKOSKY SUSAN	2900.203-2900.204	INSTRUCTOR EARNINGS: TCSD	EFT Posted	693.00
607940	11/26/2025	1287	MOORE FENCE COMPANY INC	25-8581	FENCE INSTALLATION: PALOMA DEL SOL PARK: PWPI-14	EFT Posted	5,303.28
608091	12/18/2025	1240	MORAMARCO ANTHONY J	2065.205-2070.205	INSTRUCTOR EARNINGS: TCSD	EFT Posted	784.00
608091	12/18/2025	1240	MORAMARCO ANTHONY J	2040.204-2047.206	INSTRUCTOR EARNINGS: TCSD	EFT Posted	511.00
608091	12/18/2025	1240	MORAMARCO ANTHONY J	Nov '25	EVENT SVCS: SPECIAL EVENTS: TCSD	EFT Posted	400.00
19016	10/29/2025	2248	MURRIETA WILDOMAR CHAMBER OF COMMERCE	1428	REGISTRATION: STATE OF THE CITY: CMO	Credit Card	60.00
18987	11/7/2025	2248	MURRIETA WILDOMAR CHAMBER OF COMMERCE	2196	REGISTRATION: STATE OF THE CITY: CC	Credit Card	60.00
19046	11/7/2025	2248	MURRIETA WILDOMAR CHAMBER OF COMMERCE	2797	REGISTRATION: STATE OF THE CITY: CC	Credit Card	60.00
19030	11/7/2025	2248	MURRIETA WILDOMAR CHAMBER OF COMMERCE	0328	REGISTRATION: STATE OF THE CITY: CMO	Credit Card	60.00
18995	11/7/2025	2248	MURRIETA WILDOMAR CHAMBER OF COMMERCE	8918	REGISTRATION: STATE OF THE CITY: CMO	Credit Card	60.00
19042	11/7/2025	2248	MURRIETA WILDOMAR CHAMBER OF COMMERCE	3571	REGISTRATION: STATE OF THE DISTRICT: CC	Credit Card	60.00
18999	11/7/2025	2248	MURRIETA WILDOMAR CHAMBER OF COMMERCE	1279	REGISTRATION: STATE OF THE CITY: CMO	Credit Card	50.00
19049	11/7/2025	2248	MURRIETA WILDOMAR CHAMBER OF COMMERCE	1842	REGISTRATION: STATE OF THE DISTRICT: CC	Credit Card	50.00

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
18982	11/7/2025	2248	MURRIETA WILDOMAR CHAMBER OF COMMERCE	1978	REGISTRATION: STATE OF THE DISTRICT: CC	Credit Card	50.00
19045	11/7/2025	2248	MURRIETA WILDOMAR CHAMBER OF COMMERCE	2251	REGISTRATION: STATE OF THE DISTRICT: CC	Credit Card	50.00
18988	11/7/2025	2248	MURRIETA WILDOMAR CHAMBER OF COMMERCE	2439	REGISTRATION: STATE OF THE DISTRICT: CC	Credit Card	50.00
19033	11/7/2025	2248	MURRIETA WILDOMAR CHAMBER OF COMMERCE	2972	REGISTRATION: STATE OF THE DISTRICT: CMO	Credit Card	50.00
19107	11/28/2025	2248	MURRIETA WILDOMAR CHAMBER OF COMMERCE	1613	REGISTRATION: STATE OF THE DISTRICT: PW	Credit Card	100.00
305045	12/4/2025	2032	NATIONAL SAFETY COMPLIANCE INC	39125	DOT ALCOHOL TESTING PROGRAM: HR	Printed Check	449.70
18948	11/6/2025	1038	NATIONWIDE RETIREMENT SOLUTION	Ben351319	OBRA - PROJECT RETIREMENT PAYMENT	Wire	6,840.46
305094	12/18/2025	2188	NETFILE INC	10606	CAMPAIGN E-FILING & ADMIN SYSTEM: CLERK	Printed Check	7,700.00
607941	11/26/2025	2578	NIEVES LANDSCAPE LLC	82807	OCT '25 LANDSCAPE SVCS: LEVEL C SLOPES: PW	EFT Posted	36,335.26
607941	11/26/2025	2578	NIEVES LANDSCAPE LLC	82808	OCT '25 LANDSCAPE MAINT SVCS: LEVEL C SLOPES: PW	EFT Posted	29,091.35
607941	11/26/2025	2578	NIEVES LANDSCAPE LLC	83083	IRRIGATION REPAIRS: WOODCREST: PW	EFT Posted	1,200.00
607941	11/26/2025	2578	NIEVES LANDSCAPE LLC	83082	IRRIGATION REPAIRS: YNEZ MEDIANS: PW	EFT Posted	742.72
607941	11/26/2025	2578	NIEVES LANDSCAPE LLC	83060	IRRIGATION REPAIRS: RANCHO CALIF MEDIANS: PW	EFT Posted	615.00
607941	11/26/2025	2578	NIEVES LANDSCAPE LLC	83079	LANDSCAPE MAINTENANCE: MEADOWS PARK: PW	EFT Posted	600.00
607941	11/26/2025	2578	NIEVES LANDSCAPE LLC	83081	LANDSCAPE REHABILITATION: RIDGEVIEW: PW	EFT Posted	600.00
607941	11/26/2025	2578	NIEVES LANDSCAPE LLC	83070	IRRIGATION REPAIRS: WOLF CREEK: PW	EFT Posted	570.80
607941	11/26/2025	2578	NIEVES LANDSCAPE LLC	83071	IRRIGATION REPAIRS: WOLF CREEK: PW	EFT Posted	570.80
607941	11/26/2025	2578	NIEVES LANDSCAPE LLC	83063	IRRIGATION REPAIRS: RANCH SOMMER: PW	EFT Posted	559.10
607942	11/26/2025	2578	NIEVES LANDSCAPE LLC	83064	IRRIGATION REPAIRS: WOLF CREEK: PW	EFT Posted	546.03
607942	11/26/2025	2578	NIEVES LANDSCAPE LLC	83078	IRRIGATION REPAIRS: SOLANA WAY: PW	EFT Posted	526.61
607942	11/26/2025	2578	NIEVES LANDSCAPE LLC	82974	IRRIGATION REPAIRS: HARVESTON: PW	EFT Posted	491.05
607942	11/26/2025	2578	NIEVES LANDSCAPE LLC	83065	IRRIGATION REPAIRS: PAUBA RIDGE PARK: PW	EFT Posted	470.26
607942	11/26/2025	2578	NIEVES LANDSCAPE LLC	83066	IRRIGATION REPAIRS: LOMA LINDA PARK: PW	EFT Posted	452.37
607942	11/26/2025	2578	NIEVES LANDSCAPE LLC	83074	IRRIGATION REPAIRS: SOLANA WAY: PW	EFT Posted	443.13
607942	11/26/2025	2578	NIEVES LANDSCAPE LLC	83073	IRRIGATION REPAIRS: VETERANS PARK: PW	EFT Posted	404.69
607942	11/26/2025	2578	NIEVES LANDSCAPE LLC	83075	IRRIGATION REPAIRS: HARVESTON: PW	EFT Posted	395.21
607942	11/26/2025	2578	NIEVES LANDSCAPE LLC	83061	IRRIGATION REPAIRS: YNEZ RD MEDIANS: PW	EFT Posted	344.45
607942	11/26/2025	2578	NIEVES LANDSCAPE LLC	83067	IRRIGATION REPAIRS: VAIL RANCH: PW	EFT Posted	339.16
607943	11/26/2025	2578	NIEVES LANDSCAPE LLC	83068	IRRIGATION REPAIRS: VAIL RANCH: PW	EFT Posted	332.80
607943	11/26/2025	2578	NIEVES LANDSCAPE LLC	83069	IRRIGATION REPAIRS: VAIL RANCH: PW	EFT Posted	316.41
607943	11/26/2025	2578	NIEVES LANDSCAPE LLC	82975	IRRIGATION REPAIRS: MARTINIQUE: PW	EFT Posted	303.78
607943	11/26/2025	2578	NIEVES LANDSCAPE LLC	82981	IRRIGATION REPAIRS: VILLAGE GREEN: PW	EFT Posted	285.22
607943	11/26/2025	2578	NIEVES LANDSCAPE LLC	82979	IRRIGATION REPAIRS: WOLF CREEK: PW	EFT Posted	285.22
607943	11/26/2025	2578	NIEVES LANDSCAPE LLC	82971	IRRIGATION REPAIRS: DATE: PW	EFT Posted	284.17
607943	11/26/2025	2578	NIEVES LANDSCAPE LLC	82976	IRRIGATION REPAIRS: HARVESTON: PW	EFT Posted	283.26
607943	11/26/2025	2578	NIEVES LANDSCAPE LLC	82973	IRRIGATION REPAIRS: TCC: PW	EFT Posted	283.26
607943	11/26/2025	2578	NIEVES LANDSCAPE LLC	83077	IRRIGATION REPAIRS: CAMPOS VERDES: PW	EFT Posted	283.25
607943	11/26/2025	2578	NIEVES LANDSCAPE LLC	82977	IRRIGATION REPAIRS: VINTAGE HILLS: PW	EFT Posted	251.76
607944	11/26/2025	2578	NIEVES LANDSCAPE LLC	82980	IRRIGATION REPAIRS: LOMA LINDA PARK: PW	EFT Posted	217.93
607944	11/26/2025	2578	NIEVES LANDSCAPE LLC	82978	IRRIGATION REPAIRS: WOLF CREEK: PW	EFT Posted	133.75
607944	11/26/2025	2578	NIEVES LANDSCAPE LLC	83072	IRRIGATION REPAIRS: TEMEKU HILLS: PW	EFT Posted	97.60
607944	11/26/2025	2578	NIEVES LANDSCAPE LLC	83076	IRRIGATION REPAIRS: CAMPOS VERDES: PW	EFT Posted	97.18
607982	12/4/2025	2578	NIEVES LANDSCAPE LLC	83231	REMEDIAL LANDSCAPE SVCS: SERENA HILLS: PW	EFT Posted	4,950.00
607982	12/4/2025	2578	NIEVES LANDSCAPE LLC	83230	REMEDIAL LANDSCAPE SVCS: REDHAWK MEDIANS: PW	EFT Posted	4,000.00
607982	12/4/2025	2578	NIEVES LANDSCAPE LLC	83062	IRRIGATION REPAIRS: TEMEKU HILLS PARK: PW	EFT Posted	1,212.84
608092	12/18/2025	2578	NIEVES LANDSCAPE LLC	83130	NOV '25 LANDSCAPE SVCS: VARIOUS SITES: PW	EFT Posted	82,189.35
608092	12/18/2025	2578	NIEVES LANDSCAPE LLC	83127	NOV '25 LANDSCAPE SVCS: VARIOUS SITES: PW	EFT Posted	63,712.58
608092	12/18/2025	2578	NIEVES LANDSCAPE LLC	83128	NOV '25 LANDSCAPE SVCS: LEVEL C SLOPES: PW	EFT Posted	36,335.26
608092	12/18/2025	2578	NIEVES LANDSCAPE LLC	83129	NOV '25 LANDSCAPE SVCS: LEVEL C SLOPES: PW	EFT Posted	29,091.35
608092	12/18/2025	2578	NIEVES LANDSCAPE LLC	83126	NOV '25 LANDSCAPE SVCS: VARIOUS SITES: PW	EFT Posted	24,521.67
608092	12/18/2025	2578	NIEVES LANDSCAPE LLC	82803b	OCT '25 LANDSCAPE SVCS: FACILITIES: PW	EFT Posted	6,906.81
608092	12/18/2025	2578	NIEVES LANDSCAPE LLC	83124b	NOV '25 LANDSCAPE SVCS: FACILITIES: PW	EFT Posted	4,717.13
608092	12/18/2025	2578	NIEVES LANDSCAPE LLC	83124a	NOV '25 LANDSCAPE SVCS: FACILITIES: PW	EFT Posted	3,370.29
608092	12/18/2025	2578	NIEVES LANDSCAPE LLC	82803a	OCT '25 LANDSCAPE SVCS: FACILITIES: PW	EFT Posted	3,370.29
608092	12/18/2025	2578	NIEVES LANDSCAPE LLC	83124d	NOV '25 LANDSCAPE SVCS: FACILITIES: PW	EFT Posted	2,583.57
608093	12/18/2025	2578	NIEVES LANDSCAPE LLC	82803d	OCT '25 LANDSCAPE SVCS: FACILITIES: PW	EFT Posted	2,583.57
608093	12/18/2025	2578	NIEVES LANDSCAPE LLC	83125	NOV '25 LANDSCAPE SVCS: FIRE	EFT Posted	2,189.68
608093	12/18/2025	2578	NIEVES LANDSCAPE LLC	83273	REMEDIAL LANDSCAPE SVCS: REMEMBRANCE TREE: PW	EFT Posted	1,400.00
608093	12/18/2025	2578	NIEVES LANDSCAPE LLC	83124c	NOV '25 LANDSCAPE SVCS: FACILITIES: PW	EFT Posted	1,235.66
608093	12/18/2025	2578	NIEVES LANDSCAPE LLC	82803c	OCT '25 LANDSCAPE SVCS: FACILITIES: PW	EFT Posted	1,235.66
608169	12/24/2025	2578	NIEVES LANDSCAPE LLC	83368	IRRIGATION REPAIRS: DUCK POND PARK: PW	EFT Posted	1,744.18
608169	12/24/2025	2578	NIEVES LANDSCAPE LLC	83367	IRRIGATION REPAIRS: HARVESTON: PW	EFT Posted	900.00
608169	12/24/2025	2578	NIEVES LANDSCAPE LLC	83365	IRRIGATION REPAIRS: MEADOWS PKWY: PW	EFT Posted	716.21
608169	12/24/2025	2578	NIEVES LANDSCAPE LLC	83229	IRRIGATION REPAIRS: CROWN HILL PARK: PW	EFT Posted	627.39
608169	12/24/2025	2578	NIEVES LANDSCAPE LLC	83237	IRRIGATION REPAIRS: VAIL RANCH: PW	EFT Posted	505.46
608169	12/24/2025	2578	NIEVES LANDSCAPE LLC	83364	IRRIGATION REPAIRS: PALOMA DEL SOL PARK: PW	EFT Posted	496.50
608169	12/24/2025	2578	NIEVES LANDSCAPE LLC	83363	IRRIGATION REPAIRS: REDHAWK COMM PARK: PW	EFT Posted	392.26
608169	12/24/2025	2578	NIEVES LANDSCAPE LLC	83228	IRRIGATION REPAIRS: MARTINIQUE: PW	EFT Posted	358.55

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
608169	12/24/2025	2578	NIEVES LANDSCAPE LLC	83224	IRRIGATION REPAIRS: VINTAGE HILLS: PW	EFT Posted	346.78
608169	12/24/2025	2578	NIEVES LANDSCAPE LLC	83227	IRRIGATION REPAIRS: SAM HICKS PARK: PW	EFT Posted	346.74
608170	12/24/2025	2578	NIEVES LANDSCAPE LLC	83235	IRRIGATION REPAIRS: VINTAGE HILLS: PW	EFT Posted	313.56
608170	12/24/2025	2578	NIEVES LANDSCAPE LLC	83225	IRRIGATION REPAIRS: VILLAGE RANCHO: PW	EFT Posted	291.89
608170	12/24/2025	2578	NIEVES LANDSCAPE LLC	83223	IRRIGATION REPAIRS: VINTAGE HILLS: PW	EFT Posted	291.10
608170	12/24/2025	2578	NIEVES LANDSCAPE LLC	83236	IRRIGATION REPAIRS: PBSP: PW	EFT Posted	142.98
608170	12/24/2025	2578	NIEVES LANDSCAPE LLC	83226	IRRIGATION REPAIRS: MPSC GARDEN: PW	EFT Posted	117.09
608170	12/24/2025	2578	NIEVES LANDSCAPE LLC	83239	IRRIGATION REPAIRS: PBSP: PW	EFT Posted	97.60
608094	12/18/2025	1511	NV5 INC	484383	CIP CONSULTANT SVCS: CM22-01	EFT Posted	13,780.50
607945	11/26/2025	2496	OLD TOWN TIRE AND SERVICE INC	080893	REPAIR & MAINTENANCE: CODE ENFORCEMENT: COMDV	EFT Posted	50.53
607984	12/4/2025	2496	OLD TOWN TIRE AND SERVICE INC	081086	REPAIR & MAINTENANCE - VEHICLE: TCSD	EFT Posted	1,834.33
607984	12/4/2025	2496	OLD TOWN TIRE AND SERVICE INC	080217	REPAIR & MAINTENANCE - VEHICLE: PD	EFT Posted	275.95
607984	12/4/2025	2496	OLD TOWN TIRE AND SERVICE INC	081165	REPAIR & MAINTENANCE - VEHICLE: PW	EFT Posted	139.29
607984	12/4/2025	2496	OLD TOWN TIRE AND SERVICE INC	081116	REPAIR & MAINTENANCE - VEHICLE: CIP: PW	EFT Posted	89.73
607984	12/4/2025	2496	OLD TOWN TIRE AND SERVICE INC	081119	REPAIR & MAINTENANCE - VEHICLE: CIP: PW	EFT Posted	73.49
607984	12/4/2025	2496	OLD TOWN TIRE AND SERVICE INC	081122	REPAIR & MAINTENANCE - VEHICLE: PD	EFT Posted	35.05
608021	12/11/2025	2496	OLD TOWN TIRE AND SERVICE INC	081171	REPAIR & MAINTENANCE - VEHICLE: PD	EFT Posted	59.21
608021	12/11/2025	2496	OLD TOWN TIRE AND SERVICE INC	081115	REPAIR & MAINTENANCE - VEHICLE: FIRE	EFT Posted	30.00
608096	12/18/2025	2496	OLD TOWN TIRE AND SERVICE INC	081184	REPAIR & MAINTENANCE - VEHICLE: PW	EFT Posted	103.31
608096	12/18/2025	2496	OLD TOWN TIRE AND SERVICE INC	081045	REPAIR & MAINTENANCE - VEHICLE: COMDV	EFT Posted	89.73
608171	12/24/2025	2496	OLD TOWN TIRE AND SERVICE INC	081161	REPAIR & MAINTENANCE - VEHICLE: PW	EFT Posted	979.65
608171	12/24/2025	2496	OLD TOWN TIRE AND SERVICE INC	081239	REPAIR & MAINTENANCE - VEHICLE: PW	EFT Posted	274.01
608171	12/24/2025	2496	OLD TOWN TIRE AND SERVICE INC	081178	REPAIR & MAINTENANCE - VEHICLE: PW	EFT Posted	79.24
608171	12/24/2025	2496	OLD TOWN TIRE AND SERVICE INC	081320	REPAIR & MAINTENANCE - VEHICLE: PW	EFT Posted	50.53
607983	12/4/2025	3040	OLD TOWN WISE RIDERS INC	211605	REPAIR & MAINTENANCE - VEHICLE: PD	EFT Posted	1,437.63
608095	12/18/2025	3040	OLD TOWN WISE RIDERS INC	212313	REPAIR & MAINTENANCE - VEHICLE: PD	EFT Posted	642.36
18963	11/3/2025	4398	ORGANIC ROOTS	9115	GIFT CARD: HOMELESS CLIENT: TCSD	Credit Card	75.00
608172	12/24/2025	1948	PACIFIC PLAY SYSTEMS INC	2024-2226	POLE CLIMB HALF DISC: MIKE NAGGAR PARK: PWPG-13	EFT Posted	1,760.00
305098	12/18/2025	1412	PALOMA VALLEY HIGH SCHOOL	Santa Parade '25	TRANSPORTATION: SANTA PARADE: TCSD	Printed Check	200.00
19031	11/7/2025	1401	PAYPAL	4630	REGISTRATION: CITY MANAGER'S SEMINAR: CMO	Credit Card	675.00
18986	11/7/2025	1401	PAYPAL	2318	REGISTRATION: FUNDRAISER: CC	Credit Card	130.03
18980	11/7/2025	1401	PAYPAL	0821	VERISIGN PAYFLOW PRO TRANSACTION: TCSD	Credit Card	100.40
18968	11/7/2025	1401	PAYPAL	7230	VERISIGN PAYFLOW PRO TRANSACTION: FIN	Credit Card	25.00
305069	12/11/2025	3462	PECHANGA RESORTS INC	1700.206-1710.206	INSTRUCTOR EARNINGS: TCSD	Printed Check	1,820.00
18955	11/3/2025	4324	PEDEGO TEMECULA	2023	SUPPLIES: RESOURCES CENTER: TCSD	Credit Card	71.76
607946	11/26/2025	4350	PERMITECH SOLUTIONS CORPORATION	124	WIRELESS FACILITIES CONSULTANT SVCS: COMDV	EFT Posted	2,029.43
607917	11/26/2025	4384	PILOT TRAVEL CENTER LLC	1122716	FUEL FOR CITY VEHICLES: PARK MAINT: PW	EFT Posted	2,260.93
607917	11/26/2025	4384	PILOT TRAVEL CENTER LLC	1129042	FUEL FOR CITY VEHICLES: PARK MAINT: PW	EFT Posted	1,729.13
607917	11/26/2025	4384	PILOT TRAVEL CENTER LLC	1122719	FUEL FOR CITY VEHICLES: BLDG & SAFETY: COMDV	EFT Posted	336.54
607917	11/26/2025	4384	PILOT TRAVEL CENTER LLC	1128221	FUEL FOR CITY VEHICLES: CODE ENFORCEMENT: BLDSF	EFT Posted	200.42
607917	11/26/2025	4384	PILOT TRAVEL CENTER LLC	1129058	FUEL FOR CITY VEHICLES: EOC: FIRE	EFT Posted	79.03
607917	11/26/2025	4384	PILOT TRAVEL CENTER LLC	1128537	FUEL FOR CITY VEHICLES: FIRE	EFT Posted	77.47
607917	11/26/2025	4384	PILOT TRAVEL CENTER LLC	1130348	FUEL FOR CITY VEHICLES: CODE ENFORCEMENT: BLDSF	EFT Posted	51.63
607917	11/26/2025	4384	PILOT TRAVEL CENTER LLC	1120268	FUEL FOR CITY VEHICLES: CODE ENFORCEMENT: BLDSF	EFT Posted	48.41
607917	11/26/2025	4384	PILOT TRAVEL CENTER LLC	1129044	FUEL FOR CITY VEHICLES: PD	EFT Posted	27.42
607971	12/4/2025	4384	PILOT TRAVEL CENTER LLC	1129059	FUEL FOR CITY VEHICLES: TRAFFIC: PW	EFT Posted	90.01
607971	12/4/2025	4384	PILOT TRAVEL CENTER LLC	1129043	FUEL FOR CITY VEHICLES: LAND DEV: PW	EFT Posted	56.20
608054	12/18/2025	4384	PILOT TRAVEL CENTER LLC	1136210	FUEL FOR CITY VEHICLES: FIRE	EFT Posted	410.25
608054	12/18/2025	4384	PILOT TRAVEL CENTER LLC	1139391	FUEL FOR CITY VEHICLES: TCSD	EFT Posted	185.33
608054	12/18/2025	4384	PILOT TRAVEL CENTER LLC	1129046	FUEL FOR CITY VEHICLES: LAND DEV: PW	EFT Posted	119.62
608054	12/18/2025	4384	PILOT TRAVEL CENTER LLC	1136715	FUEL FOR CITY VEHICLES: TCSD	EFT Posted	116.58
608054	12/18/2025	4384	PILOT TRAVEL CENTER LLC	1136713	FUEL FOR CITY VEHICLES: EOC: FIRE	EFT Posted	88.87
608054	12/18/2025	4384	PILOT TRAVEL CENTER LLC	1129045	FUEL FOR CITY VEHICLES: BLDG & SAFETY: COMDV	EFT Posted	83.58
608054	12/18/2025	4384	PILOT TRAVEL CENTER LLC	1136699	FUEL FOR CITY VEHICLES: PD	EFT Posted	81.72
608054	12/18/2025	4384	PILOT TRAVEL CENTER LLC	1136701	FUEL FOR CITY VEHICLES: CMO	EFT Posted	50.35
608054	12/18/2025	4384	PILOT TRAVEL CENTER LLC	1139377	FUEL FOR CITY VEHICLES: PD	EFT Posted	28.49
608054	12/18/2025	4384	PILOT TRAVEL CENTER LLC	1138829	FUEL FOR CITY VEHICLES: FIRE	EFT Posted	15.41
608141	12/24/2025	4384	PILOT TRAVEL CENTER LLC	1136697	FUEL FOR CITY VEHICLES: PARK MAINT: PW	EFT Posted	1,685.84
608141	12/24/2025	4384	PILOT TRAVEL CENTER LLC	1139376	FUEL FOR CITY VEHICLES: PARK MAINT: PW	EFT Posted	1,490.09
608141	12/24/2025	4384	PILOT TRAVEL CENTER LLC	1136703	FUEL FOR CITY VEHICLES: STREET MAINT: PW	EFT Posted	1,346.09
608141	12/24/2025	4384	PILOT TRAVEL CENTER LLC	1139380	FUEL FOR CITY VEHICLES: STREET MAINT: PW	EFT Posted	935.08
608141	12/24/2025	4384	PILOT TRAVEL CENTER LLC	1136714	FUEL FOR CITY VEHICLES: TRAFFIC: PW	EFT Posted	464.65
608141	12/24/2025	4384	PILOT TRAVEL CENTER LLC	1139390	FUEL FOR CITY VEHICLES: TRAFFIC: PW	EFT Posted	417.58
608141	12/24/2025	4384	PILOT TRAVEL CENTER LLC	1146530	FUEL FOR CITY VEHICLES: TCSD	EFT Posted	193.79
608141	12/24/2025	4384	PILOT TRAVEL CENTER LLC	1146516	FUEL FOR CITY VEHICLES: PD	EFT Posted	13.51
607985	12/4/2025	3271	POWERSPORTS UNLIMITED INC	50592	REPAIR & MAINTENANCE - VEHICLE: PD	EFT Posted	834.16
608173	12/24/2025	3271	POWERSPORTS UNLIMITED INC	50710	REPAIR & MAINTENANCE - VEHICLE: PD	EFT Posted	433.60
608173	12/24/2025	3271	POWERSPORTS UNLIMITED INC	50709	REPAIR & MAINTENANCE - VEHICLE: PD	EFT Posted	72.12

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
608023	12/11/2025	1493	PREMIER MARKETING INC	3826	EVENT SVCS: HUMAN SVCS: TCSD	EFT Posted	850.00
608098	12/18/2025	1493	PREMIER MARKETING INC	3664	PERFORMANCE AND EVENTS SVCS: SPECIAL EVENTS: TCSD	EFT Posted	750.00
608098	12/18/2025	1493	PREMIER MARKETING INC	3663	PERFORMANCE AND EVENTS SVCS: SPECIAL EVENTS: TCSD	EFT Posted	475.00
18969	11/7/2025	1020	PRESS ENTERPRISE COMPANY INC	8362	ONLINE SUBSCRIPTION: CLERK	Credit Card	26.00
18979	11/7/2025	1020	PRESS ENTERPRISE COMPANY INC	8255	ONLINE SUBSCRIPTION: TCSD	Credit Card	26.00
608099	12/18/2025	1721	PRO ACTIVE FIRE DESIGN AND CONSULTING INC	2274	PLAN CHECKING SVCS: FIRE	EFT Posted	7,405.10
607947	11/26/2025	1336	PRUDENTIAL OVERALL SUPPLY	132344096	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	126.24
607947	11/26/2025	1336	PRUDENTIAL OVERALL SUPPLY	132344551B	UNIFORMS: PARKS & FACILITIES: PW	EFT Posted	55.79
607947	11/26/2025	1336	PRUDENTIAL OVERALL SUPPLY	132343391A	UNIFORMS: STREET MAINTENANCE: PW	EFT Posted	50.53
607947	11/26/2025	1336	PRUDENTIAL OVERALL SUPPLY	132344552A	UNIFORMS: STREET MAINTENANCE: PW	EFT Posted	50.53
607947	11/26/2025	1336	PRUDENTIAL OVERALL SUPPLY	132343883	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	30.71
607947	11/26/2025	1336	PRUDENTIAL OVERALL SUPPLY	132343868	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	24.47
607947	11/26/2025	1336	PRUDENTIAL OVERALL SUPPLY	132343867	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	22.25
607947	11/26/2025	1336	PRUDENTIAL OVERALL SUPPLY	132344553	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	17.75
607947	11/26/2025	1336	PRUDENTIAL OVERALL SUPPLY	132343873	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	12.74
607947	11/26/2025	1336	PRUDENTIAL OVERALL SUPPLY	132343893	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	9.89
607948	11/26/2025	1336	PRUDENTIAL OVERALL SUPPLY	132344551A	UNIFORMS: STREET MAINTENANCE: PW	EFT Posted	8.82
607948	11/26/2025	1336	PRUDENTIAL OVERALL SUPPLY	132344552B	UNIFORMS: PARKS & FACILITIES: PW	EFT Posted	1.76
607948	11/26/2025	1336	PRUDENTIAL OVERALL SUPPLY	132343391B	UNIFORMS: PARKS & FACILITIES: PW	EFT Posted	1.76
607987	12/4/2025	1336	PRUDENTIAL OVERALL SUPPLY	132346414	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	126.24
607987	12/4/2025	1336	PRUDENTIAL OVERALL SUPPLY	132345047	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	60.71
607987	12/4/2025	1336	PRUDENTIAL OVERALL SUPPLY	132345038	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	37.01
607987	12/4/2025	1336	PRUDENTIAL OVERALL SUPPLY	132345032	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	24.47
607987	12/4/2025	1336	PRUDENTIAL OVERALL SUPPLY	132345708	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	17.75
607987	12/4/2025	1336	PRUDENTIAL OVERALL SUPPLY	132345037	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	12.74
607987	12/4/2025	1336	PRUDENTIAL OVERALL SUPPLY	132345055	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	9.89
608024	12/11/2025	1336	PRUDENTIAL OVERALL SUPPLY	132345706B	UNIFORMS: PARKS & FACILITIES: PW	EFT Posted	55.79
608024	12/11/2025	1336	PRUDENTIAL OVERALL SUPPLY	132345707A	UNIFORMS: STREET MAINTENANCE: PW	EFT Posted	50.53
608024	12/11/2025	1336	PRUDENTIAL OVERALL SUPPLY	132345706A	UNIFORMS: STREET MAINTENANCE: PW	EFT Posted	8.82
608024	12/11/2025	1336	PRUDENTIAL OVERALL SUPPLY	132345707B	UNIFORMS: PARKS & FACILITIES: PW	EFT Posted	1.76
608100	12/18/2025	1336	PRUDENTIAL OVERALL SUPPLY	132346847A	UNIFORMS: STREET MAINTENANCE: PW	EFT Posted	62.19
608100	12/18/2025	1336	PRUDENTIAL OVERALL SUPPLY	132346189	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	60.71
608100	12/18/2025	1336	PRUDENTIAL OVERALL SUPPLY	132346846B	UNIFORMS: PARKS & FACILITIES: PW	EFT Posted	58.15
608100	12/18/2025	1336	PRUDENTIAL OVERALL SUPPLY	132347391	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	37.01
608100	12/18/2025	1336	PRUDENTIAL OVERALL SUPPLY	132346190	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	30.71
608100	12/18/2025	1336	PRUDENTIAL OVERALL SUPPLY	132346186	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	25.00
608100	12/18/2025	1336	PRUDENTIAL OVERALL SUPPLY	132346846A	UNIFORMS: STREET MAINTENANCE: PW	EFT Posted	24.51
608100	12/18/2025	1336	PRUDENTIAL OVERALL SUPPLY	132346162	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	24.47
608100	12/18/2025	1336	PRUDENTIAL OVERALL SUPPLY	132346848	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	17.75
608100	12/18/2025	1336	PRUDENTIAL OVERALL SUPPLY	132347390	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	12.74
608101	12/18/2025	1336	PRUDENTIAL OVERALL SUPPLY	132346200	FLOOR MATS AND TOWEL RENTALS: FACILITIES: PW	EFT Posted	9.89
608101	12/18/2025	1336	PRUDENTIAL OVERALL SUPPLY	132346847B	UNIFORMS: PARKS & FACILITIES: PW	EFT Posted	1.76
608025	12/11/2025	2727	QUADIENT FINANCE USA INC	PPLN01 11/09/25	POSTAGE SVCS: PD	EFT Posted	299.41
607949	11/26/2025	1837	QUADIENT LEASING USA INC	Q2068588	CERTIFIED MAIL SOLUTION: CENTRAL SVCS: ITSS	EFT Posted	1,399.97
305046	12/4/2025	1134	RANCHO CALIF BUS PK ASSOC	1077168 LATE FEE	BUS PK ASSN DUES: TVE2	Printed Check	483.19
305046	12/4/2025	1134	RANCHO CALIF BUS PK ASSOC	1077171 LATE FEE	BUS PK ASSN DUES FOC	Printed Check	195.93
19058	11/14/2025	1021	RANCHO CALIF WATER DISTRICT	OCT '25 WATER 1	VARIOUS WATER SVCS OCT BATCH 1	Wire	49,015.52
305100	12/18/2025	2535	RANCHO RUNNERS INC	321282	EXPRESS MAIL DELIVERY SVCS: HR	Printed Check	50.00
305100	12/18/2025	2535	RANCHO RUNNERS INC	3181681	EXPRESS MAIL DELIVERY SVCS: HR	Printed Check	50.00
608174	12/24/2025	1076	RANCHO TEMECULA CAR WASH	NOV '25	NOV '25 CAR WASH SVCS: PD	EFT Posted	23.99
608174	12/24/2025	1076	RANCHO TEMECULA CAR WASH	OCT '25	OCT '25 CAR WASH SVCS: PD	EFT Posted	23.99
607950	11/26/2025	1537	RANDALL MANAGEMENT GROUP	INV-40979	DESIGN INSTALL STORAGE OF SIGNS: COMDV	EFT Posted	2,498.00
607950	11/26/2025	1537	RANDALL MANAGEMENT GROUP	INV-40824	DESIGN INSTALL STORAGE OF SIGNS: COMDV	EFT Posted	1,249.00
607950	11/26/2025	1537	RANDALL MANAGEMENT GROUP	INV-41828	PUBLIC NOTICE SIGN POSTING SVCS: COMDV	EFT Posted	312.25
19109	11/28/2025	4111	REGIONAL TRAINING CENTER	7249	REGISTRATION: SKYDIO OPERATORS COURSE: PD	Credit Card	669.44
607951	11/26/2025	2203	REMOTE SATELLITE SYSTEMS INTL	00134093	PHONE SERVICE FOR EOC: FIRE	EFT Posted	571.00
305096	12/18/2025	100	REMTEM DEVELOPMENT	TRC-154585-02-12-202	REFUND OF ENGINEERING DEPOSIT: LD21-5930	Printed Check	16,835.00
305095	12/18/2025	100	REMTEM DEVELOPMENT	TRC-154583-02-12-202	REFUND OF ENGINEERING DEPOSIT: LD21-5930	Printed Check	7,665.00
18927	10/28/2025	1408	RENAISSANCE HOTELS	1472	LODGING: CERT COURSE: PD	Credit Card	842.20
18928	10/28/2025	1408	RENAISSANCE HOTELS	7750	LODGING: CERT COURSE: PD	Credit Card	742.20
19110	11/28/2025	4411	RESIDENCE INN BY MARRIOTT	0183	REGISTRATION: SFST/ARIDE COURSE: PD	Credit Card	1,089.15
305101	12/18/2025	2532	REVZILLA MOTORSPORTS LLC	53859229	UNIFORMS: PD	Printed Check	282.26
607988	12/4/2025	1150	RICHARDS WATSON AND GERSHON	255732	OCT 2025 LEGAL SVCS	EFT Posted	6,172.50
608026	12/11/2025	1150	RICHARDS WATSON AND GERSHON	255834	OCT 2025 LEGAL SVCS	EFT Posted	837.00
608026	12/11/2025	1150	RICHARDS WATSON AND GERSHON	255833	OCT 2025 LEGAL SVCS	EFT Posted	682.00
608102	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255822	OCT 2025 LEGAL SVCS	EFT Posted	21,504.65
608102	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255857	OCT 2025 LEGAL SVCS	EFT Posted	6,593.50
608102	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255841	OCT 2025 LEGAL SVCS	EFT Posted	5,969.72

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
608102	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255853	OCT 2025 LEGAL SVCS	EFT Posted	5,530.00
608102	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255847	OCT 2025 LEGAL SVCS	EFT Posted	5,481.50
608102	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255858	OCT 2025 LEGAL SVCS	EFT Posted	4,492.83
608102	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255854	OCT 2025 LEGAL SVCS	EFT Posted	3,926.84
608102	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255843	OCT 2025 LEGAL SVCS	EFT Posted	3,720.66
608102	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255852	OCT 2025 LEGAL SVCS	EFT Posted	3,620.35
608102	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255825	OCT 2025 LEGAL SVCS	EFT Posted	3,218.00
608103	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255840	OCT 2025 LEGAL SVCS	EFT Posted	1,302.00
608103	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255856	OCT 2025 LEGAL SVCS	EFT Posted	1,208.00
608103	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255828	OCT 2025 LEGAL SVCS	EFT Posted	660.00
608103	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255830	OCT 2025 LEGAL SVCS	EFT Posted	465.00
608103	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255837	OCT 2025 LEGAL SVCS	EFT Posted	465.00
608103	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255844	OCT 2025 LEGAL SVCS	EFT Posted	186.00
608103	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255851	OCT 2025 LEGAL SVCS	EFT Posted	186.00
608103	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255836	OCT 2025 LEGAL SVCS	EFT Posted	155.00
608103	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255826	OCT 2025 LEGAL SVCS	EFT Posted	75.00
608103	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255845	OCT 2025 LEGAL SVCS	EFT Posted	67.50
608104	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255831	OCT 2025 LEGAL SVCS	EFT Posted	50.00
608104	12/18/2025	1150	RICHARDS WATSON AND GERSHON	255850	OCT 2025 LEGAL SVCS	EFT Posted	28.00
608175	12/24/2025	1150	RICHARDS WATSON AND GERSHON	255855	OCT 2025 LEGAL SVCS	EFT Posted	10,341.15
608175	12/24/2025	1150	RICHARDS WATSON AND GERSHON	255832	OCT 2025 LEGAL SVCS	EFT Posted	1,860.00
305099	12/18/2025	2635	RIVERSIDE COUNTY	PE0000003073A	PSEC USE: EMERGENCY RADIO USE: BLDSF	Printed Check	121.76
305099	12/18/2025	2635	RIVERSIDE COUNTY	PE0000003073B	PSEC USE: EMERGENCY RADIO USE: FIRE	Printed Check	121.75
305104	12/18/2025	2533	RIVERSIDE COUNTY	15676	PRINTING SVCS: PD	Printed Check	24.24
607953	11/26/2025	1829	RMSJ INC	B08403	PARK MAINTENANCE: HARVESTON LAKE PARK: PW	EFT Posted	2,824.08
608105	12/18/2025	1834	ROBERTS PATRICIA GAY	2700.205-2705.203	INSTRUCTOR EARNINGS: TCSD	EFT Posted	630.00
19040	11/7/2025	3707	ROCKET CARWASH LLC	3935	REPAIR & MAINTENANCE - VEHICLE: FIRE	Credit Card	28.99
608106	12/18/2025	4199	SAGECREST PLANNING AND ENVIRONMENTAL	5482	GEN PLAN MGMT CONSULTANT: PW21-02	EFT Posted	20,633.20
19108	11/28/2025	3837	SAN DIEGO COUNTY SHERIFFS DEPARTMENT	7690	REGISTRATION: MOTORCYCLE TRAINING COURSE: PD	Credit Card	1,787.00
19007	10/29/2025	4413	SAN PRADO INT'L AIRPORT	9010	REFRESHMENTS: DC LOBBYING TRIP: CMO	Credit Card	109.51
607989	12/4/2025	1552	SANBORN GWYNETH	PERF: 11/15/25	TICKET SALES AGMT: COUNTRY LIVE @ THE MERC: TCSD	EFT Posted	683.25
608176	12/24/2025	1552	SANBORN GWYNETH	PERF: 12/06/25	TICKET SALES AGMT: COUNTRY LIVE @ THE MERC: TCSD	EFT Posted	495.00
607954	11/26/2025	2008	SARNOWSKI SHAWNA PRESTON	10212025	PHOTOGRAPHY SVCS: HOMELESS OUTREACH: TCSD	EFT Posted	280.00
608027	12/11/2025	2008	SARNOWSKI SHAWNA PRESTON	11212025	PHOTOGRAPHY SVCS: THEATER: TCSD	EFT Posted	1,150.00
608027	12/11/2025	2008	SARNOWSKI SHAWNA PRESTON	09272025	PHOTOGRAPHY SVCS: SPECIAL EVENTS: TCSD	EFT Posted	375.00
608027	12/11/2025	2008	SARNOWSKI SHAWNA PRESTON	11082025	PHOTOGRAPHY SVCS: SPECIAL EVENTS: TCSD	EFT Posted	350.00
608027	12/11/2025	2008	SARNOWSKI SHAWNA PRESTON	0011202025	PHOTOGRAPHY SVCS: HUMAN SVCS & WORKFORCE DEV: TCSD	EFT Posted	300.00
608027	12/11/2025	2008	SARNOWSKI SHAWNA PRESTON	011082025	EVENT PHOTOGRAPHY: MUSEUM: TCSD	EFT Posted	280.00
608027	12/11/2025	2008	SARNOWSKI SHAWNA PRESTON	11122025	EVENT PHOTOGRAPHY: MUSEUM: TCSD	EFT Posted	280.00
608027	12/11/2025	2008	SARNOWSKI SHAWNA PRESTON	11052025	PHOTOGRAPHY SVCS: HUMAN SVCS & WORKFORCE DEV: TCSD	EFT Posted	280.00
608107	12/18/2025	2008	SARNOWSKI SHAWNA PRESTON	11152025	PHOTOGRAPHY SVCS: COMSP	EFT Posted	400.00
608107	12/18/2025	2008	SARNOWSKI SHAWNA PRESTON	11132025	PHOTOGRAPHY SVCS: HUMAN SVCS & WORKFORCE DEV: TCSD	EFT Posted	400.00
608107	12/18/2025	2008	SARNOWSKI SHAWNA PRESTON	11032025	PHOTO SVCS: REDI COMMISSION: CLERK	EFT Posted	350.00
608107	12/18/2025	2008	SARNOWSKI SHAWNA PRESTON	11182025	PHOTOGRAPHY SVCS: COMSP	EFT Posted	280.00
608177	12/24/2025	2008	SARNOWSKI SHAWNA PRESTON	11202025	PHOTOGRAPHY SVCS: EVENTS AND PROGRAMS: HR	EFT Posted	300.00
19008	10/29/2025	4414	SATO TRANSPORTATION	1280	TRANSPORTATION: DC LOBBYING TRIP: CMO	Credit Card	15.00
305102	12/18/2025	1974	SCHOLASTIC INC	78084605	BOOK COLLECTIONS: RHR LIBRARY: TCSD	Printed Check	879.59
305103	12/18/2025	1974	SCHOLASTIC INC	75630585	BOOK COLLECTIONS: RHR LIBRARY: TCSD	Printed Check	10.88
305103	12/18/2025	1974	SCHOLASTIC INC	77584383	BOOK COLLECTIONS: RHR LIBRARY: TCSD	Printed Check	10.88
608178	12/24/2025	2817	SCP DISTRIBUTORS LLC	D8907570	SMALL TOOLS/EQUIPMENT: AQUATICS: TCSD	EFT Posted	463.93
305105	12/18/2025	1202	SHIVELA MIDDLE SCHOOL BAND	12/09/25	CHRISTMAS PARADE TRANSPORTATION STIPEND: TCSD	Printed Check	200.00
608180	12/24/2025	2425	SIEMENS MOBILITY INC	5610006801	STREET LIGHT REPAIRS: NICOLAS ROAD: PW	EFT Posted	2,096.00
608110	12/18/2025	1780	SILVERMAN ENTERPRISES INC	2448	OVERNIGHT SECURITY: TCSD	EFT Posted	7,280.40
608110	12/18/2025	1780	SILVERMAN ENTERPRISES INC	2449	OVERNIGHT SECURITY: TCSD	EFT Posted	4,185.00
305047	12/4/2025	1870	SKYFIT TECH INC	2025000637	MAINTENANCE SVCS: FITNESS CENTER: HR	Printed Check	250.00
608111	12/18/2025	3170	SMER RESEARCH 1 LLC	50076	NOVEMBER SOLAR GENERATION VARIOUS LOCATIONS	EFT Posted	21,774.69
608028	12/11/2025	3599	SMITH DONALD E	PERF: 11/08/25	PUPPETEERING: TCSD	EFT Posted	150.00
18977	11/7/2025	3011	SMUG MUG	8501	SUBSCRIPTION RENEWAL: ITSS	Credit Card	120.00
305106	12/18/2025	1153	SOUTH COAST AIR QUALITY MGMT DISTRICT	4625560	FY 25/26 OPERATING FEES: FOC: PW	Printed Check	565.63
305106	12/18/2025	1153	SOUTH COAST AIR QUALITY MGMT DISTRICT	4628786	FY25/26 FLAT EMISSIONS FEE: FOC: PW	Printed Check	170.94
607955	11/26/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311917	PEST CONTROL SVCS: PARKS: PW	EFT Posted	95.00
607955	11/26/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311500	BEE REMOVAL SVCS: HARVESTON PARK: PW	EFT Posted	94.00
607955	11/26/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311925	PEST CONTROL SVCS: PARKS: PW	EFT Posted	90.00
607955	11/26/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311869	PEST CONTROL SVCS: FIRE	EFT Posted	80.00
607955	11/26/2025	1055	SOUTH COUNTY PEST CONTROL INC	0312070	PEST CONTROL SVCS: FACILITIES: PW	EFT Posted	42.00
607955	11/26/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311771	PEST CONTROL SVCS: FACILITIES: PW	EFT Posted	32.00
607955	11/26/2025	1055	SOUTH COUNTY PEST CONTROL INC	0312174	PEST CONTROL SVCS: FACILITIES: PW	EFT Posted	29.00
607991	12/4/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311970	PEST CONTROL SVCS: FACILITIES: PW	EFT Posted	74.00

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
607991	12/4/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311727	PEST CONTROL SVCS: PARKS: PW	EFT Posted	70.00
607991	12/4/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311825	PEST CONTROL SVCS: PARKS: PW	EFT Posted	49.00
608029	12/11/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311517	PEST CONTROL SVCS: FIRE	EFT Posted	74.00
608029	12/11/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311872	PEST CONTROL SVCS: FIRE	EFT Posted	42.00
608112	12/18/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311793	PEST CONTROL SVCS: FACILITIES: PW	EFT Posted	123.00
608112	12/18/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311782	PEST CONTROL SVCS: FACILITIES: PW	EFT Posted	120.00
608112	12/18/2025	1055	SOUTH COUNTY PEST CONTROL INC	0313250	PEST CONTROL SVCS: PARKS: PW	EFT Posted	94.00
608112	12/18/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311791	PEST CONTROL SVCS: FACILITIES: PW	EFT Posted	90.00
608112	12/18/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311795	PEST CONTROL SVCS: FACILITIES: PW	EFT Posted	90.00
608112	12/18/2025	1055	SOUTH COUNTY PEST CONTROL INC	0312002	PEST CONTROL SVCS: FACILITIES: PW	EFT Posted	90.00
608112	12/18/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311875	PEST CONTROL SVCS: FIRE	EFT Posted	80.00
608112	12/18/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311592	PEST CONTROL SVCS: PARKS: PW	EFT Posted	70.00
608112	12/18/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311780	PEST CONTROL SVCS: FACILITIES: PW	EFT Posted	56.00
608112	12/18/2025	1055	SOUTH COUNTY PEST CONTROL INC	0312119	PEST CONTROL SVCS: PARKS: PW	EFT Posted	49.00
608113	12/18/2025	1055	SOUTH COUNTY PEST CONTROL INC	0312311	PEST CONTROL SVCS: PARKS: PW	EFT Posted	49.00
608113	12/18/2025	1055	SOUTH COUNTY PEST CONTROL INC	0311778	PEST CONTROL SVCS: FACILITIES: PW	EFT Posted	36.00
608181	12/24/2025	1055	SOUTH COUNTY PEST CONTROL INC	0312795	PEST CONTROL SVCS: FIRE	EFT Posted	68.00
608181	12/24/2025	1055	SOUTH COUNTY PEST CONTROL INC	0312023	PEST CONTROL SVCS: FACILITIES: PW	EFT Posted	40.00
18941	10/29/2025	1800	SOUTHERN CALIFORNIA EDISON CO	VAR SCE SEP '25	VARIOUS SEP SOCAL EDISON SVCS	Wire	187,106.53
19071	10/29/2025	1800	SOUTHERN CALIFORNIA EDISON CO	SCE OCT '25 -6912	OCT/SEPT '25 SOCAL EDISON SVCS	Wire	2,918.05
19072	10/29/2025	1800	SOUTHERN CALIFORNIA EDISON CO	SCE OCT '25 -0476	OCT/SEPT '25 SOCAL EDISON SVCS	Wire	86.51
19070	10/29/2025	1800	SOUTHERN CALIFORNIA EDISON CO	SCE OCT '25 -8526	OCT/SEPT '25 SOCAL EDISON SVCS	Wire	35.39
19069	10/29/2025	1800	SOUTHERN CALIFORNIA EDISON CO	SCE OCT '25 -9897	OCT/SEPT '25 SOCAL EDISON SVCS	Wire	24.42
305028	11/25/2025	1704	SOUTHERN CALIFORNIA TELEPHONE CO	45949251101	NOV '25 GEN USAGE: 0141,0839,0978,0979: ITSS	Printed Check	513.83
305107	12/18/2025	1704	SOUTHERN CALIFORNIA TELEPHONE CO	45949251201	DEC '25 GEN USAGE: 0141,0839,0978,0979: ITSS	Printed Check	513.83
18962	11/3/2025	1028	STADIUM PIZZA INC	1452	REFRESHMENTS: OUTREACH MTG: TCSD	Credit Card	44.34
608114	12/18/2025	1708	STANDARD INSURANCE COMPANY	Ben351359	DEC '25 VOLUNTARY SUPP LIFE INSURANCE PAYMENT	EFT Posted	1,926.51
608030	12/11/2025	1452	STAPLES INC	6048711874	OFFICE SUPPLIES: RHR LIBRARY: TCSD	EFT Posted	195.67
18956	11/3/2025	1535	STARBUCKS	6729	REFRESHMENTS: HOMESLESS CLIENT: TCSD	Credit Card	10.90
18947	11/6/2025	2820	STATE OF ARIZONA	Ben351317	AZ STATE TAX PAYMENT	Wire	244.03
608031	12/11/2025	1263	STATE OF CALIFORNIA DEPARTMENT OF JUSTICE	002585c	OCT FINGERPRINTING SVCS: PD	EFT Posted	3,951.00
608031	12/11/2025	1263	STATE OF CALIFORNIA DEPARTMENT OF JUSTICE	002585a	OCT FINGERPRINTING SVCS: HR	EFT Posted	294.00
608031	12/11/2025	1263	STATE OF CALIFORNIA DEPARTMENT OF JUSTICE	002585b	OCT FINGERPRINTING SVCS: TCSD	EFT Posted	245.00
608031	12/11/2025	1263	STATE OF CALIFORNIA DEPARTMENT OF JUSTICE	002585d	OCT FINGERPRINTING SVCS: TCC: FIRE	EFT Posted	15.00
305048	12/4/2025	1179	STATE WATER RESOURCE CONTROL BOARD	WD-0311501	FILL & EXCAVATION PERMIT: WQC: PW16-01	Printed Check	3,540.00
305108	12/18/2025	1179	STATE WATER RESOURCE CONTROL BOARD	WD-0311386	FILL & EXCAVATION PERMIT: WQC: PW19-04	Printed Check	3,540.00
305108	12/18/2025	1179	STATE WATER RESOURCE CONTROL BOARD	WD-0311678	STORM WATER PERMIT: PW	Printed Check	563.00
305109	12/18/2025	2016	STC TRAFFIC INC	8555	TRAFFIC ENGINEERING SVCS: PW25-01	Printed Check	15,215.00
305109	12/18/2025	2016	STC TRAFFIC INC	8557	TRAFFIC SIGNAL-SAFETY LIGHTS: PW23-13	Printed Check	5,867.50
608109	12/18/2025	1787	STERICYCLE INC	8012644865	SHREDDING SVCS: CITYWIDE: CLERK	EFT Posted	366.47
608109	12/18/2025	1787	STERICYCLE INC	8012644944	SHREDDING SVCS: MALL SUBSTATION & OTSF: PD	EFT Posted	77.01
607992	12/4/2025	1747	STOVER JEFFREY PAUL	PERF: 11/15/25	TICKET SALES AGMT: KEN DAHLEEN & BIG BAND: TCSD	EFT Posted	4,552.35
608115	12/18/2025	4025	STRADLING YOCCA CARLSON AND RAUTH LLP	1226/201033-0004	BOND COUNSEL: TPFA CFD ELDERBERRY PARK: FIN	EFT Posted	35,000.00
607993	12/4/2025	4372	STRATHMAN THEODORE ANDREW	PERF: 11/15/25	LECTURE: TCSD	EFT Posted	400.00
305128	12/23/2025	1453	SUNBELT RENTALS INC	177651893-0002	RENTAL EQUIPMENT: SPECIAL EVENTS: TCSD	Printed Check	15,631.69
305128	12/23/2025	1453	SUNBELT RENTALS INC	177576006-0001	RENTAL EQUIPMENT: SPECIAL EVENTS: TCSD	Printed Check	13,253.98
305128	12/23/2025	1453	SUNBELT RENTALS INC	177703510-0001	RENTAL EQUIPMENT: SPECIAL EVENTS: TCSD	Printed Check	3,048.67
305059	12/11/2025	3424	T & T CATERING INC	2739-2nd half	CATERING SVCS: SANTA PARADE: TCSD	Printed Check	1,800.00
608061	12/18/2025	3424	T & T CATERING INC	2747	VOLUNTEER AWARDS BANQUET: FIRE	EFT Posted	2,760.00
305083	12/18/2025	3424	T & T CATERING INC	2747-2	VOLUNTEER AWARDS BANQUET: FIRE	Printed Check	2,760.00
608147	12/24/2025	3424	T & T CATERING INC	2746	2026 BROKERS BREAKFAST: COMSP	EFT Posted	1,500.00
305030	11/25/2025	2261	T MOBILE USA INC	L2511040574	AUG '25 CELL AREA DUMP: PD	Printed Check	400.00
305030	11/25/2025	2261	T MOBILE USA INC	L2511040575	SEP '25 CELL AREA DUMP: PD	Printed Check	200.00
305030	11/25/2025	2261	T MOBILE USA INC	L2511050270	JUL '25 CELL AREA DUMP: PD	Printed Check	100.00
305049	12/4/2025	2261	T MOBILE USA INC	L2511110329	SEP '25 CELL TOWER DUMP: PD	Printed Check	150.00
305049	12/4/2025	2261	T MOBILE USA INC	L2511110321	9/25/25-10/13/25 LOCATION INFORMATION: PD	Printed Check	115.00
305049	12/4/2025	2261	T MOBILE USA INC	L2511110002	JULY 2025 TDOA: PD	Printed Check	50.00
305049	12/4/2025	2261	T MOBILE USA INC	L2511110442	OCT '25 TDOA: PD	Printed Check	50.00
305049	12/4/2025	2261	T MOBILE USA INC	L2511110335	SEP '25 CELL AREA DUMP: PD	Printed Check	50.00
305049	12/4/2025	2261	T MOBILE USA INC	L2511110336	SEP '25 CELL AREA DUMP: PD	Printed Check	50.00
305071	12/11/2025	2261	T MOBILE USA INC	L2511200001	9/13/25-10/13/25 TDOA: PD	Printed Check	50.00
305110	12/18/2025	2261	T MOBILE USA INC	L2512060321	NOV '25 CELL TOWER DUMP: PD	Printed Check	900.00
305110	12/18/2025	2261	T MOBILE USA INC	L2511280390	11/12/25-11/13/25 LOCATION INFORMATION: PD	Printed Check	115.00
305050	12/4/2025	1212	T Y LIN INTERNATIONAL	30102511269	I-15 FRENCH VALLEY PKWY IMPROVEMENTS: PW19-03	Printed Check	59,567.58
305129	12/23/2025	1212	T Y LIN INTERNATIONAL	30102512227	I-15 FRENCH VALLEY PKWY IMPROVEMENTS: PW19-03	Printed Check	43,193.37
608011	12/11/2025	3355	TD SYNNEX CORPORATION	SI718093	AUTOCAD RENEWAL: ITSS	EFT Posted	9,467.69
608067	12/18/2025	3355	TD SYNNEX CORPORATION	SI718080	AEC SOFTWARE RENEWAL: PW: ITSS	EFT Posted	12,794.47
608068	12/18/2025	3355	TD SYNNEX CORPORATION	SI718294	AEC SOFTWARE RENEWAL: PW: ITSS	EFT Posted	995.00

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
305130	12/23/2025	2423	TEMECULA CREEK VILLAS LP	31072 SAMANTHA LN.	RENTAL ASSISTANCE: COMSP	Printed Check	2,254.00
305118	12/18/2025	4428	TEMECULA PACIFIC ASSOCIATES LP	28590 PUJOL ST	RENTAL ASSISTANCE: COMSP	Printed Check	850.00
608183	12/24/2025	3351	TEMECULA THEATER FOUNDATION	PERF: 12/14/25	TICKET SALES AGMT: THE NUTCRACKER: TCSD	EFT Posted	17,055.61
607956	11/26/2025	1914	TEMECULA VALLEY BACKFLOW INC	54568	BACKFLOW TESTING & REPAIR: VARIOUS FACILITIES: PW	EFT Posted	615.00
608184	12/24/2025	1914	TEMECULA VALLEY BACKFLOW INC	54636	BACKFLOW TESTING & REPAIR: VARIOUS FACILITIES: PW	EFT Posted	2,566.50
608184	12/24/2025	1914	TEMECULA VALLEY BACKFLOW INC	54638A	BACKFLOW TESTING & REPAIR: VARIOUS FACILITIES: PW	EFT Posted	1,553.00
608184	12/24/2025	1914	TEMECULA VALLEY BACKFLOW INC	54697	BACKFLOW TESTING & REPAIR: VARIOUS FACILITIES: PW	EFT Posted	964.50
608184	12/24/2025	1914	TEMECULA VALLEY BACKFLOW INC	54638B	BACKFLOW TESTING & REPAIR: FIRE STATIONS: FIRE	EFT Posted	512.00
305112	12/18/2025	1031	TEMECULA VALLEY HIGH SCHOOL GOLDEN BAND	Santa Parade '25	TRANSPORTATION: SANTA PARADE: TCSD	Printed Check	200.00
19024	11/7/2025	4401	TEMP KIOSK	6685	REFRESHMENTS: DC LOBBYING TRIP: CMO	Credit Card	6.57
608032	12/11/2025	1232	TERRYBERRY COMPANY LLC	T49774	SERVICE RECOGNITION: HR	EFT Posted	149.48
608117	12/18/2025	1232	TERRYBERRY COMPANY LLC	T49406	SERVICE AWARD PINS: HR	EFT Posted	4,347.89
608117	12/18/2025	1232	TERRYBERRY COMPANY LLC	T51112	SERVICE RECOGNITION: HR	EFT Posted	78.42
608070	12/18/2025	3946	THOMPSON DUSTIN	11/05/25	PHOTOGRAPHY SVCS: COMSP	EFT Posted	500.00
305113	12/18/2025	1203	THOMPSON MIDDLE SCHOOL	12/09/25	CHRISTMAS PARADE TRANSPORTATION STIPEND: TCSD	Printed Check	200.00
608118	12/18/2025	1936	TIERCE NICHOLAS DATHAN	NTOTTCT-2025-12	GRAPHIC DESIGN: THEATER: TCSD	EFT Posted	3,920.00
19060	10/31/2025	1568	TIME WARNER CABLE	NOV '25 INTERNET SVC	VARIOUS NOV INTERNET SVCS	Wire	11,996.94
19074	11/7/2025	1568	TIME WARNER CABLE	NOV '25 188862901	NOV INTERNET SVCS	Wire	314.77
19076	11/18/2025	1568	TIME WARNER CABLE	NOV '25 240681401	NOV INTERNET SVCS	Wire	525.49
19075	11/18/2025	1568	TIME WARNER CABLE	NOV '25 218418101	NOV INTERNET SVCS	Wire	489.51
18954	11/3/2025	4121	TIMES SQUARE NEW YORK PIZZA AND BAGELS	4547	REFRESHMENTS: RESOURCE CENTER: TCSD	Credit Card	235.80
608185	12/24/2025	1063	TIMMY D PRODUCTIONS INC	25845	ENTERTAINMENT SVCS: SPECIAL EVENTS: TCSD	EFT Posted	6,135.00
608120	12/18/2025	2421	TITAN RENTAL GROUP INC	50385	RENTAL EQUIPMENT: SPECIAL EVENTS: TCSD	EFT Posted	669.68
608186	12/24/2025	2421	TITAN RENTAL GROUP INC	50386	RENTAL EQUIPMENT: SPECIAL EVENTS: TCSD	EFT Posted	5,800.07
608186	12/24/2025	2421	TITAN RENTAL GROUP INC	50233	EVENT RENTALS: TEAM PACE: HR	EFT Posted	1,738.80
608186	12/24/2025	2421	TITAN RENTAL GROUP INC	51092	RENTAL EQUIPMENT: SPECIAL EVENTS: TCSD	EFT Posted	1,638.44
608186	12/24/2025	2421	TITAN RENTAL GROUP INC	50409	RENTAL EQUIPMENT: SPECIAL EVENTS: TCSD	EFT Posted	1,226.22
608121	12/18/2025	2413	TOWNSEND PUBLIC AFFAIRS INC	24429	STATE LEGISLATIVE SVCS: CLERK	EFT Posted	6,000.00
305051	12/4/2025	2006	TRAFFIC MANAGEMENT LLC	1287575	TRAFFIC ENGINEERING & TRAFFIC CONTROL: TCSD	Printed Check	525.00
305114	12/18/2025	2006	TRAFFIC MANAGEMENT LLC	1300499	TRAFFIC ENGINEERING & TRAFFIC CONTROL: TCSD	Printed Check	2,626.00
608033	12/11/2025	2148	TRAUMA INTERVENTION PROGRAMS	TEM2526A	SPONSORSHIP AGREEMENT: FIRE	EFT Posted	6,250.00
608033	12/11/2025	2148	TRAUMA INTERVENTION PROGRAMS	TEM2526B	SPONSORSHIP AGREEMENT: PD	EFT Posted	6,250.00
18961	11/3/2025	2899	T-SHIRT MART	0086	SUPPLIES: STAFF: TCSD	Credit Card	97.85
18965	11/3/2025	2899	T-SHIRT MART	0169	SUPPLIES: STAFF: TCSD	Credit Card	34.80
608034	12/11/2025	1555	TV CONVENTION AND VISITORS BUREAU	09/30/25	SEP 2025 BUSINESS IMPROVE DIST ASSESSMENTS	EFT Posted	140,317.30
608035	12/11/2025	1003	TYLER TECHNOLOGIES INC	1392	TYLER CONFERENCE REGISTRATION: ITSS	EFT Posted	1,249.00
608122	12/18/2025	1003	TYLER TECHNOLOGIES INC	CI100-00237119	CITY PUBLIC MOBILE APP: ITSS	EFT Posted	8,040.57
305115	12/18/2025	1350	U S BANK	14998033	ACCOUNT ANALYSIS: FIN	Printed Check	3,000.00
19073	11/19/2025	4027	U S BANK CAL CARD	PC111725	PURCHASE CARD PAYMENT	Wire	129,050.34
608123	12/18/2025	1432	UNDERGROUND SERVICE ALERT OF SO CAL	1120250752	NOV '25: DIG SAFE BRD BILLABLE TIX: PW	EFT Posted	220.00
608123	12/18/2025	1432	UNDERGROUND SERVICE ALERT OF SO CAL	25-261916	NOV '25: DIG SAFE BILLABLE TIX: PW	EFT Posted	98.17
305116	12/18/2025	1131	UNITED RENTALS NORTH AMERICA INC	255378221-001	RENTAL EQUIPMENT: STREET MAINTENANCE: PW	Printed Check	1,188.60
19111	11/28/2025	1163	USPS	6070	RENEWAL: PO BOX RENEWAL: PD	Credit Card	532.00
305117	12/18/2025	1163	USPS	NOV '25	NOV '25 POSTAGE METER DEPOSIT	Printed Check	2,316.10
305117	12/18/2025	1163	USPS	OCT '25	OCT '25 POSTAGE METER DEPOSIT	Printed Check	1,574.06
305072	12/11/2025	1467	VALLEY OF THE MIST QUILTERS	11/24/25	OUTDOOR QUILT SHOW: ECDEV	Printed Check	1,600.00
607957	11/26/2025	4252	VANCE CORPORATION	2025-08.04	CONTRACT WITHHOLDING: 2025-158E	EFT Posted	62,373.59
607958	11/26/2025	1050	VERDANTAS INC	69118	GEOTECHNICAL REVIEW: PA25-0355: COMDV	EFT Posted	3,442.50
608187	12/24/2025	1050	VERDANTAS INC	69412	GEOTECHNICAL & MATERIAL TESTING SVCS: PW19-14	EFT Posted	1,222.50
608036	12/11/2025	3400	VERIFIED FIRST LLC	INV-000577810	EMPLOYMENT SCREENINGS: HR	EFT Posted	209.94
305052	12/4/2025	4420	VINTAGE VIEW DEVELOPMENT LP	29500 MIRA LOMA DR	RENTAL ASSISTANCE: COMSP	Printed Check	400.00
18991	11/7/2025	4408	VIP CAB OF DC	0582	TRANSPORTATION: DC LOBBYING TRIP: CMO	Credit Card	6.78
608188	12/24/2025	1498	VISION ONE INC	INV-80140	TICKETING SVCS: THEATER: TCSD	EFT Posted	5,134.58
305119	12/18/2025	3493	VISTA VERDE MIDDLE SCHOOL	Santa Parade '25	TRANSPORTATION: SANTA PARADE: TCSD	Printed Check	200.00
18944	11/6/2025	3895	VOYA RETIREMENT INSURANCE	Ben351307	VOYA RETIREMENT PAYMENT	Wire	47,505.31
607994	12/4/2025	2034	WADDLETON JEFFREY L	2480.201	INSTRUCTOR EARNINGS: TCSD	EFT Posted	362.60
608037	12/11/2025	2034	WADDLETON JEFFREY L	1253	DJ SVCS: HIGH HOPES PROGRAM: TCSD	EFT Posted	550.00
608037	12/11/2025	2034	WADDLETON JEFFREY L	1255	DJ SVCS: HIGH HOPES PROGRAM: TCSD	EFT Posted	550.00
608037	12/11/2025	2034	WADDLETON JEFFREY L	1259	DJ SVCS: HIGH HOPES PROGRAM: TCSD	EFT Posted	550.00
608124	12/18/2025	2034	WADDLETON JEFFREY L	1261	DJ SVCS/ANNOUNCING: SPECIAL EVENTS: TCSD	EFT Posted	1,200.00
608124	12/18/2025	2034	WADDLETON JEFFREY L	2820.202 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	588.00
608124	12/18/2025	2034	WADDLETON JEFFREY L	1260	DJ SVCS/ANNOUNCING: SPECIAL EVENTS: TCSD	EFT Posted	550.00
18952	11/3/2025	1439	WALMART	3871	SUPPLIES: RESOURCE CENTER: TCSD	Credit Card	305.27
18953	11/3/2025	1439	WALMART	4353	SUPPLIES: RESOURCE CENTER: TCSD	Credit Card	259.97
608125	12/18/2025	4283	WATERS KELSEY	3205.204 '25	INSTRUCTOR EARNINGS: TCSD	EFT Posted	191.10
305053	12/4/2025	1102	WAXIE SANITARY SUPPLY INC	83649727	JANITORIAL SUPPLIES: FACILITY MAINT: PW	Printed Check	493.67
305073	12/11/2025	1102	WAXIE SANITARY SUPPLY INC	83652513	JANITORIAL SUPPLIES: FACILITY MAINT: PW	Printed Check	2,457.41
305120	12/18/2025	1102	WAXIE SANITARY SUPPLY INC	83657892	JANITORIAL SUPPLIES: FACILITY MAINT: PW	Printed Check	83.19

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
305131	12/23/2025	2230	WEBB MUNICIPAL FINANCE LLC	ARIV0000593B	ASSESSMENT ENGINEERING & CFD ADMIN SVCS	Printed Check	20,794.31
305131	12/23/2025	2230	WEBB MUNICIPAL FINANCE LLC	ARIV0000593A	ASSESSMENT ENGINEERING & CFD ADMIN SVCS	Printed Check	10,700.56
19023	11/3/2025	1474	WES FLOWERS	1892	FLOWERS: SYMPATHY: PLAN	Credit Card	86.99
18973	11/7/2025	1474	WES FLOWERS	7938	SUNSHINE FUND: HR	Credit Card	130.49
18975	11/7/2025	1474	WES FLOWERS	5067	SUNSHINE FUND: HR	Credit Card	97.86
18972	11/7/2025	1474	WES FLOWERS	7710	SUNSHINE FUND: HR	Credit Card	97.86
18976	11/7/2025	1474	WES FLOWERS	6081	SUNSHINE FUND: HR	Credit Card	92.43
18974	11/7/2025	1474	WES FLOWERS	7946	SUNSHINE FUND: HR	Credit Card	92.43
18971	11/7/2025	1474	WES FLOWERS	8083	SUNSHINE FUND: HR	Credit Card	92.43
608189	12/24/2025	1033	WEST PUBLISHING CORPORATION	852891644	NOV '25 SOFTWARE SUBSCRIPTION: PD	EFT Posted	1,480.01
608126	12/18/2025	1782	WESTERN AV	23454A	AV EQUIP: IT24-02	EFT Posted	92,388.74
608126	12/18/2025	1782	WESTERN AV	23454B	AV EQUIP: IT24-01	EFT Posted	36,184.74
608126	12/18/2025	1782	WESTERN AV	23454D	AV EQUIP: ITSS	EFT Posted	20,019.51
608126	12/18/2025	1782	WESTERN AV	23454C	AV EQUIP: PW19-14	EFT Posted	18,673.36
608127	12/18/2025	3347	WESTERN FLOORING INC	1001	GYM FLOOR REFINISH: CRC: PW	EFT Posted	5,385.25
608038	12/11/2025	1454	WESTERN RIVERSIDE CO REG CONSERVATION AUTH	SEPTEMBER '25	SEP '25 MSHCP PAYMENT	EFT Posted	14,960.00
607959	11/26/2025	1059	WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS	2098	FY 25/26 AGENCY MEMBERSHIP DUES: CC	EFT Posted	29,448.36
305031	11/25/2025	2322	WEX BANK	108539637	10/07 - 11/06 FUEL USAGE: PD	Printed Check	1,770.10
305121	12/18/2025	2322	WEX BANK	109205916	11/07 - 12/06 FUEL USAGE: PD	Printed Check	2,166.37
607995	12/4/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0490	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	3,095.00
607995	12/4/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0492	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	1,775.00
607995	12/4/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0489	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	1,275.00
607995	12/4/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0491	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	1,225.00
607995	12/4/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0493	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	875.00
608039	12/11/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0495	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	2,335.00
608039	12/11/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0498	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	1,420.00
608039	12/11/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0494	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	1,225.00
608039	12/11/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0497	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	875.00
608039	12/11/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0496	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	725.00
608128	12/18/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0504	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	2,720.00
608128	12/18/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0506	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	2,095.00
608128	12/18/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0503	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	1,420.00
608128	12/18/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0507	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	1,420.00
608128	12/18/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0502	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	1,275.00
608128	12/18/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0500	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	1,225.00
608128	12/18/2025	3729	WILD WEST JUNK REMOVAL LLC	INV0501	DANGEROUS & UNHEALTHY ENCAMPMENT CLEANUPS: TCSD	EFT Posted	875.00
305054	12/4/2025	4421	WILDOMAR TRES LAGOS PARTNERS II LP	23355 CATT RD #9105	RENTAL ASSISTANCE: COMSP	Printed Check	2,730.00
607996	12/4/2025	1034	WILLDAN ASSOCIATES INC	00631250	TRAFFIC ENGINEERING SVCS: PW	EFT Posted	1,530.00
607990	12/4/2025	1509	WILLIAMS SHERRY B	PERF: 11/13/25	TICKET SALES AGMT: JAZZ @ THE MERC: TCSD	EFT Posted	633.50
607990	12/4/2025	1509	WILLIAMS SHERRY B	PERF: 11/20/25	TICKET SALES AGMT: JAZZ @ THE MERC: TCSD	EFT Posted	621.50
608108	12/18/2025	1509	WILLIAMS SHERRY B	PERF: 11/29/25	TICKET SALES AGMT: STAND UP COMEDY: TCSD	EFT Posted	1,385.00
608179	12/24/2025	1509	WILLIAMS SHERRY B	PERF: 12/04/25	TICKET SALES AGMT: JAZZ @ THE MERC: TCSD	EFT Posted	555.00
305067	12/11/2025	100	WOODSIDE 05S	TRC-153581-17-11-202	REFUND OF ENGINEERING DEPOSIT: LD20-0376	Printed Check	50,000.00
305032	11/25/2025	2799	YNEZ ROAD HOUSING PARTNERS LP	43602 VENTANA-15-207	RENTAL ASSISTANCE: COMSP	Printed Check	782.00
305134	12/23/2025	2799	YNEZ ROAD HOUSING PARTNERS LP	43513 VENTANA 14-307	RENTAL ASSISTANCE: COMSP	Printed Check	1,604.00
305137	12/23/2025	2799	YNEZ ROAD HOUSING PARTNERS LP	43519 VENTANA 13-106	RENTAL ASSISTANCE: COMSP	Printed Check	1,597.00
305136	12/23/2025	2799	YNEZ ROAD HOUSING PARTNERS LP	43602 VENTANA 15-107	RENTAL ASSISTANCE: COMSP	Printed Check	1,597.00
305135	12/23/2025	2799	YNEZ ROAD HOUSING PARTNERS LP	43602 VENTANA 15-105	RENTAL ASSISTANCE: COMSP	Printed Check	1,086.00
305133	12/23/2025	2799	YNEZ ROAD HOUSING PARTNERS LP	43602.VENTANA-15-207	RENTAL ASSISTANCE: COMSP	Printed Check	732.00
305132	12/23/2025	2799	YNEZ ROAD HOUSING PARTNERS LP	43602 VENTANA-15-308	RENTAL ASSISTANCE: COMSP	Printed Check	458.00
						Total	4,386,286.85

Approved Purchase Card Details
11/22/2025 - 12/26/2025

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
19073	11/19/2025	1278	ALBERTSONS	PC111725	REFRESHMENTS: HUMAN SERVICES: TCSD	Pcard	38.42
19073	11/19/2025	1278	ALBERTSONS	PC111725	REFRESHMENTS: SUPERVISOR ACADEMY: HR	Pcard	22.47
19073	11/19/2025	200	ALBERTSONS	PC111725	FLOWERS: SYMPATHY: FIRE	Pcard	48.92
19073	11/19/2025	200	ALBERTSONS	PC111725	REFRESHMENTS: FIRE STAFF MEETING: FIRE	Pcard	50.65
18911	10/20/2025	1418	AMAZON	PC101625	PRIZES: EMPLOYEE LUNCHEON: TEAM PACE: HR	Pcard	239.24
18911	10/20/2025	1418	AMAZON	PC101625	PRIZES: EMPLOYEE LUNCHEON: TEAM PACE: HR	Pcard	270.79
18911	10/20/2025	1418	AMAZON	PC101625	PROMOTIONAL SUPPLIES: ECDEV	Pcard	10.86
18911	10/20/2025	1418	AMAZON	PC101625	SUPPLIES: EMPLOYEE WELLNESS: HR	Pcard	40.75
19073	11/19/2025	1418	AMAZON	PC111725	EQUIPMENT: SPECIAL EVENTS: TCSD	Pcard	96.70
19073	11/19/2025	1418	AMAZON	PC111725	EQUIPMENT: SPECIAL EVENTS: TCSD	Pcard	573.40
19073	11/19/2025	1418	AMAZON	PC111725	MAINTENANCE SUPPLIES: FACILITIES: PW	Pcard	19.44
19073	11/19/2025	1418	AMAZON	PC111725	MAINTENANCE SUPPLIES: FACILITIES: PW	Pcard	29.35
19073	11/19/2025	1418	AMAZON	PC111725	MAINTENANCE SUPPLIES: FACILITIES: PW	Pcard	97.85
19073	11/19/2025	1418	AMAZON	PC111725	MAINTENANCE SUPPLIES: FACILITIES: PW	Pcard	135.56
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: CIP: PW	Pcard	25.98
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: CIP: PW	Pcard	187.98
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: CLERK	Pcard	72.06
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: CMO	Pcard	43.28
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: CMO	Pcard	61.47
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: CRC: TCSD	Pcard	21.73
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: FIN	Pcard	14.65
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: FIN	Pcard	14.79
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: FIN	Pcard	45.41
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: FIN	Pcard	84.24
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: HR	Pcard	20.10
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: MUSEUM: TCSD	Pcard	10.86
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: MUSEUM: TCSD	Pcard	36.95
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: PREVENTION: FIRE	Pcard	(93.45)
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: PREVENTION: FIRE	Pcard	(29.35)
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: PREVENTION: FIRE	Pcard	36.96
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: SUPPRESSION: FIRE	Pcard	93.45
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: SUPPRESSION: FIRE	Pcard	255.37
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: TCSD	Pcard	(24.88)
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: TCSD	Pcard	(19.56)
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: TCSD	Pcard	(10.32)
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: TCSD	Pcard	(9.23)
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: TCSD	Pcard	19.55
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: TCSD	Pcard	30.09
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: TCSD	Pcard	41.07
19073	11/19/2025	1418	AMAZON	PC111725	OFFICE SUPPLIES: TCSD	Pcard	192.15
19073	11/19/2025	1418	AMAZON	PC111725	PROMOTIONAL: SPECIAL EVENTS: FIRE	Pcard	32.61
19073	11/19/2025	1418	AMAZON	PC111725	PROMOTIONAL: SPECIAL EVENTS: FIRE	Pcard	64.79
19073	11/19/2025	1418	AMAZON	PC111725	RECREATION SUPPLIES: AQUATICS: TCSD	Pcard	80.94
19073	11/19/2025	1418	AMAZON	PC111725	RECREATION SUPPLIES: AQUATICS: TCSD	Pcard	125.64
19073	11/19/2025	1418	AMAZON	PC111725	RECREATION SUPPLIES: AQUATICS: TCSD	Pcard	185.94
19073	11/19/2025	1418	AMAZON	PC111725	RECREATION SUPPLIES: AQUATICS: TCSD	Pcard	361.01
19073	11/19/2025	1418	AMAZON	PC111725	RECREATION SUPPLIES: AQUATICS: TCSD	Pcard	418.87
19073	11/19/2025	1418	AMAZON	PC111725	RECREATION SUPPLIES: CRC: TCSD	Pcard	161.48
19073	11/19/2025	1418	AMAZON	PC111725	RECREATION SUPPLIES: CRC: TCSD	Pcard	307.74
19073	11/19/2025	1418	AMAZON	PC111725	RECREATION SUPPLIES: HUMAN SERVICES: TCSD	Pcard	14.78
19073	11/19/2025	1418	AMAZON	PC111725	RECREATION SUPPLIES: HUMAN SERVICES: TCSD	Pcard	38.53
19073	11/19/2025	1418	AMAZON	PC111725	RECREATION SUPPLIES: HUMAN SERVICES: TCSD	Pcard	129.18
19073	11/19/2025	1418	AMAZON	PC111725	RECREATION SUPPLIES: HUMAN SERVICES: TCSD	Pcard	231.61
19073	11/19/2025	1418	AMAZON	PC111725	RECREATION SUPPLIES: HUMAN SERVICES: TCSD	Pcard	257.21
19073	11/19/2025	1418	AMAZON	PC111725	RECREATION SUPPLIES: MUSEUM: TCSD	Pcard	166.75
19073	11/19/2025	1418	AMAZON	PC111725	REFRESHMENTS: SPECIAL EVENTS: MUSEUM: TCSD	Pcard	60.00
19073	11/19/2025	1418	AMAZON	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	129.20

Approved Purchase Card Details
11/22/2025 - 12/26/2025

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
19073	11/19/2025	1418	AMAZON	PC111725	SMALL TOOLS/EQUIPMENT: CIP: PW	Pcard	38.05
19073	11/19/2025	1418	AMAZON	PC111725	SMALL TOOLS/EQUIPMENT: CLASSES: TCSD	Pcard	62.27
19073	11/19/2025	1418	AMAZON	PC111725	SMALL TOOLS/EQUIPMENT: EM: FIRE	Pcard	39.02
19073	11/19/2025	1418	AMAZON	PC111725	SMALL TOOLS/EQUIPMENT: EM: FIRE	Pcard	537.39
19073	11/19/2025	1418	AMAZON	PC111725	SMALL TOOLS/EQUIPMENT: ITSS	Pcard	135.75
19073	11/19/2025	1418	AMAZON	PC111725	SMALL TOOLS/EQUIPMENT: RISK: HR	Pcard	65.24
19073	11/19/2025	1418	AMAZON	PC111725	SMALL TOOLS/EQUIPMENT: STATION 12: FIRE	Pcard	43.36
19073	11/19/2025	1418	AMAZON	PC111725	SMALL TOOLS/EQUIPMENT: STATION 12: FIRE	Pcard	220.28
19073	11/19/2025	1418	AMAZON	PC111725	SMALL TOOLS/EQUIPMENT: STATION 73: FIRE	Pcard	189.12
19073	11/19/2025	1418	AMAZON	PC111725	SMALL TOOLS/EQUIPMENT: STATION 92: FIRE	Pcard	147.81
19073	11/19/2025	1418	AMAZON	PC111725	SMALL TOOLS/EQUIPMENT: SUPPRESSION: STATION 73: FIRE	Pcard	234.61
19073	11/19/2025	1418	AMAZON	PC111725	SMALL TOOLS/EQUIPMENT: THEATER: TCSD	Pcard	44.45
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: ARTS: TCSD	Pcard	46.64
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: ARTS: TCSD	Pcard	168.58
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: COMMUNITY SUPPORT: CC	Pcard	54.35
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: COMMUNITY SUPPORT: CC	Pcard	295.40
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: ERGONOMICS: RISK	Pcard	102.28
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: EVENTS: HR	Pcard	42.39
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: EVENTS: HR	Pcard	73.89
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: LIBRARY EOC CIP IT24-02	Pcard	46.62
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: LIBRARY EOC CIP IT24-02	Pcard	337.46
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: MUSEUM: TCSD	Pcard	(30.33)
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: MUSEUM: TCSD	Pcard	(30.33)
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: SPECIAL EVENTS: MUSEUM: TCSD	Pcard	28.50
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: SPECIAL EVENTS: MUSEUM: TCSD	Pcard	60.45
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: SPECIAL EVENTS: MUSEUM: TCSD	Pcard	297.17
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: SPECIAL EVENTS: TCSD	Pcard	15.21
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: TCC: EM: FIRE	Pcard	30.44
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: TCSD	Pcard	35.10
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: TEENZONE: CRC	Pcard	85.36
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: TEENZONE: TCSD	Pcard	(65.89)
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: TEENZONE: TCSD	Pcard	21.74
19073	11/19/2025	1418	AMAZON	PC111725	SUPPLIES: TEENZONE: TCSD	Pcard	93.48
19073	11/19/2025	1277	AMERICAN BATTERY	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	25.18
19073	11/19/2025	1277	AMERICAN BATTERY	PC111725	REPAIR & MAINTENANCE - VEHICLE: PW	Pcard	135.10
19073	11/19/2025	4223	AMERICAN DIESEL	PC111725	REPAIR & MAINTENANCE - EQUIPMENT: STREETS: PW	Pcard	2,080.33
19073	11/19/2025	3929	AMERICAN EAGLE TROPHIES	PC111725	AWARDS: CITY COUNCIL: CLERK	Pcard	152.25
19073	11/19/2025	3929	AMERICAN EAGLE TROPHIES	PC111725	RECOGNITIONS: HR	Pcard	92.44
19073	11/19/2025	200	APPLE STORE	PC111725	OFFICE SUPPLIES: PREVENTION: FIRE	Pcard	9.79
19073	11/19/2025	200	APPLE STORE	PC111725	OFFICE SUPPLIES: PREVENTION: FIRE	Pcard	20.66
19073	11/19/2025	1766	APPLE.COM	PC111725	TELEPHONE SERVICES: SOCIAL MEDIA: ECDEV	Pcard	9.99
19073	11/19/2025	1766	APPLE.COM	PC111725	TELEPHONE SERVICES: SOCIAL MEDIA: ECDEV	Pcard	9.99
19073	11/19/2025	4060	ART SIGN WORKS INC	PC111725	SIGNAGE: FACILITIES: PW	Pcard	144.64
19073	11/19/2025	3415	ASSOC OF AQUATIC PROF	PC111725	REGISTRATION: AQUATICS: TCSD	Pcard	25.00
19073	11/19/2025	2813	ASSP	PC111725	DUES & MEMBERSHIPS: RISK: HR	Pcard	265.00
18911	10/20/2025	200	AUNTIE ANNE'S PRETZELS	PC101625	MEALS: NEOGOV CONFERENCE: RISK	Pcard	9.74
19073	11/19/2025	1170	AUTO PARTS PROS LLC	PC111725	REPAIR & MAINTENANCE - EQUIPMENT: STREETS: PW	Pcard	269.14
19073	11/19/2025	2409	BATTER UP BAKERY	PC111725	REFRESHMENTS: COMMUNITY SUPPORT: CC	Pcard	495.00
19073	11/19/2025	200	BLURB	PC111725	PUBLICATIONS: TRAFFIC: PW	Pcard	14.80
19073	11/19/2025	3720	BOOT WORLD INC	PC111725	SAFETY FOOTWEAR: PW	Pcard	217.48
19073	11/19/2025	3720	BOOT WORLD INC	PC111725	SAFETY FOOTWEAR: PW	Pcard	228.95
19073	11/19/2025	3720	BOOT WORLD INC	PC111725	SAFETY FOOTWEAR: PW	Pcard	231.07
19073	11/19/2025	200	BORSCH AND BEYOND	PC111725	REFRESHMENTS: SPECIAL EVENTS: MUSEUM: TCSD	Pcard	193.78
19073	11/19/2025	200	BTR DETAILING	PC111725	SMALL TOOLS/EQUIPMENT: SUPPRESSION: STATION 12: FIRE	Pcard	367.74
19073	11/19/2025	200	BULL GRILLS & SPAS	PC111725	REPAIR & MAINTENANCE - FACILITY: FIRE STATION: PW	Pcard	29.35
19073	11/19/2025	4188	BUSY BEES LOCKS	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	35.00
19073	11/19/2025	4188	BUSY BEES LOCKS	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	59.81

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
19073	11/19/2025	4188	BUSY BEES LOCKS	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	9.24
19073	11/19/2025	4188	BUSY BEES LOCKS	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	53.29
19073	11/19/2025	200	BWYAFAA	PC111725	REGISTRATION: CLASSES: FIRE	Pcard	600.00
19073	11/19/2025	1190	CAL MAT	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	437.18
19073	11/19/2025	1190	CAL MAT	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	456.75
19073	11/19/2025	1190	CAL MAT	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	465.89
19073	11/19/2025	1190	CAL MAT	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	538.97
19073	11/19/2025	1190	CAL MAT	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	838.90
19073	11/19/2025	1190	CAL MAT	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	852.88
19073	11/19/2025	1190	CAL MAT	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	992.67
19073	11/19/2025	1190	CAL MAT	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	1,001.81
19073	11/19/2025	1190	CAL MAT	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	1,024.64
19073	11/19/2025	1190	CAL MAT	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	1,061.18
19073	11/19/2025	1582	CAMPINIS	PC111725	REFRESHMENTS: CITY COUNCIL: CLERK	Pcard	45.22
19073	11/19/2025	2244	CANVA.COM	PC111725	SUBSCRIPTION: TCSD	Pcard	15.00
19073	11/19/2025	2244	CANVA.COM	PC111725	SUBSCRIPTION: TCSD	Pcard	15.00
19073	11/19/2025	200	CANVA.COM	PC111725	SUBSCRIPTION: THEATER: TCSD	Pcard	119.99
19073	11/19/2025	200	CHEVRON	PC111725	FUEL: FIRE	Pcard	50.00
19073	11/19/2025	200	CHICAGO BOOKS & JOURNALS	PC111725	PUBLICATIONS: TRAFFIC: PW	Pcard	132.87
19073	11/19/2025	1570	CHICK FIL A INC	PC111725	REFRESHMENTS: SUCCESS SUMMIT: ECDEV	Pcard	745.32
19073	11/19/2025	200	COLTONS SOCIAL HOUSE	PC111725	MEALS: 2025 CALED CONFERENCE: ECDEV	Pcard	66.72
19073	11/19/2025	2338	CONSOLIDATED ELECTRIC	PC111725	MAINTENANCE SUPPLIES: FACILITIES: PW	Pcard	5.94
19073	11/19/2025	2338	CONSOLIDATED ELECTRIC	PC111725	REPAIR & MAINTENANCE - FACILITY: FIRE STATION: PW	Pcard	222.94
19073	11/19/2025	2338	CONSOLIDATED ELECTRIC	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	25.32
19073	11/19/2025	2338	CONSOLIDATED ELECTRIC	PC111725	REPAIR & MAINTENANCE - FACILITY: MUSEUM: PW	Pcard	126.53
19073	11/19/2025	1098	COSTCO	PC111725	AWARDS: STAFF TRAINING: ITSS	Pcard	86.99
19073	11/19/2025	1098	COSTCO	PC111725	OFFICE SUPPLIES: PREVENTION: FIRE	Pcard	255.39
19073	11/19/2025	1098	COSTCO	PC111725	OFFICE SUPPLIES: PREVENTION: FIRE	Pcard	602.81
19073	11/19/2025	1098	COSTCO	PC111725	RECREATION SUPPLIES: TCSD	Pcard	256.34
19073	11/19/2025	1098	COSTCO	PC111725	REFRESHMENTS: CRC: TCSD	Pcard	86.57
19073	11/19/2025	1098	COSTCO	PC111725	REFRESHMENTS: HUMAN SERVICES: TCSD	Pcard	129.85
19073	11/19/2025	1098	COSTCO	PC111725	REFRESHMENTS: SENIOR EVENT: TCSD	Pcard	389.29
19073	11/19/2025	1098	COSTCO	PC111725	REFRESHMENTS: TCC: EM: FIRE	Pcard	734.93
19073	11/19/2025	1098	COSTCO	PC111725	REFRESHMENTS: TCSD	Pcard	399.66
19073	11/19/2025	1098	COSTCO	PC111725	REFRESHMENTS: TVE2: ECDEV	Pcard	47.07
19073	11/19/2025	1098	COSTCO	PC111725	REFRESHMENTS: TVE2: ECDEV	Pcard	115.50
19073	11/19/2025	1098	COSTCO	PC111725	SMALL TOOLS/EQUIPMENT: TCSD	Pcard	31.53
19073	11/19/2025	1098	COSTCO	PC111725	SUPPLIES: CRC: TCSD	Pcard	35.88
19073	11/19/2025	200	CREW BOSS	PC111725	SMALL TOOLS/EQUIPMENT: EM: FIRE	Pcard	773.02
19073	11/19/2025	1002	CSMFO	PC111725	REGISTRATION: CSMFO CONFERENCE: FIN	Pcard	625.00
19073	11/19/2025	1002	CSMFO	PC111725	REGISTRATION: CSMFO WEBINAR: FIN	Pcard	200.00
18911	10/20/2025	200	CVS	PC101625	MEALS: NEOGOV CONFERENCE: HR	Pcard	16.16
19073	11/19/2025	200	DCS PRINTSHOP	PC111725	UNIFORMS: PW	Pcard	375.98
19073	11/19/2025	2995	DISCRETE SOUNDS STUDIO	PC111725	RENTAL: WORKFORCE: TCSD	Pcard	400.00
19073	11/19/2025	3936	DISNEY PLUS	PC111725	SUBSCRIPTION: TEENZONE: TCSD	Pcard	12.99
19073	11/19/2025	3075	DOORDASH	PC111725	MEALS: 2025 CALED CONFERENCE: ECDEV	Pcard	44.20
19073	11/19/2025	3075	DOORDASH	PC111725	REFRESHMENTS: THEATER: TCSD	Pcard	76.93
19073	11/19/2025	3075	DOORDASH	PC111725	REFRESHMENTS: THEATER: TCSD	Pcard	155.85
19073	11/19/2025	3075	DOORDASH	PC111725	REFRESHMENTS: THEATER: TCSD	Pcard	173.81
19073	11/19/2025	3362	DUNN EDWARDS CORP	PC111725	PD SUBSTATION PROJECT: PWFR-11	Pcard	64.47
19073	11/19/2025	3362	DUNN EDWARDS CORP	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	23.45
19073	11/19/2025	3362	DUNN EDWARDS CORP	PC111725	REPAIR & MAINTENANCE - FACILITY: MPSC: PW	Pcard	60.12
19073	11/19/2025	200	DUTCH DRY CLEANERS	PC111725	LAUNDRY SERVICES: TVE2: ECDEV	Pcard	23.00
19073	11/19/2025	3363	EASYID SOLUTIONS INC	PC111725	SUPPLIES: TCC: EM: FIRE	Pcard	156.00
18911	10/20/2025	200	EINSTEIN BRO	PC101625	MEALS: NEOGOV CONFERENCE: RISK	Pcard	13.94
18911	10/20/2025	200	ELFESTINREYES FAMILY	PC101625	SUPPLIES: HEALTH FAIR: HR	Pcard	4.51
19073	11/19/2025	4368	EMBASSY SUITES PLAIN	PC111725	EMPLOYEE TRAINING: HR	Pcard	809.10

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
19073	11/19/2025	4368	EMBASSY SUITES PLAIN	PC111725	EMPLOYEE TRAINING: HR	Pcard	4,931.47
19073	11/19/2025	200	ENGINEERS BD	PC111725	DUES & MEMBERSHIPS: CIP: PW	Pcard	180.00
19073	11/19/2025	200	ENGINEERS BD	PC111725	DUES & MEMBERSHIPS: TRAFFIC: PW	Pcard	180.00
19073	11/19/2025	1104	ENVIRONMENTAL HEALTH	PC111725	BIRDSALL CONCESSION PROJECT: PWFR-11	Pcard	14.39
19073	11/19/2025	1104	ENVIRONMENTAL HEALTH	PC111725	BIRDSALL CONCESSION PROJECT: PWFR-11	Pcard	607.00
19073	11/19/2025	1104	ENVIRONMENTAL HEALTH	PC111725	SOMMERSBEND CONCESSION PROJECT: PWFR-11	Pcard	14.39
19073	11/19/2025	1104	ENVIRONMENTAL HEALTH	PC111725	SOMMERSBEND CONCESSION PROJECT: PWFR-11	Pcard	607.00
19073	11/19/2025	200	EOS FITNESS	PC111725	DUES & MEMBERSHIPS: STATION 73: FIRE	Pcard	552.77
19073	11/19/2025	1911	EVENTBRITE.COM	PC111725	ADMISSION: SISTER CITY VISIT: TCSD	Pcard	222.60
19073	11/19/2025	1911	EVENTBRITE.COM	PC111725	ADMISSION: SISTER CITY VISIT: TCSD	Pcard	445.20
19073	11/19/2025	1305	EWING IRRIGATION PRO	PC111725	LANDSCAPE MAINTENANCE: PARKS: PW	Pcard	46.40
19073	11/19/2025	2749	EXTENDED STAY AMERICA	PC111725	LODGING: HOMELESS OUTREACH: TCSD	Pcard	325.34
19073	11/19/2025	2749	EXTENDED STAY AMERICA	PC111725	LODGING: HOMELESS OUTREACH: TCSD	Pcard	594.93
19073	11/19/2025	200	FAIRFIELD INN	PC111725	DATA: TRAINING: BLDSF	Pcard	9.90
19073	11/19/2025	200	FAIRFIELD INN	PC111725	LODGING: TRAINING: BLDSF	Pcard	166.07
19073	11/19/2025	200	FAIRFIELD INN	PC111725	LODGING: CONFERENCE: CMO	Pcard	580.72
19073	11/19/2025	200	FAIRFIELD INN	PC111725	LODGING: TRAINING: BLDSF	Pcard	161.12
19073	11/19/2025	200	FAT TAP AND POUR	PC111725	MEALS: 2025 CALED CONFERENCE: ECDEV	Pcard	54.48
18911	10/20/2025	200	FAVORITE BISTRO	PC101625	MEALS: NEOGOV CONFERENCE: RISK	Pcard	72.92
19073	11/19/2025	4191	FERGUSON ENTERPRISES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	(121.01)
19073	11/19/2025	4191	FERGUSON ENTERPRISES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	95.68
19073	11/19/2025	4191	FERGUSON ENTERPRISES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	150.41
19073	11/19/2025	4191	FERGUSON ENTERPRISES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	161.35
19073	11/19/2025	200	FIVE GUYS	PC111725	REFRESHMENTS: FIRE STAFF MEETING: FIRE	Pcard	22.34
19073	11/19/2025	200	FRANKLIN PLANNER CORP	PC111725	OFFICE SUPPLIES: CIP: PW	Pcard	31.74
19073	11/19/2025	200	GROVE LUMBER & BUILDINGS	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	4,699.06
19073	11/19/2025	3589	GUADALAJARA GRILL	PC111725	REFRESHMENTS: ERC PROGRAM MEETING: ECDEV	Pcard	56.71
19073	11/19/2025	200	H3CUSTOMS	PC111725	PROMOTIONAL: SUPPRESSION: FIRE	Pcard	76.13
19073	11/19/2025	3345	HAAKER EQUIPMENT CO	PC111725	REPAIR & MAINTENANCE - EQUIPMENT: STREETS: PW	Pcard	3,004.65
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	CHAPEL PROJECT: PWFR-11	Pcard	16.00
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	CHAPEL PROJECT: PWFR-11	Pcard	28.98
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	CHAPEL PROJECT: PWFR-11	Pcard	44.89
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	CHAPEL PROJECT: PWFR-11	Pcard	64.22
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	CHAPEL PROJECT: PWFR-11	Pcard	67.00
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	CHAPEL PROJECT: PWFR-11	Pcard	81.39
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	CHAPEL PROJECT: PWFR-11	Pcard	105.32
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: FACILITIES: PW	Pcard	20.10
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	19.54
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	19.55
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	29.86
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	33.24
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	36.42
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	49.05
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	55.40
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	57.88
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	71.58
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	99.91
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	113.63
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	193.54
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	634.68
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	640.61
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: TRAFFIC: PW	Pcard	44.35
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: TRAFFIC: PW	Pcard	155.60
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	MAINTENANCE SUPPLIES: TRAFFIC: PW	Pcard	187.14
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	OLD TOWN PROJECT: PWFR-11	Pcard	100.22
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	OLD TOWN PROJECT: PWFR-11	Pcard	101.63
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	OLD TOWN PROJECT: PWFR-11	Pcard	156.32

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	PD SUBSTATION PROJECT: PWFR-11	Pcard	12.16
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	PD SUBSTATION PROJECT: PWFR-11	Pcard	36.93
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: AQUATICS: PW	Pcard	40.38
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CHAPEL: PW	Pcard	16.08
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	2.02
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	3.25
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	5.32
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	9.99
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	14.54
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	20.65
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	21.82
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	24.63
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	26.07
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	31.53
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	42.53
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	52.16
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	60.26
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	72.11
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	177.35
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	202.28
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CRC: PW	Pcard	17.38
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CRC: PW	Pcard	54.24
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CRC: PW	Pcard	61.76
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CRC: PW	Pcard	71.76
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CRC: PW	Pcard	1,272.38
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: FIRE STATION: PW	Pcard	5.32
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: FIRE STATION: PW	Pcard	41.10
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: FIRE STATION: PW	Pcard	56.07
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: JRC: PW	Pcard	8.68
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	11.17
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	26.38
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	73.22
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: MPSC: PW	Pcard	10.74
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: MPSC: PW	Pcard	11.94
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: MPSC: PW	Pcard	58.57
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	40.72
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	52.16
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	82.26
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	444.59
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	1,728.55
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	10.57
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	30.93
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	40.43
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	46.74
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	179.98
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKING GARAGE: PW	Pcard	9.96
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKING GARAGE: PW	Pcard	35.79
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	4.34
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	10.86
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	11.75
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	15.19
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	16.95
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	26.08
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	31.50
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	56.78
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	62.99
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	72.94

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19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	88.72
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	117.41
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	162.61
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	165.14
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	300.04
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: SAFE HOUSE: PW	Pcard	38.06
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: TCC: PW	Pcard	39.08
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: THEATER: PW	Pcard	1.95
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: THEATER: PW	Pcard	4.88
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: THEATER: PW	Pcard	14.88
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: THEATER: PW	Pcard	39.57
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: THEATER: PW	Pcard	400.20
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: TVE2: PW	Pcard	26.09
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: TVE2: PW	Pcard	27.47
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: TVE2: PW	Pcard	29.21
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	REPAIR & MAINTENANCE - FACILITY: TVE2: PW	Pcard	66.75
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	SIGNAGE: PARKS: PW	Pcard	15.54
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	SMALL TOOLS/EQUIPMENT: CRC: TCSD	Pcard	169.52
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	SMALL TOOLS/EQUIPMENT: FACILITIES: PW	Pcard	38.04
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	SMALL TOOLS/EQUIPMENT: FACILITIES: PW	Pcard	61.51
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	SMALL TOOLS/EQUIPMENT: FACILITIES: PW	Pcard	71.62
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	SMALL TOOLS/EQUIPMENT: FACILITIES: PW	Pcard	88.89
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	SMALL TOOLS/EQUIPMENT: FACILITIES: PW	Pcard	123.94
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	SMALL TOOLS/EQUIPMENT: FACILITIES: PW	Pcard	133.50
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	SMALL TOOLS/EQUIPMENT: PARKS: PW	Pcard	20.65
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	SMALL TOOLS/EQUIPMENT: PARKS: PW	Pcard	124.69
19073	11/19/2025	1009	HANKS HARDWARE INC	PC111725	SMALL TOOLS/EQUIPMENT: SPORTS: TCSD	Pcard	9.40
18911	10/20/2025	3878	HARRAHS HOTEL	PC101625	LODGING: NEOGOV CONFERENCE: HR	Pcard	818.29
19073	11/19/2025	200	HENDOS	PC111725	PRIZE: EMPLOYEE WELLNESS: HR	Pcard	25.00
19073	11/19/2025	1074	HILTON	PC111725	LODGING: CSMFO CONFERENCE: FIN	Pcard	292.35
19073	11/19/2025	1074	HILTON	PC111725	LODGING: CSMFO CONFERENCE: FIN	Pcard	292.35
19073	11/19/2025	200	HILTON	PC111725	PARKING: CONFERENCE: EM: FIRE	Pcard	39.00
19073	11/19/2025	200	HILTON	PC111725	PARKING: TRAINING: BLDSF	Pcard	10.00
19073	11/19/2025	2097	HOBBY LOBBY STORES	PC111725	SUPPLIES: COMMUNITY SUPPORT: CC	Pcard	19.52
19073	11/19/2025	1192	HOME DEPOT	PC111725	CHAPEL PROJECT: PWFR-11	Pcard	29.16
19073	11/19/2025	1192	HOME DEPOT	PC111725	CHAPEL PROJECT: PWFR-11	Pcard	45.68
19073	11/19/2025	1192	HOME DEPOT	PC111725	CHAPEL PROJECT: PWFR-11	Pcard	124.21
19073	11/19/2025	1192	HOME DEPOT	PC111725	CHAPEL PROJECT: PWFR-11	Pcard	2,896.97
19073	11/19/2025	1192	HOME DEPOT	PC111725	COST RECOVERY CR25-19	Pcard	160.95
19073	11/19/2025	1192	HOME DEPOT	PC111725	PD SUBSTATION PROJECT: PWFR-11	Pcard	1,241.01
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	8.13
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	32.52
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	32.58
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	54.28
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	70.60
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	81.49
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	140.87
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: FIRE STATION: PW	Pcard	684.83
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	14.10
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	40.15
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	41.23
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	3.63
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	53.67
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	294.98
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	318.97
19073	11/19/2025	1192	HOME DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: THEATER: PW	Pcard	108.75
19073	11/19/2025	1192	HOME DEPOT	PC111725	SMALL TOOLS/EQUIPMENT: FACILITIES: PW	Pcard	398.69

Approved Purchase Card Details
11/22/2025 - 12/26/2025

Check #	Check Date	Vendor #	Vendor Name	Invoice	Description	Payment Type	Invoice Net
19073	11/19/2025	1192	HOME DEPOT	PC111725	SMALL TOOLS/EQUIPMENT: PW	Pcard	288.45
19073	11/19/2025	200	HUDSON	PC111725	OLD TOWN PROJECT: PWFR-11	Pcard	28.58
19073	11/19/2025	200	HUDSON	PC111725	OLD TOWN PROJECT: PWFR-11	Pcard	44.84
19073	11/19/2025	200	IACE TRAVEL USA	PC111725	INTERPRETER: SISTER CITIES: TCSD	Pcard	780.00
19073	11/19/2025	1501	IMPACT MARKETING	PC111725	UNIFORMS: NPDES: PW	Pcard	83.74
19073	11/19/2025	200	IMSAFWS CERTIFICATION	PC111725	STAFF TRAINING/EDUCATION: TRAFFIC: PW	Pcard	570.00
19073	11/19/2025	2046	IN N OUT BURGER	PC111725	REFRESHMENTS: PEER SUPPORT: SUPPRESSION: FIRE	Pcard	110.27
18911	10/20/2025	2245	INSTACART.COM	PC101625	REFRESHMENTS: HEALTH FAIR: HR	Pcard	267.21
19073	11/19/2025	2245	INSTACART.COM	PC111725	REFRESHMENTS: SPECIAL EVENTS: TCSD	Pcard	350.25
19073	11/19/2025	2245	INSTACART.COM	PC111725	SUPPLIES: TEAM PACE: HR	Pcard	17.27
19073	11/19/2025	1196	INTL CODE COUNCIL	PC111725	REGISTRATION: TRAINING: BLDSF	Pcard	160.00
19073	11/19/2025	1196	INTL CODE COUNCIL	PC111725	STAFF TRAINING/EDUCATION: BLDSF	Pcard	125.00
19073	11/19/2025	1053	INTL INSTITUTE OF MUNICIPAL CLERKS	PC111725	DUES & MEMBERSHIPS: IIMC: CLERK	Pcard	235.00
19073	11/19/2025	1674	ISTOCK INTL INC	PC111725	SUBSCRIPTION: TCSD	Pcard	120.00
19073	11/19/2025	3095	J QUALITY CONTROLS	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	152.24
19073	11/19/2025	3095	J QUALITY CONTROLS	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	1,522.50
19073	11/19/2025	3095	J QUALITY CONTROLS	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	237.51
19073	11/19/2025	3095	J QUALITY CONTROLS	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	261.00
19073	11/19/2025	3095	J QUALITY CONTROLS	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	549.17
19073	11/19/2025	3095	J QUALITY CONTROLS	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	593.86
19073	11/19/2025	3095	J QUALITY CONTROLS	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	632.57
19073	11/19/2025	3529	JERSEY MIKES	PC111725	REFRESHMENTS: TCC: EM: FIRE	Pcard	1,476.00
19073	11/19/2025	1248	JTB SUPPLY COMPANY	PC111725	TRAFFIC SIGNAL MAINTENANCE: TRAFFIC: PW	Pcard	4,928.82
19073	11/19/2025	200	LA FAVORITA RANCH MARKET	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKING GARAGE: PW	Pcard	12.27
19073	11/19/2025	200	LABOR LAW CENTER.COM	PC111725	SUPPLIES: HR	Pcard	1,478.08
19073	11/19/2025	1014	LEAGUE OF CALIFORNIA	PC111725	REGISTRATION: WEBINAR: FIN	Pcard	25.00
19073	11/19/2025	1014	LEAGUE OF CALIFORNIA	PC111725	REGISTRATION: WEBINAR: FIN	Pcard	25.00
19073	11/19/2025	2350	LEWIS CLEANERS	PC111725	LAUNDRY SERVICES: CLERK	Pcard	85.75
19073	11/19/2025	2350	LEWIS CLEANERS	PC111725	LAUNDRY SERVICES: ECDEV	Pcard	220.00
19073	11/19/2025	1320	LIEBERT CASSIDY WHITMORE	PC111725	REGISTRATION: WEBINAR: HR	Pcard	100.00
19073	11/19/2025	2082	LILLIG REBECCA	PC111725	REFRESHMENTS: TCSD	Pcard	600.00
19073	11/19/2025	3829	LITTLE FREE LIBRARY	PC111725	SUPPLIES: HUMAN SERVICES: TCSD	Pcard	54.94
19073	11/19/2025	1244	LOWES INC	PC111725	MAINTENANCE SUPPLIES: TRAFFIC: PW	Pcard	97.85
19073	11/19/2025	1244	LOWES INC	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	140.27
19073	11/19/2025	1244	LOWES INC	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	188.03
19073	11/19/2025	1244	LOWES INC	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	228.85
19073	11/19/2025	1244	LOWES INC	PC111725	SMALL TOOLS/EQUIPMENT: SUPPRESSION: STATION 73: FIRE	Pcard	73.86
19073	11/19/2025	3609	MAIN ELECTRIC SUPPLY	PC111725	REPAIR & MAINTENANCE - FACILITY: JRC: PW	Pcard	44.98
19073	11/19/2025	3609	MAIN ELECTRIC SUPPLY	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	70.73
19073	11/19/2025	3609	MAIN ELECTRIC SUPPLY	PC111725	REPAIR & MAINTENANCE - FACILITY: THEATER: PW	Pcard	75.73
19073	11/19/2025	1224	MAIN STREET SIGNS	PC111725	OFFICE SUPPLIES: TCSD	Pcard	77.81
19073	11/19/2025	2715	MARCOS PIZZA	PC111725	REFRESHMENTS: PEER SUPPORT: SUPPRESSION: FIRE	Pcard	207.82
18911	10/20/2025	200	MARDI GRAS SUNDRIES	PC101625	MEALS: NEOGOV CONFERENCE: HR	Pcard	9.90
18911	10/20/2025	200	MARDI GRAS SUNDRIES	PC101625	MEALS: NEOGOV CONFERENCE: RISK	Pcard	6.45
18911	10/20/2025	200	MARDI GRAS SUNDRIES	PC101625	MEALS: NEOGOV CONFERENCE: RISK	Pcard	8.45
18911	10/20/2025	200	MARDI GRAS SUNDRIES	PC101625	MEALS: NEOGOV CONFERENCE: RISK	Pcard	18.90
19073	11/19/2025	1111	MICHAELS STORES INC	PC111725	OFFICE SUPPLIES: PREVENTION: FIRE	Pcard	36.94
19073	11/19/2025	1111	MICHAELS STORES INC	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	26.08
19073	11/19/2025	1111	MICHAELS STORES INC	PC111725	SUPPLIES: ARTS: TCSD	Pcard	102.15
19073	11/19/2025	1111	MICHAELS STORES INC	PC111725	SUPPLIES: COMMUNITY SUPPORT: CC	Pcard	(16.30)
19073	11/19/2025	1111	MICHAELS STORES INC	PC111725	SUPPLIES: COMMUNITY SUPPORT: CC	Pcard	16.30
19073	11/19/2025	1111	MICHAELS STORES INC	PC111725	SUPPLIES: COMMUNITY SUPPORT: CC	Pcard	35.88
19073	11/19/2025	1111	MICHAELS STORES INC	PC111725	SUPPLIES: SPECIAL EVENTS: TCSD	Pcard	13.57
19073	11/19/2025	1111	MICHAELS STORES INC	PC111725	SUPPLIES: TEENZONE: TCSD	Pcard	61.94
19073	11/19/2025	3994	MINUTEMAN PRESS	PC111725	PRINTING: CLERK	Pcard	218.92
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	CRC PROJECT: PWFR-11	Pcard	2,111.82
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	359.04

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19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	843.90
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: CRC: PW	Pcard	393.55
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: CRC: PW	Pcard	632.93
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: FIRE STATION: PW	Pcard	98.99
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	632.93
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	894.47
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	81.30
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: MUSEUM: PW	Pcard	72.05
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	45.68
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	45.68
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	2,443.62
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKING GARAGE: PW	Pcard	30.59
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKING GARAGE: PW	Pcard	256.04
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	(108.86)
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	51.12
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	108.86
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	142.24
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	210.16
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	457.16
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	926.49
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	2,718.77
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: SAFE HOUSE: PW	Pcard	53.64
19073	11/19/2025	1241	MISSION ELECTRIC SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: THEATER: PW	Pcard	85.64
19073	11/19/2025	200	MOUSER ELECTRONICS	PC111725	REPAIR & MAINTENANCE - VEHICLE: PW	Pcard	40.67
19073	11/19/2025	2248	MURRIETA CHAMBER OF COMMERCE	PC111725	REGISTRATION: HOMELESS OUTREACH: TCSD	Pcard	50.00
19073	11/19/2025	2248	MURRIETA CHAMBER OF COMMERCE	PC111725	REGISTRATION: WILDOMAR SOTC: ECDEV	Pcard	60.00
19073	11/19/2025	2255	NETFLIX.COM	PC111725	SUBSCRIPTION: TEENZONE: TCSD	Pcard	17.99
19073	11/19/2025	200	NNA SERVICES LLC	PC111725	DUES & MEMBERSHIP: NOTARY: CMO	Pcard	129.00
19073	11/19/2025	1013	NUTRIEN AG SOLUTIONS	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	113.51
19073	11/19/2025	1237	OFFICE DEPOT BUSINESS	PC111725	OFFICE SUPPLIES: HR	Pcard	140.09
19073	11/19/2025	1237	OFFICE DEPOT BUSINESS	PC111725	OFFICE SUPPLIES: TCSD	Pcard	182.58
18911	10/20/2025	1400	ONTARIO AIRPORT PARKING	PC101625	PARKING: NEOGOV CONFERENCE: HR	Pcard	140.00
18911	10/20/2025	1400	ONTARIO AIRPORT PARKING	PC101625	PARKING: NEOGOV CONFERENCE: RISK	Pcard	120.00
19073	11/19/2025	2048	PACIFIC PRODUCTS	PC111725	MAINTENANCE SUPPLIES: STREETS: PW	Pcard	4,820.34
19073	11/19/2025	1624	PALM SPRINGS AERIAL TRAM	PC111725	ADMISSION: SENIOR EXCURSION: TCSD	Pcard	1,116.00
19073	11/19/2025	200	PAM DONUT	PC111725	REFRESHMENTS: TEAM PACE: HR	Pcard	234.50
19073	11/19/2025	200	PAPA JOHNS	PC111725	REFRESHMENTS: TCSD	Pcard	65.25
19073	11/19/2025	200	PAPA JOHNS	PC111725	REFRESHMENTS: TCSD	Pcard	119.52
19073	11/19/2025	200	PAPA JOHNS	PC111725	REFRESHMENTS: TENANT MEETING: ECDEV	Pcard	43.50
19073	11/19/2025	2392	PENFOLDS CAFE INC	PC111725	REFRESHMENTS: HUMAN SERVICES: TCSD	Pcard	477.79
19073	11/19/2025	2392	PENFOLDS CAFE INC	PC111725	REFRESHMENTS: TCSD	Pcard	518.85
18911	10/20/2025	200	PEPSI	PC101625	MEALS: NEOGOV CONFERENCE: RISK	Pcard	3.10
19073	11/19/2025	3049	PIZZA FACTORY	PC111725	REFRESHMENTS: SPECIAL EVENTS: TCSD	Pcard	294.65
19073	11/19/2025	200	PRECISION POWDER COATING	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	309.00
19073	11/19/2025	200	PRECISION POWDER COATING	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	257.50
19073	11/19/2025	2679	QR CODE GENERATOR	PC111725	SUBSCRIPTION: TCSD	Pcard	35.00
19073	11/19/2025	2243	RADIANT GLOBAL LOGIS	PC111725	EXHIBIT TRANSPORTATION: MUSEUM: TCSD	Pcard	1,871.89
19073	11/19/2025	3520	RALPHS	PC111725	PRIZE: EMPLOYEE WELLNESS: HR	Pcard	25.00
19073	11/19/2025	3520	RALPHS	PC111725	SUPPLIES: SPECIAL EVENTS: MUSEUM: TCSD	Pcard	55.13
19073	11/19/2025	2552	REFRIGERATION SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	68.52
19073	11/19/2025	2552	REFRIGERATION SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	950.43
19073	11/19/2025	2552	REFRIGERATION SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	(988.85)
19073	11/19/2025	2552	REFRIGERATION SUPPLIES	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	1,480.47
19073	11/19/2025	2181	REYES NICOLE	PC111725	LAUNDRY SERVICES: HUMAN SERVICES: TCSD	Pcard	127.25
19073	11/19/2025	2181	REYES NICOLE	PC111725	LAUNDRY SERVICES: HUMAN SERVICES: TCSD	Pcard	179.25
19073	11/19/2025	2181	REYES NICOLE	PC111725	LAUNDRY SERVICES: HUMAN SERVICES: TCSD	Pcard	350.50
19073	11/19/2025	200	RODEO CAFÉ TEMECULA	PC111725	REFRESHMENTS: FIRE STAFF MEETING: FIRE	Pcard	45.36

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19073	11/19/2025	2005	ROSEN AND ROSEN INDUSTRIES	PC111725	UNIFORMS: FACILITIES: PW	Pcard	244.65
19073	11/19/2025	2005	ROSEN AND ROSEN INDUSTRIES	PC111725	UNIFORMS: PARKS: PW	Pcard	305.86
19073	11/19/2025	1607	RUBIOS RESTAURANTS	PC111725	REFRESHMENTS: SUPERVISOR ACADEMY: HR	Pcard	281.39
19073	11/19/2025	200	SAKURA CHAYA	PC111725	MEALS: 2025 CALED CONFERENCE: ECDEV	Pcard	73.48
19073	11/19/2025	2817	SCP DISTRIBUTORS LLC	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	98.68
19073	11/19/2025	2817	SCP DISTRIBUTORS LLC	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	137.45
19073	11/19/2025	2817	SCP DISTRIBUTORS LLC	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	148.02
19073	11/19/2025	3926	SEVEN ELEVEN	PC111725	REPAIR & MAINTENANCE - VEHICLE: PW	Pcard	12.00
19073	11/19/2025	200	SHELL	PC111725	FUEL: BLDSF	Pcard	45.10
19073	11/19/2025	3659	SITEONE LANDSCAPE	PC111725	LANDSCAPE MAINTENANCE: PARKS: PW	Pcard	17.38
19073	11/19/2025	3659	SITEONE LANDSCAPE	PC111725	LANDSCAPE MAINTENANCE: PARKS: PW	Pcard	932.11
19073	11/19/2025	3659	SITEONE LANDSCAPE	PC111725	LANDSCAPE MAINTENANCE: PARKS: PW	Pcard	2,472.57
19073	11/19/2025	1061	SMART AND FINAL INC	PC111725	REFRESHMENTS: ARTS: TCSD	Pcard	200.60
19073	11/19/2025	1061	SMART AND FINAL INC	PC111725	REFRESHMENTS: SENIOR EVENT: TCSD	Pcard	163.77
19073	11/19/2025	1061	SMART AND FINAL INC	PC111725	REFRESHMENTS: SENIOR EVENT: TCSD	Pcard	249.47
19073	11/19/2025	2218	SOURCE POINT PRODUCT	PC111725	SMALL TOOLS/EQUIPMENT: EM: FIRE	Pcard	372.45
18911	10/20/2025	1399	SOUTHWEST AIRLINES	PC101625	AIRFARE: NEOGOV CONFERENCE: RISK	Pcard	35.00
18911	10/20/2025	1399	SOUTHWEST AIRLINES	PC101625	AIRFARE: NEOGOV CONFERENCE: RISK	Pcard	35.00
19073	11/19/2025	200	SPOTIFY	PC111725	SUBSCRIPTION: TEENZONE: TCSD	Pcard	19.99
19073	11/19/2025	1028	STADIUM PIZZA INC	PC111725	REFRESHMENTS: HALLOWEEN CARNIVAL: SUPPRESSION: FIRE	Pcard	42.01
19073	11/19/2025	1028	STADIUM PIZZA INC	PC111725	REFRESHMENTS: HALLOWEEN CARNIVAL: SUPPRESSION: FIRE	Pcard	224.85
19073	11/19/2025	1452	STAPLES INC	PC111725	OFFICE SUPPLIES: CLASSES: TCSD	Pcard	53.10
19073	11/19/2025	1452	STAPLES INC	PC111725	OFFICE SUPPLIES: TCSD	Pcard	293.61
19073	11/19/2025	1452	STAPLES INC	PC111725	PRIZES: TEAM PACE: HR	Pcard	325.00
19073	11/19/2025	1452	STAPLES INC	PC111725	PRIZES: TEAM PACE: HR	Pcard	462.90
19073	11/19/2025	1452	STAPLES INC	PC111725	RECREATION SUPPLIES: CLASSES: TCSD	Pcard	13.04
18911	10/20/2025	1535	STARBUCKS	PC101625	MEALS: NEOGOV CONFERENCE: HR	Pcard	21.02
18911	10/20/2025	1535	STARBUCKS	PC101625	MEALS: NEOGOV CONFERENCE: HR	Pcard	21.02
18911	10/20/2025	1441	STATER BROTHERS	PC101625	REFRESHMENTS: TRAINING: HR	Pcard	118.71
18911	10/20/2025	1441	STATER BROTHERS	PC101625	SUPPLIES :HEALTH FAIR: HR	Pcard	325.00
19073	11/19/2025	1912	STEIN ANDREW	PC111725	RECREATION SUPPLIES: CLASSES: TCSD	Pcard	1,298.84
19073	11/19/2025	200	SUPPLIES DEPOT	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	150.10
19073	11/19/2025	3536	TARGET	PC111725	REFRESHMENTS: TCSD	Pcard	24.97
19073	11/19/2025	3536	TARGET	PC111725	SUPPLIES: ARTS: TCSD	Pcard	(7.22)
19073	11/19/2025	3536	TARGET	PC111725	SUPPLIES: ARTS: TCSD	Pcard	11.45
19073	11/19/2025	3379	TCC ROASTERS INC	PC111725	REFRESHMENTS: TVE2: ECDEV	Pcard	89.00
19073	11/19/2025	4085	TEMECULA VALLEY HISTORY MUSEUM	PC111725	REGISTRATION: MUSEUM: TCSD	Pcard	130.00
19073	11/19/2025	1030	TEMECULA VALLEY PIPE	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	12.28
19073	11/19/2025	1234	TEMECULA WINNELSON	PC111725	PD SUBSTATION PROJECT: PWFR-11	Pcard	64.23
19073	11/19/2025	1234	TEMECULA WINNELSON	PC111725	REPAIR & MAINTENANCE - FACILITY: LIBRARY: PW	Pcard	978.75
19073	11/19/2025	1234	TEMECULA WINNELSON	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	42.41
19073	11/19/2025	1234	TEMECULA WINNELSON	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	68.71
19073	11/19/2025	1234	TEMECULA WINNELSON	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	183.22
19073	11/19/2025	1234	TEMECULA WINNELSON	PC111725	REPAIR & MAINTENANCE - FACILITY: MRC: PW	Pcard	986.36
19073	11/19/2025	1234	TEMECULA WINNELSON	PC111725	REPAIR & MAINTENANCE - FACILITY: PD SUBSTATION: PW	Pcard	42.36
19073	11/19/2025	1234	TEMECULA WINNELSON	PC111725	REPAIR & MAINTENANCE - FACILITY: PD SUBSTATION: PW	Pcard	45.91
19073	11/19/2025	1234	TEMECULA WINNELSON	PC111725	SMALL TOOLS/EQUIPMENT: FACILITIES: PW	Pcard	48.29
19073	11/19/2025	200	THE LOCAL	PC111725	MEALS: 2025 CALED CONFERENCE: ECDEV	Pcard	114.01
19073	11/19/2025	3903	THE VALLEY BUSINESS	PC111725	MARKETING: ECDEV	Pcard	725.00
19073	11/19/2025	200	TUFF SHED	PC111725	CRC PROJECT: PWFR-11	Pcard	108.75
19073	11/19/2025	200	TUSKER METALS	PC111725	BIKE RACK PROJECT: PWFR-11	Pcard	225.07
19073	11/19/2025	200	TUSKER METALS	PC111725	PD SUBSTATION PROJECT: PWFR-11	Pcard	92.74
19073	11/19/2025	200	TUSKER METALS	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	32.63
19073	11/19/2025	200	TUSKER METALS	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	30.62
19073	11/19/2025	200	TUSKER METALS	PC111725	REPAIR & MAINTENANCE - FACILITY: PARKS: PW	Pcard	133.76
19073	11/19/2025	2561	UBER	PC111725	TRANSPORTATION: 2025 CALED CONFERENCE: ECDEV	Pcard	2.00
19073	11/19/2025	2561	UBER	PC111725	TRANSPORTATION: 2025 CALED CONFERENCE: ECDEV	Pcard	2.00

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19073	11/19/2025	2561	UBER	PC111725	TRANSPORTATION: 2025 CALED CONFERENCE: ECDEV	Pcard	2.00
19073	11/19/2025	2561	UBER	PC111725	TRANSPORTATION: 2025 CALED CONFERENCE: ECDEV	Pcard	8.95
19073	11/19/2025	2561	UBER	PC111725	TRANSPORTATION: 2025 CALED CONFERENCE: ECDEV	Pcard	11.98
19073	11/19/2025	2561	UBER	PC111725	TRANSPORTATION: 2025 CALED CONFERENCE: ECDEV	Pcard	13.93
19073	11/19/2025	2561	UBER	PC111725	TRANSPORTATION: 2025 CALED CONFERENCE: ECDEV	Pcard	15.00
19073	11/19/2025	2561	UBER	PC111725	TRANSPORTATION: 2025 CALED CONFERENCE: ECDEV	Pcard	15.97
19073	11/19/2025	2561	UBER	PC111725	TRANSPORTATION: 2025 CALED CONFERENCE: ECDEV	Pcard	17.31
19073	11/19/2025	2561	UBER	PC111725	TRANSPORTATION: 2025 CALED CONFERENCE: ECDEV	Pcard	19.21
19073	11/19/2025	2561	UBER	PC111725	TRANSPORTATION: 2025 CALED CONFERENCE: ECDEV	Pcard	20.91
19073	11/19/2025	2561	UBER	PC111725	TRANSPORTATION: 2025 CALED CONFERENCE: ECDEV	Pcard	21.08
19073	11/19/2025	2561	UBER	PC111725	TRANSPORTATION: 2025 CALED CONFERENCE: ECDEV	Pcard	133.99
19073	11/19/2025	1131	UNITED RENTALS	PC111725	REPAIR & MAINTENANCE - FACILITY: FIRE STATION: PW	Pcard	1,299.83
19073	11/19/2025	200	UPS	PC111725	SHIPPING: SUPPRESSION: FIRE	Pcard	23.22
19073	11/19/2025	2273	UPTOWN TEMECULA AUTO	PC111725	REPAIR & MAINTENANCE - VEHICLE: BLDSF	Pcard	14.99
19073	11/19/2025	1475	VONS	PC111725	AWARDS: STAFF TRAINING: ITSS	Pcard	115.85
19073	11/19/2025	1475	VONS	PC111725	REFRESHMENTS: THEATER: TCSD	Pcard	92.60
19073	11/19/2025	1475	VONS	PC111725	REFRESHMENTS: THEATER: TCSD	Pcard	236.41
19073	11/19/2025	1439	WALMART	PC111725	OFFICE SUPPLIES: HOMELESS OUTREACH: TCSD	Pcard	84.15
19073	11/19/2025	1439	WALMART	PC111725	RECREATION SUPPLIES: AQUATICS: TCSD	Pcard	41.16
19073	11/19/2025	1439	WALMART	PC111725	REFRESHMENTS: SPECIAL EVENTS: TCSD	Pcard	4.10
19073	11/19/2025	1439	WALMART	PC111725	SUPPLIES: SPECIAL EVENTS: TCSD	Pcard	58.05
19073	11/19/2025	1439	WALMART	PC111725	SUPPLIES: TEENZONE: TCSD	Pcard	131.44
19073	11/19/2025	1439	WALMART	PC111725	SUPPLIES: TVE2: ECDEV	Pcard	91.25
19073	11/19/2025	1073	WESTIN HOTEL	PC111725	LODGING: NEW LAW & ELECTIONS SEMINAR: CLERK	Pcard	830.70
19073	11/19/2025	2175	WHITE CAP LP	PC111725	REPAIR & MAINTENANCE - FACILITY: CIVIC CENTER: PW	Pcard	54.36
19073	11/19/2025	2175	WHITE CAP LP	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	330.85
19073	11/19/2025	2175	WHITE CAP LP	PC111725	REPAIR & MAINTENANCE - FACILITY: OLD TOWN: PW	Pcard	356.75
18911	10/20/2025	200	ZTRIP	PC101625	TRANSPORTATION: NEOGOV CONFERENCE: HR	Pcard	39.13
						Total	131,213.34

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Jennifer Hennessy, Director of Finance

DATE: January 13, 2026

SUBJECT: Approve City Treasurer's Report for the Period of October 1, 2025 Through October 31, 2025

PREPARED BY: Ward Komers, Assistant Director of Finance
Seleen Saiid, Accounting Technician I

RECOMMENDATION: That the City Council approve and file the City Treasurer's Report for the period of October 1, 2025 through October 31, 2025.

BACKGROUND: Government Code Sections 53646 and 41004 require reports to the City Council regarding the City's investment portfolio, receipts, and disbursements respectively. Adequate funds will be available to meet budgeted and actual expenditures of the City for the next six months. Current market values are derived from the Local Agency Investment Fund (LAIF) reports, US Bank demand deposit account, trust, and custody statements. Attached is the City Treasurer's Report that provides this information.

The City's investment portfolio is in compliance with the statement of investment policy and Government Code Sections 53601 and 53635 for the period of October 1, 2025 through October 31, 2025.

FISCAL IMPACT: None

ATTACHMENT: City Treasurer's Report October 1, 2025 through October 31, 2025

City of Temecula

CALIFORNIA

Treasurer's Report

October 1, 2025 – October 31, 2025

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1.0 CASH AND INVESTMENT PORTFOLIO SUMMARY

Cash and Investment Summary
Trailing Six Month Period
(Book Value Including Realized Gains/Losses)

	May		June		July		August		September		October	
Cash and Investments												
Liquidity Portfolio												
US Bank (Demand Deposit Accounts)	*53,817,338.21*	*23%*	*43,423,257.35*	*19%*	*42,765,350.00*	*21%*	*46,319,173.75*	*22%*	*26,170,175.85*	*12%*	*21,896,190.68*	*10%*
Local Agency Investment Fund (LAIF)	*96,614,662.99*	*41%*	*98,614,662.99*	*43%*	*79,580,560.24*	*38%*	*74,580,560.24*	*36%*	*100,922,560.24*	*47%*	*101,802,343.75*	*48%*
Petty Cash	*3,326.00*	*0%*	*3,326.00*	*0%*	*3,326.00*	*0%*	*3,326.00*	*0%*	*3,326.00*	*0%*	*3,326.00*	*0%*
Total Liquidity Portfolio	**150,435,327.20**	**64%**	**142,041,246.34**	**62%**	**122,349,236.24**	**59%**	**120,903,059.99**	**58%**	**127,096,062.09**	**59%**	**123,701,860.43**	**58%**
Long-term Portfolio (Investments)	**59,998,757.99**	**25%**	**60,136,443.43**	**26%**	**60,308,400.89**	**29%**	**60,584,111.70**	**29%**	**60,697,153.72**	**28%**	**61,041,438.43**	**29%**
Trust Portfolio												
California Employers' Retiree Benefit Trust (CERBT)	*21,483,056.69*	*9%*	*22,982,939.77*	*10%*	*22,982,939.77*	*11%*	*22,982,939.77*	*11%*	*24,269,903.22*	*11%*	*24,269,903.22*	*11%*
Public Agency Retirement Services Trust (PARS)	*4,327,141.60*	*2%*	*4,402,388.56*	*2%*	*2,438,219.49*	*1%*	*2,479,405.23*	*1%*	*2,527,891.89*	*1%*	*2,557,185.03*	*1%*
Total Trust Portfolio	***25,810,198.29***	**11%**	***27,385,328.33***	**12%**	***25,421,159.26***	**12%**	***25,462,345.00***	**12%**	***26,797,795.11***	**12%**	***26,827,088.25***	**13%**
Total Cash and Investments	**236,244,283.48**	**100%**	**229,563,018.10**	**100%**	**208,078,796.39**	**100%**	**206,949,516.69**	**100%**	**214,591,010.92**	**100%**	**211,570,387.11**	**100%**
Earnings on Cash and Investments												
LAIF Earnings (Quarterly)					*965,897.25*						*879,783.51*	
% Change					*0.98%*						*0.87%*	
Long-term Portfolio (Monthly)	*64,479.58*		*137,685.44*		*171,957.46*		*233,990.81*		*131,674.83*		*340,284.71*	
% Change	*0.11%*		*0.23%*		*0.29%*		*0.39%*		*0.22%*		*0.56%*	
CERBT Earnings (Quarterly)			*1,499,883.08*						*1,286,963.45*			
% Change			*6.98%*						*5.60%*			
PARS Trust (Monthly)	*59,924.51*		*75,246.96*		*14,493.93*		*41,185.74*		*48,486.66*		*29,293.14*	
% Change	*1.40%*		*1.74%*		*0.33%*		*1.69%*		*1.96%*		*1.16%*	
Money Center ICS (Monthly)	*90,368.46*		*93,712.96*		*91,012.58*		*94,380.93*		*63,639.19*		*-*	
% Change	*0.35%*		*0.36%*		*0.35%*		*0.36%*		*0.24%*		*0.00%*	
Cash Sweep (Monthly)	*75,048.55*		*64,646.99*		*66,789.17*		*38,600.07*		*71,646.11*		*57,933.67*	
% Change	*0.30%*		*0.45%*		*0.50%*		*0.23%*		*0.31%*		*0.31%*	
Total Earnings on Cash and Investments	**289,821.10**		**1,871,175.43**		**1,310,150.39**		**408,157.55**		**1,602,410.24**		**1,307,295.03**	
% Change	***0.13%***		***0.79%***		***0.57%***		***0.20%***		***0.77%***		***0.61%***	
Fiscal Agent Account Portfolio (CFDs/SARDA)	**30,927,701.08**		**34,658,204.63**		**34,826,530.19**		**34,906,504.78**		**29,295,748.75**		**29,449,752.53**	

2.0 FUND ACTIVITY

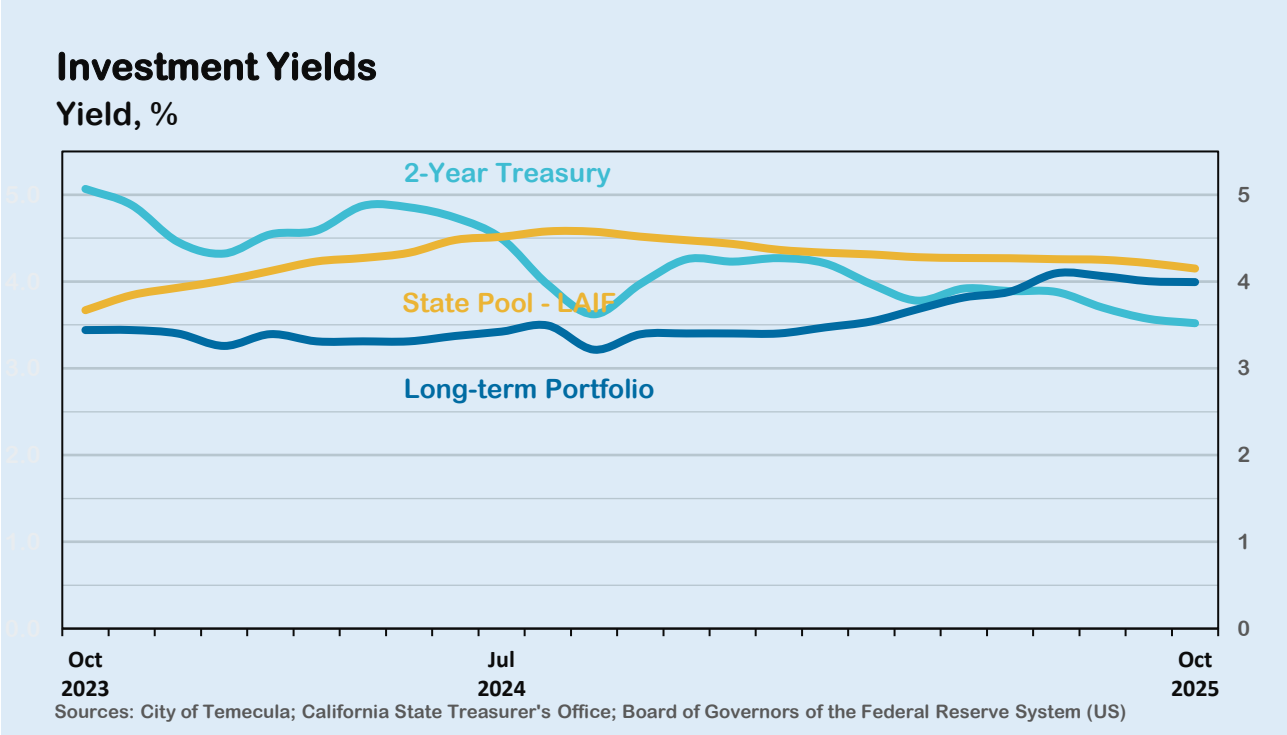
Fund Activity Summary Statement[1, 2]
For Period Ending October 31, 2025

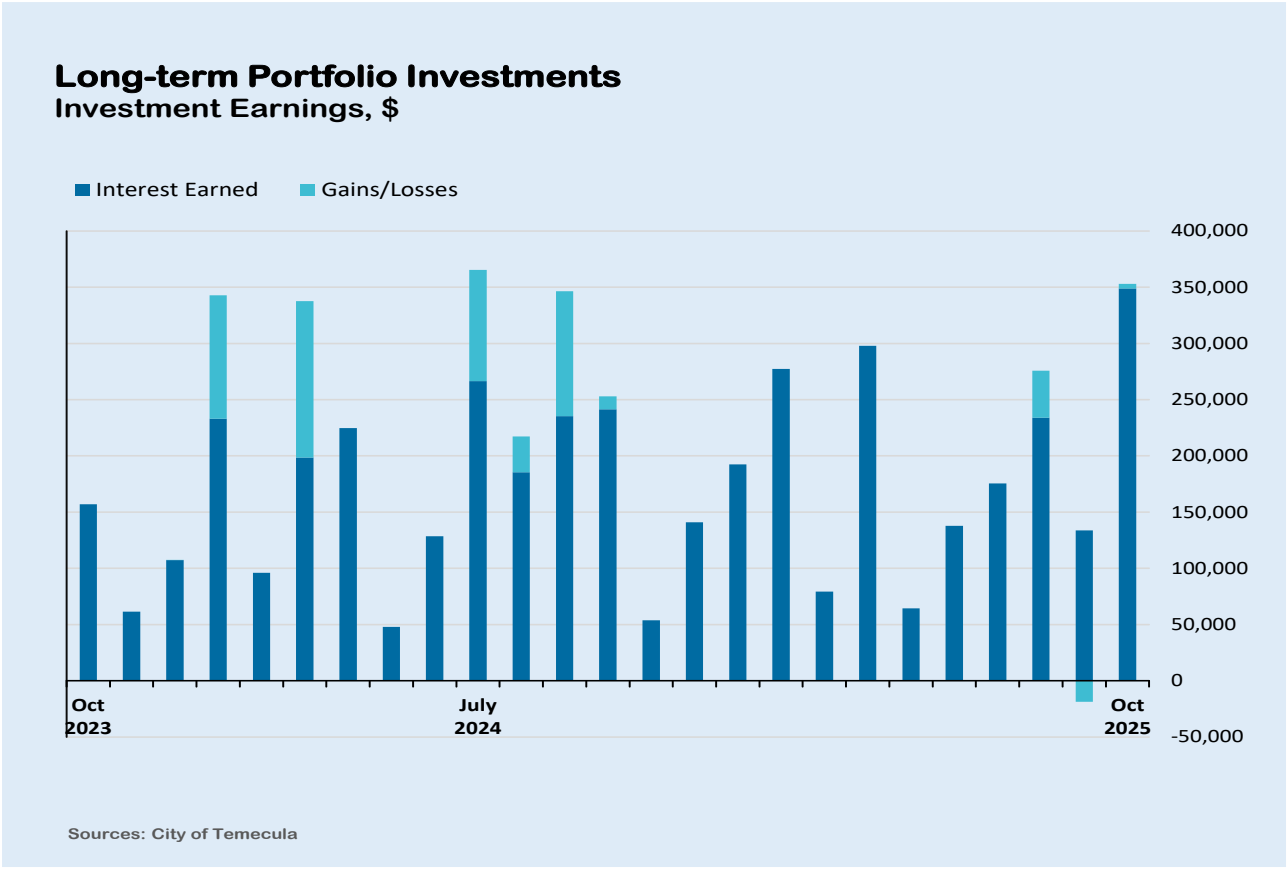
Fund	Fund Description	Beginning Fund Balance	Receipts	Disbursements	Ending Fund Balance
001	GENERAL	27,065,102.78	6,160,831.00	7,608,198.12	25,617,735.66
002	MEASURE S	46,907,915.88	3,495,194.93	-	50,403,110.81
006	FIRE FACILITY ACQUISITION	3,757,247.49	-	-	3,757,247.49
100	STATE GAS TAX	279,476.21	307,025.78	-	586,501.99
102	RMRA-ROAD MAINT REHAB ACCT	5,581,835.41	268,365.35	-	5,850,200.76
103	STREET MAINTENANCE	8,838,724.60	-	-	8,838,724.60
105	NPDES	314,945.64	-	21,533.00	293,412.64
106	UPTOWN NEW STREETS IN LIEU FEE	1,665,939.62	-	-	1,665,939.62
110	COVID-19 PANDAMIC COMM. REINV.	7,830,801.55	-	27,510.73	7,803,290.82
120	DEVELOPMENT IMPACT FEES	15,932,336.47	102,120.70	-	16,034,457.17
125	PEG-PUBLIC EDUC & GOVT	1,136,904.96	-	2,787.23	1,134,117.73
140	COMMUNITY DEV BLOCK GRANT	(28,994.00)	0.08	20,364.37	(49,358.29)
145	TEMECULA ENERGY EFFICIENCY MGT	325,773.82	-	-	325,773.82
150	ASSEMBLY BILL 2766	637,746.84	-	-	637,746.84
160	SUPPL LAW ENFORCEMENT SVCS	-	178,774.87	-	178,774.87
165	AFFORDABLE HOUSING	11,268,991.00	147,650.00	43,737.18	11,372,903.82
170	MEASURE A	11,069,968.30	338,595.27	489,755.36	10,918,808.21
190	TEMECULA COMM SVCS DISTRICT	1,102,674.70	177,536.40	1,696,449.88	(416,238.78)
191	SL B-STREETLIGHT REPLACEMENT	1,608,991.84	-	-	1,608,991.84
192	SL B-STREETLIGHTS	538,680.21	5,123.93	22,326.50	521,477.64
194	SL D-REFUSERECYCLING	707,221.93	84,044.19	11,754.15	779,511.97
195	SL R-STREET MAINT	48,058.15	115.24	55.65	48,117.74
196	SL L-LAKE PARK MAINT	308,269.32	1,642.50	21,111.76	288,800.06
197	TEMECULA LIBRARY	339,315.44	2,606.10	53,854.23	288,067.31
198	PUBLIC ART	309,938.59	1,778.53	-	311,717.12
210	CAPITAL IMPROVEMENT PROGRAM	8,837,222.19	54,270.05	1,727,197.83	7,164,294.41
275	CFD 03-3 WOLF CREEK IMPROV	224,006.92	-	-	224,006.92
277	CFD 03-2 RORIPAUGH RANCH IMPR	5,977,687.72	-	-	5,977,687.72
278	CFD 16-1 RORIPAUGH PH II IMPR	10,569,589.68	-	-	10,569,589.68
283	CFD 20-01 HEIRLOOM FARMS	698,544.97	-	-	698,544.97
300	INSURANCE	2,460,103.85	-	151,817.85	2,308,286.00
305	WORKERS' COMPENSATION	1,341,178.63	-	31,643.99	1,309,534.64
310	VEHICLES/EQUIPMENT REPLACEMENT	5,834,339.39	-	93,749.98	5,740,589.41
320	INFORMATION TECHNOLOGY	1,037,997.25	-	587,807.87	450,189.38
325	TECHNOLOGY REPLACEMENT	4,925,163.43	-	-	4,925,163.43
330	SUPPORT SERVICES	144.30	-	38,410.10	(38,265.80)
335	SUPPORT SERVICES REPLACEMENT	435,713.87	-	-	435,713.87
340	FACILITIES	48,000.15	-	149,423.86	(101,423.71)
350	FACILITY REPLACEMENT	5,848,839.00	-	-	5,848,839.00
380	SARDA DEBT SVC	(30,250,808.97)	-	-	(30,250,808.97)
381	RDA PROPERTY TAX TRUST FUND	2,454.29	-	-	2,454.29
382	2010-11 TABS REFUNDING ESCROW	-	-	-	-
460	CFD 88-12 DEBT SVC	-	-	-	-
472	CFD 01-2 HARVESTON AB DEBT SVC	762,326.20	-	4,495.80	757,830.40
473	CFD 03-1 CROWNE HILL DEBT SVC	1,118,595.38	-	6,063.30	1,112,532.08
474	AD 03-4 JOHN WARNER DEBT SVC	-	-	-	-
475	CFD 03-3 WOLF CREEK DEBT SVC	721,846.48	-	4,525.80	717,320.68

Fund	Fund Description	Beginning Fund Balance	Receipts	Disbursements	Ending Fund Balance
476	CFD 03-6 HARVESTON2 DEBT SVC	440,313.70	-	4,501.30	435,812.40
477	CFD 03-2 RORIPAUGH DEVT SVC	996,229.34	-	4,495.80	991,733.54
478	CFD 16-1 RORIPAUGH PH II	4,543,695.75	-	8,042.19	4,535,653.56
479	CFD 19-01 MUNICIPAL SERVICES	(587.54)	-	314.26	(901.80)
481	CFD 23-01 ALTAIR	(9,436.75)	-	1,138.15	(10,574.90)
482	CFD 23-02 PRADO	(11,732.38)	15,000.00	16,138.15	(12,870.53)
483	CFD 20-01 HEIRLOOM FARMS	1,370,867.17	-	5,304.22	1,365,562.95
484	CFD 25-01 ELDERBERRY PARK	(20,983.24)	-	4,871.50	(25,854.74)
501	SL C ZONE 1 SADDLEWOOD	19,402.04	-	1,931.81	17,470.23
502	SL C ZONE 2 WINCHESTER CREEK	146,250.90	-	1,922.50	144,328.40
503	SL C ZONE 3 RANCHO HIGHLANDS	67,058.99	-	1,994.17	65,064.82
504	SL C ZONE 4 THE VINEYARDS	5,855.22	-	548.72	5,306.50
505	SL C ZONE 5 SIGNET SERIES	38,000.08	-	2,893.94	35,106.14
506	SL C ZONE 6 WOODCREST COUNTRY	58,799.91	-	2,511.46	56,288.45
507	SL C ZONE 7 RIDGEVIEW	18,103.67	-	(852.16)	18,955.83
508	SL C ZONE 8 VILLAGE GROVE	113,706.03	-	5,084.33	108,621.70
509	SL C ZONE 9 RANCHO SOLANA	31,167.80	-	232.18	30,935.62
510	SL C ZONE 10 MARTINIQUE	17,758.07	-	825.26	16,932.81
511	SL C ZONE 11 MEADOWVIEW	4,297.63	-	869.67	3,427.96
512	SL C ZONE 12 VINTAGE HILLS	80,895.94	-	5,396.16	75,499.78
513	SL C ZONE 13 PRESLEY DEVELOP	37,065.90	-	1,497.75	35,568.15
514	SL C ZONE 14 MORRISON HOMES	13,745.05	-	1,487.40	12,257.65
515	SL C ZONE 15 BARCLAY ESTATES	18,180.57	-	168.47	18,012.10
516	SL C ZONE 16 TRADEWINDS	101,418.98	-	619.62	100,799.36
517	SL C ZONE 17 MONTE VISTA	3,392.18	-	165.16	3,227.02
518	SL C ZONE 18 TEMEKU HILLS	100,301.65	-	7,887.54	92,414.11
519	SL C ZONE 19 CHANTEMAR	84,157.39	-	1,610.41	82,546.98
520	SL C ZONE 20 CROWNE HILL	298,976.03	-	4,683.08	294,292.95
521	SL C ZONE 21 VAIL RANCH	181,147.33	-	6,458.79	174,688.54
522	SL C ZONE 22 SUTTON PLACE	14,334.51	-	473.34	13,861.17
523	SL C ZONE 23 PHEASENT RUN	35,092.93	-	160.61	34,932.32
524	SL C ZONE 24 HARVESTON	42,961.50	-	11,422.18	31,539.32
525	SL C ZONE 25 SERENA HILLS	99,163.93	-	3,745.29	95,418.64
526	SL C ZONE 26 GALLERYTRADITION	2,558.43	-	73.44	2,484.99
527	SL C ZONE 27 AVONDALE	14,041.79	-	867.11	13,174.68
528	SL C ZONE 28 WOLF CREEK	194,335.85	-	8,895.70	185,440.15
529	SL C ZONE 29 GALLERY PORTRAIT	13,757.05	-	74.94	13,682.11
530	SL C ZONE 30 FUTURE ZONES	36,062.11	-	-	36,062.11
700	CERBT RETIREE HEALTH-GASB45	24,269,903.22	-	-	24,269,903.22
701	PENSION RATE STABILIZATION	2,526,480.37	-	-	2,526,480.37
Grand Total		**204,137,550.58**	**11,340,674.92**	**12,933,028.98**	**202,545,196.52**

Notes: [1] *The amounts shown are preliminary and may not reflect adjusting journal entries.*
[2] *Fund Balances fluctuate throughout the Fiscal Year and may temporarily have a negative balance due to the differences in timing of receipts, disbursements, interfund transfers, and journal entries.*

3.0 LONG TERM INVESTMENT PORTFOLIO STATISTICS





4.0 LONG TERM INVESTMENT PORTFOLIO TRANSACTIONS

Date	CUSIP ID	Description	Amount
10/01/2025	31846V542	INTEREST EARNED FIRST AM TREAS OB FD CL Z	36,068.04
10/02/2025	31846V542	PURCHASED FIRST AM TREAS OB FD CL Z	(36,068.04)
10/07/2025	3130B7UC6	PAID ACCRUED INTEREST PURCHASE OF F H L B DEB	(8,750.00)
10/07/2025	3130B7UC6	PURCHASED PAR VALUE F H L B DEB	(3,999,200.00)
10/07/2025	3130APBV6	INTEREST EARNED F H L B DEB	5,000.00
10/07/2025	31846V542	SOLD FIRST AM TREAS OB FD CL Z	4,002,950.00
10/10/2025	3133ETPP6	FULL CALL PAR VALUE F F C B DEB	4,000,000.00
10/10/2025	3134HBA43	FULL CALL PAR VALUE F H L M C M T N	3,000,000.00
10/10/2025	31846V542	PURCHASED FIRST AM TREAS OB FD CL Z	(7,000,000.00)
10/10/2025	3133ETPP6	INTEREST EARNED F F C B DEB	46,500.00
10/10/2025	3134HBA43	INTEREST EARNED F H L M C M T N	30,716.67
10/10/2025	31846V542	PURCHASED FIRST AM TREAS OB FD CL Z	(77,216.67)
10/14/2025	3133ENAP5	MATURED PAR VALUE F F C B DEB	1,000,000.00
10/14/2025	3133ENAP5	INTEREST EARNED F F C B DEB	4,000.00
10/14/2025	3130APAM7	INTEREST EARNED F H L B DEB	4,500.00
10/14/2025	31846V542	PURCHASED FIRST AM TREAS OB FD CL Z	(1,008,500.00)
10/15/2025	31846V542	PURCHASED FIRST AM TREAS OB FD CL Z	(95,000.00)
10/15/2025	62829D2E9	INTEREST EARNED MUTUAL OF OM MTN	95,000.00
10/21/2025	31846V542	PURCHASED FIRST AM TREAS OB FD CL Z	(2,750.00)
10/21/2025	3130ALWV2	INTEREST EARNED F H L B DEB	6,750.00
10/21/2025	31846V542	PURCHASED FIRST AM TREAS OB FD CL Z	(4,000.00)
10/29/2025	46849LSQ5	INTEREST EARNED JACKSON NATL MTN	30,500.00
10/29/2025	31846V542	PURCHASED FIRST AM TREAS OB FD CL Z	(30,500.00)
10/31/2025	91282CJF9	INTEREST EARNED U S TREASURY NT	48,750.00
10/31/2025	31846V542	PURCHASED FIRST AM TREAS OB FD CL Z	(90,000.00)
10/31/2025	91282CFU0	INTEREST EARNED U S TREASURY NT	41,250.00

5.0 APPENDIX A - ALLOWABLE INVESTMENT INSTRUMENTS

ALLOWABLE INVESTMENT INSTRUMENTS PER STATE GOVERNMENT CODE (AS OF JANUARY 1, 2021)[A]
APPLICABLE TO ALL LOCAL AGENCIES[B]

INVESTMENT TYPE	MAXIMUM MATURITY[C]	MAXIMUM SPECIFIED % OF PORTFOLIO[D]	MINIMUM QUALITY REQUIREMENTS	GOVERNMENT CODE SECTIONS
Local Agency Bonds	5 years	None	None	53601(a)
U.S. Treasury Obligations	5 years	None	None	53601(b)
State Obligations— CA And Others	5 years	None	None	53601(d)
CA Local Agency Obligations	5 years	None	None	53601(e)
U.S Agency Obligations	5 years	None	None	53601(f)
Bankers' Acceptances	180 days	40%[E]	None	53601(g)
Commercial Paper— Non-Pooled Funds[F]	270 days	25% of the agency's monies[G]	Highest letter and number rating by an NRSRO[H]	53601(h)(2)(C)
Commercial Paper— Pooled Funds[I]	270 days	40% of the agency's monies[G]	Highest letter and number rating by an NRSRO[H]	53635(a)(1)
Negotiable Certificates of Deposit	5 years	30%[J]	None	53601(i)
Non-negotiable Certificates of Deposit	5 years	None	None	53630 et seq.
Placement Service Deposits	5 years	50%[K]	None	53601.8 and 53635.8
Placement Service Certificates of Deposit	5 years	50%[K]	None	53601.8 and 53635.8
Repurchase Agreements	1 year	None	None	53601(j)
Reverse Repurchase Agreements and Securities Lending Agreements	92 days[L]	20% of the base value of the portfolio	None[M]	53601(j)
Medium-Term Notes[N]	5 years	30%	"A" rating category or its equivalent or better	53601(k)
Mutual Funds and Money Market Mutual Funds	N/A	20%[O]	Multiple[P,Q]	53601(l) and 53601.6(b)
Collateralized Bank Deposits[R]	5 years	None	None	53630 et seq. and 53601(n)
Mortgage Pass–Through Securities	5 years	20%	"AA" rating category or its equivalent or better	53601(o)
County Pooled Investment Funds	N/A	None	None	27133
Joint Powers Authority Pool	N/A	None	Multiple[S]	53601(p)
Local Agency Investment Fund (LAIF)	N/A	None	None	16429.1
Voluntary Investment Program Fund[T]	N/A	None	None	16340
Supranational Obligations[U]	5 years	30%	"AA" rating category or its equivalent or better	53601(q)

TABLE OF NOTES

A. Sources: Sections 16340, 16429.1, 27133, 53601, 53601.6, 53601.8, 53630 et seq., 53635, 53635.8, and 57603.

B. Municipal Utilities Districts have the authority under the Public Utilities Code Section 12871 to invest in certain securities not addressed here.

C. Section 53601 provides that the maximum term of any investment authorized under this section, unless otherwise stated, is five years. However, the legislative body may grant express authority to make investments either specifically or as a part of an investment program approved by the legislative body that exceeds this five-year remaining maturity limit. Such approval must be issued no less than three months prior to the purchase of any security exceeding the five-year maturity limit.

D. Percentages apply to all portfolio investments regardless of source of funds. For instance, cash from a reverse repurchase agreement would be subject to the restrictions.

E. No more than 30 percent of the agency's money may be in bankers' acceptances of any one commercial bank.

F. Includes agencies defined as a city, a district, or other local agency that do not pool money in deposits or investment with other local agencies, other than local agencies that have the same governing body.

G. Local agencies, other than counties or a city and county, may purchase no more than 10 percent of the outstanding commercial paper of any single issuer.

H. Issuing corporation must be organized and operating within the U.S., have assets in excess of $500 million, and debt other than commercial paper must be in a rating category of "A" or its equivalent or higher by a nationally recognized statistical rating organization, or the issuing corporation must be organized within the U.S. as a special purpose corporation, trust, or LLC, has program wide credit enhancements, and has commercial paper that is rated "A-1" or higher, or the equivalent, by a nationally recognized statistical rating agency.

I. Includes agencies defined as a county, a city and county, or other local agency that pools money in deposits or investments with other local agencies, including local agencies that have the same governing body. Local agencies that pool exclusively with other local agencies that have the same governing body must adhere to the limits set forth in Section 53601(h)(2)(C).

J. No more than 30 percent of the agency's money may be in negotiable certificates of deposit that are authorized under Section 53601(i).

K. Effective January 1, 2020, no more than 50 percent of the agency's money may be invested in deposits, including certificates of deposit, through a placement service as authorized under 53601.8 (excludes negotiable certificates of deposit authorized under Section 53601(i)). On January 1, 2026, the maximum percentage of the portfolio reverts back to 30 percent. Investments made pursuant to 53635.8 remain subject to a maximum of 30 percent of the portfolio.

L. Reverse repurchase agreements or securities lending agreements may exceed the 92-day term if the agreement includes a written codicil guaranteeing a minimum earning or spread for the entire period between the sale of a security using a reverse repurchase agreement or securities lending agreement and the final maturity dates of the same security.

M. Reverse repurchase agreements must be made with primary dealers of the Federal Reserve Bank of New York or with a nationally or state-chartered bank that has a significant relationship with the local agency. The local agency must have held the securities used for the agreements for at least 30 days.

N. "Medium-term notes" are defined in Section 53601 as "all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States."

O. No more than 10 percent invested in any one mutual fund. This limitation does not apply to money market mutual funds.

P. A mutual fund must receive the highest ranking by not less than two nationally recognized rating agencies or the fund must retain an investment advisor who is registered with the SEC (or exempt from registration), has assets under management in excess of $500 million, and has at least five years' experience investing in instruments authorized by Sections 53601 and 53635.

Q. A money market mutual fund must receive the highest ranking by not less than two nationally recognized statistical rating organizations or retain an investment advisor registered with the SEC or exempt from registration and who has not less than five years' experience investing in money market instruments with assets under management in excess of $500 million.

R. Investments in notes, bonds, or other obligations under Section 53601(n) require that collateral be placed into the custody of a trust company or the trust department of a bank that is not affiliated with the issuer of the secured obligation, among other specific collateral requirements.

S. A joint powers authority pool must retain an investment advisor who is registered with the SEC (or exempt from registration), has assets under management in excess of $500 million, and has at least five years' experience investing in instruments authorized by Section 53601, subdivisions (a) to (o).

T. Local entities can deposit between $200 million and $10 billion into the Voluntary Investment Program Fund, upon approval by their governing bodies. Deposits in the fund will be invested in the Pooled Money Investment Account.

U. Only those obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development (IBRD), International Finance Corporation (IFC), and Inter-American Development Bank (IADB), with a maximum remaining maturity of five years or less.

6.0 APPENDIX B - GLOSSARY OF TERMS

Accrued Interest: Interest earned but not yet received.

Active Deposits: Funds which are immediately required for disbursement.

Agencies: Federal agency securities and/or Government Sponsored Enterprises (GSE) which include Federal Home Loan Bank (FHLB), Federal National Mortgage Association (FNMA), Federal Home Loan Mortgage Corporation (FHLMC), Federal Farm Credit Bank (FFCB), and Federal Agricultural Mortgage Association (Farmer Mac).

Amortization: An accounting practice of gradually decreasing (increasing) an asset's book value by spreading its depreciation (accretion) over a period of time.

Annual Comprehensive Financial Report (ACFR): The official annual financial report for the City. It includes five combined statements and basic financial statements for each individual fund and account group prepared in conformity with Generally Accepted Accounting Principles (GAAP).

Ask Price: The price a broker/dealer offers to sell securities.

Bankers' Acceptance (BA): A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

Basis Point: One basis point is one hundredth of one percent (0.01).

Benchmark: A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.

Bid Price: The price a broker/dealer offers to purchase securities.

Bond: A financial obligation for which the issuer promises to pay the bondholder a specified stream of future cash flows, including periodic interest payments and a principal repayment.

Book Value: The value at which a debt security is shown on the holder's balance sheet. Book value is acquisition cost less amortization of premium or accretion of discount.

Certificate of Deposit: A deposit insured up to $250,000 (current amount) by the FDIC at a set rate for a specified period of time.

Collateral: Securities, evidence of deposit, or pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposit of public moneys.

Constant Maturity Treasury (CMT): An average yield of a specific Treasury maturity sector for a specific time frame. This is a market index for reference of past direction of interest rates for the given Treasury maturity range.

Coupon: The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value.

Credit Analysis: A critical review and appraisal of the economic and financial conditions or of the ability to meet debt obligations.

Current Yield: The interest paid on an investment expressed as a percentage of the current price of the security.

Custody: A banking service that provides safekeeping for the individual securities in a customer's investment portfolio under a written agreement which also calls for the bank to collect and pay out income, to buy, sell, receive and deliver securities when ordered to do so by the principal.

Delivery vs. Payment (DVP): Delivery of securities with a simultaneous exchange of money for the securities.

Discount: The difference between the cost of a security and its value at maturity when quoted at lower than face value.

Diversification: Dividing investment funds among a variety of securities offering independent returns and risk profiles.

Duration: The weighted average maturity of a bond's cash flow stream, where the present value of the cash flows serve as the weights; the future point in time at which on average, an investor has received exactly half of the original investment, in present value terms; a bond's zero-coupon equivalent; the fulcrum of a bond's present value cash flow time line.

Fannie Mae: Trade name for the Federal National Mortgage Association (FNMA), a U.S. sponsored corporation.

Federal Reserve System: The central bank of the U.S. which consists of a seven-member Board of Governors, 12 regional banks, and 5,700 commercial banks that are members.

Federal Deposit Insurance Corporation (FDIC): Insurance provided to customers of a subscribing bank which guarantees deposits to a set limit (currently $250,000) per account.

Fed Wire: A wire transmission service established by the Federal Reserve Bank to facilitate the transfer of funds through debits and credits of funds between participants within the Fed system.

Freddie Mac: Trade name for the Federal Home Loan Mortgage Corporation (FHLMC), a U.S. sponsored corporation.

Ginnie Mae: Trade name for the Government National Mortgage Association (GNMA), a direct obligation bearing the full faith and credit of the U.S. Government.

Inactive Deposits: Funds not immediately needed for disbursement.

Interest Rate: The annual yield earned on an investment, expressed as a percentage.

Investment Agreements: An agreement with a financial institution to borrow public funds subject to certain negotiated terms and conditions concerning collateral, liquidity and interest rates.

Liquidity: Refers to the ability to rapidly convert an investment into cash.

Market Value: The price at which a security is trading and could presumably be purchased or sold.

Maturity: The date upon which the principal or stated value of an investment becomes due and payable.

Medium Term Notes: Corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States.

New Issue: Term used when a security is originally "brought" to market.

Perfected Delivery: Refers to an investment where the actual security or collateral is held by an independent third party representing the purchasing entity.

Portfolio: Collection of securities held by an investor.

Primary Dealer: A group of government securities dealers that submit daily reports of market activity and security positions held to the Federal Reserve Bank of New York and are subject to its informal oversight.

Purchase Date: The date in which a security is purchased for settlement on that or a later date.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Repurchase Agreement (REPO): A transaction where the seller (bank) agrees to buy back from the buyer (City) the securities at an agreed upon price after a stated period of time.

Reverse Repurchase Agreement (REVERSE REPO): A transaction where the seller (City) agrees to buy back from the buyer (bank) the securities at an agreed upon price after a stated period of time.

Risk: Degree of uncertainty of return on an asset.

Safekeeping: see Custody.

Sallie Mae: Trade name for the Student Loan Marketing Association (SLMA), a U.S. sponsored corporation.

Secondary Market: A market made for the purchase and sale of outstanding issues following the initial distribution.

Settlement Date: The date on which a trade is cleared by delivery of securities against funds.

Structured Notes: Notes issued by Government Sponsored Enterprises (FHLB, FNMA, FHLMC, etc.) and Corporations, which have imbedded options (e.g., call features, step-up coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

Supranationals: A supranational organization is formed by a group of countries through an international treaty with specific objectives such as promoting economic development. Supranational organizations also issue debt in the United States. The most commonly recognized supranational debt is the International Bank for Reconstruction and Development (IBRD or World Bank), International Finance Corporation (IFC) and Inter-American Development Bank (IADB).

Treasury Bills: U.S. Treasury Bills which are short-term, direct obligations of the U.S. Government issued with original maturities of 13 weeks, 26 weeks and 52 weeks; sold in minimum amounts of $10,000 in multiples of $5,000 above the minimum. Issued in book entry form only. T-bills are sold on a discount basis.

Treasury Bonds: Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years.

Treasury Notes: Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years.

U.S. Government Agencies: Instruments issued by various US Government Agencies most of which are secured only by the credit worthiness of the particular agency.

Yield: The rate of annual income return on an investment, expressed as a percentage. It is obtained by dividing the current dollar income by the current market price of the security.

Yield to Maturity: The rate of income return on an investment, minus any premium or plus any discount, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond, expressed as a percentage.

Yield Curve: The yield on bonds, notes or bills of the same type and credit risk at a specific date for maturities up to thirty years.

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Randi Johl, Director of Legislative Affairs/City Clerk

DATE: January 13, 2026

SUBJECT: Receive and File Citywide Year-End Report Highlighting 2025 Accomplishments

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PREPARED BY: Randi Johl, Director of Legislative Affairs/City Clerk

RECOMMENDATION: That the City Council receive and file the citywide year-end report highlighting 2025 accomplishments.

BACKGROUND: At the request of the City Manager, all departments in the City compile a list of their calendar year accomplishments in December. The departmental reports are consolidated into a Citywide year-end report that is shared with the City Council, Board, Committee and Commission Members, and staff. It is requested that the City Council also receive and file this item as a part of the January agenda annually so that the report is a part of the public record.

FISCAL IMPACT: None

ATTACHMENT: 2025 Year-End Report


2025 YEAR IN REVIEW
Submitted by Aaron Adams, City Manager
ENTREPRENEURIAL
RESOURCE CENTERS
Temecula Valley
ENTREPRENEURS
Temecula


Temecula
The Heart of Southern California
Wine Country

Team Temecula,

As we put the finishing touches on this year's incredible Year In Review, it's hard to imagine that 13 years ago, I would become the longest serving city manager in the City's history. To this day, it remains one of the greatest honors of my life. Each year, I have the privilege of sharing the Year in Review with the organization and each year I am amazed and equally proud of the wonderful accomplishments. In addition to our superior public safety efforts, 2025 was marked by significant progress in economic development, community planning, and public well-being.

The City's commitment to supporting local enterprise earned the 2025 Excellence in Economic Development Bronze Award from the IEDC, specifically recognizing the impact of the Entrepreneurial Resource Center (ERC) housed within TVE2. Major strides were made in addressing homelessness, with 43 individuals exiting the streets and 78 prevented from or ended homelessness through programs like the new Flexible Family Assistance. Furthermore, the future of the City will be proactively shaped with the selection of the General Plan Advisory Committee (GPAC) to guide the comprehensive General Plan Update, ensuring a strategic path for continued growth and improved quality of life.

The Mayor and City Council also reviewed, supported and adopted the Fiscal Year 2025-26 Annual Operating Budget and Capital Improvement Program, laying a fiscally sound foundation for upcoming positive labor negotiations, and infrastructure, community, and beautification projects.

This is only a sample of the extraordinary personnel services, maintenance & operations and capital projects accomplishments—delivered by you—the region's foremost municipal professionals. Your humble and excellent commitment to Building Greatness, Maintaining Excellence has beautifully encapsulated the City's core values of a safe & prepared community, transportation mobility & connectivity, a healthy & livable city, economic prosperity, a sustainable & resilient city, accountable & responsive city government and equity, is truly inspiring. My sincerest thanks and appreciation.

Respectfully,

Aaron Adams
City Manager




CITY OF TEMECULA
1989
OLD TRADITIONS ♦ NEW OPPORTUNITIES

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Temecula | Building Greatness Maintaining Excellence



2 - City Manager's Office

City Manager's Office General Administration and Office of Public Information & Economic Development (CMO)

This past year, the City Manager's Office (CMO) delivered a high-impact portfolio of initiatives that reinforced Temecula's operational resilience, stakeholder alignment, and long-range value proposition. The team drove seamless enterprise coordination, elevating community-facing outcomes at signature events ranging from the State of the City address and regional leadership forums to business ribbon-cuttings across the City. Strategic advocacy efforts in Sacramento and Washington, DC, positioned the City for enhanced funding pipelines, strengthened federal partnerships, and advanced critical infrastructure priorities such as French Valley Parkway and Diaz Road. The team deployed a robust engagement strategy, delivering thousands of impressions through record-breaking social media performances, compelling video storytelling, and citywide communications that kept residents informed and connected.

Economic Development deepened Temecula's market footprint by curating high-value relationships with businesses, developers, educators, and regional organizations. From hosting national site selectors, focused business-retention outreach, and active participation in community events and workforce collaborations, the team reinforced Temecula's momentum. Meanwhile, the Temecula Valley Entrepreneur's Exchange (TVE2) continued to serve as a high-performance innovation hub, scaling startups, launching new tenants, and producing award-winning entrepreneurial programming that supported thousands of jobs.

Internally, the department enhanced operational discipline through strategic budget management, elevated administrative support, and the successful orchestration of more than 1,000 executive-level meetings and conferences. From delivering community care initiatives and public safety outreach to advancing multimodal wayfinding and supporting major regional partnerships, CMO executed a truly integrated agenda that showcased Temecula's commitment to excellence, innovation, and long-term economic stewardship.



CITY MANAGER'S OFFICE

ORGANIZED/HOSTED EVENTS/MEETINGS

- Mayor's State of the City Address, including nonprofit expo
- Pechanga Pu'éska Mountain Day event
- I-15 French Valley Parkway – Phase II Ribbon Cutting (in collaboration with Public Works)
- Temecula Valley Hospital White Coat Ceremony
- Regional PIO Luncheon
- Veterans Appreciation Breakfast (assisted Workforce Development)
- Southwest California Manufacturing Luncheon Meeting
- Lake Elsinore Storm Temecula Takeover Night at Diamond Stadium
- Coffee Connection Fridays (monthly) with the Temecula Valley Chamber of Commerce
- Retail Presentation – from Consultant Buxton: Is Retail Surviving or Thriving?
- Coffee with Mayor meetups (CMO support) with Mayor and with CM, PW/ComDev, RSO/Fire
- Regional Community Leadership Meetings (quarterly/ Zoom) with Temecula partners (City, Pechanga, Promenade, TVH, VTV, Chamber, TVUSD)
- California City Manager Foundation (CCMF) Board Meeting in Temecula to showcase Temecula statewide to various Cities/City Managers
- The Big Beautiful Bill Seminar: What the Bill Really Means for Your Business at TVE2



PARTICIPATED/PRESENTED

- Washington, DC Advocacy
  - Federal advocacy meetings representing the City of Temecula in Washington, DC, with the Mayor/ CMO/PW



5 - City Manager's Office

- Prepped/strategized with Federal lobbyist to coordinate multiple meetings, including US Representatives Ken Calvert and Darrell Issa, US Senators Alex Padilla and Adam Schiff, US Army Corps of Engineers, and US Department of Transportation

- ICSC Las Vegas Annual Conference
  - Scheduled/attended 21 meetings representing the City of Temecula at the annual 2-day conference (Econ Dev Team / Mayor Pro Tem)



- SRCAR City Manager Breakfast
  - City Manager Speaker; prepared/presented City Update
- Crowne Hill HOA
  - Organized City meeting at HOA regarding issues; (including Mayor Kalfus/Code/PW/RSO)
- EDC FAM Tour
  - Hosted 3 site selectors from across the country to showcase commercial/industrial properties
- Manufacturing Month
  - Proclamation at City Council alongside 2 local manufacturers showcasing the 2025 Made in Temecula video)
- Innovation Month Proclamation
  - City Proclamation at City Council and provided TVE2 update
- 33 Citywide Ribbon-Cuttings for Temecula Businesses
- Temecula Valley Chamber of Commerce 2025 Committee Participation
  - State of the City Planning Committee Members (also hosted booth)
  - Legislative Summit Planning Committee Member (also hosted booth)
  - Economic Forecast Planning Committee Member (also hosted booth)
- Mt. San Jacinto College (MSJC) & Cal State University San Marcos (CSUSM) City Liaison for Higher Education Coalition Monthly Meetings
- Participate in weekly interdepartmental brainstorming meetings with Community Development, Fire, Building & Safety, Public Works, and Economic Development

- California City Manager Foundation - Monthly Meetings (City Manager is Board Member)
- WRCOG TAC meetings - Monthly Meetings (ATCM Voting Member)
- CALED Monthly Meetings (Economic Dev Manager is Board Member)
- Southern California Wine Country EDC - Monthly Meetings (CM/Econ Dev Board Member)
- TVCOC Southern California Manufacturing Council - Monthly Meetings



- TVCOC - Monthly Briefing Meetings
- Represent City of Temecula at neighboring Local/ Regional Meetings or Events
  - Wildomar STOC, Murrieta STOC, Menifee STOC, Canyon Lake STOC, Lake Elsinore STOC, State of the 3rd District, TV Chamber Gala (participated in voting selection of recognized businesses; prepare City recognitions), Visit Temecula Valley's Xenia Awards, Visit Temecula Valley Marketing Summit, TVCC Women's Professional Collective (monthly), Temecula Valley Hospitals Women's Health Expo (hosted booth), TVCC Women in Business (hosted booth), TVCC Legislative Summit; TVCC Economic Forecast (hosted booth), TVCC Member Appreciation Night, TVCC Student of the Year, VTV Partner Events, VTV Leadership (CM/Econ Dev & Mayor Kalfus, Council Member Stewart); Inland Empire World Trade Conference, TEDxTemecula Partner Brunch, Meet & Greet with SRCAR New CEO & Government Affairs, MSJC State of the College Address, Riverside County Office of Economic Development Alliance Meetings, Murrieta Temecula Group (monthly); WRCOG General Assembly (w/City display)
- Professional Development/City Representation:
  - Cal Cities City Managers Conference
  - Cal Cities Annual Conference - Council/CMO
  - Cal Cities Leaders' Summit - Council/CMO
  - Government Social Media Conference (GSMCON), CAPIO
  - 2 Team Members completed the CALED Introduction to Economic Development Certificate Program at Fresno State University
  - Women's Business Center Inland Prosperity Conference
  - Southern California Edison workshop at Big Creek
  - SBDC SoCal Contracting Conference
- Econ Dev - 10+ monthly online learning & continuing education webinars



Special Projects/Workforce & Community Support

- Development of Capital Improvement Program (CIP) – Quarterly CMO/PW project status update meetings
  - Increased direct interaction between Project Managers and CMO
  - Increased fiscal controls and project timeline compliance
    - Ongoing intentional investment in a healthy and supportive organizational culture (Team Temecula)
  - Bi-weekly departmental check-ins and in person updates to ensure each employee feels respected and valued
  - Monthly employee recognition and acknowledgement via various mediums
  - Daily CMO MCC (operational) Updates to City Council and Workforce
- Community Service Funding FY24-25
  - Processed and reviewed 48 CSF applications with the Community Services Funding Subcommittee for distribution of $82,500 to 23 nonprofits to benefit Temecula Residents only
  - Processed $25K annual allocation via CSF Council Discretionary program – approximately 11 Applications ($5K max/Council Member)
- Fallen Law Enforcement Heroes of Temecula: CM/RSO worked together with PW to develop 1 main plaque with heartfelt language and 3 badge-era plaques in front of Old Town Police Store Front to honor Temecula-served law enforcement heroes who died in the line of duty throughout the history of the City, including pre-incorporation; processed through the Recognition AdHoc Subcommittee, Mayor Kalfus and Council Member Stewart









9 - City Manager's Office







10 - City Manager's Office



- U.S./American Flag Program
  - Distributed nearly all US flags with poles and mounting hardware to Temecula residents to put up on Temecula homes (originally 256 flags sponsored; Mayor/City Council grant co-sponsored with Michelle's Place)
- Temecula HOAs and Apartment Development Contacts
  - Research to create a Contact List of HOAs/ Property Managers for apartment managers, etc, Citywide
- Military Care Packages with MilVet (Friendly competition with Murrieta)
  - Supported Mayor ProTem Alexander/Council Member Schwank to reach out to City of Temecula businesses
    - 74 businesses/schools/church locations hosted collection boxes receiving care packages for deployed/military

- Federal Advocacy / Grant for Diaz Road/$2M
  - Drafted and submitted updated Grant (due to budget issues at the Federal level, the City was required to resubmit for a $2M appropriation)
  - Secured 18 updated support letters from various agencies, neighboring jurisdictions, and representatives in support of the Diaz Road Expansion Application
- State Advocacy / Grant Support of CALFIRE Grant Submittal for a Citywide CWPP
  - Provided draft language and reviewed submittal to CALFIRE for the $950,000 Grant Application
  - Secured 17 support letters from various agencies, neighboring jurisdictions, and representatives in support of the City's Grant Application





- Temecula Valley Equestrian Olympics 2028
  - Planning with County, Visit Temecula Valley, LA28, and Stakeholders:
    - Multiple meetings (approx. twice monthly) with County and/or larger group of stakeholders
    - Tracked LA City Council 2028 Olympic venue status
    - Worked with City Attorney to draft Agreement (between City and VTV) to include the implementation of the draft proposal of City of Temecula anticipated financial resources as it relates to City infrastructure, staffing, and financial and direct in-kind support to help deliver 2028 Temecula Valley Equestrian Olympics as part of the LA28 Olympics
  - Draft was finalized and ready to present to the City Council following the timeline with County BOS when the equestrian event was changed to Santa Anita, rather than Galway
- 28 Economic Development Agreements Processed
  - Including 5 new Incubator Tenants supported by Community Reinvestment $80K Rent Waiver Program (launched/managed by TVE2 - more below RE: rent waiver program) to grow local jobs
- 16 Economic Development Sponsorship Applications Processed
- Coordinated Citywide Lamppost Banners
  - Rotated banners throughout the City's main roads with assistance from Public Works
  - Redesigned Rancho California Road Banners



- Promenade Mall – Preservation
  - Econ Dev collaborated with Buxton Co. on data collection and working with the Promenade to develop a draft tourism designation letter of support for the Promenade Temecula retail attraction and tourism designation project for Brookfield
  - Econ Dev is developing a proposed draft incentive program
- Civic Center Lease/Congressman Issa
  - CM staff serve as the Property Manager for Civic Center leases for Congressional District 50 (Issa) and Visit Temecula Valley
- Assisted 25 businesses - On-site visits or in-house meetings to address business-related issues
- Organized/Conducted 10 business retention and new business check-ins
  - Aquamor, Everhome Suites, Temecula Valley Honey Company, Symbio, Jack's Garage Coffee, & more!
- Approved/Processed 14 Film Permits
  - Participated in meetings as needed with producers re: film pitches
- Approximately 9 City Hall Tours Conducted
- TVUSD Collaboration

    - Coordinate outreach between City/School District
    - Support TVUSD staff meeting at the conference Center
    - Collaborate on e-bike student permit
- Coordinate Temecula-branded Promotional Needs
    - Gift baskets for the City's Workforce Development College Fair, Veterans Appreciation Breakfast, the National Charity League, the Temecula Valley Chamber of Commerce (multiple events), the California City Management Foundation, Temecula Valley Hospital, Milvet event, and Larger new development welcomes
- Wayfinding Signs
    - Auto Mall Wayfinding Signage
        - Worked on design/planning for the Auto Mall Wayfinding Signage Project to support auto dealers and patrons in finding their way (Provided support for Ordinance update to Planning at Planning Commission and to City Council (early 25) in collaboration with Planning
        - Project is currently in PW for construction
    - Old Town
        - Updated interim directory signage working with OTTA (JA/ZS)
        - Worked on design/planning permanent Old Town Wayfinding Signage to support Old Town businesses and residents/patrons to find their way (to be presented in 2026)
- Assist Temecula businesses as needed in navigating them through the permit process for business licenses in collaboration/with Community Development
- Intergovernmental Agreement
    - Ongoing discussions with Pechanga RE: cost-sharing agreement
- French Valley / Winchester Community Plan
    - Addressing [ongoing] concerns RE: County's Winchester Community Plan to increase housing density with an ultimate buildout to allow 72,000+ total housing units in French Valley without a plan for circulation infrastructure; impacting Temecula
    - Traffic analysis / public safety, CEQA, and other concerns still to be addressed
- Urban Encroachment into Wine Country
- Continued work with ComDev to provide comments to the County on Wine Country growth



General/Administrative

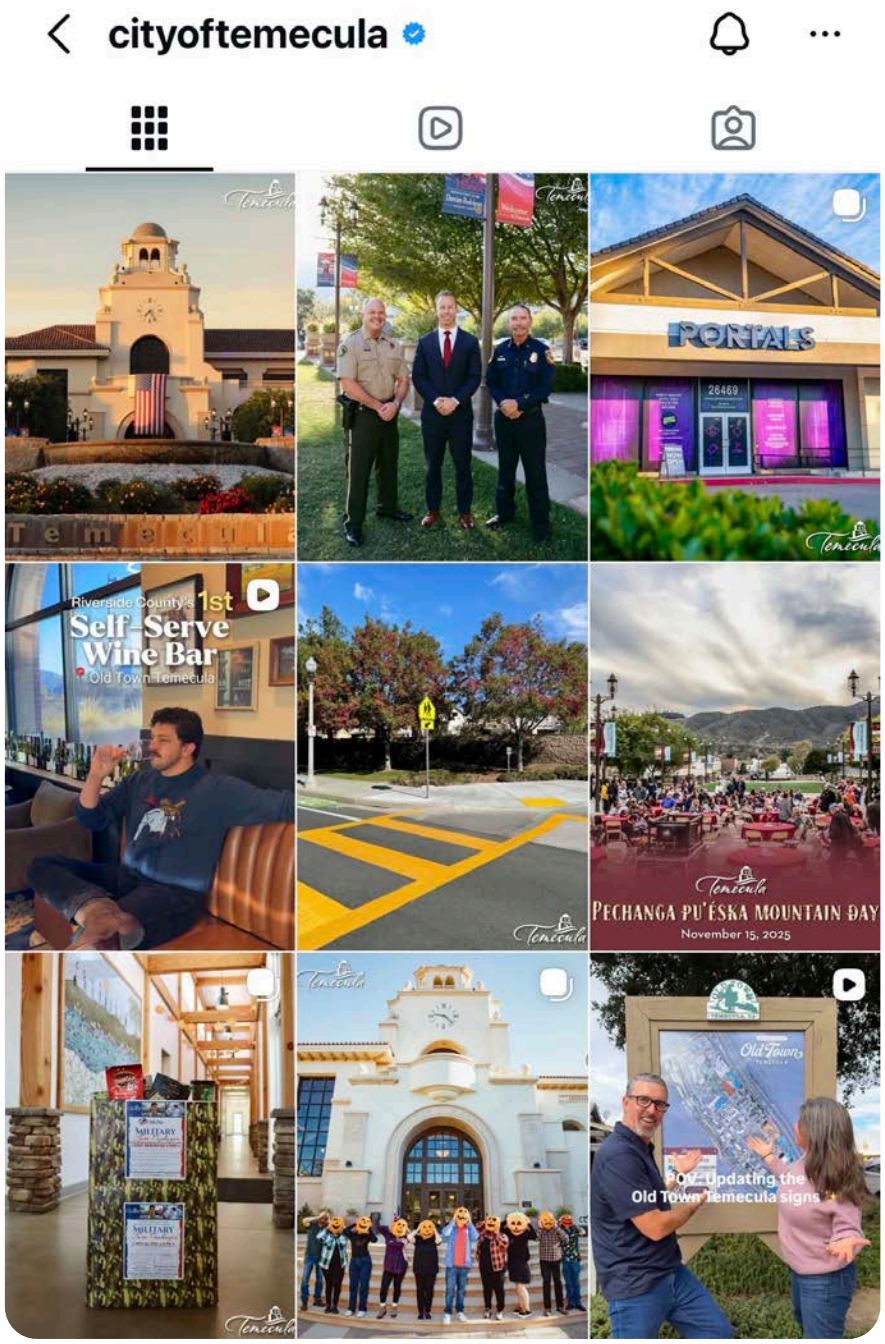
- City Council Presentations
  - Prepare City Council PowerPoint slides for Council Meetings
  - Coordinated WRCOG Council presentations to City Council regarding City of Temecula jobs and workforce & live/work proximity
  - Coordinated VTV Presentation to City Council internally and at public meeting, providing Temecula Valley tourism update
  - Prepare PPTs for Mayor "City Update" presentations (Women's Professional Roundtable, etc.)
- Advocacy Support Letters
  - Drafted and secured over 30 updated support letters from various agencies, neighboring jurisdictions, and representatives in support of the City of Temecula's Public Works INFRA Grant Application for the reduced French Valley Phase 3 project funding application
- Responded or navigated (as of 11/13/2025) 288 general inquiries from the public made to the City Council and City Manager's Office
  - 171 via email, 54 by phone, & 58 through My Civic App
  - 164 were directed to City Council Member(s)
  - 124 were directed to City management: 173 complaints: 58 requests, 31 inquiries
  - Citywide Employee Support
  - CM/ED representative on Employee Wellness Committee, Workforce Safety Committee, Team Pace, and Employee Benefits Committee
- Managed/balanced FY24-25 operating budgets for Departments/Divisions as follows - City Manager Office, City Council, Community Support Funding, Office of Public Information and Economic Development, & TVE2
- Citywide Employee support
  - CM/ED representatives on Employee Wellness Committee, Team Pace, and Workforce Safety Committee
- General
- Drafted letters
- Conducted/Led Research
- Annual personnel reviews
- Maintain CMO/ED SharePoint
- Support daily CMO updates/ recaps
- Responded to Press Inquiries



Executive Administration Scheduling & Support:

- Scheduled over 1000 regular meetings, noticed meetings, and AdHoc meetings for Council Members, City Manager's office, and various Directors (including all Council Social Media reels)
- Coordinate/Schedule CMO yearly birthday celebrations
  - Coordinate AA, KH exec staff birthday breakfast orders for staff meetings
- Registered and prepared travel packets (registration/ hotel/flight, etc.) for:
  - 3 Executive Staff to attend the 2025 Cal Cities City Manager's Conference in Feb. 2025 in Rancho Mirage
  - 3 Council Members and 3 Executive Staff to attend the April 2025 Cal Cities Leaders' Summit in Sacramento
  - 2 Council Members and 3 Executive Staff to attend the June 2025 Southwest Leaders Collaborative Legislative Advocacy in Sacramento
  - Mayor and 3 Executive Staff to attend the September 2025 Washington, DC, Lobbying trip
  - 2 Council Members and 3 Executive Staff to attend the 2025 Cal Cities Annual Conference in Long Beach in October 2025
- Assisted with 2025 State of the City scheduling of the Mayor filming sites and seating arrangements
- Prepared and made dinner and hotel reservations for the California City Managers Foundation annual board meeting that took place in Temecula, on July 18, 2025, and attended the meeting for minutes
- Monitored and tracked Helen Putman submittals Citywide on behalf of the City Manager
- Serve as Secretary and Treasurer for Team Pace- Schedule and Coordinate Team PACE events for City Employees
- Completed two (2) one-week courses for the California Municipal Clerk's Association to obtain Certification, completed (graduated) in October 2025 (February and October)
- Balance and reconcile the City Council operating budget line and the City Manager operating budget line for FY 24/25 and the new FY 25/26
- Reconciled all 5 City Council credit card remittances, as well as City Manager and Deputy City Manager remittances, to submit to the Finance department
- Prepare P-Card remittances for prior review and approval before submitting to the Finance Department
- Periodically work on the 2025 PRA retention schedule to purge and update current retention records, along with the assistance of the City Records manager for accuracy





PIO/Public Outreach

Social Media Platform Milestones

- Hit 60k followers on @CityofTemecula IG!
  - Ended last year at 50k followers (+10k gain!)
- Broke record for most liked reel in City History at 19k likes! (Temecula Nostalgia Reel)
- Broke record for 3rd most viewed reel across all City accounts: 427k views
  - 1 reel with over 400k views
  - 2 other reels over 300k views
  - 1 reel with over 200k views
  - 6 reels with over 100k views
- 2025 total IG reel views: Over 3 million views
- Recognized at GSMCON as a "Favorite Pages to Watch" by other Gov Social Media Managers across the US
- Recognized on socials from CAPIO for photography used in our posts (taken by the social media team)



Social Media Campaigns & Series

- Yearlong series of Council Spotlights
  - Produced 11 City Council reels
  - Most viewed reel hitting 171k on IG!
- #ShopSmallNovember series: 3 businesses spotlighted
- 14 New/Coming Soon business features
- Closed out PW FVP2 project outreach with reel that hit 323k views
- Continued Public Safety campaigns with RSO, CalFire, CHP, including E-Bike Safety
- 4 Fire Incident Outreach (Madera, Samantha, Tornado, & Sandia Fires)
- Monthly Proclamations
- Temecula Chilled (seasonal)
- 1x Weekly Social Media Post on a City project update and/or new business/development to support the desire for more outreach to the community
- Provide continuous emergency/incident/traffic updates (website & social media)



Outreach Collaborations with Community Partners

- Riverside Sheriff's Office (RSO)
- CALFIRE
- CHP Temecula
- Southern California Edison (SCE)
- Caltrans
- Riverside County Transportation Commission (RCTC)
- Visit Temecula Valley (VTV)
- Office of Emergency Management (OEM)
- Temecula Valley Unified School District (TVUSD)

- Temecula Valley Chamber of Commerce (TVCC)
- Temecula Valley Hospital
- Entrepreneurial Resource Center (ERC)
- Riverside Transit Agency (RTA)
- Care Solace
- Promenade Temecula
- Vail / Historical Society
- Pechanga
- Mt. San Jacinto College (MSJC)
- Small Business Development Centers (SBDC)

General Public Outreach

- E-Blasts from the Economic Development Division
  - Sent to over 10k subscribers - local businesses & interest groups
- E-Blasts from City Manager Citywide News & Updates
  - Sent to over 40k subscribers – overall general interest/citizenry
- E-Bike Safety Outreach
  - City's messaging and education via website, E-Blasts
  - Awareness Program with TVUSD and Temecula's Sheriff Department promoting the "TVUSD Safe Riders" student safety program
  - "Caught with Your Helmet On" with RSO Southwest, CHP Temecula, and CAL FIRE
- Ongoing updates to City Manager and Econ Dev webpages (multiple pages citywide)
- Ongoing updates to the City's Volunteer Opportunities Webpage
- Community Outreach on Citywide Projects
  - Currently working on a project that will update/ create multiple Public Works webpages in close collaboration with PW, IT, and CMO to improve citywide project updates and outreach to the community
- Produced 7 Videos that debuted at the State of the City Address
  - Temecula: A Family's Playground
  - Made in Temecula | Milgard & Aquamor
  - Temecula: From Hooves to Harvest
  - Welcome to our Crib: Temecula ERC
  - Homegrown Physicians
  - Seniors Living Their Best Lives in Temecula
  - Mayor Brenden Kalfus Introduction Video



- Produce the 2025 Temecula Magazine
- Temecula Connect Flyer (updated 2025)
- Maintained/updated photos on the City's Flickr account with professional photos
- Support Media Services/Channel 3 content
- Auto Mall LED sign updates throughout the year
- Produce the TVE2 Magazine
- Produced a recap video of the Temecula Small Business Market
- City Manager's Message for TEDxTemecula (event program)
- Produce monthly Citywide advertisements/articles for The Valley Business Journal or the Valley News
- City Media TVEyes - monitor hundreds of media clips per month for Temecula promotional use
- Ongoing updates/maintenance of the Regional PIO Contact List and Media Contact list
- Review/draft/edit Press-Releases Citywide





TEMECULA VALLEY ENTREPRENEUR'S EXCHANGE (TVE2)

Organized/Hosted Events/Meetings

- 2 Temecula Small Business Market Events (June & December) in collaboration with the TVE2 Entrepreneurial Resource Center
- Co-hosted the annual Southwest Riverside County April Innovation Month Quick Pitch Event
  - 1st place winner was our very own tenant, SISU VR, with a new product they launched, MetaAI - they advanced to the countywide Quick Pitch event!
- 9 TVE2 Incubator Tenant Meetings
- 2 TVE2 Incubator Committee Meetings
  - Offered incubator businesses a chance to access education/training, network, share successes/ challenges, and request desired assistance/ resources





- Partnered with Riverside County In-Home Supportive Services Division to host 33 Caregiver Orientations (in English and Spanish)
  - 8 of those orientations trained over 1,430 locals interested in a career as a caretaker
- Temecula Rotary Club April Meeting
- Annual How to Do Business with the City of Temecula event in collaboration with the City of Temecula Finance/Procurement Division
- Restaurant Collective in collaboration with the Temecula Valley Chamber of Commerce
- TVE2 has been home to over 40 City workforce, youth, and career pathway-related sessions in collaboration with TCSD Workforce

- 2026 Success Summit
  - In collaboration with the Orange County Inland Empire Small Business Development Center, uniting industry leaders and entrepreneurs to explore strategies for thriving in a rapidly evolving business landscape
  - The highlight of the program was keynote speaker Brian Smith, founder of the UGG brand in California in 1978
- 89 Small Business and Workforce Programs and Workshops throughout the year in areas such as general startup licensing and permits, marketing, human resources, access to capital, and more!
- Hosted EDC Monthly Board Meetings
- 2025 State Special Election with Riverside County Registrar of Voters

Special Projects/Business Support

- Managed and produced the Temecula Retail Assessment Report with consultants HdL and Beacon Economics in support of the General Plan Economic Development Element and Sales Tax Revenue/Retail sector
  - This comprehensive study outlines the local profile of the retail industry in the City
- Property Manager for TVE2 Incubator tenants
  - Rent Waiver extension approved by City Council: additional $80,000 investment, extending the program through approximately April 2027
  - Managed all leases at TVE2 and ensured compliance
  - Includes 16 Incubator Client License and Participation Agreements and several agreements/MOUs with City partners (CSUSB/ OCIESBDC & EDC)
  - Interviewed and onboarded, and added 5 new occupants to the TVE2 Incubator Program



Awards Received

- California Association for Local Economic Development (CALED) Award of Merit for the City of Temecula TVE2 Entrepreneurial Resource Center in the Programs/ Promotions Category
- International Economic Development Council (IEDC) Bronze Award for the City of Temecula TVE2 Entrepreneurial Resource Center in the Entrepreneurial and Small Business Development category


IEDC


IEDC 2025 ANNUAL CONFERENCE
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COUNCIL

Participated/Presented [TVE2 Representation]

- Riverside County Economic Development Strategic Plan (EDSP) Process
- CSUSM Networking Event for Business Class
- Thrive Inland SoCal Steering Committee
- All Chamber MEGA Mixer
- Prime Power Partners Networking Group TVE2 Presentation
- Temecula Valley Hospitals Men's Health & Fitness Expo
- Kelly Seyarto's Veteran Expo
- Port of Long Beach Tour with the Inland Empire Regional Chamber of Commerce and other business leaders
- International Economic Development Council (IEDC) Annual Conference

TVE2 Entrepreneurial Resource Center Metrics Achieved

- 55 Business Starts
- 2,212 Jobs Supported and Created
- $514,666 Capital Infusion
- 7,372 Counseled via Riverside County Veteran Services Office
- 2,383 Businesses Trained
- 1,282 Businesses Mentored
- $9,000 in grant funds to startups via the Finish Line Finance Program in collaboration with the Inland Empire Women's Business Center and US Bank





25 - City Manager's Office



26 - City Attorney

City Attorney

Housing

- Maricela Marroquin and Robin Harris of RWG worked closely with the Planning Staff in interpreting and resolving several issues related to the regulatory agreements imposing affordable rents as defined by State law for the City's 900+ affordable housing units.
- Maricela and Robin also drafted regulatory agreements for new affordable housing projects and density bonus units, confirming their affordability requirements.
- Additionally, Maricela has advised the Planning Department Staff on many new complex housing bills that affect the City's development standards and the processing of housing project applications.

Litigation

- Defended the City in numerous cases involving personal injuries and contract disputes.

Planning

- Maricela Marroquin assisted the Planning Staff in drafting resolutions and ordinances approving projects, zone changes, and development code standards.

Public Works

- The City Attorney's Office also assisted Public Works Staff in the review of numerous public works project bid specifications for compliance with Public Contracts Code and the review of Public Works construction contracts and surety bonds.

Property Acquisitions

- Paula Baeza of RWG assisted the Public Works Staff in acquiring a variety of property interests necessary for the construction of the public improvements for the Nicholas Road/Calle Girisol Project, Santa Gertrudis Creek Project, Pu'éska Mountain Parkway Project, and the Ynez Road Project.

Unsafe and Unhealthy Homeless Encampments

- The City Attorney's Office worked closely with the Community Services Department Staff, assisting them in navigating the complex federal and state laws and court decisions, resulting in the successful and compassionate clean-up of many unsafe and unhealthy homeless encampments within the City.







28 - City Clerk

City Clerk

The City Clerk's office had another busy year in 2025. With a record number of public records and passport requests, to foundational changes with City Council meetings, and a historical review of all boards, committees, and commissions, the year was full of citywide process and procedure-related changes led by the City Clerk's office. While the office continued to successfully support all routine functions of the department, including legislative advocacy and citywide public meeting management, the City Clerk's office also led efforts to modernize the organization through the adoption of an electronic signature policy and implementation of electronic review and signature software for the City's contracts and agreements. With a small but mighty team, the City Clerk's office continues to respond to unique and non-recurring needs such as a statewide special election in 2025 and the recruitment and appointment of a General Plan Advisory Committee, a once-in-a-ten-year effort, to ensure the future quality of life in the City remains healthy and strong.

Legislative, Operations, and Records Divisions

- Facilitate Creation, Approval, and Implementation of Citywide Title VI Plan and Program as Mandated by Title VI of the Civil Rights Act of 1964
- Facilitate Creation and Adoption of Citywide Electronic Signature Policy and Implement Docusign as New Electronic Contract/Agreement Review and Approval Program
- Citywide Boards, Committees, and Commissions (Historical Review of 30+ Years of Activity, Research and Regional Survey, Subcommittee and Council Review, Implement New Direction with All Four Commissions and One Committee)
- City Council Meeting Time Change (Research and Survey of Other Cities/Counties, Subcommittee and Council Review, Implement New Direction via Ordinance and Resolution, Community Education Regarding Changes)
- Facilitate Joint City Council, REDI Commission, and Community Services Commission Workshop with Consultant Regarding Community-Oriented Commission in the Future
- 2025 Special Statewide Election – Serve as City Hall Ballot Drop Off Location / Contribute to 2025 Election Sign Ordinance Amendments for 2026 and Beyond
- Facilitate Advocacy Days in Sacramento (Legislative Materials and Meetings with Assembly Transportation Committee - Chair Lori Wilson/Chief Political Consultant Farra Bracht, Assembly Transportation Committee - Vice-Chair Laurie Davies/Legislative Director Taylor Melody, Assembly Housing Committee - Chair Matt Haney/Legislative Aide Annie Keys, Senate Housing Committee - Vice-Chair Kelly Seyarto, Senate Housing/Local Government Committee - Senator Christopher Cabaldon, Assembly Appropriations Committee - Vice-Chair Kate Sanchez)
- Facilitate Review and Approval of Public Recognition Nomination - Name Portion of Diaz Road Trail for Staff Sergeant Louis Cardin, Upon Request of Temecula Valley VFW Post

- Facilitate Creation, Recruitment, and Appointment of New General Plan Advisory Committee for General Plan Amendment Purposes
- Facilitate Approval of Three-Year Amendments to Agreements for Federal and State Lobbying Services with Townsend Public Affairs and David Turch and Associates
- Create New Youth in Government Program and Facilitate Council Review and Approval of the New Program for Implementation in 2026 in Consultation with TVUSD Partners

City Council

- Prepared City Council Subcommittee List for Annual Approval and Distribution
- Prepared City Council Proclamation List for Annual Approval
- Researched and distributed annual invitations per the Invocation Policy
- Administered City Council Meeting/Workshops Logistics = 25 Meetings
- Processed City Council Meeting Related Documents (Create, Track, Post, Publish, Log): Agendas = 26 / Minutes = 26 / Resolutions = 80 / Ordinances = 17
- Processed Community Services District Meeting Related Documents (Create, Track, Post, Publish, Log): Agendas = 26 / Minutes = 26 / Resolutions = 4
- Processed Successor Agency to Redevelopment Agency Meeting Related Documents (Create, Track, Post, Publish, Log): Agendas = 3 / Minutes = 3 / Resolutions = 3
- Processed Public Financing Authority Meeting Related Documents (Create, Track, Post, Publish, Log): Agendas = 5 / Minutes = 5 / Resolutions = 15 / Ordinances = 1
- Processed (Create, Amend, Track) Staff Reports for City Council Meetings = 315 Reports
- Processed (Create, Amend, Track) Staff Reports for TCSD Meetings = 29 Reports
- Processed (Create, Amend, Track) Staff Reports for SARDA / TPFA Meetings = 7 Reports

Commissions and Committees

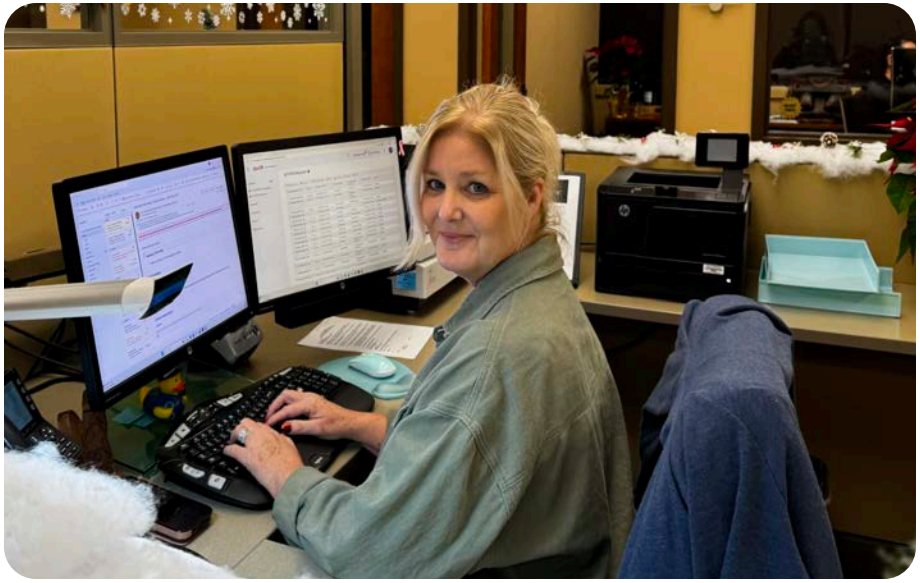
- Prepared Board and Commission Handbook for Annual Approval and Distribution
- Worked on CultureFest Event for World Diversity Day in Consultation with the REDI Commission and Community Services
- Processed (Notice, Recruitment, Appointment, Orientation) Vacancies for Committees and Commissions = 7 [2 Old Town Local Advisory Committee, 5 Planning Commission, with a total of 19 applicants]
- Processed (Notice, Recruitment, Appointment) for Openings on the General Plan Advisory Committee [with a total of 74 applicants]
- Administered REDI Commission Meeting Logistics = 7 Meetings
- Processed Race, Equity, Diversity and Inclusion Commission Meeting Related Documents (Create, Track, Post, Publish, Log): Agendas = 7 / Minutes = 6
- Processed Planning Commission Meeting Related documents (Import and Log): Agendas = 15 / Minutes = 14 / Resolutions = 37



- Processed Traffic Safety Commission Meeting Related Documents (Import and Log): Agendas = 2 / Minutes = 2
- Processed Community Services Commission Meeting Related Documents (Import and Log): Agendas = 11 / Minutes = 10
- Processed Old Town Local Advisory Committee Meeting Related Documents (Import and Log): Agendas = 6 / Minutes = 4

General Legislative

- Prepared Legislative Platform for Annual Approval and Distribution
- Provided Citywide Legislative Updates (Including General Legislation Status, State Regulations, State and Federal Funding, etc.) via Email to City Council and Executive Staff (Does Not Include Individual / Small Group Legislative Contact Numbering in the Hundreds) = 110
- NetFile - Processed Statements of Economic Interest (Form 700) / Amendments for City Council, Boards and Commissions and Designated Employees = 71
- FPPC Portal - Processed Statements of Economic Interest (Form 700) for Government Code 87200 Filers = 13
- Processed Semi-Annual Campaign Disclosure Filings (410, 460, 470, 497) for City Council Members and Current and Former Candidates with Open Committees = 9



General Operations

- Processed (Route, Track, Log) Contracts / Agreements = 318
- Processed (Route, Track, Log) Contract / Amendments = 62
- Conducted Project Bid Openings / Processed Notice Inviting Bids = 9
- Researched and Prepared Ribbon Cutting / Grand Opening / Anniversary / Academic Achievement / Miscellaneous Certificates = 200 certificates
- Researched and Prepared Proclamations = 65 proclamations
- Prepared and Scheduled Presentations from Local Non-Profits and Organizations for City Council and Race, Equity, Diversity and Inclusion Commission Meetings = 12 presentations (African American History Month – February; Women's History Month – March; Arab American Heritage Month – April; Asian American and Native Hawaiian/ Pacific Islander Heritage Month – May; Jewish American Heritage Month – May; Pride Month – June; Hispanic Heritage Month – September; Native American Heritage Month – November)
- Processed (Create, Post, Publish, Log) Cancellations Notices for City Council and Board, and Commission Meetings = 21
- Processed (Create, Post, Publish, Log) Committee Meeting Notices = 25
- Processed (Create, Post, Publish, Log) Citywide Newspaper Publications and Public Hearing Notices = 67
- Processed Bond Releases (Tract Map, Parcel Map, Landscape, and Contracts) = 53
- Recorded Documents with the County of Riverside = 23
- Processed (Image, Log, Distribute) General Liability Claims and Litigation = 23 Claims and 7 Litigation



General Records

- Prepared Records Retention Schedule for Annual Approval and Distribution
- Administered Annual Records Destruction = 75 Standard boxes
- Processed, Tracked, and Completed Public Records Act Requests = 1,308
- Transferred Records for Disposition (Holding, Scanning, or Shredding) = 50 Boxes
- Closed Public Records Act Requests in GovQA on Average = 6.15 Days
- Public Archive Page Views for Public Records Act Requests = 6,334
- Added Files to Building and Safety Laserfiche Folder = 32
- Added Pages to Building and Safety Laserfiche Folder = 933
- Added Files to Public Works Laserfiche Folder = 2,483
- Added Pages to Public Works Laserfiche Folder = 44,617
- Added Pages to City Council Agendas Folder = 20,848
- Added Pages to Contracts Laserfiche Folder = 10,080

Passport Services:

- Processed DS-11 applications = 503
- Processed Passport Photos = 252



Community Development

Community Development proudly launched the first-ever “Maintenance City” General Plan update—a 20-year roadmap to guide how our community grows and thrives. This major initiative was thoughtfully planned to include strong community input every step of the way.

While we look ahead with the new General Plan, our Planning teams have stayed busy implementing the current General Plan. Highlights include:

- Continued progress on the Sommers Bend development
- Expansion of the Old Town Parking sensor project
- Major project milestones and support for the Altair project
- Exciting new restaurants and retail opportunities for residents and visitors
- Other ordinances to continue to enhance our community’s quality of life

Our inspectors, permit techs, and support staff delivered excellent service to our private development partners. Most permits were processed online, and we rolled out helpful upgrades like automated emails for solar projects. We also geared up for the 2025 Code Update.

Community Development also welcomed our first-ever Code Manager, dedicated to keeping Temecula safe and beautiful.

The Code team:

- Reduced case resolution times for the third year in a row
- Closed the City’s oldest open case
- Partnered with Rancho California Water District and the Fire Department to take proactive actions to minimize a fire from spreading in Temecula Creek—protecting homes and businesses

Behind the scenes, our Admin Team supported every division, cross-trained staff, and improved internal processes to keep things running smoothly.



Community Development Administrative

- Completed cross-training manual for Planning Commission
- Seven different recruitments started, with all vacancies planned to be filled by the end of the year

Building and Safety Division

Commercial Projects (Completed in 2025):

- Boot Barn
- Del Taco on Jefferson
- Everhome Suites
- Five Below
- Hendo's Brew House
- Journeys Shoe Store
- Lululemon
- O'Reilly's Auto Parts
- Ralphs





A count of all permits issued during the selected time period (based on issueddate).
Permits Issued by Permit Type for **Jan 1, 2025 - Oct 31, 2025** compared to **Jan 1, 2024 - Oct 31, 2024**. Data last updated **November 4, 2025 at 12:02 AM.** This visualization contains the following filters. Permit Type is: **BLDG - Building (C), BLDG - Building (R), BLDG - Electrical (C), BLDG - Mechanical (C), BLDG - Electrical (R), BLDG - Mechanical (R), BLDG - Plumbing (C), BLDG - Plumbing (R), BLDG - Sign**. Some results are hidden for brevity.

- Starbucks at the Tower Plaza
- Taco Bar
- Temecula Express Car Wash
- Temecula Valley Toyota Detail and Service Addition
- White Barn (Atelier School)

Commercial Projects (Currently Under Construction):

- Better Buzz
- ONO Hawaiian Grill
- Red Lobster restoration
- Regan Sports Park expansion
- Rockville Self Storage
- Del Norte Calimex
- Edwards Theater Remodel

Residential Projects (Completed in 2025):

- Residential Projects completed
- Heirloom Farms (All phases and products)
- Summers Bend (Density Core Complete, Shawood in build out)
- Marlow Apartments
- Solana Winchester Apartments
- Arrive Apartments at Rancho Highlands
- Protea Senior Living

Residential Projects (Currently Under Construction):

- Rendezvous Phase II Apartments
- Prado
- Wingsweep
- Altair (Underground utilities)

Building & Safety Department Highlights:

- 3,690 Building permits Applied for, through 11/01/2025
- 3,382 Building permits Issued, through 11/01/25
- 2,277 Building permits Finaled, through 11/01/25
- 418 Solar Permits Finaled
- 76 Swimming Pools Finaled
- 13,145 Building Inspections requested online through 11/01/2025
- 13,702 Building Inspections completed, through 11/01/2025



Code Enforcement Division

- Opened Cases: 2,334
- Cases Reaching Compliance: 2,287
- Code Inspections: 4,136
- Short Term Rental Cases: 40
- Proactive Cases: 291
- Online App Inquiries: 1,214
- Graffiti Inquiries: 223
- Average Online Response Time: 1 day
- Reduced the Average Case Open Time by 17.63% (from 67 days in 2024 to 55 days in 2025)
- Developed Team Expectations
- Created an Officer Safety Standards Policy
- Received a Certificate of Appreciation from the City Council for Code Enforcement Officer Appreciation Week in October
- Hired a Code Enforcement Manager
- With the assistance of IT, we automated various forms for efficiency in our Code Enforcement software platform
- Continued participation in the METRO+ team in Old Town
- Participated in community outreach such as National Night Out
- Continued with the Weed Abatement program
- Code Manager was voted in as the President of the California Association of Code Enforcement Officers
- Gained compliance on the oldest case still open from 2018





Current Planning Division

- Provided support to Economic Development on potential new projects/businesses
- Assisted 1,376 customers at the Planning counter with an average wait time of less than eight (8) minutes as of 10.30.25
- Reviewed 22 Pre-Applications as of 10.30.25
- Performed 144 occupancy inspections on new single-family homes as of 11.4.25
- Processed a Development Plan for a new Texas Roadhouse restaurant at the Promenade Temecula Mall
- Processed a Tentative Map and Home Product for Oak Creek, a 113-unit single-family residential development
- Processed a Tentative Map for Parker Ridge, a 9-unit single-family residential development



- Processed a Conditional Use Permit, Modification, and a Certificate of Historical Appropriateness for Gaucho Grill located in Old Town





- Processed a Development Plan and Conditional Use Permit for a 143-unit senior apartment community
- Processed a Modification to the existing Apple Store at Promenade Temecula for the installation of new security bollards along the storefront
- Processed a Tentative Tract Map and a Development Plan for six (6) units for Habitat for Humanity
- Processed a Condominium Map and Development Plan for 14 multifamily residential units
- Processed a Development Plan for the Altair Private Recreation Center and Village C Park
- Processed a Development Plan for a Mercedes-Benz Sprinter Dealership located in Harveston
- Processed a Modification to Baily's for three phases of improvements, including fencing, roofing, roll-up doors, frontage improvements, and new doors



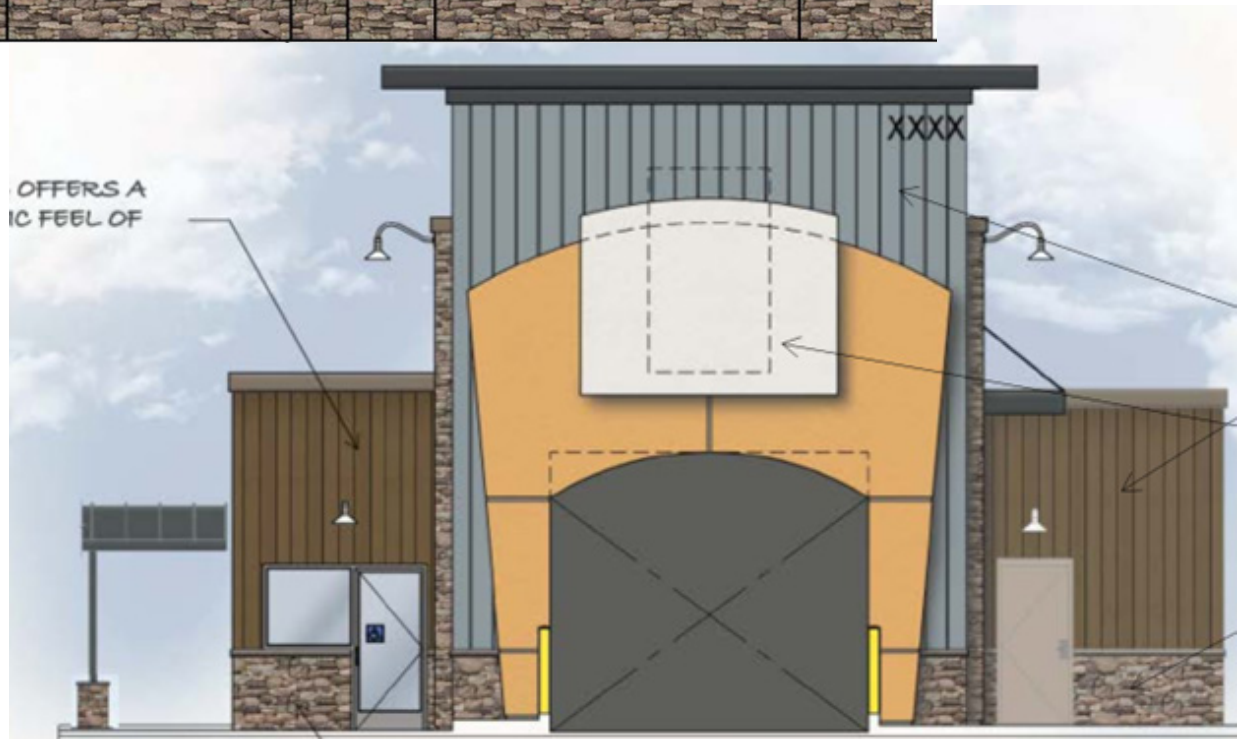


- Processed a Modification and Planned Development Overlay Amendment to the Temecula Valley Hospital Master Plan to update the phasing of the future hospital expansion and establish design guidelines and development standards
- Occupancy Inspection on Vine Creek Apartments
- Occupancy Inspection on Promenade Mall Car Wash
- Occupancy Inspection on Del Taco remodel on Jefferson Avenue
- Occupancy Inspection on CAVA
- Occupancy Inspection on Everhome Suites
- Occupancy Inspections at Marlowe Apartments






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- Occupancy Inspection on Hendo's Barrel House
- Processed three (3) Home Product Reviews for the final tracts in Sommers Bend for 132 single-family homes
- Processed a Modification for the new Lululemon location at Promenade Processed a Specific Plan Amendment to the Temecula Regional Center Specific Plan (Promenade Mall) for a technical change to the document so the square footage in the Specific Plan reflects existing conditions/entitled projects
- Processed a Conditional Use Permit for Arena Challenge Zone in Uptown Temecula, a family fun center that provides arcade games, escape room-style puzzles, carnival games, and team building activities with a restaurant/cafe
- Processed a Zone Change, Planned Development Overlay, tentative Parcel Map, Development Plan, and two (2) Conditional Use Permits for a Dutch Bros Coffee and Quick Quack Car Wash
- Processed a Development Plan for a Medical Office Building on Avenida De Missiones

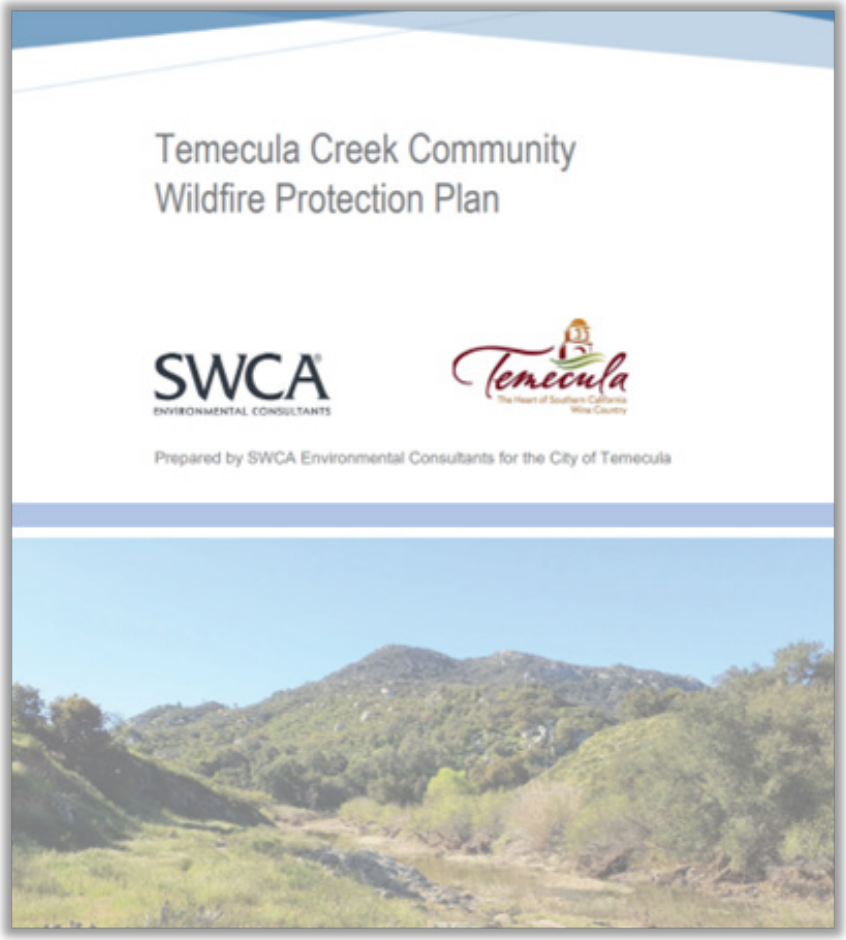






Long Range Planning Division

- Opened 117 long-range activities
- Completed 51 outside agency project reviews (for impacts to the city)
  - Provided 7 comment letters to outside agencies
- Submitted the Annual General Plan Progress Report to the Governor's Office of Planning and Research
- Submitted the Annual Housing Element Annual Progress Report to the California Department of Housing and Community Development (HCD)
- Submitted the Annual Water Efficient Landscape Ordinance (WELO) Report
- Submitted the annual California Department of Finance Housing Unit Survey
- Continued successful multi-jurisdictional effort to require Riverside County to address the substantial local and regional impacts of the proposed Winchester Community Plan and entered into an agreement with Riverside County, the City of Murrieta, and the City of Menifee formalizing such efforts, assigning responsibilities, and setting goals
- Began implementation of the City's Community Wildfire Protection Plan (CWPP) and have completed a substantial amount of hazardous fuels removal
- Updated the Old Town Specific Plan to extend the Outdoor Live Entertainment by an additional year due to strong support from visitors and the business community
- Participated in 7 public biking events supporting various organizations throughout the City
- Organized the 14th annual Bike to Work Day for the City with 20+ staff participating
- Performed detailed CEQA analysis of 8 Capital Improvement Projects and drafted/submitted a Notice of Exemption (NOE) for each project
- Continued to support and expand the grassroots "Caught with a Helmet on" program, which rewards safe behavior in youth cyclists and creates a positive interaction between authority figures and youth.
  - This is now going valley-wide with participation



across jurisdictions and agencies proving safe cycling is a priority for the entire valley!

- Assisted RSO, the City of Murrieta, and Riverside County in the development of TVUSD's first "bike permit" program, which requires training for students and parents riding an E-Bike to/from school.
  - The program has been a resounding success and will be expanded across the district.
- Upon the successful data collection demonstration from Phase I, the City Council is initiating Phase II of the Frog Parking service agreement, which will expand the parking sensors to all public parking spaces in Old Town to ensure future development and parking decisions are made based on data and the facts as they exist on the ground, and allow additional flexibility.
- Adopted an Ordinance updating the requirements, standards, and removal procedures for off off-premise non-commercial Signs.
  - This would include candidate signs for public office.
- Drafted and adopted an Ordinance to update Titles 5, 8, 16, and 17 of the Municipal Code to clarify standards, remove ambiguity, and implement Council policy. Additionally, the Ordinance updated standards based on changes to state law.
- Drafted and adopted an Ordinance updating the requirements for Accessory Dwelling Units (ADU's)



SARDA – Housing – Real Estate Division

- Submitted and received approval of the 2024 Housing Element Annual Progress Report, ensuring the City's continued compliance with State housing law and timely reporting to the California Department of Housing and Community Development (HCD)
- Completed the 2025 annual physical inspections and re-inspections for all affordable housing projects within the City of Temecula to verify adherence to property standards and regulatory requirements
- Notified the City Attorney's Office of an affordable single-family home sold in violation of its restrictive covenant with the City of Temecula
  - Collaborated with legal counsel to initiate corrective action to return the property to City ownership and restore compliance

- Conducted a comprehensive utility allowance audit for all affordable housing properties in Temecula to confirm that tenants receive accurate and equitable utility allowances
- Conducted briefings with City Council members to initiate the Surplus Lands Act process for a City-owned parcel
  - Began the necessary steps to comply with the Act; currently, Public Works is finalizing the recording of a map to verify accurate property boundaries for the parcel under consideration as surplus
- Investigated a missing dryer vent at Unit 201 of the Warehouse at Creekside and coordinated the installation of a Health & Safety Code-compliant dryer vent to ensure tenant safety and property compliance
- Drafted and issued the Uptown Temecula Affordable Housing Request for Proposals (RFP) in collaboration with the Supportive Housing Subcommittee, advancing the City's affordable housing development goals
- Developed and implemented a tracking mechanism to ensure the City's ongoing compliance with the State's "No Net Loss" housing policy, strengthening monitoring and reporting accuracy for housing production and site capacity
- Organized and hosted the City Council Housing Workshop, featuring four expert presenters covering four key topics:
  - The History of Affordable Housing
  - Updates on State Housing Laws
  - Financing Affordable Housing
  - Summary of the City's ongoing General Plan Update
- Assisted in ensuring that the Vine Creek affordable housing project received its Certificate of Occupancy, enabling the developer to secure final financing and proceed with project completion

Community Development Block Grant Division

The City's Community Development Department, under the CDBG program, funded eleven (11) total activities, ten (10) public service activities, and one (1) capital improvement project in the 2024-25 Program Year. Some of the specific accomplishments for the 2024-25 Program Year include:

- In conjunction with the Fair Housing Council, provided fair housing services by assisting 595 clients, including 571 landlord-tenant mediation services and 24 anti-discrimination complaints
- Provided 76 low- and moderate-income youth with clothing and school supplies through the Assistance League
- Served 5 persons experiencing homelessness, or those at risk of homelessness, through the City's Homeless Prevention and Diversion Program
- Operated the City's Help Center to provide homelessness services
- Assisted 35 Temecula senior residents through the Senior Assistance Program
- Assisted 85 victims of domestic violence through the SAFE Family Justice Center
- Assisted 17 victims of domestic violence through the Riverside Area Rape Crisis Center

- Provided case management for 35 individuals experiencing mental health needs through a community resource within The Empowerment Center
- Provided direct advocacy for 4 foster children through Voices for Children
- Provided before and after school care for 6 children through the Boys & Girls Club

There was movement on three capital improvement projects; two were completed, and one was not closed during the program year but is anticipated to be completed by the end of the upcoming program year. The status of those projects is as follows:

- Public Facilities ADA Improvements Phase I 18-16
  - The project was awarded, and construction was completed in May of 2024.
  - All project expenditures were accounted for, and the project is considered closed with the writing of this CAPER.
- 2023 ADA Transition Plan Implementation Project Funds
  - The project funds for Program Year 2023 were allocated to complete the ADA improvements associated with the Public Facilities ADA Improvements Phase I (PW18-16) project.
  - Construction was completed in May of 2024.
  - All project expenditures were accounted for, and the project is considered closed with the writing of this CAPER.
- 2024 ADA Transition Plan Implementation Project Funds
  - The project funds for Program Year 2024 were allocated towards the ADA improvements project that will be combined with the current 2025-2026 CIP budget to complete necessary ADA Improvements throughout the city as part of the City's ADA Transition Plan.
  - Project construction and fund expenditure are expected to be completed by June 2026.

Animal Control (AFV)

- Worked through updates to the JPA agreement
- Completed a joint meeting with Code and AFV at the AFV facility




NATIONAL COMMUNITY PLANNING
MONTH 2025
#ITTAKESAPLANNER



Community Services

The Temecula Community Services Department's offerings make our community safer, healthier, and happier. Among the year's standout events were the highly anticipated opening of the new Splash Pad at the Ronald J. Parks Community Recreation Center and Pickleball Complex at Ronald Reagan Sports Park, and the 20th Anniversary of the Old Town Temecula Community Theater celebration.

With a focus on service, we expanded our Flexible Family Assistance Program, which provided urgent shelter and stabilization support to 60 households, serving 128 of Temecula's most vulnerable residents including 60 children, and hosted a Back-to-School Event in partnership with the Summer Food Service Program and the Employee Wellness Committee, providing over 250 youth and families with school supplies.

In 2025, TCSD delivered thousands of enriching classes, welcomed record participation across aquatics, sports, senior services, workforce development, and youth programs, and expanded access through partnerships supporting safety, health, literacy, and mental wellness.

TCSD also earned several prestigious recognitions, including the CPRS Award of Excellence in Facility Design & Programming for the Margarita Recreation Center and the CPRS Award of Excellence for Social Media. Collectively, these achievements reflect a year defined by an unwavering commitment to serving our community.

Administrative Services

- Updated the Corporate Sponsorship Program and raised $12,800 in monetary donations, and $2,000 in-kind donations.
- Completed the 2025 Veterans Paver Campaign with 26 new engraved pavers at the Temecula Duck Pond for the Path of Honor and raised $1,950 for the Path of Honor Scholarship Fund.
- Conducted 15 Committee meetings including creating 15 Agendas (13 Noticed Agendas) and 13 Action Minutes reports.
- Conducted 12 Community Services Commission meetings including creating 12 Noticed Agendas and 12 Action Minutes reports, and proofed, edited, and consolidated 12 monthly Commission Reports and 12 Cultural Arts Reports.
- Placed 38 agenda items and created 78 slides for City Council meetings.



- Compiled four years of TCSD AOB cycles into a budget binder for reference and to review trends for efficient budget analysis and requests.
- Reviewed Departmental budget thoroughly and worked with Division managers to identify future capital outlay and budget line requests to uphold the quality of City events, classes, and performances. Exceeded AOB savings target by 160$%.
- Updated 'Division Binders' for standardized tracking systems within each Division with the option to customize tabs for high volume inquiries such as contract logging.
- Utilized contract routing and purchasing system to process 149 agreements and create 140 purchase orders.
- Completed the Request for Proposal (RFP) process for three contracts with two additional contracts pending.
- Reviewed 118 grants for their applicability to the City; completed one grant application.
- Oversaw Care Solace contract to provide City-wide mental health resources to nearly 10,000 resident requests.





Aquatics

Attendance & Participation

- 50,671 Total Participants (2025)
  - 14,195 Lap Swim
  - 1,250 Water Exercise/100 Swim
  - 139 Adaptive Lessons
  - 23,585 Public Swim
  - 273 LG/WSI/LGI/JLG/WSA/SB Classes
  - 5,480 Youth Swim Lessons
  - 5,619 Total Swim Lessons Provided
  - 130 Water Polo



Partnerships & Community Impact

- Partnered with First Five of Riverside and the American Red Cross Centennial Program to expand access to swim lessons through scholarships for all ages.
  - Partnered with First 5 Riverside to provide swimming lesson scholarships to 228 children (ages 5 and under) from low-income families.
  - Partnered with the American Red Cross Centennial Program to provide 274 swim lesson scholarships for participants
- Temecula qualifies for the Red Cross Centennial Program due to a higher-than-average drowning rate in the region, reinforcing the life-saving importance of swimming lessons in our community.

Facilities & Programming

- Opened the new splash at the Ronald J. Parks Community Recreation Center, which saw extremely high use. The Aquatics Team also provided input on construction and identified issues during the process.
- Continued to operate and program the MRC Pool, offering innovative classes such as: Aqua Yoga, Aqua Power Pilates, Aqua Lunch Crunch, Sound Bath, Gentle Swim, Adaptive Swim Lessons, Group Swim Lessons, Semi-Private Swim Lessons, Water Walking, and Water Exercise Classes.
- Maintained a robust schedule of programs at three of our Aquatic Venues, including public swim, lap swim, water aerobics classes, Family Fun Nights, and Adaptive Family Fun Nights, in addition to Group, Semi-Private, Adult, and Adaptive Swim Lessons.
- Continued our online reservation and payment system for lap swim to improve convenience and efficiency.


SWIM
LESSONS
SUMMER
SESSION 1


SWIM
LESSONS
SUMMER
SESSION 2

Certifications & Training

- Offered a record number of American Red Cross certification courses, including Lifeguarding, Water Safety Instructor, Lifeguard Training Instructor, Title 22, and Advanced First Aid for Emergency Responders.
- Staff completed over 10,551 hours of training in areas such as water rescue, CPR/AED, emergency oxygen administration, spinal injury management, advanced first aid for the Emergency Responder, and emergency management.
- Conducted Drowning Prevention Training for Day Camp Staff from the RJPCRC and the MRC, as well as Aquatic staff, in conjunction with a guest speaker who shared their personal experience of a drowning incident. Training emphasized the teamwork needed between the Aquatics and Day Camp staff during an emergency event and reinforced proactive supervision and emergency response procedures.

Staff Development & Recruitment

- Built a strong seasonal and returning Aquatics Team through expanded recruitment and engagement activities, which led to a 70% return rate for Aquatic staff.
- Hosted the fourth annual Onboarding Parent Orientation to align new aquatic employees and their families with workplace expectations and procedures (time-off requests). This proactive approach enhances understanding, prevents confusion or policy violations, and supports a successful transition from onboarding throughout the employee's ongoing employment.
- Continued our 4th Annual Bring a Friend to Work Day, enhancing recruitment and staff engagement.



Volunteer & Youth Development Programs

- Continued our expanded Junior Lifeguard Program with two sessions per age group (10-13 and 13-16 years) due to high demand and still maintained a waiting list of 74 people.
- Continued our new Water Safety Aid Program for volunteers interested in becoming future instructors where participants earned American Red Cross Water Safety Aid Certifications.
- Continued the Swim Buddy Program to support adaptive swim lessons, ensuring inclusive access for participants with special needs.
- Over 100 volunteers contributed to our Aquatic Programs for a total of 1,884 hours during our Summer season.

Community Outreach & Presentations

- Partnered with CalFire and Temecula Valley Hospital to teach hands-only CPR to over 500 high school students at Great Oak High School.





- Supported Sunrise Rotary's Safety Days presenting water safety education to approximately 100 children.
- Hosted Water Safety Awareness booths at community events, including water safety presentations at Temecula Elementary School.



Art Events & Exhibits

- Curated, contracted, and installed a total of 30 fine artists and Galleries at The Merc, Civic Center, Welcome Center, Ronald H. Roberts Temecula Public Library, and Temecula Valley Museum Rotunda.
  - Hosted Art Gallery Receptions, operating in conjunction with Temecula Art Walk for various artists to showcase their talents, including nine individual artists and three artist groups, including Warner Springs Artisan Group, Dorland Mountain Arts Colony, and Temecula Valley Arts League.
  - Presented Temecula Art Walk at The Gallery at The Merc & The Lot on Main offering a total of 121 artist booths for various artists to display and sell their work at no cost to the artists; and including complimentary art activities for the public to enjoy.
  - Organized the 18th Annual Ralph Love Plein Air Competition exhibition and reception at the Temecula Valley Museum with 14 artists contributing 23 beautiful artworks featuring their artistic view of landscapes of Temecula.
- Offered six new Emerging Artist Murals featuring large-scale, rotating installations by local artists with diverse topics: International Day Women & Girls in Science; Irish American Heritage Month; California State Park Week; National First Responders Day; Native American Heritage Month; and Holidays Celebrations Around the World.



Community Outreach

Department-Wide Marketing Campaigns

- Developed and executed comprehensive marketing campaigns for key programs, events, and activities across the department. Deliverables included press releases, social media content, reels, posters, videos, and flyers for initiatives such as Temecula CultureFest, Temecula Rod Run, Contract Classes, Temecula Community Services Expo, Halloween Carnival, and Veterans Programs.

Social Media Reach

- As of October 31, 2025, TCSD achieved a total reach of 4,314,933 across all platforms, driven by strong performance in reels, posts, e-blasts, and stories.

Social Media Followers

- Facebook followers increased by 83% this year to 12,210 and Instagram followers increased 19% to 16,844 over the past year.
  - CPRS Awards of Excellence: TCSD's Media Team earned the Award of Excellence for Social Media, at the 2025 CPRS CONNECTIONS Conference in Sacramento, CA.
  - Park Adventures Series: Concluded the Park Adventures Series, launched in 2021, featuring Jeff Lawrence and spotlighting Temecula's 40+ parks.
  - Water Safety Month Campaign: Partnered with the Aquatics Division to deliver an engaging safety awareness campaign featuring weekly posts and





three educational video reels on topics including lifejacket fitting, sunscreen use, and lifeguard training.

- The Perfect Day in Old Town Temecula: Produced a video series with TCSD President Zak Schwank highlighting local businesses and attractions such as the Temecula Farmers Market, Art Walk, The Press Espresso, In Bloom Bookery, and Rivers & Roads.
- The Guide: Completed production of The Guide, hosted by Wilhe Augustine, showcasing City programs and services tailored to Temecula's core audience.
- The Progress Report: Completed another series featuring Mike Wooten, aimed at promoting transparency on departmental projects.



Channel 3 & Website Management

- Maintained and regularly updated Channel 3 and the City's website to ensure timely, accurate promotion of TCSD programs, events, and services.



Visits/Presentations/Partnerships

- Surf & Turf Conference Presentation: Presented on the effective use of social media for community engagement at the 2025 Surf & Turf Conference in Fontana, CA.
- Lake Elsinore Storm Partnership: Collaborated with CMO and Economic Development to design a custom Temecula-themed jersey for the Lake Elsinore Storm's City Takeover Night.
- City of Perris Studio Site Visit: Visited the City of Perris TV studio, hosted by PIO Stephen Hale and Digital Media Supervisor Everett Hambly, to learn about their broadcasting operations and best practices. The visit provided valuable insights to inform future enhancements to Temecula's media strategies and reinforced the importance of maintaining strong City-to-City partnerships.





Contract Classes / Recreation Software / Activity Guide / Facility Rentals / Jefferson Recreation Center / Harveston Community Park Room / Temecula Community Center

Contract Classes

- Successfully programmed 4,922 Contract Class offerings for all ages:
  - Interests included offerings for Summer & Spring Break Camps, Preschool Enrichment, Youth & Teen Enrichment, Sports & Fitness, Performing Arts, Visual Arts, Special Needs, Seniors, and Adult Enrichment.
- Approximately 18,000 participants attended a Contract Class throughout the year.
- Approximate revenue generated from Contract Classes was $1,235,000.

Recreation Software Administration (Civic Rec)

- Software used by the public for all class registrations, events, and Aquatics programs; and utilized for reservations for facility rentals, lap swim, and field permits.
- Effectively and efficiently processed online and in-person transactions as follows:
  - Approximately 58,000 transactions were processed during the calendar year.
  - Software system successfully processed over $2,750,000 of Department revenue.



TCSD Activity Guide

- Successfully designed and distributed 56-page Summer/Fall 2025 and Winter/Spring 2025 Activity Guides highlighting all TCSD classes, events & activities, and TCSD facility programming. Guides mailed to all residents of Temecula and posted on the City's website.


Temecula
COMMUNITY SERVICES DEPARTMEN
SUMMER/FALL 2025
GUIDE TO LEISURE ACTIVITIES
Temecula
COMMUNITY SERVICES DEPARTMENT
WINTER/SPRING 2026
GUIDE TO LEISURE ACTIVITIES

Facility Rentals

- Successfully managed facility rentals at the following TCSD facilities:
  - Conference Center: 55 Rentals; 8,000 Estimated Attendance.
  - Ronald J. Parks Community Recreation Center: 46 Rentals; 5,900 Estimated Attendance.
  - Temecula Community Center: 93 Rentals; 9,300 Estimated Attendance.
  - Ronald H. Roberts Temecula Public Library: 82 Rentals; 5,600 Estimated Attendance.
  - Picnic Shelters: 269 Rentals; 13,000 Estimated Attendance.

Jefferson Recreation Center

- Successfully managed operations and facility use of the Jefferson Recreation Center to offer approximately 500 classes for the community.

Harveston Community Park Room

- Successfully managed use of the Harveston Community Park Room to offer approximately 500 classes for the community.

Temecula Community Center

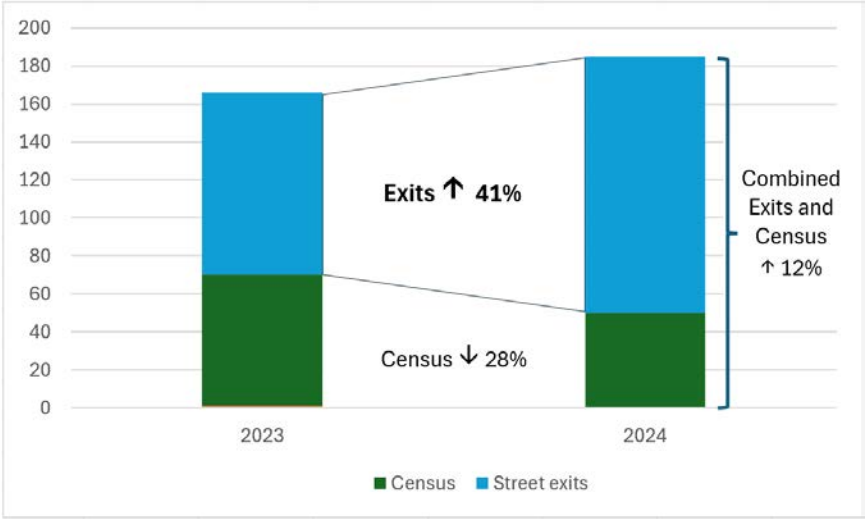
- Successfully managed use of the Temecula Community Center for contract classes and facility rentals to offer approximately 400 classes for the community.





Homeless Outreach

- Assisted 101 individuals to exit Temecula streets with our partners, SWAG.
- Participated in the National Point in Time (PIT) Count, surveying a total of 37 individuals that reported experiencing unsheltered homelessness in the City of Temecula.



- Coordinated the discovery and mitigation of over 142 dangerous and unhealthy encampments.
- Assisted three households utilizing $10,138 of CDBG funded financial assistance as part of the Homeless Prevention & Diversion Program year to date (program year is 50% complete).
- Continued implementation of the Flexible Family Assistance Program, providing Temecula's most vulnerable residents (particularly families with children, as well as those fleeing domestic violence, or living

with disabilities, advanced age, or veteran status) with immediate shelter and stabilization support through emergency motel placements and re-housing assistance. Q1

  - This year, the program served 57 households, 65 children, totaling 120 individuals, and provided 20 households with emergency motel stays.

- Recovery Lunch Program Launched in partnership with Temecula Valley Hospital, to deliver the evidence based SMART Recovery Program to individuals experiencing and recovering from homelessness at the City's Barn Facility.
  - Program allows participants to enjoy a hot meal, connect with others impacted by similar struggles, pick up basic needs, and begin their first steps of recovery in an safe approachable way.
  - Year-to-date, three separate individuals have exited the street and commenced treatment through this program.
- Hosted In-Reach Event at the Temecula Resource Center to connect homeless clients directly with service providers focusing on connecting clients to appropriate local treatment.
- Assembled and distributed hygiene kits to individuals experiencing homelessness throughout the City of Temecula.
- Launched new collaborative and intensive case management meeting bringing local service providers to case-manage the most barriered clients collaboratively.
- Represented the City of Temecula at the County of Riverside's Continuum of Care and our Regional Homeless Alliance Meetings.
- Renewed MOU to continue collaboration with RUHS' full-time Mobile Crisis Management Team to assist homeless and vulnerable residents with mental health crisis services, at no cost to the City.



Inclusive Services

High Hopes and SKIP Programs

- Met at least once per month and meetings consisted of various activities including dances, games, artwork, crafts, outdoor enrichment, holiday parties and celebrations, and much more. Both well-loved and well attended programs remain a cornerstone of our Division–a testament to Temecula's dedication to inclusion.

Inclusive Social Skills Program

- Offered specialized social skills play days for families and children with disabilities. This program was held at both Friendship Park and the Michael "Mike" Naggar Community Park throughout the Spring, Summer, and Fall. The program provides a safe, integrative, and stress-free environment where families and children with disabilities can play and socialize with one another. Partnership with the disABILITY Sports Foundation provided adaptive sports play, sensory stations, and various enrichment activities for families and children with disabilities.
- Celebrated all abilities at our World Down Syndrome Day and Autism Awareness & Acceptance events to spread awareness, share resources, and partake in fellowship with all in attendance.

Inclusive Visual Arts

- Held three six-week sessions during the year where students learned about various artists and art styles. Students had a showcase at the end of each session to share their artwork with friends and family.



- Hosted three six-week sessions during the year where participants learned about various artists and art styles.
- Participants showcased their artwork at the end of each session for friends and family. This year our artists had the opportunity to have their work displayed in the Galleries at City Hall and Temecula's Welcome Center.



- Hosted 17th Annual Temecula Special Games at Great Oak High School. Temecula Special Games is designed for athletes of all ages with developmental disabilities to participate in a variety of non-competitive games, sports activities, and opening ceremonies. The event featured a new 2K Walk-A-Thon, ASL interpreter, various sports games, an obstacle course, team activities, a face painter, music, and live performances. Families also had the opportunity to gather resources and information from local agencies that offer services for individuals with disabilities.

Global Citizens Horticulture & Viticulture Vocational Program

- Met twice per week during the Spring and Fall program sessions, and participants received completion certificates after each program session. Global Citizens activities included field excursions to local vineyards (Spero Vineyards and Wilson Creek Winery), a farm visit to Sunny Side Up Ranch, gardening at the MPSC Community Garden, resume building, financial literacy, nutrition workshops, and Food Handler's Certifications. This program teaches the study of winemaking, vineyard maintenance, garden cultivation, and professional development skills to young adults ages 18–29 with developmental disabilities.




TEMECULA


Happy
I ♥
MPSC



Mary Phillips Senior Center

- Continued to advance our mission through partner collaboration, compassionate service, and innovative programming. We enhanced access to nutritious meals, transportation, social connection, and health resources. The MPSC serves as a hub where seniors could rely on dependable nutrition, supportive services, and opportunities to stay engaged, active, and informed.
- Senior Nutrition Program served over 14,400 Senior Nutrition Program meals to seniors in Temecula.
- Cool and Warm Center Hosted successful Cool & Warm Center season serving over 2,000 seniors who participated at the MPSC.
- Monthly Health Screenings Presented 12 free Health & Wellness Screenings at the MPSC.

MPSC Transportation

- Significantly expanded transportation programming to better serve seniors, youth, and individuals with special needs serving over 1,200 seniors with daily transportation, silver shuttle, MRC Connect:
  - Significantly expanded transportation programming to better serve seniors, youth, and individuals with special needs serving over 1,200 seniors with daily transportation, silver shuttle, MRC Connect:
  - Drivers also conducted a series of informative City Tours, including Planning, CIP, Homeless Outreach, CM Tours.
  - Offered six, accessible, low-cost Senior Excursions that served over 180 seniors in Temecula.
  - Silver Shuttle offered curb-to-curb transportation to local shops, promoting active participation and social interaction within the community. Drivers also conducted a series of informative City Tours, including Planning, CIP, and CM Tours.



- Successfully served over 1,200 seniors, highlighting our ongoing commitment to enhancing mobility and connection for our community's members.

Intergenerational Community Programs

- Presented 96 successful staff-led programs days for the Intergenerational Garden & Shuffleboard programs.

Events

- Provided 12 Monthly Events which combine engaging activities with the joy of our choir group, especially during holiday celebrations throughout the year.
- Hosted Annual Veterans Pinning Ceremony in partnership with Chaparral High School JROTC and the Foreign War Veterans Motorcycle Club of Temecula to honor and recognize over 50 senior veterans with a commemorative pin.

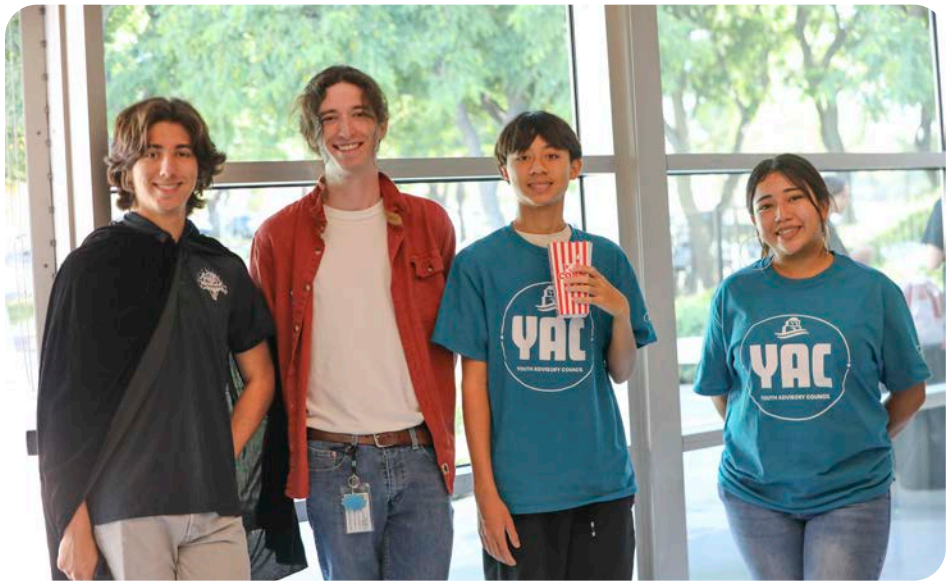




- Partnered and hosted the Senior Scam Symposium in partnership with Assemblywoman Kate Sanchez to serve over 100 seniors and caregivers in the community. The event included keynote speakers including District Attorney Office, Riverside County Sheriff Department, County Assessor-Clerk-Recorder Office, and Federal Bureau Investigation.
- Partnered with Temecula Rotary:
  - Provided 60 Thanksgiving food baskets to seniors in need.
  - Hosted the Be a Santa to a Senior event that served over 80 seniors during the holiday season.
- Facilitated Community Needs Assessment with Loma Linda University Medical Centers and the MPSC to identify and prioritize needs of our Temecula senior community.

Margarita Recreation Center

The Margarita Recreation Center is a space where children, teens, and individuals with disabilities can learn, grow, and thrive through recreation and enrichment activities. It also encompasses multigenerational activities that service people of all ages through classes and activities.



Youth & Teen Programming

- The Youth Advisory Council (YAC) is an inclusive, service-based organization that focuses on youth leadership, service learning, volunteerism, and educational achievement for all. YAC students worked on many projects throughout the year. They planned a Holiday Food Drive in collaboration with the Temecula Teen Library Council to benefit local families in need. Meal kits will be given to families in conjunction with gifts collected from the Employee Wellness Program as part of a collaborative event – Uplift with a Gift. YAC students assisted at Special Games, College Fair, Halloween Carnival, Rocktober, Temecula History Day, and other special events.

Summer Food Service Program

- Served 5,500 meals in the Summer Food Service Program was held at the Michael "Mike" Naggar Community Park on weekdays throughout the Summer while school was out of session.
  - Successfully hosted a Back-to-School Event in partnership with Summer Food Service Program and the Employee Wellness Committee serving over 250 youth and families.
  - Established a partnership with SFSP and the Lunch at the Library Program to bring literacy activities and free books to youth.




ONEILL
YOSHI
Razor
SPIDERMAN

Camp SOAR Program

- Four sessions full of summer outreach, activities, and recreation. Children explored with Camp SOAR as they journeyed through space, the great outdoors, ocean life, and time travel themes. We also partnered with the Ronald H. Roberts Temecula Public Library to host literacy and reading activities and enrichment throughout our camp program.

The SOAR After School Program

- Launched a new After School Program at Margarita Recreation Center offering children a dynamic blend of educational enrichment, creative activities, active play and field trips to the Ronald H. Roberts Temecula Public Library for story time and play. The program is held on Tuesdays and Thursdays throughout the academic school year for children ages 5–11.

MRC Connect Program

- Successfully launched a new program serving young children, homeschoolers, families, and individuals with disabilities. This program provided free, accessible transportation from the MRC to various destinations in Temecula to explore local parks, rec centers, museums, and more.
- Successfully established a partnership through a Joint Use Agreement with Temecula Elementary School and Margarita Recreation Center to create opportunities to enhance and enrich the lives of youth in the area.
- Earned the CPRS Award of Excellence in Facility Design & Programming for the Margarita Recreation Center (MRC) in 2024 (presented at City Council in 2025).



Old Town Temecula Community Theater & The Merc

A Year of Celebration, Growth, and Inspiration: This year marked the 20th Anniversary of Temecula's Theater—from milestone anniversaries and sold-out performances to expanded educational programs and vital community partnerships. Together, we celebrated the arts in all their forms while continuing to inspire audiences of every age.

Metrics

- 40,997 visitors entertained at the Theater and The Merc.
- $1,184,789 generated in ticket sales (in-person and online via Showare).
- 374 performances hosted, achieving average attendance rates of 54% (Theater) and 75% (The Merc).
- Presented 6,623 performances to a remarkable 1,039,764 patrons since opening (October 4, 2005).
- 150 active volunteers served across both venues, representing the heart of Temecula's arts community.
- 139,312 patrons reached through monthly and weekly e-blasts (with an impressive 33% open rate).
- 28-page full-color season brochure designed and distributed, showcasing the 2025–2026 Temecula Theater Season.

Highlights & Community Impact

- Youth & Education: Hosted City of Temecula Youth Musical Theater winter and summer residencies, featuring Roald Dahl's Matilda The Musical Jr., Bye Bye Birdie, High School Musical Jr., and The Little Mermaid.
  - All 16 performances were nearly sold out, with 6,092 patrons in attendance.
  - Program continues to expand rapidly and may soon outgrow our current venue.
- Free Arts Education Program returned for its seventh year, presenting Seussical (February 21–23, 2025). This free internship program offers students ages 13–18 hands-on experience in both performing and technical arts, fostering creativity, collaboration, and confidence.
- Sherry Berry Music partnership with the Great Oak High School Jazz Band further extends our reach in arts education and youth engagement.

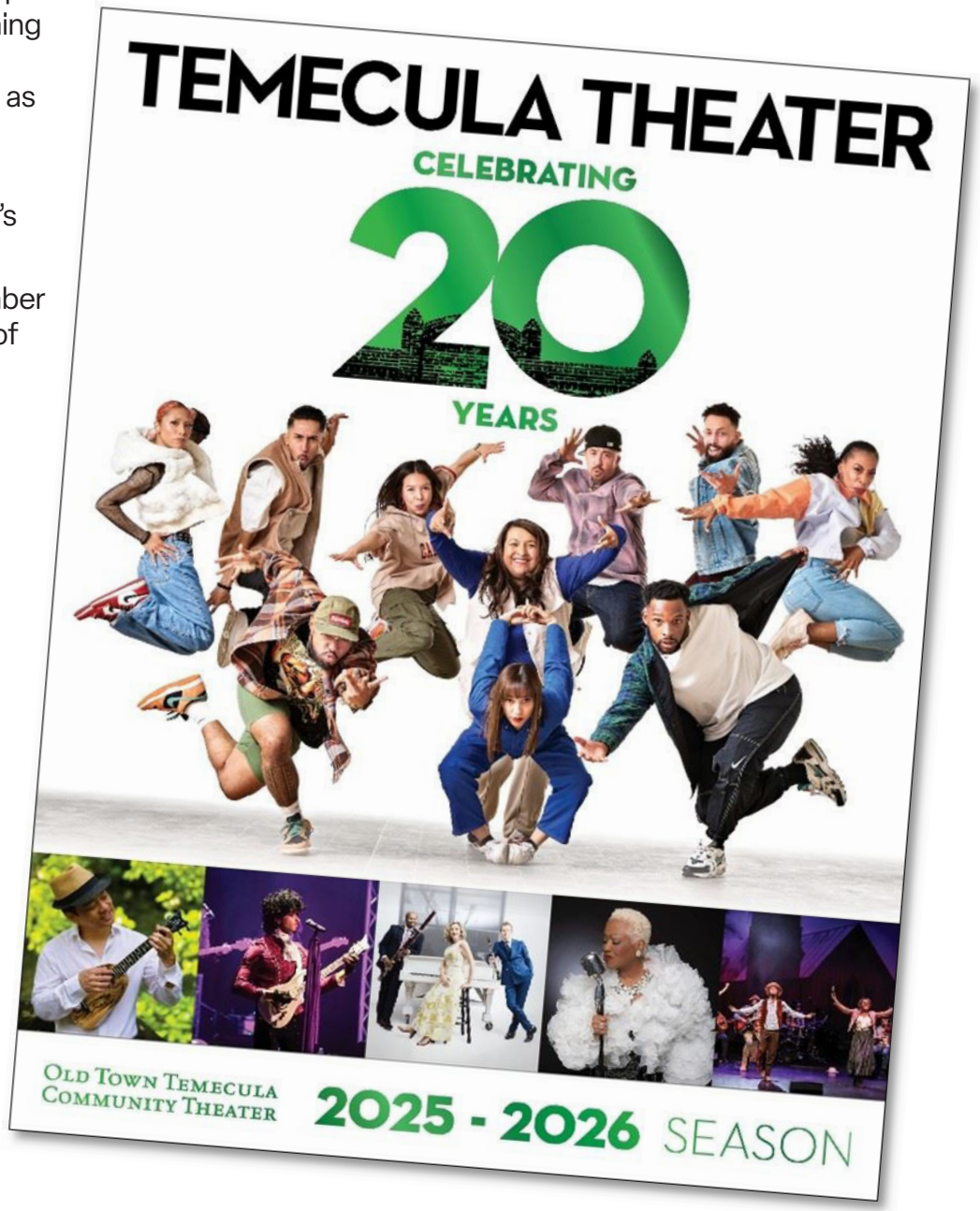


Cultural Celebrations & Signature Events

- Celebration of American Black History, in partnership with the Temecula Valley Museum, featured a stunning performance by Chloé Arnold's Syncopated Ladies (Februray 8, 2025), highlighting the power of dance as storytelling.
- Temecula Presents Cultural Celebration Series continued its annual tradition of honoring Temecula's vibrant diversity:
  - Amor Prohibido – A Tribute to Selena (September 18, 2025), an electrifying salute to the Queen of Tejano Music.
  - ¡El Ritmo Vive! Oskar Cartaya & The Enclave (September 20, 2025), a rhythmic journey through Latin Jazz and cultural expression.
- 11th Annual TEDx Temecula Conference: Dysrupt brought innovative ideas and inspiring speakers to our stage once again.

Milestones & Anniversaries

- Celebrated Temecula Theater's 20th Anniversary, entertaining 963 patrons during a weekend of festivities.
- Temecula Presents unveiled the 2025–2026 Season with a stellar lineup including The Long Run (Eagles Tribute), Amy Hānaialiʻi, and The Poulenc Trio, marking two decades of exceptional performance and community engagement.



TEMECULA YOUTH MUSICAL THEATER PRODUCTION OF DISNEY

HIGH SCHOOL MUSICAL JR 2025

"BREAKING FREE CAST"



OLD TOWN TEMECULA COMMUNITY THEATER

SHAWNA SARNOWSKI PHOTOGRAPHY

TEMECULA YOUTH MUSICAL THEATER PRODUCTION OF DISNEY

HIGH SCHOOL MUSICAL JR 2025

"STATUS QUO CAST"



OLD TOWN TEMECULA COMMUNITY THEATER

SHAWNA SARNOWSKI PHOTOGRAPHY

CITY OF TEMECULA YOUTH MUSICAL THEATER PRESENTS 2025

THE ACROBAT CAST



OLD TOWN TEMECULA COMMUNITY THEATER

SHAWNA SARNOWSKI PHOTOGRAPHY

CITY OF TEMECULA YOUTH MUSICAL THEATER PRESENTS 2025

THE ESCAPE CAST



OLD TOWN TEMECULA COMMUNITY THEATER

SHAWNA SARNOWSKI PHOTOGRAPHY

CITY OF TEMECULA YOUTH MUSICAL THEATER PRESENTS 2025
DISNEY THE LITTLE MERMAID



OLD TOWN TEMECULA COMMUNITY THEATER
SHAWNA SARNOWSKI PHOTOGRAPHY



Dance & Artistic Innovation

- Launched the Temecula Presents Dance Series, opening with the acclaimed Lula Washington Dance Theatre under the direction of Lula Washington.
  - Each resident dance company continues to offer free, 90-minute master classes, engaging the community directly in the art of movement.
  - Jennifer Backhaus, artistic director of Backhausdance, hosts post-show artist talks, further enriching audience understanding and connection to the art form.

The Merc: Live, Local & Lively

- The Merc continued to thrive as an intimate venue for high-caliber live performances:
  - Jazz @ The Merc (Thursdays).
  - Country Live! @ The Merc (1st & 3rd Saturdays).
  - Classics @ The Merc (2nd Sundays).
  - Speakeasy @ The Merc (2nd Saturdays).
  - Stand-Up Comedy @ The Merc (Last Saturdays).
  - Brazilian & Latin Jazz @ The Merc (3rd Thursdays).
  - Plus, free monthly art exhibits and other community offerings throughout the year.

Facility Enhancements & Technological Innovation

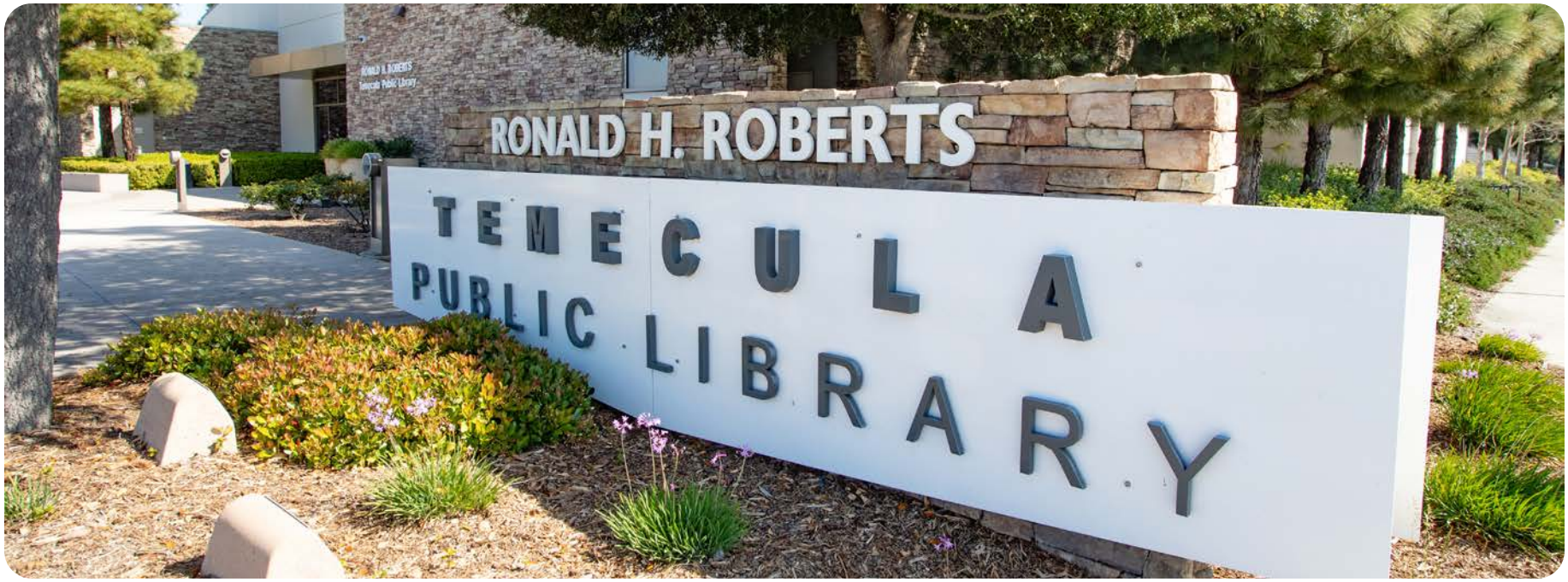
- Theater Courtyard Remodel
  - Added benches, upgraded lighting, and redesigned planters for an improved guest experience.
- Security & Accessibility Upgrades
  - Installed new secure doors with panic bars and restored all door badge scanners.
- Crew Development & Safety
  - Technical staff toured ADJ Products, LLC (Los Angeles, CA) for hands-on training and networking.
  - Completed safety inspections of the rail system and certified all crew members for scissor lift operations.
- Innovation
  - Continued development of our Virtual Reality (VR) Theater Tour, ensuring accessibility and engagement for all.

Looking Ahead

- As Temecula Theater steps into its third decade, we remain committed to delivering world-class performances, championing arts education, and serving as the cultural heart of our community. Together with our artists, audiences, and volunteers — we celebrate where we've been and look forward to the encore still to come.

Ronald H. Roberts Temecula Public Library

- Provided comprehensive library services to our community as the busiest library in Riverside County:
  - 263,013 Door Count (13% increase)
  - 2,955 Hours Open
  - 662,270 Circulation (7.76% increase)
  - 155,444 Self-Checkouts (3.31% increase)
  - 6,575 New Patrons (41.06% increase)
  - 10,178 Added Items (16.69% increase)
  - 10,566 Volunteer Hours
- Coordinated with City IT on a $750,000 renovation project to equip the library to function as the secondary Emergency Operation Center for the City in the event of a disaster
  - This project enhanced audio-visual and video conferencing capabilities for library programs, TCSD classes, and online meetings/room rentals for patrons & community groups
- Collaborated with the City and the Native Plant Network to launch a Butterfly Trail with milkweed and other native plants to attract Monarch butterflies
  - Rancho Water District provided $5,000 for educational signage for families
- Joined the Collaborative Case Management Team with RSO, RUHS, SWAG, CBAT, and City staff to offer services to unhoused library patrons
- Participated in the Great American Shakeout with Temecula's Emergency Manager & updated the



Emergency Evacuation Plan

- Held highly successful Friends of the Temecula Libraries Booksale and Mega Booksale
- Partnered with the Temecula Office of Emergency Management to provide disaster preparedness tips on Winter Preparedness, Pets and Wildfires, and Earthquake Preparedness

Spooky Adventure

- Children explored monthly hands-on themed learning exhibits at the Play and Learn Island
- 150 children, ages 5-17, enjoyed stories and crafts with Youth Staff at Lunch at the Library Pop-ups at the MRC
  - Each child received five new books to start a home Library

Family Programming:

- 1,324 children participated in the 2025 Summer Reading Adventure
- Again, the highest participation of any library in the Riverside County Library System!
- 469 children earned 873 awards by participating in the In-N-Out Cover-to-Cover Reading Program
- 109 teens signed up for the 2025 Summer Reading Program (51% increase). During those six (6) weeks, three (3) in-person programs were held at the library, attended by 60 participants
- Over 100 books (100% increase) were awarded to teens as prizes
- 398 adults signed up during the 2025 Summer Reading Adventure (117% increase)
- Over 384 books were awarded to participants as prizes
- 17 creative contests were entered by 6,800 children
- 268 storytimes that encouraged early literacy were attended by 10,482 pre-readers
- 86 family programs attended by 4,068 people
  - Programs Included Superhero Tea Party; Baby/ Toddler Rave, Board Game Social, S.T.E.A.M. Makers Club; Free Comic Book Day; and Arty's




ROSIE VANDERHAAK
COMMUNITY ROOM B

- Partnered with MRC to provide a monthly afterschool S.O.A.R. Program at the library for 101 children
- Youth staff provided community outreach at local festivals, school literacy nights, Riverside County Office of Economic Development Movies in the Park, and TCSD Expo
- The Little Sprouts Seed Library offered free organic seed packets for families to discover the joy of home gardening and healthy cooking
- 38 Care-Rite adult volunteers with special needs cleaned books, shelved children's books and DVDs, and checked puzzles for the Community Puzzle Table
- 62 teen volunteers fulfilled their community service hours toward graduation
- 47 Adult and Senior volunteers enhanced our Library while utilizing their skills and talents
- Collaborated with the Heart of Temecula Leo Club Teens to offer eight (8) sessions of Teens Teaching Tech
- Hosted successful quarterly blood drives for the San Diego Blood Bank in the library parking lot
- Teen Services hosted 23 programs that allowed teens to get creative, learn a new skill, and socialize
    - Programs included Bad Art Night, Macramé Rainbows, and Innovators Lab with multiple STEM stations such as 3-D printing, snap circuits, and slime making
- Temecula Teen Library Council planned and hosted our first Escape Room, where 32 teens worked to defeat the terrible AI
- TTLC members partnered with the Temecula Youth Advisory Council (YAC) for the Holiday Food Drive
- 15 programs for adult patrons and one (1) all-ages program covered a range of topics to promote creativity, community, and learning
    - Programs included Crafting Through the Decades with five decades of crafts, Poetry Night in partnership with Write Minded Poets - attended by 75, and E-Bike Safety with RSO - attended by 63
- Weeded and shifted the entire Library collection to better provide collection development and resources
- The Temecula Law Resource Center presented twice-monthly ICLS Consumer Debt Clinics, two (2) Lawyers in the Library sessions offering 1:1 attorney counsel to patrons, twice-monthly Probate Clinics, a Divorce Workshop, and a U.S. Civics Trivia Night
    - Ongoing access to legal resources and legal assistance to the community is available three (3) days a week through this partnership




Jackie
Marla



Ronald J. Parks Community Recreation Center & Ronald Reagan Sports Park

Ronald J. Parks Community Recreation Center

- With the opening of the new Splash Pad in conjunction with the temporary closure of the Eagle Soar Splash Pad, we saw a lot more foot traffic through the CRC this Summer. We worked closely with the Aquatics Division to manage the number of people that the Splash Pad brought into the CRC.

Teen Zone

- Homeschool Fridays attendance continues to grow, reaching around 40 participants each Friday.
- Added two new clubs to the CRC – Culture Club and Craft Club.
- Re-organized and updated some of our furniture in the Teen Zone.
- Added Community Service Opportunities for teens

Summer Day Camp

- Operated filled-to-capacity day camp with 120 daily campers (ages 6-14) and 20 volunteers who engaged in recreation activities such as crafts, sports, games, swimming, field trips, camp Olympics, and a camp carnival.



Sister City

- Coordinated a delegation of eight students in the Summer including one teacher chaperone, one town office staff, two students from each junior high school in Daisen: Nawa, Nakayama, and Daisen.
  - Collaborated with the Temecula Valley Museum to host a Culture Day: Daisen, Japan event for the public to enjoy with the Daisen student delegation.
  - Coordinated a delegation of seven adults in the winter including one town office staff, an elementary school teacher, a local farmer, two former junior high school students from the 2018 student visit, and two local business owners (one working in the local tourist information center).
  - Organized commemorative welcome breakfasts for both the student and adult delegations from Daisen, Japan.
  - Designed itineraries, secured host families, and hosted commemorative welcome breakfasts for both the student and adult delegations from Daisen, Japan.
- Collaborated with Daisen Town Sister City staff to meet virtually twice and discuss current and future program plans.
  - Shared and facilitated letters from and to Daisen Town Mayor regarding the 20th Anniversary Ceremony of Daisen Town's Municipal Merger.
  - Collaborated with City Manager's Office to compose a congratulatory video message for the 20th Anniversary Ceremony of Daisen Town's Municipal Merger.




CITY HALL
HAPPY
HOLIDAYS




Temecula

Special Events

- Fun and 'egg-citing' Teen Egg Hunt (300 attendees) and Easter Egg Hunts at three park sites, with a combined Earth Arbor Day Celebration at Harveston Community Park (2,000 attendees).
- Community Services Expo returned featuring everything TCSD does (over 3,000 attendees).
- Annual Temecula Rod Run with cool weather, Cruise Night with Stew, sold-out parking (over 55,000 spectators over two days).
- 4th Annual Temecula CultureFest with over 20 vendor booths (1,000 attendees).
- Patriotic performance from the Temecula Valley Symphony for Memorial Day Remembrance (280 attendees).
- Hosted Juneteenth Celebration in a new location at Sam Hicks Monument Park (150 attendees).





- Hosted five amazing Summer Concert Series in the new venue at the Civic Center Quad (average of 1,000 attendees each night).
- Huge crowds showing their love of the USA at the annual 4th of July Parade in Old Town (5,000 attendees) and Extravaganza & Fireworks at the Ronald Reagan Sports Park (25,000 attendees).
- Combined two signature fairs into one event with the first annual Health & Preparedness Expo (400 attendees).
- New location for Cartoon-A-Paloozah at the Ronald J. Parks Community Recreation Center (over 1,000 attendees).
- Hosted 3rd Annual Temecula History Day (300 attendees) with Temecula Valley Museum staff.
- Welcomed in 2026 at the New Year's Eve Grape Drop with live music, food vendors, family friendly activities, and drone show.
- Celebrated everything spooktacular at the annual Halloween Carnival, Halloween Home Decorating Display, and the Halloween Bike Tour with Bike Temecula Valley (over 3,000 attendees).


Good

- Honored Veterans at the refreshed Patriotic Salute to Veterans with a Veteran Expo.
- Decorated Old Town for the holidays including the Old Town Christmas Tree, photo ops, building décor, and brand-new decorations along Old Town Front Street.







- Celebrated the holidays with the annual Christmas Tree Lighting at the Pond, Santa's Electric Light Parade, and Holiday Home Decorating Display, and organized Santa for his holiday visit at Pennypickle's Workshop.
- Hosted ribbon cuttings for new amenities such as the new Pickleball Complex at Ronald Reagan Sports Park, Splash Pad at the Ronald J. Parks Community Recreation Center, and grand opening of the Santa Gertrudis Trail Margarita Road Undercrossing, and celebrated dedication of Rosie Vanderhaak Community Room at the Ronald H. Roberts Temecula Public Library.

Sports

- All parks ran at full capacity (baseball, softball, soccer, football, pickleball, rugby, etc.).
- Estimated over 16,500 participants/spectators monthly.

Patricia H. Birdsall Sports Park & The Sports Ranch at Sommers Bend Tournaments

- Successfully integrated both facilities into our programing/tournament schedule with both parks being consistently booked with activities:
  - 44 baseball/softball tournaments (every available weekend filled).
  - 7 soccer tournaments.
  - Average of 20-25 rental groups monthly.
  - Over 7,000 recognized youth league participants accommodated between the two seasons.

CRC Gym

- Accommodated the local recognized youth basketball league; TYBL, as well as open gym (adult/teens), classes, rentals, and adult basketball leagues.
- Successfully implemented the NEW open gym badminton program.

City-run Adult Sports Leagues

- Adult Softball League successfully completed both Spring and Fall seasons operating at full capacity with seven separate divisions and 96 total teams.
- Adult Kickball League successfully completed both Spring and Fall seasons operating with 12 total teams and continually gaining interest.
- Adult Basketball League successfully completed both Spring and Fall seasons operating with 37 teams and continually growing, with more inquiries to expand.
- Team Temecula beat Team Murrieta in the Cross-Town Rivalry slow-pitch softball game.

Ronald Reagan Sports Park Hockey Rink

- Construction nearly completed and anticipated to be operational in early 2026.



Temecula Valley Museum

Metrics

- Reached 33,360 total patrons through exhibits, field trips, group tours, events, programs, and outreach
  - Installed seven (7) in-house exhibits, highlighting Japan and Cuba for Culture Days events, Art of Jennifer and Tony Moramarco, titled Confluence, Memorial Day, Veterans Day, Great Tractor Race for Temecula History Days, and the 18th Annual Ralph Love Plein Air Contest entries
  - Successfully installed four (4) rented temporary museum exhibits: I Am A Man: Photographs of the Civil Rights Movement,1960-1970; The Perfect Shot: The Art of Sports Photography; Great Frontier Odyssey: Sketching the American West; & She Sang a Good Luck Song: The California Indian Photographs of Dugan Aguilar
  - Hosted 43 field trips with 2,115 tour patrons this year, which included three senior tours, one special needs tour, including Pechanga Chámmakilawish School
  - Offered ten (10) Out of the Archives presentations with a total of 254 attendees, four (4) special outreach presentations titled Life and Career of Earle Stanley Gardner and The History of Temecula with a total of 145 attendees
  - Offered five (5) Gallery Talk exhibition presentations with 75 attendees
- Successfully operated TVM Store with approximately $18,857 in revenue over the period, with a total of $79,205 in revenue since operations began
- Culture Days, our most popular monthly program, engaged 4,305 patrons!
- Conducted the 23rd Annual 3rd Grade History Contest, with a total of 11 projects submitted from across TVUSD



- Winning entries from students from Pechanga's Chámmakilawish School & Pauba Valley Elementary School

- Contract Classes offered an annual Culture Quest Summer Camp with a total of 47 students attending
- Received seven (7) object donations, including prototypes for the Old Town Temecula logo and a large quantity of gifts from our sister city in Daisen-Nakayama, Japan
- Completed five (5) historical research and archival photograph requests, including the renovation of the 1909 restaurant, the Walter Vail family ranch, and the general plan update presentation

Media & Outreach

- Increased social media efforts have resulted in 2,487 Facebook and 3,073 Instagram followers, including approximately 5,258 likes
- Received 23,421 page views and 13,489 site sessions on Temecula Valley Museum's website





Administrative

- Renewed loans between the Temecula Valley Museum and the Temecula Historical Society, reaffirming our continued bond and collaboration
- Sponsored Annual Celebration of American Black History with a dance performance by Chloe Arnold's Syncopated Ladies; a diverse all-female cast celebrating sisterhood, the power of joy, and tap dance in conjunction with the Old Town Temecula Community Theater
- Participated in TCSD's Special Events Division's Events, including Temecula History Day
- Created educational materials for the Temecula Valley Woman's Club Art & Education Room, featuring activities and games that focused on Black-American History, Juneteenth, 4th of July, Native American Heritage Month, and much more!
- Assisted the non-profit, Temecula Valley Museum, Inc. (officially disbanded in April 2025)

Workforce Development

In 2025, the Workforce & Education Development Division delivered measurable progress in preparing Temecula's next generation of leaders, innovators, and professionals. Through high-impact programs and strategic partnerships, the team created new pathways for youth, veterans, and job seekers to gain experience, build confidence, and connect with real-world opportunities.

The Division served more than 800 participants through career programs, hands-on training, and community initiatives that strengthened the local workforce and advanced the City's vision of lifelong learning.





Externships

- Placed 58 interns and externs across City Departments and partner businesses.
- Delivered over 10,000 hours of on-the-job experience.
- Added industry partners including DCH Honda and Mercedes-Benz of Temecula.

Empowering Veterans through Workforce Initiatives

- Supported VA Work Study and SkillBridge placements across multiple departments including IT, Facilities, and Human Services.
- Simplified the process for onboarding and risk review, ensuring that veterans could gain valuable experience while continuing their education.


CITY HALL



Youth Career & Education Events

- Led the 17th Annual College & Vocational Fair, welcoming 10,000+ attendees and over 200 institutions.
- Organized the Young Women's and Young Men's Career Conferences, connecting 240 students with 40 industry mentors in healthcare, law, public service, and entrepreneurship.

Youth Leadership & Innovation Programs

- Leadership Academy
  - Intensive summer program for 30 students held at the Temecula Valley Entrepreneur's Exchange. Sessions ran Monday through Wednesday for two weeks.
  - Students completed resume and cover letter labs, practiced interview techniques, and learned professional communication and time management.
  - Gained hands-on certifications including CPR and Food Handler's Certification to strengthen employability.
- Monthly STEM & STEM Camp
  - Monthly hands-on sessions introduced over 200 middle school students to science, technology, engineering, and math through themed experiments and design challenges.
  - Two-week sessions at the Temecula Valley Entrepreneur's Exchange with daily labs and rotating activities.
  - Participants completed a final showcase demonstrating their prototypes and experiments to parents and City staff, highlighting their problem-solving process and teamwork.
- Youth Innovators
  - Year-round program designed to develop creative problem-solving and entrepreneurial thinking among high school students.





- Legal Scholars
  - Engaged College students in an immersive 15-day exploration of the legal system, guided by practicing attorneys, judges, and law school faculty.
  - Campus tour at USD and dedicated visit to the USD School of Law. Students met admissions staff and learned the pre-law pathway and application tips.
- Medical Career Pathways
  - Connected high school students with healthcare professionals from local hospitals, clinics, and educational institutions.
  - Students completed hands-on activities in basic clinical skills, including vital sign practice and patient communication.
- Future Physicians Leaders
  - Advanced program designed for college students pursuing medicine or biomedical sciences.
  - Shadowing at Temecula Valley Hospital: Students rotated through emergency, med-surg, and imaging. They observed rounds, charting workflows, and care huddles.
- Youth Entrepreneurs Program
  - Guided high school students through the full process of creating and launching a small business idea.
  - Students learned core entrepreneurship skills, including budgeting, cost projection, market analysis, and brand development.





98 - Finance

Finance

The Finance Department has another very busy year in 2025 with the coordination of the City's Annual Budget and Capital Improvement Program processes, as well as the completion of the Annual Financial Audits, both of which the City received awards from GFOA (Government Finance Officers' Association) and CSMFO (California Society of Municipal Finance Officers).

Continuation of the Debt/Paydown Strategy adopted by Council in 2022 yielded additional annual savings with the acceleration of the paydown from a 7-year to a 5-year time horizon. Prioritizing Long-Range Fiscal Planning has helped Council better understand the impacts of current financial decisions as was illustrated in the approval of the Budget and CIP, which included operating budget reductions and deferring capital projects in order to stay fiscally balanced with reserves fully funded over the ensuing 5-years.

Additionally, a 10-Year Financial Plan was introduced to begin addressing concerning fiscal trends. Strategic management of the City's investments produced approximately $5.3 million in interest earnings since the adoption of the Investment Policy in 2022 with an average rate of return of 4.5%.

Finance recently assumed responsibility for grant billing for capital projects and have received nearly $30 million in reimbursements this year. Several process improvements were implemented to reduce staff time and create efficiencies, including the use of Procurement Cards Citywide which positively impacted all City departments.



Recognition

- Received the "Award for Excellence in Financial Reporting" from the Government Finance Officers' Association (GFOA) for the Fiscal Year 2023-24 Annual Comprehensive Financial Report
- Received the California Society of Municipal Finance Officers' (CSMFO) Excellence Awards for the Fiscal Year 2024-25 Annual Operating and Capital Budgets
- Received the GFOA's "Distinguished Budget Presentation Award" for the Fiscal Year 2024-25 Annual Operating Budget

California Society of Municipal Finance Officers

Certificate of Award

Operating Budget Excellence Award
Fiscal Year 2024-2025

Presented to the

City of Temecula

For meeting the criteria established to achieve a CSMFO Award in Budgeting.

February 7, 2025



Ernie Reyna
2024 CSMFO President

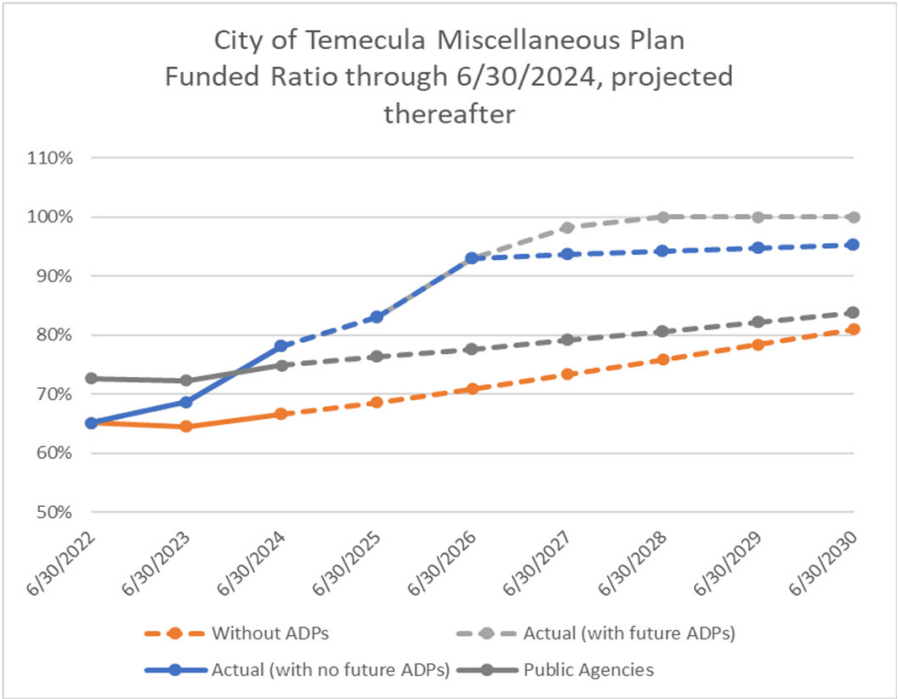
James Russell-Field, Chair
Recognition Committee

Dedicated to Excellence in Municipal Financial Reporting

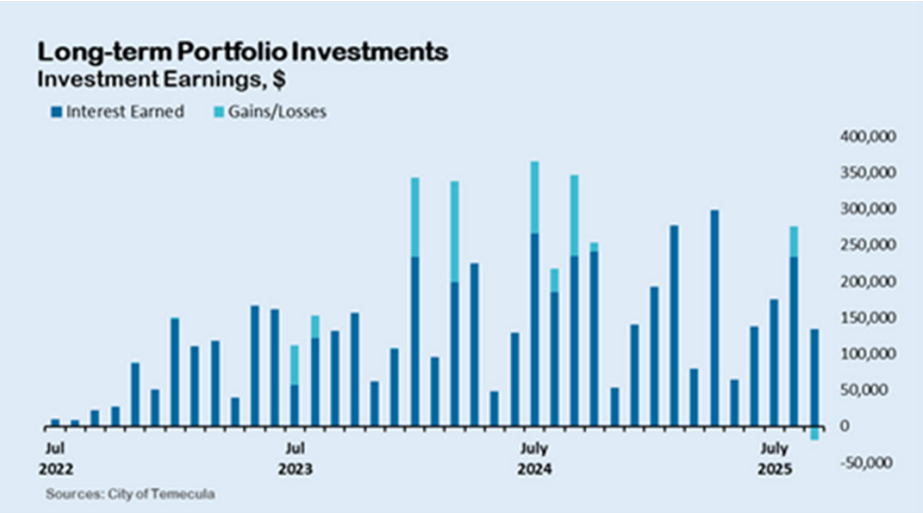
- This marks the City's second consecutive "Special Recognition" award from GFOA
- The Special Recognition award was achieved by scoring the highest possible score from all three evaluators for the "Long-Range Financial Plans" category
- Temecula was one of 10 California cities to receive special recognition for this category, and one of only 88 municipalities nationwide to receive this prestigious award

Fiscal Management

- Prepared and presented a balanced FY25-26 Operating Budget and 5-Year Forecast, with reserves fully funded in all five fiscal years
- Prepared and presented the City's Capital Improvement Program Budget of $896 million over 98 separate projects
- Assisted in the refinement of the Capital Improvement Program during the CIP Prioritization Workshop held in September 2025
- Created a 10-Year Financial Forecast to show the future trajectory of the General Fund, Measure S, and TCSD Funds
- Assisted in the development of a multi-year strategic fiscal plan for the TCSD Fund
- Continued the implementation of the City's Debt/ Liability Paydown Strategy with a goal to be debt-free within a 7-year time horizon, without using City Reserves
  - During the Budget Workshop in May 2025, the Council agreed to utilize available funds to accelerate the paydown of the remaining Pension Unfunded Liability by one year and create additional annual savings ranging from $1.1 million to $1.8 million
  - Improved the Pension Funded Ratio as a result of the Debt/Paydown Strategy, and on track to be 100% funded by 6/30/28
  - 25% improvement in funded status without the Paydown Strategy
  - 20% higher funded status than the average of all Public Agencies
- Provided monthly Treasury Reports and List of Demands to the City Council
- Provided quarterly Financial Report updates to the City Council

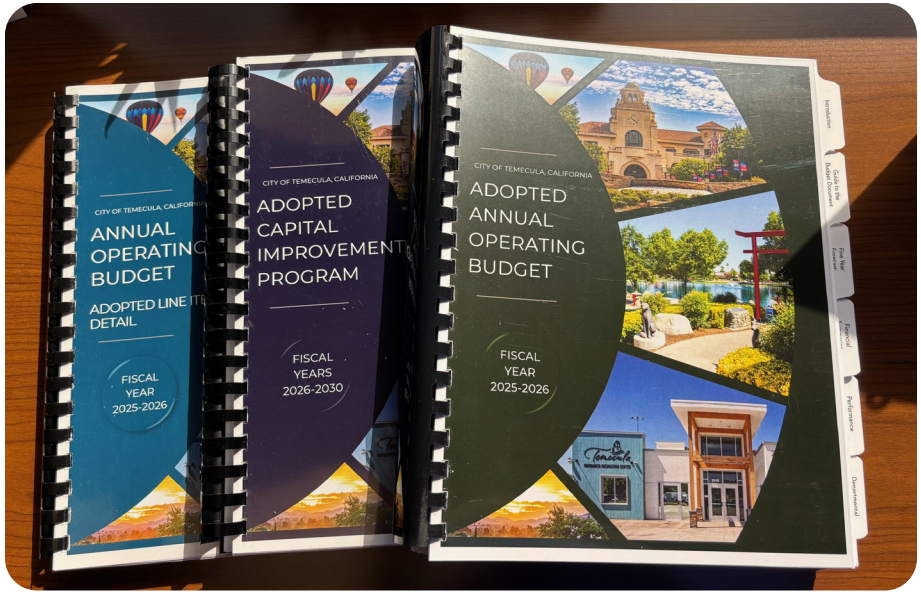


- Submitted timely reporting on the receipt of the City's ARPA grant funding
- Gained approximately $5.3 million in interest earnings since the Council adopted the updated Investment Policy and Strategy in June 2022
  - Averaged 4.5% return on new investments purchased after the new Strategy was implemented.
  - Earned over $600k in interest from January through September 2025 from utilizing a new "cash sweep" account.
  - Negotiated a 35% reduction in credit card processing fees, which will save the City an estimated $300k per year



Major Accomplishments

- Over $21 million in Federal and $8 million in State grant reimbursements billed by the Finance department related to Capital Improvement Projects
- Assisted in the formation of the Elderberry Park Community Facility District and the bond issuance for the Prado Community Facility District
- Conducted the annual Financial Statement audit and Single Audit for FY2024
- Conducted the Air Quality Improvement Fund audit for FY2022 and FY2023
- Conducted the Racial and Identity Profiling Program audit for FY2017 through FY2023
- Conducted the Measure A agreed-upon procedures engagement for FY2024
- Conducted the Multiple Species Habitat Conservation Plan agreed-upon procedures engagement for FY2024
- Created financial policies for new Governmental Accounting Standards Boards (GASB) statements, such as GASB 87 Leases, GASB 86 Subscription-Based IT Arrangements, and GASB 101 Compensated Absences to provide a framework for sound financial practices, ensuring consistency and accountability
- Submitted the AB 2766 Subvention Fund Program Annual Report
- Submitted the annual Sales & Use Tax Return to the California Department of Tax and Fee Administration
- Full implementation of the Citywide Purchase Card program, which has increased efficiency not only in the Finance Department but in all Departments by streamlining the purchasing process and greatly reducing the administrative time and expense of processing Purchase Orders, setting up vendors in the Accounting System, and issuing checks and/or electronic payments



Process Improvements

- Implemented the Capital Asset module in the City's new financial system, MUNIS, streamlining the fixed asset capitalization process by eliminating manual journal entries and improving financial reporting accuracy and control
- Redesigned the Business License application process for all locations to allow online submissions through Laserfiche
  - Reduced the need for staff intervention, improved turnaround times, & enhanced compliance with record retention policies
- Streamlined the Business License renewal process by eliminating paper renewal notices and leveraging digital marketing to advertise the renewal period
  - Reduced printing and mailing costs for the Finance Department, but also saved staff time by minimizing the need to coordinate mailing processes
- Implemented a new void/reissue check process, streamlining workflow and reducing the opportunity for errors
- Implemented a new purchasing section on the Personnel Status Change (PSC) form, allowing for Purchasing Card and credit card requests to be processed electronically
  - Streamlined tracking, standardized procedures, and included functionality for permanent Purchasing Card limit increase requests
- Implemented a revised year-end accounts payable accrual process, eliminating manual tracking and journal entries
- Obtained PCI compliance on our merchant accounts, ensuring the highest levels of credit card security and saving approximately $3,600 per year in fees
- Streamlined the implementation of AB1484 Holiday Pay, which resulted in a reduction of staff time to administer pay
- Improved the Budget Adjustment Form and Personnel Requisition Form to embed protected formulas to ensure higher accuracy in budget request submissions



Customer Service Metrics

Business Licenses

- Issued a total of 7,758 Business Licenses
  - 1.7% decrease from 2024
- Issued 1,834 licenses to newly opened businesses
  - 2.8% decrease from 2024
- 59% of Business Licenses were renewed online
  - 1.1% decrease from 2024
- Served 3,930 customers at the Cashier counter
  - 5.2% decrease from 2024
- Average wait-time at the Cashier counter was 1.62 minutes
  - 0.17 minutes increase from 2024
- Average service duration was 4.95 minutes
  - 0.12 minutes decrease from 2024

Accounts Payables

- Processed 11,563 invoices
  - 23% decrease over the prior year due to the increased efficiency achieved by the implementation of the Purchase Card program!
- 4,958 Purchase Card transactions reviewed, approved, & processed
- 66% of invoices paid via electronic funds transfer (EFT)
  - up from 59% the year before

Purchasing

- 1,683 Purchase Requisitions Issued (CY 2025)
  - 7.3% reduction from the prior year due to the implementation of the Purchase Card program!
- 454 Change Orders to Purchase Orders Issued
  - 5.1% increase over the prior year
- 238 New Contracts Processed
  - 18.5% increase over the prior year
  - Ongoing tracking of 607 total vendor contracts
- 246 New Vendors Processed
  - 49.8% decrease from the prior year, due primarily to the implementation of the Purchase Card program, which no longer requires the setting up of new one-time vendors in the City's accounting system
- 737 vendors (60% of total) registered for electronic payments
  - 22.4% increase from 2024
- 945 Change Orders to Contracts Processed
- 691 Changes to Vendor Records Processed
- 72 Purchase Order Rollovers Processed from one fiscal year to the next

Payroll

- 11,223 Paychecks/Direct Deposits Issued
  - 2.3% increase from 2024
- Trained 10 new employees on timekeeping process

Budget Management

- 204 Budget Amendments Processed





Training/Workforce Development

- Conferences
  - California Society of Municipal Finance Officers (CSMFO) Annual Conference
  - Government Finance Officers Association Annual Conference
  - CalPERS Annual Conference
- Supervisory Academy
- CIP/CFD Management Trainings:
  - Disclosure Responsibilities Under the Federal Securities Laws
  - Financing and Cash Flow for Pavement Networks
  - Navigating Discretionary Grants Webinar
  - Local Streets and Roads Program Discussion and Fiscal Year 2025-26 Funding Eligibility Technical Training
  - TUMF Reimbursement and WRCOG Resources Training
  - Davis-Bacon: How to Keep Contractors Compliant
- Budget Management Trainings:
  - Public Engagement for Local Government
- Payroll Trainings:
  - Certificate in Public Engagement for Local Government Payroll training:
  - LCW Webinar - What Labor Code Sections Apply to the Public Sector
  - Big Beautiful Bill Webinar
  - CalPERS Advanced Compensation, Payroll Reporting, Business Rules
  - Annual Government Tax and Employee Benefit
  - HRIS for Resilient Public Agencies: A Live Look Inside the System



- Cashiers' Training:
  - Association of Public Treasurers: Customer Service Advanced Training Program
- Accounting Training:
  - Southcoast AQMD- AB2766 Subvention Fund Program Annual Reporting Training
  - GFOA – Annual Governmental GAAP Update
  - CalCPA – Ethical Responsibilities
  - WFOA – Federal Awards Requirements
  - CSMFO – Capital Assets
  - LSL CPA – Leases, SBITA accounting, cash flow forecasting, pension, OPEB and Bank Reconciliations
  - LSL CPA – Back to Basics, Accounts Payable, Accrued Liabilities and Long-Term Debt Reconciliations




CASHIER
BUSINESS LICENSES
1:23
Business License Application
41000 Main Street, Temecula, CA 92590 (951) 693-3033
BusinessLicense@TemeculaCA.gov
Special Permits
Page 1 of 2
Are you applying for a massage establishment?
Yes
No
Date *
Date will be captured on form submission
License Year:
2025
Application Quarter:
Q3
Previous
Next
Save as Draft
forms.temeculaca.gov
BUSINESS LICENSE RENEWAL NOTICES ARE GOING DIGITAL
All current City business licenses will expire on January 31, 2026. Beginning with the upcoming 2026 renewal period, courtesy paper notifications will no longer be mailed. Customers will still receive courtesy email reminders.
OPTIONS TO RENEW:
ONLINE
Renew online with an existing CSS account. Register today at CSS.TemeculaCA.gov
EMAIL
Email your business license number to BusinessLicense@TemeculaCA.gov to request a renewal invoice.
MAIL
Mail a check to 41000 Main Street, Temecula, CA 92590. Please be sure to include your business license number so we may properly apply your payment.
IN-PERSON
Visit us in-person at the Civic Center 41000 Main Street, Temecula, CA 92590.
The renewal period ends August 31, 2026. Business Licenses not renewed by this date will automatically be closed and business owners will be required to complete an application for a new business license.
If there have been any changes to your business, please contact us prior to paying the renewal fees so we may provide the proper forms.
PAYMENTS RECEIVED AFTER THE FOLLOWING DATES WILL INCUR A LATE FEE:
• After 2/15/2026: New amount due is $54
• After 3/15/2026: New amount due is $74
CASHIER
BUSINESS LICENSES
Temecula
The Heart of Southern California Wine Country




Making a Difference Award
California Department of Forestry and Fire Protection
(CAL FIRE)
Anale Burlew
Chief Deputy Director, Operations
Scott Gregory
Deputy Director of Technology
Frank Bigelow
Deputy Director of Community Wildfire Preparedness and Mitigation
Phillip SeLegue
Staff Chief of Fire Intelligence
Ben Rogers
Chief Technology Officer
Tiffany Meyer
Senior Environmental Scientist Supervisor of Fire and Resource Assessment Program
Mark Rosenberg
GIS Manager - Office of

108 - Fire

Fire

In 2025, the Fire Department delivered a year defined by exceptional performance, meaningful community engagement, and strong interagency collaboration. Across all divisions Fire Suppression, Prevention, Emergency Management, Training, and community programs personnel demonstrated unwavering dedication to public safety and service. The following pages highlight this year's accomplishments and showcase the many moments of teamwork, outreach, and partnership that reflect the city's continued support and trust in its fire department.



Fire Suppression

Operational Excellence

- Maintained an exemplary ISO rating of 2, reflecting the department's commitment to high standards in fire protection and emergency response
- Executed a five-year Cooperative Fire Agreement with the County of Riverside
- Responded to significant incidents, including deployments of Engine 73 to Strike Team 6001A during the Eaton Fire, & Engines 12 and 95 to Strike Teams 6004A and 6005A during the Palisades Fire

Community Engagement

- Participated in several special events promoting fire safety education, including the Preparedness Fair, Fire Prevention Week Open Houses at Stations 12 and 95, & the Annual Truck 'N' Treat event in collaboration with the City
- Hosted the annual Firehouse Family Retreat, serving 270 participants and providing structured activities and fellowship opportunities to strengthen connection and support among firefighter families



110 - Fire

Infrastructure Improvements

- Completed routine annual maintenance projects across fire stations
- Initiated renovations at Fire Station 84 on October 27 to enhance facilities for both operational readiness and community service

Battalion 15 – Temecula Division Calls for Service

Responded to 9,113 calls for service in 2025, highlighting the department's critical role in community safety. Key call types included:

- 8 Commercial Fires
- 779 False Alarm
- 12 Haz Mat
- 6,909 Medical aids
- 2 Multi-Fam Dwelling Fire
- 56 Other Fire
- 94 Other Misc.
- 330 Public Service Assist
- 19 Residential Fire
- 31 Rescue
- 41 Ringing Alarm
- 82 Standby
- 699 Traffic Collision
- 25 Vehicle Fire
- 26 Wildland Fire



Explorer Post 15

Membership & Growth

- 14 active members
  - Aiming for 20 in 2026
- Realigned under Temecula Battalion 15

Training & Development Skills

- Firefighting fundamentals: protective gear, ladder operations, hose deployment, search and rescue drills
- Candidate Physical Agility Test (CPAT) preparation using Station 95 equipment
- CPR certification for new members
- Progress toward NWCG wildland firefighting certifications





Career Advancement

- Explorer Hogan: EMT school completed, Riverside County Fire reserve training, applying for CAL FIRE Firefighter I
- Two members are currently in EMT school
- Explorer Berry enlisted in the Air Force
- Former seniors: Landon Lassig hired by Los Angeles County Fire; Kyle Musselman joined CAL FIRE

Community Impact & Future Goals

- Members develop skills, serving the community, and preparing for careers in fire and emergency services
- Post ready to take on new challenges in 2026!

Medic

2025 was a year of growth and expansion for our programs, with new opportunities enriching our training and community engagement initiatives. Key accomplishments in our Medic/ Training programs include:

- CPR Training: 436 certifications issued
- First Aid Training: 310 certifications issued
- BLS (Basic Life Support): 57 certifications issued
- Stop the Bleed: 450 certificates awarded
- Narcan Education: 22 sessions completed
- Sidewalk CPR: 2,700 participants trained

These achievements reflect our department's ongoing commitment to equipping both staff and community members with essential lifesaving skills.







Fire Prevention

Inspection and Plan Review Volume

- 4,781 new construction inspections
- 2,168 annual inspections
- 3,649 state-mandated inspections (SB1205)
- 5,261 plan reviews (building permits, fire permits, public works, planning cases)

New Construction Highlights

- Major projects: Arrive (apartments on Ynez), Marlowe, Everhome Suites, kickoff of Altair, Rendezvous Phase II, completion of Solana Winchester
- Developed a great working relationship with Skorpios and completed all outstanding items to bring them into compliance

State-Mandated Inspections

- Full compliance with SB1205, ensuring life safety standards are met in all applicable buildings

Annual Inspections

- Ongoing inspections across the city and compliance with businesses within the City
- Continue to grow our working relationships with business owners to educate and go over the importance of life safety, not just for the City but also for them as the owners and the community

Annual Operational and Inspection Fees

- Improved safety and strong relationships with business owners and patrons
- New fee schedule went into effect for all businesses in the City and the annual inspection team has been meeting with business owners to go over what the fees are, how the program works, and what operational fees will be applied to their business
    - Businesses have been receptive, and when they have questions or concerns, they reach out to staff, and staff go over and meet the customers' needs to ensure they are taken care of

The fire prevention team has added additional staff this past year to keep up with the current workloads, which also ensures we meet all our state-mandated inspections and annual fire and life safety inspections throughout the city.



Emergency Management

- Upgraded the city's Emergency AM Radio from analog to digital, improving messaging and online streaming capability
- Completed handheld radio procurement and shifted focus to vehicle-mounted radios with a full communications maintenance agreement
- Launched Temecula's first Spanish CERT course
    - Low completion but continued commitment to inclusive preparedness
- Introduced TEEN CERT through a partnership with TVUSD, piloted at Rancho Vista High School
- Began development of the Ron Roberts Library as the City's Alternate Emergency Operations Center with full A/V and operations rooms
- Implemented a three-phase Narcan Distribution Program for staff and community, training 100+ personnel
    - Pilot Community Narcan Education & Distribution Program brought forward to City Council in April 2025 (at the request of MPT) with the program kicking off its 2-session employee training in August of 2025
- Expanded mutual-aid agreements, adding Team Rubicon and progressing toward large-animal evacuation agreements with Galway Downs
- Supported SCE Community Resource Centers and began developing transportation evacuation agreements
- Launched the EOC Credentialing Program for baseline and deployable emergency responder qualifications











48 Hours of Duty Officer Coverage

6 Education & Outreach Presentations Provided

Plans Created, Updated or Reviewed 12

FEMA 2 Coordinated FEMA Disaster Recovery Projects

$32K Grant Dollars

2 Grants Administered

1 Emergency Alerts Sent

47 Tests, Training & Exercises

$9,348 Disaster Recovery Dollars Reimbursed

14 Positions on Committees & Councils

1 EOC Level 3 Activations

1 Days of EOC Activation

18 Community Outreach Events Participated In

0 Temecula Citizen Corps Volunteer Hours

11 Requests for Proposal

4 Emergency Response Calls

2 City Council Presentations

3 Agreements

1 Community Meetings













117 - Fire

- Developed or updated key emergency plans, including Civil Unrest, Facility Evacuation, Power Outage/PSPS, with four additional major plans in progress
- Completed full updates to all 52 EOC position binders with checklists, job aids, contacts, and reference materials
- Enhanced plan alignment efforts to meet new state mandates, including AB-781 requirements for pets in shelters
- Provided support to partner agencies through exercise planning and multi-jurisdictional training
- Responded to multiple local incidents, including PSPS events, structure fires, and the Tornado Fire, supporting evacuations and incident operations
- Conducted 48 emergency communications and equipment tests across radio, IPAWS, and satellite systems
- Delivered numerous staff and community trainings, including CERT, Narcan, evacuation, and EOC transition briefings
- Participated in 17 exercises, including ShakeOut drills, POTUS visit functional exercises, and partner agency EOC simulations
- Conducted 19 public education and outreach events and produced 30+ social media preparedness posts
- Maintained and expanded the Temecula ALERT database to over 57,000 contacts across various registration sources
- Managed EOC readiness, OA coordination, disaster recovery tasks, and financial/grant administration for multiple ongoing programs









Temecula Citizen Corps

Community Support & Mission

- TCC continued assisting the community, first responders, and the Office of Emergency Management
- Comprised of well-equipped, professional volunteer members dedicated to disaster and emergency preparedness

Meetings & Training

In 2025, TCC contributed the following:

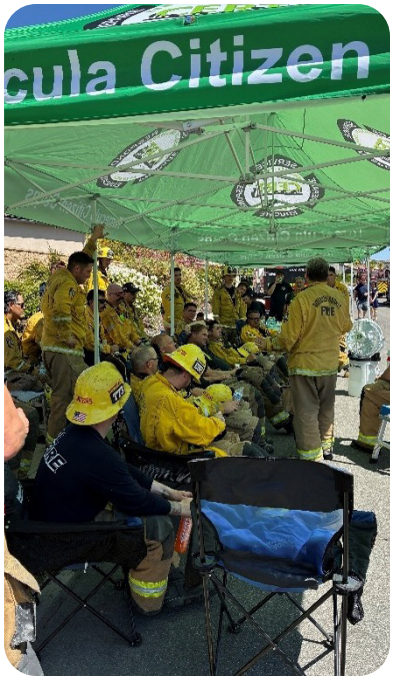
- Volunteer Hours: 5,506 hours
- Amateur Radio Check-Ins: 897 (October 31, 2025)
- Amateur Radio Team Members: 25
- Volunteers in the Program: 61
- CERT Courses: 6
- Students Trained: 100
- Holds regular monthly business meetings and advanced training beyond the basic CERT course
- Plans for 2026 include delivering 5 CERT courses annually and additional courses for community partners (e.g., MSJC, TVUSD)

Special Capabilities

- Only CERT team in Riverside County able to provide Fire Fighter REHAB on extended incidents
- Direct support to fire base camps during large-scale wildland fires
- Activation and equipping of mass care and shelter sites
- Provides robust amateur radio communications via TCC ACS/RACES group

Resources & Equipment

- 6 strategically deployed CERT trailers across the City
- Compound with multiple CONNEX boxes containing disaster supplies and tools
- 2 vehicles for operational support
- Supports 2 mass care and shelter trailers owned by OEM




WELLNESS FAIR
Don't Sleep on Wellness

Human Resources and Risk Management

Human Resources and Risk Management focused on innovation and progress in 2025, modernizing systems, supporting employee growth, and fostering a safe, engaged, and high-performing workplace.

Key achievements included launching the NEOGOV HRIS implementation project, transitioning personnel files into electronic format, and welcoming 110 new employees while supporting 89 promotions and upgrades. Risk Management advanced safety and well-being through expanded training, modernized security measures, and proactive wellness initiatives, supported by strong financial stewardship and cost recovery efforts.

Leadership development also remained a priority. Redesigned Supervisor and S.T.A.R.T. Academies equipped leaders at all levels with essential skills, while expanded NEOGOV learning opportunities and citywide safety events promoted readiness, growth, and collaboration. Together, our department continued to build greatness through innovation, connection, and a culture of excellence.



Recruitment and Onboarding

- Conducted 48 recruitments with an average time to hire of 85 days
- Streamlined seasonal hiring, reducing pre-employment and onboarding processing time
- Implemented NEOGOV eOffers, reducing offer turnaround time from 7 days to 3 days
- Participated in local job fairs and community events, connecting with nearly 300 potential candidates and advising students on career pathways in public service
- In compliance with AB 2561, developed procedures for annual vacancy tracking and reporting, compiling 2024 data presented to the City Council



Classification and Compensation

- Updated 10 classification specifications and created two new classifications: Code Enforcement Manager and Emergency Manager
- Updated all 151 classification specifications with driver's license requirements in compliance with SB 1100
- Completed the annual reclassification study, reclassifying 23 employees performing out-of-class duties

Performance and Employee Development

- Achieved an 83% performance evaluation completion rate
- Updated the performance rating scale, refining point ranges, rating names, and comment standards to ensure a fair, transparent process
- Hosted a redesigned five-day Supervisor Academy focused on tenured leadership development and advanced skill-building
- Delivered the second annual Supervisors Transition and Readiness Training (S.T.A.R.T) Academy, a two-day program for new supervisors
- Enhanced training management through

NEOGOV, streamlining citywide training delivery for the following courses

- Workplace Violence Prevention
- In-Person Customer Service
- Narcan
- Active Assailant Response

- Collaborated with the Workforce Strategic Plan Focus Group to attract, develop, engage, and retain top talent aligned with organizational goals
  - This year emphasized growth, connection, and open discussion among members, fostering strong departmental relationships and constructive feedback to guide future workforce initiatives





Benefits and Leaves

- Implemented the new Super Catch-Up provision in the 457 plan, expanding retirement savings opportunities
- Amended the Management Compensation Plan (MCP) to ensure compliance with CalPERS requirements for reporting Employer Paid Member Contributions
- Implemented new dental and vision carriers for the 2026 plan year, resulting in reduced premiums, broader provider networks, and the introduction of a second vision plan option offering greater flexibility and access to care
- Processed 445 employee benefit changes during open enrollment
- Updated the City's Section 125 Cafeteria Plan Document
- Partnered with the City's benefit providers to organize onsite visits and virtual education sessions intended to expand employee awareness, improve access to offerings, and increase utilization of available benefits
    - Participating providers included LegalShield, Aflac, ScholarShare, Aetna Resources for Living, Voya, and Cal Baptist University
- Managed 22 protected leave requests year-to-date, ensuring compliance with federal and state regulations

HR Operations and Systems

- Processed over 820 personnel transactions, including 110 new hires (50 seasonal), 89 promotions and upgrades, and 94 separations or retirements
- Processed a 2.3% Cost-of-Living Adjustment (COLA) increase for all employees effective June 28, 2025
- Transitioned all new hire personnel files to electronic format and scanned 80% of current files, with completion expected next year
- Launched the NEOGOV HRIS implementation project to consolidate and automate key HR functions
- Attended the NEOGOV Conference to expand expertise on six modules supporting the entire employee lifecycle



Workplace Safety

- Conducted hearing conservation testing for 42 employees
- Hosted the fourth annual National Safety Month activities
- Introduced a new proximity card design and updated the administrative guideline
- Held the second annual on-site Safety Footwear Event

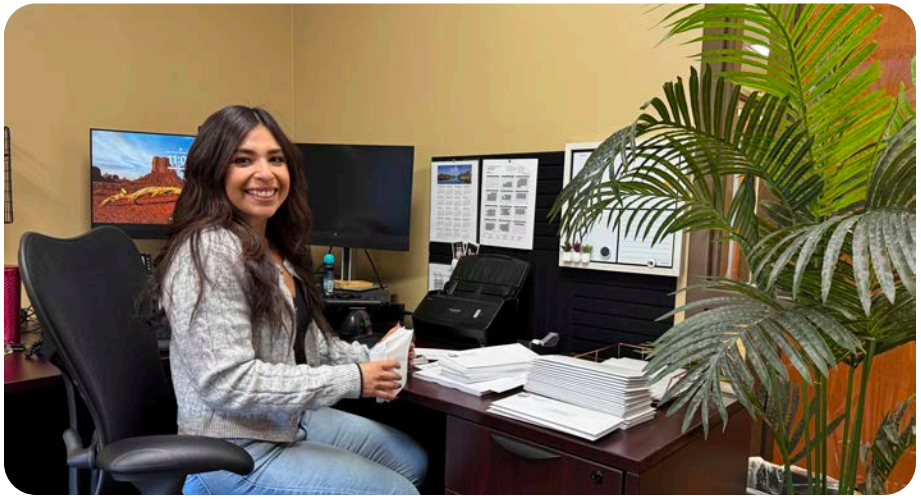
- Completed 21 ergonomic workplace assessments
- Provided Hepatitis A and B vaccinations to exposed employees

Workers' Compensation

- Conducted Interactive Process meetings to support employees and supervisors in navigating Workers' Compensation, ensuring a better understanding of on-the-job injury management
- Expanded the list of Occupational Medical Facilities to include Carbon Health, Kaiser, Concentra, and Temecula 24 Hour Urgent Care, providing employees with more options for treatment following industrial injuries or illnesses









126 - Information Technology and Support Services

Information Technology and Support Services

The year 2025 marked a milestone of innovation, collaboration, and achievement for the Information Technology and Support Services (ITSS) Department. We were proud to be recognized with the Municipal Information Systems Association of California (MISAC) Achievement in Information Technology Practices Award—an honor that reflects our unwavering commitment to excellence and industry best practices.

Throughout the year, our team delivered impactful projects that strengthened the City's digital infrastructure and enhanced service delivery.

The infrastructure team successfully completed critical upgrades, including the replacement of server infrastructure supporting both the Library and our Citywide security camera network.

The Enterprise Applications team streamlined operations by reconfiguring the permitting system to accommodate a new fee schedule, improving efficiency and user experience.

Our GIS division continued to lead with innovation, developing detailed 3D maps of homeless encampments to support the Sheriff's Department in their outreach and planning efforts.

Meanwhile, the Media Services division delivered its most ambitious audiovisual project in recent memory—the comprehensive buildout of the secondary Emergency Operations Center (EOC) at the Library.

Support Services and the Helpdesk remained the face of our department, consistently providing the high-quality customer service that our organization has come to be known for.

These accomplishments represent just a snapshot of the exceptional work ITSS delivered in 2025, and we look forward to building on this momentum in the year ahead.



Departmental

- 2025 Municipal Information Systems Association of California (MISAC) Achievement in Information Technology Practices Award
- Employee Technology Use Policy update to address artificial intelligence
- 2025 Nationwide Cybersecurity Review (NCSR)
- 2025 Eide Bailly IT Controls Assessment
- Hosted Tyler Technologies User Group Meeting
- Hosted CTE Students from Temecula Valley High School to discuss careers in Information Technology





Cyber Security

- Administered 11 cybersecurity training/phishing campaigns
  - Improved participation rate by approximately 10% during Cyber Security Awareness Month!
- Completed penetration test to assess the security of our internal and external networks
- Blocked access to over 7,000 known harmful websites
- Stopped over 27 million threats
- Deployed over 5,000 patches and updates to all servers and workstations

Network Infrastructure

- Replaced video servers, doubling storage capacity
- Provided public wireless networks that served 75,397 people with 126,792 GB of data
- Installed a WiFi garden at the Ronald Reagan Sports Park Pickleball Complex
- Completed RSO move to the “Welcome Center”
- Lifecycle replacement of end-of-life wireless access points, network switches, and firewalls



Tech Support

- Deployed 81 new PCs across all City facilities with enhanced hardware components, which improves system performance and enables employees to work more efficiently
- Upgraded 167 existing PCs from Windows 10 to Windows 11, improving system security, user productivity, and overall performance
- Closed 1,476 tickets in the Helpdesk division
  - Approximate 38.5% decrease from 2024
- Received over 1,800 calls to the Helpdesk
  - Approximate 28% decrease from 2024
- Processed 120 new hire and onboarding requests and 122 separation requests
- Lifecycle replacement of five security footage viewing stations
- Guest speaker at Great Oak High School students about city careers and what to do after high school.



Enterprise Application Services

Enterprise Permitting & Land Management

- Enterprise application upgrades, security patches, and bug fixes
  - Deployed major security and feature updates to five (5) enterprise applications
- Fee study updates
  - Deployed new test and train environments
  - Reconfigured all fee templates for Building, Fire, Planning, and Public Works
  - Built new applications for Building, Fire, Planning, and Public Works reviews
- Public Works stormwater enhancements
  - Developed processes for correctly and routinely categorizing business records
  - Automated NPDES inspection zone assignment based on GIS layer
  - Created new permit types for tracking BMPs and compliance programs
- Code Enforcement enhancements
  - Updates to case statuses, attachment types, and workflows
  - Major revisions to Notice of Violation report
  - Automated reporting of noticed cases
- Fire annual inspection enhancements
  - Major updates and additions to inspection types
  - Programmed full inspection checklists
  - Added fees and the ability to collect invoices on inspections



- Major Business License improvements
  - Implemented a fully electronic online application
  - Automated applicant communication for payment reminders and updates
  - Automated license issuance after review completion

Tyler ERP

- Enabled non-sufficient funds feature to initiate from EPL and correctly report in Munis
- Collaborated with staff to streamline the requisition and invoice approval process

Other Application Support

- Major improvements to internal electronic forms and workflow processes
  - Migrated PSC access change updates to a

standalone form, allowing for bulk adjustments and non-employee requests
    - Built a new Computer Loan Program form for project employees
    - Programmed major revisions to the Employee Benefit Enrollment form
    - Designed tree permit form for Public Works
    - Converted the Economic Development Sponsorship Form digital

Mobile Phone Support

- Migrated city mobile device fleet to new Verizon "Public Safety" service plan
    - Mobile hotspot and 5G Ultrawideband features included on all lines
    - Network priority for mobile data during emergencies and times of network congestion
- Increased efficiency and availability of mobile device support
    - Developed detailed process documentation and cross-trained staff
    - Implemented Microsoft Booking software for support appointments
    - Automated device inventory replacement cycles and task generation
    - Deployed or replaced 80 staff mobile devices
    - Implemented OneDrive installation & training with each new device





Geographic Information Systems (GIS)

Holiday & Special Event Maps Created

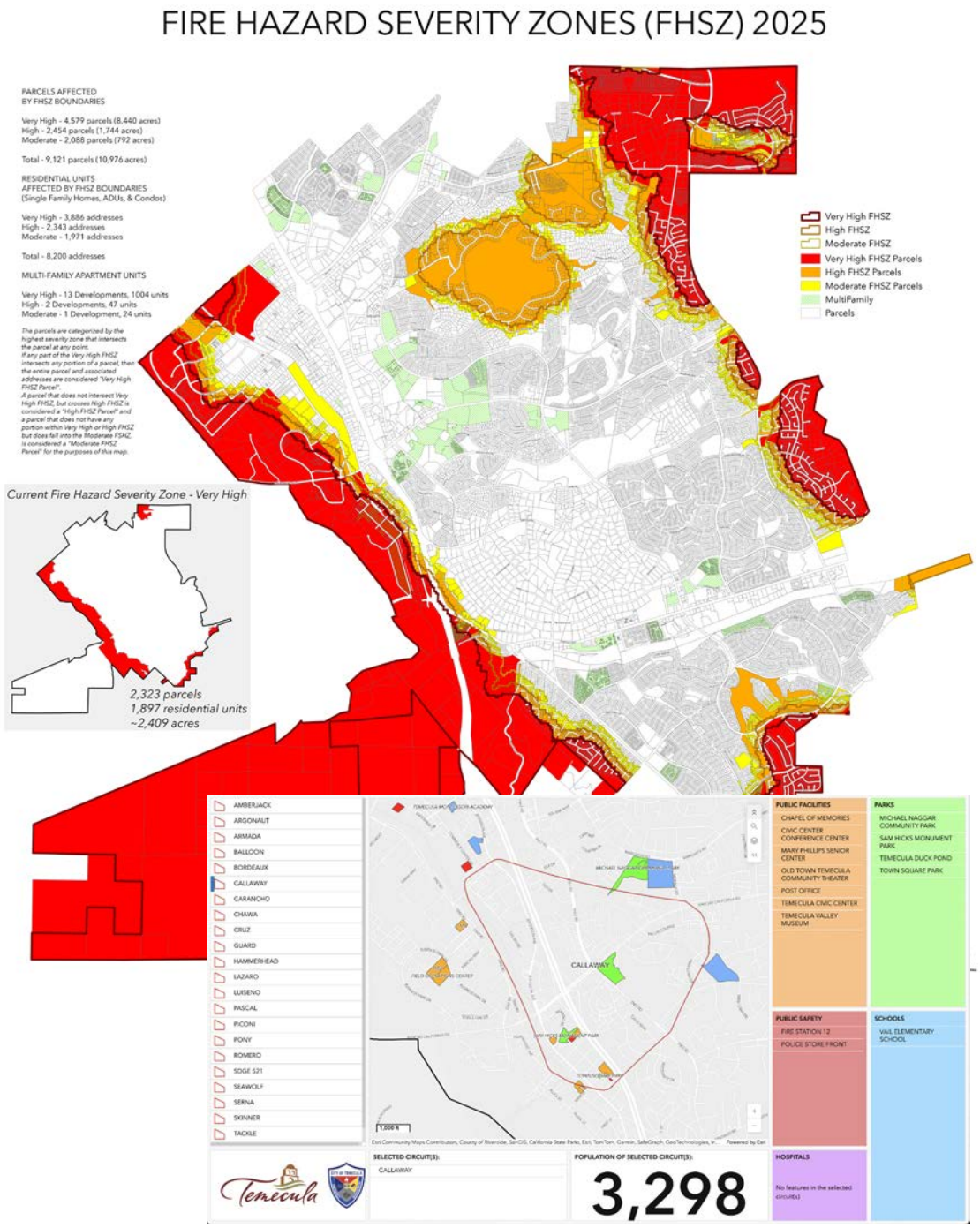
- Christmas
- Fourth of July
- Halloween
- Rod Run
- Olympics 2028

Citywide Data Collection & Project Maps Completed

- General
  - Affordable housing
  - Code Enforcement areas
  - Dispensary areas
  - Great Oak trail lighting
  - Hintergardt Park
  - Homeless Encampment
  - Housing Element
  - Housing inventory
  - Planning Commissioners conflict of interest
  - Pickleball complex noise analysis
  - Surrounding developments
- Outreach
  - E-Bike signs and bike racks
  - Handicap parking
  - MilVet donation event



- Public Safety
  - AED inventory
  - Debris management
  - EOC temporary refuge area
  - Evacuation zones
  - Fire annual inspection multifamily
  - Fire Hazard Severity Zone 2025 update
  - Fire inspector areas
  - Fire station map posters
  - Aerial maps for PD
  - Temecula Creek - Fire reduction
  - Wildfire risk reduction grant
- Public Works
  - Accepted streets map update
  - CIP projects
  - Concrete and pavement repair projects
  - Epperson parking lot
  - MSHCP for RCA
  - Park restrooms
  - Pavement rehab
  - Sidewalks area measurement
  - Slurry seal
  - Streetlights

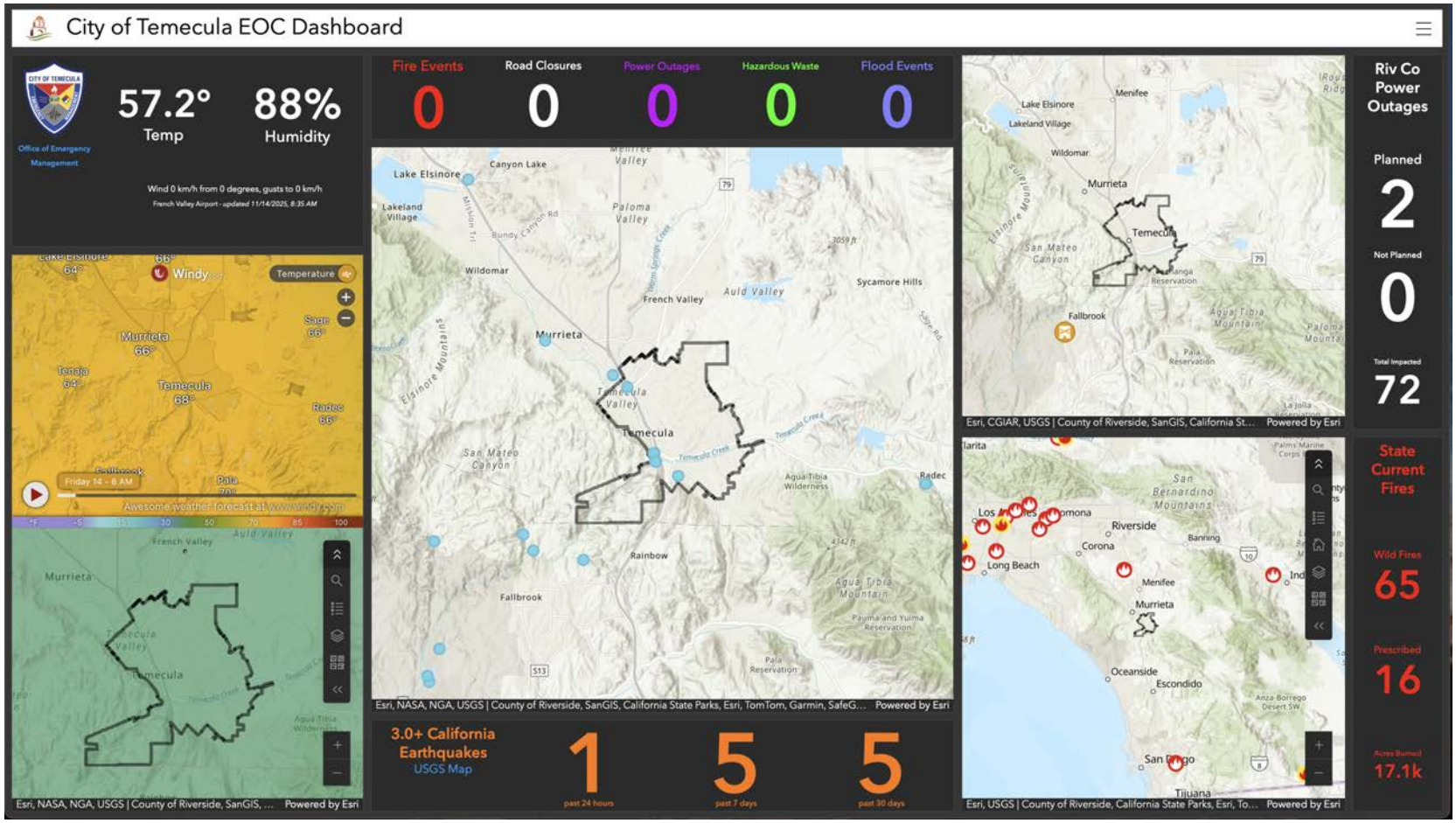


New or Updated Web Maps & Applications

- City projects storymap
- Geocortex search by previous APN
- Homeless encampment aerial photography and 3D maps
- City security camera network online map
- SCE circuit maps and dashboard
- Stormwater data collection maps and dashboard
- Temecula Visitor's Center interactive map
- Weed abatement app update and dashboard
- Wind events maps and dashboard

Training & Outreach

- ESRI certified training courses
- ESRI UC map submissions
- Nearmap staff training & support
- Training conferences and user groups



Support Services

Central Services

- Printing Services
  - Approximately 4,200 pages of plans and posters printed
  - Approximately 2.1 million copies made
- Mail and shipping
  - Processed approximately 122,000 outgoing USPS mail pieces
  - Delivered approximately 25,000 incoming USPS mail pieces
  - Delivered approximately 3,700 packages received via Fed Ex, UPS, and Amazon





Support Services

- Call volume
  - Received over 18,000 calls
  - Maintained an average time on a call of approximately 12 seconds
- Department support
  - Assisted Code Enforcement by verifying property ownership for their annual weed abatement program
  - Assisted the City Manager's office with the State of the City souvenir gift preparation
  - Assisted Public Works with Temecula sustains compost & recycling program, foldable handouts, and kids' crafts

Media Services

Public Meeting Video Production

- 21 Council meetings
- 46 boards and commission meetings
- Temecula Valley Hospital community meeting
- Council Budget workshop and presentation
- Council Housing workshop
- Council CIP workshop
- Council commission workshop
- 2 GPAC meetings

Special Event Video Production & Audiovisual Support

- New Year's Eve Grapedrop drone show
- State of the City event, presentation, and logo creation
- 4th of July parade
- Santa's Electric Light Parade – live broadcast
- Rod Run & Cruise Night audio support
- Pechanga Pu'éska Mountain Day
- 4 Community Theater plays
- White Coat ceremony
- TVE2 Economic Development event with the founder of Ugg
- Women's Breakfast
- Men's Breakfast
- Temecula's retail market 2025 Buxton presentation





Groundbreakings & Ribbon Cutting Video Production

- I-15 French Valley Parkway Phase 2 ribbon cutting
- Margarita Undercrossing ribbon cutting
- Temecula Pickleball Complex ribbon cutting
- CRC Splash Pad ribbon cutting
- Rosie Vanderhaak Community Room dedication

Drone Missions

- Altair
- Vine Creek
- State of the City drone footage
- Budget Workshop
- French Valley Parkway Phase II
- Stormwater inspections and promotional footage
- Nicolas Road extension construction
- 4th of July @ Ronald Regan Sports Park event setup
- Car dealerships
- Summer Concert Series
- Temecula Parkway interchange
- Ronald Regan Sports Park trails map exploration
- New Year's Eve Grape Drop

Outreach

- GPAC registration announcement
- Milvet promotion
- State of the City save the dates
- 55-hour Winchester ramp closure video
- Old Town road closure video

Projects

- Chapel of Memories audio upgrade
- CRC MPR audio upgrade
- Began CRC amphitheater sound system replacement
- Conference Center camera installation



Cameras and Security Systems

- Installed new cameras in the following locations:
  - Pickleball courts
  - PD Storefront
  - RRSP Hockey Rink
  - Traffic intersections
  - Epperson Parking Lot
- Installed or reconfigured access control in the following locations:
  - Old Town Theater
  - The Merc
  - PD Storefront

Library Technology Services

- Secondary EOC and library audiovisual upgrade project
  - New Homework Center media wall and 4 additional TVS
  - New study room video conferencing technology
  - New Children's Reading Room technology
  - New Public PC area Digital signage upgrade
  - Rosie Vanderhaak Community Room full technology upgrade
- Library uninterruptible power supply (UPS) replacement
- Infrastructure replacement, including servers and networking hardware
- Software for servers, public computers, and backup systems has been upgraded to the latest versions




Information Technology
and the Support Services


INTERSTATE
15
Temecula
The Heart of Southern California
Wine Country
INTERSTATE
215
FRENCH VALLEY PARKWAY
IMPROVEMENTS - PHASE 2
2025 COMPLETION

Public Works

This year marked a historic chapter for Temecula's Public Works Department with the completion of the City's largest-ever infrastructure project, the I-15/French Valley Parkway Phase II, a $140 million regional mobility improvement now benefiting over 150,000 drivers daily.

Alongside this milestone, teams advanced dozens of projects citywide, from new sidewalks, solar trail lighting, and enhanced park amenities to major roadway upgrades and the design of future improvements like Fire Station 84, Diaz Road Expansion, and I-15/French Valley Parkway Phase III.

Behind every success is the collective effort of our divisions, Land Development issued over 500 permits and conducted over 2,500 inspections; Facilities modernized City buildings and public spaces; Parks Maintenance revitalized courts, planted trees, and resolved more than 1,400 service requests; Street Maintenance paved and sealed millions of square feet of roadway; and Stormwater led major environmental compliance efforts, installing trash capture devices, refining GIS tracking systems, and completing new standard operating procedures.

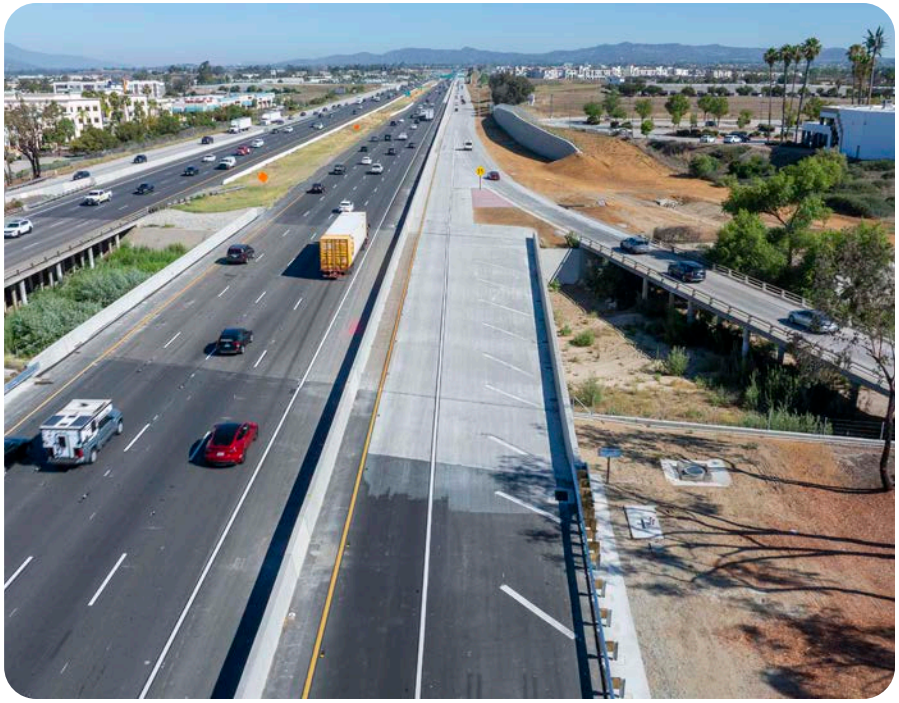
Meanwhile, the Traffic Division delivered smarter, safer intersections with new signal controllers, ADA ramps, and fiber communications. These accomplishments demonstrate how teamwork and vision continue to shape the Temecula of tomorrow.











Capital Improvement Program (CIP)

- Installed 27 new solar lights along the Murrieta Creek Trail between First Street and Moreno Road
- Completed construction of new sidewalk in Old Town along Sixth Street between Front Street and Mercedes Street, including restriping of parking and pedestrian bulb-outs
- Continued development and design of the Ynez Road Improvements – Phase I project
- Continued design and environmental studies for the Overland Drive Widening, between Jefferson Avenue and Commerce Center Drive
- Advertised the contract for the construction of Long Canyon Creek Park Restrooms
- Finished construction on the I-15/State Route 79 South Enhanced Landscaping, a $3.6M project
  - The contractor will maintain the new landscaping for one year before City staff assumes maintenance responsibilities
- Initiated design of the I-15/French Valley Parkway Improvements – Phase II Highway Planting
  - Project fulfills landscaping requirements associated with recent freeway improvements
- Continued development and design of the Fire Station 73 renovation and improvements
- Continued development and design of the Diaz Road Expansion
  - Project will widen and improve Diaz Road to the ultimate width between Winchester Road and Rancho California Road
- Continued coordination with the US Army Corps of Engineers (USACE) and Riverside County Flood Control & Water Conservation District (RCFC&WCD) on the Murrieta Creek Flood Control project, including construction of the project's Phase 2B in conjunction with the Diaz Road Expansion, and the Murrieta Creek at Overland projects
- Started construction of the Pauba Road sidewalk and road widening
  - Project will construct improvements between Elinda Road and Showalter Road
- Completed the first phase of Storm Drainpipe Lining analysis
  - Pilot construction project is scheduled for 2026
- Completed construction on the largest capital improvement project in the City's history –I-15/French Valley Parkway Phase II
  - Project opened to the public in April 2025
  - $72 million construction contract brought the total project cost to $140 million
  - Project consisted of a new collector-distributor system along I-15 between Winchester Road and the I-15/215 Junction, significantly improving regional mobility
  - Completion of this project resulted in reduced travel times for more than 150,000 drivers daily!
- Rehabilitated approximately 270,000 square feet of pavement along Rancho Way, Felix Valdez Avenue, and Santiago Road
- Replaced 15 access ramps in compliance with current ADA standards
- 22,400 square feet of sidewalk and driveway repaired at 182 locations



- Started construction on the Ronald Reagan Sports Park Hockey Rink Improvements
  - New steel arena-style roof structure
  - Includes lighting and fans
  - New sport tile flooring in the rink
  - New dasher boards, kickplate, cap rail, and plexiglass around the entire rink
  - New bleachers with ADA ramp and viewing platform, and additional ADA viewing platform on opposite side
  - New drinking fountain that includes a bottle filler and ADA fountain
  - New ADA ramp from the sidewalk to the court area
  - New concrete pad for the storage containers
  - New scoreboard
  - Improved landscaping, including synthetic turf
  - Drainage improvement on the south side of the court to help prevent ponding near the court
- Completed contract documents and advertised the contract for the construction of new restrooms to be constructed at Vail Ranch Park

- Completed contract documents and advertised the contract for the construction of the Ronald Reagan Sports Park Skate Park
  - Construction will begin in early 2026 with a ten-month construction schedule
- Completed contract documents and advertised the contract for construction of the ADA Transition Plan Implementation – ADA Curb Ramp Replacement Ph I
  - Construction will take place in early 2026
- Completed construction of improvements to the concession stand, storage room, and restroom building at the Ronald Reagan Sports Park North/South Baseball Field
- Completed construction of 17 dedicated pickleball courts surrounded by a 10-ft-high chain link fence with windscreen, parking, and lighting



- Completed construction of the Bridge Maintenance Project
  - Project addressed maintenance needs at 5 bridge locations
  - Work included replacing existing pavement markings and delineation; cleaning and treating existing concrete bridge decks with high molecular weight methacrylate; and removing and replacing joints at each bridge location
- Completed the 5-year, City-wide assessment of street conditions, and updated the pavement management program
- Initiated the preparation and development of the plans, specifications, and estimate for the I-15/French Valley Parkway Improvements – Phase III
- Initiated the development of the plans, specifications, and estimate for La Paz Roundabout Reconstruction
- Completed installing two asphalt parking lots in Old Town on Main Street, adding 77 public parking spaces, including 5 ADA stalls
- Completed the renovation and reconfiguration of the Epperson Parking Lot
  - Final parking lot configuration has a total of 213 parking spaces
  - 58 more spaces than the configuration just prior to construction!
- Completed sidewalk and ADA ramp improvements on the West side of Ynez Road between Rancho Highland Drive and Tierra Vista Road
- Entered into a cost-sharing agreement with the County of Riverside and completed improvements on a section of roadway on Pechanga Parkway between Wolf Creek Drive South and South City Limits
  - Improvements include slurry seal and new road striping and pavement markers installed
- Fire Station 84 is currently under construction and will be completed in the Fall of 2026
  - Construction will include the expansion of the training room and a new fitness room
- Citywide Slurry Seal project is under construction and will include approximately 4M square feet at various locations in the City, including parts of Villages, Rancho Del Sol, Verano, Rancho Solano, Costain Signet, Avendale, Barclay Estates, Woodcrest Country, Ridgeview, and Promenade at Temecula areas
  - Project will be completed by the Spring of 2026
- Total project inspection hours were 2,962 hours
- Received the APWA 2024 Outstanding Multi-Use Recreation Center Project of the Year Award for the Margarita Recreation Center with the Dog Park
  - This project is now eligible for a national award!





Land Development

- Successfully completed the following:
  - Issued 324 Utility permits
  - Issued 162 onsite and offsite permits
  - Completed 2,594 inspections
  - Revenue: $1,318,085.53

Project Spotlight

- Altair
  - Approximately 1700-unit housing development with a 5-acre central community park and 5 smaller parks throughout the villages
  - Mass grading permit was issued on 2/26/24 and construction is currently ongoing
- Nicolas Road/Calle Girasol
  - New 4000 linear foot roadway connecting Butterfield Stage Road to Calle Girasol/Liefer Road
    - Improvements include approximately 1,800 linear feet of a 10’ wide Class I bikeway
    - Construction is ongoing, and the road is expected to open in the Spring of 2026
- Villages at Paseo Del Sol/Elderberry
  - Approximately 170-unit housing development
  - Associated improvements include the widening of Butterfield Stage Road at Temecula Parkway
  - Rough grading permit was issued on 7/31/24, and construction is currently ongoing



Facilities Division

- Civic Center
  - Completed 3rd floor remodel of open office space to new employee break room
  - Completed 1st floor remodel of open file space into Emergency Manager's new office
  - Repair/replace sidewalk and stair concrete control joints with new backer and elastomeric joint compound
  - Continued retrofitting of LED lighting throughout the facility
  - Reconfigure the cubicle area in the fire to accommodate added employees
  - Added mini split A/C unit to Canyon's conference room to help with heat load
- Facility Ops Center
  - Added stove and dishwasher 1st floor breakroom
  - Repaired/replaced backer and elastomeric material in all major control joints in the concrete areas of the maintenance yard
  - Replaced drinking fountain with bottle filler drinking fountain (grant funding)
- Ronald J. Parks Community Recreation Center
  - Recoat gym floor
  - Dig out root repairs in parking lot areas
  - Seal and restripe all parking lot areas
  - Retrofit all amphitheater accent lighting
  - Repaint all perimeter black wrought iron fencing
  - Install a new shed on the pool deck for additional storage
- Temecula Community Center





    - Added rain gutters
    - Interior painting and new window blinds in MPR
- Old Town Temecula Community Theater
    - Fabricated and installed trash enclosure top and locking doors
    - Added courtyard string lights
    - Planted a new tree and added a new marquee, up lights
    - Painted existing courtyard benches and added several new benches
    - Replaced both women's and men's courtyard restroom sinks, faucets, and countertops
- Temecula Valley Entrepreneurs Exchange (TVE2)
    - Added roof and locking doors to secure and protect the trash enclosure.
- Pennypickle's Workshop
    - Repaired/replaced as needed rotted wood decking and stair-rails
- Ronald H. Roberts Temecula Public Library
    - Seal restripe Parking lots
    - Added new signage for the newly named Rosie Vanderhaak conference rooms
- Jefferson Recreation Center
    - Added new parking lot gates for security
- Safe House
    - Paint the exterior of the building
- Help Center
    - Painted exterior Barn
    - Added new countertops for additional workstations
- Police Substation
    - Remodel the old visitor center into an additional wing of the police station
    - Second A/C unit removed and replaced with a new unit
- History Museum
    - Installed window tint throughout the facility

    - Painted both upstairs and downstairs ceilings black (Per TCSD request)
    - New chain link fence was installed between the History Museum and the Fire Station
- Parking Garage
    - Painted the parking garage 3rd floor wrought iron security fence
    - Repaired and upgraded LED exterior lighting
- Patricia Birdsall Sports Park/The Sports Ranch at Sommers Bend
    - Completion of snack shacks at both locations
- Margarita Recreation Center
- Complete trash enclosure
- Fire Station 95
    - Roof repairs
    - Conex boxes added for additional storage
    - Outdoor Lighting upgraded
- Fire Station 92
    - Remove and replace the package A/C unit for general living areas
- 6th Street Facility
    - Added new bottle fill drinking fountain (Grant-funded)
    - Started replacement of wood curbing throughout the parking area





Park Maintenance Division

- Completed Winchester Creek Park basketball court replacement and resurfacing
- Completed Mike Naggar Park hockey rink resurfacing
- Completed installation of a dog agility course at Mike Naggar Park Dog Park
- Completed tree trimming maintenance on approximately 3,500 parks, median & slope trees, and 1,000 right-of-way trees
- Replaced two circulation motors and pumps at Harveston Lake Park
- 150 trees were planted in parks, medians, slopes, and right-of-way
- Responded and resolved over 1,400 Service Order Requests
- Supported all City departments on various events and projects





Street Maintenance Division

Successfully completed the following:

- Sommers Bend Station #95: Removed vegetation and incorporated colored rock with concrete work
- Paloma Del Sol Park: Assisted with the installation of a new secure block trash enclosure
- Margarita Road (Northbound) and Winchester Road to Winco: Milled and Paved: Milled & Paved: 5,500 sq ft
- Meadows Parkway and Rancho California Road (Turn Pocket): Milled & Paved: 2,100 sq ft
- Pauba Road (Eastbound) east of Butterfield Stage Road: Milled & Paved: 3,800 sq ft
- Meadows Parkway (Southbound) from De Portola Road to Campanula Way: Milled & Paved: 5,500 square feet
- Citywide: Slurry Sealed approximately 5,000,000 square feet



Stormwater Division

- Completed the next phase of the Statewide Trash Amendment compliance, which consisted of the following:
  - Installed 123 EnviroPod trash capture devices
  - Generated 194,983 cubic feet of design capture volume (DCV) stormwater credits
- Completed in-depth research to integrate all Priority Development Projects (PDPs) into GIS for comprehensive tracking
- Designed and implemented a BMP Collector App to perform a comprehensive Citywide BMP inventory
- Created public information trifolds explaining the purpose and importance of stormwater inspections
- Analyzed and refined business license data to support targeted high- and low-priority inspections
- Overhauled the Stormwater Division webpage, enhancing content delivery and public communication
- Renamed the City's Alternative Compliance Program to Stormwater Compliance Program
- Hosted a long-awaited in-person National Pollutant Discharge Elimination System (NPDES) Municipal Training for the SMR Co-Permittees
- Completed a Stormwater Division Standard Operating Procedure (SOP)

Temecula Sustains:

- Coordinated Two (2) Citywide Cleanup Events
  - Successfully organized large-scale cleanup efforts in April and October, drawing participation from over 1,500 Temecula residents committed to maintaining a clean and sustainable community
- Distributed Over 15 Tons of Compost at Public Events
  - Provided high-quality compost to residents at multiple city-sponsored events, including Earth Day celebrations, Citywide Cleanups, Sunset Markets, and the upcoming December 13th Compost Giveaway at Dendy Parkway




TEMECULA SUSTAINS
Earth Day 2025


City Wide Clean-Up
For Temecula Residents Only
Diaz Road x Dendy Parkway
October 11, 2025 8:00am - 3:00pm
For more information Call (951) 694-6444
or the City of Temecula at 951-694-6400
Junk hauled and trailers will NOT be accepted
will be redirected to the Public Yard
TEMECULA SUSTAINS
COMPOSTING & RECYCLING





- Donated 8,000 Tons of Compost to Local Golf Courses
  - Supported sustainable landscaping practices by donating compost to regional golf courses such as Redhawk, Pechanga, and Temecula Creek, enhancing soil health and reducing waste
- Contributed 2,000 Tons of Compost to Community Partners
  - Extended compost donations to local organizations, including Meadowview Homeowners Association and the Rose Haven Heritage Garden, promoting greener public spaces

- Achieved Compliance with CalRecycle Audit Requirements
  - Successfully completed a brief compliance audit with CalRecycle, affirming the City's adherence to California State regulations under Senate Bill 1383
- Created Educational Outreach Materials
  - Designed and distributed informative business card-style handouts to raise awareness among residents about the goals and requirements of SB 1383, California's organic waste reduction law
- Hosted Master Composting Workshops in Partnership with Riverside County
  - Collaborated with the Riverside County Department of Waste Resources to deliver a four-week educational series on backyard composting, empowering residents with the knowledge and tools to build and maintain their own compost systems



COMMUNITY CREEK & TRAIL CLEAN UP EVENTS

2025



TEMECULA SUSTAINS WATER QUALITY



Traffic Division

Traffic Capital Improvement Projects

- Highway Safety Improvement Program (HSIP) Cycle 11 Pedestrian Equipment Upgrade
  - Completed installation of countdown pedestrian heads at 54 intersections and traffic signal controller installations at 27 intersections
- HSIP Cycle 11 Bike Lane Upgrades
  - Design plans completed and put out to bid
- HSIP Cycle 11 Pedestrian Ramp Upgrades
  - Completed construction of 20 ADA-compliant pedestrian curb ramps with crosswalk striping upgrades around various schools Citywide
- De Portola Road/Jedediah Smith Roundabout Project
  - Finalized 100% design plans and preparing for bid
- HSIP Cycle 11 Safety Lights and Signal Communication
  - Completion of 100% design plans
- HSIP Cycle 12 Traffic Signal Fiber Extension
  - Design plans initiated
- Installation of fiber optic communications for Ring Road
- Installation of fiber optic communications for Ynez Road, north of Winchester Road
- Installation of approximately 70 new traffic signal controllers
- Installation of approximately 50 new battery backup systems for traffic signals





Traffic Safety and Circulation Projects

- Coordination of Engineering Traffic Speed Survey for various street segments, Citywide
- Completion of striping design plans for the following:
  - Pauba Road from Ynez Road to Margarita Road
  - Santiago Road from Old Town Front Street to Ynez Road
- Installation of striping improvements on the following:
  - Date Street (which has created over 50 public parking spaces)
  - Tierra Vista Road at Ynez Road
  - Westbound Pauba Road at Margarita Road
  - North General Kearney Road at Calle Pina Colada
- Installation of red curb at various locations, including Mira Loma Drive, Rainbow Canyon Road at Bay Hill Drive, and Peach Tree Road
- Installation of All-Way Stops at the following:
  - La Serena and Calle Medusa
  - Loma Linda Road and White Sage Way/Redwood Road
- Installation of RRFB Crosswalk for College/Kaiser Parking lot at Madison/Sanborn
- Implementation of special signal timing plans for Sunday church operations at Ynez Road/Santiago Road
- Upgrade of 18 School Flashing Beacons




PUBLIC WORKS WEEK 2025
NATIONAL PUBLIC WORKS WEEK
PEOPLE PURPOSE PRESENCE
City of Temecula


GAME DAY




DAY




Welcome

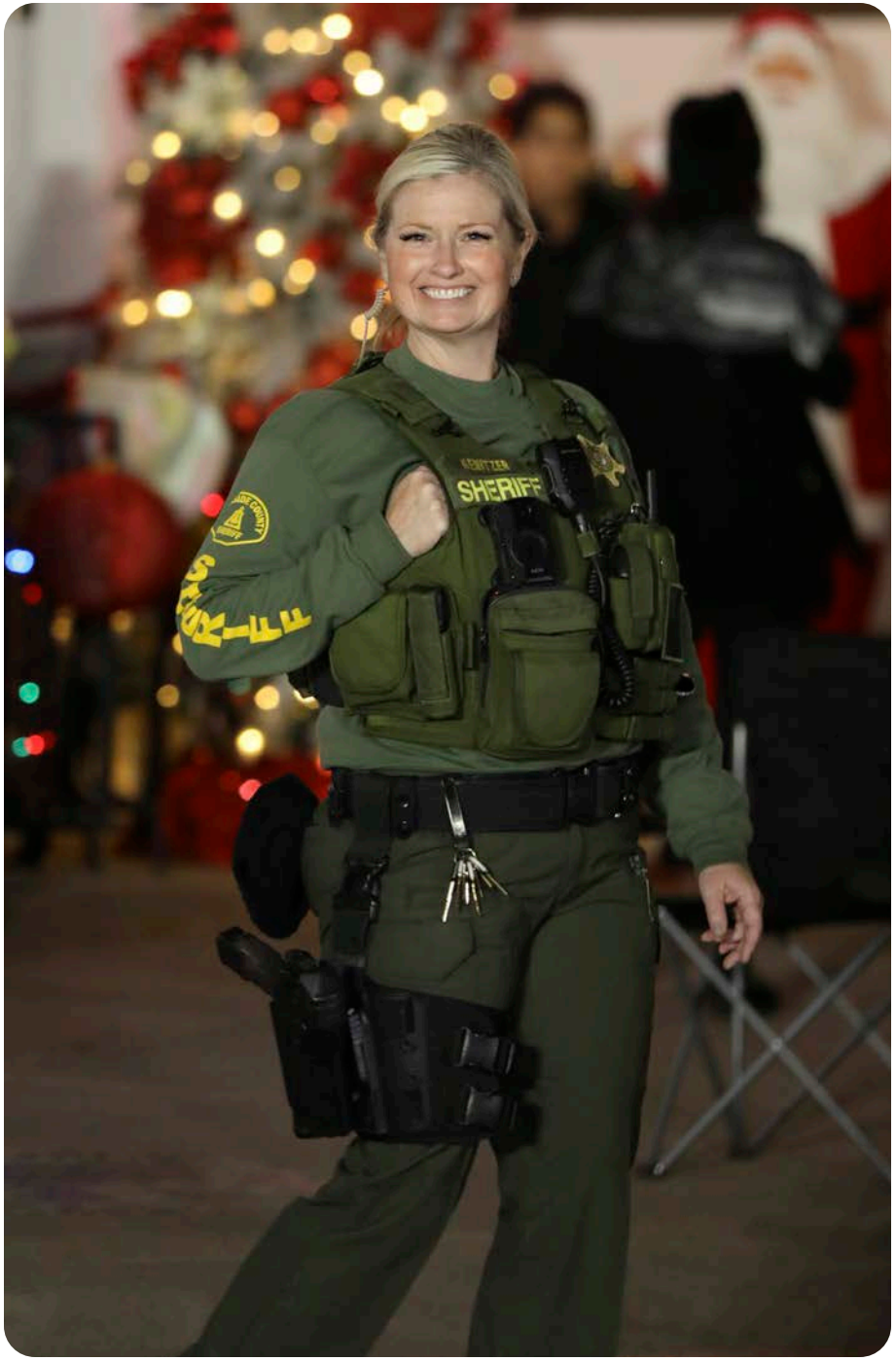


160 - Riverside Sheriff's Office

Riverside Sheriff's Office

A major milestone was the completion of a new facility, providing state-of-the-art office spaces for deputies, community service officers (CSOs), and other crucial support staff members. This infrastructure upgrade boosted team morale and operational efficiency. Furthermore, the commitment to public safety was enhanced by the implementation of a new, centralized monitoring station. This device and platform provide footage from City cameras across the municipality, showcasing real-time intelligence critical to combating crime and violence within city perimeters. We also implemented a new barrel load safety device to ensure all weapons can be safely loaded and unloaded while inside the workspace, improving the overall safety forour employees and the public.

Through proactive strategies, the Sheriff's Office solidified its strong city connections and communication, integrating seamlessly with municipal departments and residents. This collaborative spirit was evident in the successful and thorough staffing of all city-wide events, and the effort was bolstered by the invaluable partnership with the City of Temecula. The enhanced presence of law enforcement throughout the year achieved more than just safety; it fundamentally shifted the public expectation of service, overtaking and achieving a new standard of law enforcement that will serve as the benchmark for the years to follow.



161 - Riverside Sheriff's Office



162 - Riverside Sheriff's Office



Accomplishments

- Relocated from the 2nd floor at City Hall to where the "Welcome Center" was previously, now located next to the station on Main Street
  - State-of-the-art office space for deputies, community service officers (CSOs), and other crucial support staff members
  - Infrastructure upgrade boosted team morale and operational efficiency
  - Commitment to public safety was enhanced by the implementation of a new, centralized monitoring station
    - Device and platform provide footage from City cameras across the municipality, showcasing real-time intelligence critical to combating crime and violence within City perimeters
  - Implemented a new barrel load safety device to ensure all weapons can be safely loaded and unloaded while inside the workspace, improving overall safety for our employees and the public
- Law Enforcement Appreciation Committee
- Hosted National Prescription Drug Take Back Day
- Mothers Against Drunk Driving Awards
  - Deputy Grimm was honored with the Century Award for 100 DUI Arrests
  - Deputy Ott had 27 DUI Arrests
  - Deputy Cali had 83 DUI Arrests
  - Corporal Downs had 37 DUI Arrests
- Temecula's Walmart Donation for our Deputies
- Montessori Meet & Greet
- Collaborated with TCSD on hosting National Night Out
- Civic Center parking structure 911 callboxes were upgraded, with coordination led by the IT department, to enhance reliability and communication between visitors and staff





Statistics

Patrol Division

- 65,568 Calls for Service
- 24,106 Written Reports
- 3,521 Arrests
- 711 Total Crashes

CORE Team

- 258 Outreach Attempts
- 29 On-Sight Felony Arrests
- 111 On-Sight Misdemeanor Arrests
- 6 Felony Arrest Warrants Served
- 60 Misdemeanor Arrest Warrants Served

Robbery & Burglary Suppression Team (RBST)

- 140 Number of Assigned Cases
- 143 Total Cases Closed
- 290 Search Warrants Prepared/Served
- 45 Arrests

Special Enforcement Team (SET)

- 130 On-Sight Felony Arrests
- 183 On-Sight Misdemeanor Arrests
- 22 Felony Arrest Warrants Served
- 63 Misdemeanor Arrest Warrants Served
- 693 Traffic Stops/Vehicle Checks

METRO

- 104 On-Sight Felony Arrests
- 275 On-Sight Misdemeanor Arrests
- 71 Felony Arrest Warrants Served
- 811 Bar/Business Checks





Traffic

- 11,054 Citations issued for hazardous violations
- 1,072 Non-hazardous citations
- 280 Injury Collisions
- 284 D.U.I arrests

School Resource Deputies

- 184 Reports
- 284 Citations
- 11 Felony Arrest
- 50 Misdemeanor Arrest

Promenade Mall

- 2,001 Calls for Service
- 47 Felony Arrest
- 213 Misdemeanor Arrests
- 8,751 Customer Served
- 1,900 Fingerprints/Live Scans

Old Town Store Front

- 172 Citations
- 52 Police Reports Filed
- 6,395 Customers Served
- 1,223 Fingerprints/Live Scans

Volunteers

- 1,042 Chaplain Hours
- 7,358.65 Community Action Patrol Hours
- 1,047.1 Explorer Hours
- 9,550.30 Total Volunteer Hours

Average Response Times

- 794 Priority 1Calls – 5.83 minutes
- 11,927 Priority 2 Calls – 10.78 minutes
- 9,787 Priority 3 Calls – 16.51 minutes
- 4,685 Priority 4 Calls – 19.83 minutes
- 97 Priority 9 Calls – 10.90 minutes

Mounted Posse

- 16 sworn volunteer members, including 13 riders and 3 ground support
- Participated in 68 events throughout the City and Wine Country, contributing 4,450 volunteer hours
- Assisted RSO with 2 search and rescue call outs in Southwest Riverside County
- Members represented the City of Temecula and the Sheriff's Department at multiple parades, community events, and patrol assignments





166 - Riverside Sheriff's Office



167 - Riverside Sheriff's Office

Employee Wellness Program (EWP):

The mission of the Employee Wellness Program is to create an environment that encourages people to achieve their individual health goals while enabling employees to live their personal and professional lives in the healthiest and most productive way possible.

- Received a $5,000 Workforce Health Program Grant from Kaiser Permanente and the League of California Cities in recognition of the City's continued commitment to employee health and wellness
- Continued promoting mental, physical, and financial wellness through a variety of engaging events and initiatives
- 2025 Employee Wellness Events and Initiatives:
  - Mental, physical, and financial wellness initiatives
  - Find Your Mile
  - Bike to Workday
  - Walk of Hope
  - Hole in One
  - Gratitude Wall
  - Snowball Showdown
  - The Book Nook
  - Annual Employee Health and Wellness Fair









169 - Employee Wellness

Team P.A.C.E.

Thank you, Team P.A.C.E., for putting on such great events for the Temecula Team!

Team PACE is a committee of employees whose goal is to sustain and increase employee morale. Team PACE members collaborate to plan, organize, and facilitate various fun and creative activities and events.

- Organized monthly employee appreciation events, from themed pop-ups and luncheons to the annual Chili Cook-Off and holiday celebrations
- Strengthened cross-departmental relationships and boosted morale through ongoing recognition and connection opportunities



2025 Team PACE Events:

- February: Super Bowl
- March: Employee Lunch
- April: Jamba Juice Pop- Up
- May: La Michoacana Fruit Cups Pop- Up
- June: Employee Lunch
- July: Churro Pop- Up
- August: Ice Cream Pop- Up
- September: Employee Lunch
- October: Chili Cook Off and Halloween Festivities
- December: Tree Decorating and Employee Lunch





171 - TEAM PACE



172 - TEAM PACE



173 - TEAM PACE







174 - TEAM PACE



175 - TEAM PACE



176 - TEAM PACE



177 - Team PACE



178 - TEAM PACE



179 - TEAM PACE





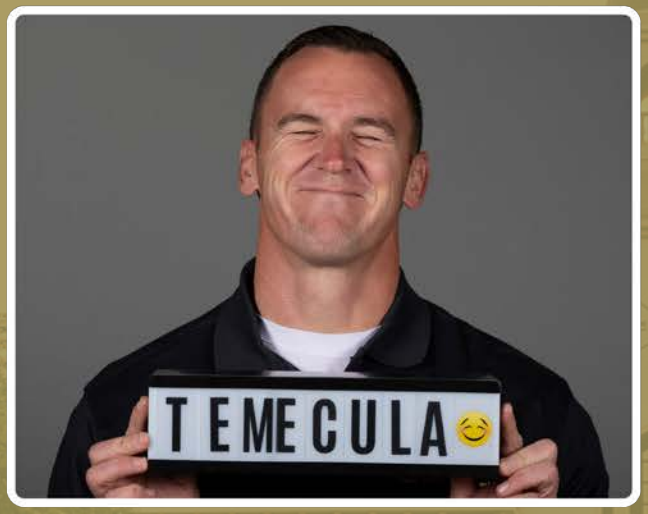


180 - Team PACE



181 - TEAM PACE

2025 Employees of the Quarter



Ryan Mode
Winter



Abe Belagasem
Spring



Brandon Bogner
Summer



Brittany Seay
Fall

2025 Employees of the Year



Brandon Bogner
City of Temecula



Matthew
Reinhold
Fire suppression



Baylee
Fitzgerald
Fire Prevention



Gordon Mitchell
RSO - sworn



Belinda Hoxmeier
Non - Sworn

Congratulations on Retirement!

Thank you to this year's retirees for your many years of hard work, dedication, and commitment to public service. Your contributions have helped shape our organization and the community we serve, and your impact will be felt for years to come. We are truly grateful for your service and wish you all the best in your well-earned retirement.



Georgann Rollins
Jan. 5, 2004 - Jan. 2, 2025



Nadya Bagdasarian
Feb. 19, 2007 - Jan. 24, 2025



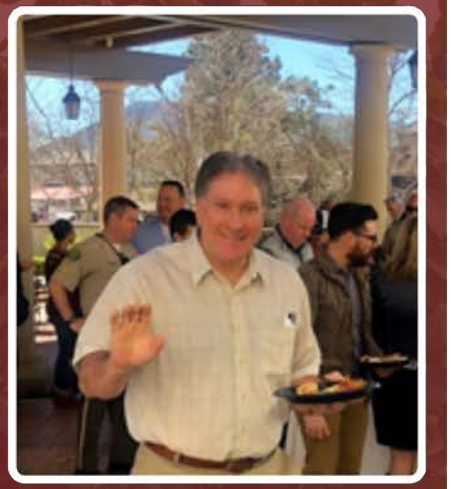
Tracy Frick
May 14, 2012 - Feb. 26, 2025



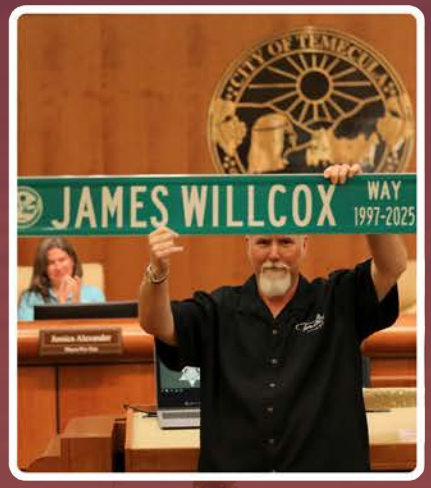
Maria Romine
Dec, 18, 2000 - May 9, 2025



Jeff Lawrence
Sept. 26, 1997 - Jul. 24, 2025



Stuart Fisk
Jun. 2, 2003 - Nov. 29, 2025



James Willcox
Oct. 25, 1999 - Jul. 11, 2025



Tom Cole
Jan. 6, 1997 - Dec. 12, 2025



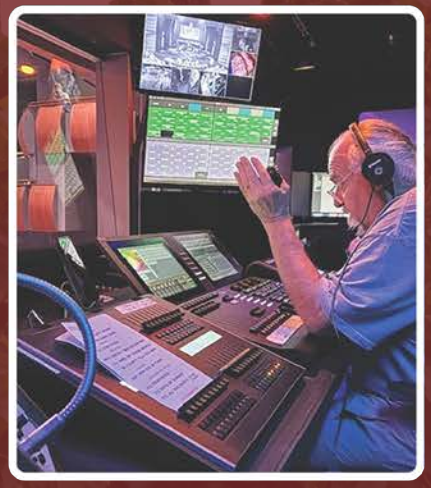
Avlin Odviar
Dec. 15, 2003 - Dec. 17, 2025



Annie Bostre Le
Jan. 25, 1993 - Dec. 30, 2025



Jay Oldham
Oct. 8, 2001 - Dec. 30, 2025



Bill Strawn
Aug. 23, 2005 - Dec. 31, 2025


INFRA
DATE November 7, 2019
PAY TO THE ORDER OF City of Temecula
$ 50,000,000
Fifty Million 00/100 DOLLARS
MEMO I-15 | French Valley Parkway Phase 2
Temecula
The Heart of Southern California Wine Country
I-15 FVP
Phase 2
Cheers to New Lanes
RCTC
Caltrans



187 - Major Events



188 - Major Events



189 - Major Events


SOTC
Temecula
Wine Country
SOTC
Temecula
SOTC
Temecula
EVENT PROGRAM
SOTC
Temecula
TEMECULA VALLEY CHAMBER OF COMMERCE
Walmart



191 - Major Events



192 - Major Events



193 - Major Events


8FT 6IN
STOP


CAUTION
DO NOT CROSS HERE
USE CROSSWALK AT
WINCHESTER ROAD
HIKEBIKETEMECULA


SPLASH PAD
GRAND OPENING
RONALD E FARIS
COMMUNITY RECREATION CENTER
WED, MAR 19, 2025 | 2:00 PM
WELCOME
ORDINARY REMARKS
RIBBON CUTTING
REFRESHMENTS



197 - Major Events



198 - Major Events



199 - Major Events

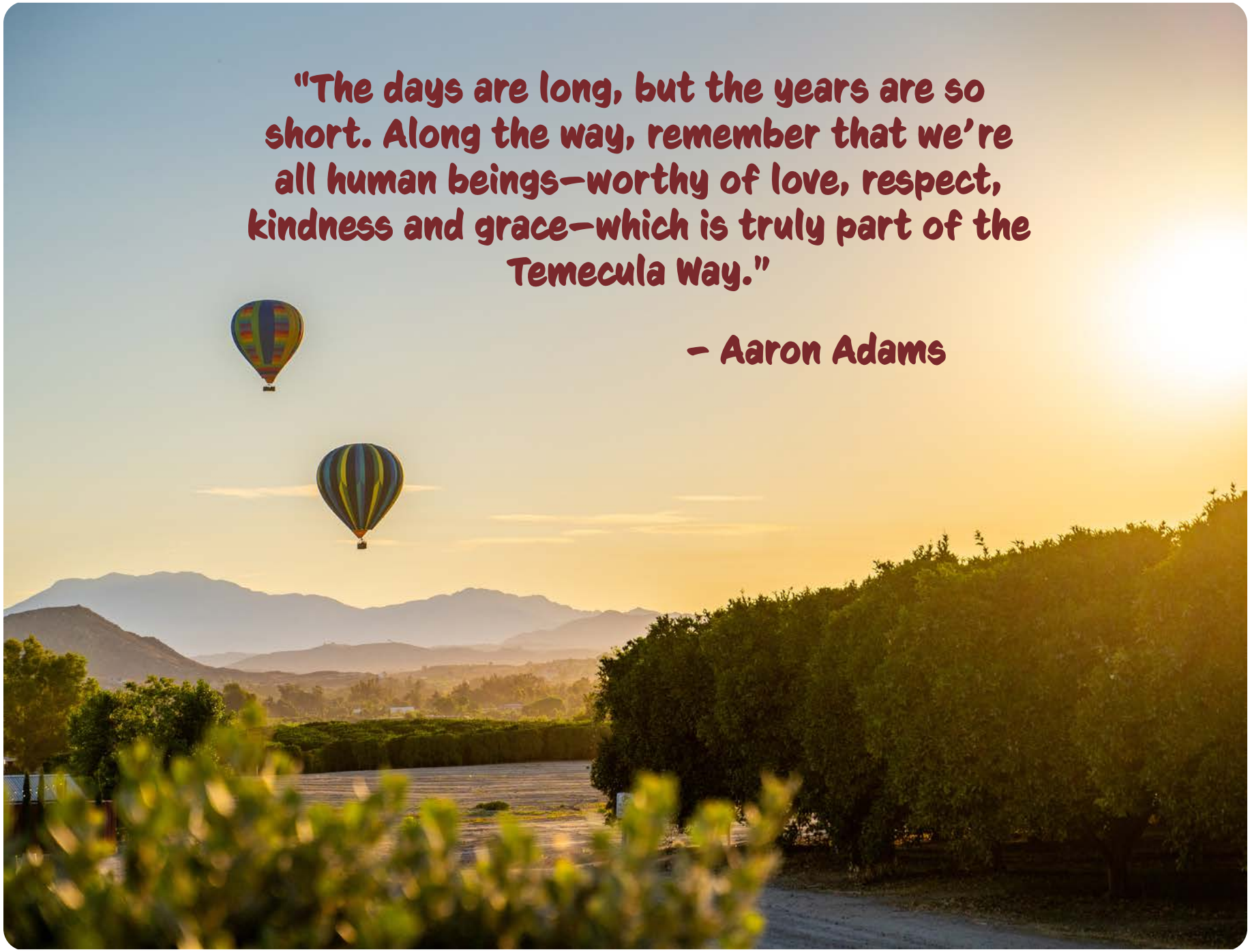
Special Thanks to

Leslie Diaz
Administrative Assistant

&

Jonathan Hall
Media Services Supervisor

for taking this process
and document to the next level!


"The days are long, but the years are so short. Along the way, remember that we're all human beings—worthy of love, respect, kindness and grace—which is truly part of the Temecula Way."
– Aaron Adams

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Randi Johl, Director of Legislative Affairs/City Clerk

DATE: January 13, 2026

SUBJECT: Approve Annual Legislative Platform for Calendar Year 2026

PREPARED BY: Randi Johl, Director of Legislative Affairs/City Clerk

RECOMMENDATION: That the City Council approve the annual legislative platform for calendar year 2026.

BACKGROUND: On May 12, 2015, the City Council approved the City's first Legislative Platform. The Platform is a compilation of general and City-specific policy statements. The general policy statements reflect commonly-accepted positions on matters pertaining to local governance of cities in the State of California. The City-specific policy statements reflect positions that the City of Temecula has directly and collectively taken in the past. Recovery and funding principles are also included. All policy statements in the Platform are consistent with the policies outlined in the City of Temecula's governing documents (i.e., General Plan, Specific Plan, Quality of Life Master Plan, Trails and Bikeways Master Plan, Youth Master Plan, etc.) The Platform is adopted annually at the beginning of each year and reflects positions taken by the City Council in the prior year that were not already incorporated in the Platform. The only proposed change is the inclusion of the reference to Resolution 2025-64 and the opposition to Proposition 50 under Administrative Services. There were no other substantive changes to the Platform beyond what the City Council has discussed throughout the year. The City's state and federal lobbyists will receive the updated Platform after adoption.

FISCAL IMPACT: None

ATTACHMENTS: 2026 Legislative Platform and Related Policies and Procedures

CITY OF TEMECULA

2026 STATE AND FEDERAL LEGISLATIVE PLATFORM

Approved: January 13, 2026

The Legislative Platform is a tool to protect and promote the City's interests on priority issues and legislative/regulatory matters that may impact the City at the state and federal level. The guiding principles and policy statements below allow City staff and legislative advocates to address legislative and regulatory issues in a timely and directed manner, without precluding City Council consideration of additional legislative matters arising throughout the year. This platform supplements existing City Council established goals and policies in various documents including the City's General Plan and Quality of Life Master Plan (QLMP).

GUIDING PRINCIPLES

I. Preservation of Local Control

Support measures that preserve and protect the City's general law powers and duties to enact legislation and policy direction concerning local affairs. Oppose measures that preempt local authority.

II. Promotion of Fiscal Stability

Support measures that promote fiscal stability, predictability, and financial independence. Support measures that preserve and promote the City's revenue base. Oppose measures that mandate costs with no guarantee of local reimbursement or offsetting benefit. Oppose measures that shift local funds to the county, state or federal government, without offsetting benefit.

III. Support Funding Opportunities

Support measures that allow the City to compete for its fair share of regional, state and federal funding including competitive grants and other funding programs. Support measures that promote dedicated funding streams at the regional, state and federal levels allowing the City to maximize local revenues, offset and leverage capital expenditures, and maintain City goals and standards.

IV. Support of Public Safety

Support measures that allow the City to provide public safety services and programs related to local law enforcement, fire suppression and prevention, hazardous materials mitigation, rescue, emergency medical services, emergency management, and disaster preparedness, to maintain a high quality of life for all residents.

POLICY STATEMENTS

ADMINISTRATIVE SERVICES

General Area of Review: Elections, Ralph M. Brown Act, Public Records Act, Political Reform Act, conflict of interest, insurance, tort reform and open and transparent government.

General Policy Statements:

- Supports legislation that recognizes the need to conduct the public's business in public.
- Support legislation to allow alternative methods of meeting public notice requirements and enhancing them through the use of cost effective and innovative, technology friendly methods of communication.
- Support legislation to improve and streamline the Political Reform Act and its implementation through regulations.
- Support legislation that would allow a city presented with an allegation of a violation of the California Voter Rights Act (CVRA) to address the allegation before any person may file a lawsuit related to the alleged violation.
- Support legislation to reduce unnecessary and costly procedures for conducting a municipal election.
- Oppose legislation that mandates costly and unnecessary procedures related to the election process.
- Support legislation providing city councils more flexibility to fill city council vacancies including extending the appointment period to fill a vacancy.
- Support legislation to allow cities to conduct mail ballot elections when appropriate to reduce the cost of elections and increase voter turnout.
- Support legislation that limits the exposure of local governments to lawsuits related to liability, including unimproved natural conditions and design immunity.

City-Specific Policy Statements:

- Resolution No. 03-22 – Support legislation that preserves the ability of public agencies to have a meaningful invocation as a free speech right during public meetings.
- Resolution No. 04-41 – Oppose legislation that would prohibit or limit the ability of local government to conduct Closed Session consistent with the Ralph M. Brown Act.
- Resolution No. 05-88 – Support legislation and funding that preserves and protects local authority over cable and video services ensuring the ability of local governments to meet their public, educational and government (PEG) access needs.
- Resolution No. 09-50 – Support legislation that allows legal notices to be published electronically on the City's website.
- Resolution No. 09-71 – Support legislation to apply the Ralph M. Brown Act to the State Legislature, including provisions requiring advance notice and publication of matters to be voted upon.
- Resolution No. 11-49 – Support legislation that provides the City with an ability to be represented by one congressional district.
- Resolution No. 12-40 – Support legislation to assist California businesses to comply with the Americans with Disability Act without frivolous lawsuits.
- Minute Order (3/10/15) – Oppose legislation that broadly mandates district-based election systems in cities without analyzing the specific needs of a community. (2015 – oppose AB 278 (Hernandez): District Based Elections)
- Resolution No. 25-64 (9/23/25) – Oppose legislation that mandates mid-cycle redistricting.

COMMUNITY SERVICES

General Area of Review: Parks, recreation, libraries, cultural arts, youth, community and human services programs.

General Policy Statements:

- Support legislation and funding for the development and preservation of open space consistent with the City's General Plan, Trails and Bikeways Master Plan and other related policies.
- Support legislation and funding for the construction, rehabilitation and maintenance of public facilities, parks and open space.
- Support legislation and funding for overall youth programs consistent with the City's Youth Master Plan.
- Support legislation and funding for policies and programs that promote the overall health and wellness of families, veterans, seniors and youth in the City.
- Support legislation and funding for youth-related prevention and intervention programs, including after school educational and recreational programs.
- Support legislation and funding associated with comprehensive strategies to solve homelessness consistent with the City's Responsible Compassion program.

City-Specific Policy Statements:

- Resolution Nos. 99-88 and 06-38 – Support legislation and funding for the construction and improvement of community libraries and the program services provided at library facilities.
- Resolution No. 00-02 – Support legislation and funding for state and local park projects and allow urban areas to expand recreation facilities to serve youth, seniors and families.
- Resolution No. 08-76 – Support legislation and funding to provide assistance to Vietnam veterans exposed to Agent Orange.
- Resolution No. 09-80 – Oppose legislation that would bar or severely limit physician-owned hospitals or otherwise negatively impact health care access in our region.
- Resolution No. 11-36 – Support legislation that extends qualified immunity to local public agencies that operate public skateboarding parks indefinitely.
- Resolution No. 11-48 – Oppose legislation increasing notification requirements for cities that want to opt out of the county free library system to outsource the administration and operation of their libraries to a private for profit company.
- Resolution No. 11-69 – Support legislation requiring private insurance companies to cover autism treatment.
- Minute Order (6/10/14 and 3/10/15) – Support legislation that provides greater opportunities for higher education learning in the City. (2015 – Support AB 288 (Holden): College and Career Access Partnerships)

EMPLOYEE RELATIONS

General Area of Review: Labor relations, employee relations and other matters related to human resources.

General Policy Statements:

- Support legislation that increases local control and limits additional financial burdens related to employee relations and collective bargaining that can be appropriately negotiated at the bargaining table.

City-Specific Policy Statements:

- Resolution No. 97-77 – Support legislation that preserves the ability of local, regional and state government to contract with private firms on a competitive basis to design projects.

ENVIRONMENTAL QUALITY

General Area of Review: Air, water and water quality, climate change, CEQA, integrated waste management, hazardous materials, coastal issues, and utilities.

General Policy Statements:

- Support legislation and funding to create a sustainable and stable water supply, encourage conservation of water resources and reduce urban runoff pollution.
- Support legislation and funding for renewable energy and advanced technologies that reduce energy use while providing a public benefit that is greater than the cost of compliance.
- Support legislation and funding for local government energy efficiency and renewable energy programs.
- Support legislation and funding for recyclable materials markets while maintaining local authority and flexibility to regulate solid waste and recyclables.

City-Specific Policy Statements:

- Resolution No. 95-37 – Support legislation that provides adequate safeguards to ensure conservation of threatened and endangered wildlife resources while balancing significant quality of life and financial impacts on local communities.
- Resolution Nos. 96-126 and 97-59 – Support legislation and funding for flood control and prevention programs, including those that affect Murrieta Creek and Temecula Creek.
- Resolution Nos. 98-36 and 08-78 – Support legislation and funding for the development of new technology to promote clean fuel and combat air pollution while providing a public benefit that is greater than the cost of compliance.
- Resolution No. 99-49 – Support legislation and funding for a safe, clean and reliable water supply for California.
- Resolution No. 08-77 – Support legislation that reduces emissions from marine vessels affecting air quality while providing a public benefit greater than the cost of compliance.
- Resolution No. 11-81 – Support legislation to expand wilderness areas that enhance local tourism and improve recreational opportunities for future generations.

HOUSING, COMMUNITY, ECONOMIC DEVELOPMENT

General Area of Review: Land use, development, annexation and incorporation, building standards, economic development, redevelopment and enterprise zones, mobile home and sign regulations.

General Policy Statements:

- Support legislation and funding to strengthen the capability of local agencies to prepare, adopt and implement plans for responsible growth, development, zoning, and annexations.
- Support legislation and funding for the adoption of effective state building codes to promote community building safety and mitigation of natural hazards.
- Support legislation and funding for the adoption of effective and clear green building standards in the California Building Code while providing a public benefit that is greater than the cost of compliance.
- Support legislation and funding programs that promotes the development and enhancement of safe, affordable, and accessible housing within the City for all economic segments of the population.
- Support legislation and funding for improvements to housing element law to provide clear processes and flexibility to allow regional cooperation and establish realistic housing goals and performance standards.
- Support legislation that promotes the fair and effective distribution of State infrastructure bond funds consistent with the needs of diverse local cities.
- Support funding mechanisms that encourage and facilitate infrastructure development and economic development.
- Support legislation that streamlines the redevelopment dissolution process with consistency and equitability.
- Support legislation to retain existing fees on telecommunications services and for public, educational and governmental channels.
- Oppose legislation to restrict the authority of cities to zone and plan for the deployment of telecommunications infrastructure.
- Support legislation that promotes the ability of cities to maintain and manage the public right-of-way and receive compensation for its use.

City-Specific Policy Statements:

- Resolution No. 96-53 – Oppose legislation to prohibit the concurrent sale of fuel and alcohol negatively impacting local businesses.
- Resolution No. 04-44 – Oppose legislation that limits the ability of local government to determine conditions for approval for local projects and transfers local land use authority to the State.
- Resolution No. 04-83 – Support legislation exempting hot air balloons from PUC regulations that require accident liability insurance as commercial air operators and aircraft.
- Resolution No. 10-64 – Support legislation that permits the shipment of wine directly to consumers without discrimination between in-state and out-of-state wine producers.
- Resolution No. 12-66 – Support legislation prohibiting bulk sales of real estate owned properties by the FHFA to investors converting them into rental properties.
- Minute Order (8/23/11) – Oppose legislation for quarry projects within the City's boundaries or sphere of influence.
- Resolution No. 22-60 – Support legislation permitting expansion of in-person gaming on tribal lands, including lands owned and operated by Pechanga Band of Indians.
- Resolution No. 22-61 – Oppose legislation permitting online gaming in the State of California, in lieu of or notwithstanding in-person gaming options on tribal lands, including lands owned and operated by Pechanga Band of Indians.

- Minute Order (1/28/25) - The City of Temecula supports legislation, funding, and related policies that maintain and expand homeowner and commercial insurance coverage choices for all consumers including in the event of natural disasters, ensure fair access for those located in designated high-risk areas for all natural disasters, promote a competitive insurance marketplace, maintain solvency of the FAIR Plan in the absence of other insurance, and overall strengthen California's marketplace for homeowners and commercial property insurance.
- Minute Order (1/28/25) - The City of Temecula supports initiatives that promote homeownership through education, resources, and partnership with public, private and nonprofit organizations; strengthen housing resiliency in response to natural disasters; preserve aging housing stock through maintenance and revitalization programs; and provide related state and federal resources and funding.

PUBLIC SAFETY

General Area of Review: Law enforcement, fire and life safety, emergency communications, emergency services, disaster preparedness, Indian gaming, and nuisance abatement.

General Policy Statements:

- Support legislation to provide a greater share of and increased latitude to spend asset forfeiture funds.
- Support legislation to improve local law enforcement, fire suppression and prevention, hazardous materials mitigation, rescue, emergency medical services, and disaster preparedness.
- Support legislation to reimburse the City for overtime costs paid to public safety personnel who are required to appear in State and/or County courts.
- Support legislation to grant state and federal funding to supplement local law enforcement to increase staffing, equipment and capital improvements to maintain public safety.
- Support legislation and funding to provide law enforcement/public safety agencies greater access to wireless communication necessary to support a national wireless broadband network capable of use by any public safety entity to serve and protect communities throughout the nation.
- Support legislation and funding that promotes comprehensive and effective drug and alcohol education and rehabilitation programs.
- Support legislation and funding to assist local law enforcement to reduce crimes related to illicit drugs, burglary, and assault, including domestic violence, and sobriety and driver's license checkpoints.
- Support legislation to prohibit the manufacture, import, sale and use of dangerous synthetic substances that mimic marijuana, methamphetamine and heroin.
- Support legislation that prevents juvenile access to alcohol and illegal drugs.
- Support legislation to deter drivers from operating motor vehicles while under the influence of alcohol and drugs.
- Oppose legislation to expand "early release" for low-risk serious and violent offenders without an increase in sustained funding to ensure responsible supervision by parole agents and for local agencies that provide post-release supervision.
- Support legislation that provides frontline funding for police services associated with the "early release" of state prisoners as a result of state-mandated criminal justice realignment provisions.

- Support legislation and funding to strengthen and enforce legal protections for all individuals who are victims of crime, including minors and victims of family violence and sexual assault.
- Support legislation to maintain or increase funding for shelters, victim advocacy, trauma and crisis counseling and related mental health services, to assist victims of violent crime, especially minors and victims of family violence and sexual assault.
- Support legislation and funding to coordinate homeland security programs, training and emergency response efforts among federal, state, and local governments with clearly defined roles and responsibilities.
- Support legislation and funding for Urban Area Security Initiative ("UASI") and other funding initiatives administered by the Department of Homeland Security to enhance the City's ability to respond to regional or national threats.
- Support legislation and funding to secure adequate frequencies and communications systems for multi-jurisdictional connectivity for public safety and protect the frequencies from intrusion.
- Support legislation to increase Emergency Management Performance grant funding retaining flexibility in use of funds for emergency preparedness training, disaster events and disaster communication efforts.
- Support legislation and funding to treat and assist the needs of at-risk juvenile offenders and juveniles placed on court-ordered formal probation.
- Support legislation and funding for programs that protect youth from tobacco, alcohol and drug use, and related prevention and intervention programs including gang prevention and after-school programs.

City-Specific Policy Statements:

- Resolution No. 97-87 – Support legislation and funding to promote and preserve the ability of local government to control public safety issues in their communities. (2015 – Oppose AB 718 (Chu): Vehicle Use for Human Habitation)
- Resolution No. 02-71 – Support legislation and funding for the Emergency Alert System to inform the public of Amber Alerts and related information.
- Resolution Nos. 02-73 and 04-22 – Support legislation and funding for public dissemination of information by the Department of Justice pursuant to Megan's Law.
- Resolution No. 06-17 – Support legislation and funding to improve interactions between wireless service providers and law enforcement during emergency situations.
- Minute Order (9/22/92) – Support legislation that provides municipal immunity for high speed pursuits.
- Minute Order (1/11/94) – Support legislation that strengthens anti-pornography laws.
- Minute Order (8/9/94) – Support legislation and funding for graffiti abatement programs.
- Resolution No. 24-59 (7/23/24) - Support legislation that reduces and provides assistance and funding related to homelessness, drug addiction, and theft reduction as set forth in Proposition 36.
- Minute Order (1/14/25) – Support legislation related to mobility and outdoor recreation as it relates to e-bikes, e-motorcycles, or similar devices, when balanced with the health and safety needs of all riders, including minor children, residents at large, and the protection of property interests in the community.

REVENUE AND TAXATION

General Area of Review: Finance administration, taxation reform, general and special revenue and revenue sources at the federal, state and local levels.

General Policy Statements:

- Support legislation and funding for the preservation and enhancement of the City's ability to generate and retain sales and use tax revenue, and local point-of-sale revenue allocations.
- Oppose legislation to reduce or remove tax-exempt status of municipal bonds.
- Oppose legislation to alter the manner by which transient occupancy taxes are calculated and collected to the City's detriment.
- Support legislation and funding that preserves and enhances a positive business climate and maintains and grows the business tax base.

City-Specific Policy Statements:

- Resolution No. 91-26 – Support legislation that limits the ability to redistribute existing revenue sources amongst schools, cities, counties and special districts as a solution to address service levels.
- Resolution No. 95-90 – Support legislation that ensures the equitable distribution of sales tax revenue between the state and local government, specifically cities.
- Resolution No. 96-62 – Oppose legislation that restricts cities from generating new development revenues and erodes revenue generation and taxing authority of local government.
- Resolution No. 02-26 – Oppose legislation limiting the ability of cities to decide how sales tax revenues are distributed for local vital and essential services, including police and fire protection, street repair and lighting, libraries, parks and other services.
- Resolution No. 03-27 – Support legislation that preserves the ability to allocate revenue from the Indian Gaming Special Distribution Fund to local governments impacted by tribal gaming.
- Resolution Nos. 91-41, 03-137, 08-82 and 10-22 – Support legislation that requires voter approval before the state can appropriate local tax funds to fund state operations and responsibilities or outwardly prohibits the borrowing or taking of such funds.
- Resolution No. 04-64 – Oppose legislation diluting the amount of funds to counties and cities to mitigate impacts from tribal gaming.
- Resolution Nos. 02-123 and 12-67 – Support legislation and funding that enhances or preserves current level of Vehicle License Fees (VLF) and protects VLF allocation to newly incorporated cities and cities with inhabited annexations that rely on VLF revenues.
- Resolution No. 10-56 – Support legislation that provides tax benefits as an incentive for people to utilize public transit to commute to work.
- Resolution Nos. 11-15 and 12-26 – Support legislation and funding that provides alternatives to the dissolution of redevelopment agencies in California.

TRANSPORTATION, COMMUNICATION AND PUBLIC WORKS

General Area of Review: Transportation, construction, telecommunications and general public works related areas.

General Policy Statements:

- Support legislation to ensure the City receives its fair share of transportation revenue and increase funding for local transportation and transit programs and projects.
- Support legislation to protect dedicated transportation-related tax revenues and enhance the ability of local agencies to finance local transportation programs and facilities, including the gas tax and bond funds.

- Support legislation that gives priority to self-help and "super" self-help counties when allocating bond funding and other transportation funding mechanisms.
- Support legislation to improve access and funding to public transportation.
- Support legislation and funding mechanisms that support and encourage the use of transit and non-motorized transportation.
- Support legislation that enhances the safety of city streets and arterials for vehicular, bicycle, and pedestrian traffic.
- Support legislation that will reduce traffic congestion and support regional transportation programs.
- Support legislation and funding opportunities for upgrades and/or separations for at-grade crossings.
- Support legislation that increases local flexibility in the allocation of transportation capital funds.
- Support legislation that encourages the use of design-build methods to facilitate a faster, stream-lined approach to project delivery.
- Oppose legislation to eliminate or restrict the use of Riverside County State Improvement Transportation Funds, federal transportation funding, Measure A, or Gas Tax funding for local transportation projects

City-Specific Policy Statements:

- Resolution No. 90-56 – Support legislation that creates flexibility for the use of all available State revenues for the maintenance and improvement of highway and mass transit projects without reducing funds for other state programs.
- Resolution No. 97-79 – Support legislation and funding that ensures trucks entering and traveling through California meet U.S. safety and environmental standards.
- Resolution No. 99-66 – Support legislation to allow state and local government agencies to use private architects and engineers thereby supporting the Fair Competition and Taxpayer Savings Act.
- Resolution No. 04-23 – Oppose legislation that will limit or impose restrictions on the City compromising its ability to properly control, operate and maintain SR 79N and SR 79S.
- Resolution No. 04-54 – Support legislation and funding for federal transportation infrastructure and programs. (2015 – Support SB 16 (Beall): Transportation Funding)
- Resolution No. 04-127 – Support legislation and funding to improve local, state and federal infrastructure including highways, bridges, railways, transit systems, airports, harbors, water, and wastewater systems.
- Resolution 09-36 – Support legislation and funding for the Federal Safe Routes to School (SRTS) program pursuant to the Safe, Accountable, Flexible, Efficient Transportation Equity Act, including funding for crossing guards, engineering improvements around schools, traffic calming measures, improved street crossings, sidewalks, bike lanes, and walkways to create safer routes to school.
- Resolution No. 07-26 – Support legislation providing expedited review of projects by the Department of Transportation where local funds have been contributed towards a state highway project by local or regional agencies.
- Minute Order (3/25/14) – Support legislation and funding that provides for bicycle and pedestrian infrastructure.

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Randi Johl, Director of Legislative Affairs/City Clerk

DATE: January 13, 2026

SUBJECT: Approve Annual City Council Protocol Manual for Calendar Year 2026

PREPARED BY: Randi Johl, Director of Legislative Affairs/City Clerk

RECOMMENDATION: That the City Council adopt a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPTING THE CITY COUNCIL PROTOCOL MANUAL RELATED TO POLICIES GOVERNING THE OPERATIONS OF THE CITY COUNCIL

BACKGROUND: On July 14, 2020, the City Council approved the creation of a City Council Protocol Manual as a part of its multi-phased, multi-year Race, Equity, Diversity and Inclusion (REDI) Initiative. On July 13, 2021, the City Council approved the general policy content of the City Council Protocol Manual. The City Council adopted its first five policies on September 28, 2021 and a revised policy on March 23, 2023. On January 10, 2023, the City Council approved a Public Recognitions Policy and appointed an ad hoc City Council Protocol Manual subcommittee to guide staff in the preparation of additional policies for adoption in a completed manual. On March 14, 2023 the City Council adopted a revised policy related to agenda placement. On May 23, 2023, the City Council adopted three policies related to General Law City, Council-Manager Form of Government, and Role of Mayor, Mayor Pro Tempore and Council. The Selection of Mayor and Mayor Pro Tempore policy was not adopted. On October 24, 2023, the City Council adopted five policies related to Use of City Letterhead and Seal, Complimentary Ticket Use and Reporting, Use of Systems, Electronic Communications and Technology Resources, State Mandated Training and Conflict of Interest Laws. On November 14, 2023, the City Council adopted the four policies related to Appointments to Internal/External Committees, Compensation and/or Stipend, Code of Ethics, and Elected Official Travel and Reimbursement. On October 22, 2024, the City Council adopted a policy related to the reviewing of Budget, Fees, and Other Financial Matters. As of October 22, 2024, the City Council Protocol Manual consists of 19 policies. AB 707 was adopted in 2025 and makes changes in the procedures for public participation at Council Meetings beginning on July 1, 2026. Prior to that time the City Council will need to modify certain policies and procedures, including Policy No. 6, Public Participation. It is recommended that the City Council adopt the annual City Council Protocol Manual.

FISCAL IMPACT: None

ATTACHMENTS: 1. Resolution
2. City Council Protocol Manual

CITY OF TEMECULA

CITY COUNCIL PROTOCOL MANUAL



Temecula
The Heart of Southern California Wine Country

UPDATED JANUARY 13, 2026

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POLICY NO. 1

GENERAL LAW CITY

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	General Law City
Policy No.	1
Approved:	May 23, 2023
Revised:	N/A

PURPOSE:

The purpose of this City Council policy is to reaffirm adherence to and acknowledgment of the City of Temecula as a general law city and include said policy in the City Council Protocol Manual.

POLICY:

The policy of the City Council with respect to the subject matter listed in the above-referenced title is as follows:

Adherence to and Acknowledgment of the City of Temecula as a General Law City

Local government agencies are established through the California Government Code and Article XI of the California Constitution. Local government agencies include counties, cities, special districts, and other regional bodies. The City of Temecula is a local government agency pursuant to these laws and incorporated as such on December 1, 1989. Cities provide essential and general services and programs for their residents such as health and safety and parks and recreation.

Article XI, § 3 of the Constitution of California specifically provides for the creation of city government. As of the date of adoption of this policy, there are 482 incorporated cities in the State of California. Government Code §34100 et seq. sets forth the two types of cities - general law and charter. General law cities, the most common form, are governed by the California Government Code and other statutes. Charter cities, consisting of approximately one-quarter of the cities in California, are governed by their adopted charter. Matters deemed to be of "statewide concern" by the State of California, may be governed by statute irrespective of general law or charter designation.

The City of Temecula is a general law city existing and operating pursuant to the laws set forth in the California Constitution, California Government Code, and other relevant statutes.

POLICY NO. 2

COUNCIL-MANAGER FORM OF GOVERNMENT

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	Council-Manager Form of Government
Policy No.	2
Approved:	May 23, 2023
Revised:	N/A

PURPOSE:

The purpose of this City Council policy is to reaffirm that the City of Temecula operates as a council-manager form of government and include said policy in the City Council Protocol Manual.

POLICY:

The policy of the City Council with respect to the subject matter listed in the above-referenced title is as follows:

Operation as a Council-Manager Form of Government

The council-manager form of government is the most common type of governance structure amongst cities in the United States. Under this form of government, residents elect a governing body (city council) to adopt legislation and set policy. The governing body then hires a manager or administrator with broad executive authority to carry out those policies and oversee the local government's day-to-day operations. This structure is similar to that of a corporation in the private sector whereby a board of directors sets forth policy and a chief executive officer implements such policy.

The council-manager form of government recognizes the critical role of elected officials as policy makers, who focus on mapping out a collective vision for the community and establishing the policies that govern it. The form also recognizes the need for a highly-qualified individual who is devoted exclusively to the delivery of services to residents. Under the council-manager form, there is a clear distinction between the administrative role of the manager and the political and policy roles of the governing body. The operations of the local government organization reside with the appointed manager, allowing elected officials to devote their time and energy to policy development and the assessment of the effectiveness of those policies within the community.

Government Code Section §34851 et seq. sets forth the process by which a council-manager form of government may be established in California. Temecula Municipal Code § 2.12 et. seq., adopted pursuant to the aforementioned code section, sets forth the specific duties, powers, and responsibilities of a city manager in relation to their service to the City of Temecula.

The municipal structure of the City of Temecula is a council-manager form of government operating pursuant to the laws set forth in the California Government Code and Temecula Municipal Code.

POLICY NO. 3

ROLE OF MAYOR, MAYOR PRO TEMPORE AND CITY COUNCIL

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	Role of Mayor, Mayor Pro Tempore and City Council
Policy No.	3
Approved:	May 23, 2023
Revised:	N/A

PURPOSE:
The purpose of this City Council policy is to reaffirm the role of the Mayor, Mayor Pro Tempore and City Council and include said policy in the City Council Protocol Manual.

POLICY:
The policy of the City Council with respect to the subject matter listed in the above-referenced title is as follows:

Role of Mayor, Mayor Pro Tempore and City Council

The City of Temecula is a general law city, operating as a council-manager form of government, with a five-member, non-partisan legislative body. The legislative body is referred to as the city council. Each council member is directly elected by the registered voters of their district. The positions of mayor and mayor pro tempore are ceremonial in nature and not directly elected. The city council selects the mayor and mayor pro tempore amongst themselves and the positions typically serve a calendar year.

The mayor is the public face of the community who presides at meetings, facilitates communication and understanding between elected and appointed officials and the public, and assists the legislative body in setting goals and advocating policy decisions. The mayor facilitates discussion and decision-making on important topics. The mayor pro tempore assists the mayor in fulfilling their role and presides in the absence of the mayor as needed.

The primary role of the city council is to engage with the community to determine needs and in response provide policy direction to ensure a high quality of life for all. The city council exercises its authority and sets policy through an ordinance, resolution, or minute order capturing its collective action on a variety of topics such as health and safety, fiscal stability, and growth and sustainability. The city council also adopts the annual budget, appoints members to its advisory boards and commissions, and manages the positions of the city manager and city attorney. All other employees in the City of Temecula remain the management responsibility of the city manager and department directors appointed by the city manager. General day-to-day operations remain under the purview of the city manager appointed by the city council.

The above reaffirms the role of the mayor, mayor pro tempore, and city council in the City of Temecula, a general law city with a council-manager form of government.

POLICY NO. 4

CODE OF CONDUCT

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	**Code of Conduct**
Policy No.	**4**
Approved:	**September 28, 2021**
Revised:	**N/A**

PURPOSE:
The purpose of this City Council policy is to provide for considerate and thoughtful civil discourse through which respectful dialogue can occur in the best interest of the community.

POLICY:
The policy of the City Council with respect to the matter listed in the above-referenced title is as follows:

1. Elected and Appointed Officials' Conduct with One Another
Elected officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Notwithstanding this diversity, all have chosen to serve in public office in order to preserve and protect the high quality of life of the community. Even in the face of adversity and differences of opinion, this common goal is acknowledged and remains at the forefront.

1(a). In Public Meetings

Formal titles and professional appearance
Elected officials will refer to one another formally during public meetings, such as Mayor, Mayor Pro Tempore, Chair, or Council Member followed by the individual's last name. Council Members shall present a professional appearance in all public meetings.

Civility and decorum in discussions and debate
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. While public officials have a right to state their opinions, public officials should set an example and refrain from personal, slanderous, threatening, abusive, or other disparaging comments. Shouting or physical actions that could be construed as threatening will not be tolerated.

Role of Mayor in maintaining order
It is the responsibility of the Mayor to keep the comments of members on track during public meetings. Members should honor efforts by focusing discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in the City Council Rules of Order.

Effective problem-solving approaches

Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Outside of official meetings, individual members represent themselves and not the City as a whole unless specifically authorized to do so by law or City Council policy. In private settings, members may communicate their individual viewpoints and opinions unless otherwise prohibited by law. In public, all members should strive to represent the official policies or positions of the City and City Council, although both the majority and minority viewpoint reflected in discussion may be shared or reported on.

1(b). In Private Encounters

Respectful behavior in private

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Insecurity of written notes, voicemail messages, and e-mail

Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

Private conversations with a public presence

Elected officials are always on display and should be aware that their actions, mannerisms, and language are monitored by people around them that they may not know and may be shared with others unbeknownst to them.

2. Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected officials, and staff who implement and administer City Council direction and policy. Every effort should be made to show mutual respect for the contributions made by all for the betterment of the community.

Staff as professionals

The general expectation for all is clear and honest communication respecting the abilities, experience, and dignity of each individual. Contrary behavior towards staff is not acceptable.

Public criticism of employees

Elected officials should refrain from expressing concerns about individual employee conduct or performance in public, to the employee directly, or to the employee's manager. Such comments should be shared with the City Manager directly through private correspondence or conversation.

Involvement in administrative functions

In accordance with Section 2.12.080 of the Temecula Municipal Code, elected officials should not attempt to influence staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, granting of City licenses and permits, or any other administrative functions or operations of the City that fall within the purview of the City Manager.

Requests for staff support

Routine administrative support is provided to all Council Members. The Executive Assistant or others designated in the City Manager's Office, open and distribute mail, manage calendars and scheduling of meetings, and perform other similar administrative tasks for the City Council. Requests for additional staff support should be made to the City Manager directly to ensure proper allocation of resources.

Solicitation of political support

Elected officials shall not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace without utilizing any City equipment and/or resources.

3. Elected and Appointed Officials' Conduct with the Public

3(a). In Public Meetings

Making the public feel welcome is an important part of the democratic process. Every effort should be made to be fair and impartial in listening to public testimony. While questions of clarification may be asked, the elected official's primary role during public testimony is to actively listen.

Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of elected officials. To express an opinion prior to the close of debate or a public hearing casts doubt on the ability to obtain a fair review of the issue. This is particularly important when officials are serving in a quasi-judicial capacity and in these cases Council Members shall not express an opinion on the matter prior to the completion of the public hearing or receive evidence on the matter outside of the public hearing.

Asking for clarification and avoiding debate

Only the Mayor can interrupt a speaker during a presentation. However, a Council Member can ask the Mayor for a point of order if the speaker is off the topic or exhibiting disruptive behavior. It is the responsibility of the Mayor to remain calm at all times, keep the speaker focused, and maintain the order and decorum of the meeting. The Mayor and all members of the City Council should follow the City Council Rules of Order in conducting public meetings and the City Attorney is present to make any final rulings on meeting procedures if needed.

3(b). In Unofficial Settings

Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.). It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other members, their opinions and actions. Members shall refrain from expressing any opinions related to quasi-judicial land use matters in all unofficial settings as such discussions must occur in public meetings for the official record. Unofficial settings include internet and social media platforms (i.e., Facebook, Twitter, blogs, etc.)

4. Enforcement

The Code of Conduct expresses standards of conduct expected for members of the Temecula City Council. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of local government. Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose committee assignments, or have other official representation on behalf of the City restricted. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by the Council.

POLICY NO. 5

RULES OF ORDER FOR PUBLIC MEETINGS

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	**Rules of Order for Public Meetings**
Policy No.	**5**
Approved:	**September 28, 2021**
Revised:	**N/A**

PURPOSE:

The purpose of this City Council policy is to ensure that the business of the people that is conducted at a public meeting is done so in a clear, concise and orderly manner.

POLICY:

The policy of the City Council with respect to the subject matter listed in the above-referenced title is as follows:

Obtaining the Floor. Any Council Member wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Council Member who seeks the floor when that Council Member is appropriately entitled to do so.

Council Discussion. Following the staff report and public comments on an item, the Council may discuss the matter before a motion is made.

Motions. The Mayor or any member of the Council may call for action on any matter before the Council by making a motion. Before the motion can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Mayor shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Council Member properly recognized by the Mayor. Once the motion has been fully debated and the Mayor calls for a vote, no further debate will be allowed. However, Council Members may be allowed to explain their vote.

Council Questions Only During Staff Report or Public Comment. Council participation during the presentation of public testimony or staff reports shall be limited to questions asked at the conclusion of the testimony. No general discussion should be permitted until the testimony has been completed. Council discussion not relevant to the agenda item should be reserved for the City Council Reports portion of the agenda.

Voting. If the vote is a voice vote, the Mayor shall declare the result and note for the record all yes votes and all no votes. The Council may also vote by roll call or electronically. Regardless of the manner of voting, the results reflecting all yes and no votes and the Council Members who cast them must be clearly set forth in the minutes of the meeting. No secret ballots are allowed. To be adopted, a motion requires the yes vote of a majority of the quorum present, unless the vote of three Council Members is required

by statute, ordinance, or resolution. If a member is disqualified from voting, the member shall not participate in the consideration of the matter and shall not be counted for the purpose of the quorum. In addition, as required by the Fair Political Practices Act and regulations the member shall leave the dais and the Council chamber during the consideration of the matter, except for matters on the Consent Calendar. If, however, the matter is being considered on the Consent Calendar and has not been removed from the Consent Calendar, the Council Member may remain on the dais and disclose the reason for disqualification. A disqualified Council Member may speak on the matter as a private citizen, but only to the limited extent allowed by the Section 18702.5 of the Regulations of the Fair Political Practices Commission, or its successor sections. A tie vote means no action has been taken on the motion.

Procedural Rules of Order. Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the Mayor or any Council Member at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are not debatable; the last three are debatable.

Subsidiary Motions.

Lay on the Table. Any Council Member may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. To bring the matter back before the Council, a motion must be adopted that the matter be taken from the table. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next meeting of the Council. Otherwise the motion that was tabled dies, although it can be raised later as a new motion. A motion to lay on the table is not debatable.

Move Previous Question. Any Council Member may move to immediately bring the question being debated by the Council to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A majority vote of the quorum present is required for passage. A motion to move previous question is not debatable.

Limit or Extend Limits of Debate. Any Council Member may vote to put limits on the length of debate. The motion must be made and seconded and requires a majority vote of the quorum present to pass. A motion to limit or extend limits of debate is not debatable.

Postpone to a Time Certain. Any Council Member may move to postpone debate and action on a motion to a date and time certain. A motion to postpone to a time certain is debatable.

Commit or Refer. Any Council Member may move that the matter being discussed should be referred to staff, a committee, or a commission for further study. The motion may contain directions for the staff, committee, or commission, as well as a date upon which the matter will be returned to the Council's Agenda. If no date is set for returning the item to the Council Agenda, any Council Member may move, at any time, to require that the item be returned to the Agenda. A motion to commit or refer is debatable.

Amend. Any Council Member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to the amendments must first be acted upon. An amendment must be related to the main motion or amendment to which it is

directed. Any amendment that substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the Mayor. A motion to amend is debatable.

Motions of Privilege, Order, and Convenience. The following actions by the Council are to ensure orderly conduct of meetings and are for the convenience of the Mayor and Council Members. These motions take precedence over any pending main or subsidiary motion and may be debated except as noted.

Call for Orders of the Day. Any Council Member may demand that the agenda be followed in the order stated therein. No second is required, and the Mayor must comply unless the Council, by majority vote, sets aside the agenda order of the day.

Request for Privilege. Any Council Member, at any time during the meeting, may make a request of the Mayor to accommodate the personal needs of the Council for such things as reducing noise, adjusting room temperature, ventilation, etc. The validity of the request is ruled on by the Mayor.

Recess. Any Council Member may move for a recess. No second is required, and the Mayor must comply unless the Council, by majority vote, sets aside the motion.

Adjourn. Any Council Member may move to adjourn at any time, even if there is business pending. The motion must be seconded, and a majority vote is required for passage. A motion to adjourn is not debatable.

Point of Order. Any Council Member may require the Mayor to enforce the rules of the Council by raising a point of order. The point of order shall be ruled upon by the Mayor.

Appeal. Should any Council Member be dissatisfied with a ruling from the Mayor, he or she may move to appeal the ruling to the full Council. The motion to appeal requires a second, and the ruling of the Mayor may be overturned by a majority vote of the members present.

Suspend the Rules. Any Council Member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second, and a majority vote is required for passage.

Division of Question. Any Council Member may move to divide the subject matter of a motion which is made up of several parts so that Council Members can vote separately on each part. This motion may also be applied to complex ordinances or resolutions.

Reconsider. Except for votes regarding matters that are quasi-judicial in nature or matters that require a noticed Public Hearing, the Council may reconsider any vote taken at the same meeting, but no later than the same or next regular meeting, to correct inadvertent or precipitant errors or to consider new information not available at the time of the vote.

The motion to reconsider must be made by a Council Member who voted on the prevailing side, must be seconded, and requires a majority vote of the quorum for passage, regardless of the vote required to adopt the motion being reconsidered. If the matter is to be reconsidered at the next regular meeting, a Council Member on the prevailing side must ask the City Clerk to place the matter on the agenda or

otherwise comply with the Government Code. If the matter to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

Rescind, Repeal, or Annul. The Council may rescind, repeal, or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal, or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

Council Authority. The Council shall have the authority to waive provisions of the procedures established by this Resolution unless the procedure is required. Failure of the Council to follow the procedures established by this Resolution shall not invalidate or otherwise affect any action of the Council.

POLICY NO. 6

PUBLIC PARTICIPATION AT MEETINGS

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	**Public Participation at Meetings**
Policy No.:	**6**
Approved:	**September 28, 2021**
Revised:	**TBD**

PURPOSE:

The purpose of this City Council policy is to ensure that the community can formally address their local representatives in a public meeting regarding matters that relate to Council business or citizen concerns within the subject matter jurisdiction of the City Council.

POLICY:

The policy of the City Council with respect to the subject matter listed in the above-referenced title is as follows:

PUBLIC PARTICIPATION IN COUNCIL MEETINGS

Audience Decorum. Members of the audience have the right to express their views about items on the agenda or issues within the jurisdiction of the City subject to the time, place and manner rules described in this Policy. Actions expressing the views of members of the public, such as clapping, whistling; stomping; sign waving are permitted as free speech so long as the actions do not disturb, disrupt, or otherwise impede the orderly conduct of the meeting. The Council expects persons speaking at City Council meetings to do so in a civil manner that promotes the free exchange of ideas and encourages public participation.

Request to Speak Form. Members of the public may address the City Council during Public Comments and before consideration of any agenda item; however, no person shall address the Council without first being recognized by the Mayor. Any person wishing to speak, whether during Public Comments, Consent Calendar, or on an agenda item, shall first complete a Public Comment or Request to Speak form and submit this form to the City Clerk or Deputy City Clerk before the Mayor calls for Public Comments or calls the particular agenda item. A speaker is not required to list his or her name and address, but doing so does helps the Council and staff to provide follow-up information to the speaker if needed. Speakers shall be called in the order their Request to Speak form is received by the City Clerk or Deputy City Clerk.

Speak Only Once. Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law.

Addressing the Council. Comment and testimony shall be directed to the Council through the Mayor. Dialogue between and inquiries from citizens at the podium and individual Council Members, members

of staff, or the seated audience is not permitted. Council Members seeking to clarify testimony or gain additional information should direct their questions through the Mayor.

Public Comments to City Council

Non-Agenda Items and Consent Calendar. The public has right to comment on matters within the jurisdiction of the City that are not listed on the agenda as provided in this Policy. The agenda shall provide for such public comments. Public Comments will be heard at the meeting in the manner noted on the agenda. A maximum of thirty (30) minutes shall be allowed for such public comments. A member of the public who wishes to speak under Public Comments may fill out a Public Comment Request to Speak form and submit it to the City Clerk or Deputy City Clerk before the Mayor calls for Public Comments. Persons may speak under Public Comments for three (3) minutes. Deferral of one speaker's time to another is not permitted.

State law prohibits the City Council from taking action on any item not listed on the agenda unless the Council makes a determination that an emergency exists or that the need to take immediate action on the item arose subsequent to the final posting of the agenda. Council Members or staff members may provide brief response to comments, ask brief questions of the speaker, refer the speaker to staff or another agency, or request that the matter be placed on an agenda in a manner that is consistent with the City Council policy for the placement of items on a future agenda. Council Member or staff responses shall not exceed three (3) minutes each.

Consent Calendar Items. Members of the public who wish to speak on a Consent Calendar item will be allowed to speak for a maximum period of 30 minutes prior to the consideration of the Consent Calendar. Persons may speak on Consent Calendar items for three (3) minutes each. Deferral of one speaker's time to another is not permitted.

Agenda Items. The public has a right to comment on agenda items. A member of the public who wishes to speak on an agenda item may fill out a Request to Speak form and submit it to the City Clerk or Deputy City Clerk before the Mayor calls the agenda item. Subject to the special provisions discussed below for Public Hearings, persons may speak about an agenda item for a maximum of five (5) minutes. Deferral of one speaker's time to another is not permitted. In the event there is a large number of speakers, the Mayor may reduce the maximum time limit for members of the public to speak on the item.

Disruptive Behavior Prohibited at Council Meetings. The Council expects persons speaking at the City Council meeting to do so in a civil manner that promotes the free exchange of ideas and encourages public participation. Any person who engages in behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of any City Council meeting shall, upon an order by the Mayor, or the presiding officer, or a majority of the City Council, be barred from further audience before the City Council during that meeting.

> <u>Examples of disruptive behavior.</u> Examples of behavior that can actually disrupt, disturb, or otherwise impede the orderly conduct of a City Council meeting include, but are not limited to, the following:
>
> (1) Speaking without being recognized by the Mayor or the presiding officer.

(2) Continuing to speak after the allotted time has expired.

(3) Speaking on an item at a time not designated for discussion by the public of that item.

(4) Throwing objects.

(5) Speaking on an issue that is not within the jurisdiction of the City Council.

(6) Speaking to the audience rather than to the City Council.

(7) Interrupting a person who is speaking to the City Council during such person's allotted time.

(8) Preventing a person from speaking to the City Council during such time as is allocated for comments from the public.

(9) Wearing of a mask, costume, disguise or other regalia or paraphernalia that actually disrupts, disturbs or otherwise impedes the orderly conduct of the City Council meeting.

(10) Uttering loud, threatening, or abusive language that actually disrupts, disturbs or otherwise impedes the orderly conduct of the City Council meeting.

(11) Clapping, whistling, stomping feet, and sign waving that actually disrupts, disturbs or otherwise impedes the orderly conduct of the City Council meeting.

Enforcement. The rules of conduct for City Council meetings set forth in this section shall be enforced in the following manner:

(1) *Warning to desist.* Whenever practicable, the Mayor, or the presiding officer, or a majority of the City Council shall give a warning to a person whose behavior is actually disrupting, disturbing or otherwise impeding the orderly conduct of a City Council meeting. The warning shall identify the disruptive behavior and the manner in which the person must comply. A warning shall not be necessary when it would not be effective due to extraordinary circumstances. Examples of extraordinary circumstances in which no warning is required include situations in which a warning would be difficult to hear over the noise of the disturbance; situations involving an immediate threat to public safety such as the throwing of objects or the display of a weapon; and situations involving a person who has been warned about the same type of disruptive behavior at a City Council meeting held within the prior thirty (30) calendar days.

(2) *Recess.* If, after receiving a request from the Mayor, the person persists in violating the rules, the Mayor may order a recess. Any representative of law enforcement who is present at the meeting when the violation occurs shall be authorized to warn the person that his or her conduct is violating the rules and that he or she is requested to cease such conduct.

(3) *Order barring person from meeting*. The Mayor, or the presiding officer, or a majority of the City Council may issue an order barring a person from the remainder of a City Council meeting if such person was warned at that City

Council meeting about disruptive behavior and such person again engages in behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of the meeting. Additionally, the Mayor, or the presiding officer, or a majority of the City Council may issue an order barring a person from the remainder of a City Council meeting without a warning if there are extraordinary circumstances and the person engages in behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of the meeting.

(4) *Removal.* If a person barred from the remainder of a City Council meeting does not voluntarily exit the Council chambers, the Mayor, or the presiding officer, or a City Council majority may direct the Sergeant-at-arms to remove that person from the Council chambers and exclude that person for the remainder of that meeting.

(5) *Clearing the Room*. Pursuant to Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or groups of persons so as to disrupt, disturb or otherwise impede the orderly conduct of such meeting and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, City Council may order that the meeting room may be ordered cleared and the meeting shall continue in session. The motion to clear the room shall be by a vote not less than three members of the City Council in favor. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to Government Code Section 54957.9.

(6) *Violation of the California Penal Code.* A person or persons who substantially impairs the conduct of a City Council meeting by knowingly and intentionally violating these rules of decorum may be prosecuted under Penal Code Section 403 for disturbing a public meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.

Unlawful behavior. The following conduct shall be unlawful:

(1) Engaging in behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of a City Council meeting after receiving a warning at that meeting from the Mayor, or the presiding officer, or a City Council Member.

(2) Refusing to leave the Council chambers after being barred for the remainder of a City Council meeting by the Mayor, or the presiding officer, or a City Council majority.

(3) Returning to the Council chambers before the conclusion of a City Council meeting after being barred for the remainder of that meeting by the Mayor, or the presiding officer, or a City Council majority.

Sergeant-at-arms. The Sheriff, or such members of the Sheriff's Department as he or she may designate, shall attend each Council meeting and shall be Sergeant-at-arms of the City Council unless otherwise directed by the City Manager. The Sergeant-at-arms shall

carry out all lawful orders given by the Mayor, or the presiding officer, or a majority of the City Council for the purpose of maintaining order at City Council meetings. The Sergeant-at-arms shall have the authority and power to enforce the orders of the Mayor, or the presiding officer, or a majority of the City Council relating to the order and conduct of City Council meetings. Any Council Member may move to require the Mayor, or presiding officer, to enforce the rules of conduct and a majority vote of the Council shall require him or her to do so.

Motion to Enforce. If the Mayor fails to enforce the rules of decorum set forth herein, any Council Member may move to require the Mayor to do so, and an affirmative vote of three members of the Council shall require the Mayor to do so. If the Mayor fails to carry out the will of the majority of the Council in this matter, the Council by an affirmative vote of three Council Members may designate another Council Member to act as Mayor for the limited purpose of enforcing the rules of decorum established herein for that meeting.

PUBLIC HEARINGS

Process and Procedures. The City Council conducts Public Hearings on applications, projects, and other matters as required to provide due process of law. The following outlines the process under which Public Hearings will be conducted. Staff will review the application/project/matter, will prepare a staff report, and may make a recommendation or propose alternatives to the City Council prior to the Public Hearing.

A notice of the Public Hearing shall be posted, published, and mailed as required by law and the Temecula Municipal Code. The members of the City Council will receive the staff report for the application/project/matter in the agenda packet prior to the meeting. This provides the Council with an opportunity to study the staff report, which will become part of the hearing record, and to become familiar with the project prior to the Public Hearing. When the Public Hearing is called, staff shall summarize the application/project/matter as contained in the staff report or request a continuance to a future meeting. The City Council may ask questions for clarification. Once the Public Hearing is opened, the applicant/property owner and the appellant is entitled to present the application/project/matter in person or through a representative. Following this presentation, members of the public shall be called upon to speak on the application/project/matter in the order their Request to Speak forms are received by the City Clerk or Deputy City Clerk. Once the members of the public have spoken, the applicant/property owner and the appellant shall be provided an opportunity to rebut any testimony or evidence provided by opponents or by staff. The rebuttal shall be limited to answering or refuting testimony of the public or staff. Following each presentation, members of the City Council may question the speakers. Following rebuttal, the item is then before the City Council for discussion and clarification.

When all parties have been heard and there are no additional requests to speak, the Mayor may close the Public Hearing and any member of the Council may make a motion to:

(1) Reopen the Public Hearing and continue it to a date certain to allow for further study or discussion; or

(2) Adopt the resolution or ordinance for approval or denial of the project, with or without changes, as recommended in the Staff Report; or

(3) Direct Staff to prepare a different resolution or ordinance than the one recommended for adoption on the Consent Calendar at the next regular meeting of the City Council.

The applicant may withdraw the application/project/matter at any time before a vote is taken by the City Council. An appellant may withdraw its appeal at any time prior to the opening of the public hearing.

Speaker Time Limits for Public Hearings

At Public Hearings involving land use matters the property owner or the applicant/property owner has the burden of proof and, therefore, shall be allowed fifteen (15) minutes for an initial presentation by its development team and an additional ten (10) minutes for rebuttal by its development team following the other comments on the matter. The Mayor may allow more time if required to provide due process for the property owner or applicant. An appellant, other than the property owner or applicant, and the spokesperson for an organized group of residents residing within the noticed area of the property which is the subject of the Public Hearing, shall be allowed fifteen (15) minutes to present the appellant's position to the Council. The Mayor may allow more time if required to provide due process for the appellant. All other members of the public may speak during the Public Hearing for a maximum period five (5) minutes each. Deferral of one speaker's time to another is not permitted. In the event there is a large number of speakers, the Mayor may reduce the maximum time limit for members of the public to speak.

Policy Applicable to All Public Meetings of the City. The above-referenced public participation standards of this Policy shall apply to all public meetings of the City including City Council and all commissions, boards and committees of the City.

POLICY NO. 7

AGENDA PLACEMENT BY COUNCIL MEMBERS

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	**Agenda Placement by Council Members**
Policy No.	**7**
Approved:	**September 28, 2021**
Revised:	**N/A**

PURPOSE:

While most agenda items are scheduled through the City Manager's Office based on the administrative and operational needs of the City, the purpose of this City Council policy is to provide for an effective and efficient process through which an individual Council Member may place an item on the agenda.

POLICY:

Request for Placement. Any Council Member, including the Mayor, may request that an item be placed on a future agenda. The Council Member's request will be considered by the City Council under the "Items for Future City Council Agendas" section of the agenda. In making the request, a Council Member may briefly describe the topic of the proposed agenda item and any timing associated with the placement of the item on the agenda. The Council Members description of the requested future agenda item shall not exceed three (3) minutes unless extended by a majority vote of the City Council. No substantive discussion on the subject to be placed on a future agenda of the motion may occur except to explain the general nature of the item and the issue of timing for its placement on a future agenda. While a member of the public may express a desire to place an item on the agenda for consideration, items may only be placed on the agenda by Council Members pursuant to this policy or by the City Manager based on administrative or operational needs of the City.

Response to Request for Placement. In response to such a request to place an item on the agenda by an individual Council Member, the City Council by a majority vote may choose to do any of the following:

(1) Refer the item to the City Manager with specific direction to place the item on the agenda, conduct additional research and/or obtain additional information to report back to the City Council, and/or any other specific direction that the City Council deems appropriate.
(2) Refer the item to the City Council subcommittee most related to the subject matter of the request for additional review and consideration. The relevant Council subcommittee after consideration may place the item on an agenda at their request and/or report back the findings of their consideration at a Council meeting under the "City Council Reports" section of an agenda. At the direction of the subcommittee, the City Manager may also share the general findings in writing as an update to the full City Council.
(3) Take no action. Absent a majority vote of the City Council to refer an item pursuant to (1) and (2) above, the proposed item shall not be placed on a future agenda.

Motion Required. If a motion to refer an item pursuant to (1) and (2) above is made, seconded and approved by a majority vote of the City Council, the proposed item will be processed accordingly through the City Manager. If there is no second, or the motion fails for the lack of a majority, no subsequent action shall be taken on the request.

Time for Discussion and Public Comment

Public comments on the placement of these agenda items shall be limited to a maximum of 30 minutes. Individual comments shall not exceed three (3) minutes. General discussion amongst the City Council on the placement of agenda items listed under the "Items for Future City Council Agendas" section of the agenda shall be limited to 15 minutes.

Timing Direction. If the motion provides specific direction regarding timing, the approved item will be referred and/or placed on a future agenda consistent with that direction. If the motion is silent regarding timing, the approved item will be placed on a future agenda at the earliest reasonable time as determined by the City Manager.

Recurring Requests. Requests by Council Members to add the same agenda item to every subsequent agenda are not permitted. An item may not be reconsidered for placement for a minimum of three (3) months unless approved by a majority vote of the City Council.

POLICY NO. 8

REQUEST FOR INFORMATION AND STAFF TIME

CITY OF TEMECULA

CITY COUNCIL POLICY

Title:	**Requests for Information and Use Staff Time**
Policy No.	**8**
Approved:	**September 28, 2021**
Revised:	**April 23, 2024**

PURPOSE:

The purpose of this City Council policy is to ensure the effective use of staff time to fulfill individual City Council Member requests in balance with implementing the direction of the full City Council.

POLICY:

1. General. Unless circumstances warrant otherwise, communications with staff should occur during normal City business hours. Responses to inquiries and questions should be expected within the next business day where possible.

2. Routine Requests for Information. Council Members may contact Executive Department Directors directly for information made readily available to the general public on a regular basis. Routine requests to provide information that can be fulfilled within a nominal period of time (i.e., status of a resident request, legislation, project timing, copy of existing documents, etc.) will be provided as soon as practicable. Staff shall treat all Council Members the same without preferential treatment and advise the City Manager of information provided as needed.

3. Non-Routine Requests for Information. Non-routine requests are defined as requests for information that exceed **eight (8)** hours or **one** regular business day, as determined by the City Manager, to compile, research, prepare, etc. **Non-routine requests from Council Members must be submitted in writing via email to the City Manager from the requesting member. For future agenda items, no staff time shall be spent on the first step when a member initially presents an idea, up to 8 hours or one full day may be spent on step two when a majority of the City Council has placed the item on the agenda, and an unlimited amount of time may be spent on related work thereafter including in subcommittees.** Non-routine requests shall require the approval of the majority of the City Council. Non-routine requests may be placed on the agenda by the City Manager as an administrative or operational item under the Consent Calendar or Business section of the agenda to obtain such approval. The responsive information to non-routine requests will be distributed to the full City Council by way of written notification, as a future agenda item, or such other manner as determined by the City Manager. The City Manager retains the ability to bring any item to the full City Council irrespective of time constraints. The City Manager also retains the ability in the aggregate to perform work in response to individual City Council Member requests based on overall time and resource allocation.

4. Meeting Requests. Any Council Member requests for meetings with staff must be directed through the City Manager and/or relevant Executive Department Director, as appropriate.

POLICY NO. 9

PUBLIC RECOGNITIONS POLICY

CITY OF TEMECULA

CITY COUNCIL POLICY

Title:	**Public Recognitions Policy**
Policy No.	**9**
Approved:	**January 10, 2023**
Revised:	**N/A**

PURPOSE:

The purpose of this City Council policy is to ensure an effective and efficient process for the consideration and conduct of various public recognitions by the City Council.

POLICY:

The policy of the City Council with respect to the subject matter listed in the above-referenced title is as follows:

Public Recognitions Ad Hoc Subcommittee

A subcommittee shall be appointed annually as part of the City Council subcommittee review and selection process in January. To the extent possible, the subcommittee shall include both short and long tenured members of the City Council. The subcommittee will consider all public recognitions that include a nomination component (Community Leader Award of Distinction, Council Member Award of Recognition Upon Retirement, Wall of Honor, and Memorial, Monument and/or Facility Naming). The subcommittee will consider all nominations in a calendar year together and make recommendations to the full City Council. The subcommittee will function similarly to other ad hoc subcommittees that consider items on a calendar year basis.

Standard Certificates of Recognition

Standard certificates of recognition may be provided at the request of City residents, community leaders, businesses, nonprofit organizations, and/or Council Members. Standard certificates shall include those designated in the chart below. Such certificates shall be presented on behalf of the City of Temecula and shall be signed by a single signatory in the following order: (1) Council Member attending a related event, (2) Mayor, (3) Mayor Pro Tempore, or (4) Council Member designated by the Mayor.

1	Certificate of Achievement	Student of the Month, Student of the Year, Girl Scouts, Eagle Scouts, Student Sports and Competitions, Youth in Government	Common / Monthly
2	Certificate of Appreciation	Former Board and Commission Members, Meeting Entertainment	Common
3	Certificate of Commendation	Acts of Bravery, Heroism (Resident Assistance in Emergency Circumstances), Veterans	Rare

4	Certificate of Congratulations	$25^{th}/50^{th}/75^{th}/100^{th}$ Birthdays, Wedding Anniversaries, Retirements	Rare
5	Certificate for Grand Opening / Ribbon Cutting	New Businesses / New Owners / Chamber of Commerce (Economic Development Requests)	Common
6	Certificates of Recognition	Miscellaneous – Noteworthy Residents, Non-Profits, Foundations, Chamber Gala	Common
7	Certificate of Remembrance	In Memoria, Adjournments	Rare
8	Certificate of Welcome	Sister City Dignitaries	Rare

Proclamations

Proclamations may be provided at the request of residents, businesses, nonprofit organizations and/or Council Members. The City Council shall approve annually a list of proclamations proposed to be issued for the calendar year. Unless three or more Council Members pull a proclamation from the list indicating exclusion, all proclamations on the annual list shall be issued for presentation via mail or in-person as requested. Proclamations shall be presented on behalf of the City of Temecula and shall be signed by a single signatory in the following order: (1) Mayor, (2) Mayor Pro Tempore, or (3) Council Member designated by the Mayor.

1	Proclamation	Day, Week or Month of Observation Consistent with Regional, State and/or National Recognition for Public Awareness / Education Purposes	Common
2	Proclamation – Person	Recognition of Day in Celebration of a Person (Council Member, Founding Member)	Rare

Pins and Medals

Pins and medals may be provided at the request of residents, businesses, nonprofit organizations and/or Council Members. Pins and medals shall include those designated in the chart below. Pins and medals shall be accompanied by a related certificate and shall be presented via mail or in-person as requested. Pins and medals shall be presented on behalf of the City of Temecula and any related certificate shall be signed by a single signatory in the following order: (1) Mayor, (2) Mayor Pro Tempore, or (3) Council Member designated by the Mayor.

1	Boy Scout / Girl Scout	Eagle Scout, Bronze/Silver/Gold Award, or Similar Noteworthy Accomplishment	Common
2	Hero's Medal and Pin	Acts of bravery and courage in the service of others	Rare

Community Leader Award of Distinction

A Community Leader Award of Distinction may be provided to a resident and/or nonprofit or business affiliate upon recommendation of the Public Recognitions Subcommittee. Such award is rare and therefore shall be presented on behalf of the City of Temecula in-person at a City Council meeting. Any

related certificate shall be signed by all Council Members. To be eligible for such an award, a nominee must meet the following criteria:

Criteria

1. Nomination Form – The requisite nomination form, with supporting documentation, is submitted to the City Clerk's Office pursuant to instructions by the relevant deadline.
2. Contributions – The contributions and proof of impact of the nominee, as illustrated in the nomination packet, are well known and recognized by a significant segment of the community and their respective industry (education, nonprofit, business).
3. Subcommittee Consideration – The nominee received a recommendation for recognition by the full City Council from the Public Recognitions Ad Hoc Subcommittee.
4. Public Recognition – During an in-person recognition at a City Council meeting, the nominee will receive a framed award signed by all Council Members, a swag bag from the City, and other recognitions from the community/industry as they deem appropriate.

Council Member Award of Recognition Upon Retirement

A Council Member Award of Recognition Upon Retirement shall be provided to retiring Council Members as indicated below. Such recognition is rare and therefore shall be presented on behalf of the City of Temecula in-person at a City Council meeting. Any related certificate shall be signed by all Council Members. To be eligible for such an award, a nominee must meet the following criteria:

Criteria

1. Internal Form – The requisite recognition form, with supporting documentation, is submitted by relevant staff to the City Clerk's Office pursuant to instructions by the relevant deadline.
2. Service – The subject Council Member has completed a minimum of one full-term if elected or the whole of an unexpired term if appointed.
3. Subcommittee Consideration – The subject Council Member received a recommendation for recognition by the full City Council from the Public Recognitions Ad Hoc Subcommittee.
4. Public Recognition – The subject Council Member receives recognition based on tenure with optional community recognitions at th meeting. While Board and Commission service is noted as part of the presentation, it is not counted towards years of service for purposes of recognition categories below:

A. One Term (4 Years) – The subject Council Member receives an engraved plaque with years of service, a commemorative street sign, and a swag bag from the City.

B. Two – Three Terms (8-12 Years) – The subject Council Member receives an engraved plaque with years of service, a framed proclamation recognizing member's retirement date as Member's Day, a commemorative street sign, and a swag bag from the City.

C. Four Terms and Beyond (16+ Years) – The subject Council Member receives a shadow box with a key to the City, a proclamation recognizing member's retirement date as Member's Day, a commemorative street sign, and a swag bag from the City.

Wall of Honor

A Wall of Honor recognition may be provided to any deserving individual (i.e., resident, service club member, former Council Member, Commissioner or staff, nonprofit or business affiliate, etc.) upon recommendation of the Public Recognitions Subcommittee. Such recognition is rare and therefore shall be presented on behalf of the City of Temecula in-person at a City Council meeting. Any related certificate

shall be signed by all Council Members. To be eligible for such a recognition, a nominee must meet the following criteria:

Criteria

1. Nomination Form – The requisite nomination form, with supporting documentation, is submitted to the City Clerk's Office pursuant to instructions by the relevant deadline.
2. Contributions – The contributions and proof of impact of the nominee, as illustrated in the nomination packet, have extended beyond a 10 year period of time, are well known, and recognized by a significant segment of the community and/or their respective industry (education, nonprofit, business).
3. Subcommittee Consideration – The nominee received a recommendation for recognition by the full City Council from the Public Recognitions Ad Hoc Subcommittee.
4. Public Recognition – During an in-person recognition at a City Council meeting, the nominee will receive a framed award signed by all Council Members and the nominee's name will be incorporated into the perpetual Wall of Honor plaque located at City Hall.

Memorial, Monument and/or Facility Naming

A memorial, monument and/or facility naming recognition may be provided to any deserving individual (i.e., resident, service club member, former Council Member, Commissioner or staff, nonprofit or business affiliate, etc.) upon recommendation of the Public Recognitions Subcommittee. Such recognition is rare and therefore shall be presented on behalf of the City of Temecula in-person at the site of the thing and/or place to be named. Any related certificate shall be signed by all Council Members. To be eligible for such a recognition, a nominee must meet the following criteria:

Criteria

1. Nomination Form – The requisite nomination form, with supporting documentation, is submitted to the City Clerk's Office pursuant to instructions by the relevant deadline.
2. Contributions – The contributions and proof of impact of the nominee, as illustrated in the nomination packet, have extended beyond a 20 year period of time, are well known, and recognized by a significant segment of the community and/or their respective industry (education, nonprofit, business). Such contributions exceed all other contributions in community value such that there is no other public recognition that can be applied.The 20 year period of time is subject to review and adjustment by the full City Council.
3. Subcommittee Consideration – The nominee received a recommendation for recognition by the full City Council from the Public Recognitions Ad Hoc Subcommittee.
4. Public Recognition – During an in-person recognition, the nominee will receive a framed award signed by all Council Members and the nominee's name will be incorporated into the subject memorial, monument and/or facility.

Miscellaneous

The following non-standard recognitions shall not have a political, religious, lifestyle, and/or commercial association: Community Leader Award of Distinction, Wall of Honor, Memorial, Monument, and/or Facility Naming. In addition, Resolutions of Principle, defined as statements in which an organization describes its collective beliefs, values, and intentions towards a particular topic(s), will not be issued by the Council and are not included as a part of this policy.

POLICY NO. 10

USE OF CITY LETTERHEAD AND SEAL

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	**Use of City Letterhead and Seal**
Policy No.	**10**
Approved:	**October 24, 2023**
Revised:	**N/A**

PURPOSE:
The purpose of this City Council policy is to set forth clear guidelines for the use of City letterhead and seal for official City business. The use of City letterhead and seal for any other purpose is prohibited.

POLICY:
The policy of the City Council with respect to the matter listed in the above-referenced title is as follows:

City Letterhead
City letterhead shall be used to convey official City business. Council Member correspondence written on City letterhead may reflect a majority position of the Council and/or an individual Council Member's position. For example, City letterhead may be used to convey a collective position of the City Council on legislation, signed by the Mayor on behalf of the City Council. In addition, an individual Council Member, under their individual signature, may use City letterhead to support and/or oppose legislation. Any use of City letterhead shall clearly reference whether the correspondence is being sent on behalf of the members collectively or an individual member. All Council Member correspondence using City resources shall be copied to the full Council.

City Seal
Pursuant to Government Code Section 40811 the City Clerk is the custodian of the City Seal. Temecula Municipal Code Section 1.12.020 states "The city clerk shall have custody and charge of the City Seal and such other insignia that may from time to time be adopted pursuant to this code. Except as provided by this code, any seal, insignia or other symbol officially adopted for use by the City shall not be affixed to any instrument without the special warrant of the City Clerk therefore." Use of the City Seal is limited to official City business (i.e., official documents) and representation of the City as a whole. Individual use of the City Seal is prohibited.

POLICY NO. 11

COMPLIMENTARY TICKET USE AND REPORTING

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	**Complimentary Ticket Use and Reporting**
Policy No.	**11**
Approved:	**October 24, 2023**
Revised:	**N/A**

PURPOSE:

The purpose of this City Council policy is to set forth the use and reporting requirements affiliated with a complimentary ticket policy. The Political Reform Act, codified in the California Government Code, requires City officials and those employees designated in the City' s conflict of interest code to report gifts valued at $50 or more on their Statement of Economic Interests (Form 700). The regulating agency is the Fair Political Practices Commission (FPPC). FPPC Regulation 18944.1 provides that a ticket or pass provided to such persons by the City and distributed and used in accordance with an adopted written policy that meets the requirements of Regulation 18944.1 is not a gift under the Political Reform Act. The City adopted a Complimentary Ticket Policy in January 2009 and amended it in January 2016 and December 2019.

POLICY:

The policy of the City Council with respect to the matter listed in the above-referenced title is attached as Exhibit A.

EXHIBIT A

POLICY

EXHIBIT A

RESOLUTION NO. 19-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA UPDATING THE CITY'S COMPLIMENTARY TICKET POLICY

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council finds and determines as follows:

A. The Political Reform Act requires City officials and those employees designated in the City's conflict of interest code to report gifts valued at $50 or more on their Form 700. FPPC Regulation 18944.1 provides that a ticket or pass provided to such persons by the City and distributed and used in accordance with an adopted written policy that meets the requirements of Regulation 18944.1 is not a gift under the Political Reform Act.

B. The City adopted a Complimentary Ticket Policy in January 2009 and amended it in January 2016. The City must again amend the Complimentary Ticket Policy in order to update it to comply with revised FPPC Regulations.

Section 2. The City Council hereby approves the "Complimentary Ticket Policy," attached hereto as Exhibit A, that amends and restates the Policy. The Complimentary Ticket Policy approved by this Resolution supersedes all previous versions of the policy.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 10th day of December, 2019.

Michael S. Naggar, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 19-72 was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 10th day of December, 2019, by the following vote:

AYES:	5	COUNCIL MEMBERS:	Edwards, Rahn, Schwank, Stewart, Naggar
NOES:	0	COUNCIL MEMBERS:	None
ABSTAIN:	0	COUNCIL MEMBERS:	None
ABSENT:	0	COUNCIL MEMBERS:	None



Randi Johl, City Clerk

CITY OF TEMECULA

COMPLIMENTARY TICKET POLICY

1. Purpose. This policy governs the distribution of complimentary tickets or passes received by the City, or at the behest of a City Official or City Employee, to a facility, event, show or performance for entertainment, amusement, recreational or similar purposes (the "Event"). Many of the rental agreements for the various musical and theatrical performances taking place at the Old Town Temecula Community Theater or other City-owned venues ("City Venues") require that booking entities provide a limited number of complimentary tickets to the City for performances. Additionally, the City is a sponsor of many other events in the community providing funds for the event or in-kind services to support the event ("City Sponsored Events"). The organizers of these specific events and other events within the City and County often provide the City with complimentary tickets to the event. The purpose of this Policy is to establish a fair and equitable process for the distribution of complimentary tickets to the City in compliance with the requirements of Section 18944.1 of the Fair Political Practices Commission Regulations. This Policy is subject to all applicable FPPC Regulations and the Political Reform Act, as now exist or may hereafter be added or amended, including, without limitation, definitions. (These regulations can be found at Title 2 of the California Code of Regulations and will be referred to as "FPPC Regulation").

2. Distribution of Complimentary Tickets by the City. The City shall have sole discretion to determine who shall receive the complimentary tickets for Events that are provided to the City.

A. The City Manager may provide two (2) complimentary tickets for each City Council Member and Commission Members ("City Officials") for an Event. An Event shall only include one performance during each engagement at the City Venues or for the City-Sponsored Event or other Event. "Commission Members" shall mean members of the Planning Commission, Community Services Commission, Public/Traffic Safety Commission, and Old Town Local Review Board, and other commissions or boards established by the City Council.

1) The tickets shall be used by the City Official, his or her immediate family or no more than one guest solely for their personal use. The City Official receiving complimentary tickets shall not transfer a ticket to any other person, except to members of the City Official's immediate family or no more than one guest solely for their attendance at the Event.

2) The public and governmental purpose of providing the complimentary tickets to City Officials for an Event is to enable them to advertise and promote the City of Temecula, to monitor and evaluate the City Venues and the quality of performances and to monitor and evaluate the value of the City-Sponsored Event to the City and their compliance with City policies, agreements and other requirements.

3) City Officials may purchase at face value additional tickets to performances at the City Venues or to the City Sponsored Event, but no more than two complimentary tickets or passes will be provided as described in this Section.

4) If complimentary tickets are provided to a City Official for an Event at which the City Official performs a ceremonial role, the ticket is not a gift but shall be reported as provided in this Policy.

B. The City Manager may distribute two (2) complimentary tickets for a performance at a City Venue or a City Sponsored Event or other Event to a City Employee on an equitable basis. The tickets shall be used by the City Employee, the City Employee's immediate family or no more than one guest solely for their personal use.

1) The City Employee receiving the complimentary tickets shall not transfer the complimentary tickets, except to members of the City Employee's immediate family or no more than one guest solely for their attendance at the Event.

2) The purpose of providing the complimentary tickets to a City Employee is to enable the employee to advertise and promote the City of Temecula, to monitor and evaluate the City Venues and the quality of performances, evaluate the value of the City-Sponsored Event to the City and its compliance with City policies, agreements and other requirements, and to enhance employee morale.

C. The City Manager may distribute complimentary tickets for an Event to non-profit community service groups who have received or are eligible for Community Service funding from the City.

D. The City Manager may distribute complimentary tickets for an Event to persons participating in recreational, educational or cultural programs administered by the City or for other lawful purposes; provided, however, that complimentary tickets shall only be distributed to City Officials and City employees, their immediate family or no more than one guest in accordance with this Policy.

E. Complimentary tickets to Events shall be distributed to City Officials and City Employees under procedures designated by the City Manager, provided the manner of distribution conforms to this Policy and can be documented and reported as required by this Policy.

F. Any complimentary tickets for City Venues which are not distributed under this Policy may be sold by the City to the public.

G. Complimentary tickets distributed to those persons described in this Policy shall not be transferred except as provided in this Policy and shall not be sold.

H. If the public purpose cited for the use of tickets involves the oversight or inspection of facilities, the City Official or City Employee must document the public purpose by submitting a written inspection report of findings and recommendations to be provided to the City Clerk.

I. The disproportionate use of tickets or passes by a City Official, City Manager, or a member of the Executive Staff is prohibited.

J. The attendance of a City Employee at an Event for the purpose of carrying out the employee's job duties or for the purpose of providing services on behalf of the City for the Event,

shall not be deemed to be the distribution of a complimentary ticket and does not need to be reported as otherwise provided in this Policy.

K. Except for the provisions outlined in this Policy, this Policy shall in no way restrict or prohibit the Staff at the Old Town Temecula Community Theater from issuing complimentary tickets in compliance with the normal and customary business practices associated with promoting theatrical events and concerts to the general public. The public and governmental purposes of providing these complimentary tickets is to promote and advertise the City of Temecula and, particularly the Old Town Temecula Community Theater, to the public and the entertainment community and to develop quality entertainment for the Theater.

3. Complimentary Tickets Under this Policy Not Subject to Gift Regulations; Other Benefits Could Be Gifts.

A. The distribution of complimentary tickets pursuant to this Policy shall not constitute a "gift" to a City Official or City Employee pursuant to the terms of FPPC Regulation 18940; provided, however, that other benefits, such as food or beverage or other gifts provided to an official that are not part of the admission provided to all members of the public with the same class of ticket, will need to be accounted and reported for as gifts.

B. If the City receives complimentary tickets that are earmarked for particular City Official or City Employee, then the tickets are considered gifts to that City Official or City Employee. If these tickets not returned or donated, unused, to the provider, or if the City Official or City Employee does not reimburse the donor the full value of a ticket, within thirty (30) days of receipt, then the official must comply with the applicable FPPC gift limit regulations and reporting regulations.

4. Reporting of Complimentary Tickets. The distribution of the tickets and the use of any passes pursuant to this Policy shall be documented by the preparation and certification of the Fair Political Practices Commission Form 802. Within thirty (30) calendar days of the distribution of a ticket or the use of a pass the City Clerk, or his or her designee, shall prepare and certify Form 802, forward the Form 802 to the FPPC for posting on the FPPC's website, maintain the Form 802 as a public record and post it on the City's Website. This Policy shall be posted on the City website in a prominent fashion.

5. Complimentary Tickets to Political, Non-Profit and 501(c)(3) Organization Fundraisers. The reporting requirements for complimentary tickets to political, non-profit and 501(c)(3) organization fundraising events are governed by FPPC Regulation 18946.4 and the City has no jurisdiction to modify the reporting requirements. These complimentary tickets are referenced in this Policy as a convenience to persons seeking information concern distribution of complimentary tickets.

A. Pursuant to FPPC Regulation 18946.4, all complimentary tickets provided directly to a City Official or City Employee to political, non-profit or 501(c)(3) organization fundraising events are reportable as gifts on an official's Economic Disclosure Form 700 and are subject to the annual gift limit set forth in FPPC Regulation 18940.2 unless one of the following narrow exceptions applies:

- A City Official or City Employee may receive two complimentary tickets from a 501(c)(3) charitable organization to its fundraising event that shall be deemed to have no value. The official must make sure that the charity is a valid Internal Revenue Service 501(c)(3) organization because not all "non-profit organizations" are 501(c)(3) organizations. Also, additional complimentary tickets or admissions by invitations, or a gift of a ticket or tickets to a 501(c)(3) charitable organization's fundraising event to a City Official or City Employee from a third party other than the 501(c)(3) charitable organization, are gifts to the City Official or City Employee subject to the gift limit and reportable on Form 700.

- A City Official or City Employee may receive two complimentary tickets to a political fundraising event for a political committee as defined in Government Code Section 82013(a), or a comparable committee regulated under federal law or the laws of another state holding an event in California, that shall be deemed to have no value. Also, additional complimentary tickets or admissions by invitations, or a gift of a ticket or tickets to a political committee or candidate's fundraising event to an official from a third party other than the committee or candidate sponsoring it, are gifts to the official subject to the gift limit and reportable on Form 700.

B. FPPC Regulation 18946.4 contains detailed regulations concerning the calculation of the value of tickets to political and non-profit fundraisers when such tickets must be reported.

C. Complimentary tickets to a fundraising event for non-profit organizations donated to the City without designation of who should attend will be distributed as otherwise provided in this Policy.

6. Effective Date. This Policy shall be effective on the effective date of Resolution No. 19-72.

This Complimentary Ticket Policy was approved by Resolution No. 19-72 of the City Council on December 10, 2019.

Randi John, City Clerk

POLICY NO. 12

USE OF SYSTEMS, ELECTRONIC COMMUNICATIONS AND TECHNOLOGY RESOURCES

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	**Use of Systems, Electronic Communications and Technology Resources**
Policy No.	**12**
Approved:	**October 24, 2023**
Revised:	**N/A**

PURPOSE:

The purpose of this City Council policy is to set forth certain expectations for the use of City systems, electronic communications and/or technology resources, regardless of whether the electronic communications and/or technology resources are owned or maintained by the City, to conduct City business. In utilizing systems, electronic communications and/or technology resources, all users are expected to share the obligation of safeguarding and maintaining the City's information and adhering to the relevant policy.

POLICY:

The policy of the City Council with respect to the matter listed in the above-referenced title is attached as Exhibit A.

EXHIBIT A

POLICY

CITY OF TEMECULA

INFORMATION TECHNOLOGY &
SUPPORT SERVICES DEPARTMENT

MEMORANDUM

TO: Aaron Adams, City Manager

FROM: Michael K Heslin, Director of ITSS

DATE: June 13, 2023

SUBJECT: Policy Update Approval – User Technology Resources Policy

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The attached User Technology Resources Policy is an update to the previously approved Employee Technology Resources Policy on October 30, 2023.

The User Technology Resources Policy includes all definitions of communications (including email and text messaging) and Appropriate Use of Electronic Mail, Retention, and Responsibility of City Officials/Employees. City Attorney's Office has revised this policy to combine all facets of users and technology use into this policy where applicable. This update now combines employees, elected officials and other consultants into one policy and addresses use of personal technology.

Attached is the updated User Technology Resources Policy dated June 13, 2023, that will supersede all other Employee Technology Resources Policies. Attached is the marked-up version for your reference.

Please call me with any questions you may have.

Thank you

R:/memos

CITY OF TEMECULA
INFORMATION TECHNOLOGY
& SUPPORT SERVICES

USER TECHNOLOGY RESOURCES POLICY

DATE: June 13, 2023

DEPARTMENT APPROVAL: _____ 6/13/2023
Department Director Signature — Date

CITY MANAGER APPROVAL: _____ 6/14/23
City Manager Signature — Date

PURPOSE:

All Users who access City systems or use any Electronic Communications or Technology Resources, regardless of whether the Electronic Communications or Technology Resources are owned or maintained by the City, to conduct City Business are expected to share the obligation for safeguarding and maintaining the City's information, as outlined in the following policy. If a User needs clarification on any of the terms of this Policy, the User should contact the ITSS Department.

SCOPE:

This Policy applies to all Users including those Users affiliated with third parties who access City Technology Resources or Electronic Communications or use any personal or commercial Technology Resources or create Electronic Communications to conduct City Business.

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2.2 "City" shall mean any entity controlled by the City Council, including but not limited to Temecula Community Services District, Public Financing Authority, Temecula Housing Authority or Successor Agency to the Temecula Redevelopment Agency 4
2.3 "City Business" is broadly defined to mean those activities or other business, related to the City and its jurisdiction, functions, programs, operations, regulations or regulatory activities, or events relating to the City, or that contain information used by its officials, employees and consultants for the accomplishment of City-related tasks, or are related to the operation of the City, with the exception of limited incidental uses as described in Section 4.2. 4
2.4 "Electronic Communications" includes emails, text messages, voicemails, social media and blog posts, and any other electronic communications, including those developed or implemented in the future, transmitting or maintaining messages, documents, images or other writings via Technology Resources. 4
2.5 "Public Records" include any "writing" (as broadly defined below) containing information relating to the conduct of the City's business that is prepared, owned, used, or retained by the City, regardless of the physical form and characteristics. Public Records specifically include any recorded and retained communications regarding City Business sent or received by a User through commercial or personal Technology Resources or other Technology Resources not owned by the City or connected to a City computer network. Public Records do not have to be written but may be in another format that contains information such as computer tape or disc, video or audio recording, or email or text message. Public Records are further defined in Section 4.2.2. 4
2.6 "Public Records Request" is a request for Public Records made under the Public Records Act or subpoena duces tecum or discovery request addressed to the City or a User. 4
2.7 "Technology Resources" includes all electronic media and storage devices, software, and means of electronic communication including any of the following: personal computers and workstations; laptop computers; mini and mainframe computers; tablets; computer hardware such as disk drives, tape drives, external hard drives and flash/thumb drives; peripheral equipment such as printers, modems, fax machines, and copiers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet or cloud storage accounts; electronic mail (or email); telephones; mobile phones; smart phones; personal organizers and other handheld devices; and instant messaging and text systems. Technology Resources is also intended to broadly include new or emerging devices, technology, software and means of communications that may be developed or implemented in the future. 4
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The City has incorporated a program that allows employees to borrow, at no interest, up to $2,000 to purchase personal computer/supplies with a loan repayment up to 24-months. This program is available for full-time and part-time City employees. For more information, please visit SharePoint or the ITSS Department. 20
9 User Use of Technology Resources Not Owned and/or Controlled by City 20

1 Confidentiality

Material contained in this document is property of the City of Temecula. This document should not be disclosed outside of the City without specific approval from the ITSS Director, and should not be duplicated, used or disclosed for any purpose other than that for which it was intended.

2 Definitions

2.1 "User" means all City employees, elected and appointed City officials, members of City commissions and advisory boards, and City consultants and other non-employees utilizing Electronic Communications or Technology Resources for the purpose of conducting City Business, regardless of the User's location when accessing any Electronic Communications or Technology Resource.

2.2 "City" shall mean any entity controlled by the City Council, including but not limited to Temecula Community Services District, Public Financing Authority, Temecula Housing Authority or Successor Agency to the Temecula Redevelopment Agency.

2.3 "City Business" is broadly defined to mean those activities or other business, related to the City and its jurisdiction, functions, programs, operations, regulations or regulatory activities, or events relating to the City, or that contain information used by its officials, employees and consultants for the accomplishment of City-related tasks, or are related to the operation of the City, with the exception of limited incidental uses as described in Section 4.2.

2.4 "Electronic Communications" includes emails, text messages, voicemails, social media and blog posts, and any other electronic communications, including those developed or implemented in the future, transmitting or maintaining messages, documents, images or other writings via Technology Resources.

2.5 "Public Records" include any "writing" (as broadly defined below) containing information relating to the conduct of the City's business that is prepared, owned, used, or retained by the City, regardless of the physical form and characteristics. Public Records specifically include any recorded and retained communications regarding City Business sent or received by a User through commercial or personal Technology Resources or other Technology Resources not owned by the City or connected to a City computer network. Public Records do not have to be written but may be in another format that contains information such as computer tape or disc, video or audio recording, or email or text message. Public Records are further defined in Section 4.2.2.

2.6 "Public Records Request" is a request for Public Records made under the Public Records Act or subpoena duces tecum or discovery request addressed to the City or a User.

2.7 "Technology Resources" includes all electronic media and storage devices, software, and means of electronic communication including any of the following: personal computers and workstations; laptop computers; mini and mainframe computers; tablets; computer hardware such as disk drives, tape drives, external hard drives and flash/thumb drives; peripheral equipment such as printers, modems, fax machines, and copiers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet or cloud storage accounts; electronic mail (or email); telephones; mobile phones; smart phones; personal organizers and other handheld devices; and instant messaging and text systems. Technology Resources is also intended to broadly include new or emerging devices, technology, software and

means of communications that may be developed or implemented in the future.

3 Introduction

This Policy applies to all Users. Users are responsible for complying with this and all other City policies defining computer and network security measures.

It is City Policy that all information created, stored, processed, transmitted or printed by or on behalf of the City is and shall remain City property.

All Users who access or make decisions affecting City information play a role in protecting that information. Accordingly, it is expected that all Users share the obligation to safeguard and maintain the City's information.

All Users are expected to protect the information assets with which they have been entrusted from unauthorized, deliberate, or accidental:

- Access,
- Use,
- Modification,
- Destruction,
- Disclosure, or
- Possession.

This document defines City standards and guidelines for the protection of the availability, integrity and confidentiality of the City's Technology Resources and any Electronic Communications stored or transmitted in the furtherance of City Business, regardless of whether on City Technology Resources or other Technology Resources.

4 Conditions of Use of City Technology Resources

All Users utilizing City Technology Resources must respect the integrity of all security controls and abide by all implemented security measures, as well as adhere to all end-user license and contractual agreements associated with City Technology Resources.

1. The City reserves the right to limit permanently or restrict any User's usage of the City Technology Resources. The City reserves the rights to copy, remove or otherwise alter any information or system that may undermine the authorized use of the City Technology Resources. The City may do so with or without notice to the User in order to protect the integrity of the City Technology Resources against unauthorized or improper use, and to protect authorized Users from the effects of unauthorized or improper usage.
2. The City, through authorized individuals or entities, reserves the right periodically to check and monitor City Technology Resources, and reserves any and all other rights necessary to protect them.
3. The City disclaims responsibility and will not be responsible for loss or disclosure of User information or interference with User information resulting from its efforts to maintain the privacy, security and integrity of City Technology Resources and information.

4. The City reserves the right to take emergency action to safeguard the integrity and security of City Technology Resources and information. This includes, but is not limited to, termination of a program, job, or on-line session, or temporary alteration of User account names and passwords. The taking of emergency action does not waive the rights of the City to take additional actions under this Policy.
5. Users utilizing City Technology Resources do so subject to applicable laws and City policies. The City disclaims any responsibility and/or warranties for information and materials residing on non-company computer systems or available over publicly accessible networks, except where such responsibility is formally expressed. Such materials do not necessarily reflect the attitudes, opinions or values of the City or its employees.
6. A Department Director may recommend disciplinary action if after appropriate investigation an employee is found to be in willful violation of any City Policy. Other Users may lose access to City Technology Resources. Acts that may lead to discipline or loss of access include, but are not limited to:
    - Willful physical damage to any City Technology Resources;
    - Obtaining confidential information improperly;
    - Deliberate destruction of information;
    - Intentional interruption of normal services provided by the City Technology Resources;
    - Infringement of any patent or the breach of any copyright;
    - Gaining or attempting to gain unauthorized access to accounts and passwords;
    - Gaining or attempting to gain access to restricted areas without the permission of the appropriate authority; or
    - Inappropriate use of City Technology Resources.

4.1 Code of Conduct in the Use of City Technology Resources

It is City Policy that all Users who use, have access to, or are responsible for any City Technology Resources must recognize and comply with City's "Code of Conduct." Employees violating this Code of Conduct may be subject to disciplinary action, up to and including termination of employment, and legal action. All Users who violate this Code of Conduct may lose access to City Technology Resources.

4.1.1 Introduction

Standards for the use of City Technology Resources derive directly from standards of common sense and common decency that apply to the use of any shared resource. The City depends on a spirit of mutual respect and cooperation to resolve differences and resolve problems that arise from time to time. This Code of Conduct is published in that spirit. Its purpose is to specify User responsibilities and to promote the appropriate use of City Technology Resources for the protection of the City.

4.1.2 Responsibilities

All Users who access or make decisions affecting City information play a role in protecting that information. Accordingly, all users of any City Technology Resources must accept specific responsibilities for the security and confidentiality of the City's information. The following description of City network drives will better organize your documents and minimize the opportunity for losing files.

- 'V' Drive: This is your 'my documents' directory-for draft documents or confidential information. No other User is able to access this directory
- 'P' Drive: This is a Global Directory used for quick transfer of non-confidential files. All network Users have access and may copy, delete, and modify all files. Due to this, it is recommended that you use this directory with caution. ITSS will not restore documents lost or deleted from this directory.
- 'R' Drive: This is your department directory. Only members of your department have access to this directory. It is recommended that files that are shared by others within your department be stored here.
- 'C' Drive: This is your local hard drive on your desktop. City policy requires all data to be stored on the above network drives. Local hard drives are not backed up and will not be recovered in the event of data loss.

4.1.2.1 Disclosure and Disclaimer Statement

All intellectual and proprietary property rights, including copyrights and rights to service marks and trademarks, as to any and all text, material, images and/or content appearing on or accessible through the City websites, belong to their respective owners. Notwithstanding the foregoing, the City owns all intellectual and proprietary property rights, including copyrights and rights to service marks and trademarks, as to the City Seal, all City logos, symbols, emblems, and any and all other images, designs, content and materials created by or on behalf of the City that appear on or are accessible through the City websites.

Any use of any of the City-owned materials, images or other content accessible through, or appearing or stored on the City Technology Resources or City's websites is prohibited without the written permission of the City Manager. The following acts or activities are prohibited without prior, written permission from the City Manager: 1) modification and/or re-use of text, images or other content from a City server; 2) distribution of the City's web content; or 3) "mirroring" of the City's information, materials or data on a non-City server.

4.1.2.2 Security

City Policy uses access controls and other security measures to protect the confidentiality, integrity and availability of the information handled by City Technology Resources. All Users are responsible to insure the security of City Technology Resources by implementing procedures to:

- Safeguard their data, personal information, passwords and authorization codes, and confidential data;

- Take full advantage of file security mechanisms built into the City Technology Resources;
- Choose their passwords wisely and to change them as required; and
- Follow the security policies and procedures established to control access to administrative data.

4.1.2.3 Confidentiality

All Users using City Technology Resources must comply with all City Policies for the maintenance of confidentiality.

1. Users have an obligation to respect the privacy of other individuals and refrain from:
   - Intentionally seeking information on, obtaining copies of, or modifying files, tapes, or passwords belonging to other individuals or to the City;
   - Representing others, unless authorized to do so explicitly by those individuals; or
   - Divulging sensitive personal data to which they have access concerning staff, customers, vendors or other individuals without explicit authorization to do so.
2. Users are responsible for reporting any information concerning instances in which City Policies or any City standards or Codes of Conduct has been or are being violated. In general, reports about violations should be directed initially to the ITSS Director and/or Human Resource Director.
3. Printers used to produce confidential information should be monitored while printing.
4. Confidential files must be overwritten on fixed disks, tapes, or cartridges.

4.1.3 Inappropriate Activities

All information stored and processed on City Technology Resources and networks is City property and subject to inspection without notice. Non-compliance with City Policy on restricted activities will not be tolerated. Violating employees are subject to disciplinary action, up to and including termination of employment, and all Users, including employees, are subject to loss of access to City Technology Resources and/or legal action.

The following are intended to illustrate some examples of unacceptable actions rather than to exhaustively list every specific behavior that may violate the City Policies. Accordingly, disciplinary or other legal action may occur after other actions if the circumstances so warrant.

4.1.3.1 Illegal Activity

Users are specifically prohibited from accessing, downloading, storing, printing or disseminating anything using City Technology Resources that is considered inappropriate, offensive, illegal, disrespectful to others, or that could instigate legal conflicts, or otherwise harm the City.

4.1.3.2 Objectionable Material

The City's Technology Resources must not be used for the transmission, obtaining possession, demonstration, advertisement or requesting the transmission of objectionable material including, but not limited to:

- Pornography;
- An article or image that promotes hate, crime or violence, or incites or instructs in matters of hate, crime or violence; or
- An article or image that describes or depicts any material, in a manner that is likely to cause offense to a reasonable adult.

4.1.3.3 Restricted Material

City Technology Resources must not be used to transmit or make available restricted material to a minor. City Policy defines restricted material as an article that a reasonable adult—by reason of the nature of the article, or the nature or extent of references in the article—would find offensive as to matters of sex, race, ancestry or native origin, drug misuse or addiction, crime, cruelty, violence would regard as unsuitable for a minor to see, read or hear.

Users should be aware that there are severe penalties for such activities. The police or a person authorized for the purposes under state or federal law may without a warrant, at any reasonable time, enter any place where the operating of a Technology Resource is carried on and inspect any articles and records kept on the premises and may seize anything that the member reasonably suspects is connected with an offense that is found on or in the place. In addition, there are penalties for delaying, obstructing or otherwise hindering the police or authorized person in the performance of their functions and for giving false or misleading statements, which are misleading through the omission of information.

4.1.3.4 Restricted Activities

The City prohibits use of City Technology Resources for the conduct of a business enterprise, participation in activities for profit purposes, or involvement in activities contrary to the spirit of City Policies including, but not limited to:

- Gambling or performing an act of playing for stakes, involving a monetary wager, in the hope of winning (including the payment of a price for a chance to win a prize); including, but not limited to sports betting, poker, blackjack, and casino wagering; or
- Day Trading or involvement in any act involving a monetary wager to broker or act as agent in the buying and selling of stocks and bonds.

4.1.3.5 Restricted Hardware and Software

It is illegal, unethical and contrary to City Policy to use City Technology Resources to generate viruses, worms or any malicious devices to contaminate other Technology Resources. Users should not knowingly possess, give to another person, install on any of the City Technology Resources, or run, programs or other information, which could result in the violation of the City Policy or the violation of any applicable license or contract.

The unauthorized physical connection of monitoring devices to City Technology Resources, which could result in the violation of City Policy or applicable licenses or contracts, is prohibited.

4.1.3.5.1 Copying and Copyrights

The City strongly supports strict adherence to software vendors' license agreements and copyright holders' notices. In particular, Users should be aware of and abide by City Policies on copying and using computer software. Most software that resides on the City Technology Resources is owned by the City or by third parties, and is protected by copyright and other laws, together with licenses and other contractual agreements.

Users are required to respect and abide by the terms and conditions of software use and redistribution licenses. Such restrictions may include prohibitions against copying programs or data for use on the City Technology Resources or for distribution outside the City; against the resale of data or programs, or the use of them for non-City purposes or for financial gain; and against public disclosure of information about programs without the owner's authorization. Users who develop new packages that include components subject to use, copying, or redistribution restrictions have the responsibility to make any such restrictions known to the users of those packages.

4.1.3.6 Harassment

City policy prohibits sexual and discriminatory harassment. City Technology Resources are not to be used to libel, defame, or harass any other person. Computer harassment is exemplified by, but not limited to:

- Intentionally using a City Technology Resource to annoy, harass, terrify, intimidate, threaten, offend or bother another person by conveying obscene language, pictures, or other materials or threats of bodily harm to the recipient or the recipient's immediate family;
- Intentionally using any City Technology Resource to contact another person repeatedly with the intent to annoy, harass, or bother, regardless of whether any actual message is communicated, and/or where no purpose of legitimate communication exists, and where the recipient has expressed a desire for the communication to cease;
- Intentionally using any City Technology Resource to contact another person repeatedly regarding a matter for which one does not have a legal right to communicate, once the recipient has provided reasonable notice that he or she desires such communication to cease (such as debt collection); or
- Intentionally using any City Technology Resource to invade the privacy, academic or otherwise, of another or the threatened invasion of the privacy of another.

The display of offensive material in any publicly accessible area is likely to violate City harassment policies. There are materials available on the Internet and elsewhere that some members of the City will find offensive. One example is sexually explicit graphics. The City can restrict the availability of such material if it considers its display in a publicly accessible area to be inappropriate. Public display includes, but is not limited to, publicly accessible computer screens and printers.

4.1.3.7 Wasting Technology Resources

One role of ITSS is to educate Users about proper usage of City Technology Resources. Every effort will be made to help Users understand how to use City Technology Resources properly.

It is inappropriate to deliberately perform any act that will impair the operation of any part of the City Technology Resources or deny access by legitimate Users to any part of them. This includes, but is not limited to, wasting resources, tampering with components or reducing the operational readiness of the City Technology Resources.

Wastefulness includes, but is not limited to, passing chain letters, willful generation of large volumes of unnecessary printed output or disk space, willful creation of unnecessary multiple jobs or processes, or willful creation of heavy network traffic. In particular, the practice of willfully using City Technology Resources for the establishment of frivolous and unnecessary chains of communication is an inappropriate waste of resources.

The sending of random mailings (for example, "junk mail") is not permitted. It is poor etiquette at best, and potentially harassment, to send unwanted mail messages to strangers deliberately. Recipients who find junk mail objectionable should mark as junk or delete. If the junk mail continues, the recipient should contact ITSS helpdesk.

4.1.3.8 Game Playing

The City Technology Resources are not to be used for recreational or competitive game playing. The intention of this policy is to prohibit game playing with programs and other software that may adversely impact others, violate other provisions of this Policy or damage City ability to process City Business transactions promptly.

4.1.3.9 Commercial Use

City Technology Resources are provided for the support of the City's mission. Except where expressly permitted, it is inappropriate to use City Technology Resources for:

1. Commercial gain or placing a third party in a position of commercial advantage;
2. Any non-City related activity, including non-company related communications; and
3. Commercial advertising or sponsorship except where such advertising or sponsorship is clearly related to or supports the City's mission or the service being provided.

4.1.3.10 Use for Personal Business

City Technology Resources may not be used in connection with compensated outside work or for the benefit of organizations not related to the City, except where expressly permitted.

4.2 Appropriate Use of Electronic Communications

City Technology Resources are limited to use for City Business. All Electronic Communications transmitted over or by means of any City Technology Resource shall be limited to those which involve City functions, activities or

other business, or that contain information essential to its officials, employees and consultants for the accomplishment of City-related tasks.

Electronic Communications access, including Internet and Intranet access, is provided to authorized Users as a communication tool for appropriate internal and external City Business. Implementation of this Policy and its directives are essential to protecting vital City resources and interests. Accordingly, City Policies including, but not limited to, those addressing copyright, confidentiality, harassment and compliance with equal employment laws; applicable federal, state and local laws; and the corporate code of conduct govern use of any Electronic Communications access.

4.2.1 Introduction

All Users who use Electronic Communications are expected to conduct their use with the same integrity as in face-to-face or telephonic business operations. Any use perceived to be illegal, harassing, and offensive or in violation of other City Policies may be the basis for disciplinary action up to and including termination for employees and/or loss of use or legal action for all Users.

4.2.2 Scope

This Policy applies to all Users. Users must be aware of the following restrictions that have been placed on use of Electronic Communications:

- Electronic Communications on City Technology Resources are intended for City-related business purposes with other limited incidental uses. All Electronic Communications on city Technology Resources are the property of the City, just as are hard copies of City records. The City reserves the right to retrieve and make proper and lawful use and/or disclosure of any and all Electronic Communications transmitted through any City Technology Resource.

- Electronic Communications determined to be Public Records shall be retained in electronic folders or, as described above, in hard copy. Such Electronic Communications shall be retained for the period described in the City's Records Retention Schedule or expiration of a Litigation Hold or resolution of a Public Records Act Request.

4.2.3 Appropriate Use and Responsibility of Users

City guidelines and standards for appropriate and responsible use of Electronic Communications are derived directly from the same standards of common sense and decency that apply to the use of any City Technology Resource. All usage inconsistent with these objectives is considered inappropriate use.

All Users must recognize and comply with standards and guidelines for the appropriate use of Electronic Communications.

1. No Electronic Communications should be unethical, be perceived to be a conflict of interest with the City's interests, or be inconsistent with City Policies.

2. Users must take particular care not to disseminate confidential City information or personal information to unauthorized users. Users should refrain from leaving messages containing confidential or personal information on answering machines or voice-mail systems.
3. Electronic Communications must be able to withstand scrutiny without causing embarrassment to the City, its employees or citizens. Because Electronic Communications deleted by a User may still be present, either in another person's mailbox, or on a file server or back-up file of a User. Care must be taken to ensure the accuracy and professionalism of all Electronic Communications.
4. Users must not send messages prohibited or restricted by government security laws or regulations. Emailing copies of documents in violation of copyright laws or licensing agreements is also prohibited.
5. Users should consider Electronic Communications to be the electronic equivalent of a postcard. Users must recognize their responsibility for the content, dissemination and management of the messages they send. Electronic Communications should:
    - Be courteous and polite;
    - Be consistent with City standards of conduct;
    - Protect others' right to privacy and confidentiality; and
    - Contain an accurate, appropriate and informative signature.
6. Users should secure access to their email and voice mailboxes through the use of passwords and other security devices and should not leave the system on and available to unauthorized users.
7. Users may not reveal any confidential internal email names and passwords of the City's email or voicemail users to anyone including other Users or people who request such information over the telephone and seem to have a legitimate reason for asking. All such requests must be referred to the Records Department.
8. City policy prohibits use of profanity, obscenities, or derogatory remarks in Electronic Communications referencing other individuals. Such remarks, even when made in jest, may create legal problems.
9. Users are prohibited from sending or forwarding any Electronic Communications that a reasonable person would consider to be defamatory, harassing or explicitly sexual. Users are also prohibited from sending or forwarding Electronic Communications via City Technology Resources that would be likely to offend on the basis of race, gender, national origin, sexual orientation, religion, political beliefs, disability or other protected characteristics.
10. Users must not use an Electronic Communication account assigned to another individual either to send or receive messages. If there is need to access another's Electronic Communications, such as while the other person is out ill, message forwarding and other resources must instead be used. Contact ITSS Director and/or Human Resource Director to arrange such access.

11. Users must not disclose credit card numbers, passwords, research and development information, and other sensitive data via any Electronic Communication.
12. Users must not unnecessarily or frivolously overload the Electronic Communications system including, but not limited to, spamming and junk mailing.
13. City Electronic Communications may not be used for commercial purposes unless authorized by City Manager in writing in advance.
14. Internal telephone books must not be distributed to third parties without specific authorization of a Department Manager.

4.2.4 Confidentiality and Security

Users should be aware that Electronic Communications are not a confidential means of communication. The City cannot guarantee that Electronic Communications will be private. Users should be aware that Electronic Communications could, depending on the technology, be forwarded, intercepted, printed, and stored by others. Users should also be aware that, once Electronic Communications are transmitted, they might be altered. Deleting an Electronic Communication from an individual workstation will not eliminate it from the various systems it has been transmitted across. Therefore, Users should have no personal expectation that their Electronic Communications using City Technology Resources are private.

The City reserves the right to review all Electronic Communications stored or transmitted on City Technology Resources. Although, the City does not intend to monitor the contents of Electronic Communications routinely, Users should expect that System Administrators with or without the permission of the User might access Electronic Communications. However, no other individuals may monitor or access Electronic Communications of another User unless proxy rights have been delegated by the System Administrators and approved by ITSS Director and/or Human Resource Director.

All Users must accept and abide by management directives to ensure information security, including, but not limited to:

- Users must verify the integrity of their password and abide by City Policy on password security (see section on Password Requirements);
- Users are prohibited from sending confidential material through any Electronic Communications system unless it is marked confidential or otherwise protected;
- Users must take extreme care that confidential information be redirected only where there is a need and with the permission of the originator, where possible;
- Users should recognize that Electronic Communications can be forged. Therefore, if an Electronic Communication is suspect, Users must verify its authenticity via telephone, or personally; and
- It is recommended that personal confidential material not be stored on or sent through Electronic Communications using City Technology Resources.

Unauthorized access of Electronic Communications is a violation of the City Policy and grounds for potential employee discipline or other repercussions for both employees and other Users.

4.3 Password Requirements

It is City policy that information must be protected in a manner commensurate with its sensitivity, value and criticality. To ensure the security of the City Technology Resources, all authorized users must be uniquely identified and authenticated before being granted access to Electronic Communications. User identification and authentication will be authorized through the use of User identification (User ID) unique to each User. To insure the security of the City Technology Resources, such access must be authorized, logged and periodically reviewed.

Identification Password Management

Passwords are a primary defense mechanism on many City Technology Resources. Careful selection of passwords improves security. Users are responsible for the robustness and maintenance of their own passwords. Accordingly, the following standards for password use shall apply:

- Passwords must be used where possible;
- Passwords and User IDs must be unique to each authorized User and must never be shared with anyone else;
- Passwords must not be easily associated with a particular User;
- Passwords must be memorized and never written down with other account information such as an account name;
- Passwords must not be stored in readable form in batch files, automatic log-in scripts, software macros, terminal function keys, in City Technology Resources without access control, or in other locations where unauthorized persons might discover them;
- Passwords must be changed every 90 days, or immediately if compromised or suspected of compromise;
- To prevent the compromise of multiple systems, Users must employ different passwords on each of the systems to which they have been granted access;
- The display and printing of passwords must be masked, suppressed, or otherwise obscured so that unauthorized parties will not be able to observe or subsequently recover them;
- Passwords must consist of a minimum of eight alphanumeric characters one of which is upper case and a special character.
- Any User who suspects that a password has been compromised must report it to ITSS immediately through the IT Help Desk.

City management reserves the right to revoke the privileges of any User at any time. Conduct that interferes with the normal and proper operation of City Technology Resources, which adversely affects the ability of others to use

these City Technology Resources, or which is harmful or offensive to others, will not be permitted.

4.3.1 Password Standards

The following are standards for password construction:

- Passwords must never be related to a User's job or personal life. Details such as spouse's name, license plate, social security number, and birthday must not be used unless accompanied by additional unrelated characters;
- Passwords must not be the same as User IDs or given name;
- Users must not construct passwords that are identical or substantially similar to passwords that Users had previously employed;
- Must never use the default password for any software or hardware product;
- "Blank" passwords are prohibited;
- Passwords must never be derived from User's association with the City of Temecula; and
- Passwords must never consist of a word from a dictionary. Most basic cracking programs contain over 120,000 words, and plenty of variations.
- Users are encouraged to have a password to include numbers and mixed case letters.

4.4 Appropriate Use of City Technology Resources

City Technology Resources offer extensive capabilities, but also expose risks and threats. All Users are expected to be familiar with and to comply with this Policy.

1. City Technology Resources should not be used for personal purposes. Although incidental use of City Technology Resources for personal use is permissible, use of City Technology Resources for these types of activities consumes City Technology Resources and could potentially result in poor technology performance or even system failure.
2. Any use perceived to be illegal, harassing, offensive, in violation of other City Policies, or any other uses that would reflect adversely on the City can be the basis for disciplinary action up to and including termination for employees and other repercussions including legal action for all Users, including employees. Users are expected to conduct their use of City Technology Resources with the same integrity as in face-to-face or telephonic business operations.

4.4.1 Public Representations

4.4.2 Users must not publicly disclose City internal information via the City Technology Resources that may adversely affect City relations or public image. Care must be taken to properly structure comments and questions posted to social media, mailing lists, public news groups, and related public postings.

4.4.3 Downloading

Software should not be downloaded without approval of ITSS. All software used on City Technology Resources can only be installed by ITSS, following all licensing agreements and procedures. All software downloaded from non-City sources must be screened with virus detection software prior to being installed by ITSS and may require testing on a stand-alone (not networked), non-production machine.

4.4.4 Contacts

Contacts made over the Internet should not be trusted with City information unless reasonable steps have been taken to ensure the legitimacy of the contacts. This applies to the release of any City internal information.

4.4.5 Information Security

Login passwords, User IDs and other parameters that can be used to gain access to City Technology Resources, is confidential information and must not be sent over any Technology Resource in readable form. This information must not be posted on electronic bulletin boards, listed in telephone directories, placed on business cards, or otherwise made available to third parties without the advance written permission of the ITSS Director. Telephone numbers, fax numbers, and email addresses of a User may be disclosed by the User.

4.5 Software Security

The City strongly supports strict adherence to software vendors' license agreements. Adherence to these agreements is subject to random audits by these vendors or the Software Publishers Association (SPA). When City Technology Resources are employed, copying of software in a manner that is not consistent with the vendor's license is strictly forbidden. Users must not use any externally provided software from a vendor other than those approved by ITSS.

4.6 Security

4.6.1 Right to Examine

At any time and without prior notice, City management reserves the right to examine Electronic Communications including personal Electronic Communications, web browser cache files, web browser bookmarks, and other information stored on or passing through City Technology Resources. Such management access assures compliance with internal policies, assists with internal investigations, and assists with the management of City Technology Resources. Every attempt will be made to ensure that the User's privacy is respected.

4.6.2 Privacy

Users using City Technology Resources should realize that their communications are not automatically protected from viewing by third parties.

Unless encryption is used, Users should not send information over the Internet if they consider it to be private.

4.7 Reporting Security Problems

It is the responsibility of all Users to report any known or suspected breach of security, such as passwords or other system access control mechanisms to the ITSS Department.

The ITSS Director must be notified immediately when:

1. Sensitive or confidential City information is lost, disclosed to unauthorized parties, or suspected of being lost or disclosed to unauthorized parties;
2. Unauthorized use of City Technology Resources has taken place, or is suspected of taking place;
3. Passwords or other system access control mechanisms are lost, stolen, or disclosed, or are suspected of being lost, stolen, or disclosed; or
4. There is unusual system behavior such as missing files, frequent system crashes and misrouted messages, as these types of system behavior may be related to virus infections or other security problems and must be promptly reported and investigated.

4.8 Hardware Security

To ensure that computer systems are used in an effective and productive way, City Technology Resource hardware must be physically secured and the integrity of operating systems maintained.

1. On City Technology Resources, Users must never change operating system configurations, upgrade existing operating systems, or install new operating systems. If such changes are required Users should contact ITSS and ITSS administrators will perform them.
2. Users must not bring their own computers, computer peripherals, or computer software into City facilities without prior written authorization from their Department Head. Personal computers must be labeled clearly with the name of the owner. Desktop PCs, laptops, mobile devices, and City Technology Resources must not leave City offices unless authorized in writing by a department manager.

Printers used to produce sensitive and confidential information should be monitored and sensitive files must be overwritten on fixed disks, tapes, or cartridges.

5 Appropriate Use of Specific City Technology Resources: City-Issued Cellular Phones and Radios

Technology can significantly enhance local service delivery. Cellular telephones and radios are often practical and economical for safety services and emergency communications, and can enhance productivity. In all cases, the issuance of cellular phones or radios to Users is a privilege, not a right or an entitlement. Failure to abide by the procedures set forth in this Policy may result in the loss of use of the cellular phones or radios and in certain circumstances, may result in possible disciplinary action for employees.

5.1 Introduction

It is the intent of the City to provide each Department with effective communication devices, within the constraints of available resources. The City recognizes the need of City-owned cellular telephones and radios, and by this Policy establishes procedures for their authorization, deployment, and use in order to contain costs, ensure Departmental accountability, personal responsibility, and prevent improper use. It is important that each User assume personal responsibility for the prudent use of City-owned communication devices.

5.2 Appropriate Use and Responsibility of Users

City-owned cellular phones or radios are to be viewed as an asset provided to further assist Users in effectively completing their areas of responsibility for the City. The issuance of such communication equipment is also to be considered a vital resource in the event of an emergency. It is a goal, to ensure that City vehicles are configured with emergency (800 MHz) radios for two-way communications.

Users are responsible for maintaining adequate physical protection of the communication equipment issued to them by the City. Users shall immediately notify their Department Head or designee, who in turn shall notify the ITSS Director, if any City-owned cellular phone or radio is damaged, lost or stolen. Cellular phone and radio logs are Public Records.

Any communication equipment purchased by the City is owned by the City and must be returned to the City when the User separates from service or the need of such communication equipment no longer exists.

No User shall record any telephone call, without the knowledge and consent of all parties to the call.

The City reserves the right to terminate cellular service privileges of any User for any reason.

5.3 Inappropriate Use

City issued communication equipment are not considered a User's personal device. California law prohibits drivers from using a cellular phone while operating a vehicle without a hands-free device, e.g. wired headset (ear buds), speaker, or Bluetooth headset. It is City policy to comply with California law when using a City-owned cellular phone while operating in any vehicle. The ITSS Department provides wired headsets (ear buds) for all City-owned cellular phones. In order to further define inappropriate use, the following list is provided. Prohibited uses of cellular phones and radios include, but are not limited to:

- Any illegal use or activity
- Threats
- Slander/Libel
- Defamation
- Obscene, suggestive or offensive messages or communications
- Political endorsements or activities

6 Proximity Keys

Internal entrance to City Hall areas is extended to employees by the City. Proximity keys are issued to all Regular, Part-Time, Temporary, Project Employees, and Interns. Interns' access will be automatically disabled every 30 days unless otherwise noted by related department manager.

The City prohibits the sharing of proximity keys.

Users are required to notify ITSS immediately if proximity keys or readers are lost, damaged or stolen.

7 Technology Resource Check Out

The City understands the need occasionally to check out technology resources for work related issues. City Technology Resources such as: laptops, projectors and digital cameras are available for check out through the ITSS Department. Users in need of the equipment must have proper approval from department manager. A request in advance for the use of such City Technology Resource is necessary. If the City Technology Resource is available, Users must sign for receiving and return of any City Technology Resource on loan.

Users are responsible for maintaining adequate physical protection of the City Technology Resource issued to them by the City. Users shall also immediately notify their department head or designee, who in turn shall notify the ITSS Director, if any City-owned communications equipment is damaged, lost or stolen.

8 Employee Computer Purchase Program

The City has incorporated a program that allows employees to borrow, at no interest, up to $2,000 to purchase personal computer/supplies with a loan repayment up to 24-months. This program is available for full-time and part-time City employees. For more information, please visit SharePoint or the ITSS Department.

9 User Use of Technology Resources Not Owned and/or Controlled by City

Users should not store Electronic Communications that involve City Business on any Technology Resources that are not owned, issued and/or controlled by the City. When Users are using Technology Resources that are not owned, issued and/or controlled by the City to conduct City Business, Users should be aware and must acknowledge and agree that any Electronic Communication that is stored or transmitted through such Technology Resource is considered a Public Record and is subject to the same terms as any Electronic Communication stored or transmitted on City Technology Resources. Should the City receive a Public Records Request, or otherwise require access to Electronic Communications related to City Business stored or transmitted on or by personal or commercial Technology Resources, the User shall provide access to such Electronic Communications immediately upon request of the City. Additionally, User shall not delete any Electronic Records related to City Business prior to the expiration of the period described in the City's Records Retention Schedule or expiration of a Litigation Hold or resolution of a Public Records Act Request. The City may require that a User execute an affidavit confirming that the User has thoroughly searched its personal or commercial Technology Resource and has provided all responsive Electronic Communications.

POLICY NO. 13

STATE MANDATED TRAINING

CITY OF TEMECULA

CITY COUNCIL POLICY

Title:	**State Mandated Training**
Policy No.	**13**
Approved:	**October 24, 2023**
Revised:	**N/A**

PURPOSE:

The purpose of this City Council policy is to outline the specific requirements of state mandated training for Council Members, specifically as it relates to AB 1234 and AB 1661.

POLICY:

The policy of the City Council with respect to the matter listed in the above-referenced title is as follows:

AB 1234 Mandatory Ethics Training

Government Code Sections 53235 and 53235.1 state that, if a local agency provides compensation, salary, or a stipend to a member of a legislative body or reimbursement for expenses incurred by a member of a legislative body in the performance of official duties, then said local agency officials shall receive two-hour training in ethics. Training opportunities are available online and in-person through a variety of sources including the Attorney General, Fair Political Practices Commission, League of California Cities, Institute for Local Government and other agencies and municipal law firms. In the City of Temecula, ethics training is mandated for the City Council, boards and commissions and executive staff. The City Clerk's office oversees the completion of said training and maintains relevant records pursuant to law.

AB 1661 Sexual Harassment Prevention Training and Education

Government Code Sections 53237-53237.5 requires local agency officials, including Council Members, to receive two hours of sexual harassment prevention training and education within the first six months of taking office and every two years thereafter if the agency provides any type of compensation, salary, or stipend to those officials. Training opportunities are available online and in-person through a variety of sources including the Attorney General, Fair Political Practices Commission, League of California Cities, Institute for Local Government and other agencies and municipal law firms. In the City of Temecula, ethics training is mandated for the City Council, boards and commissions and executive staff. The City Clerk's office oversees the completion of said training and maintains relevant records pursuant to law.

POLICY NO. 14

CONFLICT OF INTEREST LAWS

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	**Conflict of Interest Laws**
Policy No.	**14**
Approved:	**October 24, 2023**
Revised:	**N/A**

PURPOSE:
The purpose of this City Council policy is to provide general guidance and raise awareness of potential conflicts of interest that may arise periodically in the course of public service by Council Members. Council Members are encouraged to seek legal advice from the City Attorney for specific issues that may arise.

POLICY:
The policy of the City Council with respect to the matter listed in the above-referenced title is as follows:

Conflict of Interest Laws
The Political Reform Act, set forth in Government Code Sections 81000 to 91014, regulates conflicts of interest through (1) disclosure and (2) prohibition of participation in the decision-making process. The Act requires Council Members to annually disclose all financial interests that may be affected by decisions made in their official capacity. This includes investments, real property, and income. Council Members must also disqualify themselves from making and/or participating in making any governmental decision that will have a foreseeable material financial affect on any financial interest of the Council Member or certain family members.

When Council Members must disqualify themselves due to a financial interest, they are prohibited not only from "making" a decision but also from "participating" in the decision. Generally, an official makes a decision when the Council Member votes on a matter, appoints a person, obligates or commits the City to any course of action, or enters into any contract on behalf of the City. An official participates in making a decision when the official negotiates on behalf of the City, or advises or makes recommendations to the decision maker, either directly or without significant intervening substantive review.

The City Attorney prepares an annual Summary of the Conflict of Interest Laws Manual that is attached as Appendix 3 in the City Council Protocol Manual.

Conflict of Interest Code. The Political Reform Act requires state and local government agencies to review and adopt conflict of interest codes biannually. The City of Temecula adopts its Conflict of Interest Code in even-numbered years. The City's Conflict of Interest Code adopts the State Political Reform Act and designates certain City officials other than the Council who are subject the conflict of interest laws. The Code is attached as Exhibit A.

Statements of Economic Interest

A financial disclosure form (Statement of Economic Interest - Form 700) must be filed with the City Clerk no later than April 1 of each year for financial interests pertaining to the preceding calendar year. The April 1 deadline may be adjusted by the Fair Political Practices Commission (FPPC) for holidays and/or weekends. Council Members must also file a statement within 30 days of assuming office or leaving office. Filers shall file said statement electronically through NetFile, the City's certified electronic filing system.

Advice Regarding Conflicts of Interest

A Council Member who is uncertain as to whether they have a conflict of interest is encouraged to seek clarification from the City Attorney prior to the Council Meeting at which the matter will be discussed. The City Attorney or the official may also request a formal opinion from the FPPC.

Attachments

Exhibit A - Conflict of Interest Code

EXHIBIT A

POLICY

RESOLUTION NO. 2022-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPTING THE CITY'S 2022 CONFLICT OF INTEREST CODE

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council of the City of Temecula has previously adopted a Conflict of Interest Code to apply to certain officers and employees of the City with an Exhibit A designating certain positions within the City that require the filing of economic disclosure forms.

Section 2. The City Council of the City of Temecula does hereby amend the Conflict of Interest Code for the City of Temecula by deleting Exhibit A and substituting in its place a new Exhibit A, which is attached hereto and incorporated herein by this reference.

Section 3. The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 15th day of November, 2022.

Matt Rahn, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 2022-84 was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 15th day of November, 2022, by the following vote:

AYES:	5	COUNCIL MEMBERS:	Alexander, Edwards, Rahn, Schwank, Stewart
NOES:	0	COUNCIL MEMBERS:	None
ABSTAIN:	0	COUNCIL MEMBERS:	None
ABSENT:	0	COUNCIL MEMBERS:	None



Randi Johl, City Clerk

SECTION 2. EXHIBIT A

DESIGNATED CITY OF TEMECULA EMPLOYEES AND DISCLOSURE CATEGORIES

The following positions entail the making or participating in the making of decisions which could have a material effect on financial interests.

Designated Position	**Disclosure Categories**
Assistant City Manager	1
Assistant Director of Community Development	1
Assistant Director of Community Services	1
Assistant Director of Finance	1
Assistant Director of Information Technology and Support Services	1
Assistant to the City Manager	1
Building Official	1
Chief of Police	1
Community Services Superintendent	1
Deputy City Manager	1
Designated Consultant*	1
Director of Community Development	1
Director of Community Services	1
Director of Finance	1
Director of Human Resources and Risk Management	1
Director of Information Technology and Support Services	1
Director of Legislative Affairs / City Clerk	1
Director of Public Works/City Engineer	1
Economic Development Manager	1
Engineering Manager	1
Exempt Officials	0

Fire Chief	1
Finance Manager	1
Fiscal Services Manager	1
Information Technology Manager	1
Maintenance Manager	1
Planning Manager	1
Principal Civil Engineer	1
Principal Management Analyst	1
Senior Civil Engineer	1
Senior Management Analyst	1
Senior Planner	1
Members of all City Commissions, Boards, and Committees (Other than Government 87200 Filers)	1

DESIGNATED CONSULTANTS:

Consultants who fit into one or more of the following categories shall be included in the list of designated employees as "Designated Consultants":

1. Consultants who make (not just recommend) governmental decisions, such as whether to approve a rate, rule, or regulation, whether to issue, deny, suspend, or revoke any permit, license, application, certificate or similar authorization, adopt or grant City approval to a plan, design, report, study, or adopt or grant City approval of policies, standards, or guidelines for the City or any subdivision thereof.

2. Consultants who serve in a staff capacity with the City, and in that capacity participate in making a governmental decision by providing information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.

3. Consultants who perform the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code.

When the consultant is a corporation, partnership, or limited liability company, only individuals who fit into one of the three categories of "Designated Consultants" described above must file disclosure statements.

Designated Consultant shall report all reportable interests in real property in the jurisdiction; reportable income and business positions; reportable investments; and reportable gifts within the disclosure category applicable to Designated Consultants unless the City Manager determines in writing that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the section. If the City Manager determines in writing that a particular consultant is not required to fully comply with the requisite disclosure requirements, then such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

** The Mayor, City Council, Members of the Planning Commission, City Manager, City Attorney, and City Treasurer are all required to file disclosure statements pursuant to (Government Code 87200) and are thus not included herein.

RESOLUTION NO. 94-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPTING AN AMENDED CONFLICT OF INTEREST CODE

WHEREAS, the City Council of the City of Temecula has previously adopted a Conflict of Interest Code to apply to certain officers and employees of the City; and

WHEREAS, the City Council of the City of Temecula desires to adopt an Amended Conflict of Interest Code;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF TEMECULA DOES RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Amended Conflict of Interest Code, attached hereto as Exhibit A, is hereby adopted as the Conflict of Interest Code for the City of Temecula.

Section 2. The previously adopted Conflict of Interest Code for the City of Temecula is of no further force and effect.

Section 3. The City Clerk shall certify the adoption of this resolution.

APPROVED AND ADOPTED, this 15th day of November, 1994.

Ron Roberts, Mayor

ATTEST:

June S. Greek, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) SS
CITY OF TEMECULA)

I, June S. Greek, City Clerk of the City of Temecula, hereby do certify that the foregoing Resolution No. 94-105 was duly adopted at a regular meeting of the City Council of the City of Temecula on the 15th day of November, 1994 by the following roll call vote:

AYES:	5	COUNCILMEMBERS:	Birdsall, Muñoz, Parks, Stone, Roberts
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None

June S. Greek, City Clerk

CONFLICT OF INTEREST CODE
OF THE
CITY OF TEMECULA

SECTION 1. Purpose. Pursuant to the provisions of Government Code Sections 87300, et seq., the City of Temecula (hereinafter referred to as "City") hereby adopts the following Conflict of Interest Code. The provisions of this Code are in addition to those contained in Title 9, Chapter 7 of the Government Code (Section 87100 et seq.). Except as otherwise indicated, the definitions contained in Title 9, Chapter 2 of the Government Code (Section 8200 et seq.) are incorporated herein and apply to this Code. It is the purpose of this Code to provide for the disclosure of assets and income of designated employees which may be materially affected by their official actions, and, in appropriate circumstances, to provide that designated employees should be disqualified from acting in order that conflicts of interest may be avoided.

SECTION 2. Designated Positions. The positions listed in Exhibit "A" are designated positions. Officers and employees holding those positions are designated employees and are deemed to make or participate in the making of decisions which may foreseably have a material effect on a financial interest.

SECTION 3. Disclosure Statements. Designated positions shall be assigned to one or more of the disclosure categories set forth in Exhibit "B". Each designated employee or official shall file an annual statement disclosing that employee's or official's interest in investments, business positions, interests in real property and source of income designated as reportable under the category to which the employee's or official's position is assigned in Exhibit "B".

SECTION 4. Place and Time of Filing.

A. All designated employees or officials required to submit a statement of financial interests, (FPPC Form No. 730), shall file the original with the City Clerk's office.

B. The City Clerk's office shall make and retain a copy of the statement.

C. A designated employee or official required to submit an initial statement of financial interest, (FPPC Form No. 730), shall submit the statement within 30 days after the effective date of this Code, disclosing interests held including investments, business positions, and interests in real property on the effective date of this Code, and income received during the twelve (12) months prior to the effective date of this Code.

D. All persons appointed, promoted, or transferred to designated positions shall file initial statements not more than 30 days after assuming office.

E. The first statement of financial interests filed by a designated employee shall disclose the designated employee's reportable investments, business positions, and interests

in real property as those investments, positions, and interests in real property exist as of the effective date of this Code or the date the designated employee assumed office, whichever is later, and income received during the preceding twelve (12) months.

F. Annual statements shall be filed by April 1, of each year by all designated employees. Such statements shall disclose reportable investments, business positions, interests in real property, and income held or received at any time during the previous calendar year or since the designated employee took office if during the calendar year.

G. A designated employee required to file a statement of financial interest with any other agency which is within the same territorial jurisdiction and whose disclosure requirements are comparable may comply with the provisions of this Code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate statement.

H. Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

I. A designated employee who resigns his or her position within 30 days twelve (12) months following initial appointment or within thirty (30) days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation the individual does not make, participate in making, or use the position to influence any decision of the City or receive or become entitled to receive any form of payment by virtue of being appointed to the position. Within thirty (30) days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

1. File a written resignation with the appointing power.

2. File a written statement with the filing officer on a form prescribed by the commission and signed under penalty of perjury stating that the individual, during the period between appointment and resignation, did not make, participate in the making or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

SECTION 5. Contents of Disclosure Statements. Disclosure statements shall be made on forms supplied by the City Clerk's Office, (FPPC Form No. 730), and shall contain the following information:

A. Contents of Investment and Real Property Reports. When an investment or an interest in real property is required to be disclosed, the statement shall contain:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held and a general description of the business activity in which the business entity is engaged;

3. The address or other precise location of the real property;

4. A statement indicating whether the fair market value of the investment or interest in real property equals or exceeds one thousand dollars ($1,000) but does not exceed ten thousand dollars ($10,000), whether it exceeds ten thousand ($10,000) but does not exceed one hundred thousand dollars ($100,000), or whether it exceeds one hundred thousand dollars ($100,000). For purposes of this Code, "interest in real property" does not include the principle residence of the designated employee or any other property which the designated employee utilizes exclusively as the employee's personal residence.

5. For purposes of this subdivision (a) of Section 5, "interest in real property" does not include the principal residence of the filer or any other property which utilizes exclusively as the personal residence of the filer.

B. Contents of Personal Income Reports: When personal income[1] is required to be disclosed under this Code or pursuant to the Political Reform Act, the statement shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars ($250) or more in value, or fifty dollars ($50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement indicating whether the aggregated value of income from each source, or, in the case of a loan, the highest amount owed to each source, was at least two hundred fifty dollars ($250) but did not exceed one thousand dollars ($1,000), whether it was in excess of one thousand dollars ($1,000) but not greater than ten thousand dollars ($10,000), or whether it was greater than ten thousand dollars ($10,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value and the date on which the gift was received;

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[1] "Income" is defined in Title 9, Chapter 2 of the Government Code (section 82030). That definition is attached hereto as Exhibit "C."

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

C. Contents of Business Entity Reports. When the designated employee's pro rata share of income to a business entity, including income to a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the designated employee's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars ($10,000) during a calendar year;

3. Income of a business entity is required to be reported only if the direct, indirect, or beneficial interest of the designated employee and his or her spouse in the business entity aggregates a 10 percent or greater interest. In addition, for purposes of subparagraphs 2 and 3 of this subsection, the disclosure of persons who are clients or customers of a business entity is required only if it is reasonably foreseeable that the client or customer may be materially affected by the decisions of the designated employee.

4. When a payment, including an advance or reimbursement for travel is required to be reported pursuant to (b) and (c) of this Section 5, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interest. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.

D. Contents of Business Position Disclosure. When business positions are required to be reported, the designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management; a description of the business entity in which the business is engaged, and the designated employee's position with the business entity.

E. Acquisition or Disposal During a Calendar Year. If any otherwise reportable investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

SECTION 6. Disqualification. Designated employees shall disqualify themselves from making, participating in the making of, or in any way using their official position to influence a governmental decision when it is reasonably foreseeable that the decision will have a material financial affect distinguishable from its effect on the public generally, on the designated

employee, or a member of his or her immediate family, or on:

A. Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars ($1,000) or more;

B. Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars ($1,000) or more;

C. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars ($250) or more in value provided to, received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made;

D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

E. Any donor of, or any intermediary of agent for a donor of, a gift or gifts aggregating two hundred fifty dollars ($250) or more in value provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a designated employee, by an agent on behalf of a designated employee, or by a business entity or trust in which the designated employee, the designated employee's agent, spouse, and dependent children own directly, indirectly, or beneficially a ten percent (10%) interest or greater.

No designated employee shall be required to disqualify himself or herself with respect to any matter which could not legally be acted upon or decided without his or her participation. A designated employee required to disqualify himself or herself shall notify the City Manager and the City Clerk in writing, and the City Clerk shall record the person's disqualification.

Violations. Pursuant to Government Code Section 87300, this Code "shall have the force of law" and any violation of any provision of this Code shall be punishable in accordance with Government Code Section 91000 to 91015 and include criminal and civil sanctions, as well as discipline within the City's Personnel System.

SECTION 7. EXHIBIT "A"
Designated City of Temecula Employees
and Disclosure Categories

The following positions entail the making or participation in the making of decisions which may foreseeably have a material effect on financial interests:

Designated Position	Disclosure Categories
Assistant City Manager	1
Building Official	1
Chief of Police	1
Chief Accountant	1
City Clerk	1
City Engineer/Director of Public Works	1
Consultant[2/]	1
Principal Engineer	1
Exempt Officials[3/]	0

2/ Consultants shall be included in the list of designated employees and shall disclose all of the information required to be disclosed by designated employees subject to the following limitation:

The City Manager or his or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirement described in this Section. Such written disclosure shall include a description and based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

3/ The Mayor, City Council, Members of the Planning Commission, City Manager, City Attorney, City Treasurer, and Director of Finance are all required to file disclosure statements pursuant to state law and thus are not included herein.

Director of Community Services 1

Financial Services Administator 1

Fire Chief 1

Maintenance Superintendent 1

Planning Director 1

Recreation Superintendent 1

Senior Accountant 1

Senior Building Inspector 1

Senior Management Analyst 1

Traffic Engineer 1

Senior Planner 1

Members of all City Commissions,
Boards, and Committees Not
Otherwise Required to File
Conflict of Interest Statements 1

SECTION 8. EXHIBIT "B"

Categories of Reportable Economic Interests

Designated Persons in Category "1" Must Report:

All investments, interests in real property, income, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. These financial interests are reportable only if located within and subject to the jurisdiction of the City, or if the business entity is doing business or planning to do business in an area subject to the jurisdiction of the City, or has done business within an area subject to the jurisdiction of the City at any time during the two years prior to the filing of the statement.

Designated Persons in Category "2" Must Report:

A. All Investments in real property located within or subject to the jurisdiction of the City.

B. Investments in any business entity which within the last two years has contracted or in the future foreseeably may contract with the City.

C. Income from any source which within the last two years has contracted or in the future foreseeably may contract with the City.

D. His or Her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity which within the last two years has contracted or in the future foreseeably may contract with the City.

Designated persons in Category "3" must report:

A. Investments and business positions in, and income from business entities located in, doing business in, or planning to do business in the redevelopment project area and all interests in real property located within two miles of the redevelopment project area.

EXHIBIT "C"

82030. Income. A. "Income" means, except as provided in subdivision (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater. "Income" other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title.

B. "Income" also does not include:

1. Campaign contributions required to be reported under Chapter 4 (commending with Section 84100).

2. Salary and reimbursement for expenses or per diem received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic, or charitable organization.

3. Any devise or inheritance.

4. Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.

5. Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States Government or a commodity future registered with the Commodity Futures Trading Commission of the United States Government, except proceeds from the sale of these securities and commodities futures.

6. Redemption of a mutual fund.

7. Alimony or child support payments.

8. Any loan or loans from a commercial lending institution which are made in the lenders' regular course of business on terms available to members of the public without regard to official status if:

A. Used to purchase, refinance the purchase of, or for improvements to, the principal residence of filer; or

B. The balance owed does not exceed ten thousand dollars ($10,000).

9. Any loan from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan from any such person shall be considered income if the lender is acting as an agent or intermediary for any person not covered by this paragraph.

10. Any indebtness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status, so long as the balance owed to the creditor does not exceed ten thousand dollars ($10,000).

11. Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

12. Proceeds from the sale of securities registered with the securities and Exchange Commission of the United States Government or from the sale of commodities futures registered with the Commodity Futures Trading Commission of the United States Government if the filer sells the securities or the commodities futures on a stock or commodities exchange and does no know or have reason to know the identity of the purchaser.

POLICY NO. 15

CODE OF ETHICS

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	**Code of Ethics**
Policy No.	**15**
Approved:	**November 14, 2023**
Revised:	**N/A**

PURPOSE:
The purpose of this City Council policy is to set forth the Code of Ethics for the City Council of the City of Temecula.

POLICY:
The policy of the City Council with respect to the matter listed in the above-referenced title is as follows:

City Code of Ethics

Preamble
The citizens of the City of Temecula are entitled to responsible, fair and honest city government that operates in an atmosphere of respect and civility. Accordingly, the Temecula City Council has adopted this code to:

1. Describe the standards of behavior to which its leaders and staff aspire.
2. Provide an ongoing source of guidance to elected leaders, city officials and staff in their day-to-day service to the city.
3. Promote and maintain a culture of ethics.

Pledge
On November 14, 2023, the City Council of the City of Temecula adopted this City Code of Ethics, which applies to all City employees, officers, commissions, and elected or appointed officials and requires the following pledge:

Responsibility
- I understand that the community expects me to serve with dignity and respect, as well as be an agent of the democratic process.
- I avoid actions that might cause the public to question my independent judgment.
- I do not use my office or the resources of the city for personal or political gain.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the city and its citizens.

Fairness

- I promote consistency, equity and non-discrimination in public agency decision-making.
- I make decisions based on the merits of an issue, including research and facts.
- I encourage diverse public engagement in our decision-making processes and support the public's right to have access to public information concerning the conduct of the City's business.

Respect

- I treat my fellow city officials, staff, commission members and the public with patience, courtesy, civility, and respect, even when we disagree on what is best for the community and its citizens.

Honesty

- I am honest with all elected officials, staff, commission members, boards, the public and others.
- I am prepared to make decisions when necessary for the public's best interest, whether those decisions are popular or not.
- I take responsibility for my actions, even when it is uncomfortable to do so.

In addition, the City Council commits to the following core values:

1. As a representative of the City of Temecula, in practice, this value looks like: I will be ethical.
2. As a representative ofthe City of Temecula, I will be professional.
3. As a representative of the City of Temecula, I will be service-oriented.
4. As a representative of the City of Temecula, I will be fiscally responsible.
5. As a representative of the City of Temecula, I will be organized.
6. As a representative of the City of Temecula, I will be communicative.
7. As a representative of the City of Temecula, I will be collaborative.
8. As a representative of the City of Temecula, I will be innovative.

POLICY NO. 16

COMPENSATION AND/OR STIPENDS

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	**Compensation and/or Stipends**
Policy No.	**16**
Approved:	**November 14, 2023**
Revised:	**N/A**

PURPOSE:
The purpose of this City Council policy is to set forth the requirements related to Council compensation and/or stipends as codified in the Government Code and the Temecula Municipal Code.

POLICY:
The policy of the City Council with respect to the matter listed in the above-referenced title is as follows:

The City of Temecula is a general law city formed under the laws of the State of California. The City Council compensation schedule for general law cities is set forth in Government Code Section 36516 et seq. Current City Council compensation is $600 per month pursuant to Temecula Municipal Code Section 2.04.050. City Council compensation was last adjusted in October 2023 via Ordinance No. 2023-08. Ordinance No. 2023-08 reset the compensation from $600 to $1,900 per month pursuant to Senate Bill 329.

On June 29, 2023, Senate Bill 329 (SB 329) was signed into law setting forth a new compensation schedule for City Council members. SB 329 declared that the compensation schedule for general law cities had not been adjusted since 1984, indicating compensation had not kept pace with inflation. The Legislature also declared that compensation adjustments for inflation may help city councils become more diverse allowing individuals from across different income levels to serve the public and support their families. SB 329 was permissive and not mandatory. SB 329 increased the maximum amount of City Council salaries based upon population size, permitted adjustments by ordinance at two public meetings, and allowed for additional modification under specific circumstances. Automatic adjustments for CPI were prohibited. For cities 75,000 - 150,000 in population, maximum compensation was set at one thousand nine hundred dollars ($1,900) per month. While SB 329 set forth an alternative calculation to the $1,900 amount based on a maximum 5% increase per year from the date of the last adjustment (2003-2023=20 years), this amount was $1,200, and less than the $1,900 amount set by population. As such, the $1,900 amount remained the maximum cap for compensation adjustment at the time Ordinance 2023-08 was adopted.

Ordinance No. 2023-08 will become effective after the results of the November 2024 general municipal election is certified by the City Council of the City of Temecula. A copy of Ordinance No. 2023-08 is attached as Exhibit A.

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING SECTION 2.04.050 OF THE TEMECULA MUNICIPAL CODE REVISING THE SALARY FOR COUNCIL MEMBERS TO NINETEEN HUNDRED DOLLARS PER MONTH AS PROVIDED IN GOVERNMENT CODE SECTION 36516 AND PROVIDING FOR REIMBURSEMENT OF NECESSARY EXPENSES

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Temecula does hereby find, determine and declare that:

A. Effective January 1, 2024, with the passage of Senate Bill 329 (Dodd), Government Code Section 36516 provides that council members in a city with a population of 75,000 – 150,000 are authorized to receive a salary of nineteen hundred ($1,900.00) per month. The population of a city for the purposes of establishing council member salaries may be based upon either a federal census or an estimate of population validated by the California Department of Finance.

B. The population of the City of Temecula in 2023 is 108,899 as validated by the California Department of Finance.

C. The need for the increase in Council salary is based on the following: (1) Council Members work many hours per month in addition to regular council meetings, including meeting with constituents, reviewing agenda reports for Council and City Commissions, attending subcommittee meetings, meeting with staff, and attending events on behalf of the City and not reflected in their current salary; and (2) increasing the salary may help the City Council become more diverse because increased salary can help individuals from across different income levels receive sufficient income from their service to help ensure that they can continue to serve the public and support their families.

Section 2. Section 2.04.050 of the Temecula Municipal Code is hereby amended to read as follows:

"2.04.050 Compensation

"A. In accordance with Government Code Section 36516, each council member shall be entitled to a salary of in the amount of nineteen hundred dollars ($1,900.00) per month.

B. Upon the submission of an itemized account, any council member may be reimbursed for the actual and necessary expenses incurred in the performance of official duty. The

Council may, by resolution, establish a schedule of actual and necessary expenses incurred in the performance of official duty for which council members may be reimbursed."

Section 3. As required by Government Code Section 36516.5, council members shall not be eligible for the $1,900.00 salary described in Section 1 of this ordinance until the term of office begins for council members elected at the November 2024 General Municipal Election. Until such time, council members shall continue to receive $600.00 per month in salary.

Section 4. Severability. If any portion, provision, section, paragraph, sentence, or word of this ordinance is rendered or declared to be invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining portions, provisions, sections, paragraphs, sentences, and words of this ordinance shall remain in full force and effect and shall be interpreted by the court so as to give effect to such remaining portions of the Ordinance.

Section 5. Effective Date. This ordinance shall take effect thirty (30) days after its adoption.

Section 6. Notice of Adoption. The City Clerk shall certify to the adoption of this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 24th day of October, 2023.

Zak Schwank, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 2023-08 was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the 26th day of September, 2023, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the 24th day of October, 2023, by the following vote:

AYES:	3	COUNCIL MEMBERS:	Brown, Kalfus, Schwank
NOES:	2	COUNCIL MEMBERS:	Alexander, Stewart
ABSTAIN:	0	COUNCIL MEMBERS:	None
ABSENT:	0	COUNCIL MEMBERS:	None

Randi Johl, City Clerk

POLICY NO. 17

ELECTED OFFICE TRAVEL AND REIMBURSMENT

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	**Elected Official Travel and Reimbursement**
Policy No.	**17**
Approved:	**November 14, 2023**
Revised:	**N/A**

PURPOSE:
The purpose of this City Council policy is to establish responsibilities and guidelines for elected officials when attending business or professional conferences, training seminars or other travel on City business. It is the intent of the City of Temecula to assure compliance with all state and federal laws, including United States Internal Revenue Service regulations and Assembly Bill 1234 (2005).

POLICY:
The policy of the City Council with respect to the matter listed in the above-referenced title is as follows:

In general, all reimbursements to elected officials are a use of public funds. The City expects to reimburse reasonable costs incurred by elected officials when traveling on City business, and elected officials are expected to use good judgment in their expenditure of public funds. Reimbursement of business-related expenses paid to elected officials is generally tax-free; however, elected officials must substantiate the expenses with original receipts. A detailed record of all reimbursable expenses incurred during the travel must be submitted on a City Travel/Expense Form.

A. DEFINITIONS

1. Business Travel - authorized attendance at conferences, meetings, and seminars or authorized travel for any other purpose in connection with official City responsibilities. Business travel includes day trips and trips requiring one or more overnight stays in connection with official representation of the City to do the following:

a. Communicate with representatives of regional, state and national government on City adopted policy positions.

b. Attend trainings, seminars, symposiums, conferences, hearings, conventions or other meetings.

c. Interview persons, inspect facilities or institutions, conduct surveys, and exchange professional information or otherwise travel for the benefit of the City.

d. Act as host to persons who, for protocol reasons, merit appropriate courtesies.

e. Participate in such other activities requiring expenditures for travel and/or subsistence as are clearly necessary to serve in the best interest of the City.

2. Business Travel Period – the time that is necessary to travel by the most cost effective and appropriate travel method to attend conferences, meetings, and seminars related to City business. Additional time required to travel as the result of alternative travel methods selected by elected officials are not included in the business travel period and expenses are not subject to reimbursement.

3. Local Travel - travel within a radius of fifty miles from Temecula City Hall.

4. Out-of-Town Travel - travel greater than fifty miles from Temecula City Hall.

5. Mileage Allowance - the reimbursement paid to the elected official for the use of their own personal vehicle during travel on official City business. The mileage reimbursement rate will be the prevailing rate established by the Internal Revenue Service (IRS). Elected officials receiving a monthly automobile allowance are not eligible to receive an additional mileage allowance.

6. Allowable Expense - an expenditure deemed by the U.S. General Services Administration (GSA) as a stand-alone expense that is fully reimbursable, and not included as an incidental expense under per diem rates.

7. Incidental Expense - federal travel regulations define "incidental expenses" as fees and tips given to porters, baggage carriers, bellhops, hotel maids, stewards and stewardesses and others; transportation between places of lodging or business and places where meals are taken; and the mailing cost associated with filing travel vouchers.

B. PROVISIONS

1. Approvals

a. It is the policy of the City Council to publicly disclose and approve all requests for travel expense reimbursement from elected officials as a part of its approval for the List of Demands. If the travel is directly related to City business, defined as those legislative matters that fall within the jurisdiction of a local government municipality, such travel should be considered pre-approved for reimbursement. Any other requests for travel and subsequent reimbursement shall require pre-approval by the City Council.

b. Any number of elected officials may attend conferences if the funds for such purposes are specifically provided for and included in the annual budget, and the number of attendees is justified in consideration of the additional cost. Any other requests for travel and subsequent reimbursement shall require pre-approval by the City Council.

2. Transportation

a. Use of air, train, private car or bus shall be selected based on the most cost effective and appropriate method, taking into consideration distance as calculated by an internet mileage calculator such as MapQuest, and total costs to the City after all expense items are tabulated. Trips should be via the most direct and commonly traveled routes. Other routes may be authorized when official business requires their use. Costs associated with indirect routes, stops along the way for personal reasons, or extending the time beyond what is required for official business will not be paid for or reimbursed by the City. Once booked, changes to flights should be avoided whenever possible to minimize cost to the City.

b. If an elected official wishes to drive rather than fly to a destination, and the official does not receive a monthly automobile allowance, the City will reimburse the elected official the lesser of the mileage rate to and from the site or the amount of the lowest cost airline coach fare within one week after the meeting or conference is booked plus the cost of mileage to and from the airport, the cost of long term parking, and the cost of transportation from the airport to the meeting or conference site for the time necessary for the business travel only. If parking fees are charged at the meeting or conference location due to the elected official driving their personal vehicle, the mileage and parking costs will be reimbursed up to the cost of the airfare, mileage, parking, and transportation costs listed above for the time necessary for business travel. The City will not cover the cost of additional expenditures such as meals, lodging, parking and any other costs incurred resulting from the additional time required to travel by automobile.

c. Reimbursement for mileage shall be at the prevailing IRS established rate and mileage will be calculated from Temecula City Hall. Use of a privately owned vehicle on City business requires the driver to possess a valid California driver's license and to carry automobile insurance. Any damage to the vehicle or service repairs are of a personal nature, and are not reimbursable by the City, and the City shall assume no liability. Reimbursement will be based on the vehicle and not on the number attending (i.e., the owner of the vehicle will be paid and not the passengers). Mileage related to attending conferences or meetings requiring travel is submitted on the Travel Expense Form along with other conference or meeting expenses. Mileage not associated with travel, such as for local events, must be submitted monthly on a Mileage Reimbursement Form within 30 calendar days of the end of the month to be eligible for reimbursement. Such reimbursement is not available to those receiving a monthly automobile allowance.

d. Expenditures deemed as an allowable expense by the GSA such as tolls, parking, internet service and checked baggage for airlines, will be fully reimbursed upon presentation of the original receipts for the period of travel time required for City business. If an elected official chooses to extend the trip for additional days, expenditures for these days will not be paid for or reimbursed by the City. The cost for valet parking will only be reimbursed if no lower cost self-parking was available.

e. When the use of public air carrier transportation is approved, travel for all personnel shall be in coach class or equivalent service. Private automobile use to and from the airport shall be reimbursed for all miles at the current mileage rate. Long-term offsite parking must be used for travel exceeding 24 hours unless the onsite parking rate is lower. If, in lieu of parking at the airport, the elected official obtains a ride to and from the airport, the cost of the mileage for

both round trips will be covered up to what the cost would have been for one round-trip plus the cost of long term parking for the required travel period.

f. While traveling, the use of rental vehicles is discouraged. Shuttle services, buses, taxis, ride share, or car services, between airports and meeting locations will be covered. Rental vehicles shall only be permitted when no other transportation is available, or when alternate transportation would be more expensive or impractical. When rental vehicles are used, the least expensive vehicle practical shall be used, and car rental insurance must be purchased from the rental agency. Car rental fees will be covered only for the time required for the official travel.

3. Lodging

a. Lodging shall be obtained at the most economical rate available for good quality accommodations. In general, the City will cover the cost of hotel accommodations at the standard room rate, government room rate, or conference attendee rate, whichever is less. Upgrades to accommodations are not covered and must be paid for directly by the elected official.

1) If lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking.

2) The City will pay for a single occupancy room (including taxes, parking and other allowable expenses) for as many nights as is necessary to attend the meeting or conference based on the applicable agenda. Any extension of time for personal use is not covered and must be paid for directly by the elected official. If attendance at an event that is not on the agenda is required resulting in additional lodging, meal or other costs, the elected official must attach a statement or other documentation outlining the time and purpose of the meeting attended to obtain reimbursement for the additional costs. Lodging will be provided to elected officials the night prior to the meeting or conference when flight schedules do not allow for arrival on the day of the event prior to the start. Lodging will be provided on the last day of the event only if the event ends late in the day and no return flights are available. Elected officials must cancel any reservation that will not be used. If the City is charged for an unused reservation, the elected official will be responsible for that charge unless circumstances requiring cancellation were reasonably beyond their control.

b. An elected official may stay with a friend or relative while attending an out-of-town meeting or conference; however, the City will not reimburse the elected official for any payment to the friend or relative for lodging, meals or transportation.

4. Meals, Incidental and Allowable Expenses

a. For trips requiring an overnight stay, the allowable cost of meals at a hotel, restaurant, cafeteria, cafe or deli consumed by the elected official while on required business travel will be reimbursed when documented by appropriate receipts. The cost includes non-alcoholic beverages, taxes and tip. Elected officials are not eligible to receive a per diem allowance.

1) Elected officials are eligible to receive reimbursement for actual costs of meals and incidental expenses to the maximum allowance under the GSA Per Diem Rate Schedule (www.gsa.gov) for the location where the meeting or conference took place calculated daily meaning that the meals in totality will be reimbursed up to the maximum allowable for the day, not on an individual meal basis. Partial days, including the first and last days of the conference or event will be prorated according to the GSA Per Diem Rate Schedule. Meals for spouses or guests must be paid for by the elected official and are not eligible for reimbursement.

2) When meals are provided during a conference, those meals must be subtracted out of the per diem rate allowed for the day using the GSA Per Diem Rate Schedule provisions for partial days for the location in which the meeting took place. The provision of a "Continental Breakfast" will not be counted as a meal provided for the purposes of this section.

3) Receipts must show the itemized meal and beverages. Credit card receipts with no detail are not acceptable documentation.

4) Other expenditures deemed by the GSA as an allowable expense (i.e., checked baggage for airlines) are reimbursable.

5) Elected officials are required to submit supporting documentation and receipts for all reimbursable purchases, including the elected official's name and the nature of the business.

b. For trips not requiring overnight stays, the actual cost of meals at a hotel, restaurant, cafeteria, cafe or deli consumed by the elected official while on business travel will be reimbursed when documented by appropriate receipts. The actual cost includes non-alcoholic beverages, taxes and a 15% tip.

1) Receipts must show the itemized meal and should have the elected official's name and the nature of the business documented.

2) Reimbursement shall not exceed the daily meal limit amounts set above, regardless of the amount in receipts submitted.

3) Meals for travel under twenty-four hours may be taxed according to IRS regulations.

4) Elected officials will not be reimbursed for meals if the location of the meeting or conference is within the City, since the elected official could have the meal in the manner they normally choose.

5) Elected officials will not be reimbursed for meals which are already included in the conference registration fee.

6) If an elected official is attending a one-day seminar whereby lunch is not included in the price of the seminar, the reimbursement may not exceed the prevailing U.S. GSA lunch rate for the location in which the meeting took place.

5. Cash Advances and Credit Card Usage

a. If an elected official requires a cash advance for travel expenditures related to City business, a cash advance of a minimum of one hundred ($100) dollars up to a maximum of one thousand five hundred ($1,500) dollars may be made to the elected official.

1) Authorization shall be in the form of a check request from the City Manager to the Finance Department.

2) Cash advances shall be restricted to a maximum of meal and incidental allowances as defined in Section 4.

b. Approved cash advances should be submitted to the Finance Department three weeks prior to departure date.

1) The elected official will be notified by the Finance Department when the requested funds are available for pickup immediately prior to the dates of travel.

2) Receipt of a cash advance for travel expenses does not constitute pre-approval for the expenditure of the entire amount so advanced, as all expenditures must be reasonable, justified and approved.

c. If an elected official has accepted a cash advance, a reconciliation of the advance payment must be made based on the actual expenses incurred as part of the expense report and submitted to the City within ten (10) calendar days of returning from the conference or meeting.

1) If actual expenses exceed the amount of the advance, any additional expenses will be reimbursed.

2) If actual expenses do not exceed the expense advance received, the elected official shall reimburse the City for the unused portion within ten (10) calendar days of filing the expense report. Any unreimbursed cash advance will be withheld from the elected official's next stipend.

d. Elected officials may be issued a credit card by the City of Temecula. Such credit card is to be used for City business only as set forth in this policy (i.e., conference registration, lodging hotel, transportation, non-covered meals, meetings, etc.). Said credit card shall remain in the possession of the Executive Assistant to the City Council and shall be checked out from time to time when the need arises including when the elected official is traveling for City business. Use of the credit card remains subject to all other relevant provisions set forth in this policy, including the submittal of actual costs incurred by way of receipts separately and/or via the Travel/Expense Form.

6. Other Provisions

a. Spouses and guests are permitted to accompany the elected official on City travel and at conferences, seminars, and meetings, except when such accompaniment would interfere with the conduct of City business. Any additional costs associated with the participation of the spouse or other guests are the sole responsibility of the elected official.

b. If Internet access is necessary for City related business, the City will reimburse Internet access connection and/or usage fees away from home during the authorized business travel period. The rate must be listed as such on the invoice, so as not to be confused with other incidental costs.

c. Baggage handling fees of a generally accepted, reasonable amount and gratuities of up to 15% will be reimbursed.

7. Unauthorized Expenses

a. Items of a personal nature are not reimbursable, including movies, entertainment, premium television services, alcoholic beverages, snacks, gift certificates, laundering or dry-cleaning, spas, gyms, barbers, magazines, shoeshine, travel insurance, purchase of clothing or toiletries, loss of tickets, fines or traffic violations, non-mileage personal automobile expenses, including repairs, insurance or gasoline, personal losses incurred while on City business, excess baggage, spouse and/or guest accommodations, office equipment and other items of a personal nature.

b. Spouses and guests are allowed to accompany the elected official on City travel and at conferences, seminars· and meetings when using public or private transportation. Any additional costs associated with the participation of the spouse or other guests are the sole responsibility of the elected official including any increased lodging rate due to double occupancy. Any increase in cost due to a spouse or guest accompanying an elected official is not to be charged to the City and must be paid for directly by the elected official.

c. Expenses for which elected officials receive reimbursement from another agency are not reimbursable.

d. If unauthorized expenses have been paid by the City, the elected official will be responsible for immediate reimbursement to the City by cash or personal check. If the payment has not been received within twenty (20) calendar days after the event, the amount due will be deducted from the elected official's next monthly stipend.

C. TRAVEL/EXPENSE FORM

1. Upon return from the event, the elected official must submit an approved Travel/Expense Form to the Finance Department within ten (IO) calendar days. This form itemizes all expenses associated with the event. All original receipts must be attached, as well as a copy of the conference schedule and/or itinerary. Electronic receipts will also be accepted.

2. Expense forms must document that the expenses in question meet the requirements of this policy.

3. If an elected official has lost a receipt for a travel-related item, a memo is required. The memo must include the following:

a. Detailed explanation, such as time, activity, and reason for losing the receipt.

b. Include all receipt information such as place, amount, date, and description of item.

c. The elected official must sign the memo.

D. INTERPRETATION OF POLICY

The intent of the policy is to provide guidelines to cover the necessary costs associated with elected officials attending conferences and meetings related to, and for the benefit of, the City of Temecula in the most cost-effective manner. Fiscal prudence should prevail in the interpretation of the policy as it is impossible to cover every unique situation that may arise. Any disagreement as to how the policy should be applied should be referred to the City Manager.

E. VIOLATIONS OF THIS POLICY

Use of public resources or falsifying expense reports in violation of this policy may result in any of the following: 1) loss of reimbursement privileges; 2) a demand for restitution to the City of Temecula; 3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities; 4) civil penalties up to the maximum allowable by law; 5) prosecution for misuse of public resources.

POLICY NO. 18

APPOINTMENT TO INTERNAL/ EXTERNAL COMMITTEES

CITY OF TEMECULA
CITY COUNCIL POLICY

Title:	**Appointment to Internal/External Committees**
Policy No.	**18**
Approved:	**November 14, 2023**
Revised:	**N/A**

PURPOSE:
The purpose of this City Council policy is to set forth the guidelines affiliated with the appointment of Council Members to internal and external committees.

POLICY:
The policy of the City Council with respect to the matter listed in the above-referenced title is as follows:

Appointments to Committees
The City of Temecula has several internal committees – ad hoc and standing – on which the City Council serve. Under the Brown Act, which is codified in the Government Code, a "standing committee" is one that has "continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution or formal action of a legislative body." An "ad hoc committee" is one that has limited subject matter jurisdiction, typically one topic, and meets for such time as to complete a limited purpose. The Brown Act applies to all standing committee meetings and relevant staff ensure noticing requirements are met.

Appointments to external committees may include Western Riverside County Regional Conservation, Riverside County Habitat Conservation Agency Board, Riverside County Transportation Commission, Riverside Transit Agency, Western Riverside Council of Governments, League of California Cities, National League of Cities, and Pechanga Tribal Council Liaison among others.

The City Council makes appointments to its internal and external committees in January of each year. Two members are publicly appointed to each committee by a majority vote of the Council. Members may be appointed based on interest, continuity, availability, and/or any other reason. Members serve for the full calendar year in which they are appointed. In the event of a vacancy, another member may be appointed by majority vote of the City Council when the vacancy occurs.

Stipends for Committees
There are no stipends provided by the City of Temecula for any committee service on internal ad hoc and/or standing committees. For external committees, the corresponding regional agency (i.e., Riverside Transit Agency, Riverside Conservation Authority, etc.) may provide a stipend per month and/or meeting for service on their respective committee. Such appointments and related stipends are reportable pursuant to Fair Political Practices Commission Regulation 18702.5. The City Clerk's office is responsible for posting Form 806 listing paid appointed positions as required pursuant to law.

POLICY NO. 19

BUDGET, FEES AND OTHER FINANCIAL MATTERS

CITY OF TEMECULA

CITY COUNCIL POLICY

Title:	**Budget, Fees, and Other Financial Matters**
Policy No.	**19**
Approved:	**10/22/2024**
Revised:	**N/A**

PURPOSE:

The purpose of this City Council policy is to set forth City Council preferences in regards to reviewing the City's budget, fees, and other financial matters.

POLICY:

The policy of the City Council with respect to the matter listed in the above-referenced title is as follows:

Operating Budget and Capital Improvement Program

The City of Temecula's Operating Budget and Capital Improvement Program are adopted annually by the City Council. The Operating Budget is developed through an in-depth review process. Departmental budget submittals are prepared and reviewed by line-item in connection with projected revenues. Detailed measurable performance objectives are developed utilizing a unified set of Citywide strategic goals. Expenditure and 5-year revenue projections are developed to identify the future impacts of proposed staffing and program changes, as well as the impact of proposed capital improvement projects. The result is a conservative, balanced budget that provides for quality services while effectively utilizing available resources.

The purpose of the CIP Budget document is to serve as a planning tool, which coordinates the financing and scheduling of major projects undertaken by the City. The CIP Budget document is prepared in accordance with generally accepted accounting principles. The CIP is dynamic and must be revised annually to address changing needs, priorities, and financial conditions. The capital improvements in the CIP are the City's major projects, exceed $30,000 in cost, have long-term life spans, and are generally non-recurring. These projects include land and right of way acquisition, design, construction or rehabilitation of public buildings or facilities, public infrastructure design and construction, park design and construction, and redevelopment projects.

It is the policy of the City Council to annually review and approve the Operating Budget and Capital Improvement Program of the City, utilizing 5-year revenue projections, in conjunction with the City Council's established fiscal priorities.

Taxes and Fees – Private and Public Benefit

Monies generated from taxes and held in the General Fund are broadly levied and used to pay for services and programs for the whole community as a *public benefit*. In contrast, user fees are fees charged to an individual or group that receive a *private benefit* from the services provided.

Types of Fees

User fees do not include utility rates and development impact fees. Utility rates recover costs for the use of a particular service provided by a government agency, such as water or sewage treatment. Development impact fees are designed to mitigate the impacts of development activity and are used to fund future infrastructure and capital costs and legally may not be applied to normal operating costs and services. Per State law, user fees may not exceed the estimated reasonable cost of providing the service for which the fee is charged. This premise also applies to departmental fees such as parks and recreation fees, etc.

User Fees and Related Cost Studies

User fees are updated annually based on CPI inflation estimates or other inflators until the next comprehensive user fee study is undertaken. A comprehensive user fee study is typically conducted every five years and is used to determine the full cost of each service provided by the City for which the City charges a user fee. A User Fee Study (also called a Cost of Services Study), typically takes 18-24 months to complete and generally evaluates the following factors:

- Whether service costs are covered by revenues received
- Whether fees cover costs and generate excess revenue
- Analysis of relevant costs involved including direct and indirect costs
- Current and projected volume and revenue based on changes in fees
- Subsidization levels for each user fee
- Justification for maintaining, decreasing, and/or increasing user fees
- Evaluation of existing fee structure
- Identification of new fees and deletion of obsolete fees

A Cost Allocation Plan must be completed prior to a User Fee Study. A Cost Allocation Plan, which typically takes 8-12 months to complete, accounts for the full cost of providing a service by including all direct and indirect costs. Direct costs are those directly budgeted and benefiting a specific program, such as salaries, benefits supplies and services. Examples include police patrols, street maintenance and recreation programs. Indirect costs are those which provide supporting services to multiple programs. Examples include legal counsel, finance, IT support, and insurance. It is important to allocate costs so that the City can identify the actual cost of services, ensure accurate calculation of fully burdened hourly rates and user fees, and recover costs for the General Fund.

Recognizing that the completion of a Cost Allocation Plan and User Fee Study require the use of consultants and appropriate funding, it is the policy of the City Council to complete a Cost Allocation Plan and a User Fee Study every five years. In the event a City Council wishes to defer such plan and study due to external events such as an economic recession or other reason, it is the policy of the City Council to formalize such deferral and the reasons for the same, through City Council action at a public meeting. A citywide Master Fee Schedule, should one exist, will be updated and approved annually as a part of the budget and capital improvement program adoption process. The annual budget adoption process also includes a review and approval of the City's financial policies (attached as Exhibit A to this policy). The annual review and approval of such policies ensures that the City Council continues to prioritize its financial decision-making in a manner that best serves the needs of City residents.

EXHIBIT A

POLICY

BUDGET AND FISCAL POLICIES

I. Financial Strategic Plan Purpose and Organization

A. Annual Operating Budget (AOB)

Through its Annual Operation Budget, the City will link resources with results by:

1. Identifying community needs for essential services that improve quality of life through strategic planning that:
   a. Organize the programs required to provide these essential services;
   b. Establish program policies and goals, which define the nature and level of program services required;
   c. Identify activities performed in delivering program services.
2. Proposing goals for improving the delivery of program services that:
   a. Identify and appropriate the resources required to perform program activities and accomplish program goals.
   b. Set objectives to measure Performance (progress) pertaining to:
      - Long term goals that align Council priorities with financial resources;
      - Output of program activities;
      - Accomplishment of program objectives;
      - Expenditure of program appropriations.
3. The AOB process encompasses the development, implementation, and evaluation of a plan for the provision of services for the upcoming fiscal year. The process includes political, managerial, planning, communication, and financial dimensions. The budget incorporates a long-term perspective, establishes linkages to broad organizational goals, and focuses budget decisions on desired results and outcomes. The AOB is formalized via the following process:
   a. A budget workshop is held with the City Council to receive Council direction and public comment, prior to budget preparation;
   b. Budget team updates policies and procedures for budget preparation, creates the budget process calendar, and prepares the current budget schedules for each department to use in preparing the new budget;
   c. A budget kickoff workshop is held with the City Manager, Department Directors, and Department Analysts to discuss the status of the current fiscal year budget, discuss the Five-Year Financial Forecast, review the upcoming budget process calendar, discuss the impacts of the current economic conditions at the State and Federal levels, and discuss the essential principles and elements of the budget process;
   d. Individual meetings are held with the budget team and each department to assist in the budget development process;

BUDGET AND FISCAL POLICIES

e. The City Manager, in collaboration with the budget team, holds reviews each department budget request and makes recommendations to include in the proposed budget;

f. A budget workshop is held with the City Council to receive public comment and to review the components of the proposed budget, prior to formal consideration for adoption;

g. City Manager submits the proposed AOB and salary plan to the City Council at a public meeting for approval.

B. Balanced Budget

The City will strive to maintain a balanced budget over the Five-Year Financial Forecast, by meeting the following targets:.

1. Operating revenues must fully cover operating expenditures;
2. Ending fund balance must meet minimum policy levels. For the General Fund, this level has been established at 20% of operating expenditures for economic uncertainties and to support the City's credit worthiness, cash flow, and response to local disasters.

C. Five-Year Financial Forecast

The City will prepare a five-year financial forecast bi-annually to assist in long range planning and policy development. The five-year forecast provides a tool to evaluate the ability of the City to fund proposed programs, operating and maintenance costs, capital expenditures, as well as operating costs related to future capital improvement projects.

1. Revenues are projected using a realistic approach, and are based on historical trends, stable residential development projections, internal analysis, and commercial growth that incorporates known development projects. Separate sets of assumptions are developed for major revenue types such as sales tax, property tax, community development fees, transient occupancy taxes, and investment income;
2. Departmental expenditure projections are developed using anticipated cost of living increases for general administrative operating costs. Additional assumptions are incorporated for major expenditure categories such as public safety to ensure that commercial and residential growth projections are addressed to main current service levels. The five-year capital improvement program is reviewed with the annual operating budget, and maintenance costs of each proposed project are identified and included in the forecast;
3. The five-year forecast indicates whether projected revenue growth will support anticipated expenditures for current levels of service. However, as the City continues to grow, it is important to ensure that it can meet increasing demands and be in a position to respond to possible changes in economic conditions. The five-year forecast is a dynamic tool that requires bi-annual update and review of its underlying assumptions to keep the City in a position of strong fiscal condition.

BUDGET AND FISCAL POLICIES

D. Capital Improvement Program (CIP)

1. CIP Purpose - The purpose of the Capital Improvement Program (CIP) budget document is to serve as a planning tool, which coordinates the level ranking, financing, and scheduling of major projects undertaken by the City. All projects presented in the five-year CIP budget are carefully programmed to ensure the community's capital improvement needs are met both now and in the future. In addition, the projects provide additional opportunities and access to the City and improve the overall quality of life as identified in the Quality of Life Master Plan (QLMP).

   This document is dynamic and must be revised annually to address changing needs, level rankings, and financial conditions. The City's goal in providing a CIP Budget is to develop a multi-year plan for capital improvements, update it annually, and follow through with all capital improvements in accordance with the plan. It also allows staff to budget operating and maintenance costs into the five-year projection in order to determine the total cost of each project before it is undertaken.

2. CIP Development - This CIP budget document is developed by incorporating input from City Council and key management team members, based on community comments and feedback received throughout the year. This team then, through several workshops, identifies and evaluates community needs in the areas of roads/streets, bridges, public buildings, parks and recreation facilities, and affordable housing projects. Each proposed project is reviewed and discussed to ensure funding, timing, and necessity. The budget workshop is held annually to provide the City Council with an opportunity to review each project in detail, and to receive public comments concerning the five-year program.

3. CIP Projects: $30,000 or More - The capital improvements presented in the budget are the City's major projects, which exceed $30,000 in cost, have long-term life spans, and are generally non-recurring. These projects include land and right of way acquisition, design, construction or rehabilitation of public buildings or facilities, public infrastructure design and construction, park design and construction, and affordable housing projects.

4. Project Manager - Every CIP project will have a project manager who will prepare the project proposal, ensure that required phases are completed on schedule, authorize all project expenditures, ensure that all regulations and laws are observed, and periodically report project status.

5. Project Benefit - Projects must identify a benefit and reference a Core Value (QLMP) goal.

6. CIP Review Committee - In determining the relative merit of a proposed project, key management team members evaluate projects for feasibility, community enhancement, infrastructure and historic preservation, and safety.

7. CIP Levels - Projects in the CIP are scheduled in each of five fiscal years based on community needs, as determined by the City Council and availability of funding. Level rankings in each major category (Circulation, Infrastructure/Other, Parks and Recreation, Affordable Housing, and Projects Funded By Community Facilities Districts) are assigned in accordance with the following guidelines:

BUDGET AND FISCAL POLICIES

a. LEVEL I: The project is urgent and must be completed as soon as feasible. Failure to address the project may impact the health, safety, or welfare of the community or have a potential significant impact on the financial well-being of the City. The project must be initiated, or financial opportunity losses may result.

b. LEVEL II: The project is important and addressing it is necessary. The project impacts safety, law enforcement, health, welfare, economic base, quality of life, and has been identified as a priority in the Quality of Life Master Plan.

c. LEVEL III: The project will enhance quality of life and will provide a benefit to the community. Completion of the project will improve the community by providing cultural, recreational, and/or aesthetic value, or is deemed as a necessary improvement to a public facility.

d. Future Years Projects: The project will be an improvement to the community but does not necessarily need to be completed within a five-year capital improvement program time frame.

8. CIP Administrative Costs - The administrative costs associated with managing CIP projects are estimated (generally as five to ten percent of estimated construction costs) and included in each project budget.

9. CIP Operations and Maintenance (O & M) - Future operations and maintenance costs that result from CIP projects are estimated and identified in the CIP project sheets. These incremental future operating costs are incorporated into the five-year forecast.

10. CIP Phases - The CIP will emphasize project planning, with projects progressing through at least two and up to ten of the following phases:

a. *Designate (Assigned).* Appropriates funds based on projects designated for funding by the Council through adoption of the Capital Improvement Program budget.

b. *Study.* Concept design, site selection, feasibility analysis, schematic design, environmental determination, property appraisals, scheduling, grant application, grant approval, specification preparation for equipment purchases.

c. *Environmental Review.* Compliance with CEQA, NEPA and other environmental studies, if necessary.

d. *Real Property Acquisitions.* Property acquisition for projects, if necessary.

e. *Site Preparation.* Demolition, hazardous materials abatements, other pre- construction work.

f. *Design.* Final design, plan and specification preparation and construction cost estimation.

g. *Construction.* Construction contracts.

h. *Construction Management.* Contract project management and inspection, soils and material tests, other support services during construction.

BUDGET AND FISCAL POLICIES

i. *Equipment Acquisitions.* Vehicles, heavy machinery, computers, office furnishings, other equipment items acquired and installed independently from construction contracts.

11. CIP Appropriation - The City's annual CIP appropriation for study, design, acquisition and/or construction is based on the projects designated by the Council through adoption of the Capital Improvement Program budget. If project costs at the time of bid award are less than the budgeted amount, the balance will be unappropriated and returned to fund balance or allocated to another project. If project costs at the time of bid award are greater than budget amounts, five basic options are available:

    a. Eliminate the project;

    b. Defer the project for consideration to the next Capital Improvement Program budget period;

    c. Rescope or change the phasing of the project to meet the existing budget;

    d. Transfer funding from another specified, lower-level ranking project.

    e. Appropriate additional resources as necessary from fund balance.

12. CIP Budget Carryover - Project accounts, which have been appropriated, will not lapse until completion of the project phase.

13. Program Objectives - Project phases will be listed as objectives in the program narratives of the programs, which manage the projects.

14. General Plan Consistency Review - All projects are evaluated by the City's Planning Commission to ensure consistency with the provisions of the City of Temecula General Plan, while considering the City's long-term vision as developed by the City Council. The proposed capital projects are also reviewed by the Traffic Safety Commission, and the Parks and Recreation Commission.

II. Financial Reporting

A. Annual Reporting

The City will prepare annual financial statements as follows:

1. The City will contract for an annual audit by a qualified independent certified public accountant (or accounting firm). The City will strive for an unqualified auditors' opinion.

2. The City will use generally accepted accounting principles in preparing its annual financial statements and will strive to meet the requirements of the GFOA's Award for Excellence in Financial Reporting program.

3. The City will issue audited financial statements within 180 days after year-end.

BUDGET AND FISCAL POLICIES

B. Interim Reporting

The City will prepare and issue timely interim reports on the City's fiscal status to the Council and staff. This includes online access to the City's financial management system by City staff; quarterly reports to the Council and Department Directors; and mid-year budget reviews.

C. Budget Amendments

The Council may amend or supplement the budget at any time after its adoption by majority vote of the Council members. The City Manager has the authority to make administrative adjustments to the budget as long as those changes will not have a significant policy impact nor affect budgeted year-end fund balances.

D. Extended Annual Reporting

The City will prepare extended annual reports as required by Federal and State requirements including, but not limited to:

1. State Controller Reports
2. Street Report

III. Fund Balance and Reserves

A. Fund Balance Policy

Fund balance represents the accumulation of actual revenues and other financing sources in excess of actual expenditures and other uses at year-end. In general terms, it represents the City's accumulated "savings" from year to year, as any fund balance realized at year-end is added to (or deducted from if expenditures exceeded revenues for that particular year) the previous year's fund balance. Fund balance is often referred to as "reserves."

B. Reserve for Economic Uncertainty

The City will maintain a minimum fund balance of at least 20% of operating expenditures in the General Fund, in order to adequately provide resources in the event of an unexpected draw on City finances. Eligible uses of these reserve funds include:

- Expenditures due to local disasters/acts of nature
- Loss of major revenue source(s) due to financial hardship or economic downturn
- State-imposed take of local revenue/mandated payments
- Significant unanticipated expenditures
- Significant payout of Comprehensive Annual Leave for employees leaving City service

BUDGET AND FISCAL POLICIES

C. Secondary Reserve for Contingencies

In addition to the Reserve for Economic Uncertainty, the City will strive to maintain an operating reserve within the General Fund in the amount of 5% of General Fund operating expenditures. Use of these reserve funds shall be limited to:

- Covering annual operating expenditures if revenue falls short of projections, creating an annual operating deficit.
- Making one-time investments in Capital infrastructure that will create long-term operational savings to the General Fund, leverage available grant funds, or provide funding for projects that will create an economic benefit to the City.

D. Future Capital Project Designations

The Council may designate specific fund balance levels for future development of capital projects that it has determined to be in the best long-term interests of the City.

E. Other Designations and Reserves

In addition to the designations noted above, fund balance levels will be sufficient to meet funding requirements for projects approved in prior years which are carried forward into the new year; debt service reserve requirements; reserves for encumbrances; and other reserves or designations required by contractual obligations, state law, or generally accepted accounting principles.

F. Fund Balance Components

This policy establishes the procedures for reporting unrestricted fund balance in the General Fund financial statements, as well as a fund balance expenditures hierarchy. Fund Balance commitments and assignments ensure that there will be adequate financial resources to protect the City against circumstances such as revenue shortfalls and unanticipated expenditures. The Policy also authorizes and directs the Director of Finance to prepare financial reports and categorize fund balance per Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.

There are five separate components of fund balance which identify the specific purposes for which amounts can be spent: (1) Non-expendable Fund Balance – inherently non-expendable; (2) Restricted Fund Balance – externally enforceable limitations on use; (3) Committed Fund Balance – self-imposed limitations on use; (4) Assigned Fund Balance – limitation resulting from intended use; (5) Unassigned Fund Balance – residual net resources.

1. *Non-expendable Fund Balance* - Amounts that cannot be spent because they are either (a) not in spendable form, such as prepaid items or inventories; or (b) legally required to be maintained intact, such as the principal portion of an endowment.
2. *Restricted Fund Balance* - Amounts for a specific purpose that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, other governments' regulations; or (b) imposed by law through constitutional provisions or enabling legislation.

BUDGET AND FISCAL POLICIES

3. *Committed Fund Balance* - Amounts authorized for specific purposes by a government's highest level of decision-making authority (City Council). These committed amounts cannot be used for any other purpose unless the City Council removes or changes the specified use through the same formal action taken to establish the commitment. City Council action to commit fund balance needs to occur within the fiscal reporting period however, the amount can be determined subsequently. The City's committed fund balance includes a reserve for economic uncertainty. Amounts are committed to finance any significant unanticipated revenue shortfalls, negative State budget impacts or impacts from natural disasters or other catastrophic events.

4. *Assigned Fund Balance* - Amounts that are constrained for specific purposes but are neither restricted nor committed. For all governmental funds other than the General Fund, any remaining amounts not classified as non-expendable, restricted, or committed are considered assigned. For the General Fund, this policy delegates the authority to assign amounts to be used for specific purposes to the Director of Finance in consultation with the City Manager for the purpose of reporting these amounts in annual financial statements.

5. *Unassigned Fund Balance* - Residual net resources of the General Fund in excess of what can be classified in one of the other four categories.

G. Hierarchy of Spending Fund Balance

Restricted fund balance should be spent first when an expenditure is incurred for which both restricted and unrestricted fund balance is available. When an expenditure is incurred for purposes where amounts in any of the unrestricted classifications of fund balance could be used, committed amounts are to be spent first, followed by assigned amounts and then unassigned amounts.

H. Unassigned Fund Balance – General Fund

At the end of each fiscal year, the Finance Department will report on the audited year-end financial results. In the event that actual General Fund revenues exceed expenditures and encumbrances, a year-end operating surplus shall be reported. Any year-end operating surplus which exceeds the levels required by the reserve policies, noted above, will be deemed as Unassigned Fund Balance, and shall be appropriated for one-time (non-recurring) expenditures in accordance with the following guidelines, subject to City Council approval. Ongoing, or recurring expenditures, are not appropriate uses of available Unassigned Fund Balance.

1. Public Safety equipment or non-recurring programs
2. Asset Management reserves
3. Capital improvement projects
4. Reduction of unfunded liabilities related to CalPERS pension and Other Post-Employment Benefits (OPEB)
5. Reduction, or avoidance, of City deb

BUDGET AND FISCAL POLICIES

IV. Transactions and Use Tax Funding (Measure S)

A. Measure S Revenue

Pursuant to Ordinance 16-06, on November 8, 2016, the people of Temecula approved a local 1% Transactions and Use Tax, effective on April 1, 2017, to maintain 9-1-1 emergency response times, prevent cuts to local paramedic, police, fire protection, school safety patrols, youth/after-school programs, senior services, disabled services, improve freeway interchanges, reduce traffic and provide for other general services.

B. Appropriation Priorities of Measure S Revenue

In accordance with the approved ballot language related to Measure S, maintaining public safety services is the City's top priority, followed by the appropriate maintenance and replacement of City assets to ensure long-term viability of City operations. As surplus funds are available, the City Council may allocate Measure S funding to capital projects identified in the Capital Improvement Program as well as any associated general services.

1. Public Safety

    a. Within the Police Department, the City will strive to maintain a target staffing ratio of one sworn officer per 1,000 residents (1:1,000), as outlined in the City's General Plan. Upon receiving Population Estimate from the California Department of Finance, in May of each year, the Police staffing ratio shall be evaluated, and if the ratio falls below 1:1,000, the City Council may allocate available Measure S resources to meet the target staffing ratio.

    b. Desired Fire Department staffing levels include four persons per fire engine or fire truck (4-0 staffing). During the Annual Operating Budget process, the Fire staffing ratio shall be evaluated, and if the ratio falls below 4-0 staffing, the City Council may allocate available Measure S resources to meet the target staffing ratio.

2. Asset Management/Investment

    In accordance with the Asset Management and Replacement Policy, noted in Section VII., the City strategically manages the life cycle and replacement of its assets; including capital infrastructure, City facilities and parks, fleet vehicles and equipment, and the City's technology and communication systems. Ensuring adequate reserves are set-aside for the future replacement of City-owned assets is critical to the long-term viability of the City's operations.

BUDGET AND FISCAL POLICIES

The City's Street and road network serves as the capital infrastructure for public transportation in and around the City. A Pavement Management Study is designed to evaluate the current condition of the road network and establish a recommended level of investment necessary to properly maintain the condition of the street and road network. The City Council will strive to allocate an amount up to the recommended level of investment, as stated in the most recent Pavement Management Study, to the Capital Improvement Program – Pavement Rehabilitation Program, or other appropriate capital infrastructure projects designated for street and road network improvements.

The City Council will strive to allocate an amount to be deposited into each asset replacement fund, based on the results of the specific asset management plan conducted periodically for each grouping of asset types (i.e., facilities, parks, vehicles and technology).

3. Capital Improvement Projects

   A Capital Improvement Project is defined as a major project, which exceeds $30,000 in cost, has a long-term life span, and is generally non-recurring. The City Council may allocate available Measure S resources to fund projects identified in the Capital Improvement Program.

4. General Services

   Operations and maintenance costs associated with City programs, administration and general services to the public are considered eligible appropriations of Measure S resources, so long as the abovementioned priorities are considered first.

   a. Operations and maintenance costs related to the addition of a new City facility, program or service funded by Measure S, shall have priority over existing City general services.

V. Contingency Planning

In response to adverse financial and economic conditions that could negatively impact the City's fiscal health, a Contingency Plan will provide for a measured response to potential fiscal challenges, as opposed to reactionary decision-making that could hinder the long-term financial solvency of the City.

In accordance with Budget Policies III.B and III.C, the City will strive to maintain reserves in the amount of 25% of General Fund operating expenditures. Eligible uses of these reserve funds are outlined in the aforementioned policy; however this Contingency Plan will address the hierarchy of utilizing reserve funds, in the event the City experiences significant or sudden fiscal constraints.

The type of fiscal challenge will dictate the appropriate budgetary measure to implement in order to ensure solvency. If the fiscal constraint cannot be absorbed by annual budgetary savings, the following hierarchy shall be followed:

BUDGET AND FISCAL POLICIES

A. One-Time Events

In the event the City is faced with a non-recurring fiscal constraint, such as a State mandated payment or a natural disaster, the use of reserve funds is an appropriate mitigation. The Secondary Reserve for Contingencies shall be utilized first, and fully exhausted prior to utilizing the Economic Uncertainty Reserve.

B. Ongoing Fiscal Constraints

In the event the City experiences the loss of a major revenue source outside of the City's control (i.e. acts of legislation, corporate decisions and/or economic downturn), the City will need to adjust its operations in order to maintain a balanced budget. Circumstances may arise when the City is unable to react quick enough to offset a sudden loss in revenue, and will be required to utilize reserves to supplant the current Operating Budget. The Secondary Reserve for Contingencies shall be utilized first, and fully exhausted prior to utilizing the Economic Uncertainty Reserve. Continued use of reserve funds shall not exceed two budget cycles, to allow adequate time for the implementation of operational changes, while limiting the ongoing dependency on reserves.

Implementation of Contingency Plan actions requires the majority approval of the City Council.

VI. Staffing Policy

A. Regular Staffing

1. The budget will fully appropriate the resources needed for authorized regular staffing.
2. Regular benefitted employees will represent the core work force and the preferred means of staffing ongoing, year-round program activities and services. The City will strive to provide competitive compensation and benefits for its authorized regular workforce. Each regular employee will:
    a. Fill a position on the Schedule of Authorized Positions in the applicable, approved Annual Operating Budget;
    b. Receive compensation and benefits consistent with labor agreements or other City Council approved compensation plans.
3. To manage the growth of the regular work force and overall staffing costs, the City will follow these procedures:
    a. The Council will authorize all regular positions.
    b. The Human Resources Department will coordinate and approve the hiring of all regular employees.
    c. Supplement core staff with a balanced workforce consisting of part-time, contract, and independent contractors.
    d. All requests for additional regular positions will include evaluations of:
        - The demand for, term and expected results of the proposed activity;

BUDGET AND FISCAL POLICIES

- Staffing and material costs including salary, benefits, equipment, uniforms, clerical support and facilities;
- The ability of private industry to provide the services being demanded;
- Additional revenues or cost savings, which may be realized.

e. Periodically, and before any request for additional regular positions, existing programs will be re-evaluated to determine if services can be provided with existing regular employees.

B. Project Staffing

1. The hiring of project employees will not be used as a method for expanding the City's regular workforce on a long-term basis.
2. Project employees include all employees other than regular employees, temporary staffing, elected officials and volunteers. Project employees will generally augment regular City staffing as extra-help employees, seasonal employees, and interns.
3. The City Manager and Department Directors will encourage the use of project employees to meet temporary peak workload requirements, fill interim vacancies, and accomplish tasks where less than full-time, year-round staffing is required. Under this guideline, project employees will be hired for up to one year at a time in conjunction with the annual operating budget on an at-will basis. Moreover, project employee hours will generally not exceed 50% of a regular, full-time position (1,000 hours annually). There may be limited circumstances where the use of project employees on an ongoing basis in excess of this target may be appropriate due to unique programming or staffing requirements. However, any such exceptions must be approved by the City Manager based on the review and recommendation of the Human Resources Department.

C. Temporary Staffing

1. Temporary Staffing agencies can be contacted only in the case of a short-term assignment such as sick leave, disability leave, maternity leave, isolated peak in workload, etc.
2. The City will pay the Temporary Staffing Agency a fair base rate for the employee with a negotiated markup while the temporary employee is providing work for the City.

D. Work Hours

1. Regular employee, project employee, and temporary employee work hours will be based on the needs of the City and the position.
2. Employee work hours may be flexed in an effort to minimize overtime.

E. Overtime Management

1. Overtime should be used only when necessary and when other alternatives are not feasible or cost effective.

BUDGET AND FISCAL POLICIES

2. All overtime must be pre-authorized by a Department Director or delegated in accordance with existing policy.
3. Departmental operating budgets should reflect anticipated annual overtime costs and departments will regularly monitor overtime use and expenditures.
4. When considering the addition of regular, project, or temporary staffing, the use of overtime as an alternative will be considered. The department will take into account:
   a. The duration that additional staff resources may be needed;
   b. The cost of overtime versus the cost of additional staff;
   c. The skills and abilities of current staff;
   d. Training costs associated with hiring additional staff;
   e. The impact of overtime on existing staff;
   f. The impact on quality of services.

F. Independent Contractors

Independent contractors are not City employees. They may be used in two situations:

1. Short-term, peak workload assignments to be accomplished using personnel contracted through an outside employment agency (OEA). In this situation, it is anticipated that City staff will closely monitor the work of OEA employees and minimal training will be required. However, they will always be considered the employees of the OEA and not the City. All placements through an OEA will be coordinated through the Human Resources Department and subject to the approval of the Human Resources Department.
2. Construction of public works projects and delivery of operating, maintenance or specialized professional services not routinely performed by City employees. Such services will be provided without close supervision by City staff, and the required methods, skills and equipment will generally be determined and provided by the contractor. Contract awards will be guided by the City's purchasing policies and procedures.

G. Productivity

The City will continually monitor and review the City's methods of operation to ensure that services continue to be delivered in the most cost-effective manner possible. This review process encompasses a wide range of productivity issues, including:

1. Analyzing systems and procedures to identify and remove unnecessary review requirements.
2. Evaluating the ability of new technologies and related capital investments to improve productivity.
3. Developing the skills and abilities of all City employees.
4. Developing and implementing appropriate methods of recognizing and rewarding exceptional employee performance.

BUDGET AND FISCAL POLICIES

5. Evaluating the ability of the private sector to perform the same level of service at a lower cost.

6. Periodic formal reviews of operations on a systematic, ongoing basis.

7. Maintaining a decentralized approach in managing the City's support service functions. Although some level of centralization is necessary for review and control purposes, decentralization supports productivity by:

   a. Encouraging accountability by delegating responsibility to the lowest possible level;

   b. Stimulating creativity, innovation and individual initiative;

   c. Reducing the administrative costs of operation by eliminating unnecessary review procedures;

   d. Improving the ability of the organization to respond to changing needs, and identify and implement cost-saving programs;

   e. Assigning responsibility for effective operations and citizen responsiveness to the department.

H. Contracting for Services – Private Sector

1. General Policy Guidelines

   a. Contracting with the private sector for the delivery of services may provide the City with a significant opportunity for cost containment and productivity enhancements. As such, the City is committed to using private sector resources in delivering municipal services as a key element in our continuing efforts to provide cost-effective programs.

   b. Private sector contracting approaches under this policy include construction projects, professional services, outside employment agencies and ongoing operating and maintenance services.

   c. In evaluating the costs of a private section contracts compared with in-house performance of the service, indirect, direct, and contract administration costs of the City will be identified and considered.

   d. Whenever private sector providers are available and can meet established service levels, they will be seriously considered as viable service delivery alternatives using the evaluation criteria outlined below.

   e. For programs and activities currently provided by City employees, conversions to contract services will generally be made through attrition reassignment to absorption by the contractor.

2. Evaluation Criteria – Within the general policy guidelines stated above, the cost effectiveness of contract services in meeting established service levels will be determined on a case-by-case basis using the following criteria:

BUDGET AND FISCAL POLICIES

a. Is a sufficient private sector market available to competitively deliver this service and assure a reasonable range of alternative service providers?

b. Can the contract be effectively and efficiently administered?

c. What are the consequences if the contractor fails to perform, and can the contract reasonably be written to compensate the City for any such damages?

d. Can a private section contractor better respond to expansions, contractions or special requirements of the service?

e. Can the work scope be sufficiently defined to ensure that competing proposals can be fairly and fully evaluated, as well as contractor's performed after bid award?

f. Does the use of contract services provide us with an opportunity to redefine service levels?

g. Will the contract limit our ability to deliver emergency or other high priority services?

h. Overall, can the City successfully delegate the performance of the service but still retain accountability and responsibility for this delivery?

I. Contracting for Services – Government Service Contracts

1. General Policy Guidelines:

a. Contracting with other government entities for the delivery of services such as police and fire provides the City with significant opportunities for cost containment and productivity enhancements. The City utilizes government service contracts to deliver municipal services as a key element in the City's continuing efforts to provide cost-effective programs.

b. Police Contract Services – The City contracts with Riverside County Sheriff's Department for police services. Under this contract the City maintains a ratio of one (1) uniformed police officer for every one thousand (1,000) residents. The City will ensure that contracted staffing levels are compatible with the City population and needs. Contracting with the County facilitates an efficient, effective and affordable model of policing for the community. The police contract allows the City to partner with the County to leverage resources to reduce costs for supervision, administration, training, clerical support, vehicles and equipment.

c. Fire Contract Services - The City contracts with the Riverside County Fire Department for all fire services. Contracting with the County facilitates an efficient, effective and affordable model of fire protection, disaster preparedness, fire prevention, and emergency operation services for the community. The fire contract allows the City to partner with the County to leverage resources to reduce costs for supervision, administration, training, clerical support, vehicles and equipment.

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J. Contracting for Services – Regional Approach

1. A regional approach to public services leverages economies of scale to improve outcomes and services to the citizens. Therefore, prior to entering into private or government service contracts, the City will require the completion of a systematic assessment to determine whether a regional approach to providing services is necessary.

    a. Animal Control Services - The City contracts with Animal Friends of the Valleys for animal control services and the County of Riverside (via the Southwest Community Financing Authority) for animal sheltering services. Contracting with multi-agencies for these services demonstrates a regional approach of leveraging resources to provide efficient services (at a reduced cost).

K. Comprehensive Annual Leave Payout

1. Upon an employee's separation from City service, the employee shall have the option to defer their official separation date to that which corresponds to the exhaustion of the employee's Comprehensive Annual Leave (CAL) balance in accordance with established personnel policies and/or labor agreements.

2. When an employee vacates a position using paid time off (e.g. Comprehensive Annual Leave) for an extended period of time, the vacant position will be evaluated by the Department Director, and upon City Manager approval, the Department Director may fill the vacant position in order to continue operations without disruption to City services. In the event the department does not have adequate savings to offset the cost to fill the vacancy, the City Manager is authorized to transfer an amount equal to the funding shortfall from the General Fund Non-Departmental Account No. 001.199.999.5353 – Staffing Continuity Reserve to the affected department.

VII. Asset Management and Replacement Policy

The City has established multiple asset management and replacement funds to accumulate the necessary financial resources to properly maintain City assets over the long-term. The replacement funds are designated for the purpose of purchasing replacement assets at the end of the item's useful life.

Vehicles, equipment, technology, and facilities are tracked on separate replacement schedules, used to determine the annual contribution amounts for each department owning an eligible asset. The annual contribution amounts are equivalent to the estimated cost to replace the asset at the end of its useful life divided by the number of years of useful life.

A. Replacement Funds

1. Fund 310 – Vehicles and Equipment Fund. Eligible assets include vehicles and large equipment items that have a useful life longer than three years and cost in excess of $10,000.

2. Fund 325 – Technology Replacement Fund. Eligible assets include those technology-related assets that have a useful life longer than three years and cost in excess of $5,000.

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3. Fund 335 – Support Services Replacement Fund. Eligible assets include copier machines utilized by all City departments and maintained by the Information Technology/Support Services department.

4. Fund 350 – Facilities Replacement Fund. Eligible assets include City buildings, systems, and infrastructure necessary to properly operate and maintain all City facilities.

5. Fund 191 – Streetlight Replacement Fund. This fund was established when the City acquired the streetlight network from Southern California Edison, in order to have available resources to repair and replace the light standards, bulbs and other infrastructure of the streetlight network. Resources for this fund are accumulated through Service Level B rate and charges assessed on the properties utilizing the Citywide residential streetlight network.

The funds are discretionary in nature and may be reappropriated by the City Council to provide financial reserves to respond to natural disasters and other emergencies; provide a source for internal loans and liquidity; or serve as collateral for City debt issues.

VIII. Capital Financing and Debt Management

A. Capital Financing

1. The City will consider the use of debt financing only for one-time capital improvement projects and only under the following circumstances:
   a. When the project's useful life will exceed the term of the financing;
   b. When project revenues or specific resources will be sufficient to service the long-term debt.
2. The City will integrate debt issuances with the objectives of the Capital Improvement Program and will incorporate such integration in the formulation of the City's Five-Year Financial Forecast.
3. Debt financing will not be considered appropriate for any recurring purpose such as current operating and maintenance expenditures. The issuance of short-term instruments such as revenue, tax or bond anticipation notes is excluded from this limitation. (See Investment Policy)
4. Capital improvements will be financed primarily through user fees, service charges, assessments, special taxes or developer contributions when benefits can be specifically attributed to users of the facility. Accordingly, development impact fees should be created and implemented at levels sufficient to ensure that new development pays its fair share of the cost of constructing necessary community facilities.
5. Transportation-related impact fees are a major funding source in financing transportation system improvements. However, revenues from these fees are subject to significant fluctuation based on the rate of new development. Accordingly, the following guidelines will be followed in designing and building projects funded with transportation impact fees:

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a. The availability of transportation impact fees in funding a specific project will be analyzed on a case-by-case basis as plans and specifications, or contract awards are submitted for City Manager or Council approval.

b. If adequate funds are not available at that time, the Council will make one of two determinations:

- Defer the project until funds are available;
- Based on the high priority of the project, advance funds from the General Fund, which will be reimbursed as soon as funds become available. Repayment of General Fund advances will be the first use of transportation impact fee funds when they become available.

6. The City will use the following criteria to evaluate pay-as-you-go versus long-term financing in funding capital improvements:

a. Factors Favoring Pay-As-You-Go Financing:

- Current revenues and adequate fund balances are available, or project phasing can be accomplished;
- Existing debt levels adversely affect the City's credit rating;
- Market conditions are unstable or present difficulties in marketing.

b. Factors Favoring Long Term Financing:

- Revenues available for debt service are deemed sufficient and reliable so that long-term financings can be marketed with investment grade credit ratings;
- The project securing the financing is of the type, which will support an investment grade credit rating;
- Market conditions present favorable interest rates and demand for City financings;
- A project is mandated by State or Federal requirements, and resources are insufficient or unavailable;
- The project is immediately required to meet or relieve capacity needs and current resources are insufficient or unavailable.

B. Debt Management

1. The City will not obligate the General Fund to secure long-term financings except when marketability can be significantly enhanced.

2. An internal feasibility analysis will be prepared for each long-term financing which analyzes the impact on current and future budgets for debt service and operations. This analysis will also address the reliability of revenues to support debt service.

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3. The City will generally conduct financings on a competitive basis. However, negotiated financings may be used due to market volatility or the use of an unusual or complex financing or security structure.

4. The City will seek an investment grade rating (Baa/BBB or greater) on any direct debt and will seek credit enhancement such as letters of credit or insurance when necessary for marketing purposes, availability, and cost-effectiveness.

5. The City will monitor all forms of debt annually coincident with the City's Five-Year Financial Forecast preparation and review process and report concerns and remedies, if needed, to the Council.

6. The City will diligently monitor its compliance with bond covenants, including but not limited to any Federal tax compliance requirements with respect to any tax-exempt debt obligations, and ensure its adherence to applicable regulations.

7. The City will maintain good, ongoing communications with bond rating agencies about its financial condition. The City will follow a policy of full disclosure on every financial report and bond prospectus (Official Statement).

8. The City will periodically review the requirements of, and will remain in compliance with, any continuing disclosure undertakings, particularly under Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 with respect to debt issues.

9. The City will diligently monitor the use of proceeds from its debt issues, to ensure that the proceeds will be directed to the intended use. The City will maintain records of the intended use of the proceeds when the debt was originally issued (by keeping related documents, such as the Official Statements, tax certificates, as applicable) and the use of the proceeds at the time they are expended. Such records shall be retained so long as the debt issue (and any subsequent debt issue which refunded the debt) remains outstanding and for three years following the final maturity or redemption. The City shall consult legal counsel regarding the use of proceeds that is different from the original intended purpose.

10. So long as required by California Government Code Section 8855(k), the City shall file annual report(s) to the California Debt and Investment Advisory Commission ("CDIAC") in accordance with CDIAC's requirements on a timely basis. The City shall retain a copy of each such annual report.

11. In connection with each debt issue, the City will file or cause Bond Counsel or another applicable member of the financing team to file on behalf of the City, a report of proposed issuance and a report of final sale, as required by California Government Code Section 8855(i) and (j).

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C. Debt Capacity

1. General Purpose Debt Capacity. The City will carefully monitor its levels of general-purpose debt. Because the general-purpose debt capacity is limited, it is important that the City only use general-purpose debt financing for high-priority projects where it cannot reasonably use other financing methods for two key reasons:

   a. Funds borrowed for a project today are not available to fund other projects tomorrow;

   b. Funds committed for debt repayment today are not available to fund operations in the future. In evaluating debt capacity, general-purpose annual debt service payments should generally not exceed 10% of General Fund revenues; and in no case should they exceed 15%. Further, direct debt will not exceed 2% of assessed valuation; and no more than 60% of capital improvement outlays will be funded from long-term financings.

D. Independent Disclosure Counsel

For any public offering debt issue, the City will retain independent disclosure counsel to assist with the preparation of the official statement or any other similar offering document and the continuing disclosure agreement. The roles of bond counsel and disclosure counsel may be served by the same firm, based on the City's determination on a case-by-case basis.

E. Land-Based Financings

1. Public Purpose. There will be a clearly articulated public purpose in forming an assessment or special tax district in financing public infrastructure improvements. This should include a finding by the Council as to why this form of financing is preferred over other funding options such as impact fees, reimbursement agreements or direct developer responsibility for the improvements.

2. Eligible Improvements. Except as otherwise determined by the Council when proceedings for district formation are commenced, preference in financing public improvements through a special tax district will be given for those public improvements that help achieve clearly identified community facility and infrastructure goals in accordance with adopted facility and infrastructure plans as set forth in key policy documents such as the General Plan, Specific Plan, Facility or Infrastructure Master Plans, or Capital Improvement Plan.

   Such improvements include study, design, construction and/or acquisition of:

   a. Public safety facilities;

   b. Major transportation system improvements, such as freeway interchanges; bridges; intersection improvements; construction of new or widened arterial or collector streets (including related landscaping and lighting); sidewalks and other pedestrian paths; transit facilities; and bike paths;

   c. Storm drainage, creek protection and flood protection improvements;

   d. Parks, trails, community centers and other recreational facilities;

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e. Open space;

f. Cultural and social service facilities;

g. Other governmental facilities and improvements such as offices, information technology systems and telecommunication systems.

3. Active Role. Even though land-based financings may be a limited obligation of the City, staff will play an active role in managing the district. This means that the City will select and retain the financing team, including the financial advisor, bond counsel, trustee, appraiser, disclosure counsel, assessment engineer, special tax consultant and underwriter, as appropriate. Any costs incurred by the City in retaining these services will generally be the responsibility of the property owners or developer and will be advanced via a deposit when an application is filed; or will be paid on a contingency fee basis from the proceeds from the bonds.

4. Credit Quality. When a developer requests a district, the City will carefully evaluate the applicant's financial plan and ability to carry-out the project, including the payment of assessments and special taxes during build-out. This may include detailed background, credit and lender checks, and the preparation of independent appraisal reports and market absorption studies. For districts where one property owner accounts for more than 25% of the annual debt service obligation, a letter of credit further securing the financing may be required.

5. Reserve Fund. A reserve fund should be established in the lesser amount of: the maximum annual debt services; 125% of the annual average debt service; or 10% of the bond proceeds.

6. Value-to-Debt Ratios. The minimum value-to-debt ratio should generally be 4:1. This means the value of the property in the district, with the public improvements, should be at least four times the amount of the assessment or special tax debt. In special circumstances, after conferring and receiving the concurrence of the City's financial advisor and bond counsel that a lower value-to-debt ratio is financially prudent under the circumstances; the City may consider allowing a value-to-debt ratio of 3:1. The Council should make special findings in this case.

7. Appraisal Methodology. Determination of value of property in the district will be based upon the full case value as shown on the ad valorem assessment roll or upon an appraisal by an independent Member Appraisal Institute (MAI). The definitions, standards and assumptions to be used for appraisals will be determined by the City on a case-by-case basis, with input from City consultants and district applicants, and by reference to relevant materials and information promulgated by the State of California, including the Appraisal Standards for Land Secured Financings prepared by the California Debt and Investment Advisory Commission.

8. Capitalized Interest During Construction. Decisions to capitalize interest will be made on a case-by-case basis, with the intent that if allowed, it should improve the credit quality of the bonds and reduce borrowing costs, benefiting both current and future property owners.

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9. Maximum Burden. Annual assessments (or special taxes in the case of Mello-Roos or similar districts) should generally not exceed 1% of the sales price of the property; and total property taxes, special assessments and special taxes payments collected on the tax roll should generally not exceed 2%, with priority going toward special assessments and/or special taxes used to offset any negative fiscal impact of providing municipal services, as determined by a Fiscal Impact Analysis.

10. Benefit Apportionment. Assessments and special taxes will be apportioned according to a formula that is clear, understandable, equitable and reasonably related to the benefit received by, or burden attributed to, each parcel with respect to its financed improvement. No annual escalation factor will be permitted for special assessments or special taxes that support debt service on bonds utilized to finance public infrastructure. Annual escalation factors on special assessments and/or special taxes used to fund municipal services shall be as identified in the Fiscal Impact Analysis.

11. Special Tax District Administration. In the case of Mello-Roos or similar special tax districts, the total maximum annual tax should not exceed 110% of annual debt service. The rate and method of apportionment should include a back-up tax in the event of significant changes from the initial development plan and should include procedures for prepayments.

12. Foreclosure Covenants. In managing administrative costs, the City will establish minimum delinquency amounts per owner, and for the district as a whole, on a case-by-case basis before initiating foreclosure proceedings.

13. Disclosure to Bondholders. In general, each property owner who accounts for more than 10% of the annual debt service or bonded indebtedness must provide ongoing disclosure information annually as described under SEC Rule 15(c)-12.

14. Disclosure to Prospective Purchasers. Full disclosure about outstanding balances and annual payments should be made by the seller to prospective buyers at the time that the buyer bids on the property. It should not be deferred to after the buyer has made the decision to purchase. When appropriate, applicants or property owners may be required to provide the City with a disclosure plan.

F. Conduit Financings

1. The City will consider requests for conduit financing on a case-by-case basis using the following criteria:

   a. The City's bond counsel will review the terms of the financing, and render an opinion that there will be no liability to the City in issuing the bonds on behalf of the applicant;

   b. There is a clearly articulated public purpose in providing the conduit financing;

   c. The applicant is capable of achieving this public purpose.

2. The review of requests for conduit financing will generally be a two-step process:

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a. First, obtaining Council's interest in the request, and establishing the ground rules for evaluating it;

b. Second, return to Council with the results of this evaluation and recommend approval of appropriate financing documents, if warranted.

This two-step approach ensures that the issues are clear for both the City and applicant, and that key policy questions are answered.

3. The work scope necessary to address these issues will vary from request to request and will have to be determined on a case-by-case basis. Additionally, the City should generally be fully reimbursed for costs incurred in evaluating the request; however, this should also be determined on a case-by-case basis.

G. Refinancings

1. General Guidelines. Periodic reviews of all outstanding debt will be undertaken to determine refinancing opportunities. Refinancings will be considered (within Federal tax law constraints) under the following conditions:

   a. There is a net economic benefit;

   b. It is needed to modernize covenants that are adversely affecting the City's financial position or operations;

   c. The City wants to reduce the principal outstanding in order to achieve future debt service savings, and it has available working capital to do so from other sources.

2. Standards for Economic Savings. In general, refinancing for economic savings will be undertaken whenever net present value savings of at least five percent (5%) of the refunded debt can be achieved.

   a. Refinancings that produce net present value savings of less than five percent will be considered on a case-by-case basis, provided that the present value savings are at least three percent (3%) of the refunded debt.

   b. Refinancings with savings of less than three percent (3%), or with negative savings, will not be considered unless there is a compelling public policy objective.

H. Types of Debt That May be Issued

1. To implement the financing (or refinancing) objectives, the City will consider the issuance of generally accepted types of debt, including:

   a. Revenue Bonds – limited-liability obligations tied to a specific enterprise or special fund revenue stream where the projects financed clearly benefit or relate to the enterprise or are otherwise permissible uses of the special revenue;

   b. Special Assessment/Special Tax Bonds – limited liability obligations secured by special assessments or special taxes as described above under "Land-Based Financings";

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c. General Fund Supported Lease Revenue Bonds or Certificates of Participation – generally involves a lease arrangement between the City and a joint powers authority (or another entity), whereby bonds are issued by the authority for the financing of the project, and the City agrees to make lease payments in sufficient amounts to secure debt service payments on the bonds.

d. General Obligation Bonds – bonds secured by a dedicated property tax override (i.e., a property tax in excess of the 1% basic ad valorem property tax rate) that will be issued only after voter approval pursuant to the State Constitution and other applicable laws.

e. Tax Increment Bonds – bonds secured by a portion of ad valorem property tax that are allocated to a successor agency (to a former redevelopment agency) or another entity formed pursuant by law (such as an enhanced infrastructure financing district or a community revitalization infrastructure district). The successor agency will consider issuance of bonds for refunding purposes. The City has not yet formed any enhanced infrastructure financing district, community revitalization infrastructure district or any similar entity, and will undertake applicable legal and feasibility analysis at the time of consideration of the formation of any such entity.

f. Conduit Financing Bonds – bonds as described above under "Conduit Financings," for which debt service will be secured by the applicant's payments and the role of the City (or the City affiliated entity) will be limited to be the conduit issuer, without financial liability.

2. The above list is not exhaustive. The City may from time to time consider other types of debt to accommodate its financing and refinancing objectives.

I. Policy Goals Related to Planning Goals and Objectives

1. It is a policy goal of the City to protect taxpayers and constituents by utilizing conservative financing methods and techniques so as to obtain the highest practical credit ratings (if applicable) and the lowest practical borrowing costs.

2. The City is committed to financial planning, maintaining appropriate reserves levels and employing prudent practices in governance, management and budget administration, including debt issuance and management.

3. The City will comply with applicable State and Federal law as it pertains to the maximum term of debt and the procedures for levying and imposing any related taxes, assessments, rates and charges.

J. Creation of Services Community Facilities Districts

1. Introduction

a. It is the City's goal to support new development projects that address public need and provide a public benefit. In consideration of these projects, the City desires to ensure that the provision of both general services and public safety services are addressed.

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b. The City shall require developments that propose an increase in a higher density residential use than what is currently allowed by the General Plan or Zoning Code to form, or annex into, a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, for the purposes of providing municipal services and public safety services.

c. The City shall make the final determination as to which public financing mechanism, if any, shall be used to assist in the funding of a service. The City may confer with the applicant to learn of any unique circumstances before making its final determination.

2. Eligible Expenses

a. All City and any consultant costs incurred in evaluating applications requesting the establishment of CFDs shall be paid by the applicant by advance deposit increments, or as otherwise agreed upon in writing by the City. The City shall not incur any non-reimbursable expense for processing such applications. Expenses not chargeable to the District shall be borne by the applicant.

b. In general, the services to be financed by a public services CFD are those identified in the Mello-Roos Community Facilities Act which are provided by the City including:

i. Police protection services, including put not limited to, criminal justice services.

ii. Fire protection and suppression services, and ambulance and paramedic services.

iii. Provision of municipal services including, but not limited to, parks and park maintenance, street maintenance, facility maintenance, parkway maintenance, recreation funding, library services, open space, flood and storm protection services, and operation of museums and cultural facilities.

iv. Other services as may be permitted pursuant to the Mello-Roos Community Facilities Act as it may be amended from time to time.

3. Selection of Consultants

a. The City shall select and solely manage, coordinate, and direct the work of the special tax consultant, assessment engineer, financial advisor, special district administrator, and other professionals and consultants it deems appropriate in relation to the formation of, or annexation into, a Services CFD.

4. Fiscal Impact Analysis (FIA)

a. The City shall enter into an agreement with a third-party consultant to conduct a fiscal impact analysis that analyzes the cost of the provision of services to the proposed development.

i. The applicant shall be responsible for incurring all costs of the FIA and pay a deposit in advance, or as otherwise agreed upon, in writing, by the City.

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ii. The FIA shall utilize the final project description, as provided by the applicant, for analysis. The project description must also match that description used for the necessary California Environmental Quality Act (CEQA) analysis.

iii. The FIA shall utilize the most current adopted budget data, to be provided by the City, to develop the projected cost of services relative to the proposed development. The most current available data regarding CPI and other inflators, contract increases, expenditure and revenue trends, and future known legislation affecting the City's budget shall be used.

iv. The FIA shall maintain a 1:1,000 police officer ratio, as the population of the City continues to increase.

v. If the FIA is completed more than one year prior to the completion of the entitlement process, the FIA shall be updated to reflect the most recent budget data.

vi. If a significant change in in the City's fiscal environment occurs between the finalization of the FIA and the completion of the entitlement process, the City may require an updated FIA to be completed.

5. Rate and Method of Apportionment

a. The findings of the FIA will be utilized in the determination of the rate and method of apportionment (RMA) for the CFD, as calculated by a third-party special tax consultant, after the proposed development has received its entitlements.

b. The RMA should provide for an annual increase in the maximum special tax.

c. For residential components of development projects, the projected ad valorem tax and other direct and overlapping debt for the proposed CFD shall not exceed 2.0% of the anticipated initial sales price to the ultimate home buyer, per City policy. Any deviations from the foregoing will not be permitted unless specifically approved by the City Council.

d. The term of the Services CFD shall be in perpetuity, unless otherwise agreed to by the City Council.

e. The City will consider the apportionment of assessments to those properties that are found by the assessment engineer to be benefited by the municipal services provided. The assessment engineer will review the services provided to each parcel in order to comply with the requirements of Proposition 218 and applicable State statutes.

f. The rate and method of special taxes will be structured in such a manner as to result in a fair and reasonable taxing structure. The City and its special tax consultant will consider input from the proponent of the development project, but the City will make the final determination.

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6. Deposit/Reimbursement Agreement

   a. As stipulated earlier in this policy, all City and any consultant costs incurred in evaluating applications requesting the establishment of CFDs shall be paid by the applicant by advance deposit increments, or as otherwise agreed upon in writing by the City.

   b. The City and the applicant shall enter into a Deposit/Reimbursement Agreement that stipulates the terms of payment for the costs in conducting proceedings for the formation of the Services Community Facility District.

   c. The Director of Finance may draw upon the deposits to pay costs including, but not limited to fees and expenses of any consultants employed in connection with the formation or annexation of the CFD; the costs of publication of notices; appraisal or other studies determined necessary; and reasonable charges for City staff time.

7. Conditions for Project Approval for New Projects

   a. Effective upon adoption of this policy, the City shall require all developments that propose an increase in a higher density residential use than what is currently allowed by the General Plan or Zoning Code to form or annex into a CFD pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, for the purposes of providing general municipal services and public safety services, for the purpose of offsetting the cost of providing said services to new residents. Determination of an eligible CFD will be made at the discretion of the City. If an eligible CFD does not exist, a new services CFD formation will be required. It is the City's goal to provide a consistent level of service to all City residents.

   b. The City may choose to enter into a Development Agreement with the applicant, requiring the development to form, or annex into, the Services CFD.

   c. If no Development Agreement is entered into between the City and the applicant, a condition of approval will be placed upon the project during the entitlement phase, stipulating that prior to the approval of any map, it will be required that the development form, or annex into, a Services CFD.

   d. The City, in conjunction with its financial advisors, shall determine whether the aggregate cost of public services, allowable under statute, shall equal an amount that renders the formation of a District economically both cost-effective and efficient.

   e. The City will work, on a case by case basis, to determine the appropriate tax rate to be levied for proposed projects, in conjunction with a Services CFD applying for the development of affordable housing, as defined by the California Health and Safety Code.

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IX. Interfund Transfers and Loans Policy

A. Establishment of Various Funds

The City has established various funds to account for revenues whose use should be restricted to certain activities. Accordingly, each fund exists as a separate financing entity from other funds, with its own revenue sources, expenditures and fund equity.

B. Transfer Between Funds

Any transfers between funds for operating purposes are set forth in the budget. These operating transfers, under which financial resources are transferred from one fund to another, are distinctly different from interfund borrowings, which are usually made for temporary cash flow reasons, and are not intended to result in a transfer of financial resources. In summary, interfund transfers result in a change in fund equity; interfund borrowings do not, as the intent is to repay the loan in the near term.

C. Interfund Loans

Interfund loans may be appropriate whenever the loan is expected to be repaid within the immediate future. The most common use of interfund loans is for grant programs, where costs are incurred before drawdowns are initiated and received. Receipt of funds is typically received shortly after the request for funds has been made.

X. Appropriations Limitation

A. Adopting a Resolution

The Council will annually adopt a resolution establishing the City's appropriations limit calculated in accordance with Article XIII-B of the Constitution of the State of California, Section 7900 of the State of California Government Code, and any other voter approved amendments or state legislation that affect the City's appropriations limit.

B. Supporting Documentation Available for Review

The supporting documentation used in calculating the City's appropriations limit and projected appropriations subject to the limit will be available for public and Council review at least fifteen days before Council consideration of a resolution to adopt an appropriations limit. The Council will generally consider this resolution in connection with final approval of the budget.

C. Calculating Appropriations

The City will strive to develop revenue sources, both new and existing, which are considered non-tax proceeds, in calculating its appropriations subject to limitation.

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D. Review of User Fees and Charges

The City will annually review user fees and charges and report to the Council the amount of program subsidy, if any, that is being provided by the General Fund. An annual inflator is automatically calculated each year based on changes in the Consumer Price Index.

E. Support of Legislation or Initiatives

The City will actively support legislation or initiatives sponsored or approved by League of California Cities which would modify Article XIII-B of the Constitution in a manner which would allow the City to retain projected tax revenues resulting from growth in the local economy for use as determined by the Council.

F. Voter Approval to Amend Appropriation Limit

The City will seek voter approval to amend its appropriation limit at such time that tax proceeds are in excess of allowable limits.

XI. Pension Rate Stabilization Policy

A. Establishment of an Internal Revenue Code (IRC) Section 115 Irrevocable Trust

The City contracts with the California Public Employees Retirement System (CalPERS) to provide pension benefits to its employees. The pension is funded with a combination of employer and employee contributions. To mitigate the volatility in the employer contribution rates, the City has established a Section 115 Trust to prefund its pension obligations. Assets from the Trust are restricted for the payment of pension obligations.

B. Funding of an Internal Revenue Code (IRC) Section 115 Irrevocable Trust

The primary benefit of a Section 115 Trust is the flexibility of investment options available to the Trust that cities are prohibited from utilizing. The broader investment options have the ability to generate higher yields and investment earnings, thereby increasing the assets held in trust.

To establish the Section 115 Trust, a one-time contribution of $8 million was deposited as seed funding during Fiscal Year 2017-18.

Effective Fiscal Year 2018-19 and every year thereafter until amended by Council;

1. At a minimum, an amount equivalent to 26% of Total Payroll may be deposited into the Section 115 Trust in July for the ensuing fiscal year, so long as the City has adequate cash flow for operations.
2. Thirty percent (30%) of the Operating Budget Surplus within the General Fund may be deposited into the Section 115 Trust, up to a maximum contribution of $2 million per year. The Operating Budget Surplus is defined as the excess amount over the budgeted Revenue over Expenditures calculation.

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3. Additional Trust contributions may be programmed through the Annual Operating Budget process each year, as approved by Council.

Annual pension liability payments to CalPERS shall be made from the proceeds of the Section 115 Trust, so long as adequate proceeds are available in the Section 115 Trust.

XII. Signature Delegation Policy

A. Delegation of City Manager Signature Authority

In accordance with the Budget Resolution Section 1.E-F., the City Manager may authorize expenditures of funds in the amounts up to one-hundred thousand dollars ($100,000). Any expenditures in excess of $100,000 requires City Council action.

With regard to contracts and agreements, the City Manager hereby delegates his signature authority, up to $100,000 to the Assistant City Manager, and up to $60,000 as follows:

1. Temecula Community Service District contracts and agreements may be approved by the Director of Community Services for the following contract types:
    a. Entertainment, Performance and Event Agreements
2. Public Works contracts and agreements may be approved by the Deputy City Manager or the Director of Public Works for the following contract types:
    a. Maintenance Agreements
    b. Minor Construction Agreements
3. “Approved As To Form” approval on all agreements, with the exception of those noted below, may be approved by the Assistant Director of Finance, up to $10,000. All contracts and agreements in excess of $10,000, must be Approved As To Form by the City Attorney, or his/her designee.
    a. Successor Agency Agreements
    b. Housing Authority Agreements
    c. Preservation of Cultural Resource Agreements
    d. Leases
    e. Licenses Agreements
    f. Settlement Agreements

BUDGET AND FISCAL POLICIES

B. Delegation of City Manager Settlement Authority

In accordance with the Budget Resolution Section 1.G., the City Manager, in consultation with the City Attorney, is authorized to settle personal injury and property damage lawsuits and enter into settlement agreements on behalf of the City, Temecula Community Services District, and the Successor Agency to the Temecula Redevelopment Agency where the amount of the settlement does not exceed one-hundred thousand dollars ($100,000).

1. For all Personal Injury, Property, and Employment Claim settlements, the City Manager hereby delegates his signature authority to the Director of Human Resources/Risk Management to negotiate settlements up to $10,000.

XIII. Emergency Appropriation Policy

In the event of an emergency resulting from acts of nature or other unforeseen activity, the City Manager is authorized to appropriate budgetary funds for the emergency purchase of goods and services to address such emergency.

In the event the emergency requires a significant Public Works response, an emergency exemption to the Public Works bidding requirements must be approved by the City Council via an Emergency Exemption Resolution.

XIV. Debt/Liability Paydown Strategy Policy

At their meeting December 13, 2022, the Council adopted the City's Debt/Liability Paydown Strategy, which provides for a 7-year paydown schedule for the City's outstanding facility debt, the unfunded pension liability and the unfunded Other Post-Employment Benefits (OPEB) liability. As the economic conditions change, it will be necessary to reevaluate the Paydown Strategy to ensure adequate funding exists to maintain the paydown schedule and reach the goal of a 7-year paydown.

The Paydown Strategy consists of a 15-year Financial Plan and includes the use of Available General Fund Balance and available resources in the IRC Section 115 Irrevocable Pension Trust to pay off the City's outstanding debt/liabilities in accordance with the table below (updated in January 2024):

As of January 2024		Funding Sources		Payoff Schedule				Annual	Updated
Year #	Fiscal Year	Pension Trust	Available Fund Balance	OPEB Liability	Pension Liability	Civic Center Loan	MRC Loan	Budgetary Savings	Change From Original
1	2022-23	5,000,000	19,913,606		7,250,000	12,624,607	5,038,999	(1,620,001)	(364,988)
2	2023-24	7,000,000	10,792,003	3,254,000	14,538,003			(3,253,835)	1,893,000
3	2024-25	5,000,000	2,913,492		7,913,492			(5,522,203)	(321,458)
4	2025-26	2,000,000	6,267,833		8,267,833			(5,598,373)	1,448,821
5	2026-27		8,455,217		8,455,217			(5,680,108)	6,277,059
6	2027-28		9,019,970		9,019,970			(5,763,328)	(1,184,698)
7	2028-29		6,304,545		6,304,545			(5,851,032)	(1,125,490)
8	2029-30							(5,938,215)	
9	2030-31							(5,566,423)	
10	2031-32							(4,356,798)	
		19,000,000	63,666,666	3,254,000	61,749,060	12,624,607	5,038,999	(49,150,315)	6,622,246
Change from Original		2,000,000	1,885,165	(2,107,000)	9,095,257	(327,393)	(38,618)	8,999,878	
Total Interest Savings				**n/a**	**30,763,360**	**2,187,894**	**1,036,267**		

BUDGET AND FISCAL POLICIES

The original OPEB and Pension liability amounts were determined as of June 30, 2020 valuation reports and are subject to change as CalPERS investment returns fluctuate each year. Annual Budgetary Savings generated by the payoff of a specific debt/liability is redirected back into Available Fund Balance and applied to the payoff of future unfunded liabilities until all obligations are paid off.

The CalPERS Pension Unfunded Liability will be considered "paid off" when the City Pension Plan's Funded Status, as defined by CalPERS, is equal to or greater than 100%. To achieve this Funded Status within the 7-year target, annual Additional Discretionary Payments (ADPs) will be made directly to CalPERS, as noted in the above schedule.

Any deviations from the Paydown Strategy's 15-Year Financial Plan that trigger less than $4 million in Available Fund Balance in any year of the forecast is cause for reevaluating the paydown timeline. Economic impacts that could trigger the reevaluation include:

(1) Economic conditions, including recession or potential recession,
(2) Decrease in General Fund revenue,
(3) Increase in General Fund expenditures,
(4) Declining interest earnings in CalPERS' Public Employees' Retirement Fund (PERF) portfolio,
(5) Declining investment earnings in the City's IRC Section 115 Irrevocable Pension Trust

Each year, as part of the Annual Operating Budget process and the Mid-Year Budget process, the 15-Year Financial Plan shall be updated and reevaluated to ensure adequate Available General Fund Balance and Pension Trust balances exist to make the Pension Liability payments, or ADPs, as outlined in the table above. If the funding sources are not adequate to maintain Available Fund Balance in excess of $4 million each year of the forecast, an alternative paydown schedule shall be presented for City Council consideration.

An Operating Budget Surplus is defined as the excess amount over the budgeted Revenue over Expenditures calculation. In the event of any remaining Operating Budget Surplus after contributions are made to the City's IRC Section 115 Irrevocable Pension Trust in accordance with Budget Policy XI, additional ADPs may be made from the remaining surplus, up to $2 million per fiscal year. Additional ADPs may be programmed through the Annual Operating Budget process each year, as approved by Council.

APPENDIX A

SUMMARY OF
RALPH M. BROWN ACT

2025

Brown Act HANDBOOK

Summary of the Major Provisions and Requirements of the Ralph M. Brown Act

- Summary and Discussion of the Major Provisions of the Brown Act
- Text of the Ralph M. Brown Act
- Updated including changes effective January 1, 2025

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INTRODUCTION

This Handbook is prepared to provide you with a summary of the major provisions of California's open meeting law for local governments – the Ralph M. Brown Act. Part One includes rules about calling and holding various types of meetings and closed sessions, as well as guidelines for how to avoid unlawful serial meetings. Part Two contains the complete text of the Brown Act. This Handbook is designed for local government officials and staff, and we hope you will find it useful. Should you have any questions about the information included in this Handbook, please do not hesitate to contact us.

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PART ONE:

SUMMARY OF THE MAJOR PROVISIONS AND REQUIREMENTS OF THE RALPH M. BROWN ACT

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Summary of the Major Provisions and Requirements of the Ralph M. Brown Act

The Ralph M. Brown Act, commonly known as the "Brown Act," is California's "sunshine" law for local government. The Brown Act is found in the California Government Code commencing with Section 54950 (unless indicated otherwise, all statutory references herein are to the California Government Code). In a nutshell, the Brown Act requires local government business to be conducted at open and public meetings except in certain limited situations. This Handbook summarizes and discusses the major provisions of the Brown Act.

I. APPLICATION OF BROWN ACT TO "LEGISLATIVE BODIES"

The requirements of the Brown Act apply to "legislative bodies" of local government agencies. The term "legislative body" is defined to include the governing body of a local agency (e.g., the city council or the board of supervisors) and any commission, committee, board, or other body of the local agency, whether permanent or temporary, decision-making or advisory, that is created by formal action of a legislative body. § 54952(a)-(b).

Standing committees of a legislative body also are subject to the Brown Act if they have either "continuing subject matter jurisdiction" or a meeting schedule fixed by formal action of the legislative body. § 54952(b). Some common examples include the finance, personnel, or similar policy subcommittees of a legislative body. Standing committees exist to make routine, regular recommendations on a specific subject matter. These committees continue to exist over time and survive resolution of any one issue or matter. They are also a regular part of the governmental structure.

The Brown Act does not apply to "ad hoc" committees comprised solely of members of the legislative body that are less than a quorum of the body, provided these committees do not have a "continuing subject matter jurisdiction," or a meeting schedule fixed by formal action of the legislative body. § 54952(b). Such ad hoc committees are purely advisory; they generally serve only a limited or single purpose, are not perpetual, and are dissolved when their specific task is completed.

Advisory and standing committees, but not ad hoc committees, are required to have agendas for their meetings. When the agenda is posted at least 72 hours in advance, the meeting is considered to be a regular meeting for all purposes. § 54954(a). If the agenda is not posted at least 72 hours in advance, the meeting must be treated as a special meeting, and all of the limitations and requirements for special meetings apply, as discussed later in Section VIII of this Handbook.

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The governing boards of some private corporations, limited liability companies, and private entities may be subject to the Brown Act under certain circumstances. A private entity's governing board constitutes a legislative body within the meaning of the Brown Act if either of the following applies: (i) the private entity is created by an elected legislative body to exercise lawfully delegated authority of the legislative body; or (ii) the private entity receives funds from a local agency and its governing board includes a member of the legislative body of the local agency who was appointed by the legislative body to the governing board as a full voting member. § 54952(c)(1). Additionally, charter schools and entities managing charter schools may also be subject to the Brown Act. Educ. Code, § 47604.1(b)(1).

Even before they assume the duties of office, persons who are elected to serve as members of a legislative body of a local agency are subject to the Brown Act. § 54952.1. Under this provision, the statute is applicable to newly elected, but not-yet-sworn-in, members of the legislative body.

II. DEFINITION OF "MEETING"

The central provision of the Brown Act requires that all "meetings" of a legislative body be open and public. The Brown Act defines the term "meeting" very broadly in § 54952.2(a), and the definition encompasses almost every gathering of a majority of legislative body members, including:

> "[A]ny congregation of a majority of the members of a legislative body at the same time and location, including [a] teleconference . . . to **hear, discuss, deliberate, or take action** on any item that is within the subject matter jurisdiction of the legislative body."

This means that a meeting is any gathering of a majority of council members, board of directors, or other applicable legislative body to hear, discuss, or deliberate any item of local agency business or potential local agency business. It is important to emphasize that a meeting occurs if a majority gathers to hear, discuss, or deliberate on a matter and not just to vote or take action on the issue.

III. EXCEPTIONS TO "MEETING" DEFINITION

There are six types of gatherings that are not considered a legislative body "meeting" and are not subject to the Brown Act. We commonly refer to these exceptions as: (1) the individual contact exception; (2) the seminar or conference exception; (3) the community meeting exception; (4) the other legislative body exception; (5) the social or ceremonial occasion exception; and (6) the standing committee exception. Unless a gathering of a majority of the members of a legislative body falls within one of these exceptions, even if a majority of members are merely in the same room listening to a discussion of local agency business, they will be participating in a Brown Act meeting that requires notice, a posted agenda, and a period for public comment.

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A. Individual Contact Exception

Conversations, whether in person, by telephone, video conferencing, or other means, between a member of a legislative body and any other person do not constitute a meeting under the Brown Act. § 54952.2(c)(1). However, such contacts may constitute a "serial meeting" (discussed below) in violation of the Brown Act, if the individual also makes a series of individual contacts with other members of the legislative body, and communications with these other members are used to "discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body." § 54952.2(b)(1).

B. Seminar or Conference Exception

Attendance by a majority of the legislative body at a seminar, conference, or similar educational gathering generally is exempt from Brown Act requirements. § 54952.2(c)(2). However, for this exception to be applicable, the seminar or conference must be open to the public and must involve issues of general interest to the public or to local agencies. Attendance at a League of California Cities or California Contract Cities seminar is an example of an educational gathering that fulfills these requirements. However, as with many of the exceptions, this exception will not apply if a majority of legislative body members discusses among themselves items of specific business relating to their own local agency other than as part of the scheduled program.

C. Community Meeting Exception

The community meeting exception allows a majority of legislative body members to attend privately sponsored neighborhood meetings, town hall forums, chamber of commerce lunches, or other community meetings at which issues of local interest are discussed. § 54952.2(c)(3). In order to fall within this exception, however, the community meeting must satisfy specific criteria. First, the community meeting must be "open and publicized." § 54952.2(c)(3). A homeowners' association meeting restricted to the residents of a particular development and only publicized to those residents cannot be attended by a majority of the legislative body without following the Brown Act requirements because the meeting does not qualify for the exception. And again, for those meetings that fall within the community meeting exception, a majority of legislative body members cannot discuss among themselves items of specific business of their own local agency other than as part of the scheduled program.

In 2024, the California Attorney General issued an opinion declaring that some State of the City events constitute a "meeting" under the Brown Act when attended by a majority of city council members because council members are present at the same time and location to hear and potentially discuss an item within the council's subject matter jurisdiction. 107 Ops. Cal. Atty. Gen. 47. In the Attorney General's view, as a "meeting" of the city council, the meeting must comply with the Brown Act's open meeting requirements. However, the opinion left open the possibility for these events to qualify for the "community meeting" exception if members of the public have the ability to view the event in real time, in person, or via livestreaming, without paying to attend the event.

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D. Other Legislative Body Exception

This exception allows a majority of members of any legislative body to attend open and noticed meetings of other legislative bodies of their local agency, or of another local agency, without treating such attendance as a meeting of the body. § 54952.2(c)(4). Of course, the legislative body members are prohibited from discussing items of specific business of their local agency among themselves other than as part of the scheduled meeting.

E. Social or Ceremonial Occasion Exception

The Brown Act also does not apply to attendance by a majority of the legislative body members at purely social or ceremonial occasions. § 54952.2(c)(5). This exception only applies if a majority of legislative body members do not discuss among themselves items of specific business of their local agency.

F. Standing Committee Exception

This exception allows members of a legislative body who are not members of a standing committee of that body to attend an open and noticed meeting of the committee without making the gathering a meeting of the full legislative body itself. § 54952.2(c)(6). If a quorum of the legislative body is created by the attendance of the additional members, the legislative body members who are not members of the standing committee may attend only as "observers." This means that the non-committee members of the legislative body should not speak at the standing committee's meeting, sit in their usual seat on the dais, or otherwise participate in the meeting. It is generally recommended that, if a standing committee meeting is likely to be attended by other legislative body members, then the meeting should be agendized as a meeting of the whole legislative body. This will allow full participation by all members of the legislative body.

IV. PERMITTED LOCATIONS OF MEETINGS AND TELECONFERENCING

A. Permitted Locations of Meetings

The Brown Act generally requires regular and special meetings of a legislative body to occur within the boundaries of the local agency. § 54954(b). There are limited exceptions to this rule, however, such as allowing meetings with a legislative body of another local agency in that agency's jurisdiction. Meetings held outside of a local agency's boundaries pursuant to an exception still must comply with agenda and notice requirements, as discussed below.

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B. Teleconferencing

The role of "teleconferencing," or using telephonic and/or video technology in public meetings, was expanded significantly during the COVID-19 pandemic.

Because the Brown Act relies on physical, in-person meetings as the primary means to achieve its goals of public participation and transparency, the law has traditionally limited a local agency's ability to use teleconferencing to hold public meetings. Generally, teleconferencing may only be used by members of a legislative body as a way to participate fully in the meeting from remote locations. If one or more members participate in a meeting via teleconferencing, the following "traditional teleconferencing requirements" apply to that meeting: (1) the remote location must be connected to the main meeting location by audio, video, or both; (2) the notice and agenda of the meeting must identify the remote location; (3) the agenda must be posted at the remote location; (4) the remote location must be accessible to the public; (5) all votes must be by roll call; and (6) the meeting must comply with the Brown Act, which includes allowing participation by members of the public present in remote locations. A quorum of the legislative body must participate from locations within the agency's jurisdiction, but other members may participate from outside the jurisdiction. §§ 54953(b), (j)(6). These teleconferencing rules only apply to members of the legislative body. Staff members, attorneys, and consultants may participate remotely without following the posting and public access requirements of the teleconferencing rules.

On March 17, 2020, Governor Newsom issued Executive Order ("EO") N-29-20, which temporarily relaxed these traditional teleconferencing requirements in response to the COVID-19 pandemic. EO N-29-20 and the Governor's COVID-19 state of emergency have expired, but recent amendments to the Brown Act, described below, now provide other alternatives to the traditional teleconferencing requirements under specific conditions. The Brown Act's traditional teleconferencing requirements remain available in lieu of the alternatives described below.

1) Assembly Bill ("AB") 361

AB 361 (2021), which was amended by AB 557 (2023), built upon EO N-29-20 to provide a statutory basis in the Brown Act for relaxed teleconferencing requirements during the COVID-19 declared emergency. As described below, however, there must be a proclaimed state of emergency for an agency to rely on AB 361. Because the Governor has since lifted the COVID-19 state of emergency as of February 28, 2023,[1] agencies will be unable to rely on AB 361 after that date absent a new emergency declaration, which does not have to be related to COVID-19.

The teleconferencing option authorized by AB 361 has been extended by the Legislature and will remain available indefinitely. AB 361 authorizes local agencies to continue meeting remotely *during a state of emergency proclaimed by the Governor* without

[1] *Governor Newsom Marks End of California's COVID-19 State of Emergency* (Feb. 28, 2023), available at: https://www.gov.ca.gov/2023/02/28/governor-newsom-marks-end-of-californias-covid-19-state-of-emergency/ (as of Dec. 22, 2023).

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following the Brown Act's traditional teleconferencing requirements, including the requirement that meetings be conducted in physical locations, if the agency has already determined or is determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. § 54953(e)(1)(A)-(B). A "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act. § 54953(j)(5).

AB 361 generally requires legislative bodies to make remote public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the legislative body, and to adhere as closely as reasonably possible to the provisions of the Brown Act. AB 361 provides the following procedures and requirements for conducting remote meetings:

1. Public Comment Opportunities in Real Time: A legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. Although the agency may still ask for public comments to be submitted in advance, the agency cannot require public comments to be submitted in advance of the meeting. § 54953(e)(2)(A),(C). Agencies may not close a public comment period until members of the public are given the opportunity to register and the time for that comment period has elapsed, whether it is for a specific agenda item or a general comment period. If an agency does not provide a timed public comment period, but takes public comment separately on each agenda item, it must allow a reasonable amount of time per agenda item to allow members of the public the opportunity to provide public comment, including time to register or "otherwise be recognized for the purpose of providing public comment." § 54953(e)(2)(E).

2. No Action During Disruptions: In the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored. § 54953(e)(2)(B).

3. Periodic Findings: To continue meeting remotely pursuant to AB 361, an agency must make periodic findings that: (1) the body has reconsidered the circumstances of the declared emergency; and (2) the emergency impacts the ability of the body's members to meet safely in person. § 54953(e)(3). These findings must be made not later than 45 days (previously 30 days) after teleconferencing for the first time pursuant to AB 361, and every 45 days (previously 30 days) thereafter. We recommend that after the agency makes these findings for the first time, it places on the

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agenda (as a placeholder) "reconsideration" of the findings every 45 days thereafter. § 54953(e)(3).

2) Assembly Bill ("AB") 2449

AB 2449 (2022) provides alternate teleconferencing authority, separate from both the traditional teleconferencing requirements and the relaxed teleconferencing requirements during declared emergencies under AB 361. The provisions of AB 2449 are effective for a period of three years beginning January 1, 2023 and ending January 1, 2026. As of January 1, 2025, some AB 2449 provisions have been amended by AB 2302 (2024).

AB 2449 requires at least a quorum of the legislative body to participate in person from a singular, physical location that is clearly identified on the agenda, open to the public, and situated within the boundaries of the territory over which the agency exercises jurisdiction. The legislative body must provide either a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting as means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body. § 54953(f)(1). AB 2449 allows other individual members to participate remotely without posting agendas at all teleconference locations, identifying all such locations in the agendas, or making each teleconference location open to the public in two specified circumstances: (1) "just cause" or (2) "emergency circumstances."

"Just cause" means any of the following: (A) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a legislative body member to participate remotely; (B) a contagious illness that prevents a member from attending in person; (C) a need related to a physical or mental disability not otherwise accommodated by the agency's procedures for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the Americans with Disabilities Act; or (D) travel while on official business of the legislative body or another state or local agency. § 54953(j)(2).

To participate remotely for just cause, a member must notify the legislative body "at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause." § 54953(f)(2)(A)(i). This notification must include a general description of the circumstances relating to their need to appear remotely at the given meeting.

"Emergency circumstances" means a physical or family medical emergency that prevents a legislative body member from attending a meeting in person. § 54953(j)(1).

To participate remotely due to emergency circumstances, the member must submit a request to the legislative body and the legislative body must take action to approve the request. § 54953(f)(2)(A)(ii). If the legislative body does not approve the request, the member may not participate via teleconference under AB 2449 at that meeting other than as a member of the public. The legislative body must request a general description of the circumstances relating to the member's need to appear remotely at the given meeting. A general description need not exceed 20 words and does not require the

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member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law. A member should submit a request to participate remotely at a meeting due to emergency circumstances as soon as possible, and a separate request is required for each meeting in which a member seeks to participate remotely. § 54953(f)(2)(A)(ii)(I). The legislative body may approve such a request by a majority vote. §§ 54953(f)(2)(A)(ii)(II); 54954.2(b)(4). If the request is received at least 72 hours before a regular meeting, the legislative body's action on the request should be included on the agenda. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting, the legislative body may take action at the beginning of the meeting. § 54953(f)(2)(A)(ii)(II).

There are strict limits on how often the AB 2449 teleconferencing requirements may be used for individual members. For "just cause," legislative body members are only allowed to participate remotely up to two meetings per calendar year. § 54953(f)(2)(A)(i). Otherwise, members are only allowed to participate remotely up to the following limits (multiple sessions in one day are considered to be one meeting for purposes of calculating the remote participation limit):

- Two meetings per year if the body meets once per month or less;
- Five meetings per year if the body meets twice per month; or
- Seven times per year if the body meets three or more times per month.

At the meeting before any action is taken, members of the legislative body participating remotely pursuant to AB 2449 must publicly disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and must disclose the general nature of the member's relationship with any such individuals. § 54953(f)(2)(B). Members must also participate through both audio and visual technology to allow the public to remotely hear and visually observe them. § 54953(f)(2)(C).

Local agencies relying on AB 2449 must follow certain requirements for noticing and conducting remote meetings similar to those required by AB 361. Meeting notices and agendas must identify the means by which members of the public may access the meeting and offer public comment. § 54953(f)(1)(B). Meeting agendas must identify and include an opportunity for all persons to attend and address the legislative body directly via a call-in option, via an internet-based service option, and at the in-person location of the meeting. § 54953(f)(1)(C). In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body may not take any further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. § 54953(f)(1)(D). The legislative body may not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. § 54953(f)(1)(E).

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V. ADA COMPLIANCE

Pursuant to Section 54953.2, all meetings of a legislative body, other than closed session meetings or parts of meetings involving a closed session, are required to be conducted in a manner that complies with the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 ("ADA").

Local agencies must ensure that remote meetings are conducted in a manner that allows persons with a disability to participate to the fullest extent possible. The legislative body must have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body also must give notice of the procedure for receiving and resolving requests for accommodation. § 54953(g).

Relatedly, the agenda must include information regarding how, to whom and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the meeting. § 54954.2(a)(1). If requested, the agenda and documents in the agenda packet also must be made available in alternative formats to persons with a disability. § 54954.1.

In 2024, the California Attorney General issued an opinion declaring that the ADA generally requires a local agency to allow remote participation by a legislative body member as a reasonable accommodation for a member with a qualifying disability that precludes in-person attendance at meetings of the body. 107 Ops. Cal. Atty. Gen. 107. The remote participation must be conducted in a manner that simulates in-person attendance at meetings held in-person at a location open to the public. To accomplish this requirement, individual members who participate remotely must (1) use two-way video and audio streaming in real time and must (2) disclose the identity of any adults who are present with the member at the remote location. *See* §§ 54953(f)(1)(A), 54953(f)(2)(B).

VI. SIMULTANEOUS OR SUCCESSIVE MEETINGS

A legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or successively, only if a clerk or a member of the convened legislative body verbally announces the following prior to convening the simultaneous or successive meeting:

1. There is a subsequent legislative body;

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2. The amount of compensation or stipend, if any, each member may receive as a result of the multiple meetings; and

3. The compensation or stipend is provided as a result of convening the multiple meetings.

However, the amount of compensation is not required to be announced if: (1) it is listed in a statute; and (2) the local agency has not authorized additional compensation. In any case, the announced "compensation" or "stipend" does not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of his or her official duties. Such expenses may include, but are not limited to, those related to travel, meals, and lodging. § 54952.3.

VII. SERIAL MEETINGS

In addition to regulating all gatherings of a majority of the members of a legislative body, the Brown Act also addresses certain contacts between individual members of the legislative body. On the one hand, the Brown Act specifically provides that nothing in the Act is intended to impose requirements on individual contacts or conversations between a member of a legislative body and any other person. § 54952.2(c)(1). This provision applies to individual contacts between two members of the legislative body (the individual contact exception to the "meeting" definition described above). Despite this exception, however, the Brown Act prohibits "serial meetings." § 54952.2(b)(1).

A serial meeting is a series of meetings or communications, either in person or by other means, between individual members of the legislative body in which ideas are exchanged among a majority of the legislative body regarding an item of business that is within the subject matter jurisdiction of the legislative body. A serial meeting can occur even though a majority of legislative body members never gather in a room at the same time. For example, an email response concerning an agency's business circulating among a majority of the members of the legislative body, such as "reply to all," could be considered a serial meeting. A serial meeting typically occurs in one of two ways. The first is when a staff member, a legislative body member or some other person individually contacts a majority of legislative body members and shares ideas among the majority (e.g., "I've talked to members A and B and they will vote 'yes.' Will you?"). Alternatively, member A calls member B, who then calls member C and so on, until a majority of the legislative body has discussed or deliberated or has taken action on the item of business.

The prohibition against serial meetings does not, however, prohibit communications between staff and legislative body members for the purpose of answering questions or providing information regarding a matter that is within the subject matter jurisdiction of the local agency, as long as the staff person does not communicate with other members of the legislative body, the comments or positions of any other member of the legislative body. § 54952.2(b)(2).

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Social media interactions between or among members of a legislative body can also raise serial meeting concerns. See Section VII(D) for a discussion of issues related to social media.

Observing the following guidelines can avoid inadvertent violation of the serial meeting prohibition.

A. Contacts with Staff

Staff can inadvertently become a conduit among a majority of a legislative body in the course of providing briefings on items of local agency business. Originally, the California Court of Appeal held that staff briefings of individual city council members do not constitute an illegal serial meeting under the Brown Act unless there was additional evidence that: (1) staff acted as a personal intermediary for other members of the legislative body; and (2) the meetings led to a collective concurrence among members of the legislative body. Following that decision, the state legislature amended Government Code Section 54952.2 in 2008, effective in 2009, to further clarify that staff briefings of individual city council members for the purpose of answering questions or providing information regarding an item of business do not constitute an illegal serial meeting under the Brown Act as long as a staff person does not communicate the comments or positions of a member of the legislative body to other members of the legislative body. Staff briefings must therefore be handled carefully. To avoid having a staff briefing become a serial meeting:

- Staff briefings to members of the legislative body should be "unidirectional" when done on an individual basis for a majority of the legislative body. This means that information should flow from staff to the member, and the member's participation should be limited to asking questions and acquiring information. Otherwise, if multiple members separately give staff direction thereby causing staff to shape or modify their ultimate recommendations in order to reconcile the views of a majority of the members, a violation might occur.

- A legislative body member should not ask staff to describe the views of any other members of the legislative body, and staff should not volunteer those views, if known.

- Staff may present their views to a legislative body member during an individual contact, but staff should not ask for that member's views unless it is absolutely clear that staff is not discussing the matter with a majority of the legislative body.

B. Contacts with Constituents, Developers and Lobbyists

A constituent, developer or lobbyist can also inadvertently become an intermediary among a majority of members of a legislative body thereby creating an illegal serial meeting in violation of the Brown Act. Such person's unfamiliarity with the requirements

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of the Brown Act aggravate this potential problem because they may expect a legislative body member to be willing to commit to a position in a private conversation in advance of a meeting. To avoid violations arising from contacts with constituents, developers, and lobbyists, members are advised to:

- State the ground rules "up front." Ask if the person has talked, or intends to talk, with other members of the legislative body about the same subject. If the answer is "yes," then make it clear that the person must not disclose the views of other legislative body member(s) during the conversation.

- Explain to the person that you will not make a final decision on a matter prior to the meeting. For example: "State law prevents me from giving you a commitment outside a noticed meeting. I will listen to what you have to say and give it consideration as I make up my mind."

- Do more listening and asking questions than expressing opinions. If you disclose your thoughts about a matter, tell the person not to share your statements with other members of the legislative body.

- Be especially careful with discussions about matters involving "quasi-judicial" land use decisions such as subdivision maps, site development plans, conditional use permits or variances. Consult with your city attorney or legal counsel before the meeting in order to avoid any potential problems involving illegal prejudice against the project or illegally receiving evidence about the project outside of the administrative record.

C. Contacts with Fellow Members of the Same Legislative Body

Direct contacts concerning local agency business with fellow members of the same legislative body – whether through face-to-face or telephonic conversations, notes, letters, online exchanges, email with or to staff members – are the most obvious means by which an illegal serial meeting can occur. This does not mean that a member of a legislative body is precluded from discussing items of local agency business with another member of that legislative body outside of a meeting; as long as the communication does not involve a majority of the legislative body, no "meeting" has occurred. There is, however, always the risk that one participant in the communication will disclose the views of the other participant to a third or fourth legislative body member, creating the possibility of a discussion of an item of business outside a noticed public meeting. Therefore, avoid discussing agency business with a majority of the members of your legislative body and communicating the views of other legislative body members outside a meeting.

D. Contacts on Social Media

Social media engagement can also inadvertently lead to concerns of creating an illegal serial meeting in violation of the Brown Act. The statute was previously silent regarding

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social media and its use by members of a legislative body, leading to uncertainty as to whether certain uses of social media could result in unintended violations. AB 992 (2020) amended certain provisions of the Brown Act, until January 1, 2026, to clarify allowable uses of social media.

A member of a legislative body may engage in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body. However, a majority of the members of the legislative body cannot use the internet-based social media platform to discuss among themselves business of a specific nature that is within the body's subject matter jurisdiction. Further, a member of the legislative body is prohibited from responding directly to any communication on an internet-based social media platform regarding a matter that is within the body's subject matter jurisdiction if the communication is made, posted, or shared by any other member of the legislative body. § 54952.2(b)(3)(A). Unlike other serial meeting restrictions that are invoked when there are contacts of a majority of the legislative body, this provision is triggered when there is interaction between as little as two members of a legislative body. For purposes of these provisions, such interaction includes commenting or using digital icons that express reactions to communications made by other members of the legislative body. § 54952.2(b)(3)(B)(i). Thus, "liking" a post or using a digital icon is considered a discussion under the Brown Act.

To avoid violations arising from social media engagement, members of a legislative body should avoid interacting on social media platforms with any other members of their legislative body regarding matters within the body's subject matter jurisdiction.

These suggested rules of conduct may seem unduly restrictive and impractical and may make acquiring important information more difficult or time-consuming. Nevertheless, following them will help assure that your conduct comports with the Brown Act's goal of achieving open government. If you have questions about compliance with the statute in any given situation, you should seek advice from your city attorney or legal counsel. Adherence to the foregoing guidelines is not a substitute for securing advice from your legal counsel.

VIII. NOTICE, AGENDA AND REPORTING REQUIREMENTS

A. Time of Notice and Content of Agenda

Two key provisions of the Brown Act which ensure the public's business is conducted openly are the requirements that legislative bodies publicly post agendas prior to their meetings, (§§ 54954.2, 54955, 54956 and 54957.5) and that no action or discussion may occur on items or subjects not listed on the posted agenda (§ 54954.2). The limited exceptions to the rule against discussing or taking action not on a posted agenda are discussed further below.

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Legislative bodies, except advisory committees and standing committees, are required to establish a time and place for holding regular meetings. § 54954(a). A "regular" meeting is a meeting that occurs on the legislative body's established meeting day. Generally, agendas for a regular meeting must be publicly posted 72 hours in advance of the meeting in a place that is freely accessible to the public.

Agendas must contain a brief general description of each item of business to be transacted or discussed at the meeting. § 54954.2(a). The description should inform the public of the "essential nature" of the matter, but need not exceed 20 words. *San Diegans for Open Government v. City of Oceanside*, 4 Cal. App. 5th 637 (2016). Courts will uphold a challenge to the sufficiency of an agenda item description when the description provides fair notice of what the agency will consider. The *San Diegans for Open Government* case provides an example of a sufficient agenda description that provides fair notice. In *San Diegans for Open Government*, the Oceanside City Council approved a subsidy agreement with a hotel developer using the following agenda item description:

> Adoption of a resolution to approve: 1. An Agreement Regarding Real Property (Use Restrictions) between the City of Oceanside and SD Malkin Properties Inc. to guarantee development and use of the property as a full service resort consistent with the entitlements for the project; 2. An Agreement Regarding Real Property to provide a mechanism to share Transient Occupancy Tax (TOT) generated by the Project; 3. A Grant of Easement to permit construction of a subterranean parking garage under Mission Avenue; 4. A report required by AB 562 prepared by Paul Marra of Keyser Marston and Associates documenting the amount of subsidy provided to the developer, the proposed start and end date of the subsidy, the public purpose of the subsidy, the amount of the tax revenue and jobs generated by the project; and 5. A License Agreement to permit construction staging for the project on a portion of Lot 26.

The court ruled that this agenda description complied with the requirements of Government Code Section 54954.2 because the agenda description expressly gave the public notice that the council would consider a fairly substantial development of publicly owned property into a hotel, that the city would share the transient occupancy tax generated by the project, and that the transaction would involve a subsidy by the city. Additional information, while helpful, was not necessary to provide fair notice of the essential nature of the action under state law. The court found that the language of the agenda, considered as a whole, provided more than a "clue" that the city planned to provide the developer with a substantial and ongoing financial subsidy in exchange for the project.

In contrast, in *Hernandez v. Town of Apple Valley*, 7 Cal. App. 5th 194 (2017), the court ruled that the Apple Valley Town Council's agenda description was insufficient. There, the town council adopted three resolutions that called for a special election related to an initiative to adopt a commercial specific plan and the filing of arguments and rebuttal arguments for and against the initiative. In addition, the town council adopted a

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Memorandum of Understanding ("MOU") that authorized the acceptance of a gift from an interested party, Wal-Mart, to pay for the special election. The agenda description for the matter read "Wal-Mart Initiative Measure" and included a recommendation for action that read "[p]rovide direction to staff."

The court reiterated that the Brown Act requires that each item of business be placed on the agenda. Specifically, the court highlighted that nothing in the agenda description, or even in the agenda packet, indicated that the town council was going to consider an MOU to accept a gift from Wal-Mart to pay for a special election to pass the initiative. The court concluded that the town violated the Brown Act by omitting the MOU from the agenda description because the omission meant that the public was given no notice of the item of business.

Furthermore, agendas should make clear whether items may be acted on or whether they are informational only. Thus, if an agenda for a meeting states that the legislative body will only "discuss" an item, the legislative body may not take an "action" on that item.

Agendas must also be posted on the local agency's website, if one exists, for city council meetings, and meetings of any other legislative body where some members are city council members and are compensated for their appearance. While the language of the 72 hour posting requirement appears absolute, the California Attorney General opined that technical difficulties, such as a power failure, cyber-attack or other third-party interference that prevents a local agency from posting its agenda on its website for the full 72 hours will not necessarily preclude the legislative body from lawfully holding its meeting. 99 Ops. Cal. Atty. Gen. 11 (2016). Whether a public meeting may continue as scheduled requires a fact specific analysis that turns on whether the local agency has otherwise "substantially complied" with the Brown Act's agenda posting requirements by properly posting a physical agenda and making other "reasonably effective efforts" (such as making the agenda available on social media or some other alternative website) to notify the public of the meeting.

Please note that a planning commission's or a city council's proposed approval of a CEQA document, such as an environmental impact report or a negative declaration, is a distinct item of business separate from the item approving the project and must be expressly described in an agenda. *San Joaquin Raptor Rescue Center v. County of Merced*, 216 Cal. App. 4th 1167 (2013). In addition, one court has ruled that a planning commission's or a city council's consideration of a CEQA exemption is also a distinct item of business for purposes of the Brown Act. *G.I. Industries v. City of Thousand Oaks* 84 Cal. App. 5th 814 (2022) (ordered not published by California Supreme Court, February 15, 2023).

A "special" meeting is a meeting that is held at a time or place other than the time and place established for regular meetings. For special meetings, the "call and notice" of the meeting and the agenda must be posted in a publicly accessible area, including in some cases on the local agency's website, at least 24 hours prior to the meeting. § 54956(a). Additionally, each member of the legislative body must personally receive written notice of the special meeting either by personal delivery or by "any other means" (such as

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facsimile, email or U.S. mail) at least 24 hours before the time of the special meeting, unless they have previously waived receipt of written notice. Members of the press (including radio and television stations) and other members of the public can also request written notice of special meetings and, if they have, then that notice must be given at the same time notice is provided to members of the legislative body.

An "emergency" meeting may be called to address certain emergencies, such as a terrorist act or crippling disaster, without complying with the 24-hour notice requirement. Certain requirements apply for notifying the press and for conducting closed sessions as part of those meetings and except as specified, all other rules governing special meetings apply. § 54956.5.

Both regular and special meetings may be adjourned to another time. Notices of adjourned meetings must be posted on the door of the meeting chambers where the meeting occurred within 24 hours after the meeting is adjourned. § 54955. If the adjourned meeting occurs more than five days after the prior meeting, a new agenda for that adjourned meeting must be posted 72 hours in advance of the adjourned meeting. § 54954.2(b)(3).

The Brown Act requires local agencies to mail the agenda or the full agenda packet to any person making a written request no later than the time the agenda is posted or is delivered to the members of the body, whichever is earlier. Additionally, a local agency with an internet website must send a website link to or a copy of the agenda or the full agenda packet by email, if a person requests that the documents be sent by email. A local agency may charge a fee to recover its costs of copying and mailing. Any person may make a standing request to receive these materials, in which event the request must be renewed annually. Failure by any requestor to receive the agenda does not constitute grounds to invalidate any action taken at a meeting. § 54954.1.

B. Action and Discussion on Non-agenda Items

The Brown Act also ensures the public's business is conducted openly by restricting a legislative body's ability to deviate from posted agendas. The statute affords a legislative body limited authority to act on or discuss non-agenda items at regular meetings, but forbids doing so at special meetings.

As a general rule, a legislative body may not act on or discuss any item that does not appear on the agenda posted for a regular meeting. § 54954.2(a)(3). This rule does not, however, preclude a legislative body from acting on a non-agenda item that comes to the local agency's attention subsequent to the agenda posting which requires immediate action. § 54954.2(b)(2). In order to utilize this exception, the legislative body must make findings of both components of the exception by a two-thirds vote of those present (by unanimous vote if less than two-thirds of the body is present). This means that if five members of a five-member body are present, at least four members must vote to add the item; If four members of a five-member body are present, then at least three members must vote to add the item; if three members of a five-member body are present, all three members must vote to add the item . In addition, an item not appearing on an agenda may be added if the legislative body determines by a majority vote that

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an emergency situation exists. § 54954.2(b)(1). For purposes of this exception, the term "emergency situation" refers to work stoppages or crippling disasters that severely impair public health, safety, or both.

AB 2449 (2022), discussed above, also allows a legislative body to act at the beginning of a meeting on a request from a member to participate in a meeting remotely due to emergency circumstances if the member's request to participate remotely does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. § 54953(f)(2)(A)(i)(II); § 54954.2(b)(4). The legislative body may approve such a request by a majority vote of the legislative body. § 54954.2(b)(4).

In addition to the general exceptions discussed above, a legislative body may also discuss non-agenda items at a regular meeting under the following five additional exceptions:

- Members of the legislative body or staff may briefly respond to statements made or questions posed by persons during public comment periods;
- Members of the legislative body or staff may ask a question for clarification, make a brief announcement or make a brief report on their own activities;
- Members of the legislative body may, subject to the procedural rules of the body, provide a reference to staff or other resources for factual information;
- Members of the legislative body may, subject to the procedural rules of the body, request staff to report back at a subsequent meeting concerning any matter; and
- Members of the legislative body may, subject to the procedural rules of the body, take action to direct staff to place a matter of business on a future agenda.

Therefore, spending a few minutes to discuss whether a matter should be placed on a future agenda or asking staff procedural questions is permissible. *Cruz v. City of Culver City*, 2 Cal.App. 5th 239 (2016). The legislative body may not, however, discuss non-agenda items to any significant degree. This means there should not be long or wide-ranging question and answer sessions on non-agenda items between the legislative body and the public or between the legislative body and staff. It is important to follow these exceptions carefully and construe them narrowly to avoid tainting an important and complex action by a non-agendized discussion of the item.

The Brown Act contains even more stringent regulations to restrict action on and discussion of non-agenda items at special meetings. In particular, the statute mandates that only business that is specified in the "call and notice" of the special meeting may be considered by the legislative body. § 54956. In no event, however, may a special meeting be called to discuss compensation of a local agency executive. § 54956(b).

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C. Reporting of Actions

The Brown Act mandates the public reporting of individual votes or abstentions by members of legislative bodies on any given motion or action. This requirement may be satisfied in most situations by reporting the individual vote or abstention of each member in the minutes of a meeting. § 54953(c). The Brown Act also requires that the legislative body orally report a summary of recommendations made with respect to the salary, salary schedule or compensation paid to a local agency executive. The legislative body must issue the report at the same meeting in which the final action on compensation is being considered. § 54953(c)(3).

IX. PUBLIC PARTICIPATION

A. Regular Meetings

The Brown Act mandates that every agenda for a regular meeting provide an opportunity for members of the public to directly address the legislative body on any matter that is within the subject matter jurisdiction of the legislative body. § 54954.3(a). In addition, the Brown Act requires the legislative body to allow members of the public to comment on any item on the agenda either before or during the body's consideration of that item. § 54954.3(a). Also, although not required under the Brown Act, local agencies may consider reading written comments received into the public record by the city clerk, or their designee, subject to reasonable time and content limitations imposed in accordance with the requirements outlined below.

Some local agencies accomplish both public comment requirements by placing a general audience comment period at the beginning of the agenda where the public can comment on both agenda and non-agenda items. Others provide public comment periods as each item or group of items comes up on the agenda, and then leave the general public comment period to the end of the agenda. Either method is permissible, though public comment on public hearing items must be taken during the hearing.

The Brown Act allows a legislative body to preclude public comments on an agenda item in one limited situation sometimes referred to as the "committee exception" - where the item was considered by a committee, composed solely of members of the body, that held a meeting where public comments on that item were allowed. If the legislative body has standing committees (which are required to have agendized and open meetings with an opportunity for the public to comment on agenda items) and the committee has previously considered an item, then at the time the item comes before the full legislative body, the body may choose not to take additional public comments on that item. However, if the version of the item presented to the full legislative body is different from the version of the item presented to, and considered by, the committee, then the public must be given another opportunity to speak on that item at the meeting of the full body. § 54954.3(a).

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B. Special Meetings

The Brown Act requires that agendas for special meetings provide an opportunity for members of the public to address the legislative body concerning any item listed on the agenda before or during the body's consideration of that item. § 54954.3(a). Unlike regular meetings, public comment on non-agenda matters at a special meeting may be omitted. Additionally, unlike regular meetings, the "committee exception" (discussed above) does not apply to special meetings. *Preven v. City of Los Angeles*, 32 Cal. App. 5th 925, 936 (2019).

C. Limitations on the Length and Content of Public Comments

A legislative body may adopt reasonable regulations limiting the total amount of time allocated to each person for public testimony. § 54954.3(b). Typical time limits restrict speakers to three or five minutes. If an individual utilizes a translator to give testimony and simultaneous translation equipment is not used, the legislative body must allot at least twice the standard amount of time to the speaker. § 54954.3(b)(2). A legislative body may also adopt reasonable regulations limiting the total amount of time allocated for public testimony on legislative matters, such as a zoning ordinance or other regulatory ordinance. However, setting total time limits per item for any quasi-judicial matter, such as a conditional use permit application, is not recommended because the time restriction could violate the due process rights of those who were not able to speak to the body during the time allotted.

The Brown Act precludes a legislative body from prohibiting public criticism of the policies, procedures, programs or services of the local agency or the acts or omissions of the body. § 54954.3(c). This restriction does not mean that a member of the public may say anything during public testimony. If the topic of the public's comments falls outside the subject matter jurisdiction of the local agency, the legislative body may stop a speaker's comments if the comments are disruptive, as described below.

A legislative body also may adopt reasonable rules of decorum that preclude a speaker from disrupting, disturbing or otherwise impeding the orderly conduct of its meetings. § 54954.3(b). The right to publicly criticize a public official does not include the right to slander that official, though the line between criticism and slander is often difficult to determine in the heat of the moment. Care must be given to avoid violating the free speech rights of speakers by suppressing opinions relevant to the business of the legislative body.

Finally, in some circumstances, the use of profanity may serve as a basis for stopping a speaker. It will depend, however, upon what profane words or comments are made and the context of those comments. Therefore, no one should be ruled out of order for profanity unless the language both is truly objectionable and causes a disturbance or disruption in the proceeding.

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The presiding officer of a legislative body may remove an individual from a meeting for actual disruptive behavior if they first warn the individual that their behavior is disruptive and that failure to cease their disruptive behavior could result in removal from the meeting. § 54957.95(a). Behavior is disruptive only if it actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. § 54957.95(b)(1). Disruptive behavior may include noncompliance with the legislative body's established rules of decorum, such as speaking out of turn or exceeding established time limits on how long an individual can speak on a particular topic during public comment. § 54957.95(b)(1)(A). If the individual disrupting the meeting is using force or a true threat of force — meaning serious enough that a reasonable observer would perceive the threat to be an actual threat to use force by the person making the threat — they may be removed without a prior warning to cease their behavior. § 54957.95.

D. Additional Rights of the Public

The Brown Act grants the public the right to videotape or broadcast a public meeting, as well as the right to make a motion picture or still camera record of such meeting. § 54953.5(a). A legislative body may prohibit or limit recording of a meeting, however, if the body finds that the recording cannot continue without noise, illumination or view obstruction that constitutes, or would constitute, a disruption of the proceedings. § 54953.6.

Any audio or videotape record of an open and public meeting that is made, for whatever purpose, by or at the direction of the local agency is a public record and is subject to inspection by the public consistent with the requirements of the Public Records Act. § 54953.5(b). The local agency must not destroy the tape or film record for at least 30 days following the date of the taping or recording. Inspection of the audiotape or videotape must be made available to the public for free on equipment provided by the local agency.

The Brown Act requires written material distributed to a majority of the legislative body by any person to be provided to the public without delay. This rule is inapplicable, to attorney-client memoranda, the confidentiality of which was affirmed by the California Supreme Court in *Roberts v. City of Palmdale*, 5 Cal. 4th 363, 381 (1993). However, if non-privileged material is distributed during the meeting and prepared by the local agency, it must be available for public inspection at the meeting. If it is distributed during the meeting by a member of the public, it must be made available for public inspection after the meeting. § 54957.5(c).

If material related to an agenda item is distributed to a majority of the legislative body less than 72 hours prior to an open session of a regular meeting, the writing must be made available at the same time for public inspection at a public office or location that has been designated in advance for such purpose. Each local agency must list the address of the designated office or location on the agendas for all meetings of the legislative body of that agency. § 54957.5(b). Although this Brown Act provision technically requires an agency to list the designated office address on closed session meeting agendas, it does not require an agency to make such closed session documents and materials available for public inspection.

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A local agency may also post all documents made available for public inspection pursuant to Section 54957.5(b) on the agency's website. However, a local agency may not post the writings to its website in lieu of designating a public office or location for inspection of physical copies of the documents.

There is a limited exception to the requirement regarding making a writing distributed to a majority of the legislative body less than 72 hours in advance of a meeting immediately available for public inspection at a physical location. § 54957.5(b)(2)(B). The exception only applies to materials that supplement an initial staff report or similar document containing an executive summary or the staff recommendation relating to that agenda item that was made available for public inspection at the office or location designated at least 72 hours before the meeting. The exception allows the agency to make the materials available for public inspection the next business day commencing at least 24 hours in advance of the meeting during regular hours if the agency posts the materials on the agency's website immediately upon distributing them to the majority of the body, making it clear they relate to the item at the upcoming meeting, and the agenda posted for all meetings of the legislative body contains the agency's website address.

We recommend that local agencies implement the following procedures to comply with Section 54957.5(b):

- Place a binder at the agency's principal place of business next to the public counter agenda packet that identifies the contents as follows: "Disclosable public documents related to an open session agenda item on the _____ Agenda Packet distributed by the [AGENCY] to a majority of the [LEGISLATIVE BODY] less than 72 hours prior to the meeting."

- On the agenda template for all meetings, there should be a standard footer or statement that indicates the following: "Any disclosable public writings related to an open session item on a regular meeting agenda and distributed by the [AGENCY] to at least a majority of the [LEGISLATIVE BODY] less than 72 hours prior to that meeting are available for public inspection at the _____ Counter at [AGENCY'S PLACE OF BUSINESS] located at [ADDRESS] and [optional] the _____ Counter at the _____ Library located at [LIBRARY ADDRESS] during normal business hours. [Optional] In addition, the Agency may also post such documents on the Agency's Website at [WEBSITE ADDRESS]." Agencies should make these documents available online to the greatest extent possible, when public buildings or facilities are temporarily closed to public access.

- On the agency's website, create a subfolder under the agenda packet folder that identifies the contents of the subfolder as follows: "Disclosable public documents related to an open session agenda item on the _____ Agenda Packet distributed by the [AGENCY] to a majority of the [LEGISLATIVE BODY] less than 72 hours prior to the meeting."

- On all documents made available for public inspection pursuant to Section 54957.5(b), make a notation of the date when distributed to at least

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a majority of the legislative body and placed in the binder at agency's place of business, [optional] the Library, or [optional] on the agency's website.

- Charge customary photocopying charges for copies of such documents.

One problem left unaddressed by Section 54957.5(b) is what to do when written materials are distributed directly to a majority of the legislative body without knowledge of staff, or without the legislative body members knowing that a majority has received it. The law still requires these materials to be treated as public records. Thus, it is a good idea for at least one member of the legislative body to ensure that staff gets a copy of any document distributed to members of the legislative body so that copies can be made for the local agency's records and for members of the public who request a copy.

X. CLOSED SESSIONS

The Brown Act allows a legislative body to convene a "closed session" during a meeting in order to meet privately with its advisors on specifically enumerated topics. Sometimes people refer to closed sessions as "executive sessions," which is a holdover term from the statute's early days. Examples of business that may be conducted in closed session include personnel actions and evaluations, threats to public safety, labor negotiations, pending litigation, real estate negotiations and consideration of a response to an audit report. §§ 54956.8, 54956.9, 54957, 54957.6, 54956.75. Additionally, starting in 2025, AB 2715 (2024) authorizes a legislative body to hold a closed session on matters pertaining to a threat to critical infrastructure controls or critical infrastructure information related to cybersecurity. Political sensitivity of an item is not a lawful reason for a closed session discussion.

The Brown Act requires that closed session business be described on the public agenda. For a litigation threat against a local agency made outside an open and public meeting to be discussed in closed session it must be included in the agenda packet made available upon request before the meeting. *Fowler v. City of Lafayette*, 46 Cal. App. 5th 360, 370 (2020), *as modified on denial of reh'g* (Mar. 11, 2020), *review denied* (July 22, 2020).

Moreover, there is a "safe harbor" for using prescribed language to describe closed session items on an agenda in that legal challenges to the adequacy of the description are precluded when such language is used. § 54954.5. This so-called "safe harbor" encourages many local agencies to use a very similar agenda format, especially in light of a California Court of Appeal ruling that a local agency substantially complied with the Brown Act's requirement to describe closed session agenda items even though the notice referred to the wrong subsection of Section 54956.9. *Castaic Lake Water Agency v. Newhall County Water District*, 238 Cal.App. 4th 1196, 1207 (2015). Audio recording of closed sessions is not required unless a court orders such recording after finding a closed session violation. § 54960.

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Closed sessions may start in a different location from the usual meeting place as long as the location is noted on the agenda and the public can be present when the meeting first begins. Moreover, public comment on closed session items must be allowed before convening the closed session.

After a closed session, the legislative body must publicly report certain types of actions if they were taken and the vote on those actions. § 54957.1. This report typically is given orally at the meeting, but it may done in writing. There are limited exceptions for specified litigation decisions and to protect the victims of sexual misconduct or child abuse. Contracts, settlement agreements or other documents that are finally approved or adopted in closed session must be provided at the time the closed session ends to any person who has made a standing request for all documentation in connection with a request for notice of meetings (typically members of the media) and to any person who makes a request within 24 hours of the posting of the agenda, if the requestor is present when the closed session ends. § 54957.1.

One perennial area of confusion is whether a legislative body may discuss the salary and benefits of an individual employee (such as a city manager) as part of a performance evaluation session under Section 54957. It may not. However, the body may designate a negotiator or negotiators, such as two members of a five-member legislative body, to negotiate with that employee and then meet with the negotiator(s) in closed session under Section 54957.6 to provide directions on salary and compensation issues. The employee in question may not be present in such a closed session. The Brown Act prohibits attendees from disclosing confidential information obtained during a closed session, unless the legislative body authorizes the disclosure. Violations can be addressed through injunctions, disciplinary action, and referral to the grand jury. § 54963.

XI. ENFORCEMENT

There are both civil remedies and criminal misdemeanor penalties for Brown Act violations. The civil remedies include injunctions against further violations, orders nullifying any unlawful action, orders determining that an alleged act violated the Brown Act, orders determining the validity of any rule to penalize or discourage the expression of a member of the legislative body, and remedies for breaching closed session confidences. §§ 54960, 54960.1, 54960.2, 54963.

The procedures for claiming there was a Brown Act violation vary depending upon what the complaining party is seeking. If the complaining party is seeking to invalidate an action based on a violation of the Brown Act, the procedures for doing so are set forth in Section 54960.1. If the complaining party is merely seeking a determination that a Brown Act violation occurred or desires the court to impose an order preventing further violations, the procedures for doing so are set forth in Section 54960.2.

Under Section 54960.1, prior to filing suit to obtain a judicial determination that an action is null and void because of an alleged Brown Act violation, the complaining party must make a written demand on the legislative body to cure or correct the alleged violation. § 54960.1(b). The written demand must be made within 90 days after the challenged

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action was taken. However, if the challenged action was taken in open session and involves a violation of the agenda requirements of Section 54954.2, then the written demand must be made within 30 days. § 54960.1(c)(1). The legislative body is required to cure or correct the challenged action and inform the party who filed the demand of its correcting actions or its decision not to cure or correct, within 30 days. § 54960.1(c)(2). The complaining party must file suit within 15 days after receipt of the written notice from the legislative body or if there is no written response, within 15 days after the 30-day cure period expires. § 54960.1(c).

Under Section 54960.2, prior to filing suit to obtain a judicial determination that an alleged Brown Act violation, the district attorney or interested person must submit a cease and desist letter to the legislative body clearly describing the legislative body's past action and the nature of the alleged violation within nine months of the alleged violation. § 54960.2(a). Second, the legislative body may respond within 30 days, including responding with an unconditional commitment to cease and desist from, and not repeat the past action that is alleged to violate the Brown Act. § 54960.2(b). If the legislative agency responds with an unconditional commitment, that commitment must be approved by the legislative body in open session at a regular or special meeting as a separate item of business not on the consent calendar and must be in substantially the same form set forth in Section 54960.2(c)(1). Also, a legislative body may resolve to rescind an unconditional commitment with proper notice to the public and to each person to whom the unconditional commitment was made. § 54960.2(e). Upon rescission, the district attorney or any interested person may file an action pursuant to Section 54960(a). Finally, Section 54960.2 provides further deadlines and requirements that must be met when filing an action in connection with an unconditional commitment. § 54960.2. Note that even where a plaintiff can satisfy the threshold procedural requirements, a Brown Act violation will not automatically invalidate the action taken by the legislative body absent a showing that the violation caused prejudice. *Martis Camp Cmty. Ass'n v. Cty. of Placer*, 53 Cal. App. 5th 569, 592 (2020).

A member of a legislative body will not be criminally liable for a violation of the Brown Act unless the member intends to deprive the public of information which the member knows or has reason to know the public is entitled to under the Brown Act. § 54959. This standard became effective in 1994 and is a different standard from most criminal standards. Until it is applied and interpreted by a court, it is not clear what type of evidence will be necessary to prosecute a Brown Act violation.

XII. CONCLUSION

The Brown Act's many rules and ambiguities can be confusing, and compliance with it can be difficult. In the event that you have any questions regarding any provision of the law, you should contact your legal counsel for advice.

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PART TWO:

THE RALPH M. BROWN ACT

Updated including changes effective January 1, 2025

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The Ralph M. Brown Act

Government Code §§ 54950-54963

Section 54950. Declaration of public policy

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Section 54950.5. Title of act

This chapter shall be known as the Ralph M. Brown Act.

Section 54951. "Local agency"

As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof or other local public agency.

Section 54952. "Legislative body"

As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution or formal action of a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee or other multimember body that governs a private corporation, limited liability company or other entity that either:

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(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full-voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee or other multimember body that governs a private corporation, limited liability company or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full-voting member to a nonvoting member.

(d) The lessee of any hospital, the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

Section 54952.1. Conduct and treatment of electee

Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

Section 54952.2. Prohibited communications of local agency's legislative body; social media; exclusions from this chapter

(a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members

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of the legislative body the comments or position of any other member or members of the legislative body.

(3) (A) Paragraph (1) shall not be construed as preventing a member of the legislative body from engaging in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body provided that a majority of the members of the legislative body do not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body. A member of the legislative body shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.

(B) For purposes of this paragraph, all of the following definitions shall apply:

(i) "Discuss among themselves" means communications made, posted, or shared on an internet-based social media platform between members of a legislative body, including comments or use of digital icons that express reactions to communications made by other members of the legislative body.

(ii) "Internet–based social media platform" means an online service that is open and accessible to the public.

(iii) "Open and accessible to the public" means that members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval of the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

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(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

Section 54952.3. Simultaneous or serial order meetings authorized; Requirements; Compensation or stipends

(a) A legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or in serial order, only if a clerk or a member of the convened legislative body verbally announces, prior to convening any simultaneous or serial order meeting of that subsequent legislative body, the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body and identifies that the compensation or stipend shall be provided as a result of convening a meeting for which each member is entitled to collect compensation or a stipend. However, the clerk or member of the legislative body shall not be required to announce the amount of compensation if the amount of compensation is prescribed in statute and no additional compensation has been authorized by a local agency.

(b) For purposes of this section, compensation and stipend shall not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of the member's official duties, including, but not limited to, reimbursement of expenses relating to travel, meals, and lodging.

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Section 54952.6. "Action taken"

As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

Section 54952.7. Copy of chapter to members of legislative body of local agencies

A legislative body of a local agency may require that a copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

Section 54953. Requirement that meetings be open and public; Teleconferencing; Teleconference meetings by health authority

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by roll call.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

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(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38 and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2

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(commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in either of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(B) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (A), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

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(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (D), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (D), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 45 days after teleconferencing for the first time pursuant to subparagraph (A) or (B) of paragraph (1), and every 45 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

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(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal

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medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) (A) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for more than the following number of meetings, as applicable:

(i) Two meetings per year, if the legislative body regularly meets once per month or less.

(ii) Five meetings per year, if the legislative body regularly meets twice per month.

(iii) Seven meetings per year, if the legislative body regularly meets three or more times per month.

(B) For the purpose of counting meetings attended by teleconference under this paragraph, a "meeting" shall be defined as any number of meetings of the legislative body of a local agency that begin on the same calendar day.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

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(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

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(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

Section 54953.1. Grand jury testimony

The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

Section 54953.2. Meetings to conform to Americans with Disabilities Act

All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

Section 54953.3. Registration of attendance

A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire or other similar document is posted at or near the entrance to the room where the meeting is to be held or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering or completion of the document is voluntary and that all persons may attend the meeting regardless of whether a person signs, registers or completes the document.

Section 54953.5. Recording proceedings

(a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

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(b) Any audio or video recording of an open and public meeting made for whatever purpose by, or at the direction of the local agency, shall be subject to inspection pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

Section 54953.6. Restrictions on broadcasts of proceedings

No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination or obstruction of view that would constitute a persistent disruption of the proceedings.

Section 54953.7. Access to meetings beyond minimal standards

Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body.

Section 54953.8. Open meetings: teleconferences: neighborhood councils

(a)(1) An eligible legislative body may use teleconferencing without complying with paragraph (3) of subdivision (b) of Section 54953 if the eligible legislative body complies with paragraphs (2) to (4), inclusive.

(2) An eligible legislative body may only use teleconferencing as described in this section after all the following have occurred:

(A) The city council for a city described in subdivision (c) considers whether to adopt a resolution to authorize eligible legislative bodies to use teleconferencing as described in paragraph (1) at an open and regular meeting.

(B) If the city council adopts a resolution described in subparagraph (A), an eligible legislative body may elect to use teleconferencing pursuant to this section if two-thirds of the eligible legislative body votes to do so. The eligible legislative body shall notify the city council if it elects to use teleconferencing pursuant to this section and its justification for doing so.

(C) Upon receiving notification from a legislative body as described in subparagraph (B), the city council may adopt a resolution to prohibit the eligible legislative body from using teleconferencing pursuant to this section.

(3) After completing the requirements in paragraph (2), an eligible legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

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(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the eligible legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the eligible legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the eligible legislative body's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the eligible legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the eligible legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The eligible legislative body shall not require public comments to be submitted in advance of the meeting and shall provide an opportunity for the public to address the legislative body and offer comment in real time.

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the eligible legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E) (i) An eligible legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (D), to provide public comment until that timed public comment period has elapsed.

(ii) An eligible legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.

(iii) An eligible legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (D), until the timed general public comment period has elapsed.

(F) At least a quorum of the members of the eligible legislative body shall participate from locations within the boundaries of the city in which the eligible legislative body is established.

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(G) At least once per year, at least a quorum of the members of the eligible legislative body shall participate in person from a singular physical location that is open to the public and within the boundaries of the eligible legislative body.

(4) An eligible legislative body that holds a meeting pursuant to this subdivision shall do the following, as applicable:

(A) If the meeting is during regular business hours of the offices of the city council member that represents the area that includes the eligible legislative body, the eligible legislative body shall provide a publicly accessible physical location from which the public may attend or comment, which shall be the offices of the city council member who represents the area where the eligible legislative body is located, unless the eligible legislative body identifies an alternative location.

(B) If the meeting is outside regular business hours, the eligible legislative body shall make reasonable efforts to accommodate any member of the public that requests an accommodation to participate in the meeting. For the purposes of this subparagraph, "accommodation" means providing a publicly accessible physical location for the member of the public to participate from, providing access to technology necessary to participate in the meeting, or identifying locations or resources available that could provide the member of the public with an opportunity to participate in the meeting.

(b) The legislative body shall comply with all other requirements of Section 54953.

(c) As used in this section, "eligible legislative body" means a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to this chapter.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

Section 54954. Rules for conduct of business; Time and place of meetings

(a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide by ordinance, resolution, bylaws or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

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(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction, provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b) or to do any of the following:

(1) Attend a conference on non-adversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

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(e) If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

Section 54954.1. Request for notice; Renewal; Fee

Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If a local agency has an internet website, the legislative body or its designee shall email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the item or items be delivered by email. If the local agency determines it is technologically infeasible to send a copy of all documents constituting the agenda packet or a link to a website that contains the documents by email or by other electronic means, the legislative body or its designee shall send by mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda packet in accordance with the mailing requirements established pursuant to this section. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

Section 54954.2. Posting of agenda; Actions not on agenda

(a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's internet website, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom and when a request for disability-related modification or accommodation, including auxiliary aids or

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services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019 of a legislative body of a city, county, city and county, special district, school district or political subdivision established by the state that has an internet website, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary internet website home page of a city, county, city and county, special district, school district or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda, including, but not limited to, an agenda posted in an integrated agenda management platform shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable and electronically searchable by commonly used internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district or political subdivision established by the state that has an internet website and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet website home page of a city, county, city and county, special district, school district or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an internet website with the agendas of the legislative body of a city, county, city and county, special district, school district or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district or political subdivision established by the

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state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii) and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district or political subdivision established by the state to the public.

(ii) "Legislative body" has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present that there is a need to take immediate action

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and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(4) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote of the legislative body.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's internet website, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

Section 54954.3. Public testimony at regular meetings

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

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(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.

(3) Paragraph (2) shall not apply if the legislative body of a local agency utilizes simultaneous translation equipment in a manner that allows the legislative body of a local agency to hear the translated public testimony simultaneously.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs or services of the agency or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

Section 54954.4. Legislative findings and declarations relating to reimbursements; Legislative intent; Review of claims

(a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986 authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful and uninterrupted manner.

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Section 54954.5. Description of closed session items

For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

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CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to paragraphs (2) to (5), inclusive of subdivision (e) of Section 54956.9.)

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

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(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session). (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session).

Employee organization: (Specify name of organization representing employee or employees in question).

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations).

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning).

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106 and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program or facility).

Estimated date of public disclosure: (Specify month and year).

HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee).

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

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CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86).

(j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)

Discussion will concern: (Specify closed session description used by the joint powers agency).

Name of local agency representative on joint powers agency board: (Specify name).

(Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives).

(k) With respect to every item of business to be discussed in closed session pursuant to Section 54956.75:

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

Section 54954.6. Public meeting on general tax or assessment; Notice

(a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased assessment" does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities or regulatory activity for which the fee is charged.

(B) A service charge, rate or charge, unless a special district's principal act requires the service charge, rate or charge to conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to

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subparagraph (G) of paragraph (2) of subdivision (c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times and locations of the public meeting and hearing described in subdivision (a).

(F) The telephone number and address of an individual, office or organization that interested persons may contact to receive additional information about the tax.

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(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property or businesses shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners or business owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll, the State Board of Equalization assessment roll or the local agency's records pertaining to business ownership, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) In the case of an assessment proposed to be levied on property, the estimated amount of the assessment per parcel. In the case of an assessment proposed to be levied on businesses, the proposed method and basis of levying the assessment in sufficient detail to allow each business owner to calculate the amount of assessment to be levied against each business. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The telephone number and address of an individual, office or organization that interested persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the

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entire local agency or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decision making process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to the assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

Section 54955. Adjournment of meetings

The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he

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or she shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw or other rule.

Section 54955.1. Continuance of hearing

Any hearing being held, or noticed or ordered to be held by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or re-continued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

Section 54956. Special meetings; call; notice; meetings regarding local agency executive salaries, salary schedules or compensation in form of fringe benefits; posting on Internet Web site

(a) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

(b) Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1.

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However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

(c) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

Section 54956.5. Emergency meetings; Notice

(a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity or other activity that severely impairs public health, safety or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956, or both, of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived and the legislative body or designee of the legislative body, shall notify those newspapers, radio stations or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

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(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements as prescribed in Section 54956, shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of person(s) who is the presiding officer of the legislative body or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

Section 54956.6. Fees

No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

Section 54956.7. Closed sessions regarding application from person with criminal record

Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license, but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

Section 54956.75. Closed session for response to final draft audit report

(a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

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Section 54956.8. Closed sessions regarding real property negotiations

Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

Section 54956.81. Closed sessions regarding purchase or sale of pension fund investments

Notwithstanding any other provision of this chapter, a legislative body of a local agency that invests pension funds may hold a closed session to consider the purchase or sale of particular specific pension fund investments. All investment transaction decisions made during the closed session shall be made by rollcall vote entered into the minutes of the closed session as provided in subdivision (a) of Section 54957.2.

Section 54956.86. Closed session for health plan member

Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

Section 54956.87. Disclosure of records and information; Meetings in closed session

(a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system or records in any other form, that relate to provider rate or payment determinations, allocation or distribution

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methodologies for provider payments, formulas or calculations for these payments and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form to the board of supervisors shall not constitute a waiver of exemption from disclosure and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (f), shall be held in closed session. The requirements of making a public report of action taken in closed session and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Managed Health Care in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(f) For purposes of this section, "health plan trade secret" means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria:

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

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Section 54956.9. Closed sessions concerning pending litigation; Lawyer-client privilege

(a) Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

(b) For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

(c) For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court or administrative body exercising its adjudicatory authority, hearing officer or arbitrator.

(d) For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(1) Litigation, to which the local agency is a party, has been initiated formally.

(2) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(3) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (2).

(4) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

(e) For purposes of paragraphs (2) and (3) of subdivision (d), "existing facts and circumstances" shall consist only of one of the following:

(1) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(2) Facts and circumstances, including, but not limited to, an accident, disaster, incident or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(3) The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written

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communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(4) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(5) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body, so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(f) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1).

(g) Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the paragraph of subdivision (d) that authorizes the closed session. If the session is closed pursuant to paragraph (1) of subdivision (d), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(h) A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

Section 54956.95. Closed sessions regarding liability

(a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 for purposes of insurance pooling, or a local agency member of the joint powers agency from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed

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session to discuss a claim for the payment of tort liability losses, public liability losses or workers' compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

Section 54956.96. Disclosure of specified information in closed session of joint powers agency, Clean Power Alliance of Southern California; Authorization of designated alternate to attend closed session; Closed session of legislative body of local agency member

(a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw, or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a local agency member may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(B) Other members of the legislative body of the local agency present in a closed session of that local agency member.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) (1) In addition to the authority described in subdivision (a), the Clean Power Alliance of Southern California or its successor entity, may adopt a policy or a bylaw or include in its joint powers agreement a provision that authorizes both of the following:

(A) A designated alternate member of the legislative body of the Clean Power Alliance of Southern California or its successor entity, who is not a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the Clean Power Alliance of Southern California or its successor entity, in lieu of a local agency member's regularly appointed member to attend closed sessions of the Clean Power Alliance of Southern California or its successor entity.

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(B) All information that is received by a designated alternate member of the legislative body of the Clean Power Alliance of Southern California or its successor entity, who is not a member of the legislative body of a local agency member and that is presented to the Clean Power Alliance of Southern California or its successor entity, in closed session, shall be confidential. However, the designated alternate member may disclose information obtained in a closed session that has direct financial or liability implications for the local agency member for which the designated alternate member attended the closed session, to the following individuals:

(i) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(ii) Members of the legislative body of the local agency present in a closed session of that local agency member.

(2) If the Clean Power Alliance of Southern California or its successor entity, adopts a policy or bylaw or includes in its joint powers agreement a provision authorized pursuant to paragraph (1), the Clean Power Alliance of Southern California or its successor entity, shall establish policies to prevent conflicts of interest and to address breaches of confidentiality that apply to a designated alternate member who is not a member of the legislative body of a local agency member who attends a closed session of the Clean Power Alliance of Southern California or its successor entity.

(c) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a) or (b), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a) or paragraph (1) of subdivision (b).

(d) This section shall remain in effect only until January 1, 2025 and as of that date is repealed.

Section 54956.97. Public bank; governing board or committee of governing board; closed session

Notwithstanding any provision of law, the governing board or a committee of the governing board of a public bank, as defined in Section 57600 of the Government Code, may meet in closed session to consider and take action on matters pertaining to all of the following:

(a) A loan or investment decision.

(b) A decision of the internal audit committee, the compliance committee or the governance committee.

(c) A meeting with a state or federal regulator.

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Section 54956.98. Public bank; policy or bylaw; information from a closed session considered confidential

(a) For purposes of this section, the following definitions shall apply:

(1) "Shareholder, member, or owner local agency" or "shareholder, member, or owner" means a local agency that is a shareholder of a public bank.

(2) "Public bank" has the same meaning as defined in Section 57600.

(b) The governing board of a public bank may adopt a policy or a bylaw or include in its governing documents provisions that authorize any of the following:

(1) All information received by a shareholder, member or owner of the public bank in a closed session related to the information presented to the governing board of a public bank in closed session shall be confidential. However, a member of the governing board of a shareholder, member or owner local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that shareholder, member or owner local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that shareholder local agency.

(B) Other members of the governing board of the local agency present in a closed session of that shareholder, member or owner local agency.

(2) A designated alternate member of the governing board of the public bank who is also a member of the governing board of a shareholder, member or owner of the local agency and who is attending a properly noticed meeting of the public bank governing board in lieu of a shareholder, member or owner of the local agency's regularly appointed member may attend a closed session of the public bank governing board.

(c) If the governing board of a public bank adopts a policy or a bylaw or includes provisions in its governing documents pursuant to subdivision (b), then the governing board of the shareholder, member or owner of the local agency, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss and take action concerning information obtained in a closed session of the public bank governing board pursuant to paragraph (1) of subdivision (b).

Section 54957. Closed session regarding public security, facilities, employees, examination of witness

(a) This chapter does not prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or other law enforcement or security personnel, or a security consultant or a security operations manager, on matters posing a threat to the security

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of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, a threat to the public's right of access to public services or public facilities, or a threat to critical infrastructure controls or critical infrastructure information relating to cybersecurity.

(2) For purposes of this subdivision, the following definitions apply:

(A) "Critical infrastructure controls" means networks and systems controlling assets so vital to the local agency that the incapacity or destruction of those networks, systems, or assets would have a debilitating impact on public health, safety, economic security, or any combination thereof.

(B) "Critical infrastructure information" means information not customarily in the public domain pertaining to any of the following:

(i) Actual, potential, or threatened interference with, or an attack on, compromise of, or incapacitation of critical infrastructure controls by either physical or computer-based attack or other similar conduct, including, but not limited to, the misuse of, or unauthorized access to, all types of communications and data transmission systems, that violates federal, state, or local law or harms public health, safety, or economic security, or any combination thereof.

(ii) The ability of critical infrastructure controls to resist any interference, compromise, or incapacitation, including, but not limited to, any planned or past assessment or estimate of the vulnerability of critical infrastructure.

(iii) Any planned or past operational problem or solution regarding critical infrastructure controls, including, but not limited to, repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to interference, compromise, or incapacitation of critical infrastructure controls.

(b) (1) Subject to paragraph (2), this chapter does not prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of their right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

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(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. This subdivision shall not limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

Section 54957.1. Public report of action taken in closed session; Form; Availability; Actions for injury to interests

(a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as follows:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

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(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final and upon inquiry by any person, the local agency shall disclose the fact of that approval and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(7) Pension fund investment transaction decisions made pursuant to Section 54956.81 shall be disclosed at the first open meeting of the legislative body held after the earlier of the close of the investment transaction or the transfer of pension fund assets for the investment transaction.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

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(c) The documentation referred to in subdivision (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(f) This section is necessary to implement, and reasonably within the scope of, paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

Section 54957.2. Minute book for closed sessions

(a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

Section 54957.5. Agendas and other writings as public records

(a) Agendas of public meetings are disclosable public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be made available upon request without delay and in compliance with Section 54954.2 or Section 54956, as applicable. However, this section shall not apply to a writing, or portion thereof, that is exempt from public disclosure.

(b) (1) If a writing is a public record related to an agenda item for an open session of a regular meeting of the legislative body of a local agency and is distributed to all, or a majority of all, of the members of a legislative body of a local agency by a person in connection with a matter subject to a discussion or consideration at an open meeting of the body less than 72 hours before that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

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(2) (A) Except as provided in subparagraph (B), a local agency shall comply with both of the following requirements:

(i) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose.

(ii) A local agency shall list the address of the office or location designated pursuant to clause (i) on the agendas for all meetings of the legislative body of that agency.

(B) A local agency shall not be required to comply with the requirements of subparagraph (A) if all of the following requirements are met:

(i) An initial staff report or similar document containing an executive summary and the staff recommendation, if any, relating to that agenda item is made available for public inspection at the office or location designated pursuant to clause (i) of subparagraph (A) at least 72 hours before the meeting.

(ii) The local agency immediately posts any writing described in paragraph (1) on the local agency's Internet Website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(iii) The local agency lists the web address of the local agency's internet website on the agendas for all meetings of the legislative body of that agency.

(iv) (I) Subject to subclause (II), the local agency makes physical copies available for public inspection, beginning the next regular business hours for the local agency, at the office or location designated pursuant to clause (i) of subparagraph (A).

(II) This clause is satisfied only if the next regular business hours of the local agency commence at least 24 hours before that meeting.

(c) Writings that are public records described in subdivision (b) and distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof.

(d) This chapter shall not be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 7922.530, except that a surcharge shall not be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof.

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(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), including, but not limited to, the ability of the public to inspect public records pursuant to Section 7922.525 and obtain copies of public records pursuant to either subdivision (b) of Section 7922.53 or Section 7922.535. This chapter shall not be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

Section 54957.6. Closed sessions regarding employee matters

(a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.

For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body or other independent contractors.

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Section 54957.7. Disclosure of items to be discussed at closed session

(a) Prior to holding any closed session, the legislative body of the local agency shall disclose in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

Section 54957.8. Closed sessions of multijurisdictional drug law enforcement agencies

(a) For purposes of this section, "multijurisdictional law enforcement agency" means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that provides law enforcement services for the parties to the joint powers agreement for the purpose of investigating criminal activity involving drugs; gangs; sex crimes; firearms trafficking or felony possession of a firearm; high technology, computer or identity theft; human trafficking; or vehicle theft.

(b) Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional law enforcement agency, or an advisory body of a multijurisdictional law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal investigation of the multijurisdictional law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation and to discuss courses of action in particular cases.

Section 54957.9. Authorization to clear room where meeting willfully interrupted; Readmission

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for

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readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

Section 54957.95 Removal of Disruptive Individuals

(a) (1) In addition to authority exercised pursuant to Sections 54954.3 and 54957.9, the presiding member of the legislative body conducting a meeting or their designee may remove, or cause the removal of, an individual for disrupting the meeting.

(2) Prior to removing an individual, the presiding member or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. This paragraph does not apply to any behavior described in subparagraph (B) of paragraph (1) of subdivision (b).

(b) As used in this section:

(1) "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

(A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.

(B) Engaging in behavior that constitutes use of force or a true threat of force.

(2)"True threat of force" means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

Section 54957.10. Closed sessions regarding application for early withdrawal of deferred compensation plan funds

Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty or other extraordinary event, as specified in the deferred compensation plan.

Section 54958. Application of chapter

The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

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Section 54959. Criminal penalty for violation of chapter

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows, or has reason to know, the public is entitled under this chapter, is guilty of a misdemeanor.

Section 54960. Proceeding to prevent violation of chapter; Recording closed sessions; Procedure for discovery of tapes

(a) The district attorney or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body, or to determine the applicability of this chapter to past actions of the legislative body, subject to Section 54960.2, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957 or 54957.6, order the legislative body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960 or 54960.1 alleging that a violation of this chapter has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the

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meeting recorded and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) This section shall not permit discovery of communications that are protected by the attorney-client privilege.

Section 54960.1. Proceeding to determine validity of action; Demand for correction

(a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956 or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956 or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

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(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956 or 54956.5 shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956 and 54956.5.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956 or Section 54956.5, because of any defect, error, irregularity or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956 or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

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Section 54960.2 Proceeding to determine the applicability of chapter to past actions of legislative body; Conditions; Cease and desist letter

(a) The district attorney or any interested person may file an action to determine the applicability of this chapter to past actions of the legislative body pursuant to subdivision (a) of Section 54960 only if all of the following conditions are met:

(1) The district attorney or interested person alleging a violation of this chapter first submits a cease and desist letter by postal mail or facsimile transmission to the clerk or secretary of the legislative body being accused of the violation, as designated in the statement pertaining to that public agency on file pursuant to Section 53051, or if the agency does not have a statement on file designating a clerk or a secretary, to the chief executive officer of that agency, clearly describing the past action of the legislative body and nature of the alleged violation.

(2) The cease and desist letter required under paragraph (1) is submitted to the legislative body within nine months of the alleged violation.

(3) The time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b) has expired and the legislative body has not provided an unconditional commitment pursuant to subdivision (c).

(4) Within 60 days of receipt of the legislative body's response to the cease and desist letter, other than an unconditional commitment pursuant to subdivision (c), or within 60 days of the expiration of the time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b), whichever is earlier, the party submitting the cease and desist letter shall commence the action pursuant to subdivision (a) of Section 54960 or thereafter be barred from commencing the action.

(b) The legislative body may respond to a cease and desist letter submitted pursuant to subdivision (a) within 30 days of receiving the letter. This subdivision shall not be construed to prevent the legislative body from providing an unconditional commitment pursuant to subdivision (c) at any time after the 30-day period has expired, except that in that event the court shall award court costs and reasonable attorneys' fees to the plaintiff in an action brought pursuant to this section in accordance with Section 54960.5.

(c) (1) If the legislative body elects to respond to the cease and desist letter with an unconditional commitment to cease, desist from and not repeat the past action that is alleged to violate this chapter, that response shall be in substantially the following form:

> To _____:
>
> The [name of legislative body] has received your cease and desist letter dated [date] alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:
>
> [Describe alleged past action, as set forth in the cease and desist letter submitted pursuant to subdivision (a)]

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In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the [name of legislative body] hereby unconditionally commits that it will cease, desist from and not repeat the challenged past action as described above.

The [name of legislative body] may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

_____

[Chairperson or acting chairperson of the legislative body]

(2) An unconditional commitment pursuant to this subdivision shall be approved by the legislative body in open session at a regular or special meeting as a separate item of business, and not on its consent agenda.

(3) An action shall not be commenced to determine the applicability of this chapter to any past action of the legislative body for which the legislative body has provided an unconditional commitment pursuant to this subdivision. During any action seeking a judicial determination regarding the applicability of this chapter to any past action of the legislative body pursuant to subdivision (a), if the court determines that the legislative body has provided an unconditional commitment pursuant to this subdivision, the action shall be dismissed with prejudice. Nothing in this subdivision shall be construed to modify or limit the existing ability of the district attorney or any interested person to commence an action to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body.

(4) Except as provided in subdivision (d), the fact that a legislative body provides an unconditional commitment shall not be construed or admissible as evidence of a violation of this chapter.

(d) If the legislative body provides an unconditional commitment as set forth in subdivision (c), the legislative body shall not thereafter take or engage in the challenged action described in the cease and desist letter, except as provided in subdivision (e). Violation of this subdivision shall constitute an independent violation of this chapter, without regard to whether the challenged action would otherwise violate this chapter. An action alleging past violation or threatened future violation of this subdivision may be

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brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

(e) The legislative body may resolve to rescind an unconditional commitment made pursuant to subdivision (c) by a majority vote of its membership taken in open session at a regular meeting as a separate item of business not on its consent agenda, and noticed on its posted agenda as "Rescission of Brown Act Commitment," provided that not less than 30 days prior to such regular meeting, the legislative body provides written notice of its intent to consider the rescission to each person to whom the unconditional commitment was made, and to the district attorney. Upon rescission, the district attorney or any interested person may commence an action pursuant to subdivision (a) of Section 54960. An action under this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

Section 54960.5. Costs and attorneys' fees

A court may award court costs and reasonable attorneys' fees to the plaintiff in an action brought pursuant to Section 54960, 54960.1 or 54960.2 where it is found that a legislative body of the local agency has violated this chapter. Additionally, when an action brought pursuant to Section 54960.2 is dismissed with prejudice because a legislative body has provided an unconditional commitment pursuant to paragraph (1) of subdivision (c) of that section at any time after the 30-day period for making such a commitment has expired, the court shall award court costs and reasonable attorneys' fees to the plaintiff if the filing of that action caused the legislative body to issue the unconditional commitment. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorneys' fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

Section 54961. Meeting place with discriminatory admission policies; Identification of victim of sexual or child abuse

(a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement or report required under this chapter need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

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Section 54962. Prohibition against closed sessions except as expressly authorized

Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106 and 32155 of the Health and Safety Code, or by Sections 37606, 37606.1 and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.

Section 54963. Disclosure of confidential information acquired in closed session prohibited; Disciplinary action for violation

(a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8 or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

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(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.

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APPENDIX B

SUMMARY OF PUBLIC RECORDS LAWS

2025

Public Records Act HANDBOOK

Summary of the Major Provisions and Requirements of the Public Records Act and Related Topics

- Electronic Records
- Text of the Public Records Act
- Updated including changes effective January 1, 2025

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Introduction

This Handbook, designed for City officials and staff, provides a summary of the major provisions of California's Public Records Act and related topics. Part One of the Handbook summarizes the basic provisions of the Public Records Act, including documents that are exempt from disclosure and the proper procedure for complying with the Act. Part Two highlights the unique issues raised by electronic records. Part Three contains the complete text of the Public Records Act. We hope you find this Handbook useful. Should you have any questions about the information included in this Handbook, please do not hesitate to contact our office.

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PART ONE.

COMPLIANCE WITH THE PUBLIC RECORDS ACT

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COMPLIANCE WITH THE PUBLIC RECORDS ACT:

KEY QUESTIONS AND ANSWERS

> *The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.*
>
> CAL. CONST. art. I, § 3(b)(1).

> *In enacting [the California Public Records Act], the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.*
>
> GOV'T CODE § 7921.000.

California's Public Records Act is a key part of the philosophy that government at all levels in this State must be open and accessible to all.[1] Under the Public Records Act, a local government agency must disclose virtually any public document; only a statutory exemption or a need for confidentiality that clearly outweighs the public's right to access will legally justify withholding a public document. The purpose of this Handbook is to provide a general overview of the Public Records Act and recent amendments to it, along with a general road map for compliance. This Handbook addresses the questions most frequently asked of us by our local government clients.

I. WHAT IS THE PUBLIC RECORDS ACT?

The Public Records Act is a California statute that affords the public the right to inspect, and obtain a copy of, most of the information retained by State and local agencies in the course of business.[2] The Public Records Act regulates the public's access to records and sets out the specific statutory circumstances under which

[1] *Rogers v. Superior Court (City of Burbank),* 19 Cal. App. 4th 469 (1993).

[2] Gov't Code § 7920.000 et seq. Pursuant to AB 473, operative January 1, 2023, the Public Records Act has been reorganized and recodified in new Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code. While the Public Records Act has been recodified, the substance of the Public Records Act has not materially changed. The legislature specifically noted that its intent was not to substantively change the law, and revisions to the Public Records Act are intended to be entirely nonsubstantive in effect. Additionally, cases interpreting the former Government Code sections may be used to analyze the equivalent recodified sections.

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particular records need not be disclosed. The Public Records Act states that public records are open to inspection at all times during the office hours of a local agency.[3]

The California Constitution also guarantees that public records are open to public scrutiny.[4] It provides that a law, such as the Public Records Act, should be "broadly construed" if it furthers the people's right of access to public records, and "narrowly construed" if it limits the right of access.[5]

II. WHAT RIGHTS DOES THE PUBLIC RECORDS ACT AFFORD TO THE PUBLIC?

Under the Public Records Act, every person has the right to inspect and to obtain a copy of any identifiable public record.[6] It is irrelevant whether the person making the Public Records Act request already has possession of the public records requested.[7] The term "person" includes individuals, and various types of business entities.[8] A "person" need not be a citizen of California or of the United States to make use of the Public Records Act.[9] A local agency must supply an exact copy of the record on request, unless it is "impracticable" to make an exact copy.[10] The word "impracticable" in the Public Records Act does not necessarily refer to situations where a copying request would be "inconvenient" or time consuming to the agency. Rather, the term "impracticable" modifies the requirement that the agency provide an "exact" copy. If a requested document is subject to the Public Records Act, the agency must provide the best or most complete copy of that document reasonably possible.[11] Any reasonably segregable portion must be made available after deletion of any portion exempt from disclosure.[12]

---

3 Gov't Code § 7922.525.

4 CAL. CONST. art. I, § 3(b)(1).

5 CAL. CONST. art. I, § 3(b)(2).

6 Gov't Code §§ 7922.525, 7922.530(a). A requestor inspecting a disclosable record on the agency's premises generally has the right to use their own equipment, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record. Gov't Code § 7922.530(b).

7 The motive of the requester seeking public records is immaterial; an individual already in possession of requested documents may seek the documents so he or she may publicly disseminate them without fear of liability for doing so. *Caldecott v. Superior Court*, 243 Cal. App. 4th 212, 219 (2015).

8 Both cities and city attorneys have been deemed "persons" under the Act. *Los Angeles Unified School Dist. v. Superior Court (City of Long Beach)*, 151 Cal. App. 4th 759 (2007) (holding that the city, as well as the city attorney, were entitled to obtain records of a school district relating to a school construction project).

9 Gov't Code § 7920.520; *Connell v. Superior Court (Intersource, Inc.)*, 56 Cal. App. 4th 601 (1997).

10 Gov't Code § 7922.530(a).

11 *See Rosenthal v. Hansen*, 34 Cal. App. 3d 754 (1973) (holding that under the former Section 6256, an agency need not provide exact copies if doing so would be impracticable, but this does not excuse a public entity from producing the records at all).

12 Gov't Code § 7922.525.

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The requirements of the Public Records Act are the minimum standards which must be met by local agencies. The Public Records Act specifically provides that agencies may adopt procedures to allow greater access to records, except where the law otherwise prohibits access.[13]

The person who is the subject of a particular record does not have a specific right under the Public Records Act to prevent disclosure of any particular record.[14] Even in cases where the subject of a particular record has argued that disclosure would violate the individual right to privacy guaranteed by the California Constitution, disclosure has been compelled.[15]

III. IS THE PUBLIC RECORDS ACT RELATED TO THE FREEDOM OF INFORMATION ACT?

Persons who request access to public records frequently reference the Freedom of Information Act (the "FOIA") as the basis for their request. The FOIA is a federal statute that does not apply to local government agencies.[16] The Public Records Act was modeled after the FOIA, however, and we therefore recommend that agencies respond to otherwise valid records requests even if the requester erroneously cites the FOIA instead of the Public Records Act.[17]

IV. TO WHICH LOCAL AGENCIES DOES THE PUBLIC RECORDS ACT APPLY?

The Public Records Act applies to all local government agencies. Under the Public Records Act, a "local agency" includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; any board, commission or agency of any of these; and certain non-profit organizations of local agencies which are supported by public funds.[18]

[13] Gov't Code § 7922.505. It is unclear whether a local public agency can, through a sunshine ordinance, seek to regulate other agencies, but such an ordinance would not override a state agency's determination on whether its internal documents were subject to disclosure. *SF Urban Forest Coal. v. City & Cty. of San Francisco*, 43 Cal. App. 5th 796, 807 (Ct. App. 2019), *review denied* (April 1, 2020).

[14] *LAPD v. Superior Court (Church of Scientology)*, 65 Cal. App. 3d 661, 668 (1977).

[15] *See, e.g., Poway Unified Sch. Dist. v. Superior Court (Copley Press)*, 62 Cal. App. 4th 1496 (1998).

[16] 5 U.S.C. § 552 et seq.

[17] *See ACLU v. Deukmejian*, 32 Cal. 3d 440, 447 (1982) (Public Records Act modeled on FOIA, judicial construction and legislative history of federal act illuminate the interpretation of its California counterpart); *Cook v. Craig*, 55 Cal. App. 3d 773, 781 (1976) (noting the similarity between the provisions of state and federal law).

[18] Gov't Code § 7920.510. The Public Records Act also applies to charter schools and entities managing charter schools. Ed. Code § 47604.1.

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V. WHAT ARE "PUBLIC RECORDS?"

The Public Records Act defines "public records" as follows:

> Public records includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

The term "writing" means:

> any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.[19]

These definitions encompass much more than written or printed documents. Public records include computer data, and an agency must provide computer records in any electronic format in which the agency holds the information. If a requester asks for the records in a particular format, the agency must provide the records in that format, provided it is a format used by the agency to create copies for its own use or for provision to other agencies, unless an exception applies.[20] Note, however, that computer software developed by a local agency is not a "public record" subject to the Public Records Act.[21]

On the other hand, a requester's rights under the Public Records Act are not unlimited. A local agency is not required to create a document or compile a list in response to a request under the Public Records Act.[22]

While these definitions are general, over the years the courts have both broadened and limited the scope of the definition of "public record." First, it is clear that the term "public records" encompasses more than simply those

---

[19] Gov't Code § 7920.530 and 7920.545.

[20] Gov't Code § 7922.570 For further discussion of the exception to this rule, see Part Two. Electronic Records, Section II.B. "Metadata" of this Handbook.

[21] Gov't Code § 7922.585.

[22] Based upon the definition of "writing," Gov't Code § 7920.545, and the requirement that a requested record be "identifiable," Gov't Code § 7922.530(a); See also *Sander v. Superior Court,* 26 Cal. App. 5th 651*(2018)* (stating that "the CPRA … does not require [public agencies] to create new records to satisfy a request."); *Steinle v. City & Cty. of San Francisco*, 919 F. 3d 1154, 1166 (9th Cir. 2019).

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documents that public officials are required by law to keep as official records. Rather, courts have held that a public record is one that is kept because it is "necessary or convenient to the discharge of [an] official duty."[23] Second, courts have observed that merely because the writing is in the possession of the local agency, it is not automatically a public record. It must relate in some substantive way to the conduct of the public's business.[24] Thus, personal notes and personal records, such as shopping lists or letters from friends that are totally void of public business, are not public records.[25] In *City of San Jose v. Superior Court*, the California Supreme Court provided several factors to consider when analyzing whether a writing is a public record, including: the content of the writing; the context in, or purpose for which, it was written; the audience to whom it was directed; and whether the writing was prepared by an employee acting or purporting to act within the scope of his or her employment.[26] Recently in *Iloh v. Regents of University of California*, the Court of Appeals concluded a professor's private communications with outside entities regarding published academic journals qualified as a public record because academic research was inherent to her employment as a professor.[27] In addition, it is important to note that a record need not be a "document" to fall within the ambit of the Public Records Act. A public record is subject to disclosure under the Public Records Act "regardless of physical form or characteristics."[28]

Further, local agencies are obligated to determine whether a public records request seeks copies of disclosable public records in the "possession" — either actual or constructive possession — of the agency.[29] On occasion, a local agency prepares, uses, or owns a document containing information related to the conduct of the public's business, but does not physically possess it, such as when a local agency hires a private consultant to conduct work on behalf of the agency. When the public record is in the possession of a private consultant or sub-consultant who does work for the local agency, the contractual relationship between the local agency and consultant or sub-consultant will likely determine whether the local agency has the right to control the records and therefore "constructive possession" of the documents.[30] In *Community Youth Athletic*

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[23] *City of San Jose v. Superior Court (Smith)*, 2 Cal. 5th 608, 618 (2017); *Braun v. City of Taft*, 154 Cal. App. 3d 332, 340 (1984); *San Gabriel Tribune v. Superior Court (City of West Covina)*, 143 Cal. App. 3d 762, 774 (1983); *People v. Tomalty*, 14 Cal. App. 224, 231 (1910).

[24] *City of San Jose,* 2 Cal. 5th at 618; *Braun*, 154 Cal. App. 3d at 340; *San Gabriel Tribune*, 143 Cal. App. 3d at 774; Gov't Code § 7920.530.

[25] *San Gabriel Tribune*, 143 Cal. App. 3d at 774.

[26] *City of San Jose*, 2 Cal. 5th at 618.

[27] Iloh v. Regents of University of California, 87 Cal. App. 5th 513 (2023).

[28] Gov't Code § 7920.530.

[29] Gov't Code § 7922.535. *City of San Jose*, 2 Cal. 5th at 623.

[30] *Consolidated Irrigation District v. Superior Court (City of Selma)*, 205 Cal. App. 4th 697, 709-11 (2012); *Community Youth Athletic Center v. City of National City*, 220 Cal. App. 4th 1385, 1427-29 (2013); *see also Regents of the University of California v. Superior Court (Reuters America LLC)*, 222 Cal. App. 4th 383, 398 (2013) *as modified on denial of reh'g* (Jan. 14, 2014).

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Center v. City of National City, the court found that under the contract between the City and its consultant, the City had the right to possess and control the record that was the subject of a public records request, even if that local agency had not previously enforced its ownership right.[31] The court held that the City had an obligation "to make reasonable efforts to facilitate the location and release of the information."[32] The City's failure to assert its contractual right to obtain the record from the consultant violated the Public Records Act.[33] On the other hand, in *Anderson-Barker v. Superior Court of Los Angeles County*, the court held that a city's ability to access privately held, electronically-stored data did not equate to a form of possession of the data when a city does not direct what information a third party contractor places on its databases, and has no authority to modify the data in any way.[34] Similarly, in *Consolidated Irrigation District v. Superior Court*, the court found that the City had no control over a sub-consultant's records.[35] The sub-consultant had been hired by the City's primary consultant, and based on the facts in that case, the City had no obligation under the Public Records Act to obtain and produce the records of the sub-consultant.

VI. HOW DOES A LOCAL AGENCY DETERMINE THE SCOPE OF A PUBLIC RECORDS REQUEST?

Most public records requests are straightforward. The public is familiar with records regularly kept by a local agency, such as meeting minutes, staff reports, financial reports, and other documents discussed at public meetings. Requests for those records are easy to fulfill. Many of these records may be available on a local agency's website, and the Public Records Act allows a local agency to satisfy a request for public records by directing the requester to that website.[36] Sometimes, the public is unfamiliar with the types of records maintained by local agencies. The requester may not be able to provide the specificity necessary to identify a public record, or the request may be so broadly stated that a local agency cannot reasonably determine which records fall within the scope of the request.

Under those circumstances, the Public Records Act imposes duties on both local agencies and requesters. Local agencies must assist a requester to formulate a "focused and effective request that reasonably describes an identifiable record or records," by following certain procedural requirements.[37] Likewise, the

[31] *Community Youth Athletic Center*, 220 Cal. App. 4th at 1428.

[32] *Id.* at 1429.

[33] *Id.*

[34] *Anderson-Barker v. Superior Court (City of Los Angeles)*, 31 Cal. App. 5th 528 (2019).

[35] *Consolidated Irrigation District*, 205 Cal. App. 4th at 711.

[36] Gov't Code § 7922.545.

[37] Gov't Code § 7922.600. Further discussion of these procedural requirements is in Part One; Section X.

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requester is obligated to engage in this process, and to provide the scope of the public information requested, which the City must communicate to the custodian of records. Both the local agency and the requester must be reasonable in this process.[38]

In some instances, there may be many records responsive to a request. When faced with a voluminous request, agencies may consider working with the requester to narrow down the scope of the request. In addition, agencies may also provide responsive records on a rolling basis. Even where requests return a significant number of responsive records, courts have held that agencies must process the request.[39]

VII. CAN A LOCAL AGENCY RELINQUISH ITS PUBLIC RECORDS ACT OBLIGATIONS TO SOMEONE ELSE?

A local agency cannot sell or provide a public record subject to disclosure under the Public Records Act to a private entity in a manner that prevents the local agency from providing the record directly.[40] For example, the county recorder cannot transfer all birth and death records to a private company and insist that the public obtain birth certificates from the private entity.

Similarly, a local agency may not enter into a contract that allows another party to control the disclosure of information that is subject to the Public Records Act.[41] For example, a contract provision that requires the consent of a contractor before a local agency may release a public record prepared by the contractor violates the Public Records Act. Additionally, if a local agency enters into a contract that requires a private entity to review, audit, or report on any aspect of the local agency, that contract must be made available to the public upon request, unless the contract is exempt from disclosure pursuant to another exemption in the Public Records Act.[42]

[38] *Community Youth Athletic Center v. National City*, 220 Cal. App. 4th 1385, 1427 (2013).

[39] *Getz v. Superior Ct.,* 72 Cal. App. 5th 637 (2021), ordered published (December 13, 2021) (holding that it is not unduly burdensome to require El Dorado County to review more than 42,000 emails that were potentially responsive to a request for "any/all emails" by or between "anyone" employed by the County and "anyone" at one of four email domains associated with a real estate developer, its legal counsel, and its public relations consultants).

[40] Gov't Code § 7921.010(a).

[41] Gov't Code § 7921.005.

[42] Gov't Code § 7928.700.

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VIII. MUST A PUBLIC RECORDS ACT REQUEST BE MADE IN WRITING, OR MAY IT BE MADE ORALLY?

Nothing in the Public Records Act requires a member of the public to place his or her request for public records in writing.[43] While many local agencies provide forms on their website or at their offices for making a written Public Records Act request, a requester is not required to use the form offered. An oral request is sufficient to trigger the requirements of the Public Records Act.

Additionally, an argumentative or disruptive requester cannot be permanently banned from the premises by a local agency or forced to make their requests in writing.[44] However, the right to inspect public records is subject to the implied rule of reason that enables the custodian of public records to formulate regulations necessary to prevent interference with the orderly functioning of the agency's office.[45] If faced with a loud or angry person who is making an oral request, and the records are not immediately available, it is advisable for staff to write down the request and tell the requester the agency will respond in writing within the time limits specified in the Public Records Act. Your legal counsel can provide additional guidance in the event a member of the public is repeatedly abusive towards staff.

IX. WHAT PUBLIC RECORDS ARE EXEMPT FROM DISCLOSURE UNDER THE PUBLIC RECORDS ACT?

A. Disclosure of Exempt Records Waives Confidentiality

The Public Records Act specifically exempts a number of categories of records from disclosure requirements. If documents are exempt from disclosure, it is important that confidentiality be maintained. Once an otherwise exempt record is knowingly released to any member of the public, disclosure constitutes a waiver of the exemption for that record, and the record must be provided to any subsequent requesting member of the public.[46] This waiver ensures a public agency does not carry out "selective disclosure," wherein some members of the public are provided the right of access to specific records, while some requests for the same records are denied by the public agency for the same materials.[47]

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[43] *Los Angeles Times v. Alameda Corridor Transp. Authority*, 88 Cal. App. 4th 1381, 1392 (2001).

[44] *Galbiso v. Orosi Public Utility District*, 167 Cal. App. 4th 1063, 1088-89 (2008).

[45] *Bruce v. Gregory*, 65 Cal. 2d 666, 676 (1967); *Rosenthal v. Hansen*, 34 Cal. App. 3d 754, 761 (1973); 64 Ops. Cal. Atty. Gen. 317 (1981).

[46] Gov't Code § 7921.505.

[47] *Black Panther Party v. Kehoe*, 42 Cal. App. 3d 646, 658 (1974).

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There are a few situations where the knowing disclosure of an otherwise exempt record does not constitute a waiver of exemption. Exemptions are not waived when disclosures are made:

- Through discovery procedures associated with lawsuits or in court proceedings;
- Pursuant to a statute that limits disclosure for specified purposes;
- When not required by law and prohibited by formal action of the elected legislative body of the local agency; or
- To another government agency that agrees to treat the records as confidential.[48]

The California Supreme Court held that a public agency's inadvertent disclosure resulting from human error does not waive an exemption.[49] In *Ardon v. City of Los Angeles*, the City of Los Angeles inadvertently disclosed several attorney-client and attorney work product documents in response to a PRA request. The requester was an attorney actively involved in pending litigation against the City.[50] After becoming aware of the inadvertent disclosure, the City filed a motion in court seeking the return of the privileged materials.[51] The California Supreme Court held that the Public Records Act's waiver provision[52] applied only to intentional and not inadvertent disclosure.[53] The court justified this distinction by finding that the City of Los Angeles had not engaged in selective disclosure: "[r]ather, it seeks no disclosure; it is trying to force plaintiff's attorney to return the privileged documents unread."[54]

The California Supreme Court's decision in *Ardon v. City of Los Angeles* allows a public agency to argue that a disclosure was inadvertent and ask for return of exempt records that were released in error. However, nothing in the Public Records Act compels the requester to return the records. Instead, the public agency must go to court to obtain a judicial order directing the requester to return or destroy the inadvertently disclosed records.[55] This presents a number of problems. First, the circumstances surrounding the dissemination of those materials would have to be evaluated on a case-by-case basis by the reviewing court.[56] The court may not agree with the public agency's assertion that the

[48] Gov't Code § 7921.505. Additional exceptions apply to specific state agencies.

[49] *Ardon v. City of Los Angeles*, 62 Cal. 4th 1176 (2016).

[50] *Ardon*, 62 Cal. 4th at 1180-82.

[51] *Id*. at 1181.

[52] Gov't Code § 7921.505.

[53] *Ardon*, 62 Cal. 4th at 1180.

[54] *Id*. at 1185-86.

[55] *See Newark Unified School District v. Superior Court (Brazil)*, 245 Cal. App. 4th 887 (2015).

[56] *Id*. at 910.

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disclosure was inadvertent. Second, if the exempt records were given wide-spread distribution before the error was found, a court may decide not to order return of the records. Once the information is in the public sphere, the bell cannot be unrung. Third, it is costly to go to court to seek injunctive relief.

Consequently, public agencies should continue to conduct a thorough and exhaustive review of responsive documents before releasing any materials in response to a Public Records Act request. The California Supreme Court acknowledged that its decision was limited to "truly inadvertent disclosures and must not be abused to permit the type of selective disclosure" prohibited by the Public Records Act.[57] Further, the California Supreme Court emphasized that a public agency's own characterization of its intent is not dispositive.[58] The best practice continues to be to complete a thorough review before releasing responsive records.

B. Statutory Exemptions for Confidential Records

The following is a list of the statutory exemptions. This list is not exhaustive.

(1) Public agency employees' personal information.

Gov't Code § 7928.300.

The Public Records Act contains protections for specified personal information of all public agency employees. The home addresses, home telephone numbers, personal cellular telephone numbers and birth dates of all public agency employees are not considered to be public records subject to disclosure, except in limited circumstances. Personal e-mail addresses of public employees are also not public records subject to disclosure, unless a personal e-mail address is used by an employee to conduct public business or if the address is necessary to identify a person in an otherwise disclosable communication. The Public Records Act also requires local agencies to redact social security numbers from records before disclosing the records to the public in response to a Public Records Act request.[59]

[57] Ardon v. City of Los Angeles, 62 Cal. 4th 1190 (2016).

[58] *Id*.

[59] Gov't Code § 7922.200. State agencies are prohibited from sending outgoing U.S. mail to an individual that contains the individual's social security number unless the number is truncated to its last four digits, except in specified circumstances. Gov't Code § 11019.7.

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(2) Referendum, recall and initiative petitions, ballots and related material.

Gov't Code §§ 7924.100-7924.110.

Election-related petitions and all memoranda prepared by the county elections officials in their examination of the petitions indicating which registered voters signed the petitions are strictly confidential. These materials may be viewed only by elections officials and their deputies. Other officials, including agency attorneys, must obtain a court order to view petitions. If the elections officials determine that a petition is legally insufficient, petition proponents and their representatives designated in writing must be permitted to review these materials. Election ballots themselves are exempt from disclosure.[60]

(3) The identity of persons who have requested bilingual ballots or ballot pamphlets.

Gov't Code § 7924.005.

Election-related information revealing the identity of people who have requested bilingual ballots or ballot pamphlets or other related data that would reveal the identity of the people requesting bilingual materials is exempt from disclosure. Persons otherwise authorized to review this material, such as elections officials, may examine these materials.

(4) Preliminary drafts, notes, or interagency or intra-agency memoranda.

Gov't Code § 7927.500.

Public officials should be aware that preliminary drafts and notes, along with interagency and intra-agency memoranda, are exempt from disclosure as public records if those documents are not customarily retained by the local agency in the ordinary course of business, and the public interest in withholding those records clearly outweighs the public interest in disclosure.[61]

In considering whether to use this exemption, agencies should determine whether the disclosure of a preliminary draft, note, or interagency or intra-agency memorandum would further the interest of the Act in open government. The fact that the document is merely a step in the process and does not provide important information about the public's business probably weighs in favor of nondisclosure.

[60] Elec. Code §§ 15370 and 17301; *Citizens Oversight, Inc. v. Vu*, 35 Cal. App. 5th 612, 619–20 (2019).

[61] Gov't Code § 7927.500.

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The key questions in this area generally may be boiled down to whether a draft, note, or interagency or intra-agency memorandum is one which:

- Is not normally kept by the agency in the ordinary course of business;
- Is not prepared or kept to document or memorialize the day-to-day transaction of the public's business;
- Is merely a temporary step in the process of preparing a final document, reaching a final decision, or determining a course of action; and
- Would expose the agency's decision-making process if disclosed,[62] and the public interest in nondisclosure clearly outweighs the public interest in disclosure.

If the document qualifies under all four categories above, the document probably is exempt from disclosure under the Public Records Act. Documents that do not satisfy one or more of the categories above probably are public records that must be disclosed unless another exemption applies. You should keep in mind, however, that any doubt or question in this regard likely will be decided in favor of disclosure of the record.

In discussing whether a record has not been retained in the ordinary course of business, one court observed, "[i]f preliminary materials are not customarily discarded or have not in fact been discarded as is customary they must be disclosed."[63] One of the purposes of this condition is to prevent "secret law," that is an undisclosed collection of written rules guiding the agency's decisions.[64]

Consequently, a record that must be retained pursuant to a local agency's records retention schedule, policies, or customs does not fall within this exemption. For example, if a policy decision is made to retain drafts in order to document the bargaining history after an agreement is negotiated; those drafts likely are not exempt under Section 7927.500. Also, if it is permissible under an agency's records retention schedule to destroy preliminary documents, but the agency retained such a document after the final report is prepared, the preliminary document arguably is not exempt under Section 7927.500.

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[62] *Citizens for a Better Environment v. Dep't of Food and Agriculture*, 171 Cal. App. 3d 704, 715-16 (1985) (concluding that "[t]he interest in fostering robust agency debate" is the only public interest that can justify nondisclosure under Section 7927.500).

[63] *Id.* at 714.

[64] *Id.* at 714 n.7.

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(5) Records pertaining to pending litigation to which the agency is a party.

Gov't Code § 7927.200.

Under this exemption, records actually created by an agency for its own use in litigation are exempt from disclosure under the Public Records Act.[65] Previously created or disclosed records may not be retroactively re-classified as being exempt under this Section.[66] Generally, courts will examine the "dominant purpose" behind the document's creation.[67] Documents prepared "by a public entity for its own use in anticipation of litigation, which documents it reasonably has an interest in keeping to itself until litigation is finalized" are protected by the exemption.[68] Thus, while documents created prior to the commencement of litigation appear to receive greater scrutiny to determine their dominant purpose, the exemption can apply to documents created before litigation has commenced, that is, before a claim has been made with the local agency under the Government Claims Act or a complaint filed with a court. Once litigation is concluded, however, the exemption will no longer apply.[69]

This exemption also applies to litigation-related documents, even if not created by an agency, when sought by persons or entities not a party to the litigation and which the parties to the litigation do not intend to be revealed outside the litigation. This exemption does not cover deposition transcripts because they are available to the public under another statute.[70] And where a plaintiff generally is required to file a claim under the Government Claims Act to initiate litigation against a local agency, the actual claim form filed with the local agency is not exempt under this Section as "[t]here is no unfair disadvantage [in the pending litigation] to the public entity from disclosure of the mere claim form."[71]

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[65] *Fairley v. Superior Court (City of Long Beach)*, 66 Cal. App. 4th 1414, 1421-22 (1998).

[66] *City of Hemet v. Superior Court (Press-Enterprise Co.)*, 37 Cal. App. 4th 1411, 1420 & n.11 (1995).

[67] *Fairley*, 66 Cal. App. 4th at 1420

[68] *Id.* at 1421.

[69] Gov't Code § 7927.200 (noting that the exemption applies "until the pending litigation or claim has been finally adjudicated or otherwise settled."); *City of Los Angeles v. Superior Court (Axelrad)*, 41 Cal. App. 4th 1083, 1089 (1996).

[70] *Board of Trustees of California State Univ. v. Superior Court (Copley Press, Inc.)*, 132 Cal. App. 4th 889, 901-902 (2005); Civ. Proc. Code § 2025.570.

[71] *Poway Unified Sch. Dist. v. Superior Court (Copley Press, Inc.)*, 62 Cal. App. 4th 1496, 1505 (1998).

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(6) Personnel, medical, or similar records.

Gov't Code §§ 7927.700; 7928.300.

When the disclosure of personnel,[72] medical, or similar files would constitute an unwarranted invasion of personal privacy, this exemption applies. In determining whether personnel records should be disclosed, courts first decide whether disclosure would compromise the individual's substantial privacy interest. If it does, the court determines whether the potential harm to those interests caused by disclosure outweighs the public interest in disclosure.[73] As will be discussed below, the California Supreme Court has concluded that public employees in general have a significantly reduced expectation of privacy in their salaries, and that the strong public interest in knowing how the government spends its money justifies disclosure of salary information.[74] Courts have recognized the privacy interest implicated by records of employee misconduct and wrongdoing.[75] However, at least one appellate court has found that where the public employee is in a position of authority, such as a superintendent of a school district, the individual has "a significantly reduced expectation of privacy in the matters of his [or her] public employment."[76] This exemption for personnel, medical or similar records does not justify withholding employment agreements. By statute, employment agreements between a local agency and any public official or public employee is a public record not subject to an exemption.[77]

This exemption for personnel records also does not justify withholding personnel records concerning incidents involving the discharge of a firearm at a person by a peace officer that resulted in death or great bodily injury, records concerning a sustained finding that a peace officer engaged in sexual assault or dishonesty, a sustained finding of unreasonable or excessive force, a sustained finding of failure to intervene against another officer using unreasonable or excessive force, or a sustained finding of discrimination against a protected class.[78]

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[72] The scope of personnel records generally covers records relating to an employee's performance or to any grievance concerning an employee, and would include personal information to which access is limited to an employee's supervisors. Such records do not need to be stored in a personnel file to be exempt; it is the contents of the document which makes them confidential. *Associated Chino Teachers v. Chino Valley Unified Sch. Dist.*, 30 Cal. App. 5th 530, 539-41 (2018).

[73] *Versaci v. Superior Court (Palomar Cmty. Coll. Dist.)*, 127 Cal. App. 4th 805, 818-820 (2005).

[74] *International Federation of Professional and Technical Engineers, LOCAL 21, AFL–CIO, v. Superior Court, (Contra Costa Newspapers, Inc.)*, 42 Cal. 4th 319, 329-333 (2007).

[75] *Associated Chino Teachers*, 30 Cal. App. 5th at 541.

[76] *BRV, Inc. v. Superior Court (Dunsmuir Joint Union High School District)*, 143 Cal. App. 4th 742, 758 (2006) (ordering reports investigating allegations of misconduct disclosed, as the public's interest in why the district entered into a termination agreement with the superintendent that appeared to the public to be a "sweetheart deal" outweighed the superintendent's interest in preventing disclosure of the reports).

[77] Gov't Code § 7928.400.

[78] Penal Code §§ 832.7, 832.8.

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Disclosure of Public Employee Salaries

The California Supreme Court has held that salaries of public employees are not exempt from disclosure. In *International Federation of Professional and Technical Engineers v. Superior Court*, (Contra Costa Newspapers, Inc.),[79] the California Supreme Court held that individually identifiable salary information is not exempt from disclosure under the Public Records Act, the California Constitution or the Penal Code. In this case, a newspaper sought disclosure from the City of Oakland of names, job titles and gross salaries of City employees earning $100,000 or more each year, including overtime. The City provided salary and overtime information for each job classification but refused to provide salary information linked to individual employees. The newspaper sued to obtain disclosure of the records under the Public Records Act. The Supreme Court held that a public entity's payroll expenditures are public records, and that disclosure of salary records for City employees earning $100,000 or more each year is not an unwarranted invasion of personal privacy.[80]

With regard to peace officers, the Supreme Court rejected the police union's argument that Penal Code Sections 832.7 and 832.8 bar disclosure of the amount of a peace officer's salary.[81] The Supreme Court ruled that salary information of peace officers does not constitute "personnel records" under Penal Code Sections 832.7 or 832.8, and is not information obtained from personnel records.[82] As such, the Penal Code does not mandate that peace officer salary information be excluded from disclosure under the Public Records Act.

The Supreme Court also rejected the argument that each public records request must be evaluated on a case-by-case basis to evaluate the individual employee's privacy interests and the particular public interest at issue.[83] The Court stated that this would reverse the presumption of openness of public records mandated by the Public Records Act, and the public entity bears the burden of demonstrating that particular records are exempt.[84] The Court, however, left open the possibility that a public entity may, on a case-by-case basis, decline to

[79] *International Federation*, 42 Cal. 4th 319 (2007).

[80] The Supreme Court also narrowed the precedential value of *Teamsters Local 856 v. Priceless, LLC.*, 112 Cal. App. 4th 1500 (2003). The appellate court in *Priceless* held that names, job titles, and W-2 information of City employees was confidential information and not subject to disclosure under the Public Records Act because the City in question had a prior practice of treating that information as confidential. To the extent that *Priceless* could be read as holding that a City's practice of refusing to disclose certain information had created a privacy interest in those records, the California Supreme Court disagreed and refused to adopt that holding. *International Federation*, 42 Cal. 4th at 336.

[81] *Id.*, at 343.

[82] *Id*.

[83] *Id*. at 336.

[84] *Id*. at 336-37.

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release records pertaining to individual employees where anonymity is essential to their safety, such as undercover narcotics officers.

Although this decision arose in the context of a public records request for the names and salaries of City employees earning more than $100,000 per year, the Supreme Court's reasoning may have general application to salary information for all City employees, regardless of level of salary.

In a companion case, *Commission on Peace Officer Standards and Training v. Superior Court*, the California Supreme Court addressed the confidentiality of certain non-salary information.[85] In this case, the Commission refused to provide the names, employing departments, and hiring and termination dates of peace officers from its database. The Commission maintains the database to monitor participating law enforcement departments' compliance with Peace Officer Standards and Training regulations. The California Supreme Court held that the names, employing departments, and hiring and termination dates of peace officers are not confidential under Penal Code Sections 832.7 and 832.8, and are not exempt from disclosure under the Public Records Act. The California Supreme Court, however, remanded the case to the lower courts to allow the Commission the opportunity to establish that information regarding particular officers or categories of officers should be excised from the disclosed records in order to protect the safety or efficacy of those peace officers.[86]

(7) Arrest records, complaint reports, investigatory, and security files.

Gov't Code §§ 7923.600-7923.630.

This exemption strictly limits the information required to be disclosed about arrests, complaints and investigations.[87] Records of complaints to or investigations conducted by police agencies generally may be withheld. Investigatory or

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[85] *Commission on Peace Officer Standards and Training v. Superior Court (Los Angeles Times Communications LLC)*, 42 Cal. 4th 278 (2007).

[86] *Id.* at 303; *see also*, *Long Beach Police Officers Assn. v. City of Long Beach*, 59 Cal. 4th 59 (2014) (holding the Act did not protect from disclosure the names of officers involved in on-duty shootings).

[87] The scope of "records of investigation" is narrowly construed. *American Civil Liberties Union Foundation v. Superior Court*, 3 Cal. 5th 1032, 1039 (2017). Records of investigation exempted under Section 7923.600 *et seq.* "encompass only those investigations undertaken for the purpose of determining whether a violation of law may occur or has occurred. If a violation or potential violation is detected, the exemption also extends to records of investigations conducted for the purpose of uncovering information surrounding the commission of the violation and its agency." *Haynie v. Superior Court*, 26 Cal. 4th 1061, 1071 (2001). In *American Civil Liberties Union of Southern California v. Superior Court*, the California Supreme Court declined to extend the meaning of "investigation" to cover bulk raw data obtained as part of a mass personal data collection, because there was no targeted "investigation" into a particular criminal act. 3 Cal. 5th 1032, 1042. Similarly, in *Castañares v. Superior Court*, the Court of Appeal held that not all law enforcement drone footage is categorically exempt from disclosure under the investigatory records exemption because not all drone footage serves an investigatory purpose. The court, however, noted that drone footage unrelated to any investigation might nonetheless be withheld under the "catch-all" exemption. *Castañares v. Superior Court of San Diego Cnty.,* 2023 WL 8915751 (Cal. App. 4 Dist., 2023).

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security files compiled by a local agency for law enforcement or licensing purposes are also covered by the exemption, provided "there is a concrete and definite prospect of criminal law enforcement proceedings."[88] This exemption extends indefinitely, even after investigations are concluded.[89] In most cases, agencies are required to disclose to the public[90] the full name, current address, and occupation of every person arrested by the agency, including a general physical description, along with the date and time of arrest. This disclosure, however, is not required where it would endanger the safety of a person involved in an investigation or jeopardize the successful completion of the pending investigation or a related investigation.

While investigations conducted by police agencies are generally not disclosable, investigations of police agencies may be subject to PRA requests. When releasing records pertaining to investigations of police agencies, the agency must redact or otherwise withhold any information that is part of a police officer's confidential personnel file.[91] Counsel should be consulted to ensure that confidential information is not disclosed.

In addition, local agencies are required to disclose to the public the time, substance, and general location of all complaints and requests for assistance, and the time and nature of the agency's response. However, no disclosure may be made to any arrested person or defendant in a criminal action of the address and telephone number of any person who is a victim or witness in an alleged offense.[92] Further, this disclosure is not required where it would endanger the safety of a person involved in an investigation or jeopardize the successful completion of the pending investigation or a related investigation.

The name and address of a victim of an alleged sex offense or human trafficking offense must be withheld if the victim or the parent of a victim who is a minor requests it be withheld.[93] While the law refers to "sex offenses," the crimes listed in Section § 7923.615 include sexual assault, child molestation, child abuse, hate crimes, and stalking.

The Public Records Act prohibits the commercial use of arrest and arrestee information, and requires that persons requesting such information sign a declaration, under penalty of perjury, that the request is made for a scholarly, journalistic, political, or governmental purpose, or for investigation by a licensed

88 *Dixon v. Superior Court (Neves)*, 170 Cal. App. 4th 1271, 1277 (2009) (internal quotation omitted).

89 *Rackauckas v. Superior Court (Los Angeles Times Communications)*, 104 Cal. App. 4th 169, 174-178 (2002).

90 Sections 7923.600-7923.630 also authorize release of certain limited information to the victim of a crime and other interested parties, above and beyond that information released to the public generally.

91 *Pasadena Police Officers Association v. City of Pasadena*, 22 Cal. App. 5th 147 (2018).

92 Penal Code § 841.5.

93 Penal Code § 293.

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private investigator.[94] This requirement, however, may have limited applicability given the outcome of litigation by United Reporting Publishing Corporation against the California Highway Patrol.[95] Subsequent to that case, the Attorney General issued an opinion that a law enforcement agency may not require that a requester present subscriber lists, copies of publications, or other verification of a journalistic purpose and the requester is not required to monitor subscribers to prohibit them from using the information for commercial purposes.[96]

Required Disclosure of Certain Peace Officer Records

Penal Code sections 832.7 and 832.8 previously made peace officer personnel records confidential and disclosable only upon court order following a *Pitchess* Motion. The statutes have been amended, however, to provide that certain peace officer personnel records and records relating to specified incidents, complaints, and investigations must be made available to the public under the Public Records Act.

Penal Code sections 832.7 and 832.8 now provide that an agency must disclose any record relating to the report, investigation, or finding of:

- An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
- An incident in which the use of force by a peace officer or custodial officer against a person resulted in death or great bodily injury.
- When a sustained finding was made that a peace officer or custodial officer engaged in sexual assault involving a member of the public.
- When a sustained finding was made of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any false statements, filing false reports, destruction, falsifying or concealing of evidence, or perjury.

[94] Gov't Code § 7923.620. A commercial publisher of criminal records challenged the constitutionality of this limitation on disclosure, but the United States Supreme Court held that the statute did not violate the First Amendment to the U.S. Constitution. *Los Angeles Police Dep't v. United Reporting Publ'g Corp.*, 528 U.S. 32 (1999).

[95] *United Reporting Publ'g Corp. v. California Highway Patrol*, No. 96-CV-0888-B (S.D. Cal. Aug. 13, 2001) (final judgment on consent) ("As applied to United Reporting's activities as described in this lawsuit, section 6254(f)(3) (now § 7923.620) violates United Reporting's rights under the First Amendment to the United States Constitution by preventing United Reporting from engaging in its journalistic activities as described above.").

[96] 89 Ops. Cal. Atty Gen. 97 (2006).

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- When a sustained finding was made involving a complaint that alleged unreasonable or excessive force.

- When a sustained finding was made that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.

- When a sustained finding was made that a peace officer or custodial officer engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

- When a sustained finding was made that the peace officer made an unlawful arrest or conducted an unlawful search.

A 'sustained finding' in this context means that the public agency has determined that misconduct occurred and the officer had an opportunity for an administrative appeal, even if that administrative appeal was not actually completed.[97]

These disclosures are required regardless of whether the disclosable records sought pertain to officers employed by the agency or by another public agency and regardless of whether the agency or another public agency created the records.[98] These requirements also apply to records created prior to 2019 if a public records request is submitted after January 1, 2019.[99]

Note, however, that the catchall exemption to disclosure under the Public Records Act (Government Code section 7922.000), can still apply to withhold disclosure records that are otherwise disclosable under Penal Code Section 832.7 if the facts of the particular case show the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.[100]

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[97] *Collondrez v. City of Rio Vista*, 61 Cal. App. 5th 1039 (2021), review denied (June 30, 2021) (court held that the city manager's decision in favor of an officer's termination following a pre-discipline Skelly meeting constituted a sustained finding of dishonesty, even though the officer's subsequent administrative arbitration was not completed because the officer resigned as part of a settlement with the city).

[98] *Becerra v. Superior Court of City & Cty. of San Francisco*, 44 Cal. App. 5th 897 (2020) *review denied* (May 13, 2020).

[99] *Ventura County Deputy Sheriffs' Assn v. Cty. of Ventura*, 61 Cal. App. 5th 585, 590, 594 (2021); *Walnut Creek Police Officers' Assn v. City of Walnut Creek*, 33 Cal. App. 5th 940, 941–942 (1 Dist. 2019).

[100] *Becerra,* 44 Cal. App. 5th at 927-929.

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Other records related to law enforcement that must be disclosed are:

- Audio and video recordings that relate to a "critical incident," for which purpose means it depicts an incident involving the discharge of a firearm at a person by a peace officer or custodial officer; or an incident in which the use of force by a peace officer or custodial officer resulted in death or great bodily injury.[101]

- All current standards, policies, practices, operating procedures, and education and training materials that law enforcement agencies would otherwise be available to the public if a request was made pursuant to the Public Records Act; which records must be made available online.[102]

As of January 1, 2025, law enforcement agencies may, but are not required to, disclose the termination for cause of a formerly employed peace officer or custodial officer for any incidents that are specified as disclosable.[103]

The foregoing is a brief overview of this detailed and complex exemption. Police and code enforcement staff should familiarize themselves with the complete requirements of this Section prior to responding to requests for arrest and complaint information.

(8) Information required from any taxpayer in connection with the collection of local taxes.

Gov't Code § 7925.000.

This exemption applies to information that a city or other local agency requires from any taxpayer in connection with the collection of local taxes if that information is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information. One frequent example of this is the submittal of sales or income information under a business license tax requirement where the city has indicated in its business license tax ordinance that the financial information provided will be kept confidential. If the business license is required by ordinance to list the amount of tax paid and be posted at the place of business, however, the amount of tax paid arguably is not confidential.

[101] Gov't Code § 7923.625.

[102] Penal Code §13650.

[103] Gov't Code § 832.7 (amended by Senate Bill 400 (2024).

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(9) Library circulation records.

Gov't Code §7927.100.

While this exemption protects from disclosure library circulation records kept for the purpose of identifying the borrower of items available in libraries, it is not applicable to records of fines imposed on the borrowers.

(10) Records exempt from disclosure under other laws including, but not limited to, the Evidence Code sections relating to privilege.

Gov't Code § 7927.705.

This provision of the Public Records Act exempts from disclosure every document held by a local agency that is legally privileged or confidential under some law outside the Public Records Act. The most common example of this exemption protects documents subject to the attorney-client privilege or the attorney work-product doctrine. It is important to note that neither the Public Records Act nor the Brown Act abrogate those important privileges for communications between a local agency and its legal counsel.[104]

For example, in *Los Angeles County Board of Supervisors v. Superior Court*, the Supreme Court ruled that the attorney-client privilege protects the confidentiality of invoices for legal work in pending and active legal matters.[105] The Court reasoned that such invoices are so closely related to attorney-client communications that they may reveal legal strategy or consultation. The Court emphasized, however, that the attorney-client privilege does not categorically shield everything in a billing invoice from PRA disclosure.

This case also reaffirms the principle that the Public Records Act does not permit public agencies to withhold an entire document that contains both exempt and nonexempt information. On this point, the Supreme Court ruled that agencies must "use the equivalent of a surgical scalpel to separate those portions of a record subject to disclosure from privileged portions" unless records are not "reasonably segregable."[106] Further, the Court stressed that any ambiguity must be construed in "whichever way will further the people's right of access."[107]

On remand, the Court of Appeal clarified that specific billing entries and descriptions of work contained in attorney invoices are not subject to disclosure under the PRA, whether they related to pending, ongoing or long-concluded

[104] *Roberts v. City of Palmdale*, 5 Cal. 4th 363, 377 (1993).

[105] *Los Angeles County Board of Supervisors v. Superior Court (ACLU of Southern California),* 2 Cal. 5th 282 (2016).

[106] *Id.* at 292.

[107] *Id.* (citing *Ardon v. City of Los Angeles*, 62 Cal. 4th 1176, 1190 (2016), and Cal. Const., art. I, § 3, subd. (b)(2)).

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legal matters. The Court further found that cumulative fee totals contained in attorney invoices for pending or ongoing legal matters are also protected from disclosure by the attorney-client privilege. And finally, it found that cumulative fee totals for matters concluded long ago may be subject to disclosure only if the cumulative fee totals do not reveal anything about the legal consultation or provide any insight into legal strategy.[108] Whether or not any particular fee total must be disclosed is a factual inquiry for the trial court.[109]

While a full discussion of attorney-client privilege and attorney work product is outside the scope of this Handbook, it is worth noting that a court may find waiver of the privilege when a city and developer share communications prior to approval of a development project under the California Environmental Quality Act (CEQA). In *Citizens for Ceres v. Superior Court*, the appellate court held that a city waived those privileges for communications it sent to a developer prior to approval of a development project under CEQA.[110] The court held that the "common interest doctrine," which generally allows disclosure of privileged communications to third parties with a common interest in a legal matter, did not apply to prevent the city's waiver.[111] As a result, the city was required to include its attorneys' communications with the developer in the administrative record it prepared. In contrast, in another more recent CEQA case, *Golden Door Properties, LLC v. Superior Court*, the appellate court ruled a common interest existed between a county and developer prior to project approval because the plaintiffs had previously sued both the applicant and the lead agency twice before project approval.[112] In light of these differing opinions, local agencies should be cautious in sharing documents and legal opinions prepared by the agency's attorney with a project developer, and recognize that in the event it does share such documents and opinions of its attorneys, in some cases those disclosures may waive the agency's privilege.

In *Labor and Workforce Development Agency v. Superior Court*, the Court of Appeal extended the protection afforded by Section 7927.705 to documents revealing the deliberative process of an agency, even going so far as to prevent the disclosure of the identities of persons with whom the agency confidentially communicated, and the general subject matter of the communications.[113]

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[108] *County of Los Angeles v. Superior Court*, 12 Cal. App. 5th 1264, 1274 (2017).

[109] *Id*.

[110] *Citizens for Ceres v. Superior Court (City of Ceres)*, 217 Cal. App. 4th 889, 922 (2013).

[111] *Id.* at 914-921.

[112] *Golden Door Properties, LLC v. Superior Court of San Diego County*, 53 Cal. App. 5th 733, 755-756 (2020), review denied (Nov 10, 2020).

[113] *Labor & Workforce Dev. Agency v. Superior Court*, 19 Cal. App. 5th 12 (2018).

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Determining which other confidentiality laws are incorporated into the Public Records Act has always been difficult and time-consuming. In 1998, the Legislature attempted to address this problem by enacting a statute that lists most of the exemptions found in other laws.[114] The list now begins at Government Code Section 7930.005 and continues for more than 20 pages. Although the Public Records Act cautions that this list may not be complete, it is a helpful list.

(11) Personal financial information required of licensees.

Gov't Code § 7925.005.

When a local agency requires that applicants for licenses, certificates, or permits submit personal financial data, that information is confidential. This exemption, however, does not apply to financial information filed by a franchisee to justify a rate increase, presumably because those affected by a rate increase have a right to know its basis.[115] The term "license" was narrowly construed by the court in *San Gabriel Tribune v. Superior Ct.* to exempt financial information of applicants whose business with the agency is only public because they must comply with licensing requirements and regulations. To give effect to the Public Records Act policy that favors disclosure over secrecy in government, the court concluded that a franchisee is akin to a contractual relationship and is not an applicant for a license under Section 7925.005.

(12) Terrorist assessment reports.

Gov't Code § 7929.200.

A document prepared for or by a local agency that assesses its vulnerability to terrorist attacks or other criminal acts intended to disrupt the local agency's operations is exempt from disclosure if the document is prepared for distribution or consideration in a closed session of the local agency.

(13) Voter registration information.

Gov't Code § 7924.000.

The home address, telephone number, email address, precinct number, and prior registration information shown on voter registration cards is confidential. Disclosure of that information is permitted only to candidates and campaigns, and to any person for election, scholarly, journalistic, or political purposes pursuant to Section 2194(a)(3) of the Elections Code. The driver's license number,

[114] Stats. 1997, c. 620 (S.B. 143 – Kopp).

[115] *San Gabriel Tribune v. Superior Court (City of West Covina)*, 143 Cal. App. 3d 762, 779-780 (1983).

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social security number and signature of the voter shown on the voter registration card are also confidential and cannot be disclosed to any person.[116]

We believe that this exemption extends to any document that by law must include the information made confidential by this Section, including applications for absentee ballots and returned absentee ballot packages. However, voter registration information identified under Section 7924.000 of the Government Code must be made available to the public if the information is at least one hundred years old.[117]

(14) Utility customer information.

Gov't Code § 7927.410.

The name, credit history, utility usage data, home address, and telephone number of utility customers of local agencies are exempt from disclosure, except in certain circumstances. This information may be disclosed to authorized family members of the person to whom the information pertains or his or her agent, to an officer or employee of another governmental agency when necessary to perform official duties, or upon court order or the request of law enforcement for an ongoing investigation. In addition, the information may be disclosed if the utility customer has used the utility services in a manner inconsistent with applicable local utility usage policies. If the utility customer is a public official with authority to determine utility usage policies, the information may be disclosed except that the home address of an appointed official may not be disclosed without the official's consent. Lastly, the information may be disclosed if the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure .

(15) Unauthorized Internet posting of officials' addresses and telephone numbers.

Gov't Code §§ 7928.205 - 7928.230.

The public posting on the internet, or the *intentional* communication or otherwise making available the information on the internet in an unrestricted and publicly available manner, of the home address, telephone number, or both, or the name and assessor parcel number associated with the home address of any elected or appointed official by a local agency without that individual's written permission is prohibited. The definition of "elected or appointed officials" includes, but is not limited to, members of a city council, members of a board of supervisors, mayors, city attorneys, police chiefs, and sheriffs. It is a misdemeanor for any person to

[116] Elec. Code § 2194(b)(1).

[117] Elec. Code § 2194.1.

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post such information with the intent to cause bodily injury to the official, his or her spouse or child. The official may bring an action for damages under certain circumstances. If bodily injury occurs as a result of the posting, then the posting could become a felony.

If a person, business, or association publicly posts on the internet the home address or telephone number of any elected or appointed official, the official may make a written demand to have the information removed. An official may bring an action in court to seek injunctive relief in the event the posting is not removed or is posted again during the four years that the written demand is in effect.[118]

(16) Social Security Numbers.

Gov't Code § 7922.200.

Local agencies must redact social security numbers from records before disclosing them to the public.

(17) Records and Information of the Controller Obtained pursuant to the Unclaimed Property Law.

Gov't Code § 7927.425 and 7925.015.

The Public Records Act also exempts records that the Controller and third-party auditors obtain as a result of an examination of records pursuant to Section 1571 of the Code of Civil Procedure, other than records of property that should have been reported to the Controller as unclaimed property. It also exempts records related to statements of personal worth or personal financial data, including, but not limited to, wills, trusts, account statements, earnings statements, or other similar records and personal information as defined by Section 1798.3 of the Civil Code.

(18) General public interest exemption.

Gov't Code § 7922.000.

In cases where a specific statutory exemption does not apply, a record still might be exempt from disclosure if:

[118] Note, however, that at least one court has indicated that this law may be unconstitutional where applied to prohibit the publication of contact information that is truthful information about a matter of public concern where the information published was lawfully obtained. *Publius v. Boyer-Vine*, 237 F. Supp. 3d 997, 1016, 1021(E.D. Cal. 2017).

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> on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.[119]

The numerous cases examining this "balancing test" make it clear that the burden is **on the local agency** to show that the public interest in confidentiality outweighs the public interest in disclosure. In fact, given the public policy involved, courts demand a demonstration of "clear overbalance" to justify non-disclosure.[120]

In practice, very few local agencies have been able to convince reviewing courts that the public interest in confidentiality outweighs the interest in disclosure. In the absence of a specific statutory exemption, this "catch-all" distinction rarely has been successfully relied upon to justify nondisclosure. Thus, local agencies must in good faith find a relatively rare "clear overbalance" to justify confidentiality on this ground.[121]

The right of privacy may provide a basis to shield disclosure of information under Government Code Section 7922.000. For example, relying on the right of privacy, the California Supreme Court ruled that disclosure of raw automated license plate reader data collected by a police department was protected from disclosure under this catch-all exemption.[122] The unaltered license plate scan data consisted of the plate number, date, time, and location information of each license plate record.[123] The Supreme Court found that the act of revealing the data would jeopardize the privacy of everyone associated with a scanned plate which was a significant threat to privacy because more than one million scans were conducted per week, and on that basis concluded that the public interest in preventing such disclosure "clearly outweighs the public interest served by disclosure of" these records.[124]

In a recent case during the COVID-19 pandemic, an appellate court upheld San Diego County's withholding of the specific location of COVID-19 outbreaks from a "confirmed outbreaks spreadsheet" disclosed to news media under the catchall exemption.[125] The county provided uncontradicted evidence from the public health officer that disclosing the exact name and address of an outbreak

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[119] Gov't Code § 7922.540, which requires that a permitted denial on these grounds must be made in writing.

[120] *City of Hemet*, 37 Cal. App. 4th at 1421; *see also Black Panther Party*, 42 Cal. App. 3d at 657.

[121] *See, e.g., Michaelis, Montanari & Johnson v. Superior Court (City of Los Angeles Dept. of Airports)*, 38 Cal. 4th 1065 (2006) (holding under "catch-all" exemption that proposals for lease and development of a hangar facility at public airport were exempt from disclosure until City had completed negotiations where negotiations were part of the competitive process).

[122] *American Civil Liberties Union Foundation v. Superior Court*, 3 Cal. 5th 1032, 1043-1044 (2017).

[123] *Id.* at 1043.

[124] *Id.* at 1044.

[125] *Voice of San Diego v. Superior Court of San Diego County*, 66 Cal. App. 5th 669, 672-673 (2021), review denied (Oct. 27, 2021).

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location would have a chilling effect on the public's willingness to cooperate with contact tracing efforts.[126] The court ruled that the value of the county's ability to conduct effective contact tracing clearly outweighed the public's interest in obtaining information about the exact outbreak locations, concluding that the evidence did not support the news media's contentions that a member of the public can better avoid COVID-19 infection if he or she knows of the particular locations where outbreaks occurred.[127]

Two other areas in which a public interest in nondisclosure has been upheld involve public records disclosure that would adversely affect the deliberative process of a local agency, or the personal security of a public official. In *Times Mirror Co. v. Superior Court*,[128] for example, the State's refusal to release the Governor's schedule and appointment calendar out of concern for the Governor's personal safety was upheld. Additionally, the State asserted that the disclosure of appointment calendars and schedules would "chill the flow of information" to the Governor and inhibit the free exchange of ideas in private meetings. The breadth of the request, however, may affect the balancing of interests. The public interest in nondisclosure may be less where the request is carefully focused and confined to a few documents.[129]

The Governor's office won another Public Records Act case on the "deliberative process privilege" and the exemption for "correspondence of and to the Governor"[130] justifications in 1998 when the office refused to disclose applications submitted to the Governor for an appointment to a vacancy on a board of supervisors.[131]

On the local level, a city's refusal to disclose the telephone records of council members was upheld to protect the same "deliberative process privilege."[132]

Far more often, however, courts have found the public interest in disclosure outweighs the interest in confidentiality. Similarly, the Attorney General has issued

[126] *Id.* at 692-693.

[127] *Id.*

[128] *Times Mirror Co. v. Superior Court (State of California)*, 53 Cal. 3d 1325 (1991).

[129] *Id.* at 1344-46.

[130] Gov't Code § 7928.000.

[131] *California First Amendment Coalition v. Superior Court (Wilson)*, 67 Cal. App. 4th 159 (1998); *see also Wilson v. Superior Court (Los Angeles Times)*, 51 Cal. App. 4th 1136 (1997), as modified.

[132] *Rogers v. Superior Court (City of Burbank)*, 19 Cal. App. 4th 469 (1993).

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several opinions favoring disclosure. Some illustrative cases and Attorney General opinions in this area include the following:

- *Becerra v. Superior Court of City & Cty. of San Francisco (First Amendment Coalition et al.)*[133]

Penal Code Section 832.7 generally requires disclosure of all responsive records in the possession of the Department of Justice, regardless of whether the records pertain to officers employed by the department or by another public agency and regardless of whether the department or another public agency created the records. Government Code Section 7922.000 may apply to records that are subject to disclosure under Penal Code Section 832.7, but while an agency may invoke the exception based on the concern that segregating nonexempt from exempt information would be unduly burdensome, for the exception to apply to withhold responsive records the agency must establish a clear overbalance on the side of confidentiality. The Department of Justice failed to make such a sufficient showing, despite arguing they faced an "'onerous burden of reviewing, redacting, and disclosing records regarding other agencies' officers, which involves 'potentially millions of records'" to disclose records under Penal Code Section 832.7.

- *Connell v. Superior Court (Intersource, Inc.)*[134]

Records relating to unpaid state warrants are public records and must be disclosed. The public interest in disclosure outweighs the public interest in preventing possible fraud that could be assisted through the release of too much information about the State's warrant system. The fact that the request was made solely for commercial purposes and profit did not affect the balancing test.[135]

- *Copley Press, Inc. v. Superior Court (M.P.R. - a minor)*[136]

As a matter of law, no compelling reason exists to seal the court records of a settlement reached between the insurer for a school district and a minor student who was sexually assaulted at school. The amount of settlement is a matter of public record.

[133] 44 Cal. App. 5th 897 (2020).

[134] 56 Cal. App. 4th 601 (1997).

[135] Government Code section 7921.300 states that the Public Records Act "does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure."

[136] 63 Cal. App. 4th 367 (1998).

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- *CBS, Inc. v. Block*[137]

The possibility that public disclosure of applications for concealed weapons permits would discourage the filing of new applications, or that such disclosure might increase applicants' vulnerability to attack, did not justify nondisclosure.

- *Braun v. City of Taft (Polston)*[138]

A City's nondisclosure of personnel records and letters appointing an employee and then rescinding the appointment was not justified by the theory that future applicants would not be candid if they knew personal information would be made public.

- *Humane Society of U.S. v. Superior Court (The Regents of the University of California)*[139]

A public university's nondisclosure of certain information relating to an academic study was justified because the interest in protecting the academic research process outweighed the interest in public disclosure. Disclosure would "fundamentally impair" the academic research process and the public would suffer because the "'quantity and quality' of . . . academic research on important issues of public interest would be adversely affected."[140]

- *Los Angeles Unified School District v. Superior Court (Los Angeles Times)*[141]

A school district's decision to redact the names of teachers in a statistical model measuring each teacher's effect on students' standardized test scores was proper because the detrimental interference with the district's ability to function properly clearly outweighed the interest in public disclosure. The scores had already been released to the public categorized by school, grade, subject, and demographics; to require additional disclosure would sow discord among parents and teachers.

[137] 42 Cal. 3d 646 (1986).
[138] 154 Cal. App. 3d 332 (1984).
[139] 214 Cal. App. 4th 1233 (2013).
[140] *Id.* at 1263.
[141] 228 Cal. App. 4th 222 (2014).

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- *Long Beach Police Officers Assn. v. City of Long Beach (Los Angeles Times)*[142]

In a request by a newspaper for the names of peace officers involved in a fatal shooting, the California Supreme Court held that vague safety concerns – which apply equally to all officers involved in shootings that result in severe injury or death – were outweighed by the public's interest in such incidents.[143] The California Supreme Court held that in order for names of peace officers involved in such incidents to be exempt from disclosure, there must be a particularized showing of safety concerns regarding those officers.

- 90 Ops. Cal. Atty. Gen. 40 (2007)

County recorder's accounting records that include a payment receipt showing the documentary transfer tax amount is subject to inspection under the Public Records Act. While the statutory scheme allows the documentary transfer tax to appear on a separate paper rather than on the recorded property conveyance document, that procedure provides only limited privacy protection for property owners and does not make the documentary transfer tax amount confidential.

- 81 Ops. Cal. Atty. Gen. 383 (1998)

Claims for senior citizens' exemptions from assessment of a parcel tax levied by a school district are subject to inspection by members of the general public. The concern that the residents' privacy would be compromised by solicitors targeting senior citizens was insufficient to overcome the public interest in disclosure.

X. WHAT IS THE PROPER PROCEDURE FOR COMPLYING WITH A PUBLIC RECORDS ACT REQUEST?

The following is a brief outline of the proper response procedure, as required by Government Code Sections 7922.525 *et seq*.

A. The agency has ten calendar days to determine whether to grant the request. Grounds for refusing a request include:

- The request does not seek records which are "reasonably segregable" from records which are exempt from disclosure;[144]

[142] 59 Cal. 4th 59 (2014).

[143] Since the *Long Beach* decision, amendments to Penal Code Section 832.7 require that peace officer records relating to an incident involving the discharge of a firearm at a person by a peace officer or custodial officer or an incident in which the use of force by a peace officer or custodial officer against a person resulted in death or in great bodily injury must be made available to the public under the Public Records Act.

[144] Gov't Code § 7922.525.

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- The request does not reasonably describe an identifiable record;[145]
- The request would require the agency to create new records not currently in existence; or[146]
- The request seeks records which are exempt from disclosure.[147]

Note, however, that the Public Records Act requires the disclosure of "reasonably segregable" portions of records. This means that if portions of a record are exempt and other parts of the same record are not, the non-exempt portions of the document must be disclosed.[148]

B. In "unusual circumstances" the agency may take up to an additional 14 calendar days to make the determination whether to grant the request. "Unusual circumstances" must be one of the following:

- The need to search for and collect the requested records from field facilities or other locations separate from the office processing the request;[149]
- The need to search for, collect, and examine a voluminous amount of separate and distinct records demanded in a single request;[150]
- The need for consultation with another agency having a substantial interest in the request or among two or more components of the agency having an interest in the subject matter of the request;[151] or
- The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.[152]
- The need to search for, collect, and appropriately examine records during a state of emergency proclaimed by the Governor in the jurisdiction where the agency is located if the state of emergency affects the agency's ability to timely respond to requests due to

[145] Gov't Code § 7922.530(a).

[146] Based upon the definition of "writing," Gov't Code § 7920.545, and the requirement that a requested record be "identifiable," Gov't Code § 7922.530(a). See note 22.

[147] Gov't Code § 7922.530(a).

[148] Gov't Code § 7922.525.

[149] Gov't Code § 7922.535(c)(1).

[150] Gov't Code § 7922.535(c)(2).

[151] Gov't Code § 7922.535(c)(3).

[152] Gov't Code § 7922.535(c)(4).

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staffing shortages or closure of facilities where the requested records are located.[153]

If the agency intends to use this additional time to respond, the agency must provide written notification to the requester that the additional time is required, the reason for the delay, and the date on which a determination will be given.[154]

C. When the agency has made a determination, the requester must be promptly notified of the agency's determination. This notification should be in writing and should include the following information:

- Whether the request is being granted or denied;[155]
- If the request is being granted, the estimated date and time when the records will be made available (or where the records are located on the agency's website);[156]
- If the request was made in writing and is being denied, in whole or in part, the response must be in writing and include the extent and the reasons for the denial;[157]
- The name and title or position of the person responsible for the denial;[158]
- The cost or an estimate of the cost of copying the records, if a copy is requested, and a request for pre-payment. Note that this is only the direct cost of duplication, or a statutory fee, if applicable, and does not include staff time to research, retrieve, or compile the records.[159] However, if the document requested is in electronic form, the agency may charge the full cost of reproducing the document when the record is one that is produced only at otherwise regularly scheduled intervals, or the request would require data compilation, extraction, or programming to produce the record.[160]

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153 Gov't Code § 7922.535(c)(5).

154 Gov't Code § 7922.535(b).

155 Gov't Code § 7922.535(a).

156 Id.

157 Gov't Code §§ 7922.540(a), 7922.535.

158 Gov't Code §7922.540(b).

159 Gov't Code § 7922.530(a); *North County Parents Organization v. Dep't of Education*, 23 Cal. App. 4th 144 (4 Dist. 1994).

160 Gov't Code § 7922.575 ; *see also Nat'l Lawyers Guild v. City of Hayward*, 9 Cal. 5th 488 (2020) (finding that retrieving and editing raw video footage in response to a public records request does not qualify as "data extraction" within the meaning of the Public Records Act and therefore public agencies may not recover their costs for that process).

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- The option to inspect the requested records at a mutually convenient time during office hours.[161]

- A requester who inspects a disclosable record on the agency's premises has the right to use their own equipment on those premises, within reasonable limits necessary to protect the safety of the records or to prevent unnecessary burden on the orderly function of the agency and its employees, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record.[162]

- If in response to a public records request the agency directs a member of the public to the location of that public record on its website, the agency must still promptly provide a copy of the record itself if the member of the public requests a copy due to his or her inability to access or reproduce the public record from the website.[163]

D. In addition to the above requirements, if the local agency determines that the request should be denied and the reason for the denial is not solely because of a statutory exemption, the agency must also:

- Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated;[164]

- Describe the information technology and physical location in which the records exist;[165]

- Provide suggestions for overcoming any practical basis for denying access to the records or the information sought.[166]

  Alternatively, a local agency may forego these requirements if it instead makes available an index of the record.[167]

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[161] Gov't Code § 7922.525.

[162] Gov't Code §7922.530(c). However, Health and Safety Code Section 19851 provides separate procedures for obtaining duplicates of official copies of building plans.

[163] Gov't Code §7922.545.

[164] Gov't Code § 7922.600.

[165] *Id.*

[166] *Id.*

[167] Gov't Code § 7922.605.

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E. Upon payment of the cost of duplication, the agency must make the records "promptly available."[168]

F. Please note that the agency may not use this procedure to "delay or obstruct the inspection or copying" of public records.[169]

G. The local agency may provide guidelines for "faster, more efficient, or greater" access to records than provided by the Act.[170]

XI. WHAT ARE THE PENALTIES FOR FAILURE TO COMPLY WITH THE PUBLIC RECORDS ACT?

Unlike other open government laws, the Public Records Act does not criminally penalize a local agency for its failure to comply with the Act. Nor does it subject a local agency to money damages for a violation.[171] However, if a person requesting public records believes records have been improperly withheld, he or she may ask a court to compel a local agency to disclose the records.[172] Any person who prevails in enforcing his or her rights under the Act in court is entitled to receive court costs and reasonable attorneys' fees.[173]

Courts have deemed a person to be the "prevailing party" for purposes of awarding costs and fees if filing of the lawsuit motivated the local agency to produce any documents.[174] The production of just one document can be sufficient to trigger an award of costs and fees.[175] In the past, where the court determined the litigation was not what ultimately motivated the release of records, costs and fees were denied.[176] One court held that an award of attorneys' fees was appropriate even though no additional records were produced as a result of the lawsuit.[177] The local agency in that case had repeatedly refused to accept a requester's oral request to inspect public records and forced the requester to make her request in writing, constituting a general

168 Gov't Code § 7922.530(a).

169 Gov't Code § 7922.500.

170 Gov't Code § 7922.505.

171 *County of Santa Clara v. Superior Court (Naymark)*, 171 Cal. App. 4th 119, 130 (6 Dist. 2009).

172 Gov't Code §§ 7923.000 and 7923.005; see also *Stevenson v. City of Sacramento*, 55 Cal. App. 5th 545 (3 Dist. 2020) (appellant seeking injunctive relief under Gov't Code § 6258 [now §§ 7923.000 and 7923.005] may be required to post a bond pursuant to Cal. Civ. Code § 529 prior to the court issuing a preliminary injunction on appellant's behalf).

173 Gov't Code §7923.115.

174 *Los Angeles Times v. Alameda Corridor Transportation Authority*, 88 Cal. App. 4th 1381, 1391 (2 Dist. 2001); *Rogers v. Superior Court*, 19 Cal App. 4th 469, 482 (2 Dist. 1993); *Nat'l Conference of Black Mayors v. Chico Cmty. Publ'g, Inc.*, 25 Cal. App. 5th 570 (3 Dist. 2018) (newspaper that fought third party effort to prevent disclosure of public records sought by the newspaper was not entitled to attorneys' fees under the Public Records Act because newspaper did not bring an action against the City to compel disclosure under the Act).

175 *Los Angeles Times*, 88 Cal. App. 4th at 1392.

176 *Id.* at 1391; *Crews v. Willows Unified School District*, 217 Cal. App. 4th 1368, 1381-82 (3 Dist. 2013).

177 *Galbiso v. Orosi Public Utility District*, 167 Cal. App. 4th 1063, 1086-1089 (5 Dist. 2008).

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denial of access to all public records and justifying an award of attorneys' fees under the circumstances.

XII. CONCLUSION

This Handbook provides a brief overview of some of the most important provisions of the Public Records Act that frequently arise for local government agencies. There are, however, many other provisions not covered by the scope of this Handbook. Additionally, each factual situation contains nuances specific to the particular situation that may impact the analysis. Because it is important to comply with the Public Records Act within a relatively short time frame, it is critical to seek the advice of counsel if there is any question as to the appropriate course of action.

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PART TWO.

ELECTRONIC RECORDS

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ELECTRONIC RECORDS

Advances in computer technology have significantly altered the method of communication with and between public officials and employees, but these technological developments have outpaced public records legislation. Email, electronic documents created on word processors, and web pages (including social media pages) do not readily fit into the categories of disclosure under decades-old laws.

The courts have had to fit the round peg of electronic documents into the square hole of state law on several occasions. In *Aguimatang v. California State Lottery*, the Court of Appeal rejected a defendant's argument that the plaintiff's computer records "were not made at or near the time of the event" and therefore did not qualify as an admissible "writing" under the evidentiary rules for business records.[178] The records were recorded on magnetic tape on the day the events of the case took place, but were not printed out until twenty-two months later. The court concluded that the magnetic tape, not just the printout, constituted a "writing" under the Evidence Code:

> Chanquin cites no authority holding that the retrieval, rather than the entry, of computer data must be made at or near the time of the event. Thus, although to qualify as a business record the "writing" must be made at or near the time of the event, "writing" is not limited to the commonly understood forms of writing but is defined very broadly to include all "means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof." Evid. Code § 250. Here, the "writing" is the magnetic tape. The data entries on the magnetic tapes are made contemporaneously with the Lotto transactions, hence qualify as business records. The computer printout does not violate the best evidence rule, because a computer printout is considered an "original." Evid. Code § 255.[179]

Similarly, in *People v. Martinez*, the California Supreme Court held that records from a state computer system of a defendant's prior criminal convictions were admissible as "official records" under the Evidence Code.[180]

In an attempt to catch up, in 2002 the Legislature enacted Assembly Bill 1962 ("AB 1962"), modifying the definition of "writing" under the Public Records Act and the Evidence Code to include "photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any

[178] *Aguimatang v. California State Lottery*, 234 Cal. App. 3d 769 (3 Dist. 1991).

[179] *Id*. at 798.

[180] *People v. Martinez*, 22 Cal. 4th 106 (2000).

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tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof," and clarifying that the definition applied "regardless of the manner in which the record has been stored."[181]

The legislative reports for AB 1962 cited to *Aquimatang* and *Martinez* to establish that the amendment was declaratory of existing law. The reports also observed that in an earlier case, a court of appeal stated that the definition of writing in the Public Records Act was "intended to cover every conceivable kind of record that is involved in the governmental process and will pertain to any new form of record-keeping instrument as it is developed."[182] Under the 2002 legislation, emails and other electronic documents are records subject to disclosure and present their own unique issues for local governments.

In 2009, the State Legislature enacted rules relating to the discovery of electronically stored information, similar to the rules enacted by the Federal Government in 2006. In 2006, the Federal Rules of Civil Procedure were revised to require parties in federal lawsuits to address the production and preservation of electronic records.[183] Under the 2006 Rules, a public entity should have an electronic retention practice and policy that ensures that electronic documents relevant to federal litigation are appropriately preserved. Rule 37 of the Federal Rules of Civil Procedure authorizes federal courts to impose sanctions on parties and their attorneys who fail to comply with discovery obligations and court orders.

City websites, in turn, raise questions about public rights of access. Websites are an important means of providing residents with access to information. An improperly framed policy on website use, however, could result in violations of the Brown Act, infringe upon residents' First Amendment rights, and even violate disability access laws. Consequently, it is important to establish clear policies governing website design and use.

This Part Two on Electronic Records will begin by discussing the types of email that are public records, and what exemptions under the Public Records Act might justify nondisclosure. Other unique issues raised by the use of email are also explored, such as emails sent or received by public officials and employees on nongovernmental accounts, email threads and the potential risk of using email to create an unlawful serial meeting under the Brown Act. We then look at the Public Records Act requirements for disclosure of other types of electronic records, including Geographic Information Systems.

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[181] Stats. 2002, c. 945 (A.B. 1962—Hollingsworth) (amending Gov't Code § 6252 (now Gov't Code §§ 7920.500 et seq.) and Evid. Code § 250).

[182] Assembly Committee on Judiciary, Report on AB 1962, May 14, 2002 (citing *San Gabriel Tribune v. Superior Court (City of West Covina)*, 143 Cal. App. 3d 762, 774 (1 Dist. 1983)).

[183] Fed. R. Civ. P. 26.

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The discussion then turns to other concerns raised by electronic records, including litigation discovery and metadata. We close with a discussion of city websites, including some of the legal issues that a public entity should consider when establishing and running a website.

I. EMAIL

Given that email can be a public record under Government Code Section 7920.545, in most circumstances a public entity is under an obligation to disclose email upon request. However, there are a number of complications, and despite AB 1962's attempt to respond to the changed method of communication, the bill provided nothing in the way of specifics.

A. Is the Email a Public Record?

Under the Public Records Act, certain exemptions might apply to justify withholding an email. But a fundamental question – one that must be considered before determining whether an exemption applies – is whether the document qualifies as a "public record" of the local agency.

(1) Personal Messages

Documents disclosable under the Public Records Act must be "prepared, owned, used, or retained by any state or local agency," and must contain information "relating to the conduct of the public's business."[184] Although this covers a very broad range of documents, it does not cover every document.

For example, emails on entirely personal subjects unrelated to local agency business would not relate to the conduct of the public's business, and therefore would not constitute "public records" under Section 7920.530.[185] A harder determination is whether a personal email that only mentions a city issue in passing would relate to the conduct of the public's business. In 2017, the California Supreme Court held the determination of whether a particular email qualifies as a public record, particularly for emails kept in personal accounts, will involve the consideration of a number of factors and may not always be clear.[186] The court suggested examining the content and context of the email, the purpose for which it was written and to whom, and whether the email was prepared by an employee purporting to act within the scope of his or her employment.[187]

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184 Gov't Code § 7920.530(a).

185 *City of San Jose*, 2 Cal. 5th 608, 618-19.

186 *Id*. at 618.

187 *Id*.

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(2) Emails Sent or Received Using Personal Devices and Personal Accounts

Staff frequently asks whether emails sent or received on a nongovernmental account (such as personal Gmail, Yahoo Mail, or Hotmail accounts), or from a home computer or smartphone, and which pertain to local agency business, qualify as a public record. The California Supreme Court decided this very issue, and held in a unanimous decision that the presumptive right of access of the PRA extends to emails and texts sent or received on nongovernmental accounts, whether on private or government-issued devices, used by local agency employees or officials that relate to the business of that local agency.[188]

In *City of San Jose v. Superior Court*, a request for 32 categories of public records was filed with the City of San Jose.[189] The request included emails and text messages sent or received on private electronic devices used by the mayor, two City council members, and their staff.[190] The City argued such emails were outside the reach of the PRA, both because the emails were not directly accessible to the City and thus did not qualify as writings "prepared, owned, used or retained" by the City under the Section 7920.530 definition of "public records," and because neither employees nor officials are included within the governmental entities listed in the definition of "local agency" under Section 7920.510.[191] The Court found neither argument persuasive when considering the legislative intent of the PRA and the constitutional directive to a broadly construed right of public access.[192]

The California Supreme Court found no indication "the Legislature meant to allow public officials to shield communications about official business simply by directing them through personal accounts."[193] The Court did acknowledge the inherent balance that must be struck between the public's rights of access and an individual employee's or official's right of privacy, and sought to offer some limited guidance for how searches should be conducted for records sent or received on nongovernmental accounts that pertain to the public's business.[194]

Foremost, the California Supreme Court stated it is the local agency itself that is in the best position to adopt policies that will reduce the likelihood of public records being held in the private, nongovernmental accounts of local agency employees

[188] *Id*. at 629.
[189] *Id*. at 614.
[190] *Id*. at 615.
[191] *Id*. at 619-20.
[192] *Id*. at 620-21.
[193] *Id*. at 624.
[194] *Id*. at 627-29.

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or officials that pertain to the public's business.[195] Barring such a policy, the Court stated that a local agency's first step upon receiving a PRA request that implicates nongovernmental accounts should be to communicate the request to the individual or individuals in question.[196] A local agency may then reasonably rely on those individuals "to search *their own* personal files, accounts and devices for responsive material."[197] Citing both federal precedent under the FOIA and a holding by the Washington Supreme Court under its state public records law, the California Supreme Court also discussed an employee or official submitting an affidavit that would give the local agency, requester, and ultimately the trial court reassurance that responsive records were appropriately searched on nongovernmental accounts.[198] Such an approach also strikes "an appropriate balance" with the individual's right of privacy in their personal affairs.[199]

The California Supreme Court's ruling in *City of San Jose v. Superior Court* is likely to have far-reaching consequences for public agencies; however, a number of questions remain unanswered by the court's decision. Since the City of San Jose refused to produce any emails from a nongovernmental account in response to the original PRA request, disputes over the content of specific emails and whether or not they fall under the definition of "public record" will likely be decided in subsequent proceedings.[200] Similarly, the decision does not address at what point a suggested search in response to a PRA request would become an unwarranted invasion on the privacy of a local agency employee or official.[201] In responding to requests for communications sent or received on an individual's nongovernmental account, it is advisable to consult with your legal counsel. Counsel should also be consulted if an agency requires access to potentially responsive documents or communications that are on an employee's private device and not accessible to the agency (for example, documents saved on an employee's home computer hard drive). Our office is also available to help draft policies on how to reduce the likelihood that public records will be held in an agency employee's or official's private nongovernmental account, how to conduct searches into nongovernmental accounts when necessary, and how to work with employees so the employees properly search their private, nongovernmental computers and smartphones, when necessary.[202]

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[195] *Id*. at 628.

[196] *Id*.

[197] *Id*.

[198] *Id*.

[199] *Id*.

[200] *Id*. at 618.

[201] *Id*. at 627.

[202] Private, nongovernmental devices should never be seized by the agency, or accessed without the employee's consent, even if the agency believes the device contains material responsive to a PRA request.

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B. Some Email may be Protected by the Deliberative Process Privilege or Mental Process Principle

Emails differ from traditional printed documents: they may be prepared quickly and sent without proofreading, they may be conversational, or they may substitute for face-to-face or telephone communications. As described by the California Supreme Court, "the ease and immediacy of electronic communication has encouraged a commonplace tendency to share fleeting thoughts and random bits of information, with varying degrees of import, often to broad audiences."[203] As a result, they often reflect preliminary ideas and concepts, and may be subject to the deliberative process privilege, which was mentioned earlier in the discussion on the Public Records Act.[204] Alternatively, the mental process principle may provide a basis for withholding emails. Before applying the deliberative process privilege to emails sent to a legislative body member, you should familiarize yourself with the Brown Act requirements regarding disclosure, discussed below in Section G.

The deliberative process privilege and the mental process principle are very similar, and sometimes courts blur the distinction. Generally speaking, the deliberative process privilege is targeted at protecting from disclosure the decision making process of governmental agencies. Without that protection, candid discussion may be discouraged within an agency, thus undermining its ability to perform its functions.[205] It is sometimes referred to as the "executive privilege,"[206] but has been applied to records of both the executive branch (e.g., the governor) and the legislative branch (e.g., a city council).[207] The mental process principle, on the other hand, appears to apply only to the members of an agency's legislative body when those members are enacting legislation, and protects from disclosure those records that would allow an inquiry into the "subjective motives or mental processes of legislators."[208] The deliberative process privilege uses a balancing test, whereas the mental process principle does not, making the mental process principle exemption less subjective.[209]

(1) Deliberative Process Privilege

Although the Public Records Act does not expressly contain a deliberative process exemption, the California Supreme Court held in 1991 that public records

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[203] *Id*. at 618.

[204] See pages 27 and 28 of this Handbook.

[205] *Times Mirror Co. v. Superior Court*, 53 Cal. 3d 1325, 1342 (1991).

[206] *Sutter's Place v. Superior Court (City of San Jose)*, 161 Cal. App. 4th 1370, 1378 (6 Dist. 2008).

[207] *Times Mirror Co.*, 53 Cal. 3d at 1345-46 (governor's calendars and schedule); *Rogers v. Superior Court (City of Burbank)*, 19 Cal. App. 4th 469, 479 (2 Dist. 1993) (city council phone records).

[208] *Sutter's Place*, 161 Cal. App. 4th at 1377.

[209] *Id.* at 1377, 1379.

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may be withheld on deliberative process grounds.[210] The deliberative process privilege arises under the "catch-all" exemption contained in Section 7922.000 of the Government Code. Under the "catch-all" exemption, a public agency may justify nondisclosure by showing "that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." To apply the deliberative process privilege:

- First, consider whether the record falls within the scope of the privilege. Generally, records that are predecisional and deliberative (opinion) fall within the scope, but some courts have not strictly applied a predecisional requirement and have permitted purely factual material that exposes the deliberative process to fall within the privilege.[211]

- Second, identify the public interest served by nondisclosure of the record. Four public interests that have been identified by the courts are:

  (1) Protection of the agency's decision-making process so that candid discussion within the agency is not discouraged;[212]

  (2) Protection of certain limited communications with members of the public to ensure that the local agency receives the information it needs to make decisions and otherwise function;[213]

  (3) Protection against confusion caused by premature exposure of the public to internal agency discussions before a policy is finalized;[214]

  (4) Protection of the integrity of the decision-making process itself by confirming that "officials should be judged by what they decided, not for matters they considered before making up their minds."[215]

- Third, identify the public interest served by disclosure of the record. Courts have emphasized that a primary benefit of disclosing a local agency's records to the public is to promote government accountability. The public and the media have a legitimate need to

[210] *Times Mirror Co.*, 53 Cal. 3d at 1347.

[211] *Rogers*, 19 Cal. App. 4th at 479-480 (rejecting a predecisional requirement and withholding from disclosure pure facts, that is, telephone numbers called by staff and city council members).

[212] *Times Mirror Co.*, 53 Cal. 3d at 1342.

[213] *Id.* at 1344-45 (disclosure of governor's schedule and appointment calendar would "chill the flow of information" to the governor and inhibit the free exchange of ideas in private meetings).

[214] *California First Amendment Coalition v. Superior Court (Pete Wilson)*, 67 Cal. App. 4th 159, 170 (3 Dist. 1998).

[215] *Id.* (internal quotations and citations omitted).

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know whether government officials are performing their duties in a responsible and diligent manner.[216] "Such access permits checks against the arbitrary exercise of official power and secrecy in the political process."[217]

- Fourth, balance the two public interests, and withhold the record from disclosure only if the identified public interest justifying nondisclosure "clearly outweighs" the public interest justifying disclosure.[218] In balancing the scales, the weight of an identified public interest in disclosure is "proportionate to the gravity of the governmental tasks sought to be illuminated and the directness with which the disclosure will serve to illuminate."[219] Because the public interest in nondisclosure must "clearly outweigh" the public interest in disclosure, if the interests are just about equal, the scales tip in favor of disclosure.

In *California First Amendment Coalition v. Superior Court (Wilson)*, the plaintiffs sought disclosure of records containing the names and qualifications of applicants for a temporary appointment to a local board of supervisors.[220] The Governor's office looked extensively into the applicants' backgrounds to determine whether they were qualified for the position. The court upheld nondisclosure of the records under the deliberative process privilege. It reasoned that if the deliberative process privilege did not apply, the Governor would never be able to perform background checks, which is an essential part of selecting an applicant for a government position.[221] In balancing the interests, the court concluded that the public's interest in disclosure of background information revealed in confidence by unsuccessful applicants was not significant and that the public interest in learning about the successful applicant's background would be satisfied after the appointment.[222]

The *First Amendment Coalition* case shows that the deliberative process privilege can apply to communications where the public interest in disclosure of deliberations prior to a decision is not significant and the outcome of those deliberations is a matter of public knowledge. For instance, the public could ultimately learn a council member's views about an item the City council is deliberating by attending the public meeting on the item. In such a case, emails

216 *Times Mirror Co.*, 53 Cal. 3d at 1345.

217 *CBS v. Block*, 42 Cal. 3d 646, 651 (1986).

218 Gov't Code §7922.000.

219 *Citizens for a Better Environment v. Department of Food & Agriculture*, 171 Cal. App. 3d 704, 715 (3 Dist. 1985).

220 *California First Amendment Coalition*, 67 Cal. App. 4th at 164.

221 *Id.* at 171-72 (quoting *Times Mirror Co.*, 53 Cal. 3d 1325, 1345).

222 *Id.* at 173-74.

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discussing preliminary ideas and concepts about the item may be subject to the deliberative process privilege.

Another example is provided by *Times Mirror Co. v. Superior Court*.[223] In that case, the Los Angeles Times sought copies of the Governor's appointment calendars and argued that "in a democratic society, the public is entitled to know how [the governor] performs his duties . . . ."[224] Disclosure of who the Governor met with would reveal who was influencing his decisions. The Governor argued disclosure of his calendar would reveal his deliberative process, and could discourage certain people from meeting with him. In balancing these interests, the California Supreme Court concluded that nondisclosure was justified, reasoning that "if the public and the Governor were entitled to precisely the same information, neither would likely receive it."[225] The Court added that the "massive weight" of the request (five years' worth of calendars), outweighed whatever merit there was in favor of disclosure.[226] The Court noted, however, that there may be circumstances under which the public interest in specific information is more compelling, and such a specific, focused request might tip the scales in favor of disclosure.[227]

Courts have emphasized the need for evidence in order to satisfy the local agency's burden of proof. In *Citizens for Open Government v. City of Lodi*, the City of Lodi withheld from the administrative record emails between City staff and the City's consultants regarding preparation of a revised EIR.[228] Citizen groups sued, challenging in part the administrative record. Lodi argued the emails were exempt from disclosure pursuant to the deliberative process privilege because disclosure would hamper "candid dialogue and a testing and challenging of the approaches to be taken."[229]

The Court of Appeal disagreed, finding that Lodi had failed to establish the conditions for creating the privilege, because Lodi had done nothing more than cite the policy behind the deliberative process privilege without explaining why the facts in this particular case justified invocation of the privilege.[230] However, because the Court of Appeal was deciding the case under the California

223 *Times Mirror Co.*, 53 Cal. 3d at 1344.

224 *Id.*

225 *Id.* at 1345.

226 *Id.*

227 *Id.* at 1345-1346.

228 *Citizens for Open Government v. City of Lodi*, 205 Cal. App. 4th 296, 305 (3 Dist. 2012).

229 *Id.* at 306.

230 *Id.* at 307.

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Environmental Quality Act ("CEQA"), and not the Public Records Act, the Court found there was no prejudice and refused to reverse the lower court's ruling.[231]

In comparison, the public entity in *Humane Society of the United States v. Superior Court*, provided detailed declarations from an employee and expert explaining why disclosing certain research documents would harm the research process.[232] The Humane Society sought disclosure of certain records and communications related to the preparation of a study by the University of California involving housing of egg-laying hens, and the University claimed various privileges including deliberative process.

The detailed declarations of the research project director submitted by the University seemed to sway the court; the court quoted them at length in the decision.[233] One declaration explained how researchers at the University tried new ideas and approaches, frequently brainstorming by email, using shorthand expressions of incomplete thoughts. To be efficient, the researchers did not keep detailed records of how they communicated, and some lines of inquiry that began in email were further discussed and dismissed as part of hallway conversations. Because of that, much of what they said in emails would be easily misinterpreted. Additionally, mistakes along the way are part of the research process. The quality and quantity of work would be stifled if researchers were aware that their informal communications would be made available broadly. While the Humane Society tried to characterize the declaration as mere speculation, the court credited the declarant as an expert in the field, giving the declaration great weight.[234] In balancing the public interests, the court concluded that disclosure of the emails "would fundamentally impair the academic research process."[235]

Given the pervasiveness of email today, the deliberative process privilege seems well-suited to protect predecisional email communications from disclosure. Nevertheless, California courts have approved the use of the deliberative process privilege sparingly, and require local agencies to provide particularized factual evidence in support of its use. Prior to invoking this privilege, it is advisable to consult your legal counsel.

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231 *Id.* at 311.

232 *Humane Society of the United States v. Superior Court (Regents of the University of California)*, 214 Cal. App. 4th 1233, 1240 (3 Dist. 2013).

233 *Id.* at 1241-1244.

234 *Id.* at 1258.

235 *Id.* at 1263.

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(2) Mental Process Principle

The Public Records Act exempts from disclosure those records that are exempted or prohibited from disclosure pursuant to federal or state law.[236] Under California state common law, a court is prohibited from inquiring into the motives or subjective mental processes of legislators in enacting a particular piece of legislation except as those motives may be disclosed on the face of the legislative acts, or inferred from their operation.[237] This "mental process principle" permits a local agency to withhold public records that would reveal the mental processes or subjective motives of its legislative body members when they are acting in a legislative capacity. Unlike the deliberative process privilege, which relies on a balancing test,[238] records reflecting the "mental processes" of legislators are not subject to a balancing test.[239]

Under applicable circumstances, the mental process principle may be used to justify nondisclosure of emails of legislative body members, such as city council members. For example, emails sent or received by a city council member could arguably be withheld under the mental process principle when they: (1) discuss the reason the member voted for or against a particular ordinance, (2) involve the gathering of information on which the member based their legislative decision, or (3) expose the motives for the member's vote on a legislative matter.

C. Exception for Notes, Drafts and Interagency/Intra-agency Memoranda

The deliberative process privilege may help a local agency keep sensitive emails from public disclosure, but a far more effective tool is to simply have a policy in place to regularly purge intra-agency or interagency emails that are not subject to the local agency's records retention schedule. Under the Public Records Act, "[p]reliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business" may not be subject to disclosure.[240] A written policy of deleting emails more than 120 days old (or some similar duration) would help establish that emails are not retained "in the ordinary course of business." A software modification that automatically deletes older emails would ensure that they are not retained, provided staff is notified of the pending purge and takes steps to retain those emails that, based on their content, must be retained under the local agency's records retention schedule.

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[236] Gov't Code § 7927.705.

[237] *Sutter's Place*, 161 Cal. App. 4th at 1375.

[238] Gov't Code § 7922.000.

[239] *See Times Mirror Co.*, 53 Cal. 3d at 1339 fn. 9-10 (noting that these records might arguably be exempt under the mental process principle through operation of Section 7927.705).

[240] Gov't Code § 7927.500. For a discussion on the conditions that must be met to utilize Section 7927.500, see pages 11-12 of this Handbook.

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There are a few caveats, however. First, note that deleting an email is not the end of the story. Popular email programs such as Microsoft Outlook have "deleted items" folders that retain messages for a time after "deletion," in order to give the user an opportunity to "undo" an accidental deletion. If a local agency received a request for an email that had been deleted, but was still on the computer in the "deleted items" folder, it technically would still be in the possession of the agency and may be subject to disclosure. To eliminate this potential issue from arising, an agency must ensure that the deletion becomes final and irreversible. If the agency desires or is required to save a copy of certain emails, then it should print and file such emails, or store them electronically in a location that is not subject to automatic purging.

Second, note that the Section 7927.500 exemption is not absolute. The full text of the exemption provides that drafts, notes, and inter/intra-agency memoranda are nondisclosable "provided that the public interest in withholding those records clearly outweighs the public interest in disclosure." Accordingly, even emails "that are not retained by the public agency in the ordinary course of business" may be subject to disclosure, if the records were not deleted prior to receipt of the Public Records Act request, and a reviewing court concludes that the public interest in disclosure is not "clearly outweighed" by the interest in nondisclosure. This is a significant hurdle for a public agency to overcome.

D. Additional Exemptions that may be Applicable to Email

In addition to those described above, there are a number of other exemptions that may be applicable to emails exchanged between employees or officials of a public agency. For example, emails to and from legal counsel may be protected by the evidentiary privileges recognized under Section 7927.705; certain personal financial data may be exempt under Section 7925.005; and personnel and medical files may be withheld under Section 7927.700. The same care should be used in reviewing responsive emails as any other material that may be subject to disclosure, and Part One, Section IX (What Public Records are Exempt from Disclosure under the Public Records Act?) of this Handbook should be consulted for additional information.

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E. The Problem with Threads

Emails elicit a response. The response typically elicits another response. If multiple people received the message, responses from all of the recipients are common. And, in all of those responses, the original message is typically quoted, either in part or in full, generating a "thread" of messages. The question necessarily arises, when there is a thread of 20 messages, and one of them is responsive to a public records request, must the other 19 messages also be produced? For example, a resident makes a request for all emails discussing the possible construction of a new library and locates the following thread:

Original Message
From: City Clerk
To: Joe Employee, Jane Employee, City Manager
Date: April 2, 2023 12:15 p.m.
Subject: RE: Question

More money and lots more money.

Original Message
From: City Manager
To: Joe Employee, Jane Employee, City Clerk
Date: April 2, 2023 12:10 p.m.
Subject: RE: Question

I didn't know we were discussing compensation. What are the proposals?

Original Message
From: City Clerk
To: Joe Employee, Jane Employee, City Manager
Date: April 2, 2023 12:05 p.m.
Subject: RE: Question

I think the study session on the new library is next month. It will be at the same meeting as we discuss Council compensation.

Original Message
From: Joe Employee
To: Jane Employee, City Clerk, City Manager
Date: April 2, 2023 12:00 p.m.
Subject: Question

Do you know when the Council is going to have a study session on possibly constructing a new library?

Only the oldest two messages (sent at 12:00 and 12:05) refer to the study session on the library construction. The rest of the messages are on a different topic, a topic that may be politically sensitive. Nevertheless, all of the responses to the original message included a copy of the original message and every message that followed it, and so they all contain a reference to the library construction. As a result, it would be difficult to argue that only the 12:00 and 12:05 messages should be disclosed if this is the only copy of the email available.

On the other hand, if an earlier version of the email containing only the oldest two messages is available, a local agency could argue that the thread containing all five messages may be withheld. So long as the earlier version of the two responsive emails is disclosed, the email discussing employee compensation is only a duplicate of the oldest two messages. The subsequent messages are not responsive to the request. The Public Records Act does not require disclosure of all duplicates of a responsive record. Keep in mind, however, two important considerations. First, while one appellate court has ruled that non-responsive information may be redacted from emails exchanged between two agency employees, if challenged in court, a public agency will have to explain in detail

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the information that was redacted.[241] Second, in litigation, a different standard may apply and all versions of the email may have to be disclosed.

One way to avoid the problem is to configure email so previous messages are not quoted in replies sent by staff. Under the example above, if the local agency did not allow quoted messages in replies, the first two messages mentioning the library construction would be disclosed as "stand-alone" emails, but the later messages regarding compensation would not because they would no longer be integrated into the prior emails. Accordingly, a city should balance its concern in avoiding unwanted disclosures against the usefulness of having an entire thread available, and may wish to consider configuring email programs to eliminate quoting emails in replies.

F. Risk of Serial Meetings

Beyond the Public Records Act concerns, the use of email presents a significant opportunity for "serial meetings" prohibited by the Brown Act. A serial meeting is a series of meetings or communications not held at a noticed, public meeting in which ideas are exchanged among a majority of a legislative body directly or through intermediaries to "discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body."[242] Prior to January 1, 2009, the Brown Act specifically forbade the use of technological devices to conduct those communications. In interpreting the prior version of this Brown Act provision, the California Attorney General opined that email is one of these "technological devices."[243] The 2009 amendments to the Brown Act provisions regarding serial meetings included the removal of the phrase "technological devices" and other specific types of communications, and the insertion in their place of "a series of communications of any kind, directly or through intermediaries."[244] At the time of the 2009 amendments, it was considered unlikely that the legislature, in omitting the phrase "technological devices" and expanding the scope to any kind of communication, intended to exclude email from coverage under the Brown Act. Subsequently, Assembly Bill 992, passed in 2020 and effective January 1, 2021, amended certain provisions of the Brown Act until January 1, 2026 to clarify allowable uses of social media under the Act. As amended by AB 992, the Brown Act regulates social media posts to prevent serial meetings.[245]

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241 *American Civil Liberties Union of Northern California v. Superior Court (California Dept. of Corrections and Rehabilitation)*, 202 Cal. App. 4th 55, 82-86 (1 Dist. 2011).

242 Gov't Code § 54952.2(b)(1).

243 84 Ops. Cal. Atty Gen. 30 (2001).

244 Stat. 2008, c. 63, sec. 3 (S.B. 1732 -- Romero (amending Gov't Code § 54952.2).

245 Stat. 2020, c. 89, sec. 1 (A.B. 992 -- Mullin (amending Gov't Code § 54952.2). For further discussion of use of social media and the Brown Act, please see the *2023 Brown Act Handbook*, Part One, Section VII(D) (© 2024 Richards, Watson & Gershon).

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The primary mechanism for creating serial meetings via email is through the use of "reply all." For example, if a public employee sends an email to an entire city council, and then one of those council members replies to the entire list of recipients, then a communication would have taken place between a majority of the city council. If the purpose of the council member's reply was to "discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body," the communication would constitute a serial meeting in violation of the Brown Act.[246] Accordingly, public officials must endeavor to use "reply all" sparingly, if at all. A "reply all" congratulating a council member for receiving an award would be permissible; a "reply all" expressing an opinion about an issue within the subject matter jurisdiction of the city council would not.

G. Disclosure Requirements for Documents at Meetings

Although the deliberative process privilege may apply to many emails, note that the privilege is unlikely to apply if an email concerns an issue under consideration by a legislative body and a majority of the body receive the email. The Brown Act states that notwithstanding the "catch-all" exception in the Public Records Act, "or any other law," any writings distributed to a majority of a legislative body in connection with a matter subject to discussion or consideration at an open meeting of the body are disclosable.[247] The statute goes on to clarify that it does not overrule the exceptions for drafts, documents related to pending litigation, personnel files, medical files, and a number of other exceptions, but it does expressly overrule the "catch-all" provision on which the deliberative process privilege is based. Note that Section 7927.705, under which the mental process principle is applied, is not overruled by the Brown Act, and still would be applicable.[248]

Unlike records disclosable under the Public Records Act, which gives public entities ten days to respond to a request and additional time to produce the documents, a public agency must produce documents under this section of the Brown Act "without delay."[249] In addition, if the email is created by the public agency or a member of the legislative body, it must be made available for inspection *at the meeting*.[250] Emails not drafted by the public agency or its legislative body must be made available after the meeting.

This is particularly relevant to emails sent to council members on smartphones, iPads and similar devices, given that a council member could potentially send an

246 Gov't Code § 54952.2(b)(1).

247 Gov't Code § 54957.5.

248 Gov't Code 54957.5(a).

249 *Id.*

250 Gov't Code § 54957.5(c).

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email to other council members while a meeting is going on. Under this section of the Brown Act, an attentive member of the public could insist that they be provided a copy of that email, at the meeting, if the council member sent it to a majority of the other council members. Accordingly, members of a legislative body should consider carefully the consequences of sending an email via smartphone, iPad or other device at a public meeting prior to doing so.

The informality of emails makes them particularly prone to statements that would not be put into conventional written documents. The only certain means of avoiding unwanted disclosure, of course, is simply not to write the email in the first place.

II. DOCUMENTS CREATED USING WORD PROCESSORS, GIS AND OTHER SOFTWARE

A. Disclosure Requirements

(1) Public Records Act

Electronic records are subject to disclosure under the Public Records Act pursuant to Sections 7922.570-7922.585 of the Government Code. A public agency that has information constituting a public record in an electronic format must make that information available in electronic form upon request.[251] An agency is not required to reconstruct an electronic record if it is no longer available in that format.[252] An agency may inform a requester that a requested record is available in electronic format, but the agency is prohibited from adopting a policy of only making information available in electronic format.[253]

On the other hand, not every piece of data stored on a computer readily fits the definition of "record." Unlike word processing documents, information stored in a database or a spreadsheet, for example, may only be displayed in response to the user entering a formula or query. For such data, there are special statutory provisions. With conventional (printed) documents, the public agency may only charge for the direct cost of duplication, not including staff time to research, retrieve or compile the records.[254] For electronic records, however, the agency may charge the full cost of reproducing the document if the record is one that is otherwise produced only at regularly scheduled intervals, or the request would

[251] Gov't Code § 7922.570.

[252] Gov't Code § 7922.580.

[253] Gov't Code § 7922.570(c), 7922.580(b).

[254] Gov't Code § 7922.530(a); *North Cnty. Parents Organization v. Dept. of Education*, 23 Cal. App. 4th 144, 147-148 (3 Dist. 1994) (direct costs do not include the ancillary tasks necessarily associated with the retrieval, inspection, and handling of the file from which the copy is extracted).

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require data compilation, extraction, or programming to produce the record.[255] However, in *National Lawyers Guild v. City of Hayward*, the California Supreme Court recently held that the phrase "data extraction" in this context does not cover the costs of redacting exempt material from digital police body camera footage.[256] The Court reasoned that data "extraction" is a technical process of retrieving responsive information to construct a new record, while redacting exempt material from electronic records is similar to other redactions for which costs are not recoverable.[257] As such, public agencies may not recover costs for redacting exempt material from otherwise disclosable electronic records.

Many public agencies now possess Geographic Information Systems ("GIS") that allow them to collect, manage, and analyze large volumes of geographically referenced information. Whether this electronic information is a public record that is subject to disclosure has been the subject of controversy, mainly because public agencies have charged licensing fees to businesses that wanted a copy. Public agencies have argued that the monies recovered from those licensing fees are necessary to support the development and maintenance of the GIS.

In 2013, the California Supreme Court disagreed with that argument. In *Sierra Club v. Superior Court*, the Court held that a GIS-formatted database is a public record that, unless otherwise exempt from disclosure, must be produced upon request and the local agency may only charge the actual cost of duplication.[258] The County of Orange had argued that its GIS database was not a public record. The Court disagreed that former Section 6254.9 (now Section 7922.585) excluded a GIS database from the Public Records Act's disclosure requirements, and concluded that, because the County had not claimed any exemption to justify nondisclosure, the County of Orange could only charge the direct cost of duplication for its GIS database.[259]

Note, however, that the California Supreme Court was careful to distinguish the database from the software – the mapping system itself was exempt from disclosure under another provision in the Public Records Act.[260] The statute expressly exempts computer mapping systems, computer programs, and computer graphic systems, and states that nothing in the statute is intended to

[255] Gov't Code § 7922.575.

[256] 9 Cal. 5th 488 (2020).

[257] *Id.* at 500.

[258] *Sierra Club v. Superior Court (County of Orange)*, 57 Cal. 4th 157, 161 (2013).

[259] *Id.* at 175, 176.

[260] Gov't Code § 7922.585(b) ("Computer software developed by a state or local agency is not itself a public record under this chapter.").

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limit any copyright protections. Accordingly, a requester may not seek to obtain the software that creates the records, only the records themselves.[261]

The Public Records Act not only exempts computer software as discussed above, but also a public agency's information security record, if that record has the potential to reveal vulnerabilities or otherwise increase the possibility of an attack on that public agency's information technology system.[262] However, the Public Records Act also requires local agencies (except local educational agencies) to create a catalog of "enterprise systems," that must be publicly available on the local agency's website and updated annually.[263] An enterprise system is defined as a "software application or computer system that collects, stores, exchanges and analyzes information" used by the local agency as a system of record, and acts either across multiple agency departments, or collects information about the public.[264] While Section 7922.710 requires a city to list these enterprise systems as defined, it does not require a city to disclose the information collected, stored, exchanged, and analyzed by the software application or computer system if that information is otherwise exempt under the Public Records Act. Further, a number of enterprise systems may be excluded from a local agency's listed catalog, such as systems related to 911 dispatch or emergency services, information technology security systems (including firewalls and other cybersecurity systems), and infrastructure and mechanical control systems (for example, systems that manage water or sewage functions).[265]

Note that the Public Records Act does not contain exceptions for public records created on social media.[266] If a social media post is "prepared, owned, used, or retained by any state or local agency," and contains information "relating to the conduct of the public's business,"[267] it is a public record and is thus subject to disclosure under the Public Records Act, and should also be retained accordingly. This applies to social media posts made by a public entity, including posts by public entity employees and/or officials, and may also apply to posts made by members of the public on social media pages operated by the public entity.

Depending upon the volume of social media posts a public entity produces, it may be difficult to review all posts and comments made on the public entity's social media page to determine whether any given post meets the legal definition of a public record. Additionally, there may be practical issues with

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261 *Sierra Club,* 57 Cal. 4th at 170-171; *see also* Gov't Code § 7922.585(b).

262 Gov't Code § 7929.205.

263 Gov't Code §§ 7922.710 and 7922.715.

264 Gov't Code §§ 7922.700 and 7922.705 (also defining "system of record" as "a system that serves as an original source of data within an agency").

265 See page 100 of this Handbook.

266 Social media is subject to regulation under the Brown Act, pursuant to Assembly Bill 992, enacted in 2020 and effective January 1, 2021 through January 1, 2026. See Stat. 2020, c. 89, sec. 1 (A.B. 992 -- Mullin (amending Gov't Code § 54952.2).

267 Gov't Code § 7920.530.

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retaining social media records. Capturing and archiving images of social media posts may not be a sufficient retention method, because the image would not preserve metadata, subsequent comments, and other interactive features. Archiving these features can be challenging, because social media posts typically are not hosted or archived on storage systems owned by the public entity. Creating independent storage systems for all social media posts may be cost-prohibitive for public entities.

These factors can make it difficult to determine which social media posts need to be retained, and whether a public entity's retention procedures adequately capture an entire social media record. Any concerns about retaining specific social media records should be discussed with legal counsel.

(2) Federal Rule 26

In 2006, revisions to Rule 26 of the Federal Rules of Civil Procedure took effect that require parties in federal court to address the production and preservation of electronic records during the discovery phase of litigation. These rule changes did not require a local agency to alter its routine management or storage of electronic information, but do illustrate the importance of having formal written rules for retention of potentially relevant records and data when litigation occurs. It is firmly established that a duty to preserve evidence arises from the moment litigation is "reasonably anticipated."[268] Once the duty to issue a legal hold is triggered, the party "must suspend its routine document retention/destruction policy and put in place a 'litigation hold' to ensure the preservation of relevant documents."[269]

Discovery is the process by which parties involved in litigation in either state or federal courts obtain information from other parties. Under Rule 26, parties in a federal lawsuit may obtain discovery regarding any matter that is relevant to a claim or defense, so long as it is not privileged. According to Rule 26(a) what can be discovered includes "documents," "tangible things," and "electronically stored information," which is broadly defined as "any type of information that is stored electronically."

Rule 26 regulates discovery in three major ways:

a. Parties must address electronic discovery issues at the beginning of litigation, including the form in which electronic information will be

[268] *Rockman Company (USA), Inc. v. Nong Shim Company, Ltd.*, 229 F. Supp. 3d 1109, 1122 (N.D. Cal. 2017).

[269] *Zubulake v. UBS Warburg, LLC*, 229 F.R.D. 422, 432 (S.D.N.Y. 2004); accord *In re Napster Inc. Copyright Litig.*, 462 F. Supp. 2d 1060, 1070 (N.D. Cal. 2006).

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produced to the other party, the preservation of electronic information, and claims of privilege for electronic information; [270]

b. Parties must produce relevant information from electronic sources that are "reasonably accessible," but may not have to produce information from older or backup systems if production would impose an undue burden or cost. The requesting party can, however, overcome a showing of undue burden or cost if they can establish "good cause" for doing so;[271] and

c. Privileges are retained for documents inadvertently disclosed. Such documents may be recalled by the disclosing party. In such cases, the privilege is not waived.[272]

The discovery rule does not require a local agency to alter its routine handling of electronically stored information prior to when litigation can reasonably be anticipated. The drafters of the rules recognized that electronic information might be routinely altered, purged or overwritten as part of a system's operation. Under 2006 revisions to Rule 37, the routine purging of outdated electronic information, including the "alteration or overwriting of information…to meet the party's technical and business needs" was permissible, if it was done in accordance with other laws, such as the records retention laws in Government Code Sections 34090-34090.8. Those sections permit a city, for example, to destroy certain city records that are "no longer required" and are more than two years old if authorized by a city council resolution and the written consent of the city attorney. Records that may not be destroyed include: real property title records, court records, records required to be kept by statute, records less than two years old, and the minutes, ordinances, or resolutions of the legislative body, city board, or commissions.

In 2015, the "routine, good faith operation" language was deleted from Rule 37. The revised rule provides limited sanctions for parties who inadvertently cause electronically stored information to be lost because of their failure to take reasonable steps to preserve the information. However, the Advisory Committee Notes to Rule 37(e) point out that "the routine, good-faith operation of an electronic information system would be a relevant factor for the court to consider in evaluating whether a party failed to take reasonable steps to preserve lost information."

Once litigation can be reasonably anticipated, a local agency has a duty to preserve potentially relevant information for discovery. In some cases, the local agency may have to suspend the routine operation of its information systems in

[270] Fed. R. Civ. P. 26(f)(3)(C).

[271] Fed. R. Civ. P. 26(b)(2)(B).

[272] Fed. R. Civ. P. 26(b)(5)(B).

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order to preserve information potentially relevant to the litigation. In such cases, it must take "reasonable steps" to prevent the loss of electronically stored information. In evaluating whether a city's preservation attempts were reasonable, courts should take into account the limited staff and resources that governmental parties may have to devote to preservation efforts.[273] Note that electronically stored information lost despite a city's reasonable preservation efforts—such as through the failure of a cloud-based storage service, a malignant software attack, or accidental damage to physical hardware—will not give rise to sanctions under Rule 37.

These rules on document preservation highlight the importance of having a written document retention policy. A written policy will show what operations are routine. This will help protect a local agency from sanctions if litigation occurs and allow its attorneys to discuss its routine computer operations with the court and other parties. Such a policy should set specific limits for how long information is retained and specific procedures for the routine destruction of electronic data. The policy should also address the steps that the agency will take to preserve potentially relevant information when litigation is reasonably anticipated. These policies should be in accordance with Government Code Sections 34090-34090.8 and any other applicable laws governing the preservation of city records.

The other discovery rules further illustrate how a written policy will aid a local agency in litigation. When litigation begins in federal court, Rule 26(f) requires the parties' lawyers to confer about "any issues about disclosure, discovery, or preservation of electronically stored information." No part of electronic discovery is more important for determining the scope of the preservation obligation than the pre-scheduling conference meet and confer provided under Rule 26(f). Rule 26(f) explicitly directs the parties to discuss the form in which electronic information will be produced, how it will be preserved, and how to address claims that certain information is privileged.

The pre-scheduling conference meet and confer can be the single most important factor to reduce costs and burdens of discovery. In order for a local agency's counsel to be prepared to discuss these issues, the rules note that it is "important for counsel to become familiar with those systems before the conference." In some cases, counsel may have to identify and interview individuals with special knowledge of the agency's computer systems.

Rule 26(b) requires the parties to identify whether "reasonably accessible" electronic sources can provide all of the relevant, non-privileged, information. Parties will need to distinguish these "reasonably accessible" sources from those

[273] Fed. R. Civ. P. 37(e) Advisory Committee Note.

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that are not "reasonably accessible" because of undue burden or cost. Examples of information that might not be reasonably accessible include:

- deleted items,
- fragmented or damaged data,
- information kept on some back-up tape systems for disaster recovery purposes, and
- legacy data remaining from systems no longer in use.

Under Rule 26(a), the parties must produce all of the relevant, non-privileged information from the "reasonably accessible" sources within 14 days of the initial conference during the "initial disclosure," a requirement unique to federal court where relevant information is disclosed at the outset of the civil discovery period. Discovery from sources that a party deems not "reasonably accessible" can still occur if the requesting party can show that there is no undue burden or cost or upon a showing of "good cause."

Once discovery begins in federal court a local agency must be prepared to explain how their electronic information systems work, which systems contain information potentially relevant to the litigation, how those systems are accessed, and the costs of accessing archival or older systems. Having a written policy in place will reduce the costs and staff time associated with complying with these discovery rules. It will also aid staff in familiarizing themselves with the operations of the agency's computer data and storage systems as well as any external storage and backup systems, and in explaining these operations to agency counsel and opposing parties. Finally, having a written policy will minimize the likelihood of destroying discoverable materials and thus dramatically reduce the chance that an agency will be hit with discovery sanctions during litigation.

Taken together, these federal discovery rules make it advisable for a local agency to put in writing its procedures for managing electronic information.

In light of these rules and obligations and as a first step to forming or maintaining an already-created written policy on electronically stored information, public agencies should review their operating systems to ensure they understand how electronic information is currently stored and retained. In addition, public agencies should examine their data recovery systems and archival data to determine the type of information contained in these systems, and to understand the costs associated with retrieving such data. Agencies should also regularly review their written policies once implemented to ensure that they remain up to date as new technologies and systems replace old ones.

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(3) The California Civil Discovery Act Contains a Process for Electronic Discovery in State Court

In 2009, the California Legislature adopted federal-style procedural rules to permit the discovery of electronically stored information in state court cases pursuant to Assembly Bill ("AB") 5, following the 2006 amendments to the Federal Rules of Civil Procedure.[274] Electronically stored information is broadly defined by AB 5[275] as any information that is stored in an electronic medium, and includes emails, documents, spreadsheets and any other information stored in computers and other electronic devices.[276] These rules make the creation of the above-mentioned written policy on electronically stored information just as applicable to state court litigation as federal court litigation.

Similar to the Federal Rules, a safe harbor exists for spoliation caused by "routine, good faith operation of an electronic information system."[277] The state discovery rules specifically provide that a court shall not impose sanctions on a party for failing to provide electronically stored information that has been lost, damaged, altered or overwritten as the result of the routine, good faith operation of an electronic information system, absent exceptional circumstances.[278] Accordingly, public agencies should ensure electronically stored information is retained or deleted only in accordance with the adopted policy. Agencies should thus train employees to make sure the document retention policies are appropriately followed at all times.[279]

Further, as with federal court litigation, once state court litigation is reasonably anticipated, public agencies have a duty to stop automatic destruction processes and preserve potentially relevant electronically stored information in the format in which it currently exists, notwithstanding the normal document retention policy that might otherwise permit destruction.[280] In the event litigation is reasonably anticipated, public agencies should ensure that "litigation holds" are applied to electronically stored information potentially relevant to the litigation, so that it is not deleted, whether intentionally or by automatic computer processes. The retention of information that may be potentially relevant to

[274] AB 5, Stat. 2009, c. 5 (amending Code of Civ. Proc. §§ 2016.020, 2031.010 through 2031.060, and 2031.210 through 2031.320, and adding Code of Civ. Proc. §§ 1985.8 and 2031.285).

[275] *See* Code of Civ. Proc. §§ 1985.8, 2016.020, and 2031.010 et seq.

[276] Code of Civ. Proc. § 2016.020(e).

[277] Code of Civ. Proc. § 2031.320(d).

[278] Code of Civ. Proc. § 2031.060(i)(1).

[279] Code of Civ. Proc. § 2031.060(i)(2).

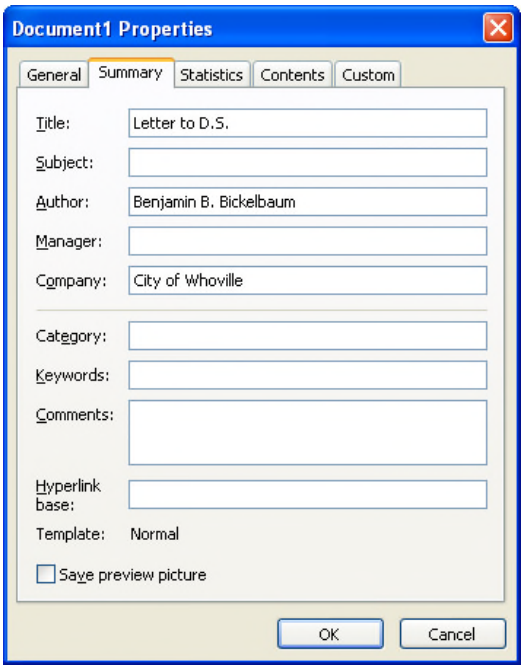
[280] *Coca-Cola Bottling Co. v. Superior Court (Jones)*, 233 Cal. App. 3d 1273, 1293 n. 10 (4 Dist. 1991) (party litigant has a duty not to lose or destroy relevant evidence).

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anticipated litigation should also be a part of the agency's written policy on electronically stored information.

In light of a 2017 California Supreme Court decision outlining the broad scope of discovery, agencies are advised to consult legal counsel in determining the breadth of a litigation hold. Documents and information that the agency believes to be protected under a right to privacy argument should still be preserved, if even potentially relevant to the litigation. In *Williams v. Superior Court*, the Court stated that "the right to discovery in this state is a broad one, to be construed liberally so that parties may ascertain the strength of their case and at trial the truth may be determined."[281] The Court determined that the defendant in *Williams* was obligated to disclose the personal information of individuals who may have had no bearing on or relation to the claims asserted by the plaintiff. It further stated that the party opposing discovery has the burden of showing that a privacy right exists that outweighs the potential relevance of the information requested. The same burden applies when the party opposing discovery argues undue hardship. In both instances, the burden is a high one. Agencies should therefore be mindful that they may have to produce a broader scope and larger volume of documents and electronically stored information than was required in prior years, and accordingly should, in consultation with counsel, broaden the scope of their document retention policy and litigation holds.

When instituting a legal hold, or responding to discovery requests in litigation, attorneys and clients must work together to understand how and where electronic documents, records (including social media posts), and emails are maintained and to determine how best to locate, review, and retain responsive documents.



B. Metadata

Word processing documents most readily fit the definition of "record," and they also present the greatest potential for inadvertent disclosures. A modern word processing document is comprised of far more than simple words on a page. Microsoft Word documents typically contain information about the author or editor, the author's organization, the time the document was created, modified or accessed, the amount of time spent editing the document, and even what earlier versions of the document looked like. This

[281] *Williams v. Superior Court (Marshalls of CA, LLC)*, 3 Cal. 5th 531, 538 (2017).

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"metadata," which literally means data about data, is automatically attached to documents by modern word processors. For instance, some metadata appears in Microsoft Word under the "Home" menu, by selecting "Properties."

Although metadata can be useful information, it can also result in unwanted disclosures. For instance, as the dialog box above shows, Microsoft Word automatically inserts the name and company of the author of the document, and there are numerous other fields that can be filled in. If a local agency does not want this sort of information disclosed as a general rule, the word processor should be configured to not record this information.

More significantly, many word processors have a "tracked changes" function. When public officials and employees work with multiple drafts of a document, especially when multiple people work on the same document, they frequently make use of a feature that highlights every change made to the document. That way, when a party to a proposed contract wants to delete a provision or insert a line, it is easy for the other party to see the change. It is simple to turn this feature on and off, but it is also simple to turn the display of tracked changes on and off, while still having the word processor keep track of the changes. As a result, it is not uncommon for documents to be transmitted electronically with changes tracked, without the knowledge of the author. If the author deleted a paragraph, the person reviewing the tracked changes could restore that paragraph. The implications become particularly significant if the author had deleted the text because it was deemed inaccurate or sensitive.

Moreover, recall that drafts are only nondisclosable if it is the public agency's policy to not retain them in the course of business. If a city routinely saves documents with changes tracked, then arguably it has preserved the earlier drafts of the document. This could thwart a city's policy to avoid preserving drafts. Consequently, it should be common practice to remove any tracking from a document upon finalization, or better yet, to not use tracking in the first place.

Similarly, most word processors have an "undo" button, which is useful for correcting typos or to recover inadvertently deleted text. Many word processors can "undo" a string of actions, and can even "undo" actions repeatedly until the document is a blank page. If a city official sends that document to someone making a public records request, the individual could click on "undo" repeatedly to see every step that the author took in drafting the document. This presents the same problems as with "tracked changes" – sensitive or inaccurate information that the author meant to delete could be included in the metadata. Accordingly, in using word processors, public agencies should ensure that they are configured to eliminate the "undo" trail when a document is saved.

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In addition to all of the above strategies, there are several programs available that can remove metadata after a document has been completed, or at the time it is emailed. However, the use of such programs on documents that are subject to a public records request would be of questionable legality. Under the Public Records Act, a request for a public document must include the exact document, and on the face of it, stripping metadata from a document that is requested in electronic form potentially would violate this requirement.[282] Depending on your document retention schedule, you may be able to strip metadata from some older documents upon archiving them, but deleting metadata from documents that the local agency is required to retain may violate document retention requirements.

If the requester does not expressly ask that the document be provided in electronic format, the statute does not prohibit the agency from supplying it in printed form. Accordingly, a local agency may wish to adopt a policy of providing electronic records in printed form unless a requester expressly asks for an electronic version, and providing records in .pdf format when requesters ask for electronic versions. If the requester expressly asks for the original document format, legal counsel should be consulted.

It is unclear how the new federal electronic document discovery rules would apply to metadata. Rule 26 does not specifically address metadata, but the comment to the revision mentions metadata and states that "[w]hether this information should be produced may be among the topics discussed in the Rule 26(f) conference." Consequently, there is the potential for the disclosure of metadata in litigation, which further highlights the importance of establishing standard practices for creating and handling metadata. During litigation, it is often advisable to maintain sources of electronically stored information in native formats with metadata, to preserve the ability to produce the data if necessary.

III. CITY WEBSITES

A significant percentage of California cities now provide at least basic information about their government on city-run websites. Posting certain commonly requested information on a web page is a way to reduce the staff time necessary to respond to public records requests. City websites also provide a method to increase public participation in local government, such as more recent requirements for posting of public meeting agendas electronically. However, city website practices may have legal ramifications, and it is advisable for a city to draft and implement a policy on the permitted uses of its website to

[282] *See* Gov't Code § 7922.530(a) ("Upon request, an *exact* copy shall be provided unless impracticable to do so."); *Rosenthal v. Hansen*, 34 Cal. App. 3d 754 (1973).

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avoid violating legal restrictions such as those related to mass mailings and use of public funds for "express advocacy," and also to avoid creating a "public forum."

A. Websites and the "Mass Mailing" Prohibitions

The Political Reform Act prohibits the sending of newsletters and other so-called "mass mailings" at public expense.[283] A "mass mailing" is defined as the mailing or distribution at public expense of 200 or more items within a calendar month featuring the name, office, photograph or other reference to an elected officer of the agency.[284] The underlying intent is to preclude elected officials from using newsletters as indirect campaign flyers for themselves.

In brief, Section 89002 of the Government Code provides a four-prong test to determine the legality of mass mailings. A mass mailing is prohibited if each of the following elements is present:

a. a delivery of a tangible item,

b. that "features" or includes reference to, an elected official,

c. distributed at public expense regardless of the cost, or produced at public expense where the cost of production exceeds $50.00, or

d. in a quantity of 200 or more per calendar month.[285]

On the face of it, the regulation would not apply to web pages, because they would not constitute "a delivery of a tangible item."

The FPPC, which interprets the Political Reform Act, has yet to render an official opinion on the applicability of the mass mailing rule to websites. However, numerous advice letters issued by the FPPC have concluded that the prohibitions on publicly funded mass mailings contained in Government Code Sections 89001 and 89002 do not apply to websites or web pages because they do not constitute a tangible item.

In 1998, the FPPC responded to an inquiry as to whether a committee, advocating the passage of a bond measure expected to be placed on the ballot by a school board, may obtain a link from a "school district website to a web page" advocating the passage of the bond measure. The FPPC advised that,

> According to [former] Regulation 18901(a)(1) [now Section 89002 of the Government Code], a publicly-funded mailing is a prohibited

[283] Gov't Code § 89001.

[284] Gov't Code § 89002(a).

[285] *Id*.

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> mass mailing if it is delivered as a tangible item to the recipient at his or her residence, place of employment or business, or post office box. Consistent with [former] Regulation 18901, the ban is applicable to tangible items only. Since distribution over the Internet is not a distribution of a tangible item, Internet pages are not prohibited mass mailings under the [Political Reform] Act.[286]

Even though providing a link to an express advocacy website may not qualify as a "mass mailing," it could violate other laws, as will be discussed below in Section B.

A second advice letter similarly concluded that web pages are not covered under the mass mailing prohibitions of the Political Reform Act. That advice letter was issued by the FPPC in 1999 in response to a request for advice by the County of Lake. The inquiry was whether the County could include on its web page photographs and a short biography for each member serving on its board of supervisors.[287] The FPPC letter reiterated that former FPPC Regulation 18901 did not apply to the actions listed above because "web pages are not considered tangible items" and not subject to mass mailing restrictions.[288]

Since those advice letters were issued, the FPPC has continued to reaffirm its conclusion that distribution of information over the Internet, including websites, is not distribution of tangible items. In 2013, a city attorney requested advice regarding whether the mass mailing provisions prohibit City staff from listing the mayor's bed and breakfast business on the city's website along with other places of lodging in the city. The FPPC advised that the mass mailing provision does not prohibit the listing of the mayor's business on the city's website because providing information over the Internet is not distribution of a tangible item.[289] The FPPC also recommended a review of laws pertaining to use of public resources.[290] In 2019, the FPPC issued an informal advice letter concluding that the mass mailing prohibition does not apply to "tag" members of the Fountain Valley City Council on the City's Facebook page because the mass mailing provision does not apply to distribution over the Internet, this includes Facebook.[291]

Given the foregoing, city web pages provide a unique opportunity for elected officials to communicate with their constituents. Council members could each maintain their own page on the website, drawing attention to issues of interest to

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286 *Foote Advice Letter*, No. A-98-114, 1998 WL 289895 (1998) (citation omitted).

287 *Peterson Advice Letter,* No. A-99-013, 1999 WL 100857 (1999).

288 *Id*.

289 *Pierik Advice Letter*, No. A-13-012 (2013).

290 *Id*.

291 *Burns Informal Assistance*, No. I-19-145, 2019 WL 6458461 (2019). The FPPC cautioned, however, that Facebook "tagging" should also be analyzed to make sure that it did not result in a contribution under the Political Reform Act.

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the community. There are, however, some limitations on what the web pages can contain, as discussed below.

B. Avoiding Express Advocacy

Although websites and web pages are not currently covered under the mass mailing restrictions of FPPC Regulation Section 18901, public agencies must still be mindful of other regulations and laws that might be violated by its decisions to permit links from official websites. For example, the Political Reform Act prohibits the use of public moneys for election campaigns.[292] Consequently, a city's web page must not indicate support or approval of, or advocate for, a candidate for elective office or a ballot measure.

The leading California case setting forth the basic rule with respect to government involvement in political campaigns is *Stanson v. Mott*.[293] In *Stanson*, the California Supreme Court addressed the question of whether the State Director of Beaches and Parks was authorized to expend public funds in support of certain state bond measures for the enhancement of state and local recreational facilities. The court concluded that the Director of Beaches and Parks lacked such authority and set forth the basic rule that "in the absence of clear and explicit legislative authorization, a public agency may not expend public funds to promote a partisan position in an election campaign."[294] Only impartial "informational" communications would be permissible, such as a fair presentation of the facts in response to a citizen's request for information.[295]

The *Stanson* Court also recognized that the line between improper "campaign" expenditures and proper "informational" activities is not always clear. "[T]he determination of the propriety or impropriety of the expenditure depends upon a careful consideration of such factors as the style, tenor and timing of the publication; no hard and fast rule governs every case."[296] The California legislature also codified the holding of *Stanson* in Government Code Section 54964.[297]

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[292] Gov't Code § 85300. *See also Howard Jarvis Taxpayer Assn. v. Newsom*, 39 Cal. App. 5th 158, 161-162 (2019) (invalidating limited exception to this prohibition).

[293] *Stanson v. Mott*, 17 Cal. 3d 206 (1976).

[294] *Id.* at 209-10.

[295] *Id.* at 221.

[296] *Id.* at 222 (citations omitted).

[297] Government Code Section 54964 prohibits the expenditure of public funds "to support or oppose the approval or rejection of a ballot measure, or the election or defeat of a candidate, by the voters." The statute does not prohibit expenditures to provide information to the public about the possible effects of a ballot measure on the activities, operations, or policies of the local agency, if the informational activities are not otherwise prohibited by the Constitution or state law and the information provided constitutes an accurate, fair, and impartial presentation of relevant facts to aid the voters in reaching an informed judgment regarding the ballot measure.

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The *Stanson* test was reaffirmed by the California Supreme Court in *Vargas v. City of Salinas*.[298] Prior to *Vargas*, courts attempting to interpret and apply *Stanson* used varying tests to determine the permissibility of expenditures. For example, in *California Common Cause v. Duffy*, an appellate court held that a local sheriff's use of public facilities and personnel to distribute postcards critical of then-Supreme Court Justice Rose Bird was "political" and not "informational" as permitted by *Stanson* because the cards presented only one side of Justice Bird's fitness to be retained in office.[299] In another appellate decision, *Schroeder v. City Council of Irvine*, Irvine's "Vote 2000" Program was upheld.[300] The program encouraged voter registration, without specifically advocating a particular position on any measure. Although the city had taken a public position in favor of the proposed ballot measure, the materials it distributed did not advocate any particular vote on the measure and rarely mentioned the measure at all. The *Schroeder* court held that the funds spent on the Vote 2000 program would be political expenditures and unlawful under *Stanson* only if the communications expressly advocated, or taken as a whole unambiguously urged, the passage or defeat of the measure.[301] Because the city presented a neutral position on "Measure F," at least in the campaign materials, the court upheld the program as valid.

However, in *Vargas v. City of Salinas*, the California Supreme Court decided that "express advocacy" is an insufficient standard. In *Vargas*, proponents of a local ballot initiative to repeal the city's utility users tax ("Measure O") sued the city alleging improper government expenditures. The court held that even if a communication does not expressly advocate for either side of an issue, a *Stanson* analysis must nonetheless be conducted to determine whether the activity was for informational or campaigning purposes based on its style, tenor, and timing.[302] Although the court did not specifically refer to the *Schroeder* analysis in its opinion, the court clearly stated that the "express advocacy" standard does not meaningfully address potential constitutional problems arising from the use of public funds for campaign activities that were identified in *Stanson*. Thus, local governments must look to *Vargas* rather than *Schroeder* for the proper standard to evaluate whether an expenditure is permissible.

A variety of factors led to the *Vargas* court's conclusion that the communications were informational, including the fact that the publications avoided argumentative or inflammatory rhetoric and did not urge citizens to vote in a particular manner. The challenged expenditures were made pursuant to general appropriations in the city's regular annual budget pertaining to the maintenance

298 *Vargas v. City of Salinas,* 46 Cal. 4th 1 (2009).

299 *California Common Cause v. Duffy*, 200 Cal. App. 3d 730, 746-747 (4 Dist. 1987).

300 *Schroeder v. City Council of Irvine*, 97 Cal. App. 4th 174, 187-188 (4 Dist. 2002).

301 *Id.*

302 *Vargas*, 46 Cal. 4th at 8.

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of the city's website, the publication of the city's regular quarterly newsletter, and the ordinary provision of information to the public regarding the city's operations. The Supreme Court found that the city engaged in informational rather than campaign activity when it posted on the city's website the minutes of city council meetings relating to the council's action along with reports prepared by various municipal departments and presented by officials at city council meetings.[303] Similarly, the city did not engage in campaign activity by producing a one-page document listing the program reductions that the city council voted to implement should Measure O be approved, or in making copies of the document available to the public at the city clerk's office and public libraries.[304] The court reasoned that viewed from the perspective of an objective observer, the document clearly constituted an informational statement that merely advised the public of specific plans that the city council voted to implement should Measure O be approved.

Finally, the court found that the city engaged in permissible informational activity by mailing to city residents the fall 2002 "City Round-Up" newsletter containing articles describing proposed reductions in city services. Although under some circumstances the mailing of material relating to a ballot measure to a large number of voters shortly before an upcoming election would constitute campaign activity, a number of factors supported the court's conclusion that the mailing of the newsletter constituted informational rather than campaign activity: it was a regular edition of the newsletter that was mailed to all city residents as a general practice, the style and tenor of the publication was entirely consistent with an ordinary municipal newsletter and readily distinguishable from traditional campaign material, and the article provided residents with important information about the tax in an objective and nonpartisan manner.[305]

The Supreme Court illustrated the insufficiency of the "express advocacy" standard by suggesting that if the City of Salinas were to post billboards throughout the City prior to an election stating, "'IF MEASURE O IS APPROVED, SIX RECREATION CENTERS, THE MUNICIPAL POOL, AND TWO LIBRARIES WILL CLOSE,' it would defy common sense to suggest that the City had not engaged in campaign activity even though such advertisements would not have violated the express advocacy standard."[306]

Vargas and *Stanson* reflect that local agencies must exercise caution when communicating to voters about local measures. The same prohibitions on the use

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[303] *Id.* at 37.

[304] *Id.* at 37-38 (stating, "not only [did] the document in question not advocate or recommend how the electorate should vote on the ballot measure, but its style and tenor [was] not at all comparable to traditional campaign material"). The fact that the city only made the document available at the City clerk's office and in public libraries to people who sought it out reinforced the document's informational nature.

[305] *Id.* at 38.

[306] *Id*. at 32.

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of public moneys to support or oppose a ballot measure or a candidate for political office would likely also apply to public agency websites. This is because the time and expense of maintaining a website and adding links to other websites may result in a form of "in kind" contribution from the public agency to the particular candidate or campaign committee. "Professional services, including the creation and maintenance of a website for a candidate, could conceivably result in a contribution from the county to the candidate."[307]

Public officials must ensure that there is no inclusion of information or links on their websites that contain words of express advocacy or that unambiguously promote or suggest a particular position in a campaign. Public officials must also avoid any actions which, based on their "style, tenor and timing", may lead to a determination that a city website contains impermissible advocacy. Unfortunately, there is no hard and fast rule to assist public officials in distinguishing improper partisan campaign expenditures from permissible expenditures for "informational activities." Whether a communication is permissible will be based on a combination of these factors, and public officials should therefore seek the advice of legal counsel on a case-by-case basis. Assistance may also be obtained from the FPPC.

Note also that public officials could potentially face personal liability if a court concluded that they used public funds for a partisan campaign. The *Stanson* opinion concluded that public officials "may properly be held to a higher standard than simply the avoidance of 'fraud, corruption or actual malice' in their handling of public funds."[308] Instead, public officials must exercise "'due care,' i.e., reasonable diligence, in authorizing the expenditure of public funds, and may be subject to personal liability for improper expenditures made in the absence of such due care."[309] If public officials published a web page that conveyed a partisan slant, a court could conclude that the officials failed to exercise this due care.

C. Public Forum

In addition to the mass mailing and express advocacy considerations, the existence of city websites also raises the issue of whether a website constitutes a "public forum" in which any member of the public would have a right to post information or links, or engage in debate or discourse. The decisions of public agencies on what sort of content to include on web pages, whether to allow external links to be posted, and what type of links to permit, have the potential to infringe upon rights guaranteed by the First Amendment of the United States

[307] *Peterson Advice Letter,* No. A-99-013, 1999 WL 100857 (1999).

[308] *Stanson*, 17 Cal. 3d at 226.

[309] *Id.* at 226-27.

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Constitution, the California Constitution's "Liberty of Speech Clause," and other legal principles.

In relevant part, the First Amendment provides that, "Congress shall make no law … abridging the freedom of speech."[310] Similarly, the "Liberty of Speech Clause" provides that, "A law may not restrain or abridge liberty of speech or press."[311]

The United States Supreme Court uses the "public forum" doctrine to evaluate the constitutionality of government regulation of private speech on public property. This doctrine classifies public property according to three categories of public forum status: (i) traditional public forums - areas traditionally used for expressive activity such as streets, sidewalks and parks; (ii) designated public forums - areas dedicated by the government for expressive activity, either generally or for limited purposes; and (iii) nonpublic forums.

"Public forum" status directly impacts the degree to which a public agency may regulate private expression on public property. For example, if a public agency's website were deemed a "nonpublic forum," then the agency would have considerable discretion in determining which applications for website links to accept. By contrast, if a public agency's website was deemed a "traditional public forum" or a "designated public forum," then the agency's discretion would be substantially diminished.

Two cases addressing whether city websites constitute public forums are discussed below.

(1) Putnam Pit, Inc. v. City of Cookeville

The case of *Putnam Pit, Inc. v. City of Cookeville* provides an example of how the First Amendment may limit a public agency's authority to control external links on its website. *Putnam Pit* is a federal case discussing the validity of a website link policy under the First Amendment.[312] This case involved a free speech claim by a small, free website newspaper publisher, against the City of Cookeville, Tennessee.

The case arose from Cookeville's refusal to establish a link from its website to the website of the publisher's on-line newspaper, the "*Putnam Pit*." The "*Putnam Pit*" website focused on commentary critical of the City of Cookeville and its officials and staff. At the time that the publisher initially requested and was denied the link, "several for-profit and non-profit entities were linked to the . . . [Cookeville]

310 U.S. CONST. amend I.

311 CAL. CONST. art. 1, § 2(a).

312 *Putnam Pit, Inc. v. City of Cookeville*, 221 F.3d 834 (2000).

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Web site, including a local technical college, two Internet service providers, a law firm, a local computer club, a truck product manufacturer and distributor, and a site with information about Cookeville."[313] However, prior to the publisher's request, Cookeville "had no stated policy" on who could be linked to the city's website.[314] Upon learning of the publisher's request, the city manager decided to permit links only "from the Cookeville Website to other sites, which would promote the economic welfare, tourism, and industry of the city."[315] Pursuant to this policy, the city manager subsequently denied the publisher's request for a link from the Cookeville website to the "*Putnam Pit*" website and then removed several links to other websites from the Cookeville website.[316]

The Sixth Circuit Court of Appeals ruled that based on the facts presented, the city's website was a nonpublic forum under the First Amendment, and that the city could impose reasonable restrictions but could not engage in viewpoint discrimination.[317] The court also ruled the publisher was entitled to a trial regarding whether Cookeville discriminated against him based upon viewpoint when the city manager denied him a link on the website. Facts that could potentially constitute viewpoint discrimination included statements by the city manager that he thought the "*Putnam Pit*" consisted only of the publisher's "opinions," "which he didn't care for" and actions by the city manager who indicated to the publisher that he would not be permitted a link even if the "*Putnam Pit*" were a non-profit entity.[318]

(2) Vargas v. City of Salinas

In *Vargas v. City of Salinas*, the California Supreme Court also considered whether a city website constituted a public forum.[319] In *Vargas*, city residents placed an initiative on the ballot to repeal the city's long-standing utility users tax. The city staff prepared a series of reports addressing the impact the loss of the tax would have on the city's budget, including the reduction and elimination of services and programs, and posted those reports on the city's web page. The initiative supporters contended that they had a right to provide their own information on the web page, which the city rejected.

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313 *Id.* at 841.

314 *Id.*

315 *Id.*

316 *Id.*

317 *Id.* at 843-845.

318 The court further concluded that, "[t]he city's actions, some of which appear to be tied to the city's interests, and others which appear less clearly relevant to the purpose of the city's Web site, lead us to REVERSE the district court's grant of summary judgment because [the publisher] has raised a material issue of fact regarding whether the city discriminated against him and his Web site based upon viewpoint." *Putnam Pit, Inc.,* 221 F.3d at 846.

319 *Vargas*, 46 Cal. 4th at 37, n.18.

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The Supreme Court concluded that the city's web page was not a public forum because the city had not opened its website to permit others to post material of their choice.[320]

D. Public Forum Analysis

The *Putnam Pit* and *Vargas* courts applied the public forum analysis of the First Amendment to the city's action with respect to the website, treating the website as analogous to physical public property. As previously mentioned, the United States Supreme Court has established that, for such analyses, the extent of permissible government restrictions on expressive activity are governed by whether the activity occurs in (i) a traditional public forum; (ii) a designated public forum; or (iii) a nonpublic forum.[321]

(1) Traditional public forum

Traditional public forums are "places which by long tradition or by government fiat have been devoted to assembly and debate." Typically such places have included public streets, sidewalks and parks.[322] Government regulations that restrict the "content" of expressive activity in such forums "must withstand strict scrutiny."[323] This means that if the government wishes to restrict expressive activity based on content, such restrictions must serve a "compelling state interest" and must be "narrowly tailored" to serve that interest. However, if the government imposes content-neutral restrictions on the "time, place and manner" of expressive activity in public forums, then such restrictions must serve a "significant public interest," must be "narrowly tailored" to that interest and must leave open "alternative avenues of communication."[324]

(2) Designated public forum

The Supreme Court has held that "[i]n a designated public forum, the government 'intentionally opens a nontraditional public forum for public discourse.'"[325] An example of a designated public forum is the public comment session at a city council meeting. In a designated public forum, the government may restrict the content of the expressive activity to that which is within the scope of the public

320 *Id.*

321 *Perry Ed. Ass'n v. Perry Local Ed. Ass'n,* 460 U.S. 37, 45-46 (1983).

322 *Putnam Pit, Inc.,* 221 F.3d at 842 (citing *Perry*, 460 U.S. at 45).

323 *Id.* at 843.

324 *Id.* (citing *Perry*, 460 U.S. at 45).

325 *Id*. (citing *Cornelius v. NAACP Legal Defense & Educ. Fund, Inc*., 473 U.S. 788, 802 (1985)).

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forum. For example, in the case of a city council meeting, the government may restrict speech to only permit discussion of city business.[326]

Once the government opens a nontraditional public forum to a class of persons, the restrictions applicable to those to whom the forum is opened must also withstand strict scrutiny. Thus, as in the case of public forums, regulations governing designated speakers in designated public forums must serve a "compelling state interest" and must be "narrowly tailored" to serve that interest.[327] Accordingly, it is important for a city to avoid creating a designated public forum on its website so as not to establish rights where none previously existed, or at least to have a clear policy on who may post on the city's website.

(3) Nonpublic forum

Nonpublic forums are those places that are not typically used for public debate or the free exchange of ideas. Accordingly, "the First Amendment does not forbid a viewpoint-neutral exclusion of speakers who would disrupt a nonpublic forum and hinder its effectiveness for its intended purpose."[328]

Examples of nonpublic forums include highway rest areas and advertising on a municipal bus.[329] In a nonpublic forum government may prohibit speech or expressive activity, so long as such restrictions are reasonable in light of the government's interest and do not attempt to suppress the speaker's activity based on disagreement with the speaker's views.[330]

(4) Public entity websites as nonpublic forums

The Sixth Circuit Court of Appeals in *Putnam Pit* concluded that the City of Cookeville's website was a "nonpublic" forum under the First Amendment because the website was not open to the public, and before and after the city adopted a website link policy, links had been established on an individualized basis.[331] This determination is significant because a government entity, as previously discussed, has more discretion to regulate public expression in a nonpublic forum than it does in a "traditional public forum" (such as a park) or in a "designated public forum" (a place expressly opened for free speech by the public). The court also emphasized that the city had legitimate interests "in

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326 *See White v. City of Norwalk*, 900 F. 2d 1421, 1425 (1990) (concluding that city councils have authority to limit speech through the imposition of agendas and rules of order and decorum).

327 *Perry*, 460 U.S. at 46.

328 *Putnam Pit,* 221 F. 3d at 845 (quoting *Cornelius,* 473 U.S. at 811).

329 *Jacobson v. Bonine*, 123 F. 3d 1272, 1274 (1997); *Children of the Rosary v. City of Phoenix*, 154 F. 3d 972, 978 (1998).

330 *Perry,* 460 U.S. at 46.

331 *Putnam Pit, Inc.,* 221 F.3d at 844.

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keeping links that are consistent with the purpose of the site—providing information about city services, attractions and officials."[332]

Despite the fact that the court in *Putnam Pit* determined that the city's website was a nonpublic forum, giving the city broad discretion to limit access to its website links, the court stated that the city could not deny links "solely based on the controversial views" the publisher espouses.[333] The court concluded that the city's "requirement that websites eligible to be linked to the city's site promote the city's tourism, industry and economic welfare gives broad discretion to city officials, raising the possibility of discriminatory application of the policy based on viewpoint."[334] Accordingly, the court remanded the case to the district court for further proceedings on the issue of whether the city improperly exercised its authority to restrict access to links on its website in a discriminatory manner in violation of the publisher's First Amendment rights.

The *Vargas* court also concluded that the city's website was a nonpublic forum, and the city could exclude the initiative proponents from posting information on the site.[335] In contrast to *Putnam Pit*, in *Vargas* the city did not permit access to the web page by either proponents or opponents of the ballot initiative.[336]

Limiting use of a city website only to city-related activities may result in a court finding that the public forum analysis is not appropriate under the facts, and that the issue should be evaluated instead under the doctrine of governmental speech.[337] The U.S. Supreme Court has ruled that the Free Speech clause does not apply to government speech, because the Free Speech Clause restricts government regulation of private speech and does not regulate government speech.[338] Under the government speech doctrine, the government has the right to speak for itself and a government entity may exercise this same freedom to express its views when it receives assistance from private sources for the purpose of delivering a government-controlled message.[339]

In *Sutliffe v. Epping School District*, an advocacy group challenged the Town of Epping after the town refused to include the group's hyperlink on the town's website.[340] The group wanted to present opinions countering the town's budget proposals regarding town and school activities. The group contended its hyperlink should have been allowed because the town had included a hyperlink

[332] *Id.* at 845.

[333] *Id.*

[334] *Id.* at 845-46 (citations omitted).

[335] *Vargas*, 46 Cal. 4th at 37 n.18.

[336] *See Id.*

[337] *Pleasant Grove City v. Summum,* 555 U.S. 460, 467 (2009).

[338] *Id.*

[339] *Id*. at 468.

[340] *Sutliffe v. Epping School District*, 584 F.3d 314, 333 (2009).

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to a one-day event put on by "SUE", which was part of a state university-sponsored program and was to be held among town residents to foster community spirit, civic discourse, and the organization of community-defined projects and action groups. By unwritten practice, the town had previously allowed only hyperlinks that would promote providing information about the town, and did not permit links that were political or advocated for certain candidates. A written policy established after the group's request limited hyperlinks to those for governmental agencies or events and programs coordinated or sponsored by the town.

The federal appeals court ruled in *Sutliffe* that a government entity has the right to express itself on means of communication that the government owned. The town engaged in government speech because the town created the website and selected which hyperlinks to place on its website to convey information about the town to its citizens and the outside world and, by choosing only certain hyperlinks to place on that website, communicated an important message about itself.[341] Hyperlinks were added only with approval by the Board of Selectmen. The court also rejected the group's claim that the town engaged in viewpoint discrimination, because the SUE event was a town-sponsored and financially-supported event, and nonpartisan.[342] The court also concluded that a public forum analysis did not apply under the facts, because the town's website is not a traditional public forum, and the website was not a designated public forum because there was no evidence that the town intentionally opened a nontraditional public forum for public discourse.[343]

Accordingly, in drafting and administering website link policies, a public agency should be mindful that "nonpublic forum status does not mean that the government can restrict speech in whatever way it likes."[344] A public agency may not deny requests to post information and links simply because they do not agree with a requesting party's views or the views espoused on the requesting party's website, but an across-the-board policy that does not discriminate on the basis of viewpoint should withstand judicial scrutiny. Reserving the website only for the public agency's activities and purposes may also help the public agency demonstrate that it is engaging in government speech, and has not created a public forum.

E. Chat Rooms, Forums, and Social Media

Note that the conclusion would have likely been different in *Vargas* if the website had contained a chat room, or other technology promoting open public

[341] *Id*. at 331.

[342] *Id*. at 331-332.

[343] *Id*. at 333-334.

[344] *Putnam Pit Inc.*, 221 F.3d at 846 (citations omitted).

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discussion. The term "chat room" generally refers to an area of a website that allows for a real-time interactive discussion between whoever wishes to participate, with every participant seeing what every other participant types in. Chat rooms allow visitors to access web pages to state their views on a topic of discussion, and in unmoderated chat rooms, to say anything about any subject. Many popular social media services, including Facebook, Twitter, and Instagram, include a system of public comment threads that similarly promote public discussion.

In *Vargas*, the California Supreme Court did not address chat rooms or social media services. However, in the prior appellate court decision, which was superseded on other grounds by the California Supreme Court, the appellate court had little trouble concluding that a chat room on a city web page would constitute a public forum:

> As noted above, "electronic communication media may constitute public forums. Websites that are accessible free of charge to any member of the public where members of the public may read the views and information posted, and post their own opinions, meet the definition of a public forum . . . ."[345]

Ampex Corp. v. Cargle and *ComputerXpress, Inc. v. Jackson*, were "anti-SLAPP" motions brought by defendants in defamation and libel actions, which are motions to strike a "Strategic Lawsuit Against Public Participation." In order to have a viable anti-SLAPP motion, the statements at issue must be made in a public forum, and both opinions concluded that chat rooms on the websites were public forums.

The federal courts increasingly hold that chat rooms and other forms of social media may constitute public forums. In 2017, the U.S. Supreme Court described cyberspace, and social media, as follows: "While in the past there may have been difficulty in identifying the most important places (in a spatial sense) for the exchange of views, today the answer is clear. It is cyberspace—the 'vast democratic forums of the Internet' in general [citation omitted], and social media in particular."[346]

With the recent ruling in the United States Supreme Court in *Lindke v. Freed*[347] officials now have clearer direction as to how to keep their social media sites

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[345] *Vargas v. City of Salinas*, 37 Cal. Rptr. 3d 506, 527 (2005) (citing *Ampex Corp. v. Cargle*, 128 Cal. App. 4th 1569, 1576 (2005); *ComputerXpress, Inc. v. Jackson*, 93 Cal. App. 4th 993, 1006-07 (2001)).

[346] See *Packingham v. North Carolina*, 137 S. Ct. 1730, 1735–36 (2017) (Supreme Court ruled that a North Carolina statute prohibiting sex offenders from accessing social networking websites violated the First Amendment because even assuming that the statute was content neutral, the statute could not survive intermediate scrutiny because it was not narrowly tailored to serve a significant governmental interest).

[347] 601 U.S. 187 (2024)

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"personal" and not expose their social media sites to a First Amendment challenge.

In that case, the City Manager of Port Huron, Michigan maintained a personal Facebook page where he posted about his personal life and his job. Once the COVID-19 pandemic began, he also posted both personal and job-related information about COVID-19. When a member of the public who opposed the city's COVID–19 position expressed his displeasure on the City Manager's Facebook page, the City Manager first deleted some comments and then banned him from the page. The man sued, claiming a First Amendment right to comment on the City Manager's Facebook page.

The Supreme Court determined that officials' social media accounts will be considered personal, and not subject to the First Amendment claims of others, unless the official: (1) possesses actual authority to speak on the agency's behalf ("state action"): and (2) purports to exercise that authority when the public official posts on social media.

The Court reasoned that public officials themselves have the "First Amendment right to speak about their jobs and exercise editorial control over speech and speakers on their personal platforms." However, this is not the case for social media activities that are considered state action. Determining whether a public official's social media activity constitutes state action, which prevents blocking specific comments or commenters, is a "fact-intensive inquiry." But, if the official does not possess actual authority to speak on behalf of the agency, the appearance or function of the social media account will not matter.

To create a presumption of "personal use," the Court suggests a social media account carry a label (i.e., "this is the personal page of [public official]" or a disclaimer (i.e., "the views expressed are strictly my own") but the presumption is not irrebuttable.

Two key takeaways officials should consider if they decide to block a comment or commenter are:

1. *Avoid State Action*. For a post to be state action, the official must have actual authority to speak on behalf of the public agency through statute, ordinance, regulation, custom, or usage. To qualify as "custom" or "usage," the official's social media use on behalf of the public agency must be "permanent and well settled" and that authority must extend to the type of speech in question.

2. Emphasize Personal Use. Courts will look at several factors such as: biography description ("personal page" v. "official page"), page maintenance ("individual" v. "public agency"), the type of posts

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("repetition of readily available information" v. "public announcement unavailable anywhere else").

Officials should also discuss the use of their social media accounts with legal counsel to determine if it is "official" or "personal." If a social media account is "personal" then a public official can decide which comments are allowed on the site and who can be banned from the site. However, if the social media account is "official" then a public official must be cognizant of the First Amendment rights of anyone who visits their social media site.

F. Accessibility Requirements

One other concern in designing a local agency's website is whether it is accessible to individuals with disabilities. Under the Americans with Disabilities Act (the "ADA"), local governments must ensure that they provide qualified individuals with disabilities equal access to their programs and services, including by making reasonable modifications to rules, policies, or practices; removing architectural, communication, or transportation barriers; or providing auxiliary aids or services, unless doing so would fundamentally alter the nature of their programs or services or would impose an undue burden.[348] Local governments must take appropriate steps to ensure that their communications with applicants, participants, members of the public, and companions are as effective as communications with others, and furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a government service, program or activity.[349]

Based on these requirements, the U.S. Department of Justice takes the position that state and local government websites must be designed to be accessible to individuals with disabilities. In March 2022, the U.S. Department of Justice issued guidance describing how state and local governments and businesses open to the public can make sure that their websites are accessible to people with disabilities as required by the ADA.[350] The DOJ will pursue enforcement actions, settlements and consent decrees to ensure that governmental websites are accessible.[351] In designing and maintaining an agency's web page to ensure

[348] 42 U.S.C. § 12131 et seq.

[349] 28 C.F.R. 35.160(a) and (b)(1).

[350] *See U.S. Department of Justice Guidance on Web Accessibility and the ADA (issued March 18, 2022)*, DOJ 22-262 (D.O.J.), 2022 WL 820126; also available at https://www.ada.gov/resources/web-guidance/.

[351] *See* U.S. Department of Justice, Accessibility of State and Local Government Websites to People with Disabilities (available at http://www.ada.gov/websites2.htm or https://archive.ada.gov/websites2_prnt.pdf; U.S. Department of Justice, ADA Best Practices Tool Kit for State and Local Governments, Chapter 5, "Website Accessibility Under Title II of the ADA" (available at https://www.ada.gov/pcatoolkit/chap5toolkit.htm or https://archive.ada.gov/pcatoolkit/ch5_toolkit.pdf). *See Barden v. City of Sacramento*, 292 F. 3d 1073, 1076-1077 (9th Cir. 2002) (holding that the ADA must be construed broadly to apply to normal functions of a municipal entity in order to effectively implement the ADA's fundamental purpose of providing a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities).

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compliance with First Amendment and Brown Act requirements, an agency should make sure it is designed for accessibility as well, in order to minimize the potential for litigation and adverse decisions.

There are currently no federal regulations addressing website accessibility requirements for state and local governments. However, in August, 2023, the U.S. Department of Justice issued a notice of proposed rulemaking entitled "Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities proposing to amend its title II ADA regulation to provide technical standards to assist public entities in complying with their obligations to make their websites and mobile apps accessible to individuals and disabilities.[352] The public comment period ended on October 3, 2023, and final regulation on this topic is scheduled to be issued by April, 2024. Pending adoption of federal standards, many state and local governments have used draft regulations issued during a prior Department of Justice rule-making process that started in 2010, but was ended in 2017.[353] Those draft standards are often used by state and local governments as a guide for best practices in considering accessibility issues. In addition, even without specific technical standards applicable to local governments, there are a number of regulations and guidelines that may be used to design accessible public websites. Other federal laws may impose accessibility requirements on local government websites, depending on the circumstances. For example, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability by federal agencies and recipients of federal assistance, and consequently recipients of federal funds may need to meet federal accessibility requirements.[354] Section 508 of the Workforce Rehabilitation Act of 1973, as amended, also requires programs and activities funded by federal agencies to be accessible to people with disabilities, including federal employees and members of the public, and covers ICT developed, procured, maintained, or used by federal agencies.[355] The Telecommunications Act of 1996 requires in part that telecommunications products and services be accessible to people with disabilities.[356] Potential sources of website design standards include:

[352] 88 Fed. Reg. 51948 (August 4, 2023), 2010 WL 2888003(F.R.)

[353] *See* 75 Fed. Reg. 43460 (July 26, 2010), 2010 WL 2888003(F.R.); 81 Fed. Reg. 28658 (May 9, 2016), 2016 WL 2609932(F.R.); and 82 Fed. Reg. 60932 (December 26, 2017), 2017 WL 6555806(F.R.).

[354] 29 U.S.C. § 794.

[355] 29 U.S.C. § 794d; see 36 C.F.R. Part 1194; Appendix A to Part 1194—Section 508 of the Rehabilitation Act: Application and Scoping Requirements; Appendix C to Part 1194—Functional Performance Criteria and Technical Requirements; and Appendix D to Part 1194—Electronic and Information Technology Accessibility Standards as Originally Published on December 21, 2000.

[356] 47 U.S.C. § 255.

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- The Federal Information and Communications Technology (ICT) Final Standards and Guidelines, set forth at 36 C.F.R. parts 1193 and 1194;[357] and

- The World Wide Web Consortium (W3C) Web Content Accessibility Guidelines.[358]

While these sources do not expressly apply to city websites, they provide various methods of ensuring that a web page is accessible, including providing text equivalents for graphics, ensuring that information conveyed with color is also available without color, and using high contrast color choices. Many state and local agencies have incorporated the federal requirements into the design of their information technology systems, including their websites.[359]

Providing accommodations for persons with disabilities to use public websites is not particularly onerous; in fact, the Department of Justice has stated that "implementing accessibility features is not difficult and will seldom change the layout or appearance of web pages."[360]

IV. CONCLUSIONS

The law related to electronic documents continues to evolve as computer technology advances and public officials respond and adapt to those advances. The advent of email, text messages, and other forms of social media has expanded the opportunities for collaboration greatly, but has simultaneously expanded the potential for inadvertent Brown Act violations, as well as unwanted disclosure of preliminary or sensitive information when emails and text messages must be disclosed in response to a Public Records Act request. When using email, public officials should refrain from using "reply all" to avoid serial meetings, and should be aware of the disclosure requirements of the Brown Act for documents related to items discussed at a public meeting. Public officials should also be sensitive to the risk that the Public Records Act may require disclosure of emails or text messages in which they discuss public business, and not treat them as casual conversation. While the deliberative process privilege may apply to protect some such emails or text messages, the doctrine has been applied sparingly by

[357] 82 Fed. Reg. 5790 (January 18, 2017), 2017 WL 168818 (F.R.), as amended by 83 Fed. Reg. 2912 (January 22, 2018), 2018 WL 488398 (F.R.). These federal regulations were enacted pursuant to Section 508 of the Workforce Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d), and the Telecommunications Act of 1996 (47 U.S.C. § and 255).

[358] Available at *http://www.w3.org/*. The revised Section 508 standards contained in the federal regulations are based on WCAG 2.0 developed by the World Wide Web Consortium (W3C).

[359] In California, state websites must meet both the web accessibility standards in California Government Code §§ 7405 and 11135, which adopted the Section 508 standards and the Priority 1 and 2 level checkpoints of the Web Content Accessibility Guidelines 2.0 (WCAG 2.0 "AA" Conformance Level) developed by the World Wide Web Consortium (W3C).

[360] U.S. Department of Justice, Accessibility of State and Local Government Websites to People with Disabilities, *http://www.ada.gov/websites2.htm*.

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California courts. A clear policy regarding the deletion of emails and text messages will also help to reduce unwanted exposure, although an agency must be able to suspend its usual deletion procedures to preserve electronic records potentially relevant to state or federal litigation.

Although federal and state laws continue to develop, electronic documents and information other than emails (for example, posts on social media websites, such as Facebook[361] or Twitter,[362] that are deemed to be a public forum or otherwise relate to an agency's public business) may be subject to disclosure under the California Public Records Act, California discovery rules, and Federal Rules of Civil Procedure 26(a). An agency must make electronic records available in an electronic format if requested in response to a Public Records Act request. An agency may also have to disclose electronic records in litigation and even metadata may be discoverable. Thus, it is important to avoid the automatic creation of metadata, to the extent possible. Public officials should also consult with their information technology departments to ensure that metadata is not inadvertently inserted into electronic records when they are created.

With respect to websites, caution must be taken to ensure a public agency's website does not indicate support or approval of, or promote or advocate for, a candidate for elective office. Likewise, a public agency website cannot be used to advocate for or against an initiative election. In addition to avoiding express advocacy that unambiguously suggests a particular position in a campaign, public officials must also avoid any actions which, based on their "style, tenor and timing," may lead to a determination that a public agency website contains impermissible advocacy.

The content of a website link policy, and the manner in which such a policy is implemented, are critical in a public agency's ability to regulate the information and links that will be permitted on its website. It is important that a public agency does not arbitrarily discriminate in denying requests for website links. The establishment and adherence to a specific written policy regarding website links would likely assist a public agency in avoiding the litigation challenges faced by the City of Cookeville in the *Putnam Pit* case, and should assist generally in avoiding violations of the First Amendment. A uniform policy, such as that upheld in the *Vargas* opinion, may serve as a viable defense to such challenges.

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361 *See Davison v. Randall*, 912 F. 3d 666 (2019) (county official's Facebook page deemed a public form). *See also German v. Eudaly*, 2018 WL 3212020 (2018) [on facts presented, judge ruled that a city commissioner did not violate a public activist's right to petition the government when the commissioner blocked the activist from seeing the commissioner's nonofficial Facebook page and denied a public records request to see the Facebook page, but granted the activist leave to amend her complaint to show that the commissioner acted in her official capacity when using her nonofficial Facebook page].

362 *See One Wisconsin Now v. Kremer*, 354 F. Supp. 3d 940 (2019) (interactive portions of state legislators' Twitter accounts constituted a designated public forum under the First Amendment).

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We have several recommendations for drafting website policies. First, the website link policy should contain a "statement of purpose" indicating that neither the public agency's website nor its links list are "forums" for expressive activity by the public. The following is our suggested language for that portion of the policy, for the hypothetical City of Anytown:

> "This policy governs the establishment of external links on the City of Anytown's official website. For purposes of this policy, an 'external link' is a hyperlink from the City of Anytown's website to a website maintained by another party. Neither the City of Anytown's website nor the external links listed on such website constitute a forum for expressive activity by members of the public. Rather, the purpose of the City of Anytown's website and the external links list is to provide information about officials, services, and attractions related to City of Anytown. This policy is declaratory of the City of Anytown's existing administrative practice regarding the establishment of external links on its website."

Second, the website link policy should specifically designate the types of organizations that are eligible to have a link established to their website. We think eligibility may be limited to nonprofit entities (as Cookeville chose to do), but it does not have to be so restricted. We also recommend that the website specifically exclude links to sites that have as their purpose the election or defeat of specific candidates or the passage or defeat of specific ballot measures, regardless of political position. In our opinion, implementation of these suggestions will strengthen a public agency's position if it ever becomes necessary to defend a decision to deny a request for a link from a public agency's website.

Finally, the agency should ensure that its web page complies with the accessibility requirements of the ADA, such as providing text equivalents for graphics, ensuring that information conveyed with color is also available without color, and using high contrast color choices.

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PART THREE.

THE CALIFORNIA PUBLIC RECORDS ACT

The California Public Records Act

DIVISION 10. ACCESS TO PUBLIC RECORDS

PART 1. GENERAL PROVISIONS

CHAPTER 1. Preliminary Provisions

Article 1. Short Titles

7920.000. This division shall be known and may be cited as the California Public Records Act.

7920.005. This division recodifies the provisions of former Chapter 3.5 (commencing with Section 6250) of Division 7 of this title. The act that added this division, and the act that consists of conforming revisions to reflect the addition of this division, shall be known and may be cited as the "CPRA Recodification Act of 2021."

Article 2. Effect of Recodification

7920.100. Nothing in the CPRA Recodification Act of 2021 is intended to substantively change the law relating to inspection of public records. The act is intended to be entirely nonsubstantive in effect. Every provision of this division and every other provision of this act, including, without limitation, every cross-reference in every provision of the act, shall be interpreted consistent with the nonsubstantive intent of the act.

7920.105. (a) A provision of this division, or any other provision of the CPRA Recodification Act of 2021, insofar as it is substantially the same as a previously existing provision relating to the same subject matter, shall be considered as a restatement and continuation thereof and not as a new enactment.

(b) A reference in a statute to a previously existing provision that is restated and continued in this division, or in any other provision of the CPRA Recodification Act of 2021, shall, unless a contrary intent appears, be deemed a reference to the restatement and continuation.

(c) A reference in a statute to a provision of this division, or any other provision of the CPRA Recodification Act of 2021, which is substantially the same as a previously existing provision, shall, unless a contrary intent appears, be deemed to include a reference to the previously existing provision.

7920.110. (a) A judicial decision interpreting a previously existing provision is relevant in interpreting any provision of this division, or any other provision of the

CPRA Recodification Act of 2021, which restates and continues that previously existing provision.

(b) However, in enacting the CPRA Recodification Act of 2021, the Legislature has not evaluated the correctness of any judicial decision interpreting a provision affected by the act.

(c) The CPRA Recodification Act of 2021 is not intended to, and does not, reflect any assessment of any judicial decision interpreting any provision affected by the act.

7920.115. (a) An opinion of the Attorney General interpreting a previously existing provision is relevant in interpreting any provision of this division, or any other provision of the CPRA Recodification Act of 2021, which restates and continues that previously existing provision.

(b) However, in enacting the CPRA Recodification Act of 2021, the Legislature has not evaluated the correctness of any Attorney General opinion interpreting a provision affected by the act.

(c) The CPRA Recodification Act of 2021 is not intended to, and does not, reflect any assessment of any Attorney General opinion interpreting any provision affected by the act.

7920.120. (a) A judicial decision or Attorney General opinion on the constitutionality of a previously existing provision is relevant in determining the constitutionality of any provision of this division, or any other provision of the CPRA Recodification Act of 2021, which restates and continues that previously existing provision.

(b) However, in enacting the CPRA Recodification Act of 2021, the Legislature has not evaluated the constitutionality of any provision affected by the act, or the correctness of any judicial decision or Attorney General opinion on the constitutionality of any provision affected by the act.

(c) The CPRA Recodification Act of 2021 is not intended to, and does not, reflect any determination of the constitutionality of any provision affected by the act.

Article 3. Effect of Division

7920.200. The provisions of this division shall not be deemed in any manner to affect the status of judicial records as it existed immediately before the effective date of the provision that is continued in this section, nor to affect the rights of litigants, including parties to administrative proceedings, under the laws of

discovery of this state, nor to limit or impair any rights of discovery in a criminal case.

CHAPTER 2. Definitions

7920.500. For purposes of Article 3 (commencing with Section 7928.200) of Chapter 14 of Part 5, "elected or appointed official" includes, but is not limited to, all of the following:

(a) A state constitutional officer.

(b) A Member of the Legislature.

(c) A judge or court commissioner.

(d) A district attorney.

(e) A public defender.

(f) A member of a city council.

(g) A member of a board of supervisors.

(h) An appointee of the Governor.

(i) An appointee of the Legislature.

(j) A mayor.

(k) A city attorney.

(l) A police chief or sheriff.

(m) A public safety official.

(n) A state administrative law judge.

(o) A federal judge or federal defender.

(p) A member of the United States Congress or appointee of the President of the United States.

7920.505. (a) The following provisions are continuations of provisions that were included in former Section 6254 as that section read when it was repealed by the CPRA Recodification Act of 2021:

(1) Section 7921.500.

(2) Sections 7923.600 to 7923.625, inclusive.

(3) Section 7923.700.

(4) Sections 7923.800 and 7923.805.

(5) Section 7924.505.

(6) Section 7925.000.

(7) Section 7925.005.

(8) Section 7925.010.

(9) Section 7926.000.

(10) Section 7926.100.

(11) Section 7926.200.

(12) Section 7926.210.

(13) Section 7926.220, except the continuation of former Section 6254.14(b).

(14) Section 7926.225, except the continuation of former Section 6254.14(b).

(15) Section 7926.230, except the continuation of former Section 6254.14(b).

(16) Section 7926.235.

(17) Section 7927.000.

(18) Section 7927.100.

(19) Section 7927.200.

(20) Section 7927.300.

(21) Section 7927.500.

(22) Section 7927.700.

(23) Section 7927.705.

(24) Section 7928.000.

(25) Section 7928.100.

(26) Sections 7928.405 and 7928.410.

(27) Section 7928.705.

(28) Section 7929.000.

(29) Section 7929.200.

(30) Section 7929.205.

(31) Chapter 18 (commencing with Section 7929.400) of Part 5.

(32) Section 7929.605.

(b) The provisions listed in subdivision (a) may be referred to as "former Section 6254 provisions."

(c) Subdivision (a) does not include any provision that was first codified in one of the specified numerical ranges after the effective date of the CPRA Recodification Act of 2021.

7920.510. As used in this division, "local agency" includes any of the following:

(a) A county.

(b) A city, whether general law or chartered.

(c) A city and county.

(d) A school district.

(e) A municipal corporation.

(f) A district.

(g) A political subdivision.

(h) Any board, commission, or agency of the foregoing.

(i) Another local public agency.

(j) An entity that is a legislative body of a local agency pursuant to subdivision (c) or (d) of Section 54952.

7920.515. As used in this division, "member of the public" means any person other than a member, agent, officer, or employee of a federal, state, or local agency

who is acting within the scope of that membership, agency, office, or employment.

7920.520. As used in this division, "person" includes any natural person, corporation, partnership, limited liability company, firm, or association.

7920.525. (a) As used in this division, "public agency" means any state or local agency.

(b) As used in Article 5 (commencing with Section 7926.400) of Chapter 5 of Part 5, "public agency" means an entity specified in subdivision (c) of Section 7926.400.

7920.530. (a) As used in this division, "public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(b) "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975.

7920.535. As used in this division, "public safety official" means the following parties, whether active or retired:

(a) A peace officer as defined in Sections 830 to 830.65, inclusive, of the Penal Code, or a person who is not a peace officer, but may exercise the powers of arrest during the course and within the scope of the person's employment pursuant to Section 830.7 of the Penal Code.

(b) A public officer or other person listed in Section 1808.2 or 1808.6 of the Vehicle Code.

(c) An "elected or appointed official" as defined in Section 7920.500.

(d) An attorney employed by the Department of Justice, the State Public Defender, or a county office of the district attorney or public defender, the United States Attorney, or the Federal Public Defender.

(e) A city attorney and an attorney who represents cities in criminal matters.

(f) An employee of the Department of Corrections and Rehabilitation who supervises inmates or is required to have care or custody of a prisoner.

(g) A sworn or nonsworn employee who supervises inmates in a city police department, a county sheriff's office, the Department of the California Highway Patrol, federal, state, or a local detention facility, or a local juvenile hall, camp,

ranch, or home, and a probation officer as defined in Section 830.5 of the Penal Code.

(h) A federal prosecutor, a federal criminal investigator, and a National Park Service Ranger working in California.

(i) The surviving spouse or child of a peace officer defined in Section 830 of the Penal Code, if the peace officer died in the line of duty.

(j) State and federal judges and court commissioners.

(k) An employee of the Attorney General, a district attorney, or a public defender who submits verification from the Attorney General, district attorney, or public defender that the employee represents the Attorney General, district attorney, or public defender in matters that routinely place that employee in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts.

(l) A nonsworn employee of the Department of Justice or a police department or sheriff's office that, in the course of employment, is responsible for collecting, documenting, and preserving physical evidence at crime scenes, testifying in court as an expert witness, and other technical duties, and a nonsworn employee that, in the course of employment, performs a variety of standardized and advanced laboratory procedures in the examination of physical crime evidence, determines their results, and provides expert testimony in court.

7920.540. (a) As used in this division, "state agency" means every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(b) Notwithstanding subdivision (a) or any other law, "state agency" also means the State Bar of California, as described in Section 6001 of the Business and Professions Code.

7920.545. As used in this division, "writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

PART 2. DISCLOSURE AND EXEMPTIONS GENERALLY

CHAPTER 1. Right of Access to Public Records

7921.000. In enacting this division, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

7921.005. A state or local agency may not allow another party to control the disclosure of information that is otherwise subject to disclosure pursuant to this division.

7921.010. (a) Notwithstanding any other provision of law, no state or local agency shall sell, exchange, furnish, or otherwise provide a public record subject to disclosure pursuant to this division to a private entity in a manner that prevents a state or local agency from providing the record directly pursuant to this division.

(b) Nothing in this section requires a state or local agency to use the State Printer to print public records.

(c) Nothing in this section prevents the destruction of a public record pursuant to law.

(d) This section shall not apply to contracts entered into before January 1, 1996, between the County of Santa Clara and a private entity, for the provision of public records subject to disclosure under this division.

CHAPTER 2. General Rules Governing Disclosure

Article 1. Nondiscrimination

7921.300. This division does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.

7921.305. (a) Notwithstanding the definition of "member of the public" in Section 7920.515, an elected member or officer of any state or local agency is entitled to access to public records of that agency on the same basis as any other person. Nothing in this section shall limit the ability of elected members or officers to access public records permitted by law in the administration of their duties.

(b) This section does not constitute a change in, but is declaratory of, existing law.

7921.310. Notwithstanding Section 7921.305 or any other provision of law, when the members of a legislative body of a local agency are authorized to access a

writing of the body or of the agency as permitted by law in the administration of their duties, the local agency, as defined in Section 54951, shall not discriminate between or among any of those members as to which writing or portion thereof is made available or when it is made available.

Article 2. Voluntary Disclosure

7921.500. Unless disclosure is otherwise prohibited by law, the provisions listed in Section 7920.505 do not prevent any agency from opening its records concerning the administration of the agency to public inspection.

7921.505. (a) As used in this section, "agency" includes a member, agent, officer, or employee of the agency acting within the scope of that membership, agency, office, or employment.

(b) Notwithstanding any other law, if a state or local agency discloses to a member of the public a public record that is otherwise exempt from this division, this disclosure constitutes a waiver of the exemptions specified in:

(1) The provisions listed in Section 7920.505.

(2) Sections 7924.510 and 7924.700.

(3) Other similar provisions of law.

(c) This section, however, does not apply to any of the following disclosures:

(1) A disclosure made pursuant to the Information Practices Act (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code) or a discovery proceeding.

(2) A disclosure made through other legal proceedings or as otherwise required by law.

(3) A disclosure within the scope of disclosure of a statute that limits disclosure of specified writings to certain purposes.

(4) A disclosure not required by law, and prohibited by formal action of an elected legislative body of the local agency that retains the writing.

(5) A disclosure made to a governmental agency that agrees to treat the disclosed material as confidential. Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes that are consistent with existing law.

(6) A disclosure of records relating to a financial institution or an affiliate thereof, if the disclosure is made to the financial institution or affiliate by a state agency responsible for regulation or supervision of the financial institution or affiliate.

(7) A disclosure of records relating to a person who is subject to the jurisdiction of the Department of Business Oversight, if the disclosure is made to the person who is the subject of the records for the purpose of corrective action by that person, or, if a corporation, to an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Business Oversight.

(8) A disclosure made by the Commissioner of Business Oversight under Section 450, 452, 8009, or 18396 of the Financial Code.

(9) A disclosure of records relating to a person who is subject to the jurisdiction of the Department of Managed Health Care, if the disclosure is made to the person who is the subject of the records for the purpose of corrective action by that person, or, if a corporation, to an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Managed Health Care.

(10) A disclosure made through the sharing of information between the Independent System Operator and a state agency.

Article 3. Disclosure to District Attorney and Related Matters

7921.700. A state or local agency shall allow an inspection or copying of any public record or class of public records not exempted by this division when requested by a district attorney.

7921.705. (a) If a district attorney makes a request to a state or local agency to inspect or receive a copy of a public record or class of public records not exempted by this division, and the state or local agency fails or refuses to allow inspection or copying within 10 working days of that request, the district attorney may petition a court of competent jurisdiction to require the state or local agency to allow the requested inspection or copying.

(b) Unless the public interest or good cause in withholding the requested records clearly outweighs the public interest in disclosure, the court may require the public agency to allow the district attorney to inspect or copy those records.

7921.710. Disclosure of records to a district attorney under the provisions of this division shall effect no change in the status of the records under any other provision of law.

CHAPTER 3. General Rules Governing Exemptions from Disclosure

Article 1. Justification for Withholding of Record

7922.000. An agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this division, or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Article 2. Social Security Numbers and Related Matters

7922.200. (a) It is the intent of the Legislature that, in order to protect against the risk of identity theft, a local agency shall redact social security numbers from a record before disclosing the record to the public pursuant to this division.

(b) Nothing in this division shall be construed to require a local agency to disclose a social security number.

(c) This section does not apply to a record maintained by a county recorder.

7922.205. Nothing in this division shall be construed to require the disclosure by a county recorder of any "official record," if a "public record" version of that record is available pursuant to Article 3.5 (commencing with Section 27300) of Chapter 6 of Part 3 of Division 2 of Title 3.

7922.210. Nothing in this division shall be construed to require the disclosure by a filing office of any "official filing," if a "public filing" version of that record is available pursuant to Section 9526.5 of the Commercial Code.

PART 3. PROCEDURES AND RELATED MATTERS

CHAPTER 1. Request for a Public Record

Article 1. General Principles

7922.500. Nothing in this division shall be construed to permit an agency to delay or obstruct the inspection or copying of public records.

7922.505. Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this division.

Article 2. Procedural Requirements Generally

7922.525. (a) Public records are open to inspection at all times during the office hours of a state or local agency and every person has a right to inspect any public record, except as otherwise provided.

(b) Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

7922.530. (a) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(b) A requester who inspects a disclosable record on the premises of the agency has the right to use the requester's equipment on those premises, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record, unless the means of copy or reproduction would result in either of the following:

(1) Damage to the record.

(2) Unauthorized access to the agency's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the agency's electronic records.

(c) The agency may impose any reasonable limits on the use of the requester's equipment that are necessary to protect the safety of the records or to prevent the copying of records from being an unreasonable burden to the orderly function of the agency and its employees. In addition, the agency may impose any limit that is necessary to maintain the integrity of, or ensure the long-term preservation of, historic or high-value records.

7922.535. (a) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. If the agency determines that the request seeks disclosable public records, the agency shall also state the estimated date and time when the records will be made available.

(b) In unusual circumstances, the time limit prescribed in this article and Article 1 (commencing with Section 7922.500) may be extended by written notice from the head of the agency or a designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days.

(c) As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(5) The need to search for, collect, and appropriately examine records during a state of emergency proclaimed by the Governor in the jurisdiction where the agency is located when the state of emergency currently affects, due to the state of emergency, the agency's ability to timely respond to requests due to staffing shortages or closure of facilities where the requested records are located.

(A) This paragraph shall not apply to a request for records created during and related to the state of emergency proclaimed by the Governor.

(B) For purposes of this paragraph, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2).

7922.540. (a) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.

(b) The notification of denial shall set forth the names and titles or positions of each person responsible for the denial.

(c) An agency shall justify withholding any record by complying with Section 7922.000.

7922.545. (a) In addition to maintaining public records for public inspection during its office hours, a public agency may comply with Section 7922.525 by posting any public record on its internet website and, in response to a request for a public record posted on the internet website, directing a member of the public to the location on the internet website where the public record is posted.

(b) However, if after the public agency directs a member of the public to the internet website, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the internet website, the public agency shall promptly provide a copy of the public record pursuant to subdivision (a) of Section 7922.530.

Article 3. Information in Electronic Format

7922.570. (a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this division that is in an electronic format shall make that information available in an electronic format when requested by any person.

(b) When applicable, the agency shall do the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) The agency shall provide a copy of an electronic record in the format requested if the requested format is one that the agency has used to create copies for its own use or for provision to other agencies.

(c) If a request is for information in other than electronic format, and the information also is in electronic format, an agency may inform the requester that the information is available in electronic format.

7922.575. (a) The cost of duplication of an electronic record pursuant to paragraph (2) of subdivision (b) of Section 7922.570 shall be limited to the direct cost of producing a copy of a record in an electronic format.

(b) Notwithstanding subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

(1) In order to comply with subdivisions (a) and (b) of Section 7922.570, the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

(2) The request would require data compilation, extraction, or programming to produce the record.

7922.580. (a) Nothing in Section 7922.570 or 7922.575 shall be construed to require a public agency to reconstruct a record in an electronic format if the agency no longer has the record available in an electronic format.

(b) Nothing in Section 7922.570 or 7922.575 shall be construed to permit an agency to make information available only in an electronic format.

(c) Nothing in Section 7922.570 or 7922.575 shall be construed to require a public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

(d) Nothing in Section 7922.570 or 7922.575 shall be construed to permit public access to records held by any agency to which access is otherwise restricted by statute.

7922.585. (a) As used in this section, "computer software" includes computer mapping systems, computer programs, and computer graphics systems.

(b) Computer software developed by a state or local agency is not itself a public record under this division. The agency may sell, lease, or license the software for commercial or noncommercial use.

(c) This section shall not be construed to create an implied warranty on the part of the State of California or any local agency for errors, omissions, or other defects in any computer software as provided pursuant to this section.

(d) Nothing in this section is intended to affect the public record status of information merely because it is stored in a computer. Public records stored in a computer shall be disclosed as required by this division.

(e) Nothing in this section is intended to limit any copyright protections.

Article 4. Duty to Assist in Formulating Request

7922.600. (a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably

describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2) Describe the information technology and physical location in which the records exist.

(3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

(b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

(c) The requirements of subdivision (a) are in addition to any action required of a public agency by Article 1 (commencing with Section 7922.500) or Article 2 (commencing with Section 7922.525).

7922.605. This article shall not apply to a request for public records if any of the following applies:

(a) The public agency makes the requested records available pursuant to Article 1 (commencing with Section 7922.500) and Article 2 (commencing with Section 7922.525).

(b) The public agency makes an index of its records available.

(c) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 7920.505.

CHAPTER 2. Agency Regulations, Guidelines, Systems, and Similar Matters

Article 1. Agency Regulations and Guidelines

7922.630. Every agency may adopt regulations in accordance with this article stating the procedures to be followed when making its records available.

7922.635. (a) The following state and local bodies shall establish written guidelines for accessibility of records:

(1) All regional water quality control boards.

(2) Bay Area Air Pollution Control District.

(3) California Coastal Commission.

(4) Department of Business Oversight.

(5) Department of Consumer Affairs.

(6) Department of Corrections and Rehabilitation.

(7) Department of General Services.

(8) Department of Industrial Relations.

(9) Department of Insurance.

(10) Department of Justice.

(11) Department of Managed Health Care.

(12) Department of Motor Vehicles.

(13) Department of Parks and Recreation.

(14) Department of Real Estate.

(15) Department of Toxic Substances Control.

(16) Department of Veterans Affairs.

(17) Department of Water Resources.

(18) Division of Juvenile Justice.

(19) Employment Development Department.

(20) Golden Gate Bridge, Highway and Transportation District.

(21) Los Angeles County Air Pollution Control District.

(22) Office of Environmental Health Hazard Assessment.

(23) Public Employees' Retirement System.

(24) Public Utilities Commission.

(25) San Francisco Bay Area Rapid Transit District.

(26) San Francisco Bay Conservation and Development Commission.

(27) Secretary of State.

(28) State Air Resources Board.

(29) State Board of Equalization.

(30) State Department of Developmental Services.

(31) State Department of Health Care Services.

(32) State Department of Public Health.

(33) State Department of Social Services.

(34) State Department of State Hospitals.

(35) State Water Resources Control Board.

(36) Teachers' Retirement Board.

(37) Transportation Agency.

(b) A copy of these guidelines shall be posted in a conspicuous public place at the offices of these bodies, and a copy of the guidelines shall be available upon request, free of charge, to any person requesting that body's records.

7922.640. (a) Guidelines and regulations adopted pursuant to this article shall be consistent with all other sections of this division and shall reflect the intention of the Legislature to make the records accessible to the public.

(b) Guidelines and regulations adopted pursuant to this article shall not operate to limit the hours public records are open for inspection as prescribed in Article 1 (commencing with Section 7922.500) and Article 2 (commencing with Section 7922.525).

Article 2. Internet Resources

7922.680. If a local agency, except a school district, maintains an internet resource, including, but not limited to, an internet website, internet web page, or internet web portal, which the local agency describes or titles as "open data," and the local agency voluntarily posts a public record on that internet resource, the local agency shall post the public record in an open format that meets all of the following requirements:

(a) Retrievable, downloadable, indexable, and electronically searchable by commonly used internet search applications.

(b) Platform independent and machine readable.

(c) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the public record.

(d) Retains the data definitions and structure present when the data was compiled, if applicable.

Article 3. Catalog of Enterprise Systems

7922.700. For purposes of this article:

(a) "Enterprise system" means a software application or computer system that satisfies all of the following conditions:

(1) It collects, stores, exchanges, and analyzes information that the agency uses.

(2) It is a multidepartmental system or a system that contains information collected about the public.

(3) It is a system of record.

(b) An "enterprise system" does not include any of the following:

(1) Information technology security systems, including firewalls and other cybersecurity systems.

(2) Physical access control systems, employee identification management systems, video monitoring, and other physical control systems.

(3) Infrastructure and mechanical control systems, including those that control or manage street lights, electrical, natural gas, or water or sewer functions.

(4) Systems related to 911 dispatch and operation or emergency services.

(5) Systems that would be restricted from disclosure pursuant to Section 7929.210.

(6) The specific records that the information technology system collects, stores, exchanges, or analyzes.

7922.705. For purposes of this article, "system of record" means a system that serves as an original source of data within an agency.

7922.710. (a) In implementing this division, each local agency, except a local educational agency, shall create a catalog of enterprise systems.

(b) The local agency shall complete and post the catalog as required by this article by July 1, 2016, and thereafter shall update the catalog annually.

7922.715. (a) The catalog of enterprise systems required by Section 7922.710 shall be made publicly available upon request in the office of the person or officer designated by the agency's legislative body.

(b) If the agency has an internet website, the catalog shall be posted in a prominent location on the agency's internet website.

7922.720. (a) The catalog of enterprise systems required by Section 7922.710 shall disclose a list of the enterprise systems utilized by the agency.

(b) For each system, the catalog shall also disclose all of the following:

(1) Current system vendor.

(2) Current system product.

(3) A brief statement of the system's purpose.

(4) A general description of categories or types of data.

(5) The department that serves as the system's primary custodian.

(6) How frequently system data is collected.

(7) How frequently system data is updated.

(c) If, on the facts of the particular case, the public interest served by not disclosing the information described in paragraph (1) or (2) of subdivision (b) clearly outweighs the public interest served by disclosure of the record, the local agency may instead provide a system name, brief title, or identifier of the system.

7922.725. (a) This article shall not be interpreted to limit a person's right to inspect public records pursuant to this division.

(b) Nothing in this article shall be construed to permit public access to records held by an agency to which access is otherwise restricted by statute or to alter the process for requesting a public record, as set forth in this division.

PART 4. ENFORCEMENT

CHAPTER 1. General Principles

7923.000. Any person may institute a proceeding for injunctive or declarative relief, or for a writ of mandate, in any court of competent jurisdiction, to enforce

that person's right under this division to inspect or receive a copy of any public record or class of public records.

7923.005. In a proceeding under Section 7923.000, the court shall set the times for hearings and responsive pleadings with the object of securing a decision as to the matters at issue at the earliest possible time.

CHAPTER 2. Enforcement Procedure

Article 1. Petition to Superior Court

7923.100. Whenever it is made to appear, by verified petition to the superior court of the county where the records or some part thereof are situated, that certain public records are being improperly withheld from a member of the public, the court shall order the officer or other person charged with withholding the records to disclose those records or show cause why that person should not do so.

7923.105. The court shall decide the case after the court does all of the following:

(a) Examine the record in camera, if permitted by subdivision (b) of Section 915 of the Evidence Code.

(b) Examine any papers filed by the parties.

(c) Consider any oral argument and additional evidence as the court may allow.

7923.110. (a) If the court finds that the public official's decision to refuse disclosure is not justified under Section 7922.000 or any provision listed in Section 7920.505, the court shall order the public official to make the record public.

(b) If the court finds that the public official was justified in refusing to make the record public, the court shall return the record to the public official without disclosing its content, together with an order supporting the decision refusing disclosure.

7923.115. (a) If the requester prevails in litigation filed pursuant to this chapter, the court shall award court costs and reasonable attorney's fees to the requester. The costs and fees shall be paid by the public agency and shall not become a personal liability of the public official involved.

(b) If the court finds that a requester's case pursuant to this chapter is clearly frivolous, the court shall award court costs and reasonable attorneys' fees to the public agency.

(c) This article does not limit a requester's right to obtain fees and costs pursuant to this section or any other law.

Article 2. Writ Review and Contempt

7923.500. (a) An order of the court, either directing disclosure by a public official or supporting the decision of the public official refusing disclosure, is not a final judgment or order within the meaning of Section 904.1 of the Code of Civil Procedure from which an appeal may be taken, but shall be immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ.

(b) Upon entry of any order pursuant to this chapter, a party shall, in order to obtain review of the order, file a petition within 20 days after service upon the party of a written notice of entry of the order, or within a further time, not exceeding an additional 20 days, as the trial court may for good cause allow.

(c) If the notice is served by mail, the period within which to file the petition shall be increased by five days.

(d) A stay of an order or judgment shall not be granted unless the petitioning party demonstrates that the party will otherwise sustain irreparable damage and probable success on the merits.

(e) Any person who fails to obey the order of the court shall be cited to show cause why that person is not in contempt of court.

PART 5. SPECIFIC TYPES OF PUBLIC RECORDS

CHAPTER 1. Crimes, Weapons, and Law Enforcement

Article 1. Law Enforcement Records Generally

7923.600. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.

(b) A customer list that an alarm or security company provides to a state or local police agency at the agency's request is a record subject to this article.

7923.605. (a) Notwithstanding Section 7923.600, a state or local law enforcement agency shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams,

statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger either of the following:

(1) The safety of a witness or other person involved in the investigation.

(2) The successful completion of the investigation or a related investigation.

(b) However, this article does not require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer.

7923.610. Notwithstanding any other provision of this article, a state or local law enforcement agency shall make public all of the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:

(a) The full name and occupation of every individual arrested by the agency.

(b) The individual's physical description including date of birth, color of eyes and hair, sex, height, and weight.

(c) The time and date of arrest.

(d) The time and date of booking.

(e) The location of the arrest.

(f) The factual circumstances surrounding the arrest.

(g) The amount of bail set.

(h) The time and manner of release or the location where the individual is currently being held.

(i) All charges the individual is being held upon, including any outstanding warrants from other jurisdictions, parole holds, and probation holds.

7923.615. (a) (1) Notwithstanding any other provision of this article, a state or local law enforcement agency shall make public the information described in paragraph (2), except to the extent that disclosure of a particular item of

information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation.

(2) Subject to the restrictions imposed by Section 841.5 of the Penal Code, paragraph (1) applies to the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded:

(A) The time, date, and location of occurrence.

(B) The time and date of the report.

(C) The name and age of the victim.

(D) The factual circumstances surrounding the crime or incident.

(E) A general description of any injuries, property, or weapons involved.

(b) (1) The name of a victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 287, 288, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of, or former Section 288a of, the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor.

(2) When a person is the victim of more than one crime, information disclosing that the person is a victim of a crime defined in any of the sections of the Penal Code set forth in this article may be deleted at the request of the victim, or the victim's parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this section.

(c) (1) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the names and images of a victim of human trafficking, as defined in Section 236.1 of the Penal Code, and of that victim's immediate family, other than a family member who is charged with a criminal offense arising from the same incident, may be withheld at the victim's request until the investigation or any subsequent prosecution is complete.

(2) For purposes of this article, "immediate family" has the same meaning as that provided in paragraph (3) of subdivision (b) of Section 422.4 of the Penal Code.

7923.620. (a) Notwithstanding any other provision of this article, if the requester declares under penalty of perjury that the request is made for a scholarly,

journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator as described in Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code, a state or local law enforcement agency shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:

(1) Subject to the restrictions of Section 841.5 of the Penal Code and this article, the current address of every individual arrested by the agency.

(2) Subject to the restrictions of Section 841.5 of the Penal Code and this article, the current address of the victim of a crime. However, the address of the victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 287, 288, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of, or former Section 288a of, the Penal Code shall remain confidential.

(b) Address information obtained pursuant to this section shall not be used directly or indirectly, or furnished to another, to sell a product or service to any individual or group of individuals, and the requester shall execute a declaration to that effect under penalty of perjury.

(c) This section shall not be construed to prohibit or limit a scholarly, journalistic, political, or government use of address information obtained pursuant to this section.

7923.625. Notwithstanding any other provision of this article, commencing July 1, 2019, a video or audio recording that relates to a critical incident, as defined in subdivision (e), may be withheld only as follows:

(a) (1) During an active criminal or administrative investigation, disclosure of a recording related to a critical incident may be delayed for no longer than 45 calendar days after the date the agency knew or reasonably should have known about the incident, if, based on the facts and circumstances depicted in the recording, disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. If an agency delays disclosure pursuant to this section, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation and the estimated date for disclosure.

(2) After 45 days from the date the agency knew or reasonably should have known about the incident, and up to one year from that date, the agency may

continue to delay disclosure of a recording if the agency demonstrates that disclosure would substantially interfere with the investigation. After one year from the date the agency knew or reasonably should have known about the incident, the agency may continue to delay disclosure of a recording only if the agency demonstrates by clear and convincing evidence that disclosure would substantially interfere with the investigation. If an agency delays disclosure pursuant to this paragraph, the agency shall promptly provide in writing to the requester the specific basis for the agency's determination that the interest in preventing interference with an active investigation outweighs the public interest in disclosure and provide the estimated date for the disclosure. The agency shall reassess withholding and notify the requester every 30 days. A recording withheld by the agency shall be disclosed promptly when the specific basis for withholding is resolved.

(b) (1) If the agency demonstrates, on the facts of the particular case, that the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording, the agency shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served by withholding the recording and may use redaction technology, including blurring or distorting images or audio, to obscure those specific portions of the recording that protect that interest. However, the redaction shall not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording and the recording shall not otherwise be edited or altered.

(2) Except as provided in paragraph (3), if the agency demonstrates that the reasonable expectation of privacy of a subject depicted in the recording cannot adequately be protected through redaction as described in paragraph (1) and that interest outweighs the public interest in disclosure, the agency may withhold the recording from the public, except that the recording, either redacted as provided in paragraph (1) or unredacted, shall be disclosed promptly, upon request, to any of the following:

(A) The subject of the recording whose privacy is to be protected, or the subject's authorized representative.

(B) If the subject is a minor, the parent or legal guardian of the subject whose privacy is to be protected.

(C) If the subject whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased subject whose privacy is to be protected.

(3) If disclosure pursuant to paragraph (2) would substantially interfere with an active criminal or administrative investigation, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation, and provide the estimated date for the disclosure of the video or audio recording. Thereafter, the recording may be withheld by the agency for 45 calendar days, subject to extensions as set forth in paragraph (2) of subdivision (a).

(c) An agency may provide greater public access to video or audio recordings than the minimum standards set forth in this section.

(d) For purposes of this section, a peace officer does not include any peace officer employed by the Department of Corrections and Rehabilitation.

(e) For purposes of this section, a video or audio recording relates to a critical incident if it depicts any of the following incidents:

(1) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.

(2) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death or in great bodily injury.

(f) This section does not alter, limit, or negate any other rights, remedies, or obligations with respect to public records regarding an incident other than a critical incident as described in subdivision (e).

7923.630. (a) Immediately before the CPRA Recodification Act of 2021, the other provisions in this article comprised a single subdivision of former Section 6254 (subdivision (f) of Section 29 of Chapter 385 of the Statutes of 2019).

(b) Dividing the substance of those provisions into multiple code sections was not intended to affect the construction of those provisions or their relation to each other.

Article 2. Obtaining Access to Law Enforcement Records

7923.650. The exemption of records of complaints to, or investigations conducted by, any state or local agency for licensing purposes under Article 1 (commencing with Section 7923.600) shall not apply when a district attorney requests inspection of those records.

7923.655. (a) A state or local law enforcement agency shall not require a victim of an incident, or an authorized representative of a victim, to show proof of the victim's legal presence in the United States in order to obtain the information

required to be disclosed by that law enforcement agency pursuant to Article 1 (commencing with Section 7923.600).

(b) If, for identification purposes, a state or local law enforcement agency requires a victim of an incident, or an authorized representative of a victim, to provide identification in order to obtain information required to be disclosed by that law enforcement agency pursuant to Article 1 (commencing with Section 7923.600), the agency shall at a minimum accept any of the following:

(1) A current driver's license or identification card issued by any state in the United States.

(2) A current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship.

(3) A current Matricula Consular card.

Article 3. Records of Emergency Communications to Public Safety Authorities

7923.700. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of a record obtained pursuant to paragraph (2) of subdivision (f) of Section 2891.1 of the Public Utilities Code.

Article 4. Records Specifically Relating to Crime Victims

7923.750. (a) This division does not require disclosure of a video or audio recording that was created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident depicted in the recording. An agency shall justify withholding that type of video or audio recording by demonstrating, pursuant to Section 7922.000 and subdivision (a) of Section 7922.540, that on the facts of the particular case, the public interest served by not disclosing the recording clearly outweighs the public interest served by disclosure of the recording.

(b) When balancing the public interests as required by this section, an agency shall consider both of the following:

(1) The constitutional right to privacy of the person or persons depicted in the recording.

(2) Whether the potential harm to the victim caused by disclosing the recording may be mitigated by redacting the recording to obscure images showing intimate body parts and personally identifying characteristics of the victim or by distorting portions of the recording containing the victim's voice, provided that the redaction does not prevent a viewer from being able to fully and accurately

perceive the events captured on the recording. The recording shall not otherwise be edited or altered.

(c) A victim of a crime described in subdivision (a) who is a subject of a recording, the parent or legal guardian of a minor subject, a deceased subject's next of kin, or a subject's legally authorized designee, shall be permitted to inspect the recording and to obtain a copy of the recording. Disclosure under this subdivision does not require that the record be made available to the public pursuant to Section 7921.505.

(d) Nothing in this section shall be construed to affect any other exemption provided by this division.

7923.755. (a) This division does not require disclosure of a record of the California Victim Compensation Board that relates to a request for assistance under Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of Title 2.

(b) This section shall not apply to a disclosure of the following information, if no information is disclosed that connects the information to a specific victim, derivative victim, or applicant under Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of Title 2:

(1) The amount of money paid to a specific provider of services.

(2) Summary data concerning the types of crimes for which assistance is provided.

Article 5. Firearm Licenses and Related Records

7923.800. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of any of the following information contained in an application for a license to carry a firearm, issued by the sheriff of a county or the chief or other head of a municipal police department pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code:

(a) Information that indicates when or where the applicant is vulnerable to attack.

(b) Information that concerns the applicant's medical or psychological history, or that of members of the applicant's family.

7923.805. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of the home address or telephone number of any of the following individuals, as set forth in an application for a license to carry a firearm, or in a license to carry a firearm, issued by the sheriff of a county

or the chief or other head of a municipal police department, pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code:

(a) A prosecutor.

(b) A public defender.

(c) A peace officer.

(d) A judge.

(e) A court commissioner.

(f) A magistrate.

CHAPTER 2. Election Materials and Petitions

Article 1. Voter Information

7924.000. (a) Except as provided in Section 2194 of the Elections Code, both of the following are confidential and shall not be disclosed to any person:

(1) The home address, telephone number, email address, precinct number, or other number specified by the Secretary of State for voter registration purposes.

(2) Prior registration information shown on an affidavit of registration.

(b) The California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on an affidavit of registration, or added to the voter registration records to comply with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), are confidential and shall not be disclosed to any person.

(c) The signature of the voter that is shown on an affidavit of registration is confidential and shall not be disclosed to any person.

(d) For purposes of this section, "home address" means street address only, and does not include an individual's city or post office address.

7924.005. (a) Notwithstanding Sections 7920.510, 7920.515, 7920.520, 7920.530, 7920.540, 7920.545, 7922.545, subdivision (a) of Section 7920.525, subdivision (b) of Section 7922.540, and Sections 7922.500 to 7922.535, inclusive, information compiled by a public officer or public employee that reveals the identity of a person who has requested a bilingual ballot or ballot pamphlet, in accordance with any federal or state law, or other data that would reveal the identity of the

requester, is not a public record and shall not be provided to any person other than a public officer or public employee who is responsible for receiving the request and processing it.

(b) Subdivision (a) does not prohibit a person, otherwise authorized by law, from examining election materials, including, but not limited to, an affidavit of registration, provided that a request for a bilingual ballot or ballot pamphlet is subject to the restrictions in subdivision (a).

Article 2. Initiative, Referendum, Recall, and Other Petitions and Related Materials

7924.100. As used in this article, "petition" means any petition to which a registered voter has affixed the voter's own signature.

7924.105. As used in this article, "proponent of the petition" means the following:

(a) For a statewide initiative or referendum measure, the person who submits a draft of a petition proposing the measure to the Attorney General with a request that the Attorney General prepare a title and summary of the chief purpose and points of the proposed measure.

(b) For other initiative and referendum measures, the person who publishes a notice of intention to circulate a petition, or, where publication is not required, who files the petition with an elections official.

(c) For a recall measure, the person defined in Section 343 of the Elections Code.

(d) For a petition circulated pursuant to Section 5091 of the Education Code, the person having charge of the petition who submits the petition to the county superintendent of schools.

(e) For a petition circulated pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of Division 3 of Title 2 of the Education Code, the person designated as chief petitioner under Section 35701 of the Education Code.

(f) For a petition circulated pursuant to Part 46 (commencing with Section 74000) of Division 7 of Title 3 of the Education Code, the person designated as chief petitioner under Section 74102, 74133, or 74152 of the Education Code.

7924.110. (a) Notwithstanding Sections 7920.510, 7920.515, 7920.520, 7920.530, 7920.540, 7920.545, 7922.545, subdivision (a) of Section 7920.525, subdivision (b) of Section 7922.540, and Sections 7922.500 to 7922.535, inclusive, the following are not public records:

(1) A statewide, county, city, or district initiative, referendum, or recall petition.

(2) A petition circulated pursuant to Section 5091 of the Education Code.

(3) A petition for reorganization of school districts submitted pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of Division 3 of Title 2 of the Education Code.

(4) A petition for reorganization of community college districts submitted pursuant to Part 46 (commencing with Section 74000) of Division 7 of Title 3 of the Education Code.

(5) A memorandum prepared by a county elections official in the examination of a petition, indicating which registered voters signed that particular petition.

(b) The materials described in subdivision (a) shall not be open to inspection except by the following persons:

(1) A public officer or public employee who has the duty of receiving, examining, or preserving the petition, or who is responsible for preparation of the memorandum.

(2) If a petition is found to be insufficient, by the proponent of the petition and a representative of the proponent as may be designated by the proponent in writing, in order to determine which signatures were disqualified and the reasons therefor.

(c) Notwithstanding subdivisions (a) and (b), the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a city attorney, a school district attorney, and a community college district attorney shall be permitted to examine the materials described in subdivision (a) upon approval of the appropriate superior court.

(d) If the proponent of a petition is permitted to examine a petition and a memorandum pursuant to subdivision (b), the examination shall commence not later than 21 days after certification of insufficiency, and the county elections official shall retain the documents as prescribed in Section 17200 of the Elections Code.

CHAPTER 3. Environmental Protection, Building Standards, and Safety Requirements

Article 1. Pesticide Safety and Efficacy Information Disclosable Under the Federal Insecticide, Fungicide, and Rodenticide Act

7924.300. If both of the following conditions are satisfied, nothing in this division exempts from public disclosure the same categories of pesticide safety and

efficacy information that are disclosable under Section 10(d)(1) of the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136h(d)(1)):

(a) The individual requesting the information is not an officer, employee, or agent specified in subdivision (a) of Section 7924.310.

(b) The individual signs the affirmation specified in subdivision (b) of Section 7924.310.

7924.305. (a) The Director of Pesticide Regulation, upon the director's initiative, or upon receipt of a request pursuant to this division for the release of data submitted and designated as a trade secret by a registrant or applicant, shall determine whether any or all of the data so submitted is a properly designated trade secret. In order to assure that the interested public has an opportunity to obtain and review pesticide safety and efficacy data and to comment before the expiration of the public comment period on a proposed pesticide registration, the director shall provide notice to interested persons when an application for registration enters the registration evaluation process.

(b) If the director determines that the data is not a trade secret, the director shall notify the registrant or applicant by certified mail.

(c) The registrant or applicant shall have 30 days after receipt of this notification to provide the director with a complete justification and statement of the grounds on which the trade secret privilege is claimed. This justification and statement shall be submitted by certified mail.

(d) The director shall determine whether the data is protected as a trade secret within 15 days after receipt of the justification and statement or, if no justification and statement is filed, within 45 days of the original notice. The director shall notify the registrant or applicant and any party who has requested the data pursuant to this division of that determination by certified mail. If the director determines that the data is not protected as a trade secret, the final notice shall also specify a date, not sooner than 15 days after the date of mailing of the final notice, when the data shall be available to any person requesting information pursuant to Section 7924.300.

(e) This article does not prohibit any person from maintaining a civil action for wrongful disclosure of a trade secret.

(f) "Trade secret" means data that is nondisclosable under Section 10(d)(1) of the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136h(d)(1)).

7924.310. (a) Unless the applicant or registrant consents to disclosure of information that the applicant or registrant submits to the state pursuant to Article

4 (commencing with Section 12811) of Chapter 2 of Division 7 of the Food and Agricultural Code, the Director of Pesticide Regulation shall not knowingly disclose any of that information to any of the following:

(1) An officer, employee, or agent of any business or other entity engaged in the production, sale, or distribution of pesticides in a country other than the United States, or in a country in addition to the United States.

(2) Any other person who intends to deliver this information to any foreign or multinational business or entity.

(b) To implement this section, the director shall require a person requesting information described in subdivision (a) to sign the following affirmation:

AFFIRMATION OF STATUS

This affirmation is required by Article 1 (commencing with Section 7924.300) of Chapter 3 of Part 5 of Division 10 of Title 1 of the Government Code.

I have requested access to information submitted to the Department of Pesticide Regulation (or previously submitted to the Department of Food and Agriculture) by a pesticide applicant or registrant pursuant to the California Food and Agricultural Code. I hereby affirm all of the following statements:

(1) I do not seek access to the information for purposes of delivering it or offering it for sale to any business or other entity, including the business or entity of which I am an officer, employee, or agent, engaged in the production, sale, or distribution of pesticides in a country other than the United States or in a country in addition to the United States, or to an officer, employee, or agent of such a business or entity.

(2) I will not purposefully deliver or negligently cause the data to be delivered to a business or entity specified in paragraph (1) or its officers, employees, or agents.

I am aware that I may be subject to criminal penalties under Section 118 of the Penal Code if I make any statement of material facts knowing that the statement is false or if I willfully conceal any material fact.

Name of Requester

Name of Requester's Organization

Signature of Requester

Address of Requester

Date

Request No.

Telephone Number of Requester

Name, Address, and Telephone Number of Requester's Client, if the requester has requested access to the information on behalf of someone other than the requester or the requester's organization listed above.

(c) Section 118 of the Penal Code applies to any affirmation made pursuant to this article.

7924.315. Notwithstanding any other provision of this article, if the Director of Pesticide Regulation determines that information submitted by an applicant or registrant is needed to determine whether a pesticide, or any ingredient of any pesticide, causes unreasonable adverse effects on health or the environment, the director may disclose that information to any person in connection with a public proceeding conducted under law or regulation.

7924.320. The Director of Pesticide Regulation shall maintain records of the names of persons to whom data is disclosed pursuant to this article and the persons or organizations they represent and shall inform the applicant or registrant of the names and the affiliation of these persons.

7924.325. The Director of Pesticide Regulation may limit an individual to one request per month pursuant to this article if the director determines that a person has made a frivolous request within the past 12-month period.

7924.330. (a) Any officer or employee of the state, or former officer or employee of the state, who, because of this employment or official position, obtains possession of, or has access to, material which is prohibited from disclosure by this article, and who, knowing that disclosure of this material is prohibited by this article, willfully discloses the material in any manner to any person not entitled to receive it, shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000), or by imprisonment in the county jail for not more than one year, or by both fine and imprisonment.

(b) For purposes of this section, any contractor with the state who is furnished information pursuant to this article, or any employee of any contractor, shall be considered an employee of the state.

7924.335. This article shall be operative only so long as, and to the extent that, enforcement of Section 10(d)(1) of the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136h(d)(1)) has not been enjoined by federal court

order. If a final and unappealable federal court judgment or decision holds that paragraph invalid, this article shall become inoperative, to the extent of the invalidity.

Article 2. Pollution

7924.500. Nothing in this division requires the disclosure of records that relate to volatile organic compound or chemical substance information received or compiled by an air pollution control officer pursuant to Section 42303.2 of the Health and Safety Code.

7924.505. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of financial data contained in an application for financing under Division 27 (commencing with Section 44500) of the Health and Safety Code, if an authorized officer of the California Pollution Control Financing Authority determines that disclosure of the financial data would be competitively injurious to the applicant and the data is required in order to obtain a guarantee from the United States Small Business Administration.

(b) The California Pollution Control Financing Authority shall adopt rules for review of individual requests for confidentiality under this section and for making available to the public those portions of an application that are subject to disclosure under this division.

7924.510. (a) Any information, analysis, plan, or specification that discloses the nature, extent, quantity, or degree of an air contaminant or other pollution that any article, machine, equipment, or other contrivance will produce, which any air pollution control district or air quality management district, or any other state or local agency or district, requires any applicant to provide before the applicant builds, erects, alters, replaces, operates, sells, rents, or uses the article, machine, equipment, or other contrivance, is a public record.

(b) All air or other pollution monitoring data, including data compiled from a stationary source, are public records.

(c) Except as otherwise provided in subdivision (d) and Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3 of the Education Code, a trade secret is not a public record under this section or Section 7924.700.

(d) Notwithstanding any other provision of law, all air pollution emission data, including those emission data that constitute trade secrets as defined in subdivision (f), are public records. Data used to calculate emission data are not emission data for the purposes of this subdivision and data that constitute trade secrets and that are used to calculate emission data are not public records.

(e) Data used to calculate the costs of obtaining emissions offsets are not public records. At the time that an air pollution control district or air quality management district issues a permit to construct to an applicant who is required to obtain offsets pursuant to district rules and regulations, data obtained from the applicant consisting of the year the offset transaction occurred, the amount of offsets purchased, by pollutant, and the total cost, by pollutant, of the offsets purchased is a public record. If an application is denied, the data shall not be a public record.

(f) As used in this section, "trade secret" may include, but is not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that satisfies all of the following requirements:

(1) It is not patented.

(2) It is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value.

(3) It gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

Article 3. Building Standards and Safety Requirements

7924.700. (a) A record of a notice or an order that is directed to the owner of any building and relates to violation of a housing or building code, ordinance, statute, or regulation that constitutes a violation of a standard provided in Section 1941.1 of the Civil Code is a public record.

(b) A record of subsequent action with respect to a notice or order described in subdivision (a) is a public record.

Article 4. Enforcement Orders

7924.900. (a) Every final enforcement order issued by an agency listed in subdivision (b) under any provision of law that is administered by an entity listed in subdivision (b), shall be displayed on the entity's internet website, if the final enforcement order is a public record that is not exempt from disclosure pursuant to this division.

(b) This section applies to the California Environmental Protection Agency and to all of the following entities within the agency:

(1) The State Air Resources Board.

(2) The California Integrated Waste Management Board.

(3) The State Water Resources Control Board, and each California regional water quality control board.

(4) The Department of Pesticide Regulation.

(5) The Department of Toxic Substances Control.

(c) (1) Except as provided in paragraph (2), for purposes of this section, an enforcement order is final when the time for judicial review has expired on or after January 1, 2001, or when all means of judicial review have been exhausted on or after January 1, 2001.

(2) In addition to the requirements of paragraph (1), with regard to a final enforcement order issued by the State Water Resources Control Board or a California regional water quality control board, this section shall apply only to a final enforcement order adopted by that entity at a public meeting.

(d) An order posted pursuant to this section shall be posted for not less than one year.

(e) The California Environmental Protection Agency shall oversee the implementation of this section.

CHAPTER 4. Financial Records and Tax Records

7925.000. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of information required from any taxpayer in connection with the collection of local taxes if that information is received in confidence and disclosure of it to other persons would result in unfair competitive disadvantage to the person supplying the information.

7925.005. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of a statement of personal worth or personal financial data required by a licensing agency and filed by an applicant with the licensing agency to establish the applicant's personal qualification for the license, certificate, or permit requested.

7925.010. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of any of the following records:

(a) Financial data contained in an application for registration, or registration renewal, as a service contractor, which is filed with the Director of Consumer Affairs pursuant to Chapter 20 (commencing with Section 9800) of Division 3 of

the Business and Professions Code, for the purpose of establishing the service contractor's net worth.

(b) Financial data regarding the funded accounts held in escrow for service contracts held in force in this state by a service contractor.

7925.015. This division does not require the disclosure of records that the Controller and third-party auditors obtain the possession of as a result of an examination of records pursuant to Section 1571 of the Code of Civil Procedure, other than records of property that should have been reported to the Controller as unclaimed property.

CHAPTER 5. Health Care

Article 1. Accreditation

7926.000. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of a final accreditation report of the Joint Commission on Accreditation of Hospitals that has been transmitted to the State Department of Public Health pursuant to subdivision (b) of Section 1282 of the Health and Safety Code.

Article 2. Advance Health Care Directive and Related Matters

7926.100. (a) Except as provided in subdivision (b) and in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of any information that a person provides to the Secretary of State for the purpose of registration in the Advance Health Care Directive Registry.

(b) The information described in subdivision (a) shall be released at the request of a health care provider, a public guardian, or the registrant's legal representative.

Article 3. Contracts and Negotiations

7926.200. The provisions listed in Section 7920.505 do not prevent any health facility from disclosing to a certified bargaining agent relevant financing information pursuant to Section 8 of the National Labor Relations Act (29 U.S.C. Sec. 158).

7926.205. (a) Nothing in this division or any other provision of law requires disclosure of records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to

provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulae or calculations for these payments, and contract negotiations with providers of health care for alternative rates for a period of three years after the contract is fully executed.

(b) Transmission of the records described in subdivision (a), or the information contained therein in an alternative form, to the board of supervisors is not a waiver of exemption from disclosure. The records and information once transmitted to the board of supervisors remain subject to the exemption described in subdivision (a).

(c) (1) This section does not prevent the Joint Legislative Audit Committee from accessing any records in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2.

(2) This section does not prevent the Department of Managed Health Care from accessing any records in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

7926.210. (a) Except as provided in subdivision (b) or in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of any records of a local hospital district, formed pursuant to Division 23 (commencing with Section 32000) of the Health and Safety Code, or a municipal hospital, formed pursuant to Article 7 (commencing with Section 37600) or Article 8 (commencing with Section 37650) of Chapter 5 of Part 2 of Division 3 of Title 4, that relate to a contract with an insurer or a nonprofit hospital service plan for inpatient or outpatient services for alternative rates pursuant to Section 10133 of the Insurance Code.

(b) A record described in subdivision (a) shall be open to inspection within one year after the contract is fully executed.

7926.215. (a) Except as provided in Sections 7924.510, 7924.700, and the provisions listed in Section 7920.505, this division does not require disclosure of records of the Department of Corrections and Rehabilitation that relate to health care services contract negotiations, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations, including, but not limited to, records related to those negotiations, such as meeting minutes, research, work product, theories, or strategy of the department, or its staff, or members of the California Medical Assistance Commission, or its staff, who act in consultation with, or on behalf of, the department.

(b) (1) Except for the portion that contains the rates of payment, a contract for health services entered into by the Department of Corrections and Rehabilitation

or the California Medical Assistance Commission on or after July 1, 1993, shall be open to inspection one year after it is fully executed.

(2) If a contract for health services was entered into before July 1, 1993, and amended on or after July 1, 1993, the amendment, except for any portion containing rates of payment, shall be open to inspection one year after it is fully executed.

(c) Three years after a contract or amendment is open to inspection under this section, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(d) (1) Notwithstanding any other provision of law, including, but not limited to, Section 1060 of the Evidence Code, the entire contract or amendment shall be open to inspection by the California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office.

(2) The California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office shall maintain the confidentiality of each contract or amendment until the contract or amendment is fully open to inspection by the public.

(e) It is the intent of the Legislature that the confidentiality of health care provider contracts, and of the contracting process as provided in this section, shall protect the competitive nature of the negotiation process, and shall not affect public access to other information relating to the delivery of health care services.

7926.220. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of a state agency related to activities governed by Article 2.6 (commencing with Section 14081), Article 2.8 (commencing with Section 14087.5), or Article 2.91 (commencing with Section 14089) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, that reveal the special negotiator's deliberative processes, discussions, communications, or any other portion of the negotiations with providers of health care services, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy, or that provide instruction, advice, or training to employees.

(b) (1) Except for the portion containing the rates of payment, a contract for inpatient services entered into pursuant to one of these articles, on or after April 1, 1984, shall be open to inspection one year after it is fully executed.

(2) If a contract for inpatient services was entered into before April 1, 1984, and amended on or after April 1, 1984, the amendment, except for any portion

containing the rates of payment, shall be open to inspection one year after it is fully executed.

(3) If the California Medical Assistance Commission enters into a contract with a health care provider for other than inpatient hospital services, the contract shall be open to inspection one year after it is fully executed.

(c) Three years after a contract or amendment is open to inspection under this section, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(d) (1) Notwithstanding any other law, the entire contract or amendment shall be open to inspection by the California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office.

(2) The California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office shall maintain the confidentiality of each contract or amendment until the contract or amendment is fully open to inspection by the public.

7926.225. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the Managed Risk Medical Insurance Board and the State Department of Health Care Services that relate to activities governed by former Part 6.3 (commencing with Section 12695), former Part 6.5 (commencing with Section 12700), former Part 6.6 (commencing with Section 12739.5), or former Part 6.7 (commencing with Section 12739.70) of Division 2 of the Insurance Code, or Chapter 2 (commencing with Section 15810) or Chapter 4 (commencing with Section 15870) of Part 3.3 of Division 9 of the Welfare and Institutions Code, and that reveal any of the following:

(1) The deliberative processes, discussions, communications, or any other portion of the negotiations with entities contracting or seeking to contract with the board or the department, entities with which the board or the department is considering a contract, or entities with which the board or department is considering or enters into any other arrangement under which the board or the department provides, receives, or arranges services or reimbursement.

(2) The impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff or the department or its staff, or records that provide instructions, advice, or training to their employees.

(b) (1) Except for the portion that contains the rates of payment, a contract entered into pursuant to former Part 6.3 (commencing with Section 12695), former Part 6.5 (commencing with Section 12700), former Part 6.6 (commencing with Section 12739.5), or former Part 6.7 (commencing with Section 12739.70) of

Division 2 of the Insurance Code, or Chapter 2 (commencing with Section 15810) or Chapter 4 (commencing with Section 15870) of Part 3.3 of Division 9 of the Welfare and Institutions Code, on or after July 1, 1991, shall be open to inspection one year after its effective date.

(2) If a contract was entered into before July 1, 1991, and amended on or after July 1, 1991, the amendment, except for any portion containing the rates of payment, shall be open to inspection one year after the effective date of the amendment.

(c) Three years after a contract or amendment is open to inspection pursuant to this section, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(d) (1) Notwithstanding any other law, the entire contract or amendment to a contract shall be open to inspection by the California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office.

(2) The California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office shall maintain the confidentiality of each contract or amendment until the contract or amendment is open to inspection pursuant to subdivision (c).

7926.230. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the Managed Risk Medical Insurance Board and the State Department of Health Care Services related to activities governed by Part 6.2 (commencing with Section 12693) or former Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code or Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions Code, if the records reveal any of the following:

(1) The deliberative processes, discussions, communications, or any other portion of the negotiations with entities contracting or seeking to contract with the board or the department, entities with which the board or department is considering a contract, or entities with which the board or department is considering or enters into any other arrangement under which the board or department provides, receives, or arranges services or reimbursement.

(2) The impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or the department or its staff, or records that provide instructions, advice, or training to employees.

(b) (1) Except for the portion that contains the rates of payment, a contract entered into pursuant to Part 6.2 (commencing with Section 12693) or former Part

6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code, on or after January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions Code shall be open to inspection one year after its effective date.

(2) If a contract entered into pursuant to Part 6.2 (commencing with Section 12693) or former Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code or Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions Code, is amended, the amendment shall be open to inspection one year after the effective date of the amendment.

(c) Three years after a contract or amendment is open to inspection pursuant to this section, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(d) (1) Notwithstanding any other law, the entire contract or amendments to a contract shall be open to inspection by the California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office.

(2) The California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office shall maintain the confidentiality of each contract or amendment until the contract or amendment is open to inspection pursuant to subdivision (b) or (c).

(e) The exemption from disclosure provided pursuant to this section for the contracts, deliberative processes, discussions, communications, negotiations, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or the department or its staff, shall also apply to the contracts, deliberative processes, discussions, communications, negotiations, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of applicants pursuant to former Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code or Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of the Welfare and Institutions Code.

7926.235. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the Managed Risk Medical Insurance Board that relate to activities governed by Chapter 8 (commencing with Section 10700) of Part 2 of Division 2 of the Insurance Code, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations with health plans, or the impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or records that provide instructions, advice, or training to employees.

(b) Except for the portion that contains the rates of payment, a contract for health coverage entered into pursuant to Chapter 8 (commencing with Section 10700) of Part 2 of Division 2 of the Insurance Code, on or after January 1, 1993, shall be open to inspection one year after it has been fully executed.

(c) (1) Notwithstanding any other law, the entire contract or amendment to a contract shall be open to inspection by the Joint Legislative Audit Committee.

(2) The committee shall maintain the confidentiality of each contract or amendment until the contract or amendment is open to inspection pursuant to subdivision (b).

Article 4. In-Home Supportive Services and Personal Care Services

7926.300. (a) Notwithstanding any other provision of this division, information regarding persons paid by the state to provide in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code or personal care services pursuant to Section 14132.95, 14132.952, 14132.956, or 14132.97 of the Welfare and Institutions Code, and information about persons who have completed the form described in subdivision (a) of Section 12305.81 of the Welfare and Institutions Code for the provider enrollment process, is not subject to public disclosure pursuant to this division, except as provided in subdivision (b).

(b) Copies of names, addresses, home telephone numbers, personal cellular telephone numbers, written or spoken languages, if known, and personal email addresses of persons described in subdivision (a) shall be made available, upon request, to an exclusive bargaining agent and to any labor organization seeking representation rights pursuant to subdivision (c) of Section 12301.6, or Section 12302.5, of the Welfare and Institutions Code or Chapter 10 (commencing with Section 3500) of Division 4. This information shall not be used by the receiving entity for any purpose other than the employee organizing, representation, and assistance activities of the labor organization.

(c) This section applies solely to individuals who provide services under the In-Home Supportive Services Program (Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code), the Personal Care Services Program pursuant to Section 14132.95 of the Welfare and Institutions Code, the In-Home Supportive Services Plus Option Program pursuant to Section 14132.952 of the Welfare and Institutions Code, the Community First Choice Option Program pursuant to Section 14132.956 of the Welfare and Institutions Code, or the Waiver Personal Care Services Program pursuant to Section 14132.97 of the Welfare and Institutions Code.

(d) This section does not alter the rights of parties under the Meyers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4) or any other labor relations law.

Article 5. Reproductive Health Services Facility

7926.400. For purposes of this article, the following terms have the following meanings:

(a) "Contractor" means an individual or entity that contracts with a reproductive health services facility for services related to patient care.

(b) "Personal information" means any of the following information related to an individual that is maintained by a public agency:

(1) Social security number.

(2) Physical description.

(3) Home address.

(4) Home telephone number.

(5) Statements of personal worth or personal financial data filed pursuant to Section 7925.005.

(6) Personal medical history.

(7) Employment history.

(8) Electronic mail address.

(9) Information that reveals any electronic network location or identity.

(c) "Public agency" means all of the following:

(1) The Department of Consumer Affairs.

(2) The Department of Managed Health Care.

(3) The State Department of Health Care Services.

(4) The State Department of Public Health.

(d) "Reproductive health services facility" means the office of a licensed physician and surgeon whose specialty is family medicine, obstetrics, or

gynecology, or a licensed clinic, where at least 50 percent of the patients of the physician or the clinic are provided with family planning or abortion services.

7926.405. This division does not require disclosure of any personal information received, collected, or compiled by a public agency regarding the employees, volunteers, board members, owners, partners, officers, or contractors of a reproductive health services facility who have notified the public agency pursuant to Section 7926.415 if the personal information is contained in a document that relates to the facility.

7926.410. (a) Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to obtain access to employment history information of a reproductive health services facility pursuant to Part 4 (commencing with Section 7923.000).

(b) If the court finds, based on the facts of a particular case, that the public interest served by disclosure of employment history information of a reproductive health services facility clearly outweighs the public interest served by not disclosing the information, the court shall order the officer or person charged with withholding the information to disclose employment history information or show cause why that officer or person should not disclose pursuant to Chapter 2 (commencing with Section 7923.100) of Part 4.

7926.415. (a) In order for this article to apply to an individual who is an employee, volunteer, board member, officer, or contractor of a reproductive health services facility, the individual shall notify the public agency to which the individual's personal information is being submitted or has been submitted that the individual falls within the application of this article.

(b) Notification pursuant to subdivision (a) is valid if it complies with all of the following:

(1) It is on the official letterhead of the facility.

(2) It is clearly separate from any other language present on the same page and is executed by a signature that serves no other purpose than to execute the notification.

(3) It is signed and dated by both of the following:

(A) The individual whose information is being submitted.

(B) The executive officer of the reproductive health services facility or designee of the executive officer.

(c) A reproductive health services facility shall retain a copy of all notifications submitted pursuant to this article.

7926.420. The privacy protections for personal information authorized pursuant to this article are effective from the time of notification pursuant to Section 7926.415 until either one of the following occurs:

(a) Six months after the date of separation from a reproductive health services facility for an individual who has served for not more than one year as an employee, contractor, volunteer, board member, or officer of the reproductive health services facility.

(b) One year after the date of separation from a reproductive health services facility for an individual who has served for more than one year as an employee, contractor, volunteer, board member, or officer of the reproductive health services facility.

7926.425. Within 90 days of separation of an employee, contractor, volunteer, board member, or officer of the reproductive health services facility who has provided notice to a public agency pursuant to Section 7926.415, the facility shall provide notice of the separation to the relevant agency or agencies.

7926.430. This section does not prevent a government agency from disclosing data regarding the age, race, ethnicity, national origin, or gender of individuals whose personal information is protected pursuant to this article if the data does not contain individually identifiable information.

Article 6. Websites and Related Matters

7926.500. In implementing this division, each health care district shall maintain an internet website in accordance with subdivision (b) of Section 32139 of the Health and Safety Code.

CHAPTER 6. Historically or Culturally Significant Matters

7927.000. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of any of the following:

(a) Records of Native American graves, cemeteries, and sacred places.

(b) Records of Native American places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code, which are maintained by, or in the possession of, the Native American Heritage Commission, another state agency, or a local agency.

7927.005. Nothing in this division requires disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.

CHAPTER 7. Library Records and Similar Matters

7927.100. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library and museum materials made or acquired and presented solely for reference or exhibition purposes.

(b) The exemption in this section does not apply to records of fines imposed on the borrowers.

7927.105. (a) As used in this section, the term "patron use records" includes both of the following:

(1) Any written or electronic record that is used to identify a library patron and is provided by the patron to become eligible to borrow or use books and other materials. This includes, but is not limited to, a patron's name, address, telephone number, or email address.

(2) Any written record or electronic transaction that identifies a patron's borrowing information or use of library information resources. This includes, but is not limited to, database search records, borrowing records, class records, and any other personally identifiable uses of library resources, information requests, or inquiries.

(b) This section does not apply to either of the following:

(1) Statistical reports of patron use.

(2) Records of fines collected by a library.

(c) All patron use records of a library that is in whole or in part supported by public funds shall remain confidential. A public agency, or a private actor that maintains or stores patron use records on behalf of a public agency, shall not disclose those records to any person, local agency, or state agency, except as follows:

(1) By a person acting within the scope of the person's duties within the administration of the library.

(2) By a person authorized in writing to inspect the records. The authorization shall be from the individual to whom the records pertain.

(3) By order of the appropriate superior court.

CHAPTER 8. Litigation Records and Similar Matters

7927.200. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of any of the following records:

(a) Records pertaining to pending litigation to which the public agency is a party, until the pending litigation has been finally adjudicated or otherwise settled.

(b) Records pertaining to a claim made pursuant to Division 3.6 (commencing with Section 810), until the pending claim has been finally adjudicated or otherwise settled.

7927.205. Nothing in this division or any other provision of law requires disclosure of a memorandum submitted to a state body or to the legislative body of a local agency by its legal counsel pursuant to subdivision (e) of Section 11126 or Section 54956.9 until the pending litigation has been finally adjudicated or otherwise settled. The memorandum is protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled.

CHAPTER 9. Miscellaneous Public Records

7927.300. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, that are obtained in confidence from any person.

7927.305. (a) Notwithstanding any other provision of this division to the contrary, information regarding family childcare providers, as defined in subdivision (b) of Section 8431 of the Education Code, shall not be subject to public disclosure pursuant to this division, except as provided in subdivisions (b) and (c).

(b) Consistent with Section 8432 of the Education Code, copies of names, home and mailing addresses, county, home, if known, work, and cellular telephone numbers, and email addresses of persons described in subdivision (a) shall be made available, upon request, to provider organizations that have been determined to be a provider organization pursuant to subdivision (a) of Section 8432 of the Education Code. Information shall be made available consistent with the deadlines set in Section 8432 of the Education Code. This information shall not be used by the receiving entity for any purpose other than for purposes of organizing, representing, and assisting family childcare providers.

(c) Consistent with Section 8432 of the Education Code, copies of names, home and mailing addresses, county, home, if known, work, and cellular telephone numbers, and email addresses of persons described in subdivision (a) shall be made available to a certified provider organization, as defined in subdivision (a) of Section 8431 of the Education Code. Information shall be made available consistent with the deadlines set in Section 8432 of the Education Code. This information shall not be used by the receiving entity for any purpose other than for purposes of organizing, representing, and assisting family childcare providers.

(d) This section does not prohibit or limit the disclosure of information otherwise required to be disclosed by the California Child Day Care Facilities Act (Chapter 3.4 (commencing with Section 1596.70) of, Chapter 3.5 (commencing with Section 1596.90) of, and Chapter 3.6 (commencing with Section 1597.30) of, Division 2 of the Health and Safety Code), or to an officer or employee of another state public agency for performance of their official duties under state law.

(e) All confidentiality requirements applicable to recipients of information pursuant to Section 1596.86 of the Health and Safety Code shall apply to protect the personal information of providers of small family daycare homes, as defined in Section 1596.78 of the Health and Safety Code, that is disclosed pursuant to subdivisions (b) and (c).

(f) A family childcare provider, as defined by subdivision (b) of Section 8431 of the Education Code, may opt out of disclosure of their home and mailing address, home, work, and cellular telephone numbers, and email address from the lists described in subdivisions (c) and (d) of Section 8432 of the Education Code by complying with the procedure set forth in subdivision (k) of Section 8432 of the Education Code.

CHAPTER 10. Personal Information and Customer Records

7927.400. Nothing in this division requires the disclosure of records that relate to electronically collected personal information, as defined by Section 11015.5, that is received, collected, or compiled by a state agency.

7927.405. Nothing in this division requires the disclosure of the residence or mailing address of any person in any record of the Department of Motor Vehicles except in accordance with Section 1808.21 of the Vehicle Code.

7927.410. Nothing in this division requires the disclosure of the name, credit history, utility usage data, home address, or telephone number of a utility customer of a local agency, except that disclosure of the name, utility usage data, and the home address of a utility customer of a local agency shall be made available upon request as follows:

(a) To an agent or authorized family member of the person to whom the information pertains.

(b) To an officer or employee of another governmental agency when necessary for the performance of its official duties.

(c) Upon court order or the request of a law enforcement agency relative to an ongoing investigation.

(d) Upon determination by the local agency that the utility customer who is the subject of the request has used utility services in a manner inconsistent with applicable local utility usage policies.

(e) Upon determination by the local agency that the utility customer who is the subject of the request is an elected or appointed official with authority to determine the utility usage policies of the local agency, provided that the home address of an appointed official shall not be disclosed without the official's consent.

(f) Upon determination by the local agency that the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure.

7927.415. Except as provided in Sections 7924.510 and 7924.700, nothing in this division requires disclosure of records that are the residence address of any person contained in the records of the Department of Housing and Community Development, if the person has requested confidentiality of that information, in accordance with Section 18081 of the Health and Safety Code.

7927.420. Notwithstanding paragraph (2) of subdivision (a) of Section 827 of the Welfare and Institutions Code, after the death of a foster child who is a minor, the name, date of birth, and date of death of the child shall be subject to disclosure by the county child welfare agency pursuant to this division.

7927.425. This division does not require the disclosure of the following records and information provided to the Controller's office:

(a) Records related to statements of personal worth or personal financial data, including, but not limited to, wills, trusts, account statements, earnings statements, or other similar records.

(b) Personal information, as defined by subdivision (a) of Section 1798.3 of the Civil Code, within records, including, but not limited to:

(1) Social security number.

(2) Date of birth.

(3) Federal employer identification number, until the Controller has made payment of the property in full to the owner.

(4) Account number, until the Controller has made payment of the property in full to the owner.

(5) Check number, until the Controller has made payment of the property in full to the owner.

7927.430. A Judicial Council form provided to request service pursuant to Section 26666.10, and the information contained therein, is confidential and shall not be disclosed pursuant to this division.

CHAPTER 11. Preliminary Drafts and Similar Materials

7927.500. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of any preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by a public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

CHAPTER 12. Private Industry

7927.600. Whenever a city and county or a joint powers agency, pursuant to a mandatory statute or charter provision to collect private industry wage data for salary setting purposes, or a contract entered to implement that mandate, is provided this data by the United States Bureau of Labor Statistics on the basis that the identity of private industry employers shall remain confidential, the identity of the employers shall not be open to the public or be admitted as evidence in any action or special proceeding.

7927.605. (a) Nothing in this division requires the disclosure of records that are any of the following: corporate financial records, corporate proprietary information including trade secrets, and information relating to siting within the state furnished to a government agency by a private company for the purpose of permitting the agency to work with the company in retaining, locating, or expanding a facility within California.

(b) Except as provided in subdivision (c), incentives offered by a state or a local government agency, if any, shall be disclosed upon communication to the agency or the public of a decision to stay, locate, relocate, or expand, by a company, or upon application by that company to a governmental agency for a general plan amendment, rezone, use permit, building permit, or any other permit, whichever occurs first.

(c) Before publicly disclosing a record that describes state or local incentives offered by an agency to a private business to retain, locate, relocate, or expand the business within California, the agency shall delete information that is exempt pursuant to this section.

CHAPTER 13. Private Records, Privileged Materials, and Other Records Protected by Law From Disclosure

7927.700. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

7927.705. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

CHAPTER 14. Public Employee or Official

Article 1. The Governor

7928.000. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of correspondence of and to the Governor or employees of the Governor's office or in the custody of or maintained by the Governor's Legal Affairs Secretary.

(b) Public records shall not be transferred to the custody of the Governor's Legal Affairs Secretary to evade the disclosure provisions of this division.

7928.005. (a) When the Governor leaves office, either voluntarily or involuntarily, public records in the custody or control of the Governor shall be transferred to the State Archives as soon as practical.

(b) Notwithstanding any other law, the Governor, by written instrument, the terms of which shall be made public, may restrict public access to any of the transferred public records, or any other writings the Governor may transfer that have not already been made accessible to the public.

(c) With respect to public records, public access, as otherwise provided for by this division, shall not be restricted for a period greater than 50 years or the death of the Governor, whichever is later, nor shall there be any restriction whatsoever with respect to enrolled bill files, press releases, speech files, or writings relating to applications for clemency or extradition in cases that have been closed for a period of at least 25 years. Subject to any restrictions permitted by this section or Section 7928.010, the Secretary of State, as custodian of the State Archives, shall

make all those public records and other writings available to the public as otherwise provided for in this division.

7928.010. (a) (1) For a Governor who held office between 1974 and 1988, Section 7928.005 does not apply to public records or other writings that were in the Governor's direct custody or control at the time of leaving office, except to the extent that the Governor may voluntarily transfer those records or other writings to the State Archives.

(2) Subdivision (a) does not apply to enrolled bill files, press releases, speech files, or writings relating to applications for clemency or extradition.

(b) (1) Notwithstanding any other law, the public records and other writings of any Governor who held office between 1974 and 1988 may be transferred to any educational or research institution in California. With respect to public records, however, public access, as otherwise provided for by this division, shall not be restricted for a period greater than 50 years or the death of the Governor, whichever is later.

(2) Records or writings shall not be transferred pursuant to this subdivision unless the institution receiving them agrees to maintain, and does maintain, the materials according to commonly accepted archival standards.

(3) An institution receiving public records pursuant to this subdivision shall not destroy any of those records without first receiving the written approval of the Secretary of State, as custodian of the State Archives. The Secretary of State may require that the records be placed in the State Archives rather than being destroyed.

(4) An institution receiving records or writings pursuant to this subdivision shall allow the Secretary of State, as custodian of the State Archives, to copy, at state expense, and to make available to the public, any and all public records, and inventories, indices, or finding aids relating to those records that the institution makes available to the public generally. Copies of those records in the custody of the State Archives shall be given the same legal effect as is given to the originals.

7928.015. (a) The Secretary of State may appraise and manage new or existing records that are subject to Section 7928.005 or 7928.010 to determine whether the records are appropriate for preservation in the State Archives.

(b) For purposes of this section, the Secretary of State shall use professional archival practices, including, but not limited to, appraising the historic value of the records, arranging and describing the records, rehousing the records in

appropriate storage containers, or providing any conservation treatment that the records require.

Article 2. The Legislature

7928.100. (a) Except as provided in subdivision (b) and in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of any records that are in the custody of, or maintained by, the Legislative Counsel.

(b) Subdivision (a) does not apply to records in the public database maintained by the Legislative Counsel that are described in Section 10248.

Article 3. Online Posting or Sale of Personal Information of Elected or Appointed Official

7928.200. (a) Nothing in this article is intended to preclude punishment instead under Section 69, 76, or 422 of the Penal Code, or any other law.

(b) An interactive computer service or access software provider, as defined in Section 230(f) of Title 47 of the United States Code, shall not be liable under this article unless the service or provider intends to abet or cause imminent great bodily harm that is likely to occur or threatens to cause imminent great bodily harm to an elected or appointed official.

7928.205. (a) Notwithstanding subdivision (a) of Section 7922.545, no state or local agency shall publicly post the home address, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official on the internet without first obtaining the written permission of that individual.

(b) For purposes of this section, "publicly post" means to intentionally communicate or otherwise make available the information described in subdivision (a) on the internet in an unrestricted and publicly available manner.

(c) This section does not prohibit a state or local agency from publicly posting a legally required notice or publication of an elected or appointed official on the internet.

7928.210. (a) No person shall knowingly post the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child, on the internet knowing that person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual.

(b) A violation of this section is a misdemeanor.

(c) A violation of this section that leads to the bodily injury of the official, or the official's residing spouse or child, is a misdemeanor or a felony.

7928.215. (a) For purposes of this section, "publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

(b) No person, business, or association shall publicly post or publicly display on the internet the home address or telephone number of any elected or appointed official if that official has, either directly or through an agent designated under Section 7928.220, made a written demand of that person, business, or association to not disclose the official's home address or telephone number.

(c) A written demand made under this section by a state constitutional officer, a mayor, or a Member of the Legislature, a city council, or a board of supervisors shall include a statement describing a threat or fear for the safety of that official or of any person residing at the official's home address.

(d) A written demand made under this section by an elected official shall be effective for four years, regardless of whether the official's term has expired before the end of the four-year period.

(e) (1) A person, business, or association that receives the written demand of an elected or appointed official pursuant to this section shall remove the official's home address or telephone number from public display on the internet, including information provided to cellular telephone applications, within 48 hours of delivery of the written demand, and shall continue to ensure that this information is not reposted on the same internet website, subsidiary site, or any other internet website maintained by the recipient of the written demand.

(2) After receiving the elected or appointed official's written demand, the person, business, or association shall not transfer the appointed or elected official's home address or telephone number to any other person, business, or association through any other medium.

(3) Paragraph (2) does not prohibit a telephone corporation, as defined in Section 234 of the Public Utilities Code, or its affiliate, from transferring the elected or appointed official's home address or telephone number to any person, business, or association, if the transfer is authorized by federal or state law, regulation, order, or tariff, or necessary in the event of an emergency, or to collect a debt owed by the elected or appointed official to the telephone corporation or its affiliate.

7928.220. (a) An elected or appointed official may designate in writing the official's employer, a related governmental entity, or any voluntary professional

association of similar officials to act, on behalf of that official, as that official's agent with regard to making a written demand pursuant to this article.

(b) An appointed official who is a district attorney, a deputy district attorney, or a peace officer, as defined in Sections 830 to 830.65, inclusive, of the Penal Code, may also designate the official's recognized collective bargaining representative to make a written demand on the official's behalf pursuant to this article.

(c) A written demand made by an agent pursuant to Section 7928.215 shall include a statement describing a threat or fear for the safety of that official or of any person residing at the official's home address.

7928.225. (a) An official whose home address or telephone number is made public as a result of a violation of Section 7928.215 may bring an action seeking injunctive or declarative relief in any court of competent jurisdiction.

(b) If a court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the official court costs and reasonable attorneys' fees.

(c) A fine not exceeding one thousand dollars ($1,000) may be imposed for a violation of the court's order for an injunction or declarative relief obtained pursuant to this section.

7928.230. (a) No person, business, or association shall solicit, sell, or trade on the internet the home address or telephone number of an elected or appointed official with the intent to cause imminent great bodily harm to the official or to any person residing at the official's home address.

(b) Notwithstanding any other law, an official whose home address or telephone number is solicited, sold, or traded in violation of subdivision (a) may bring an action in any court of competent jurisdiction.

(c) If a jury or court finds that a violation has occurred, it shall award damages to that official in an amount up to a maximum of three times the actual damages but in no case less than four thousand dollars ($4,000).

Article 4. Personal Information of Agency Employee

7928.300. (a) The home addresses, home telephone numbers, personal cellular telephone numbers, and birthdates of all employees of a public agency shall not be deemed to be public records and shall not be open to public inspection, except that disclosure of that information may be made as follows:

(1) To an agent, or a family member of the individual to whom the information pertains.

(2) To an officer or employee of another public agency when necessary for the performance of its official duties.

(3) To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home addresses and any phone numbers on file with the employer of employees performing law enforcement-related functions, and the birthdate of any employee, shall not be disclosed.

(4) To an agent or employee of a health benefit plan providing health services or administering claims for health services to public agencies and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents.

(b) (1) Unless used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication, the personal email addresses of all employees of a public agency shall not be deemed to be public records and shall not be open to public inspection, except that disclosure of that information may be made as specified in paragraphs (1) to (4), inclusive, of subdivision (a).

(2) This subdivision shall not be construed to limit the public's right to access the content of an employee's personal email that is used to conduct public business, as decided by the Supreme Court in City of San Jose v. Superior Court (2017) 2 Cal.5th 608.

(c) Upon written request of any employee, a public agency shall not disclose the employee's home address, home telephone number, personal cellular telephone number, personal email address, or birthdate pursuant to paragraph (3) of subdivision (a) and an agency shall remove the employee's home address, home telephone number, and personal cellular telephone number from any mailing list maintained by the agency, except if the list is used exclusively by the agency to contact the employee.

Article 5. Employment Contracts of Government Employees and Related Matters

7928.400. Every employment contract between a state or local agency and any public official or public employee is a public record that is not subject to Section 7922.000 and the provisions listed in Section 7920.505.

7928.405. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of records of state agencies related to activities governed by Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), and Chapter 12 (commencing with Section 3560) of Division 4, and Article 19.5 (commencing with Section 8430) of

Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, that reveal a state agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under these chapters.

(b) This section shall not be construed to limit the disclosure duties of a state agency with respect to any other records relating to the activities governed by the employee relations acts referred to in this section.

7928.410. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of records of local agencies related to activities governed by Chapter 10 (commencing with Section 3500) of Division 4, that reveal a local agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under that chapter.

(b) This section shall not be construed to limit the disclosure duties of a local agency with respect to any other records relating to the activities governed by the employee relations act referred to in this section.

CHAPTER 15. Public Entity Spending, Finances, and Oversight

Article 1. Access in General

7928.700. Notwithstanding any contract term to the contrary, a contract entered into by a state or local agency subject to this division, including the University of California, that requires a private entity to review, audit, or report on any aspect of that agency shall be public to the extent the contract is otherwise subject to disclosure under this division.

7928.705. (a) Except as provided in subdivision (b) and in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by a state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained.

(b) This section does not affect the law of eminent domain.

7928.710. (a) For purposes of this section, the following definitions apply:

(1) "Alternative investment" means an investment in a private equity fund, venture fund, hedge fund, or absolute return fund.

(2) "Alternative investment vehicle" means the limited partnership, limited liability company, or similar legal structure through which the public investment fund invests in portfolio companies.

(3) "Portfolio positions" means individual portfolio investments made by the alternative investment vehicles.

(4) "Public investment fund" means any public pension or retirement system, any public endowment or foundation, or a public bank, as defined in Section 57600.

(b) Notwithstanding any provision of this division or other law, the following records regarding alternative investments in which public investment funds invest are not subject to disclosure pursuant to this division, unless the information has already been publicly released by the keeper of the information:

(1) Due diligence materials that are proprietary to the public investment fund or the alternative investment vehicle.

(2) Quarterly and annual financial statements of alternative investment vehicles.

(3) Meeting materials of alternative investment vehicles.

(4) Records containing information regarding the portfolio positions in which alternative investment funds invest.

(5) Capital call and distribution notices.

(6) Alternative investment agreements and all related documents.

(c) Notwithstanding subdivision (b), the following information contained in records described in subdivision (b) regarding alternative investments in which public investment funds invest is subject to disclosure pursuant to this division and shall not be considered a trade secret exempt from disclosure:

(1) The name, address, and vintage year of each alternative investment vehicle.

(2) The dollar amount of the commitment made to each alternative investment vehicle by the public investment fund since inception.

(3) The dollar amount of cash contributions made by the public investment fund to each alternative investment vehicle since inception.

(4) The dollar amount, on a fiscal year-end basis, of cash distributions received by the public investment fund from each alternative investment vehicle.

(5) The dollar amount, on a fiscal year-end basis, of cash distributions received by the public investment fund plus remaining value of partnership assets attributable to the public investment fund's investment in each alternative investment vehicle.

(6) The net internal rate of return of each alternative investment vehicle since inception.

(7) The investment multiple of each alternative investment vehicle since inception.

(8) The dollar amount of the total management fees and costs paid on an annual fiscal year-end basis, by the public investment fund to each alternative investment vehicle.

(9) The dollar amount of cash profit received by public investment funds from each alternative investment vehicle on a fiscal year-end basis.

7928.715. Nothing in this division requires disclosure of an identification number, alphanumeric character, or other unique identifying code that a public agency uses to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency.

7928.720. Notwithstanding Sections 7920.510, 7920.515, 7920.520, 7920.530, 7920.540, and 7920.545, and subdivision (a) of Section 7920.525, an itemized statement of the total expenditures and disbursements of any agency provided for in Article VI of the California Constitution shall be open for inspection.

Article 2. Requirements Specific to Online Access

7928.800. In implementing this division, each independent special district shall maintain an internet website in accordance with Section 53087.8.

7928.801. (a) Any executed contract for the purchase of goods or services by a state or local agency, including the price and terms of payment, is a public record subject to disclosure under this division.

(b) Any provision in a written agreement that purports to exclude a contract specified in subdivision (a) from disclosure by agreeing to consider it a confidential or proprietary record of the vendor is void and unenforceable as a matter of law.

(c) This section does not require disclosure of a record that is otherwise exempt from disclosure or prohibited from disclosure pursuant to federal or state law.

CHAPTER 16. Regulation of Financial Institutions and Securities

7929.000. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records contained in, or related to, any of the following:

(a) Applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies.

(b) Examination, operating, or condition reports prepared by, on behalf of, or for the use of, any state agency referred to in subdivision (a).

(c) Preliminary drafts, notes, or interagency or intra-agency communications prepared by, on behalf of, or for the use of, any state agency referred to in subdivision (a).

(d) Information received in confidence by any state agency referred to in subdivision (a).

7929.005. (a) Any information reported to the North American Securities Administrators Association/Financial Industry Regulatory Authority and compiled as disciplinary records that are made available to the Department of Business Oversight through a computer system constitutes a public record.

(b) Notwithstanding any other provision of law, upon written or oral request pursuant to Section 25247 of the Corporations Code, the Department of Business Oversight may disclose any of the following:

(1) The information described in subdivision (a).

(2) The current license status of a broker-dealer.

(3) The year of issuance of the license of a broker-dealer.

7929.010. (a) For purposes of this section, the following definitions apply:

(1) "Customer" means a person or entity that has transacted or is transacting business with or has used or is using the services of a public bank or a person or entity for whom the public bank has acted as a fiduciary with respect to trust property.

(2) "Investment recipient" means an entity in which the public bank invests.

(3) "Loan recipient" means an entity or individual that has received a loan from the public bank.

(4) "Personal data" means social security numbers, tax identification numbers, physical descriptions, home addresses, home telephone numbers, statements of personal worth or any other personal financial data, employment histories, electronic mail addresses, and information that reveals any electronic network location or identity.

(5) "Public bank" has the same meaning as defined in Section 57600.

(b) Notwithstanding any other provision of this division, the following information and records of a public bank and the related decisions of the directors, officers, and managers of a public bank are not subject to disclosure pursuant to this division, unless the information has already been publicly released by the custodian of the information:

(1) Due diligence materials that are proprietary to the public bank.

(2) A memorandum or letter produced and distributed internally by the public bank.

(3) A commercial or personal financial statement or other financial data received from an actual or potential customer, loan recipient, or investment recipient.

(4) Meeting materials of a closed-session meeting, or a closed-session portion of a meeting, of the board of directors, a committee of the board of directors, or executives of a public bank.

(5) A record containing information regarding a portfolio position in which the public bank invests.

(6) A record containing information regarding a specific loan amount or loan term, or information received from a loan recipient or customer pertaining to a loan or an application for a loan.

(7) A capital call or distribution notice, or a notice to a loan recipient or customer regarding a loan or account with the public bank.

(8) An investment agreement, loan agreement, deposit agreement, or a related document.

(9) Specific account information or other personal data received by the public bank from an actual or potential customer, investment recipient, or loan recipient.

(10) A memorandum or letter produced and distributed for purposes of meetings with a federal or state banking regulator.

(11) A memorandum or letter received from a federal or state banking regulator.

(12) Meeting materials of the internal audit committee, the compliance committee, or the governance committee of the board of directors of a public bank.

(c) Notwithstanding subdivision (b), the following information contained in records described in subdivision (b) is subject to disclosure pursuant to this division and is not a trade secret exempt from disclosure:

(1) The name, title, and appointment year of each director and executive of the public bank.

(2) The name and address of each current investment recipient in which the public bank currently invests.

(3) General internal performance metrics of the public bank and financial statements of the bank, as specified or required by the public bank's charter or as required by federal law.

(4) Final audit reports of the public bank's independent auditors, although disclosure to an independent auditor of any information described in subdivision (b) shall not be construed to permit public disclosure of that information provided to the auditor.

7929.011. (a) Notwithstanding any other provision of this chapter, the following information and records of a bank, as defined in Section 63010, shall not be subject to disclosure pursuant to this chapter, unless the information has already been publicly released by the custodian of the information:

(1) A commercial or personal financial statement or other financial or project data received from an actual or potential applicant to the bank, loan recipient, or investment recipient.

(2) A record containing information regarding a specific financial assistance, bond or loan amount or term, or information received from an applicant or customer pertaining to a contract for financial assistance, bond or loan or an application related thereto, including an investment agreement, loan agreement, or a related document.

(3) Due diligence materials, or information related to customers, and competitors, including summaries, reports, analyses, recommendations, projections, or estimates related thereto.

(4) Any record containing information claimed to be a trade secret, confidential or proprietary, or to be otherwise exempt from disclosure under this chapter, or under other applicable provisions of law as identified in writing by the information provider.

(b) This section shall apply to the bank solely in relation to the administration of the Climate Catalyst Revolving Loan Fund Act of 2020 (Article 6.7 (commencing with Section 63048.91) of Chapter 2 of Division 1 of Title 6.7), the Venture Capital Program pursuant to Section 63089.99, and the financing of economic development facilities and public development facilities, but only when a participating party is seeking financial assistance with the support of a sponsor, as those terms are defined in Section 63010.

(c) This section shall does not exempt disclosure of bank-produced documents or materials, including staff reports and terms sheets, that are presented to the bank's board of directors for consideration and approval, even if such documents or materials are produced from original information and documents that are otherwise exempted under this section. Any further information or document requested by the bank's board of directors in connection with these bank-produced documents or materials this is provided during, or prior to, the bank board meeting, are also not exempt from disclosure and shall be publicly available in the form provided to the board.

(d) This section shall only apply to documents and information provided to the bank on and after August 1, 2022, and prior to July 1, 2025, and shall continue to apply to those documents and information going forward.

CHAPTER 17. Security Measures and Related Matters

7929.200. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of a document prepared by or for a state or local agency that satisfies both of the following conditions:

(a) It assesses the agency's vulnerability to terrorist attack or other criminal acts intended to disrupt the public agency's operation.

(b) It is for distribution or consideration in a closed session.

7929.205. (a) As used in this section, "voluntarily submitted" means submitted without the Office of Emergency Services exercising any legal authority to compel access to, or submission of, critical infrastructure information.

(b) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of critical infrastructure information, as defined in Section 131(3) of Title 6 of the United States Code, that is voluntarily submitted to

the Office of Emergency Services for use by that office, including the identity of the person who, or entity that, voluntarily submitted the information.

(c) This section does not affect the status of information in the possession of any other state or local governmental agency.

7929.210. (a) Nothing in this division requires the disclosure of an information security record of a public agency, if, on the facts of the particular case, disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.

(b) Nothing in this section limits public disclosure of records stored within an information technology system of a public agency that are not otherwise exempt from disclosure pursuant to this division or any other law.

7929.215. Nothing in this division or any other law requires disclosure of a risk assessment or railroad infrastructure protection program filed with the Public Utilities Commission, the Director of Homeland Security, and the Office of Emergency Services pursuant to Article 7.3 (commencing with Section 7665) of Chapter 1 of Division 4 of the Public Utilities Code.

CHAPTER 18. State Compensation Insurance Fund

7929.400. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the State Compensation Insurance Fund that relate to claims pursuant to Chapter 1 (commencing with Section 3200) of Part 1 of Division 4 of the Labor Code, to the extent that confidential medical information or other individually identifiable information would be disclosed.

7929.405. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the State Compensation Insurance Fund that relate to discussions, communications, or any other portion of negotiations with entities contracting or seeking to contract with the fund, and any related deliberations.

7929.410. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the State Compensation Insurance Fund that relate to the impressions, opinions, recommendations, meeting minutes of meetings or sessions that are lawfully closed to the public, research, work product, theories, or strategy of the fund or its staff, on the development of rates, contracting strategy, underwriting, or competitive strategy pursuant to the powers granted to the fund in Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code.

7929.415. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the State Compensation Insurance Fund obtained to provide workers' compensation insurance under Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code, including, but not limited to, all of the following:

(a) Any medical claims information.

(b) Policyholder information, provided that this section shall not be interpreted to prevent an insurance agent or broker from obtaining proprietary information or other information authorized by law to be obtained by the agent or broker.

(c) Information on rates, pricing, and claims handling received from brokers.

7929.420. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the State Compensation Insurance Fund that are trade secrets pursuant to Section 7930.205, or Article 11 (commencing with Section 1060) of Chapter 4 of Division 8 of the Evidence Code, including, without limitation, instructions, advice, or training provided by the State Compensation Insurance Fund to its board members, officers, and employees regarding the fund's special investigation unit, internal audit unit, and informational security, marketing, rating, pricing, underwriting, claims handling, audits, and collections.

(b) Notwithstanding subdivision (a), the portions of records containing trade secrets shall be available for review by the Joint Legislative Audit Committee, California State Auditor's Office, Division of Workers' Compensation, and the Department of Insurance to ensure compliance with applicable law.

7929.425. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of internal audits of the State Compensation Insurance Fund containing proprietary information, or the following records of the State Compensation Insurance Fund that are related to an internal audit:

(1) Personal papers and correspondence of any person providing assistance to the fund when that person has requested in writing that the person's papers and correspondence be kept private and confidential. Those papers and correspondence shall become public records if the written request is withdrawn, or upon order of the fund.

(2) Papers, correspondence, memoranda, or any substantive information pertaining to any audit not completed or an internal audit that contains proprietary information.

(b) Notwithstanding subdivision (a), the portions of records containing proprietary information, or any information specified in subdivision (a), shall be available for review by the Joint Legislative Audit Committee, California State Auditor's Office, Division of Workers' Compensation, and the Department of Insurance to ensure compliance with applicable law.

7929.430. (a) For purposes of this section, "fully executed" means the point in time when all of the necessary parties to a contract have signed the contract.

(b) Except as provided in subdivision (d), records of the State Compensation Insurance Fund that are contracts entered into pursuant to Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code shall be open to inspection one year after the contract has been fully executed.

(c) If a contract entered into pursuant to Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code is amended, the amendment shall be open to inspection one year after the amendment has been fully executed.

(d) Three years after a contract or amendment is open to inspection pursuant to this section, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(e) Notwithstanding any other law, the entire contract or amendment to a contract shall be open to inspection by the Joint Legislative Audit Committee. The committee shall maintain the confidentiality of the contract or amendment thereto until the contract or amendment is open to inspection pursuant to this section.

(f) This section does not apply to a document related to a contract with a public entity that is not otherwise expressly confidential as to that public entity.

CHAPTER 19. Test Materials, Test Results, and Related Matters

7929.600. Nothing in this division requires the disclosure of the results of a test undertaken pursuant to Section 12804.8 of the Vehicle Code.

7929.605. Except as provided in Sections 7924.510, 7924.700, and 7929.610, and in Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3 of the Education Code, this division does not require disclosure of test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination.

7929.610. (a) Notwithstanding the provisions listed in Section 7920.505, upon the request of any Member of the Legislature or upon request of the Governor or the

Governor's designee, test questions or materials that would be used to administer an examination and are provided by the State Department of Education and administered as part of a statewide testing program of pupils enrolled in the public schools shall be disclosed to the requester.

(b) The questions or materials described in subdivision (a) may not include an individual examination that has been administered to a pupil and scored.

(c) The requester may not take physical possession of the questions or materials described in subdivision (a), but may view the questions or materials at a location selected by the department.

(d) Upon viewing this information, the requester shall keep the materials that the requester has seen confidential.

PART 6. OTHER EXEMPTIONS FROM DISCLOSURE

CHAPTER 1. Introductory Provisions

7930.000. (a) It is the intent of the Legislature to assist members of the public and state and local agencies in identifying exemptions to the California Public Records Act. It is the intent of the Legislature that, after January 1, 1999, each addition or amendment to a statute that exempts any information contained in a public record from disclosure pursuant to Section 7927.705 shall be listed and described in Chapter 2 (commencing with Section 7930.100) pursuant to a bill authorized by a standing committee of the Legislature to be introduced during the first year of each session of the Legislature.

(b) The statutes and constitutional provisions listed in Chapter 2 (commencing with Section 7930.100) may operate to exempt certain records, or portions thereof, from disclosure. The statutes and constitutional provisions listed and described may not be inclusive of all exemptions. The listing of a statute or constitutional provision in Chapter 2 (commencing with Section 7930.100) does not itself create an exemption. Requesters of public records and public agencies are cautioned to review the applicable statute or constitutional provision to determine the extent to which it, in light of the circumstances surrounding the request, exempts public records from disclosure.

7930.005. Records or information not required to be disclosed pursuant to Section 7927.705 may include, but shall not be limited to, records or information identified in statutes listed in Chapter 2 (commencing with Section 7930.100).

CHAPTER 2. Alphabetical List

7930.100. The following constitutional provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Crime victims, confidential information or records, The Victims' Bill of Rights Act of 2008: Marsy's Law, Section 28 of Article I of the California Constitution.

Privacy, inalienable right, Section 1 of Article I of the California Constitution.

7930.105. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Acquired immunodeficiency syndrome, blood test results, written authorization not necessary for disclosure, Section 121010, Health and Safety Code.

Acquired immunodeficiency syndrome, blood test subject, compelling identity of, Section 120975, Health and Safety Code.

Acquired immunodeficiency syndrome, confidentiality of personal data of patients in State Department of Public Health programs, Section 120820, Health and Safety Code.

Acquired immunodeficiency syndrome, confidentiality of research records, Sections 121090, 121095, 121115, and 121120, Health and Safety Code.

Acquired immunodeficiency syndrome, confidentiality of vaccine volunteers, Section 121280, Health and Safety Code.

Acquired immunodeficiency syndrome, confidentiality of information obtained in prevention programs at correctional facilities and law enforcement agencies, Sections 7552 and 7554, Penal Code.

Acquired immunodeficiency syndrome, disclosure of results of HIV test, penalties, Section 120980, Health and Safety Code.

Acquired immunodeficiency syndrome, personal information, insurers tests, confidentiality of, Section 799, Insurance Code.

Acquired immunodeficiency syndrome, public safety and testing disclosure, Sections 121065 and 121070, Health and Safety Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, production or discovery of records for use in criminal or civil proceedings against subject prohibited, Section 121100, Health and Safety Code.

Acquired Immune Deficiency Syndrome Public Health Records Confidentiality Act, personally identifying information confidentiality, Section 121025, Health and Safety Code.

Acquired immunodeficiency syndrome, test of criminal defendant pursuant to search warrant requested by victim, confidentiality of, Section 1524.1, Penal Code.

Acquired immunodeficiency syndrome, test results, disclosure to patient's spouse and others, Section 121015, Health and Safety Code.

Acquired immunodeficiency syndrome, test of person under Youth Authority, disclosure of results, Section 1768.9, Welfare and Institutions Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, financial audits or program evaluations, Section 121085, Health and Safety Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, violations, Section 121100, Health and Safety Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, personally identifying research records not to be disclosed, Section 121075, Health and Safety Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, permittee disclosure, Section 121080, Health and Safety Code.

Administrative procedure, adjudicatory hearings, interpreters, Section 11513, this code.

Adoption records, confidentiality of, Section 102730, Health and Safety Code.

Advance Health Care Directive Registry, exemption from disclosure for registration information provided to the Secretary of State, Section 7926.100, this code.

7930.110. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Aeronautics Act, reports of investigations and hearings, Section 21693, Public Utilities Code.

Agricultural producers marketing, access to records, Section 59616, Food and Agricultural Code.

Aiding disabled voters, Section 14282, Elections Code.

Air pollution data, confidentiality of trade secrets, Sections 7924.510 and 7924.700, this code, and Sections 42303.2 and 43206, Health and Safety Code.

Air toxics emissions inventory plans, protection of trade secrets, Section 44346, Health and Safety Code.

Alcohol and drug abuse records and records of communicable diseases, confidentiality of, Section 123125, Health and Safety Code.

Alcoholic beverage licensees, confidentiality of corporate proprietary information, Section 25205, Business and Professions Code.

Ambulatory Surgery Data Record, confidentiality of identifying information, Section 128737, Health and Safety Code.

Apiary registration information, confidentiality of, Section 29041, Food and Agricultural Code.

Archaeological site information and reports maintained by state and local agencies, disclosure not required, Section 7927.005, this code.

Arrest not resulting in conviction, disclosure or use of records, Sections 432.7 and 432.8, Labor Code.

Arsonists, registered, confidentiality of certain information, Section 457.1, Penal Code.

Assessor's records, confidentiality of information in, Section 408, Revenue and Taxation Code.

Assessor's records, confidentiality of information in, Section 451, Revenue and Taxation Code.

Assessor's records, display of documents relating to business affairs or property of another, Section 408.2, Revenue and Taxation Code.

Assigned risk plans, rejected applicants, confidentiality of information, Section 11624, Insurance Code.

Attorney applicant, investigation by State Bar, confidentiality of, Section 6060.2, Business and Professions Code.

Attorney applicant, information submitted by applicant and State Bar admission records, confidentiality of, Section 6060.25, Business and Professions Code.

Attorney-client confidential communication, Section 6068, Business and Professions Code, and Sections 952 and 954, Evidence Code.

Attorney, disciplinary proceedings, confidentiality before formal proceedings, Section 6086.1, Business and Professions Code.

Attorney, disciplinary proceeding, State Bar access to nonpublic court records, Section 6090.6, Business and Professions Code.

Attorney, law corporation, investigation by State Bar, confidentiality of, Section 6168, Business and Professions Code.

Attorney work product confidentiality in administrative adjudication, Section 11507.6, this code.

Attorney, work product, confidentiality of, Section 6202, Business and Professions Code.

Attorney work product, discovery, Chapter 4 (commencing with Section 2018.010) of Title 4 of Part 4, Code of Civil Procedure.

Automated forward facing parking control devices, confidentiality of video imaging records from the devices, Section 40240, Vehicle Code.

Automated traffic enforcement system, confidentiality of photographic records made by the system, Section 21455.5, Vehicle Code.

Automobile Insurance Claims Depository, confidentiality of information, Section 1876.3, Insurance Code.

Automobile insurance, investigation of fraudulent claims, confidential information, Section 1872.8, Insurance Code.

Avocado handler transaction records, confidentiality of information, Section 44984, Food and Agricultural Code.

7930.115. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Bank and Corporation Tax, disclosure of information, Article 2 (commencing with Section 19542) of Chapter 7 of Part 10.2 of Division 2, Revenue and Taxation Code.

Bank employees, confidentiality of criminal history information, Section 4990, Financial Code.

Bank reports, confidentiality of, Section 459, Financial Code.

Basic Property Insurance Inspection and Placement Plan, confidential reports, Section 10097, Insurance Code.

Beef Council of California, confidentiality of fee transactions information, Section 64691.1, Food and Agricultural Code.

Bids, confidentiality of, Section 10304, Public Contract Code.

Birth, death, and marriage licenses, confidential information contained in, Sections 102100, 102110, and 102230, Health and Safety Code.

Birth defects, monitoring, confidentiality of information collected, Section 103850, Health and Safety Code.

Birth, live, confidential portion of certificate, Sections 102430, 102475, 103525, and 103590, Health and Safety Code.

Blood tests, confidentiality of hepatitis and AIDS carriers, Section 1603.1, Health and Safety Code.

Blood-alcohol percentage test results, vehicular offenses, confidentiality of, Section 1804, Vehicle Code.

Business and professions licensee exemption for social security number, Section 30, Business and Professions Code.

7930.120. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Cable television subscriber information, confidentiality of, Section 637.5, Penal Code.

CalFresh, disclosure of information, Section 18909, Welfare and Institutions Code.

California AIDS Program, personal data, confidentiality, Section 120820, Health and Safety Code.

California Apple Commission, confidentiality of lists of persons, Section 75598, Food and Agricultural Code.

California Apple Commission, confidentiality of proprietary information from producers or handlers, Section 75633, Food and Agricultural Code.

California Asparagus Commission, confidentiality of lists of producers, Section 78262, Food and Agricultural Code.

California Asparagus Commission, confidentiality of proprietary information from producers, Section 78288, Food and Agricultural Code.

California Avocado Commission, confidentiality of information from handlers, Section 67094, Food and Agricultural Code.

California Avocado Commission, confidentiality of proprietary information from handlers, Section 67104, Food and Agricultural Code.

California Cherry Commission, confidentiality of proprietary information from producers, processors, shippers, or grower-handlers, Section 76144, Food and Agricultural Code.

California Children's Services Program, confidentiality of factor replacement therapy contracts, Section 123853, Health and Safety Code.

California Cut Flower Commission, confidentiality of lists of producers, Section 77963, Food and Agricultural Code.

California Cut Flower Commission, confidentiality of proprietary information from producers, Section 77988, Food and Agricultural Code.

California Date Commission, confidentiality of proprietary information from producers and grower-handlers, Section 77843, Food and Agricultural Code.

California Egg Commission, confidentiality of proprietary information from handlers or distributors, Section 75134, Food and Agricultural Code.

California Forest Products Commission, confidentiality of lists of persons, Section 77589, Food and Agricultural Code.

California Forest Products Commission, confidentiality of proprietary information from producers, Section 77624, Food and Agricultural Code.

California Iceberg Lettuce Commission, confidentiality of information from handlers, Section 66624, Food and Agricultural Code.

California Kiwifruit Commission, confidentiality of proprietary information from producers or handlers, Section 68104, Food and Agricultural Code.

California Navel Orange Commission, confidentiality of proprietary information from producers or handlers and lists of producers and handlers, Section 73257, Food and Agricultural Code.

California Pepper Commission, confidentiality of lists of producers and handlers, Section 77298, Food and Agricultural Code.

California Pepper Commission, confidentiality of proprietary information from producers or handlers, Section 77334, Food and Agricultural Code.

California Pistachio Commission, confidentiality of proprietary information from producers or processors, Section 69045, Food and Agricultural Code.

California Salmon Council, confidentiality of fee transactions records, Section 76901.5 of the Food and Agricultural Code.

California Salmon Council, confidentiality of request for list of commercial salmon vessel operators, Section 76950 of the Food and Agricultural Code.

California Seafood Council, confidentiality of fee transaction records, Section 78553, Food and Agricultural Code.

California Seafood Council, confidentiality of information on volume of fish landed, Section 78575, Food and Agricultural Code.

California Sheep Commission, confidentiality of proprietary information from producers or handlers and lists of producers, Section 76343, Food and Agricultural Code.

California State University contract law, bids, questionnaires, and financial statements, Section 10763, Public Contract Code.

California State University Investigation of Reported Improper Governmental Activities Act, confidentiality of investigative audits completed pursuant to the act, Section 89574, Education Code.

California Table Grape Commission, confidentiality of information from shippers, Section 65603, Food and Agricultural Code.

California Tomato Commission, confidentiality of lists of producers, handlers, and others, Section 78679, Food and Agricultural Code.

California Tomato Commission, confidentiality of proprietary information, Section 78704, Food and Agricultural Code.

California Tourism Marketing Act, confidentiality of information pertaining to businesses paying the assessment under the act, Section 13995.54, this code.

California Victim Compensation Board, disclosure not required of records relating to assistance requests under Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of Title 2 of this code, Section 7923.755, this code.

California Walnut Commission, confidentiality of lists of producers, Section 77101, Food and Agricultural Code.

California Walnut Commission, confidentiality of proprietary information from producers or handlers, Section 77154, Food and Agricultural Code.

California Wheat Commission, confidentiality of proprietary information from handlers and lists of producers, Section 72104, Food and Agricultural Code.

California Wheat Commission, confidentiality of requests for assessment refund, Section 72109, Food and Agricultural Code.

California Wine Commission, confidentiality of proprietary information from producers or vintners, Section 74655, Food and Agricultural Code.

California Winegrape Growers Commission, confidentiality of proprietary information from producers and vintners, Section 74955, Food and Agricultural Code.

7930.125. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Cancer registries, confidentiality of information, Section 103885, Health and Safety Code.

Candidate for local nonpartisan elective office, confidentiality of ballot statement, Section 13311, Elections Code.

Child abuse information, exchange by multidisciplinary personnel teams, Section 830, Welfare and Institutions Code.

Child abuse report and those making report, confidentiality of, Sections 11167 and 11167.5, Penal Code.

Child care liability insurance, confidentiality of information, Section 1864, Insurance Code.

Child concealer, confidentiality of address, Section 278.7, Penal Code.

Child custody investigation report, confidentiality of, Section 3111, Family Code.

Child day care facility, nondisclosure of complaint, Section 1596.853, Health and Safety Code.

Child health and disability prevention, confidentiality of health screening and evaluation results, Section 124110, Health and Safety Code.

Child sexual abuse reports, confidentiality of reports filed in a contested proceeding involving child custody or visitation rights, Section 3118, Family Code.

Child support, confidentiality of income tax return, Section 3552, Family Code.

Child support, promise to pay, confidentiality of, Section 7614, Family Code.

Childhood lead poisoning prevention, confidentiality of blood lead findings, Section 124130, Health and Safety Code.

Children and families commission, local, confidentiality of individually identifiable information, Section 130140.1, Health and Safety Code.

Cigarette tax, confidential information, Section 30455, Revenue and Taxation Code.

Civil actions, delayed disclosure for 30 days after complaint filed, Section 482.050, Code of Civil Procedure.

Closed sessions, document assessing vulnerability of state or local agency to disruption by terrorist or other criminal acts, Section 7929.200, this code.

Closed sessions, meetings of local governments, pending litigation, Section 54956.9, this code.

Colorado River Board, confidential information and records, Section 12519, Water Code.

Commercial fishing licensee, confidentiality of records, Section 7923, Fish and Game Code.

Commercial fishing reports, Section 8022, Fish and Game Code.

Community care facilities, confidentiality of client information, Section 1557.5, Health and Safety Code.

Community college employee, candidate examination records, confidentiality of, Section 88093, Education Code.

Community college employee, notice and reasons for non-reemployment, confidentiality, Section 87740, Education Code.

7930.130. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Conservatee, confidentiality of the conservatee's report, Section 1826, Probate Code.

Conservatee, estate plan of, confidentiality of, Section 2586, Probate Code.

Conservatee with disability, confidentiality of report, Section 1827.5, Probate Code.

Conservator, confidentiality of conservator's birthdate and driver's license number, Section 1834, Probate Code.

Conservator, supplemental information, confidentiality of, Section 1821, Probate Code.

Conservatorship, court review of, confidentiality of report, Section 1851, Probate Code.

Consumer fraud investigations, access to complaints and investigations, Section 26509, this code.

Consumption or utilization of mineral materials, disclosure of, Section 2207.1, Public Resources Code.

Contractor, evaluations and contractor responses, confidentiality of, Section 10370, Public Contract Code.

Controlled Substance Law violations, confidential information, Section 818.7, this code.

Controlled substance offenders, confidentiality of registration information, Section 11594, Health and Safety Code.

Cooperative Marketing Association, confidential information disclosed to conciliator, Section 54453, Food and Agricultural Code.

Coroner, inquests, subpoena duces tecum, Section 27491.8, this code.

County aid and relief to indigents, confidentiality of investigation, supervision, relief, and rehabilitation records, Section 17006, Welfare and Institutions Code.

County alcohol programs, confidential information and records, Section 11812, Health and Safety Code.

County Employees' Retirement, confidential statements and records, Section 31532, this code.

County mental health system, confidentiality of client information, Section 5610, Welfare and Institutions Code.

County social services, investigation of applicant, confidentiality, Section 18491, Welfare and Institutions Code.

County social services rendered by volunteers, confidentiality of records of recipients, Section 10810, Welfare and Institutions Code.

County special commissions, disclosure of health care peer review and quality assessment records not required, Section 14087.58, Welfare and Institutions Code.

County special commissions, disclosure of records relating to the commission's rates of payment for publicly assisted medical care not required, Section 14087.58, Welfare and Institutions Code.

Court files, access to, restricted for 60 days, Section 1161.2, Code of Civil Procedure.

Court files, access to, restricted for 60 days, Section 1708.85, Civil Code.

Court reporters, confidentiality of records and reporters, Section 68525, this code.

Court-appointed special advocates, confidentiality of information acquired or reviewed, Section 105, Welfare and Institutions Code.

Crane employers, previous business identities, confidentiality of, Section 7383, Labor Code.

Credit unions, confidentiality of investigation and examination reports, Section 14257, Financial Code.

Credit unions, confidentiality of employee criminal history information, Section 14409.2, Financial Code.

Criminal defendant, indigent, confidentiality of request for funds for investigators and experts, Section 987.9, Penal Code.

Criminal offender record information, access to, Sections 11076 and 13202, Penal Code.

Crop reports, confidential, Section 7927.300, this code.

Customer list of chemical manufacturers, formulators, suppliers, distributors, importers, and their agents, the quantities and dates of shipments, and the

proportion of a specified chemical within a mixture, confidential, Section 147.2, Labor Code.

Customer list of employment agency, trade secret, Section 16607, Business and Professions Code.

Customer list of telephone answering service, trade secret, Section 16606, Business and Professions Code.

7930.135. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Dairy Council of California, confidentiality of ballots, Section 64323, Food and Agricultural Code.

Death, report that physician's or podiatrist's negligence or incompetence may be cause, confidentiality of, Section 802.5, Business and Professions Code.

Dental hygienist drug and alcohol diversion program, confidentiality of records pertaining to treatment, Section 1966.5, Business and Professions Code.

Dentist advertising and referral contract exemption, Section 650.2, Business and Professions Code.

Dentist, alcohol or dangerous drug rehabilitation and diversion, confidentiality of records, Section 1698, Business and Professions Code.

Department of Consumer Affairs licensee exemption for alcohol or dangerous drug treatment and rehabilitation records, Section 156.1, Business and Professions Code.

Department of Human Resources, confidentiality of pay data furnished to, Section 19826.5, this code.

Department of Motor Vehicles, confidentiality of information provided by an insurer, Section 4750.4, Vehicle Code.

Department of Motor Vehicles, confidentiality of the home address of specified persons in the records of the Department of Motor Vehicles, Section 1808.6, Vehicle Code.

Developmentally disabled conservatee, confidentiality of reports and records, Sections 416.8 and 416.18, Health and Safety Code.

Developmentally disabled person, access to information provided by family member, Section 4727, Welfare and Institutions Code.

Developmentally disabled person and person with mental illness, access to and release of information about, by protection and advocacy agency, Section 4903, Welfare and Institutions Code.

Developmentally disabled person, confidentiality of patient records, state agencies, Section 4552.5, Welfare and Institutions Code.

Developmentally disabled person, confidentiality of records and information, Sections 4514 and 4518, Welfare and Institutions Code.

Diesel Fuel Tax information, disclosure prohibited, Section 60609, Revenue and Taxation Code.

Disability compensation, confidential medical records, Section 2714, Unemployment Insurance Code.

Disability insurance, access to registered information, Section 789.7, Insurance Code.

Discrimination complaint to Division of Labor Standards Enforcement, confidentiality of witnesses, Section 98.7, Labor Code.

Dispute resolution participants confidentiality, Section 471.5, Business and Professions Code.

Division of Medi-Cal Fraud and Elder Abuse, confidentiality of complaints, Section 12528, this code.

Division of Workers' Compensation, confidentiality of data obtained by the administrative director and derivative works created by the division, Sections 3201.5, 3201.7, and 3201.9, Labor Code.

Division of Workers' Compensation, individually identifiable information and residence addresses obtained or maintained by the division on workers' compensation claims, confidentiality of, Section 138.7, Labor Code.

Division of Workers' Compensation, individually identifiable information of health care organization patients, confidentiality of, Section 4600.5, Labor Code.

Division of Workers' Compensation, individual workers' compensation claim files and auditor's working papers, confidentiality of, Section 129, Labor Code.

Division of Workers' Compensation, peer review proceedings and employee medical records, confidentiality of, Section 4600.6, Labor Code.

Domestic violence counselor and victim, confidentiality of communication, Sections 1037.2 and 1037.5, Evidence Code.

Driver arrested for traffic violation, notice of reexamination for evidence of incapacity, confidentiality of, Section 40313, Vehicle Code.

Driving school and driving instructor licensee records, confidentiality of, Section 11108, Vehicle Code.

7930.140. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Educational psychologist-patient, privileged communication, Section 1010.5, Evidence Code.

Electronic and appliance repair dealer, service contractor, financial data in applications, Section 7925.010, this code.

Electronic Recording Delivery Act of 2004, exemption from disclosure for computer security reports, Section 27394, this code.

Emergency Care Data Record, exemption from disclosure for identifying information, Section 128736, Health and Safety Code.

Emergency Medical Services Fund, patient named, Section 1797.98c, Health and Safety Code.

Emergency medical technicians, confidentiality of disciplinary investigation information, Section 1798.200, Health and Safety Code.

Emergency Medical Technician-Paramedic (EMT-P), exemption from disclosure for records relating to personnel actions against, or resignation of, an EMT-P for disciplinary cause or reason, Section 1799.112, Health and Safety Code.

Eminent domain proceedings, use of state tax returns, Section 1263.520, Code of Civil Procedure.

Employment agency, confidentiality of customer list, Section 16607, Business and Professions Code.

Employment application, nondisclosure of arrest record or certain convictions, Sections 432.7 and 432.8, Labor Code.

Employment Development Department, furnishing materials, Section 307, Unemployment Insurance Code.

Enteral nutrition products, confidentiality of contracts by the State Department of Health Care Services with manufacturers of enteral nutrition products, Section 14105.8, Welfare and Institutions Code.

Equal wage rate violation, confidentiality of complaint, Section 1197.5, Labor Code.

Equalization, State Board of, prohibition against divulging information, Section 15619, this code.

Escrow Agents' Fidelity Corporation, confidentiality of examination and investigation reports, Section 17336, Financial Code.

Escrow agents' confidentiality of reports on violations, Section 17414, Financial Code.

Escrow agents' confidentiality of state summary criminal history information, Section 17414.1, Financial Code.

Estate tax, confidential records and information, Section 14251, Revenue and Taxation Code.

Excessive rates or complaints, reports, Section 1857.9, Insurance Code.

Executive Department, closed sessions and the record of topics discussed, Sections 11126 and 11126.1, this code.

Executive Department, investigations and hearings, confidential nature of information acquired, Section 11183, this code.

7930.145. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Family court records, Section 1818, Family Code.

Farm product processor license, confidentiality of financial statements, Section 55523.6, Food and Agricultural Code.

Farm product processor licensee, confidentiality of grape purchases, Section 55601.5, Food and Agricultural Code.

Fee payer information, prohibition against disclosure by the State Board of Equalization and others, Section 55381, Revenue and Taxation Code.

Financial institutions, issuance of securities, reports and records of state agencies, Section 7929.000, this code.

Financial statements of insurers, confidentiality of information received, Section 925.3, Insurance Code.

Financial statements and questionnaires, of prospective bidders for the state, confidentiality of, Section 10165, Public Contract Code.

Financial statements and questionnaires, of prospective bidders for California State University contracts, confidentiality of, Section 10763, Public Contract Code.

Firearms, centralized list of exempted federal firearms licensees, disclosure of information compiled from, Sections 28475 and 28480, Penal Code.

Firearms, centralized list of dealers and licensees, disclosure of information compiled from, Section 26715, Penal Code.

Firearm license applications, Sections 7923.800 and 7923.805, this code.

Firearm sale or transfer, confidentiality of records, Section 28060, Penal Code.

Fishing and hunting licenses, confidentiality of names and addresses contained in records submitted to the Department of Fish and Wildlife to obtain recreational fishing and hunting licenses, Section 1050.6, Fish and Game Code.

Foreign marketing of agricultural products, confidentiality of financial information, Section 58577, Food and Agricultural Code.

Forest fires, anonymity of informants, Section 4417, Public Resources Code.

Foster homes, identifying information, Section 1536, Health and Safety Code.

Franchise Tax Board, access to Franchise Tax Board information by the State Department of Social Services, Section 11025, Welfare and Institutions Code.

Franchise Tax Board, auditing, confidentiality of, Section 90005, this code.

Franchises, applications, and reports filed with Commissioner of Business Oversight, disclosure and withholding from public inspection, Section 31504, Corporations Code.

7930.150. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Gambling Control Act, exemption from disclosure for records of the California Gambling Control Commission and the Department of Justice, Sections 19819 and 19821, Business and Professions Code.

Genetically Handicapped Persons Program, confidentiality of factor replacement therapy contracts, Section 125191, Health and Safety Code.

Governor, correspondence of and to Governor and Governor's office, Section 7928.000, this code.

Governor, transfer of public records in control of, restrictions on public access, Sections 7928.005 and 7928.010, this code.

Grand jury, confidentiality of request for special counsel, Section 936.7, Penal Code.

Grand jury, confidentiality of transcription of indictment or accusation, Section 938.1, Penal Code.

Group Insurance, public employees, Section 53202.25, this code.

Guardianship, confidentiality of report regarding the suitability of the proposed guardian, Section 1543, Probate Code.

Guardianship, disclosure of report and recommendation concerning proposed guardianship of person or estate, Section 1513, Probate Code.

7930.155. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Hazardous substance tax information, prohibition against disclosure, Section 43651, Revenue and Taxation Code.

Hazardous waste control, business plans, public inspection, Section 25509, Health and Safety Code.

Hazardous waste control, notice of unlawful hazardous waste disposal, Section 25180.5, Health and Safety Code.

Hazardous waste control, trade secrets, disclosure of information, Sections 25512, 25512.1, and 25538, Health and Safety Code.

Hazardous waste control, trade secrets, procedures for release of information, Section 25358.2, Health and Safety Code.

Hazardous waste generator report, protection of trade secrets, Sections 25244.21 and 25244.23, Health and Safety Code.

Hazardous waste licenseholder disclosure statement, confidentiality of, Section 25186.5, Health and Safety Code.

Hazardous waste recycling, information clearinghouse, confidentiality of trade secrets, Section 25170, Health and Safety Code.

Hazardous waste recycling, list of specified hazardous wastes, trade secrets, Section 25175, Health and Safety Code.

Hazardous waste recycling, trade secrets, confidential nature, Sections 25173 and 25180.5, Health and Safety Code.

Healing arts licensees, central files, confidentiality, Section 800, Business and Professions Code.

Health authorities, special county, confidentiality of records, Sections 14087.35, 14087.36, and 14087.38, Welfare and Institutions Code.

Health care provider disciplinary proceeding, confidentiality of documents, Section 805.1, Business and Professions Code.

Health care service plans, review of quality of care, privileged communications, Sections 1370 and 1380, Health and Safety Code.

Health commissions, special county, confidentiality of peer review proceedings, rates of payment, and trade secrets, Section 14087.31, Welfare and Institutions Code.

Health facilities, patient's rights of confidentiality, subdivision (c) of Section 128745 and Sections 128735, 128736, 128737, 128755, and 128765, Health and Safety Code.

Health personnel, data collection by the Office of Statewide Health Planning and Development, confidentiality of information on individual licentiates, Section 127780, Health and Safety Code.

Health plan governed by a county board of supervisors, exemption from disclosure for records relating to provider rates or payments for a three-year period after execution of the provider contract, Sections 7926.205 and 54956.87, this code.

Hereditary Disorders Act, legislative finding and declaration, confidential information, Sections 124975 and 124980, Health and Safety Code.

Hereditary Disorders Act, rules, regulations, and standards, breach of confidentiality, Section 124980, Health and Safety Code.

HIV, disclosures to blood banks by department or county health officers, Section 1603.1, Health and Safety Code.

Home address of public employees and officers in Department of Motor Vehicles, records, confidentiality of, Sections 1808.2 and 1808.4, Vehicle Code.

Horse racing, horses, blood or urine test sample, confidentiality, Section 19577, Business and Professions Code.

Hospital district and municipal hospital records relating to contracts with insurers and service plans, Section 7926.210, this code.

Hospital final accreditation report, Section 7926.000, this code.

Housing authorities, confidentiality of rosters of tenants, Section 34283, Health and Safety Code.

Housing authorities, confidentiality of applications by prospective or current tenants, Section 34332, Health and Safety Code.

7930.160. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Improper governmental activities reporting, confidentiality of identity of person providing information, Section 8547.5, this code.

Improper governmental activities reporting, disclosure of information, Section 8547.6, this code.

Industrial loan companies, confidentiality of financial information, Section 18496, Financial Code.

Industrial loan companies, confidentiality of investigation and examination reports, Section 18394, Financial Code.

Influenza vaccine, trade secret information and information relating to recipient of vaccine, Section 120160, Health and Safety Code.

In forma pauperis litigant, rules governing confidentiality of financial information, Section 68633, this code.

Infrastructure information, exemption from disclosure for information voluntarily submitted to the Office of Emergency Services, Section 7929.205, this code.

In-Home Supportive Services Program, exemption from disclosure for information regarding persons paid by the state to provide in-home supportive services, Section 7926.300, this code.

Initiative, referendum, recall, and other petitions, confidentiality of names of signers, Sections 7924.100, 7924.105, and 7924.110, this code.

Insurance claims analysis, confidentiality of information, Section 1875.16, Insurance Code.

Insurance Commissioner, confidential information, Sections 735.5, 1067.11, 1077.3, and 12919, Insurance Code.

Insurance Commissioner, informal conciliation of complaints, confidential communications, Section 1858.02, Insurance Code.

Insurance Commissioner, information from examination or investigation, confidentiality of, Sections 1215.8, 1433, and 1759.3, Insurance Code.

Insurance Commissioner, writings filed with nondisclosure, Section 855, Insurance Code.

Insurance fraud reporting, information acquired not part of public record, Section 1873.1, Insurance Code.

Insurance licensee, confidential information, Section 1666.5, Insurance Code.

Insurer application information, confidentiality of, Section 925.3, Insurance Code.

Insurer financial analysis ratios and examination synopses, confidentiality of, Section 933, Insurance Code.

Department of Resources Recycling and Recovery information, prohibition against disclosure, Section 45982, Revenue and Taxation Code.

International wills, confidentiality of registration information filed with the Secretary of State, Section 6389, Probate Code.

Intervention in regulatory and ratemaking proceedings, audit of customer seeking and award, Section 1804, Public Utilities Code.

Investigation and security records, exemption from disclosure for records of the Attorney General, the Department of Justice, the Office of Emergency Services, and state and local police agencies, Sections 7923.600 to 7923.630, inclusive, this code.

Investigative consumer reporting agency, limitations on furnishing an investigative consumer report, Section 1786.12, Civil Code.

7930.165. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Joint Legislative Ethics Committee, confidentiality of reports and records, Section 8953, this code.

Judicial candidates, confidentiality of communications concerning, Section 12011.5, this code.

Judicial proceedings, confidentiality of employer records of employee absences, Section 230.2, Labor Code.

Jurors' lists, lists of registered voters and licensed drivers as source for, Section 197, Code of Civil Procedure.

Juvenile court proceedings to adjudge a person a dependent child of court, sealing records of, Section 389, Welfare and Institutions Code.

Juvenile criminal records, dissemination to schools, Section 828.1, Welfare and Institutions Code.

Juvenile delinquents, notification of chief of police or sheriff of escape of minor from secure detention facility, Section 1155, Welfare and Institutions Code.

Labor dispute, investigation and mediation records, confidentiality of, Section 3601, this code.

Lanterman-Petris-Short Act, mental health services recipients, confidentiality of information and records, mental health advocate, Sections 5540, 5541, 5542, and 5550, Welfare and Institutions Code.

Law enforcement vehicles, registration disclosure, Section 5003, Vehicle Code.

Legislative Counsel records, Section 7928.100, this code.

Library circulation records and other materials, Sections 7925.000 and 7927.105, this code.

Life and disability insurers, actuarial information, confidentiality of, Section 10489.15, Insurance Code.

Litigation, confidentiality of settlement information, Section 68513, this code.

Local agency legislative body, closed sessions, disclosure of materials, Section 54956.9, this code.

Local government employees, confidentiality of records and claims relating to group insurance, Section 53202.25, this code.

Local summary criminal history information, confidentiality of, Sections 13300 and 13305, Penal Code.

Local agency legislative body, closed session, nondisclosure of minute book, Section 54957.2, this code.

Local agency legislative body, meeting, disclosure of agenda, Section 54957.5, this code.

Long-term health facilities, confidentiality of complaints against, Section 1419, Health and Safety Code.

Long-term health facilities, confidentiality of records retained by State Department of Public Health, Section 1439, Health and Safety Code.

Los Angeles County Tourism Marketing Commission, confidentiality of information obtained from businesses to determine their assessment, Section 13995.108, this code.

7930.170. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Managed Risk Medical Insurance Board, negotiations with entities contracting or seeking to contract with the board, Sections 7926.225 and 7926.230, this code.

Mandated blood testing and confidentiality to protect public health, prohibition against compelling identification of test subjects, Section 120975, Health and Safety Code.

Mandated blood testing and confidentiality to protect public health, unauthorized disclosures of identification of test subjects, Sections 1603.1, 1603.3, and 121022, Health and Safety Code.

Mandated blood testing and confidentiality to protect public health, disclosure to patient's spouse, sexual partner, needle sharer, or county health officer, Section 121015, Health and Safety Code.

Manufactured home, mobilehome, floating home, confidentiality of home address of registered owner, Section 18081, Health and Safety Code.

Marital confidential communications, Sections 980, 981, 982, 983, 984, 985, 986, and 987, Evidence Code.

Market reports, confidential, Section 7927.300, this code.

Marketing of commodities, confidentiality of financial information, Section 58781, Food and Agricultural Code.

Marketing orders, confidentiality of processors' or distributors' information, Section 59202, Food and Agricultural Code.

Marriage, confidential, certificate, Section 511, Family Code.

Medi-Cal Benefits Program, confidentiality of information, Section 14100.2, Welfare and Institutions Code.

Medi-Cal Benefits Program, request of department for records or information, Section 14124.89, Welfare and Institutions Code.

Medi-Cal managed care program, exemption from disclosure for financial and utilization data submitted by Medi-Cal managed care health plans to establish rates, Section 14301.1, Welfare and Institutions Code.

Medi-Cal program, exemption from disclosure for best price contracts between the State Department of Health Care Services and drug manufacturers, Section 14105.33, Welfare and Institutions Code.

Medical information, disclosure by provider unless prohibited by patient in writing, Section 56.16, Civil Code.

Medical information, types of information not subject to patient prohibition of disclosure, Section 56.30, Civil Code.

Medical and other hospital committees and peer review bodies, confidentiality of records, Section 1157, Evidence Code.

Medical or dental licensee, action for revocation or suspension due to illness, report, confidentiality of, Section 828, Business and Professions Code.

Medical or dental licensee, disciplinary action, denial or termination of staff privileges, report, confidentiality of, Sections 805, 805.1, and 805.5, Business and Professions Code.

Meetings of state agencies, disclosure of agenda, Section 11125.1, this code.

Mentally abnormal sex offender committed to state hospital, confidentiality of records, Section 4135, Welfare and Institutions Code.

Mentally disordered and developmentally disabled offenders, access to criminal histories of, Section 1620, Penal Code.

Mentally disordered persons, court-ordered evaluation, confidentiality of reports, Section 5202, Welfare and Institutions Code.

Mentally disordered or mentally ill person, confidentiality of written consent to detainment, Section 5326.4, Welfare and Institutions Code.

Mentally disordered or mentally ill person, voluntarily or involuntarily detained and receiving services, confidentiality of records and information, Sections 5328, 5328.15, 5328.2, 5328.4, 5328.8, and 5328.9, Welfare and Institutions Code.

Mentally disordered or mentally ill person, weapons restrictions, confidentiality of information about, Section 8103, Welfare and Institutions Code.

Milk marketing, confidentiality of records, Section 61443, Food and Agricultural Code.

Milk product certification, confidentiality of, Section 62121, Food and Agricultural Code.

Milk, market milk, confidential records and reports, Section 62243, Food and Agricultural Code.

Milk product registration, confidentiality of information, Section 38946, Food and Agricultural Code.

Milk equalization pool plan, confidentiality of producers' voting, Section 62716, Food and Agricultural Code.

Mining report, confidentiality of report containing information relating to mineral production, reserves, or rate of depletion of mining operation, Section 2207, Public Resources Code.

Minor, criminal proceeding testimony closed to public, Section 859.1, Penal Code.

Minors, material depicting sexual conduct, records of suppliers to be kept and made available to law enforcement, Section 1309.5, Labor Code.

Misdemeanor and felony reports by police chiefs and sheriffs to Department of Justice, confidentiality of, Sections 11107 and 11107.5, Penal Code.

Monetary instrument transaction records, confidentiality of, Section 14167, Penal Code.

Missing persons' information, disclosure of, Sections 14204 and 14205, Penal Code.

Morbidity and mortality studies, confidentiality of records, Section 100330, Health and Safety Code.

Motor vehicle accident reports, disclosure, Sections 16005, 20012, and 20014, Vehicle Code.

Motor Vehicles, Department of, public records, exceptions, Sections 1808 to 1808.7, inclusive, Vehicle Code.

Motor vehicle insurance fraud reporting, confidentiality of information acquired, Section 1874.3, Insurance Code.

Motor vehicle liability insurer, data reported to Department of Insurance, confidentiality of, Section 11628, Insurance Code.

Multijurisdictional drug law enforcement agency, closed sessions to discuss criminal investigation, Section 54957.8, this code.

7930.175. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Narcotic and drug abuse patients, confidentiality of records, Section 11845.5, Health and Safety Code.

Native American graves, cemeteries, and sacred places, records of, Section 7927.000, this code.

Notary public, confidentiality of application for appointment and commission, Section 8201.5, this code.

Nurse, alcohol or dangerous drug diversion and rehabilitation records, confidentiality of, Section 2770.12, Business and Professions Code.

Obscene matter, defense of scientific or other purpose, confidentiality of recipients, Section 311.8, Penal Code.

Occupational safety and health investigations, confidentiality of complaints and complainants, Section 6309, Labor Code.

Occupational safety and health investigations, confidentiality of trade secrets, Section 6322, Labor Code.

Official information acquired in confidence by public employee, disclosure of, Sections 1040 and 1041, Evidence Code.

Oil and gas, confidentiality of proposals for the drilling of a well, Section 3724.4, Public Resources Code.

Oil and gas, disclosure of onshore and offshore exploratory well records, Section 3234, Public Resources Code.

Oil and gas, disclosure of well records, Section 3752, Public Resources Code.

Oil and gas leases, surveys for permits, confidentiality of information, Section 6826, Public Resources Code.

Oil spill feepayer information, prohibition against disclosure, Section 46751, Revenue and Taxation Code.

Older adults receiving county services, providing information between county agencies, confidentiality of, Section 9401, Welfare and Institutions Code.

Organic food certification organization records, release of, Section 110845, Health and Safety Code.

Osteopathic physician and surgeon, rehabilitation and diversion records, confidentiality of, Section 2369, Business and Professions Code.

7930.180. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Parole revocation proceedings, confidentiality of information in reports, Section 3063.5, Penal Code.

Passenger fishing boat licenses, records, Section 7923, Fish and Game Code.

Paternity, acknowledgment, confidentiality of records, Section 102760, Health and Safety Code.

Patient-physician confidential communication, Sections 992 and 994, Evidence Code.

Patient records, confidentiality of, Section 123135, Health and Safety Code.

Payroll records, confidentiality of, Section 1776, Labor Code.

Peace officer personnel records, confidentiality of, Sections 832.7 and 832.8, Penal Code.

Penitential communication between penitent and clergy, Sections 1032 and 1033, Evidence Code.

Personal Care Services Program, exemption from disclosure for information regarding persons paid by the state to provide personal care services, Section 7926.300, this code.

Personal Income Tax, disclosure of information, Article 2 (commencing with Section 19542) of Chapter 7 of Part 10.2 of Division 2, Revenue and Taxation Code.

Personal information, Information Practices Act, prohibitions against disclosure by state agencies, Sections 1798.24 and 1798.75, Civil Code.

Personal information, subpoena of records containing, Section 1985.4, Code of Civil Procedure.

Personal representative, confidentiality of personal representative's birthdate and driver's license number, Section 8404, Probate Code.

Persons formerly classified as mentally abnormal sex offenders committed to a state hospital, confidentiality of records, Section 4135, Welfare and Institutions Code.

Persons with mental health disorders, court-ordered evaluation, confidentiality of reports, Section 5202, Welfare and Institutions Code.

Persons with mental health disorders, confidentiality of written consent to detainment, Section 5326.4, Welfare and Institutions Code.

Persons with mental health disorders voluntarily detained and receiving services, confidentiality of records and information, Sections 5328, 5328.15, 5328.2, 5328.4, 5328.8, and 5328.9, Welfare and Institutions Code.

Persons with mental health disorders, weapons restrictions, confidentiality of information about, Section 8103, Welfare and Institutions Code.

Petition signatures, Section 18650, Elections Code.

Petroleum supply and pricing, confidential information, Sections 25364 and 25366, Public Resources Code.

Pharmacist, alcohol or dangerous drug diversion and rehabilitation records, confidentiality of, Section 4372, Business and Professions Code.

Physical therapist or assistant, records of dangerous drug or alcohol diversion and rehabilitation, confidentiality of, Section 2667, Business and Professions Code.

Physical or mental condition or conviction of controlled substance offense, records in Department of Motor Vehicles, confidentiality of, Section 1808.5, Vehicle Code.

Physician assistant, alcohol or dangerous drug diversion and rehabilitation records, confidentiality of, Section 3534.7, Business and Professions Code.

Physician competency examination, confidentiality of reports, Section 2294, Business and Professions Code.

Physicians and surgeons, confidentiality of reports of patients with a lapse of consciousness disorder, Section 103900, Health and Safety Code.

Physician Services Account, confidentiality of patient names in claims, Section 16956, Welfare and Institutions Code.

Pilots, confidentiality of personal information, Section 1157.1, Harbors and Navigation Code.

Pollution Control Financing Authority, financial data submitted to, Section 7924.505, this code.

Postmortem or autopsy photos, Section 129, Code of Civil Procedure.

7930.185. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Pregnancy tests by local public health agencies, confidentiality of, Section 123380, Health and Safety Code.

Pregnant women, confidentiality of blood tests, Section 125105, Health and Safety Code.

Prehospital emergency medical care, release of information, Sections 1797.188 and 1797.189, Health and Safety Code.

Prenatal syphilis tests, confidentiality of, Section 120705, Health and Safety Code.

Prescription drug discounts, confidentiality of corporate proprietary information, Section 130506, Health and Safety Code.

Prisoners, behavioral research on, confidential personal information, Section 3515, Penal Code.

Prisoners, confidentiality of blood tests, Section 7530, Penal Code.

Prisoners, medical testing, confidentiality of records, Sections 7517 and 7540, Penal Code.

Prisoners, transfer from county facility for mental treatment and evaluation, confidentiality of written reasons, Section 4011.6, Penal Code.

Private industry wage data collected by public entity, confidentiality of, Section 7927.600, this code.

Private railroad car tax, confidentiality of information, Section 11655, Revenue and Taxation Code.

Probate referee, disclosure of materials, Section 8908, Probate Code.

Probation officer reports, inspection of, Section 1203.05, Penal Code.

Produce dealer, confidentiality of financial statements, Section 56254, Food and Agricultural Code.

Products liability insurers, transmission of information, Section 1857.9, Insurance Code.

Professional corporations, financial statements, confidentiality of, Section 13406, Corporations Code.

Property on loan to museum, notice of intent to preserve an interest in, not subject to disclosure, Section 1899.5, Civil Code.

Property taxation, confidentiality of change of ownership, Section 481, Revenue and Taxation Code.

Property taxation, confidentiality of exemption claims, Sections 63.1, 69.5, and 408.2, Revenue and Taxation Code.

Property taxation, confidentiality of property information, Section 15641, Government Code and Section 833, Revenue and Taxation Code.

Proprietary information, availability only to the director and other persons authorized by the operator and the owner, Section 2778, Public Resources Code.

Psychologist and client, confidential relations and communications, Section 2918, Business and Professions Code.

Psychotherapist-patient confidential communication, Sections 1012 and 1014, Evidence Code.

Public employees' home addresses and telephone numbers, confidentiality of, Section 7928.300, this code.

Public Employees' Medical and Hospital Care Act, confidentiality of data relating to health care services rendered by participating hospitals to members and annuitants, Section 22854.5, this code.

Public Employees' Retirement System, confidentiality of data filed by member or beneficiary with board of administration, Section 20230, this code.

Public investment funds, exemption from disclosure for records regarding alternative investments, Section 7928.710, this code.

Public school employees organization, confidentiality of proof of majority support submitted to Public Employment Relations Board, Sections 3544, 3544.1, and 3544.5, this code.

Public social services, confidentiality of digest of decisions, Section 10964, Welfare and Institutions Code.

Public social services, confidentiality of information regarding child abuse or elder or dependent persons abuse, Section 10850.1, Welfare and Institutions Code.

Public social services, confidentiality of information regarding eligibility, Section 10850.2, Welfare and Institutions Code.

Public social services, confidentiality of records, Section 10850, Welfare and Institutions Code.

Public social services, disclosure of information to law enforcement agencies, Section 10850.3, Welfare and Institutions Code.

Public social services, disclosure of information to law enforcement agencies regarding deceased applicant or recipient, Section 10850.7, Welfare and Institutions Code.

Public utilities, confidentiality of information, Section 583, Public Utilities Code.

Pupil, confidentiality of personal information, Section 45345, Education Code.

Pupil drug and alcohol use questionnaires, confidentiality of, Section 11605, Health and Safety Code.

Pupil, expulsion hearing, disclosure of testimony of witness and closed session of district board, Section 48918, Education Code.

Pupil, personal information disclosed to school counselor, confidentiality of, Section 49602, Education Code.

Pupil record contents, records of administrative hearing to change contents, confidentiality of, Section 49070, Education Code.

Pupil records, access authorized for specified parties, Section 49076, Education Code.

Pupil records, disclosure in hearing to dismiss or suspend school employee, Section 44944.3, Education Code.

Pupil records, release of directory information to private entities, Sections 49073 and 49073.5, Education Code.

7930.190. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Radioactive materials, dissemination of information about transportation of, Section 33002, Vehicle Code.

Railroad infrastructure protection program, disclosure not required for risk assessments filed with the Public Utilities Commission, the Director of Emergency Services, or the Office of Emergency Services, Section 7929.215, this code.

Real estate broker, annual report to Bureau of Real Estate of financial information, confidentiality of, Section 10232.2, Business and Professions Code.

Real property, acquisition by state or local government, information relating to feasibility, Section 7928.705, this code.

Real property, change in ownership statement, confidentiality of, Section 27280, this code.

Records described in Section 1620, Penal Code.

Records of contract purchasers, inspection by public prohibited, Section 85, Military and Veterans Code.

Records of persons committed to a state hospital pursuant to Section 4135, Welfare and Institutions Code.

Registered public obligations, inspection of records of security interests in, Section 5060, this code.

Registration of exempt vehicles, nondisclosure of name of person involved in alleged violation, Section 5003, Vehicle Code.

Rehabilitation, Department of, confidential information, Section 19016, Welfare and Institutions Code.

Reinsurance intermediary-broker license information, confidentiality of, Section 1781.3, Insurance Code.

Relocation assistance, confidential records submitted to a public entity by a business or farm operation, Section 7262, this code.

Rent control ordinance, confidentiality of information concerning accommodations sought to be withdrawn from, Section 7060.4, this code.

Report of probation officer, inspection, copies, Section 1203.05, Penal Code.

Repossession agency licensee application, confidentiality of information, Sections 7503, 7504, and 7506.5, Business and Professions Code.

Reproductive health facilities, disclosure not required for personal information regarding employees, volunteers, board members, owners, partners, officers, and contractors of a reproductive health services facility who have provided requisite notification, Sections 7926.400 to 7926.430, inclusive, this code.

Residence address in any record of Department of Housing and Community Development, confidentiality of, Section 7927.415, this code.

Residence address in any record of Department of Motor Vehicles, confidentiality of, Section 7927.405, this code, and Section 1808.21, Vehicle Code.

Residence and mailing addresses in records of Department of Motor Vehicles, confidentiality of, Section 1810.7, Vehicle Code.

Residential care facilities, confidentiality of resident information, Section 1568.08, Health and Safety Code.

Residential care facilities for the elderly, confidentiality of client information, Section 1569.315, Health and Safety Code.

Resource families, identifying information, Section 16519.55, Welfare and Institutions Code.

Respiratory care practitioner, professional competency examination reports, confidentiality of, Section 3756, Business and Professions Code.

Restraint of trade, civil action by district attorney, confidential memorandum, Section 16750, Business and Professions Code.

Reward by Governor for information leading to arrest and conviction, confidentiality of person supplying information, Section 1547, Penal Code.

7930.195. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Safe surrender site, confidentiality of information pertaining to a parent or individual surrendering a child, Section 1255.7, Health and Safety Code.

Sales and use tax, disclosure of information, Section 7056, Revenue and Taxation Code.

Santa Barbara Regional Health Authority, exemption from disclosure for records maintained by the authority regarding negotiated rates for the California Medical Assistance Program, Section 14499.6, Welfare and Institutions Code.

Savings association employees, disclosure of criminal history information, Section 6525, Financial Code.

Savings associations, inspection of records by shareholders, Section 6050, Financial Code.

School district governing board, disciplinary action, disclosure of pupil information, Section 35146, Education Code.

School employee, merit system examination records, confidentiality of, Section 45274, Education Code.

School employee, notice and reasons for hearing on non-reemployment of employee, confidentiality of, Sections 44948.5 and 44949, Education Code.

School meals for needy pupils, confidentiality of records, Section 49558, Education Code.

Sealed records, arrest for misdemeanor, Section 851.7, Penal Code.

Sealed records, misdemeanor convictions, Section 1203.45, Penal Code.

Sealing and destruction of arrest records, determination of innocence, Section 851.8, Penal Code.

Search warrants, special master, Section 1524, Penal Code.

Sex change, confidentiality of birth certificate, Section 103440, Health and Safety Code.

Sex offenders, registration form, Section 290.021, Penal Code.

Sexual assault forms, confidentiality of, Section 13823.5, Penal Code.

Sexual assault counselor and victim, confidential communication, Sections 1035.2, 1035.4, and 1035.8, Evidence Code.

Shorthand reporter's complaint, Section 8010, Business and Professions Code.

Small family day care homes, identifying information, Section 1596.86, Health and Safety Code.

Social security number, applicant for driver's license or identification card, nondisclosure of, Section 1653.5, Vehicle Code, and Section 7922.200, this code.

Social security number, official record or official filing, nondisclosure of, Section 9526.5, Commercial Code, and Sections 7922.205 and 7922.210, this code.

Social Security Number Truncation Program, Article 3.5 (commencing with Section 27300) of Chapter 6 of Part 3 of Division 2 of Title 3, this code.

Social security numbers within records of local agencies, nondisclosure of, Section 7922.200, this code.

7930.200. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

State agency activities relating to unrepresented employees, Section 7928.405, this code.

State agency activities relating to providers of health care, Section 7927.500, this code.

State Auditor, access to barred records, Section 8545.2, this code.

State Auditor, confidentiality of records, Sections 8545, 8545.1, and 8545.3, this code.

State civil service employee, confidentiality of appeal to State Personnel Board, Section 18952, this code.

State civil service employees, confidentiality of reports, Section 18573, this code.

State civil service examination, confidentiality of application and examination materials, Section 18934, this code.

State Compensation Insurance Fund, exemption from disclosure for various records maintained by the State Compensation Insurance Fund, Sections 7929.400 to 7929.430, inclusive, this code.

State Contract Act, bids, questionnaires and financial statements, Section 10165, Public Contract Code.

State Contract Act, bids, sealing, opening, and reading bids, Section 10304, Public Contract Code.

State Energy Resources Conservation and Development Commission, confidentiality of proprietary information submitted to, Section 25223, Public Resources Code.

State hospital patients, information and records in possession of Superintendent of Public Instruction, confidentiality of, Section 56863, Education Code.

State Long-Term Care Ombudsman, access to government agency records, Section 9723, Welfare and Institutions Code.

State Long-Term Care Ombudsman office, confidentiality of records and files, Section 9725, Welfare and Institutions Code.

State Long-Term Care Ombudsman office, disclosure of information or communications, Section 9715, Welfare and Institutions Code.

State Lottery Evaluation Report, disclosure, Section 8880.46, this code.

State prisoners, exemption from disclosure for surveys by the California Research Bureau of children of female prisoners, Section 7443, Penal Code.

State summary criminal history information, confidentiality of information, Sections 11105, 11105.1, 11105.3, and 11105.4, Penal Code.

State Teachers' Retirement System, confidentiality of information filed with the system by a member, participant, or beneficiary, Section 22306, Education Code.

Sterilization of disabled, confidentiality of evaluation report, Section 1955, Probate Code.

Strawberry marketing information, confidentiality of, Section 63124, Food and Agricultural Code.

Structural pest control licensee records relating to pesticide use, confidentiality of, Section 15205, Food and Agricultural Code.

Student driver, records of physical or mental condition, confidentiality of, Section 12661, Vehicle Code.

Student, community college, information received by school counselor, confidentiality of, Section 72621, Education Code.

Student, community college, records, limitations on release, Section 76243, Education Code.

Student, community college, record contents, records of administrative hearing to change contents, confidentiality of, Section 76232, Education Code.

Student, sexual assault on private higher education institution campus, confidentiality of information, Section 94385, Education Code.

Student, sexual assault on public college or university, confidentiality of information, Section 67385, Education Code.

Sturgeon egg processors, records, Section 10004, Fish and Game Code.

7930.205. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Taxpayer information, confidentiality, local taxes, Section 7925.000, this code.

Tax preparer, disclosure of information obtained in business of preparing tax returns, Section 17530.5, Business and Professions Code.

Teacher, credential holder or applicant, information provided to Commission on Teacher Credentialing, confidentiality of, Section 44341, Education Code.

Teacher, certified school personnel examination results, confidentiality of, Section 44289, Education Code.

Telephone answering service customer list, trade secret, Section 16606, Business and Professions Code.

Timber yield tax, disclosure to county assessor, Section 38706, Revenue and Taxation Code.

Timber yield tax, disclosure of information, Section 38705, Revenue and Taxation Code.

Title insurers, confidentiality of notice of noncompliance, Section 12414.14, Insurance Code.

Tobacco products, exemption from disclosure for distribution information provided to the State Department of Public Health, Section 22954, Business and Professions Code.

Tow truck driver, information in records of the Department of the California Highway Patrol, Department of Motor Vehicles, or other agencies, confidentiality of, Sections 2431 and 2432.3, Vehicle Code.

Toxic Substances Control, Department of, inspection of records of, Section 25152.5, Health and Safety Code.

Trade secrets, Section 1060, Evidence Code.

Trade secrets, confidentiality of, occupational safety and health inspections, Section 6322, Labor Code.

Trade secrets, disclosure of public records, Section 3426.7, Civil Code.

Trade secrets, food, drugs, cosmetics, nondisclosure, Sections 110165 and 110370, Health and Safety Code.

Trade secrets, protection by Director of Pesticide Regulation, Sections 7924.300 to 7924.335, inclusive, this code.

Trade secrets and proprietary information relating to pesticides, confidentiality of, Sections 14022 and 14023, Food and Agricultural Code.

Trade secrets, protection by Director of Industrial Relations, Section 6396, Labor Code.

Trade secrets relating to hazardous substances, disclosure of, Sections 25358.2 and 25358.7, Health and Safety Code.

Traffic violator school licensee records, confidentiality of, Section 11212, Vehicle Code.

Traffic offense, dismissed for participation in driving school or program, record of, confidentiality of, Section 1808.7, Vehicle Code.

Transit districts, questionnaire and financial statement information in bids, Section 99154, Public Utilities Code.

Tribal-state gaming compacts, exemption from disclosure for records of an Indian tribe relating to securitization of annual payments, Section 63048.63, this code.

Trust companies, disclosure of private trust confidential information, Section 1602, Financial Code.

(Added by Stats. 2021, Ch. 614, Sec. 2. (AB 473) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 7931.000. Superseded on January 1, 2024; see amendment by Stats. 2022, Ch. 258.)

7930.205. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Taxpayer information, confidentiality, local taxes, Section 7925.000, this code.

Tax preparer, disclosure of information obtained in business of preparing tax returns, Section 17530.5, Business and Professions Code.

Teacher, credential holder or applicant, information provided to Commission on Teacher Credentialing, confidentiality of, Section 44341, Education Code.

Teacher, certified school personnel examination results, confidentiality of, Section 44289, Education Code.

Telephone answering service customer list, trade secret, Section 16606, Business and Professions Code.

Timber yield tax, disclosure to county assessor, Section 38706, Revenue and Taxation Code.

Timber yield tax, disclosure of information, Section 38705, Revenue and Taxation Code.

Title insurers, confidentiality of notice of noncompliance, Section 12414.14, Insurance Code.

Tobacco products, exemption from disclosure for distribution information provided to the State Department of Public Health, Section 22954, Business and Professions Code.

Tow truck driver, information in records of the Department of the California Highway Patrol, Department of Motor Vehicles, or other agencies, confidentiality of, Sections 2431 and 2432.3, Vehicle Code.

Toxic Substances Control, Department of, inspection of records of, Section 25152.5, Health and Safety Code.

Trade secrets, Section 1060, Evidence Code.

Trade secrets, confidentiality of, occupational safety and health inspections, Section 6322, Labor Code.

Trade secrets, disclosure of public records, Section 3426.7, Civil Code.

Trade secrets, food, drugs, cosmetics, nondisclosure, Sections 110165 and 110370, Health and Safety Code.

Trade secrets, protection by Director of Pesticide Regulation, Sections 7924.300 to 7924.335, inclusive, this code.

Trade secrets and proprietary information relating to pesticides, confidentiality of, Sections 14022 and 14023, Food and Agricultural Code.

Trade secrets, protection by Director of Industrial Relations, Section 6396, Labor Code.

Trade secrets relating to hazardous substances, disclosure of, Sections 78480 to 78495, inclusive, and Section 78930, Health and Safety Code.

Traffic violator school licensee records, confidentiality of, Section 11212, Vehicle Code.

Traffic offense, dismissed for participation in driving school or program, record of, confidentiality of, Section 1808.7, Vehicle Code.

Transit districts, questionnaire and financial statement information in bids, Section 99154, Public Utilities Code.

Tribal-state gaming compacts, exemption from disclosure for records of an Indian tribe relating to securitization of annual payments, Section 63048.63, this code.

Trust companies, disclosure of private trust confidential information, Section 1602, Financial Code.

(Amended by Stats. 2022, Ch. 258, Sec. 19. (AB 2327) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 130 of Stats. 2022, Ch. 258.)

7930.210. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Unclaimed property, Controller records of, disclosure, Section 1582, Code of Civil Procedure.

Unemployment compensation, disclosure of confidential information, Section 2111, Unemployment Insurance Code.

Unemployment compensation, information obtained in administration of code, Section 1094, Unemployment Insurance Code.

Unemployment fund contributions, publication of annual tax paid, Section 989, Unemployment Insurance Code.

University of California, exemption from disclosure for information submitted by bidders for award of best value contracts, Section 10506.6, Public Contract Code.

Unsafe working condition, confidentiality of complainant, Section 6309, Labor Code.

Use fuel tax information, disclosure prohibited, Section 9255, Revenue and Taxation Code.

Utility systems development, confidential information, Section 7927.300, this code.

Utility user tax return and payment records, exemption from disclosure, Section 7284.6, Revenue and Taxation Code.

Vehicle registration, confidentiality of information, Section 4750.4, Vehicle Code.

Vehicle accident reports, disclosure of, Sections 16005, 20012, and 20014, Vehicle Code and Section 27177, Streets and Highways Code.

Vehicular offense, record of, confidentiality five years after conviction, Section 1807.5, Vehicle Code.

Veterans Affairs, Department of, confidentiality of records of contract purchasers, Section 85, Military and Veterans Code.

Veterinarian or animal health technician, alcohol or dangerous drugs diversion and rehabilitation records, confidentiality of, Section 4871, Business and Professions Code.

Victims' Legal Resource Center, confidentiality of information and records retained, Section 13897.2, Penal Code.

Voter, affidavit or registration, confidentiality of information contained in, Section 7924.000, this code.

Voter, registration by confidential affidavit, Section 2194, Elections Code.

Voting, secrecy, Section 1050, Evidence Code.

7930.215. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Wards and dependent children, inspection of juvenile court documents, Section 827, Welfare and Institutions Code.

Wards, petition for sealing records, Section 781, Welfare and Institutions Code.

Winegrowers of California Commission, confidentiality of producers' or vintners' proprietary information, Sections 74655 and 74955, Food and Agricultural Code.

Workers' Compensation Appeals Board, injury or illness report, confidentiality of, Section 6412, Labor Code.

Workers' compensation insurance, dividend payment to policyholder, confidentiality of information, Section 11739, Insurance Code.

Workers' compensation insurance fraud reporting, confidentiality of information, Section 1877.4, Insurance Code.

Workers' compensation insurer or rating organization, confidentiality of notice of noncompliance, Section 11754, Insurance Code.

Workers' compensation insurer, rating information, confidentiality of, Section 11752.7, Insurance Code.

Workers' compensation, notice to correct noncompliance, Section 11754, Insurance Code.

Workers' compensation, release of information to other governmental agencies, Section 11752.5, Insurance Code.

Workers' compensation, self-insured employers, confidentiality of financial information, Section 3742, Labor Code.

Workplace inspection photographs, confidentiality of, Section 6314, Labor Code.

Youth Authority, parole revocation proceedings, confidentiality of, Section 1767.6, Welfare and Institutions Code.

Youth Authority, release of information in possession of Youth Authority for offenses under Sections 676, 1764.1, and 1764.2, Welfare and Institutions Code.

PART 7. Operative Date

7931.000. This division shall become operative on January 1, 2023.

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APPENDIX C

SUMMARY OF
CONFLICT OF INTEREST LAWS

2025

Conflicts of Interest HANDBOOK

Summary of the Major Provisions and Requirements of Principal Conflicts of Interest Laws and Regulations

› Updated including changes effective January 1, 2025

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INTRODUCTION

This Handbook is prepared to provide you with a summary of the major provisions of California's principal conflicts of interest laws and regulations. The text of the laws and regulations referenced in this Handbook can be found on the websites for the California Legislature (http://leginfo.legislature.ca.gov/faces/codes.xhtml) and the Fair Political Practices Commission ("FPPC") (http://www.fppc.ca.gov/the-law.html).

This Handbook is designed to familiarize city officials and staff with California's principal conflicts of interest laws and regulations. Because the laws and regulations change frequently, we recommend that you use this Handbook to become familiar with the basic principles of the conflict laws and regulations, but we also recommend that you contact your city attorney or agency counsel as soon as you think that you may have a potential conflict of interest. We would be glad to help you analyze a potential conflict of interest and/or contact the FPPC for guidance.

We hope you find this Handbook useful. Should you have any questions about the information included in this Handbook, please do not hesitate to contact us.

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Summary of the Major Provisions and Requirements of Principal Conflicts of Interest Laws and Regulations



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Summary of the Major Provisions and Requirements of Principal Conflicts of Interest Laws and Regulations

I. LAWS AND REGULATIONS AFFECTING DECISION-MAKING

A. The Political Reform Act

In 1974, California voters approved Proposition 9, a statewide initiative titled "the Political Reform Act" (the "Act" or the "PRA"). Gov't Code § 81000 *et seq.*[1] At the time, the measure was the most detailed disclosure law in the nation, and it included new requirements for reporting campaign and lobbying activities. Although the Act was initially written before the Watergate scandal broke, by the time Proposition 9 appeared on the ballot, the drama had unfolded, and nationwide reform proposals were being drafted.

The Act passed by an overwhelming majority, and one of its provisions created a new state agency called the Fair Political Practices Commission ("FPPC"). The FPPC was charged with interpreting and enforcing the Act, and pursuant to this authority, the agency drafted a series of regulations. Since the Act went into effect in 1975, the FPPC has issued new regulations and amendments to existing regulations almost every year.

The Act covers numerous topics germane to ethical behavior in public office—financial data reporting obligations, lobbying restrictions, required campaign disclosures, limitations on campaign financing, proscriptions on mass mailings, restrictions on gifts and honoraria, and most significantly, prohibitions on conflicts of interest in the making of governmental decisions. The Act also contains reporting procedures for financial interests and campaign contributions, as well as disqualification requirements when certain financial interests or campaign contribution standards are satisfied.

Please note that this Handbook is general in nature and may not cover all aspects of an actual conflicts of interest issue. Thus, it is not intended to constitute advice on specific conflicts of interest questions. In the event you have concerns about a possible conflict of interest, you should contact your city attorney or agency counsel for further advice.

[1] All statutory references are to the California Government Code unless otherwise indicated. Regulations of the FPPC are referred to as "Regulation."

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1. Disclosure Requirements Under the Political Reform Act

a. Statements of Economic Interests

The Act requires public officials to disclose assets and income that may be materially affected by their official actions by filing a "Statement of Economic Interests" (also known as a "Form 700"). § 87202; Regulation 18722. The requirement applies to council members, judges, elected state officers, members of planning commissions, members of boards of supervisors, district attorneys, county counsels, city managers, city attorneys, city treasurers and other public officials who manage public investments, and to candidates for any of these offices at any election all of whom are referred to as "87200 filers.". § 87200. If a public official holds multiple positions subject to reporting requirements, the public official may choose to complete a separate Form 700 for each position or a single "Expanded Statement of Economic Interests." Regulation 18723.1.

Officials must file the Form 700 within 30 days after assuming office, and candidates must file no later than the final filing date of a declaration of candidacy. §§ 87201-02; Regulation 18722-23. An official must file annually thereafter until he or she leaves office, at which point he or she must file a final statement. §§ 87202-04; Regulation 18722. The required disclosures on the Form 700 include:

- Investments in business entities (e.g., stock holdings, owning a business, a partnership) that are located or do business in the jurisdiction;[2]
- Interests in real estate (real property) in the jurisdiction, but not including the official's home address;
- Sources of personal income,[3] including gifts, loans, and travel payments;[4] and
- Positions of management or employment with business entities that do business in the jurisdiction.

§ 87203; 87209. If the official no longer holds certain investments and real property interests at the time of filing, but held them during the 12 months prior to filing, he or she must still disclose those interests on the Form 700. *Id.* The Form 700 is a public document open to inspection and duplication.

[2] The term "Investment" is defined to exclude cryptocurrency holdings, and diversified mutual funds, exchange traded funds, or closed-end funds that pool money from more than 100 investors and hold securities of more than 15 issuers and which does not have a stated policy of concentrating holdings in the same industry or business. Regulation 18237.

[3] In some instances, an official may need to disclose the sources of income to a business entity in which the official has an ownership interest if the official owns at least 10 percent of a business. In that case, the official would be required to disclose a source of income to the business as a source of income to the official if the official's pro rata share of gross receipts from that source exceeds $10,000 in aggregate during the reporting period. § 87207(b). In those cases, the official must report the name, address, and a general description of the business activity of the business entity, as well as the name of the source of income that aggregates to $10,000 or more. *Id.*

[4] If an official receives a gift that is a travel payment, advance, or reimbursement valued at $50 or more, the official must also disclose the travel destination. § 87207(a)(4).

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For public officials not covered by the requirements of Section 87203, including employees of state and local government agencies, it is up to the agencies that employ them to decide what their disclosure requirements are. These locally designated positions are referred to as "designated positions" and as "code filers." Each state and local agency must adopt a conflicts of interest code tailoring the disclosure requirements for each designated position within the agency to the types of governmental decisions a person holding that position would make. For example, an employee who approves contracts for goods or services purchased by his or her agency would not be required to disclose real estate interests, but would be required to disclose investments in and income from individuals and entities that supply equipment, materials, or services to the agency. §§ 87300-02.

Effective January 1, 2025, 87200 filers such as city councilmembers, mayors, city treasurers, city attorneys, and candidates for those positions as well as city planning commissioners are to file their Form 700s electronically with the FPPC through the FPPC's portal. § 87500 (a)(2)(H) and (I). The FPPC is required to redact the signature, telephone number, email address and mailing address of the filer, and at the request of the filer and if the personal residence is also a business address or the address of a tenant, the street name and building number of the filer's personal residence. § 87500.3. Persons holding a designated position will continue to file their Form 700s with their local city clerk or agency secretary.

A city that maintains an internet website must post a list of the elected officers who file a Form 700 with that city. A statement must also be posted on the website indicating that these Form 700s may be obtained by visiting the FPPC office or the city clerk's office. The statement must include the physical address for both the FPPC and the city clerk's office. Finally, a link to the FPPC website must be posted with a statement that indicates that Form 700 "for some state and local government agency elected officers may be available in electronic format" on the FPPC's internet website. § 87505.

A local agency may establish a system for the electronic filing of Form 700s for persons holding designated positions in a local conflict of interest code, in accordance with State law. § 87500.2; Regulation 18756. Public officials holding designated positions should seek guidance from the local filing officer as to the appropriate procedure and format for filing a Form 700.

b. Behested Payments

There are also disclosure requirements for certain fundraising activities that elected officials perform for others, including in their capacity as employees or board members of nonprofit organizations. Elected officials who successfully solicit one or more contributions for "legislative, governmental, or charitable purposes" that equal or exceed $5,000 in the aggregate from the same source during a single calendar year must file a report with the official's agency (typically the city clerk) within 30 days of reaching the $5,000 threshold. § 84224(a).

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The report must contain the following information:

- The contributor's name and address;
- The amount of the contribution;
- The date or dates on which the payments were made;
- The name and address of the contribution recipient;
- If goods or services were contributed, a description of those goods and services; and
- A description of the purpose or event for which the contribution was made.

The report must also include the following information to the extent known to the elected official:

- A brief description[5] of the relationship between the nonprofit organization and the elected official, their family member, member of their campaign, or member of their staff; and
- A brief description of any proceedings before the elected official's agency at the time of the payment or 12 months before the payment, in which the nonprofit organization is a named party or subject of the decision.

Regulation 18424. The statute does not define the term "legislative, governmental, or charitable purposes," but charitable purposes typically involve 501(c)(3) organizations. Examples of "governmental" purposes include fundraising for a new city hall roof, an inaugural celebration committee,[6] litigation expenses,[7] a breakfast honoring public safety personnel,[8] and youth conferences.[9] The term "legislative purpose," in turn, refers to a 1996 FPPC opinion in which a state senator asked a private party to pay for a witness's airfare and expenses to testify at a legislative hearing.[10]

These reporting requirements also apply if the payment is "made at the behest of" the elected officer, even if the officer did not actively solicit contributions. §§ 82004.5, 82041.3. A payment is "made at the behest of" an elected officer when it is made "under the control or at the direction of, in cooperation, consultation, coordination, or

[5] A "brief description" includes any decision making capacity within the organization, salaried employment, status as a founding member, and honorary or advisory board positions. Regulation 18424(a).
[6] *Sutton* Advice Letter, No. A-05-256, 2005 WL 3693740 (2005).
[7] *Stoen* Advice Letter, No. A-03-185, 2004 WL 334564 (2004) (district attorney's expenses in suing a private company when governing body withdrew funding for effort).
[8] *Gallegos* Advice Letter, No. A-00-059, 2000 WL 311529 (2000).
[9] *Gallegos* Advice Letter, No. A-98-192, 1998 WL 671296 (1998).
[10] *Schmidt* Advice Letter, No. A-96-098, 1996 WL 779579 (1996).

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concert with, at the request or suggestion of, or with the express, prior consent of" that officer. *Id*.

This disclosure requirement does not apply to a behested payment made by a local, state, or federal governmental agency for a principally legislative or governmental purpose. § 84224(b)(4).

2. Conflicts of Interest Under the Political Reform Act

In addition to the disclosure requirements, the Act requires public officials to disqualify themselves from making, participating in making, or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. § 87100; Regulation 18700. An official has a disqualifying financial interest in a decision if the decision will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, directly on the official or a member of the official's immediate family, or on certain listed financial interests. *Id*. The listed financial interests are:

- Any business entity in which the public official has a direct or indirect investment worth $2,000 or more.
- Any real property in which the public official has a direct or indirect interest worth $2,000 or more.
- Any source of income, including commission income or incentive income, aggregating to at least $500 within 12 months prior to the time when the decision is made. The $500 must be provided or promised to, or received by, the official during the 12 months before the decision.
- Any business entity (excluding nonprofit corporations) in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.
- Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating $630 or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made.

§ 87103; Regulations 18700 and 18940.2. The FPPC regulations interpret and provide guidance for most of the terms used in the Act. The FPPC also provides standards for determining if each element of the Act's prohibitions has been satisfied.

3. The FPPC's Test for Analyzing Conflicts of Interest

The FPPC advises a public official to follow a four-part test to analyze a potential conflict of interest that is set forth in Regulation 18700(d).

The FPPC's four-part test assumes that an official already has determined whether he or she is a public official within the meaning of the Act. The test also assumes that the

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official has identified the financial interests that may be affected by a particular governmental decision. Since these two steps are necessary for a complete analysis, we recommend that public officials follow the seven steps described below, which incorporate these two initial steps as well as the FPPC's four-part test.

STEP ONE: IS A PUBLIC OFFICIAL INVOLVED?

Determine whether the individual is a public official within the meaning of the Act.

The Act applies only to "public officials." Regulation 18700(b). A "public official" is defined to include a "member, officer, employee, or consultant" of a state or local government agency. § 82048; Regulation 18700(c). The regulations define "member" and "consultant" as follows:

- A "member" does not include an individual who performs duties as part of a committee, board, commission, group, or other body that does not have decision-making authority. A board or commission possesses decision-making authority if: (i) it may make a final governmental decision, (ii) it may compel or prevent a governmental decision by reason of an exclusive power to initiate the decision or by reason of a veto that may not be overridden, or (iii) it makes substantive recommendations, which, over an extended period of time, have been regularly approved without significant amendment or modification by another official or agency. Regulation 18700(c)(2).

- A "consultant"[11] includes an individual who, pursuant to a contract with a state or local government agency, makes specific kinds of governmental decisions or serves in a staff capacity with the agency and either participates in governmental decisions or performs the same or substantially all of the same duties that would otherwise be performed by a person in a position listed in the agency's conflict of interest code. Regulation 18700.3.

STEP TWO: WHAT ARE THE PUBLIC OFFICIAL'S FINANCIAL INTERESTS?

Identify the public official's financial interests.

A public official's financial interests include certain business entities, real property, sources of income, and donors of gifts (as well as intermediaries and agents of such donors). Regulation 18700(c)(6). More specifically, a public official has a financial interest in any of the following:

[11] For more on who constitutes a "consultant" subject to the Act, see, e.g., *Ennis* Advice Letter, FPPC No. A-15-006, 2015 WL 1781144 (2015).

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- A business entity in which the official has a direct or indirect investment worth at least $2,000.[12] (Note: In certain situations, this can include a parent,[13] subsidiary,[14] or otherwise related[15] business entity.[16])

- Any real property in which the public official has a direct or indirect interest worth at least $2,000.[17] Real property interests include all leases except month-to-month leases and leases with terms shorter than a month. Regulation 18233.

- Any "source of income" of at least $500 that is provided or promised to the public official, and received by the public official within 12 months prior to a governmental decision, not including gifts and loans by banks available to the general public. Income is "promised to" the official if he or she has a "legally enforceable right to the promised income." Regulation 18700(c)(6)(C). The term "source of income" may include individuals, organizations, and businesses. If the "source of income" is a business that provides or promises the official at least $500 within 12 months prior to a governmental decision, the official also has a source-of-income interest in: (1) any individual owning at least a 50 percent interest in that business, and (2) any individual who has the power to direct or cause the direction of management and policies of the business. Regulation 18700.1(a)(2).

- Any business entity in which the public official is a director, officer, partner, trustee, or employee, or holds any position of management. (Note: Again, this may include a parent, subsidiary, or otherwise related business entity.)

- Any donor of gifts, or any intermediary or agent for a donor of gifts, amounting to at least $630 where that amount is provided to, received by, or promised to the official in the 12 months prior to a governmental decision. Regulation 18700(c)(6)(E), 18940.2.

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[12] The FPPC has determined that membership in a country club is a financial interest in the club as a business entity when the membership is transferrable and can be resold for profit or loss. *Gee* Advice Letter, FPPC No. A-17-249, 2018 WL 723401 (2018).

[13] A business entity is a "parent" if it is a corporation that controls more than 50 percent of the voting stock of another corporation; the parent corporation is also a parent to any subsidiaries of the corporation that it controls. Regulation 18700.2 (b)(1).

[14] A business entity is a "subsidiary" if it is a corporation whose voting stock is more than 50 percent controlled by another corporation; the subsidiary corporation is also a subsidiary to any corporation that controls its parent corporation. Regulation 18700.2 (b)(2).

[15] Business entities, other than a parent corporation, are "otherwise related" if (1) the same person or persons together direct or control each business entity, or (2) the same person or persons together have a 50 percent or greater ownership interest in each business entity. Regulation 18700.2 (b)(3).

[16] An official with a financial interest in a business entity also has an interest in a parent or subsidiary of the business entity or an otherwise related business entity, unless (1) the official's only interest is that of a shareholder and the official is a passive shareholder with less than 5 percent of the shares of the corporation, and (2) the parent corporation is required to file annual Form 10-K or 20-F Reports with the Securities and Exchange Commission and has not identified the subsidiary on those forms or its annual report. Regulation 18700.2 (c)-(d).

[17] The FPPC has determined that membership in a country club is a financial interest in real property when the member would be entitled to a proportionate share of the value of the club's assets if the club were dissolved. *Gee* Advice Letter, FPPC No. A-17-249, 2018 WL 723401 (2018).

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- The personal finances of the public official and immediate family.[18] This is a sort of "catch-all" provision that is meant to address economic interests of a public official and his or her immediate family that do not qualify as investments, property, or business entities, but are nonetheless potentially affected by government decisions.

§§ 82047, 87103; Regulations 18700, 18940.2. The terms "indirect investment" and "indirect interest" are used to indicate investments and interests owned by the spouse or dependent child of the public official, an agent of the public official, or a business entity or trust in which the official, or his or her agent(s), spouse, or dependent children, has at least a 10 percent ownership interest. Regulation 18700(c)(6)(F).

STEP THREE: IS IT REASONABLY FORESEEABLE THAT THE GOVERNMENTAL DECISION WILL HAVE A FINANCIAL EFFECT ON ANY OF THE OFFICIAL'S FINANCIAL INTERESTS?

Determine whether the governmental decision will have a reasonably foreseeable financial effect on any of the public official's financial interests.

Regulation 18701 draws a distinction between a financial interest that is "explicitly involved" in a decision, on the one hand, and a financial interest that is not "explicitly involved" in a decision, on the other hand.

Financial interests are considered to be explicitly involved in a decision if the interest is a "named party in, or the subject of, a governmental decision before the official or the official's agency." Regulation 18701(a). A financial interest is the "subject" of a proceeding "if the decision involves the issuance, renewal, approval, denial or revocation of any license, permit, or other entitlement to, or contract with the financial interest, and includes any governmental decision affecting a real property financial interest as described in Regulation 18702.2(a)(1) – (6)." Regulation 18701(a). In those cases, the financial effect is presumed to be reasonably foreseeable.

Even if a financial interest is not explicitly involved in a decision, the effect may still be considered reasonably foreseeable. Regulation 18701 states that a financial effect need not be "likely" to be considered "reasonably foreseeable" for purposes of the FPPC's regulations. If the financial effect can be "recognized as a realistic possibility" and if the effect is "more than hypothetical or theoretical," it will be considered reasonably foreseeable. Regulation 18701(b). The financial effect will not be

[18] The FPPC determined that a public official had a financial interest in his personal finances when considering a decision to award a contract for waste hauling services at a facility located near his mobile home. *Brady* Advice Letter, FPPC No. A-22-027, 2022 WL 16725545 (2022).

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considered reasonably foreseeable if the "the financial result cannot be expected absent extraordinary circumstances" that are not subject to the official's control.

The FPPC also provides the following list of non-exclusive factors that should be considered when determining whether a governmental decision will have a reasonably foreseeable effect on a financial interest that is not explicitly involved in the decision:

- The extent to which the occurrence of the financial effect is contingent upon intervening events, not including future governmental decisions by the official's agency, or any other agency appointed by or subject to the budgetary control of the official's agency.

- Whether the public official should anticipate a financial effect on his or her financial interest as a potential outcome under normal circumstances when using appropriate due diligence and care.

- Whether the public official has a financial interest that is of the type that would typically be affected by the terms of the governmental decision or whether the governmental decision is of the type that would be expected to have a financial effect on businesses and individuals similarly situated to those businesses and individuals in which the public official has a financial interest.

- Whether a reasonable inference can be made that the financial effects of the governmental decision on the public official's financial interest might compromise a public official's ability to act in a manner consistent with his or her duty to act in the best interests of the public.

- Whether the governmental decision will provide or deny an opportunity, or create an advantage or disadvantage for one of the official's financial interests, including whether the financial interest may be entitled to compete or be eligible for a benefit resulting from the decision.

- Whether the public official has the type of financial interest that would cause a similarly situated person to weigh the advantages and disadvantages of the governmental decision on his or her financial interest in formulating a position.

Regulation 18701(b). Possession of a real estate, brokerage license, or other professional license does not automatically constitute a reasonably foreseeable effect on the official's financial interest. Regulation 18701.1. The official's likely business activity must be considered to determine whether the governmental decision will have a reasonably foreseeable effect on one of the official's financial interests.

If it is not reasonably foreseeable that the governmental decision will have a financial effect on any of the official's financial interests, there is no conflict under the Act. If it is determined that it is reasonably foreseeable that the governmental decision will have a financial effect, however, the official must determine whether the effect is material.

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STEP FOUR: WILL THE REASONABLY FORESEEABLE EFFECT BE MATERIAL?

Determine whether the reasonably foreseeable financial effect will be material.

If the effect is "nominal, inconsequential, or insignificant," the financial effect will not be considered material. Regulation 18702(b). Otherwise, the provisions in Regulations 18702.1 through 18702.5 determine for each type of financial interest whether the effect is material. Regulation 18702(a).

a. Business Entities

Regulation 18702.1 provides that the reasonably foreseeable effect of a decision on a business entity in which the official has an investment interest or holds an employment or management position is material whenever the business entity is a named party in, or the subject of, the decision, including any decision in which the entity:

- Initiates the proceeding by filing an application, claim, appeal, or other request for action concerning the entity with the official's agency;
- Offers to sell a product or service to the official's agency;
- Bids on or enters into a contract with the official's agency, or is identified as a subcontractor on a bid or contract with the agency;
- Is the named or intended manufacturer or vendor of any products to be purchased by the official's agency with an aggregate cost of $1,000 or more in any 12-month period;
- Applies for a permit, license, grant, tax credit, exception, variance, or other entitlement from the official's agency;
- Is the subject of any inspection, action, or proceeding under the regulatory authority of the official's agency; or
- Is otherwise subject to an action taken by the official's agency that is directed at the entity.

The reasonably foreseeable effect of a decision on a business entity in which the official has an investment interest or holds an employment or management position is also material if any of the following criteria are met:

- The decision may result in an increase or decrease of the entity's annual gross revenues, or the value of the entity's assets or liabilities, in an amount equal to or more than:

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- ✓ $1,000,000; or
- ✓ Five percent of the entity's annual gross revenues and the increase or decrease is at least $10,000.

- The decision may cause the entity to incur or avoid additional expenses or to reduce or eliminate expenses in an amount equal to or more than:
  - ✓ $250,000; or
  - ✓ One percent of the entity's annual gross revenues and the change in expenses is at least $2,500.
- The official knows, or has reason to know, that the entity has an interest in real property and:
  - ✓ The property is a named party in, or the subject of, the decision under Regulations 18701(a) and 18702.2(a)(1) - (6); or
  - ✓ There is clear and convincing evidence the decision would have a substantial effect on the property.

Regulation 18701(a). There is also a "small shareholder" exception that allows officials to participate in decisions explicitly involving a business entity where the official's only interest in that business entity is an investment interest worth no more than $25,000. Regulation 18702.1(b). To qualify for this exception, the interest also must be less than one percent of the business entity's shares. However, meeting these thresholds does not automatically allow the official to participate in the decision. The official still must analyze the decision's potential effect on the business entity's annual gross revenues, assets and liabilities, expenses, and real property interests. Under this rule, even where an official has only a small investment in a business entity, the impact of a decision might be so significant that the official still has a conflict of interest.

b. Real Property – Modified "500-Foot Rule" and Other Criteria

The traditional "500-foot" rule has been replaced with an extensive list of criteria that must be analyzed to determine whether a decision will have a material financial effect on an official's real property interest. Regulation 18702.2. There are now eight materiality standards that must be evaluated when an official has an ownership interest in real property, and four materiality standards that must be evaluated when an official has a leasehold interest in real property (i.e., as the lessee of the property).

Regulation 18702.2 now provides that the reasonably foreseeable financial effect of a governmental decision on an official's real property economic interest, other than a leasehold interest, is material whenever the governmental decision:

- Involves the adoption of, or amendment to, a development plan or criteria applying to the parcel;

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- Determines the parcel's zoning or rezoning, other than a zoning decision applicable to all properties designated in that category; annexation or de-annexation; inclusion in, or exclusion from, any city, county, district, or local government subdivision or other boundaries, other than elective district boundaries;

- Would impose, repeal, or modify any taxes, fees, or assessments that apply to the parcel;

- Authorizes the sale, purchase, or lease of the parcel;

- Involves the issuance, denial or revocation of a license, permit, or other land use entitlement authorizing a specific use of or improvement to the parcel or any variance that changes the permitted use of, or restrictions placed on, that real property;

- Involves construction of, or improvements to, streets, water, sewer, storm drainage, or similar facilities, and the parcel will receive new or improved services that provide a benefit or detriment disproportionate to other properties receiving the services;

- Involves property located 500 feet or less from the property line of the parcel unless there is clear and convincing evidence that the decision will not have any measurable impact on the official's property[19]; or

- Involves property located more than 500 feet but less than 1,000 feet from the property line of the parcel,[20] and the decision would change the parcel's:

  - ✓ Development potential;

  - ✓ Income producing potential;

  - ✓ Highest and best use;

  - ✓ Character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality; or

  - ✓ Market value.

[19] See, the *Coates Advice Letter,* FPPC No. A-15-217, 2015 WL 8006082 (2015) (councilmember lived within 500 feet of property subject to hearing on a view preservation tree trimming nuisance abatement order did not have a conflict of interest in the decision), the *Garibaldi Advice Letter,* FPPC No. A-22-107, 2022 WL 16725588 (2022) (two council members were not disqualified from taking part in decisions concerning a multi-purpose path located 190 and 360 feet (as the crow flies) of their respective residences), and the *Miranda Advice Letter,* FPPC No. A-23-083, 2023 WL 4566888 (2023) (city manager who lived within 500 feet of a city project to install flagpoles, additional lights, and updates to landscaping at a veterans memorial did not have a conflict of interest).

[20] When a construction project "affects only a clearly defined, specific and isolated site" of a larger parcel of land located near an official's real property, the distance between the official's property and the property subject to the decision can be measured from the site of the construction site itself, rather than from the property line of the parcel on which the construction site is located. *Anderson* Advice Letter, FPPC No. A-23-129, 2023 WL 8528614.

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Regulation 18702.2(b) clarifies that the financial effect of a governmental decision on a parcel of real property in which an official has an ownership interest is presumed not to be material whenever the governmental decision involves property located 1,000 feet or more from the property line of the official's property. This presumption may be rebutted, however, with clear and convincing evidence that the governmental decision would have a substantial effect on the official's property.

The FPPC has relaxed the rules with respect to real property economic interests that stem from having an ownership interest in the common area of a common interest development. Previously, in addition to evaluating whether the decision concerned a project located within 500 feet of the public official's real property, it was necessary to evaluate whether the decision was within 500 feet of any homeowner association common area in which the official had an ownership interest. Now, Regulation 18702.2 excludes common areas in common interest developments from the definition of "real property" for the purpose of conducting a conflict of interest analysis. Thus, the proximity of homeowner association common areas to a project is no longer a factor in the conflict of interest analysis.

With respect to an official's leasehold interests, i.e., where the official is the lessee of the property, Regulation 18702.2(c) provides that the reasonably foreseeable financial effect of a governmental decision on an official's real property economic interest is material only if the governmental decision will:

- Change the termination date of the lease;
- Increase or decrease the potential rental value of the property;
- Change the official's actual or legally allowable use of the property; or
- Impact the official's use and enjoyment of the property.

There are a few exceptions in Regulation 18702.2(d) by which the effect of a decision on an official's real property interest will not be considered material. The following decisions will not be considered to have a material effect on an official's real property interest:

- The decision solely concerns repairs, replacement or maintenance of existing streets, water, sewer, storm drainage, or similar facilities.
- The decision solely concerns the adoption or amendment of a general plan and all of the following apply:
  - ✓ The decision only identifies planning objectives or is otherwise exclusively one of policy. A decision will not qualify under this subdivision if the decision is initiated by the public official, by a person that is a financial interest to the public official, or by a person representing either the public official or a financial interest to the public official.

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- ✓ The decision requires a further decision or decisions by the public official's agency before implementing the planning or policy objectives, such as permitting, licensing, rezoning, or the approval of or change to a zoning variance, land use ordinance, or specific plan or its equivalent.

- ✓ The decision does not concern an identifiable parcel or parcels or development project. A decision does not "concern an identifiable parcel or parcels" solely because, in the proceeding before the agency in which the decision is made, the parcel or parcels are merely included in an area depicted on a map or diagram offered in connection with the decision, provided that the map or diagram depicts all parcels located within the agency's jurisdiction and the economic interests of the official are not singled out.

- ✓ The decision does not concern the agency's prior, concurrent, or subsequent approval of, or change to, a permit, license, zoning designation, zoning variance, land use ordinance, or specific plan or its equivalent.

These rules replace the old "500-foot rule" that applied before 2014. Of special interest to many local public officials, these provisions appear to allow public officials to participate in most decisions relating to slurry sealing, asphalt paving, curb and sidewalk repairs, or tree replacement, even if the work occurs within 500 feet of their property, due to the exception for repairs and replacement of existing infrastructure.

c. Sources of Income

The FPPC regulations also provide materiality standards for sources of income. Regulation 18702.3. A "source of income," as discussed above, is any person from whom a public official has received at least $500 in the twelve months prior to the relevant governmental decision. Regulation 18700.1. A "person" includes individuals, organizations, and business entities. § 82047.

The regulations provide that any reasonably foreseeable financial effect on an individual, organization, or business entity[21] that is a source of income to an official or an official's spouse is material if:

- The source is a named party in, or the subject of, the decision including a claimant, applicant, respondent, or contracting party; or

- The decision will achieve, defeat, aid, or hinder a purpose or goal of the source and the official, or the official's spouse, receives or is promised the

[21] The materiality standards for sources of income provided in this section do not apply where a government entity qualifies as a source of income, including where a public official is paid by the entity as a consultant or contractor. Regulation 18702.3(d). An official with an interest in a governmental entity is disqualified from taking part in a decision only if there is a unique effect on that official. *Id.*

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income for achieving the purpose or goal. This is known as the "Nexus" test.

Regulation 18702.3(a)(1), 18702.3(b). In addition to these general standards, the regulations provide further guidance that separately analyzes a source of income depending on whether the source is an individual, non-profit organization, or business entity. If the source is an ***individual***, a reasonably foreseeable financial effect on the source is material if:

- The decision may affect the individual's income, investments, or other assets or liabilities (other than an interest in a business entity or real property) by $1,000 or more;

- The official knows, or has reason to know, that the individual has an interest in a business entity that will be financially affected under the materiality standards in Regulation 18702.1; or

- The official knows, or has reason to know, that the individual has an interest in real property, and either:

  ✓ The property is a named party in, or the subject of, the decision as defined in Regulations 18701(a) and 18702.2(a)(1) - (6); or

  ✓ There is clear and convincing evidence the decision would have a substantial effect on the property.

If the source is a ***nonprofit organization***, a reasonably foreseeable financial effect on the source is material if:

- The decision may result in an increase or decrease of the organization's annual gross receipts, or the value of the organization's assets or liabilities, in an amount equal to or more than (1) $1,000,000, or (2) five percent of the organization's annual gross receipts and the increase or decrease is equal to or greater than $10,000;

- The decision may cause the organization to incur or avoid additional expenses or to reduce or eliminate expenses in an amount equal to or more than (1) $250,000, or (2) one percent of the organization's annual gross receipts and the change in expenses is equal to or greater than $2,500; or

- The official knows, or has reason to, know that the organization has an interest in real property and either:

  ✓ The property is a named party in, or the subject of, the decision under Regulations 18701(a) and 18702.2(a)(1) - (6); or

  ✓ There is clear and convincing evidence the decision would have a substantial effect on the property.

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If the source is a ***business entity***, a reasonably foreseeable financial effect on the source is material if that business entity will be financially affected under the standards as applied to a financial interest in Regulation 18702.1 (see ***Business Entities*** above). Regulation 18702.3(a). The regulation also includes additional provisions to help officials who receive income from retail sales of a business entity in determining when a retail customer becomes a source of income to the public official directly. § 87103.5. This regulatory provision, which is intended to replace prior Regulation 18707.5, provides that:

- The retail customers of a business entity constitute a significant segment of the public generally if the business is open to the public, and provides goods or services to customers that comprise a broad base of persons representative of the jurisdiction; and

- Income from an individual customer is not distinguishable from the amount of income received from other customers when the official is unable to recognize a significant monetary difference between the business provided by the individual customer and the general clientele of the business. An official is unable to recognize a significant monetary difference when: (1) the business is of the type that sales to any one customer will not have a significant impact on the business's annual net sales; or (2) the business has no records that distinguish customers by amount of sales, and the official has no other information that the customer provides significantly more income to the business than an average customer.

Regulation 18702.3(c). If you own 10 percent or more of a business entity that is engaged in the retail sale of goods or services, we recommend that you review this provision in order to determine whether individual retail customers will be considered sources of income to you for the purpose of analyzing conflicts under the Act.

d. Sources of Gifts

The FPPC regulations also provide materiality standards for sources of gifts. Regulation 18702.4. For the purpose of analyzing potential conflicts under the Political Reform Act, a donor becomes a "source of gifts" by providing or promising a public official with gifts valued at $630 or more in the aggregate in the 12 months prior to a governmental decision. Regulations 18700(c)(6)(E), 18940.2. A person may also be a source of a gift by being an "intermediary or agent for a donor of" a similar gift. Regulation 18700(c)(6)(E).

Under the FPPC regulations, a financial effect on a source of a gift is material if:

- The source is a claimant, applicant, respondent, contracting party, or otherwise named or identified as the subject of the proceeding;

- The source is an individual that will be financially affected under the standards applied to an official in Regulation 18702.5 (see ***Personal***

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Finances below), or the official knows, or has reason to know, that the individual has an interest in a business entity or real property that will be financially affected under the standards applied to a financial interest in Regulation 18702.1 or 18702.2, respectively;

- The source is a nonprofit organization that will be financially affected under the materiality standards applied to a nonprofit source of income interest in Regulation 18702.3 (see ***Sources of Income*** above); or

- The source is a business entity that will be financially affected under the standards as applied to a financial interest in Regulation 18702.1 (see ***Business Entities*** above).

Regulation 18702.4. Like with sources of income, the analysis of materiality for sources of gifts may depend on whether the source is an individual, a nonprofit, or a business entity. If the source of a gift is the "claimant, applicant, respondent, contracting party, or … otherwise named or identified as the subject of the proceeding," the financial effect will be deemed material, regardless of whether the source is an individual, a nonprofit, or a business entity. If the source of a gift is not the "claimant, applicant, respondent, contracting party, or … otherwise named or identified as the subject of the proceeding," the official will need to apply the other standards in Regulation 18702.4(b) – (d), depending on whether the source of the gift is an individual, a nonprofit, or a business entity.

e. Personal Finances

Finally, the regulations provide materiality standards for effects on personal finances. Regulation 18702.5. A reasonably foreseeable financial effect on an official's or his or her immediate family's personal finances is considered material if the decision may result in the official or the official's immediate family member receiving a financial benefit or loss of $500 or more in any 12-month period due to the decision. Regulation 18702.5(a).

However, a financial effect is ***not*** considered material under Government Code Section 87103 if the decision would do any of the following:

- Affect only the salary, per diem, or reimbursement for expenses the public official, or a member of his or her immediate family receives from a federal, state, or local government agency unless the decision is to appoint (other than an appointing decision otherwise permitted under Regulation 18702.5), hire, fire, promote, demote, suspend without pay, or otherwise take disciplinary action with financial sanction against the official or a member of his or her immediate family, or to set a salary for the official or a member of his or her immediate family which is different from salaries paid to other employees of the government agency in the same job classification or position, or when the member of the public official's immediate family member is the only person in the job classification or position.

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- Appoint the official to be a member of any group or body created by law or formed by the official's agency for a special purpose. However, if the official will receive a stipend for attending meetings of the group or body aggregating $500 or more in any 12-month period, the effect on the official's personal finances is material unless the appointing body posts specified information on its website.[22]

- Appoint the official to be an officer of the governing body of which the official is already a member, such as a decision to appoint a city councilmember to be the city's mayor.

- Establish or change the benefits or retirement plan of the official or the official's immediate family member, and the decision applies equally to all employees or retirees in the same bargaining unit or other representative group.

- Result in the payment of any travel expenses incurred by the official or the official's immediate family member while attending a meeting as an authorized representative of an agency.

- Permit the official's use of any government property, including automobiles or other modes of transportation, mobile communication devices, or other agency-provided equipment for carrying out the official's duties, including any nominal, incidental, negligible, or inconsequential personal use while on duty.

- Result in the official's receipt of any personal reward from the official's use of a personal charge card or participation in any other membership rewards program, so long as the reward is associated with the official's approved travel expenses and is no different from the reward offered to the public.

Regulation 18702.5(b). Any effect on the interests noted above would not constitute a material effect on personal finances for the purpose of the Political Reform Act.

Regulation 18702.5 clarifies that if a decision only affects a business entity or real property in which the official has a financial interest, the regulation regarding personal finances does not apply. Regulation 18702.5(c). Under those circumstances, the official should analyze the applicable materiality standards for those types of interests in Regulations 18702.1 and 18702.2 to determine whether a conflict exists.

[22] Specifically, the appointing body must post all of the following information on its website: (1) a list of each appointed position and its term; (2) the amount of the stipend for each appointed position; (3) the name of the official who has been appointed to the position; and (4) the name of any official who has been appointed to be an alternate for the position. Regulation 18702.5(b)(2).

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STEP FIVE: DOES THE "PUBLIC GENERALLY" EXCEPTION APPLY?

Determine if the official can demonstrate that the material financial effect on the official's interest is indistinguishable from the decision's effect on the public generally.

Once it is determined that it is reasonably foreseeable that a decision will have a material financial effect on an official's financial interest, it is necessary to evaluate whether an exception to the disqualification requirement is applicable. One exception, known as the "public generally" exception, provides that even if a governmental decision will have a reasonably foreseeable material financial effect on the official's financial interest, disqualification will not be required if the effect on the public official's financial interest is indistinguishable from the decision's effect on the financial interests of the public generally. Regulation 18703.

In order to use this exception, the official must be able to demonstrate two core elements. First, the governmental decision must affect a "significant segment" of the public in the jurisdiction of the public agency. Second, the governmental decision's effect on the official's financial interest must not be unique as compared to the effect on the significant segment. Regulation 18703(a).

The FPPC has simplified the regulation to determine what constitutes a sufficiently "significant segment" of the public. Regulation 18703(b). A significant segment of the public is:

- At least 25 percent of any of the following:
  - ✓ All businesses or nonprofit entities within the official's jurisdiction;
  - ✓ All real property, commercial real property, or residential real property within the official's jurisdiction; or
  - ✓ All individuals within the official's jurisdiction.
- At least 15 percent of residential real property within the official's jurisdiction, if the official's only interest in a government decision is the official's primary residence.

Regulation 18703(b).

To determine whether a decision's effect on the official's financial interest is "unique" as compared to the effect on the significant segment of the public, the FPPC requires that an official determine whether the decision has a "disproportionate" effect on:

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- The development potential or use of the official's real property or on the income producing potential of the official's real property or business entity.

- An official's business entity or real property resulting from the proximity of a project that is the subject of a decision.

- An official's interests in business entities or real properties resulting from the cumulative effect of the official's multiple interests[23] in similar entities or properties that is substantially greater than the effect on a single interest.

- An official's interest in a business entity or real property resulting from the official's substantially greater business volume or larger real property size when a decision affects all interests by the same or similar rate or percentage.

- A person's income, investments, assets or liabilities, or real property if the person is a source of income or gifts to the official.

- An official's personal finances or those of his or her immediate family.

Regulation 18703(c).

The official's "jurisdiction" for the purposes of this regulation constitutes the "jurisdiction of the state or local government agency as defined in Section 82035, or the designated geographical area the official was elected to represent, or the area to which the official's authority and duties are limited if not elected." Regulation 18703(d). Real property is considered to be within a "jurisdiction" if the "property or any part of it is located within, or not more than, two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency." § 82035.

The FPPC Regulations include a number of specialized "public generally" exceptions. Regulation 18703(e). The financial effect on an official's financial interest is deemed indistinguishable from that of the public generally where there is no unique effect on the official's interest if the official establishes:

- The decision sets or adjusts the amounts of assessments, taxes, fees, or rates for water, utility, or other broadly provided public services or facilities that are applied equally, proportionally, or by the same percentage to the official's interest and other businesses, properties, or individuals subject to the assessment, tax, fee, or rate. However, the exception does not apply if the decision imposes assessments, taxes, or fees, determines the boundaries of a property, or determines who is subject to the assessments, taxes, or fees. Under this exception, these factors must have already been determined.

[23] Ownership of only two residential properties apparently would not constitute "multiple interests ... in properties that is substantially greater than the effect on a single interest." *Peake* Advice Letter, FPPC No. A-15-227, 2015 WL 9680333 (2015).

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- The decision affects the official's personal finances as a result of an increase or decrease to a general fee or charge, such as parking rates, permits, license fees, application fees, or any general fee that applies to the entire jurisdiction.

- The decision affects residential real property limited to a specific location, encompassing more than 50, or five percent of the residential real properties in the official's jurisdiction, and the decision establishes, amends, or eliminates ordinances that restrict on-street parking, impose traffic controls, deter vagrancy, reduce nuisance or improve public safety, provided the body making the decision gathers sufficient evidence to support the need for the action at the specific location.

- The decision is limited to establishing, eliminating, amending, or otherwise affecting the rights or liabilities of tenants and owners of residential real property, including rent control or tenant protection matters. Officials may participate if: (1) the decision is applicable to all residential rental properties within the official's jurisdiction other than those excepted by the Costa-Hawkins Rental Housing Act; (2) the official owns three or fewer residential units; and (3) the only interests affected by the decision are the official's interest in residential real property as a landlord or the official's interest in a primary residence as owner or lessee.

- The decision is made by a board or commission and the law that establishes the board or commission requires certain appointees have a representative interest in a particular industry, trade, or profession or other identified interest, and the public official is an appointed member representing that interest. This provision applies only if the effect is on the industry, trade, or profession or other identified interest represented.

- The decision is made pursuant to an official proclamation of a state of emergency when required to mitigate against the effects directly arising out of the emergency.

- The decision affects a federal, state, or local governmental entity in which the official has an interest.

- The decision is made by a governmental entity that primarily manages an airport or harbor and (1) the decision affects permits, licenses, or other use entitlements granted by the entity that are broadly available to all others similarly situated and on substantially the same terms in a similar manner and (2) the official's interests affected by the decision relate to the official's permit, license, or other use entitlement from the government entity.

Regulation 18703(e).

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STEP SIX: MAY THE OFFICIAL MAKE OR PARTICIPATE IN MAKING A DECISION?

Determine whether the public official will be making, participating in the making, or using or attempting to use his/her official position to influence a governmental decision.

The Act applies when a public official is "making, participating in making, or using or attempting to use official position to influence a government decision." Regulation 18704. If the official will be called upon to make, participate in making, or use his or her official position to influence a governmental decision in which the official has a financial interest, the official will have a prohibited conflict of interest. The FPPC regulations define each of these actions for purposes of applying the Act:

- A public official "makes" a governmental decision when the official authorizes or directs any action, votes, appoints a person, obligates or commits his or her agency to any course of action, or enters into any contractual agreement on behalf of his or her agency. Regulation 18704(a).[24]

- A public official "participates in" a governmental decision when the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review. Regulation 18704(b).

- A public official "uses an official position to influence" a decision if the official: (i) contacts or appears before any official in his or her agency or in an agency subject to the authority or budgetary control of his or her agency for the purpose of affecting a decision; or (ii) contacts or appears before any official in any other government agency for the purpose of affecting a decision, and the public official acts or purports to act within his or her authority or on behalf of his or her agency in making the contact.

Regulation 18704(c).

There are limited exceptions to this rule. A public official is not making, participating in making, or influencing a government decision when the official acts in a solely ministerial, secretarial, or clerical manner. Regulation 18704(d)(1).

In addition, an official is not making, participating in making, or influencing a government decision when the official appears before the public agency as a member of the general public to represent specific and limited "personal interests" or when the

[24] A public official's "determination not to act" does not constitute participating in "making" a governmental decision when the public official is abstaining from a decision due to a personal financial interest.

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official negotiates his or her compensation or terms of employment. Regulation 18704(d). With respect to negotiating the terms of employment, however, "an official may not make a decision to appoint, hire, fire, promote, demote, or suspend without pay or take disciplinary action with financial sanction against the official or the official's immediate family, or set a salary for the official or the official's immediate family different from salaries paid to other employees of the government agency in the same job classification or position." Regulation 18704(d)(3).

Making, participating in, or influencing a governmental decision also does not include communications to either the press or the general public. Regulation 18704(d)(4). Nor does it include academic decisions. Regulation 18704(d)(5). Limited actions in an official's professional capacity as an architect or engineer also are not considered to be making, participating in, or influencing a governmental decision. Regulation 18705(d)(6). Finally, an official who serves as a consultant will not be participating in a decision by making a recommendation regarding additional services if the agency has already contracted with the consultant – for an agreed upon price – to make recommendations concerning services of the type offered by the consultant. Regulation 18704(d)(7).

STEP SEVEN: IS THE PUBLIC OFFICIAL'S PARTICIPATION LEGALLY REQUIRED?

Determine if the public official's participation is legally required despite a conflict of interest.

A public official also is permitted to participate in making a governmental decision, despite having a conflict of interest in the decision, if no alternative source of decision exists that would be consistent with the purposes and terms of the statute authorizing the decision. Regulation 18700(e), 18705(a).

This exception is applied when a quorum of a legislative body cannot be convened due to the disqualifying conflicts of interests of its members. In that situation, as many members as are needed to create the minimum number for the quorum may be selected at random to participate. Regulation 18705(c)(3). In these situations, stringent disclosure requirements apply, not only regarding the basis of the selected member's conflict of interest, but also the reason why there is no alternative source of decision-making authority. Regulation 18705(b). For the purposes of this section, a "quorum" means "the minimum number of members required to conduct business and when the vote of a supermajority is required to adopt an item, the "quorum" shall be that minimum number of members needed for that adoption." Regulation 18705(d).

Note that this rule is construed narrowly and may not be invoked to permit an official who is otherwise disqualified to vote to break a tie or to vote if a quorum can be convened of other members of the agency who are not disqualified, whether or not such other members are actually present at the time of the decision. Regulation 18705(c).

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Prior to invoking this Rule, local agencies should consider whether the decision can be broken into components, and then through the use of another tool called "segmentation," have the local agency body consider and act on each component separately. Through that process, a member with a conflict in one component can be disqualified from that particular component but then still allowed to participate in the decisions on the other components of the decision. The criteria and standards for use of "segmentation" are contained in Regulation 18706 and further explained in a series of advice letters issued by the FPPC.[25]

4. Abstention

When a public official has a conflict of interest under the Act, he or she is required to abstain from making, participating in making, or using or attempting to use his or her official position to influence the local agency's decision. Abstention avoids a violation of the conflict of interest provisions of the Act.

The Act establishes specific procedures that most public officials must follow when they have a conflict of interest and are required to abstain from a decision. § 87105; Regulation 18707. Immediately prior to the consideration of the matter, the official must: (i) identify each financial interest that gives rise to the conflict in detail sufficient to be understood by the public (except that disclosure of the exact street address of a residence is not required); (ii) publicly state his or her recusal from the matter; and (iii) leave the room until after the disposition of the matter unless the matter appears on a consent calendar, or other similar portion of an agenda for uncontested matters, or the official is speaking as a member of the public regarding an applicable personal interest. § 87105; Regulations 18707, 18704(d)(2). The FPPC has clarified the procedure required and precise information that must be disclosed, as described in Regulation 18707. This includes additional information regarding rules for closed sessions and matters on the consent calendar. Public officials may not avoid disclosure through partial absences and must disclose financial interests either immediately prior to consideration of an item or if the official arrives after consideration, immediately after the official joins the meeting. Regulation 18707(a).

The procedure stated in Regulation 18707(a) must be followed by all council members, judges, elected state officers, members of planning commissions, members of boards of supervisors, district attorneys, county counsels, city managers, city attorneys, city treasurers and other public officials who manage public investments, and to candidates for any of these offices at any election. §§ 87105, 87200. The Act does not require other public officials who must file financial disclosure forms under local conflict of interest codes to follow the same procedure, but the FPPC has now prescribed specific rules for those public officials. Regulation 18707(b).

Depending on the nature of his or her interest, a public official who must abstain from a decision may comment on the item as a member of the public during the public comment period on a matter related to his or her "personal interests." The term

[25] See "Segmentation, Participation, and Complications: A Guide for Segmenting Decisions in Compliance with the Political Reform Act and its Implementing Regulations," League of California Cities 2024 City Attorney's Spring Conference.

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"personal interest" is defined to include an interest in real property or a business entity that is wholly owned by the official or his or her immediate family. Regulations 18704(d)(2)(A) and (B). It also includes business entities over which the official, or the official and his or her immediate family, exercise sole direction and control. Regulation 18704(d)(2)(C).

If a public official wishes to speak on a matter related to his or her "personal interests," the official must publicly identify the financial interest (including all of the specific details required by the regulation). Regulation 18707(a)(1)(A). The public identification must be made orally and be included in the official public record. Regulation 18707(a)(1)(B). Subsequently, the official must recuse himself or herself and leave the dais to speak from the same area as the members of the public. Regulation 18707(a)(3)(B). Like other members of the public, the official may listen to the comments of other speakers on the matter. *Id.*

Note that when a public official abstains from a decision, his or her presence does not count toward achieving a quorum. Regulation 18707(a)(3). Accordingly, if several officials must abstain from a decision under the Political Reform Act, there may not be sufficient members of the body present to consider a matter under the Brown Act. In such a circumstance, it may be possible to use the exception for legally required participation, as discussed above.

5. Penalties for Violation

Administrative, civil, and criminal penalties exist for violations of the conflict of interest provisions of the Act. The FPPC may levy administrative penalties after a hearing and may impose a fine of up to $5,000 per violation, a cease and desist order, and an order to file reports. § 83116. The FPPC recently updated regulations providing for streamlined administrative enforcement procedures and specific penalties for various types of violations. Regulations 18360, 18360.1, 18360.2, 18360.3. For example, if a public official fails to timely file their Form 700, the official may be eligible to accept a Warning Letter from the FPPC, complete the Political Reform Education Program ("PREP"), and pay a fine depending on the gravity of the violation of between $200 to $600 (Tier One violation) or between $800 to $1,200 (Tier Two violation). Regulation 18360.2 (a) and 18360.3 (a). Similarly, if a public official fails to report an economic interest on their Form 700, the official may be eligible to accept a Warning Letter, complete the PREP, and pay a fine depending on the gravity of the violation of between $100 to $500 (Tier One violation) or between $600 to $1,000 (Tier Two violation). Regulation 18360.2 (a) and 18360.3 (a).

Civil penalties may also include injunctive relief that may be sought by the district attorney or any person residing in the jurisdiction. § 91003(a). In the event a court finds that the actions would not have been taken but for the action of the official with the conflict of interest, the court is empowered to void the decision. § 91003(b). Misdemeanor criminal penalties are provided in situations where a knowing or willful violation of the act occurs, and generally, persons convicted of violating the Act may not be a candidate for elective office or act as a lobbyist for four years after the conviction. §§ 91000, 91002. The statute of limitations for civil and criminal enforcement

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actions is four years from the date of the violation. §§ 91000(c), 91011(b). The statute of limitations for administrative actions brought by the FPPC is five years from the date of the violation. § 91000.5.

6. Seeking Advice on Conflict of Interest Questions

It is important to note that only a formal advice letter from the FPPC staff can immunize a public official from potential enforcement by the FPPC or the District Attorney in the event the public official participates in a decision and someone subsequently alleges the public official had a prohibited conflict of interest. A formal advice letter usually takes the FPPC staff at least a month to prepare, is only provided if the request relates to prospective acts (as distinguished from past acts), and if it contains sufficient facts upon which the FPPC is able to render a decision. Informal written advice (without immunity from potential enforcement action) may also be requested from the FPPC staff as well as informal telephonic advice through their technical assistance division at 1-866-ASK-FPPC (1-866-275-3772). Based on the time frames required to obtain formal or informal written advice from the FPPC, it is important for public officials to consult their city attorney or local agency counsel as early as possible so as to provide adequate time to gather all relevant facts, draft a letter to the FPPC, and respond to the advice once given.

B. Government Code Section 1090

Government Code Section 1090 provides in relevant part: "[m]embers of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members."

The purpose of the prohibition contained in Section 1090 is to preclude a public official from using his or her position to obtain business or financial advantage through the approval of contracts by the public entities which he or she serves. As more fully explained below, the prohibition applies to not only preclude a member of the body or board that approves the contract from directly contracting with that same public entity, but it also applies when the public official has a financial or other specified relationship to the entity that seeks to contract with the public entity. The intent of the law is to remove the possibility of any personal influence that might bear on an official's decision-making activities on contracts executed by his or her public entity.

Upon the enactment of the PRA in 1974, questions arose as to whether that new law impliedly repealed or preempted the provisions of Section 1090. The California Attorney General addressed this issue first, concluding in a 1976 opinion that the Act did not implicitly repeal or preempt Section 1090. 59 Ops. Cal. Att'y Gen. 604, 671 (1976). Since that time, the courts and the Attorney General have consistently considered Section 1090 as having continuing effect. For example, in *People v. Honig*, 48 Cal. App. 4th 289, 328-29 (1996), the defendant in a criminal case for violations of Section 1090 argued that the Act superseded Section 1090. The California Court of Appeal declined to so rule, holding instead that the term "financially interested" in Section 1090 has a different meaning than the term "material financial effect" in the Act. In another case,

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the California Court of Appeal again held that the Act and Section 1090 are "two different statutory schemes." *City of Vernon v. Central Basin Mun. Water Dist.*, 69 Cal. App. 4th 508, 513 (1999); see also *Fraser-Yamor Agency, Inc. v. County of Del Norte*, 68 Cal. App. 3d 201 (1977); *People v. Vallerga*, 67 Cal. App. 3d 847 (1977); *City Council v. McKinley*, 80 Cal. App. 3d 204 (1978); *City of Imperial Beach v. Bailey*, 103 Cal. App. 3d 191 (1980); *Thomson* v. Call, 38 Cal. 3d 633 (1985); *Campagna v. City of Sanger*, 42 Cal. App. 4th 533 (1996); 67 Ops. Cal. Att'y Gen. 369, 375 (1984); 69 Ops. Cal. Att'y Gen. 102 (1986); 70 Ops. Cal. Att'y Gen. 45, 47 (1987); 73 Ops. Cal. Att'y Gen. 191, 194-95 (1990).

Both the PRA and the common law (meaning court-made) doctrine against conflicts of interest require the public official with a conflict of interest to abstain from participation in the decision. Section 1090, by contrast, also prohibits the public entity from entering into a contract in which one of its officers has a financial interest, unless certain exceptions apply.

If the conflicted official is a member of a board or commission that executes the contract, he or she is conclusively presumed to be involved in the making of his or her agency's contracts. *Thomson v. Call*, 38 Cal. 3d at 649. This absolute prohibition applies regardless of whether the contract is found to be fair and equitable or the official abstains from all participation in the decision. *Thomson*, 38 Cal. 3d at 649-50; *Fraser-Yamor Agency*, 68 Cal. App. 3d at 211-12; *City of Imperial Beach*, 103 Cal. App. 3d at 195. The only way a public entity could still enter into such a contract – i.e., in which an official who is a member of the board or commission that executes the contract has a financial interest – would be if that interest qualifies as a "remote interest" or "non-interest" within the meaning of specified provisions discussed below.

1. Three Principal Components of Section 1090

The prohibition contained in Section 1090 involves three principal components: (1) the person subject to the prohibition must be an officer or employee of one of the types of governmental entities listed in Section 1090; (2) the public officer or employee must be "financially interested" in a contract; and (3) the contract must be made by either the public official in his or her official capacity or by the body or board of which the official is a member.

a. Officer or Employee of Listed Government Entity

The first element is whether the person subject to the prohibition is a member of the Legislature or an officer or employee of the state, a county, a district, a judicial district, or a city. Virtually every officer or employee of a municipality or local governmental district is subject to the prohibition of Section 1090. In 2018, the Attorney General concluded that a California charter school's governing body is also subject to Section 1090. 101 Ops. Cal. Atty. Gen. 92.

In recent years, the courts also have concluded that consultants may be considered "employees" for the purpose of civil liability under Section 1090. In 2017, the California Supreme Court held that Section 1090 applies to independent contractors "when they have duties to engage in or advise on public contracting that they are expected to

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carry out on the government's behalf." *People v. Superior Court (Sahlolbei)*, 3 Cal. 5th 230 (2017); see also, *California Housing Finance Agency v. Hanover/California Management and Accounting Center, Inc.*, 148 Cal. App. 4th 682, 691 (2007); see also, *Hub City Solid Waste Services, Inc. v. City of Compton*, 186 Cal. App. 4th 1114, 1124-1125 (2010). Courts have held that even private companies may be subject to Section 1090 where the company has the potential to exert "considerable influence" over the agency's contracting decision. *Davis v. Fresno Unified School District*, 237 Cal. App. 4th 261 (2015); *McGee v. Balfour Beatty Construction*, LLC, 247 Cal. App. 4th 235, 261 (2016). In 2019, the California Court of Appeal clarified that this "considerable influence" standard means that a consultant's mere provision of services to a public agency does not create a *per se* conflict of interest precluding future contracts, if, in the initial transaction, the consultant was not entrusted with acting on behalf of the public agency. *California Taxpayers Action Network v. Taber Construction, Inc.*, 42 Cal. App. 5th 824, 835 (2019); *see*, *Straus* Advice Letter, FPPC No. A-22-064, 2022 WL 4134918.

Section 1090 also regulates so-called "follow-on contracts" in which an independent contractor's duties and services under one contract includes "engaging in or advising on public contracting on behalf of the public entity," and the contractor ultimately awards, or advises the entity to award, subsequent contracts to itself. § 1097.6(a). For example, the FPPC found that Section 1090 prohibited an affiliate of an independent contractor that had been hired to advise Humboldt County in drafting a Request for Proposals for a cannabis marketing contract from subsequently bidding on the same contract. *See*, *Adair* Advice Letter, FPPC No. A-21-137, 2021 WL 6504112 (2021).

Acknowledging potential ambiguities and practical limitations in the law, the recently adopted Assembly Bill 334, which added Government Code Section 1097.6, states that an independent contractor is not an "officer" for purposes of Section 1090 "if the independent contractor's duties and services related to the initial contract did not include engaging in or advising on public contracting on behalf of the public entity." § 1097.6(a)(1). "Engaging in or advising on public contracting" includes preparing, or assisting the public entity with preparing, a request for proposals, request for qualifications, or any other solicitation regarding a subsequent or additional contract with the public entity.[26] § 1097.6(a)(2). Even if the independent contractor is an "officer," the independent contractor may still enter into a subsequent contract for a later phase of the same project if it did not "engage in or advise on the making of the subsequent contract during its performance of the initial contract." § 1097.6(b)(1). This means the independent contractor's role in the initial contract was "limited to conceptual, preliminary, or initial plans or specifications and all bidders or proposers for the subsequent contract have access to the same information, including all conceptual, preliminary, or initial plans or specifications." § 1097.6(b)(2).

Assembly Bill 334 also added a "safe harbor" provision to help shield persons who rely in good faith on the language of the newly added Section 1097.6 from liability.

[26] By contrast, an independent contractor does not "engage in or advise on the making of the subsequent contract" by participating in the planning, discussions, or drawing of plans or specifications during an initial stage of a project if that participation is limited to conceptual, preliminary, or initial plans or specifications and all bidders or proposers for the subsequent contract have access to the same information, including all conceptual, preliminary, or initial plans or specifications. § 1097.6(b)(2).

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§ 1097.6(c). Any person who acts in good faith reliance on Section 1097.6 will not be subject to criminal, civil or administrative enforcement if the contractor is not in breach of the initial contract, and the initial contract includes the prescribed language set forth in Section 1097.6(c)(1). Even if the initial contract does not include the statutorily prescribed language, a person may still defend against an enforcement action by showing that the contractor's duties did not include engaging in or advising on public contracting, or that the contractor did not actually engage in or advise on making any subsequent contracts. § 1097.6(d).

In light of the FPPC guidance on this issue, we advise that both public agencies and independent contractors carefully evaluate whether their duties and obligations include engaging in or advising on public contracting. If so, their involvement in those contracting decisions must be evaluated for compliance with Section 1090.

b. Financial Interest in a Contract

The second element of the prohibition is the existence of a direct or indirect financial interest in a contract. The courts have interpreted the term "financially interested" as including any direct interest, such as that involved when a public official enters directly into a contract with the body of which he is a member. *Thomson v. Call*, 38 Cal. 3d 633 (1985). The courts have also interpreted "financially interested" as including indirect financial interests in a contract, where, for example, a public official has a business relationship with the entity that would be contracting with the public entity, or when the public official would gain something financially by the making of the contract. *Fraser-Yamor Agency*, 68 Cal. App. 3d 201 (1977); *Finnegan v. Schrader*, 91 Cal. App. 4th 572, 579 (2001). In *Thomson v. Call*, the California Supreme Court described the breadth of the statute this way:

> "Section 1090 forbids city officers . . . from being 'financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.' The proscribed interest certainly includes any direct interest, such as that involved when an officer enters directly into a contract with the body of which he is a member. California courts have also consistently voided such contracts where the public officer was found to have an indirect interest therein. . . . Neither the absence of actual fraud nor the possibility of a 'good faith' mistake on [the officer's] part can affect the conclusion that this contract violates section 1090 and is therefore void."

38 Cal. 3d at 645-46 (citations omitted).

In *Thomson*, a council member sold certain real property to a third party, knowing that the city was negotiating a deal to acquire multiple parcels of property in that area for a public park. The third party then conveyed the council member's property to the city, in an apparent attempt to evade the provisions of Section 1090. The court essentially "unwound" and invalidated the entire transaction based on the council member's interest in the transaction. The court refused to focus on the isolated contract between the city and the third party that bought the property from the council member, but

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rather viewed all of the successive contracts as one complex multi-party agreement. The court ordered the council member to disgorge all funds he received in the transaction and ordered that the city retain title to the property. The court noted that this type of severe remedy was necessary to discourage violations of Section 1090.

Other decisions have followed this same broad reading of "indirect interests." In *People v. Vallerga*, the California Court of Appeal summarized court decisions addressing financial interests under Section 1090 as follows: "However devious and winding the chain may be which connects the officer with the forbidden contract, if it can be followed and the connection made, the contract is void." 67 Cal. App. 3d 847, 867 (1977); see also *People v. Honig*, 48 Cal. App. 4th 289, 315 (1996) (stating the same rule). The scope of indirect interests that could form a "devious and winding chain" back to a public contract is broad, but this reflects the judicial stance of vigilant enforcement of Section 1090. See, e.g., *Thomson*, 38 Cal. 3d at 652 ("[T]he policy of strict enforcement of conflict-of-interest statutes . . . provides a strong disincentive for those officers who might be tempted to take personal advantage of their public offices, and it is a bright-line remedy which may be appropriate in many different factual situations."); *Berka v. Woodward*, 125 Cal. 119, 128 (1899) (noting the need for "strict enforcement" of the conflict of interest statutes).

Although Section 1090 traditionally has been interpreted broadly, a California appellate decision warned against an overly broad interpretation of the term "financial interest" for the purpose of Section 1090. See *Eden Township Healthcare District v. Sutter Health*, 202 Cal. App. 4th 208, 228 (2011). The court acknowledged the general principle that the "defining characteristic of a prohibited financial interest is whether it has the potential to divide an official's loyalties and compromise the undivided representation of the public interest the official is charged with protecting." *Id.* at 221. The court concluded that the salaried CEO of a non-profit medical center, who also served on the board of a hospital district, was not financially interested in contracts between the medical center and the hospital district, despite the clear potential effect on his employer. *Id.* at 222. The court noted that there was "nothing in the record to support the inference that the [agreements] bear any relationship to [the CEO's] continued employment" with the medical center. *Id.* at 223-224. Moreover, the court noted that there was "no evidence that [the CEO would] derive any financial benefit arising from the" agreements in question. *Id.* at 226. The court stated broadly:

> In our view, if the contract itself offers no benefit to the official, either directly or indirectly, then the official is not financially interested in the contract and any explicit legislative exemption for such a circumstance would be unnecessarily redundant.

Id. at 228. The court distinguished the case of *Miller v. City of Martinez*, 28 Cal. App. 2d 364 (1938), in which the complaint alleged that a council member had a financial interest in a contract with a company that employed him and in which he also held stock. *Id.* at 226.

The ruling in *Eden Township* could be construed to suggest that an official is only "financially interested" in a contract that affects the official's compensation or

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continued employment.[27] In light of subsequent FPPC advice letters, however, there is continued uncertainty regarding the application and interpretation of the court's holding in *Eden Township*.[28] As such, we recommend that public officials seek legal assistance whenever a potential Section 1090 conflict arises.

In addition to a "financial interest," there must be a contract in order for Section 1090 to apply, as described below. General contract principles apply to this determination and include such arrangements as purchase and service contracts as well as development agreements between a city and a developer (78 Ops. Cal. Att'y Gen. 230 (1995)); 82 Ops. Cal. Att'y Gen. 126, 129 n.4 (1999)), joint powers agreements (*People v. Gnass*, 101 Cal. App. 4th 1271, 1301 (2002)), and payments for conference attendance expenses (75 Ops. Cal. Att'y Gen. 20 (1992)).

c. A Contract "Made" by the Official or by a Body or Board of which the Official Is a Member

The third element necessary for a Section 1090 violation is that the contract has to be "made" either by the official or employee acting in his or her official capacity, or by any body or board of which the official is a member. The "making" of a contract is most commonly implicated by a city council's approval of a simple purchase order as part of the approval of a demand warrant registrar; this is likely to constitute the making of a contract within the scope of Section 1090. The courts have construed the term "made" as encompassing such elements in the formation of a contract as preliminary discussions, negotiations, compromises, reasoning, planning, and drawing of plans or specifications and solicitation for bids. *Millbrae Ass'n for Residential Survival v. City of Millbrae*, 262 Cal. App. 2d 222, 237 (1968). For example, in *City Council of San Diego v. McKinley*, 80 Cal. App. 3d 204, 212 (1978), a court of appeal found a Section 1090 violation when a city council entered into an agreement with a landscape architectural firm, of which the president, a stockholder, was also a member of the city's parks and recreation board. The board investigated and advised the city council on parks and recreation development issues, and it approved plans for a Japanese garden for which the board member's company ultimately received the development contract. Even though the board member was not a member of the city council, which awarded the contract to his company, the board member's participation in the planning for the garden was sufficient to constitute participation in "making" the contract:

> "[T]here is ample authority the negotiations, discussions, reasoning, planning, and give and take which go beforehand in the making of a decision to commit oneself must all be deemed to be a part of the making of an agreement in the broad sense. [Citation omitted.] Thus, the final execution of a contract, which is the time when the contract is

[27] See also, *Ansolabehere* Advice Letter, FPPC No. A-15-180, 2015 WL 9680325 (2015); *Devaney* Advice Letter, FPPC No. A-15-213, 2015 WL 7252462 (2015); but cf. Carney Advice Letter, FPPC No. A-16-073, 2016 WL 3212417 (2016) and *Diaz* Advice Letter, FPPC No. A-16-214, 2016 WL 7033000 (2016).

[28] See, e.g., *Diaz* Advice Letter, FPPC No. A-16-214, 2016 WL 7033000 (2016) and *Roy* Advice Letter, FPPC No. A-16-157, 2016 WL 6565871 (2016).

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> technically made, is not the only time when a conflict of interest may be presented."

80 Cal. App. 3d at 212.

Similarly, in *Stigall v. City of Taft*, 58 Cal. 2d 565, 569-70 (1962), the California Supreme Court held that an impermissible conflict existed in a contract with a plumbing company owned by a council member, even though the council member resigned before the plumbing company's bid was accepted. The court recognized that activities prior to the signing of a contract can be integral to the decision to accept the contract. *Id.* at 569; see also *Campagna v. City of Sanger*, 42 Cal. App. 4th 533, 538 (1996).

2. Exceptions to Section 1090

a. "Remote Interest" Exception

There are two categories of exceptions to Section 1090. The first, encompassing what are commonly referred to as "remote interests," is set forth in Section 1091. If an official has only a remote interest in a contract, then the local agency may enter into the contract as long as the official abstains from participating in the making of the contract in any way. Although this is not an exhaustive list of the "remote interest" exceptions, a few examples of "remote interest" exceptions include the following[29]:

- Remote interest exception for a compensated officer or employee of a nonprofit corporation (Section 1091 (b)(1));
- Remote interest exception for a person receiving a government salary, per diem, or reimbursement for expenses, even when the contract involves the department of the government entity that employs the official (Section 1091 (b)(13));
- Remote interest exception for a litigation settlement agreement between an officer that is a party to litigation involving the body or board of which the officer is a member (Section 1091 (b)(15); and
- Remote interest exception for the owner or partner of a firm who serves as an appointed member of an unelected board or commission of the contracting agency if the owner or partner recuses himself or herself from: (1) providing any advice to the contracting agency regarding the contract between the firm and the contracting agency; and (2) any participation in reviewing a project that results from that contract (Section 1091 (b)(17)).

[29] Effective January 1, 2026, Senate Bill 1111 ("SB 1111") amends the list of the "remote interest" exceptions in Section 1091 to include a remote interest exception for a public officer if the public officer's child is an officer or director of, or has an ownership interest of 10 percent or more in, a party to a contract entered into by the body or board of which the officer is a member, if this information is actually known to the public officer.

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The "remote interest" exception applies only if the interest is disclosed to the body that approves the contract, the disclosure is noted in that body's official records, and the official abstains from voting. Further, members with a "remote interest" may not attempt to influence any other member of the body or board of which they are members to enter into the contract.

b. "Non-Interest" Exception

The second category of exceptions is found in Section 1091.5. These are called "non-interest" exceptions and apply to a type of interest that is completely exempt from Section 1090 and, if held by the official, does not require abstention. Unlike the "remote interest" exceptions in Section 1091, most of the "non-interest" exceptions listed in Section 1091.5 are available to both officers and employees who are covered by the general prohibition in Section 1090. Although this is not an exhaustive list, examples of some of those exceptions are listed below:

- Non-interest exception for government salary, per diem, or reimbursement of expenses when the contract does not involve the department of the government entity that employs the officer or employee (Section 1091.5 (a)(9));

- Non-interest exception for government salary to an officer's or employee's spouse when the spouse was employed by the government entity for at least one year prior to the officer's or employee's election or appointment (Section 1091.5 (a)(6));

- Non-interest exception for a non-compensated officer of a nonprofit corporation that supports the functions of the public entity or to which the public entity is required to give particular consideration (Section 1091.5 (a)(8));

- Non-interest exception for non-salaried members of a nonprofit corporation (Section 1091.5 (a)(7));

- Non-interest exception involving the receipt of public services on the same terms as would be provided if the officer were not a member of the governmental body or board (Section 1091.5(a)(3)); and

- Non-interest exception for contracts for public services between a special district and its board members if the special district requires board members to be landowners or representatives of a landowner and the contract is made on the same terms and conditions granted to everyone else. (Section 1091.5(a)(14)). For purposes of the exception, "public services" include the powers and purposes generally provided pursuant to provisions of the Water Code relating to irrigation districts, California water districts, water storage districts, or reclamation districts.

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3. The "Rule of Necessity"

In limited circumstances, the "rule of necessity" may allow a local agency to enter into a contract that Section 1090 would otherwise prohibit. *See*, *Eldridge v. Sierra View Local Hospital Dist.* (1990) 224 Cal. App. 3d 311, 321. This rule ensures that essential government functions can be performed even where a conflict of interest exists. *Id.*

This exception has been applied in at least two specific types of situations:

- In procurement situations for essential supplies or services when no source other than the one that triggers the conflict is available. For example, the Attorney General concluded that a city could enter into contracts related to an existing cable television franchise owned by a council member where there were no other cable providers within the city.[30] 76 Ops. Cal. Atty. Gen. 118 (1993).

- In non-procurement situations to carry out essential duties of the office when the official or board is the only one authorized to act. For example, the Attorney General concluded that Section 1090 did not prohibit a school district from entering into a collective bargaining agreement with its teachers' union, even though the spouse of a district board member was represented by that union. 69 Ops. Cal. Atty. Gen. 102 (1986).

When the "rule of necessity" applies, all conflicted members must refrain from participating in the making of the contract. *Ennis* Advice Letter, FPPC No. A-21-112, A-21-113, 2021 WL 4557249 (2021). However, if a quorum is no longer available as a result of that abstention, the minimum necessary number of conflicted members may participate, by drawing lots or some other impartial method employed to select them. 224 Cal. App. 3d at pp. 322-323.

[30] Importantly, the Attorney General noted that the council member acquired the franchise *prior* to his election to the city council. Section 1090 would have prohibited a *current* member of a city council from obtaining a new cable television franchise from the city during his or her term of office. 76 Ops. Cal. Atty. Gen. 118 (1993)

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4. A Contract Made in Violation of Section 1090 is Void and Officials Violating Section 1090 Are Subject to Severe Penalties

Finally, it is important to note the extreme consequences of a Section 1090 violation and thus the caution with which persons must act to ensure compliance with this law. A public official who willfully violates any of the provisions of Section 1090 "is punishable by a fine of not more than $1,000, or by imprisonment in the state prison, and is forever disqualified from holding any office in this state." § 1097. The civil fines applicable to Section 1090 violations now can be up to the greater of $10,000 or three times the value of the financial benefit received by the defendant for each violation. § 1097.3(a). In addition, a contract made in violation of Section 1090 is void under Section 1092. *People ex rel. State v. Drinkhouse*, 4 Cal. App. 3d 931, 935 (1970) ("[A] contract in which a public officer is interested is void, rather than voidable as the statute indicates."). As with the Political Reform Act, acting on the advice of counsel is not a defense to a Section 1090 violation. See *People v. Chacon*, 40 Cal. 4th 558 (2007); *Chapman v. Superior Court*, 130 Cal. App. 4th 261 (2005).

Given these consequences, it is advisable for public officials to be very cautious in deciding whether they may participate in a contracting decision based on the existence of a "non-interest exception," whether they must abstain from those decisions based on the application of a "remote interest" exception, or whether their financial interest lies outside any exception and therefore precludes the public entity from entering into the contract altogether.

5. Aiding and Abetting Section 1090 Violations

In 2014, the California Legislature adopted Senate Bill 952, which added a subsection (b) to Government Code Section 1090, which now reads: "An individual shall not aid or abet a Member of the Legislature or a state, county, district, judicial district, or city officer or employee in violating subdivision (a)" of Section 1090. The Legislature added a similar provision to Section 1093 such that a person "shall not aid or abet the Treasurer, Controller, a county or city officer, or their deputy or clerk" in purchasing or selling "warrants, scrip, orders, demands, claims, or other evidences of indebtedness" for personal gain. § 1093. The Legislature also added a penalty for these crimes to Section 1097, which applies when a person "willfully aids or abets an officer or person in violating" Section 1090 or certain other conflict provisions. In light of these provisions, city officers and employees must be careful to avoid "aiding and abetting" a Government Code Section 1090 violation.

6. Seeking FPPC Advice on Section 1090

In 2013, the State Legislature adopted Assembly Bill 1090, which amended the enforcement provisions applicable to Government Code Section 1090. With the adoption of AB 1090, a person who is subject to the prohibition in Government Code Section 1090 may request advice and/or a formal opinion from the FPPC. § 1097.1(c). Opinions or advice must be requested prior to any action being taken, as the FPPC cannot issue options or advice based on past conduct. § 1097.1(c)(2). Such advice is admissible as evidence of good faith conduct by the requester if the requester truthfully

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disclosed all material facts and relied on the advice or opinion of the FPPC. § 1097.1(c). In addition, the FPPC is authorized to enforce the prohibition in Government Code Section 1090 through administrative or civil actions. § 1097.1(a).

7. Statute of Limitations for Section 1090 Violations

The statute of limitations for bringing a criminal prosecution under Section 1090 is three years from the discovery of the violation. *People v. Honig*, 48 Cal. App. 4th 289, 304 (fn. 1) (1996); Penal Code §§ 801, 803(c). However, under Government Code Section 1092, a four-year statute of limitations applies to actions brought under Section 1090 to invalidate a contract. This four-year statute of limitations begins to run from the date that the plaintiff has discovered the violation, or in the exercise of reasonable care, should have discovered the violation. A four-year statute of limitations also applies to civil actions brought by the FPPC. § 1097.3(c).

C. Common Law Doctrine Against Conflicts of Interest

The common law doctrine against conflicts of interest constitutes the courts' expression of the public policy against public officials using their official positions for their private benefit. See *Terry v. Bender*, 143 Cal. App. 2d 198, 206 (1956). This doctrine provides an independent basis for requiring public officials and employees to abstain from participating in matters in which they have a financial interest. Violation of the doctrine can amount to official misconduct and can result in loss of office. *Nussbaum v. Weeks*, 214 Cal. App. 3d 1589 (1989).

By virtue of holding public office, an elected official "is impliedly bound to exercise the powers conferred on him with disinterested skill, zeal, and diligence and primarily for the benefit of the public." *Noble v. City of Palo Alto*, 89 Cal. App. 47, 51 (1928). An elected official bears a fiduciary duty to exercise the powers of office for the benefit of the public and is not permitted to use those powers for the benefit of a private interest. *Id.*

In *All Towing Services LLC v. City of Orange*, 220 Cal. App. 4th 946 (2013), the court applied the common law doctrine against conflicts of interest and held that campaign contributions from tow truck companies to councilmembers did not create a common law conflict of interest for councilmembers in decisions regarding a towing contract.[31] In reaching its conclusion, the court explained that "a campaign contribution disqualification rule could be easily manipulated and abused [which] counsels against finding such a rule in the common law" and "[a]dopting such a sweeping rule would also violate the First Amendment rights of those who wish to participate in the electoral process by making campaign contributions."

The common law doctrine against conflicts of interest has been primarily applied to require a public official to abstain from participation in cases where the official's private financial interest may conflict with his or her official duties. 64 Ops. Cal. Att'y Gen. 795,

[31] While the campaign contributions in *All Towing Services LLC* did not create a common law conflict of interest, campaign contributions may create a conflict of interest for public officials under the Levine Act (as discussed in Section II.A of this Handbook).

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797 (1981). However, the doctrine also applies when specific circumstances preclude a public official from being a disinterested, unbiased decision maker for a quasi-judicial matter. In one case, a council member who voted to deny permits for a condominium project near his house was deemed to have a common law conflict of interest (i.e., bias) due to his interest in preserving his ocean view and his personal animosity toward the applicants. *Clark v. City of Hermosa Beach*, 48 Cal. App. 4th 1152 (1996).

However, a more recent court decision creates some uncertainty as to whether the common law doctrine should be applied when statutory conflict of interest laws already address the particular situation. In *BreakZone Billiards v. City of Torrance*, 81 Cal. App. 4th 1205, 1233 (2000), the court declined to construe allegations of an official's bias in a decision to constitute a conflict of interest at common law when the applicable statutes already had been construed not to create a conflict of interest in that situation. In *BreakZone*, the court indicated, "[w]e continue to be cautious in finding common law conflicts of interest . . . . We reject the application of the doctrine in this case, assuming, arguendo, it exists." 81 Cal. App. 4th at 1233.

II. OTHER SPECIALIZED CONFLICTS OF INTEREST LAWS AND REGULATIONS

A. Campaign Contributions

1. Conflicts of Interests Arising for Elected and Appointed Officials

A portion of the Political Reform Act known as the "Levine Act" establishes specific restrictions on the receipt and solicitation of campaign contributions, and participation of public officials in decisions affecting campaign contributors. A recent law extended these prohibitions that previously only applied to appointed officials to elected officials as well.[32] Another recent law introduced additional changes, including an increase to the contribution threshold from over $250 to over $500.[33]

As of January 1, 2025, a local elected or appointed official cannot: (i) solicit, accept or direct a campaign donation over $500 from a party or a participant, or their agent, involved in a matter presently pending before the local agency and during the 12 months following the final decision; or (ii) participate in a proceeding involving a party or a participant, or their agent, from whom the official accepted over $500 within the past 12 months. § 84308. These requirements only apply if the elected officer or the body of which they are a member has the authority to make any decision or recommendation in a proceeding involving a license, permit or other entitlement for use, as defined. §§ 84308 (b)(2), (c)(2).

[32] Senate Bill ("SB") 1439 (2022).
[33] SB 1243 (2024) (operative as of January 1, 2025).

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a. Disclosure Requirement

Officers must disclose disqualifying contributions either orally or in writing on the public record at the beginning of a public meeting before rendering any decision in the proceeding. If the disqualifying contribution is discovered during the public meeting, the officer should make the public disclosure as soon as possible, prior to continuing to take part in the decision. In the event that there is no public meeting held regarding the decision, the officer should submit a written disclosure to the clerk, and the written disclosure must be entered into the agency's official records. Regulation 18438.8.

b. Prohibition and Disqualification

For purposes of the disclosure and recusal requirement under Section 84308(c), an officer may not participate in a decision if the officer "willfully" or "knowingly" received a disqualifying contribution over $500. This includes actual knowledge of the contribution; a party's disclosure of a contribution; or an officer's awareness of facts establishing other reasons to know of the contribution, which requires a fact-specific analysis. Regulation 18438.7.

c. Fundraising Ban

While a proceeding is pending and for 12 months following the final decision date, an officer cannot accept, solicit, or direct a contribution over $500 from any party, participant, or agent, regardless of whether it is on the officer's own behalf or on behalf of any another officer, candidate for office, or committee. §§ 84308 (b)(1).

d. Participants

A conflict of interest involving a "participant," defined under Regulation 18438.4, arises only if the officer willfully or knowingly received the contribution **and** knows or has reason to know that the participant has a financial interest in the decision. § 84308 (b)(1). Under Regulation 18438.7, "knowledge" includes actual knowledge or knowledge of facts revealed by the participant in writing or orally during the proceeding that makes the person's financial interest "apparent."

e. Agents

An "agent" is a person or entity who represents a party or participant for compensation and appears before or otherwise communicates with an agency in order to influence the proceeding on behalf of the party or participant. § 84308(h). A person does not "communicate with the agency with the purpose of influencing the proceeding" if the person prepares architectural, engineering, or similar drawings or submissions for a client to submit in a proceeding as part of the person's profession and does not contact the agency other than to assist staff in evaluating the prepared documents. § 84308(h)(4). A person is also not an agent if the person only provides technical data or analysis to the agency and does not otherwise directly communicate with the agency for the purpose of influencing the proceeding.

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As of January 1, 2025, an agent can only make contributions to an officer before a matter is pending and cannot make a contribution **in any amount** (in contrast with the $500 threshold for parties and participants) to an officer during the proceeding and for 12 months following the final decision date. This means that an agent has a separate obligation to forgo making any contribution during, and for 12 months after a proceeding. , However, officers are only prohibited from accepting contributions over $500.

f. Aggregated Contributions

Contributions must be aggregated to determine whether a contributor has exceeded the $500 threshold during a 12-month period for purposes of Section 84308 for the following:

- All of the party's own contributions.
- All of the participant's own contributions.
- All of the agent's own contributions during either the prior 12 months or the period beginning the date the agent was first hired (whichever period is shorter). Please note that as of January 1, 2025, an officer is not required to combine the contributions of an agent with contributions from their affiliated party or participant. Government Code Section 84308(g).
- All of the contributions made by an individual (other than an uncompensated non-profit officer) or entity, if the individual directs or controls an entity's contributions or if multiple entities made contributions that are directed or controlled by a majority of the same persons. § 82015.5.
- All of the contributions made by entities that are majority owned (over 50% ownership) by a person with contributions of the majority owner and all other entities majority owned by that person (unless these other entities acted independently).

The requirement to aggregate depends on whether officers are actually aware of relevant facts. Officers are only required to aggregate contributions if the involved party or participant has disclosed the contribution on the record of the proceeding and the officer otherwise knows facts establishing that the contribution must be aggregated pursuant to Regulation 18438.5 and Government Code Section 82015.5. Otherwise, the officer does not know or have reason to know that the contributions must be aggregated.

g. Legally Required Participation

An officer who has received a disqualifying contribution may still participate in a decision if the officer's participation is "legally required." This exception to the recusal requirement only applies if there exists "no alternative source of decision consistent with

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the purposes and the terms of the statute authorizing the decision," and only if a quorum cannot be otherwise convened. Regulation 18705.

In order for the legally required participation exception to be invoked, the officer or an agency employee must state the existence of the potential conflict with particularity, orally or in writing. This disclosure must be made prior to the decision if during an open session, and either during the open session or immediately after the closed session if the decision is being made in closed session. The disclosure should specify that the officer has received a contribution over $500 from a party or participant within the last 12 months, along with the name of the contributor, a summary description of the potential conflict, and any legal basis for the contention that there is no alternative source of decision. Other steps and procedures must also be followed by which one or more disqualified members are selected at random to comprise the minimum number of members needed to take action on the item. The pool of disqualified members from which one or more disqualified members are selected at random to participate in a decision includes those with a financial interest in a decision and those who received a disqualifying contribution under Section 84308.

h. Curing a Violation

An officer who receives a prohibited donation may cure the violation depending on when the contribution was received. If a prohibited contribution was received during the 12 months *before* the final decision, then the contribution may be returned within 30 days from the time the officer either makes any decision or "knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use," whichever comes last. § 84308(d)(1). However, the violation can only be cured if the contribution was received from a party prior to the officer knowing or having reason to know that the proceeding involving the party had commenced. In addition, the violation can only be cured if the officer received a contribution from a participant prior to knowing or having reason to know that the participant had a financial interest. Regulation 18438.7(c).

Contributions of more than $500 may not be accepted *during* the proceeding and there is no "cure" for that violation. An official who unwillingly or unknowingly receives a contribution during the 12 months *after* the final decision may cure the violation by returning the excess amount "within 30 days of accepting, soliciting, or directing the contribution, whichever comes latest." The official or a controlled campaign committee must also maintain records of curing such violations. § 84308(d)(2)(C).

2. Application of Federal Corruption Laws to the Offer or Solicitation of Illegal Campaign Contributions Tied to an Official Act

Federal corruption laws apply to situations where the receipt of illegal, laundered or unreported campaign contributions are tied to an official act. In one case arising out of the City of San Diego, two council members were charged and convicted of wire fraud for conspiring to change the city's ordinance regulating adult-oriented businesses in exchange for campaign contributions from an adult-oriented business that had been illegally "laundered" through contributions made by residents of the city or which had

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been unreported and which constituted bribes. See *United States v. Inzunza*, 303 F. Supp. 2d 1041, 1043 (S.D. Cal. 2004) for a list of the charges; the case was referred to in the press as the San Diego "Strippergate" case. The charges included the alleged use of wire communications in interstate commerce in furtherance of the alleged conspiracy to defraud the public of their intangible right to honest service, in violation of 18 U.S.C. §§ 1951 (the Hobbs Act) and 1952 (Interstate Transportation in Aid of Racketeering). One of those convictions was later overturned. However, the case points out that direct connections between official acts and illegal or unreported campaign contributions may result in charges of bribery under California law and a violation of certain federal wire fraud and racketeering laws.

In a more recent case, a former Los Angeles deputy mayor, former Los Angeles city council member and Planning and Land Use Management Committee chairman, and former aide to the city council member were prosecuted on federal bribery charges related to the receipt of illegal campaign contributions from real estate developers. See *United States v. Shen Zhen New World I, LLC* (9th Cir. 2024) 115 F.4th 1167.

3. A Long-Standing Ban on Local Agency Officials and Employees Soliciting Campaign Contributions from Officials and Employees of the Same Agency is Now Unenforceable

In an effort to avoid local agency public employees being drawn into local political campaigns or having their positions become the subject of political reward or retribution, California law, for many years, prohibited the solicitation of campaign contributions by a local agency official or employee of other officials or employees within the same local agency. Until 2023, an officer or employee of a local agency was prohibited by Section 3205 from soliciting political contributions from an officer or employee of that same local agency. However, in 2023, the Ninth Circuit Court of Appeals held that Section 3205 is unconstitutional on the grounds that it violates the political speech rights of local government employees provided to them by the First Amendment to the U.S. Constitution. The Ninth Circuit concluded that because Section 3205 did not apply equally to state employees, the ban was not sufficiently tailored to accomplish the state's goal, and the state failed to justify applying the restriction only to local government employees. See *Progressive Democrats for Social Justice v. Bonta*, 73 F.4th 1118 (2023). Unless and until the Legislature amends or re-adopts Section 3205 in a manner that withstands judicial review, local government officials and employees are no longer precluded from soliciting campaign contributions from other officials or employees in the same local agency.

B. Doctrine Against Holding Incompatible Offices

1. The Common Law Doctrine Against Holding Incompatible Offices

In addition to Government Code Section 1099 (discussed below), a common law doctrine (that is, legal principles established over time by court decisions) applies to prevent public officials from holding multiple public offices simultaneously. The common law doctrine against incompatibility of offices arose from a concern that the

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public interest would suffer when one person holds two public offices which might possibly come into conflict. The California Supreme Court set forth the following test for incompatibility of offices in *People ex rel. Chapman v. Rapsey*, 16 Cal. 2d 636 (1940):

> "Two offices are said to be incompatible when the holder cannot in every instance discharge the duties of each. Incompatibility arises, therefore, from the nature of the duties of the offices, when there is an inconsistency in the functions of the two, where the functions of the two are inherently inconsistent or repugnant, as where antagonism would result in the attempt by one person to discharge the duties of both offices, or where the nature and duties of the two offices are such as to render it improper from considerations of public policy for one person to retain both."

16 Cal. 2d at 641-42. Incompatibility of offices is not measured only by conflicts which do exist, but also by those conflicts which might arise. *Chapman*, 16 Cal. 2d 636, 641-42 (1940); 66 Ops. Cal. Att'y Gen. 382, 384 (1983); 64 Ops. Cal. Att'y Gen. 288, 289 (1981).

In order to determine whether two positions are in conflict, it is necessary to determine first whether the two positions are both public offices within the scope of the doctrine. No statutory definition is given to the term "public officer." However, in *Chapman*, the court stated:

> "[A] public office is said to be the right, authority, and duty, created and conferred by law — the tenure of which is not transient, occasional, or incidental — by which for a given period an individual is invested with power to perform a public function for public benefit . . . .
>
> One of the prime requisites is that the office be created by the Constitution or authorized by some statute. And it is essential that the incumbent be clothed with a part of the sovereignty of the state to be exercised in the interest of the public."

16 Cal. 2d at 640 (citation omitted).

Incompatibility can be triggered if the duties of the two offices "overlap so that their exercise may require contradictory or inconsistent action, to the detriment of the public interest." *People ex rel. Bagshaw v. Thompson*, 55 Cal. App. 2d 147, 150 (1942). Only one significant clash of duties and loyalties is required to make offices incompatible. 37 Ops. Cal. Att'y Gen. 21, 22 (1961). The policy set forth in *Chapman* includes prospective as well as present clashes of duties and loyalties. 63 Ops. Cal. Att'y Gen. 623 (1980).

Abstention has not been recognized as a remedy for incompatible offices. The general rule provides:

> "The existence of devices to avoid . . . [conflicts] neither changes the nature of the potential conflicts nor provides assurances that they would be employed. Accordingly, the ability to abstain when a conflict arises will not excuse the incompatibility or obviate the effects of the doctrine."

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66 Ops. Cal. Att'y Gen. 176, 177 (1983) (citation omitted).

The effect of the doctrine of incompatibility of offices is that a public official who enters into the duties of a second office is deemed to have automatically vacated the first office if the two are incompatible. *Chapman*, 16 Cal. 2d at 644.

A list of some of the offices that the California Attorney General has found to be incompatible are as follows:

- County board of supervisors member and community college board member. 78 Ops. Cal. Att'y Gen. 316 (1995).
- Fire chief and board of supervisors member. 66 Ops. Cal. Att'y Gen. 176 (1983).
- Public utility district member and county board of supervisors member. 64 Ops. Cal. Att'y Gen. 137 (1981).
- School district trustee and council member. 73 Ops. Cal. Att'y Gen. 354 (1990).
- School board member and council member. 65 Ops. Cal. Att'y Gen. 606 (1982).
- County planning commissioner and council member. 63 Ops. Cal. Att'y Gen. 607 (1980).
- Fire chief and council member. 76 Ops. Cal. Att'y Gen. 38 (1993).
- County planning commissioner and city planning commissioner. 66 Ops. Cal. Att'y Gen. 293 (1983).
- County planning commissioner and county water district director. 64 Ops. Cal. Att'y Gen. 288 (1981).
- City planning commissioner and school district board member. 84 Ops. Cal. Att'y Gen. 91 (2001).
- City manager and school district board member. 80 Ops. Cal. Att'y Gen. 74 (1997).
- School district board member and community services district board member. 75 Ops. Cal. Att'y Gen 112 (1992).

2. The Statutory Codification of the Common Law Doctrine of Incompatible Offices – Government Code Section 1099

Government Code Section 1099 is intended to create a statutory rule against holding incompatible offices. This section is not intended to expand or contract the common

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law rule and is intended to be interpreted based on precedent created through court decisions under the common law doctrine. Stats. 2005, c. 254 (S.B. 274), § 2.

Section 1099 provides that a public officer, including, but not limited to, an appointed or elected member of a governmental board, commission, committee or other body, shall not simultaneously hold two public offices that are incompatible as defined by the statute. Section 1099 provides that offices are incompatible when:

- Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body;
- Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties and loyalties between the offices; or
- Public policy considerations make it improper for one person to hold both offices.

As is the case under the common law doctrine, Section 1099 provides that when two public offices are incompatible, a public officer shall be deemed to have forfeited the first office upon acceding to the second office. However, Section 1099 recognizes that certain state laws or possibly local ordinances may expressly provide for the simultaneous holding of particular offices and that result would not be precluded by Section 1099.[34] Section 1099 does not apply if one of the positions is a mere position of employment rather than a public office. It also does not apply when one of the positions is a member of a legislative body that has only advisory powers. § 1099(c), (d).

C. Incompatible Outside Activities

Government Code Section 1126(a) provides, in relevant part:

> "[A] local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed. . . ."

[34] See, e.g., *People ex rel. Lacey v. Robles*, 44 Cal.App.5th 804 (2020), which held that Section 1099's exception to the rule against holding incompatible offices if "simultaneous holding of the particular offices is compelled or expressly authorized by law" did not apply to an official serving as a mayor and a member of the board of directors for a water replenishment district, despite the fact that the city council and the water replenishment district adopted an ordinance and resolution, respectively, authorizing the official to simultaneously hold both offices. The court reasoned that (1) the Legislature's reference to "law" is "best understood as a reference to state, not local, law"; and (2) even if the reference to "law" could be understood to allow local jurisdictions to deem offices compatible notwithstanding a possible conflict in duties or loyalties, the water replenishment district lacked the authority to authorize its board members to hold incompatible offices.

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The provisions of Section 1126 prohibit officials and employees of a local government agency from engaging in outside employment or activities where any part of the employment or activity will be subject to approval by any other officer, employee, board or commission of the local agency. Exceptions are created to permit a public official to engage in outside employment by a private business, and to permit an attorney employed by a local agency in a non-elective position to serve on an appointed or elected governmental board of another agency. §§ 1127, 1128.

However, the court in *Mazzola v. City and County of San Francisco*, 112 Cal. App. 3d 141 (1980) ruled that Section 1126 provides only authorization to implement standards for incompatibility pursuant to paragraph (b) of Section 1126. The court ruled that the restrictions of Section 1126 are not self-executing because existing and future employees should have notice that specific outside activities are, or are not compatible with their duties as an officer or employee of the local agency. Thus, Section 1126 would not bar a public official from holding a position outside his or her public agency unless the public agency in which he or she serves as a public official adopts an ordinance in compliance with the requirements of Section 1126 that specifies that the two positions or activities are incompatible. Many cities have not adopted such ordinances.

In light of the court's decision in *Mazzola*, the Attorney General ruled that Section 1126 did not apply to any elected official, such as a council member, since elected officials do not have an "appointing power" that can promulgate guidelines for their activities pursuant to Section 1126. However, if a local agency adopts such guidelines, they can be made applicable to officers and employees subordinate to the legislative body of the local agency, including members of advisory boards and commissions. § 1126(a).

D. Successor Agency and Oversight Board Conflicts

1. Form 700s for Successor Agency and Oversight Board Members

In any city that adopted a resolution establishing a successor agency to the former redevelopment agency (which is a separate legal entity), an official who already files an annual Form 700 in his or her capacity as a city official does not need to file an Assuming Office Statement ("Assuming Office Form 700") within 30 days of assuming his or her position with the successor agency as long as these same city officials are already required to disclose all categories of economic interests. The successor agency official or employee will, however, have to file an Assuming Office Form 700 if he or she is not already required to disclose as a city official all categories of economic interests.

Members of a county oversight board are also subject to the Political Reform Act.[35] This means oversight board members must comply with both the Act's conflict of interest disqualification and disclosure requirements. Oversight board members who do not

[35] Pursuant to Health & Saf. Code Section 34179(j), beginning in 2018, oversight boards for individual successor agencies in counties where more than one successor agency existed prior to 2018 were consolidated into county-wide oversight boards. These oversight boards are staffed "by the county auditor-controller, by another county entity selected by the county auditor-controller, or by a city within the county that the county auditor-controller may select after consulting with the department." (Health & Saf. Code, § 34179(j).)

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also hold a concurrent county position for which they are required to broadly disclose in all of the applicable categories need to file an Assuming Office Form 700 within 30 days of their appointment. (See Regulation 18730(b)(3).)

2. Filing Officer for the Successor Agency's Statements of Economic Interests

The term "filing officer" is defined in the Act to be the office or officer with whom any statement or report is required to be filed under this title. § 82027, Regulation 18115. In determining where Form 700s are to be filed for officials of a successor agency, the city council, as the code reviewing body, may have designated either the "agency" (successor agency) or the "code reviewing body" (city council) the entity with which Form 700s are filed. § 87500(c). Regulation 18227 provides that every entity with whom forms are filed must assign to a specific official the responsibility for receiving and forwarding reports filed pursuant to Section 87500 (including Form 700s). This assigned "filing officer" has a duty to supply Form 700s, review submitted Form 700s for completeness, and notify all persons who have failed to file forms and report violations to appropriate agencies. See § 81010, Regulations 18115, 18115.1, 18115.2.

With respect to those officials of the successor agency and oversight board that are not otherwise exempt from filing Assuming Office Form 700s for their position with the successor agency, city clerks (or the successor agency secretary, if applicable) should provide forms to those persons and facilitate the filing of those forms within the required time periods .

E. Discount Passes on Common Carriers

Article XII, Section 7 of the California Constitution states:

> "A transportation company may not grant free passes or discounts to anyone holding an office in this state; and the acceptance of a pass or discount by a public officer, other than a Public Utilities Commissioner, shall work a forfeiture of that office. A Public Utilities Commissioner may not hold an official relation to nor have a financial interest in a person or corporation subject to regulation by the commission."

The Attorney General has explained this provision applies in the following manner:

- The prohibition applies to public officers, both elected and non-elected, but not employees.
- The prohibition applies to interstate and foreign carriers as well as domestic carriers, and to transportation received outside California.
- The prohibition applies irrespective of whether the pass or discount was provided in connection with personal or public business.
- Violation of the prohibition is punishable by forfeiture of office.

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There have only been a few decisions that address this constitutional prohibition. In one opinion, the Attorney General granted leave to sue two members of a city council who accepted free airline tickets to London given by Laker Airlines as part of the airline's promotion of its new Los Angeles to London service. Despite the fact that the council members were unaware of the prohibition, the Attorney General allowed a quo warranto suit that subsequently settled before judgment. *See, e.g.,* 76 Ops. Cal. Atty. Gen. 1, 3 (1993).

In another opinion, the mayor of a city received an upgrade from a coach seat to a first class seat on Hawaiian Airlines. 76 Ops. Cal. Atty. Gen. 1 (1993). There, the mayor's ticket was one of 20 first-class upgraded tickets that the airline was allowed to provide to "high profile, prominent members of the community." At issue was whether that situation fit within an exception to the constitutional prohibition for situations when the free transportation or discount is provided to a public officer as a member of a larger group unrelated to the official's position. The Attorney General ruled that the facts did not satisfy the exception and that a violation of the prohibition had occurred.

The exception considered in that opinion stemmed out of a 1984 opinion of the Attorney General which held that a public officer could accept first-class ticket upgrades by virtue of the airline's policy to do so for all airline employees and their spouses on their honeymoon. In 67 Ops. Cal. Atty. Gen. 81 (1984), the Attorney General concluded that a public officer, whose spouse was a flight attendant, could accept a free transportation pass or discount when such was offered to all spouses of flight attendants without distinction to the official status of the recipient.

Consequently, if the pass or discount is provided to the official because of his or her position as a governmental official, the prohibition applies. If it is provided to the official as a member of a larger group that is not related to the functions of his or her office, the prohibition may not be applicable.

F. Conflicts upon Leaving Office – the "Revolving Door"

Former elected officials and former city managers are restricted from receiving compensation for lobbying their city for one year after they leave public office. This restriction also applies to elected county and district officials and their chief administrative officers or general managers, but not to department directors or other public officials and employees. § 87406.3(a). A violation of the statute constitutes a misdemeanor, and the FPPC is authorized to impose administrative fines and penalties for its violation. § 91000.

The type of lobbying subject to the ban includes both formal and informal appearances before a local agency and making any oral or written communication to the agency. The statute proscribes the appearances and communications if they are made to influence administrative or legislative action, or affect the issuance, amendment, awarding or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. § 87406.3(a).

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The term "administrative actions" within the scope of the lobbying ban includes "the proposal, drafting, development, consideration, amendment, enactment, or defeat by any local government agency of any matter, including any rule, regulation, or other action in any regulatory proceeding, whether quasi-legislative or quasi-judicial." However, matters that are "solely ministerial" are expressly excluded from the prohibition. § 87406.3(d)(1). The type of "legislative action" within the scope of the ban includes:

> "the drafting, introduction, modification, enactment, defeat, approval, or veto of any ordinance, amendment, resolution, report, nomination, or other matter by the legislative body of a local government agency or by any committee or subcommittee thereof, or by a member or employee of the legislative body of the local government agency acting in the member or employee's official capacity."

§ 87406.3(d)(2). The lobbying ban does not apply to any public official who is appearing or communicating on behalf of another local governing body or public agency of which the individual is a board member, officer or employee. § 87406.3(b)(1). Therefore, if such former elected city official or former city manager is contacting his or her city on behalf of the state, a county, a school district or some other governmental entity (in his or her capacity as a board member, officer, or employee), such activity is not precluded by the ban. However, the lobbying ban ***does*** apply for the initial year if the former elected city official or former city manager serves another public agency ***as an independent contractor*** and appears or communicates on behalf of that agency in front of the agency that the person originally served. § 87406.3(b)(2). Such activity would be prohibited for the first year after leaving office or employment with the original agency.

Some cities have their own preexisting "revolving door" ordinances that regulate the lobbying activities of their former public officials. This state law expressly does not preempt those ordinances or prevent cities from adopting additional ordinances on the subject in the future, provided those ordinances are more restrictive than the state law. § 87406.3(c). Thus, the law merely sets a minimum standard applicable to all cities.

G. Laws Prohibiting Bribery

A number of state statutes prohibit bribery of public officials. Specifically, it is illegal to give or offer to give a bribe to a public official, or for a public official to ask for, receive, or agree to receive any bribe. Penal Code §§ 67, 68. Under a strict reading of these statutes, Penal Code Section 68 applies to bribery of a "ministerial officer, employee, or appointee," and Penal Code Section 67 applies only to bribery of an "executive officer in this state," but the courts have interpreted both statutes as having a broad scope applicable to public officials generally. *People v. Hallner*, 43 Cal. 2d 715, 717 (1954) (observing that Penal Code Section 67, despite its wording, is "all inclusive" and includes city officials, and that "[b]y the sixty-seventh section the offense defined is that of one who offers; by the sixty-eighth, that of one who receives a bribe"); *People v. Strohl*, 57 Cal. App. 3d 347, 360 (1976) ("Numerous California Supreme Court and appellate court decisions since 1954 have held that 'executive officers' of various levels

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of local government, including the county level, as herein involved, come within [Penal Code] Section 67.").

The Legislature also expressly made bribery of council members and supervising officials a crime, as well as solicitation of bribes by council members and supervisors. Penal Code § 165. Another statute makes it a crime for anyone to attempt to bribe "any person who may be authorized by law to hear or determine any question or controversy." Penal Code § 92. Considered together, these statutes cover the spectrum of public officials.

The term "bribe" signifies anything of value or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence, unlawfully, the person to whom it is given, in his or her action, vote, or opinion, in any public or official capacity. Penal Code § 7(6). Note that under all of the bribery statutes, it is not only the actual giving or accepting of a bribe that is criminal; merely offering to give or receive a bribe constitutes a violation of law. See, e.g., *People v. Pic'I* (1982) 31 Cal. 3d 731, 739 (noting that a "meeting of the minds" is unnecessary for a bribery conviction).

A public officer forfeits his office if he requests, receives, or agrees to receive a bribe. Penal Code § 68. In addition, every officer convicted of any crime defined in the Penal Code sections pertaining to bribery and corruption is forever disqualified from holding any office in the state. Penal Code § 98.

Note also that bribery and soliciting bribery potentially violate not only the Penal Code, but also the conflict of interest statutes. For example, in *Terry v. Bender*, 143 Cal. App. 2d 198 (1956), a court of appeal held that a council member violated Government Code Section 1090 when he solicited and received a bribe from an attorney in exchange for the council member's vote to employ the attorney with the city. 143 Cal. App. 2d at 207 (observing that by accepting the bribe, the council member "had placed himself in a position of economic servitude" in violation of Section 1090). Because the bribe "restricted the free exercise of the discretion vested in him for the public good," there was an impermissible conflict of interest.

H. Nepotism

One other potential source of a conflict of interest is a governmental decision that affects a family member. If a public official's relative has an application before the government agency on which the public official serves, the public official would potentially have an improper incentive to approve the relative's application. Because the financial interests of a public official's spouse and dependent children (children under 18 years of age who are dependent financially on their parents) are attributed to the public official under the Political Reform Act and Section 1090, participation in decisions financially benefiting spouses and dependent children is limited. §§ 82030, 87103; *Thorpe v. Long Beach Community College Dist.*, 83 Cal. App. 4th 655 (2000) (holding that Section 1090 prohibited a community college district board from voting to approve the promotion of the spouse of a board member). If the approval did not require a decision by the legislative body, however, the public entity could still

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potentially approve an application or make a decision if the related public official did not participate.

With respect to adult children and more extended family members, the Political Reform Act and Section 1090 would not automatically apply in the absence of some financial relationship between the public official and the adult child or extended family members.[36] Currently, state law only prohibits such "extended family" interests for the governing boards of school districts. Educ. Code § 35107(e). Under that statute, a school board member must abstain from participating in personnel matters that uniquely affect his or her relative. "Relative" is defined as an adult who is related to the official by blood or affinity within the third degree, or in an adoptive relationship within the third degree. There is no comparable statute for cities and counties, but some local governments have established similar restrictions through ordinances or policies.

The issue of familial relations comes up more frequently in the context of personnel decisions, as when a public entity prohibits the hiring of relatives of public officials or employees. Such anti-nepotism policies are generally upheld by the courts. For example, in *Parsons v. County of Del Norte*, 728 F. 2d 1234 (9th Cir. 1984), the Ninth Circuit upheld a county policy prohibiting spouses from working in the same department. The Ninth Circuit held that the policy did not violate the Equal Protection and Due Process clauses of the U.S. Constitution and was rationally related to a legitimate government interest: avoidance of conflicts of interest and favoritism in employee hiring, supervision and allocation of duties. See also *Kimura v. Roberts*, 89 Cal. App. 3d 871, 875 (1979) (upholding a policy prohibiting spouses from serving on both the city council and planning commission, reasoning that "the finding of the mayor and the city council that an actual or implied conflict of interest existed, is eminently rational, practical and legally sound").

Note, however, that state law prohibits the application of anti-nepotism rules to spouses in some circumstances. The Fair Employment and Housing Act prohibits an employer from making an employment decision based on whether an employee or applicant has a spouse presently employed, except in two specific situations:

- For business reasons of supervision, safety, security or morale, an employer may refuse to place one spouse under the direct supervision of the other spouse.

- For business reasons of supervision, security or morale, an employer may refuse to place both spouses in the same department, division or facility if the work involves potential conflicts of interest or other hazards greater for married couples than for other persons.

2 C.C.R. § 11057(a) (emphasis added).

Accordingly, any anti-nepotism policy that a city or county adopts must not apply to the hiring of spouses, except in cases of direct supervision, where greater conflicts or hazards occur for married persons, or where a conflict of interest statute applies.

[36] *Davies* Advice Letter, No. I-90-329, 1990 WL 698051 (1990).

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III. LAWS AND REGULATIONS AFFECTING RECEIPT OF GIFTS, HONORARIA AND LOANS

The PRA provisions and other conflict of interest laws discussed above do not prohibit a public official from having an interest in a business or real property. Instead, they merely limit the official's ability to participate in governmental decisions that would materially affect those interests.

There are additional restrictions in the PRA, however, with regard to certain gifts, honoraria and loans. The statute precludes local officials (including council members and planning commissioners) from receiving certain gifts, honoraria and loans. These prohibitions apply whether or not the source of the gift, honorarium or loan is or will ever be affected by a decision of the official's agency. This section outlines these prohibitions.

A. Limitations on Receipt of Gifts

1. General Gift Limitation

Government Code Section 89503(a) provides: "No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept gifts from any single source in any calendar year with a total value of more than [$630]." (The gift limit amount has been adjusted in accordance with Regulation 18940.2.) Officials listed in Section 87200, in turn, include mayors, council members, planning commissioners, city managers, city attorneys, city treasurers, chief administrative officers and other public officials who manage public investments, and candidates for any of these offices.

A similar limitation prohibits a local agency employee designated in a local conflict of interest code from accepting gifts from a single source totaling more than $590 in value in any calendar year, if the gifts would be required to be reported on his or her statement of economic interests. § 89503(c).

2. Biennial Gift Limit Adjustment

The Act authorizes the FPPC to make an inflationary adjustment of the gift limitations set forth in Section 89503 every two years. § 89503(f). The most recent adjustment became effective on January 1, 2025, wherein the gift limit increased to $630. Regulation 18940.2. This figure will be further adjusted in future odd-numbered years.

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3. Exceptions to Gifts

None of the following is a gift and none is subject to any limitation on gifts (Regulation 18942):

a. Informational Materials

Informational materials such as books, reports, calendars, audio and video recordings, scale models, maps, free or discounted admission to informational conferences or seminars, and on-site demonstrations, tours or inspections that are provided to convey information for the purpose of assisting the official in the performance of official duties are not considered gifts. The cost of transportation for on-site demonstrations, tours or inspections may fall into this exception in particular situations. Regulations 18942(a)(1), 18942.1.

b. Returned Gifts

Except for passes and tickets as provided for in Regulation 18946.1 that must be ultimately used or transferred to have value, a gift that is not used and that, within 30 days of receipt, is returned, donated, or for which reimbursement is paid pursuant to Regulation 18941, is not a gift. Regulation 18942(a)(2). First, an unused gift returned to the donor, the donor's agent, or the donor's intermediary for which the returning party does not receive anything of value in exchange for the returned payment, does not constitute a gift. Regulation 18941(c)(1). Next, an unused donation of a gift under this exception must be to either a 501(c)(3) charitable organization with which the official or a member of his or her family holds no position or to a government agency, without being claimed as a tax deduction, also does not constitute a gift. Regulation 18941(c)(2). Lastly, a gift fully reimbursed to the donor, agent, or intermediary from the recipient official is not a gift, but a partial reimbursement will result in a reduced gift amount. Regulation 18941(c)(3).

c. Family Gifts

A payment from an individual's family member is not considered a gift unless the donor is acting as an agent or intermediary for any other person. The family members included in this exception are a spouse or former spouse, child or step-child, parent, grandparent, grandchild, brother, sister, current or former parent-in-law, current or former brother-in-law, current or former sister-in-law, nephew, niece, aunt, uncle, grand nephew, grand niece, grand aunt, grand uncle, first cousin or first cousin once removed, or the current or former spouse of any such person other than a former in-law. Regulation 18942(a)(3).

d. Campaign Contributions

Campaign contributions that are reported in accordance with separate provisions of the Act are not considered gifts. Regulation 18942(a)(4).

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e. Inherited Money or Property

Devises or inheritances of any kind are not considered gifts. Regulation 18942(a)(5).

f. Awards

A personalized plaque or trophy with an individual value of less than $250 is not a gift. Regulation 18942(a)(6).

g. Home Hospitality

The cost of home hospitality is not considered a gift unless any part of the cost is paid directly or reimbursed by another person, any person deducts any part of the cost as a business expense on a tax return, or the host has an understanding with someone else that any amount of compensation the host receives from that person includes a portion to be utilized to provide gifts of hospitality. Regulation 18942(a)(7). "Home hospitality" is defined as any benefit received by the official, and the official's spouse and family members when accompanying the official, which is provided by an individual with whom the official has a relationship, connection, or association unrelated to the official's position and the hospitality is provided as part of that relationship, connection, or association in the individual's home when the individual is present. Regulation 18942.2. Home hospitality includes entertainment, occasional overnight lodging, and any food, including food provided by other guests at the event and benefits received by the official when the official serves as the host.

A "home" includes a vacation home owned, rented, or leased by the individual for use as his or her residence, including in some cases a timeshare or a motor home or boat owned, rented, or leased by the individual for use as his or her residence. "Home" also includes any facility in which the individual has a right-to-use benefit by his or her home residency, such as a community clubhouse. Regulation 18942.2.

In determining where this exception is available, the official is to presume that the cost of the hospitality is paid by the host unless the host discloses to the official or it is clear from the surrounding circumstances that someone other than the host paid the cost or part of the cost of the hospitality. Regulation 18942(a)(7). The cost of providing hospitality must also not include any part of the value or rental cost of the home nor any depreciation value on the home where the hospitality is extended for the exception to apply. *Id.*

h. Presents on Personal or Family Occasions

Benefits commonly exchanged between an official and an individual, other than a lobbyist, on holidays, birthdays, or similar occasions are not gifts as long as the presents exchanged are not substantially disproportionate in value. For purposes of this exception, "benefits commonly exchanged" includes food, entertainment, and nominal benefits provided to guests at an event by an honoree or other individual, other than a lobbyist, hosting the event. Regulation 18942(a)(8)(A).

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i. Reciprocal Exchanges

Reciprocal exchanges made in a social relationship between an official and another individual who is not a lobbyist and with whom the official participates in repeated social events are not gifts where the parties typically rotate payments on a continuing basis so that, over time, each party pays for approximately his or her share of the costs of the continuing activities. The repeated social events may include lunches, dinners, rounds of golf, attendance at entertainment or sporting events, or any other such event so long as the total value of payments received by the official within the year is not substantially disproportionate to the amount paid by the official. If the official receives much more than what he or she paid, the official has received a gift for the excess amount. This exception does not apply to any single payment that is equal to or greater than $630. Regulation 18942(a)(8)(B).

j. Leave Credits Donated to an Official

Leave credits, including vacation, sick leave, or compensatory time off, donated to an official in accordance with a bona fide catastrophic or similar emergency leave program established by the official's employer are not gifts as long as they are available to all employees in the same job classification or position. This exception does not include donations of cash. Regulation 18942(a)(9).

k. Disaster Assistance

Payments received under a government agency program or a program established by a 501(c)(3) organization designed to provide disaster relief or food, shelter, or similar assistance to qualified recipients are not gifts as long as such payments are available to members of the public regardless of official status. Regulation 18942(a)(10).

l. Admission when "Speech" Made

Payment of the official's admission by the organizer of an event is exempt from the gift limitations if the official makes a "speech" at the event. Regulation 18942(a)(11). This exemption applies if the official is "making a speech, participating on a panel, or making a substantive formal presentation at a seminar or similar event." Regulation 18950(b)(2). For the purpose of the exemption, the price of admission can include food and "nominal items" including things like pens, stress balls, note pads, etc. Regulation 18942(a)(11).

m. Campaign Travel

The payments made to an elected officer or candidate for his or her transportation, lodging, or food provided in connection with the official's campaign activities are exempt from the gift limitations, so long as the expenditures are reportable by the campaign committee in accordance with the provisions of Sections 84100, et seq., applicable federal law or the laws of the state in which the committee exists. Regulations 18942(a)(12), 18950.3.

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n. Ticket for Ceremonial Role

A ticket which is provided to an official and one guest of the official for his or her admission to an event where the official performs a ceremonial role on behalf of the agency is not a gift, so long as the agency reports the ticket on its Form 802. The term "ceremonial role" means an act performed at an event by the official as a representative of the official's agency at the request of the holder of the event where, for a period of time, the focus of the event is the act performed by the official. Examples include throwing out the first pitch at a baseball game, cutting a ribbon at a library opening, or presenting a certificate or award. A local agency may adopt specific policies to either limit or expand the permissible ceremonial roles for an official in that city, the full list of which must be forwarded to the FPPC. Any official who attends the event as part of his or her job duties to assist the official who is performing the ceremonial role has not received a gift or income by attending the event. Regulations 18942(a)(13), 18942.3.

o. Prize or Award in Bona Fide Contest or Competition

A prize or award received in a manner not related to the official's status in a bona fide contest, competition, or game of chance is not a gift. A prize or award that is not reported as a gift shall be reported as income unless the prize or award is received as a winning from the California State Lottery. Regulation 18942(a)(14).

p. Weddings Benefits

Benefits received as a guest attending a wedding or civil union are not gifts if the benefits are substantially the same as the benefits received by the other guests attending the event. Regulation 18942(a)(15).

q. Bereavement Offerings

Bereavement offerings typically provided in memory of and at the time of the passing of a spouse, parent, child, or sibling or other relative of the official are not gifts. Regulation 18942(a)(16).

r. Acts of Neighborliness

A service performed as an act of ordinary assistance consistent with polite behavior in a civilized society that would not normally be part of an economic transaction between like participants under similar circumstances is not a gift. Examples of such services include the loan of an item, an occasional needed ride, personal assistance in making a repair, bringing in the mail or feeding the cat while the official is away. Individuals need not be actual neighbors for this exception to apply. Regulation 18942(a)(17).

s. Bona Fide Date or Dating Relationship

Personal benefits commonly exchanged between people on a date or in a dating relationship are not gifts. However, such benefits are gifts if the individual providing the benefit to the official is a lobbyist or otherwise has particular interests in the official's role

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in the agency within 12 months of the date. Even if the benefit is from such an individual, the gift is still not reportable or subject to limits but the aggregate value is subject to the conflict of interest provisions if the value is $630 or greater. Regulation 18942(a)(18)(A).

t. Acts of Human Compassion

Payments provided to an official or his or her family member by an individual to offset family medical or living expenses that the official can no longer meet without private assistance because of an accident, illness, employment loss, death in the family, or other unexpected calamity are not gifts. Payments provided to an official or his or her family member to defray expenses associated with humanitarian efforts such as the adoption of an orphaned child are also not gifts. However, under this exception, the source of the donation must be an individual who has a prior social relationship with the official of the type where it would be common to provide such assistance (such as a relative, long-term friend, neighbor, co-worker or former co-worker, member of the same local religious or other similar organization, etc.), or the payment must be made without regard to official status under other circumstances in which it would be common to receive community outreach. In any case, the individual providing the benefit to the official cannot be a lobbyist or otherwise have particular interests in the official's role in the agency within 12 months of the payment. Regulation 18942(a)(18)(B).

u. Best Friends Forever

A payment provided to an official by an individual with whom the official has a long term, close personal friendship unrelated to the official's position with the agency is not a gift. However, the individual providing the benefit to the official cannot be a lobbyist or otherwise have particular interests in the official's role in the agency within 12 months of the payment. Regulation 18942(a)(18)(C).

v. Catch-All

Any other payment that would otherwise meet the definition of gift is not a gift where the payment is made by an individual who is not a lobbyist and it is clear that the payment was made because of an existing personal or business relationship unrelated to the official's position. Additionally, there can be no evidence whatsoever at the time the payment is made that the official makes or participates in the type of governmental decisions that may have a foreseeable material financial effect on the individual who is the source of the payment. Regulation 18942(a)(19).

4. Gifts to an Agency

Regulation 18944 provides a narrow exception to the normal gift reporting requirements and value limitations for gifts made directly to a public agency. A payment made to a state or local government agency that is used for official agency business is not considered a gift or income to an individual public official who is the end recipient, even though the official receives an incidental personal benefit from the payment. As

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such, the gift does not have to be reported by the individual and is not subject to the annual value limitation.

A payment shall be considered a gift to the public official's agency and not a gift to the public official if all of the following requirements are met: the payment must be used for official agency business; the agency head must determine and control the agency's use of the payment, including the selection of the official who will use the payment; and the agency must report the payment on a Form 801. The Form 801, which must be signed by the agency head and maintained as a public record in accordance with Government Code Section 81008, must include the following information:

- **Donor Information**: The reporting form requires not only the donor's name, but also his or her address, and must identify any other persons who contributed to the gift, as well as the amount each person contributed. If the donor is not an individual, the report must describe the business activity or nature of the entity giving the gift.

- **Description of Payment**: The form requires a description of the payment, the date it was received, the intended purpose and the amount of the payment or the actual or estimated fair market value of the goods or services provided, if the amount is unknown.

- **Recipient Information**: The form also requires that the agency specify the name, title, and department of the agency official who used the payment.

Regulation 18944(c)(3). For any quarter year period in which the payments received by the agency aggregate to $2,500 or more since the last filing, a local agency must submit a copy of the form or a detailed summary of the information to its filing officer within 30 days after the close of the quarter. Thereafter, the filing officer must post a copy of the form or the information in a "prominent fashion" on its website within 30 days after the close of the quarter. If the local agency does not maintain a website, the agency must send its Form 801 to the FPPC, which will post the document on its own website. Regulation 18944(d).

5. Gifts to an Official's Family

Regulation 18943 governs gifts to an official's or candidate's family. An official's "family member," includes an official's spouse or registered domestic partner, a dependent child, and an official's child. "Dependent child" means a child (including an adoptive child or stepchild) of a public official who is under 18 years old and whom the official is entitled to claim as a dependent on his or her federal tax return. Regulation 18229.1. An "official's child" (including an adoptive child or stepchild) means a child who meets all of the following criteria:

- The child is at least 18 but no more than 23 years old and is a full-time or part-time student;

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- The child has the same principal residence as the official. For purposes of this provision, a place, located away from the official's residence, at which the child resides for the purpose of attending school is not the child's "principal place of residence"; and

- The child does not provide more than one-half of his or her own support.

a. Gifts to Both an Official and One or More Family Members

A single gift to both an official and one or more members of the official's family is a gift to the official for the full value of the gift. See "Wedding Gifts" section below for a particular exception to this rule.

b. Gifts Solely to Family Members

A gift given solely to a member of an official's family is a gift to the official, when there is no established working, social, or similar relationship between the donor and the official's family member that would suggest an appropriate association for making such a payment. A gift given to a member of an official's family is also a gift to the official if there is evidence to suggest the donor had a purpose to influence the official, such as when:

- The donor is a lobbyist, lobbying firm, lobbyist employer, or other similar person and is registered to lobby the official's state agency;

- The donor is involved in an action or decision before the local or state government agency in which the official will reasonably foreseeably participate, or in an action in which he or she has participated within the last 12 months; or

- The donor has a contract with the official's agency or the donor engages in a business that regularly seeks contracts with, or licenses, permits or other entitlements from, and the official may reasonably foreseeably make or participate in such a decision or has participated in such a decision within 12 months of the time the gift is made, unless the donor has less than 10 percent interest in the business contracting with or appearing before the agency. Regulation 18943(c).

6. Invitation-Only Events

When an official and one of his or her guests attends an invitation-only event such as a banquet, party, gala, celebration, or other similar function, other than a nonprofit or political fundraiser as set forth in Regulation 18946.4, the value received is the official's and the guest's pro-rata share of the cost of the food, catering services, entertainment, and any item provided to the official and guest that is available to all guests attending the event. Regulation 18946.2(b). A calculation of the pro-rata share means the total cost of the listed expenses above, divided by the number of acceptances or the number of attendees at the event. Any other specific benefit provided to the official

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and guest at the event, such as golf green fees, is valued at fair market value. Regulation 18946.2(b).

a. Official or Ceremonial Functions

When an official performs an official or ceremonial function at an invitation-only event in which the official is invited to participate by the event's sponsor or organizer to perform an official or ceremonial function, the value received is the pro-rata cost of any meal provided to the official and guest, plus the value of any specific item that is presented to the official and his or her guest at the event. Regulation 18946.2(d).

b. Drop-In Visit

Except for an event sponsored by a lobbyist, lobbying firm, or lobbyist employer, if an official attends an invitation-only event and does not stay for any meal or entertainment otherwise provided at the event, receiving only minimal appetizers or drinks, the value of the gift received is the value of any specific item, other than food, that is presented to the official and his or her guest at the event. For purposes of this regulation, "entertainment" means a feature show or performance intended for an audience and does not include music provided for background ambiance. Regulation 18946.2(e).

c. Lobbyists, Lobbying Firms, and Lobbyist Employers

Where an official attends an invitation-only event sponsored by a lobbyist, lobbying firm, or lobbyist employer, the value of the gift is the pro-rata share of the cost of the event. Regulation 18946.2(b), 18640. If the official notifies the lobbyist, lobbying firm, or lobbyist employer that the official attended the event but that he or she did not stay for any meal or entertainment, receiving only minimal appetizers and drinks, the value of the gift received is the value of any specific item (other than food) that is presented to the official and the official's guest at the event. Regulation 18640(b). Again, the term "entertainment" means a feature show or performance intended for an audience and does not include music provided for background ambiance. Regulation 18640.

7. Tickets to Political and Charitable Fundraisers

Regulation 18946.4 provides special rules for tickets provided to public officials to fundraisers for nonprofit and political organizations. Such tickets are not considered gifts to a public official if certain requirements are met. This exception applies only to two tickets provided to an official, and only if it is provided directly by the charity or campaign committee; additional tickets are treated as gifts. The requirements vary depending on whether the organization is a 501(c)(3) nonprofit, a non-501(c)(3) nonprofit, or a political organization.

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a. Non-501(c)(3) Nonprofit Fundraiser

Regulation 18946.4(a) provides that a ticket to a fundraising event for a nonprofit, tax-exempt organization that is neither a political campaign committee nor a 501(c)(3) nonprofit shall be valued as follows:

- Where the ticket to the fundraiser clearly states that a portion of the ticket price is a donation to the organization, or the organization provides information indicating the portion of the admission price that constitutes the donation, then the value of the gift is the face value of the ticket or admission reduced by the amount of the donation – i.e., the "nondeductible portion" of the price of admission.

- If there is no ticket or other official information provided by the organization indicating the value of the nondeductible portion of admission, the value of the gift is the pro-rata share of the cost of any food, catering service, entertainment, and any other item provided to the official that is available to the other guests. A calculation of the pro-rata share means the total cost of the listed expenses, divided by the number of acceptances or the number of attendees. Any other specific benefit provided to the official at the event, such as golf green fees, is valued at fair market value.

b. Fundraiser for a 501(c)(3) Religious, Charitable, Scientific, Literary or Educational Organization

Where the event is a fundraising event for an organization exempt from taxation under Internal Revenue Code Section 501(c)(3), such an organization may provide two tickets per event to an official, and the ticket shall have no value. Regulation 18946.4(b). Any additional tickets or admissions provided by the 501(c)(3) organization, any tickets provided to or controlled by the official, and any tickets not provided directly by the 501(c)(3) are valued as tickets from a non-501(c)(3) nonprofit. Regulation 18946.4(b).

c. Political Fundraiser

For the gift of a ticket, pass, or other admission privilege to a political fundraising event for a "campaign committee" or a comparable committee regulated under federal law or the laws of another state, the committee or candidate may provide two tickets per event to an official that shall be deemed to have no value. A "campaign committee" is any person or persons who directly or indirectly receives contributions totaling two thousand dollars ($2,000) or more in a calendar year (note: this was increased from $1,000 in 2015), makes independent expenditures totaling one thousand dollars ($1,000) or more in a calendar year, or makes contributions totaling ten thousand dollars ($10,000) or more in a calendar year to or at the behest of candidates or committees. § 82013.

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8. Tickets or Passes to Events Given to Officials by their Agency

a. Gift Exception

FPPC Regulation 18944.1 provides that a ticket or pass to an event or function provided to an official by his or her agency and distributed and used in accordance with a written policy adopted by the agency is not a gift under the Political Reform Act if: (1) the ticket or pass is not earmarked by an outside source for use by a specific agency official; (2) the agency determines, in its sole discretion, who uses the ticket or pass; (3) the distribution of the ticket or pass is reported on Form 802 as described below; and (4) the distribution of the ticket or pass by the agency is made in accordance with a written policy adopted by the agency that meets all of the requirements as described below. Regulation 18944.1(a).

- **Application**: FPPC Regulation 18944.1 applies only to the benefits the official receives from a ticket or pass to an event or function that are provided to all members of the public with the same class of ticket or pass, when the ticket or pass is provided by an agency to an official of the agency, or at the behest of an agency official. The regulation does not apply to: (1) an admission to an event or function in which the official performs a ceremonial role; or, (2) admission provided to a school, college or university district official, coach, athletic director or employee to attend an amateur event performed by students, which are neither gifts nor income. Regulation 18944.1(f).

b. Written Policy for Distribution of Tickets

- **Policy Requirements**: The distribution of tickets and passes described above must be made pursuant to a written policy duly adopted by the agency's legislative or governing body that must contain the following: (1) a provision setting forth the public purposes of the agency for which tickets or passes may be distributed; (2) a provision requiring that the distribution of any ticket or pass to, or at the behest of, an official accomplish a stated public purpose of the agency; (3) a provision prohibiting the transfer of any ticket received by an agency official, except to his or her immediate family or no more than one guest solely for their attendance at the event; and (4) a provision prohibiting the disproportionate use of tickets or passes by a member of the governing body, chief administrative officer, political appointee, or department head. Regulation 18944.1(b).

- **Public Purpose**: The agency's legislative or governing body must determine whether the distribution of tickets or passes serves a legitimate public purpose of the agency, consistent with state law. Tickets or passes given to officials (other than a member of the governing body, chief administrative officer, political appointee or department head) to support general employee morale, retention or to reward public service is deemed to have a public purpose. Regulation 18944.1(e).

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- **Public Record**: The policy must be maintained as a public record, subject to inspection and copying. The agency must post the policy on the agency website within 30 days of adoption or amendment and send to the FPPC, by email, the agency's website link that displays the policy for posting on the FPPC's website. Regulation 18944.1(c).

c. Form 802 for Reporting Distribution of Tickets and Passes

Within 45 days of distributing a ticket or pass, the head of the agency must fill out and certify a Form 802 describing the distribution of tickets or passes to an official. The Form 802 requires: (1) the name of the official who received the ticket or pass, (2) a description and date of the event, (3) the fair value of each ticket or pass, (4) the number of tickets or passes distributed to the official, (5) if the ticket or pass is behested, the name of the official who behested the ticket, (6) if the official gave the ticket or pass to another person (limited to an immediate family member or no more than one guest), the name of that person, (7) the specific public purpose under which the distribution was made, and (8) a written inspection report of findings and recommendations by the official who received the ticket or pass if it was received for the oversight or inspection of facilities. This form must be maintained as a public record, subject to inspection and copying. The agency must post the form, or a summary of its contents, on its website and send the FPPC, by email, the agency's website link for posting on the FPPC's website. Regulation 18944.1(d).

d. Other Exceptions

- **Reimbursement**. The ticket or pass is not considered a gift if the official reimburses the agency for the ticket within 30 days of receipt. Regulation 18944.1(h).

- **Treated as Income**. The ticket or pass is not considered a gift if the official treats the ticket or pass as taxable income. Regulation 18944.1(g).

9. Gifts from a Government Agency to an Official in That Agency

A payment by an agency that provides food, beverage, entertainment, goods or services of more than a nominal value to an official in that agency is a gift to that official, unless the payment is a "lawful expenditure of public moneys." Regulation 18944.3.

Several commentators have questioned the need or usefulness of this regulation because a public agency is already prohibited from making a payment that is not a "lawful expenditure of public moneys." Boiled down, the regulation states that it is illegal for an agency to give a gift unless the gift is legal. The FPPC has not provided additional guidance on what constitutes a gift of public funds because such a determination is outside the interpretation of the PRA. Consequently, the FPPC will generally defer to the local agency's judgment on the matter unless and until a court

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or prosecuting authority determines that a particular gift violates the laws regarding the use of public resources or does not serve or support a public purpose.[37]

10. Wedding Gifts

The value to an official of a wedding gift given to an official and his or her spouse or spouse-to-be is one-half of the gift's total value. Regulation 18946.3. This is an exception to the general rule, described above in "Gifts to an Official's Family," that a single gift to both an official and one or more members of the official's family is a gift to the official for the full value of the gift. The value of a wedding gift may exceed the gift limit, currently set at $630. Regulation 18942(b)(2).

11. Certain Gifts of Travel

Payments for travel for a public official are generally subject to the annual gift limit, unless the payment is otherwise exempt. FPPC regulations define a "payment for travel" as "any payment that provides transportation to an official from one location to another location as well as a payment for lodging and food connected with the travel." Regulation 18950(b).

For reporting purposes, payments of air travel are valued in accordance with FPPC regulation 18946.5, as follows. Air travel is valued as the price the carrier charges the public for the same class seat on the flight provided to the official in the case of a commercial flight. The value of all other air transportation is the value of the normal and usual charter fare or rental charge for a comparable airplane of comparable size, divided by the number of passengers aboard the flight.

Exceptions for certain gifts of travel are found in both the Act and the FPPC regulations, which are discussed below. Public officials should review these exceptions closely and consult with the agency's legal counsel before relying on them.

a. Travel Payments Related to Speeches that Serve a Governmental Purpose

Section 89506(a)(1) exempts from the gift limit any payments, advances, or reimbursements for travel that are reasonably related to a legislative or governmental purpose or issue of public policy if made in connection with a speech given by the official in the U.S. § 89506(a)(1); Regulation 18950(b). These types of payments for travel are not subject to the gift limit, but they must still be reported on a public official's Form 700. § 89506(a)(1); Regulation 18950(a).

b. Travel Payments Related to a Governmental Purpose Made by Government Agencies and Certain Non-Profits

Section 89506(a)(2) exempts from the gift limit any payments, advances, and reimbursements for travel that are reasonably related to a legislative or governmental purpose or issue of public policy if provided by a governmental agency, a 501(c)(3)

[37] *Wiley* Advice Letter, No. 1-08-196, 2000 WL 1395610.

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nonprofit,[38] and a few other limited organizations/persons. § 89506(a)(2). These types of payments for travel are generally not subject to the gift limit, but they must still be reported on a public official's Form 700. § 89506(a)(2); Regulation 18950(a). However, Section 89506(f)(3) now clarifies that if a nonprofit is acting as an intermediary or agent of a donor, then the $630 gift limitation would apply and the original donor must be listed as the source of the gift to the official, as well as considered a financial interest for the purpose of conflicts analysis. § 89506(f)(3).

c. Travel for Education, Training, or Intra-Agency Purposes

Any payment for travel and per diem expenses received from a state, local, or federal agency is not a gift or income if used by the official for "education, training, or other inter-agency programs or purposes." Regulation 18950(c)(2).

d. Travel in a Vehicle or Plane Owned by Another Official or Agency

Regulation 18950(c)(3) provides that "transportation provided to an official in a vehicle or aircraft owned by another official or agency when each official is traveling to or from the same location for an event as a representative of their respective offices" does not constitute a "payment" and therefore does not count as a gift. Regulation 18950(c)(3).

e. Travel Made in Conjunction with Official Agency Business

Regulation 18950.1 provides an exception for travel payments that do not confer a personal benefit on an official, when made by sources other than local, state, or federal agencies, are for the purpose of facilitating the public's business, and are therefore not gifts or income because the payment is made for an official agency purpose in lieu of using agency funds. This exemption applies only to travel payments that meet all of the following requirements:

(1) The payment is made directly to or coordinated with the government employer and not made to the employee using the travel;

(2) The payment is used for official agency business;

(3) The government employer determines which official will use the payment for travel;

(4) The payment provides no personal benefit to the official who uses the payment;

[38] With respect to nonprofit organizations that regularly organize and host travel for elected officials and that make payments, advances, or reimbursements totaling more than $10,000 in a calendar year or $5,000 to an individual person, the Act now requires the nonprofits to disclose the names of donors responsible for funding the travel costs. § 89506(f). An organization "regularly organizes and hosts travel" if the organization's expenses for travel, study tours, or conferences constitutes more than one third of its total expenses. *Id.* In that case, the nonprofit must disclose the names of donors who contributed $1,000 or more to the nonprofit organization and who accompanied the elected official, either in person or through an agent, for any portion of the travel. § 89506(f).

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(5) The duration of travel is limited to that necessary to accomplish the purposes for which the travel was provided; and

(6) The government employer reports the payment, as specified below.

The first requirement above – that the payment is made directly to or coordinated with the government employer – is satisfied if the payment is made directly to the government employer or by arranging with the government employer any payments for transportation and lodging that are made directly to the provider of those services. Food may be accepted for attendance at an event where food is provided as part of the admission to the event. All other payments for food must be made to the government employer pursuant to the employer's per diem travel policy. Regulation 18950.1(b).

The second requirement above – that the payment be used for official agency business – is satisfied under any of the following circumstances:

- The payment is made pursuant to a provision in a contract requiring the contracting party to pay any expenses associated with any required governmental travel resulting from the government agency's participation in the contract and the payment is used for that purpose;

- The payment is made for the travel expenses of an official for the purpose of performing a regulatory inspection or auditing function that the governmental employer is mandated to perform;

- The payment is made for the travel expenses of an official and the official is attending solely for purposes of providing training or educational information directly related to the governmental employer's functions or duties under the laws that it administers for individuals who are affected by those laws, and the payment is made by an organization to provide such training for its members;

- The payment is made for the travel expenses of an official to an educational conference directly related to the governmental employer's functions or duties under the laws that it administers, the official is a named presenter at the conference, and the payment is made by the organizers of the event;

- The payment is made for the travel expenses of an official for the purpose of receiving training directly related to the official's job duties and the payment is provided by an organization that commonly provides such training;

- The payment is made for food provided to all attendees at a working group meeting in which the agency official participates as a representative of his or her agency in a working group meeting under his

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or her officially assigned job duties and the agency is authorized to provide an official to attend the meeting; or

- The payment is for travel expenses that are required to attend a location to view an in place operation, structure, facility, or available product where the viewing would substantially enhance an official's knowledge and understanding in making an informed decision to enter into a contract regarding a similar operation, structure, facility or purchase of the product pursuant to the jurisdictional authority of the official's governmental employer. Regulation 18950.1(c).

The third requirement is satisfied if the governmental employer selects the official who will make use of the payment. However, if the payment is for expenses related to an oral presentation to either provide training on a subject on which the governmental employer provides training, or discuss policy and direction in implementing the functions of the governmental employer, the donor may request the official who is most qualified to make the presentation. Regulation 18950.1(d).

The fourth requirement above – that the payment of travel does not provide a personal benefit to the official – is satisfied under Regulation 18950.1(e) if both of the following requirements are met:

- The travel is for purposes approved by the governmental employer under the same requirements applicable to travel using its own funds, and the official is representing his or her governmental employer in the course and scope of his or her official duties; and

- Travel expenses are limited to no more than the expenses allowable for travel for agency business that would reasonably be paid at agency expense.

The latter requirement does not apply to either of the following:

- Payment for food where food is provided as part of the admission to the event. Otherwise, any payments for food must be made to the government employer pursuant to the employer's per diem travel policy. Regulation 18950.1(b).

- Payment for any lodging or food if the lodging and food is provided at a site where the official attends a widely attended meeting or conference and the value is substantially equivalent in value to the lodging or food typically made available to the other attendees. Regulation 18950.1(g).

The sixth requirement above – that the payment is reported – is satisfied by the agency reporting the payment on a quarterly basis on a form prescribed by the FPPC. Regulation 18950.1(f). All such forms must be maintained as a public record and subject to inspection and copying under Government Code Section 81008, and posted on the agency's website, if it has one.

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f. Travel in Connection with Bona Fide Business

The FPPC regulations reiterate the general rule in Government Code Section 89506(d)(3), whereby a payment for transportation, lodging, or food, made in connection with a bona fide business, trade, or profession, and which satisfies the criteria for federal income tax deductions for business expenses specified in Internal Revenue Code Sections 162 and 274, is not an honorarium or gift, unless the sole or predominant activity of the business, trade, or profession is making speeches. Regulations 18932.3 and 18950.2.

g. Travel Paid from Campaign Funds

A payment made to an official who is a candidate to cover his or her transportation, lodging or food, in connection with campaign activities, is a contribution to the campaign committee of that official. Regulation 18950.3(a). A payment made to an official by or at the behest of a committee for the official's actual travel expenses (including food and lodging), or for other actual and allowable campaign expenses, is neither income nor a gift to the official so long as the expenses are reportable by the committee under the relevant sections of the Political Reform Act (Government Code Sections 84100 *et seq.*) or applicable federal law. Regulation 18950.3(b). Any other payment for travel from a committee to an official that is not covered by Regulation 18950.3(a) and (b) described above is considered income or a gift. Regulation 18950.3.

12. Lobbyists Arranging Gifts

A lobbyist or lobbying firm may not make gifts[39] to one person aggregating more than ten dollars ($10) in a calendar month, act as an agent or intermediary in the making of any gift, or arrange for the making of any gift by any other person. § 86203. It is likewise unlawful for any person to knowingly receive any such prohibited gift. § 86204.

A lobbyist "arranges for the making of a gift" within the meaning of Government Code Section 86203 if the lobbyist does any of the following either directly or through an agent:

- Delivers a gift to the recipient.
- Acts as the representative of the donor, if the donor is not present at the occasion of a gift, excepting a situation where the lobbyist accompanies the recipient to an event where the donor will be present.
- Invites or sends an invitation to an intended recipient regarding the occasion of a gift.
- Solicits responses from an intended recipient concerning the lobbyist's attendance or nonattendance at the occasion of a gift.

[39] Government Code Section 86201 provides that a "gift" for purposes of this section is a "gift made directly or indirectly to any state candidate, elected state officer, or legislative official, or to an agency official of any agency required to be listed on the registration statement of the lobbying firm or the lobbyist employer of the lobbyist."

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- Is the donor's designated representative to receive responses from an intended recipient concerning the lobbyist's attendance or nonattendance at the occasion of a gift.

- Acts as an intermediary in connection with the reimbursement of a recipient's expenses.

Regulation 18624. On the other hand, a lobbyist does not "arrange for the making of a gift" if the lobbyist, either directly or through an agent, solely recommends or provides information to the lobbyist's employer, "including information obtained from a third party for that purpose," regarding gifts to a public official. *Id.*

B. Prohibitions on Receipt of Honoraria

Government Code Section 89502 provides that an elected officer of a local government agency and any official listed in Section 87200 shall not accept an honorarium. This prohibition also applies to candidates for elective office in a local government agency. § 89502(b). In addition, employees designated in the agency's conflict of interest code are precluded from accepting any honorarium from any source, if the employee would be required to report the receipt of income or gifts from that source on the employee's statement of economic interests. Regulation 18730(b)(8). An "honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. § 89501.

1. Exceptions to the Prohibition on Honoraria

a. Earned Income Exception

"Honorarium" does not include income earned for personal services if:

- The services are provided in connection with an individual's business or the individual's practice of or employment in a bona fide business, trade, or profession, such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting; and

- The services are customarily provided in connection with the business, trade, or profession.

Regulation 18932.

b. Informational Materials

"Honorarium" does not include informational materials such as books, calendars, videotapes, or free or discounted admission to educational conferences that are provided to assist the official in the performance of official duties. Regulation 18932.4(a).

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c. Family Payments

"Honorarium" does not include a payment received from one's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin or the spouse of any such person. However, a payment from any such person is an honorarium if the donor is acting as an agent or intermediary for any person not listed in this paragraph. Regulation 18932.4(b).

d. Campaign Contributions

"Honorarium" does not include a campaign contribution that is required to be reported. Regulation 18932.4(c).

e. Personalized Plaque or Trophy

"Honorarium" does not include a personalized plaque or trophy with an individual value of less than $250. Regulation 18932.4(d).

f. Admission and Incidentals at Place of Speech

"Honorarium" does not include free admission, refreshments and similar non-cash nominal benefits provided to an official during the entire event at which the official gives a speech, participates in a panel or seminar, or provides a similar service, and actual intrastate transportation and any necessary lodging and subsistence provided directly in connection with the speech, panel, seminar, or service, including but not limited to meals and beverages on the day of the activity. Regulation 18932.4(e).

g. Incidentals at Private Conference

Likewise, "honorarium" does not include any of the following items, when provided to an individual who attends any public or private conference, convention, meeting, social event, meal, or like gathering without providing any substantive service:

- Benefits, other than cash, provided at the conference, convention, meeting, social event, meal, or gathering; or
- Free admission and food or beverages provided at the conference, convention, meeting, social event, meal, or gathering.

However, the foregoing may be reportable as gifts. Regulation 18932.4(f).

h. Travel that Is Exempt from Gifts

Any payment made for transportation, lodging, and subsistence that is exempt by the gift exceptions listed in Section 89506 and Regulation 18950 *et seq.* also does not constitute an honorarium. Regulation 18932.4(g).

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C. Prohibitions on Receipt of Certain Types of Loans

1. Prohibition on Loans Exceeding $250 from Other City Officials, Employees, Consultants, and Contractors

Elected officials and other city officials specified in Section 87200, including council members, may not receive a personal loan that exceeds $250 at any given time from an officer, employee, member, or consultant of their city or any local government agency over which their city exercises direction and control. § 87460(a), (b). In addition, elected officials and other city officials specified in Section 87200 may not receive a personal loan that exceeds $250 at any given time from any individual or entity that has a contract with their city or any agency over which their city exercises direction and control. § 87460(c), (d).

2. Requirement for Loans of $500 or More from Other Persons and Entities to be in Writing

Elected local officials may not receive a personal loan of $500 or more unless the loan is made in writing and clearly states the terms of the loan. The loan document must include the names of the parties to the loan agreement, as well as the date, amount, interest rate, and term of the loan. The loan document must also include the date or dates when payments are due and the amount of the payments. § 87461(a).

3. Exceptions to Loan Limits and Documentation Requirements

The following loans are not subject to the limits and documentation requirements specified in paragraphs 1 and 2 above:

- Loans received from banks or other financial institutions, and retail or credit card transactions, made in the normal course of business on terms available to members of the public without regard to official status. Regulation 18730.

- Loans received by an elected officer's or candidate's campaign committee. § 87461(b)(1).

- Loans received from the elected or appointed official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person unless he or she is acting as an agent or intermediary for another person not covered by this exemption. § 87461(b)(2)

- Loans made, or offered in writing, prior to January 1, 1998. § 87461(b)(3)

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4. Loans that Become Gifts are Subject to the Gift Prohibition

Under the following circumstances, as stated in Government Code Section 87462, a personal loan received by any public official (elected and other officials specified in Section 87200, as well as any other local government official or employee required to file a Statement of Economic Interests) may become a gift and subject to gift and reporting limitations:

- If the loan has a defined date or dates for repayment and has not been repaid, the loan will become a gift when the statute of limitations for filing an action for default has expired.

- If the loan has no defined date or dates for repayment, the loan will become a gift if it remains unpaid when one year has elapsed from the later of: the date the loan was made; the date the last payment of $100 or more was made on the loan; or the date upon which the official has made payments aggregating to less than $250 during the previous 12-month period. § 87462(a); Regulation 18730(b)(8.4).

5. Exceptions – Loans that Do Not Become Gifts

The following loans will not become gifts to an official:

- A loan made to an elected officer's or candidate's campaign committee.

- A loan on which the creditor has taken reasonable action to collect the balance due.

- A loan described above on which the creditor, based on reasonable business considerations, has not undertaken collection action. (However, except in a criminal action, the creditor has the burden of proving that the decision not to take collection action was based on reasonable business considerations.)

- A loan made to an official who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

- A loan that would not be considered a gift as outlined in paragraph 3 above (e.g., loans from family members). § 87462(b).

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IV. PROHIBITION AGAINST MASS MAILINGS

The Political Reform Act also prohibits the sending of newsletters and other so-called "mass mailings" at public expense. §§ 89001, 89002.[40] A "mass mailing" is defined as the mailing or distribution at public expense of 200 or more items within a calendar month featuring the name, office, photograph or other reference to an elected officer of the agency. § 82041.5. The Government Code also prohibits a mass mailing from being sent within the 60 days preceding an election by or on behalf of a candidate whose name appears on the ballot. § 89003. The underlying intent of the Government Code provision and the implementing FPPC Regulation is to preclude elected officials from using public agency newsletters as indirect campaign flyers for themselves. The law and regulations are intended to clamp down on prior abuses of newsletters so that elected officials cannot use publicly funded newsletters to bolster their name or accomplishments while in office.

A. Test for Prohibited Mass Mailing

A mass mailing is prohibited if each of the following elements is present:

- It includes the delivery of a tangible item;
- It "features" an elected officer, or includes a reference to, an elected officer and is sent in cooperation with the elected officer;
- It is sent at public expense; and
- A quantity of more than 200 substantially similar items are sent in a single calendar month.

§ 89002. Most public agencies that publish newsletters attempt to avoid the prohibition by ensuring that the newsletter does not meet the second element of the test. Each of the four elements is discussed in numerical order below.

1. Delivery of Tangible Item

First, a court will determine whether any "item sent is delivered, by any means, to the recipient at the recipient's residence, place of employment or business, or post office box. The item delivered to the recipient must be a tangible item, such as a videotape, record, or button, or a written document." § 89002(a)(1). This means that if a city intends to deliver a written document, such as a city newsletter, by U.S. mail or by hand to residents or businesses, this element is satisfied.

[40] Section 89002 incorporates Regulation 18901 into the statutory language to clarify the circumstances when a mailing would be prohibited by the general rule in Section 89001 and to identify certain situations when the prohibition would not apply. The FPPC has repealed Regulation 18901 now that the statute includes the same text.

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2. Features or Includes Reference to an Elected Official

The second part of the test is the most important and requires that the item sent either:

- Features an elected officer affiliated with the agency which produces or sends the mailing, or
- Includes the name, office, photograph, or other reference to an elected officer affiliated with the agency which produces or sends the mailing, and is prepared or sent in cooperation, consultation, coordination, or concert with the elected officer.

§ 89002(a)(2). The term "features an elected officer" is defined to mean that "the item mailed includes the elected officer's photograph or signature or singles out the elected officer by the manner of display of the elected officer's name or office in the layout of the document, such as by headlines, captions, type size, type face, or type color." § 89002(c)(2). And the term "elected officer affiliated with the agency" in this manner means "an elected officer who is a member, officer, or employee of the agency, or of a subunit thereof such as a committee, or who has supervisory control over the agency or appoints one or more members of the agency." § 89002(c)(1).

This means that if the written document includes the photograph of a council member, even if it just shows the council member cutting a ribbon on a civic project or giving out a plaque to a member of the community, this element would be satisfied. It also precludes articles about an elected city official or articles in which they are "singled out" for discussion or reference.

The other way this second part of the mass mailing test can be satisfied is if an elected city official's "name, office, photograph, or other reference" is included in a written document and the document, or any part of it "is prepared or sent in cooperation, consultation, coordination, or concert with the elected officer." This restriction presents elected officials with a choice. If the elected official involves him or herself in the preparation of the document, then even the official's name must be excluded from appearing in the document pursuant to this second subpart. If, on the other hand, the elected official does not involve him or herself in the preparation of the document, his or her name may appear in the document, but not in a way that it is "featured" by way of headlines, captions, type size, type face, or type color.

3. Public Expense

The third part of the test is whether:

- Any of the costs of distribution are paid for with public money, or
- Costs of design, production, and printing exceeding $50 are paid with public money, and the design, production, or printing is done with the intent of sending the item other than as permitted by the statute.

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§ 89002(a)(3). This part of the test precludes the city from either paying the costs of mailing a mass mailing, or paying more than $50 of the cost of having it produced if another person or entity pays for the cost of distributing the mailing.

4. More than 200 Copies of the Item

The fourth and final element of the test to determine whether a mass mailing is prohibited is whether "[m]ore than 200 substantially similar items are sent in a single calendar month, excluding any item sent in response to an unsolicited request…." § 89002(a)(4). This means that if more than 200 copies of the same written document, such as a city newsletter, are sent to the public in the same month, this element will be satisfied, with minor exceptions discussed below.

A city newsletter is particularly prone to violating the mass mailing proscriptions, especially the first, third and fourth elements of the test. The key to a lawful newsletter is to ensure that each issue of the newsletter fully avoids meeting the criteria of the second element of the test. This means that the newsletter cannot "feature" an elected city official and cannot include an elected official's name or reference if that official participates in the preparation of the newsletter, as discussed above. For example, many cities issue proclamations and awards at council meetings, and it is customary for an honoree to be photographed with the mayor. In order to comply with the mass mailing restrictions, cities may consider taking two photographs: one of the honoree shaking the mayor's hand, for distribution to non-city publications such as a local newspaper, and one of the honoree standing alone, for publication in the city newsletter.

B. Exceptions to the Mass Mailing Prohibition

The statute contains a list of certain types of documents that are exempt from the prohibition of mass mailings. The first of these documents is a letter on city letterhead where the elected official's name only appears in the letterhead along with a list of all other elected officers of the city and the letter does not contain other references to the elected official. § 89002(b)(1). Under this exemption, a non-elected official, such as the city manager, may send a letter on city letterhead at city expense to members of the community but an elected officer, such as the mayor, cannot do the same because the signature on the letter will be considered a separate reference to the elected official. If a letter signed by the mayor is to be sent to the community, a private individual or group would have to pay for the cost of producing and sending that letter.

Another exception allows a mailing that includes a single mention of the official's name if the mailing is an announcement of a meeting or event. If the announcement is for a meeting, the announcement must be one sent to the official's constituents, the subject of the meeting pertains to the official's duties, and the official attends the meeting. If the announcement is for an event, it must be an official agency event for which the agency provides the use of its facilities, staff or other financial support. § 89002(b)(9).

Other exemptions include press releases to the media, inter-agency communications, intra-agency communications, tax statements and bills, telephone directories, limited

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meeting or event announcements, and meeting agendas. § 89002(b). All of these items are subject to their own specific limitations, as set forth in the statutory text.

V. EXPENDITURES TO SUPPORT OR DEFEAT A BALLOT MEASURE OR FOR CAMPAIGN ACTIVITY

A local government may not spend public funds to assist with the passage or defeat of an initiative or other ballot measure or to contribute to a campaign for or against a candidate. § 54964. Public monies may not be spent on commercials, announcements, banners or any other promotional materials. This is based on the theory that it would be unfair to voters with opposing views to use public funds in this way. The prohibition also serves to prevent elected officials from using government funds to promote themselves or their allies in office. *Stanson v. Mott*, 17 Cal. 3d 206, 217 (1976); *League of Women Voters v. County-Wide Criminal Justice Coordinating Comm'n*, 203 Cal. App. 3d 529 (1988). However, this section does not prohibit the expenditure of city funds to provide information to the public about the possible effects of the ballot measure on the activities, operations, or policies of the city, as long as these activities are otherwise allowed under California law, and the information is factual, accurate, fair, and impartial. § 54964(c).

In addition, local officials and staff are prohibited from using public resources for campaign activity or personal purposes. § 8314(a). The term "campaign activity" is defined, in relevant part, as "an activity constituting … an expenditure as defined in [Government Code] Section 82025," not including the incidental and minimal use of public resources. § 8314(b)(2). Section 82025 defines "expenditure," in relevant part, as "a payment … unless it is clear from the surrounding circumstances that it is not made for political purposes." § 82025(a). A payment is "made for political purposes" if it is "[f]or purposes of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates." § 82025(b)(1).

An "expenditure" includes any payment made by any person (with some exceptions) that is used for communications that "expressly advocate" the nomination, election, or defeat of a clearly identified candidate or candidates." § 82025(c). A communication "expressly advocates" the nomination, election, or defeat of a candidate if it contains certain express words of advocacy, "or, within 60 days before an election in which the candidate or measure appears on the ballot, the communication otherwise refers to a clearly identified candidate or measure so that the communication, taken as a whole, unambiguously urges a particular result in an election." § 82025(c)(2).

FPPC Regulation 18420.1 provides that a communication "unambiguously urges a particular result in an election" if: "When considering the style, tenor, and timing of the communication, it can be reasonably characterized as campaign material and is not a fair presentation of facts serving only an informational purpose." Regulation 18420.1(b)(2).

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The leading California case setting forth the basic rule with respect to government involvement in political campaigns is *Stanson v. Mott*, 17 Cal. 3d 206 (1976). In *Stanson*, the California Supreme Court addressed the question of whether the State Director of Beaches and Parks was authorized to expend public funds in support of certain state bond measures for the enhancement of state and local recreational facilities. The court concluded that the Director lacked such authority and set forth the basic rule that "in the absence of clear and explicit legislative authorization, a public agency may not expend public funds to promote a partisan position in an election campaign." *Id.* at 209-210. Only impartial "informational" communications would be permissible, such as a fair presentation of the facts in response to a citizen's request for information.

The *Stanson* court also recognized that the line between improper "campaign" expenditures and proper "informational" activities is not always clear. "[T]he determination of the propriety or impropriety of the expenditure depends upon a careful consideration of such factors as the style, tenor, and timing of the publication; no hard and fast rule governs every case." *Id.* at 221-222. The *Stanson* test was reaffirmed by the California Supreme Court in *Vargas v. City of Salinas*, 46 Cal. 4th 1 (2009).

Prior to *Vargas*, courts attempting to interpret and apply *Stanson* used varying tests to determine the permissibility of expenditures. For example, in *California Common Cause v. Duffy*, an appellate court held that a local sheriff's use of public facilities and personnel to distribute postcards critical of then-Supreme Court Justice Rose Bird was "political" and not "informational" as permitted by *Stanson* because the cards presented only one side of Justice Bird's fitness to be retained in office. 200 Cal. App. 3d 730, 747-748 (1987). In another appellate decision, *Schroeder v. City Council of Irvine*, the court upheld Irvine's "Vote 2000" Program. 97 Cal. App. 4th 174 (2002). The program encouraged voter registration, without specifically advocating a particular position on any measure. Although the city had taken a public position in favor of the proposed ballot measure, the materials it distributed did not advocate any particular vote on the measure and rarely mentioned the measure at all. The *Schroeder* court held that the funds spent on the Vote 2000 Program would be political expenditures and unlawful under *Stanson* only if the communications expressly advocated, or taken as a whole unambiguously urged, the passage or defeat of the measure. Because the city presented a neutral position on "Measure F," at least in the campaign materials, the court upheld the program as valid.

However, in *Vargas v. City of Salinas*, the California Supreme Court decided that "express advocacy" is an insufficient standard. In *Vargas*, proponents of a local ballot initiative to repeal the city's utility users tax ("Measure O") sued the city alleging improper government expenditures, the court held that even if a communication does not expressly advocate for either side of an issue, a *Stanson* analysis must nonetheless be conducted to determine whether the activity was for informational or campaigning purposes based on its style, tenor, and timing. Although the court did not specifically refer to the *Schroeder* analysis in its opinion, the court clearly stated that the "express advocacy" standard does not meaningfully address potential constitutional problems arising from the use of public funds for campaign activities that were identified in

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Stanson. Thus, local governments must look to *Vargas* rather than *Schroeder* for the proper standard to evaluate whether an expenditure is permissible.

A variety of factors led to the *Vargas* court's conclusion that the communications were informational, including the fact that the publications avoided argumentative or inflammatory rhetoric and did not urge citizens to vote in a particular manner. The challenged expenditures were made pursuant to general appropriations in the city's regular annual budget pertaining to the maintenance of the city's website, the publication of the city's regular quarterly newsletter, and the ordinary provision of information to the public regarding the city's operations. The Supreme Court found that in posting on the city's website the minutes of city council meetings relating to the council's action along with reports prepared by various municipal departments and presented by officials at city council meetings, the city engaged in informational rather than campaign activity. Similarly, the city did not engage in campaign activity in producing a one-page document listing the program reductions that the city council voted to implement should Measure O be approved, or in making copies of the document available to the public at the city clerk's office and public libraries. The court reasoned that viewed from the perspective of an objective observer, the document clearly constituted an informational statement that merely advised the public of specific plans that the city council voted to implement should Measure O be approved.

Finally, the court found that the city engaged in permissible informational activity by mailing to city residents the fall 2002 "City Round-Up" newsletter containing articles describing proposed reductions in city services. Although under some circumstances the mailing of material relating to a ballot measure to a large number of voters shortly before an upcoming election would constitute campaign activity, a number of factors supported the court's conclusion that the mailing of the newsletter constituted informational rather than campaign activity: it was a regular edition of the newsletter that was mailed to all city residents as a general practice, the style and tenor of the publication was entirely consistent with an ordinary municipal newsletter and readily distinguishable from traditional campaign material, and the article provided residents with important information about the tax in an objective and nonpartisan manner.

The Supreme Court illustrated the insufficiency of the "express advocacy" standard by suggesting that if the city were to post billboards throughout the city prior to an election stating, "IF MEASURE O IS APPROVED, SIX RECREATION CENTERS, THE MUNICIPAL POOL, AND TWO LIBRARIES WILL CLOSE," it would defy common sense to suggest that the city had not engaged in campaign activity even though such advertisements would not have violated the express advocacy standard. *Vargas v. City of Salinas*, 46 Cal. 4th 1, 32 (2009).

Vargas and *Stanson* reflect that local agencies must exercise caution when communicating to voters about local measures. Unfortunately, there is no hard and fast rule to assist public officials in distinguishing improper partisan campaign expenditures from permissible expenditures for "informational activities." Whether a communication is permissible will be based on a combination of these factors, and

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public officials should therefore seek the advice of the city attorney on a case-by-case basis. Assistance may also be obtained from the FPPC.

Last, public officials should also be aware of a mass mailing rule that regulates communications pertaining to candidates and ballot measures. In 2009, the FPPC adopted a new regulation to prohibit government agencies from paying for mass mailings that expressly advocate or "unambiguously urge" a particular result in an election. Regulation 18901.1 prohibits a mailing if all of the following criteria are met:

- A delivery of a tangible item such as a written document, video tape, record, or button and is delivered to the recipient at his or her residence, place of employment or business, or post office box;

- The item sent expressly advocates or unambiguously urges a particular result in an election;

- The public agency (1) pays to distribute the item or (2) pays costs, exceeding $50, reasonably related to designing, producing, printing or formulating the content of the item including, but not limited to, payments for polling or research and payments for the salary, expenses, or fees of the agency's employees, agents, vendors, or consultants with the intention of sending the item; and

- More than 200 substantially similar items are sent during the course of the election including items sent during the qualification drive or in anticipation of an upcoming election.

A mailing "unambiguously urges a particular result in an election" if the communication can be reasonably characterized as campaign material or activity and is not a fair presentation of facts serving only an informational purpose when taking into account the style, tenor, and timing of the communication.

There are exceptions to this rule, and the following are not considered campaign related mass mailings: (1) an agency report providing the agency's internal evaluation of a measure sent to a member of the public upon the individual's request; (2) a written argument sent to a voter in the voter information pamphlet; and (3) a communication clearly and unambiguously authorized by law. Regulation 18901.1(b). Essentially, this regulation utilizes the standards articulated by the Supreme Court in the *Vargas* case and provides that communications that violate those standards are prohibited mass mailings.

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VI. PROHIBITION ON GIFTS OF PUBLIC FUNDS

Article XVI, Section 6 of the California Constitution prohibits state and local governments from making gifts of public funds or property. A transfer of property without consideration is a gift. Civ. Code § 1146. However, where property is transferred for a "public purpose," it will not be considered a gift of public funds. There, "the benefit to the [government] from an expenditure for a 'public purpose' is in the nature of consideration and the funds expended are therefore not a gift even though private persons are benefited therefrom." 69 Ops. Cal. Att'y Gen. 168 (1986) (citing *California Employment Stabilization Comm'n v. Payne*, 31 Cal. 2d 210, 216 (1947); *Alameda County v. Janssen*, 16 Cal. 2d 276, 281 (1940)).

In determining whether a legislative body has made a gift of public funds, courts will look first at "whether the money is to be used for a public or a private purpose." *City of Oakland v. Garrison*, 194 Cal. 298, 302 (1941). "If it is for a public purpose within the jurisdiction of the appropriating board or body, it is not, generally speaking, to be regarded as a gift." *Id.* As the California Court of Appeal explained in *Board of Supervisors v. Dolan*, it is settled that if a public purpose is served by the expenditure of public funds, the constitutional prohibition is not violated "even though there may be incidental benefits to private persons." 45 Cal. App. 3d 237, 243 (1975). However, to avoid violating the constitutional prohibition, public financial assistance must be tailored or "directly related" to a public purpose. *California Housing Finance Authority v. Elliott*, 17 Cal. 3d 575 (1976). Thus, financial assistance that does not directly further the proffered public purpose may still be found to be unconstitutional.

Courts defer to the legislative body's determination of what constitutes a "public purpose." The concept of public purpose has been liberally construed by the courts, and a city council's determination of public purpose will be upheld unless it is totally arbitrary. *County of Alameda v. Carleson*, 5 Cal. 3d 730, 746 (1971). Where a city acts pursuant to or in furtherance of a state statute, courts will defer to the state legislature in determining whether a public purpose exists.

It is important to note that an unconstitutional gift of public funds is one of the few violations for which public officials may be personally liable and could be subject to potential criminal penalties. In *Stanson v. Mott*, 17 Cal. 3d 206 (1976), the California Supreme Court held that public officials may be held personally liable for illegal expenditures. The court concluded "that such public officials must use 'due care,' i.e., reasonable diligence, in authorizing the expenditure of public funds, and may be subject to personal liability for improper expenditures made in the absence of such due care." *Stanson*, 17 Cal. 3d at 226-27. If criminal penalties are sought, and the court finds a violation of Penal Code Section 424 (unauthorized appropriation or disbursement of public monies), the person could be subject to imprisonment for two to four years. The person could also be disqualified from holding any public office in the state.

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Numerous considerations may be relevant to the determination of whether a public official has acted with due care. For example, a court may consider "whether the expenditures' impropriety was obvious or not, whether the official was alerted to the possible invalidity of the expenditure, or whether the official relied upon legal advice or on presumed validity of an existing legislative enactment or judicial decision in making the expenditure." *Id*. at 227.

VII. ETHICS TRAINING

State law requires a public official to take at least two hours of ethics training every two years if the local agency provides that official with any type of compensation, salary, or stipend or provides reimbursement for necessary and reasonable expenses incurred by that official in the performance of his or her official duties. § 53235(a). Ethics training is also required for any employee designated by the local agency to receive such training. § 53234(c). The recently adopted Assembly Bill 2631 ("AB 2631") requires the FPPC, in consultation with the Attorney General, to create, maintain, and make an ethics training course available to local agency officials. § 53235(c). Please seek advice from the city attorney regarding further details about ethics training.

VIII. CONCLUSION

More often than not, determining the application of conflicts of interest laws in particular circumstances requires complicated analysis. Because the consequences for a violation of these laws can be very serious, it is important that potential conflicts be identified as soon as possible to ensure that the appropriate analysis can be performed. To that end, we recommend that public agency staff prepare maps of council member residences and other real property interests (and those of other public officials, such as planning commissioners) so that such officials may be alerted to projects that are located within 500 and 1,000 feet of their real property interests. Even though the materiality standards for real property interests have changed over the years, this is still an important starting point for a conflicts analysis.

We encourage all public officials to keep in mind that it is the individual responsibility of each public official to determine whether he or she has a conflict in a particular decision. We also encourage officials and staff to seek advice from the city attorney when in doubt about a conflicts of interest issue. Because only a formal, written opinion from the FPPC can immunize someone from prosecution, we strongly encourage officials and staff to seek advice from the city attorney as early as possible, so that, if necessary, the public agency may request a formal opinion from the FPPC prior to any participation in a decision where a public official may have a conflict.

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Richards, Watson & Gershon delivers practical advice and solutions tailored to the unique needs of California public entities.

About

Working seamlessly across offices in Los Angeles, San Francisco, Orange County, Temecula, the Central Coast, and Sacramento our dedicated team of experts provides the full-scope of public law services.

We are the lawyers of choice for clients who seek reliable, efficient, and effective legal counsel. Richards, Watson & Gershon serves as city attorney, special counsel and general counsel to clients of all sizes and demographics.

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- Stormwater Compliance
- Water Rights & Water Law

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CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Randi Johl, Director of Legislative Affairs/City Clerk

DATE: January 13, 2026

SUBJECT: Approve Annual Boards, Committees and Commissions Handbook for Calendar Year 2026

PREPARED BY: Randi Johl, Director of Legislative Affairs/City Clerk

RECOMMENDATION: That the City Council approve the annual Boards, Committees and Commissions Handbook for calendar year 2026.

BACKGROUND: The City Council first approved the Boards and Commissions Handbook on February 26, 1991. The handbook is amended periodically to reflect noteworthy changes in law, current practices and procedures, and the general role and authority of board and commission members. The handbook is also brought to the City Council annually at the beginning of each year ensuring that the document remains current while providing the City Council with an opportunity to consider any additional changes that may be desired. The Boards, Committees and Commissions Handbook will be distributed electronically to the City Council, Board, Committee and Commission Members and staff after final approval by the City Council.

FISCAL IMPACT: None

ATTACHMENTS: Boards, Committees and Commission Handbook - 2026

City of Temecula

Boards, Committees and Commissions

Handbook

Updated January 13, 2026

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SECTION 1

City of Temecula
41000 Main Street • Temecula, CA 92590
Phone (951) 694-6444 • Fax (951) 694-6449 • www.cityoftemecula.org

Dear Board, Committee or Commissioner Member:

On behalf of the City Council and the citizens of Temecula, welcome to your new or continuing role in the community. The City of Temecula is fortunate to have dedicated citizens like you who are willing to share their experience and knowledge through service on a City board, committee or commission.

The mission statement for the City of Temecula reads as follows:

> ***"The mission of the City of Temecula is to maintain a safe, secure, clean, healthy, and orderly community; to balance the utilization of open space, parks, trail facilities, quality jobs, public transportation, diverse housing, and adequate infrastructure; and to enhance and revitalize historic areas.***
>
> ***The City will encourage programs for all age groups, utilize its human resources, and preserve its natural resources while stimulating technology, promoting commerce, and utilizing sound fiscal policy.***
>
> ***It is the City Council's resolve that this mission will instill a sense of pride and accomplishment in its citizens and that the City will be known as a progressive, innovative, balanced, and environmentally sensitive community."***

As a board, committee or commission member, you will play an important role in the achievement of this mission. Your ideas and advice on a variety of City issues will assist the City Council in fulfilling its responsibilities to our citizens. In addition, your service will give you an opportunity to increase your knowledge about municipal government operations and you will see the results of your work with fellow members put into action by the City Council, City Manager and City departments.

Thank you for accepting this responsibility and challenge. Your service to our community is greatly appreciated. We hope that you will find your service as a board, committee or commission to be both enjoyable and rewarding.

Sincerely,

Randi Johl, JD, MMC
Director of Legislative Affairs / City Clerk

SECTION 2

THE ROLE AND AUTHORITY OF BOARD, COMMITTEE AND COMMISSION MEMBERS

The primary role of boards, committees and commissions is to serve in an advisory capacity to the City Council on specified matters and encourage increased public input and participation in the local government decision-making process. Boards, committees and commissions are not involved in the administration or operation of City departments and may not direct administrative staff to initiate programs, conduct major studies, and/or establish official policy without the approval of the City Council. City staff members are available to provide general staff assistance and support to boards, committees and commissions.

While boards, committees and commissions generally serve in an advisory capacity, the City Council may authorize certain boards, committees or commissions to take final action in prescribed areas pursuant to statutory law. For example, the Planning Commission is authorized to grant final approval on certain projects while providing recommendations on others. In addition, staff may bring various projects to a board, committee or commission for their review before taking the matter to the City Council for final approval. Boards, committees and commissions serve as the principal reviewing body for matters referred to them with final decision-making authority remaining with the City Council.

I. General Information About Becoming a Board, Committee or Commission Member

Appointment and Removal

The Temecula Municipal Code sets forth the board, committee and commission appointment and removal provisions. Appointments are subject to the approval of a majority of the City Council. A majority of the City Council may also remove an appointee for good cause. Board, committee and commission members may be selected based on a variety of criteria and public presentation. The following guidelines may be used in the appointment of board, committee and commission members:

- Public application, presentation and selection process
- Applications, letters of recommendation, and references
- Attendance records of incumbent members

Members usually represent a cross-section of the community. No member shall be an employee of the City. Members may not serve on more than one board, committee or commission at a time. General qualitative attributes of board, committee and commission members include, but are not limited to, the following:

- Be an informed resident (knowledgeable about local affairs)
- Have a good rapport with all segments of the community
- Have a genuine concern for residents and the community as a whole
- Be a good listener
- Be open and honest
- Relate well to others, including other board, committee and commission members
- Be accepting of decisions that are the will of the majority
- Show respect for viewpoints other than your own
- Allow others adequate time to present their views before making comments
- Welcome new members and help them become acquainted with their duties
- Strive to minimize strife and polarization among members

Orientation
Upon appointment to a board, committee or commission, the City Clerk and/or City Attorney will provide a formalized orientation to include review of the Boards, Committees and Commissions Handbook, open meeting laws and conflicts of interest. Orientation will also include administrative processing and a meeting with the City Manager or his/her designee. The corresponding department will conduct an orientation on the subject matter specific to each board, committee or commission.

Attendance
Notwithstanding the differences in the subject matter jurisdiction of each board, committee or commission, all members share some basic responsibilities. Meeting attendance is a fundamental responsibility. All members are expected to regularly attend their respective meetings. Three unexcused, consecutive absences constitute a vacancy of office.

Subject Matter Jurisdiction
Members must stay informed on subjects of interest to their specific board, committee or commission. The City Council encourages and provides opportunities for continuing education to assist members in the conduct of their duties. The subject matter jurisdiction of each board, committee and commission is as follows:

Old Town Local Advisory Committee - The Old Town Local Advisory Committee (OTLAC) reviews and makes recommendations on topics related to the Old Town Specific Plan, matters of historical significance and architectural themes in the historic district.

Planning Commission - The Planning Commission (PC), serving as the designated statutory planning agency for the City of Temecula, reviews and makes recommendations on topics related to subdivisions, specific plans, zone changes, plot plans and conducts legally required public hearings.

Opportunities for Engagement
Board, committee and commissioner members are encouraged to become acquainted with the City, its values, and operational structure. To obtain this knowledge, members are encouraged to do the following:

- ✓ Attend City Council Meetings
- ✓ Attend City-Sponsored Special Events
- ✓ Attend Other Board, Committee and Commission Meetings
- ✓ Meet with City Council Board, Committee and Commission Liaisons
- ✓ Meet with the City Manager, Executive Directors, and/or Other Staff Members
- ✓ Participate in Subcommittee Opportunities
- ✓ Participate in Annual Board, Committee and Commission Assessments and Joint Meetings

II. General Information About Operating as a Board or Commission

Board, Committee and Commission Organization and Meetings
All board, committee and commission meetings shall be publicly noticed and conducted in the same manner as City Council meetings. Board, committee and commission meeting agendas and minutes shall be created, approved and publicly retained in the same manner as those of the City Council. Guidance on these matters shall be provided by the City Clerk and City Attorney. Each board, committee and commission shall annually elect a chairperson and vice-chairperson. The main responsibility of the chairperson shall be to run orderly and effective meetings ensuring that all

voices are heard, including those of fellow members and the public. The chairperson will work with the corresponding department director and staff on agenda content and to ensure the meetings are conducted in an effective, efficient and inclusive manner.

Members should take particular care to comply with the open public meeting laws set forth in the Brown Act. While staff provides the appropriate notice and agendas for Board, Committee and Commission meetings, individual members must take care to not discuss City business with other board, committee or commission members, either together or one at a time, outside of a properly noticed public meeting. A summary of the major provisions and requirements of the Ralph M. Brown Act is included in this handbook.

City Council Liaisons and Joint Meetings

The City Council annually appoints one Council Member to serve as a liaison to each board, committee and commission. The appointed member is available for individual consultations with that board, committee or commission and may attend meetings. In addition, each board, committee and commission shall meet jointly with the City Council on an as needed basis. In addition to reports at joint meetings, board, committee and commission members may present at City Council meetings providing a verbal report on the status of their respective board, committee or commission as a routine item on the regular agenda.

Working with Staff and Fellow Members

Board, committee and commission members are individually appointed by the City Council. City staff assigned to work with boards, committees and commissions report to the City Manager, who in turn, reports to the City Council. A department director or administrator arranges staff support for each group. If a member wishes to initiate a project that requires in depth staff involvement, it is necessary for the project to be placed on the agenda for discussion and recommendation to the City Council so that the project may be authorized. Staff may begin preparing the necessary reports and studies after the City Council has authorized the project. Providing in depth staff support may require operational adjustments. Members are encouraged to be cognizant of the time involved on the part of staff in preparing requested studies and reports.

With respect to general discussion at board, committee and commission meetings, members should make every attempt to clarify differences and make certain that clear communication is taking place when recommendations are discussed and approved. If differences cannot be resolved, the Department Director, City Manager and/or Council Member serving as the Liaison may be consulted to resolve the matter.

Staff Reports to the City Council

On occasion, staff will be required to prepare an agenda report on a board, committee or commission item for City Council review. The staff member should present both the staff position and the board, committee or commission position in the report. The majority and minority viewpoints of the members should also be presented. It is the desire of the City Council to have an opportunity to hear and consider all sides of an issue and alternative recommendations to assist in their decision-making process.

Board, Committee and Commission Goals and Department Priorities

The City prepares an annual budget and operates on a fiscal year budget cycle. Boards, committees and commissions are encouraged to annually review and comment on department programs and capital projects that may relate to their scope of interest. This evaluation is intended to focus attention on the overall department program and service priorities and objective as opposed to departmental operations.

Public Hearings
In some instances, boards, committees or commissions will have to conduct a public hearing, either on a major issue of concern to the community, on a permit application, or on an appeal of a staff decision. Most board, committee and commission actions and recommendations may be appealed or otherwise sent to the City Council for review and approval. Certain Planning Commission actions may be final with no right of appeal. Care must be taken in the maintenance of the official record of any proceeding. The procedure established by the City Attorney must be followed during the conduct of these hearings.

Legislative Positions
Boards, committees and commissions may review and make recommendations on ballot proposals and legislation requested by the City Council. The City Council shall review all such recommendations. Board, committee or commission members shall only represent the majority position of the City Council on such matters unless speaking as an individual or indicating a minority opinion.

Legal Assistance
Some boards, committees or commissions, such as the Planning Commission, may require the presence of a City Attorney. When there is doubt concerning the legality of an issue, the attorney will advise members on the proposed course of action. In the absence of an attorney, when there is doubt about the legality of a procedure, the board, committee or commission should refrain from additional discussion and decision making until a legal opinion is rendered. If necessary, a hearing may be continued until matters can be clarified. In all cases, the direction of the City Attorney should be followed closely.

III. General Information About Personal Conduct as Advisory Body Member

Representation on Behalf of the City
Board, committee and commission members must be cognizant of their presence and public stance as a representative of the City and the board, committee or commission they serve. Members must refrain from presenting their personal views or recommendations as representing the board, committee or commission unless such a body has voted to approve the action. When expressing views that the majority of the board, committee or commission has not approved, members must indicate their opinion is that of a private individual. Personal opinions must be identified as such.

Public statements should not include promises or direction that may be construed to be binding on the board, committee or commission, City Council, or City staff. When making a public statement, members should indicate that the actions are advisory in nature and final action on the recommendations will be taken by the City Council.

Planning Commissioners should not express any views on projects that will come before them. The Planning Commission must provide legal due process for applicants which requires that commissioners not express any bias or views on a project until all of the information is presented at a public hearing and the applicant and public have expressed their views on the matter.

Members are empowered by appointment to represent the general interest of the City and the board, committee or commission on which they serve. Representation in their appointed capacity does not include specific program areas and/or special interest groups they may be professionally and/or personally affiliated with.

Public Appearance Before a Legislative Body

If a member appears in a non-official, non-representative capacity before any public or private body, the member shall not identify or disclose membership on a City board, committee or commission. If a question of membership arises, the member shall indicate that they are appealing and speaking as an individual. There are significant legal restrictions on the ability of a member to appear before any board, committee or commission of the City, and particularly their own board, committee or commission. The City Attorney should be consulted in advance of any such appearance.

Running for Elective Office While Appointed

Members shall be permitted to retain membership on their respective board, committee or commission while seeking any elective office. Members of these bodies shall not, however, use the meetings, functions or activities of such bodies for purposes of campaigning for elective office. There are also significant conflict of interest rules relating to campaign contributions to a board, committee or commission member who is running for elective office. Campaign contributions to members may be considered income and the conflict of interest rules apply to board, committee or commission actions involving a campaign contributor. These rules are described in the Conflict of Interest Handbook and the City Attorney should be consulted if a member decides to run for elective office.

SECTION 3

CITY OF TEMECULA

City Clerk's Office

PROCEDURES FOR BOARDS, COMMITTEES AND COMMISSIONS

Purpose:

The City of Temecula has various boards, committees and commissions. Resolutions and the municipal code of the City of Temecula contain general provisions which govern the City's boards, committees and commissions. The Planning Commission is also subject to statutory provisions pursuant to law. This document generally governs the City Clerk's office procedures regarding boards, committees and commissions. A general description of the existing appointed bodies is as follows:

Old Town Local Advisory Committee
The Old Town Local Advisory Committee (OTLAC) reviews and makes recommendations on topics related to the Old Town Specific Plan, matters of historical significance and architectural themes in the historic district.

Planning Commission
The Planning Commission (PC), serving as the designated statutory planning agency for the City of Temecula, reviews and makes recommendations on topics related to subdivisions, specific plans, zone changes, plot plans and conducts legally required public hearings.

1. APPOINTMENT OF MEMBERS

- The City Council is the appointing body for the City's boards, committees and commissions. When a vacancy occurs, whether it is by expiration of term, resignation or other circumstance, the City Council shall fill that vacancy through appointment.
    - *Scheduled Vacancy* - Prior to a board or commission term expiring, a notice shall be published in a local newspaper of general circulation and posted at the City's designated posting locations (Temecula Library, Chamber of Commerce and Civic Center) pursuant to the Government Code. In addition, the vacancy shall be advertised through a variety of methods (i.e., City website, PEG Channel, flyers in City Hall lobby and at City-affiliated events, email lists, Constant Contact, press releases, social media, etc.).
    - *Unscheduled Vacancy* - In the event of an unscheduled vacancy, occurring by resignation or other circumstance, the "Special Notice of Vacancy" shall be immediately posted and published pursuant to Government Code 54974. In addition, the unscheduled vacancy shall be advertised utilizing the same methods as identified above for scheduled vacancies.
- Unless otherwise indicated, a vacancy shall be advertised for no less than sixty (60) days from the date of publication.

- If multiple vacancies occur within sixty (60) days of one another, the City Council may at its discretion consider those vacancies jointly without advertising again.

- The City Clerk shall provide incumbent(s) with a notification advising them of the upcoming expiration and inviting them to reapply.

- All applicants will be advised that the appointment process is a public process subject to the Brown Act and Public Records Act.

- Applications will be electronically accessible through the City's website and will be processed as follows:

    - Completed applications will be electronically accepted in a standardized manner by the City Clerk's office as Council directed, indicating interest in one or more board or commission. Completed applications include the application itself, along with any attachments (i.e., resume, letter of recommendation, etc.).

    - The City Clerk will provide a non-redacted set of qualified applications, with all attachments, to each council member electronically. Said applications shall be provided to the City Council for their review at least ten (10) days prior to the Council meeting at which an appointment will be considered.

    - Appointments shall be calendared as a business item at a regularly scheduled or special City Council meeting. A majority vote of the City Council is required for appointment.

2. ORIENTATION OF NEW MEMBERS

- Each new member shall receive a new member orientation. The orientation shall be coordinated through the City Clerk and include the following:

    - City Manager / City Council – Welcome on Behalf of the City and City Council
    - City Clerk – General Review of Handbook, Review and Completion of Statement of Economic Interests (Form 700), Review of AB 1234 Ethics Training Requirements
    - Human Resources – Review and Completion of Personnel-Related Materials
    - IT – Issuance of Proximity Cards
    - Liaison City Department – Introduction to Relevant Staff Members, Overview of Meetings and Makeup, Review of Pending Topics that Fall Under the General Jurisdiction of the Specific Board, Committee or Commission

3. REMOVAL OF MEMBERS

- The City's Municipal Code, specifically Section 2.40.050, governs the removal process for any board, committee or commission member and specifically states that a majority of the City Council may remove an appointee for good cause. Under Section 2.40.090, a position is declared vacant when a member is absent from three consecutive meetings without excuse.

4. ANNUAL POSTING OF MEMBERS

- Pursuant to Government Code Section 54972 (Maddy Act), on or before December 31 of each year, the City Clerk's office shall prepare and post the Local Appointments

List. The list shall be posted on the City Hall posting board and on the City's website. The list shall be updated to reflect new board, committee and commission appointments as needed.

5. TRAINING FOR MEMBERS

- The City Clerk shall coordinate a citywide member training in conjunction with the City Council, City Manager, City Attorney and Department Directors who serve as liaisons to the respective boards. committees and commissions as needed. The training may cover a variety of topics, including but not limited to, the Board, Committee and Commission Handbook, AB 1234 ethics training, conflicts of interest, Brown Act, and member roles. The training shall be noticed pursuant to the Brown Act.

6. JOINT MEETINGS AND RECOGNITION

- Service recognitions for board, committee and commission members will take place annually at the first regularly scheduled City Council meeting in January. Joint meetings of the City Council and each board, committee and commission shall be held on an as needed basis.

Procedure No.: 014
Last Revised: January 2026

SECTION 4

RESOLUTION NO. 2023-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA RECONSTITUTING THE OLD TOWN LOCAL REVIEW BOARD BY ESTABLISHING THE OLD TOWN LOCAL ADVISORY COMMITTEE

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Old Town Local Advisory Committee Established. Pursuant to Chapter 2.40 of the Temecula Municipal Code, there is hereby established the "Old Town Local Advisory Committee" ("Committee").

Section 2. Composition and Membership. The Committee shall consist of seven (7) members appointed by the City Council to the following seats on the Committee:

(a) Four (4) of the Committee seats shall be reserved for one representative from each of the following organizations: 1) Temecula Valley Chamber of Commerce; 2) Visit Temecula Valley; 3) Old Town Temecula Merchants Association; and 4) Temecula Valley Historic Society.

(b) One (1) of the Committee seats shall be reserved for an owner of land within the Old Town Specific Plan area.

(c) One (1) of the Committee seats shall be reserved for a licensed architect.

(d) One (1) of the Committee seats shall be reserved for a Temecula resident at-large.

Section 3. Role and Purpose.

(a) Members of the Committee are stakeholders in Old Town. They will each bring to the Committee important perspectives, experience and wisdom with respect to the development and maintenance of Old Town. The purpose of the Committee it to provide a forum for these stakeholders to examine issues related to Old Town and to provide their comments and recommendations to the Planning Commission and City Council who will then independently review the comments and recommendations pursuant to their legislative and adjudicative authority.

(b) The role of the Committee shall only be advisory to the Planning Commission and City Council, providing comments and recommendations on all matters affecting Old Town from their special perspectives. The Committee shall have no decision-making authority with legislative and adjudicative authority remaining with the Planning Commission and City Council. Their recommendations are not binding on the Planning Commission and City Council and are subject to substantive review by the Planning Commission and City Council. The Committee does not make or compel governmental decisions through any initiative or voting powers. As such, the members of the Committee are not agency officials within the meaning of Section 82004 of the Government Code and Sections 18704

and 18700(c)(2) of the Fair Political Practice Commission Regulations because the role of the Committee is solely advisory, members of the Committee have no decision making authority, and the comments or recommendations they provide will be independently reviewed and acted upon by the Planning Commission and City Council which are the legislative bodies have legislative and adjudicative decision making authority with respect to matters in Old Town. Therefore, members of the Committee are not required to file Economic Disclosure Forms (Form 700) and are not subject to the conflicts of interest provisions of the Political Reform Act, Government Code Sections 81000 et seq.

(c) The Committee shall consider various items within its jurisdiction, including items suggested by the City Council and City Manager, and provide comments and recommendations. The Committee shall work with and through the assigned Department Director and liaison to collaborate on reports and recommendations, including its annual report to the City Council.

(d) The Committee shall provide advice and recommendations to the Planning Commission and City Council with respect to the following matters in Old Town:

1) Matters pertaining to the Old Town Specific Plan, including:

   a) Proposed Level II projects.

   b) Proposed Findings of Historic Appropriateness.

   c) Requests to modify, alter any historic structure or building.

   d) Temecula Local Historic District.

   e) Historical and cultural preservation in Old Town.

   f) Architectural and development standards for projects in Old Town.

2) Special Events and Road Closure Review

3) Parking Management, including parking districts.

4) Recommendations for use of potential Parking District Revenue.

5) Oversight of Grant of Loan programs utilizing Parking Revenues.

6) Old Town Infrastructure.

7) Proposals for Studies of Old Town.

8) Marketing of Old Town.

9) Old Town Comprehensive Signage.

10) Old Town Conflict Resolution.

11) Capital Improvement Plan projects proposed for the Old Town area (prior to budget adoption).

12) Comprehensive economic development strategy for Old Town

Section 4. Term of Office. Terms of office for the Old Town Local Advisory Committee members shall be three (3) years with staggered terms. At the completion of any term, a Committee member may be reappointed pursuant to Temecula Municipal Code 2.40.060.

Section 5. Removal and Vacancies.

(a) Members of the Old Town Local Advisory Committee shall be appointed and removed in the same manner as other boards, committees and commissions within the City pursuant to Temecula Municipal Code 2.40.050 and Section 3 of this Resolution.

(b) No officers or employees of the City or person under an employment contract subject to the jurisdiction of the City Council shall be a member of such Committee. Vacancies shall be filled pursuant to 2.40.070.

(c) Standing Committee seats reserved for Temecula Valley Chamber of Commerce, Visit Temecula Valley, Old Town Temecula Merchants Association, and Temecula Valley Historic Society shall be filled by a Committee member or employee representative proposed by each organization. If an any seat is left vacant for any reason, the City Council may fill that seat with an additional Temecula resident at-large.

Section 6. Time and Place of Meeting. The Committee shall meet regularly as may be appropriate or necessary for the orderly conduct of its business. Meetings of the Committee shall be open to the public and governed by the California Open Meetings Act (the Brown Act).

Section 7. Staff Assistance. The City Manager shall ensure that adequate staff will be allocated to provide necessary assistance to the Committee similar to that of other Committees, committees, and commissions within the City.

Section 8. Transfer of Determinations and Approvals. The City Council hereby transfers the duties of the Old Town Local Review Board relating to determinations and approvals assigned to it by the Old Town Specific Plan to the Planning Commission.

Section 9. Old Town Local Review Board Abolished. The "Old Town Local Review Board" established by the Old Town Specific Plan is hereby abolished, provided, however, that nothing herein shall affect decisions previously made by such Board.

Section 10. The City Clerk shall certify to the passage and adoption of this resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 12th day of December, 2023.

Zak Schwank, Mayor

ATTEST:

Randi Johl, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 2023-94 was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 12th day of December, 2023, by the following vote:

AYES:	5	COUNCIL MEMBERS:	Alexander, Brown, Kalfus, Schwank, Stewart
NOES:	0	COUNCIL MEMBERS:	None
ABSTAIN:	0	COUNCIL MEMBERS:	None
ABSENT:	0	COUNCIL MEMBERS:	None



Randi Johl, City Clerk

RESOLUTION NO. 2025-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA RECONSTITUTING THE PLANNING COMMISSION

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Planning Commission Established. Pursuant to Section 2.40.010 of the Temecula Municipal Code, there is created a statutory commission to the City Council which shall be known as the "Planning Commission."

Section 2. Commission Composition and Membership. The Planning Commission shall consist of five (5) members appointed by the City Council pursuant to Section 2.40.020 of the Temecula Municipal Code. No officers or employees of the City or person under an employment contract subject to the jurisdiction of the City Council shall be a member of such Commission.

Section 3. Term of Office. Terms of office for the Planning Commission shall be four (4) years and match the term of office of the Council Member at whose nomination the appointment is made. At the completion of any term, a commissioner may be reappointed pursuant to Temecula Municipal Code 2.40.060.

Section 4. Appointment, Removal and Vacancies. Members of the Planning Commission shall be appointed at the nomination of City Council members and removed pursuant to Temecula Municipal Code 2.40.050. Vacancies shall be filled pursuant to 2.40.070.

Section 5. Time and Place of Meeting. The Planning Commission shall meet regularly on the first Wednesday of each month at 10 a.m. in the Council Chambers in City Hall located at 41000 Main Street, Temecula. Additional meetings shall be set on an as needed basis.

Section 6. Stipend. The Planning Commission shall receive the same stipend as the other boards, committees, and commissions pursuant to Temecula Municipal Code Section 2.40.100.

Section 7. Staff Assistance. The City Manager shall ensure that adequate staff will be allocated to provide necessary assistance to the commission similar to that of other boards, committees, and commissions within the City.

Section 8. Role and Purpose. The commission shall consider various items within its jurisdiction, including items suggested by the City Council and City Manager, and make recommendations to the City Council. The commission shall work with and through the assigned Department Director and liaison to collaborate on reports and recommendations, including its annual report to the City Council. Each commission member shall serve in a manner that is separate of the nominating Council Member so as to preserve independent thought and action.

The purpose of the Planning Commission shall be as follows:

- For purposes of state planning law, the planning commission serves as the planning agency, unless another official or body is specifically designated to perform that function or make a particular decision as provided by ordinance of the city, and performs such other functions as set forth in the Temecula Municipal Code

- Advising the City Council on planning and land use matters

- Reviewing and making recommendations on proposed developments, subdivisions, and zone changes

- Holding public hearings and soliciting public input on planning and land use issues

- Reviewing and making recommendations on the City's General Plan, which guides future development and land use decisions

- Ensuring that development projects comply with the City's zoning and land use regulations

- Working with developers, architects, and other stakeholders to ensure that proposed developments are compatible with the surrounding area and meet the needs of the community

- Reviewing and making recommendations on environmental documents related to development projects, such as Environmental Impact Reports

- Enforcing the City's zoning and land use regulations, including issuing land use permits

Section 9. The City Clerk shall certify to the passage and adoption of this resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 9th day of September, 2025.

Brenden Kalfus, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 2025-59 was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 9th day of September, 2025, by the following vote:

AYES:	5	COUNCIL MEMBERS:	Alexander, Kalfus, Rahn, Schwank, Stewart
NOES:	0	COUNCIL MEMBERS:	None
ABSTAIN:	0	COUNCIL MEMBERS:	None
ABSENT:	0	COUNCIL MEMBERS:	None

Randi Johl, City Clerk

SECTION 5

State Ethics Training Requirements For Local Officials: Frequently Asked Questions (FAQs)

9/04/12 Edition

Overview of Requirement

1. What requirements does AB 1234 create regarding ethics training for local officials?

The basic thrust of AB 1234 is to require covered officials (see next question) to take two hours of training in ethics principles and laws every two years.[1]

Who's Covered

2. Who must receive mandatory ethics training?

Basically the requirement applies to those elected or appointed officials who are compensated for their service or reimbursed for their expenses.[2] The specific trigger for this requirement is whether the agency either compensates or reimburses expenses for members of any of its Brown Act covered bodies; if it does, then all elected and appointed "local agency officials" (as defined) must receive this training.[3] "Local agency official" means any member of a legislative body or any elected local agency official who receives compensation or expense reimbursement.[4]

"Local agency" means "a city, county, city and county, charter city, charter county, charter city and county, or special district."[5] Thus the training requirement does *not* include agencies on which local officials serve (for example, redevelopment agency governing boards or joint powers agencies), although many such officials will likely be covered by virtue of their status with cities, counties and special districts. Note that it also does not include school districts.

Note that local agencies also have the option of requiring certain employees to receive this training.[6]

3. What if an agency has a number of board members and commissioners who could theoretically get reimbursed for such expenses but as a practical matter haven't been for a long time?

Determining whether such officials should receive such training involves a judgment call in consultation with one's agency attorney. Some agencies are rethinking whether they want to reimburse the members of *all* their commissioners and board members or be more selective.

Another consideration is whether the nature of such officials' duties are such that the official would benefit from such training and the agency would benefit from having this official be trained (in terms of reducing the likelihood of missteps).

Another approach is for an agency to identify all commissioners and board members that have been reimbursed and/or compensated in the past year and notify them of their need to receive training. For others who haven't been reimbursed and/or compensated, the expense reimbursement forms required by AB 1234[7] could include an advisory which alerts board members and commissioners of the need to get training if they are seeking reimbursement for expenses.

4. What about those who serve on multiple local agency bodies?

The official only has to satisfy the requirement once (within one year of taking office and every two years after that).[8]

5. Can AB 1234's ethics training requirements constitutionally apply to charter cities?

Many city attorneys are not convinced that AB 1234 contains the necessary findings to make it applicable to charter cities, although the bill purports to apply to charter cities by including charter cities within the definition of local agency.[9] However, a number of charter cities already have such training programs and/or think they would be helpful and hence, are voluntarily complying with the spirit of AB 1234. Such an approach may reflect well on a city and city officials should the local media inquire about city officials' compliance with AB 1234.

Timing and Deadline Issues

6. By when must an official receive such training and how often again after that?

- **Officials in Service as of January 1, 2006.** Except for officials whose term of office ends before January 1, 2007, those in office on January 1, 2006 must receive the training before January 1, 2007.[10] After that, they must receive the training at least once every two years.[11] Officials whose term of office ends before January 9, 2007 were excused.[12]

- **Those Beginning Service After January 1, 2006.** Those who enter office after January 1, 2006 must receive the training within a year of starting their service. They must then receive the training every two years after that.[13]

Reasonable attorneys disagree how the "every two years" requirement should be interpreted. One interpretation would be that, if an official received the required training on May 15, 2011, the official would need to receive training again on or before May 14, 2013. Another would be that this same official satisfied the requirement in 2011 and needs to again satisfy the requirement in 2013.

Compliance and Enforcement

7. How do officials demonstrate compliance with the mandatory ethics requirements?

When local agency officials receive the training, they will be given proof of participation.[14] Copies of these certificates must be provided to the agency's custodian of records and maintained as public records subject to disclosure to the media, the public and others for at least five years.[15]

8. What is the enforcement mechanism to assure that local officials receive such training?

The new law is directory; there is no specific penalty for failing to complete the required training.[16] Presumably there will be a periodic public records requests by the media, candidates and others to verify which officials have and have not met the requirements. [17]

Local agencies are using a variety of techniques to encourage compliance. Options include:

1. **Circulate a List of Complying and Non-complying Officials within the Agency.** Putting who has (and who has not) complied in writing along with a reminder that the agency is expecting media and other inquiries may be one way to encourage compliance. This list can be circulated to officials with a thank you to those who have satisfied the requirement and a list of options for compliance for those who have not.

2. **Create a Financial Penalty.** Another option for encouraging compliance is to adopt a policy that officials who have not complied with their AB 1234 training requirements will not be eligible to have their expenses reimbursed.

3. **Make Compliance a Condition of Agency Service for Appointees.** In situations where the non-compliant official is an appointee, a local policy could provide the appointment be either rescinded or that the non-complying individual is ineligible for re-appointment.

4. **Post Certificates on Agency's Website.** The agency can post scans of those within the agency who have complied with the requirement, which also lets the media and the public know how the official satisfied the training.

Content Issues, Options for Satisfying the Requirement and Trainer Qualifications

9. Where can local officials get this training?

Local agencies must provide covered officials with a list of options for satisfying this requirement at least once a year.[18] The training can occur in-person, online or on a self-study basis (read materials and take a test).[19] Agencies are not required to provide the training themselves, although a number may choose to do so.

A variety of organizations offer such training (including law firms and nonprofit organizations). In addition, there are self-study materials available from the Institute for Local Government's website (www.ca-ilg.org/AB1234compliance) as well as a free online course at http://localethics.fppc.ca.gov or http://www.localethics.fppc.ca.gov that the Institute developed in collaboration with the FPPC.

The Institute also has materials for in-house counsel and others who are interested in offering such training.

10. How do people or organizations become certified as AB 1234 ethics trainers?

Strictly speaking, they don't. The Attorney General and FPPC have adopted guidelines for course curriculum accuracy and sufficiency, but there is no trainer-certification requirement.[20]

The Attorney General's guidelines require that the ethics law portion of AB 1234 training be given only by attorneys licensed to practice law in California and knowledgeable about California's ethics laws.

11. What issues must AB 1234 ethics training programs address?

The training must cover general ethics principles relating to public service and ethics laws.[21] "Ethics laws" are defined as including:[22]

- Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);
- Laws relating to office-holder perks, including gifts and travel restrictions, personal and political use of public resources and prohibitions against gifts of public funds;

- Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act);

- Law relating to fair processes, including fair contracting requirements, common law bias requirements and due process.

The Institute has materials to address these issues. The ILG resources can be found at www.ca-ilg.org/AB1234compliance.

Given the breadth of the subjects that need to be covered, the goal of the training cannot be to teach local officials the law in each of these areas. Instead the goal needs to be to acquaint local officials with the fact that there are laws that govern their behavior in each of these areas, to motivate officials to comply with such laws (among other things by explaining the consequences of missteps) and to alert them on when they need to seek the advice of qualified legal counsel when issues arise with respect to such laws.

Note that the Attorney General's Guidelines allow those who have taken the initial overview course to go deeper into certain aspects of ethics law in subsequent compliance efforts. [23]

12. Can I get State Bar minimum continuing legal education (MCLE) credit for attending AB 1234 training?

Yes. AB 1234 training is eligible for MCLE participatory credit,[24] provided the training complies with MCLE requirements. It is not, however, eligible for MCLE *legal ethics* credit.[25]

Brown Act Compliance

13. Must an AB 1234 training session that will be attended by a quorum of a legislative body comply with the Brown Act?

The consensus appears to be that the Brown Act applies and therefore, the meeting must be open to the public and properly noticed.

The Brown Act requires regular "meetings" of "legislative bodies" of local public agencies be open and public.[26] A "meeting" is "any congregation of a majority of the members of a legislative body at the same time and place to *hear*, *discuss*, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains."[27] Theoretically, it is possible for a majority of the members of a legislative body to attend an AB 1234 training session without triggering the Brown Act provided that they neither hear

nor discuss any topic that arguably comes within the legislative body's subject matter jurisdiction.

The goal of AB 1234 training, however, is to acquaint local officials with the laws that govern their behavior and motivate them to comply with such laws. In light of this goal, it is highly likely that training attendees will ask questions related to matters within the legislative body's subject matter jurisdiction. Accordingly, the Institute believes that the best course of action is to comply with the Brown Act.

Note that AB 1234 training that occurs at conference sessions are subject to the conference session exception to the Brown Act. [28]

[1] Cal. Gov't Code § 53235(a), (b).
[2] The language is potentially confusing on this point. The new law says that if a local agency provides any type of compensation or reimbursement for members of its legislative bodies, then all "local agency officials" must receive training. *See* Cal. Gov't Code § 53235(a). But the definition of "local agency official" means "any member of a local agency legislative body or any elected official who receives any type of compensation . . .or reimbursement for actual and necessary expenses incurred in the performance of official duties." *See* Cal. Gov't Code § 53234(c)(1).
[3] Cal. Gov't Code § 53235(a) ("If a local agency provides any type of compensation, salary, or stipend to a member of a legislative body, or provides reimbursement for actual and necessary expenses incurred by a member of a legislative body in the performance of official duties, then all local agency officials shall receive training in ethics pursuant to this article"); § 53234(a) (defining legislative body by reference to the Brown Act, Government Code section 54952).
[4] Cal. Gov't Code § 53234(c)(1).
[5] Cal. Gov't Code § 53234(b).
[6] Cal. Gov't Code § 53234(c)(2).
[7] Cal. Gov't Code § 53232.3(a).
[8] *See* Cal. Gov't Code § 53235.1(c).
[9] Cal. Gov't Code § 53234(b).
[10] *See* Cal. Gov't Code § 53235.1(a).
[11] *See* Cal. Gov't Code § 53235.1(a).
[12] Cal. Gov't Code § 53235.1(a).
[13] *See* Cal. Gov't Code § 53235.1(b). The law requires that subsequent training occur "at least once every two years." Some agencies interpret this to mean that training may occur in successive two year periods, not necessarily before the two year anniversary of the last training. This is an area where substantial compliance based on the spirit of the law should be sufficient.
[14] Cal. Gov't Code § 53235.1(e).
[15] Cal. Gov't Code § 53235.2.
[16] Cal. Gov't Code § 53235.2.
[17] Note: in addition to maintaining records on compliance with the minimum standards imposed by AB 1234, local agencies may also want to maintain records of any additional training local agency officials received. This will enable those inquiring to ascertain the agency's and individual's full scope of commitment to understanding the ethical and legal obligations associated with public service.
[18] Cal. Gov't Code § 53235(f).
[19] Cal. Gov't Code § 53235(d).
[20] *See* Cal. Gov't Code § 53235(c). The FPPC adopted it's guidelines as a regulation[20] and the Attorney General issued General Guidelines on Course Accuracy and Sufficiency, which are available on the Department of Justice website: http://caag.state.ca.us/ethics/eth_loc_guide_final.pdf. A summary of the state's guidelines for training is also available at www.ca-ilg.org/AB1234compliance.

[21] Cal. Gov't Code § 53235(b).
[22] Cal. Gov't Code § 53234(d).
[23] *See* Attorney General Guidelines, bottom of page 3, available at http://oag.ca.gov/sites/all/files/pdfs/ethics/eth_loc_guide_final.pdf?
[24] State Bar's response to an inquiry by the Institute, November 6, 2006.
[25] *Id.*
[26] Cal. Gov't Code § 54953.
[27] Cal. Gov't Code § 54952.2 (emphasis added).
[28] Cal. Gov't Code § 54952.2(c)(2) (Conference must be open to the public and attendees must be mindful of restrictions on discussing items with colleagues).

SECTION 6

2025-2026 Statement of Economic Interests

Form 700

A Public Document

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- Schedule C *(Income)* p.14
- Schedule D *(Gifts)* p.16
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Q & A p.21

Helpful Resources

- Video Tutorials
- Reference Pamphlet
- Excel Version
- FAQs
- Gift and Travel Fact Sheet for State and Local Officials

California Fair Political Practices Commission

1102 Q Street, Suite 3050 • Sacramento, CA 95811
Email Advice: advice@fppc.ca.gov
Toll-free advice line: 1 (866) ASK-FPPC • 1 (866) 275-3772
Telephone: (916) 322-5660 • Website: www.fppc.ca.gov

December 2025

Quick Start Guide

Detailed instructions begin on page 3.

WHEN IS THE ANNUAL STATEMENT DUE?

- March 2 – Elected State Officers, Judges (Supreme, Appellate, Superior Court), Retired Judges, Pro Tem Judges, Court Commissioners, State Board and Commission members listed in Government Code Section 87200
- April 1 – Most other filers

WHERE DO I FILE?

Most people file the Form 700 with their agency. Certain filers are required to file electronically with the FPPC. (See next page). If you're not sure where to file your Form 700, contact your filing officer or the person who asked you to complete it.

ITEMS TO NOTE!

- The Form 700 is a public document.
- Only filers serving in active military duty may receive an extension on the filing deadline.
- You must also report interests held by your spouse or registered domestic partner.
- Your agency's conflict of interest code will help you to complete the Form 700. You are encouraged to get your conflict of interest code from the person who asked you to complete the Form 700.

NOTHING TO REPORT?

Mark the "No reportable interests" box on Part 4 of the Cover Page, and submit only the signed Cover Page. Please review each schedule carefully!

Schedule	Common Reportable Interests	Common Non-Reportable Interests
A-1: Investments	Stocks, including those held in an IRA or 401K. Each stock must be listed.	Insurance policies, government bonds, diversified mutual funds, funds similar to diversified mutual funds.
A-2: Business Entities/Trusts	Business entities, sole proprietorships, partnerships, LLCs, corporations and trusts. (e.g., Form 1099 filers).	Savings and checking accounts, cryptocurrency, and annuities.
B: Real Property	Rental property in filer's jurisdiction, or within two miles of the boundaries of the jurisdiction.	A residence used exclusively as a personal residence (such as a home or vacation property).
C: Income	Non-governmental salaries. Note that filers are required to report only half of their spouse's or partner's salary.	Governmental salary (from school district, for example).
D: Gifts	Gifts from businesses, vendors, or other contractors (meals, tickets, etc.).	Gifts from family members.
E: Travel Payments	Travel payments from third parties (not your employer).	Travel paid by your government agency.

Note: Like reportable interests, non-reportable interests may also create conflicts of interest and could be grounds for disqualification from certain decisions.

QUESTIONS?

- advice@fppc.ca.gov
- (866) 275-3772 Mon-Thurs, 9-11:30 a.m.

E-FILING ISSUES?

- If using your agency's system, please contact technical support at your agency.
- If using FPPC's e-filing system, write to form700@fppc.ca.gov.

What's New

Gift Limit Increase

The gift limit increased to **$630** for calendar years **2025** and **2026**. The gift limit in calendar year 2024 was $590.

Required Electronic Filing for FPPC (Section 87500) Filers
Certain candidates and officials specified in Section 87500 are now required to file their Form 700 electronically using the FPPC's e-filing system. Filers for the offices listed under Section 87500 should contact the FPPC at form700@fppc.ca.gov to obtain their login and password information.

Reporting Prospective Employment
Effective January 1, 2026, Section 87200 Filers must report any arrangement for prospective employment on attachment Form 700-P. Attachment Form 700-P is filed electronically via the FPPC's e-filing portal. (See Reference Pamphlet, page 16, for more information.)

Who must file:

- Elected and appointed officials and candidates listed in Government Code Section 87200
- Employees, appointed officials, and consultants filing pursuant to a conflict of interest code ("code filers"). **Obtain your disclosure categories, which describe the interests you must report, from your agency;** they are not part of the Form 700
- Candidates running for local elective offices that are designated in a conflict of interest code (e.g., county sheriffs, city clerks, school board trustees, and water board members)

  Exception:

  - Candidates for a county central committee are not required to file the Form 700
  - Employees in newly created positions of existing agencies

For more information, see Reference Pamphlet, page 3, at *www.fppc.ca.gov.*

Where to file:

Code Filers — State and Local Officials, Employees, and Consultants Designated in a Conflict of Interest Code:
File with your agency, board, or commission unless otherwise specified in your agency's code (e.g., Legislative staff files directly with FPPC). In most cases, the agency, board, or commission will retain the statements.

Members of Newly Created Boards and Commissions: File with your agency or with your agency's code reviewing body pursuant to Regulation 18754.

Employees in Newly Created Positions of Existing Agencies:
File with your agency or with your agency's code reviewing body. (See Reference Pamphlet, page 3.)

Multi-County Agencies, Boards, Commissions: File with your agency, board, or commission unless otherwise specified in your agency's code. Please review your agency's conflict of interest code as some multi-county offices are required to file electronically with the FPPC. In most cases, the agency, board, or commission will retain the statements.

87200 State Filers, for offices not specified in Section 87500, file as follows: File with your agency, board, or commission unless otherwise specified in your agency's code. Please review your agency's conflict of interest code as some 87200 state offices are required to file electronically with the FPPC. In most cases, the agency, board, or commission will retain the statements.

87200.5 Filers — Groundwater Sustainability Agency:
Members of the Board of Directors and Executives (e.g., Executive Director, General Manager, or other equivalent position) file electronically with the FPPC.

Officials and Candidates Specified in Section 87500, FPPC Filers: The Act requires that the following officeholders and candidates for the positions listed below file electronically using the FPPC's e-filing system.

- Statewide elected officers and candidates for statewide elective office. (For a complete list of statewide elected officers please see Reference Pamphlet, Page 6.)
- Members and candidates for the Legislature and State Board of Equalization
- Designated employees of the Legislature directed to file with the FPPC by the house of the Legislature by which they are employed
- Members of the Public Utilities Commission, State Energy Resources Conservation and Development Commission, or California Coastal Commission
- Members of a state licensing or regulatory board, bureau, or commission
- Members of the Fair Political Practices Commission
- Appointed members to a state board, commission, or similar multimember body of the state if the FPPC has been designated as the filing officer in the conflict of interest code of the respective board, commission, or body. (Please contact your agency for a copy of your agency's conflict of interest code.)
- Designated employees of more than one joint powers insurance agency who elect to file a multiagency statement pursuant to Section 87350
- Judges (Supreme, Appellate, Superior Court), Retired Judges, Pro Tem Judges, court commissioners, or candidates for judge
- Officeholder or candidate for the office of district attorney, county counsel, county treasurer, or county board of supervisors
- Officeholder or candidate for the office of city council member, city treasurer, city attorney, or mayor
- County chief administrative officer, city manager, or if there is no city manager, the chief administrative officer
- County or city planning commissioner
- Head of a local government agency or member of a local government board or commission, if the FPPC has been designated as the filing officer in the conflict of interest code of the respective agency, board, or commission. (Please contact your agency for a copy of your agency's conflict of interest code.)
- A public official who manages public investments

Candidates, for offices not listed in Section 87500 above, file as follows:

- County offices (e.g., candidates running for local elective office that are designated in a conflict of interest code): File with your county elections official.
- City offices (e.g., candidates running for local elective office that are designated in a conflict of interest code): File with your City Clerk.
- Multi-county offices: File with your county elections official with whom you file your declaration of candidacy.

How to file:

The Form 700 is available at *www.fppc.ca.gov*. Additional PDF schedules of Form 700 are available on the FPPC's website. Form 700 schedules are also available in Excel format. Filers should always check with their filing officer to see if their agency requires a particular filing method. All statements are signed under penalty of perjury and must be verified by the filer. See Regulation 18723.1(c) for filing instructions for copies of expanded statements. Depending on your agency's requirements, statements can be required to be filed in the following formats:

Wet Signature ➲ Each Statement must have a handwritten "wet" signature. Wet signature statements can be filed either by hand delivery or mail.

Digital Signature ➲ Each statement must be signed with a verified digital signature via the filer's agency email address *if permitted by the filing officer.* The statement must be sent by email as a PDF with the digital signature affixed to the document. (See Regulations 18104 and 18757, as well as FPPC's Filing with a Digital Signature Fact Sheet for additional guidance).

Electronic Signature ➲ Each statement must be signed with a secure electronic signature submitted using an approved electronic filing system. Filers must be duly authorized by their filing officer to file electronically under Government Code Section 87500.2.

When to file:

Annual Statements

➲ **March 2, 2026**

- Elected State Officers
- Judges (Supreme, Appellate, Superior Court), Retired Judges, Pro Tem Judges, and Court Commissioners
- State Board and State Commission Members listed in Government Code Section 87200

➲ **April 1, 2026**

- Most other filers

Individuals filing under conflict of interest codes in city and county jurisdictions should verify the annual filing date with their filing official or filing officer.

Statements postmarked by the filing deadline are considered filed on time.

Statements of 30 pages or less may be emailed or faxed by the deadline as long as the originally signed paper version is sent by first class mail to the filing official within 24 hours.

Assuming Office and Leaving Office Statements

Most filers file within 30 days of assuming or leaving office or within 30 days of the effective date of a newly adopted or amended conflict of interest code.

Exception:

If you assumed office between October 1, 2025, and December 31, 2025, and filed an assuming office statement, you are not required to file an annual statement until March 1, 2027, or April 1, 2027, whichever is applicable. The annual statement will cover the day after you assumed office through December 31, 2026. (See Reference Pamphlet, page 7, for additional exceptions.)

Candidate Statements

File no later than the final filing date for the declaration of candidacy or nomination documents. A candidate statement is not required if you filed an assuming office or annual statement for the same jurisdiction within 60 days before filing a declaration of candidacy or other nomination documents.

Certain candidates listed in Government Code Section 87500, FPPC Filers, are required to file their candidate statement electronically via the FPPC's e-filing system. Please refer to Page 3, Where to File section, for the list of offices required to file electronically with FPPC. Filers for the offices listed under Section 87500 should contact the FPPC at form700@fppc.ca.gov to obtain their login and password information.

Late Statements

There is no provision for filing deadline extensions unless the filer is serving in active military duty. (See page 20 for information on penalties and fines.)

Amendments

Statements may be amended at any time. You are only required to amend the schedule that needs to be revised. It is not necessary to amend the entire filed form. The amended schedule(s) is attached to your original filed statement. Obtain amendment schedules at *www.fppc.ca.gov.* Filers authorized to file electronically amend their statements using their agency's electronic filing system. *Note:* If you are a candidate or officeholder listed under Government Code Section 87500, FPPC Filers, then you must amend your statements electronically using the FPPC's e-filing system.

Types of Statements

Assuming Office Statement:

If you are a newly appointed official or are newly employed in a position designated, or that will be designated, in a state or local agency's conflict of interest code, your assuming office date is the date you were sworn in or otherwise authorized to serve in the position. If you are a newly elected official, your assuming office date is the date you were sworn in.

- Report: Investments, interests in real property, and business positions held on the date you assumed the office or position must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date you assumed the office or position.

For positions subject to confirmation by the State Senate or the Commission on Judicial Appointments, your assuming office date is the date you were appointed or nominated to the position.

- Example: Maria Lopez was nominated by the Governor to serve on a state agency board that is subject to state Senate confirmation. The assuming office date is the date Maria's nomination is submitted to the Senate. Maria must report investments, interests in real property, and business positions Maria holds on that date, and income (including loans, gifts, and travel payments) received during the 12 months prior to that date.

If your office or position has been added to a newly adopted or newly amended conflict of interest code, use the effective date of the code or amendment, whichever is applicable.

- Report: Investments, interests in real property, and business positions held on the effective date of the code or amendment must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the effective date of the code or amendment.

Annual Statement:

Generally, the period covered is January 1, 2025, through December 31, 2025. If the period covered by the statement is different than January 1, 2025, through December 31, 2025, (for example, you assumed office between October 1, 2024, and December 31, 2024 or you are combining statements), you must specify the period covered.

- Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2025.
- If your disclosure category changes during a reporting period, disclose under the old category until the effective date of the conflict of interest code amendment and disclose under the new disclosure category through the end of the reporting period.

Leaving Office Statement:

Generally, the period covered is January 1, 2025, through the date you stopped performing the duties of your position. If the period covered differs from January 1, 2025, through the date you stopped performing the duties of your position (for example, you assumed office between October 1, 2024, and December 31, 2024, or you are combining statements), the period covered must be specified. The reporting period can cover parts of two calendar years.

- Report: Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2025.

Candidate Statement:

If you are filing a statement in connection with your candidacy for state or local office, investments, interests in real property, and business positions held on the date of filing your declaration of candidacy must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date of filing your declaration of candidacy is reportable. Do not change the preprinted dates on Schedules A-1, A-2, and B.

Candidates running for local elective offices (e.g., county sheriffs, city clerks, school board trustees, or water district board members) must file candidate statements, as required by the conflict of interest code for the elected position. The code may be obtained from the agency of the elected position.

Amendments:

If you discover errors or omissions on any statement, file an amendment as soon as possible. You are only required to amend the schedule that needs to be revised; it is not necessary to refile the entire form. Obtain amendment schedules from the FPPC website at *www.fppc.ca.gov.*

Note: Once you file your statement, you may not withdraw it. All changes must be noted on amendment schedules.

Expanded Statement:

If you hold multiple positions subject to reporting requirements, you may be able to file an expanded statement for each position, rather than a separate and distinct statement for each position. The expanded statement must cover all reportable interests for all jurisdictions and list all positions on the Form 700 or on an attachment for which it is filed. The rules and processes governing the filing of an expanded statement are set forth in Regulation 18723.1.

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

STATEMENT OF ECONOMIC INTERESTS
COVER PAGE
A PUBLIC DOCUMENT

Date Initial Filing Received
Filing Official Use Only

Please type or print in ink.

NAME OF FILER (LAST) **(FIRST)** **(MIDDLE)**

1. Office, Agency, or Court

Agency Name *(Do not use acronyms)*

Division, Board, Department, District, if applicable

Your Position

► If filing for multiple positions, list below or on an attachment. *(Do not use acronyms)*

Agency: _____ Position: _____

2. Jurisdiction of Office *(Check at least one box)*

☐ State

☐ Judge (Supreme, Appellate, Superior Court), Retired Judge, Pro Tem Judge, or Court Commissioner (Statewide Jurisdiction)

☐ Multi-County _____

☐ County of _____

☐ City of _____

☐ Other _____

3. Type of Statement *(Check at least one box)*

☐ **Annual:** The period covered is January 1, 2025, through December 31, 2025.

-or-

The period covered is _____/_____/_____, through December 31, 2025.

☐ **Assuming Office:** Date assumed _____/_____/_____

☐ **Leaving Office:** Date Left _____/_____/_____
(Check one circle below.)

☐ The period covered is January 1, 2025, through the date of leaving office.

-or-

☐ The period covered is _____/_____/_____, through the date of leaving office.

☐ **Candidate:** Date of Election _____ and office sought, if different than Part 1: _____

4. Schedule Summary (required)

► ***Total number of pages including this cover page:*** _____

Schedules attached

☐ **Schedule A-1 -** *Investments* – schedule attached
☐ **Schedule A-2 -** *Investments* – schedule attached
☐ **Schedule B -** *Real Property* – schedule attached
☐ **Schedule C -** *Income, Loans, & Business Positions* – schedule attached
☐ **Schedule D -** *Income – Gifts* – schedule attached
☐ **Schedule E -** *Income – Gifts – Travel Payments* – schedule attached

☐ **Attachment 700-P -** *Prospective Employment (87200 Filers Only)* – schedule attached

-or- ☐ ***None*** **-** *No reportable interests on any schedule*

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
(Business or Agency Address Recommended - Public Document)

DAYTIME TELEPHONE NUMBER
( )

EMAIL ADDRESS

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed _____
(month, day, year)

Signature _____
(File the originally signed paper statement with your filing official.)

Instructions
Cover Page

Enter your name, mailing address, and daytime telephone number in the spaces provided. **Because the Form 700 is a public document, you may list your business/office address instead of your home address.**

Part 1. Office, Agency, or Court

- Enter the name of the office sought or held, or the agency or court. Consultants must enter the public agency name rather than their private firm's name. (Examples: State Assembly; Board of Supervisors; Office of the Mayor; Department of Finance; Hope County Superior Court).
- Indicate the name of your division, board, or district, if applicable. (Examples: Division of Waste Management; Board of Accountancy; District 45). **Do not use acronyms.**
- Enter your position title. (Examples: Director; Chief Counsel; City Council Member; Staff Services Analyst).
- If you hold multiple positions (i.e., a city council member who also is a member of a county board or commission) you may be required to file separate and distinct statements with each agency. To simplify your filing obligations, in some cases you may instead complete a single expanded statement and file it with each agency.
    - The rules and processes governing the filing of an expanded statement are set forth in Regulation 18723.1. To file an expanded statement for multiple positions, enter the name of each agency with which you are required to file and your position title with each agency in the space provided. **Do not use acronyms.** Attach an additional sheet if necessary. Complete one statement disclosing all reportable interests for all jurisdictions. Then file the expanded statement with each agency as directed by Regulation 18723.1(c).

If you assume or leave a position after a filing deadline, you must complete a separate statement. For example, a city council member who assumes a position with a county special district after the April annual filing deadline must file a separate assuming office statement. In subsequent years, the city council member may expand their annual filing to include both positions.

Example:

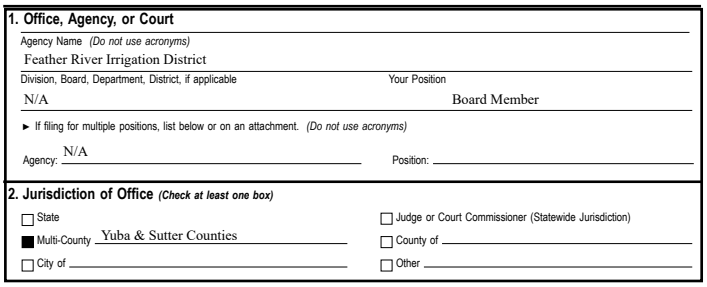
Brian Bourne is a city council member for the City of Lincoln and a board member for the Camp Far West Irrigation District – a multi-county agency that covers the Counties of Placer and Yuba. The City is located within Placer County. Brian may complete one expanded statement to disclose all reportable interests for both offices and list both positions on the Cover Page. Brian will file the expanded statement with each the City and the District as directed by Regulation 18723.1(c).

Part 2. Jurisdiction of Office

- Check the box indicating the jurisdiction of your agency and, if applicable, identify the jurisdiction. Judges, judicial candidates, and court commissioners have statewide jurisdiction. All other filers should review the Reference Pamphlet, page 14, to determine their jurisdiction.
- If your agency is a multi-county office, list each county in which your agency has jurisdiction.
- If your agency is not a state office, court, county office, city office, or multi-county office (e.g., school districts, special districts and JPAs), check the "other" box and enter the county or city in which the agency has jurisdiction.

Example:

This filer is a member of a water district board with jurisdiction in portions of Yuba and Sutter Counties.


1. Office, Agency, or Court

Agency Name *(Do not use acronyms)*: Feather River Irrigation District

Division, Board, Department, District, if applicable: N/A

Your Position: Board Member

► If filing for multiple positions, list below or on an attachment. *(Do not use acronyms)*

Agency: N/A Position:

2. Jurisdiction of Office *(Check at least one box)*

☐ State ☐ Judge or Court Commissioner (Statewide Jurisdiction)

■ Multi-County Yuba & Sutter Counties ☐ County of

☐ City of ☐ Other

Part 3. Type of Statement

Check at least one box. The period covered by a statement is determined by the type of statement you are filing. If you are completing a 2025 annual statement, **do not** change the pre-printed dates to reflect 2026. Your annual statement is used for reporting the **previous year's** economic interests. Economic interests for your annual filing covering January 1, 2026, through December 31, 2026, will be disclosed on your statement filed in 2027. See Reference Pamphlet, page 4.

Combining Statements: Certain types of statements for the same position may be combined. For example, if you leave office after January 1, but before the deadline for filing your annual statement, you may combine your annual and leaving office statements. File by the earliest deadline. Consult your filing officer or the FPPC.

Part 4. Schedule Summary

- Complete the Schedule Summary after you have reviewed each schedule to determine if you have reportable interests.
- Enter the total number of completed pages including the cover page and either check the box for each schedule you use to disclose interests; **or** if you have nothing to disclose on any schedule, check the "No reportable interests" box. Please **do not** attach any blank schedules.

Part 5. Verification

Complete the verification by signing the statement and entering the date signed. Each statement must have an original "wet" signature unless filed with a secure electronic signature. (See page 4 above.) All statements must be signed under penalty of perjury and be verified by the filer pursuant to Government Code Section 81004. See Regulation 18723.1(c) for filing instructions for copies of expanded statements. **When you sign your statement, you are stating, under penalty of perjury, that it is true and correct.** Only the filer has authority to sign the statement. An unsigned statement is not considered filed and you may be subject to late filing penalties.

SCHEDULE A-1
Investments
Stocks, Bonds, and Other Interests
(Ownership Interest is Less Than 10%)

Investments must be itemized.
Do not attach brokerage or financial statements.

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name

► NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
☐ $2,000 - $10,000 ☐ $10,001 - $100,000
☐ $100,001 - $1,000,000 ☐ Over $1,000,000

NATURE OF INVESTMENT
☐ Stock ☐ Other _____ (Describe)
☐ Partnership ☐ Income Received of $0 - $499
☐ Income Received of $500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:
____/____/25 ACQUIRED ____/____/25 DISPOSED

► NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
☐ $2,000 - $10,000 ☐ $10,001 - $100,000
☐ $100,001 - $1,000,000 ☐ Over $1,000,000

NATURE OF INVESTMENT
☐ Stock ☐ Other _____ (Describe)
☐ Partnership ☐ Income Received of $0 - $499
☐ Income Received of $500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:
____/____/25 ACQUIRED ____/____/25 DISPOSED

► NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
☐ $2,000 - $10,000 ☐ $10,001 - $100,000
☐ $100,001 - $1,000,000 ☐ Over $1,000,000

NATURE OF INVESTMENT
☐ Stock ☐ Other _____ (Describe)
☐ Partnership ☐ Income Received of $0 - $499
☐ Income Received of $500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:
____/____/25 ACQUIRED ____/____/25 DISPOSED

► NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
☐ $2,000 - $10,000 ☐ $10,001 - $100,000
☐ $100,001 - $1,000,000 ☐ Over $1,000,000

NATURE OF INVESTMENT
☐ Stock ☐ Other _____ (Describe)
☐ Partnership ☐ Income Received of $0 - $499
☐ Income Received of $500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:
____/____/25 ACQUIRED ____/____/25 DISPOSED

► NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
☐ $2,000 - $10,000 ☐ $10,001 - $100,000
☐ $100,001 - $1,000,000 ☐ Over $1,000,000

NATURE OF INVESTMENT
☐ Stock ☐ Other _____ (Describe)
☐ Partnership ☐ Income Received of $0 - $499
☐ Income Received of $500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:
____/____/25 ACQUIRED ____/____/25 DISPOSED

► NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
☐ $2,000 - $10,000 ☐ $10,001 - $100,000
☐ $100,001 - $1,000,000 ☐ Over $1,000,000

NATURE OF INVESTMENT
☐ Stock ☐ Other _____ (Describe)
☐ Partnership ☐ Income Received of $0 - $499
☐ Income Received of $500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:
____/____/25 ACQUIRED ____/____/25 DISPOSED

Comments: _____

Instructions – Schedules A-1 and A-2
Investments

"Investment" means a financial interest in any business entity (including a consulting business or other independent contracting business) that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency's jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling $2,000 or more at any time during the reporting period. (See Reference Pamphlet, page 14.)

Reportable investments include:

- Stocks, bonds, warrants, and options, including those held in margin or brokerage accounts and managed investment funds (See Reference Pamphlet, page 14.)
- Sole proprietorships
- Your own business or your spouse's or registered domestic partner's business (See Reference Pamphlet, page 9, for the definition of "business entity.")
- Your spouse's or registered domestic partner's investments even if they are legally separate property
- Partnerships (e.g., a law firm or family farm)
- Investments in reportable business entities held in a retirement account (See Reference Pamphlet, page 16.)
- If you, your spouse or registered domestic partner, and dependent children together had a 10% or greater ownership interest in a business entity or trust (including a living trust), you must disclose investments held by the business entity or trust. (See Reference Pamphlet, page 17, for more information on disclosing trusts.)
- Business trusts

You are not required to disclose:

- Government bonds, diversified mutual funds, certain funds similar to diversified mutual funds (such as exchange traded funds) and investments held in certain retirement accounts. (See Reference Pamphlet, page 14.) (Regulation 18237)
- Bank accounts, savings accounts, money market accounts and certificates of deposits
- Cryptocurrency
- Insurance policies
- Annuities
- Commodities
- Shares in a credit union
- Government bonds (including municipal bonds)

Reminders

- Do you know your agency's jurisdiction?
- Did you hold investments at any time during the period covered by this statement?
- Code filers – your disclosure categories may only require disclosure of specific investments.

- Retirement accounts invested in non-reportable interests (e.g., insurance policies, mutual funds, or government bonds) (See Reference Pamphlet, page 16.)
- Government defined-benefit pension plans (such as CalPERS and CalSTRS plans)
- Certain interests held in a blind trust (See Reference Pamphlet, page 17.)

Use Schedule A-1 to report ownership of less than 10% (e.g., stock). Schedule C (Income) may also be required if the investment is not a stock or corporate bond. (See second example below.)

Use Schedule A-2 to report ownership of 10% or greater (e.g., a sole proprietorship).

To Complete Schedule A-1:

Do not attach brokerage or financial statements.

- Disclose the name of the business entity. Do not use acronyms for the name of the business entity, unless it is one that is commonly understood by the public.
- Provide a general description of the business activity of the entity (e.g., pharmaceuticals, computers, automobile manufacturing, or communications).
- Check the box indicating the highest fair market value of your investment during the reporting period. If you are filing a candidate or an assuming office statement, indicate the fair market value on the filing date or the date you took office, respectively. (See page 21 for more information.)
- Identify the nature of your investment (e.g., stocks, warrants, options, or bonds).
- An acquired or disposed of date is only required if you initially acquired or entirely disposed of the investment interest during the reporting period. The date of a stock dividend reinvestment or partial disposal is not required. Generally, these dates will not apply if you are filing a candidate or an assuming office statement.

Examples:

Frank Byrd holds a state agency position. Frank's conflict of interest code requires full disclosure of investments. Frank must disclose stock holdings of $2,000 or more in any company that is located in or does business in California, as well as those stocks held by Franks's spouse or registered domestic partner and dependent children.

Alice Lance is a city council member. Alice has a 4% interest, worth $5,000, in a limited partnership located in the city. Alice must disclose the partnership on Schedule A-1 and income of $500 or more received from the partnership on Schedule C.

SCHEDULE A-2
Investments, Income, and Assets of Business Entities/Trusts
(Ownership Interest is 10% or Greater)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name

► 1. BUSINESS ENTITY OR TRUST

Name

Address *(Business Address Acceptable)*

Check one

☐ Trust, *go to 2* ☐ Business Entity, *complete the box, then go to 2*

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
- ☐ $0 - $1,999
- ☐ $2,000 - $10,000
- ☐ $10,001 - $100,000
- ☐ $100,001 - $1,000,000
- ☐ Over $1,000,000

IF APPLICABLE, LIST DATE:
__/__/25 ACQUIRED __/__/25 DISPOSED

NATURE OF INVESTMENT
☐ Partnership ☐ Sole Proprietorship ☐ _____ Other

YOUR BUSINESS POSITION _____

► 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

- ☐ $0 - $499
- ☐ $500 - $1,000
- ☐ $1,001 - $10,000
- ☐ $10,001 - $100,000
- ☐ OVER $100,000

► 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF $10,000 OR MORE (Attach a separate sheet if necessary.)

☐ None or ☐ Names listed below

► 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box:

☐ INVESTMENT ☐ REAL PROPERTY

Name of Business Entity, if Investment, or
Assessor's Parcel Number or Street Address of Real Property

Description of Business Activity or
City or Other Precise Location of Real Property

FAIR MARKET VALUE
- ☐ $2,000 - $10,000
- ☐ $10,001 - $100,000
- ☐ $100,001 - $1,000,000
- ☐ Over $1,000,000

IF APPLICABLE, LIST DATE:
__/__/25 ACQUIRED __/__/25 DISPOSED

NATURE OF INTEREST
☐ Property Ownership/Deed of Trust ☐ Stock ☐ Partnership

☐ Leasehold _____ Yrs. remaining ☐ Other _____

☐ Check box if additional schedules reporting investments or real property are attached

---

► 1. BUSINESS ENTITY OR TRUST

Name

Address *(Business Address Acceptable)*

Check one

☐ Trust, *go to 2* ☐ Business Entity, *complete the box, then go to 2*

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
- ☐ $0 - $1,999
- ☐ $2,000 - $10,000
- ☐ $10,001 - $100,000
- ☐ $100,001 - $1,000,000
- ☐ Over $1,000,000

IF APPLICABLE, LIST DATE:
__/__/25 ACQUIRED __/__/25 DISPOSED

NATURE OF INVESTMENT
☐ Partnership ☐ Sole Proprietorship ☐ _____ Other

YOUR BUSINESS POSITION _____

► 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

- ☐ $0 - $499
- ☐ $500 - $1,000
- ☐ $1,001 - $10,000
- ☐ $10,001 - $100,000
- ☐ OVER $100,000

► 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF $10,000 OR MORE (Attach a separate sheet if necessary.)

☐ None or ☐ Names listed below

► 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box:

☐ INVESTMENT ☐ REAL PROPERTY

Name of Business Entity, if Investment, or
Assessor's Parcel Number or Street Address of Real Property

Description of Business Activity or
City or Other Precise Location of Real Property

FAIR MARKET VALUE
- ☐ $2,000 - $10,000
- ☐ $10,001 - $100,000
- ☐ $100,001 - $1,000,000
- ☐ Over $1,000,000

IF APPLICABLE, LIST DATE:
__/__/25 ACQUIRED __/__/25 DISPOSED

NATURE OF INTEREST
☐ Property Ownership/Deed of Trust ☐ Stock ☐ Partnership

☐ Leasehold _____ Yrs. remaining ☐ Other _____

☐ Check box if additional schedules reporting investments or real property are attached

Comments: _____

Instructions – Schedule A-2
Investments, Income, and Assets of Business Entities/Trusts

Use Schedule A-2 to report investments in a business entity (including a consulting business or other independent contracting business) or trust (including a living trust) in which you, your spouse or registered domestic partner, and your dependent children, together or separately, had a 10% or greater interest, totaling $2,000 or more, during the reporting period and which is located in, doing business in, planning to do business in, or which has done business during the previous two years in your agency's jurisdiction. (See Reference Pamphlet, page 14.) A trust located outside your agency's jurisdiction is reportable if it holds assets that are located in or doing business in the jurisdiction. Do not report a trust that contains non-reportable interests. For example, a trust containing only your personal residence not used in whole or in part as a business, your savings account, and some municipal bonds, is not reportable.

Also report on Schedule A-2 investments and real property held by that entity or trust if your pro rata share of the investment or real property interest was $2,000 or more during the reporting period.

To Complete Schedule A-2:

Part 1. Disclose the name and address of the business entity or trust. If you are reporting an interest in a business entity, check "Business Entity" and complete the box as follows:

- Provide a general description of the business activity of the entity.
- Check the box indicating the highest fair market value of your investment during the reporting period.
- If you initially acquired or entirely disposed of this interest during the reporting period, enter the date acquired or disposed.
- Identify the nature of your investment.
- Disclose the job title or business position you held with the entity, if any (i.e., if you were a director, officer, partner, trustee, employee, or held any position of management). A business position held by your spouse is not reportable.

Part 2. Check the box indicating **your pro rata** share of the **gross** income received **by** the business entity or trust. This amount includes your pro rata share of the **gross** income **from** the business entity or trust, as well as your community property interest in your spouse's or registered domestic partner's share. Gross income is the total amount of income before deducting expenses, losses, or taxes.

Part 3. Disclose the name of each source of income that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency's jurisdiction, as follows:

- Disclose each source of income and outstanding loan **to the business entity or trust** identified in Part 1 if your pro rata share of the **gross** income (including your community property interest in your spouse's or registered domestic partner's share) to the business entity or trust from that source was $10,000 or more during the reporting period. (See Reference Pamphlet, page 12, for examples.) Income from governmental sources may be reportable if not considered salary. See Regulation 18232. Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.
- Disclose each individual or entity that was a source of commission income of $10,000 or more during the reporting period through the business entity identified in Part 1. (See Reference Pamphlet, page 9.)

You may be required to disclose sources of income located outside your jurisdiction. For example, you may have a client who resides outside your jurisdiction who does business on a regular basis with you. Such a client, if a reportable source of $10,000 or more, must be disclosed.

Mark "None" if you do not have any reportable $10,000 sources of income to disclose. Phrases such as "various clients" or "not disclosing sources pursuant to attorney-client privilege" are not adequate disclosure. (See Reference Pamphlet, page 15, for information on procedures to request an exemption from disclosing privileged information.)

Part 4. Report any investments or interests in real property held or leased **by the entity or trust** identified in Part 1 if your pro rata share of the interest held was $2,000 or more during the reporting period. Attach additional schedules or use FPPC's Form 700 Excel spreadsheet if needed.

- Check the applicable box identifying the interest held as real property or an investment.
- If investment, provide the name and description of the business entity.
- If real property, report the precise location (e.g., an assessor's parcel number or address).
- Check the box indicating the highest fair market value of your interest in the real property or investment during the reporting period. (Report the fair market value of the portion of your residence claimed as a tax deduction if you are utilizing your residence for business purposes.)
- Identify the nature of your interest.
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property or investment during the reporting period.

CALIFORNIA FORM **700**
FAIR POLITICAL PRACTICES COMMISSION

Name

SCHEDULE B
Interests in Real Property
(Including Rental Income)

► ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

CITY

FAIR MARKET VALUE
- ☐ $2,000 - $10,000
- ☐ $10,001 - $100,000
- ☐ $100,001 - $1,000,000
- ☐ Over $1,000,000

IF APPLICABLE, LIST DATE:
__/__/25 ACQUIRED __/__/25 DISPOSED

NATURE OF INTEREST
- ☐ Ownership/Deed of Trust
- ☐ Easement
- ☐ Leasehold _____ Yrs. remaining
- ☐ _____ Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED
- ☐ $0 - $499
- ☐ $500 - $1,000
- ☐ $1,001 - $10,000
- ☐ $10,001 - $100,000
- ☐ OVER $100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of $10,000 or more.
- ☐ None

► ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

CITY

FAIR MARKET VALUE
- ☐ $2,000 - $10,000
- ☐ $10,001 - $100,000
- ☐ $100,001 - $1,000,000
- ☐ Over $1,000,000

IF APPLICABLE, LIST DATE:
__/__/25 ACQUIRED __/__/25 DISPOSED

NATURE OF INTEREST
- ☐ Ownership/Deed of Trust
- ☐ Easement
- ☐ Leasehold _____ Yrs. remaining
- ☐ _____ Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED
- ☐ $0 - $499
- ☐ $500 - $1,000
- ☐ $1,001 - $10,000
- ☐ $10,001 - $100,000
- ☐ OVER $100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of $10,000 or more.
- ☐ None

* You are not required to report loans from a commercial lending institution made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE _____% ☐ None

TERM (Months/Years)

HIGHEST BALANCE DURING REPORTING PERIOD
- ☐ $500 - $1,000
- ☐ $1,001 - $10,000
- ☐ $10,001 - $100,000
- ☐ OVER $100,000

☐ Guarantor, if applicable

NAME OF LENDER*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE _____% ☐ None

TERM (Months/Years)

HIGHEST BALANCE DURING REPORTING PERIOD
- ☐ $500 - $1,000
- ☐ $1,001 - $10,000
- ☐ $10,001 - $100,000
- ☐ OVER $100,000

☐ Guarantor, if applicable

Comments: _____

Instructions – Schedule B
Interests in Real Property

Report interests in real property located in your agency's jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling $2,000 or more any time during the reporting period. Real property is also considered to be "within the jurisdiction" of a local government agency if the property or any part of it is located within two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency. (See Reference Pamphlet, page 14.)

Interests in real property include:

- An ownership interest (including a beneficial ownership interest)
- A deed of trust, easement, or option to acquire property
- A leasehold interest (See Reference Pamphlet, page 15.)
- A mining lease
- An interest in real property held in a retirement account (See Reference Pamphlet, page 16.)
- An interest in real property held by a business entity or trust in which you, your spouse or registered domestic partner, and your dependent children together had a 10% or greater ownership interest (Report on Schedule A-2.)
- Your spouse's or registered domestic partner's interests in real property that are legally held separately by him or her

You are <u>not</u> required to report:

- A residence, such as a home or vacation cabin, used exclusively as a personal residence (However, a residence in which you rent out a room or for which you claim a business deduction may be reportable. If reportable, report the fair market value of the portion claimed as a tax deduction.)
- Some interests in real property held through a blind trust (See Reference Pamphlet, page 17.)
    - **Please note:** A non-reportable property can still be grounds for a conflict of interest and may be disqualifying.

To Complete Schedule B:

- Report the precise location (e.g., an assessor's parcel number or address) of the real property.
- Check the box indicating the fair market value of your interest in the property (regardless of what you owe on the property).
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property during the reporting period.
- Identify the nature of your interest. If it is a leasehold, disclose the number of years remaining on the lease.

Reminders

- Income and loans already reported on Schedule B are not also required to be reported on Schedule C.
- Real property already reported on Schedule A-2, Part 4 is not also required to be reported on Schedule B.
- Code filers – do your disclosure categories require disclosure of real property?

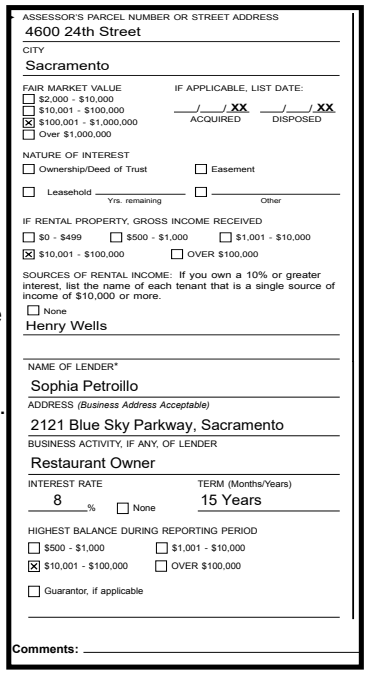
- If you received rental income, check the box indicating the gross amount you received.
- If you had a 10% or greater interest in real property and received rental income, list the name of the source(s) if your pro rata share of the gross income from any single tenant was $10,000 or more during the reporting period. If you received a total of $10,000 or more from two or more tenants acting in concert (in most cases, this will apply to married couples), disclose the first and last name of each tenant. Otherwise, mark "None."
- Loans from a private lender that total $500 or more and are secured by real property may be reportable. **Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.**

  When reporting a loan:
    - Provide the name and address of the lender.
    - Describe the lender's business activity.
    - Disclose the interest rate and term of the loan. For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period. The term of a loan is the total number of months or years given for repayment of the loan at the time the loan was established.
    - Check the box indicating the highest balance of the loan during the reporting period.
    - Identify a guarantor, if applicable.

If you have more than one reportable loan on a single piece of real property, report the additional loan(s) on Schedule C.

Example:

Allison Gande is a city planning commissioner. During the reporting period, Allison received rental income of $12,000, from a single tenant who rented property owned in the city's jurisdiction. If Allison received $6,000 each from two tenants, the tenants' names would not be required because no single tenant paid her $10,000 or more. A married couple is considered a single tenant.



ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS
4600 24th Street
CITY
Sacramento
FAIR MARKET VALUE
☐ $2,000 - $10,000
☐ $10,001 - $100,000
☒ $100,001 - $1,000,000
☐ Over $1,000,000
IF APPLICABLE, LIST DATE:
___/___/XX ACQUIRED ___/___/XX DISPOSED
NATURE OF INTEREST
☐ Ownership/Deed of Trust ☐ Easement
☐ Leasehold ____ Yrs. remaining ☐ ____ Other
IF RENTAL PROPERTY, GROSS INCOME RECEIVED
☐ $0 - $499 ☐ $500 - $1,000 ☐ $1,001 - $10,000
☒ $10,001 - $100,000 ☐ OVER $100,000
SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of $10,000 or more.
☐ None
Henry Wells
NAME OF LENDER*
Sophia Petroillo
ADDRESS (Business Address Acceptable)
2121 Blue Sky Parkway, Sacramento
BUSINESS ACTIVITY, IF ANY, OF LENDER
Restaurant Owner
INTEREST RATE
8 %
☐ None
TERM (Months/Years)
15 Years
HIGHEST BALANCE DURING REPORTING PERIOD
☐ $500 - $1,000 ☐ $1,001 - $10,000
☒ $10,001 - $100,000 ☐ OVER $100,000
☐ Guarantor, if applicable
Comments:

SCHEDULE C
Income, Loans, & Business Positions
(Other than Gifts and Travel Payments)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name

► 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED

☐ No Income - Business Position Only
☐ $500 - $1,000
☐ $1,001 - $10,000
☐ $10,001 - $100,000
☐ OVER $100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☐ Salary ☐ Spouse's or registered domestic partner's income (For self-employed use Schedule A-2.)

☐ Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.)

☐ Sale of _____ *(Real property, car, boat, etc.)*

☐ Loan repayment

☐ Commission or ☐ Rental Income, *list each source of $10,000 or more*

_____ *(Describe)*

☐ Other _____ *(Describe)*

► 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED

☐ No Income - Business Position Only
☐ $500 - $1,000
☐ $1,001 - $10,000
☐ $10,001 - $100,000
☐ OVER $100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☐ Salary ☐ Spouse's or registered domestic partner's income (For self-employed use Schedule A-2.)

☐ Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.)

☐ Sale of _____ *(Real property, car, boat, etc.)*

☐ Loan repayment

☐ Commission or ☐ Rental Income, *list each source of $10,000 or more*

_____ *(Describe)*

☐ Other _____ *(Describe)*

► 2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from a commercial lending institution, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF LENDER

HIGHEST BALANCE DURING REPORTING PERIOD

☐ $500 - $1,000
☐ $1,001 - $10,000
☐ $10,001 - $100,000
☐ OVER $100,000

INTEREST RATE

_____% ☐ None

TERM (Months/Years)

_____

SECURITY FOR LOAN

☐ None ☐ Personal residence

☐ Real Property _____ *Street address*

_____ *City*

☐ Guarantor _____

☐ Other _____ *(Describe)*

Comments: _____

Instructions – Schedule C
Income, Loans, & Business Positions
(Income Other Than Gifts and Travel Payments)

Reporting Income:
Report the source and amount of gross income of $500 or more you received during the reporting period. Gross income is the total amount of income before deducting expenses, losses, or taxes and includes loans other than loans from a commercial lending institution. (See Reference Pamphlet, page 12.) You must also report the source of income to your spouse or registered domestic partner if your community property share was $500 or more during the reporting period.

The source and income must be reported only if the source is located in, doing business in, planning to do business in, or has done business during the previous two years in your agency's jurisdiction. (See Reference Pamphlet, page 14.) Reportable sources of income may be further limited by your disclosure category located in your agency's conflict of interest code.

Reporting Business Positions:
You must report your job title with each reportable business entity even if you received no income during the reporting period. Use the comments section to indicate that no income was received.

Commonly reportable income and loans include:
- Salary/wages, per diem, and reimbursement for expenses including travel payments provided by your employer
- Community property interest (50%) in your spouse's or registered domestic partner's income - **report the employer's name and all other required information**
- Income from investment interests, such as partnerships, reported on Schedule A-1
- Commission income not required to be reported on Schedule A-2 (See Reference Pamphlet, page 9.)
- Gross income from any sale, including the sale of a house or car (Report your pro rata share of the total sale price.)
- Rental income not required to be reported on Schedule B
- Prizes or awards not disclosed as gifts
- Payments received on loans you made to others
- An honorarium received prior to becoming a public official (See Reference Pamphlet, page 11.)
- Incentive compensation (See Reference Pamphlet, page 13.)

Reminders
- Code filers – your disclosure categories may not require disclosure of all sources of income.
- 87200 Filers – if reporting prospective employment, use attachment Form 700-P available on the FPPC's e-filing portal. Do not use Schedule C to report prospective employment.
- If you or your spouse or registered domestic partner are self-employed, report the business entity on Schedule A-2.
- Do not disclose on Schedule C income, loans, or business positions already reported on Schedules A-2 or B.

You are <u>not</u> required to report:
- Salary, reimbursement for expenses or per diem, or social security, disability, or other similar benefit payments received by you or your spouse or registered domestic partner from a federal, state, or local government agency.
- Stock dividends and income from the sale of stock unless the source can be identified.
- Income from a PERS retirement account.

(See Reference Pamphlet, page 13.)

To Complete Schedule C:

Part 1. Income Received/Business Position Disclosure
- Disclose the name and address of each source of income or each business entity with which you held a business position.
- Provide a general description of the business activity if the source is a business entity.
- Check the box indicating the amount of gross income received.
- Identify the consideration for which the income was received.
- For income from commission sales, check the box indicating the gross income received and list the name of each source of commission income of $10,000 or more. (See Reference Pamphlet, page 9.) **Note: If you receive commission income on a regular basis or have an ownership interest of 10% or more, you must disclose the business entity and the income on Schedule A-2.**
- Disclose the job title or business position, if any, that you held with the business entity, even if you did not receive income during the reporting period.

Part 2. Loans Received or Outstanding During the Reporting Period
- Provide the name and address of the lender.
- Provide a general description of the business activity if the lender is a business entity.
- Check the box indicating the highest balance of the loan during the reporting period.
- Disclose the interest rate and the term of the loan.
  - For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period.
  - The term of the loan is the total number of months or years given for repayment of the loan at the time the loan was entered into.
- Identify the security, if any, for the loan.

CALIFORNIA FORM **700**
FAIR POLITICAL PRACTICES COMMISSION

Name

SCHEDULE D
Income – Gifts

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	$_____	_____
____/____/____	$_____	_____
____/____/____	$_____	_____

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	$_____	_____
____/____/____	$_____	_____
____/____/____	$_____	_____

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	$_____	_____
____/____/____	$_____	_____
____/____/____	$_____	_____

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	$_____	_____
____/____/____	$_____	_____
____/____/____	$_____	_____

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	$_____	_____
____/____/____	$_____	_____
____/____/____	$_____	_____

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	$_____	_____
____/____/____	$_____	_____
____/____/____	$_____	_____

Comments: _____

Instructions – Schedule D
Income – Gifts

A gift is anything of value for which you have not provided equal or greater consideration to the donor. A gift is reportable if its fair market value is $50 or more. In addition, multiple gifts totaling $50 or more received during the reporting period from a single source must be reported.

It is the acceptance of a gift, not the ultimate use to which it is put, that imposes your reporting obligation. Except as noted below, you must report a gift even if you never used it or if you gave it away to another person.

If the exact amount of a gift is unknown, you must make a good faith estimate of the item's fair market value. Listing the value of a gift as "over $50" or "value unknown" is not adequate disclosure. In addition, if you received a gift through an intermediary, you must disclose the name, address, and business activity of both the donor and the intermediary. You may indicate an intermediary either in the "source" field after the name or in the "comments" section at the bottom of Schedule D.

Commonly reportable gifts include:

- Tickets/passes to sporting or entertainment events
- Tickets/passes to amusement parks
- Parking passes not used for official agency business
- Food, beverages, and accommodations, including those provided in direct connection with your attendance at a convention, conference, meeting, social event, meal, or like gathering
- Rebates/discounts not made in the regular course of business to members of the public without regard to official status
- Wedding gifts (See Reference Pamphlet, page 17)
- An honorarium received prior to assuming office (You may report an honorarium as income on Schedule C, rather than as a gift on Schedule D, if you provided services of equal or greater value than the payment received. See Reference Pamphlet, page 11.)
- Transportation and lodging (See Schedule E.)
- Forgiveness of a loan received by you

Reminders

- Gifts from a single source are subject to a $630 limit for calendar years 2025 and 2026. The gift limit in calendar year 2024 was $590. (See Reference Pamphlet, page 11.)
- Code filers – you only need to report gifts from reportable sources.

You are <u>not</u> required to disclose:

- Gifts that were not used and that, within 30 days after receipt, were returned to the donor or delivered to a charitable organization or government agency without being claimed by you as a charitable contribution for tax purposes
- Gifts from your spouse or registered domestic partner, child, parent, grandparent, grandchild, brother, sister, and certain other family members (See Regulation 18942 for a complete list.). The exception does not apply if the donor was acting as an agent or intermediary for a reportable source who was the true donor.
- Gifts of similar value exchanged between you and an individual, other than a lobbyist registered to lobby your state agency, on holidays, birthdays, or similar occasions
- Gifts of informational material provided to assist you in the performance of your official duties (e.g., books, pamphlets, reports, calendars, periodicals, or educational seminars)
- A monetary bequest or inheritance (However, inherited investments or real property may be reportable on other schedules.)
- Personalized plaques or trophies with an individual value of less than $250
- Campaign contributions
- Up to two tickets, for your own use, to attend a fundraiser for a campaign committee or candidate, or to a fundraiser for an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The ticket must be received from the organization or committee holding the fundraiser.
- Gifts given to members of your immediate family if the source has an established relationship with the family member and there is no evidence to suggest the donor had a purpose to influence you. (See Regulation 18943.)
- Free admission, food, and nominal items (such as a pen, pencil, mouse pad, note pad or similar item) available to all attendees, at the event at which the official makes a speech (as defined in Regulation 18950(b)(2)), so long as the admission is provided by the person who organizes the event.
- Any other payment not identified above, that would otherwise meet the definition of gift, where the payment is made by an individual who is not a lobbyist registered to lobby the official's state agency, where it is clear that the gift was made because of an existing personal or business relationship unrelated to the official's position and there is no evidence whatsoever at the time the gift is made to suggest the donor had a purpose to influence you.

To Complete Schedule D:

- Disclose the full name (not an acronym), address, and, if a business entity, the business activity of the source.
- Provide the date (month, day, and year) of receipt, and disclose the fair market value and description of the gift.

CALIFORNIA FORM **700**
FAIR POLITICAL PRACTICES COMMISSION

Name _____

SCHEDULE E
Income – Gifts
Travel Payments, Advances, and Reimbursements

- **Mark either the gift or income box.**
- **Mark the "501(c)(3)" box for a travel payment received from a nonprofit 501(c)(3) organization or the "Speech" box if you made a speech or participated in a panel. Per Government Code Section 89506, these payments may not be subject to the gift limit. However, they may result in a disqualifying conflict of interest.**
- **For gifts of travel, provide the travel destination.**

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

CITY AND STATE

☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE(S): ____/____/____ - ____/____/____ AMT: $_____
(If gift)

► MUST CHECK ONE: ☐ Gift **-or-** ☐ Income

☐ Made a Speech/Participated in a Panel

☐ Other - Provide Description _____

► If Gift, Provide Travel Destination _____

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

CITY AND STATE

☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE(S): ____/____/____ - ____/____/____ AMT: $_____
(If gift)

► MUST CHECK ONE: ☐ Gift **-or-** ☐ Income

☐ Made a Speech/Participated in a Panel

☐ Other - Provide Description _____

► If Gift, Provide Travel Destination _____

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

CITY AND STATE

☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE(S): ____/____/____ - ____/____/____ AMT: $_____
(If gift)

► MUST CHECK ONE: ☐ Gift **-or-** ☐ Income

☐ Made a Speech/Participated in a Panel

☐ Other - Provide Description _____

► If Gift, Provide Travel Destination _____

► NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

CITY AND STATE

☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE(S): ____/____/____ - ____/____/____ AMT: $_____
(If gift)

► MUST CHECK ONE: ☐ Gift **-or-** ☐ Income

☐ Made a Speech/Participated in a Panel

☐ Other - Provide Description _____

► If Gift, Provide Travel Destination _____

Comments: _____

Instructions – Schedule E
Travel Payments, Advances, and Reimbursements

Travel payments reportable on Schedule E include advances and reimbursements for travel and related expenses, including lodging and meals.

Gifts of travel may be subject to the gift limit. In addition, certain travel payments are reportable gifts, but are not subject to the gift limit. To avoid possible misinterpretation or the perception that you have received a gift in excess of the gift limit, you may wish to provide a specific description of the purpose of your travel. (See the FPPC fact sheet entitled "Limitations and Restrictions on Gifts, Honoraria, Travel, and Loans" to read about travel payments under section 89506(a).)

You are <u>not</u> required to disclose:

- Travel payments received from any state, local, or federal government agency for which you provided services equal or greater in value than the payments received, such as reimbursement for travel on agency business from your government agency employer.
- A payment for travel from another local, state, or federal government agency and related per diem expenses when the travel is for education, training or other inter-agency programs or purposes.
- Travel payments received from your employer in the normal course of your employment that are included in the income reported on Schedule C.
- A travel payment that was received from a nonprofit entity exempt from taxation under Internal Revenue Code Section 501(c)(3) for which you provided equal or greater consideration, such as reimbursement for travel on business for a 501(c)(3) organization for which you are a board member.

  Note: Certain travel payments may not be reportable if reported via email on Form 801 by your agency.

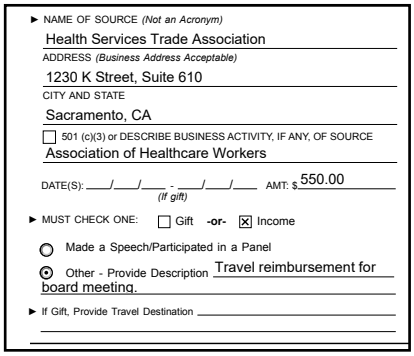
To Complete Schedule E:

- Disclose the full name (not an acronym) and address of the source of the travel payment.
- Identify the business activity if the source is a business entity.
- Check the box to identify the payment as a gift or income, report the amount, and disclose the date(s).
  - **Travel payments are gifts** if you did not provide services that were equal to or greater in value than the payments received. You must disclose gifts totaling $50 or more from a single source during the period covered by the statement.

    When reporting travel payments that are gifts, you must provide a description of the gift, the **date(s)** received, and the **travel destination.**
  - **Travel payments are income** if you provided services that were equal to or greater in value than the payments received. You must disclose income totaling $500 or more from a single source during the period covered by the statement. You have the burden of proving the payments are income rather than gifts. When reporting travel payments as income, you must describe the services you provided in exchange for the payment. You are not required to disclose the date(s) for travel payments that are income.

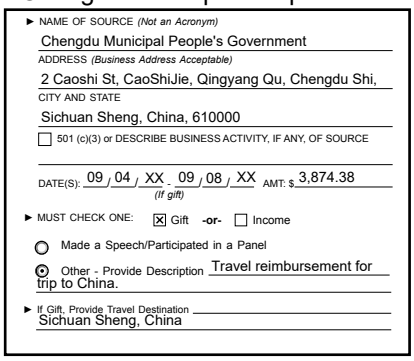
Example:

City council member MaryClaire Chandler is the chair of a 501(c)(6) trade association, and the association pays for MaryClaire's travel to attend its meetings. Because MaryClaire is deemed to be providing equal or greater consideration for the travel payment by virtue of serving on the board, this payment may be reported as income. Payments for MaryClaire to attend other events for which they are not providing services are likely considered gifts. Note that the same payment from a 501(c)(3) would NOT be reportable.


► NAME OF SOURCE *(Not an Acronym)*
Health Services Trade Association
ADDRESS *(Business Address Acceptable)*
1230 K Street, Suite 610
CITY AND STATE
Sacramento, CA
☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE
Association of Healthcare Workers
DATE(S): ___/___/___ - ___/___/___ *(If gift)* AMT: $ 550.00
► MUST CHECK ONE: ☐ Gift -or- ☒ Income
○ Made a Speech/Participated in a Panel
⊙ Other - Provide Description Travel reimbursement for board meeting.
► If Gift, Provide Travel Destination

Example:

Mayor Kim travels to China on a trip organized by China Silicon Valley Business Development, a California nonprofit, 501(c)(6) organization. The Chengdu Municipal People's Government pays for Mayor Kim's airfare and travel costs, as well as meals and lodging during the trip. The trip's agenda shows that the trip's purpose is to promote job creation and economic activity in China and in Silicon Valley, so the trip is reasonably related to a governmental purpose. Thus, Mayor Kim must report the gift of travel, but the gift is exempt from the gift limit. In this case, the travel payments are not subject to the gift limit because the source is a foreign government and because the travel is reasonably related to a governmental purpose. (Section 89506(a)(2).) Note that Mayor Kim could be disqualified from participating in or making decisions about The Chengdu Municipal People's Government for 12 months. Also note that if China Silicon Valley Business Development (a 501(c)(6) organization) paid for the travel costs rather than the governmental organization, the payments would be subject to the gift limits. (See the FPPC fact sheet, Limitations and Restrictions on Gifts, Honoraria, Travel and Loans, at www.fppc.ca.gov.)


► NAME OF SOURCE *(Not an Acronym)*
Chengdu Municipal People's Government
ADDRESS *(Business Address Acceptable)*
2 Caoshi St, CaoShiJie, Qingyang Qu, Chengdu Shi,
CITY AND STATE
Sichuan Sheng, China, 610000
☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE
DATE(S): 09/04/XX - 09/08/XX *(If gift)* AMT: $ 3,874.38
► MUST CHECK ONE: ☒ Gift -or- ☐ Income
○ Made a Speech/Participated in a Panel
⊙ Other - Provide Description Travel reimbursement for trip to China.
► If Gift, Provide Travel Destination
Sichuan Sheng, China

Restrictions and Prohibitions

The Political Reform Act (Gov. Code Sections 81000-91014) requires most state and local government officials and employees to publicly disclose their economic interests including personal assets and income. The Act's conflict of interest provisions also disqualify a public official from taking part in a governmental decision if it is reasonably foreseeable that the decision will have a material financial effect on these economic interests as well as the official's personal finances and those of immediate family. (Gov. Code Sections 87100 and 87103.) The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the attached Statement of Economic Interests, Form 700, and for interpreting the Act's provisions.

Gift Prohibition

Gifts received by most state and local officials, employees, and candidates are subject to a limit. In 2025-2026, the gift limit increased to $630 from a single source during a calendar year. The gift limit in calendar year 2024 was $590.

Additionally, state officials, state candidates, and certain state employees are subject to a $10 limit per calendar month on gifts from lobbyists and lobbying firms registered with the Secretary of State. See Reference Pamphlet, page 11.

State and local officials and employees should check with their agency to determine if other restrictions apply.

Disqualification

Public officials are, under certain circumstances, required to disqualify themselves from making, participating in, or attempting to influence governmental decisions that will affect their economic interests. This may include interests they are not required to disclose. For example, a personal residence is often not reportable, but may be grounds for disqualification. Specific disqualification requirements apply to 87200 filers (e.g., city councilmembers, members of boards of supervisors, planning commissioners, etc.). These officials must publicly identify the economic interest that creates a conflict of interest and leave the room before a discussion or vote takes place at a public meeting. For more information, consult Government Code Section 87105, Regulation 18707, and the Guide to Recognizing Conflicts of Interest page at *www.fppc.ca.gov.*

Honorarium Ban

Most state and local officials, employees, and candidates are prohibited from accepting an honorarium for any speech given, article published, or attendance at a conference, convention, meeting, or like gathering. (See Reference Pamphlet, page 11.)

Loan Restrictions

Certain state and local officials are subject to restrictions on loans. (See Reference Pamphlet, page 15.)

Post-Governmental Employment

There are restrictions on representing clients or employers before former agencies. The provisions apply to elected state officials, most state employees, local elected officials, county chief administrative officers, city managers, including the chief administrator of a city, and general managers or chief administrators of local special districts and JPAs. The FPPC website has fact sheets explaining the provisions.

Late Filing

The filing officer who retains originally-signed or electronically filed statements of economic interests may impose on an individual a fine for any statement that is filed late. The fine is $10 per day up to a maximum of $100. Late filing penalties may be reduced or waived under certain circumstances.

Persons who fail to timely file their Form 700 may be referred to the FPPC's Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to $5,000 per violation may be imposed.

For assistance concerning reporting, prohibitions, and restrictions under the Act:

- Email questions to advice@fppc.ca.gov.
- Call the FPPC toll-free at (866) 275-3772.

Form 700 is a Public Document Public Access Must Be Provided

Statements of Economic Interests are public documents. The filing officer must permit any member of the public to inspect and receive a copy of any statement.

- Statements must be available as soon as possible during the agency's regular business hours, but in any event not later than the second business day after the statement is received. Access to the Form 700 is not subject to the Public Records Act procedures.
- No conditions may be placed on persons seeking access to the forms.
- No information or identification may be required from persons seeking access.
- Reproduction fees of no more than 10 cents per page may be charged.

Questions and Answers

General

Q. What is the reporting period for disclosing interests on an assuming office statement or a candidate statement?

A. On an assuming office statement, disclose all reportable investments, interests in real property, and business positions held on the date you assumed office. In addition, you must disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you assumed office.

On a candidate statement, disclose all reportable investments, interests in real property, and business positions held on the date you file your declaration of candidacy. You must also disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you file your declaration of candidacy.

Q. I hold two other board positions in addition to my position with the county. Must I file three statements of economic interests?

A. Yes, three are required. However, you may instead complete an expanded statement listing the county and the two boards on the Cover Page or an attachment as the agencies for which you will be filing. Disclose all reportable economic interests in all three jurisdictions on the expanded statement. File the expanded statement for your primary position providing an original "wet" signature unless filed with a secure electronic signature. (See page 4 above.) File copies of the expanded statement with the other two agencies as required by Regulation 18723.1(c). Remember to complete separate statements for positions that you leave or assume during the year.

Q. I am a department head who recently began acting as city manager. Should I file as the city manager?

A. Yes. File an assuming office statement as city manager. Persons serving as "acting," "interim," or "alternate" must file as if they hold the position because they are or may be performing the duties of the position.

Q. My spouse and I are currently separated and in the process of obtaining a divorce. Must I still report my spouse's income, investments, and interests in real property?

A. Yes. A public official must continue to report a spouse's economic interests until such time as dissolution of marriage proceedings is final. However, if a separate property agreement has been reached prior to that time, your estranged spouse's income may not have to be reported. Contact the FPPC for more information.

Q. As a designated employee, I left one state agency to work for another state agency. Must I file a leaving office statement?

A. Yes. You may also need to file an assuming office statement for the new agency.

Investment Disclosure

Q. I have an investment interest in shares of stock in a company that does not have an office in my jurisdiction. Must I still disclose my investment interest in this company?

A. Probably. The definition of "doing business in the jurisdiction" is not limited to whether the business has an office or physical location in your jurisdiction. (See Reference Pamphlet, page 14.)

Q. My spouse and I have a living trust. The trust holds rental property in my jurisdiction, our primary residence, and investments in diversified mutual funds. I have full disclosure. How is this trust disclosed?

A. Disclose the name of the trust, the rental property and its income on Schedule A-2. Your primary residence and investments in diversified mutual funds registered with the SEC are not reportable.

Q. I am required to report all investments. I have an IRA that contains stocks through an account managed by a brokerage firm. Must I disclose these stocks even though they are held in an IRA and I did not decide which stocks to purchase?

A. Yes. Disclose on Schedule A-1 or A-2 any stock worth $2,000 or more in a business entity located in or doing business in your jurisdiction.

Q. The value of my stock changed during the reporting period. How do I report the value of the stock?

A. You are required to report the highest value that the stock reached during the reporting period. You may use your monthly statements to determine the highest value. You may also use the entity's website to determine the highest value. You are encouraged to keep a record of where you found the reported value. Note that for an assuming office statement, you must report the value of the stock on the date you assumed office.

Q. I am the sole owner of my business, an S-Corporation. I believe that the nature of the business is such that it cannot be said to have any "fair market value" because it has no assets. I operate the corporation under an agreement with a large insurance company. My contract does not have resale value because of its nature as a personal services contract. Must I report the fair market value for my business on Schedule A-2 of the Form 700?

A. Yes. Even if there are no *tangible* assets, intangible assets, such as relationships with companies and clients are commonly sold to qualified professionals. The "fair market value" is often quantified for other purposes, such as marital dissolutions or estate planning. In addition, the IRS presumes that "personal services corporations" have a fair market value. A professional "book of business" and the associated goodwill that generates income are not without a determinable value. The Form 700 does not require a precise fair market value; it is only necessary to check a box indicating the broad range within which the value falls.

Q. I own stock in IBM and must report this investment on Schedule A-1. I initially purchased this stock in the early 1990s; however, I am constantly buying and selling shares. Must I note these dates in the "Acquired" and "Disposed" fields?

A. No. You must only report dates in the "Acquired" or "Disposed" fields when, during the reporting period, you initially purchase a reportable investment worth $2,000 or more or when you dispose of the entire investment. You are not required to track the partial trading of an investment.

Q. On last year's filing I reported stock in Encoe valued at $2,000 - $10,000. Late last year the value of this stock fell below and remains at less than $2,000. How should this be reported on this year's statement?

A. You are not required to report an investment if the value was less than $2,000 during the **entire** reporting period. However, because a disposed date is not required for stocks that fall below $2,000, you may want to report the stock and note in the "comments" section that the value fell below $2,000. This would be for informational purposes only; it is not a requirement.

Q. We have a Section 529 account set up to save money for our son's college education. Is this reportable?

A. If the Section 529 account contains reportable interests (e.g., common stock valued at $2,000 or more), those interests are reportable (not the actual Section 529 account). If the account contains solely mutual funds, then nothing is reported.

Income Disclosure

Q. I reported a business entity on Schedule A-2. Clients of my business are located in several states. Must I report all clients from whom my pro rata share of income is $10,000 or more on Schedule A-2, Part 3?

A. No, only the clients located in or doing business on a regular basis in your jurisdiction must be disclosed.

Q. I believe I am not required to disclose the names of clients from whom my pro rata share of income is $10,000 or more on Schedule A-2 because of their right to privacy. Is there an exception for reporting clients' names?

A. Regulation 18740 provides a procedure for requesting an exemption to allow a client's name not to be disclosed if disclosure of the name would violate a legally recognized privilege under California or Federal law. This regulation may be obtained from our website at *www.fppc.ca.gov. (*See Reference Pamphlet, page 15.)

Q. I am sole owner of a private law practice that is not reportable based on my limited disclosure category. However, some of the sources of income to my law practice are from reportable sources. Do I have to disclose this income?

A. Yes, even though the law practice is not reportable, reportable sources of income to the law practice of $10,000 or more must be disclosed. This information would be disclosed on Schedule C with a note in the "comments" section indicating that the business entity is not a reportable investment. The note would be for informational purposes only; it is not a requirement.

Q. I am the sole owner of my business. Where do I disclose my income - on Schedule A-2 or Schedule C?

A. Sources of income to a business in which you have an ownership interest of 10% or greater are disclosed on Schedule A-2. (See Reference Pamphlet, page 9.)

Q. My spouse is a partner in a four-person firm where all of their business is based on their own billings and collections from various clients. How do I report my community property interest in this business and the income generated in this manner?

A. If your spouse's investment in the firm is 10% or greater, disclose 100% of your spouse's share of the business on Schedule A-2, Part 1 and 50% of your spouse's income on Schedule A-2, Parts 2 and 3. For example, a client of your spouse's must be a source of at least $20,000 during the reporting period before the client's name is reported.

Q. How do I disclose my spouse's or registered domestic partner's salary?

A. Report the name of the employer as a source of income on Schedule C.

Q. I am a doctor. For purposes of reporting $10,000 sources of income on Schedule A-2, Part 3, are the patients or their insurance carriers considered sources of income?

A. If your patients exercise sufficient control by selecting you instead of other doctors, then your patients, rather than their insurance carriers, are sources of income to you. (See Reference Pamphlet, page 15.)

Q. I received a loan from my grandfather to purchase my home. Is this loan reportable?

A. No. Loans received from family members are not reportable.

Q. Many years ago, I loaned my parents several thousand dollars, which they paid back this year. Do I need to report this loan repayment on my Form 700?

A. No. Payments received on a loan made to a family member are not reportable.

Real Property Disclosure

Q. During this reporting period we switched our principal place of residence into a rental. I have full disclosure and the property is located in my agency's jurisdiction, so it is now reportable. Because I have not reported this property before, do I need to show an "acquired" date?

A. No, you are not required to show an "acquired" date because you previously owned the property. However, you may want to note in the "comments" section that the property was not previously reported because it was used exclusively as your residence. This would be for informational purposes only; it is not a requirement.

Q. I am a city manager, and I own a rental property located in an adjacent city, but one mile from the city limit. Do I need to report this property interest?

A. Yes. You are required to report this property because it is located within 2 miles of the boundaries of the city you manage.

Q. Must I report a home that I own as a personal residence for my daughter?

A. You are not required to disclose a home used as a personal residence for a family member unless you receive income from it, such as rental income.

Q. I am a co-signer on a loan for a rental property owned by a friend. Since I am listed on the deed of trust, do I need to report my friend's property as an interest in real property on my Form 700?

A. No. Simply being a co-signer on a loan for property does not create a reportable interest in that real property.

Gift Disclosure

Q. If I received a reportable gift of two tickets to a concert valued at $100 each, but gave the tickets to a friend because I could not attend the concert, do I have any reporting obligations?

A. Yes. Since you accepted the gift and exercised discretion and control of the use of the tickets, you must disclose the gift on Schedule D.

Q. Julia and Jared Benson, a married couple, want to give a piece of artwork to a county supervisor. Is each spouse considered a separate source for purposes of the gift limit and disclosure?

A. Yes, each spouse may make a gift valued at the gift limit during a calendar year. For example, during 2025 the gift limit was $630, so the Bensons may have given the supervisor artwork valued at no more than $1,260. The supervisor must identify Jared and Julia Benson as the sources of the gift.

Q. I am a Form 700 filer with full disclosure. Our agency holds a holiday raffle to raise funds for a local charity. I bought $10 worth of raffle tickets and won a gift basket valued at $120. The gift basket was donated by Doug Brewer, a citizen in our city. At the same event, I bought raffle tickets for, and won a quilt valued at $70. The quilt was donated by a coworker. Are these reportable gifts?

A. Because the gift basket was donated by an outside source (not an agency employee), you have received a reportable gift valued at $110 (the value of the basket less the consideration paid). The source of the gift is Doug Brewer and the agency is disclosed as the intermediary. Because the quilt was donated by an employee of your agency, it is not a reportable gift.

Q. My agency is responsible for disbursing grants. An applicant (501(c)(3) organization) met with agency employees to present its application. At this meeting, the applicant provided food and beverages. Would the food and beverages be considered gifts to the employees? These employees are designated in our agency's conflict of interest code and the applicant is a reportable source of income under the code.

A. Yes. If the value of the food and beverages consumed by any one filer, plus any other gifts received from the same source during the reporting period total $50 or more, the food and beverages would be reported using the fair market value and would be subject to the gift limit.

Q. I received free admission to an educational conference related to my official duties. Part of the conference fees included a round of golf. Is the value of the golf considered informational material?

A. No. The value of personal benefits, such as golf, attendance at a concert, or sporting event, are gifts subject to reporting and limits.

SECTION 7

2025

Conflicts of Interest HANDBOOK

Summary of the Major Provisions and Requirements of Principal Conflicts of Interest Laws and Regulations

› Updated including changes effective January 1, 2025

RWG LAW

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INTRODUCTION

This Handbook is prepared to provide you with a summary of the major provisions of California's principal conflicts of interest laws and regulations. The text of the laws and regulations referenced in this Handbook can be found on the websites for the California Legislature (http://leginfo.legislature.ca.gov/faces/codes.xhtml) and the Fair Political Practices Commission ("FPPC") (http://www.fppc.ca.gov/the-law.html).

This Handbook is designed to familiarize city officials and staff with California's principal conflicts of interest laws and regulations. Because the laws and regulations change frequently, we recommend that you use this Handbook to become familiar with the basic principles of the conflict laws and regulations, but we also recommend that you contact your city attorney or agency counsel as soon as you think that you may have a potential conflict of interest. We would be glad to help you analyze a potential conflict of interest and/or contact the FPPC for guidance.

We hope you find this Handbook useful. Should you have any questions about the information included in this Handbook, please do not hesitate to contact us.

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Summary of the Major Provisions and Requirements of Principal Conflicts of Interest Laws and Regulations



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Summary of the Major Provisions and Requirements of Principal Conflicts of Interest Laws and Regulations

I. LAWS AND REGULATIONS AFFECTING DECISION-MAKING

A. The Political Reform Act

In 1974, California voters approved Proposition 9, a statewide initiative titled "the Political Reform Act" (the "Act" or the "PRA"). Gov't Code § 81000 *et seq.*[1] At the time, the measure was the most detailed disclosure law in the nation, and it included new requirements for reporting campaign and lobbying activities. Although the Act was initially written before the Watergate scandal broke, by the time Proposition 9 appeared on the ballot, the drama had unfolded, and nationwide reform proposals were being drafted.

The Act passed by an overwhelming majority, and one of its provisions created a new state agency called the Fair Political Practices Commission ("FPPC"). The FPPC was charged with interpreting and enforcing the Act, and pursuant to this authority, the agency drafted a series of regulations. Since the Act went into effect in 1975, the FPPC has issued new regulations and amendments to existing regulations almost every year.

The Act covers numerous topics germane to ethical behavior in public office—financial data reporting obligations, lobbying restrictions, required campaign disclosures, limitations on campaign financing, proscriptions on mass mailings, restrictions on gifts and honoraria, and most significantly, prohibitions on conflicts of interest in the making of governmental decisions. The Act also contains reporting procedures for financial interests and campaign contributions, as well as disqualification requirements when certain financial interests or campaign contribution standards are satisfied.

Please note that this Handbook is general in nature and may not cover all aspects of an actual conflicts of interest issue. Thus, it is not intended to constitute advice on specific conflicts of interest questions. In the event you have concerns about a possible conflict of interest, you should contact your city attorney or agency counsel for further advice.

[1] All statutory references are to the California Government Code unless otherwise indicated. Regulations of the FPPC are referred to as "Regulation."

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1. Disclosure Requirements Under the Political Reform Act

a. Statements of Economic Interests

The Act requires public officials to disclose assets and income that may be materially affected by their official actions by filing a "Statement of Economic Interests" (also known as a "Form 700"). § 87202; Regulation 18722. The requirement applies to council members, judges, elected state officers, members of planning commissions, members of boards of supervisors, district attorneys, county counsels, city managers, city attorneys, city treasurers and other public officials who manage public investments, and to candidates for any of these offices at any election all of whom are referred to as "87200 filers.". § 87200. If a public official holds multiple positions subject to reporting requirements, the public official may choose to complete a separate Form 700 for each position or a single "Expanded Statement of Economic Interests." Regulation 18723.1.

Officials must file the Form 700 within 30 days after assuming office, and candidates must file no later than the final filing date of a declaration of candidacy. §§ 87201-02; Regulation 18722-23. An official must file annually thereafter until he or she leaves office, at which point he or she must file a final statement. §§ 87202-04; Regulation 18722. The required disclosures on the Form 700 include:

- Investments in business entities (e.g., stock holdings, owning a business, a partnership) that are located or do business in the jurisdiction;[2]
- Interests in real estate (real property) in the jurisdiction, but not including the official's home address;
- Sources of personal income,[3] including gifts, loans, and travel payments;[4] and
- Positions of management or employment with business entities that do business in the jurisdiction.

§ 87203; 87209. If the official no longer holds certain investments and real property interests at the time of filing, but held them during the 12 months prior to filing, he or she must still disclose those interests on the Form 700. *Id.* The Form 700 is a public document open to inspection and duplication.

[2] The term "Investment" is defined to exclude cryptocurrency holdings, and diversified mutual funds, exchange traded funds, or closed-end funds that pool money from more than 100 investors and hold securities of more than 15 issuers and which does not have a stated policy of concentrating holdings in the same industry or business. Regulation 18237.

[3] In some instances, an official may need to disclose the sources of income to a business entity in which the official has an ownership interest if the official owns at least 10 percent of a business. In that case, the official would be required to disclose a source of income to the business as a source of income to the official if the official's pro rata share of gross receipts from that source exceeds $10,000 in aggregate during the reporting period. § 87207(b). In those cases, the official must report the name, address, and a general description of the business activity of the business entity, as well as the name of the source of income that aggregates to $10,000 or more. *Id.*

[4] If an official receives a gift that is a travel payment, advance, or reimbursement valued at $50 or more, the official must also disclose the travel destination. § 87207(a)(4).

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For public officials not covered by the requirements of Section 87203, including employees of state and local government agencies, it is up to the agencies that employ them to decide what their disclosure requirements are. These locally designated positions are referred to as "designated positions" and as "code filers." Each state and local agency must adopt a conflicts of interest code tailoring the disclosure requirements for each designated position within the agency to the types of governmental decisions a person holding that position would make. For example, an employee who approves contracts for goods or services purchased by his or her agency would not be required to disclose real estate interests, but would be required to disclose investments in and income from individuals and entities that supply equipment, materials, or services to the agency. §§ 87300-02.

Effective January 1, 2025, 87200 filers such as city councilmembers, mayors, city treasurers, city attorneys, and candidates for those positions as well as city planning commissioners are to file their Form 700s electronically with the FPPC through the FPPC's portal. § 87500 (a)(2)(H) and (I). The FPPC is required to redact the signature, telephone number, email address and mailing address of the filer, and at the request of the filer and if the personal residence is also a business address or the address of a tenant, the street name and building number of the filer's personal residence. § 87500.3. Persons holding a designated position will continue to file their Form 700s with their local city clerk or agency secretary.

A city that maintains an internet website must post a list of the elected officers who file a Form 700 with that city. A statement must also be posted on the website indicating that these Form 700s may be obtained by visiting the FPPC office or the city clerk's office. The statement must include the physical address for both the FPPC and the city clerk's office. Finally, a link to the FPPC website must be posted with a statement that indicates that Form 700 "for some state and local government agency elected officers may be available in electronic format" on the FPPC's internet website. § 87505.

A local agency may establish a system for the electronic filing of Form 700s for persons holding designated positions in a local conflict of interest code, in accordance with State law. § 87500.2; Regulation 18756. Public officials holding designated positions should seek guidance from the local filing officer as to the appropriate procedure and format for filing a Form 700.

b. Behested Payments

There are also disclosure requirements for certain fundraising activities that elected officials perform for others, including in their capacity as employees or board members of nonprofit organizations. Elected officials who successfully solicit one or more contributions for "legislative, governmental, or charitable purposes" that equal or exceed $5,000 in the aggregate from the same source during a single calendar year must file a report with the official's agency (typically the city clerk) within 30 days of reaching the $5,000 threshold. § 84224(a).

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The report must contain the following information:

- The contributor's name and address;
- The amount of the contribution;
- The date or dates on which the payments were made;
- The name and address of the contribution recipient;
- If goods or services were contributed, a description of those goods and services; and
- A description of the purpose or event for which the contribution was made.

The report must also include the following information to the extent known to the elected official:

- A brief description[5] of the relationship between the nonprofit organization and the elected official, their family member, member of their campaign, or member of their staff; and
- A brief description of any proceedings before the elected official's agency at the time of the payment or 12 months before the payment, in which the nonprofit organization is a named party or subject of the decision.

Regulation 18424. The statute does not define the term "legislative, governmental, or charitable purposes," but charitable purposes typically involve 501(c)(3) organizations. Examples of "governmental" purposes include fundraising for a new city hall roof, an inaugural celebration committee,[6] litigation expenses,[7] a breakfast honoring public safety personnel,[8] and youth conferences.[9] The term "legislative purpose," in turn, refers to a 1996 FPPC opinion in which a state senator asked a private party to pay for a witness's airfare and expenses to testify at a legislative hearing.[10]

These reporting requirements also apply if the payment is "made at the behest of" the elected officer, even if the officer did not actively solicit contributions. §§ 82004.5, 82041.3. A payment is "made at the behest of" an elected officer when it is made "under the control or at the direction of, in cooperation, consultation, coordination, or

[5] A "brief description" includes any decision making capacity within the organization, salaried employment, status as a founding member, and honorary or advisory board positions. Regulation 18424(a).
[6] *Sutton* Advice Letter, No. A-05-256, 2005 WL 3693740 (2005).
[7] *Stoen* Advice Letter, No. A-03-185, 2004 WL 334564 (2004) (district attorney's expenses in suing a private company when governing body withdrew funding for effort).
[8] *Gallegos* Advice Letter, No. A-00-059, 2000 WL 311529 (2000).
[9] *Gallegos* Advice Letter, No. A-98-192, 1998 WL 671296 (1998).
[10] *Schmidt* Advice Letter, No. A-96-098, 1996 WL 779579 (1996).

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concert with, at the request or suggestion of, or with the express, prior consent of" that officer. *Id*.

This disclosure requirement does not apply to a behested payment made by a local, state, or federal governmental agency for a principally legislative or governmental purpose. § 84224(b)(4).

2. Conflicts of Interest Under the Political Reform Act

In addition to the disclosure requirements, the Act requires public officials to disqualify themselves from making, participating in making, or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. § 87100; Regulation 18700. An official has a disqualifying financial interest in a decision if the decision will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, directly on the official or a member of the official's immediate family, or on certain listed financial interests. *Id*. The listed financial interests are:

- Any business entity in which the public official has a direct or indirect investment worth $2,000 or more.
- Any real property in which the public official has a direct or indirect interest worth $2,000 or more.
- Any source of income, including commission income or incentive income, aggregating to at least $500 within 12 months prior to the time when the decision is made. The $500 must be provided or promised to, or received by, the official during the 12 months before the decision.
- Any business entity (excluding nonprofit corporations) in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.
- Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating $630 or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made.

§ 87103; Regulations 18700 and 18940.2. The FPPC regulations interpret and provide guidance for most of the terms used in the Act. The FPPC also provides standards for determining if each element of the Act's prohibitions has been satisfied.

3. The FPPC's Test for Analyzing Conflicts of Interest

The FPPC advises a public official to follow a four-part test to analyze a potential conflict of interest that is set forth in Regulation 18700(d).

The FPPC's four-part test assumes that an official already has determined whether he or she is a public official within the meaning of the Act. The test also assumes that the

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official has identified the financial interests that may be affected by a particular governmental decision. Since these two steps are necessary for a complete analysis, we recommend that public officials follow the seven steps described below, which incorporate these two initial steps as well as the FPPC's four-part test.

STEP ONE: IS A PUBLIC OFFICIAL INVOLVED?

Determine whether the individual is a public official within the meaning of the Act.

The Act applies only to "public officials." Regulation 18700(b). A "public official" is defined to include a "member, officer, employee, or consultant" of a state or local government agency. § 82048; Regulation 18700(c). The regulations define "member" and "consultant" as follows:

- A "member" does not include an individual who performs duties as part of a committee, board, commission, group, or other body that does not have decision-making authority. A board or commission possesses decision-making authority if: (i) it may make a final governmental decision, (ii) it may compel or prevent a governmental decision by reason of an exclusive power to initiate the decision or by reason of a veto that may not be overridden, or (iii) it makes substantive recommendations, which, over an extended period of time, have been regularly approved without significant amendment or modification by another official or agency. Regulation 18700(c)(2).

- A "consultant"[11] includes an individual who, pursuant to a contract with a state or local government agency, makes specific kinds of governmental decisions or serves in a staff capacity with the agency and either participates in governmental decisions or performs the same or substantially all of the same duties that would otherwise be performed by a person in a position listed in the agency's conflict of interest code. Regulation 18700.3.

STEP TWO: WHAT ARE THE PUBLIC OFFICIAL'S FINANCIAL INTERESTS?

Identify the public official's financial interests.

A public official's financial interests include certain business entities, real property, sources of income, and donors of gifts (as well as intermediaries and agents of such donors). Regulation 18700(c)(6). More specifically, a public official has a financial interest in any of the following:

[11] For more on who constitutes a "consultant" subject to the Act, see, e.g., *Ennis* Advice Letter, FPPC No. A-15-006, 2015 WL 1781144 (2015).

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- A business entity in which the official has a direct or indirect investment worth at least $2,000.[12] (Note: In certain situations, this can include a parent,[13] subsidiary,[14] or otherwise related[15] business entity.[16])

- Any real property in which the public official has a direct or indirect interest worth at least $2,000.[17] Real property interests include all leases except month-to-month leases and leases with terms shorter than a month. Regulation 18233.

- Any "source of income" of at least $500 that is provided or promised to the public official, and received by the public official within 12 months prior to a governmental decision, not including gifts and loans by banks available to the general public. Income is "promised to" the official if he or she has a "legally enforceable right to the promised income." Regulation 18700(c)(6)(C). The term "source of income" may include individuals, organizations, and businesses. If the "source of income" is a business that provides or promises the official at least $500 within 12 months prior to a governmental decision, the official also has a source-of-income interest in: (1) any individual owning at least a 50 percent interest in that business, and (2) any individual who has the power to direct or cause the direction of management and policies of the business. Regulation 18700.1(a)(2).

- Any business entity in which the public official is a director, officer, partner, trustee, or employee, or holds any position of management. (Note: Again, this may include a parent, subsidiary, or otherwise related business entity.)

- Any donor of gifts, or any intermediary or agent for a donor of gifts, amounting to at least $630 where that amount is provided to, received by, or promised to the official in the 12 months prior to a governmental decision. Regulation 18700(c)(6)(E), 18940.2.

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[12] The FPPC has determined that membership in a country club is a financial interest in the club as a business entity when the membership is transferrable and can be resold for profit or loss. *Gee* Advice Letter, FPPC No. A-17-249, 2018 WL 723401 (2018).

[13] A business entity is a "parent" if it is a corporation that controls more than 50 percent of the voting stock of another corporation; the parent corporation is also a parent to any subsidiaries of the corporation that it controls. Regulation 18700.2 (b)(1).

[14] A business entity is a "subsidiary" if it is a corporation whose voting stock is more than 50 percent controlled by another corporation; the subsidiary corporation is also a subsidiary to any corporation that controls its parent corporation. Regulation 18700.2 (b)(2).

[15] Business entities, other than a parent corporation, are "otherwise related" if (1) the same person or persons together direct or control each business entity, or (2) the same person or persons together have a 50 percent or greater ownership interest in each business entity. Regulation 18700.2 (b)(3).

[16] An official with a financial interest in a business entity also has an interest in a parent or subsidiary of the business entity or an otherwise related business entity, unless (1) the official's only interest is that of a shareholder and the official is a passive shareholder with less than 5 percent of the shares of the corporation, and (2) the parent corporation is required to file annual Form 10-K or 20-F Reports with the Securities and Exchange Commission and has not identified the subsidiary on those forms or its annual report. Regulation 18700.2 (c)-(d).

[17] The FPPC has determined that membership in a country club is a financial interest in real property when the member would be entitled to a proportionate share of the value of the club's assets if the club were dissolved. *Gee* Advice Letter, FPPC No. A-17-249, 2018 WL 723401 (2018).

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- The personal finances of the public official and immediate family.[18] This is a sort of "catch-all" provision that is meant to address economic interests of a public official and his or her immediate family that do not qualify as investments, property, or business entities, but are nonetheless potentially affected by government decisions.

§§ 82047, 87103; Regulations 18700, 18940.2. The terms "indirect investment" and "indirect interest" are used to indicate investments and interests owned by the spouse or dependent child of the public official, an agent of the public official, or a business entity or trust in which the official, or his or her agent(s), spouse, or dependent children, has at least a 10 percent ownership interest. Regulation 18700(c)(6)(F).

STEP THREE: IS IT REASONABLY FORESEEABLE THAT THE GOVERNMENTAL DECISION WILL HAVE A FINANCIAL EFFECT ON ANY OF THE OFFICIAL'S FINANCIAL INTERESTS?

Determine whether the governmental decision will have a reasonably foreseeable financial effect on any of the public official's financial interests.

Regulation 18701 draws a distinction between a financial interest that is "explicitly involved" in a decision, on the one hand, and a financial interest that is not "explicitly involved" in a decision, on the other hand.

Financial interests are considered to be explicitly involved in a decision if the interest is a "named party in, or the subject of, a governmental decision before the official or the official's agency." Regulation 18701(a). A financial interest is the "subject" of a proceeding "if the decision involves the issuance, renewal, approval, denial or revocation of any license, permit, or other entitlement to, or contract with the financial interest, and includes any governmental decision affecting a real property financial interest as described in Regulation 18702.2(a)(1) – (6)." Regulation 18701(a). In those cases, the financial effect is presumed to be reasonably foreseeable.

Even if a financial interest is not explicitly involved in a decision, the effect may still be considered reasonably foreseeable. Regulation 18701 states that a financial effect need not be "likely" to be considered "reasonably foreseeable" for purposes of the FPPC's regulations. If the financial effect can be "recognized as a realistic possibility" and if the effect is "more than hypothetical or theoretical," it will be considered reasonably foreseeable. Regulation 18701(b). The financial effect will not be

[18] The FPPC determined that a public official had a financial interest in his personal finances when considering a decision to award a contract for waste hauling services at a facility located near his mobile home. *Brady* Advice Letter, FPPC No. A-22-027, 2022 WL 16725545 (2022).

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considered reasonably foreseeable if the "the financial result cannot be expected absent extraordinary circumstances" that are not subject to the official's control.

The FPPC also provides the following list of non-exclusive factors that should be considered when determining whether a governmental decision will have a reasonably foreseeable effect on a financial interest that is not explicitly involved in the decision:

- The extent to which the occurrence of the financial effect is contingent upon intervening events, not including future governmental decisions by the official's agency, or any other agency appointed by or subject to the budgetary control of the official's agency.

- Whether the public official should anticipate a financial effect on his or her financial interest as a potential outcome under normal circumstances when using appropriate due diligence and care.

- Whether the public official has a financial interest that is of the type that would typically be affected by the terms of the governmental decision or whether the governmental decision is of the type that would be expected to have a financial effect on businesses and individuals similarly situated to those businesses and individuals in which the public official has a financial interest.

- Whether a reasonable inference can be made that the financial effects of the governmental decision on the public official's financial interest might compromise a public official's ability to act in a manner consistent with his or her duty to act in the best interests of the public.

- Whether the governmental decision will provide or deny an opportunity, or create an advantage or disadvantage for one of the official's financial interests, including whether the financial interest may be entitled to compete or be eligible for a benefit resulting from the decision.

- Whether the public official has the type of financial interest that would cause a similarly situated person to weigh the advantages and disadvantages of the governmental decision on his or her financial interest in formulating a position.

Regulation 18701(b). Possession of a real estate, brokerage license, or other professional license does not automatically constitute a reasonably foreseeable effect on the official's financial interest. Regulation 18701.1. The official's likely business activity must be considered to determine whether the governmental decision will have a reasonably foreseeable effect on one of the official's financial interests.

If it is not reasonably foreseeable that the governmental decision will have a financial effect on any of the official's financial interests, there is no conflict under the Act. If it is determined that it is reasonably foreseeable that the governmental decision will have a financial effect, however, the official must determine whether the effect is material.

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STEP FOUR: WILL THE REASONABLY FORESEEABLE EFFECT BE MATERIAL?

Determine whether the reasonably foreseeable financial effect will be material.

If the effect is "nominal, inconsequential, or insignificant," the financial effect will not be considered material. Regulation 18702(b). Otherwise, the provisions in Regulations 18702.1 through 18702.5 determine for each type of financial interest whether the effect is material. Regulation 18702(a).

a. Business Entities

Regulation 18702.1 provides that the reasonably foreseeable effect of a decision on a business entity in which the official has an investment interest or holds an employment or management position is material whenever the business entity is a named party in, or the subject of, the decision, including any decision in which the entity:

- Initiates the proceeding by filing an application, claim, appeal, or other request for action concerning the entity with the official's agency;
- Offers to sell a product or service to the official's agency;
- Bids on or enters into a contract with the official's agency, or is identified as a subcontractor on a bid or contract with the agency;
- Is the named or intended manufacturer or vendor of any products to be purchased by the official's agency with an aggregate cost of $1,000 or more in any 12-month period;
- Applies for a permit, license, grant, tax credit, exception, variance, or other entitlement from the official's agency;
- Is the subject of any inspection, action, or proceeding under the regulatory authority of the official's agency; or
- Is otherwise subject to an action taken by the official's agency that is directed at the entity.

The reasonably foreseeable effect of a decision on a business entity in which the official has an investment interest or holds an employment or management position is also material if any of the following criteria are met:

- The decision may result in an increase or decrease of the entity's annual gross revenues, or the value of the entity's assets or liabilities, in an amount equal to or more than:

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- ✓ $1,000,000; or
- ✓ Five percent of the entity's annual gross revenues and the increase or decrease is at least $10,000.

- The decision may cause the entity to incur or avoid additional expenses or to reduce or eliminate expenses in an amount equal to or more than:
  - ✓ $250,000; or
  - ✓ One percent of the entity's annual gross revenues and the change in expenses is at least $2,500.
- The official knows, or has reason to know, that the entity has an interest in real property and:
  - ✓ The property is a named party in, or the subject of, the decision under Regulations 18701(a) and 18702.2(a)(1) - (6); or
  - ✓ There is clear and convincing evidence the decision would have a substantial effect on the property.

Regulation 18701(a). There is also a "small shareholder" exception that allows officials to participate in decisions explicitly involving a business entity where the official's only interest in that business entity is an investment interest worth no more than $25,000. Regulation 18702.1(b). To qualify for this exception, the interest also must be less than one percent of the business entity's shares. However, meeting these thresholds does not automatically allow the official to participate in the decision. The official still must analyze the decision's potential effect on the business entity's annual gross revenues, assets and liabilities, expenses, and real property interests. Under this rule, even where an official has only a small investment in a business entity, the impact of a decision might be so significant that the official still has a conflict of interest.

b. Real Property – Modified "500-Foot Rule" and Other Criteria

The traditional "500-foot" rule has been replaced with an extensive list of criteria that must be analyzed to determine whether a decision will have a material financial effect on an official's real property interest. Regulation 18702.2. There are now eight materiality standards that must be evaluated when an official has an ownership interest in real property, and four materiality standards that must be evaluated when an official has a leasehold interest in real property (i.e., as the lessee of the property).

Regulation 18702.2 now provides that the reasonably foreseeable financial effect of a governmental decision on an official's real property economic interest, other than a leasehold interest, is material whenever the governmental decision:

- Involves the adoption of, or amendment to, a development plan or criteria applying to the parcel;

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- Determines the parcel's zoning or rezoning, other than a zoning decision applicable to all properties designated in that category; annexation or de-annexation; inclusion in, or exclusion from, any city, county, district, or local government subdivision or other boundaries, other than elective district boundaries;

- Would impose, repeal, or modify any taxes, fees, or assessments that apply to the parcel;

- Authorizes the sale, purchase, or lease of the parcel;

- Involves the issuance, denial or revocation of a license, permit, or other land use entitlement authorizing a specific use of or improvement to the parcel or any variance that changes the permitted use of, or restrictions placed on, that real property;

- Involves construction of, or improvements to, streets, water, sewer, storm drainage, or similar facilities, and the parcel will receive new or improved services that provide a benefit or detriment disproportionate to other properties receiving the services;

- Involves property located 500 feet or less from the property line of the parcel unless there is clear and convincing evidence that the decision will not have any measurable impact on the official's property[19]; or

- Involves property located more than 500 feet but less than 1,000 feet from the property line of the parcel,[20] and the decision would change the parcel's:

  - ✓ Development potential;

  - ✓ Income producing potential;

  - ✓ Highest and best use;

  - ✓ Character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality; or

  - ✓ Market value.

[19] See, the *Coates Advice Letter,* FPPC No. A-15-217, 2015 WL 8006082 (2015) (councilmember lived within 500 feet of property subject to hearing on a view preservation tree trimming nuisance abatement order did not have a conflict of interest in the decision), the *Garibaldi Advice Letter,* FPPC No. A-22-107, 2022 WL 16725588 (2022) (two council members were not disqualified from taking part in decisions concerning a multi-purpose path located 190 and 360 feet (as the crow flies) of their respective residences), and the *Miranda Advice Letter,* FPPC No. A-23-083, 2023 WL 4566888 (2023) (city manager who lived within 500 feet of a city project to install flagpoles, additional lights, and updates to landscaping at a veterans memorial did not have a conflict of interest).

[20] When a construction project "affects only a clearly defined, specific and isolated site" of a larger parcel of land located near an official's real property, the distance between the official's property and the property subject to the decision can be measured from the site of the construction site itself, rather than from the property line of the parcel on which the construction site is located. *Anderson* Advice Letter, FPPC No. A-23-129, 2023 WL 8528614.

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Regulation 18702.2(b) clarifies that the financial effect of a governmental decision on a parcel of real property in which an official has an ownership interest is presumed not to be material whenever the governmental decision involves property located 1,000 feet or more from the property line of the official's property. This presumption may be rebutted, however, with clear and convincing evidence that the governmental decision would have a substantial effect on the official's property.

The FPPC has relaxed the rules with respect to real property economic interests that stem from having an ownership interest in the common area of a common interest development. Previously, in addition to evaluating whether the decision concerned a project located within 500 feet of the public official's real property, it was necessary to evaluate whether the decision was within 500 feet of any homeowner association common area in which the official had an ownership interest. Now, Regulation 18702.2 excludes common areas in common interest developments from the definition of "real property" for the purpose of conducting a conflict of interest analysis. Thus, the proximity of homeowner association common areas to a project is no longer a factor in the conflict of interest analysis.

With respect to an official's leasehold interests, i.e., where the official is the lessee of the property, Regulation 18702.2(c) provides that the reasonably foreseeable financial effect of a governmental decision on an official's real property economic interest is material only if the governmental decision will:

- Change the termination date of the lease;
- Increase or decrease the potential rental value of the property;
- Change the official's actual or legally allowable use of the property; or
- Impact the official's use and enjoyment of the property.

There are a few exceptions in Regulation 18702.2(d) by which the effect of a decision on an official's real property interest will not be considered material. The following decisions will not be considered to have a material effect on an official's real property interest:

- The decision solely concerns repairs, replacement or maintenance of existing streets, water, sewer, storm drainage, or similar facilities.
- The decision solely concerns the adoption or amendment of a general plan and all of the following apply:
  - ✓ The decision only identifies planning objectives or is otherwise exclusively one of policy. A decision will not qualify under this subdivision if the decision is initiated by the public official, by a person that is a financial interest to the public official, or by a person representing either the public official or a financial interest to the public official.

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- ✓ The decision requires a further decision or decisions by the public official's agency before implementing the planning or policy objectives, such as permitting, licensing, rezoning, or the approval of or change to a zoning variance, land use ordinance, or specific plan or its equivalent.

- ✓ The decision does not concern an identifiable parcel or parcels or development project. A decision does not "concern an identifiable parcel or parcels" solely because, in the proceeding before the agency in which the decision is made, the parcel or parcels are merely included in an area depicted on a map or diagram offered in connection with the decision, provided that the map or diagram depicts all parcels located within the agency's jurisdiction and the economic interests of the official are not singled out.

- ✓ The decision does not concern the agency's prior, concurrent, or subsequent approval of, or change to, a permit, license, zoning designation, zoning variance, land use ordinance, or specific plan or its equivalent.

These rules replace the old "500-foot rule" that applied before 2014. Of special interest to many local public officials, these provisions appear to allow public officials to participate in most decisions relating to slurry sealing, asphalt paving, curb and sidewalk repairs, or tree replacement, even if the work occurs within 500 feet of their property, due to the exception for repairs and replacement of existing infrastructure.

c. Sources of Income

The FPPC regulations also provide materiality standards for sources of income. Regulation 18702.3. A "source of income," as discussed above, is any person from whom a public official has received at least $500 in the twelve months prior to the relevant governmental decision. Regulation 18700.1. A "person" includes individuals, organizations, and business entities. § 82047.

The regulations provide that any reasonably foreseeable financial effect on an individual, organization, or business entity[21] that is a source of income to an official or an official's spouse is material if:

- The source is a named party in, or the subject of, the decision including a claimant, applicant, respondent, or contracting party; or

- The decision will achieve, defeat, aid, or hinder a purpose or goal of the source and the official, or the official's spouse, receives or is promised the

[21] The materiality standards for sources of income provided in this section do not apply where a government entity qualifies as a source of income, including where a public official is paid by the entity as a consultant or contractor. Regulation 18702.3(d). An official with an interest in a governmental entity is disqualified from taking part in a decision only if there is a unique effect on that official. *Id.*

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income for achieving the purpose or goal. This is known as the "Nexus" test.

Regulation 18702.3(a)(1), 18702.3(b). In addition to these general standards, the regulations provide further guidance that separately analyzes a source of income depending on whether the source is an individual, non-profit organization, or business entity. If the source is an ***individual***, a reasonably foreseeable financial effect on the source is material if:

- The decision may affect the individual's income, investments, or other assets or liabilities (other than an interest in a business entity or real property) by $1,000 or more;

- The official knows, or has reason to know, that the individual has an interest in a business entity that will be financially affected under the materiality standards in Regulation 18702.1; or

- The official knows, or has reason to know, that the individual has an interest in real property, and either:

  ✓ The property is a named party in, or the subject of, the decision as defined in Regulations 18701(a) and 18702.2(a)(1) - (6); or

  ✓ There is clear and convincing evidence the decision would have a substantial effect on the property.

If the source is a ***nonprofit organization***, a reasonably foreseeable financial effect on the source is material if:

- The decision may result in an increase or decrease of the organization's annual gross receipts, or the value of the organization's assets or liabilities, in an amount equal to or more than (1) $1,000,000, or (2) five percent of the organization's annual gross receipts and the increase or decrease is equal to or greater than $10,000;

- The decision may cause the organization to incur or avoid additional expenses or to reduce or eliminate expenses in an amount equal to or more than (1) $250,000, or (2) one percent of the organization's annual gross receipts and the change in expenses is equal to or greater than $2,500; or

- The official knows, or has reason to, know that the organization has an interest in real property and either:

  ✓ The property is a named party in, or the subject of, the decision under Regulations 18701(a) and 18702.2(a)(1) - (6); or

  ✓ There is clear and convincing evidence the decision would have a substantial effect on the property.

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If the source is a ***business entity***, a reasonably foreseeable financial effect on the source is material if that business entity will be financially affected under the standards as applied to a financial interest in Regulation 18702.1 (see ***Business Entities*** above). Regulation 18702.3(a). The regulation also includes additional provisions to help officials who receive income from retail sales of a business entity in determining when a retail customer becomes a source of income to the public official directly. § 87103.5. This regulatory provision, which is intended to replace prior Regulation 18707.5, provides that:

- The retail customers of a business entity constitute a significant segment of the public generally if the business is open to the public, and provides goods or services to customers that comprise a broad base of persons representative of the jurisdiction; and

- Income from an individual customer is not distinguishable from the amount of income received from other customers when the official is unable to recognize a significant monetary difference between the business provided by the individual customer and the general clientele of the business. An official is unable to recognize a significant monetary difference when: (1) the business is of the type that sales to any one customer will not have a significant impact on the business's annual net sales; or (2) the business has no records that distinguish customers by amount of sales, and the official has no other information that the customer provides significantly more income to the business than an average customer.

Regulation 18702.3(c). If you own 10 percent or more of a business entity that is engaged in the retail sale of goods or services, we recommend that you review this provision in order to determine whether individual retail customers will be considered sources of income to you for the purpose of analyzing conflicts under the Act.

d. Sources of Gifts

The FPPC regulations also provide materiality standards for sources of gifts. Regulation 18702.4. For the purpose of analyzing potential conflicts under the Political Reform Act, a donor becomes a "source of gifts" by providing or promising a public official with gifts valued at $630 or more in the aggregate in the 12 months prior to a governmental decision. Regulations 18700(c)(6)(E), 18940.2. A person may also be a source of a gift by being an "intermediary or agent for a donor of" a similar gift. Regulation 18700(c)(6)(E).

Under the FPPC regulations, a financial effect on a source of a gift is material if:

- The source is a claimant, applicant, respondent, contracting party, or otherwise named or identified as the subject of the proceeding;

- The source is an individual that will be financially affected under the standards applied to an official in Regulation 18702.5 (see ***Personal***

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Finances below), or the official knows, or has reason to know, that the individual has an interest in a business entity or real property that will be financially affected under the standards applied to a financial interest in Regulation 18702.1 or 18702.2, respectively;

- The source is a nonprofit organization that will be financially affected under the materiality standards applied to a nonprofit source of income interest in Regulation 18702.3 (see ***Sources of Income*** above); or

- The source is a business entity that will be financially affected under the standards as applied to a financial interest in Regulation 18702.1 (see ***Business Entities*** above).

Regulation 18702.4. Like with sources of income, the analysis of materiality for sources of gifts may depend on whether the source is an individual, a nonprofit, or a business entity. If the source of a gift is the "claimant, applicant, respondent, contracting party, or … otherwise named or identified as the subject of the proceeding," the financial effect will be deemed material, regardless of whether the source is an individual, a nonprofit, or a business entity. If the source of a gift is not the "claimant, applicant, respondent, contracting party, or … otherwise named or identified as the subject of the proceeding," the official will need to apply the other standards in Regulation 18702.4(b) – (d), depending on whether the source of the gift is an individual, a nonprofit, or a business entity.

e. Personal Finances

Finally, the regulations provide materiality standards for effects on personal finances. Regulation 18702.5. A reasonably foreseeable financial effect on an official's or his or her immediate family's personal finances is considered material if the decision may result in the official or the official's immediate family member receiving a financial benefit or loss of $500 or more in any 12-month period due to the decision. Regulation 18702.5(a).

However, a financial effect is ***not*** considered material under Government Code Section 87103 if the decision would do any of the following:

- Affect only the salary, per diem, or reimbursement for expenses the public official, or a member of his or her immediate family receives from a federal, state, or local government agency unless the decision is to appoint (other than an appointing decision otherwise permitted under Regulation 18702.5), hire, fire, promote, demote, suspend without pay, or otherwise take disciplinary action with financial sanction against the official or a member of his or her immediate family, or to set a salary for the official or a member of his or her immediate family which is different from salaries paid to other employees of the government agency in the same job classification or position, or when the member of the public official's immediate family member is the only person in the job classification or position.

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- Appoint the official to be a member of any group or body created by law or formed by the official's agency for a special purpose. However, if the official will receive a stipend for attending meetings of the group or body aggregating $500 or more in any 12-month period, the effect on the official's personal finances is material unless the appointing body posts specified information on its website.[22]

- Appoint the official to be an officer of the governing body of which the official is already a member, such as a decision to appoint a city councilmember to be the city's mayor.

- Establish or change the benefits or retirement plan of the official or the official's immediate family member, and the decision applies equally to all employees or retirees in the same bargaining unit or other representative group.

- Result in the payment of any travel expenses incurred by the official or the official's immediate family member while attending a meeting as an authorized representative of an agency.

- Permit the official's use of any government property, including automobiles or other modes of transportation, mobile communication devices, or other agency-provided equipment for carrying out the official's duties, including any nominal, incidental, negligible, or inconsequential personal use while on duty.

- Result in the official's receipt of any personal reward from the official's use of a personal charge card or participation in any other membership rewards program, so long as the reward is associated with the official's approved travel expenses and is no different from the reward offered to the public.

Regulation 18702.5(b). Any effect on the interests noted above would not constitute a material effect on personal finances for the purpose of the Political Reform Act.

Regulation 18702.5 clarifies that if a decision only affects a business entity or real property in which the official has a financial interest, the regulation regarding personal finances does not apply. Regulation 18702.5(c). Under those circumstances, the official should analyze the applicable materiality standards for those types of interests in Regulations 18702.1 and 18702.2 to determine whether a conflict exists.

[22] Specifically, the appointing body must post all of the following information on its website: (1) a list of each appointed position and its term; (2) the amount of the stipend for each appointed position; (3) the name of the official who has been appointed to the position; and (4) the name of any official who has been appointed to be an alternate for the position. Regulation 18702.5(b)(2).

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STEP FIVE: DOES THE "PUBLIC GENERALLY" EXCEPTION APPLY?

Determine if the official can demonstrate that the material financial effect on the official's interest is indistinguishable from the decision's effect on the public generally.

Once it is determined that it is reasonably foreseeable that a decision will have a material financial effect on an official's financial interest, it is necessary to evaluate whether an exception to the disqualification requirement is applicable. One exception, known as the "public generally" exception, provides that even if a governmental decision will have a reasonably foreseeable material financial effect on the official's financial interest, disqualification will not be required if the effect on the public official's financial interest is indistinguishable from the decision's effect on the financial interests of the public generally. Regulation 18703.

In order to use this exception, the official must be able to demonstrate two core elements. First, the governmental decision must affect a "significant segment" of the public in the jurisdiction of the public agency. Second, the governmental decision's effect on the official's financial interest must not be unique as compared to the effect on the significant segment. Regulation 18703(a).

The FPPC has simplified the regulation to determine what constitutes a sufficiently "significant segment" of the public. Regulation 18703(b). A significant segment of the public is:

- At least 25 percent of any of the following:
  - ✓ All businesses or nonprofit entities within the official's jurisdiction;
  - ✓ All real property, commercial real property, or residential real property within the official's jurisdiction; or
  - ✓ All individuals within the official's jurisdiction.
- At least 15 percent of residential real property within the official's jurisdiction, if the official's only interest in a government decision is the official's primary residence.

Regulation 18703(b).

To determine whether a decision's effect on the official's financial interest is "unique" as compared to the effect on the significant segment of the public, the FPPC requires that an official determine whether the decision has a "disproportionate" effect on:

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- The development potential or use of the official's real property or on the income producing potential of the official's real property or business entity.

- An official's business entity or real property resulting from the proximity of a project that is the subject of a decision.

- An official's interests in business entities or real properties resulting from the cumulative effect of the official's multiple interests[23] in similar entities or properties that is substantially greater than the effect on a single interest.

- An official's interest in a business entity or real property resulting from the official's substantially greater business volume or larger real property size when a decision affects all interests by the same or similar rate or percentage.

- A person's income, investments, assets or liabilities, or real property if the person is a source of income or gifts to the official.

- An official's personal finances or those of his or her immediate family.

Regulation 18703(c).

The official's "jurisdiction" for the purposes of this regulation constitutes the "jurisdiction of the state or local government agency as defined in Section 82035, or the designated geographical area the official was elected to represent, or the area to which the official's authority and duties are limited if not elected." Regulation 18703(d). Real property is considered to be within a "jurisdiction" if the "property or any part of it is located within, or not more than, two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency." § 82035.

The FPPC Regulations include a number of specialized "public generally" exceptions. Regulation 18703(e). The financial effect on an official's financial interest is deemed indistinguishable from that of the public generally where there is no unique effect on the official's interest if the official establishes:

- The decision sets or adjusts the amounts of assessments, taxes, fees, or rates for water, utility, or other broadly provided public services or facilities that are applied equally, proportionally, or by the same percentage to the official's interest and other businesses, properties, or individuals subject to the assessment, tax, fee, or rate. However, the exception does not apply if the decision imposes assessments, taxes, or fees, determines the boundaries of a property, or determines who is subject to the assessments, taxes, or fees. Under this exception, these factors must have already been determined.

[23] Ownership of only two residential properties apparently would not constitute "multiple interests ... in properties that is substantially greater than the effect on a single interest." *Peake* Advice Letter, FPPC No. A-15-227, 2015 WL 9680333 (2015).

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- The decision affects the official's personal finances as a result of an increase or decrease to a general fee or charge, such as parking rates, permits, license fees, application fees, or any general fee that applies to the entire jurisdiction.

- The decision affects residential real property limited to a specific location, encompassing more than 50, or five percent of the residential real properties in the official's jurisdiction, and the decision establishes, amends, or eliminates ordinances that restrict on-street parking, impose traffic controls, deter vagrancy, reduce nuisance or improve public safety, provided the body making the decision gathers sufficient evidence to support the need for the action at the specific location.

- The decision is limited to establishing, eliminating, amending, or otherwise affecting the rights or liabilities of tenants and owners of residential real property, including rent control or tenant protection matters. Officials may participate if: (1) the decision is applicable to all residential rental properties within the official's jurisdiction other than those excepted by the Costa-Hawkins Rental Housing Act; (2) the official owns three or fewer residential units; and (3) the only interests affected by the decision are the official's interest in residential real property as a landlord or the official's interest in a primary residence as owner or lessee.

- The decision is made by a board or commission and the law that establishes the board or commission requires certain appointees have a representative interest in a particular industry, trade, or profession or other identified interest, and the public official is an appointed member representing that interest. This provision applies only if the effect is on the industry, trade, or profession or other identified interest represented.

- The decision is made pursuant to an official proclamation of a state of emergency when required to mitigate against the effects directly arising out of the emergency.

- The decision affects a federal, state, or local governmental entity in which the official has an interest.

- The decision is made by a governmental entity that primarily manages an airport or harbor and (1) the decision affects permits, licenses, or other use entitlements granted by the entity that are broadly available to all others similarly situated and on substantially the same terms in a similar manner and (2) the official's interests affected by the decision relate to the official's permit, license, or other use entitlement from the government entity.

Regulation 18703(e).

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STEP SIX: MAY THE OFFICIAL MAKE OR PARTICIPATE IN MAKING A DECISION?

Determine whether the public official will be making, participating in the making, or using or attempting to use his/her official position to influence a governmental decision.

The Act applies when a public official is "making, participating in making, or using or attempting to use official position to influence a government decision." Regulation 18704. If the official will be called upon to make, participate in making, or use his or her official position to influence a governmental decision in which the official has a financial interest, the official will have a prohibited conflict of interest. The FPPC regulations define each of these actions for purposes of applying the Act:

- A public official "makes" a governmental decision when the official authorizes or directs any action, votes, appoints a person, obligates or commits his or her agency to any course of action, or enters into any contractual agreement on behalf of his or her agency. Regulation 18704(a).[24]

- A public official "participates in" a governmental decision when the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review. Regulation 18704(b).

- A public official "uses an official position to influence" a decision if the official: (i) contacts or appears before any official in his or her agency or in an agency subject to the authority or budgetary control of his or her agency for the purpose of affecting a decision; or (ii) contacts or appears before any official in any other government agency for the purpose of affecting a decision, and the public official acts or purports to act within his or her authority or on behalf of his or her agency in making the contact.

Regulation 18704(c).

There are limited exceptions to this rule. A public official is not making, participating in making, or influencing a government decision when the official acts in a solely ministerial, secretarial, or clerical manner. Regulation 18704(d)(1).

In addition, an official is not making, participating in making, or influencing a government decision when the official appears before the public agency as a member of the general public to represent specific and limited "personal interests" or when the

[24] A public official's "determination not to act" does not constitute participating in "making" a governmental decision when the public official is abstaining from a decision due to a personal financial interest.

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official negotiates his or her compensation or terms of employment. Regulation 18704(d). With respect to negotiating the terms of employment, however, "an official may not make a decision to appoint, hire, fire, promote, demote, or suspend without pay or take disciplinary action with financial sanction against the official or the official's immediate family, or set a salary for the official or the official's immediate family different from salaries paid to other employees of the government agency in the same job classification or position." Regulation 18704(d)(3).

Making, participating in, or influencing a governmental decision also does not include communications to either the press or the general public. Regulation 18704(d)(4). Nor does it include academic decisions. Regulation 18704(d)(5). Limited actions in an official's professional capacity as an architect or engineer also are not considered to be making, participating in, or influencing a governmental decision. Regulation 18705(d)(6). Finally, an official who serves as a consultant will not be participating in a decision by making a recommendation regarding additional services if the agency has already contracted with the consultant – for an agreed upon price – to make recommendations concerning services of the type offered by the consultant. Regulation 18704(d)(7).

STEP SEVEN: IS THE PUBLIC OFFICIAL'S PARTICIPATION LEGALLY REQUIRED?

Determine if the public official's participation is legally required despite a conflict of interest.

A public official also is permitted to participate in making a governmental decision, despite having a conflict of interest in the decision, if no alternative source of decision exists that would be consistent with the purposes and terms of the statute authorizing the decision. Regulation 18700(e), 18705(a).

This exception is applied when a quorum of a legislative body cannot be convened due to the disqualifying conflicts of interests of its members. In that situation, as many members as are needed to create the minimum number for the quorum may be selected at random to participate. Regulation 18705(c)(3). In these situations, stringent disclosure requirements apply, not only regarding the basis of the selected member's conflict of interest, but also the reason why there is no alternative source of decision-making authority. Regulation 18705(b). For the purposes of this section, a "quorum" means "the minimum number of members required to conduct business and when the vote of a supermajority is required to adopt an item, the "quorum" shall be that minimum number of members needed for that adoption." Regulation 18705(d).

Note that this rule is construed narrowly and may not be invoked to permit an official who is otherwise disqualified to vote to break a tie or to vote if a quorum can be convened of other members of the agency who are not disqualified, whether or not such other members are actually present at the time of the decision. Regulation 18705(c).

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Prior to invoking this Rule, local agencies should consider whether the decision can be broken into components, and then through the use of another tool called "segmentation," have the local agency body consider and act on each component separately. Through that process, a member with a conflict in one component can be disqualified from that particular component but then still allowed to participate in the decisions on the other components of the decision. The criteria and standards for use of "segmentation" are contained in Regulation 18706 and further explained in a series of advice letters issued by the FPPC.[25]

4. Abstention

When a public official has a conflict of interest under the Act, he or she is required to abstain from making, participating in making, or using or attempting to use his or her official position to influence the local agency's decision. Abstention avoids a violation of the conflict of interest provisions of the Act.

The Act establishes specific procedures that most public officials must follow when they have a conflict of interest and are required to abstain from a decision. § 87105; Regulation 18707. Immediately prior to the consideration of the matter, the official must: (i) identify each financial interest that gives rise to the conflict in detail sufficient to be understood by the public (except that disclosure of the exact street address of a residence is not required); (ii) publicly state his or her recusal from the matter; and (iii) leave the room until after the disposition of the matter unless the matter appears on a consent calendar, or other similar portion of an agenda for uncontested matters, or the official is speaking as a member of the public regarding an applicable personal interest. § 87105; Regulations 18707, 18704(d)(2). The FPPC has clarified the procedure required and precise information that must be disclosed, as described in Regulation 18707. This includes additional information regarding rules for closed sessions and matters on the consent calendar. Public officials may not avoid disclosure through partial absences and must disclose financial interests either immediately prior to consideration of an item or if the official arrives after consideration, immediately after the official joins the meeting. Regulation 18707(a).

The procedure stated in Regulation 18707(a) must be followed by all council members, judges, elected state officers, members of planning commissions, members of boards of supervisors, district attorneys, county counsels, city managers, city attorneys, city treasurers and other public officials who manage public investments, and to candidates for any of these offices at any election. §§ 87105, 87200. The Act does not require other public officials who must file financial disclosure forms under local conflict of interest codes to follow the same procedure, but the FPPC has now prescribed specific rules for those public officials. Regulation 18707(b).

Depending on the nature of his or her interest, a public official who must abstain from a decision may comment on the item as a member of the public during the public comment period on a matter related to his or her "personal interests." The term

[25] See "Segmentation, Participation, and Complications: A Guide for Segmenting Decisions in Compliance with the Political Reform Act and its Implementing Regulations," League of California Cities 2024 City Attorney's Spring Conference.

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"personal interest" is defined to include an interest in real property or a business entity that is wholly owned by the official or his or her immediate family. Regulations 18704(d)(2)(A) and (B). It also includes business entities over which the official, or the official and his or her immediate family, exercise sole direction and control. Regulation 18704(d)(2)(C).

If a public official wishes to speak on a matter related to his or her "personal interests," the official must publicly identify the financial interest (including all of the specific details required by the regulation). Regulation 18707(a)(1)(A). The public identification must be made orally and be included in the official public record. Regulation 18707(a)(1)(B). Subsequently, the official must recuse himself or herself and leave the dais to speak from the same area as the members of the public. Regulation 18707(a)(3)(B). Like other members of the public, the official may listen to the comments of other speakers on the matter. *Id.*

Note that when a public official abstains from a decision, his or her presence does not count toward achieving a quorum. Regulation 18707(a)(3). Accordingly, if several officials must abstain from a decision under the Political Reform Act, there may not be sufficient members of the body present to consider a matter under the Brown Act. In such a circumstance, it may be possible to use the exception for legally required participation, as discussed above.

5. Penalties for Violation

Administrative, civil, and criminal penalties exist for violations of the conflict of interest provisions of the Act. The FPPC may levy administrative penalties after a hearing and may impose a fine of up to $5,000 per violation, a cease and desist order, and an order to file reports. § 83116. The FPPC recently updated regulations providing for streamlined administrative enforcement procedures and specific penalties for various types of violations. Regulations 18360, 18360.1, 18360.2, 18360.3. For example, if a public official fails to timely file their Form 700, the official may be eligible to accept a Warning Letter from the FPPC, complete the Political Reform Education Program ("PREP"), and pay a fine depending on the gravity of the violation of between $200 to $600 (Tier One violation) or between $800 to $1,200 (Tier Two violation). Regulation 18360.2 (a) and 18360.3 (a). Similarly, if a public official fails to report an economic interest on their Form 700, the official may be eligible to accept a Warning Letter, complete the PREP, and pay a fine depending on the gravity of the violation of between $100 to $500 (Tier One violation) or between $600 to $1,000 (Tier Two violation). Regulation 18360.2 (a) and 18360.3 (a).

Civil penalties may also include injunctive relief that may be sought by the district attorney or any person residing in the jurisdiction. § 91003(a). In the event a court finds that the actions would not have been taken but for the action of the official with the conflict of interest, the court is empowered to void the decision. § 91003(b). Misdemeanor criminal penalties are provided in situations where a knowing or willful violation of the act occurs, and generally, persons convicted of violating the Act may not be a candidate for elective office or act as a lobbyist for four years after the conviction. §§ 91000, 91002. The statute of limitations for civil and criminal enforcement

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actions is four years from the date of the violation. §§ 91000(c), 91011(b). The statute of limitations for administrative actions brought by the FPPC is five years from the date of the violation. § 91000.5.

6. Seeking Advice on Conflict of Interest Questions

It is important to note that only a formal advice letter from the FPPC staff can immunize a public official from potential enforcement by the FPPC or the District Attorney in the event the public official participates in a decision and someone subsequently alleges the public official had a prohibited conflict of interest. A formal advice letter usually takes the FPPC staff at least a month to prepare, is only provided if the request relates to prospective acts (as distinguished from past acts), and if it contains sufficient facts upon which the FPPC is able to render a decision. Informal written advice (without immunity from potential enforcement action) may also be requested from the FPPC staff as well as informal telephonic advice through their technical assistance division at 1-866-ASK-FPPC (1-866-275-3772). Based on the time frames required to obtain formal or informal written advice from the FPPC, it is important for public officials to consult their city attorney or local agency counsel as early as possible so as to provide adequate time to gather all relevant facts, draft a letter to the FPPC, and respond to the advice once given.

B. Government Code Section 1090

Government Code Section 1090 provides in relevant part: "[m]embers of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members."

The purpose of the prohibition contained in Section 1090 is to preclude a public official from using his or her position to obtain business or financial advantage through the approval of contracts by the public entities which he or she serves. As more fully explained below, the prohibition applies to not only preclude a member of the body or board that approves the contract from directly contracting with that same public entity, but it also applies when the public official has a financial or other specified relationship to the entity that seeks to contract with the public entity. The intent of the law is to remove the possibility of any personal influence that might bear on an official's decision-making activities on contracts executed by his or her public entity.

Upon the enactment of the PRA in 1974, questions arose as to whether that new law impliedly repealed or preempted the provisions of Section 1090. The California Attorney General addressed this issue first, concluding in a 1976 opinion that the Act did not implicitly repeal or preempt Section 1090. 59 Ops. Cal. Att'y Gen. 604, 671 (1976). Since that time, the courts and the Attorney General have consistently considered Section 1090 as having continuing effect. For example, in *People v. Honig*, 48 Cal. App. 4th 289, 328-29 (1996), the defendant in a criminal case for violations of Section 1090 argued that the Act superseded Section 1090. The California Court of Appeal declined to so rule, holding instead that the term "financially interested" in Section 1090 has a different meaning than the term "material financial effect" in the Act. In another case,

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the California Court of Appeal again held that the Act and Section 1090 are "two different statutory schemes." *City of Vernon v. Central Basin Mun. Water Dist.*, 69 Cal. App. 4th 508, 513 (1999); see also *Fraser-Yamor Agency, Inc. v. County of Del Norte*, 68 Cal. App. 3d 201 (1977); *People v. Vallerga*, 67 Cal. App. 3d 847 (1977); *City Council v. McKinley*, 80 Cal. App. 3d 204 (1978); *City of Imperial Beach v. Bailey*, 103 Cal. App. 3d 191 (1980); *Thomson* v. Call, 38 Cal. 3d 633 (1985); *Campagna v. City of Sanger*, 42 Cal. App. 4th 533 (1996); 67 Ops. Cal. Att'y Gen. 369, 375 (1984); 69 Ops. Cal. Att'y Gen. 102 (1986); 70 Ops. Cal. Att'y Gen. 45, 47 (1987); 73 Ops. Cal. Att'y Gen. 191, 194-95 (1990).

Both the PRA and the common law (meaning court-made) doctrine against conflicts of interest require the public official with a conflict of interest to abstain from participation in the decision. Section 1090, by contrast, also prohibits the public entity from entering into a contract in which one of its officers has a financial interest, unless certain exceptions apply.

If the conflicted official is a member of a board or commission that executes the contract, he or she is conclusively presumed to be involved in the making of his or her agency's contracts. *Thomson v. Call*, 38 Cal. 3d at 649. This absolute prohibition applies regardless of whether the contract is found to be fair and equitable or the official abstains from all participation in the decision. *Thomson*, 38 Cal. 3d at 649-50; *Fraser-Yamor Agency*, 68 Cal. App. 3d at 211-12; *City of Imperial Beach*, 103 Cal. App. 3d at 195. The only way a public entity could still enter into such a contract – i.e., in which an official who is a member of the board or commission that executes the contract has a financial interest – would be if that interest qualifies as a "remote interest" or "non-interest" within the meaning of specified provisions discussed below.

1. Three Principal Components of Section 1090

The prohibition contained in Section 1090 involves three principal components: (1) the person subject to the prohibition must be an officer or employee of one of the types of governmental entities listed in Section 1090; (2) the public officer or employee must be "financially interested" in a contract; and (3) the contract must be made by either the public official in his or her official capacity or by the body or board of which the official is a member.

a. Officer or Employee of Listed Government Entity

The first element is whether the person subject to the prohibition is a member of the Legislature or an officer or employee of the state, a county, a district, a judicial district, or a city. Virtually every officer or employee of a municipality or local governmental district is subject to the prohibition of Section 1090. In 2018, the Attorney General concluded that a California charter school's governing body is also subject to Section 1090. 101 Ops. Cal. Atty. Gen. 92.

In recent years, the courts also have concluded that consultants may be considered "employees" for the purpose of civil liability under Section 1090. In 2017, the California Supreme Court held that Section 1090 applies to independent contractors "when they have duties to engage in or advise on public contracting that they are expected to

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carry out on the government's behalf." *People v. Superior Court (Sahlolbei)*, 3 Cal. 5th 230 (2017); see also, *California Housing Finance Agency v. Hanover/California Management and Accounting Center, Inc.*, 148 Cal. App. 4th 682, 691 (2007); see also, *Hub City Solid Waste Services, Inc. v. City of Compton*, 186 Cal. App. 4th 1114, 1124-1125 (2010). Courts have held that even private companies may be subject to Section 1090 where the company has the potential to exert "considerable influence" over the agency's contracting decision. *Davis v. Fresno Unified School District*, 237 Cal. App. 4th 261 (2015); *McGee v. Balfour Beatty Construction*, LLC, 247 Cal. App. 4th 235, 261 (2016). In 2019, the California Court of Appeal clarified that this "considerable influence" standard means that a consultant's mere provision of services to a public agency does not create a *per se* conflict of interest precluding future contracts, if, in the initial transaction, the consultant was not entrusted with acting on behalf of the public agency. *California Taxpayers Action Network v. Taber Construction, Inc.*, 42 Cal. App. 5th 824, 835 (2019); *see*, *Straus* Advice Letter, FPPC No. A-22-064, 2022 WL 4134918.

Section 1090 also regulates so-called "follow-on contracts" in which an independent contractor's duties and services under one contract includes "engaging in or advising on public contracting on behalf of the public entity," and the contractor ultimately awards, or advises the entity to award, subsequent contracts to itself. § 1097.6(a). For example, the FPPC found that Section 1090 prohibited an affiliate of an independent contractor that had been hired to advise Humboldt County in drafting a Request for Proposals for a cannabis marketing contract from subsequently bidding on the same contract. *See*, *Adair* Advice Letter, FPPC No. A-21-137, 2021 WL 6504112 (2021).

Acknowledging potential ambiguities and practical limitations in the law, the recently adopted Assembly Bill 334, which added Government Code Section 1097.6, states that an independent contractor is not an "officer" for purposes of Section 1090 "if the independent contractor's duties and services related to the initial contract did not include engaging in or advising on public contracting on behalf of the public entity." § 1097.6(a)(1). "Engaging in or advising on public contracting" includes preparing, or assisting the public entity with preparing, a request for proposals, request for qualifications, or any other solicitation regarding a subsequent or additional contract with the public entity.[26] § 1097.6(a)(2). Even if the independent contractor is an "officer," the independent contractor may still enter into a subsequent contract for a later phase of the same project if it did not "engage in or advise on the making of the subsequent contract during its performance of the initial contract." § 1097.6(b)(1). This means the independent contractor's role in the initial contract was "limited to conceptual, preliminary, or initial plans or specifications and all bidders or proposers for the subsequent contract have access to the same information, including all conceptual, preliminary, or initial plans or specifications." § 1097.6(b)(2).

Assembly Bill 334 also added a "safe harbor" provision to help shield persons who rely in good faith on the language of the newly added Section 1097.6 from liability.

[26] By contrast, an independent contractor does not "engage in or advise on the making of the subsequent contract" by participating in the planning, discussions, or drawing of plans or specifications during an initial stage of a project if that participation is limited to conceptual, preliminary, or initial plans or specifications and all bidders or proposers for the subsequent contract have access to the same information, including all conceptual, preliminary, or initial plans or specifications. § 1097.6(b)(2).

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§ 1097.6(c). Any person who acts in good faith reliance on Section 1097.6 will not be subject to criminal, civil or administrative enforcement if the contractor is not in breach of the initial contract, and the initial contract includes the prescribed language set forth in Section 1097.6(c)(1). Even if the initial contract does not include the statutorily prescribed language, a person may still defend against an enforcement action by showing that the contractor's duties did not include engaging in or advising on public contracting, or that the contractor did not actually engage in or advise on making any subsequent contracts. § 1097.6(d).

In light of the FPPC guidance on this issue, we advise that both public agencies and independent contractors carefully evaluate whether their duties and obligations include engaging in or advising on public contracting. If so, their involvement in those contracting decisions must be evaluated for compliance with Section 1090.

b. Financial Interest in a Contract

The second element of the prohibition is the existence of a direct or indirect financial interest in a contract. The courts have interpreted the term "financially interested" as including any direct interest, such as that involved when a public official enters directly into a contract with the body of which he is a member. *Thomson v. Call*, 38 Cal. 3d 633 (1985). The courts have also interpreted "financially interested" as including indirect financial interests in a contract, where, for example, a public official has a business relationship with the entity that would be contracting with the public entity, or when the public official would gain something financially by the making of the contract. *Fraser-Yamor Agency*, 68 Cal. App. 3d 201 (1977); *Finnegan v. Schrader*, 91 Cal. App. 4th 572, 579 (2001). In *Thomson v. Call*, the California Supreme Court described the breadth of the statute this way:

> "Section 1090 forbids city officers . . . from being 'financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.' The proscribed interest certainly includes any direct interest, such as that involved when an officer enters directly into a contract with the body of which he is a member. California courts have also consistently voided such contracts where the public officer was found to have an indirect interest therein. . . . Neither the absence of actual fraud nor the possibility of a 'good faith' mistake on [the officer's] part can affect the conclusion that this contract violates section 1090 and is therefore void."

38 Cal. 3d at 645-46 (citations omitted).

In *Thomson*, a council member sold certain real property to a third party, knowing that the city was negotiating a deal to acquire multiple parcels of property in that area for a public park. The third party then conveyed the council member's property to the city, in an apparent attempt to evade the provisions of Section 1090. The court essentially "unwound" and invalidated the entire transaction based on the council member's interest in the transaction. The court refused to focus on the isolated contract between the city and the third party that bought the property from the council member, but

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rather viewed all of the successive contracts as one complex multi-party agreement. The court ordered the council member to disgorge all funds he received in the transaction and ordered that the city retain title to the property. The court noted that this type of severe remedy was necessary to discourage violations of Section 1090.

Other decisions have followed this same broad reading of "indirect interests." In *People v. Vallerga*, the California Court of Appeal summarized court decisions addressing financial interests under Section 1090 as follows: "However devious and winding the chain may be which connects the officer with the forbidden contract, if it can be followed and the connection made, the contract is void." 67 Cal. App. 3d 847, 867 (1977); see also *People v. Honig*, 48 Cal. App. 4th 289, 315 (1996) (stating the same rule). The scope of indirect interests that could form a "devious and winding chain" back to a public contract is broad, but this reflects the judicial stance of vigilant enforcement of Section 1090. See, e.g., *Thomson*, 38 Cal. 3d at 652 ("[T]he policy of strict enforcement of conflict-of-interest statutes . . . provides a strong disincentive for those officers who might be tempted to take personal advantage of their public offices, and it is a bright-line remedy which may be appropriate in many different factual situations."); *Berka v. Woodward*, 125 Cal. 119, 128 (1899) (noting the need for "strict enforcement" of the conflict of interest statutes).

Although Section 1090 traditionally has been interpreted broadly, a California appellate decision warned against an overly broad interpretation of the term "financial interest" for the purpose of Section 1090. See *Eden Township Healthcare District v. Sutter Health*, 202 Cal. App. 4th 208, 228 (2011). The court acknowledged the general principle that the "defining characteristic of a prohibited financial interest is whether it has the potential to divide an official's loyalties and compromise the undivided representation of the public interest the official is charged with protecting." *Id.* at 221. The court concluded that the salaried CEO of a non-profit medical center, who also served on the board of a hospital district, was not financially interested in contracts between the medical center and the hospital district, despite the clear potential effect on his employer. *Id.* at 222. The court noted that there was "nothing in the record to support the inference that the [agreements] bear any relationship to [the CEO's] continued employment" with the medical center. *Id.* at 223-224. Moreover, the court noted that there was "no evidence that [the CEO would] derive any financial benefit arising from the" agreements in question. *Id.* at 226. The court stated broadly:

> In our view, if the contract itself offers no benefit to the official, either directly or indirectly, then the official is not financially interested in the contract and any explicit legislative exemption for such a circumstance would be unnecessarily redundant.

Id. at 228. The court distinguished the case of *Miller v. City of Martinez*, 28 Cal. App. 2d 364 (1938), in which the complaint alleged that a council member had a financial interest in a contract with a company that employed him and in which he also held stock. *Id.* at 226.

The ruling in *Eden Township* could be construed to suggest that an official is only "financially interested" in a contract that affects the official's compensation or

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continued employment.[27] In light of subsequent FPPC advice letters, however, there is continued uncertainty regarding the application and interpretation of the court's holding in *Eden Township*.[28] As such, we recommend that public officials seek legal assistance whenever a potential Section 1090 conflict arises.

In addition to a "financial interest," there must be a contract in order for Section 1090 to apply, as described below. General contract principles apply to this determination and include such arrangements as purchase and service contracts as well as development agreements between a city and a developer (78 Ops. Cal. Att'y Gen. 230 (1995)); 82 Ops. Cal. Att'y Gen. 126, 129 n.4 (1999)), joint powers agreements (*People v. Gnass*, 101 Cal. App. 4th 1271, 1301 (2002)), and payments for conference attendance expenses (75 Ops. Cal. Att'y Gen. 20 (1992)).

c. A Contract "Made" by the Official or by a Body or Board of which the Official Is a Member

The third element necessary for a Section 1090 violation is that the contract has to be "made" either by the official or employee acting in his or her official capacity, or by any body or board of which the official is a member. The "making" of a contract is most commonly implicated by a city council's approval of a simple purchase order as part of the approval of a demand warrant registrar; this is likely to constitute the making of a contract within the scope of Section 1090. The courts have construed the term "made" as encompassing such elements in the formation of a contract as preliminary discussions, negotiations, compromises, reasoning, planning, and drawing of plans or specifications and solicitation for bids. *Millbrae Ass'n for Residential Survival v. City of Millbrae*, 262 Cal. App. 2d 222, 237 (1968). For example, in *City Council of San Diego v. McKinley*, 80 Cal. App. 3d 204, 212 (1978), a court of appeal found a Section 1090 violation when a city council entered into an agreement with a landscape architectural firm, of which the president, a stockholder, was also a member of the city's parks and recreation board. The board investigated and advised the city council on parks and recreation development issues, and it approved plans for a Japanese garden for which the board member's company ultimately received the development contract. Even though the board member was not a member of the city council, which awarded the contract to his company, the board member's participation in the planning for the garden was sufficient to constitute participation in "making" the contract:

> "[T]here is ample authority the negotiations, discussions, reasoning, planning, and give and take which go beforehand in the making of a decision to commit oneself must all be deemed to be a part of the making of an agreement in the broad sense. [Citation omitted.] Thus, the final execution of a contract, which is the time when the contract is

[27] See also, *Ansolabehere* Advice Letter, FPPC No. A-15-180, 2015 WL 9680325 (2015); *Devaney* Advice Letter, FPPC No. A-15-213, 2015 WL 7252462 (2015); but cf. Carney Advice Letter, FPPC No. A-16-073, 2016 WL 3212417 (2016) and *Diaz* Advice Letter, FPPC No. A-16-214, 2016 WL 7033000 (2016).

[28] See, e.g., *Diaz* Advice Letter, FPPC No. A-16-214, 2016 WL 7033000 (2016) and *Roy* Advice Letter, FPPC No. A-16-157, 2016 WL 6565871 (2016).

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> technically made, is not the only time when a conflict of interest may be presented."

80 Cal. App. 3d at 212.

Similarly, in *Stigall v. City of Taft*, 58 Cal. 2d 565, 569-70 (1962), the California Supreme Court held that an impermissible conflict existed in a contract with a plumbing company owned by a council member, even though the council member resigned before the plumbing company's bid was accepted. The court recognized that activities prior to the signing of a contract can be integral to the decision to accept the contract. *Id.* at 569; see also *Campagna v. City of Sanger*, 42 Cal. App. 4th 533, 538 (1996).

2. Exceptions to Section 1090

a. "Remote Interest" Exception

There are two categories of exceptions to Section 1090. The first, encompassing what are commonly referred to as "remote interests," is set forth in Section 1091. If an official has only a remote interest in a contract, then the local agency may enter into the contract as long as the official abstains from participating in the making of the contract in any way. Although this is not an exhaustive list of the "remote interest" exceptions, a few examples of "remote interest" exceptions include the following[29]:

- Remote interest exception for a compensated officer or employee of a nonprofit corporation (Section 1091 (b)(1));
- Remote interest exception for a person receiving a government salary, per diem, or reimbursement for expenses, even when the contract involves the department of the government entity that employs the official (Section 1091 (b)(13));
- Remote interest exception for a litigation settlement agreement between an officer that is a party to litigation involving the body or board of which the officer is a member (Section 1091 (b)(15); and
- Remote interest exception for the owner or partner of a firm who serves as an appointed member of an unelected board or commission of the contracting agency if the owner or partner recuses himself or herself from: (1) providing any advice to the contracting agency regarding the contract between the firm and the contracting agency; and (2) any participation in reviewing a project that results from that contract (Section 1091 (b)(17)).

[29] Effective January 1, 2026, Senate Bill 1111 ("SB 1111") amends the list of the "remote interest" exceptions in Section 1091 to include a remote interest exception for a public officer if the public officer's child is an officer or director of, or has an ownership interest of 10 percent or more in, a party to a contract entered into by the body or board of which the officer is a member, if this information is actually known to the public officer.

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The "remote interest" exception applies only if the interest is disclosed to the body that approves the contract, the disclosure is noted in that body's official records, and the official abstains from voting. Further, members with a "remote interest" may not attempt to influence any other member of the body or board of which they are members to enter into the contract.

b. "Non-Interest" Exception

The second category of exceptions is found in Section 1091.5. These are called "non-interest" exceptions and apply to a type of interest that is completely exempt from Section 1090 and, if held by the official, does not require abstention. Unlike the "remote interest" exceptions in Section 1091, most of the "non-interest" exceptions listed in Section 1091.5 are available to both officers and employees who are covered by the general prohibition in Section 1090. Although this is not an exhaustive list, examples of some of those exceptions are listed below:

- Non-interest exception for government salary, per diem, or reimbursement of expenses when the contract does not involve the department of the government entity that employs the officer or employee (Section 1091.5 (a)(9));

- Non-interest exception for government salary to an officer's or employee's spouse when the spouse was employed by the government entity for at least one year prior to the officer's or employee's election or appointment (Section 1091.5 (a)(6));

- Non-interest exception for a non-compensated officer of a nonprofit corporation that supports the functions of the public entity or to which the public entity is required to give particular consideration (Section 1091.5 (a)(8));

- Non-interest exception for non-salaried members of a nonprofit corporation (Section 1091.5 (a)(7));

- Non-interest exception involving the receipt of public services on the same terms as would be provided if the officer were not a member of the governmental body or board (Section 1091.5(a)(3)); and

- Non-interest exception for contracts for public services between a special district and its board members if the special district requires board members to be landowners or representatives of a landowner and the contract is made on the same terms and conditions granted to everyone else. (Section 1091.5(a)(14)). For purposes of the exception, "public services" include the powers and purposes generally provided pursuant to provisions of the Water Code relating to irrigation districts, California water districts, water storage districts, or reclamation districts.

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3. The "Rule of Necessity"

In limited circumstances, the "rule of necessity" may allow a local agency to enter into a contract that Section 1090 would otherwise prohibit. *See*, *Eldridge v. Sierra View Local Hospital Dist.* (1990) 224 Cal. App. 3d 311, 321. This rule ensures that essential government functions can be performed even where a conflict of interest exists. *Id.*

This exception has been applied in at least two specific types of situations:

- In procurement situations for essential supplies or services when no source other than the one that triggers the conflict is available. For example, the Attorney General concluded that a city could enter into contracts related to an existing cable television franchise owned by a council member where there were no other cable providers within the city.[30] 76 Ops. Cal. Atty. Gen. 118 (1993).

- In non-procurement situations to carry out essential duties of the office when the official or board is the only one authorized to act. For example, the Attorney General concluded that Section 1090 did not prohibit a school district from entering into a collective bargaining agreement with its teachers' union, even though the spouse of a district board member was represented by that union. 69 Ops. Cal. Atty. Gen. 102 (1986).

When the "rule of necessity" applies, all conflicted members must refrain from participating in the making of the contract. *Ennis* Advice Letter, FPPC No. A-21-112, A-21-113, 2021 WL 4557249 (2021). However, if a quorum is no longer available as a result of that abstention, the minimum necessary number of conflicted members may participate, by drawing lots or some other impartial method employed to select them. 224 Cal. App. 3d at pp. 322-323.

[30] Importantly, the Attorney General noted that the council member acquired the franchise *prior* to his election to the city council. Section 1090 would have prohibited a *current* member of a city council from obtaining a new cable television franchise from the city during his or her term of office. 76 Ops. Cal. Atty. Gen. 118 (1993)

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4. A Contract Made in Violation of Section 1090 is Void and Officials Violating Section 1090 Are Subject to Severe Penalties

Finally, it is important to note the extreme consequences of a Section 1090 violation and thus the caution with which persons must act to ensure compliance with this law. A public official who willfully violates any of the provisions of Section 1090 "is punishable by a fine of not more than $1,000, or by imprisonment in the state prison, and is forever disqualified from holding any office in this state." § 1097. The civil fines applicable to Section 1090 violations now can be up to the greater of $10,000 or three times the value of the financial benefit received by the defendant for each violation. § 1097.3(a). In addition, a contract made in violation of Section 1090 is void under Section 1092. *People ex rel. State v. Drinkhouse*, 4 Cal. App. 3d 931, 935 (1970) ("[A] contract in which a public officer is interested is void, rather than voidable as the statute indicates."). As with the Political Reform Act, acting on the advice of counsel is not a defense to a Section 1090 violation. See *People v. Chacon*, 40 Cal. 4th 558 (2007); *Chapman v. Superior Court*, 130 Cal. App. 4th 261 (2005).

Given these consequences, it is advisable for public officials to be very cautious in deciding whether they may participate in a contracting decision based on the existence of a "non-interest exception," whether they must abstain from those decisions based on the application of a "remote interest" exception, or whether their financial interest lies outside any exception and therefore precludes the public entity from entering into the contract altogether.

5. Aiding and Abetting Section 1090 Violations

In 2014, the California Legislature adopted Senate Bill 952, which added a subsection (b) to Government Code Section 1090, which now reads: "An individual shall not aid or abet a Member of the Legislature or a state, county, district, judicial district, or city officer or employee in violating subdivision (a)" of Section 1090. The Legislature added a similar provision to Section 1093 such that a person "shall not aid or abet the Treasurer, Controller, a county or city officer, or their deputy or clerk" in purchasing or selling "warrants, scrip, orders, demands, claims, or other evidences of indebtedness" for personal gain. § 1093. The Legislature also added a penalty for these crimes to Section 1097, which applies when a person "willfully aids or abets an officer or person in violating" Section 1090 or certain other conflict provisions. In light of these provisions, city officers and employees must be careful to avoid "aiding and abetting" a Government Code Section 1090 violation.

6. Seeking FPPC Advice on Section 1090

In 2013, the State Legislature adopted Assembly Bill 1090, which amended the enforcement provisions applicable to Government Code Section 1090. With the adoption of AB 1090, a person who is subject to the prohibition in Government Code Section 1090 may request advice and/or a formal opinion from the FPPC. § 1097.1(c). Opinions or advice must be requested prior to any action being taken, as the FPPC cannot issue options or advice based on past conduct. § 1097.1(c)(2). Such advice is admissible as evidence of good faith conduct by the requester if the requester truthfully

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disclosed all material facts and relied on the advice or opinion of the FPPC. § 1097.1(c). In addition, the FPPC is authorized to enforce the prohibition in Government Code Section 1090 through administrative or civil actions. § 1097.1(a).

7. Statute of Limitations for Section 1090 Violations

The statute of limitations for bringing a criminal prosecution under Section 1090 is three years from the discovery of the violation. *People v. Honig*, 48 Cal. App. 4th 289, 304 (fn. 1) (1996); Penal Code §§ 801, 803(c). However, under Government Code Section 1092, a four-year statute of limitations applies to actions brought under Section 1090 to invalidate a contract. This four-year statute of limitations begins to run from the date that the plaintiff has discovered the violation, or in the exercise of reasonable care, should have discovered the violation. A four-year statute of limitations also applies to civil actions brought by the FPPC. § 1097.3(c).

C. Common Law Doctrine Against Conflicts of Interest

The common law doctrine against conflicts of interest constitutes the courts' expression of the public policy against public officials using their official positions for their private benefit. See *Terry v. Bender*, 143 Cal. App. 2d 198, 206 (1956). This doctrine provides an independent basis for requiring public officials and employees to abstain from participating in matters in which they have a financial interest. Violation of the doctrine can amount to official misconduct and can result in loss of office. *Nussbaum v. Weeks*, 214 Cal. App. 3d 1589 (1989).

By virtue of holding public office, an elected official "is impliedly bound to exercise the powers conferred on him with disinterested skill, zeal, and diligence and primarily for the benefit of the public." *Noble v. City of Palo Alto*, 89 Cal. App. 47, 51 (1928). An elected official bears a fiduciary duty to exercise the powers of office for the benefit of the public and is not permitted to use those powers for the benefit of a private interest. *Id.*

In *All Towing Services LLC v. City of Orange*, 220 Cal. App. 4th 946 (2013), the court applied the common law doctrine against conflicts of interest and held that campaign contributions from tow truck companies to councilmembers did not create a common law conflict of interest for councilmembers in decisions regarding a towing contract.[31] In reaching its conclusion, the court explained that "a campaign contribution disqualification rule could be easily manipulated and abused [which] counsels against finding such a rule in the common law" and "[a]dopting such a sweeping rule would also violate the First Amendment rights of those who wish to participate in the electoral process by making campaign contributions."

The common law doctrine against conflicts of interest has been primarily applied to require a public official to abstain from participation in cases where the official's private financial interest may conflict with his or her official duties. 64 Ops. Cal. Att'y Gen. 795,

[31] While the campaign contributions in *All Towing Services LLC* did not create a common law conflict of interest, campaign contributions may create a conflict of interest for public officials under the Levine Act (as discussed in Section II.A of this Handbook).

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797 (1981). However, the doctrine also applies when specific circumstances preclude a public official from being a disinterested, unbiased decision maker for a quasi-judicial matter. In one case, a council member who voted to deny permits for a condominium project near his house was deemed to have a common law conflict of interest (i.e., bias) due to his interest in preserving his ocean view and his personal animosity toward the applicants. *Clark v. City of Hermosa Beach*, 48 Cal. App. 4th 1152 (1996).

However, a more recent court decision creates some uncertainty as to whether the common law doctrine should be applied when statutory conflict of interest laws already address the particular situation. In *BreakZone Billiards v. City of Torrance*, 81 Cal. App. 4th 1205, 1233 (2000), the court declined to construe allegations of an official's bias in a decision to constitute a conflict of interest at common law when the applicable statutes already had been construed not to create a conflict of interest in that situation. In *BreakZone*, the court indicated, "[w]e continue to be cautious in finding common law conflicts of interest . . . . We reject the application of the doctrine in this case, assuming, arguendo, it exists." 81 Cal. App. 4th at 1233.

II. OTHER SPECIALIZED CONFLICTS OF INTEREST LAWS AND REGULATIONS

A. Campaign Contributions

1. Conflicts of Interests Arising for Elected and Appointed Officials

A portion of the Political Reform Act known as the "Levine Act" establishes specific restrictions on the receipt and solicitation of campaign contributions, and participation of public officials in decisions affecting campaign contributors. A recent law extended these prohibitions that previously only applied to appointed officials to elected officials as well.[32] Another recent law introduced additional changes, including an increase to the contribution threshold from over $250 to over $500.[33]

As of January 1, 2025, a local elected or appointed official cannot: (i) solicit, accept or direct a campaign donation over $500 from a party or a participant, or their agent, involved in a matter presently pending before the local agency and during the 12 months following the final decision; or (ii) participate in a proceeding involving a party or a participant, or their agent, from whom the official accepted over $500 within the past 12 months. § 84308. These requirements only apply if the elected officer or the body of which they are a member has the authority to make any decision or recommendation in a proceeding involving a license, permit or other entitlement for use, as defined. §§ 84308 (b)(2), (c)(2).

[32] Senate Bill ("SB") 1439 (2022).
[33] SB 1243 (2024) (operative as of January 1, 2025).

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a. Disclosure Requirement

Officers must disclose disqualifying contributions either orally or in writing on the public record at the beginning of a public meeting before rendering any decision in the proceeding. If the disqualifying contribution is discovered during the public meeting, the officer should make the public disclosure as soon as possible, prior to continuing to take part in the decision. In the event that there is no public meeting held regarding the decision, the officer should submit a written disclosure to the clerk, and the written disclosure must be entered into the agency's official records. Regulation 18438.8.

b. Prohibition and Disqualification

For purposes of the disclosure and recusal requirement under Section 84308(c), an officer may not participate in a decision if the officer "willfully" or "knowingly" received a disqualifying contribution over $500. This includes actual knowledge of the contribution; a party's disclosure of a contribution; or an officer's awareness of facts establishing other reasons to know of the contribution, which requires a fact-specific analysis. Regulation 18438.7.

c. Fundraising Ban

While a proceeding is pending and for 12 months following the final decision date, an officer cannot accept, solicit, or direct a contribution over $500 from any party, participant, or agent, regardless of whether it is on the officer's own behalf or on behalf of any another officer, candidate for office, or committee. §§ 84308 (b)(1).

d. Participants

A conflict of interest involving a "participant," defined under Regulation 18438.4, arises only if the officer willfully or knowingly received the contribution **and** knows or has reason to know that the participant has a financial interest in the decision. § 84308 (b)(1). Under Regulation 18438.7, "knowledge" includes actual knowledge or knowledge of facts revealed by the participant in writing or orally during the proceeding that makes the person's financial interest "apparent."

e. Agents

An "agent" is a person or entity who represents a party or participant for compensation and appears before or otherwise communicates with an agency in order to influence the proceeding on behalf of the party or participant. § 84308(h). A person does not "communicate with the agency with the purpose of influencing the proceeding" if the person prepares architectural, engineering, or similar drawings or submissions for a client to submit in a proceeding as part of the person's profession and does not contact the agency other than to assist staff in evaluating the prepared documents. § 84308(h)(4). A person is also not an agent if the person only provides technical data or analysis to the agency and does not otherwise directly communicate with the agency for the purpose of influencing the proceeding.

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As of January 1, 2025, an agent can only make contributions to an officer before a matter is pending and cannot make a contribution **in any amount** (in contrast with the $500 threshold for parties and participants) to an officer during the proceeding and for 12 months following the final decision date. This means that an agent has a separate obligation to forgo making any contribution during, and for 12 months after a proceeding. , However, officers are only prohibited from accepting contributions over $500.

f. Aggregated Contributions

Contributions must be aggregated to determine whether a contributor has exceeded the $500 threshold during a 12-month period for purposes of Section 84308 for the following:

- All of the party's own contributions.
- All of the participant's own contributions.
- All of the agent's own contributions during either the prior 12 months or the period beginning the date the agent was first hired (whichever period is shorter). Please note that as of January 1, 2025, an officer is not required to combine the contributions of an agent with contributions from their affiliated party or participant. Government Code Section 84308(g).
- All of the contributions made by an individual (other than an uncompensated non-profit officer) or entity, if the individual directs or controls an entity's contributions or if multiple entities made contributions that are directed or controlled by a majority of the same persons. § 82015.5.
- All of the contributions made by entities that are majority owned (over 50% ownership) by a person with contributions of the majority owner and all other entities majority owned by that person (unless these other entities acted independently).

The requirement to aggregate depends on whether officers are actually aware of relevant facts. Officers are only required to aggregate contributions if the involved party or participant has disclosed the contribution on the record of the proceeding and the officer otherwise knows facts establishing that the contribution must be aggregated pursuant to Regulation 18438.5 and Government Code Section 82015.5. Otherwise, the officer does not know or have reason to know that the contributions must be aggregated.

g. Legally Required Participation

An officer who has received a disqualifying contribution may still participate in a decision if the officer's participation is "legally required." This exception to the recusal requirement only applies if there exists "no alternative source of decision consistent with

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the purposes and the terms of the statute authorizing the decision," and only if a quorum cannot be otherwise convened. Regulation 18705.

In order for the legally required participation exception to be invoked, the officer or an agency employee must state the existence of the potential conflict with particularity, orally or in writing. This disclosure must be made prior to the decision if during an open session, and either during the open session or immediately after the closed session if the decision is being made in closed session. The disclosure should specify that the officer has received a contribution over $500 from a party or participant within the last 12 months, along with the name of the contributor, a summary description of the potential conflict, and any legal basis for the contention that there is no alternative source of decision. Other steps and procedures must also be followed by which one or more disqualified members are selected at random to comprise the minimum number of members needed to take action on the item. The pool of disqualified members from which one or more disqualified members are selected at random to participate in a decision includes those with a financial interest in a decision and those who received a disqualifying contribution under Section 84308.

h. Curing a Violation

An officer who receives a prohibited donation may cure the violation depending on when the contribution was received. If a prohibited contribution was received during the 12 months *before* the final decision, then the contribution may be returned within 30 days from the time the officer either makes any decision or "knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use," whichever comes last. § 84308(d)(1). However, the violation can only be cured if the contribution was received from a party prior to the officer knowing or having reason to know that the proceeding involving the party had commenced. In addition, the violation can only be cured if the officer received a contribution from a participant prior to knowing or having reason to know that the participant had a financial interest. Regulation 18438.7(c).

Contributions of more than $500 may not be accepted *during* the proceeding and there is no "cure" for that violation. An official who unwillingly or unknowingly receives a contribution during the 12 months *after* the final decision may cure the violation by returning the excess amount "within 30 days of accepting, soliciting, or directing the contribution, whichever comes latest." The official or a controlled campaign committee must also maintain records of curing such violations. § 84308(d)(2)(C).

2. Application of Federal Corruption Laws to the Offer or Solicitation of Illegal Campaign Contributions Tied to an Official Act

Federal corruption laws apply to situations where the receipt of illegal, laundered or unreported campaign contributions are tied to an official act. In one case arising out of the City of San Diego, two council members were charged and convicted of wire fraud for conspiring to change the city's ordinance regulating adult-oriented businesses in exchange for campaign contributions from an adult-oriented business that had been illegally "laundered" through contributions made by residents of the city or which had

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been unreported and which constituted bribes. See *United States v. Inzunza*, 303 F. Supp. 2d 1041, 1043 (S.D. Cal. 2004) for a list of the charges; the case was referred to in the press as the San Diego "Strippergate" case. The charges included the alleged use of wire communications in interstate commerce in furtherance of the alleged conspiracy to defraud the public of their intangible right to honest service, in violation of 18 U.S.C. §§ 1951 (the Hobbs Act) and 1952 (Interstate Transportation in Aid of Racketeering). One of those convictions was later overturned. However, the case points out that direct connections between official acts and illegal or unreported campaign contributions may result in charges of bribery under California law and a violation of certain federal wire fraud and racketeering laws.

In a more recent case, a former Los Angeles deputy mayor, former Los Angeles city council member and Planning and Land Use Management Committee chairman, and former aide to the city council member were prosecuted on federal bribery charges related to the receipt of illegal campaign contributions from real estate developers. See *United States v. Shen Zhen New World I, LLC* (9th Cir. 2024) 115 F.4th 1167.

3. A Long-Standing Ban on Local Agency Officials and Employees Soliciting Campaign Contributions from Officials and Employees of the Same Agency is Now Unenforceable

In an effort to avoid local agency public employees being drawn into local political campaigns or having their positions become the subject of political reward or retribution, California law, for many years, prohibited the solicitation of campaign contributions by a local agency official or employee of other officials or employees within the same local agency. Until 2023, an officer or employee of a local agency was prohibited by Section 3205 from soliciting political contributions from an officer or employee of that same local agency. However, in 2023, the Ninth Circuit Court of Appeals held that Section 3205 is unconstitutional on the grounds that it violates the political speech rights of local government employees provided to them by the First Amendment to the U.S. Constitution. The Ninth Circuit concluded that because Section 3205 did not apply equally to state employees, the ban was not sufficiently tailored to accomplish the state's goal, and the state failed to justify applying the restriction only to local government employees. See *Progressive Democrats for Social Justice v. Bonta*, 73 F.4th 1118 (2023). Unless and until the Legislature amends or re-adopts Section 3205 in a manner that withstands judicial review, local government officials and employees are no longer precluded from soliciting campaign contributions from other officials or employees in the same local agency.

B. Doctrine Against Holding Incompatible Offices

1. The Common Law Doctrine Against Holding Incompatible Offices

In addition to Government Code Section 1099 (discussed below), a common law doctrine (that is, legal principles established over time by court decisions) applies to prevent public officials from holding multiple public offices simultaneously. The common law doctrine against incompatibility of offices arose from a concern that the

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public interest would suffer when one person holds two public offices which might possibly come into conflict. The California Supreme Court set forth the following test for incompatibility of offices in *People ex rel. Chapman v. Rapsey*, 16 Cal. 2d 636 (1940):

> "Two offices are said to be incompatible when the holder cannot in every instance discharge the duties of each. Incompatibility arises, therefore, from the nature of the duties of the offices, when there is an inconsistency in the functions of the two, where the functions of the two are inherently inconsistent or repugnant, as where antagonism would result in the attempt by one person to discharge the duties of both offices, or where the nature and duties of the two offices are such as to render it improper from considerations of public policy for one person to retain both."

16 Cal. 2d at 641-42. Incompatibility of offices is not measured only by conflicts which do exist, but also by those conflicts which might arise. *Chapman*, 16 Cal. 2d 636, 641-42 (1940); 66 Ops. Cal. Att'y Gen. 382, 384 (1983); 64 Ops. Cal. Att'y Gen. 288, 289 (1981).

In order to determine whether two positions are in conflict, it is necessary to determine first whether the two positions are both public offices within the scope of the doctrine. No statutory definition is given to the term "public officer." However, in *Chapman*, the court stated:

> "[A] public office is said to be the right, authority, and duty, created and conferred by law — the tenure of which is not transient, occasional, or incidental — by which for a given period an individual is invested with power to perform a public function for public benefit . . . .
>
> One of the prime requisites is that the office be created by the Constitution or authorized by some statute. And it is essential that the incumbent be clothed with a part of the sovereignty of the state to be exercised in the interest of the public."

16 Cal. 2d at 640 (citation omitted).

Incompatibility can be triggered if the duties of the two offices "overlap so that their exercise may require contradictory or inconsistent action, to the detriment of the public interest." *People ex rel. Bagshaw v. Thompson*, 55 Cal. App. 2d 147, 150 (1942). Only one significant clash of duties and loyalties is required to make offices incompatible. 37 Ops. Cal. Att'y Gen. 21, 22 (1961). The policy set forth in *Chapman* includes prospective as well as present clashes of duties and loyalties. 63 Ops. Cal. Att'y Gen. 623 (1980).

Abstention has not been recognized as a remedy for incompatible offices. The general rule provides:

> "The existence of devices to avoid . . . [conflicts] neither changes the nature of the potential conflicts nor provides assurances that they would be employed. Accordingly, the ability to abstain when a conflict arises will not excuse the incompatibility or obviate the effects of the doctrine."

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66 Ops. Cal. Att'y Gen. 176, 177 (1983) (citation omitted).

The effect of the doctrine of incompatibility of offices is that a public official who enters into the duties of a second office is deemed to have automatically vacated the first office if the two are incompatible. *Chapman*, 16 Cal. 2d at 644.

A list of some of the offices that the California Attorney General has found to be incompatible are as follows:

- County board of supervisors member and community college board member. 78 Ops. Cal. Att'y Gen. 316 (1995).
- Fire chief and board of supervisors member. 66 Ops. Cal. Att'y Gen. 176 (1983).
- Public utility district member and county board of supervisors member. 64 Ops. Cal. Att'y Gen. 137 (1981).
- School district trustee and council member. 73 Ops. Cal. Att'y Gen. 354 (1990).
- School board member and council member. 65 Ops. Cal. Att'y Gen. 606 (1982).
- County planning commissioner and council member. 63 Ops. Cal. Att'y Gen. 607 (1980).
- Fire chief and council member. 76 Ops. Cal. Att'y Gen. 38 (1993).
- County planning commissioner and city planning commissioner. 66 Ops. Cal. Att'y Gen. 293 (1983).
- County planning commissioner and county water district director. 64 Ops. Cal. Att'y Gen. 288 (1981).
- City planning commissioner and school district board member. 84 Ops. Cal. Att'y Gen. 91 (2001).
- City manager and school district board member. 80 Ops. Cal. Att'y Gen. 74 (1997).
- School district board member and community services district board member. 75 Ops. Cal. Att'y Gen 112 (1992).

2. The Statutory Codification of the Common Law Doctrine of Incompatible Offices – Government Code Section 1099

Government Code Section 1099 is intended to create a statutory rule against holding incompatible offices. This section is not intended to expand or contract the common

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law rule and is intended to be interpreted based on precedent created through court decisions under the common law doctrine. Stats. 2005, c. 254 (S.B. 274), § 2.

Section 1099 provides that a public officer, including, but not limited to, an appointed or elected member of a governmental board, commission, committee or other body, shall not simultaneously hold two public offices that are incompatible as defined by the statute. Section 1099 provides that offices are incompatible when:

- Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body;
- Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties and loyalties between the offices; or
- Public policy considerations make it improper for one person to hold both offices.

As is the case under the common law doctrine, Section 1099 provides that when two public offices are incompatible, a public officer shall be deemed to have forfeited the first office upon acceding to the second office. However, Section 1099 recognizes that certain state laws or possibly local ordinances may expressly provide for the simultaneous holding of particular offices and that result would not be precluded by Section 1099.[34] Section 1099 does not apply if one of the positions is a mere position of employment rather than a public office. It also does not apply when one of the positions is a member of a legislative body that has only advisory powers. § 1099(c), (d).

C. Incompatible Outside Activities

Government Code Section 1126(a) provides, in relevant part:

> "[A] local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed. . . ."

[34] See, e.g., *People ex rel. Lacey v. Robles*, 44 Cal.App.5th 804 (2020), which held that Section 1099's exception to the rule against holding incompatible offices if "simultaneous holding of the particular offices is compelled or expressly authorized by law" did not apply to an official serving as a mayor and a member of the board of directors for a water replenishment district, despite the fact that the city council and the water replenishment district adopted an ordinance and resolution, respectively, authorizing the official to simultaneously hold both offices. The court reasoned that (1) the Legislature's reference to "law" is "best understood as a reference to state, not local, law"; and (2) even if the reference to "law" could be understood to allow local jurisdictions to deem offices compatible notwithstanding a possible conflict in duties or loyalties, the water replenishment district lacked the authority to authorize its board members to hold incompatible offices.

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The provisions of Section 1126 prohibit officials and employees of a local government agency from engaging in outside employment or activities where any part of the employment or activity will be subject to approval by any other officer, employee, board or commission of the local agency. Exceptions are created to permit a public official to engage in outside employment by a private business, and to permit an attorney employed by a local agency in a non-elective position to serve on an appointed or elected governmental board of another agency. §§ 1127, 1128.

However, the court in *Mazzola v. City and County of San Francisco*, 112 Cal. App. 3d 141 (1980) ruled that Section 1126 provides only authorization to implement standards for incompatibility pursuant to paragraph (b) of Section 1126. The court ruled that the restrictions of Section 1126 are not self-executing because existing and future employees should have notice that specific outside activities are, or are not compatible with their duties as an officer or employee of the local agency. Thus, Section 1126 would not bar a public official from holding a position outside his or her public agency unless the public agency in which he or she serves as a public official adopts an ordinance in compliance with the requirements of Section 1126 that specifies that the two positions or activities are incompatible. Many cities have not adopted such ordinances.

In light of the court's decision in *Mazzola*, the Attorney General ruled that Section 1126 did not apply to any elected official, such as a council member, since elected officials do not have an "appointing power" that can promulgate guidelines for their activities pursuant to Section 1126. However, if a local agency adopts such guidelines, they can be made applicable to officers and employees subordinate to the legislative body of the local agency, including members of advisory boards and commissions. § 1126(a).

D. Successor Agency and Oversight Board Conflicts

1. Form 700s for Successor Agency and Oversight Board Members

In any city that adopted a resolution establishing a successor agency to the former redevelopment agency (which is a separate legal entity), an official who already files an annual Form 700 in his or her capacity as a city official does not need to file an Assuming Office Statement ("Assuming Office Form 700") within 30 days of assuming his or her position with the successor agency as long as these same city officials are already required to disclose all categories of economic interests. The successor agency official or employee will, however, have to file an Assuming Office Form 700 if he or she is not already required to disclose as a city official all categories of economic interests.

Members of a county oversight board are also subject to the Political Reform Act.[35] This means oversight board members must comply with both the Act's conflict of interest disqualification and disclosure requirements. Oversight board members who do not

[35] Pursuant to Health & Saf. Code Section 34179(j), beginning in 2018, oversight boards for individual successor agencies in counties where more than one successor agency existed prior to 2018 were consolidated into county-wide oversight boards. These oversight boards are staffed "by the county auditor-controller, by another county entity selected by the county auditor-controller, or by a city within the county that the county auditor-controller may select after consulting with the department." (Health & Saf. Code, § 34179(j).)

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also hold a concurrent county position for which they are required to broadly disclose in all of the applicable categories need to file an Assuming Office Form 700 within 30 days of their appointment. (See Regulation 18730(b)(3).)

2. Filing Officer for the Successor Agency's Statements of Economic Interests

The term "filing officer" is defined in the Act to be the office or officer with whom any statement or report is required to be filed under this title. § 82027, Regulation 18115. In determining where Form 700s are to be filed for officials of a successor agency, the city council, as the code reviewing body, may have designated either the "agency" (successor agency) or the "code reviewing body" (city council) the entity with which Form 700s are filed. § 87500(c). Regulation 18227 provides that every entity with whom forms are filed must assign to a specific official the responsibility for receiving and forwarding reports filed pursuant to Section 87500 (including Form 700s). This assigned "filing officer" has a duty to supply Form 700s, review submitted Form 700s for completeness, and notify all persons who have failed to file forms and report violations to appropriate agencies. See § 81010, Regulations 18115, 18115.1, 18115.2.

With respect to those officials of the successor agency and oversight board that are not otherwise exempt from filing Assuming Office Form 700s for their position with the successor agency, city clerks (or the successor agency secretary, if applicable) should provide forms to those persons and facilitate the filing of those forms within the required time periods .

E. Discount Passes on Common Carriers

Article XII, Section 7 of the California Constitution states:

> "A transportation company may not grant free passes or discounts to anyone holding an office in this state; and the acceptance of a pass or discount by a public officer, other than a Public Utilities Commissioner, shall work a forfeiture of that office. A Public Utilities Commissioner may not hold an official relation to nor have a financial interest in a person or corporation subject to regulation by the commission."

The Attorney General has explained this provision applies in the following manner:

- The prohibition applies to public officers, both elected and non-elected, but not employees.
- The prohibition applies to interstate and foreign carriers as well as domestic carriers, and to transportation received outside California.
- The prohibition applies irrespective of whether the pass or discount was provided in connection with personal or public business.
- Violation of the prohibition is punishable by forfeiture of office.

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There have only been a few decisions that address this constitutional prohibition. In one opinion, the Attorney General granted leave to sue two members of a city council who accepted free airline tickets to London given by Laker Airlines as part of the airline's promotion of its new Los Angeles to London service. Despite the fact that the council members were unaware of the prohibition, the Attorney General allowed a quo warranto suit that subsequently settled before judgment. *See, e.g.,* 76 Ops. Cal. Atty. Gen. 1, 3 (1993).

In another opinion, the mayor of a city received an upgrade from a coach seat to a first class seat on Hawaiian Airlines. 76 Ops. Cal. Atty. Gen. 1 (1993). There, the mayor's ticket was one of 20 first-class upgraded tickets that the airline was allowed to provide to "high profile, prominent members of the community." At issue was whether that situation fit within an exception to the constitutional prohibition for situations when the free transportation or discount is provided to a public officer as a member of a larger group unrelated to the official's position. The Attorney General ruled that the facts did not satisfy the exception and that a violation of the prohibition had occurred.

The exception considered in that opinion stemmed out of a 1984 opinion of the Attorney General which held that a public officer could accept first-class ticket upgrades by virtue of the airline's policy to do so for all airline employees and their spouses on their honeymoon. In 67 Ops. Cal. Atty. Gen. 81 (1984), the Attorney General concluded that a public officer, whose spouse was a flight attendant, could accept a free transportation pass or discount when such was offered to all spouses of flight attendants without distinction to the official status of the recipient.

Consequently, if the pass or discount is provided to the official because of his or her position as a governmental official, the prohibition applies. If it is provided to the official as a member of a larger group that is not related to the functions of his or her office, the prohibition may not be applicable.

F. Conflicts upon Leaving Office – the "Revolving Door"

Former elected officials and former city managers are restricted from receiving compensation for lobbying their city for one year after they leave public office. This restriction also applies to elected county and district officials and their chief administrative officers or general managers, but not to department directors or other public officials and employees. § 87406.3(a). A violation of the statute constitutes a misdemeanor, and the FPPC is authorized to impose administrative fines and penalties for its violation. § 91000.

The type of lobbying subject to the ban includes both formal and informal appearances before a local agency and making any oral or written communication to the agency. The statute proscribes the appearances and communications if they are made to influence administrative or legislative action, or affect the issuance, amendment, awarding or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. § 87406.3(a).

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The term "administrative actions" within the scope of the lobbying ban includes "the proposal, drafting, development, consideration, amendment, enactment, or defeat by any local government agency of any matter, including any rule, regulation, or other action in any regulatory proceeding, whether quasi-legislative or quasi-judicial." However, matters that are "solely ministerial" are expressly excluded from the prohibition. § 87406.3(d)(1). The type of "legislative action" within the scope of the ban includes:

> "the drafting, introduction, modification, enactment, defeat, approval, or veto of any ordinance, amendment, resolution, report, nomination, or other matter by the legislative body of a local government agency or by any committee or subcommittee thereof, or by a member or employee of the legislative body of the local government agency acting in the member or employee's official capacity."

§ 87406.3(d)(2). The lobbying ban does not apply to any public official who is appearing or communicating on behalf of another local governing body or public agency of which the individual is a board member, officer or employee. § 87406.3(b)(1). Therefore, if such former elected city official or former city manager is contacting his or her city on behalf of the state, a county, a school district or some other governmental entity (in his or her capacity as a board member, officer, or employee), such activity is not precluded by the ban. However, the lobbying ban ***does*** apply for the initial year if the former elected city official or former city manager serves another public agency ***as an independent contractor*** and appears or communicates on behalf of that agency in front of the agency that the person originally served. § 87406.3(b)(2). Such activity would be prohibited for the first year after leaving office or employment with the original agency.

Some cities have their own preexisting "revolving door" ordinances that regulate the lobbying activities of their former public officials. This state law expressly does not preempt those ordinances or prevent cities from adopting additional ordinances on the subject in the future, provided those ordinances are more restrictive than the state law. § 87406.3(c). Thus, the law merely sets a minimum standard applicable to all cities.

G. Laws Prohibiting Bribery

A number of state statutes prohibit bribery of public officials. Specifically, it is illegal to give or offer to give a bribe to a public official, or for a public official to ask for, receive, or agree to receive any bribe. Penal Code §§ 67, 68. Under a strict reading of these statutes, Penal Code Section 68 applies to bribery of a "ministerial officer, employee, or appointee," and Penal Code Section 67 applies only to bribery of an "executive officer in this state," but the courts have interpreted both statutes as having a broad scope applicable to public officials generally. *People v. Hallner*, 43 Cal. 2d 715, 717 (1954) (observing that Penal Code Section 67, despite its wording, is "all inclusive" and includes city officials, and that "[b]y the sixty-seventh section the offense defined is that of one who offers; by the sixty-eighth, that of one who receives a bribe"); *People v. Strohl*, 57 Cal. App. 3d 347, 360 (1976) ("Numerous California Supreme Court and appellate court decisions since 1954 have held that 'executive officers' of various levels

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of local government, including the county level, as herein involved, come within [Penal Code] Section 67.").

The Legislature also expressly made bribery of council members and supervising officials a crime, as well as solicitation of bribes by council members and supervisors. Penal Code § 165. Another statute makes it a crime for anyone to attempt to bribe "any person who may be authorized by law to hear or determine any question or controversy." Penal Code § 92. Considered together, these statutes cover the spectrum of public officials.

The term "bribe" signifies anything of value or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence, unlawfully, the person to whom it is given, in his or her action, vote, or opinion, in any public or official capacity. Penal Code § 7(6). Note that under all of the bribery statutes, it is not only the actual giving or accepting of a bribe that is criminal; merely offering to give or receive a bribe constitutes a violation of law. See, e.g., *People v. Pic'I* (1982) 31 Cal. 3d 731, 739 (noting that a "meeting of the minds" is unnecessary for a bribery conviction).

A public officer forfeits his office if he requests, receives, or agrees to receive a bribe. Penal Code § 68. In addition, every officer convicted of any crime defined in the Penal Code sections pertaining to bribery and corruption is forever disqualified from holding any office in the state. Penal Code § 98.

Note also that bribery and soliciting bribery potentially violate not only the Penal Code, but also the conflict of interest statutes. For example, in *Terry v. Bender*, 143 Cal. App. 2d 198 (1956), a court of appeal held that a council member violated Government Code Section 1090 when he solicited and received a bribe from an attorney in exchange for the council member's vote to employ the attorney with the city. 143 Cal. App. 2d at 207 (observing that by accepting the bribe, the council member "had placed himself in a position of economic servitude" in violation of Section 1090). Because the bribe "restricted the free exercise of the discretion vested in him for the public good," there was an impermissible conflict of interest.

H. Nepotism

One other potential source of a conflict of interest is a governmental decision that affects a family member. If a public official's relative has an application before the government agency on which the public official serves, the public official would potentially have an improper incentive to approve the relative's application. Because the financial interests of a public official's spouse and dependent children (children under 18 years of age who are dependent financially on their parents) are attributed to the public official under the Political Reform Act and Section 1090, participation in decisions financially benefiting spouses and dependent children is limited. §§ 82030, 87103; *Thorpe v. Long Beach Community College Dist.*, 83 Cal. App. 4th 655 (2000) (holding that Section 1090 prohibited a community college district board from voting to approve the promotion of the spouse of a board member). If the approval did not require a decision by the legislative body, however, the public entity could still

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potentially approve an application or make a decision if the related public official did not participate.

With respect to adult children and more extended family members, the Political Reform Act and Section 1090 would not automatically apply in the absence of some financial relationship between the public official and the adult child or extended family members.[36] Currently, state law only prohibits such "extended family" interests for the governing boards of school districts. Educ. Code § 35107(e). Under that statute, a school board member must abstain from participating in personnel matters that uniquely affect his or her relative. "Relative" is defined as an adult who is related to the official by blood or affinity within the third degree, or in an adoptive relationship within the third degree. There is no comparable statute for cities and counties, but some local governments have established similar restrictions through ordinances or policies.

The issue of familial relations comes up more frequently in the context of personnel decisions, as when a public entity prohibits the hiring of relatives of public officials or employees. Such anti-nepotism policies are generally upheld by the courts. For example, in *Parsons v. County of Del Norte*, 728 F. 2d 1234 (9th Cir. 1984), the Ninth Circuit upheld a county policy prohibiting spouses from working in the same department. The Ninth Circuit held that the policy did not violate the Equal Protection and Due Process clauses of the U.S. Constitution and was rationally related to a legitimate government interest: avoidance of conflicts of interest and favoritism in employee hiring, supervision and allocation of duties. See also *Kimura v. Roberts*, 89 Cal. App. 3d 871, 875 (1979) (upholding a policy prohibiting spouses from serving on both the city council and planning commission, reasoning that "the finding of the mayor and the city council that an actual or implied conflict of interest existed, is eminently rational, practical and legally sound").

Note, however, that state law prohibits the application of anti-nepotism rules to spouses in some circumstances. The Fair Employment and Housing Act prohibits an employer from making an employment decision based on whether an employee or applicant has a spouse presently employed, except in two specific situations:

- For business reasons of supervision, safety, security or morale, an employer may refuse to place one spouse under the direct supervision of the other spouse.

- For business reasons of supervision, security or morale, an employer may refuse to place both spouses in the same department, division or facility if the work involves potential conflicts of interest or other hazards greater for married couples than for other persons.

2 C.C.R. § 11057(a) (emphasis added).

Accordingly, any anti-nepotism policy that a city or county adopts must not apply to the hiring of spouses, except in cases of direct supervision, where greater conflicts or hazards occur for married persons, or where a conflict of interest statute applies.

[36] *Davies* Advice Letter, No. I-90-329, 1990 WL 698051 (1990).

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III. LAWS AND REGULATIONS AFFECTING RECEIPT OF GIFTS, HONORARIA AND LOANS

The PRA provisions and other conflict of interest laws discussed above do not prohibit a public official from having an interest in a business or real property. Instead, they merely limit the official's ability to participate in governmental decisions that would materially affect those interests.

There are additional restrictions in the PRA, however, with regard to certain gifts, honoraria and loans. The statute precludes local officials (including council members and planning commissioners) from receiving certain gifts, honoraria and loans. These prohibitions apply whether or not the source of the gift, honorarium or loan is or will ever be affected by a decision of the official's agency. This section outlines these prohibitions.

A. Limitations on Receipt of Gifts

1. General Gift Limitation

Government Code Section 89503(a) provides: "No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept gifts from any single source in any calendar year with a total value of more than [$630]." (The gift limit amount has been adjusted in accordance with Regulation 18940.2.) Officials listed in Section 87200, in turn, include mayors, council members, planning commissioners, city managers, city attorneys, city treasurers, chief administrative officers and other public officials who manage public investments, and candidates for any of these offices.

A similar limitation prohibits a local agency employee designated in a local conflict of interest code from accepting gifts from a single source totaling more than $590 in value in any calendar year, if the gifts would be required to be reported on his or her statement of economic interests. § 89503(c).

2. Biennial Gift Limit Adjustment

The Act authorizes the FPPC to make an inflationary adjustment of the gift limitations set forth in Section 89503 every two years. § 89503(f). The most recent adjustment became effective on January 1, 2025, wherein the gift limit increased to $630. Regulation 18940.2. This figure will be further adjusted in future odd-numbered years.

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3. Exceptions to Gifts

None of the following is a gift and none is subject to any limitation on gifts (Regulation 18942):

a. Informational Materials

Informational materials such as books, reports, calendars, audio and video recordings, scale models, maps, free or discounted admission to informational conferences or seminars, and on-site demonstrations, tours or inspections that are provided to convey information for the purpose of assisting the official in the performance of official duties are not considered gifts. The cost of transportation for on-site demonstrations, tours or inspections may fall into this exception in particular situations. Regulations 18942(a)(1), 18942.1.

b. Returned Gifts

Except for passes and tickets as provided for in Regulation 18946.1 that must be ultimately used or transferred to have value, a gift that is not used and that, within 30 days of receipt, is returned, donated, or for which reimbursement is paid pursuant to Regulation 18941, is not a gift. Regulation 18942(a)(2). First, an unused gift returned to the donor, the donor's agent, or the donor's intermediary for which the returning party does not receive anything of value in exchange for the returned payment, does not constitute a gift. Regulation 18941(c)(1). Next, an unused donation of a gift under this exception must be to either a 501(c)(3) charitable organization with which the official or a member of his or her family holds no position or to a government agency, without being claimed as a tax deduction, also does not constitute a gift. Regulation 18941(c)(2). Lastly, a gift fully reimbursed to the donor, agent, or intermediary from the recipient official is not a gift, but a partial reimbursement will result in a reduced gift amount. Regulation 18941(c)(3).

c. Family Gifts

A payment from an individual's family member is not considered a gift unless the donor is acting as an agent or intermediary for any other person. The family members included in this exception are a spouse or former spouse, child or step-child, parent, grandparent, grandchild, brother, sister, current or former parent-in-law, current or former brother-in-law, current or former sister-in-law, nephew, niece, aunt, uncle, grand nephew, grand niece, grand aunt, grand uncle, first cousin or first cousin once removed, or the current or former spouse of any such person other than a former in-law. Regulation 18942(a)(3).

d. Campaign Contributions

Campaign contributions that are reported in accordance with separate provisions of the Act are not considered gifts. Regulation 18942(a)(4).

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e. Inherited Money or Property

Devises or inheritances of any kind are not considered gifts. Regulation 18942(a)(5).

f. Awards

A personalized plaque or trophy with an individual value of less than $250 is not a gift. Regulation 18942(a)(6).

g. Home Hospitality

The cost of home hospitality is not considered a gift unless any part of the cost is paid directly or reimbursed by another person, any person deducts any part of the cost as a business expense on a tax return, or the host has an understanding with someone else that any amount of compensation the host receives from that person includes a portion to be utilized to provide gifts of hospitality. Regulation 18942(a)(7). "Home hospitality" is defined as any benefit received by the official, and the official's spouse and family members when accompanying the official, which is provided by an individual with whom the official has a relationship, connection, or association unrelated to the official's position and the hospitality is provided as part of that relationship, connection, or association in the individual's home when the individual is present. Regulation 18942.2. Home hospitality includes entertainment, occasional overnight lodging, and any food, including food provided by other guests at the event and benefits received by the official when the official serves as the host.

A "home" includes a vacation home owned, rented, or leased by the individual for use as his or her residence, including in some cases a timeshare or a motor home or boat owned, rented, or leased by the individual for use as his or her residence. "Home" also includes any facility in which the individual has a right-to-use benefit by his or her home residency, such as a community clubhouse. Regulation 18942.2.

In determining where this exception is available, the official is to presume that the cost of the hospitality is paid by the host unless the host discloses to the official or it is clear from the surrounding circumstances that someone other than the host paid the cost or part of the cost of the hospitality. Regulation 18942(a)(7). The cost of providing hospitality must also not include any part of the value or rental cost of the home nor any depreciation value on the home where the hospitality is extended for the exception to apply. *Id.*

h. Presents on Personal or Family Occasions

Benefits commonly exchanged between an official and an individual, other than a lobbyist, on holidays, birthdays, or similar occasions are not gifts as long as the presents exchanged are not substantially disproportionate in value. For purposes of this exception, "benefits commonly exchanged" includes food, entertainment, and nominal benefits provided to guests at an event by an honoree or other individual, other than a lobbyist, hosting the event. Regulation 18942(a)(8)(A).

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i. Reciprocal Exchanges

Reciprocal exchanges made in a social relationship between an official and another individual who is not a lobbyist and with whom the official participates in repeated social events are not gifts where the parties typically rotate payments on a continuing basis so that, over time, each party pays for approximately his or her share of the costs of the continuing activities. The repeated social events may include lunches, dinners, rounds of golf, attendance at entertainment or sporting events, or any other such event so long as the total value of payments received by the official within the year is not substantially disproportionate to the amount paid by the official. If the official receives much more than what he or she paid, the official has received a gift for the excess amount. This exception does not apply to any single payment that is equal to or greater than $630. Regulation 18942(a)(8)(B).

j. Leave Credits Donated to an Official

Leave credits, including vacation, sick leave, or compensatory time off, donated to an official in accordance with a bona fide catastrophic or similar emergency leave program established by the official's employer are not gifts as long as they are available to all employees in the same job classification or position. This exception does not include donations of cash. Regulation 18942(a)(9).

k. Disaster Assistance

Payments received under a government agency program or a program established by a 501(c)(3) organization designed to provide disaster relief or food, shelter, or similar assistance to qualified recipients are not gifts as long as such payments are available to members of the public regardless of official status. Regulation 18942(a)(10).

l. Admission when "Speech" Made

Payment of the official's admission by the organizer of an event is exempt from the gift limitations if the official makes a "speech" at the event. Regulation 18942(a)(11). This exemption applies if the official is "making a speech, participating on a panel, or making a substantive formal presentation at a seminar or similar event." Regulation 18950(b)(2). For the purpose of the exemption, the price of admission can include food and "nominal items" including things like pens, stress balls, note pads, etc. Regulation 18942(a)(11).

m. Campaign Travel

The payments made to an elected officer or candidate for his or her transportation, lodging, or food provided in connection with the official's campaign activities are exempt from the gift limitations, so long as the expenditures are reportable by the campaign committee in accordance with the provisions of Sections 84100, et seq., applicable federal law or the laws of the state in which the committee exists. Regulations 18942(a)(12), 18950.3.

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n. Ticket for Ceremonial Role

A ticket which is provided to an official and one guest of the official for his or her admission to an event where the official performs a ceremonial role on behalf of the agency is not a gift, so long as the agency reports the ticket on its Form 802. The term "ceremonial role" means an act performed at an event by the official as a representative of the official's agency at the request of the holder of the event where, for a period of time, the focus of the event is the act performed by the official. Examples include throwing out the first pitch at a baseball game, cutting a ribbon at a library opening, or presenting a certificate or award. A local agency may adopt specific policies to either limit or expand the permissible ceremonial roles for an official in that city, the full list of which must be forwarded to the FPPC. Any official who attends the event as part of his or her job duties to assist the official who is performing the ceremonial role has not received a gift or income by attending the event. Regulations 18942(a)(13), 18942.3.

o. Prize or Award in Bona Fide Contest or Competition

A prize or award received in a manner not related to the official's status in a bona fide contest, competition, or game of chance is not a gift. A prize or award that is not reported as a gift shall be reported as income unless the prize or award is received as a winning from the California State Lottery. Regulation 18942(a)(14).

p. Weddings Benefits

Benefits received as a guest attending a wedding or civil union are not gifts if the benefits are substantially the same as the benefits received by the other guests attending the event. Regulation 18942(a)(15).

q. Bereavement Offerings

Bereavement offerings typically provided in memory of and at the time of the passing of a spouse, parent, child, or sibling or other relative of the official are not gifts. Regulation 18942(a)(16).

r. Acts of Neighborliness

A service performed as an act of ordinary assistance consistent with polite behavior in a civilized society that would not normally be part of an economic transaction between like participants under similar circumstances is not a gift. Examples of such services include the loan of an item, an occasional needed ride, personal assistance in making a repair, bringing in the mail or feeding the cat while the official is away. Individuals need not be actual neighbors for this exception to apply. Regulation 18942(a)(17).

s. Bona Fide Date or Dating Relationship

Personal benefits commonly exchanged between people on a date or in a dating relationship are not gifts. However, such benefits are gifts if the individual providing the benefit to the official is a lobbyist or otherwise has particular interests in the official's role

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in the agency within 12 months of the date. Even if the benefit is from such an individual, the gift is still not reportable or subject to limits but the aggregate value is subject to the conflict of interest provisions if the value is $630 or greater. Regulation 18942(a)(18)(A).

t. Acts of Human Compassion

Payments provided to an official or his or her family member by an individual to offset family medical or living expenses that the official can no longer meet without private assistance because of an accident, illness, employment loss, death in the family, or other unexpected calamity are not gifts. Payments provided to an official or his or her family member to defray expenses associated with humanitarian efforts such as the adoption of an orphaned child are also not gifts. However, under this exception, the source of the donation must be an individual who has a prior social relationship with the official of the type where it would be common to provide such assistance (such as a relative, long-term friend, neighbor, co-worker or former co-worker, member of the same local religious or other similar organization, etc.), or the payment must be made without regard to official status under other circumstances in which it would be common to receive community outreach. In any case, the individual providing the benefit to the official cannot be a lobbyist or otherwise have particular interests in the official's role in the agency within 12 months of the payment. Regulation 18942(a)(18)(B).

u. Best Friends Forever

A payment provided to an official by an individual with whom the official has a long term, close personal friendship unrelated to the official's position with the agency is not a gift. However, the individual providing the benefit to the official cannot be a lobbyist or otherwise have particular interests in the official's role in the agency within 12 months of the payment. Regulation 18942(a)(18)(C).

v. Catch-All

Any other payment that would otherwise meet the definition of gift is not a gift where the payment is made by an individual who is not a lobbyist and it is clear that the payment was made because of an existing personal or business relationship unrelated to the official's position. Additionally, there can be no evidence whatsoever at the time the payment is made that the official makes or participates in the type of governmental decisions that may have a foreseeable material financial effect on the individual who is the source of the payment. Regulation 18942(a)(19).

4. Gifts to an Agency

Regulation 18944 provides a narrow exception to the normal gift reporting requirements and value limitations for gifts made directly to a public agency. A payment made to a state or local government agency that is used for official agency business is not considered a gift or income to an individual public official who is the end recipient, even though the official receives an incidental personal benefit from the payment. As

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such, the gift does not have to be reported by the individual and is not subject to the annual value limitation.

A payment shall be considered a gift to the public official's agency and not a gift to the public official if all of the following requirements are met: the payment must be used for official agency business; the agency head must determine and control the agency's use of the payment, including the selection of the official who will use the payment; and the agency must report the payment on a Form 801. The Form 801, which must be signed by the agency head and maintained as a public record in accordance with Government Code Section 81008, must include the following information:

- **Donor Information**: The reporting form requires not only the donor's name, but also his or her address, and must identify any other persons who contributed to the gift, as well as the amount each person contributed. If the donor is not an individual, the report must describe the business activity or nature of the entity giving the gift.

- **Description of Payment**: The form requires a description of the payment, the date it was received, the intended purpose and the amount of the payment or the actual or estimated fair market value of the goods or services provided, if the amount is unknown.

- **Recipient Information**: The form also requires that the agency specify the name, title, and department of the agency official who used the payment.

Regulation 18944(c)(3). For any quarter year period in which the payments received by the agency aggregate to $2,500 or more since the last filing, a local agency must submit a copy of the form or a detailed summary of the information to its filing officer within 30 days after the close of the quarter. Thereafter, the filing officer must post a copy of the form or the information in a "prominent fashion" on its website within 30 days after the close of the quarter. If the local agency does not maintain a website, the agency must send its Form 801 to the FPPC, which will post the document on its own website. Regulation 18944(d).

5. Gifts to an Official's Family

Regulation 18943 governs gifts to an official's or candidate's family. An official's "family member," includes an official's spouse or registered domestic partner, a dependent child, and an official's child. "Dependent child" means a child (including an adoptive child or stepchild) of a public official who is under 18 years old and whom the official is entitled to claim as a dependent on his or her federal tax return. Regulation 18229.1. An "official's child" (including an adoptive child or stepchild) means a child who meets all of the following criteria:

- The child is at least 18 but no more than 23 years old and is a full-time or part-time student;

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- The child has the same principal residence as the official. For purposes of this provision, a place, located away from the official's residence, at which the child resides for the purpose of attending school is not the child's "principal place of residence"; and

- The child does not provide more than one-half of his or her own support.

a. Gifts to Both an Official and One or More Family Members

A single gift to both an official and one or more members of the official's family is a gift to the official for the full value of the gift. See "Wedding Gifts" section below for a particular exception to this rule.

b. Gifts Solely to Family Members

A gift given solely to a member of an official's family is a gift to the official, when there is no established working, social, or similar relationship between the donor and the official's family member that would suggest an appropriate association for making such a payment. A gift given to a member of an official's family is also a gift to the official if there is evidence to suggest the donor had a purpose to influence the official, such as when:

- The donor is a lobbyist, lobbying firm, lobbyist employer, or other similar person and is registered to lobby the official's state agency;

- The donor is involved in an action or decision before the local or state government agency in which the official will reasonably foreseeably participate, or in an action in which he or she has participated within the last 12 months; or

- The donor has a contract with the official's agency or the donor engages in a business that regularly seeks contracts with, or licenses, permits or other entitlements from, and the official may reasonably foreseeably make or participate in such a decision or has participated in such a decision within 12 months of the time the gift is made, unless the donor has less than 10 percent interest in the business contracting with or appearing before the agency. Regulation 18943(c).

6. Invitation-Only Events

When an official and one of his or her guests attends an invitation-only event such as a banquet, party, gala, celebration, or other similar function, other than a nonprofit or political fundraiser as set forth in Regulation 18946.4, the value received is the official's and the guest's pro-rata share of the cost of the food, catering services, entertainment, and any item provided to the official and guest that is available to all guests attending the event. Regulation 18946.2(b). A calculation of the pro-rata share means the total cost of the listed expenses above, divided by the number of acceptances or the number of attendees at the event. Any other specific benefit provided to the official

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and guest at the event, such as golf green fees, is valued at fair market value. Regulation 18946.2(b).

a. Official or Ceremonial Functions

When an official performs an official or ceremonial function at an invitation-only event in which the official is invited to participate by the event's sponsor or organizer to perform an official or ceremonial function, the value received is the pro-rata cost of any meal provided to the official and guest, plus the value of any specific item that is presented to the official and his or her guest at the event. Regulation 18946.2(d).

b. Drop-In Visit

Except for an event sponsored by a lobbyist, lobbying firm, or lobbyist employer, if an official attends an invitation-only event and does not stay for any meal or entertainment otherwise provided at the event, receiving only minimal appetizers or drinks, the value of the gift received is the value of any specific item, other than food, that is presented to the official and his or her guest at the event. For purposes of this regulation, "entertainment" means a feature show or performance intended for an audience and does not include music provided for background ambiance. Regulation 18946.2(e).

c. Lobbyists, Lobbying Firms, and Lobbyist Employers

Where an official attends an invitation-only event sponsored by a lobbyist, lobbying firm, or lobbyist employer, the value of the gift is the pro-rata share of the cost of the event. Regulation 18946.2(b), 18640. If the official notifies the lobbyist, lobbying firm, or lobbyist employer that the official attended the event but that he or she did not stay for any meal or entertainment, receiving only minimal appetizers and drinks, the value of the gift received is the value of any specific item (other than food) that is presented to the official and the official's guest at the event. Regulation 18640(b). Again, the term "entertainment" means a feature show or performance intended for an audience and does not include music provided for background ambiance. Regulation 18640.

7. Tickets to Political and Charitable Fundraisers

Regulation 18946.4 provides special rules for tickets provided to public officials to fundraisers for nonprofit and political organizations. Such tickets are not considered gifts to a public official if certain requirements are met. This exception applies only to two tickets provided to an official, and only if it is provided directly by the charity or campaign committee; additional tickets are treated as gifts. The requirements vary depending on whether the organization is a 501(c)(3) nonprofit, a non-501(c)(3) nonprofit, or a political organization.

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a. Non-501(c)(3) Nonprofit Fundraiser

Regulation 18946.4(a) provides that a ticket to a fundraising event for a nonprofit, tax-exempt organization that is neither a political campaign committee nor a 501(c)(3) nonprofit shall be valued as follows:

- Where the ticket to the fundraiser clearly states that a portion of the ticket price is a donation to the organization, or the organization provides information indicating the portion of the admission price that constitutes the donation, then the value of the gift is the face value of the ticket or admission reduced by the amount of the donation – i.e., the "nondeductible portion" of the price of admission.

- If there is no ticket or other official information provided by the organization indicating the value of the nondeductible portion of admission, the value of the gift is the pro-rata share of the cost of any food, catering service, entertainment, and any other item provided to the official that is available to the other guests. A calculation of the pro-rata share means the total cost of the listed expenses, divided by the number of acceptances or the number of attendees. Any other specific benefit provided to the official at the event, such as golf green fees, is valued at fair market value.

b. Fundraiser for a 501(c)(3) Religious, Charitable, Scientific, Literary or Educational Organization

Where the event is a fundraising event for an organization exempt from taxation under Internal Revenue Code Section 501(c)(3), such an organization may provide two tickets per event to an official, and the ticket shall have no value. Regulation 18946.4(b). Any additional tickets or admissions provided by the 501(c)(3) organization, any tickets provided to or controlled by the official, and any tickets not provided directly by the 501(c)(3) are valued as tickets from a non-501(c)(3) nonprofit. Regulation 18946.4(b).

c. Political Fundraiser

For the gift of a ticket, pass, or other admission privilege to a political fundraising event for a "campaign committee" or a comparable committee regulated under federal law or the laws of another state, the committee or candidate may provide two tickets per event to an official that shall be deemed to have no value. A "campaign committee" is any person or persons who directly or indirectly receives contributions totaling two thousand dollars ($2,000) or more in a calendar year (note: this was increased from $1,000 in 2015), makes independent expenditures totaling one thousand dollars ($1,000) or more in a calendar year, or makes contributions totaling ten thousand dollars ($10,000) or more in a calendar year to or at the behest of candidates or committees. § 82013.

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8. Tickets or Passes to Events Given to Officials by their Agency

a. Gift Exception

FPPC Regulation 18944.1 provides that a ticket or pass to an event or function provided to an official by his or her agency and distributed and used in accordance with a written policy adopted by the agency is not a gift under the Political Reform Act if: (1) the ticket or pass is not earmarked by an outside source for use by a specific agency official; (2) the agency determines, in its sole discretion, who uses the ticket or pass; (3) the distribution of the ticket or pass is reported on Form 802 as described below; and (4) the distribution of the ticket or pass by the agency is made in accordance with a written policy adopted by the agency that meets all of the requirements as described below. Regulation 18944.1(a).

- **Application**: FPPC Regulation 18944.1 applies only to the benefits the official receives from a ticket or pass to an event or function that are provided to all members of the public with the same class of ticket or pass, when the ticket or pass is provided by an agency to an official of the agency, or at the behest of an agency official. The regulation does not apply to: (1) an admission to an event or function in which the official performs a ceremonial role; or, (2) admission provided to a school, college or university district official, coach, athletic director or employee to attend an amateur event performed by students, which are neither gifts nor income. Regulation 18944.1(f).

b. Written Policy for Distribution of Tickets

- **Policy Requirements**: The distribution of tickets and passes described above must be made pursuant to a written policy duly adopted by the agency's legislative or governing body that must contain the following: (1) a provision setting forth the public purposes of the agency for which tickets or passes may be distributed; (2) a provision requiring that the distribution of any ticket or pass to, or at the behest of, an official accomplish a stated public purpose of the agency; (3) a provision prohibiting the transfer of any ticket received by an agency official, except to his or her immediate family or no more than one guest solely for their attendance at the event; and (4) a provision prohibiting the disproportionate use of tickets or passes by a member of the governing body, chief administrative officer, political appointee, or department head. Regulation 18944.1(b).

- **Public Purpose**: The agency's legislative or governing body must determine whether the distribution of tickets or passes serves a legitimate public purpose of the agency, consistent with state law. Tickets or passes given to officials (other than a member of the governing body, chief administrative officer, political appointee or department head) to support general employee morale, retention or to reward public service is deemed to have a public purpose. Regulation 18944.1(e).

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- **Public Record**: The policy must be maintained as a public record, subject to inspection and copying. The agency must post the policy on the agency website within 30 days of adoption or amendment and send to the FPPC, by email, the agency's website link that displays the policy for posting on the FPPC's website. Regulation 18944.1(c).

c. Form 802 for Reporting Distribution of Tickets and Passes

Within 45 days of distributing a ticket or pass, the head of the agency must fill out and certify a Form 802 describing the distribution of tickets or passes to an official. The Form 802 requires: (1) the name of the official who received the ticket or pass, (2) a description and date of the event, (3) the fair value of each ticket or pass, (4) the number of tickets or passes distributed to the official, (5) if the ticket or pass is behested, the name of the official who behested the ticket, (6) if the official gave the ticket or pass to another person (limited to an immediate family member or no more than one guest), the name of that person, (7) the specific public purpose under which the distribution was made, and (8) a written inspection report of findings and recommendations by the official who received the ticket or pass if it was received for the oversight or inspection of facilities. This form must be maintained as a public record, subject to inspection and copying. The agency must post the form, or a summary of its contents, on its website and send the FPPC, by email, the agency's website link for posting on the FPPC's website. Regulation 18944.1(d).

d. Other Exceptions

- **Reimbursement**. The ticket or pass is not considered a gift if the official reimburses the agency for the ticket within 30 days of receipt. Regulation 18944.1(h).

- **Treated as Income**. The ticket or pass is not considered a gift if the official treats the ticket or pass as taxable income. Regulation 18944.1(g).

9. Gifts from a Government Agency to an Official in That Agency

A payment by an agency that provides food, beverage, entertainment, goods or services of more than a nominal value to an official in that agency is a gift to that official, unless the payment is a "lawful expenditure of public moneys." Regulation 18944.3.

Several commentators have questioned the need or usefulness of this regulation because a public agency is already prohibited from making a payment that is not a "lawful expenditure of public moneys." Boiled down, the regulation states that it is illegal for an agency to give a gift unless the gift is legal. The FPPC has not provided additional guidance on what constitutes a gift of public funds because such a determination is outside the interpretation of the PRA. Consequently, the FPPC will generally defer to the local agency's judgment on the matter unless and until a court

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or prosecuting authority determines that a particular gift violates the laws regarding the use of public resources or does not serve or support a public purpose.[37]

10. Wedding Gifts

The value to an official of a wedding gift given to an official and his or her spouse or spouse-to-be is one-half of the gift's total value. Regulation 18946.3. This is an exception to the general rule, described above in "Gifts to an Official's Family," that a single gift to both an official and one or more members of the official's family is a gift to the official for the full value of the gift. The value of a wedding gift may exceed the gift limit, currently set at $630. Regulation 18942(b)(2).

11. Certain Gifts of Travel

Payments for travel for a public official are generally subject to the annual gift limit, unless the payment is otherwise exempt. FPPC regulations define a "payment for travel" as "any payment that provides transportation to an official from one location to another location as well as a payment for lodging and food connected with the travel." Regulation 18950(b).

For reporting purposes, payments of air travel are valued in accordance with FPPC regulation 18946.5, as follows. Air travel is valued as the price the carrier charges the public for the same class seat on the flight provided to the official in the case of a commercial flight. The value of all other air transportation is the value of the normal and usual charter fare or rental charge for a comparable airplane of comparable size, divided by the number of passengers aboard the flight.

Exceptions for certain gifts of travel are found in both the Act and the FPPC regulations, which are discussed below. Public officials should review these exceptions closely and consult with the agency's legal counsel before relying on them.

a. Travel Payments Related to Speeches that Serve a Governmental Purpose

Section 89506(a)(1) exempts from the gift limit any payments, advances, or reimbursements for travel that are reasonably related to a legislative or governmental purpose or issue of public policy if made in connection with a speech given by the official in the U.S. § 89506(a)(1); Regulation 18950(b). These types of payments for travel are not subject to the gift limit, but they must still be reported on a public official's Form 700. § 89506(a)(1); Regulation 18950(a).

b. Travel Payments Related to a Governmental Purpose Made by Government Agencies and Certain Non-Profits

Section 89506(a)(2) exempts from the gift limit any payments, advances, and reimbursements for travel that are reasonably related to a legislative or governmental purpose or issue of public policy if provided by a governmental agency, a 501(c)(3)

[37] *Wiley* Advice Letter, No. 1-08-196, 2000 WL 1395610.

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nonprofit,[38] and a few other limited organizations/persons. § 89506(a)(2). These types of payments for travel are generally not subject to the gift limit, but they must still be reported on a public official's Form 700. § 89506(a)(2); Regulation 18950(a). However, Section 89506(f)(3) now clarifies that if a nonprofit is acting as an intermediary or agent of a donor, then the $630 gift limitation would apply and the original donor must be listed as the source of the gift to the official, as well as considered a financial interest for the purpose of conflicts analysis. § 89506(f)(3).

c. Travel for Education, Training, or Intra-Agency Purposes

Any payment for travel and per diem expenses received from a state, local, or federal agency is not a gift or income if used by the official for "education, training, or other inter-agency programs or purposes." Regulation 18950(c)(2).

d. Travel in a Vehicle or Plane Owned by Another Official or Agency

Regulation 18950(c)(3) provides that "transportation provided to an official in a vehicle or aircraft owned by another official or agency when each official is traveling to or from the same location for an event as a representative of their respective offices" does not constitute a "payment" and therefore does not count as a gift. Regulation 18950(c)(3).

e. Travel Made in Conjunction with Official Agency Business

Regulation 18950.1 provides an exception for travel payments that do not confer a personal benefit on an official, when made by sources other than local, state, or federal agencies, are for the purpose of facilitating the public's business, and are therefore not gifts or income because the payment is made for an official agency purpose in lieu of using agency funds. This exemption applies only to travel payments that meet all of the following requirements:

(1) The payment is made directly to or coordinated with the government employer and not made to the employee using the travel;

(2) The payment is used for official agency business;

(3) The government employer determines which official will use the payment for travel;

(4) The payment provides no personal benefit to the official who uses the payment;

[38] With respect to nonprofit organizations that regularly organize and host travel for elected officials and that make payments, advances, or reimbursements totaling more than $10,000 in a calendar year or $5,000 to an individual person, the Act now requires the nonprofits to disclose the names of donors responsible for funding the travel costs. § 89506(f). An organization "regularly organizes and hosts travel" if the organization's expenses for travel, study tours, or conferences constitutes more than one third of its total expenses. *Id.* In that case, the nonprofit must disclose the names of donors who contributed $1,000 or more to the nonprofit organization and who accompanied the elected official, either in person or through an agent, for any portion of the travel. § 89506(f).

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(5) The duration of travel is limited to that necessary to accomplish the purposes for which the travel was provided; and

(6) The government employer reports the payment, as specified below.

The first requirement above – that the payment is made directly to or coordinated with the government employer – is satisfied if the payment is made directly to the government employer or by arranging with the government employer any payments for transportation and lodging that are made directly to the provider of those services. Food may be accepted for attendance at an event where food is provided as part of the admission to the event. All other payments for food must be made to the government employer pursuant to the employer's per diem travel policy. Regulation 18950.1(b).

The second requirement above – that the payment be used for official agency business – is satisfied under any of the following circumstances:

- The payment is made pursuant to a provision in a contract requiring the contracting party to pay any expenses associated with any required governmental travel resulting from the government agency's participation in the contract and the payment is used for that purpose;

- The payment is made for the travel expenses of an official for the purpose of performing a regulatory inspection or auditing function that the governmental employer is mandated to perform;

- The payment is made for the travel expenses of an official and the official is attending solely for purposes of providing training or educational information directly related to the governmental employer's functions or duties under the laws that it administers for individuals who are affected by those laws, and the payment is made by an organization to provide such training for its members;

- The payment is made for the travel expenses of an official to an educational conference directly related to the governmental employer's functions or duties under the laws that it administers, the official is a named presenter at the conference, and the payment is made by the organizers of the event;

- The payment is made for the travel expenses of an official for the purpose of receiving training directly related to the official's job duties and the payment is provided by an organization that commonly provides such training;

- The payment is made for food provided to all attendees at a working group meeting in which the agency official participates as a representative of his or her agency in a working group meeting under his

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or her officially assigned job duties and the agency is authorized to provide an official to attend the meeting; or

- The payment is for travel expenses that are required to attend a location to view an in place operation, structure, facility, or available product where the viewing would substantially enhance an official's knowledge and understanding in making an informed decision to enter into a contract regarding a similar operation, structure, facility or purchase of the product pursuant to the jurisdictional authority of the official's governmental employer. Regulation 18950.1(c).

The third requirement is satisfied if the governmental employer selects the official who will make use of the payment. However, if the payment is for expenses related to an oral presentation to either provide training on a subject on which the governmental employer provides training, or discuss policy and direction in implementing the functions of the governmental employer, the donor may request the official who is most qualified to make the presentation. Regulation 18950.1(d).

The fourth requirement above – that the payment of travel does not provide a personal benefit to the official – is satisfied under Regulation 18950.1(e) if both of the following requirements are met:

- The travel is for purposes approved by the governmental employer under the same requirements applicable to travel using its own funds, and the official is representing his or her governmental employer in the course and scope of his or her official duties; and

- Travel expenses are limited to no more than the expenses allowable for travel for agency business that would reasonably be paid at agency expense.

The latter requirement does not apply to either of the following:

- Payment for food where food is provided as part of the admission to the event. Otherwise, any payments for food must be made to the government employer pursuant to the employer's per diem travel policy. Regulation 18950.1(b).

- Payment for any lodging or food if the lodging and food is provided at a site where the official attends a widely attended meeting or conference and the value is substantially equivalent in value to the lodging or food typically made available to the other attendees. Regulation 18950.1(g).

The sixth requirement above – that the payment is reported – is satisfied by the agency reporting the payment on a quarterly basis on a form prescribed by the FPPC. Regulation 18950.1(f). All such forms must be maintained as a public record and subject to inspection and copying under Government Code Section 81008, and posted on the agency's website, if it has one.

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f. Travel in Connection with Bona Fide Business

The FPPC regulations reiterate the general rule in Government Code Section 89506(d)(3), whereby a payment for transportation, lodging, or food, made in connection with a bona fide business, trade, or profession, and which satisfies the criteria for federal income tax deductions for business expenses specified in Internal Revenue Code Sections 162 and 274, is not an honorarium or gift, unless the sole or predominant activity of the business, trade, or profession is making speeches. Regulations 18932.3 and 18950.2.

g. Travel Paid from Campaign Funds

A payment made to an official who is a candidate to cover his or her transportation, lodging or food, in connection with campaign activities, is a contribution to the campaign committee of that official. Regulation 18950.3(a). A payment made to an official by or at the behest of a committee for the official's actual travel expenses (including food and lodging), or for other actual and allowable campaign expenses, is neither income nor a gift to the official so long as the expenses are reportable by the committee under the relevant sections of the Political Reform Act (Government Code Sections 84100 *et seq.*) or applicable federal law. Regulation 18950.3(b). Any other payment for travel from a committee to an official that is not covered by Regulation 18950.3(a) and (b) described above is considered income or a gift. Regulation 18950.3.

12. Lobbyists Arranging Gifts

A lobbyist or lobbying firm may not make gifts[39] to one person aggregating more than ten dollars ($10) in a calendar month, act as an agent or intermediary in the making of any gift, or arrange for the making of any gift by any other person. § 86203. It is likewise unlawful for any person to knowingly receive any such prohibited gift. § 86204.

A lobbyist "arranges for the making of a gift" within the meaning of Government Code Section 86203 if the lobbyist does any of the following either directly or through an agent:

- Delivers a gift to the recipient.
- Acts as the representative of the donor, if the donor is not present at the occasion of a gift, excepting a situation where the lobbyist accompanies the recipient to an event where the donor will be present.
- Invites or sends an invitation to an intended recipient regarding the occasion of a gift.
- Solicits responses from an intended recipient concerning the lobbyist's attendance or nonattendance at the occasion of a gift.

[39] Government Code Section 86201 provides that a "gift" for purposes of this section is a "gift made directly or indirectly to any state candidate, elected state officer, or legislative official, or to an agency official of any agency required to be listed on the registration statement of the lobbying firm or the lobbyist employer of the lobbyist."

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- Is the donor's designated representative to receive responses from an intended recipient concerning the lobbyist's attendance or nonattendance at the occasion of a gift.

- Acts as an intermediary in connection with the reimbursement of a recipient's expenses.

Regulation 18624. On the other hand, a lobbyist does not "arrange for the making of a gift" if the lobbyist, either directly or through an agent, solely recommends or provides information to the lobbyist's employer, "including information obtained from a third party for that purpose," regarding gifts to a public official. *Id.*

B. Prohibitions on Receipt of Honoraria

Government Code Section 89502 provides that an elected officer of a local government agency and any official listed in Section 87200 shall not accept an honorarium. This prohibition also applies to candidates for elective office in a local government agency. § 89502(b). In addition, employees designated in the agency's conflict of interest code are precluded from accepting any honorarium from any source, if the employee would be required to report the receipt of income or gifts from that source on the employee's statement of economic interests. Regulation 18730(b)(8). An "honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. § 89501.

1. Exceptions to the Prohibition on Honoraria

a. Earned Income Exception

"Honorarium" does not include income earned for personal services if:

- The services are provided in connection with an individual's business or the individual's practice of or employment in a bona fide business, trade, or profession, such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting; and

- The services are customarily provided in connection with the business, trade, or profession.

Regulation 18932.

b. Informational Materials

"Honorarium" does not include informational materials such as books, calendars, videotapes, or free or discounted admission to educational conferences that are provided to assist the official in the performance of official duties. Regulation 18932.4(a).

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c. Family Payments

"Honorarium" does not include a payment received from one's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin or the spouse of any such person. However, a payment from any such person is an honorarium if the donor is acting as an agent or intermediary for any person not listed in this paragraph. Regulation 18932.4(b).

d. Campaign Contributions

"Honorarium" does not include a campaign contribution that is required to be reported. Regulation 18932.4(c).

e. Personalized Plaque or Trophy

"Honorarium" does not include a personalized plaque or trophy with an individual value of less than $250. Regulation 18932.4(d).

f. Admission and Incidentals at Place of Speech

"Honorarium" does not include free admission, refreshments and similar non-cash nominal benefits provided to an official during the entire event at which the official gives a speech, participates in a panel or seminar, or provides a similar service, and actual intrastate transportation and any necessary lodging and subsistence provided directly in connection with the speech, panel, seminar, or service, including but not limited to meals and beverages on the day of the activity. Regulation 18932.4(e).

g. Incidentals at Private Conference

Likewise, "honorarium" does not include any of the following items, when provided to an individual who attends any public or private conference, convention, meeting, social event, meal, or like gathering without providing any substantive service:

- Benefits, other than cash, provided at the conference, convention, meeting, social event, meal, or gathering; or
- Free admission and food or beverages provided at the conference, convention, meeting, social event, meal, or gathering.

However, the foregoing may be reportable as gifts. Regulation 18932.4(f).

h. Travel that Is Exempt from Gifts

Any payment made for transportation, lodging, and subsistence that is exempt by the gift exceptions listed in Section 89506 and Regulation 18950 *et seq.* also does not constitute an honorarium. Regulation 18932.4(g).

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C. Prohibitions on Receipt of Certain Types of Loans

1. Prohibition on Loans Exceeding $250 from Other City Officials, Employees, Consultants, and Contractors

Elected officials and other city officials specified in Section 87200, including council members, may not receive a personal loan that exceeds $250 at any given time from an officer, employee, member, or consultant of their city or any local government agency over which their city exercises direction and control. § 87460(a), (b). In addition, elected officials and other city officials specified in Section 87200 may not receive a personal loan that exceeds $250 at any given time from any individual or entity that has a contract with their city or any agency over which their city exercises direction and control. § 87460(c), (d).

2. Requirement for Loans of $500 or More from Other Persons and Entities to be in Writing

Elected local officials may not receive a personal loan of $500 or more unless the loan is made in writing and clearly states the terms of the loan. The loan document must include the names of the parties to the loan agreement, as well as the date, amount, interest rate, and term of the loan. The loan document must also include the date or dates when payments are due and the amount of the payments. § 87461(a).

3. Exceptions to Loan Limits and Documentation Requirements

The following loans are not subject to the limits and documentation requirements specified in paragraphs 1 and 2 above:

- Loans received from banks or other financial institutions, and retail or credit card transactions, made in the normal course of business on terms available to members of the public without regard to official status. Regulation 18730.

- Loans received by an elected officer's or candidate's campaign committee. § 87461(b)(1).

- Loans received from the elected or appointed official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person unless he or she is acting as an agent or intermediary for another person not covered by this exemption. § 87461(b)(2)

- Loans made, or offered in writing, prior to January 1, 1998. § 87461(b)(3)

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4. Loans that Become Gifts are Subject to the Gift Prohibition

Under the following circumstances, as stated in Government Code Section 87462, a personal loan received by any public official (elected and other officials specified in Section 87200, as well as any other local government official or employee required to file a Statement of Economic Interests) may become a gift and subject to gift and reporting limitations:

- If the loan has a defined date or dates for repayment and has not been repaid, the loan will become a gift when the statute of limitations for filing an action for default has expired.

- If the loan has no defined date or dates for repayment, the loan will become a gift if it remains unpaid when one year has elapsed from the later of: the date the loan was made; the date the last payment of $100 or more was made on the loan; or the date upon which the official has made payments aggregating to less than $250 during the previous 12-month period. § 87462(a); Regulation 18730(b)(8.4).

5. Exceptions – Loans that Do Not Become Gifts

The following loans will not become gifts to an official:

- A loan made to an elected officer's or candidate's campaign committee.

- A loan on which the creditor has taken reasonable action to collect the balance due.

- A loan described above on which the creditor, based on reasonable business considerations, has not undertaken collection action. (However, except in a criminal action, the creditor has the burden of proving that the decision not to take collection action was based on reasonable business considerations.)

- A loan made to an official who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

- A loan that would not be considered a gift as outlined in paragraph 3 above (e.g., loans from family members). § 87462(b).

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IV. PROHIBITION AGAINST MASS MAILINGS

The Political Reform Act also prohibits the sending of newsletters and other so-called "mass mailings" at public expense. §§ 89001, 89002.[40] A "mass mailing" is defined as the mailing or distribution at public expense of 200 or more items within a calendar month featuring the name, office, photograph or other reference to an elected officer of the agency. § 82041.5. The Government Code also prohibits a mass mailing from being sent within the 60 days preceding an election by or on behalf of a candidate whose name appears on the ballot. § 89003. The underlying intent of the Government Code provision and the implementing FPPC Regulation is to preclude elected officials from using public agency newsletters as indirect campaign flyers for themselves. The law and regulations are intended to clamp down on prior abuses of newsletters so that elected officials cannot use publicly funded newsletters to bolster their name or accomplishments while in office.

A. Test for Prohibited Mass Mailing

A mass mailing is prohibited if each of the following elements is present:

- It includes the delivery of a tangible item;
- It "features" an elected officer, or includes a reference to, an elected officer and is sent in cooperation with the elected officer;
- It is sent at public expense; and
- A quantity of more than 200 substantially similar items are sent in a single calendar month.

§ 89002. Most public agencies that publish newsletters attempt to avoid the prohibition by ensuring that the newsletter does not meet the second element of the test. Each of the four elements is discussed in numerical order below.

1. Delivery of Tangible Item

First, a court will determine whether any "item sent is delivered, by any means, to the recipient at the recipient's residence, place of employment or business, or post office box. The item delivered to the recipient must be a tangible item, such as a videotape, record, or button, or a written document." § 89002(a)(1). This means that if a city intends to deliver a written document, such as a city newsletter, by U.S. mail or by hand to residents or businesses, this element is satisfied.

[40] Section 89002 incorporates Regulation 18901 into the statutory language to clarify the circumstances when a mailing would be prohibited by the general rule in Section 89001 and to identify certain situations when the prohibition would not apply. The FPPC has repealed Regulation 18901 now that the statute includes the same text.

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2. Features or Includes Reference to an Elected Official

The second part of the test is the most important and requires that the item sent either:

- Features an elected officer affiliated with the agency which produces or sends the mailing, or
- Includes the name, office, photograph, or other reference to an elected officer affiliated with the agency which produces or sends the mailing, and is prepared or sent in cooperation, consultation, coordination, or concert with the elected officer.

§ 89002(a)(2). The term "features an elected officer" is defined to mean that "the item mailed includes the elected officer's photograph or signature or singles out the elected officer by the manner of display of the elected officer's name or office in the layout of the document, such as by headlines, captions, type size, type face, or type color." § 89002(c)(2). And the term "elected officer affiliated with the agency" in this manner means "an elected officer who is a member, officer, or employee of the agency, or of a subunit thereof such as a committee, or who has supervisory control over the agency or appoints one or more members of the agency." § 89002(c)(1).

This means that if the written document includes the photograph of a council member, even if it just shows the council member cutting a ribbon on a civic project or giving out a plaque to a member of the community, this element would be satisfied. It also precludes articles about an elected city official or articles in which they are "singled out" for discussion or reference.

The other way this second part of the mass mailing test can be satisfied is if an elected city official's "name, office, photograph, or other reference" is included in a written document and the document, or any part of it "is prepared or sent in cooperation, consultation, coordination, or concert with the elected officer." This restriction presents elected officials with a choice. If the elected official involves him or herself in the preparation of the document, then even the official's name must be excluded from appearing in the document pursuant to this second subpart. If, on the other hand, the elected official does not involve him or herself in the preparation of the document, his or her name may appear in the document, but not in a way that it is "featured" by way of headlines, captions, type size, type face, or type color.

3. Public Expense

The third part of the test is whether:

- Any of the costs of distribution are paid for with public money, or
- Costs of design, production, and printing exceeding $50 are paid with public money, and the design, production, or printing is done with the intent of sending the item other than as permitted by the statute.

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§ 89002(a)(3). This part of the test precludes the city from either paying the costs of mailing a mass mailing, or paying more than $50 of the cost of having it produced if another person or entity pays for the cost of distributing the mailing.

4. More than 200 Copies of the Item

The fourth and final element of the test to determine whether a mass mailing is prohibited is whether "[m]ore than 200 substantially similar items are sent in a single calendar month, excluding any item sent in response to an unsolicited request…." § 89002(a)(4). This means that if more than 200 copies of the same written document, such as a city newsletter, are sent to the public in the same month, this element will be satisfied, with minor exceptions discussed below.

A city newsletter is particularly prone to violating the mass mailing proscriptions, especially the first, third and fourth elements of the test. The key to a lawful newsletter is to ensure that each issue of the newsletter fully avoids meeting the criteria of the second element of the test. This means that the newsletter cannot "feature" an elected city official and cannot include an elected official's name or reference if that official participates in the preparation of the newsletter, as discussed above. For example, many cities issue proclamations and awards at council meetings, and it is customary for an honoree to be photographed with the mayor. In order to comply with the mass mailing restrictions, cities may consider taking two photographs: one of the honoree shaking the mayor's hand, for distribution to non-city publications such as a local newspaper, and one of the honoree standing alone, for publication in the city newsletter.

B. Exceptions to the Mass Mailing Prohibition

The statute contains a list of certain types of documents that are exempt from the prohibition of mass mailings. The first of these documents is a letter on city letterhead where the elected official's name only appears in the letterhead along with a list of all other elected officers of the city and the letter does not contain other references to the elected official. § 89002(b)(1). Under this exemption, a non-elected official, such as the city manager, may send a letter on city letterhead at city expense to members of the community but an elected officer, such as the mayor, cannot do the same because the signature on the letter will be considered a separate reference to the elected official. If a letter signed by the mayor is to be sent to the community, a private individual or group would have to pay for the cost of producing and sending that letter.

Another exception allows a mailing that includes a single mention of the official's name if the mailing is an announcement of a meeting or event. If the announcement is for a meeting, the announcement must be one sent to the official's constituents, the subject of the meeting pertains to the official's duties, and the official attends the meeting. If the announcement is for an event, it must be an official agency event for which the agency provides the use of its facilities, staff or other financial support. § 89002(b)(9).

Other exemptions include press releases to the media, inter-agency communications, intra-agency communications, tax statements and bills, telephone directories, limited

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meeting or event announcements, and meeting agendas. § 89002(b). All of these items are subject to their own specific limitations, as set forth in the statutory text.

V. EXPENDITURES TO SUPPORT OR DEFEAT A BALLOT MEASURE OR FOR CAMPAIGN ACTIVITY

A local government may not spend public funds to assist with the passage or defeat of an initiative or other ballot measure or to contribute to a campaign for or against a candidate. § 54964. Public monies may not be spent on commercials, announcements, banners or any other promotional materials. This is based on the theory that it would be unfair to voters with opposing views to use public funds in this way. The prohibition also serves to prevent elected officials from using government funds to promote themselves or their allies in office. *Stanson v. Mott*, 17 Cal. 3d 206, 217 (1976); *League of Women Voters v. County-Wide Criminal Justice Coordinating Comm'n*, 203 Cal. App. 3d 529 (1988). However, this section does not prohibit the expenditure of city funds to provide information to the public about the possible effects of the ballot measure on the activities, operations, or policies of the city, as long as these activities are otherwise allowed under California law, and the information is factual, accurate, fair, and impartial. § 54964(c).

In addition, local officials and staff are prohibited from using public resources for campaign activity or personal purposes. § 8314(a). The term "campaign activity" is defined, in relevant part, as "an activity constituting … an expenditure as defined in [Government Code] Section 82025," not including the incidental and minimal use of public resources. § 8314(b)(2). Section 82025 defines "expenditure," in relevant part, as "a payment … unless it is clear from the surrounding circumstances that it is not made for political purposes." § 82025(a). A payment is "made for political purposes" if it is "[f]or purposes of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates." § 82025(b)(1).

An "expenditure" includes any payment made by any person (with some exceptions) that is used for communications that "expressly advocate" the nomination, election, or defeat of a clearly identified candidate or candidates." § 82025(c). A communication "expressly advocates" the nomination, election, or defeat of a candidate if it contains certain express words of advocacy, "or, within 60 days before an election in which the candidate or measure appears on the ballot, the communication otherwise refers to a clearly identified candidate or measure so that the communication, taken as a whole, unambiguously urges a particular result in an election." § 82025(c)(2).

FPPC Regulation 18420.1 provides that a communication "unambiguously urges a particular result in an election" if: "When considering the style, tenor, and timing of the communication, it can be reasonably characterized as campaign material and is not a fair presentation of facts serving only an informational purpose." Regulation 18420.1(b)(2).

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The leading California case setting forth the basic rule with respect to government involvement in political campaigns is *Stanson v. Mott*, 17 Cal. 3d 206 (1976). In *Stanson*, the California Supreme Court addressed the question of whether the State Director of Beaches and Parks was authorized to expend public funds in support of certain state bond measures for the enhancement of state and local recreational facilities. The court concluded that the Director lacked such authority and set forth the basic rule that "in the absence of clear and explicit legislative authorization, a public agency may not expend public funds to promote a partisan position in an election campaign." *Id.* at 209-210. Only impartial "informational" communications would be permissible, such as a fair presentation of the facts in response to a citizen's request for information.

The *Stanson* court also recognized that the line between improper "campaign" expenditures and proper "informational" activities is not always clear. "[T]he determination of the propriety or impropriety of the expenditure depends upon a careful consideration of such factors as the style, tenor, and timing of the publication; no hard and fast rule governs every case." *Id.* at 221-222. The *Stanson* test was reaffirmed by the California Supreme Court in *Vargas v. City of Salinas*, 46 Cal. 4th 1 (2009).

Prior to *Vargas*, courts attempting to interpret and apply *Stanson* used varying tests to determine the permissibility of expenditures. For example, in *California Common Cause v. Duffy*, an appellate court held that a local sheriff's use of public facilities and personnel to distribute postcards critical of then-Supreme Court Justice Rose Bird was "political" and not "informational" as permitted by *Stanson* because the cards presented only one side of Justice Bird's fitness to be retained in office. 200 Cal. App. 3d 730, 747-748 (1987). In another appellate decision, *Schroeder v. City Council of Irvine*, the court upheld Irvine's "Vote 2000" Program. 97 Cal. App. 4th 174 (2002). The program encouraged voter registration, without specifically advocating a particular position on any measure. Although the city had taken a public position in favor of the proposed ballot measure, the materials it distributed did not advocate any particular vote on the measure and rarely mentioned the measure at all. The *Schroeder* court held that the funds spent on the Vote 2000 Program would be political expenditures and unlawful under *Stanson* only if the communications expressly advocated, or taken as a whole unambiguously urged, the passage or defeat of the measure. Because the city presented a neutral position on "Measure F," at least in the campaign materials, the court upheld the program as valid.

However, in *Vargas v. City of Salinas*, the California Supreme Court decided that "express advocacy" is an insufficient standard. In *Vargas*, proponents of a local ballot initiative to repeal the city's utility users tax ("Measure O") sued the city alleging improper government expenditures, the court held that even if a communication does not expressly advocate for either side of an issue, a *Stanson* analysis must nonetheless be conducted to determine whether the activity was for informational or campaigning purposes based on its style, tenor, and timing. Although the court did not specifically refer to the *Schroeder* analysis in its opinion, the court clearly stated that the "express advocacy" standard does not meaningfully address potential constitutional problems arising from the use of public funds for campaign activities that were identified in

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Stanson. Thus, local governments must look to *Vargas* rather than *Schroeder* for the proper standard to evaluate whether an expenditure is permissible.

A variety of factors led to the *Vargas* court's conclusion that the communications were informational, including the fact that the publications avoided argumentative or inflammatory rhetoric and did not urge citizens to vote in a particular manner. The challenged expenditures were made pursuant to general appropriations in the city's regular annual budget pertaining to the maintenance of the city's website, the publication of the city's regular quarterly newsletter, and the ordinary provision of information to the public regarding the city's operations. The Supreme Court found that in posting on the city's website the minutes of city council meetings relating to the council's action along with reports prepared by various municipal departments and presented by officials at city council meetings, the city engaged in informational rather than campaign activity. Similarly, the city did not engage in campaign activity in producing a one-page document listing the program reductions that the city council voted to implement should Measure O be approved, or in making copies of the document available to the public at the city clerk's office and public libraries. The court reasoned that viewed from the perspective of an objective observer, the document clearly constituted an informational statement that merely advised the public of specific plans that the city council voted to implement should Measure O be approved.

Finally, the court found that the city engaged in permissible informational activity by mailing to city residents the fall 2002 "City Round-Up" newsletter containing articles describing proposed reductions in city services. Although under some circumstances the mailing of material relating to a ballot measure to a large number of voters shortly before an upcoming election would constitute campaign activity, a number of factors supported the court's conclusion that the mailing of the newsletter constituted informational rather than campaign activity: it was a regular edition of the newsletter that was mailed to all city residents as a general practice, the style and tenor of the publication was entirely consistent with an ordinary municipal newsletter and readily distinguishable from traditional campaign material, and the article provided residents with important information about the tax in an objective and nonpartisan manner.

The Supreme Court illustrated the insufficiency of the "express advocacy" standard by suggesting that if the city were to post billboards throughout the city prior to an election stating, "IF MEASURE O IS APPROVED, SIX RECREATION CENTERS, THE MUNICIPAL POOL, AND TWO LIBRARIES WILL CLOSE," it would defy common sense to suggest that the city had not engaged in campaign activity even though such advertisements would not have violated the express advocacy standard. *Vargas v. City of Salinas*, 46 Cal. 4th 1, 32 (2009).

Vargas and *Stanson* reflect that local agencies must exercise caution when communicating to voters about local measures. Unfortunately, there is no hard and fast rule to assist public officials in distinguishing improper partisan campaign expenditures from permissible expenditures for "informational activities." Whether a communication is permissible will be based on a combination of these factors, and

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public officials should therefore seek the advice of the city attorney on a case-by-case basis. Assistance may also be obtained from the FPPC.

Last, public officials should also be aware of a mass mailing rule that regulates communications pertaining to candidates and ballot measures. In 2009, the FPPC adopted a new regulation to prohibit government agencies from paying for mass mailings that expressly advocate or "unambiguously urge" a particular result in an election. Regulation 18901.1 prohibits a mailing if all of the following criteria are met:

- A delivery of a tangible item such as a written document, video tape, record, or button and is delivered to the recipient at his or her residence, place of employment or business, or post office box;

- The item sent expressly advocates or unambiguously urges a particular result in an election;

- The public agency (1) pays to distribute the item or (2) pays costs, exceeding $50, reasonably related to designing, producing, printing or formulating the content of the item including, but not limited to, payments for polling or research and payments for the salary, expenses, or fees of the agency's employees, agents, vendors, or consultants with the intention of sending the item; and

- More than 200 substantially similar items are sent during the course of the election including items sent during the qualification drive or in anticipation of an upcoming election.

A mailing "unambiguously urges a particular result in an election" if the communication can be reasonably characterized as campaign material or activity and is not a fair presentation of facts serving only an informational purpose when taking into account the style, tenor, and timing of the communication.

There are exceptions to this rule, and the following are not considered campaign related mass mailings: (1) an agency report providing the agency's internal evaluation of a measure sent to a member of the public upon the individual's request; (2) a written argument sent to a voter in the voter information pamphlet; and (3) a communication clearly and unambiguously authorized by law. Regulation 18901.1(b). Essentially, this regulation utilizes the standards articulated by the Supreme Court in the *Vargas* case and provides that communications that violate those standards are prohibited mass mailings.

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VI. PROHIBITION ON GIFTS OF PUBLIC FUNDS

Article XVI, Section 6 of the California Constitution prohibits state and local governments from making gifts of public funds or property. A transfer of property without consideration is a gift. Civ. Code § 1146. However, where property is transferred for a "public purpose," it will not be considered a gift of public funds. There, "the benefit to the [government] from an expenditure for a 'public purpose' is in the nature of consideration and the funds expended are therefore not a gift even though private persons are benefited therefrom." 69 Ops. Cal. Att'y Gen. 168 (1986) (citing *California Employment Stabilization Comm'n v. Payne*, 31 Cal. 2d 210, 216 (1947); *Alameda County v. Janssen*, 16 Cal. 2d 276, 281 (1940)).

In determining whether a legislative body has made a gift of public funds, courts will look first at "whether the money is to be used for a public or a private purpose." *City of Oakland v. Garrison*, 194 Cal. 298, 302 (1941). "If it is for a public purpose within the jurisdiction of the appropriating board or body, it is not, generally speaking, to be regarded as a gift." *Id.* As the California Court of Appeal explained in *Board of Supervisors v. Dolan*, it is settled that if a public purpose is served by the expenditure of public funds, the constitutional prohibition is not violated "even though there may be incidental benefits to private persons." 45 Cal. App. 3d 237, 243 (1975). However, to avoid violating the constitutional prohibition, public financial assistance must be tailored or "directly related" to a public purpose. *California Housing Finance Authority v. Elliott*, 17 Cal. 3d 575 (1976). Thus, financial assistance that does not directly further the proffered public purpose may still be found to be unconstitutional.

Courts defer to the legislative body's determination of what constitutes a "public purpose." The concept of public purpose has been liberally construed by the courts, and a city council's determination of public purpose will be upheld unless it is totally arbitrary. *County of Alameda v. Carleson*, 5 Cal. 3d 730, 746 (1971). Where a city acts pursuant to or in furtherance of a state statute, courts will defer to the state legislature in determining whether a public purpose exists.

It is important to note that an unconstitutional gift of public funds is one of the few violations for which public officials may be personally liable and could be subject to potential criminal penalties. In *Stanson v. Mott*, 17 Cal. 3d 206 (1976), the California Supreme Court held that public officials may be held personally liable for illegal expenditures. The court concluded "that such public officials must use 'due care,' i.e., reasonable diligence, in authorizing the expenditure of public funds, and may be subject to personal liability for improper expenditures made in the absence of such due care." *Stanson*, 17 Cal. 3d at 226-27. If criminal penalties are sought, and the court finds a violation of Penal Code Section 424 (unauthorized appropriation or disbursement of public monies), the person could be subject to imprisonment for two to four years. The person could also be disqualified from holding any public office in the state.

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Numerous considerations may be relevant to the determination of whether a public official has acted with due care. For example, a court may consider "whether the expenditures' impropriety was obvious or not, whether the official was alerted to the possible invalidity of the expenditure, or whether the official relied upon legal advice or on presumed validity of an existing legislative enactment or judicial decision in making the expenditure." *Id*. at 227.

VII. ETHICS TRAINING

State law requires a public official to take at least two hours of ethics training every two years if the local agency provides that official with any type of compensation, salary, or stipend or provides reimbursement for necessary and reasonable expenses incurred by that official in the performance of his or her official duties. § 53235(a). Ethics training is also required for any employee designated by the local agency to receive such training. § 53234(c). The recently adopted Assembly Bill 2631 ("AB 2631") requires the FPPC, in consultation with the Attorney General, to create, maintain, and make an ethics training course available to local agency officials. § 53235(c). Please seek advice from the city attorney regarding further details about ethics training.

VIII. CONCLUSION

More often than not, determining the application of conflicts of interest laws in particular circumstances requires complicated analysis. Because the consequences for a violation of these laws can be very serious, it is important that potential conflicts be identified as soon as possible to ensure that the appropriate analysis can be performed. To that end, we recommend that public agency staff prepare maps of council member residences and other real property interests (and those of other public officials, such as planning commissioners) so that such officials may be alerted to projects that are located within 500 and 1,000 feet of their real property interests. Even though the materiality standards for real property interests have changed over the years, this is still an important starting point for a conflicts analysis.

We encourage all public officials to keep in mind that it is the individual responsibility of each public official to determine whether he or she has a conflict in a particular decision. We also encourage officials and staff to seek advice from the city attorney when in doubt about a conflicts of interest issue. Because only a formal, written opinion from the FPPC can immunize someone from prosecution, we strongly encourage officials and staff to seek advice from the city attorney as early as possible, so that, if necessary, the public agency may request a formal opinion from the FPPC prior to any participation in a decision where a public official may have a conflict.

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SECTION 8

2025

Brown Act HANDBOOK

Summary of the Major Provisions and Requirements of the Ralph M. Brown Act

- Summary and Discussion of the Major Provisions of the Brown Act
- Text of the Ralph M. Brown Act
- Updated including changes effective January 1, 2025

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INTRODUCTION

This Handbook is prepared to provide you with a summary of the major provisions of California's open meeting law for local governments – the Ralph M. Brown Act. Part One includes rules about calling and holding various types of meetings and closed sessions, as well as guidelines for how to avoid unlawful serial meetings. Part Two contains the complete text of the Brown Act. This Handbook is designed for local government officials and staff, and we hope you will find it useful. Should you have any questions about the information included in this Handbook, please do not hesitate to contact us.

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PART ONE:

SUMMARY OF THE MAJOR PROVISIONS AND REQUIREMENTS OF THE RALPH M. BROWN ACT

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Summary of the Major Provisions and Requirements of the Ralph M. Brown Act

The Ralph M. Brown Act, commonly known as the "Brown Act," is California's "sunshine" law for local government. The Brown Act is found in the California Government Code commencing with Section 54950 (unless indicated otherwise, all statutory references herein are to the California Government Code). In a nutshell, the Brown Act requires local government business to be conducted at open and public meetings except in certain limited situations. This Handbook summarizes and discusses the major provisions of the Brown Act.

I. APPLICATION OF BROWN ACT TO "LEGISLATIVE BODIES"

The requirements of the Brown Act apply to "legislative bodies" of local government agencies. The term "legislative body" is defined to include the governing body of a local agency (e.g., the city council or the board of supervisors) and any commission, committee, board, or other body of the local agency, whether permanent or temporary, decision-making or advisory, that is created by formal action of a legislative body. § 54952(a)-(b).

Standing committees of a legislative body also are subject to the Brown Act if they have either "continuing subject matter jurisdiction" or a meeting schedule fixed by formal action of the legislative body. § 54952(b). Some common examples include the finance, personnel, or similar policy subcommittees of a legislative body. Standing committees exist to make routine, regular recommendations on a specific subject matter. These committees continue to exist over time and survive resolution of any one issue or matter. They are also a regular part of the governmental structure.

The Brown Act does not apply to "ad hoc" committees comprised solely of members of the legislative body that are less than a quorum of the body, provided these committees do not have a "continuing subject matter jurisdiction," or a meeting schedule fixed by formal action of the legislative body. § 54952(b). Such ad hoc committees are purely advisory; they generally serve only a limited or single purpose, are not perpetual, and are dissolved when their specific task is completed.

Advisory and standing committees, but not ad hoc committees, are required to have agendas for their meetings. When the agenda is posted at least 72 hours in advance, the meeting is considered to be a regular meeting for all purposes. § 54954(a). If the agenda is not posted at least 72 hours in advance, the meeting must be treated as a special meeting, and all of the limitations and requirements for special meetings apply, as discussed later in Section VIII of this Handbook.

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The governing boards of some private corporations, limited liability companies, and private entities may be subject to the Brown Act under certain circumstances. A private entity's governing board constitutes a legislative body within the meaning of the Brown Act if either of the following applies: (i) the private entity is created by an elected legislative body to exercise lawfully delegated authority of the legislative body; or (ii) the private entity receives funds from a local agency and its governing board includes a member of the legislative body of the local agency who was appointed by the legislative body to the governing board as a full voting member. § 54952(c)(1). Additionally, charter schools and entities managing charter schools may also be subject to the Brown Act. Educ. Code, § 47604.1(b)(1).

Even before they assume the duties of office, persons who are elected to serve as members of a legislative body of a local agency are subject to the Brown Act. § 54952.1. Under this provision, the statute is applicable to newly elected, but not-yet-sworn-in, members of the legislative body.

II. DEFINITION OF "MEETING"

The central provision of the Brown Act requires that all "meetings" of a legislative body be open and public. The Brown Act defines the term "meeting" very broadly in § 54952.2(a), and the definition encompasses almost every gathering of a majority of legislative body members, including:

> "[A]ny congregation of a majority of the members of a legislative body at the same time and location, including [a] teleconference . . . to **hear, discuss, deliberate, or take action** on any item that is within the subject matter jurisdiction of the legislative body."

This means that a meeting is any gathering of a majority of council members, board of directors, or other applicable legislative body to hear, discuss, or deliberate any item of local agency business or potential local agency business. It is important to emphasize that a meeting occurs if a majority gathers to hear, discuss, or deliberate on a matter and not just to vote or take action on the issue.

III. EXCEPTIONS TO "MEETING" DEFINITION

There are six types of gatherings that are not considered a legislative body "meeting" and are not subject to the Brown Act. We commonly refer to these exceptions as: (1) the individual contact exception; (2) the seminar or conference exception; (3) the community meeting exception; (4) the other legislative body exception; (5) the social or ceremonial occasion exception; and (6) the standing committee exception. Unless a gathering of a majority of the members of a legislative body falls within one of these exceptions, even if a majority of members are merely in the same room listening to a discussion of local agency business, they will be participating in a Brown Act meeting that requires notice, a posted agenda, and a period for public comment.

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A. Individual Contact Exception

Conversations, whether in person, by telephone, video conferencing, or other means, between a member of a legislative body and any other person do not constitute a meeting under the Brown Act. § 54952.2(c)(1). However, such contacts may constitute a "serial meeting" (discussed below) in violation of the Brown Act, if the individual also makes a series of individual contacts with other members of the legislative body, and communications with these other members are used to "discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body." § 54952.2(b)(1).

B. Seminar or Conference Exception

Attendance by a majority of the legislative body at a seminar, conference, or similar educational gathering generally is exempt from Brown Act requirements. § 54952.2(c)(2). However, for this exception to be applicable, the seminar or conference must be open to the public and must involve issues of general interest to the public or to local agencies. Attendance at a League of California Cities or California Contract Cities seminar is an example of an educational gathering that fulfills these requirements. However, as with many of the exceptions, this exception will not apply if a majority of legislative body members discusses among themselves items of specific business relating to their own local agency other than as part of the scheduled program.

C. Community Meeting Exception

The community meeting exception allows a majority of legislative body members to attend privately sponsored neighborhood meetings, town hall forums, chamber of commerce lunches, or other community meetings at which issues of local interest are discussed. § 54952.2(c)(3). In order to fall within this exception, however, the community meeting must satisfy specific criteria. First, the community meeting must be "open and publicized." § 54952.2(c)(3). A homeowners' association meeting restricted to the residents of a particular development and only publicized to those residents cannot be attended by a majority of the legislative body without following the Brown Act requirements because the meeting does not qualify for the exception. And again, for those meetings that fall within the community meeting exception, a majority of legislative body members cannot discuss among themselves items of specific business of their own local agency other than as part of the scheduled program.

In 2024, the California Attorney General issued an opinion declaring that some State of the City events constitute a "meeting" under the Brown Act when attended by a majority of city council members because council members are present at the same time and location to hear and potentially discuss an item within the council's subject matter jurisdiction. 107 Ops. Cal. Atty. Gen. 47. In the Attorney General's view, as a "meeting" of the city council, the meeting must comply with the Brown Act's open meeting requirements. However, the opinion left open the possibility for these events to qualify for the "community meeting" exception if members of the public have the ability to view the event in real time, in person, or via livestreaming, without paying to attend the event.

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D. Other Legislative Body Exception

This exception allows a majority of members of any legislative body to attend open and noticed meetings of other legislative bodies of their local agency, or of another local agency, without treating such attendance as a meeting of the body. § 54952.2(c)(4). Of course, the legislative body members are prohibited from discussing items of specific business of their local agency among themselves other than as part of the scheduled meeting.

E. Social or Ceremonial Occasion Exception

The Brown Act also does not apply to attendance by a majority of the legislative body members at purely social or ceremonial occasions. § 54952.2(c)(5). This exception only applies if a majority of legislative body members do not discuss among themselves items of specific business of their local agency.

F. Standing Committee Exception

This exception allows members of a legislative body who are not members of a standing committee of that body to attend an open and noticed meeting of the committee without making the gathering a meeting of the full legislative body itself. § 54952.2(c)(6). If a quorum of the legislative body is created by the attendance of the additional members, the legislative body members who are not members of the standing committee may attend only as "observers." This means that the non-committee members of the legislative body should not speak at the standing committee's meeting, sit in their usual seat on the dais, or otherwise participate in the meeting. It is generally recommended that, if a standing committee meeting is likely to be attended by other legislative body members, then the meeting should be agendized as a meeting of the whole legislative body. This will allow full participation by all members of the legislative body.

IV. PERMITTED LOCATIONS OF MEETINGS AND TELECONFERENCING

A. Permitted Locations of Meetings

The Brown Act generally requires regular and special meetings of a legislative body to occur within the boundaries of the local agency. § 54954(b). There are limited exceptions to this rule, however, such as allowing meetings with a legislative body of another local agency in that agency's jurisdiction. Meetings held outside of a local agency's boundaries pursuant to an exception still must comply with agenda and notice requirements, as discussed below.

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B. Teleconferencing

The role of "teleconferencing," or using telephonic and/or video technology in public meetings, was expanded significantly during the COVID-19 pandemic.

Because the Brown Act relies on physical, in-person meetings as the primary means to achieve its goals of public participation and transparency, the law has traditionally limited a local agency's ability to use teleconferencing to hold public meetings. Generally, teleconferencing may only be used by members of a legislative body as a way to participate fully in the meeting from remote locations. If one or more members participate in a meeting via teleconferencing, the following "traditional teleconferencing requirements" apply to that meeting: (1) the remote location must be connected to the main meeting location by audio, video, or both; (2) the notice and agenda of the meeting must identify the remote location; (3) the agenda must be posted at the remote location; (4) the remote location must be accessible to the public; (5) all votes must be by roll call; and (6) the meeting must comply with the Brown Act, which includes allowing participation by members of the public present in remote locations. A quorum of the legislative body must participate from locations within the agency's jurisdiction, but other members may participate from outside the jurisdiction. §§ 54953(b), (j)(6). These teleconferencing rules only apply to members of the legislative body. Staff members, attorneys, and consultants may participate remotely without following the posting and public access requirements of the teleconferencing rules.

On March 17, 2020, Governor Newsom issued Executive Order ("EO") N-29-20, which temporarily relaxed these traditional teleconferencing requirements in response to the COVID-19 pandemic. EO N-29-20 and the Governor's COVID-19 state of emergency have expired, but recent amendments to the Brown Act, described below, now provide other alternatives to the traditional teleconferencing requirements under specific conditions. The Brown Act's traditional teleconferencing requirements remain available in lieu of the alternatives described below.

1) Assembly Bill ("AB") 361

AB 361 (2021), which was amended by AB 557 (2023), built upon EO N-29-20 to provide a statutory basis in the Brown Act for relaxed teleconferencing requirements during the COVID-19 declared emergency. As described below, however, there must be a proclaimed state of emergency for an agency to rely on AB 361. Because the Governor has since lifted the COVID-19 state of emergency as of February 28, 2023,[1] agencies will be unable to rely on AB 361 after that date absent a new emergency declaration, which does not have to be related to COVID-19.

The teleconferencing option authorized by AB 361 has been extended by the Legislature and will remain available indefinitely. AB 361 authorizes local agencies to continue meeting remotely *during a state of emergency proclaimed by the Governor* without

[1] *Governor Newsom Marks End of California's COVID-19 State of Emergency* (Feb. 28, 2023), available at: https://www.gov.ca.gov/2023/02/28/governor-newsom-marks-end-of-californias-covid-19-state-of-emergency/ (as of Dec. 22, 2023).

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following the Brown Act's traditional teleconferencing requirements, including the requirement that meetings be conducted in physical locations, if the agency has already determined or is determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. § 54953(e)(1)(A)-(B). A "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act. § 54953(j)(5).

AB 361 generally requires legislative bodies to make remote public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the legislative body, and to adhere as closely as reasonably possible to the provisions of the Brown Act. AB 361 provides the following procedures and requirements for conducting remote meetings:

1. Public Comment Opportunities in Real Time: A legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. Although the agency may still ask for public comments to be submitted in advance, the agency cannot require public comments to be submitted in advance of the meeting. § 54953(e)(2)(A),(C). Agencies may not close a public comment period until members of the public are given the opportunity to register and the time for that comment period has elapsed, whether it is for a specific agenda item or a general comment period. If an agency does not provide a timed public comment period, but takes public comment separately on each agenda item, it must allow a reasonable amount of time per agenda item to allow members of the public the opportunity to provide public comment, including time to register or "otherwise be recognized for the purpose of providing public comment." § 54953(e)(2)(E).

2. No Action During Disruptions: In the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored. § 54953(e)(2)(B).

3. Periodic Findings: To continue meeting remotely pursuant to AB 361, an agency must make periodic findings that: (1) the body has reconsidered the circumstances of the declared emergency; and (2) the emergency impacts the ability of the body's members to meet safely in person. § 54953(e)(3). These findings must be made not later than 45 days (previously 30 days) after teleconferencing for the first time pursuant to AB 361, and every 45 days (previously 30 days) thereafter. We recommend that after the agency makes these findings for the first time, it places on the

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agenda (as a placeholder) "reconsideration" of the findings every 45 days thereafter. § 54953(e)(3).

2) Assembly Bill ("AB") 2449

AB 2449 (2022) provides alternate teleconferencing authority, separate from both the traditional teleconferencing requirements and the relaxed teleconferencing requirements during declared emergencies under AB 361. The provisions of AB 2449 are effective for a period of three years beginning January 1, 2023 and ending January 1, 2026. As of January 1, 2025, some AB 2449 provisions have been amended by AB 2302 (2024).

AB 2449 requires at least a quorum of the legislative body to participate in person from a singular, physical location that is clearly identified on the agenda, open to the public, and situated within the boundaries of the territory over which the agency exercises jurisdiction. The legislative body must provide either a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting as means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body. § 54953(f)(1). AB 2449 allows other individual members to participate remotely without posting agendas at all teleconference locations, identifying all such locations in the agendas, or making each teleconference location open to the public in two specified circumstances: (1) "just cause" or (2) "emergency circumstances."

"Just cause" means any of the following: (A) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a legislative body member to participate remotely; (B) a contagious illness that prevents a member from attending in person; (C) a need related to a physical or mental disability not otherwise accommodated by the agency's procedures for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the Americans with Disabilities Act; or (D) travel while on official business of the legislative body or another state or local agency. § 54953(j)(2).

To participate remotely for just cause, a member must notify the legislative body "at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause." § 54953(f)(2)(A)(i). This notification must include a general description of the circumstances relating to their need to appear remotely at the given meeting.

"Emergency circumstances" means a physical or family medical emergency that prevents a legislative body member from attending a meeting in person. § 54953(j)(1).

To participate remotely due to emergency circumstances, the member must submit a request to the legislative body and the legislative body must take action to approve the request. § 54953(f)(2)(A)(ii). If the legislative body does not approve the request, the member may not participate via teleconference under AB 2449 at that meeting other than as a member of the public. The legislative body must request a general description of the circumstances relating to the member's need to appear remotely at the given meeting. A general description need not exceed 20 words and does not require the

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member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law. A member should submit a request to participate remotely at a meeting due to emergency circumstances as soon as possible, and a separate request is required for each meeting in which a member seeks to participate remotely. § 54953(f)(2)(A)(ii)(I). The legislative body may approve such a request by a majority vote. §§ 54953(f)(2)(A)(ii)(II); 54954.2(b)(4). If the request is received at least 72 hours before a regular meeting, the legislative body's action on the request should be included on the agenda. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting, the legislative body may take action at the beginning of the meeting. § 54953(f)(2)(A)(ii)(II).

There are strict limits on how often the AB 2449 teleconferencing requirements may be used for individual members. For "just cause," legislative body members are only allowed to participate remotely up to two meetings per calendar year. § 54953(f)(2)(A)(i). Otherwise, members are only allowed to participate remotely up to the following limits (multiple sessions in one day are considered to be one meeting for purposes of calculating the remote participation limit):

- Two meetings per year if the body meets once per month or less;
- Five meetings per year if the body meets twice per month; or
- Seven times per year if the body meets three or more times per month.

At the meeting before any action is taken, members of the legislative body participating remotely pursuant to AB 2449 must publicly disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and must disclose the general nature of the member's relationship with any such individuals. § 54953(f)(2)(B). Members must also participate through both audio and visual technology to allow the public to remotely hear and visually observe them. § 54953(f)(2)(C).

Local agencies relying on AB 2449 must follow certain requirements for noticing and conducting remote meetings similar to those required by AB 361. Meeting notices and agendas must identify the means by which members of the public may access the meeting and offer public comment. § 54953(f)(1)(B). Meeting agendas must identify and include an opportunity for all persons to attend and address the legislative body directly via a call-in option, via an internet-based service option, and at the in-person location of the meeting. § 54953(f)(1)(C). In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body may not take any further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. § 54953(f)(1)(D). The legislative body may not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. § 54953(f)(1)(E).

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V. ADA COMPLIANCE

Pursuant to Section 54953.2, all meetings of a legislative body, other than closed session meetings or parts of meetings involving a closed session, are required to be conducted in a manner that complies with the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 ("ADA").

Local agencies must ensure that remote meetings are conducted in a manner that allows persons with a disability to participate to the fullest extent possible. The legislative body must have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body also must give notice of the procedure for receiving and resolving requests for accommodation. § 54953(g).

Relatedly, the agenda must include information regarding how, to whom and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the meeting. § 54954.2(a)(1). If requested, the agenda and documents in the agenda packet also must be made available in alternative formats to persons with a disability. § 54954.1.

In 2024, the California Attorney General issued an opinion declaring that the ADA generally requires a local agency to allow remote participation by a legislative body member as a reasonable accommodation for a member with a qualifying disability that precludes in-person attendance at meetings of the body. 107 Ops. Cal. Atty. Gen. 107. The remote participation must be conducted in a manner that simulates in-person attendance at meetings held in-person at a location open to the public. To accomplish this requirement, individual members who participate remotely must (1) use two-way video and audio streaming in real time and must (2) disclose the identity of any adults who are present with the member at the remote location. *See* §§ 54953(f)(1)(A), 54953(f)(2)(B).

VI. SIMULTANEOUS OR SUCCESSIVE MEETINGS

A legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or successively, only if a clerk or a member of the convened legislative body verbally announces the following prior to convening the simultaneous or successive meeting:

1. There is a subsequent legislative body;

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2. The amount of compensation or stipend, if any, each member may receive as a result of the multiple meetings; and

3. The compensation or stipend is provided as a result of convening the multiple meetings.

However, the amount of compensation is not required to be announced if: (1) it is listed in a statute; and (2) the local agency has not authorized additional compensation. In any case, the announced "compensation" or "stipend" does not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of his or her official duties. Such expenses may include, but are not limited to, those related to travel, meals, and lodging. § 54952.3.

VII. SERIAL MEETINGS

In addition to regulating all gatherings of a majority of the members of a legislative body, the Brown Act also addresses certain contacts between individual members of the legislative body. On the one hand, the Brown Act specifically provides that nothing in the Act is intended to impose requirements on individual contacts or conversations between a member of a legislative body and any other person. § 54952.2(c)(1). This provision applies to individual contacts between two members of the legislative body (the individual contact exception to the "meeting" definition described above). Despite this exception, however, the Brown Act prohibits "serial meetings." § 54952.2(b)(1).

A serial meeting is a series of meetings or communications, either in person or by other means, between individual members of the legislative body in which ideas are exchanged among a majority of the legislative body regarding an item of business that is within the subject matter jurisdiction of the legislative body. A serial meeting can occur even though a majority of legislative body members never gather in a room at the same time. For example, an email response concerning an agency's business circulating among a majority of the members of the legislative body, such as "reply to all," could be considered a serial meeting. A serial meeting typically occurs in one of two ways. The first is when a staff member, a legislative body member or some other person individually contacts a majority of legislative body members and shares ideas among the majority (e.g., "I've talked to members A and B and they will vote 'yes.' Will you?"). Alternatively, member A calls member B, who then calls member C and so on, until a majority of the legislative body has discussed or deliberated or has taken action on the item of business.

The prohibition against serial meetings does not, however, prohibit communications between staff and legislative body members for the purpose of answering questions or providing information regarding a matter that is within the subject matter jurisdiction of the local agency, as long as the staff person does not communicate with other members of the legislative body, the comments or positions of any other member of the legislative body. § 54952.2(b)(2).

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Social media interactions between or among members of a legislative body can also raise serial meeting concerns. See Section VII(D) for a discussion of issues related to social media.

Observing the following guidelines can avoid inadvertent violation of the serial meeting prohibition.

A. Contacts with Staff

Staff can inadvertently become a conduit among a majority of a legislative body in the course of providing briefings on items of local agency business. Originally, the California Court of Appeal held that staff briefings of individual city council members do not constitute an illegal serial meeting under the Brown Act unless there was additional evidence that: (1) staff acted as a personal intermediary for other members of the legislative body; and (2) the meetings led to a collective concurrence among members of the legislative body. Following that decision, the state legislature amended Government Code Section 54952.2 in 2008, effective in 2009, to further clarify that staff briefings of individual city council members for the purpose of answering questions or providing information regarding an item of business do not constitute an illegal serial meeting under the Brown Act as long as a staff person does not communicate the comments or positions of a member of the legislative body to other members of the legislative body. Staff briefings must therefore be handled carefully. To avoid having a staff briefing become a serial meeting:

- Staff briefings to members of the legislative body should be "unidirectional" when done on an individual basis for a majority of the legislative body. This means that information should flow from staff to the member, and the member's participation should be limited to asking questions and acquiring information. Otherwise, if multiple members separately give staff direction thereby causing staff to shape or modify their ultimate recommendations in order to reconcile the views of a majority of the members, a violation might occur.

- A legislative body member should not ask staff to describe the views of any other members of the legislative body, and staff should not volunteer those views, if known.

- Staff may present their views to a legislative body member during an individual contact, but staff should not ask for that member's views unless it is absolutely clear that staff is not discussing the matter with a majority of the legislative body.

B. Contacts with Constituents, Developers and Lobbyists

A constituent, developer or lobbyist can also inadvertently become an intermediary among a majority of members of a legislative body thereby creating an illegal serial meeting in violation of the Brown Act. Such person's unfamiliarity with the requirements

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of the Brown Act aggravate this potential problem because they may expect a legislative body member to be willing to commit to a position in a private conversation in advance of a meeting. To avoid violations arising from contacts with constituents, developers, and lobbyists, members are advised to:

- State the ground rules "up front." Ask if the person has talked, or intends to talk, with other members of the legislative body about the same subject. If the answer is "yes," then make it clear that the person must not disclose the views of other legislative body member(s) during the conversation.

- Explain to the person that you will not make a final decision on a matter prior to the meeting. For example: "State law prevents me from giving you a commitment outside a noticed meeting. I will listen to what you have to say and give it consideration as I make up my mind."

- Do more listening and asking questions than expressing opinions. If you disclose your thoughts about a matter, tell the person not to share your statements with other members of the legislative body.

- Be especially careful with discussions about matters involving "quasi-judicial" land use decisions such as subdivision maps, site development plans, conditional use permits or variances. Consult with your city attorney or legal counsel before the meeting in order to avoid any potential problems involving illegal prejudice against the project or illegally receiving evidence about the project outside of the administrative record.

C. Contacts with Fellow Members of the Same Legislative Body

Direct contacts concerning local agency business with fellow members of the same legislative body – whether through face-to-face or telephonic conversations, notes, letters, online exchanges, email with or to staff members – are the most obvious means by which an illegal serial meeting can occur. This does not mean that a member of a legislative body is precluded from discussing items of local agency business with another member of that legislative body outside of a meeting; as long as the communication does not involve a majority of the legislative body, no "meeting" has occurred. There is, however, always the risk that one participant in the communication will disclose the views of the other participant to a third or fourth legislative body member, creating the possibility of a discussion of an item of business outside a noticed public meeting. Therefore, avoid discussing agency business with a majority of the members of your legislative body and communicating the views of other legislative body members outside a meeting.

D. Contacts on Social Media

Social media engagement can also inadvertently lead to concerns of creating an illegal serial meeting in violation of the Brown Act. The statute was previously silent regarding

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social media and its use by members of a legislative body, leading to uncertainty as to whether certain uses of social media could result in unintended violations. AB 992 (2020) amended certain provisions of the Brown Act, until January 1, 2026, to clarify allowable uses of social media.

A member of a legislative body may engage in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body. However, a majority of the members of the legislative body cannot use the internet-based social media platform to discuss among themselves business of a specific nature that is within the body's subject matter jurisdiction. Further, a member of the legislative body is prohibited from responding directly to any communication on an internet-based social media platform regarding a matter that is within the body's subject matter jurisdiction if the communication is made, posted, or shared by any other member of the legislative body. § 54952.2(b)(3)(A). Unlike other serial meeting restrictions that are invoked when there are contacts of a majority of the legislative body, this provision is triggered when there is interaction between as little as two members of a legislative body. For purposes of these provisions, such interaction includes commenting or using digital icons that express reactions to communications made by other members of the legislative body. § 54952.2(b)(3)(B)(i). Thus, "liking" a post or using a digital icon is considered a discussion under the Brown Act.

To avoid violations arising from social media engagement, members of a legislative body should avoid interacting on social media platforms with any other members of their legislative body regarding matters within the body's subject matter jurisdiction.

These suggested rules of conduct may seem unduly restrictive and impractical and may make acquiring important information more difficult or time-consuming. Nevertheless, following them will help assure that your conduct comports with the Brown Act's goal of achieving open government. If you have questions about compliance with the statute in any given situation, you should seek advice from your city attorney or legal counsel. Adherence to the foregoing guidelines is not a substitute for securing advice from your legal counsel.

VIII. NOTICE, AGENDA AND REPORTING REQUIREMENTS

A. Time of Notice and Content of Agenda

Two key provisions of the Brown Act which ensure the public's business is conducted openly are the requirements that legislative bodies publicly post agendas prior to their meetings, (§§ 54954.2, 54955, 54956 and 54957.5) and that no action or discussion may occur on items or subjects not listed on the posted agenda (§ 54954.2). The limited exceptions to the rule against discussing or taking action not on a posted agenda are discussed further below.

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Legislative bodies, except advisory committees and standing committees, are required to establish a time and place for holding regular meetings. § 54954(a). A "regular" meeting is a meeting that occurs on the legislative body's established meeting day. Generally, agendas for a regular meeting must be publicly posted 72 hours in advance of the meeting in a place that is freely accessible to the public.

Agendas must contain a brief general description of each item of business to be transacted or discussed at the meeting. § 54954.2(a). The description should inform the public of the "essential nature" of the matter, but need not exceed 20 words. *San Diegans for Open Government v. City of Oceanside*, 4 Cal. App. 5th 637 (2016). Courts will uphold a challenge to the sufficiency of an agenda item description when the description provides fair notice of what the agency will consider. The *San Diegans for Open Government* case provides an example of a sufficient agenda description that provides fair notice. In *San Diegans for Open Government*, the Oceanside City Council approved a subsidy agreement with a hotel developer using the following agenda item description:

> Adoption of a resolution to approve: 1. An Agreement Regarding Real Property (Use Restrictions) between the City of Oceanside and SD Malkin Properties Inc. to guarantee development and use of the property as a full service resort consistent with the entitlements for the project; 2. An Agreement Regarding Real Property to provide a mechanism to share Transient Occupancy Tax (TOT) generated by the Project; 3. A Grant of Easement to permit construction of a subterranean parking garage under Mission Avenue; 4. A report required by AB 562 prepared by Paul Marra of Keyser Marston and Associates documenting the amount of subsidy provided to the developer, the proposed start and end date of the subsidy, the public purpose of the subsidy, the amount of the tax revenue and jobs generated by the project; and 5. A License Agreement to permit construction staging for the project on a portion of Lot 26.

The court ruled that this agenda description complied with the requirements of Government Code Section 54954.2 because the agenda description expressly gave the public notice that the council would consider a fairly substantial development of publicly owned property into a hotel, that the city would share the transient occupancy tax generated by the project, and that the transaction would involve a subsidy by the city. Additional information, while helpful, was not necessary to provide fair notice of the essential nature of the action under state law. The court found that the language of the agenda, considered as a whole, provided more than a "clue" that the city planned to provide the developer with a substantial and ongoing financial subsidy in exchange for the project.

In contrast, in *Hernandez v. Town of Apple Valley*, 7 Cal. App. 5th 194 (2017), the court ruled that the Apple Valley Town Council's agenda description was insufficient. There, the town council adopted three resolutions that called for a special election related to an initiative to adopt a commercial specific plan and the filing of arguments and rebuttal arguments for and against the initiative. In addition, the town council adopted a

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Memorandum of Understanding ("MOU") that authorized the acceptance of a gift from an interested party, Wal-Mart, to pay for the special election. The agenda description for the matter read "Wal-Mart Initiative Measure" and included a recommendation for action that read "[p]rovide direction to staff."

The court reiterated that the Brown Act requires that each item of business be placed on the agenda. Specifically, the court highlighted that nothing in the agenda description, or even in the agenda packet, indicated that the town council was going to consider an MOU to accept a gift from Wal-Mart to pay for a special election to pass the initiative. The court concluded that the town violated the Brown Act by omitting the MOU from the agenda description because the omission meant that the public was given no notice of the item of business.

Furthermore, agendas should make clear whether items may be acted on or whether they are informational only. Thus, if an agenda for a meeting states that the legislative body will only "discuss" an item, the legislative body may not take an "action" on that item.

Agendas must also be posted on the local agency's website, if one exists, for city council meetings, and meetings of any other legislative body where some members are city council members and are compensated for their appearance. While the language of the 72 hour posting requirement appears absolute, the California Attorney General opined that technical difficulties, such as a power failure, cyber-attack or other third-party interference that prevents a local agency from posting its agenda on its website for the full 72 hours will not necessarily preclude the legislative body from lawfully holding its meeting. 99 Ops. Cal. Atty. Gen. 11 (2016). Whether a public meeting may continue as scheduled requires a fact specific analysis that turns on whether the local agency has otherwise "substantially complied" with the Brown Act's agenda posting requirements by properly posting a physical agenda and making other "reasonably effective efforts" (such as making the agenda available on social media or some other alternative website) to notify the public of the meeting.

Please note that a planning commission's or a city council's proposed approval of a CEQA document, such as an environmental impact report or a negative declaration, is a distinct item of business separate from the item approving the project and must be expressly described in an agenda. *San Joaquin Raptor Rescue Center v. County of Merced*, 216 Cal. App. 4th 1167 (2013). In addition, one court has ruled that a planning commission's or a city council's consideration of a CEQA exemption is also a distinct item of business for purposes of the Brown Act. *G.I. Industries v. City of Thousand Oaks* 84 Cal. App. 5th 814 (2022) (ordered not published by California Supreme Court, February 15, 2023).

A "special" meeting is a meeting that is held at a time or place other than the time and place established for regular meetings. For special meetings, the "call and notice" of the meeting and the agenda must be posted in a publicly accessible area, including in some cases on the local agency's website, at least 24 hours prior to the meeting. § 54956(a). Additionally, each member of the legislative body must personally receive written notice of the special meeting either by personal delivery or by "any other means" (such as

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facsimile, email or U.S. mail) at least 24 hours before the time of the special meeting, unless they have previously waived receipt of written notice. Members of the press (including radio and television stations) and other members of the public can also request written notice of special meetings and, if they have, then that notice must be given at the same time notice is provided to members of the legislative body.

An "emergency" meeting may be called to address certain emergencies, such as a terrorist act or crippling disaster, without complying with the 24-hour notice requirement. Certain requirements apply for notifying the press and for conducting closed sessions as part of those meetings and except as specified, all other rules governing special meetings apply. § 54956.5.

Both regular and special meetings may be adjourned to another time. Notices of adjourned meetings must be posted on the door of the meeting chambers where the meeting occurred within 24 hours after the meeting is adjourned. § 54955. If the adjourned meeting occurs more than five days after the prior meeting, a new agenda for that adjourned meeting must be posted 72 hours in advance of the adjourned meeting. § 54954.2(b)(3).

The Brown Act requires local agencies to mail the agenda or the full agenda packet to any person making a written request no later than the time the agenda is posted or is delivered to the members of the body, whichever is earlier. Additionally, a local agency with an internet website must send a website link to or a copy of the agenda or the full agenda packet by email, if a person requests that the documents be sent by email. A local agency may charge a fee to recover its costs of copying and mailing. Any person may make a standing request to receive these materials, in which event the request must be renewed annually. Failure by any requestor to receive the agenda does not constitute grounds to invalidate any action taken at a meeting. § 54954.1.

B. Action and Discussion on Non-agenda Items

The Brown Act also ensures the public's business is conducted openly by restricting a legislative body's ability to deviate from posted agendas. The statute affords a legislative body limited authority to act on or discuss non-agenda items at regular meetings, but forbids doing so at special meetings.

As a general rule, a legislative body may not act on or discuss any item that does not appear on the agenda posted for a regular meeting. § 54954.2(a)(3). This rule does not, however, preclude a legislative body from acting on a non-agenda item that comes to the local agency's attention subsequent to the agenda posting which requires immediate action. § 54954.2(b)(2). In order to utilize this exception, the legislative body must make findings of both components of the exception by a two-thirds vote of those present (by unanimous vote if less than two-thirds of the body is present). This means that if five members of a five-member body are present, at least four members must vote to add the item; If four members of a five-member body are present, then at least three members must vote to add the item; if three members of a five-member body are present, all three members must vote to add the item . In addition, an item not appearing on an agenda may be added if the legislative body determines by a majority vote that

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an emergency situation exists. § 54954.2(b)(1). For purposes of this exception, the term "emergency situation" refers to work stoppages or crippling disasters that severely impair public health, safety, or both.

AB 2449 (2022), discussed above, also allows a legislative body to act at the beginning of a meeting on a request from a member to participate in a meeting remotely due to emergency circumstances if the member's request to participate remotely does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. § 54953(f)(2)(A)(i)(II); § 54954.2(b)(4). The legislative body may approve such a request by a majority vote of the legislative body. § 54954.2(b)(4).

In addition to the general exceptions discussed above, a legislative body may also discuss non-agenda items at a regular meeting under the following five additional exceptions:

- Members of the legislative body or staff may briefly respond to statements made or questions posed by persons during public comment periods;
- Members of the legislative body or staff may ask a question for clarification, make a brief announcement or make a brief report on their own activities;
- Members of the legislative body may, subject to the procedural rules of the body, provide a reference to staff or other resources for factual information;
- Members of the legislative body may, subject to the procedural rules of the body, request staff to report back at a subsequent meeting concerning any matter; and
- Members of the legislative body may, subject to the procedural rules of the body, take action to direct staff to place a matter of business on a future agenda.

Therefore, spending a few minutes to discuss whether a matter should be placed on a future agenda or asking staff procedural questions is permissible. *Cruz v. City of Culver City*, 2 Cal.App. 5th 239 (2016). The legislative body may not, however, discuss non-agenda items to any significant degree. This means there should not be long or wide-ranging question and answer sessions on non-agenda items between the legislative body and the public or between the legislative body and staff. It is important to follow these exceptions carefully and construe them narrowly to avoid tainting an important and complex action by a non-agendized discussion of the item.

The Brown Act contains even more stringent regulations to restrict action on and discussion of non-agenda items at special meetings. In particular, the statute mandates that only business that is specified in the "call and notice" of the special meeting may be considered by the legislative body. § 54956. In no event, however, may a special meeting be called to discuss compensation of a local agency executive. § 54956(b).

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C. Reporting of Actions

The Brown Act mandates the public reporting of individual votes or abstentions by members of legislative bodies on any given motion or action. This requirement may be satisfied in most situations by reporting the individual vote or abstention of each member in the minutes of a meeting. § 54953(c). The Brown Act also requires that the legislative body orally report a summary of recommendations made with respect to the salary, salary schedule or compensation paid to a local agency executive. The legislative body must issue the report at the same meeting in which the final action on compensation is being considered. § 54953(c)(3).

IX. PUBLIC PARTICIPATION

A. Regular Meetings

The Brown Act mandates that every agenda for a regular meeting provide an opportunity for members of the public to directly address the legislative body on any matter that is within the subject matter jurisdiction of the legislative body. § 54954.3(a). In addition, the Brown Act requires the legislative body to allow members of the public to comment on any item on the agenda either before or during the body's consideration of that item. § 54954.3(a). Also, although not required under the Brown Act, local agencies may consider reading written comments received into the public record by the city clerk, or their designee, subject to reasonable time and content limitations imposed in accordance with the requirements outlined below.

Some local agencies accomplish both public comment requirements by placing a general audience comment period at the beginning of the agenda where the public can comment on both agenda and non-agenda items. Others provide public comment periods as each item or group of items comes up on the agenda, and then leave the general public comment period to the end of the agenda. Either method is permissible, though public comment on public hearing items must be taken during the hearing.

The Brown Act allows a legislative body to preclude public comments on an agenda item in one limited situation sometimes referred to as the "committee exception" - where the item was considered by a committee, composed solely of members of the body, that held a meeting where public comments on that item were allowed. If the legislative body has standing committees (which are required to have agendized and open meetings with an opportunity for the public to comment on agenda items) and the committee has previously considered an item, then at the time the item comes before the full legislative body, the body may choose not to take additional public comments on that item. However, if the version of the item presented to the full legislative body is different from the version of the item presented to, and considered by, the committee, then the public must be given another opportunity to speak on that item at the meeting of the full body. § 54954.3(a).

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B. Special Meetings

The Brown Act requires that agendas for special meetings provide an opportunity for members of the public to address the legislative body concerning any item listed on the agenda before or during the body's consideration of that item. § 54954.3(a). Unlike regular meetings, public comment on non-agenda matters at a special meeting may be omitted. Additionally, unlike regular meetings, the "committee exception" (discussed above) does not apply to special meetings. *Preven v. City of Los Angeles*, 32 Cal. App. 5th 925, 936 (2019).

C. Limitations on the Length and Content of Public Comments

A legislative body may adopt reasonable regulations limiting the total amount of time allocated to each person for public testimony. § 54954.3(b). Typical time limits restrict speakers to three or five minutes. If an individual utilizes a translator to give testimony and simultaneous translation equipment is not used, the legislative body must allot at least twice the standard amount of time to the speaker. § 54954.3(b)(2). A legislative body may also adopt reasonable regulations limiting the total amount of time allocated for public testimony on legislative matters, such as a zoning ordinance or other regulatory ordinance. However, setting total time limits per item for any quasi-judicial matter, such as a conditional use permit application, is not recommended because the time restriction could violate the due process rights of those who were not able to speak to the body during the time allotted.

The Brown Act precludes a legislative body from prohibiting public criticism of the policies, procedures, programs or services of the local agency or the acts or omissions of the body. § 54954.3(c). This restriction does not mean that a member of the public may say anything during public testimony. If the topic of the public's comments falls outside the subject matter jurisdiction of the local agency, the legislative body may stop a speaker's comments if the comments are disruptive, as described below.

A legislative body also may adopt reasonable rules of decorum that preclude a speaker from disrupting, disturbing or otherwise impeding the orderly conduct of its meetings. § 54954.3(b). The right to publicly criticize a public official does not include the right to slander that official, though the line between criticism and slander is often difficult to determine in the heat of the moment. Care must be given to avoid violating the free speech rights of speakers by suppressing opinions relevant to the business of the legislative body.

Finally, in some circumstances, the use of profanity may serve as a basis for stopping a speaker. It will depend, however, upon what profane words or comments are made and the context of those comments. Therefore, no one should be ruled out of order for profanity unless the language both is truly objectionable and causes a disturbance or disruption in the proceeding.

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The presiding officer of a legislative body may remove an individual from a meeting for actual disruptive behavior if they first warn the individual that their behavior is disruptive and that failure to cease their disruptive behavior could result in removal from the meeting. § 54957.95(a). Behavior is disruptive only if it actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. § 54957.95(b)(1). Disruptive behavior may include noncompliance with the legislative body's established rules of decorum, such as speaking out of turn or exceeding established time limits on how long an individual can speak on a particular topic during public comment. § 54957.95(b)(1)(A). If the individual disrupting the meeting is using force or a true threat of force — meaning serious enough that a reasonable observer would perceive the threat to be an actual threat to use force by the person making the threat — they may be removed without a prior warning to cease their behavior. § 54957.95.

D. Additional Rights of the Public

The Brown Act grants the public the right to videotape or broadcast a public meeting, as well as the right to make a motion picture or still camera record of such meeting. § 54953.5(a). A legislative body may prohibit or limit recording of a meeting, however, if the body finds that the recording cannot continue without noise, illumination or view obstruction that constitutes, or would constitute, a disruption of the proceedings. § 54953.6.

Any audio or videotape record of an open and public meeting that is made, for whatever purpose, by or at the direction of the local agency is a public record and is subject to inspection by the public consistent with the requirements of the Public Records Act. § 54953.5(b). The local agency must not destroy the tape or film record for at least 30 days following the date of the taping or recording. Inspection of the audiotape or videotape must be made available to the public for free on equipment provided by the local agency.

The Brown Act requires written material distributed to a majority of the legislative body by any person to be provided to the public without delay. This rule is inapplicable, to attorney-client memoranda, the confidentiality of which was affirmed by the California Supreme Court in *Roberts v. City of Palmdale*, 5 Cal. 4th 363, 381 (1993). However, if non-privileged material is distributed during the meeting and prepared by the local agency, it must be available for public inspection at the meeting. If it is distributed during the meeting by a member of the public, it must be made available for public inspection after the meeting. § 54957.5(c).

If material related to an agenda item is distributed to a majority of the legislative body less than 72 hours prior to an open session of a regular meeting, the writing must be made available at the same time for public inspection at a public office or location that has been designated in advance for such purpose. Each local agency must list the address of the designated office or location on the agendas for all meetings of the legislative body of that agency. § 54957.5(b). Although this Brown Act provision technically requires an agency to list the designated office address on closed session meeting agendas, it does not require an agency to make such closed session documents and materials available for public inspection.

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A local agency may also post all documents made available for public inspection pursuant to Section 54957.5(b) on the agency's website. However, a local agency may not post the writings to its website in lieu of designating a public office or location for inspection of physical copies of the documents.

There is a limited exception to the requirement regarding making a writing distributed to a majority of the legislative body less than 72 hours in advance of a meeting immediately available for public inspection at a physical location. § 54957.5(b)(2)(B). The exception only applies to materials that supplement an initial staff report or similar document containing an executive summary or the staff recommendation relating to that agenda item that was made available for public inspection at the office or location designated at least 72 hours before the meeting. The exception allows the agency to make the materials available for public inspection the next business day commencing at least 24 hours in advance of the meeting during regular hours if the agency posts the materials on the agency's website immediately upon distributing them to the majority of the body, making it clear they relate to the item at the upcoming meeting, and the agenda posted for all meetings of the legislative body contains the agency's website address.

We recommend that local agencies implement the following procedures to comply with Section 54957.5(b):

- Place a binder at the agency's principal place of business next to the public counter agenda packet that identifies the contents as follows: "Disclosable public documents related to an open session agenda item on the _____ Agenda Packet distributed by the [AGENCY] to a majority of the [LEGISLATIVE BODY] less than 72 hours prior to the meeting."

- On the agenda template for all meetings, there should be a standard footer or statement that indicates the following: "Any disclosable public writings related to an open session item on a regular meeting agenda and distributed by the [AGENCY] to at least a majority of the [LEGISLATIVE BODY] less than 72 hours prior to that meeting are available for public inspection at the _____ Counter at [AGENCY'S PLACE OF BUSINESS] located at [ADDRESS] and [optional] the _____ Counter at the _____ Library located at [LIBRARY ADDRESS] during normal business hours. [Optional] In addition, the Agency may also post such documents on the Agency's Website at [WEBSITE ADDRESS]." Agencies should make these documents available online to the greatest extent possible, when public buildings or facilities are temporarily closed to public access.

- On the agency's website, create a subfolder under the agenda packet folder that identifies the contents of the subfolder as follows: "Disclosable public documents related to an open session agenda item on the _____ Agenda Packet distributed by the [AGENCY] to a majority of the [LEGISLATIVE BODY] less than 72 hours prior to the meeting."

- On all documents made available for public inspection pursuant to Section 54957.5(b), make a notation of the date when distributed to at least

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a majority of the legislative body and placed in the binder at agency's place of business, [optional] the Library, or [optional] on the agency's website.

- Charge customary photocopying charges for copies of such documents.

One problem left unaddressed by Section 54957.5(b) is what to do when written materials are distributed directly to a majority of the legislative body without knowledge of staff, or without the legislative body members knowing that a majority has received it. The law still requires these materials to be treated as public records. Thus, it is a good idea for at least one member of the legislative body to ensure that staff gets a copy of any document distributed to members of the legislative body so that copies can be made for the local agency's records and for members of the public who request a copy.

X. CLOSED SESSIONS

The Brown Act allows a legislative body to convene a "closed session" during a meeting in order to meet privately with its advisors on specifically enumerated topics. Sometimes people refer to closed sessions as "executive sessions," which is a holdover term from the statute's early days. Examples of business that may be conducted in closed session include personnel actions and evaluations, threats to public safety, labor negotiations, pending litigation, real estate negotiations and consideration of a response to an audit report. §§ 54956.8, 54956.9, 54957, 54957.6, 54956.75. Additionally, starting in 2025, AB 2715 (2024) authorizes a legislative body to hold a closed session on matters pertaining to a threat to critical infrastructure controls or critical infrastructure information related to cybersecurity. Political sensitivity of an item is not a lawful reason for a closed session discussion.

The Brown Act requires that closed session business be described on the public agenda. For a litigation threat against a local agency made outside an open and public meeting to be discussed in closed session it must be included in the agenda packet made available upon request before the meeting. *Fowler v. City of Lafayette*, 46 Cal. App. 5th 360, 370 (2020), *as modified on denial of reh'g* (Mar. 11, 2020), *review denied* (July 22, 2020).

Moreover, there is a "safe harbor" for using prescribed language to describe closed session items on an agenda in that legal challenges to the adequacy of the description are precluded when such language is used. § 54954.5. This so-called "safe harbor" encourages many local agencies to use a very similar agenda format, especially in light of a California Court of Appeal ruling that a local agency substantially complied with the Brown Act's requirement to describe closed session agenda items even though the notice referred to the wrong subsection of Section 54956.9. *Castaic Lake Water Agency v. Newhall County Water District*, 238 Cal.App. 4th 1196, 1207 (2015). Audio recording of closed sessions is not required unless a court orders such recording after finding a closed session violation. § 54960.

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Closed sessions may start in a different location from the usual meeting place as long as the location is noted on the agenda and the public can be present when the meeting first begins. Moreover, public comment on closed session items must be allowed before convening the closed session.

After a closed session, the legislative body must publicly report certain types of actions if they were taken and the vote on those actions. § 54957.1. This report typically is given orally at the meeting, but it may done in writing. There are limited exceptions for specified litigation decisions and to protect the victims of sexual misconduct or child abuse. Contracts, settlement agreements or other documents that are finally approved or adopted in closed session must be provided at the time the closed session ends to any person who has made a standing request for all documentation in connection with a request for notice of meetings (typically members of the media) and to any person who makes a request within 24 hours of the posting of the agenda, if the requestor is present when the closed session ends. § 54957.1.

One perennial area of confusion is whether a legislative body may discuss the salary and benefits of an individual employee (such as a city manager) as part of a performance evaluation session under Section 54957. It may not. However, the body may designate a negotiator or negotiators, such as two members of a five-member legislative body, to negotiate with that employee and then meet with the negotiator(s) in closed session under Section 54957.6 to provide directions on salary and compensation issues. The employee in question may not be present in such a closed session. The Brown Act prohibits attendees from disclosing confidential information obtained during a closed session, unless the legislative body authorizes the disclosure. Violations can be addressed through injunctions, disciplinary action, and referral to the grand jury. § 54963.

XI. ENFORCEMENT

There are both civil remedies and criminal misdemeanor penalties for Brown Act violations. The civil remedies include injunctions against further violations, orders nullifying any unlawful action, orders determining that an alleged act violated the Brown Act, orders determining the validity of any rule to penalize or discourage the expression of a member of the legislative body, and remedies for breaching closed session confidences. §§ 54960, 54960.1, 54960.2, 54963.

The procedures for claiming there was a Brown Act violation vary depending upon what the complaining party is seeking. If the complaining party is seeking to invalidate an action based on a violation of the Brown Act, the procedures for doing so are set forth in Section 54960.1. If the complaining party is merely seeking a determination that a Brown Act violation occurred or desires the court to impose an order preventing further violations, the procedures for doing so are set forth in Section 54960.2.

Under Section 54960.1, prior to filing suit to obtain a judicial determination that an action is null and void because of an alleged Brown Act violation, the complaining party must make a written demand on the legislative body to cure or correct the alleged violation. § 54960.1(b). The written demand must be made within 90 days after the challenged

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action was taken. However, if the challenged action was taken in open session and involves a violation of the agenda requirements of Section 54954.2, then the written demand must be made within 30 days. § 54960.1(c)(1). The legislative body is required to cure or correct the challenged action and inform the party who filed the demand of its correcting actions or its decision not to cure or correct, within 30 days. § 54960.1(c)(2). The complaining party must file suit within 15 days after receipt of the written notice from the legislative body or if there is no written response, within 15 days after the 30-day cure period expires. § 54960.1(c).

Under Section 54960.2, prior to filing suit to obtain a judicial determination that an alleged Brown Act violation, the district attorney or interested person must submit a cease and desist letter to the legislative body clearly describing the legislative body's past action and the nature of the alleged violation within nine months of the alleged violation. § 54960.2(a). Second, the legislative body may respond within 30 days, including responding with an unconditional commitment to cease and desist from, and not repeat the past action that is alleged to violate the Brown Act. § 54960.2(b). If the legislative agency responds with an unconditional commitment, that commitment must be approved by the legislative body in open session at a regular or special meeting as a separate item of business not on the consent calendar and must be in substantially the same form set forth in Section 54960.2(c)(1). Also, a legislative body may resolve to rescind an unconditional commitment with proper notice to the public and to each person to whom the unconditional commitment was made. § 54960.2(e). Upon rescission, the district attorney or any interested person may file an action pursuant to Section 54960(a). Finally, Section 54960.2 provides further deadlines and requirements that must be met when filing an action in connection with an unconditional commitment. § 54960.2. Note that even where a plaintiff can satisfy the threshold procedural requirements, a Brown Act violation will not automatically invalidate the action taken by the legislative body absent a showing that the violation caused prejudice. *Martis Camp Cmty. Ass'n v. Cty. of Placer*, 53 Cal. App. 5th 569, 592 (2020).

A member of a legislative body will not be criminally liable for a violation of the Brown Act unless the member intends to deprive the public of information which the member knows or has reason to know the public is entitled to under the Brown Act. § 54959. This standard became effective in 1994 and is a different standard from most criminal standards. Until it is applied and interpreted by a court, it is not clear what type of evidence will be necessary to prosecute a Brown Act violation.

XII. CONCLUSION

The Brown Act's many rules and ambiguities can be confusing, and compliance with it can be difficult. In the event that you have any questions regarding any provision of the law, you should contact your legal counsel for advice.

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PART TWO:

THE RALPH M. BROWN ACT

Updated including changes effective January 1, 2025

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The Ralph M. Brown Act

Government Code §§ 54950-54963

Section 54950. Declaration of public policy

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Section 54950.5. Title of act

This chapter shall be known as the Ralph M. Brown Act.

Section 54951. "Local agency"

As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof or other local public agency.

Section 54952. "Legislative body"

As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution or formal action of a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee or other multimember body that governs a private corporation, limited liability company or other entity that either:

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(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full-voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee or other multimember body that governs a private corporation, limited liability company or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full-voting member to a nonvoting member.

(d) The lessee of any hospital, the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

Section 54952.1. Conduct and treatment of electee

Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

Section 54952.2. Prohibited communications of local agency's legislative body; social media; exclusions from this chapter

(a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members

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of the legislative body the comments or position of any other member or members of the legislative body.

(3) (A) Paragraph (1) shall not be construed as preventing a member of the legislative body from engaging in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body provided that a majority of the members of the legislative body do not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body. A member of the legislative body shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.

(B) For purposes of this paragraph, all of the following definitions shall apply:

(i) "Discuss among themselves" means communications made, posted, or shared on an internet-based social media platform between members of a legislative body, including comments or use of digital icons that express reactions to communications made by other members of the legislative body.

(ii) "Internet–based social media platform" means an online service that is open and accessible to the public.

(iii) "Open and accessible to the public" means that members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval of the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

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(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

Section 54952.3. Simultaneous or serial order meetings authorized; Requirements; Compensation or stipends

(a) A legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or in serial order, only if a clerk or a member of the convened legislative body verbally announces, prior to convening any simultaneous or serial order meeting of that subsequent legislative body, the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body and identifies that the compensation or stipend shall be provided as a result of convening a meeting for which each member is entitled to collect compensation or a stipend. However, the clerk or member of the legislative body shall not be required to announce the amount of compensation if the amount of compensation is prescribed in statute and no additional compensation has been authorized by a local agency.

(b) For purposes of this section, compensation and stipend shall not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of the member's official duties, including, but not limited to, reimbursement of expenses relating to travel, meals, and lodging.

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Section 54952.6. "Action taken"

As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

Section 54952.7. Copy of chapter to members of legislative body of local agencies

A legislative body of a local agency may require that a copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

Section 54953. Requirement that meetings be open and public; Teleconferencing; Teleconference meetings by health authority

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by roll call.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

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(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38 and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2

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(commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in either of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(B) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (A), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

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(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (D), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (D), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 45 days after teleconferencing for the first time pursuant to subparagraph (A) or (B) of paragraph (1), and every 45 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

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(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal

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medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) (A) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for more than the following number of meetings, as applicable:

(i) Two meetings per year, if the legislative body regularly meets once per month or less.

(ii) Five meetings per year, if the legislative body regularly meets twice per month.

(iii) Seven meetings per year, if the legislative body regularly meets three or more times per month.

(B) For the purpose of counting meetings attended by teleconference under this paragraph, a "meeting" shall be defined as any number of meetings of the legislative body of a local agency that begin on the same calendar day.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

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(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

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(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

Section 54953.1. Grand jury testimony

The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

Section 54953.2. Meetings to conform to Americans with Disabilities Act

All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

Section 54953.3. Registration of attendance

A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire or other similar document is posted at or near the entrance to the room where the meeting is to be held or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering or completion of the document is voluntary and that all persons may attend the meeting regardless of whether a person signs, registers or completes the document.

Section 54953.5. Recording proceedings

(a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

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(b) Any audio or video recording of an open and public meeting made for whatever purpose by, or at the direction of the local agency, shall be subject to inspection pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

Section 54953.6. Restrictions on broadcasts of proceedings

No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination or obstruction of view that would constitute a persistent disruption of the proceedings.

Section 54953.7. Access to meetings beyond minimal standards

Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body.

Section 54953.8. Open meetings: teleconferences: neighborhood councils

(a)(1) An eligible legislative body may use teleconferencing without complying with paragraph (3) of subdivision (b) of Section 54953 if the eligible legislative body complies with paragraphs (2) to (4), inclusive.

(2) An eligible legislative body may only use teleconferencing as described in this section after all the following have occurred:

(A) The city council for a city described in subdivision (c) considers whether to adopt a resolution to authorize eligible legislative bodies to use teleconferencing as described in paragraph (1) at an open and regular meeting.

(B) If the city council adopts a resolution described in subparagraph (A), an eligible legislative body may elect to use teleconferencing pursuant to this section if two-thirds of the eligible legislative body votes to do so. The eligible legislative body shall notify the city council if it elects to use teleconferencing pursuant to this section and its justification for doing so.

(C) Upon receiving notification from a legislative body as described in subparagraph (B), the city council may adopt a resolution to prohibit the eligible legislative body from using teleconferencing pursuant to this section.

(3) After completing the requirements in paragraph (2), an eligible legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

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(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the eligible legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the eligible legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the eligible legislative body's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the eligible legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the eligible legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The eligible legislative body shall not require public comments to be submitted in advance of the meeting and shall provide an opportunity for the public to address the legislative body and offer comment in real time.

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the eligible legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E) (i) An eligible legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (D), to provide public comment until that timed public comment period has elapsed.

(ii) An eligible legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.

(iii) An eligible legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (D), until the timed general public comment period has elapsed.

(F) At least a quorum of the members of the eligible legislative body shall participate from locations within the boundaries of the city in which the eligible legislative body is established.

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(G) At least once per year, at least a quorum of the members of the eligible legislative body shall participate in person from a singular physical location that is open to the public and within the boundaries of the eligible legislative body.

(4) An eligible legislative body that holds a meeting pursuant to this subdivision shall do the following, as applicable:

(A) If the meeting is during regular business hours of the offices of the city council member that represents the area that includes the eligible legislative body, the eligible legislative body shall provide a publicly accessible physical location from which the public may attend or comment, which shall be the offices of the city council member who represents the area where the eligible legislative body is located, unless the eligible legislative body identifies an alternative location.

(B) If the meeting is outside regular business hours, the eligible legislative body shall make reasonable efforts to accommodate any member of the public that requests an accommodation to participate in the meeting. For the purposes of this subparagraph, "accommodation" means providing a publicly accessible physical location for the member of the public to participate from, providing access to technology necessary to participate in the meeting, or identifying locations or resources available that could provide the member of the public with an opportunity to participate in the meeting.

(b) The legislative body shall comply with all other requirements of Section 54953.

(c) As used in this section, "eligible legislative body" means a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to this chapter.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

Section 54954. Rules for conduct of business; Time and place of meetings

(a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide by ordinance, resolution, bylaws or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

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(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction, provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b) or to do any of the following:

(1) Attend a conference on non-adversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

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(e) If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

Section 54954.1. Request for notice; Renewal; Fee

Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If a local agency has an internet website, the legislative body or its designee shall email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the item or items be delivered by email. If the local agency determines it is technologically infeasible to send a copy of all documents constituting the agenda packet or a link to a website that contains the documents by email or by other electronic means, the legislative body or its designee shall send by mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda packet in accordance with the mailing requirements established pursuant to this section. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

Section 54954.2. Posting of agenda; Actions not on agenda

(a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's internet website, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom and when a request for disability-related modification or accommodation, including auxiliary aids or

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services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019 of a legislative body of a city, county, city and county, special district, school district or political subdivision established by the state that has an internet website, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary internet website home page of a city, county, city and county, special district, school district or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda, including, but not limited to, an agenda posted in an integrated agenda management platform shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable and electronically searchable by commonly used internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district or political subdivision established by the state that has an internet website and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet website home page of a city, county, city and county, special district, school district or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an internet website with the agendas of the legislative body of a city, county, city and county, special district, school district or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district or political subdivision established by the

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state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii) and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district or political subdivision established by the state to the public.

(ii) "Legislative body" has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present that there is a need to take immediate action

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and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(4) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote of the legislative body.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's internet website, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

Section 54954.3. Public testimony at regular meetings

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

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(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.

(3) Paragraph (2) shall not apply if the legislative body of a local agency utilizes simultaneous translation equipment in a manner that allows the legislative body of a local agency to hear the translated public testimony simultaneously.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs or services of the agency or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

Section 54954.4. Legislative findings and declarations relating to reimbursements; Legislative intent; Review of claims

(a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986 authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful and uninterrupted manner.

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Section 54954.5. Description of closed session items

For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

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CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to paragraphs (2) to (5), inclusive of subdivision (e) of Section 54956.9.)

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

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(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session). (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session).

Employee organization: (Specify name of organization representing employee or employees in question).

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations).

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning).

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106 and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program or facility).

Estimated date of public disclosure: (Specify month and year).

HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee).

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

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CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86).

(j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)

Discussion will concern: (Specify closed session description used by the joint powers agency).

Name of local agency representative on joint powers agency board: (Specify name).

(Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives).

(k) With respect to every item of business to be discussed in closed session pursuant to Section 54956.75:

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

Section 54954.6. Public meeting on general tax or assessment; Notice

(a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased assessment" does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities or regulatory activity for which the fee is charged.

(B) A service charge, rate or charge, unless a special district's principal act requires the service charge, rate or charge to conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to

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subparagraph (G) of paragraph (2) of subdivision (c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times and locations of the public meeting and hearing described in subdivision (a).

(F) The telephone number and address of an individual, office or organization that interested persons may contact to receive additional information about the tax.

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(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property or businesses shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners or business owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll, the State Board of Equalization assessment roll or the local agency's records pertaining to business ownership, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) In the case of an assessment proposed to be levied on property, the estimated amount of the assessment per parcel. In the case of an assessment proposed to be levied on businesses, the proposed method and basis of levying the assessment in sufficient detail to allow each business owner to calculate the amount of assessment to be levied against each business. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The telephone number and address of an individual, office or organization that interested persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the

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entire local agency or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decision making process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to the assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

Section 54955. Adjournment of meetings

The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he

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or she shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw or other rule.

Section 54955.1. Continuance of hearing

Any hearing being held, or noticed or ordered to be held by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or re-continued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

Section 54956. Special meetings; call; notice; meetings regarding local agency executive salaries, salary schedules or compensation in form of fringe benefits; posting on Internet Web site

(a) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

(b) Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1.

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However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

(c) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

Section 54956.5. Emergency meetings; Notice

(a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity or other activity that severely impairs public health, safety or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956, or both, of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived and the legislative body or designee of the legislative body, shall notify those newspapers, radio stations or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

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(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements as prescribed in Section 54956, shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of person(s) who is the presiding officer of the legislative body or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

Section 54956.6. Fees

No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

Section 54956.7. Closed sessions regarding application from person with criminal record

Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license, but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

Section 54956.75. Closed session for response to final draft audit report

(a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

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Section 54956.8. Closed sessions regarding real property negotiations

Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

Section 54956.81. Closed sessions regarding purchase or sale of pension fund investments

Notwithstanding any other provision of this chapter, a legislative body of a local agency that invests pension funds may hold a closed session to consider the purchase or sale of particular specific pension fund investments. All investment transaction decisions made during the closed session shall be made by rollcall vote entered into the minutes of the closed session as provided in subdivision (a) of Section 54957.2.

Section 54956.86. Closed session for health plan member

Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

Section 54956.87. Disclosure of records and information; Meetings in closed session

(a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system or records in any other form, that relate to provider rate or payment determinations, allocation or distribution

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methodologies for provider payments, formulas or calculations for these payments and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form to the board of supervisors shall not constitute a waiver of exemption from disclosure and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (f), shall be held in closed session. The requirements of making a public report of action taken in closed session and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Managed Health Care in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(f) For purposes of this section, "health plan trade secret" means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria:

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

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Section 54956.9. Closed sessions concerning pending litigation; Lawyer-client privilege

(a) Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

(b) For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

(c) For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court or administrative body exercising its adjudicatory authority, hearing officer or arbitrator.

(d) For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(1) Litigation, to which the local agency is a party, has been initiated formally.

(2) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(3) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (2).

(4) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

(e) For purposes of paragraphs (2) and (3) of subdivision (d), "existing facts and circumstances" shall consist only of one of the following:

(1) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(2) Facts and circumstances, including, but not limited to, an accident, disaster, incident or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(3) The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written

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communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(4) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(5) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body, so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(f) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1).

(g) Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the paragraph of subdivision (d) that authorizes the closed session. If the session is closed pursuant to paragraph (1) of subdivision (d), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(h) A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

Section 54956.95. Closed sessions regarding liability

(a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 for purposes of insurance pooling, or a local agency member of the joint powers agency from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed

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session to discuss a claim for the payment of tort liability losses, public liability losses or workers' compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

Section 54956.96. Disclosure of specified information in closed session of joint powers agency, Clean Power Alliance of Southern California; Authorization of designated alternate to attend closed session; Closed session of legislative body of local agency member

(a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw, or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a local agency member may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(B) Other members of the legislative body of the local agency present in a closed session of that local agency member.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) (1) In addition to the authority described in subdivision (a), the Clean Power Alliance of Southern California or its successor entity, may adopt a policy or a bylaw or include in its joint powers agreement a provision that authorizes both of the following:

(A) A designated alternate member of the legislative body of the Clean Power Alliance of Southern California or its successor entity, who is not a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the Clean Power Alliance of Southern California or its successor entity, in lieu of a local agency member's regularly appointed member to attend closed sessions of the Clean Power Alliance of Southern California or its successor entity.

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(B) All information that is received by a designated alternate member of the legislative body of the Clean Power Alliance of Southern California or its successor entity, who is not a member of the legislative body of a local agency member and that is presented to the Clean Power Alliance of Southern California or its successor entity, in closed session, shall be confidential. However, the designated alternate member may disclose information obtained in a closed session that has direct financial or liability implications for the local agency member for which the designated alternate member attended the closed session, to the following individuals:

(i) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(ii) Members of the legislative body of the local agency present in a closed session of that local agency member.

(2) If the Clean Power Alliance of Southern California or its successor entity, adopts a policy or bylaw or includes in its joint powers agreement a provision authorized pursuant to paragraph (1), the Clean Power Alliance of Southern California or its successor entity, shall establish policies to prevent conflicts of interest and to address breaches of confidentiality that apply to a designated alternate member who is not a member of the legislative body of a local agency member who attends a closed session of the Clean Power Alliance of Southern California or its successor entity.

(c) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a) or (b), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a) or paragraph (1) of subdivision (b).

(d) This section shall remain in effect only until January 1, 2025 and as of that date is repealed.

Section 54956.97. Public bank; governing board or committee of governing board; closed session

Notwithstanding any provision of law, the governing board or a committee of the governing board of a public bank, as defined in Section 57600 of the Government Code, may meet in closed session to consider and take action on matters pertaining to all of the following:

(a) A loan or investment decision.

(b) A decision of the internal audit committee, the compliance committee or the governance committee.

(c) A meeting with a state or federal regulator.

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Section 54956.98. Public bank; policy or bylaw; information from a closed session considered confidential

(a) For purposes of this section, the following definitions shall apply:

(1) "Shareholder, member, or owner local agency" or "shareholder, member, or owner" means a local agency that is a shareholder of a public bank.

(2) "Public bank" has the same meaning as defined in Section 57600.

(b) The governing board of a public bank may adopt a policy or a bylaw or include in its governing documents provisions that authorize any of the following:

(1) All information received by a shareholder, member or owner of the public bank in a closed session related to the information presented to the governing board of a public bank in closed session shall be confidential. However, a member of the governing board of a shareholder, member or owner local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that shareholder, member or owner local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that shareholder local agency.

(B) Other members of the governing board of the local agency present in a closed session of that shareholder, member or owner local agency.

(2) A designated alternate member of the governing board of the public bank who is also a member of the governing board of a shareholder, member or owner of the local agency and who is attending a properly noticed meeting of the public bank governing board in lieu of a shareholder, member or owner of the local agency's regularly appointed member may attend a closed session of the public bank governing board.

(c) If the governing board of a public bank adopts a policy or a bylaw or includes provisions in its governing documents pursuant to subdivision (b), then the governing board of the shareholder, member or owner of the local agency, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss and take action concerning information obtained in a closed session of the public bank governing board pursuant to paragraph (1) of subdivision (b).

Section 54957. Closed session regarding public security, facilities, employees, examination of witness

(a) This chapter does not prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or other law enforcement or security personnel, or a security consultant or a security operations manager, on matters posing a threat to the security

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of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, a threat to the public's right of access to public services or public facilities, or a threat to critical infrastructure controls or critical infrastructure information relating to cybersecurity.

(2) For purposes of this subdivision, the following definitions apply:

(A) "Critical infrastructure controls" means networks and systems controlling assets so vital to the local agency that the incapacity or destruction of those networks, systems, or assets would have a debilitating impact on public health, safety, economic security, or any combination thereof.

(B) "Critical infrastructure information" means information not customarily in the public domain pertaining to any of the following:

(i) Actual, potential, or threatened interference with, or an attack on, compromise of, or incapacitation of critical infrastructure controls by either physical or computer-based attack or other similar conduct, including, but not limited to, the misuse of, or unauthorized access to, all types of communications and data transmission systems, that violates federal, state, or local law or harms public health, safety, or economic security, or any combination thereof.

(ii) The ability of critical infrastructure controls to resist any interference, compromise, or incapacitation, including, but not limited to, any planned or past assessment or estimate of the vulnerability of critical infrastructure.

(iii) Any planned or past operational problem or solution regarding critical infrastructure controls, including, but not limited to, repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to interference, compromise, or incapacitation of critical infrastructure controls.

(b) (1) Subject to paragraph (2), this chapter does not prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of their right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

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(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. This subdivision shall not limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

Section 54957.1. Public report of action taken in closed session; Form; Availability; Actions for injury to interests

(a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as follows:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

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(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final and upon inquiry by any person, the local agency shall disclose the fact of that approval and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(7) Pension fund investment transaction decisions made pursuant to Section 54956.81 shall be disclosed at the first open meeting of the legislative body held after the earlier of the close of the investment transaction or the transfer of pension fund assets for the investment transaction.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

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(c) The documentation referred to in subdivision (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(f) This section is necessary to implement, and reasonably within the scope of, paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

Section 54957.2. Minute book for closed sessions

(a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

Section 54957.5. Agendas and other writings as public records

(a) Agendas of public meetings are disclosable public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be made available upon request without delay and in compliance with Section 54954.2 or Section 54956, as applicable. However, this section shall not apply to a writing, or portion thereof, that is exempt from public disclosure.

(b) (1) If a writing is a public record related to an agenda item for an open session of a regular meeting of the legislative body of a local agency and is distributed to all, or a majority of all, of the members of a legislative body of a local agency by a person in connection with a matter subject to a discussion or consideration at an open meeting of the body less than 72 hours before that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

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(2) (A) Except as provided in subparagraph (B), a local agency shall comply with both of the following requirements:

(i) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose.

(ii) A local agency shall list the address of the office or location designated pursuant to clause (i) on the agendas for all meetings of the legislative body of that agency.

(B) A local agency shall not be required to comply with the requirements of subparagraph (A) if all of the following requirements are met:

(i) An initial staff report or similar document containing an executive summary and the staff recommendation, if any, relating to that agenda item is made available for public inspection at the office or location designated pursuant to clause (i) of subparagraph (A) at least 72 hours before the meeting.

(ii) The local agency immediately posts any writing described in paragraph (1) on the local agency's Internet Website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(iii) The local agency lists the web address of the local agency's internet website on the agendas for all meetings of the legislative body of that agency.

(iv) (I) Subject to subclause (II), the local agency makes physical copies available for public inspection, beginning the next regular business hours for the local agency, at the office or location designated pursuant to clause (i) of subparagraph (A).

(II) This clause is satisfied only if the next regular business hours of the local agency commence at least 24 hours before that meeting.

(c) Writings that are public records described in subdivision (b) and distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof.

(d) This chapter shall not be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 7922.530, except that a surcharge shall not be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof.

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(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), including, but not limited to, the ability of the public to inspect public records pursuant to Section 7922.525 and obtain copies of public records pursuant to either subdivision (b) of Section 7922.53 or Section 7922.535. This chapter shall not be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

Section 54957.6. Closed sessions regarding employee matters

(a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.

For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body or other independent contractors.

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Section 54957.7. Disclosure of items to be discussed at closed session

(a) Prior to holding any closed session, the legislative body of the local agency shall disclose in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

Section 54957.8. Closed sessions of multijurisdictional drug law enforcement agencies

(a) For purposes of this section, "multijurisdictional law enforcement agency" means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that provides law enforcement services for the parties to the joint powers agreement for the purpose of investigating criminal activity involving drugs; gangs; sex crimes; firearms trafficking or felony possession of a firearm; high technology, computer or identity theft; human trafficking; or vehicle theft.

(b) Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional law enforcement agency, or an advisory body of a multijurisdictional law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal investigation of the multijurisdictional law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation and to discuss courses of action in particular cases.

Section 54957.9. Authorization to clear room where meeting willfully interrupted; Readmission

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for

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readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

Section 54957.95 Removal of Disruptive Individuals

(a) (1) In addition to authority exercised pursuant to Sections 54954.3 and 54957.9, the presiding member of the legislative body conducting a meeting or their designee may remove, or cause the removal of, an individual for disrupting the meeting.

(2) Prior to removing an individual, the presiding member or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. This paragraph does not apply to any behavior described in subparagraph (B) of paragraph (1) of subdivision (b).

(b) As used in this section:

(1) "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

(A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.

(B) Engaging in behavior that constitutes use of force or a true threat of force.

(2)"True threat of force" means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

Section 54957.10. Closed sessions regarding application for early withdrawal of deferred compensation plan funds

Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty or other extraordinary event, as specified in the deferred compensation plan.

Section 54958. Application of chapter

The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

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Section 54959. Criminal penalty for violation of chapter

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows, or has reason to know, the public is entitled under this chapter, is guilty of a misdemeanor.

Section 54960. Proceeding to prevent violation of chapter; Recording closed sessions; Procedure for discovery of tapes

(a) The district attorney or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body, or to determine the applicability of this chapter to past actions of the legislative body, subject to Section 54960.2, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957 or 54957.6, order the legislative body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960 or 54960.1 alleging that a violation of this chapter has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the

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meeting recorded and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) This section shall not permit discovery of communications that are protected by the attorney-client privilege.

Section 54960.1. Proceeding to determine validity of action; Demand for correction

(a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956 or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956 or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

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(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956 or 54956.5 shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956 and 54956.5.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956 or Section 54956.5, because of any defect, error, irregularity or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956 or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

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Section 54960.2 Proceeding to determine the applicability of chapter to past actions of legislative body; Conditions; Cease and desist letter

(a) The district attorney or any interested person may file an action to determine the applicability of this chapter to past actions of the legislative body pursuant to subdivision (a) of Section 54960 only if all of the following conditions are met:

(1) The district attorney or interested person alleging a violation of this chapter first submits a cease and desist letter by postal mail or facsimile transmission to the clerk or secretary of the legislative body being accused of the violation, as designated in the statement pertaining to that public agency on file pursuant to Section 53051, or if the agency does not have a statement on file designating a clerk or a secretary, to the chief executive officer of that agency, clearly describing the past action of the legislative body and nature of the alleged violation.

(2) The cease and desist letter required under paragraph (1) is submitted to the legislative body within nine months of the alleged violation.

(3) The time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b) has expired and the legislative body has not provided an unconditional commitment pursuant to subdivision (c).

(4) Within 60 days of receipt of the legislative body's response to the cease and desist letter, other than an unconditional commitment pursuant to subdivision (c), or within 60 days of the expiration of the time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b), whichever is earlier, the party submitting the cease and desist letter shall commence the action pursuant to subdivision (a) of Section 54960 or thereafter be barred from commencing the action.

(b) The legislative body may respond to a cease and desist letter submitted pursuant to subdivision (a) within 30 days of receiving the letter. This subdivision shall not be construed to prevent the legislative body from providing an unconditional commitment pursuant to subdivision (c) at any time after the 30-day period has expired, except that in that event the court shall award court costs and reasonable attorneys' fees to the plaintiff in an action brought pursuant to this section in accordance with Section 54960.5.

(c) (1) If the legislative body elects to respond to the cease and desist letter with an unconditional commitment to cease, desist from and not repeat the past action that is alleged to violate this chapter, that response shall be in substantially the following form:

> To _____:
>
> The [name of legislative body] has received your cease and desist letter dated [date] alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:
>
> [Describe alleged past action, as set forth in the cease and desist letter submitted pursuant to subdivision (a)]

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In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the [name of legislative body] hereby unconditionally commits that it will cease, desist from and not repeat the challenged past action as described above.

The [name of legislative body] may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

_____

[Chairperson or acting chairperson of the legislative body]

(2) An unconditional commitment pursuant to this subdivision shall be approved by the legislative body in open session at a regular or special meeting as a separate item of business, and not on its consent agenda.

(3) An action shall not be commenced to determine the applicability of this chapter to any past action of the legislative body for which the legislative body has provided an unconditional commitment pursuant to this subdivision. During any action seeking a judicial determination regarding the applicability of this chapter to any past action of the legislative body pursuant to subdivision (a), if the court determines that the legislative body has provided an unconditional commitment pursuant to this subdivision, the action shall be dismissed with prejudice. Nothing in this subdivision shall be construed to modify or limit the existing ability of the district attorney or any interested person to commence an action to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body.

(4) Except as provided in subdivision (d), the fact that a legislative body provides an unconditional commitment shall not be construed or admissible as evidence of a violation of this chapter.

(d) If the legislative body provides an unconditional commitment as set forth in subdivision (c), the legislative body shall not thereafter take or engage in the challenged action described in the cease and desist letter, except as provided in subdivision (e). Violation of this subdivision shall constitute an independent violation of this chapter, without regard to whether the challenged action would otherwise violate this chapter. An action alleging past violation or threatened future violation of this subdivision may be

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brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

(e) The legislative body may resolve to rescind an unconditional commitment made pursuant to subdivision (c) by a majority vote of its membership taken in open session at a regular meeting as a separate item of business not on its consent agenda, and noticed on its posted agenda as "Rescission of Brown Act Commitment," provided that not less than 30 days prior to such regular meeting, the legislative body provides written notice of its intent to consider the rescission to each person to whom the unconditional commitment was made, and to the district attorney. Upon rescission, the district attorney or any interested person may commence an action pursuant to subdivision (a) of Section 54960. An action under this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

Section 54960.5. Costs and attorneys' fees

A court may award court costs and reasonable attorneys' fees to the plaintiff in an action brought pursuant to Section 54960, 54960.1 or 54960.2 where it is found that a legislative body of the local agency has violated this chapter. Additionally, when an action brought pursuant to Section 54960.2 is dismissed with prejudice because a legislative body has provided an unconditional commitment pursuant to paragraph (1) of subdivision (c) of that section at any time after the 30-day period for making such a commitment has expired, the court shall award court costs and reasonable attorneys' fees to the plaintiff if the filing of that action caused the legislative body to issue the unconditional commitment. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorneys' fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

Section 54961. Meeting place with discriminatory admission policies; Identification of victim of sexual or child abuse

(a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement or report required under this chapter need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

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Section 54962. Prohibition against closed sessions except as expressly authorized

Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106 and 32155 of the Health and Safety Code, or by Sections 37606, 37606.1 and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.

Section 54963. Disclosure of confidential information acquired in closed session prohibited; Disciplinary action for violation

(a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8 or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

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(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.

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SECTION 9

2025

Public Records Act HANDBOOK

Summary of the Major Provisions and Requirements of the Public Records Act and Related Topics

- Electronic Records
- Text of the Public Records Act
- Updated including changes effective January 1, 2025

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Introduction

This Handbook, designed for City officials and staff, provides a summary of the major provisions of California's Public Records Act and related topics. Part One of the Handbook summarizes the basic provisions of the Public Records Act, including documents that are exempt from disclosure and the proper procedure for complying with the Act. Part Two highlights the unique issues raised by electronic records. Part Three contains the complete text of the Public Records Act. We hope you find this Handbook useful. Should you have any questions about the information included in this Handbook, please do not hesitate to contact our office.

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PART ONE.

COMPLIANCE WITH THE PUBLIC RECORDS ACT

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COMPLIANCE WITH THE PUBLIC RECORDS ACT:

KEY QUESTIONS AND ANSWERS

> *The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.*
>
> CAL. CONST. art. I, § 3(b)(1).

> *In enacting [the California Public Records Act], the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.*
>
> GOV'T CODE § 7921.000.

California's Public Records Act is a key part of the philosophy that government at all levels in this State must be open and accessible to all.[1] Under the Public Records Act, a local government agency must disclose virtually any public document; only a statutory exemption or a need for confidentiality that clearly outweighs the public's right to access will legally justify withholding a public document. The purpose of this Handbook is to provide a general overview of the Public Records Act and recent amendments to it, along with a general road map for compliance. This Handbook addresses the questions most frequently asked of us by our local government clients.

I. WHAT IS THE PUBLIC RECORDS ACT?

The Public Records Act is a California statute that affords the public the right to inspect, and obtain a copy of, most of the information retained by State and local agencies in the course of business.[2] The Public Records Act regulates the public's access to records and sets out the specific statutory circumstances under which

[1] *Rogers v. Superior Court (City of Burbank),* 19 Cal. App. 4th 469 (1993).

[2] Gov't Code § 7920.000 et seq. Pursuant to AB 473, operative January 1, 2023, the Public Records Act has been reorganized and recodified in new Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code. While the Public Records Act has been recodified, the substance of the Public Records Act has not materially changed. The legislature specifically noted that its intent was not to substantively change the law, and revisions to the Public Records Act are intended to be entirely nonsubstantive in effect. Additionally, cases interpreting the former Government Code sections may be used to analyze the equivalent recodified sections.

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particular records need not be disclosed. The Public Records Act states that public records are open to inspection at all times during the office hours of a local agency.[3]

The California Constitution also guarantees that public records are open to public scrutiny.[4] It provides that a law, such as the Public Records Act, should be "broadly construed" if it furthers the people's right of access to public records, and "narrowly construed" if it limits the right of access.[5]

II. WHAT RIGHTS DOES THE PUBLIC RECORDS ACT AFFORD TO THE PUBLIC?

Under the Public Records Act, every person has the right to inspect and to obtain a copy of any identifiable public record.[6] It is irrelevant whether the person making the Public Records Act request already has possession of the public records requested.[7] The term "person" includes individuals, and various types of business entities.[8] A "person" need not be a citizen of California or of the United States to make use of the Public Records Act.[9] A local agency must supply an exact copy of the record on request, unless it is "impracticable" to make an exact copy.[10] The word "impracticable" in the Public Records Act does not necessarily refer to situations where a copying request would be "inconvenient" or time consuming to the agency. Rather, the term "impracticable" modifies the requirement that the agency provide an "exact" copy. If a requested document is subject to the Public Records Act, the agency must provide the best or most complete copy of that document reasonably possible.[11] Any reasonably segregable portion must be made available after deletion of any portion exempt from disclosure.[12]

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3 Gov't Code § 7922.525.

4 CAL. CONST. art. I, § 3(b)(1).

5 CAL. CONST. art. I, § 3(b)(2).

6 Gov't Code §§ 7922.525, 7922.530(a). A requestor inspecting a disclosable record on the agency's premises generally has the right to use their own equipment, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record. Gov't Code § 7922.530(b).

7 The motive of the requester seeking public records is immaterial; an individual already in possession of requested documents may seek the documents so he or she may publicly disseminate them without fear of liability for doing so. *Caldecott v. Superior Court*, 243 Cal. App. 4th 212, 219 (2015).

8 Both cities and city attorneys have been deemed "persons" under the Act. *Los Angeles Unified School Dist. v. Superior Court (City of Long Beach)*, 151 Cal. App. 4th 759 (2007) (holding that the city, as well as the city attorney, were entitled to obtain records of a school district relating to a school construction project).

9 Gov't Code § 7920.520; *Connell v. Superior Court (Intersource, Inc.)*, 56 Cal. App. 4th 601 (1997).

10 Gov't Code § 7922.530(a).

11 *See Rosenthal v. Hansen*, 34 Cal. App. 3d 754 (1973) (holding that under the former Section 6256, an agency need not provide exact copies if doing so would be impracticable, but this does not excuse a public entity from producing the records at all).

12 Gov't Code § 7922.525.

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The requirements of the Public Records Act are the minimum standards which must be met by local agencies. The Public Records Act specifically provides that agencies may adopt procedures to allow greater access to records, except where the law otherwise prohibits access.[13]

The person who is the subject of a particular record does not have a specific right under the Public Records Act to prevent disclosure of any particular record.[14] Even in cases where the subject of a particular record has argued that disclosure would violate the individual right to privacy guaranteed by the California Constitution, disclosure has been compelled.[15]

III. IS THE PUBLIC RECORDS ACT RELATED TO THE FREEDOM OF INFORMATION ACT?

Persons who request access to public records frequently reference the Freedom of Information Act (the "FOIA") as the basis for their request. The FOIA is a federal statute that does not apply to local government agencies.[16] The Public Records Act was modeled after the FOIA, however, and we therefore recommend that agencies respond to otherwise valid records requests even if the requester erroneously cites the FOIA instead of the Public Records Act.[17]

IV. TO WHICH LOCAL AGENCIES DOES THE PUBLIC RECORDS ACT APPLY?

The Public Records Act applies to all local government agencies. Under the Public Records Act, a "local agency" includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; any board, commission or agency of any of these; and certain non-profit organizations of local agencies which are supported by public funds.[18]

[13] Gov't Code § 7922.505. It is unclear whether a local public agency can, through a sunshine ordinance, seek to regulate other agencies, but such an ordinance would not override a state agency's determination on whether its internal documents were subject to disclosure. *SF Urban Forest Coal. v. City & Cty. of San Francisco*, 43 Cal. App. 5th 796, 807 (Ct. App. 2019), *review denied* (April 1, 2020).

[14] *LAPD v. Superior Court (Church of Scientology)*, 65 Cal. App. 3d 661, 668 (1977).

[15] *See, e.g., Poway Unified Sch. Dist. v. Superior Court (Copley Press)*, 62 Cal. App. 4th 1496 (1998).

[16] 5 U.S.C. § 552 et seq.

[17] *See ACLU v. Deukmejian*, 32 Cal. 3d 440, 447 (1982) (Public Records Act modeled on FOIA, judicial construction and legislative history of federal act illuminate the interpretation of its California counterpart); *Cook v. Craig*, 55 Cal. App. 3d 773, 781 (1976) (noting the similarity between the provisions of state and federal law).

[18] Gov't Code § 7920.510. The Public Records Act also applies to charter schools and entities managing charter schools. Ed. Code § 47604.1.

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V. WHAT ARE "PUBLIC RECORDS?"

The Public Records Act defines "public records" as follows:

> Public records includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

The term "writing" means:

> any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.[19]

These definitions encompass much more than written or printed documents. Public records include computer data, and an agency must provide computer records in any electronic format in which the agency holds the information. If a requester asks for the records in a particular format, the agency must provide the records in that format, provided it is a format used by the agency to create copies for its own use or for provision to other agencies, unless an exception applies.[20] Note, however, that computer software developed by a local agency is not a "public record" subject to the Public Records Act.[21]

On the other hand, a requester's rights under the Public Records Act are not unlimited. A local agency is not required to create a document or compile a list in response to a request under the Public Records Act.[22]

While these definitions are general, over the years the courts have both broadened and limited the scope of the definition of "public record." First, it is clear that the term "public records" encompasses more than simply those

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[19] Gov't Code § 7920.530 and 7920.545.

[20] Gov't Code § 7922.570 For further discussion of the exception to this rule, see Part Two. Electronic Records, Section II.B. "Metadata" of this Handbook.

[21] Gov't Code § 7922.585.

[22] Based upon the definition of "writing," Gov't Code § 7920.545, and the requirement that a requested record be "identifiable," Gov't Code § 7922.530(a); See also *Sander v. Superior Court,* 26 Cal. App. 5th 651*(2018)* (stating that "the CPRA … does not require [public agencies] to create new records to satisfy a request."); *Steinle v. City & Cty. of San Francisco*, 919 F. 3d 1154, 1166 (9th Cir. 2019).

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documents that public officials are required by law to keep as official records. Rather, courts have held that a public record is one that is kept because it is "necessary or convenient to the discharge of [an] official duty."[23] Second, courts have observed that merely because the writing is in the possession of the local agency, it is not automatically a public record. It must relate in some substantive way to the conduct of the public's business.[24] Thus, personal notes and personal records, such as shopping lists or letters from friends that are totally void of public business, are not public records.[25] In *City of San Jose v. Superior Court*, the California Supreme Court provided several factors to consider when analyzing whether a writing is a public record, including: the content of the writing; the context in, or purpose for which, it was written; the audience to whom it was directed; and whether the writing was prepared by an employee acting or purporting to act within the scope of his or her employment.[26] Recently in *Iloh v. Regents of University of California*, the Court of Appeals concluded a professor's private communications with outside entities regarding published academic journals qualified as a public record because academic research was inherent to her employment as a professor.[27] In addition, it is important to note that a record need not be a "document" to fall within the ambit of the Public Records Act. A public record is subject to disclosure under the Public Records Act "regardless of physical form or characteristics."[28]

Further, local agencies are obligated to determine whether a public records request seeks copies of disclosable public records in the "possession" — either actual or constructive possession — of the agency.[29] On occasion, a local agency prepares, uses, or owns a document containing information related to the conduct of the public's business, but does not physically possess it, such as when a local agency hires a private consultant to conduct work on behalf of the agency. When the public record is in the possession of a private consultant or sub-consultant who does work for the local agency, the contractual relationship between the local agency and consultant or sub-consultant will likely determine whether the local agency has the right to control the records and therefore "constructive possession" of the documents.[30] In *Community Youth Athletic*

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[23] *City of San Jose v. Superior Court (Smith)*, 2 Cal. 5th 608, 618 (2017); *Braun v. City of Taft*, 154 Cal. App. 3d 332, 340 (1984); *San Gabriel Tribune v. Superior Court (City of West Covina)*, 143 Cal. App. 3d 762, 774 (1983); *People v. Tomalty*, 14 Cal. App. 224, 231 (1910).

[24] *City of San Jose,* 2 Cal. 5th at 618; *Braun*, 154 Cal. App. 3d at 340; *San Gabriel Tribune*, 143 Cal. App. 3d at 774; Gov't Code § 7920.530.

[25] *San Gabriel Tribune*, 143 Cal. App. 3d at 774.

[26] *City of San Jose*, 2 Cal. 5th at 618.

[27] Iloh v. Regents of University of California, 87 Cal. App. 5th 513 (2023).

[28] Gov't Code § 7920.530.

[29] Gov't Code § 7922.535. *City of San Jose*, 2 Cal. 5th at 623.

[30] *Consolidated Irrigation District v. Superior Court (City of Selma)*, 205 Cal. App. 4th 697, 709-11 (2012); *Community Youth Athletic Center v. City of National City*, 220 Cal. App. 4th 1385, 1427-29 (2013); *see also Regents of the University of California v. Superior Court (Reuters America LLC)*, 222 Cal. App. 4th 383, 398 (2013) *as modified on denial of reh'g* (Jan. 14, 2014).

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Center v. City of National City, the court found that under the contract between the City and its consultant, the City had the right to possess and control the record that was the subject of a public records request, even if that local agency had not previously enforced its ownership right.[31] The court held that the City had an obligation "to make reasonable efforts to facilitate the location and release of the information."[32] The City's failure to assert its contractual right to obtain the record from the consultant violated the Public Records Act.[33] On the other hand, in *Anderson-Barker v. Superior Court of Los Angeles County*, the court held that a city's ability to access privately held, electronically-stored data did not equate to a form of possession of the data when a city does not direct what information a third party contractor places on its databases, and has no authority to modify the data in any way.[34] Similarly, in *Consolidated Irrigation District v. Superior Court*, the court found that the City had no control over a sub-consultant's records.[35] The sub-consultant had been hired by the City's primary consultant, and based on the facts in that case, the City had no obligation under the Public Records Act to obtain and produce the records of the sub-consultant.

VI. HOW DOES A LOCAL AGENCY DETERMINE THE SCOPE OF A PUBLIC RECORDS REQUEST?

Most public records requests are straightforward. The public is familiar with records regularly kept by a local agency, such as meeting minutes, staff reports, financial reports, and other documents discussed at public meetings. Requests for those records are easy to fulfill. Many of these records may be available on a local agency's website, and the Public Records Act allows a local agency to satisfy a request for public records by directing the requester to that website.[36] Sometimes, the public is unfamiliar with the types of records maintained by local agencies. The requester may not be able to provide the specificity necessary to identify a public record, or the request may be so broadly stated that a local agency cannot reasonably determine which records fall within the scope of the request.

Under those circumstances, the Public Records Act imposes duties on both local agencies and requesters. Local agencies must assist a requester to formulate a "focused and effective request that reasonably describes an identifiable record or records," by following certain procedural requirements.[37] Likewise, the

[31] *Community Youth Athletic Center*, 220 Cal. App. 4th at 1428.

[32] *Id.* at 1429.

[33] *Id.*

[34] *Anderson-Barker v. Superior Court (City of Los Angeles)*, 31 Cal. App. 5th 528 (2019).

[35] *Consolidated Irrigation District*, 205 Cal. App. 4th at 711.

[36] Gov't Code § 7922.545.

[37] Gov't Code § 7922.600. Further discussion of these procedural requirements is in Part One; Section X.

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requester is obligated to engage in this process, and to provide the scope of the public information requested, which the City must communicate to the custodian of records. Both the local agency and the requester must be reasonable in this process.[38]

In some instances, there may be many records responsive to a request. When faced with a voluminous request, agencies may consider working with the requester to narrow down the scope of the request. In addition, agencies may also provide responsive records on a rolling basis. Even where requests return a significant number of responsive records, courts have held that agencies must process the request.[39]

VII. CAN A LOCAL AGENCY RELINQUISH ITS PUBLIC RECORDS ACT OBLIGATIONS TO SOMEONE ELSE?

A local agency cannot sell or provide a public record subject to disclosure under the Public Records Act to a private entity in a manner that prevents the local agency from providing the record directly.[40] For example, the county recorder cannot transfer all birth and death records to a private company and insist that the public obtain birth certificates from the private entity.

Similarly, a local agency may not enter into a contract that allows another party to control the disclosure of information that is subject to the Public Records Act.[41] For example, a contract provision that requires the consent of a contractor before a local agency may release a public record prepared by the contractor violates the Public Records Act. Additionally, if a local agency enters into a contract that requires a private entity to review, audit, or report on any aspect of the local agency, that contract must be made available to the public upon request, unless the contract is exempt from disclosure pursuant to another exemption in the Public Records Act.[42]

[38] *Community Youth Athletic Center v. National City*, 220 Cal. App. 4th 1385, 1427 (2013).

[39] *Getz v. Superior Ct.,* 72 Cal. App. 5th 637 (2021), ordered published (December 13, 2021) (holding that it is not unduly burdensome to require El Dorado County to review more than 42,000 emails that were potentially responsive to a request for "any/all emails" by or between "anyone" employed by the County and "anyone" at one of four email domains associated with a real estate developer, its legal counsel, and its public relations consultants).

[40] Gov't Code § 7921.010(a).

[41] Gov't Code § 7921.005.

[42] Gov't Code § 7928.700.

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VIII. MUST A PUBLIC RECORDS ACT REQUEST BE MADE IN WRITING, OR MAY IT BE MADE ORALLY?

Nothing in the Public Records Act requires a member of the public to place his or her request for public records in writing.[43] While many local agencies provide forms on their website or at their offices for making a written Public Records Act request, a requester is not required to use the form offered. An oral request is sufficient to trigger the requirements of the Public Records Act.

Additionally, an argumentative or disruptive requester cannot be permanently banned from the premises by a local agency or forced to make their requests in writing.[44] However, the right to inspect public records is subject to the implied rule of reason that enables the custodian of public records to formulate regulations necessary to prevent interference with the orderly functioning of the agency's office.[45] If faced with a loud or angry person who is making an oral request, and the records are not immediately available, it is advisable for staff to write down the request and tell the requester the agency will respond in writing within the time limits specified in the Public Records Act. Your legal counsel can provide additional guidance in the event a member of the public is repeatedly abusive towards staff.

IX. WHAT PUBLIC RECORDS ARE EXEMPT FROM DISCLOSURE UNDER THE PUBLIC RECORDS ACT?

A. Disclosure of Exempt Records Waives Confidentiality

The Public Records Act specifically exempts a number of categories of records from disclosure requirements. If documents are exempt from disclosure, it is important that confidentiality be maintained. Once an otherwise exempt record is knowingly released to any member of the public, disclosure constitutes a waiver of the exemption for that record, and the record must be provided to any subsequent requesting member of the public.[46] This waiver ensures a public agency does not carry out "selective disclosure," wherein some members of the public are provided the right of access to specific records, while some requests for the same records are denied by the public agency for the same materials.[47]

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[43] *Los Angeles Times v. Alameda Corridor Transp. Authority*, 88 Cal. App. 4th 1381, 1392 (2001).

[44] *Galbiso v. Orosi Public Utility District*, 167 Cal. App. 4th 1063, 1088-89 (2008).

[45] *Bruce v. Gregory*, 65 Cal. 2d 666, 676 (1967); *Rosenthal v. Hansen*, 34 Cal. App. 3d 754, 761 (1973); 64 Ops. Cal. Atty. Gen. 317 (1981).

[46] Gov't Code § 7921.505.

[47] *Black Panther Party v. Kehoe*, 42 Cal. App. 3d 646, 658 (1974).

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There are a few situations where the knowing disclosure of an otherwise exempt record does not constitute a waiver of exemption. Exemptions are not waived when disclosures are made:

- Through discovery procedures associated with lawsuits or in court proceedings;
- Pursuant to a statute that limits disclosure for specified purposes;
- When not required by law and prohibited by formal action of the elected legislative body of the local agency; or
- To another government agency that agrees to treat the records as confidential.[48]

The California Supreme Court held that a public agency's inadvertent disclosure resulting from human error does not waive an exemption.[49] In *Ardon v. City of Los Angeles*, the City of Los Angeles inadvertently disclosed several attorney-client and attorney work product documents in response to a PRA request. The requester was an attorney actively involved in pending litigation against the City.[50] After becoming aware of the inadvertent disclosure, the City filed a motion in court seeking the return of the privileged materials.[51] The California Supreme Court held that the Public Records Act's waiver provision[52] applied only to intentional and not inadvertent disclosure.[53] The court justified this distinction by finding that the City of Los Angeles had not engaged in selective disclosure: "[r]ather, it seeks no disclosure; it is trying to force plaintiff's attorney to return the privileged documents unread."[54]

The California Supreme Court's decision in *Ardon v. City of Los Angeles* allows a public agency to argue that a disclosure was inadvertent and ask for return of exempt records that were released in error. However, nothing in the Public Records Act compels the requester to return the records. Instead, the public agency must go to court to obtain a judicial order directing the requester to return or destroy the inadvertently disclosed records.[55] This presents a number of problems. First, the circumstances surrounding the dissemination of those materials would have to be evaluated on a case-by-case basis by the reviewing court.[56] The court may not agree with the public agency's assertion that the

[48] Gov't Code § 7921.505. Additional exceptions apply to specific state agencies.

[49] *Ardon v. City of Los Angeles*, 62 Cal. 4th 1176 (2016).

[50] *Ardon*, 62 Cal. 4th at 1180-82.

[51] *Id*. at 1181.

[52] Gov't Code § 7921.505.

[53] *Ardon*, 62 Cal. 4th at 1180.

[54] *Id*. at 1185-86.

[55] *See Newark Unified School District v. Superior Court (Brazil)*, 245 Cal. App. 4th 887 (2015).

[56] *Id*. at 910.

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disclosure was inadvertent. Second, if the exempt records were given wide-spread distribution before the error was found, a court may decide not to order return of the records. Once the information is in the public sphere, the bell cannot be unrung. Third, it is costly to go to court to seek injunctive relief.

Consequently, public agencies should continue to conduct a thorough and exhaustive review of responsive documents before releasing any materials in response to a Public Records Act request. The California Supreme Court acknowledged that its decision was limited to "truly inadvertent disclosures and must not be abused to permit the type of selective disclosure" prohibited by the Public Records Act.[57] Further, the California Supreme Court emphasized that a public agency's own characterization of its intent is not dispositive.[58] The best practice continues to be to complete a thorough review before releasing responsive records.

B. Statutory Exemptions for Confidential Records

The following is a list of the statutory exemptions. This list is not exhaustive.

(1) Public agency employees' personal information.

Gov't Code § 7928.300.

The Public Records Act contains protections for specified personal information of all public agency employees. The home addresses, home telephone numbers, personal cellular telephone numbers and birth dates of all public agency employees are not considered to be public records subject to disclosure, except in limited circumstances. Personal e-mail addresses of public employees are also not public records subject to disclosure, unless a personal e-mail address is used by an employee to conduct public business or if the address is necessary to identify a person in an otherwise disclosable communication. The Public Records Act also requires local agencies to redact social security numbers from records before disclosing the records to the public in response to a Public Records Act request.[59]

[57] Ardon v. City of Los Angeles, 62 Cal. 4th 1190 (2016).

[58] *Id*.

[59] Gov't Code § 7922.200. State agencies are prohibited from sending outgoing U.S. mail to an individual that contains the individual's social security number unless the number is truncated to its last four digits, except in specified circumstances. Gov't Code § 11019.7.

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(2) Referendum, recall and initiative petitions, ballots and related material.

Gov't Code §§ 7924.100-7924.110.

Election-related petitions and all memoranda prepared by the county elections officials in their examination of the petitions indicating which registered voters signed the petitions are strictly confidential. These materials may be viewed only by elections officials and their deputies. Other officials, including agency attorneys, must obtain a court order to view petitions. If the elections officials determine that a petition is legally insufficient, petition proponents and their representatives designated in writing must be permitted to review these materials. Election ballots themselves are exempt from disclosure.[60]

(3) The identity of persons who have requested bilingual ballots or ballot pamphlets.

Gov't Code § 7924.005.

Election-related information revealing the identity of people who have requested bilingual ballots or ballot pamphlets or other related data that would reveal the identity of the people requesting bilingual materials is exempt from disclosure. Persons otherwise authorized to review this material, such as elections officials, may examine these materials.

(4) Preliminary drafts, notes, or interagency or intra-agency memoranda.

Gov't Code § 7927.500.

Public officials should be aware that preliminary drafts and notes, along with interagency and intra-agency memoranda, are exempt from disclosure as public records if those documents are not customarily retained by the local agency in the ordinary course of business, and the public interest in withholding those records clearly outweighs the public interest in disclosure.[61]

In considering whether to use this exemption, agencies should determine whether the disclosure of a preliminary draft, note, or interagency or intra-agency memorandum would further the interest of the Act in open government. The fact that the document is merely a step in the process and does not provide important information about the public's business probably weighs in favor of nondisclosure.

[60] Elec. Code §§ 15370 and 17301; *Citizens Oversight, Inc. v. Vu*, 35 Cal. App. 5th 612, 619–20 (2019).

[61] Gov't Code § 7927.500.

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The key questions in this area generally may be boiled down to whether a draft, note, or interagency or intra-agency memorandum is one which:

- Is not normally kept by the agency in the ordinary course of business;
- Is not prepared or kept to document or memorialize the day-to-day transaction of the public's business;
- Is merely a temporary step in the process of preparing a final document, reaching a final decision, or determining a course of action; and
- Would expose the agency's decision-making process if disclosed,[62] and the public interest in nondisclosure clearly outweighs the public interest in disclosure.

If the document qualifies under all four categories above, the document probably is exempt from disclosure under the Public Records Act. Documents that do not satisfy one or more of the categories above probably are public records that must be disclosed unless another exemption applies. You should keep in mind, however, that any doubt or question in this regard likely will be decided in favor of disclosure of the record.

In discussing whether a record has not been retained in the ordinary course of business, one court observed, "[i]f preliminary materials are not customarily discarded or have not in fact been discarded as is customary they must be disclosed."[63] One of the purposes of this condition is to prevent "secret law," that is an undisclosed collection of written rules guiding the agency's decisions.[64]

Consequently, a record that must be retained pursuant to a local agency's records retention schedule, policies, or customs does not fall within this exemption. For example, if a policy decision is made to retain drafts in order to document the bargaining history after an agreement is negotiated; those drafts likely are not exempt under Section 7927.500. Also, if it is permissible under an agency's records retention schedule to destroy preliminary documents, but the agency retained such a document after the final report is prepared, the preliminary document arguably is not exempt under Section 7927.500.

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[62] *Citizens for a Better Environment v. Dep't of Food and Agriculture*, 171 Cal. App. 3d 704, 715-16 (1985) (concluding that "[t]he interest in fostering robust agency debate" is the only public interest that can justify nondisclosure under Section 7927.500).

[63] *Id.* at 714.

[64] *Id.* at 714 n.7.

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(5) Records pertaining to pending litigation to which the agency is a party.

Gov't Code § 7927.200.

Under this exemption, records actually created by an agency for its own use in litigation are exempt from disclosure under the Public Records Act.[65] Previously created or disclosed records may not be retroactively re-classified as being exempt under this Section.[66] Generally, courts will examine the "dominant purpose" behind the document's creation.[67] Documents prepared "by a public entity for its own use in anticipation of litigation, which documents it reasonably has an interest in keeping to itself until litigation is finalized" are protected by the exemption.[68] Thus, while documents created prior to the commencement of litigation appear to receive greater scrutiny to determine their dominant purpose, the exemption can apply to documents created before litigation has commenced, that is, before a claim has been made with the local agency under the Government Claims Act or a complaint filed with a court. Once litigation is concluded, however, the exemption will no longer apply.[69]

This exemption also applies to litigation-related documents, even if not created by an agency, when sought by persons or entities not a party to the litigation and which the parties to the litigation do not intend to be revealed outside the litigation. This exemption does not cover deposition transcripts because they are available to the public under another statute.[70] And where a plaintiff generally is required to file a claim under the Government Claims Act to initiate litigation against a local agency, the actual claim form filed with the local agency is not exempt under this Section as "[t]here is no unfair disadvantage [in the pending litigation] to the public entity from disclosure of the mere claim form."[71]

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[65] *Fairley v. Superior Court (City of Long Beach)*, 66 Cal. App. 4th 1414, 1421-22 (1998).

[66] *City of Hemet v. Superior Court (Press-Enterprise Co.)*, 37 Cal. App. 4th 1411, 1420 & n.11 (1995).

[67] *Fairley*, 66 Cal. App. 4th at 1420

[68] *Id.* at 1421.

[69] Gov't Code § 7927.200 (noting that the exemption applies "until the pending litigation or claim has been finally adjudicated or otherwise settled."); *City of Los Angeles v. Superior Court (Axelrad)*, 41 Cal. App. 4th 1083, 1089 (1996).

[70] *Board of Trustees of California State Univ. v. Superior Court (Copley Press, Inc.)*, 132 Cal. App. 4th 889, 901-902 (2005); Civ. Proc. Code § 2025.570.

[71] *Poway Unified Sch. Dist. v. Superior Court (Copley Press, Inc.)*, 62 Cal. App. 4th 1496, 1505 (1998).

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(6) Personnel, medical, or similar records.

Gov't Code §§ 7927.700; 7928.300.

When the disclosure of personnel,[72] medical, or similar files would constitute an unwarranted invasion of personal privacy, this exemption applies. In determining whether personnel records should be disclosed, courts first decide whether disclosure would compromise the individual's substantial privacy interest. If it does, the court determines whether the potential harm to those interests caused by disclosure outweighs the public interest in disclosure.[73] As will be discussed below, the California Supreme Court has concluded that public employees in general have a significantly reduced expectation of privacy in their salaries, and that the strong public interest in knowing how the government spends its money justifies disclosure of salary information.[74] Courts have recognized the privacy interest implicated by records of employee misconduct and wrongdoing.[75] However, at least one appellate court has found that where the public employee is in a position of authority, such as a superintendent of a school district, the individual has "a significantly reduced expectation of privacy in the matters of his [or her] public employment."[76] This exemption for personnel, medical or similar records does not justify withholding employment agreements. By statute, employment agreements between a local agency and any public official or public employee is a public record not subject to an exemption.[77]

This exemption for personnel records also does not justify withholding personnel records concerning incidents involving the discharge of a firearm at a person by a peace officer that resulted in death or great bodily injury, records concerning a sustained finding that a peace officer engaged in sexual assault or dishonesty, a sustained finding of unreasonable or excessive force, a sustained finding of failure to intervene against another officer using unreasonable or excessive force, or a sustained finding of discrimination against a protected class.[78]

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[72] The scope of personnel records generally covers records relating to an employee's performance or to any grievance concerning an employee, and would include personal information to which access is limited to an employee's supervisors. Such records do not need to be stored in a personnel file to be exempt; it is the contents of the document which makes them confidential. *Associated Chino Teachers v. Chino Valley Unified Sch. Dist.*, 30 Cal. App. 5th 530, 539-41 (2018).

[73] *Versaci v. Superior Court (Palomar Cmty. Coll. Dist.)*, 127 Cal. App. 4th 805, 818-820 (2005).

[74] *International Federation of Professional and Technical Engineers, LOCAL 21, AFL–CIO, v. Superior Court, (Contra Costa Newspapers, Inc.)*, 42 Cal. 4th 319, 329-333 (2007).

[75] *Associated Chino Teachers*, 30 Cal. App. 5th at 541.

[76] *BRV, Inc. v. Superior Court (Dunsmuir Joint Union High School District)*, 143 Cal. App. 4th 742, 758 (2006) (ordering reports investigating allegations of misconduct disclosed, as the public's interest in why the district entered into a termination agreement with the superintendent that appeared to the public to be a "sweetheart deal" outweighed the superintendent's interest in preventing disclosure of the reports).

[77] Gov't Code § 7928.400.

[78] Penal Code §§ 832.7, 832.8.

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Disclosure of Public Employee Salaries

The California Supreme Court has held that salaries of public employees are not exempt from disclosure. In *International Federation of Professional and Technical Engineers v. Superior Court*, (Contra Costa Newspapers, Inc.),[79] the California Supreme Court held that individually identifiable salary information is not exempt from disclosure under the Public Records Act, the California Constitution or the Penal Code. In this case, a newspaper sought disclosure from the City of Oakland of names, job titles and gross salaries of City employees earning $100,000 or more each year, including overtime. The City provided salary and overtime information for each job classification but refused to provide salary information linked to individual employees. The newspaper sued to obtain disclosure of the records under the Public Records Act. The Supreme Court held that a public entity's payroll expenditures are public records, and that disclosure of salary records for City employees earning $100,000 or more each year is not an unwarranted invasion of personal privacy.[80]

With regard to peace officers, the Supreme Court rejected the police union's argument that Penal Code Sections 832.7 and 832.8 bar disclosure of the amount of a peace officer's salary.[81] The Supreme Court ruled that salary information of peace officers does not constitute "personnel records" under Penal Code Sections 832.7 or 832.8, and is not information obtained from personnel records.[82] As such, the Penal Code does not mandate that peace officer salary information be excluded from disclosure under the Public Records Act.

The Supreme Court also rejected the argument that each public records request must be evaluated on a case-by-case basis to evaluate the individual employee's privacy interests and the particular public interest at issue.[83] The Court stated that this would reverse the presumption of openness of public records mandated by the Public Records Act, and the public entity bears the burden of demonstrating that particular records are exempt.[84] The Court, however, left open the possibility that a public entity may, on a case-by-case basis, decline to

[79] *International Federation*, 42 Cal. 4th 319 (2007).

[80] The Supreme Court also narrowed the precedential value of *Teamsters Local 856 v. Priceless, LLC.*, 112 Cal. App. 4th 1500 (2003). The appellate court in *Priceless* held that names, job titles, and W-2 information of City employees was confidential information and not subject to disclosure under the Public Records Act because the City in question had a prior practice of treating that information as confidential. To the extent that *Priceless* could be read as holding that a City's practice of refusing to disclose certain information had created a privacy interest in those records, the California Supreme Court disagreed and refused to adopt that holding. *International Federation*, 42 Cal. 4th at 336.

[81] *Id.*, at 343.

[82] *Id*.

[83] *Id*. at 336.

[84] *Id*. at 336-37.

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release records pertaining to individual employees where anonymity is essential to their safety, such as undercover narcotics officers.

Although this decision arose in the context of a public records request for the names and salaries of City employees earning more than $100,000 per year, the Supreme Court's reasoning may have general application to salary information for all City employees, regardless of level of salary.

In a companion case, *Commission on Peace Officer Standards and Training v. Superior Court*, the California Supreme Court addressed the confidentiality of certain non-salary information.[85] In this case, the Commission refused to provide the names, employing departments, and hiring and termination dates of peace officers from its database. The Commission maintains the database to monitor participating law enforcement departments' compliance with Peace Officer Standards and Training regulations. The California Supreme Court held that the names, employing departments, and hiring and termination dates of peace officers are not confidential under Penal Code Sections 832.7 and 832.8, and are not exempt from disclosure under the Public Records Act. The California Supreme Court, however, remanded the case to the lower courts to allow the Commission the opportunity to establish that information regarding particular officers or categories of officers should be excised from the disclosed records in order to protect the safety or efficacy of those peace officers.[86]

(7) Arrest records, complaint reports, investigatory, and security files.

Gov't Code §§ 7923.600-7923.630.

This exemption strictly limits the information required to be disclosed about arrests, complaints and investigations.[87] Records of complaints to or investigations conducted by police agencies generally may be withheld. Investigatory or

[85] *Commission on Peace Officer Standards and Training v. Superior Court (Los Angeles Times Communications LLC)*, 42 Cal. 4th 278 (2007).

[86] *Id.* at 303; *see also*, *Long Beach Police Officers Assn. v. City of Long Beach*, 59 Cal. 4th 59 (2014) (holding the Act did not protect from disclosure the names of officers involved in on-duty shootings).

[87] The scope of "records of investigation" is narrowly construed. *American Civil Liberties Union Foundation v. Superior Court*, 3 Cal. 5th 1032, 1039 (2017). Records of investigation exempted under Section 7923.600 *et seq.* "encompass only those investigations undertaken for the purpose of determining whether a violation of law may occur or has occurred. If a violation or potential violation is detected, the exemption also extends to records of investigations conducted for the purpose of uncovering information surrounding the commission of the violation and its agency." *Haynie v. Superior Court*, 26 Cal. 4th 1061, 1071 (2001). In *American Civil Liberties Union of Southern California v. Superior Court*, the California Supreme Court declined to extend the meaning of "investigation" to cover bulk raw data obtained as part of a mass personal data collection, because there was no targeted "investigation" into a particular criminal act. 3 Cal. 5th 1032, 1042. Similarly, in *Castañares v. Superior Court*, the Court of Appeal held that not all law enforcement drone footage is categorically exempt from disclosure under the investigatory records exemption because not all drone footage serves an investigatory purpose. The court, however, noted that drone footage unrelated to any investigation might nonetheless be withheld under the "catch-all" exemption. *Castañares v. Superior Court of San Diego Cnty.,* 2023 WL 8915751 (Cal. App. 4 Dist., 2023).

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security files compiled by a local agency for law enforcement or licensing purposes are also covered by the exemption, provided "there is a concrete and definite prospect of criminal law enforcement proceedings."[88] This exemption extends indefinitely, even after investigations are concluded.[89] In most cases, agencies are required to disclose to the public[90] the full name, current address, and occupation of every person arrested by the agency, including a general physical description, along with the date and time of arrest. This disclosure, however, is not required where it would endanger the safety of a person involved in an investigation or jeopardize the successful completion of the pending investigation or a related investigation.

While investigations conducted by police agencies are generally not disclosable, investigations of police agencies may be subject to PRA requests. When releasing records pertaining to investigations of police agencies, the agency must redact or otherwise withhold any information that is part of a police officer's confidential personnel file.[91] Counsel should be consulted to ensure that confidential information is not disclosed.

In addition, local agencies are required to disclose to the public the time, substance, and general location of all complaints and requests for assistance, and the time and nature of the agency's response. However, no disclosure may be made to any arrested person or defendant in a criminal action of the address and telephone number of any person who is a victim or witness in an alleged offense.[92] Further, this disclosure is not required where it would endanger the safety of a person involved in an investigation or jeopardize the successful completion of the pending investigation or a related investigation.

The name and address of a victim of an alleged sex offense or human trafficking offense must be withheld if the victim or the parent of a victim who is a minor requests it be withheld.[93] While the law refers to "sex offenses," the crimes listed in Section § 7923.615 include sexual assault, child molestation, child abuse, hate crimes, and stalking.

The Public Records Act prohibits the commercial use of arrest and arrestee information, and requires that persons requesting such information sign a declaration, under penalty of perjury, that the request is made for a scholarly, journalistic, political, or governmental purpose, or for investigation by a licensed

88 *Dixon v. Superior Court (Neves)*, 170 Cal. App. 4th 1271, 1277 (2009) (internal quotation omitted).

89 *Rackauckas v. Superior Court (Los Angeles Times Communications)*, 104 Cal. App. 4th 169, 174-178 (2002).

90 Sections 7923.600-7923.630 also authorize release of certain limited information to the victim of a crime and other interested parties, above and beyond that information released to the public generally.

91 *Pasadena Police Officers Association v. City of Pasadena*, 22 Cal. App. 5th 147 (2018).

92 Penal Code § 841.5.

93 Penal Code § 293.

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private investigator.[94] This requirement, however, may have limited applicability given the outcome of litigation by United Reporting Publishing Corporation against the California Highway Patrol.[95] Subsequent to that case, the Attorney General issued an opinion that a law enforcement agency may not require that a requester present subscriber lists, copies of publications, or other verification of a journalistic purpose and the requester is not required to monitor subscribers to prohibit them from using the information for commercial purposes.[96]

Required Disclosure of Certain Peace Officer Records

Penal Code sections 832.7 and 832.8 previously made peace officer personnel records confidential and disclosable only upon court order following a *Pitchess* Motion. The statutes have been amended, however, to provide that certain peace officer personnel records and records relating to specified incidents, complaints, and investigations must be made available to the public under the Public Records Act.

Penal Code sections 832.7 and 832.8 now provide that an agency must disclose any record relating to the report, investigation, or finding of:

- An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
- An incident in which the use of force by a peace officer or custodial officer against a person resulted in death or great bodily injury.
- When a sustained finding was made that a peace officer or custodial officer engaged in sexual assault involving a member of the public.
- When a sustained finding was made of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any false statements, filing false reports, destruction, falsifying or concealing of evidence, or perjury.

[94] Gov't Code § 7923.620. A commercial publisher of criminal records challenged the constitutionality of this limitation on disclosure, but the United States Supreme Court held that the statute did not violate the First Amendment to the U.S. Constitution. *Los Angeles Police Dep't v. United Reporting Publ'g Corp.*, 528 U.S. 32 (1999).

[95] *United Reporting Publ'g Corp. v. California Highway Patrol*, No. 96-CV-0888-B (S.D. Cal. Aug. 13, 2001) (final judgment on consent) ("As applied to United Reporting's activities as described in this lawsuit, section 6254(f)(3) (now § 7923.620) violates United Reporting's rights under the First Amendment to the United States Constitution by preventing United Reporting from engaging in its journalistic activities as described above.").

[96] 89 Ops. Cal. Atty Gen. 97 (2006).

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- When a sustained finding was made involving a complaint that alleged unreasonable or excessive force.

- When a sustained finding was made that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.

- When a sustained finding was made that a peace officer or custodial officer engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

- When a sustained finding was made that the peace officer made an unlawful arrest or conducted an unlawful search.

A 'sustained finding' in this context means that the public agency has determined that misconduct occurred and the officer had an opportunity for an administrative appeal, even if that administrative appeal was not actually completed.[97]

These disclosures are required regardless of whether the disclosable records sought pertain to officers employed by the agency or by another public agency and regardless of whether the agency or another public agency created the records.[98] These requirements also apply to records created prior to 2019 if a public records request is submitted after January 1, 2019.[99]

Note, however, that the catchall exemption to disclosure under the Public Records Act (Government Code section 7922.000), can still apply to withhold disclosure records that are otherwise disclosable under Penal Code Section 832.7 if the facts of the particular case show the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.[100]

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[97] *Collondrez v. City of Rio Vista*, 61 Cal. App. 5th 1039 (2021), review denied (June 30, 2021) (court held that the city manager's decision in favor of an officer's termination following a pre-discipline Skelly meeting constituted a sustained finding of dishonesty, even though the officer's subsequent administrative arbitration was not completed because the officer resigned as part of a settlement with the city).

[98] *Becerra v. Superior Court of City & Cty. of San Francisco*, 44 Cal. App. 5th 897 (2020) *review denied* (May 13, 2020).

[99] *Ventura County Deputy Sheriffs' Assn v. Cty. of Ventura*, 61 Cal. App. 5th 585, 590, 594 (2021); *Walnut Creek Police Officers' Assn v. City of Walnut Creek*, 33 Cal. App. 5th 940, 941–942 (1 Dist. 2019).

[100] *Becerra,* 44 Cal. App. 5th at 927-929.

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Other records related to law enforcement that must be disclosed are:

- Audio and video recordings that relate to a "critical incident," for which purpose means it depicts an incident involving the discharge of a firearm at a person by a peace officer or custodial officer; or an incident in which the use of force by a peace officer or custodial officer resulted in death or great bodily injury.[101]

- All current standards, policies, practices, operating procedures, and education and training materials that law enforcement agencies would otherwise be available to the public if a request was made pursuant to the Public Records Act; which records must be made available online.[102]

As of January 1, 2025, law enforcement agencies may, but are not required to, disclose the termination for cause of a formerly employed peace officer or custodial officer for any incidents that are specified as disclosable.[103]

The foregoing is a brief overview of this detailed and complex exemption. Police and code enforcement staff should familiarize themselves with the complete requirements of this Section prior to responding to requests for arrest and complaint information.

(8) Information required from any taxpayer in connection with the collection of local taxes.

Gov't Code § 7925.000.

This exemption applies to information that a city or other local agency requires from any taxpayer in connection with the collection of local taxes if that information is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information. One frequent example of this is the submittal of sales or income information under a business license tax requirement where the city has indicated in its business license tax ordinance that the financial information provided will be kept confidential. If the business license is required by ordinance to list the amount of tax paid and be posted at the place of business, however, the amount of tax paid arguably is not confidential.

[101] Gov't Code § 7923.625.

[102] Penal Code §13650.

[103] Gov't Code § 832.7 (amended by Senate Bill 400 (2024).

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(9) Library circulation records.

Gov't Code §7927.100.

While this exemption protects from disclosure library circulation records kept for the purpose of identifying the borrower of items available in libraries, it is not applicable to records of fines imposed on the borrowers.

(10) Records exempt from disclosure under other laws including, but not limited to, the Evidence Code sections relating to privilege.

Gov't Code § 7927.705.

This provision of the Public Records Act exempts from disclosure every document held by a local agency that is legally privileged or confidential under some law outside the Public Records Act. The most common example of this exemption protects documents subject to the attorney-client privilege or the attorney work-product doctrine. It is important to note that neither the Public Records Act nor the Brown Act abrogate those important privileges for communications between a local agency and its legal counsel.[104]

For example, in *Los Angeles County Board of Supervisors v. Superior Court*, the Supreme Court ruled that the attorney-client privilege protects the confidentiality of invoices for legal work in pending and active legal matters.[105] The Court reasoned that such invoices are so closely related to attorney-client communications that they may reveal legal strategy or consultation. The Court emphasized, however, that the attorney-client privilege does not categorically shield everything in a billing invoice from PRA disclosure.

This case also reaffirms the principle that the Public Records Act does not permit public agencies to withhold an entire document that contains both exempt and nonexempt information. On this point, the Supreme Court ruled that agencies must "use the equivalent of a surgical scalpel to separate those portions of a record subject to disclosure from privileged portions" unless records are not "reasonably segregable."[106] Further, the Court stressed that any ambiguity must be construed in "whichever way will further the people's right of access."[107]

On remand, the Court of Appeal clarified that specific billing entries and descriptions of work contained in attorney invoices are not subject to disclosure under the PRA, whether they related to pending, ongoing or long-concluded

[104] *Roberts v. City of Palmdale*, 5 Cal. 4th 363, 377 (1993).

[105] *Los Angeles County Board of Supervisors v. Superior Court (ACLU of Southern California),* 2 Cal. 5th 282 (2016).

[106] *Id.* at 292.

[107] *Id.* (citing *Ardon v. City of Los Angeles*, 62 Cal. 4th 1176, 1190 (2016), and Cal. Const., art. I, § 3, subd. (b)(2)).

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legal matters. The Court further found that cumulative fee totals contained in attorney invoices for pending or ongoing legal matters are also protected from disclosure by the attorney-client privilege. And finally, it found that cumulative fee totals for matters concluded long ago may be subject to disclosure only if the cumulative fee totals do not reveal anything about the legal consultation or provide any insight into legal strategy.[108] Whether or not any particular fee total must be disclosed is a factual inquiry for the trial court.[109]

While a full discussion of attorney-client privilege and attorney work product is outside the scope of this Handbook, it is worth noting that a court may find waiver of the privilege when a city and developer share communications prior to approval of a development project under the California Environmental Quality Act (CEQA). In *Citizens for Ceres v. Superior Court*, the appellate court held that a city waived those privileges for communications it sent to a developer prior to approval of a development project under CEQA.[110] The court held that the "common interest doctrine," which generally allows disclosure of privileged communications to third parties with a common interest in a legal matter, did not apply to prevent the city's waiver.[111] As a result, the city was required to include its attorneys' communications with the developer in the administrative record it prepared. In contrast, in another more recent CEQA case, *Golden Door Properties, LLC v. Superior Court*, the appellate court ruled a common interest existed between a county and developer prior to project approval because the plaintiffs had previously sued both the applicant and the lead agency twice before project approval.[112] In light of these differing opinions, local agencies should be cautious in sharing documents and legal opinions prepared by the agency's attorney with a project developer, and recognize that in the event it does share such documents and opinions of its attorneys, in some cases those disclosures may waive the agency's privilege.

In *Labor and Workforce Development Agency v. Superior Court*, the Court of Appeal extended the protection afforded by Section 7927.705 to documents revealing the deliberative process of an agency, even going so far as to prevent the disclosure of the identities of persons with whom the agency confidentially communicated, and the general subject matter of the communications.[113]

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[108] *County of Los Angeles v. Superior Court*, 12 Cal. App. 5th 1264, 1274 (2017).

[109] *Id*.

[110] *Citizens for Ceres v. Superior Court (City of Ceres)*, 217 Cal. App. 4th 889, 922 (2013).

[111] *Id.* at 914-921.

[112] *Golden Door Properties, LLC v. Superior Court of San Diego County*, 53 Cal. App. 5th 733, 755-756 (2020), review denied (Nov 10, 2020).

[113] *Labor & Workforce Dev. Agency v. Superior Court*, 19 Cal. App. 5th 12 (2018).

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Determining which other confidentiality laws are incorporated into the Public Records Act has always been difficult and time-consuming. In 1998, the Legislature attempted to address this problem by enacting a statute that lists most of the exemptions found in other laws.[114] The list now begins at Government Code Section 7930.005 and continues for more than 20 pages. Although the Public Records Act cautions that this list may not be complete, it is a helpful list.

(11) Personal financial information required of licensees.

Gov't Code § 7925.005.

When a local agency requires that applicants for licenses, certificates, or permits submit personal financial data, that information is confidential. This exemption, however, does not apply to financial information filed by a franchisee to justify a rate increase, presumably because those affected by a rate increase have a right to know its basis.[115] The term "license" was narrowly construed by the court in *San Gabriel Tribune v. Superior Ct.* to exempt financial information of applicants whose business with the agency is only public because they must comply with licensing requirements and regulations. To give effect to the Public Records Act policy that favors disclosure over secrecy in government, the court concluded that a franchisee is akin to a contractual relationship and is not an applicant for a license under Section 7925.005.

(12) Terrorist assessment reports.

Gov't Code § 7929.200.

A document prepared for or by a local agency that assesses its vulnerability to terrorist attacks or other criminal acts intended to disrupt the local agency's operations is exempt from disclosure if the document is prepared for distribution or consideration in a closed session of the local agency.

(13) Voter registration information.

Gov't Code § 7924.000.

The home address, telephone number, email address, precinct number, and prior registration information shown on voter registration cards is confidential. Disclosure of that information is permitted only to candidates and campaigns, and to any person for election, scholarly, journalistic, or political purposes pursuant to Section 2194(a)(3) of the Elections Code. The driver's license number,

[114] Stats. 1997, c. 620 (S.B. 143 – Kopp).

[115] *San Gabriel Tribune v. Superior Court (City of West Covina)*, 143 Cal. App. 3d 762, 779-780 (1983).

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social security number and signature of the voter shown on the voter registration card are also confidential and cannot be disclosed to any person.[116]

We believe that this exemption extends to any document that by law must include the information made confidential by this Section, including applications for absentee ballots and returned absentee ballot packages. However, voter registration information identified under Section 7924.000 of the Government Code must be made available to the public if the information is at least one hundred years old.[117]

(14) Utility customer information.

Gov't Code § 7927.410.

The name, credit history, utility usage data, home address, and telephone number of utility customers of local agencies are exempt from disclosure, except in certain circumstances. This information may be disclosed to authorized family members of the person to whom the information pertains or his or her agent, to an officer or employee of another governmental agency when necessary to perform official duties, or upon court order or the request of law enforcement for an ongoing investigation. In addition, the information may be disclosed if the utility customer has used the utility services in a manner inconsistent with applicable local utility usage policies. If the utility customer is a public official with authority to determine utility usage policies, the information may be disclosed except that the home address of an appointed official may not be disclosed without the official's consent. Lastly, the information may be disclosed if the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure .

(15) Unauthorized Internet posting of officials' addresses and telephone numbers.

Gov't Code §§ 7928.205 - 7928.230.

The public posting on the internet, or the *intentional* communication or otherwise making available the information on the internet in an unrestricted and publicly available manner, of the home address, telephone number, or both, or the name and assessor parcel number associated with the home address of any elected or appointed official by a local agency without that individual's written permission is prohibited. The definition of "elected or appointed officials" includes, but is not limited to, members of a city council, members of a board of supervisors, mayors, city attorneys, police chiefs, and sheriffs. It is a misdemeanor for any person to

[116] Elec. Code § 2194(b)(1).

[117] Elec. Code § 2194.1.

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post such information with the intent to cause bodily injury to the official, his or her spouse or child. The official may bring an action for damages under certain circumstances. If bodily injury occurs as a result of the posting, then the posting could become a felony.

If a person, business, or association publicly posts on the internet the home address or telephone number of any elected or appointed official, the official may make a written demand to have the information removed. An official may bring an action in court to seek injunctive relief in the event the posting is not removed or is posted again during the four years that the written demand is in effect.[118]

(16) Social Security Numbers.

Gov't Code § 7922.200.

Local agencies must redact social security numbers from records before disclosing them to the public.

(17) Records and Information of the Controller Obtained pursuant to the Unclaimed Property Law.

Gov't Code § 7927.425 and 7925.015.

The Public Records Act also exempts records that the Controller and third-party auditors obtain as a result of an examination of records pursuant to Section 1571 of the Code of Civil Procedure, other than records of property that should have been reported to the Controller as unclaimed property. It also exempts records related to statements of personal worth or personal financial data, including, but not limited to, wills, trusts, account statements, earnings statements, or other similar records and personal information as defined by Section 1798.3 of the Civil Code.

(18) General public interest exemption.

Gov't Code § 7922.000.

In cases where a specific statutory exemption does not apply, a record still might be exempt from disclosure if:

[118] Note, however, that at least one court has indicated that this law may be unconstitutional where applied to prohibit the publication of contact information that is truthful information about a matter of public concern where the information published was lawfully obtained. *Publius v. Boyer-Vine*, 237 F. Supp. 3d 997, 1016, 1021(E.D. Cal. 2017).

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> on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.[119]

The numerous cases examining this "balancing test" make it clear that the burden is **on the local agency** to show that the public interest in confidentiality outweighs the public interest in disclosure. In fact, given the public policy involved, courts demand a demonstration of "clear overbalance" to justify non-disclosure.[120]

In practice, very few local agencies have been able to convince reviewing courts that the public interest in confidentiality outweighs the interest in disclosure. In the absence of a specific statutory exemption, this "catch-all" distinction rarely has been successfully relied upon to justify nondisclosure. Thus, local agencies must in good faith find a relatively rare "clear overbalance" to justify confidentiality on this ground.[121]

The right of privacy may provide a basis to shield disclosure of information under Government Code Section 7922.000. For example, relying on the right of privacy, the California Supreme Court ruled that disclosure of raw automated license plate reader data collected by a police department was protected from disclosure under this catch-all exemption.[122] The unaltered license plate scan data consisted of the plate number, date, time, and location information of each license plate record.[123] The Supreme Court found that the act of revealing the data would jeopardize the privacy of everyone associated with a scanned plate which was a significant threat to privacy because more than one million scans were conducted per week, and on that basis concluded that the public interest in preventing such disclosure "clearly outweighs the public interest served by disclosure of" these records.[124]

In a recent case during the COVID-19 pandemic, an appellate court upheld San Diego County's withholding of the specific location of COVID-19 outbreaks from a "confirmed outbreaks spreadsheet" disclosed to news media under the catchall exemption.[125] The county provided uncontradicted evidence from the public health officer that disclosing the exact name and address of an outbreak

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[119] Gov't Code § 7922.540, which requires that a permitted denial on these grounds must be made in writing.

[120] *City of Hemet*, 37 Cal. App. 4th at 1421; *see also Black Panther Party*, 42 Cal. App. 3d at 657.

[121] *See, e.g., Michaelis, Montanari & Johnson v. Superior Court (City of Los Angeles Dept. of Airports)*, 38 Cal. 4th 1065 (2006) (holding under "catch-all" exemption that proposals for lease and development of a hangar facility at public airport were exempt from disclosure until City had completed negotiations where negotiations were part of the competitive process).

[122] *American Civil Liberties Union Foundation v. Superior Court*, 3 Cal. 5th 1032, 1043-1044 (2017).

[123] *Id.* at 1043.

[124] *Id.* at 1044.

[125] *Voice of San Diego v. Superior Court of San Diego County*, 66 Cal. App. 5th 669, 672-673 (2021), review denied (Oct. 27, 2021).

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location would have a chilling effect on the public's willingness to cooperate with contact tracing efforts.[126] The court ruled that the value of the county's ability to conduct effective contact tracing clearly outweighed the public's interest in obtaining information about the exact outbreak locations, concluding that the evidence did not support the news media's contentions that a member of the public can better avoid COVID-19 infection if he or she knows of the particular locations where outbreaks occurred.[127]

Two other areas in which a public interest in nondisclosure has been upheld involve public records disclosure that would adversely affect the deliberative process of a local agency, or the personal security of a public official. In *Times Mirror Co. v. Superior Court*,[128] for example, the State's refusal to release the Governor's schedule and appointment calendar out of concern for the Governor's personal safety was upheld. Additionally, the State asserted that the disclosure of appointment calendars and schedules would "chill the flow of information" to the Governor and inhibit the free exchange of ideas in private meetings. The breadth of the request, however, may affect the balancing of interests. The public interest in nondisclosure may be less where the request is carefully focused and confined to a few documents.[129]

The Governor's office won another Public Records Act case on the "deliberative process privilege" and the exemption for "correspondence of and to the Governor"[130] justifications in 1998 when the office refused to disclose applications submitted to the Governor for an appointment to a vacancy on a board of supervisors.[131]

On the local level, a city's refusal to disclose the telephone records of council members was upheld to protect the same "deliberative process privilege."[132]

Far more often, however, courts have found the public interest in disclosure outweighs the interest in confidentiality. Similarly, the Attorney General has issued

[126] *Id.* at 692-693.

[127] *Id.*

[128] *Times Mirror Co. v. Superior Court (State of California)*, 53 Cal. 3d 1325 (1991).

[129] *Id.* at 1344-46.

[130] Gov't Code § 7928.000.

[131] *California First Amendment Coalition v. Superior Court (Wilson)*, 67 Cal. App. 4th 159 (1998); *see also Wilson v. Superior Court (Los Angeles Times)*, 51 Cal. App. 4th 1136 (1997), as modified.

[132] *Rogers v. Superior Court (City of Burbank)*, 19 Cal. App. 4th 469 (1993).

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several opinions favoring disclosure. Some illustrative cases and Attorney General opinions in this area include the following:

- *Becerra v. Superior Court of City & Cty. of San Francisco (First Amendment Coalition et al.)*[133]

Penal Code Section 832.7 generally requires disclosure of all responsive records in the possession of the Department of Justice, regardless of whether the records pertain to officers employed by the department or by another public agency and regardless of whether the department or another public agency created the records. Government Code Section 7922.000 may apply to records that are subject to disclosure under Penal Code Section 832.7, but while an agency may invoke the exception based on the concern that segregating nonexempt from exempt information would be unduly burdensome, for the exception to apply to withhold responsive records the agency must establish a clear overbalance on the side of confidentiality. The Department of Justice failed to make such a sufficient showing, despite arguing they faced an "'onerous burden of reviewing, redacting, and disclosing records regarding other agencies' officers, which involves 'potentially millions of records'" to disclose records under Penal Code Section 832.7.

- *Connell v. Superior Court (Intersource, Inc.)*[134]

Records relating to unpaid state warrants are public records and must be disclosed. The public interest in disclosure outweighs the public interest in preventing possible fraud that could be assisted through the release of too much information about the State's warrant system. The fact that the request was made solely for commercial purposes and profit did not affect the balancing test.[135]

- *Copley Press, Inc. v. Superior Court (M.P.R. - a minor)*[136]

As a matter of law, no compelling reason exists to seal the court records of a settlement reached between the insurer for a school district and a minor student who was sexually assaulted at school. The amount of settlement is a matter of public record.

[133] 44 Cal. App. 5th 897 (2020).

[134] 56 Cal. App. 4th 601 (1997).

[135] Government Code section 7921.300 states that the Public Records Act "does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure."

[136] 63 Cal. App. 4th 367 (1998).

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- *CBS, Inc. v. Block*[137]

The possibility that public disclosure of applications for concealed weapons permits would discourage the filing of new applications, or that such disclosure might increase applicants' vulnerability to attack, did not justify nondisclosure.

- *Braun v. City of Taft (Polston)*[138]

A City's nondisclosure of personnel records and letters appointing an employee and then rescinding the appointment was not justified by the theory that future applicants would not be candid if they knew personal information would be made public.

- *Humane Society of U.S. v. Superior Court (The Regents of the University of California)*[139]

A public university's nondisclosure of certain information relating to an academic study was justified because the interest in protecting the academic research process outweighed the interest in public disclosure. Disclosure would "fundamentally impair" the academic research process and the public would suffer because the "'quantity and quality' of . . . academic research on important issues of public interest would be adversely affected."[140]

- *Los Angeles Unified School District v. Superior Court (Los Angeles Times)*[141]

A school district's decision to redact the names of teachers in a statistical model measuring each teacher's effect on students' standardized test scores was proper because the detrimental interference with the district's ability to function properly clearly outweighed the interest in public disclosure. The scores had already been released to the public categorized by school, grade, subject, and demographics; to require additional disclosure would sow discord among parents and teachers.

[137] 42 Cal. 3d 646 (1986).

[138] 154 Cal. App. 3d 332 (1984).

[139] 214 Cal. App. 4th 1233 (2013).

[140] *Id.* at 1263.

[141] 228 Cal. App. 4th 222 (2014).

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- *Long Beach Police Officers Assn. v. City of Long Beach (Los Angeles Times)*[142]

In a request by a newspaper for the names of peace officers involved in a fatal shooting, the California Supreme Court held that vague safety concerns – which apply equally to all officers involved in shootings that result in severe injury or death – were outweighed by the public's interest in such incidents.[143] The California Supreme Court held that in order for names of peace officers involved in such incidents to be exempt from disclosure, there must be a particularized showing of safety concerns regarding those officers.

- 90 Ops. Cal. Atty. Gen. 40 (2007)

County recorder's accounting records that include a payment receipt showing the documentary transfer tax amount is subject to inspection under the Public Records Act. While the statutory scheme allows the documentary transfer tax to appear on a separate paper rather than on the recorded property conveyance document, that procedure provides only limited privacy protection for property owners and does not make the documentary transfer tax amount confidential.

- 81 Ops. Cal. Atty. Gen. 383 (1998)

Claims for senior citizens' exemptions from assessment of a parcel tax levied by a school district are subject to inspection by members of the general public. The concern that the residents' privacy would be compromised by solicitors targeting senior citizens was insufficient to overcome the public interest in disclosure.

X. WHAT IS THE PROPER PROCEDURE FOR COMPLYING WITH A PUBLIC RECORDS ACT REQUEST?

The following is a brief outline of the proper response procedure, as required by Government Code Sections 7922.525 *et seq*.

A. The agency has ten calendar days to determine whether to grant the request. Grounds for refusing a request include:

- The request does not seek records which are "reasonably segregable" from records which are exempt from disclosure;[144]

[142] 59 Cal. 4th 59 (2014).

[143] Since the *Long Beach* decision, amendments to Penal Code Section 832.7 require that peace officer records relating to an incident involving the discharge of a firearm at a person by a peace officer or custodial officer or an incident in which the use of force by a peace officer or custodial officer against a person resulted in death or in great bodily injury must be made available to the public under the Public Records Act.

[144] Gov't Code § 7922.525.

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- The request does not reasonably describe an identifiable record;[145]
- The request would require the agency to create new records not currently in existence; or[146]
- The request seeks records which are exempt from disclosure.[147]

Note, however, that the Public Records Act requires the disclosure of "reasonably segregable" portions of records. This means that if portions of a record are exempt and other parts of the same record are not, the non-exempt portions of the document must be disclosed.[148]

B. In "unusual circumstances" the agency may take up to an additional 14 calendar days to make the determination whether to grant the request. "Unusual circumstances" must be one of the following:

- The need to search for and collect the requested records from field facilities or other locations separate from the office processing the request;[149]
- The need to search for, collect, and examine a voluminous amount of separate and distinct records demanded in a single request;[150]
- The need for consultation with another agency having a substantial interest in the request or among two or more components of the agency having an interest in the subject matter of the request;[151] or
- The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.[152]
- The need to search for, collect, and appropriately examine records during a state of emergency proclaimed by the Governor in the jurisdiction where the agency is located if the state of emergency affects the agency's ability to timely respond to requests due to

[145] Gov't Code § 7922.530(a).

[146] Based upon the definition of "writing," Gov't Code § 7920.545, and the requirement that a requested record be "identifiable," Gov't Code § 7922.530(a). See note 22.

[147] Gov't Code § 7922.530(a).

[148] Gov't Code § 7922.525.

[149] Gov't Code § 7922.535(c)(1).

[150] Gov't Code § 7922.535(c)(2).

[151] Gov't Code § 7922.535(c)(3).

[152] Gov't Code § 7922.535(c)(4).

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staffing shortages or closure of facilities where the requested records are located.[153]

If the agency intends to use this additional time to respond, the agency must provide written notification to the requester that the additional time is required, the reason for the delay, and the date on which a determination will be given.[154]

C. When the agency has made a determination, the requester must be promptly notified of the agency's determination. This notification should be in writing and should include the following information:

- Whether the request is being granted or denied;[155]
- If the request is being granted, the estimated date and time when the records will be made available (or where the records are located on the agency's website);[156]
- If the request was made in writing and is being denied, in whole or in part, the response must be in writing and include the extent and the reasons for the denial;[157]
- The name and title or position of the person responsible for the denial;[158]
- The cost or an estimate of the cost of copying the records, if a copy is requested, and a request for pre-payment. Note that this is only the direct cost of duplication, or a statutory fee, if applicable, and does not include staff time to research, retrieve, or compile the records.[159] However, if the document requested is in electronic form, the agency may charge the full cost of reproducing the document when the record is one that is produced only at otherwise regularly scheduled intervals, or the request would require data compilation, extraction, or programming to produce the record.[160]

[153] Gov't Code § 7922.535(c)(5).

[154] Gov't Code § 7922.535(b).

[155] Gov't Code § 7922.535(a).

[156] Id.

[157] Gov't Code §§ 7922.540(a), 7922.535.

[158] Gov't Code §7922.540(b).

[159] Gov't Code § 7922.530(a); *North County Parents Organization v. Dep't of Education*, 23 Cal. App. 4th 144 (4 Dist. 1994).

[160] Gov't Code § 7922.575 ; *see also Nat'l Lawyers Guild v. City of Hayward*, 9 Cal. 5th 488 (2020) (finding that retrieving and editing raw video footage in response to a public records request does not qualify as "data extraction" within the meaning of the Public Records Act and therefore public agencies may not recover their costs for that process).

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- The option to inspect the requested records at a mutually convenient time during office hours.[161]

- A requester who inspects a disclosable record on the agency's premises has the right to use their own equipment on those premises, within reasonable limits necessary to protect the safety of the records or to prevent unnecessary burden on the orderly function of the agency and its employees, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record.[162]

- If in response to a public records request the agency directs a member of the public to the location of that public record on its website, the agency must still promptly provide a copy of the record itself if the member of the public requests a copy due to his or her inability to access or reproduce the public record from the website.[163]

D. In addition to the above requirements, if the local agency determines that the request should be denied and the reason for the denial is not solely because of a statutory exemption, the agency must also:

- Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated;[164]

- Describe the information technology and physical location in which the records exist;[165]

- Provide suggestions for overcoming any practical basis for denying access to the records or the information sought.[166]

  Alternatively, a local agency may forego these requirements if it instead makes available an index of the record.[167]

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[161] Gov't Code § 7922.525.

[162] Gov't Code §7922.530(c). However, Health and Safety Code Section 19851 provides separate procedures for obtaining duplicates of official copies of building plans.

[163] Gov't Code §7922.545.

[164] Gov't Code § 7922.600.

[165] *Id.*

[166] *Id.*

[167] Gov't Code § 7922.605.

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E. Upon payment of the cost of duplication, the agency must make the records "promptly available."[168]

F. Please note that the agency may not use this procedure to "delay or obstruct the inspection or copying" of public records.[169]

G. The local agency may provide guidelines for "faster, more efficient, or greater" access to records than provided by the Act.[170]

XI. WHAT ARE THE PENALTIES FOR FAILURE TO COMPLY WITH THE PUBLIC RECORDS ACT?

Unlike other open government laws, the Public Records Act does not criminally penalize a local agency for its failure to comply with the Act. Nor does it subject a local agency to money damages for a violation.[171] However, if a person requesting public records believes records have been improperly withheld, he or she may ask a court to compel a local agency to disclose the records.[172] Any person who prevails in enforcing his or her rights under the Act in court is entitled to receive court costs and reasonable attorneys' fees.[173]

Courts have deemed a person to be the "prevailing party" for purposes of awarding costs and fees if filing of the lawsuit motivated the local agency to produce any documents.[174] The production of just one document can be sufficient to trigger an award of costs and fees.[175] In the past, where the court determined the litigation was not what ultimately motivated the release of records, costs and fees were denied.[176] One court held that an award of attorneys' fees was appropriate even though no additional records were produced as a result of the lawsuit.[177] The local agency in that case had repeatedly refused to accept a requester's oral request to inspect public records and forced the requester to make her request in writing, constituting a general

168 Gov't Code § 7922.530(a).

169 Gov't Code § 7922.500.

170 Gov't Code § 7922.505.

171 *County of Santa Clara v. Superior Court (Naymark)*, 171 Cal. App. 4th 119, 130 (6 Dist. 2009).

172 Gov't Code §§ 7923.000 and 7923.005; see also *Stevenson v. City of Sacramento*, 55 Cal. App. 5th 545 (3 Dist. 2020) (appellant seeking injunctive relief under Gov't Code § 6258 [now §§ 7923.000 and 7923.005] may be required to post a bond pursuant to Cal. Civ. Code § 529 prior to the court issuing a preliminary injunction on appellant's behalf).

173 Gov't Code §7923.115.

174 *Los Angeles Times v. Alameda Corridor Transportation Authority*, 88 Cal. App. 4th 1381, 1391 (2 Dist. 2001); *Rogers v. Superior Court*, 19 Cal App. 4th 469, 482 (2 Dist. 1993); *Nat'l Conference of Black Mayors v. Chico Cmty. Publ'g, Inc.*, 25 Cal. App. 5th 570 (3 Dist. 2018) (newspaper that fought third party effort to prevent disclosure of public records sought by the newspaper was not entitled to attorneys' fees under the Public Records Act because newspaper did not bring an action against the City to compel disclosure under the Act).

175 *Los Angeles Times*, 88 Cal. App. 4th at 1392.

176 *Id.* at 1391; *Crews v. Willows Unified School District*, 217 Cal. App. 4th 1368, 1381-82 (3 Dist. 2013).

177 *Galbiso v. Orosi Public Utility District*, 167 Cal. App. 4th 1063, 1086-1089 (5 Dist. 2008).

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denial of access to all public records and justifying an award of attorneys' fees under the circumstances.

XII. CONCLUSION

This Handbook provides a brief overview of some of the most important provisions of the Public Records Act that frequently arise for local government agencies. There are, however, many other provisions not covered by the scope of this Handbook. Additionally, each factual situation contains nuances specific to the particular situation that may impact the analysis. Because it is important to comply with the Public Records Act within a relatively short time frame, it is critical to seek the advice of counsel if there is any question as to the appropriate course of action.

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PART TWO.

ELECTRONIC RECORDS

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ELECTRONIC RECORDS

Advances in computer technology have significantly altered the method of communication with and between public officials and employees, but these technological developments have outpaced public records legislation. Email, electronic documents created on word processors, and web pages (including social media pages) do not readily fit into the categories of disclosure under decades-old laws.

The courts have had to fit the round peg of electronic documents into the square hole of state law on several occasions. In *Aguimatang v. California State Lottery*, the Court of Appeal rejected a defendant's argument that the plaintiff's computer records "were not made at or near the time of the event" and therefore did not qualify as an admissible "writing" under the evidentiary rules for business records.[178] The records were recorded on magnetic tape on the day the events of the case took place, but were not printed out until twenty-two months later. The court concluded that the magnetic tape, not just the printout, constituted a "writing" under the Evidence Code:

> Chanquin cites no authority holding that the retrieval, rather than the entry, of computer data must be made at or near the time of the event. Thus, although to qualify as a business record the "writing" must be made at or near the time of the event, "writing" is not limited to the commonly understood forms of writing but is defined very broadly to include all "means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof." Evid. Code § 250. Here, the "writing" is the magnetic tape. The data entries on the magnetic tapes are made contemporaneously with the Lotto transactions, hence qualify as business records. The computer printout does not violate the best evidence rule, because a computer printout is considered an "original." Evid. Code § 255.[179]

Similarly, in *People v. Martinez*, the California Supreme Court held that records from a state computer system of a defendant's prior criminal convictions were admissible as "official records" under the Evidence Code.[180]

In an attempt to catch up, in 2002 the Legislature enacted Assembly Bill 1962 ("AB 1962"), modifying the definition of "writing" under the Public Records Act and the Evidence Code to include "photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any

[178] *Aguimatang v. California State Lottery*, 234 Cal. App. 3d 769 (3 Dist. 1991).

[179] *Id*. at 798.

[180] *People v. Martinez*, 22 Cal. 4th 106 (2000).

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tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof," and clarifying that the definition applied "regardless of the manner in which the record has been stored."[181]

The legislative reports for AB 1962 cited to *Aquimatang* and *Martinez* to establish that the amendment was declaratory of existing law. The reports also observed that in an earlier case, a court of appeal stated that the definition of writing in the Public Records Act was "intended to cover every conceivable kind of record that is involved in the governmental process and will pertain to any new form of record-keeping instrument as it is developed."[182] Under the 2002 legislation, emails and other electronic documents are records subject to disclosure and present their own unique issues for local governments.

In 2009, the State Legislature enacted rules relating to the discovery of electronically stored information, similar to the rules enacted by the Federal Government in 2006. In 2006, the Federal Rules of Civil Procedure were revised to require parties in federal lawsuits to address the production and preservation of electronic records.[183] Under the 2006 Rules, a public entity should have an electronic retention practice and policy that ensures that electronic documents relevant to federal litigation are appropriately preserved. Rule 37 of the Federal Rules of Civil Procedure authorizes federal courts to impose sanctions on parties and their attorneys who fail to comply with discovery obligations and court orders.

City websites, in turn, raise questions about public rights of access. Websites are an important means of providing residents with access to information. An improperly framed policy on website use, however, could result in violations of the Brown Act, infringe upon residents' First Amendment rights, and even violate disability access laws. Consequently, it is important to establish clear policies governing website design and use.

This Part Two on Electronic Records will begin by discussing the types of email that are public records, and what exemptions under the Public Records Act might justify nondisclosure. Other unique issues raised by the use of email are also explored, such as emails sent or received by public officials and employees on nongovernmental accounts, email threads and the potential risk of using email to create an unlawful serial meeting under the Brown Act. We then look at the Public Records Act requirements for disclosure of other types of electronic records, including Geographic Information Systems.

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[181] Stats. 2002, c. 945 (A.B. 1962—Hollingsworth) (amending Gov't Code § 6252 (now Gov't Code §§ 7920.500 et seq.) and Evid. Code § 250).

[182] Assembly Committee on Judiciary, Report on AB 1962, May 14, 2002 (citing *San Gabriel Tribune v. Superior Court (City of West Covina)*, 143 Cal. App. 3d 762, 774 (1 Dist. 1983)).

[183] Fed. R. Civ. P. 26.

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The discussion then turns to other concerns raised by electronic records, including litigation discovery and metadata. We close with a discussion of city websites, including some of the legal issues that a public entity should consider when establishing and running a website.

I. EMAIL

Given that email can be a public record under Government Code Section 7920.545, in most circumstances a public entity is under an obligation to disclose email upon request. However, there are a number of complications, and despite AB 1962's attempt to respond to the changed method of communication, the bill provided nothing in the way of specifics.

A. Is the Email a Public Record?

Under the Public Records Act, certain exemptions might apply to justify withholding an email. But a fundamental question – one that must be considered before determining whether an exemption applies – is whether the document qualifies as a "public record" of the local agency.

(1) Personal Messages

Documents disclosable under the Public Records Act must be "prepared, owned, used, or retained by any state or local agency," and must contain information "relating to the conduct of the public's business."[184] Although this covers a very broad range of documents, it does not cover every document.

For example, emails on entirely personal subjects unrelated to local agency business would not relate to the conduct of the public's business, and therefore would not constitute "public records" under Section 7920.530.[185] A harder determination is whether a personal email that only mentions a city issue in passing would relate to the conduct of the public's business. In 2017, the California Supreme Court held the determination of whether a particular email qualifies as a public record, particularly for emails kept in personal accounts, will involve the consideration of a number of factors and may not always be clear.[186] The court suggested examining the content and context of the email, the purpose for which it was written and to whom, and whether the email was prepared by an employee purporting to act within the scope of his or her employment.[187]

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184 Gov't Code § 7920.530(a).

185 *City of San Jose*, 2 Cal. 5th 608, 618-19.

186 *Id*. at 618.

187 *Id*.

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(2) Emails Sent or Received Using Personal Devices and Personal Accounts

Staff frequently asks whether emails sent or received on a nongovernmental account (such as personal Gmail, Yahoo Mail, or Hotmail accounts), or from a home computer or smartphone, and which pertain to local agency business, qualify as a public record. The California Supreme Court decided this very issue, and held in a unanimous decision that the presumptive right of access of the PRA extends to emails and texts sent or received on nongovernmental accounts, whether on private or government-issued devices, used by local agency employees or officials that relate to the business of that local agency.[188]

In *City of San Jose v. Superior Court*, a request for 32 categories of public records was filed with the City of San Jose.[189] The request included emails and text messages sent or received on private electronic devices used by the mayor, two City council members, and their staff.[190] The City argued such emails were outside the reach of the PRA, both because the emails were not directly accessible to the City and thus did not qualify as writings "prepared, owned, used or retained" by the City under the Section 7920.530 definition of "public records," and because neither employees nor officials are included within the governmental entities listed in the definition of "local agency" under Section 7920.510.[191] The Court found neither argument persuasive when considering the legislative intent of the PRA and the constitutional directive to a broadly construed right of public access.[192]

The California Supreme Court found no indication "the Legislature meant to allow public officials to shield communications about official business simply by directing them through personal accounts."[193] The Court did acknowledge the inherent balance that must be struck between the public's rights of access and an individual employee's or official's right of privacy, and sought to offer some limited guidance for how searches should be conducted for records sent or received on nongovernmental accounts that pertain to the public's business.[194]

Foremost, the California Supreme Court stated it is the local agency itself that is in the best position to adopt policies that will reduce the likelihood of public records being held in the private, nongovernmental accounts of local agency employees

[188] *Id*. at 629.
[189] *Id*. at 614.
[190] *Id*. at 615.
[191] *Id*. at 619-20.
[192] *Id*. at 620-21.
[193] *Id*. at 624.
[194] *Id*. at 627-29.

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or officials that pertain to the public's business.[195] Barring such a policy, the Court stated that a local agency's first step upon receiving a PRA request that implicates nongovernmental accounts should be to communicate the request to the individual or individuals in question.[196] A local agency may then reasonably rely on those individuals "to search *their own* personal files, accounts and devices for responsive material."[197] Citing both federal precedent under the FOIA and a holding by the Washington Supreme Court under its state public records law, the California Supreme Court also discussed an employee or official submitting an affidavit that would give the local agency, requester, and ultimately the trial court reassurance that responsive records were appropriately searched on nongovernmental accounts.[198] Such an approach also strikes "an appropriate balance" with the individual's right of privacy in their personal affairs.[199]

The California Supreme Court's ruling in *City of San Jose v. Superior Court* is likely to have far-reaching consequences for public agencies; however, a number of questions remain unanswered by the court's decision. Since the City of San Jose refused to produce any emails from a nongovernmental account in response to the original PRA request, disputes over the content of specific emails and whether or not they fall under the definition of "public record" will likely be decided in subsequent proceedings.[200] Similarly, the decision does not address at what point a suggested search in response to a PRA request would become an unwarranted invasion on the privacy of a local agency employee or official.[201] In responding to requests for communications sent or received on an individual's nongovernmental account, it is advisable to consult with your legal counsel. Counsel should also be consulted if an agency requires access to potentially responsive documents or communications that are on an employee's private device and not accessible to the agency (for example, documents saved on an employee's home computer hard drive). Our office is also available to help draft policies on how to reduce the likelihood that public records will be held in an agency employee's or official's private nongovernmental account, how to conduct searches into nongovernmental accounts when necessary, and how to work with employees so the employees properly search their private, nongovernmental computers and smartphones, when necessary.[202]

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[195] *Id*. at 628.

[196] *Id*.

[197] *Id*.

[198] *Id*.

[199] *Id*.

[200] *Id*. at 618.

[201] *Id*. at 627.

[202] Private, nongovernmental devices should never be seized by the agency, or accessed without the employee's consent, even if the agency believes the device contains material responsive to a PRA request.

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B. Some Email may be Protected by the Deliberative Process Privilege or Mental Process Principle

Emails differ from traditional printed documents: they may be prepared quickly and sent without proofreading, they may be conversational, or they may substitute for face-to-face or telephone communications. As described by the California Supreme Court, "the ease and immediacy of electronic communication has encouraged a commonplace tendency to share fleeting thoughts and random bits of information, with varying degrees of import, often to broad audiences."[203] As a result, they often reflect preliminary ideas and concepts, and may be subject to the deliberative process privilege, which was mentioned earlier in the discussion on the Public Records Act.[204] Alternatively, the mental process principle may provide a basis for withholding emails. Before applying the deliberative process privilege to emails sent to a legislative body member, you should familiarize yourself with the Brown Act requirements regarding disclosure, discussed below in Section G.

The deliberative process privilege and the mental process principle are very similar, and sometimes courts blur the distinction. Generally speaking, the deliberative process privilege is targeted at protecting from disclosure the decision making process of governmental agencies. Without that protection, candid discussion may be discouraged within an agency, thus undermining its ability to perform its functions.[205] It is sometimes referred to as the "executive privilege,"[206] but has been applied to records of both the executive branch (e.g., the governor) and the legislative branch (e.g., a city council).[207] The mental process principle, on the other hand, appears to apply only to the members of an agency's legislative body when those members are enacting legislation, and protects from disclosure those records that would allow an inquiry into the "subjective motives or mental processes of legislators."[208] The deliberative process privilege uses a balancing test, whereas the mental process principle does not, making the mental process principle exemption less subjective.[209]

(1) Deliberative Process Privilege

Although the Public Records Act does not expressly contain a deliberative process exemption, the California Supreme Court held in 1991 that public records

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203 *Id*. at 618.

204 See pages 27 and 28 of this Handbook.

205 *Times Mirror Co. v. Superior Court*, 53 Cal. 3d 1325, 1342 (1991).

206 *Sutter's Place v. Superior Court (City of San Jose)*, 161 Cal. App. 4th 1370, 1378 (6 Dist. 2008).

207 *Times Mirror Co.*, 53 Cal. 3d at 1345-46 (governor's calendars and schedule); *Rogers v. Superior Court (City of Burbank)*, 19 Cal. App. 4th 469, 479 (2 Dist. 1993) (city council phone records).

208 *Sutter's Place*, 161 Cal. App. 4th at 1377.

209 *Id.* at 1377, 1379.

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may be withheld on deliberative process grounds.[210] The deliberative process privilege arises under the "catch-all" exemption contained in Section 7922.000 of the Government Code. Under the "catch-all" exemption, a public agency may justify nondisclosure by showing "that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." To apply the deliberative process privilege:

- First, consider whether the record falls within the scope of the privilege. Generally, records that are predecisional and deliberative (opinion) fall within the scope, but some courts have not strictly applied a predecisional requirement and have permitted purely factual material that exposes the deliberative process to fall within the privilege.[211]

- Second, identify the public interest served by nondisclosure of the record. Four public interests that have been identified by the courts are:

  (1) Protection of the agency's decision-making process so that candid discussion within the agency is not discouraged;[212]

  (2) Protection of certain limited communications with members of the public to ensure that the local agency receives the information it needs to make decisions and otherwise function;[213]

  (3) Protection against confusion caused by premature exposure of the public to internal agency discussions before a policy is finalized;[214]

  (4) Protection of the integrity of the decision-making process itself by confirming that "officials should be judged by what they decided, not for matters they considered before making up their minds."[215]

- Third, identify the public interest served by disclosure of the record. Courts have emphasized that a primary benefit of disclosing a local agency's records to the public is to promote government accountability. The public and the media have a legitimate need to

[210] *Times Mirror Co.*, 53 Cal. 3d at 1347.

[211] *Rogers*, 19 Cal. App. 4th at 479-480 (rejecting a predecisional requirement and withholding from disclosure pure facts, that is, telephone numbers called by staff and city council members).

[212] *Times Mirror Co.*, 53 Cal. 3d at 1342.

[213] *Id.* at 1344-45 (disclosure of governor's schedule and appointment calendar would "chill the flow of information" to the governor and inhibit the free exchange of ideas in private meetings).

[214] *California First Amendment Coalition v. Superior Court (Pete Wilson)*, 67 Cal. App. 4th 159, 170 (3 Dist. 1998).

[215] *Id.* (internal quotations and citations omitted).

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know whether government officials are performing their duties in a responsible and diligent manner.[216] "Such access permits checks against the arbitrary exercise of official power and secrecy in the political process."[217]

- Fourth, balance the two public interests, and withhold the record from disclosure only if the identified public interest justifying nondisclosure "clearly outweighs" the public interest justifying disclosure.[218] In balancing the scales, the weight of an identified public interest in disclosure is "proportionate to the gravity of the governmental tasks sought to be illuminated and the directness with which the disclosure will serve to illuminate."[219] Because the public interest in nondisclosure must "clearly outweigh" the public interest in disclosure, if the interests are just about equal, the scales tip in favor of disclosure.

In *California First Amendment Coalition v. Superior Court (Wilson)*, the plaintiffs sought disclosure of records containing the names and qualifications of applicants for a temporary appointment to a local board of supervisors.[220] The Governor's office looked extensively into the applicants' backgrounds to determine whether they were qualified for the position. The court upheld nondisclosure of the records under the deliberative process privilege. It reasoned that if the deliberative process privilege did not apply, the Governor would never be able to perform background checks, which is an essential part of selecting an applicant for a government position.[221] In balancing the interests, the court concluded that the public's interest in disclosure of background information revealed in confidence by unsuccessful applicants was not significant and that the public interest in learning about the successful applicant's background would be satisfied after the appointment.[222]

The *First Amendment Coalition* case shows that the deliberative process privilege can apply to communications where the public interest in disclosure of deliberations prior to a decision is not significant and the outcome of those deliberations is a matter of public knowledge. For instance, the public could ultimately learn a council member's views about an item the City council is deliberating by attending the public meeting on the item. In such a case, emails

216 *Times Mirror Co.*, 53 Cal. 3d at 1345.

217 *CBS v. Block*, 42 Cal. 3d 646, 651 (1986).

218 Gov't Code §7922.000.

219 *Citizens for a Better Environment v. Department of Food & Agriculture*, 171 Cal. App. 3d 704, 715 (3 Dist. 1985).

220 *California First Amendment Coalition*, 67 Cal. App. 4th at 164.

221 *Id.* at 171-72 (quoting *Times Mirror Co.*, 53 Cal. 3d 1325, 1345).

222 *Id.* at 173-74.

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discussing preliminary ideas and concepts about the item may be subject to the deliberative process privilege.

Another example is provided by *Times Mirror Co. v. Superior Court*.[223] In that case, the Los Angeles Times sought copies of the Governor's appointment calendars and argued that "in a democratic society, the public is entitled to know how [the governor] performs his duties . . . ."[224] Disclosure of who the Governor met with would reveal who was influencing his decisions. The Governor argued disclosure of his calendar would reveal his deliberative process, and could discourage certain people from meeting with him. In balancing these interests, the California Supreme Court concluded that nondisclosure was justified, reasoning that "if the public and the Governor were entitled to precisely the same information, neither would likely receive it."[225] The Court added that the "massive weight" of the request (five years' worth of calendars), outweighed whatever merit there was in favor of disclosure.[226] The Court noted, however, that there may be circumstances under which the public interest in specific information is more compelling, and such a specific, focused request might tip the scales in favor of disclosure.[227]

Courts have emphasized the need for evidence in order to satisfy the local agency's burden of proof. In *Citizens for Open Government v. City of Lodi*, the City of Lodi withheld from the administrative record emails between City staff and the City's consultants regarding preparation of a revised EIR.[228] Citizen groups sued, challenging in part the administrative record. Lodi argued the emails were exempt from disclosure pursuant to the deliberative process privilege because disclosure would hamper "candid dialogue and a testing and challenging of the approaches to be taken."[229]

The Court of Appeal disagreed, finding that Lodi had failed to establish the conditions for creating the privilege, because Lodi had done nothing more than cite the policy behind the deliberative process privilege without explaining why the facts in this particular case justified invocation of the privilege.[230] However, because the Court of Appeal was deciding the case under the California

223 *Times Mirror Co.*, 53 Cal. 3d at 1344.

224 *Id.*

225 *Id.* at 1345.

226 *Id.*

227 *Id.* at 1345-1346.

228 *Citizens for Open Government v. City of Lodi*, 205 Cal. App. 4th 296, 305 (3 Dist. 2012).

229 *Id.* at 306.

230 *Id.* at 307.

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Environmental Quality Act ("CEQA"), and not the Public Records Act, the Court found there was no prejudice and refused to reverse the lower court's ruling.[231]

In comparison, the public entity in *Humane Society of the United States* v. *Superior Court*, provided detailed declarations from an employee and expert explaining why disclosing certain research documents would harm the research process.[232] The Humane Society sought disclosure of certain records and communications related to the preparation of a study by the University of California involving housing of egg-laying hens, and the University claimed various privileges including deliberative process.

The detailed declarations of the research project director submitted by the University seemed to sway the court; the court quoted them at length in the decision.[233] One declaration explained how researchers at the University tried new ideas and approaches, frequently brainstorming by email, using shorthand expressions of incomplete thoughts. To be efficient, the researchers did not keep detailed records of how they communicated, and some lines of inquiry that began in email were further discussed and dismissed as part of hallway conversations. Because of that, much of what they said in emails would be easily misinterpreted. Additionally, mistakes along the way are part of the research process. The quality and quantity of work would be stifled if researchers were aware that their informal communications would be made available broadly. While the Humane Society tried to characterize the declaration as mere speculation, the court credited the declarant as an expert in the field, giving the declaration great weight.[234] In balancing the public interests, the court concluded that disclosure of the emails "would fundamentally impair the academic research process."[235]

Given the pervasiveness of email today, the deliberative process privilege seems well-suited to protect predecisional email communications from disclosure. Nevertheless, California courts have approved the use of the deliberative process privilege sparingly, and require local agencies to provide particularized factual evidence in support of its use. Prior to invoking this privilege, it is advisable to consult your legal counsel.

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231 *Id.* at 311.

232 *Humane Society of the United States v. Superior Court (Regents of the University of California)*, 214 Cal. App. 4th 1233, 1240 (3 Dist. 2013).

233 *Id.* at 1241-1244.

234 *Id.* at 1258.

235 *Id.* at 1263.

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(2) Mental Process Principle

The Public Records Act exempts from disclosure those records that are exempted or prohibited from disclosure pursuant to federal or state law.[236] Under California state common law, a court is prohibited from inquiring into the motives or subjective mental processes of legislators in enacting a particular piece of legislation except as those motives may be disclosed on the face of the legislative acts, or inferred from their operation.[237] This "mental process principle" permits a local agency to withhold public records that would reveal the mental processes or subjective motives of its legislative body members when they are acting in a legislative capacity. Unlike the deliberative process privilege, which relies on a balancing test,[238] records reflecting the "mental processes" of legislators are not subject to a balancing test.[239]

Under applicable circumstances, the mental process principle may be used to justify nondisclosure of emails of legislative body members, such as city council members. For example, emails sent or received by a city council member could arguably be withheld under the mental process principle when they: (1) discuss the reason the member voted for or against a particular ordinance, (2) involve the gathering of information on which the member based their legislative decision, or (3) expose the motives for the member's vote on a legislative matter.

C. Exception for Notes, Drafts and Interagency/Intra-agency Memoranda

The deliberative process privilege may help a local agency keep sensitive emails from public disclosure, but a far more effective tool is to simply have a policy in place to regularly purge intra-agency or interagency emails that are not subject to the local agency's records retention schedule. Under the Public Records Act, "[p]reliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business" may not be subject to disclosure.[240] A written policy of deleting emails more than 120 days old (or some similar duration) would help establish that emails are not retained "in the ordinary course of business." A software modification that automatically deletes older emails would ensure that they are not retained, provided staff is notified of the pending purge and takes steps to retain those emails that, based on their content, must be retained under the local agency's records retention schedule.

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[236] Gov't Code § 7927.705.

[237] *Sutter's Place*, 161 Cal. App. 4th at 1375.

[238] Gov't Code § 7922.000.

[239] *See Times Mirror Co.*, 53 Cal. 3d at 1339 fn. 9-10 (noting that these records might arguably be exempt under the mental process principle through operation of Section 7927.705).

[240] Gov't Code § 7927.500. For a discussion on the conditions that must be met to utilize Section 7927.500, see pages 11-12 of this Handbook.

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There are a few caveats, however. First, note that deleting an email is not the end of the story. Popular email programs such as Microsoft Outlook have "deleted items" folders that retain messages for a time after "deletion," in order to give the user an opportunity to "undo" an accidental deletion. If a local agency received a request for an email that had been deleted, but was still on the computer in the "deleted items" folder, it technically would still be in the possession of the agency and may be subject to disclosure. To eliminate this potential issue from arising, an agency must ensure that the deletion becomes final and irreversible. If the agency desires or is required to save a copy of certain emails, then it should print and file such emails, or store them electronically in a location that is not subject to automatic purging.

Second, note that the Section 7927.500 exemption is not absolute. The full text of the exemption provides that drafts, notes, and inter/intra-agency memoranda are nondisclosable "provided that the public interest in withholding those records clearly outweighs the public interest in disclosure." Accordingly, even emails "that are not retained by the public agency in the ordinary course of business" may be subject to disclosure, if the records were not deleted prior to receipt of the Public Records Act request, and a reviewing court concludes that the public interest in disclosure is not "clearly outweighed" by the interest in nondisclosure. This is a significant hurdle for a public agency to overcome.

D. Additional Exemptions that may be Applicable to Email

In addition to those described above, there are a number of other exemptions that may be applicable to emails exchanged between employees or officials of a public agency. For example, emails to and from legal counsel may be protected by the evidentiary privileges recognized under Section 7927.705; certain personal financial data may be exempt under Section 7925.005; and personnel and medical files may be withheld under Section 7927.700. The same care should be used in reviewing responsive emails as any other material that may be subject to disclosure, and Part One, Section IX (What Public Records are Exempt from Disclosure under the Public Records Act?) of this Handbook should be consulted for additional information.

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E. The Problem with Threads

Emails elicit a response. The response typically elicits another response. If multiple people received the message, responses from all of the recipients are common. And, in all of those responses, the original message is typically quoted, either in part or in full, generating a "thread" of messages. The question necessarily arises, when there is a thread of 20 messages, and one of them is responsive to a public records request, must the other 19 messages also be produced? For example, a resident makes a request for all emails discussing the possible construction of a new library and locates the following thread:

Original Message
From: City Clerk
To: Joe Employee, Jane Employee, City Manager
Date: April 2, 2023 12:15 p.m.
Subject: RE: Question

More money and lots more money.

Original Message
From: City Manager
To: Joe Employee, Jane Employee, City Clerk
Date: April 2, 2023 12:10 p.m.
Subject: RE: Question

I didn't know we were discussing compensation. What are the proposals?

Original Message
From: City Clerk
To: Joe Employee, Jane Employee, City Manager
Date: April 2, 2023 12:05 p.m.
Subject: RE: Question

I think the study session on the new library is next month. It will be at the same meeting as we discuss Council compensation.

Original Message
From: Joe Employee
To: Jane Employee, City Clerk, City Manager
Date: April 2, 2023 12:00 p.m.
Subject: Question

Do you know when the Council is going to have a study session on possibly constructing a new library?

Only the oldest two messages (sent at 12:00 and 12:05) refer to the study session on the library construction. The rest of the messages are on a different topic, a topic that may be politically sensitive. Nevertheless, all of the responses to the original message included a copy of the original message and every message that followed it, and so they all contain a reference to the library construction. As a result, it would be difficult to argue that only the 12:00 and 12:05 messages should be disclosed if this is the only copy of the email available.

On the other hand, if an earlier version of the email containing only the oldest two messages is available, a local agency could argue that the thread containing all five messages may be withheld. So long as the earlier version of the two responsive emails is disclosed, the email discussing employee compensation is only a duplicate of the oldest two messages. The subsequent messages are not responsive to the request. The Public Records Act does not require disclosure of all duplicates of a responsive record. Keep in mind, however, two important considerations. First, while one appellate court has ruled that non-responsive information may be redacted from emails exchanged between two agency employees, if challenged in court, a public agency will have to explain in detail

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the information that was redacted.[241] Second, in litigation, a different standard may apply and all versions of the email may have to be disclosed.

One way to avoid the problem is to configure email so previous messages are not quoted in replies sent by staff. Under the example above, if the local agency did not allow quoted messages in replies, the first two messages mentioning the library construction would be disclosed as "stand-alone" emails, but the later messages regarding compensation would not because they would no longer be integrated into the prior emails. Accordingly, a city should balance its concern in avoiding unwanted disclosures against the usefulness of having an entire thread available, and may wish to consider configuring email programs to eliminate quoting emails in replies.

F. Risk of Serial Meetings

Beyond the Public Records Act concerns, the use of email presents a significant opportunity for "serial meetings" prohibited by the Brown Act. A serial meeting is a series of meetings or communications not held at a noticed, public meeting in which ideas are exchanged among a majority of a legislative body directly or through intermediaries to "discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body."[242] Prior to January 1, 2009, the Brown Act specifically forbade the use of technological devices to conduct those communications. In interpreting the prior version of this Brown Act provision, the California Attorney General opined that email is one of these "technological devices."[243] The 2009 amendments to the Brown Act provisions regarding serial meetings included the removal of the phrase "technological devices" and other specific types of communications, and the insertion in their place of "a series of communications of any kind, directly or through intermediaries."[244] At the time of the 2009 amendments, it was considered unlikely that the legislature, in omitting the phrase "technological devices" and expanding the scope to any kind of communication, intended to exclude email from coverage under the Brown Act. Subsequently, Assembly Bill 992, passed in 2020 and effective January 1, 2021, amended certain provisions of the Brown Act until January 1, 2026 to clarify allowable uses of social media under the Act. As amended by AB 992, the Brown Act regulates social media posts to prevent serial meetings.[245]

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241 *American Civil Liberties Union of Northern California v. Superior Court (California Dept. of Corrections and Rehabilitation)*, 202 Cal. App. 4th 55, 82-86 (1 Dist. 2011).

242 Gov't Code § 54952.2(b)(1).

243 84 Ops. Cal. Atty Gen. 30 (2001).

244 Stat. 2008, c. 63, sec. 3 (S.B. 1732 -- Romero (amending Gov't Code § 54952.2).

245 Stat. 2020, c. 89, sec. 1 (A.B. 992 -- Mullin (amending Gov't Code § 54952.2). For further discussion of use of social media and the Brown Act, please see the *2023 Brown Act Handbook*, Part One, Section VII(D) (© 2024 Richards, Watson & Gershon).

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The primary mechanism for creating serial meetings via email is through the use of "reply all." For example, if a public employee sends an email to an entire city council, and then one of those council members replies to the entire list of recipients, then a communication would have taken place between a majority of the city council. If the purpose of the council member's reply was to "discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body," the communication would constitute a serial meeting in violation of the Brown Act.[246] Accordingly, public officials must endeavor to use "reply all" sparingly, if at all. A "reply all" congratulating a council member for receiving an award would be permissible; a "reply all" expressing an opinion about an issue within the subject matter jurisdiction of the city council would not.

G. Disclosure Requirements for Documents at Meetings

Although the deliberative process privilege may apply to many emails, note that the privilege is unlikely to apply if an email concerns an issue under consideration by a legislative body and a majority of the body receive the email. The Brown Act states that notwithstanding the "catch-all" exception in the Public Records Act, "or any other law," any writings distributed to a majority of a legislative body in connection with a matter subject to discussion or consideration at an open meeting of the body are disclosable.[247] The statute goes on to clarify that it does not overrule the exceptions for drafts, documents related to pending litigation, personnel files, medical files, and a number of other exceptions, but it does expressly overrule the "catch-all" provision on which the deliberative process privilege is based. Note that Section 7927.705, under which the mental process principle is applied, is not overruled by the Brown Act, and still would be applicable.[248]

Unlike records disclosable under the Public Records Act, which gives public entities ten days to respond to a request and additional time to produce the documents, a public agency must produce documents under this section of the Brown Act "without delay."[249] In addition, if the email is created by the public agency or a member of the legislative body, it must be made available for inspection *at the meeting*.[250] Emails not drafted by the public agency or its legislative body must be made available after the meeting.

This is particularly relevant to emails sent to council members on smartphones, iPads and similar devices, given that a council member could potentially send an

246 Gov't Code § 54952.2(b)(1).

247 Gov't Code § 54957.5.

248 Gov't Code 54957.5(a).

249 *Id.*

250 Gov't Code § 54957.5(c).

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email to other council members while a meeting is going on. Under this section of the Brown Act, an attentive member of the public could insist that they be provided a copy of that email, at the meeting, if the council member sent it to a majority of the other council members. Accordingly, members of a legislative body should consider carefully the consequences of sending an email via smartphone, iPad or other device at a public meeting prior to doing so.

The informality of emails makes them particularly prone to statements that would not be put into conventional written documents. The only certain means of avoiding unwanted disclosure, of course, is simply not to write the email in the first place.

II. DOCUMENTS CREATED USING WORD PROCESSORS, GIS AND OTHER SOFTWARE

A. Disclosure Requirements

(1) Public Records Act

Electronic records are subject to disclosure under the Public Records Act pursuant to Sections 7922.570-7922.585 of the Government Code. A public agency that has information constituting a public record in an electronic format must make that information available in electronic form upon request.[251] An agency is not required to reconstruct an electronic record if it is no longer available in that format.[252] An agency may inform a requester that a requested record is available in electronic format, but the agency is prohibited from adopting a policy of only making information available in electronic format.[253]

On the other hand, not every piece of data stored on a computer readily fits the definition of "record." Unlike word processing documents, information stored in a database or a spreadsheet, for example, may only be displayed in response to the user entering a formula or query. For such data, there are special statutory provisions. With conventional (printed) documents, the public agency may only charge for the direct cost of duplication, not including staff time to research, retrieve or compile the records.[254] For electronic records, however, the agency may charge the full cost of reproducing the document if the record is one that is otherwise produced only at regularly scheduled intervals, or the request would

[251] Gov't Code § 7922.570.

[252] Gov't Code § 7922.580.

[253] Gov't Code § 7922.570(c), 7922.580(b).

[254] Gov't Code § 7922.530(a); *North Cnty. Parents Organization v. Dept. of Education*, 23 Cal. App. 4th 144, 147-148 (3 Dist. 1994) (direct costs do not include the ancillary tasks necessarily associated with the retrieval, inspection, and handling of the file from which the copy is extracted).

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require data compilation, extraction, or programming to produce the record.[255] However, in *National Lawyers Guild v. City of Hayward*, the California Supreme Court recently held that the phrase "data extraction" in this context does not cover the costs of redacting exempt material from digital police body camera footage.[256] The Court reasoned that data "extraction" is a technical process of retrieving responsive information to construct a new record, while redacting exempt material from electronic records is similar to other redactions for which costs are not recoverable.[257] As such, public agencies may not recover costs for redacting exempt material from otherwise disclosable electronic records.

Many public agencies now possess Geographic Information Systems ("GIS") that allow them to collect, manage, and analyze large volumes of geographically referenced information. Whether this electronic information is a public record that is subject to disclosure has been the subject of controversy, mainly because public agencies have charged licensing fees to businesses that wanted a copy. Public agencies have argued that the monies recovered from those licensing fees are necessary to support the development and maintenance of the GIS.

In 2013, the California Supreme Court disagreed with that argument. In *Sierra Club v. Superior Court*, the Court held that a GIS-formatted database is a public record that, unless otherwise exempt from disclosure, must be produced upon request and the local agency may only charge the actual cost of duplication.[258] The County of Orange had argued that its GIS database was not a public record. The Court disagreed that former Section 6254.9 (now Section 7922.585) excluded a GIS database from the Public Records Act's disclosure requirements, and concluded that, because the County had not claimed any exemption to justify nondisclosure, the County of Orange could only charge the direct cost of duplication for its GIS database.[259]

Note, however, that the California Supreme Court was careful to distinguish the database from the software – the mapping system itself was exempt from disclosure under another provision in the Public Records Act.[260] The statute expressly exempts computer mapping systems, computer programs, and computer graphic systems, and states that nothing in the statute is intended to

[255] Gov't Code § 7922.575.

[256] 9 Cal. 5th 488 (2020).

[257] *Id.* at 500.

[258] *Sierra Club v. Superior Court (County of Orange)*, 57 Cal. 4th 157, 161 (2013).

[259] *Id.* at 175, 176.

[260] Gov't Code § 7922.585(b) ("Computer software developed by a state or local agency is not itself a public record under this chapter.").

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limit any copyright protections. Accordingly, a requester may not seek to obtain the software that creates the records, only the records themselves.[261]

The Public Records Act not only exempts computer software as discussed above, but also a public agency's information security record, if that record has the potential to reveal vulnerabilities or otherwise increase the possibility of an attack on that public agency's information technology system.[262] However, the Public Records Act also requires local agencies (except local educational agencies) to create a catalog of "enterprise systems," that must be publicly available on the local agency's website and updated annually.[263] An enterprise system is defined as a "software application or computer system that collects, stores, exchanges and analyzes information" used by the local agency as a system of record, and acts either across multiple agency departments, or collects information about the public.[264] While Section 7922.710 requires a city to list these enterprise systems as defined, it does not require a city to disclose the information collected, stored, exchanged, and analyzed by the software application or computer system if that information is otherwise exempt under the Public Records Act. Further, a number of enterprise systems may be excluded from a local agency's listed catalog, such as systems related to 911 dispatch or emergency services, information technology security systems (including firewalls and other cybersecurity systems), and infrastructure and mechanical control systems (for example, systems that manage water or sewage functions).[265]

Note that the Public Records Act does not contain exceptions for public records created on social media.[266] If a social media post is "prepared, owned, used, or retained by any state or local agency," and contains information "relating to the conduct of the public's business,"[267] it is a public record and is thus subject to disclosure under the Public Records Act, and should also be retained accordingly. This applies to social media posts made by a public entity, including posts by public entity employees and/or officials, and may also apply to posts made by members of the public on social media pages operated by the public entity.

Depending upon the volume of social media posts a public entity produces, it may be difficult to review all posts and comments made on the public entity's social media page to determine whether any given post meets the legal definition of a public record. Additionally, there may be practical issues with

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261 *Sierra Club,* 57 Cal. 4th at 170-171; *see also* Gov't Code § 7922.585(b).

262 Gov't Code § 7929.205.

263 Gov't Code §§ 7922.710 and 7922.715.

264 Gov't Code §§ 7922.700 and 7922.705 (also defining "system of record" as "a system that serves as an original source of data within an agency").

265 See page 100 of this Handbook.

266 Social media is subject to regulation under the Brown Act, pursuant to Assembly Bill 992, enacted in 2020 and effective January 1, 2021 through January 1, 2026. See Stat. 2020, c. 89, sec. 1 (A.B. 992 -- Mullin (amending Gov't Code § 54952.2).

267 Gov't Code § 7920.530.

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retaining social media records. Capturing and archiving images of social media posts may not be a sufficient retention method, because the image would not preserve metadata, subsequent comments, and other interactive features. Archiving these features can be challenging, because social media posts typically are not hosted or archived on storage systems owned by the public entity. Creating independent storage systems for all social media posts may be cost-prohibitive for public entities.

These factors can make it difficult to determine which social media posts need to be retained, and whether a public entity's retention procedures adequately capture an entire social media record. Any concerns about retaining specific social media records should be discussed with legal counsel.

(2) Federal Rule 26

In 2006, revisions to Rule 26 of the Federal Rules of Civil Procedure took effect that require parties in federal court to address the production and preservation of electronic records during the discovery phase of litigation. These rule changes did not require a local agency to alter its routine management or storage of electronic information, but do illustrate the importance of having formal written rules for retention of potentially relevant records and data when litigation occurs. It is firmly established that a duty to preserve evidence arises from the moment litigation is "reasonably anticipated."[268] Once the duty to issue a legal hold is triggered, the party "must suspend its routine document retention/destruction policy and put in place a 'litigation hold' to ensure the preservation of relevant documents."[269]

Discovery is the process by which parties involved in litigation in either state or federal courts obtain information from other parties. Under Rule 26, parties in a federal lawsuit may obtain discovery regarding any matter that is relevant to a claim or defense, so long as it is not privileged. According to Rule 26(a) what can be discovered includes "documents," "tangible things," and "electronically stored information," which is broadly defined as "any type of information that is stored electronically."

Rule 26 regulates discovery in three major ways:

a. Parties must address electronic discovery issues at the beginning of litigation, including the form in which electronic information will be

[268] *Rockman Company (USA), Inc. v. Nong Shim Company, Ltd.*, 229 F. Supp. 3d 1109, 1122 (N.D. Cal. 2017).

[269] *Zubulake v. UBS Warburg, LLC*, 229 F.R.D. 422, 432 (S.D.N.Y. 2004); accord *In re Napster Inc. Copyright Litig.*, 462 F. Supp. 2d 1060, 1070 (N.D. Cal. 2006).

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produced to the other party, the preservation of electronic information, and claims of privilege for electronic information; [270]

b. Parties must produce relevant information from electronic sources that are "reasonably accessible," but may not have to produce information from older or backup systems if production would impose an undue burden or cost. The requesting party can, however, overcome a showing of undue burden or cost if they can establish "good cause" for doing so;[271] and

c. Privileges are retained for documents inadvertently disclosed. Such documents may be recalled by the disclosing party. In such cases, the privilege is not waived.[272]

The discovery rule does not require a local agency to alter its routine handling of electronically stored information prior to when litigation can reasonably be anticipated. The drafters of the rules recognized that electronic information might be routinely altered, purged or overwritten as part of a system's operation. Under 2006 revisions to Rule 37, the routine purging of outdated electronic information, including the "alteration or overwriting of information…to meet the party's technical and business needs" was permissible, if it was done in accordance with other laws, such as the records retention laws in Government Code Sections 34090-34090.8. Those sections permit a city, for example, to destroy certain city records that are "no longer required" and are more than two years old if authorized by a city council resolution and the written consent of the city attorney. Records that may not be destroyed include: real property title records, court records, records required to be kept by statute, records less than two years old, and the minutes, ordinances, or resolutions of the legislative body, city board, or commissions.

In 2015, the "routine, good faith operation" language was deleted from Rule 37. The revised rule provides limited sanctions for parties who inadvertently cause electronically stored information to be lost because of their failure to take reasonable steps to preserve the information. However, the Advisory Committee Notes to Rule 37(e) point out that "the routine, good-faith operation of an electronic information system would be a relevant factor for the court to consider in evaluating whether a party failed to take reasonable steps to preserve lost information."

Once litigation can be reasonably anticipated, a local agency has a duty to preserve potentially relevant information for discovery. In some cases, the local agency may have to suspend the routine operation of its information systems in

[270] Fed. R. Civ. P. 26(f)(3)(C).

[271] Fed. R. Civ. P. 26(b)(2)(B).

[272] Fed. R. Civ. P. 26(b)(5)(B).

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order to preserve information potentially relevant to the litigation. In such cases, it must take "reasonable steps" to prevent the loss of electronically stored information. In evaluating whether a city's preservation attempts were reasonable, courts should take into account the limited staff and resources that governmental parties may have to devote to preservation efforts.[273] Note that electronically stored information lost despite a city's reasonable preservation efforts—such as through the failure of a cloud-based storage service, a malignant software attack, or accidental damage to physical hardware—will not give rise to sanctions under Rule 37.

These rules on document preservation highlight the importance of having a written document retention policy. A written policy will show what operations are routine. This will help protect a local agency from sanctions if litigation occurs and allow its attorneys to discuss its routine computer operations with the court and other parties. Such a policy should set specific limits for how long information is retained and specific procedures for the routine destruction of electronic data. The policy should also address the steps that the agency will take to preserve potentially relevant information when litigation is reasonably anticipated. These policies should be in accordance with Government Code Sections 34090-34090.8 and any other applicable laws governing the preservation of city records.

The other discovery rules further illustrate how a written policy will aid a local agency in litigation. When litigation begins in federal court, Rule 26(f) requires the parties' lawyers to confer about "any issues about disclosure, discovery, or preservation of electronically stored information." No part of electronic discovery is more important for determining the scope of the preservation obligation than the pre-scheduling conference meet and confer provided under Rule 26(f). Rule 26(f) explicitly directs the parties to discuss the form in which electronic information will be produced, how it will be preserved, and how to address claims that certain information is privileged.

The pre-scheduling conference meet and confer can be the single most important factor to reduce costs and burdens of discovery. In order for a local agency's counsel to be prepared to discuss these issues, the rules note that it is "important for counsel to become familiar with those systems before the conference." In some cases, counsel may have to identify and interview individuals with special knowledge of the agency's computer systems.

Rule 26(b) requires the parties to identify whether "reasonably accessible" electronic sources can provide all of the relevant, non-privileged, information. Parties will need to distinguish these "reasonably accessible" sources from those

[273] Fed. R. Civ. P. 37(e) Advisory Committee Note.

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that are not "reasonably accessible" because of undue burden or cost. Examples of information that might not be reasonably accessible include:

- deleted items,
- fragmented or damaged data,
- information kept on some back-up tape systems for disaster recovery purposes, and
- legacy data remaining from systems no longer in use.

Under Rule 26(a), the parties must produce all of the relevant, non-privileged information from the "reasonably accessible" sources within 14 days of the initial conference during the "initial disclosure," a requirement unique to federal court where relevant information is disclosed at the outset of the civil discovery period. Discovery from sources that a party deems not "reasonably accessible" can still occur if the requesting party can show that there is no undue burden or cost or upon a showing of "good cause."

Once discovery begins in federal court a local agency must be prepared to explain how their electronic information systems work, which systems contain information potentially relevant to the litigation, how those systems are accessed, and the costs of accessing archival or older systems. Having a written policy in place will reduce the costs and staff time associated with complying with these discovery rules. It will also aid staff in familiarizing themselves with the operations of the agency's computer data and storage systems as well as any external storage and backup systems, and in explaining these operations to agency counsel and opposing parties. Finally, having a written policy will minimize the likelihood of destroying discoverable materials and thus dramatically reduce the chance that an agency will be hit with discovery sanctions during litigation.

Taken together, these federal discovery rules make it advisable for a local agency to put in writing its procedures for managing electronic information.

In light of these rules and obligations and as a first step to forming or maintaining an already-created written policy on electronically stored information, public agencies should review their operating systems to ensure they understand how electronic information is currently stored and retained. In addition, public agencies should examine their data recovery systems and archival data to determine the type of information contained in these systems, and to understand the costs associated with retrieving such data. Agencies should also regularly review their written policies once implemented to ensure that they remain up to date as new technologies and systems replace old ones.

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(3) The California Civil Discovery Act Contains a Process for Electronic Discovery in State Court

In 2009, the California Legislature adopted federal-style procedural rules to permit the discovery of electronically stored information in state court cases pursuant to Assembly Bill ("AB") 5, following the 2006 amendments to the Federal Rules of Civil Procedure.[274] Electronically stored information is broadly defined by AB 5[275] as any information that is stored in an electronic medium, and includes emails, documents, spreadsheets and any other information stored in computers and other electronic devices.[276] These rules make the creation of the above-mentioned written policy on electronically stored information just as applicable to state court litigation as federal court litigation.

Similar to the Federal Rules, a safe harbor exists for spoliation caused by "routine, good faith operation of an electronic information system."[277] The state discovery rules specifically provide that a court shall not impose sanctions on a party for failing to provide electronically stored information that has been lost, damaged, altered or overwritten as the result of the routine, good faith operation of an electronic information system, absent exceptional circumstances.[278] Accordingly, public agencies should ensure electronically stored information is retained or deleted only in accordance with the adopted policy. Agencies should thus train employees to make sure the document retention policies are appropriately followed at all times.[279]

Further, as with federal court litigation, once state court litigation is reasonably anticipated, public agencies have a duty to stop automatic destruction processes and preserve potentially relevant electronically stored information in the format in which it currently exists, notwithstanding the normal document retention policy that might otherwise permit destruction.[280] In the event litigation is reasonably anticipated, public agencies should ensure that "litigation holds" are applied to electronically stored information potentially relevant to the litigation, so that it is not deleted, whether intentionally or by automatic computer processes. The retention of information that may be potentially relevant to

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274 AB 5, Stat. 2009, c. 5 (amending Code of Civ. Proc. §§ 2016.020, 2031.010 through 2031.060, and 2031.210 through 2031.320, and adding Code of Civ. Proc. §§ 1985.8 and 2031.285).

275 *See* Code of Civ. Proc. §§ 1985.8, 2016.020, and 2031.010 et seq.

276 Code of Civ. Proc. § 2016.020(e).

277 Code of Civ. Proc. § 2031.320(d).

278 Code of Civ. Proc. § 2031.060(i)(1).

279 Code of Civ. Proc. § 2031.060(i)(2).

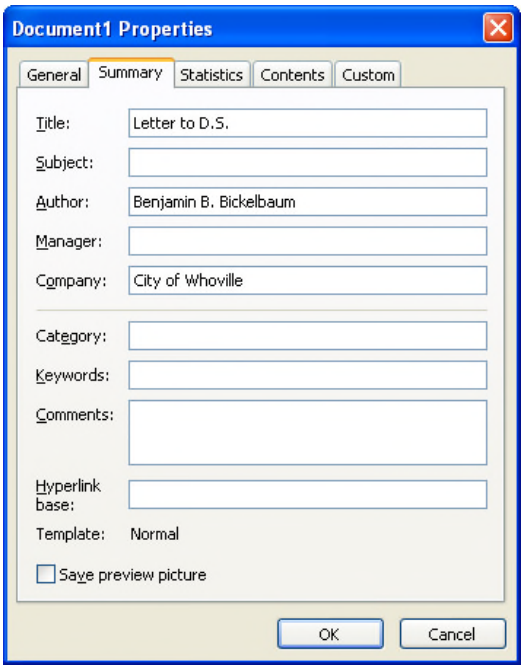
280 *Coca-Cola Bottling Co. v. Superior Court (Jones)*, 233 Cal. App. 3d 1273, 1293 n. 10 (4 Dist. 1991) (party litigant has a duty not to lose or destroy relevant evidence).

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anticipated litigation should also be a part of the agency's written policy on electronically stored information.

In light of a 2017 California Supreme Court decision outlining the broad scope of discovery, agencies are advised to consult legal counsel in determining the breadth of a litigation hold. Documents and information that the agency believes to be protected under a right to privacy argument should still be preserved, if even potentially relevant to the litigation. In *Williams v. Superior Court*, the Court stated that "the right to discovery in this state is a broad one, to be construed liberally so that parties may ascertain the strength of their case and at trial the truth may be determined."[281] The Court determined that the defendant in *Williams* was obligated to disclose the personal information of individuals who may have had no bearing on or relation to the claims asserted by the plaintiff. It further stated that the party opposing discovery has the burden of showing that a privacy right exists that outweighs the potential relevance of the information requested. The same burden applies when the party opposing discovery argues undue hardship. In both instances, the burden is a high one. Agencies should therefore be mindful that they may have to produce a broader scope and larger volume of documents and electronically stored information than was required in prior years, and accordingly should, in consultation with counsel, broaden the scope of their document retention policy and litigation holds.

When instituting a legal hold, or responding to discovery requests in litigation, attorneys and clients must work together to understand how and where electronic documents, records (including social media posts), and emails are maintained and to determine how best to locate, review, and retain responsive documents.



B. Metadata

Word processing documents most readily fit the definition of "record," and they also present the greatest potential for inadvertent disclosures. A modern word processing document is comprised of far more than simple words on a page. Microsoft Word documents typically contain information about the author or editor, the author's organization, the time the document was created, modified or accessed, the amount of time spent editing the document, and even what earlier versions of the document looked like. This

[281] *Williams v. Superior Court (Marshalls of CA, LLC)*, 3 Cal. 5th 531, 538 (2017).

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"metadata," which literally means data about data, is automatically attached to documents by modern word processors. For instance, some metadata appears in Microsoft Word under the "Home" menu, by selecting "Properties."

Although metadata can be useful information, it can also result in unwanted disclosures. For instance, as the dialog box above shows, Microsoft Word automatically inserts the name and company of the author of the document, and there are numerous other fields that can be filled in. If a local agency does not want this sort of information disclosed as a general rule, the word processor should be configured to not record this information.

More significantly, many word processors have a "tracked changes" function. When public officials and employees work with multiple drafts of a document, especially when multiple people work on the same document, they frequently make use of a feature that highlights every change made to the document. That way, when a party to a proposed contract wants to delete a provision or insert a line, it is easy for the other party to see the change. It is simple to turn this feature on and off, but it is also simple to turn the display of tracked changes on and off, while still having the word processor keep track of the changes. As a result, it is not uncommon for documents to be transmitted electronically with changes tracked, without the knowledge of the author. If the author deleted a paragraph, the person reviewing the tracked changes could restore that paragraph. The implications become particularly significant if the author had deleted the text because it was deemed inaccurate or sensitive.

Moreover, recall that drafts are only nondisclosable if it is the public agency's policy to not retain them in the course of business. If a city routinely saves documents with changes tracked, then arguably it has preserved the earlier drafts of the document. This could thwart a city's policy to avoid preserving drafts. Consequently, it should be common practice to remove any tracking from a document upon finalization, or better yet, to not use tracking in the first place.

Similarly, most word processors have an "undo" button, which is useful for correcting typos or to recover inadvertently deleted text. Many word processors can "undo" a string of actions, and can even "undo" actions repeatedly until the document is a blank page. If a city official sends that document to someone making a public records request, the individual could click on "undo" repeatedly to see every step that the author took in drafting the document. This presents the same problems as with "tracked changes" – sensitive or inaccurate information that the author meant to delete could be included in the metadata. Accordingly, in using word processors, public agencies should ensure that they are configured to eliminate the "undo" trail when a document is saved.

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In addition to all of the above strategies, there are several programs available that can remove metadata after a document has been completed, or at the time it is emailed. However, the use of such programs on documents that are subject to a public records request would be of questionable legality. Under the Public Records Act, a request for a public document must include the exact document, and on the face of it, stripping metadata from a document that is requested in electronic form potentially would violate this requirement.[282] Depending on your document retention schedule, you may be able to strip metadata from some older documents upon archiving them, but deleting metadata from documents that the local agency is required to retain may violate document retention requirements.

If the requester does not expressly ask that the document be provided in electronic format, the statute does not prohibit the agency from supplying it in printed form. Accordingly, a local agency may wish to adopt a policy of providing electronic records in printed form unless a requester expressly asks for an electronic version, and providing records in .pdf format when requesters ask for electronic versions. If the requester expressly asks for the original document format, legal counsel should be consulted.

It is unclear how the new federal electronic document discovery rules would apply to metadata. Rule 26 does not specifically address metadata, but the comment to the revision mentions metadata and states that "[w]hether this information should be produced may be among the topics discussed in the Rule 26(f) conference." Consequently, there is the potential for the disclosure of metadata in litigation, which further highlights the importance of establishing standard practices for creating and handling metadata. During litigation, it is often advisable to maintain sources of electronically stored information in native formats with metadata, to preserve the ability to produce the data if necessary.

III. CITY WEBSITES

A significant percentage of California cities now provide at least basic information about their government on city-run websites. Posting certain commonly requested information on a web page is a way to reduce the staff time necessary to respond to public records requests. City websites also provide a method to increase public participation in local government, such as more recent requirements for posting of public meeting agendas electronically. However, city website practices may have legal ramifications, and it is advisable for a city to draft and implement a policy on the permitted uses of its website to

[282] *See* Gov't Code § 7922.530(a) ("Upon request, an *exact* copy shall be provided unless impracticable to do so."); *Rosenthal v. Hansen*, 34 Cal. App. 3d 754 (1973).

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avoid violating legal restrictions such as those related to mass mailings and use of public funds for "express advocacy," and also to avoid creating a "public forum."

A. Websites and the "Mass Mailing" Prohibitions

The Political Reform Act prohibits the sending of newsletters and other so-called "mass mailings" at public expense.[283] A "mass mailing" is defined as the mailing or distribution at public expense of 200 or more items within a calendar month featuring the name, office, photograph or other reference to an elected officer of the agency.[284] The underlying intent is to preclude elected officials from using newsletters as indirect campaign flyers for themselves.

In brief, Section 89002 of the Government Code provides a four-prong test to determine the legality of mass mailings. A mass mailing is prohibited if each of the following elements is present:

a. a delivery of a tangible item,

b. that "features" or includes reference to, an elected official,

c. distributed at public expense regardless of the cost, or produced at public expense where the cost of production exceeds $50.00, or

d. in a quantity of 200 or more per calendar month.[285]

On the face of it, the regulation would not apply to web pages, because they would not constitute "a delivery of a tangible item."

The FPPC, which interprets the Political Reform Act, has yet to render an official opinion on the applicability of the mass mailing rule to websites. However, numerous advice letters issued by the FPPC have concluded that the prohibitions on publicly funded mass mailings contained in Government Code Sections 89001 and 89002 do not apply to websites or web pages because they do not constitute a tangible item.

In 1998, the FPPC responded to an inquiry as to whether a committee, advocating the passage of a bond measure expected to be placed on the ballot by a school board, may obtain a link from a "school district website to a web page" advocating the passage of the bond measure. The FPPC advised that,

> According to [former] Regulation 18901(a)(1) [now Section 89002 of the Government Code], a publicly-funded mailing is a prohibited

[283] Gov't Code § 89001.

[284] Gov't Code § 89002(a).

[285] *Id*.

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> mass mailing if it is delivered as a tangible item to the recipient at his or her residence, place of employment or business, or post office box. Consistent with [former] Regulation 18901, the ban is applicable to tangible items only. Since distribution over the Internet is not a distribution of a tangible item, Internet pages are not prohibited mass mailings under the [Political Reform] Act.[286]

Even though providing a link to an express advocacy website may not qualify as a "mass mailing," it could violate other laws, as will be discussed below in Section B.

A second advice letter similarly concluded that web pages are not covered under the mass mailing prohibitions of the Political Reform Act. That advice letter was issued by the FPPC in 1999 in response to a request for advice by the County of Lake. The inquiry was whether the County could include on its web page photographs and a short biography for each member serving on its board of supervisors.[287] The FPPC letter reiterated that former FPPC Regulation 18901 did not apply to the actions listed above because "web pages are not considered tangible items" and not subject to mass mailing restrictions.[288]

Since those advice letters were issued, the FPPC has continued to reaffirm its conclusion that distribution of information over the Internet, including websites, is not distribution of tangible items. In 2013, a city attorney requested advice regarding whether the mass mailing provisions prohibit City staff from listing the mayor's bed and breakfast business on the city's website along with other places of lodging in the city. The FPPC advised that the mass mailing provision does not prohibit the listing of the mayor's business on the city's website because providing information over the Internet is not distribution of a tangible item.[289] The FPPC also recommended a review of laws pertaining to use of public resources.[290] In 2019, the FPPC issued an informal advice letter concluding that the mass mailing prohibition does not apply to "tag" members of the Fountain Valley City Council on the City's Facebook page because the mass mailing provision does not apply to distribution over the Internet, this includes Facebook.[291]

Given the foregoing, city web pages provide a unique opportunity for elected officials to communicate with their constituents. Council members could each maintain their own page on the website, drawing attention to issues of interest to

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286 *Foote Advice Letter*, No. A-98-114, 1998 WL 289895 (1998) (citation omitted).

287 *Peterson Advice Letter,* No. A-99-013, 1999 WL 100857 (1999).

288 *Id*.

289 *Pierik Advice Letter*, No. A-13-012 (2013).

290 *Id*.

291 *Burns Informal Assistance*, No. I-19-145, 2019 WL 6458461 (2019). The FPPC cautioned, however, that Facebook "tagging" should also be analyzed to make sure that it did not result in a contribution under the Political Reform Act.

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the community. There are, however, some limitations on what the web pages can contain, as discussed below.

B. Avoiding Express Advocacy

Although websites and web pages are not currently covered under the mass mailing restrictions of FPPC Regulation Section 18901, public agencies must still be mindful of other regulations and laws that might be violated by its decisions to permit links from official websites. For example, the Political Reform Act prohibits the use of public moneys for election campaigns.[292] Consequently, a city's web page must not indicate support or approval of, or advocate for, a candidate for elective office or a ballot measure.

The leading California case setting forth the basic rule with respect to government involvement in political campaigns is *Stanson v. Mott*.[293] In *Stanson*, the California Supreme Court addressed the question of whether the State Director of Beaches and Parks was authorized to expend public funds in support of certain state bond measures for the enhancement of state and local recreational facilities. The court concluded that the Director of Beaches and Parks lacked such authority and set forth the basic rule that "in the absence of clear and explicit legislative authorization, a public agency may not expend public funds to promote a partisan position in an election campaign."[294] Only impartial "informational" communications would be permissible, such as a fair presentation of the facts in response to a citizen's request for information.[295]

The *Stanson* Court also recognized that the line between improper "campaign" expenditures and proper "informational" activities is not always clear. "[T]he determination of the propriety or impropriety of the expenditure depends upon a careful consideration of such factors as the style, tenor and timing of the publication; no hard and fast rule governs every case."[296] The California legislature also codified the holding of *Stanson* in Government Code Section 54964.[297]

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[292] Gov't Code § 85300. *See also Howard Jarvis Taxpayer Assn. v. Newsom*, 39 Cal. App. 5th 158, 161-162 (2019) (invalidating limited exception to this prohibition).

[293] *Stanson v. Mott*, 17 Cal. 3d 206 (1976).

[294] *Id.* at 209-10.

[295] *Id.* at 221.

[296] *Id.* at 222 (citations omitted).

[297] Government Code Section 54964 prohibits the expenditure of public funds "to support or oppose the approval or rejection of a ballot measure, or the election or defeat of a candidate, by the voters." The statute does not prohibit expenditures to provide information to the public about the possible effects of a ballot measure on the activities, operations, or policies of the local agency, if the informational activities are not otherwise prohibited by the Constitution or state law and the information provided constitutes an accurate, fair, and impartial presentation of relevant facts to aid the voters in reaching an informed judgment regarding the ballot measure.

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The *Stanson* test was reaffirmed by the California Supreme Court in *Vargas v. City of Salinas*.[298] Prior to *Vargas*, courts attempting to interpret and apply *Stanson* used varying tests to determine the permissibility of expenditures. For example, in *California Common Cause v. Duffy*, an appellate court held that a local sheriff's use of public facilities and personnel to distribute postcards critical of then-Supreme Court Justice Rose Bird was "political" and not "informational" as permitted by *Stanson* because the cards presented only one side of Justice Bird's fitness to be retained in office.[299] In another appellate decision, *Schroeder v. City Council of Irvine*, Irvine's "Vote 2000" Program was upheld.[300] The program encouraged voter registration, without specifically advocating a particular position on any measure. Although the city had taken a public position in favor of the proposed ballot measure, the materials it distributed did not advocate any particular vote on the measure and rarely mentioned the measure at all. The *Schroeder* court held that the funds spent on the Vote 2000 program would be political expenditures and unlawful under *Stanson* only if the communications expressly advocated, or taken as a whole unambiguously urged, the passage or defeat of the measure.[301] Because the city presented a neutral position on "Measure F," at least in the campaign materials, the court upheld the program as valid.

However, in *Vargas v. City of Salinas*, the California Supreme Court decided that "express advocacy" is an insufficient standard. In *Vargas*, proponents of a local ballot initiative to repeal the city's utility users tax ("Measure O") sued the city alleging improper government expenditures. The court held that even if a communication does not expressly advocate for either side of an issue, a *Stanson* analysis must nonetheless be conducted to determine whether the activity was for informational or campaigning purposes based on its style, tenor, and timing.[302] Although the court did not specifically refer to the *Schroeder* analysis in its opinion, the court clearly stated that the "express advocacy" standard does not meaningfully address potential constitutional problems arising from the use of public funds for campaign activities that were identified in *Stanson*. Thus, local governments must look to *Vargas* rather than *Schroeder* for the proper standard to evaluate whether an expenditure is permissible.

A variety of factors led to the *Vargas* court's conclusion that the communications were informational, including the fact that the publications avoided argumentative or inflammatory rhetoric and did not urge citizens to vote in a particular manner. The challenged expenditures were made pursuant to general appropriations in the city's regular annual budget pertaining to the maintenance

298 *Vargas v. City of Salinas,* 46 Cal. 4th 1 (2009).

299 *California Common Cause v. Duffy*, 200 Cal. App. 3d 730, 746-747 (4 Dist. 1987).

300 *Schroeder v. City Council of Irvine*, 97 Cal. App. 4th 174, 187-188 (4 Dist. 2002).

301 *Id.*

302 *Vargas*, 46 Cal. 4th at 8.

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of the city's website, the publication of the city's regular quarterly newsletter, and the ordinary provision of information to the public regarding the city's operations. The Supreme Court found that the city engaged in informational rather than campaign activity when it posted on the city's website the minutes of city council meetings relating to the council's action along with reports prepared by various municipal departments and presented by officials at city council meetings.[303] Similarly, the city did not engage in campaign activity by producing a one-page document listing the program reductions that the city council voted to implement should Measure O be approved, or in making copies of the document available to the public at the city clerk's office and public libraries.[304] The court reasoned that viewed from the perspective of an objective observer, the document clearly constituted an informational statement that merely advised the public of specific plans that the city council voted to implement should Measure O be approved.

Finally, the court found that the city engaged in permissible informational activity by mailing to city residents the fall 2002 "City Round-Up" newsletter containing articles describing proposed reductions in city services. Although under some circumstances the mailing of material relating to a ballot measure to a large number of voters shortly before an upcoming election would constitute campaign activity, a number of factors supported the court's conclusion that the mailing of the newsletter constituted informational rather than campaign activity: it was a regular edition of the newsletter that was mailed to all city residents as a general practice, the style and tenor of the publication was entirely consistent with an ordinary municipal newsletter and readily distinguishable from traditional campaign material, and the article provided residents with important information about the tax in an objective and nonpartisan manner.[305]

The Supreme Court illustrated the insufficiency of the "express advocacy" standard by suggesting that if the City of Salinas were to post billboards throughout the City prior to an election stating, "'IF MEASURE O IS APPROVED, SIX RECREATION CENTERS, THE MUNICIPAL POOL, AND TWO LIBRARIES WILL CLOSE,' it would defy common sense to suggest that the City had not engaged in campaign activity even though such advertisements would not have violated the express advocacy standard."[306]

Vargas and *Stanson* reflect that local agencies must exercise caution when communicating to voters about local measures. The same prohibitions on the use

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[303] *Id.* at 37.

[304] *Id.* at 37-38 (stating, "not only [did] the document in question not advocate or recommend how the electorate should vote on the ballot measure, but its style and tenor [was] not at all comparable to traditional campaign material"). The fact that the city only made the document available at the City clerk's office and in public libraries to people who sought it out reinforced the document's informational nature.

[305] *Id.* at 38.

[306] *Id*. at 32.

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of public moneys to support or oppose a ballot measure or a candidate for political office would likely also apply to public agency websites. This is because the time and expense of maintaining a website and adding links to other websites may result in a form of "in kind" contribution from the public agency to the particular candidate or campaign committee. "Professional services, including the creation and maintenance of a website for a candidate, could conceivably result in a contribution from the county to the candidate."[307]

Public officials must ensure that there is no inclusion of information or links on their websites that contain words of express advocacy or that unambiguously promote or suggest a particular position in a campaign. Public officials must also avoid any actions which, based on their "style, tenor and timing", may lead to a determination that a city website contains impermissible advocacy. Unfortunately, there is no hard and fast rule to assist public officials in distinguishing improper partisan campaign expenditures from permissible expenditures for "informational activities." Whether a communication is permissible will be based on a combination of these factors, and public officials should therefore seek the advice of legal counsel on a case-by-case basis. Assistance may also be obtained from the FPPC.

Note also that public officials could potentially face personal liability if a court concluded that they used public funds for a partisan campaign. The *Stanson* opinion concluded that public officials "may properly be held to a higher standard than simply the avoidance of 'fraud, corruption or actual malice' in their handling of public funds."[308] Instead, public officials must exercise "'due care,' i.e., reasonable diligence, in authorizing the expenditure of public funds, and may be subject to personal liability for improper expenditures made in the absence of such due care."[309] If public officials published a web page that conveyed a partisan slant, a court could conclude that the officials failed to exercise this due care.

C. Public Forum

In addition to the mass mailing and express advocacy considerations, the existence of city websites also raises the issue of whether a website constitutes a "public forum" in which any member of the public would have a right to post information or links, or engage in debate or discourse. The decisions of public agencies on what sort of content to include on web pages, whether to allow external links to be posted, and what type of links to permit, have the potential to infringe upon rights guaranteed by the First Amendment of the United States

[307] *Peterson Advice Letter,* No. A-99-013, 1999 WL 100857 (1999).

[308] *Stanson*, 17 Cal. 3d at 226.

[309] *Id.* at 226-27.

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Constitution, the California Constitution's "Liberty of Speech Clause," and other legal principles.

In relevant part, the First Amendment provides that, "Congress shall make no law … abridging the freedom of speech."[310] Similarly, the "Liberty of Speech Clause" provides that, "A law may not restrain or abridge liberty of speech or press."[311]

The United States Supreme Court uses the "public forum" doctrine to evaluate the constitutionality of government regulation of private speech on public property. This doctrine classifies public property according to three categories of public forum status: (i) traditional public forums - areas traditionally used for expressive activity such as streets, sidewalks and parks; (ii) designated public forums - areas dedicated by the government for expressive activity, either generally or for limited purposes; and (iii) nonpublic forums.

"Public forum" status directly impacts the degree to which a public agency may regulate private expression on public property. For example, if a public agency's website were deemed a "nonpublic forum," then the agency would have considerable discretion in determining which applications for website links to accept. By contrast, if a public agency's website was deemed a "traditional public forum" or a "designated public forum," then the agency's discretion would be substantially diminished.

Two cases addressing whether city websites constitute public forums are discussed below.

(1) Putnam Pit, Inc. v. City of Cookeville

The case of *Putnam Pit, Inc. v. City of Cookeville* provides an example of how the First Amendment may limit a public agency's authority to control external links on its website. *Putnam Pit* is a federal case discussing the validity of a website link policy under the First Amendment.[312] This case involved a free speech claim by a small, free website newspaper publisher, against the City of Cookeville, Tennessee.

The case arose from Cookeville's refusal to establish a link from its website to the website of the publisher's on-line newspaper, the "*Putnam Pit*." The "*Putnam Pit*" website focused on commentary critical of the City of Cookeville and its officials and staff. At the time that the publisher initially requested and was denied the link, "several for-profit and non-profit entities were linked to the . . . [Cookeville]

310 U.S. CONST. amend I.

311 CAL. CONST. art. 1, § 2(a).

312 *Putnam Pit, Inc. v. City of Cookeville*, 221 F.3d 834 (2000).

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Web site, including a local technical college, two Internet service providers, a law firm, a local computer club, a truck product manufacturer and distributor, and a site with information about Cookeville."[313] However, prior to the publisher's request, Cookeville "had no stated policy" on who could be linked to the city's website.[314] Upon learning of the publisher's request, the city manager decided to permit links only "from the Cookeville Website to other sites, which would promote the economic welfare, tourism, and industry of the city."[315] Pursuant to this policy, the city manager subsequently denied the publisher's request for a link from the Cookeville website to the "*Putnam Pit*" website and then removed several links to other websites from the Cookeville website.[316]

The Sixth Circuit Court of Appeals ruled that based on the facts presented, the city's website was a nonpublic forum under the First Amendment, and that the city could impose reasonable restrictions but could not engage in viewpoint discrimination.[317] The court also ruled the publisher was entitled to a trial regarding whether Cookeville discriminated against him based upon viewpoint when the city manager denied him a link on the website. Facts that could potentially constitute viewpoint discrimination included statements by the city manager that he thought the "*Putnam Pit*" consisted only of the publisher's "opinions," "which he didn't care for" and actions by the city manager who indicated to the publisher that he would not be permitted a link even if the "*Putnam Pit*" were a non-profit entity.[318]

(2) Vargas v. City of Salinas

In *Vargas v. City of Salinas*, the California Supreme Court also considered whether a city website constituted a public forum.[319] In *Vargas*, city residents placed an initiative on the ballot to repeal the city's long-standing utility users tax. The city staff prepared a series of reports addressing the impact the loss of the tax would have on the city's budget, including the reduction and elimination of services and programs, and posted those reports on the city's web page. The initiative supporters contended that they had a right to provide their own information on the web page, which the city rejected.

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313 *Id.* at 841.

314 *Id.*

315 *Id.*

316 *Id.*

317 *Id.* at 843-845.

318 The court further concluded that, "[t]he city's actions, some of which appear to be tied to the city's interests, and others which appear less clearly relevant to the purpose of the city's Web site, lead us to REVERSE the district court's grant of summary judgment because [the publisher] has raised a material issue of fact regarding whether the city discriminated against him and his Web site based upon viewpoint." *Putnam Pit, Inc.,* 221 F.3d at 846.

319 *Vargas*, 46 Cal. 4th at 37, n.18.

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The Supreme Court concluded that the city's web page was not a public forum because the city had not opened its website to permit others to post material of their choice.[320]

D. Public Forum Analysis

The *Putnam Pit* and *Vargas* courts applied the public forum analysis of the First Amendment to the city's action with respect to the website, treating the website as analogous to physical public property. As previously mentioned, the United States Supreme Court has established that, for such analyses, the extent of permissible government restrictions on expressive activity are governed by whether the activity occurs in (i) a traditional public forum; (ii) a designated public forum; or (iii) a nonpublic forum.[321]

(1) Traditional public forum

Traditional public forums are "places which by long tradition or by government fiat have been devoted to assembly and debate." Typically such places have included public streets, sidewalks and parks.[322] Government regulations that restrict the "content" of expressive activity in such forums "must withstand strict scrutiny."[323] This means that if the government wishes to restrict expressive activity based on content, such restrictions must serve a "compelling state interest" and must be "narrowly tailored" to serve that interest. However, if the government imposes content-neutral restrictions on the "time, place and manner" of expressive activity in public forums, then such restrictions must serve a "significant public interest," must be "narrowly tailored" to that interest and must leave open "alternative avenues of communication."[324]

(2) Designated public forum

The Supreme Court has held that "[i]n a designated public forum, the government 'intentionally opens a nontraditional public forum for public discourse.'"[325] An example of a designated public forum is the public comment session at a city council meeting. In a designated public forum, the government may restrict the content of the expressive activity to that which is within the scope of the public

320 *Id.*

321 *Perry Ed. Ass'n v. Perry Local Ed. Ass'n,* 460 U.S. 37, 45-46 (1983).

322 *Putnam Pit, Inc.,* 221 F.3d at 842 (citing *Perry*, 460 U.S. at 45).

323 *Id.* at 843.

324 *Id.* (citing *Perry*, 460 U.S. at 45).

325 *Id*. (citing *Cornelius v. NAACP Legal Defense & Educ. Fund, Inc*., 473 U.S. 788, 802 (1985)).

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forum. For example, in the case of a city council meeting, the government may restrict speech to only permit discussion of city business.[326]

Once the government opens a nontraditional public forum to a class of persons, the restrictions applicable to those to whom the forum is opened must also withstand strict scrutiny. Thus, as in the case of public forums, regulations governing designated speakers in designated public forums must serve a "compelling state interest" and must be "narrowly tailored" to serve that interest.[327] Accordingly, it is important for a city to avoid creating a designated public forum on its website so as not to establish rights where none previously existed, or at least to have a clear policy on who may post on the city's website.

(3) Nonpublic forum

Nonpublic forums are those places that are not typically used for public debate or the free exchange of ideas. Accordingly, "the First Amendment does not forbid a viewpoint-neutral exclusion of speakers who would disrupt a nonpublic forum and hinder its effectiveness for its intended purpose."[328]

Examples of nonpublic forums include highway rest areas and advertising on a municipal bus.[329] In a nonpublic forum government may prohibit speech or expressive activity, so long as such restrictions are reasonable in light of the government's interest and do not attempt to suppress the speaker's activity based on disagreement with the speaker's views.[330]

(4) Public entity websites as nonpublic forums

The Sixth Circuit Court of Appeals in *Putnam Pit* concluded that the City of Cookeville's website was a "nonpublic" forum under the First Amendment because the website was not open to the public, and before and after the city adopted a website link policy, links had been established on an individualized basis.[331] This determination is significant because a government entity, as previously discussed, has more discretion to regulate public expression in a nonpublic forum than it does in a "traditional public forum" (such as a park) or in a "designated public forum" (a place expressly opened for free speech by the public). The court also emphasized that the city had legitimate interests "in

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[326] *See White v. City of Norwalk*, 900 F. 2d 1421, 1425 (1990) (concluding that city councils have authority to limit speech through the imposition of agendas and rules of order and decorum).

[327] *Perry*, 460 U.S. at 46.

[328] *Putnam Pit,* 221 F. 3d at 845 (quoting *Cornelius,* 473 U.S. at 811).

[329] *Jacobson v. Bonine*, 123 F. 3d 1272, 1274 (1997); *Children of the Rosary v. City of Phoenix*, 154 F. 3d 972, 978 (1998).

[330] *Perry,* 460 U.S. at 46.

[331] *Putnam Pit, Inc.,* 221 F.3d at 844.

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keeping links that are consistent with the purpose of the site—providing information about city services, attractions and officials."[332]

Despite the fact that the court in *Putnam Pit* determined that the city's website was a nonpublic forum, giving the city broad discretion to limit access to its website links, the court stated that the city could not deny links "solely based on the controversial views" the publisher espouses.[333] The court concluded that the city's "requirement that websites eligible to be linked to the city's site promote the city's tourism, industry and economic welfare gives broad discretion to city officials, raising the possibility of discriminatory application of the policy based on viewpoint."[334] Accordingly, the court remanded the case to the district court for further proceedings on the issue of whether the city improperly exercised its authority to restrict access to links on its website in a discriminatory manner in violation of the publisher's First Amendment rights.

The *Vargas* court also concluded that the city's website was a nonpublic forum, and the city could exclude the initiative proponents from posting information on the site.[335] In contrast to *Putnam Pit*, in *Vargas* the city did not permit access to the web page by either proponents or opponents of the ballot initiative.[336]

Limiting use of a city website only to city-related activities may result in a court finding that the public forum analysis is not appropriate under the facts, and that the issue should be evaluated instead under the doctrine of governmental speech.[337] The U.S. Supreme Court has ruled that the Free Speech clause does not apply to government speech, because the Free Speech Clause restricts government regulation of private speech and does not regulate government speech.[338] Under the government speech doctrine, the government has the right to speak for itself and a government entity may exercise this same freedom to express its views when it receives assistance from private sources for the purpose of delivering a government-controlled message.[339]

In *Sutliffe v. Epping School District*, an advocacy group challenged the Town of Epping after the town refused to include the group's hyperlink on the town's website.[340] The group wanted to present opinions countering the town's budget proposals regarding town and school activities. The group contended its hyperlink should have been allowed because the town had included a hyperlink

[332] *Id.* at 845.

[333] *Id.*

[334] *Id.* at 845-46 (citations omitted).

[335] *Vargas*, 46 Cal. 4th at 37 n.18.

[336] *See Id.*

[337] *Pleasant Grove City v. Summum,* 555 U.S. 460, 467 (2009).

[338] *Id.*

[339] *Id*. at 468.

[340] *Sutliffe v. Epping School District*, 584 F.3d 314, 333 (2009).

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to a one-day event put on by "SUE", which was part of a state university-sponsored program and was to be held among town residents to foster community spirit, civic discourse, and the organization of community-defined projects and action groups. By unwritten practice, the town had previously allowed only hyperlinks that would promote providing information about the town, and did not permit links that were political or advocated for certain candidates. A written policy established after the group's request limited hyperlinks to those for governmental agencies or events and programs coordinated or sponsored by the town.

The federal appeals court ruled in *Sutliffe* that a government entity has the right to express itself on means of communication that the government owned. The town engaged in government speech because the town created the website and selected which hyperlinks to place on its website to convey information about the town to its citizens and the outside world and, by choosing only certain hyperlinks to place on that website, communicated an important message about itself.[341] Hyperlinks were added only with approval by the Board of Selectmen. The court also rejected the group's claim that the town engaged in viewpoint discrimination, because the SUE event was a town-sponsored and financially-supported event, and nonpartisan.[342] The court also concluded that a public forum analysis did not apply under the facts, because the town's website is not a traditional public forum, and the website was not a designated public forum because there was no evidence that the town intentionally opened a nontraditional public forum for public discourse.[343]

Accordingly, in drafting and administering website link policies, a public agency should be mindful that "nonpublic forum status does not mean that the government can restrict speech in whatever way it likes."[344] A public agency may not deny requests to post information and links simply because they do not agree with a requesting party's views or the views espoused on the requesting party's website, but an across-the-board policy that does not discriminate on the basis of viewpoint should withstand judicial scrutiny. Reserving the website only for the public agency's activities and purposes may also help the public agency demonstrate that it is engaging in government speech, and has not created a public forum.

E. Chat Rooms, Forums, and Social Media

Note that the conclusion would have likely been different in *Vargas* if the website had contained a chat room, or other technology promoting open public

[341] *Id*. at 331.

[342] *Id*. at 331-332.

[343] *Id*. at 333-334.

[344] *Putnam Pit Inc.*, 221 F.3d at 846 (citations omitted).

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discussion. The term "chat room" generally refers to an area of a website that allows for a real-time interactive discussion between whoever wishes to participate, with every participant seeing what every other participant types in. Chat rooms allow visitors to access web pages to state their views on a topic of discussion, and in unmoderated chat rooms, to say anything about any subject. Many popular social media services, including Facebook, Twitter, and Instagram, include a system of public comment threads that similarly promote public discussion.

In *Vargas*, the California Supreme Court did not address chat rooms or social media services. However, in the prior appellate court decision, which was superseded on other grounds by the California Supreme Court, the appellate court had little trouble concluding that a chat room on a city web page would constitute a public forum:

> As noted above, "electronic communication media may constitute public forums. Websites that are accessible free of charge to any member of the public where members of the public may read the views and information posted, and post their own opinions, meet the definition of a public forum . . . ."[345]

Ampex Corp. v. Cargle and *ComputerXpress, Inc. v. Jackson*, were "anti-SLAPP" motions brought by defendants in defamation and libel actions, which are motions to strike a "Strategic Lawsuit Against Public Participation." In order to have a viable anti-SLAPP motion, the statements at issue must be made in a public forum, and both opinions concluded that chat rooms on the websites were public forums.

The federal courts increasingly hold that chat rooms and other forms of social media may constitute public forums. In 2017, the U.S. Supreme Court described cyberspace, and social media, as follows: "While in the past there may have been difficulty in identifying the most important places (in a spatial sense) for the exchange of views, today the answer is clear. It is cyberspace—the 'vast democratic forums of the Internet' in general [citation omitted], and social media in particular."[346]

With the recent ruling in the United States Supreme Court in *Lindke v. Freed*[347] officials now have clearer direction as to how to keep their social media sites

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345 *Vargas v. City of Salinas*, 37 Cal. Rptr. 3d 506, 527 (2005) (citing *Ampex Corp. v. Cargle*, 128 Cal. App. 4th 1569, 1576 (2005); *ComputerXpress, Inc. v. Jackson*, 93 Cal. App. 4th 993, 1006-07 (2001)).

346 See *Packingham v. North Carolina*, 137 S. Ct. 1730, 1735–36 (2017) (Supreme Court ruled that a North Carolina statute prohibiting sex offenders from accessing social networking websites violated the First Amendment because even assuming that the statute was content neutral, the statute could not survive intermediate scrutiny because it was not narrowly tailored to serve a significant governmental interest).

347 601 U.S. 187 (2024)

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"personal" and not expose their social media sites to a First Amendment challenge.

In that case, the City Manager of Port Huron, Michigan maintained a personal Facebook page where he posted about his personal life and his job. Once the COVID-19 pandemic began, he also posted both personal and job-related information about COVID-19. When a member of the public who opposed the city's COVID–19 position expressed his displeasure on the City Manager's Facebook page, the City Manager first deleted some comments and then banned him from the page. The man sued, claiming a First Amendment right to comment on the City Manager's Facebook page.

The Supreme Court determined that officials' social media accounts will be considered personal, and not subject to the First Amendment claims of others, unless the official: (1) possesses actual authority to speak on the agency's behalf ("state action"): and (2) purports to exercise that authority when the public official posts on social media.

The Court reasoned that public officials themselves have the "First Amendment right to speak about their jobs and exercise editorial control over speech and speakers on their personal platforms." However, this is not the case for social media activities that are considered state action. Determining whether a public official's social media activity constitutes state action, which prevents blocking specific comments or commenters, is a "fact-intensive inquiry." But, if the official does not possess actual authority to speak on behalf of the agency, the appearance or function of the social media account will not matter.

To create a presumption of "personal use," the Court suggests a social media account carry a label (i.e., "this is the personal page of [public official]" or a disclaimer (i.e., "the views expressed are strictly my own") but the presumption is not irrebuttable.

Two key takeaways officials should consider if they decide to block a comment or commenter are:

1. *Avoid State Action*. For a post to be state action, the official must have actual authority to speak on behalf of the public agency through statute, ordinance, regulation, custom, or usage. To qualify as "custom" or "usage," the official's social media use on behalf of the public agency must be "permanent and well settled" and that authority must extend to the type of speech in question.

2. Emphasize Personal Use. Courts will look at several factors such as: biography description ("personal page" v. "official page"), page maintenance ("individual" v. "public agency"), the type of posts

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("repetition of readily available information" v. "public announcement unavailable anywhere else").

Officials should also discuss the use of their social media accounts with legal counsel to determine if it is "official" or "personal." If a social media account is "personal" then a public official can decide which comments are allowed on the site and who can be banned from the site. However, if the social media account is "official" then a public official must be cognizant of the First Amendment rights of anyone who visits their social media site.

F. Accessibility Requirements

One other concern in designing a local agency's website is whether it is accessible to individuals with disabilities. Under the Americans with Disabilities Act (the "ADA"), local governments must ensure that they provide qualified individuals with disabilities equal access to their programs and services, including by making reasonable modifications to rules, policies, or practices; removing architectural, communication, or transportation barriers; or providing auxiliary aids or services, unless doing so would fundamentally alter the nature of their programs or services or would impose an undue burden.[348] Local governments must take appropriate steps to ensure that their communications with applicants, participants, members of the public, and companions are as effective as communications with others, and furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a government service, program or activity.[349]

Based on these requirements, the U.S. Department of Justice takes the position that state and local government websites must be designed to be accessible to individuals with disabilities. In March 2022, the U.S. Department of Justice issued guidance describing how state and local governments and businesses open to the public can make sure that their websites are accessible to people with disabilities as required by the ADA.[350] The DOJ will pursue enforcement actions, settlements and consent decrees to ensure that governmental websites are accessible.[351] In designing and maintaining an agency's web page to ensure

[348] 42 U.S.C. § 12131 et seq.

[349] 28 C.F.R. 35.160(a) and (b)(1).

[350] *See U.S. Department of Justice Guidance on Web Accessibility and the ADA (issued March 18, 2022)*, DOJ 22-262 (D.O.J.), 2022 WL 820126; also available at https://www.ada.gov/resources/web-guidance/.

[351] *See* U.S. Department of Justice, Accessibility of State and Local Government Websites to People with Disabilities (available at http://www.ada.gov/websites2.htm or https://archive.ada.gov/websites2_prnt.pdf; U.S. Department of Justice, ADA Best Practices Tool Kit for State and Local Governments, Chapter 5, "Website Accessibility Under Title II of the ADA" (available at https://www.ada.gov/pcatoolkit/chap5toolkit.htm or https://archive.ada.gov/pcatoolkit/ch5_toolkit.pdf). *See Barden v. City of Sacramento*, 292 F. 3d 1073, 1076-1077 (9th Cir. 2002) (holding that the ADA must be construed broadly to apply to normal functions of a municipal entity in order to effectively implement the ADA's fundamental purpose of providing a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities).

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compliance with First Amendment and Brown Act requirements, an agency should make sure it is designed for accessibility as well, in order to minimize the potential for litigation and adverse decisions.

There are currently no federal regulations addressing website accessibility requirements for state and local governments. However, in August, 2023, the U.S. Department of Justice issued a notice of proposed rulemaking entitled "Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities proposing to amend its title II ADA regulation to provide technical standards to assist public entities in complying with their obligations to make their websites and mobile apps accessible to individuals and disabilities.[352] The public comment period ended on October 3, 2023, and final regulation on this topic is scheduled to be issued by April, 2024. Pending adoption of federal standards, many state and local governments have used draft regulations issued during a prior Department of Justice rule-making process that started in 2010, but was ended in 2017.[353] Those draft standards are often used by state and local governments as a guide for best practices in considering accessibility issues. In addition, even without specific technical standards applicable to local governments, there are a number of regulations and guidelines that may be used to design accessible public websites. Other federal laws may impose accessibility requirements on local government websites, depending on the circumstances. For example, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability by federal agencies and recipients of federal assistance, and consequently recipients of federal funds may need to meet federal accessibility requirements.[354] Section 508 of the Workforce Rehabilitation Act of 1973, as amended, also requires programs and activities funded by federal agencies to be accessible to people with disabilities, including federal employees and members of the public, and covers ICT developed, procured, maintained, or used by federal agencies.[355] The Telecommunications Act of 1996 requires in part that telecommunications products and services be accessible to people with disabilities.[356] Potential sources of website design standards include:

[352] 88 Fed. Reg. 51948 (August 4, 2023), 2010 WL 2888003(F.R.)

[353] *See* 75 Fed. Reg. 43460 (July 26, 2010), 2010 WL 2888003(F.R.); 81 Fed. Reg. 28658 (May 9, 2016), 2016 WL 2609932(F.R.); and 82 Fed. Reg. 60932 (December 26, 2017), 2017 WL 6555806(F.R.).

[354] 29 U.S.C. § 794.

[355] 29 U.S.C. § 794d; see 36 C.F.R. Part 1194; Appendix A to Part 1194—Section 508 of the Rehabilitation Act: Application and Scoping Requirements; Appendix C to Part 1194—Functional Performance Criteria and Technical Requirements; and Appendix D to Part 1194—Electronic and Information Technology Accessibility Standards as Originally Published on December 21, 2000.

[356] 47 U.S.C. § 255.

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- The Federal Information and Communications Technology (ICT) Final Standards and Guidelines, set forth at 36 C.F.R. parts 1193 and 1194;[357] and

- The World Wide Web Consortium (W3C) Web Content Accessibility Guidelines.[358]

While these sources do not expressly apply to city websites, they provide various methods of ensuring that a web page is accessible, including providing text equivalents for graphics, ensuring that information conveyed with color is also available without color, and using high contrast color choices. Many state and local agencies have incorporated the federal requirements into the design of their information technology systems, including their websites.[359]

Providing accommodations for persons with disabilities to use public websites is not particularly onerous; in fact, the Department of Justice has stated that "implementing accessibility features is not difficult and will seldom change the layout or appearance of web pages."[360]

IV. CONCLUSIONS

The law related to electronic documents continues to evolve as computer technology advances and public officials respond and adapt to those advances. The advent of email, text messages, and other forms of social media has expanded the opportunities for collaboration greatly, but has simultaneously expanded the potential for inadvertent Brown Act violations, as well as unwanted disclosure of preliminary or sensitive information when emails and text messages must be disclosed in response to a Public Records Act request. When using email, public officials should refrain from using "reply all" to avoid serial meetings, and should be aware of the disclosure requirements of the Brown Act for documents related to items discussed at a public meeting. Public officials should also be sensitive to the risk that the Public Records Act may require disclosure of emails or text messages in which they discuss public business, and not treat them as casual conversation. While the deliberative process privilege may apply to protect some such emails or text messages, the doctrine has been applied sparingly by

[357] 82 Fed. Reg. 5790 (January 18, 2017), 2017 WL 168818 (F.R.), as amended by 83 Fed. Reg. 2912 (January 22, 2018), 2018 WL 488398 (F.R.). These federal regulations were enacted pursuant to Section 508 of the Workforce Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d), and the Telecommunications Act of 1996 (47 U.S.C. § and 255).

[358] Available at *http://www.w3.org/*. The revised Section 508 standards contained in the federal regulations are based on WCAG 2.0 developed by the World Wide Web Consortium (W3C).

[359] In California, state websites must meet both the web accessibility standards in California Government Code §§ 7405 and 11135, which adopted the Section 508 standards and the Priority 1 and 2 level checkpoints of the Web Content Accessibility Guidelines 2.0 (WCAG 2.0 "AA" Conformance Level) developed by the World Wide Web Consortium (W3C).

[360] U.S. Department of Justice, Accessibility of State and Local Government Websites to People with Disabilities, *http://www.ada.gov/websites2.htm*.

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California courts. A clear policy regarding the deletion of emails and text messages will also help to reduce unwanted exposure, although an agency must be able to suspend its usual deletion procedures to preserve electronic records potentially relevant to state or federal litigation.

Although federal and state laws continue to develop, electronic documents and information other than emails (for example, posts on social media websites, such as Facebook[361] or Twitter,[362] that are deemed to be a public forum or otherwise relate to an agency's public business) may be subject to disclosure under the California Public Records Act, California discovery rules, and Federal Rules of Civil Procedure 26(a). An agency must make electronic records available in an electronic format if requested in response to a Public Records Act request. An agency may also have to disclose electronic records in litigation and even metadata may be discoverable. Thus, it is important to avoid the automatic creation of metadata, to the extent possible. Public officials should also consult with their information technology departments to ensure that metadata is not inadvertently inserted into electronic records when they are created.

With respect to websites, caution must be taken to ensure a public agency's website does not indicate support or approval of, or promote or advocate for, a candidate for elective office. Likewise, a public agency website cannot be used to advocate for or against an initiative election. In addition to avoiding express advocacy that unambiguously suggests a particular position in a campaign, public officials must also avoid any actions which, based on their "style, tenor and timing," may lead to a determination that a public agency website contains impermissible advocacy.

The content of a website link policy, and the manner in which such a policy is implemented, are critical in a public agency's ability to regulate the information and links that will be permitted on its website. It is important that a public agency does not arbitrarily discriminate in denying requests for website links. The establishment and adherence to a specific written policy regarding website links would likely assist a public agency in avoiding the litigation challenges faced by the City of Cookeville in the *Putnam Pit* case, and should assist generally in avoiding violations of the First Amendment. A uniform policy, such as that upheld in the *Vargas* opinion, may serve as a viable defense to such challenges.

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361 *See Davison v. Randall*, 912 F. 3d 666 (2019) (county official's Facebook page deemed a public form). *See also German v. Eudaly*, 2018 WL 3212020 (2018) [on facts presented, judge ruled that a city commissioner did not violate a public activist's right to petition the government when the commissioner blocked the activist from seeing the commissioner's nonofficial Facebook page and denied a public records request to see the Facebook page, but granted the activist leave to amend her complaint to show that the commissioner acted in her official capacity when using her nonofficial Facebook page].

362 *See One Wisconsin Now v. Kremer*, 354 F. Supp. 3d 940 (2019) (interactive portions of state legislators' Twitter accounts constituted a designated public forum under the First Amendment).

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We have several recommendations for drafting website policies. First, the website link policy should contain a "statement of purpose" indicating that neither the public agency's website nor its links list are "forums" for expressive activity by the public. The following is our suggested language for that portion of the policy, for the hypothetical City of Anytown:

> "This policy governs the establishment of external links on the City of Anytown's official website. For purposes of this policy, an 'external link' is a hyperlink from the City of Anytown's website to a website maintained by another party. Neither the City of Anytown's website nor the external links listed on such website constitute a forum for expressive activity by members of the public. Rather, the purpose of the City of Anytown's website and the external links list is to provide information about officials, services, and attractions related to City of Anytown. This policy is declaratory of the City of Anytown's existing administrative practice regarding the establishment of external links on its website."

Second, the website link policy should specifically designate the types of organizations that are eligible to have a link established to their website. We think eligibility may be limited to nonprofit entities (as Cookeville chose to do), but it does not have to be so restricted. We also recommend that the website specifically exclude links to sites that have as their purpose the election or defeat of specific candidates or the passage or defeat of specific ballot measures, regardless of political position. In our opinion, implementation of these suggestions will strengthen a public agency's position if it ever becomes necessary to defend a decision to deny a request for a link from a public agency's website.

Finally, the agency should ensure that its web page complies with the accessibility requirements of the ADA, such as providing text equivalents for graphics, ensuring that information conveyed with color is also available without color, and using high contrast color choices.

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PART THREE.

THE CALIFORNIA PUBLIC RECORDS ACT

The California Public Records Act

DIVISION 10. ACCESS TO PUBLIC RECORDS

PART 1. GENERAL PROVISIONS

CHAPTER 1. Preliminary Provisions

Article 1. Short Titles

7920.000. This division shall be known and may be cited as the California Public Records Act.

7920.005. This division recodifies the provisions of former Chapter 3.5 (commencing with Section 6250) of Division 7 of this title. The act that added this division, and the act that consists of conforming revisions to reflect the addition of this division, shall be known and may be cited as the "CPRA Recodification Act of 2021."

Article 2. Effect of Recodification

7920.100. Nothing in the CPRA Recodification Act of 2021 is intended to substantively change the law relating to inspection of public records. The act is intended to be entirely nonsubstantive in effect. Every provision of this division and every other provision of this act, including, without limitation, every cross-reference in every provision of the act, shall be interpreted consistent with the nonsubstantive intent of the act.

7920.105. (a) A provision of this division, or any other provision of the CPRA Recodification Act of 2021, insofar as it is substantially the same as a previously existing provision relating to the same subject matter, shall be considered as a restatement and continuation thereof and not as a new enactment.

(b) A reference in a statute to a previously existing provision that is restated and continued in this division, or in any other provision of the CPRA Recodification Act of 2021, shall, unless a contrary intent appears, be deemed a reference to the restatement and continuation.

(c) A reference in a statute to a provision of this division, or any other provision of the CPRA Recodification Act of 2021, which is substantially the same as a previously existing provision, shall, unless a contrary intent appears, be deemed to include a reference to the previously existing provision.

7920.110. (a) A judicial decision interpreting a previously existing provision is relevant in interpreting any provision of this division, or any other provision of the

CPRA Recodification Act of 2021, which restates and continues that previously existing provision.

(b) However, in enacting the CPRA Recodification Act of 2021, the Legislature has not evaluated the correctness of any judicial decision interpreting a provision affected by the act.

(c) The CPRA Recodification Act of 2021 is not intended to, and does not, reflect any assessment of any judicial decision interpreting any provision affected by the act.

7920.115. (a) An opinion of the Attorney General interpreting a previously existing provision is relevant in interpreting any provision of this division, or any other provision of the CPRA Recodification Act of 2021, which restates and continues that previously existing provision.

(b) However, in enacting the CPRA Recodification Act of 2021, the Legislature has not evaluated the correctness of any Attorney General opinion interpreting a provision affected by the act.

(c) The CPRA Recodification Act of 2021 is not intended to, and does not, reflect any assessment of any Attorney General opinion interpreting any provision affected by the act.

7920.120. (a) A judicial decision or Attorney General opinion on the constitutionality of a previously existing provision is relevant in determining the constitutionality of any provision of this division, or any other provision of the CPRA Recodification Act of 2021, which restates and continues that previously existing provision.

(b) However, in enacting the CPRA Recodification Act of 2021, the Legislature has not evaluated the constitutionality of any provision affected by the act, or the correctness of any judicial decision or Attorney General opinion on the constitutionality of any provision affected by the act.

(c) The CPRA Recodification Act of 2021 is not intended to, and does not, reflect any determination of the constitutionality of any provision affected by the act.

Article 3. Effect of Division

7920.200. The provisions of this division shall not be deemed in any manner to affect the status of judicial records as it existed immediately before the effective date of the provision that is continued in this section, nor to affect the rights of litigants, including parties to administrative proceedings, under the laws of

discovery of this state, nor to limit or impair any rights of discovery in a criminal case.

CHAPTER 2. Definitions

7920.500. For purposes of Article 3 (commencing with Section 7928.200) of Chapter 14 of Part 5, "elected or appointed official" includes, but is not limited to, all of the following:

(a) A state constitutional officer.

(b) A Member of the Legislature.

(c) A judge or court commissioner.

(d) A district attorney.

(e) A public defender.

(f) A member of a city council.

(g) A member of a board of supervisors.

(h) An appointee of the Governor.

(i) An appointee of the Legislature.

(j) A mayor.

(k) A city attorney.

(l) A police chief or sheriff.

(m) A public safety official.

(n) A state administrative law judge.

(o) A federal judge or federal defender.

(p) A member of the United States Congress or appointee of the President of the United States.

7920.505. (a) The following provisions are continuations of provisions that were included in former Section 6254 as that section read when it was repealed by the CPRA Recodification Act of 2021:

(1) Section 7921.500.

(2) Sections 7923.600 to 7923.625, inclusive.

(3) Section 7923.700.

(4) Sections 7923.800 and 7923.805.

(5) Section 7924.505.

(6) Section 7925.000.

(7) Section 7925.005.

(8) Section 7925.010.

(9) Section 7926.000.

(10) Section 7926.100.

(11) Section 7926.200.

(12) Section 7926.210.

(13) Section 7926.220, except the continuation of former Section 6254.14(b).

(14) Section 7926.225, except the continuation of former Section 6254.14(b).

(15) Section 7926.230, except the continuation of former Section 6254.14(b).

(16) Section 7926.235.

(17) Section 7927.000.

(18) Section 7927.100.

(19) Section 7927.200.

(20) Section 7927.300.

(21) Section 7927.500.

(22) Section 7927.700.

(23) Section 7927.705.

(24) Section 7928.000.

(25) Section 7928.100.

(26) Sections 7928.405 and 7928.410.

(27) Section 7928.705.

(28) Section 7929.000.

(29) Section 7929.200.

(30) Section 7929.205.

(31) Chapter 18 (commencing with Section 7929.400) of Part 5.

(32) Section 7929.605.

(b) The provisions listed in subdivision (a) may be referred to as "former Section 6254 provisions."

(c) Subdivision (a) does not include any provision that was first codified in one of the specified numerical ranges after the effective date of the CPRA Recodification Act of 2021.

7920.510. As used in this division, "local agency" includes any of the following:

(a) A county.

(b) A city, whether general law or chartered.

(c) A city and county.

(d) A school district.

(e) A municipal corporation.

(f) A district.

(g) A political subdivision.

(h) Any board, commission, or agency of the foregoing.

(i) Another local public agency.

(j) An entity that is a legislative body of a local agency pursuant to subdivision (c) or (d) of Section 54952.

7920.515. As used in this division, "member of the public" means any person other than a member, agent, officer, or employee of a federal, state, or local agency

who is acting within the scope of that membership, agency, office, or employment.

7920.520. As used in this division, "person" includes any natural person, corporation, partnership, limited liability company, firm, or association.

7920.525. (a) As used in this division, "public agency" means any state or local agency.

(b) As used in Article 5 (commencing with Section 7926.400) of Chapter 5 of Part 5, "public agency" means an entity specified in subdivision (c) of Section 7926.400.

7920.530. (a) As used in this division, "public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(b) "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975.

7920.535. As used in this division, "public safety official" means the following parties, whether active or retired:

(a) A peace officer as defined in Sections 830 to 830.65, inclusive, of the Penal Code, or a person who is not a peace officer, but may exercise the powers of arrest during the course and within the scope of the person's employment pursuant to Section 830.7 of the Penal Code.

(b) A public officer or other person listed in Section 1808.2 or 1808.6 of the Vehicle Code.

(c) An "elected or appointed official" as defined in Section 7920.500.

(d) An attorney employed by the Department of Justice, the State Public Defender, or a county office of the district attorney or public defender, the United States Attorney, or the Federal Public Defender.

(e) A city attorney and an attorney who represents cities in criminal matters.

(f) An employee of the Department of Corrections and Rehabilitation who supervises inmates or is required to have care or custody of a prisoner.

(g) A sworn or nonsworn employee who supervises inmates in a city police department, a county sheriff's office, the Department of the California Highway Patrol, federal, state, or a local detention facility, or a local juvenile hall, camp,

ranch, or home, and a probation officer as defined in Section 830.5 of the Penal Code.

(h) A federal prosecutor, a federal criminal investigator, and a National Park Service Ranger working in California.

(i) The surviving spouse or child of a peace officer defined in Section 830 of the Penal Code, if the peace officer died in the line of duty.

(j) State and federal judges and court commissioners.

(k) An employee of the Attorney General, a district attorney, or a public defender who submits verification from the Attorney General, district attorney, or public defender that the employee represents the Attorney General, district attorney, or public defender in matters that routinely place that employee in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts.

(l) A nonsworn employee of the Department of Justice or a police department or sheriff's office that, in the course of employment, is responsible for collecting, documenting, and preserving physical evidence at crime scenes, testifying in court as an expert witness, and other technical duties, and a nonsworn employee that, in the course of employment, performs a variety of standardized and advanced laboratory procedures in the examination of physical crime evidence, determines their results, and provides expert testimony in court.

7920.540. (a) As used in this division, "state agency" means every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(b) Notwithstanding subdivision (a) or any other law, "state agency" also means the State Bar of California, as described in Section 6001 of the Business and Professions Code.

7920.545. As used in this division, "writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

PART 2. DISCLOSURE AND EXEMPTIONS GENERALLY

CHAPTER 1. Right of Access to Public Records

7921.000. In enacting this division, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

7921.005. A state or local agency may not allow another party to control the disclosure of information that is otherwise subject to disclosure pursuant to this division.

7921.010. (a) Notwithstanding any other provision of law, no state or local agency shall sell, exchange, furnish, or otherwise provide a public record subject to disclosure pursuant to this division to a private entity in a manner that prevents a state or local agency from providing the record directly pursuant to this division.

(b) Nothing in this section requires a state or local agency to use the State Printer to print public records.

(c) Nothing in this section prevents the destruction of a public record pursuant to law.

(d) This section shall not apply to contracts entered into before January 1, 1996, between the County of Santa Clara and a private entity, for the provision of public records subject to disclosure under this division.

CHAPTER 2. General Rules Governing Disclosure

Article 1. Nondiscrimination

7921.300. This division does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.

7921.305. (a) Notwithstanding the definition of "member of the public" in Section 7920.515, an elected member or officer of any state or local agency is entitled to access to public records of that agency on the same basis as any other person. Nothing in this section shall limit the ability of elected members or officers to access public records permitted by law in the administration of their duties.

(b) This section does not constitute a change in, but is declaratory of, existing law.

7921.310. Notwithstanding Section 7921.305 or any other provision of law, when the members of a legislative body of a local agency are authorized to access a

writing of the body or of the agency as permitted by law in the administration of their duties, the local agency, as defined in Section 54951, shall not discriminate between or among any of those members as to which writing or portion thereof is made available or when it is made available.

Article 2. Voluntary Disclosure

7921.500. Unless disclosure is otherwise prohibited by law, the provisions listed in Section 7920.505 do not prevent any agency from opening its records concerning the administration of the agency to public inspection.

7921.505. (a) As used in this section, "agency" includes a member, agent, officer, or employee of the agency acting within the scope of that membership, agency, office, or employment.

(b) Notwithstanding any other law, if a state or local agency discloses to a member of the public a public record that is otherwise exempt from this division, this disclosure constitutes a waiver of the exemptions specified in:

(1) The provisions listed in Section 7920.505.

(2) Sections 7924.510 and 7924.700.

(3) Other similar provisions of law.

(c) This section, however, does not apply to any of the following disclosures:

(1) A disclosure made pursuant to the Information Practices Act (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code) or a discovery proceeding.

(2) A disclosure made through other legal proceedings or as otherwise required by law.

(3) A disclosure within the scope of disclosure of a statute that limits disclosure of specified writings to certain purposes.

(4) A disclosure not required by law, and prohibited by formal action of an elected legislative body of the local agency that retains the writing.

(5) A disclosure made to a governmental agency that agrees to treat the disclosed material as confidential. Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes that are consistent with existing law.

(6) A disclosure of records relating to a financial institution or an affiliate thereof, if the disclosure is made to the financial institution or affiliate by a state agency responsible for regulation or supervision of the financial institution or affiliate.

(7) A disclosure of records relating to a person who is subject to the jurisdiction of the Department of Business Oversight, if the disclosure is made to the person who is the subject of the records for the purpose of corrective action by that person, or, if a corporation, to an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Business Oversight.

(8) A disclosure made by the Commissioner of Business Oversight under Section 450, 452, 8009, or 18396 of the Financial Code.

(9) A disclosure of records relating to a person who is subject to the jurisdiction of the Department of Managed Health Care, if the disclosure is made to the person who is the subject of the records for the purpose of corrective action by that person, or, if a corporation, to an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Managed Health Care.

(10) A disclosure made through the sharing of information between the Independent System Operator and a state agency.

Article 3. Disclosure to District Attorney and Related Matters

7921.700. A state or local agency shall allow an inspection or copying of any public record or class of public records not exempted by this division when requested by a district attorney.

7921.705. (a) If a district attorney makes a request to a state or local agency to inspect or receive a copy of a public record or class of public records not exempted by this division, and the state or local agency fails or refuses to allow inspection or copying within 10 working days of that request, the district attorney may petition a court of competent jurisdiction to require the state or local agency to allow the requested inspection or copying.

(b) Unless the public interest or good cause in withholding the requested records clearly outweighs the public interest in disclosure, the court may require the public agency to allow the district attorney to inspect or copy those records.

7921.710. Disclosure of records to a district attorney under the provisions of this division shall effect no change in the status of the records under any other provision of law.

CHAPTER 3. General Rules Governing Exemptions from Disclosure

Article 1. Justification for Withholding of Record

7922.000. An agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this division, or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Article 2. Social Security Numbers and Related Matters

7922.200. (a) It is the intent of the Legislature that, in order to protect against the risk of identity theft, a local agency shall redact social security numbers from a record before disclosing the record to the public pursuant to this division.

(b) Nothing in this division shall be construed to require a local agency to disclose a social security number.

(c) This section does not apply to a record maintained by a county recorder.

7922.205. Nothing in this division shall be construed to require the disclosure by a county recorder of any "official record," if a "public record" version of that record is available pursuant to Article 3.5 (commencing with Section 27300) of Chapter 6 of Part 3 of Division 2 of Title 3.

7922.210. Nothing in this division shall be construed to require the disclosure by a filing office of any "official filing," if a "public filing" version of that record is available pursuant to Section 9526.5 of the Commercial Code.

PART 3. PROCEDURES AND RELATED MATTERS

CHAPTER 1. Request for a Public Record

Article 1. General Principles

7922.500. Nothing in this division shall be construed to permit an agency to delay or obstruct the inspection or copying of public records.

7922.505. Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this division.

Article 2. Procedural Requirements Generally

7922.525. (a) Public records are open to inspection at all times during the office hours of a state or local agency and every person has a right to inspect any public record, except as otherwise provided.

(b) Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

7922.530. (a) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(b) A requester who inspects a disclosable record on the premises of the agency has the right to use the requester's equipment on those premises, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record, unless the means of copy or reproduction would result in either of the following:

(1) Damage to the record.

(2) Unauthorized access to the agency's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the agency's electronic records.

(c) The agency may impose any reasonable limits on the use of the requester's equipment that are necessary to protect the safety of the records or to prevent the copying of records from being an unreasonable burden to the orderly function of the agency and its employees. In addition, the agency may impose any limit that is necessary to maintain the integrity of, or ensure the long-term preservation of, historic or high-value records.

7922.535. (a) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. If the agency determines that the request seeks disclosable public records, the agency shall also state the estimated date and time when the records will be made available.

(b) In unusual circumstances, the time limit prescribed in this article and Article 1 (commencing with Section 7922.500) may be extended by written notice from the head of the agency or a designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days.

(c) As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(5) The need to search for, collect, and appropriately examine records during a state of emergency proclaimed by the Governor in the jurisdiction where the agency is located when the state of emergency currently affects, due to the state of emergency, the agency's ability to timely respond to requests due to staffing shortages or closure of facilities where the requested records are located.

(A) This paragraph shall not apply to a request for records created during and related to the state of emergency proclaimed by the Governor.

(B) For purposes of this paragraph, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2).

7922.540. (a) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.

(b) The notification of denial shall set forth the names and titles or positions of each person responsible for the denial.

(c) An agency shall justify withholding any record by complying with Section 7922.000.

7922.545. (a) In addition to maintaining public records for public inspection during its office hours, a public agency may comply with Section 7922.525 by posting any public record on its internet website and, in response to a request for a public record posted on the internet website, directing a member of the public to the location on the internet website where the public record is posted.

(b) However, if after the public agency directs a member of the public to the internet website, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the internet website, the public agency shall promptly provide a copy of the public record pursuant to subdivision (a) of Section 7922.530.

Article 3. Information in Electronic Format

7922.570. (a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this division that is in an electronic format shall make that information available in an electronic format when requested by any person.

(b) When applicable, the agency shall do the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) The agency shall provide a copy of an electronic record in the format requested if the requested format is one that the agency has used to create copies for its own use or for provision to other agencies.

(c) If a request is for information in other than electronic format, and the information also is in electronic format, an agency may inform the requester that the information is available in electronic format.

7922.575. (a) The cost of duplication of an electronic record pursuant to paragraph (2) of subdivision (b) of Section 7922.570 shall be limited to the direct cost of producing a copy of a record in an electronic format.

(b) Notwithstanding subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

(1) In order to comply with subdivisions (a) and (b) of Section 7922.570, the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

(2) The request would require data compilation, extraction, or programming to produce the record.

7922.580. (a) Nothing in Section 7922.570 or 7922.575 shall be construed to require a public agency to reconstruct a record in an electronic format if the agency no longer has the record available in an electronic format.

(b) Nothing in Section 7922.570 or 7922.575 shall be construed to permit an agency to make information available only in an electronic format.

(c) Nothing in Section 7922.570 or 7922.575 shall be construed to require a public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

(d) Nothing in Section 7922.570 or 7922.575 shall be construed to permit public access to records held by any agency to which access is otherwise restricted by statute.

7922.585. (a) As used in this section, "computer software" includes computer mapping systems, computer programs, and computer graphics systems.

(b) Computer software developed by a state or local agency is not itself a public record under this division. The agency may sell, lease, or license the software for commercial or noncommercial use.

(c) This section shall not be construed to create an implied warranty on the part of the State of California or any local agency for errors, omissions, or other defects in any computer software as provided pursuant to this section.

(d) Nothing in this section is intended to affect the public record status of information merely because it is stored in a computer. Public records stored in a computer shall be disclosed as required by this division.

(e) Nothing in this section is intended to limit any copyright protections.

Article 4. Duty to Assist in Formulating Request

7922.600. (a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably

describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2) Describe the information technology and physical location in which the records exist.

(3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

(b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

(c) The requirements of subdivision (a) are in addition to any action required of a public agency by Article 1 (commencing with Section 7922.500) or Article 2 (commencing with Section 7922.525).

7922.605. This article shall not apply to a request for public records if any of the following applies:

(a) The public agency makes the requested records available pursuant to Article 1 (commencing with Section 7922.500) and Article 2 (commencing with Section 7922.525).

(b) The public agency makes an index of its records available.

(c) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 7920.505.

CHAPTER 2. Agency Regulations, Guidelines, Systems, and Similar Matters

Article 1. Agency Regulations and Guidelines

7922.630. Every agency may adopt regulations in accordance with this article stating the procedures to be followed when making its records available.

7922.635. (a) The following state and local bodies shall establish written guidelines for accessibility of records:

(1) All regional water quality control boards.

(2) Bay Area Air Pollution Control District.

(3) California Coastal Commission.

(4) Department of Business Oversight.

(5) Department of Consumer Affairs.

(6) Department of Corrections and Rehabilitation.

(7) Department of General Services.

(8) Department of Industrial Relations.

(9) Department of Insurance.

(10) Department of Justice.

(11) Department of Managed Health Care.

(12) Department of Motor Vehicles.

(13) Department of Parks and Recreation.

(14) Department of Real Estate.

(15) Department of Toxic Substances Control.

(16) Department of Veterans Affairs.

(17) Department of Water Resources.

(18) Division of Juvenile Justice.

(19) Employment Development Department.

(20) Golden Gate Bridge, Highway and Transportation District.

(21) Los Angeles County Air Pollution Control District.

(22) Office of Environmental Health Hazard Assessment.

(23) Public Employees' Retirement System.

(24) Public Utilities Commission.

(25) San Francisco Bay Area Rapid Transit District.

(26) San Francisco Bay Conservation and Development Commission.

(27) Secretary of State.

(28) State Air Resources Board.

(29) State Board of Equalization.

(30) State Department of Developmental Services.

(31) State Department of Health Care Services.

(32) State Department of Public Health.

(33) State Department of Social Services.

(34) State Department of State Hospitals.

(35) State Water Resources Control Board.

(36) Teachers' Retirement Board.

(37) Transportation Agency.

(b) A copy of these guidelines shall be posted in a conspicuous public place at the offices of these bodies, and a copy of the guidelines shall be available upon request, free of charge, to any person requesting that body's records.

7922.640. (a) Guidelines and regulations adopted pursuant to this article shall be consistent with all other sections of this division and shall reflect the intention of the Legislature to make the records accessible to the public.

(b) Guidelines and regulations adopted pursuant to this article shall not operate to limit the hours public records are open for inspection as prescribed in Article 1 (commencing with Section 7922.500) and Article 2 (commencing with Section 7922.525).

Article 2. Internet Resources

7922.680. If a local agency, except a school district, maintains an internet resource, including, but not limited to, an internet website, internet web page, or internet web portal, which the local agency describes or titles as "open data," and the local agency voluntarily posts a public record on that internet resource, the local agency shall post the public record in an open format that meets all of the following requirements:

(a) Retrievable, downloadable, indexable, and electronically searchable by commonly used internet search applications.

(b) Platform independent and machine readable.

(c) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the public record.

(d) Retains the data definitions and structure present when the data was compiled, if applicable.

Article 3. Catalog of Enterprise Systems

7922.700. For purposes of this article:

(a) "Enterprise system" means a software application or computer system that satisfies all of the following conditions:

(1) It collects, stores, exchanges, and analyzes information that the agency uses.

(2) It is a multidepartmental system or a system that contains information collected about the public.

(3) It is a system of record.

(b) An "enterprise system" does not include any of the following:

(1) Information technology security systems, including firewalls and other cybersecurity systems.

(2) Physical access control systems, employee identification management systems, video monitoring, and other physical control systems.

(3) Infrastructure and mechanical control systems, including those that control or manage street lights, electrical, natural gas, or water or sewer functions.

(4) Systems related to 911 dispatch and operation or emergency services.

(5) Systems that would be restricted from disclosure pursuant to Section 7929.210.

(6) The specific records that the information technology system collects, stores, exchanges, or analyzes.

7922.705. For purposes of this article, "system of record" means a system that serves as an original source of data within an agency.

7922.710. (a) In implementing this division, each local agency, except a local educational agency, shall create a catalog of enterprise systems.

(b) The local agency shall complete and post the catalog as required by this article by July 1, 2016, and thereafter shall update the catalog annually.

7922.715. (a) The catalog of enterprise systems required by Section 7922.710 shall be made publicly available upon request in the office of the person or officer designated by the agency's legislative body.

(b) If the agency has an internet website, the catalog shall be posted in a prominent location on the agency's internet website.

7922.720. (a) The catalog of enterprise systems required by Section 7922.710 shall disclose a list of the enterprise systems utilized by the agency.

(b) For each system, the catalog shall also disclose all of the following:

(1) Current system vendor.

(2) Current system product.

(3) A brief statement of the system's purpose.

(4) A general description of categories or types of data.

(5) The department that serves as the system's primary custodian.

(6) How frequently system data is collected.

(7) How frequently system data is updated.

(c) If, on the facts of the particular case, the public interest served by not disclosing the information described in paragraph (1) or (2) of subdivision (b) clearly outweighs the public interest served by disclosure of the record, the local agency may instead provide a system name, brief title, or identifier of the system.

7922.725. (a) This article shall not be interpreted to limit a person's right to inspect public records pursuant to this division.

(b) Nothing in this article shall be construed to permit public access to records held by an agency to which access is otherwise restricted by statute or to alter the process for requesting a public record, as set forth in this division.

PART 4. ENFORCEMENT

CHAPTER 1. General Principles

7923.000. Any person may institute a proceeding for injunctive or declarative relief, or for a writ of mandate, in any court of competent jurisdiction, to enforce

that person's right under this division to inspect or receive a copy of any public record or class of public records.

7923.005. In a proceeding under Section 7923.000, the court shall set the times for hearings and responsive pleadings with the object of securing a decision as to the matters at issue at the earliest possible time.

CHAPTER 2. Enforcement Procedure

Article 1. Petition to Superior Court

7923.100. Whenever it is made to appear, by verified petition to the superior court of the county where the records or some part thereof are situated, that certain public records are being improperly withheld from a member of the public, the court shall order the officer or other person charged with withholding the records to disclose those records or show cause why that person should not do so.

7923.105. The court shall decide the case after the court does all of the following:

(a) Examine the record in camera, if permitted by subdivision (b) of Section 915 of the Evidence Code.

(b) Examine any papers filed by the parties.

(c) Consider any oral argument and additional evidence as the court may allow.

7923.110. (a) If the court finds that the public official's decision to refuse disclosure is not justified under Section 7922.000 or any provision listed in Section 7920.505, the court shall order the public official to make the record public.

(b) If the court finds that the public official was justified in refusing to make the record public, the court shall return the record to the public official without disclosing its content, together with an order supporting the decision refusing disclosure.

7923.115. (a) If the requester prevails in litigation filed pursuant to this chapter, the court shall award court costs and reasonable attorney's fees to the requester. The costs and fees shall be paid by the public agency and shall not become a personal liability of the public official involved.

(b) If the court finds that a requester's case pursuant to this chapter is clearly frivolous, the court shall award court costs and reasonable attorneys' fees to the public agency.

(c) This article does not limit a requester's right to obtain fees and costs pursuant to this section or any other law.

Article 2. Writ Review and Contempt

7923.500. (a) An order of the court, either directing disclosure by a public official or supporting the decision of the public official refusing disclosure, is not a final judgment or order within the meaning of Section 904.1 of the Code of Civil Procedure from which an appeal may be taken, but shall be immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ.

(b) Upon entry of any order pursuant to this chapter, a party shall, in order to obtain review of the order, file a petition within 20 days after service upon the party of a written notice of entry of the order, or within a further time, not exceeding an additional 20 days, as the trial court may for good cause allow.

(c) If the notice is served by mail, the period within which to file the petition shall be increased by five days.

(d) A stay of an order or judgment shall not be granted unless the petitioning party demonstrates that the party will otherwise sustain irreparable damage and probable success on the merits.

(e) Any person who fails to obey the order of the court shall be cited to show cause why that person is not in contempt of court.

PART 5. SPECIFIC TYPES OF PUBLIC RECORDS

CHAPTER 1. Crimes, Weapons, and Law Enforcement

Article 1. Law Enforcement Records Generally

7923.600. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.

(b) A customer list that an alarm or security company provides to a state or local police agency at the agency's request is a record subject to this article.

7923.605. (a) Notwithstanding Section 7923.600, a state or local law enforcement agency shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams,

statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger either of the following:

(1) The safety of a witness or other person involved in the investigation.

(2) The successful completion of the investigation or a related investigation.

(b) However, this article does not require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer.

7923.610. Notwithstanding any other provision of this article, a state or local law enforcement agency shall make public all of the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:

(a) The full name and occupation of every individual arrested by the agency.

(b) The individual's physical description including date of birth, color of eyes and hair, sex, height, and weight.

(c) The time and date of arrest.

(d) The time and date of booking.

(e) The location of the arrest.

(f) The factual circumstances surrounding the arrest.

(g) The amount of bail set.

(h) The time and manner of release or the location where the individual is currently being held.

(i) All charges the individual is being held upon, including any outstanding warrants from other jurisdictions, parole holds, and probation holds.

7923.615. (a) (1) Notwithstanding any other provision of this article, a state or local law enforcement agency shall make public the information described in paragraph (2), except to the extent that disclosure of a particular item of

information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation.

(2) Subject to the restrictions imposed by Section 841.5 of the Penal Code, paragraph (1) applies to the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded:

(A) The time, date, and location of occurrence.

(B) The time and date of the report.

(C) The name and age of the victim.

(D) The factual circumstances surrounding the crime or incident.

(E) A general description of any injuries, property, or weapons involved.

(b) (1) The name of a victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 287, 288, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of, or former Section 288a of, the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor.

(2) When a person is the victim of more than one crime, information disclosing that the person is a victim of a crime defined in any of the sections of the Penal Code set forth in this article may be deleted at the request of the victim, or the victim's parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this section.

(c) (1) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the names and images of a victim of human trafficking, as defined in Section 236.1 of the Penal Code, and of that victim's immediate family, other than a family member who is charged with a criminal offense arising from the same incident, may be withheld at the victim's request until the investigation or any subsequent prosecution is complete.

(2) For purposes of this article, "immediate family" has the same meaning as that provided in paragraph (3) of subdivision (b) of Section 422.4 of the Penal Code.

7923.620. (a) Notwithstanding any other provision of this article, if the requester declares under penalty of perjury that the request is made for a scholarly,

journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator as described in Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code, a state or local law enforcement agency shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:

(1) Subject to the restrictions of Section 841.5 of the Penal Code and this article, the current address of every individual arrested by the agency.

(2) Subject to the restrictions of Section 841.5 of the Penal Code and this article, the current address of the victim of a crime. However, the address of the victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 287, 288, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of, or former Section 288a of, the Penal Code shall remain confidential.

(b) Address information obtained pursuant to this section shall not be used directly or indirectly, or furnished to another, to sell a product or service to any individual or group of individuals, and the requester shall execute a declaration to that effect under penalty of perjury.

(c) This section shall not be construed to prohibit or limit a scholarly, journalistic, political, or government use of address information obtained pursuant to this section.

7923.625. Notwithstanding any other provision of this article, commencing July 1, 2019, a video or audio recording that relates to a critical incident, as defined in subdivision (e), may be withheld only as follows:

(a) (1) During an active criminal or administrative investigation, disclosure of a recording related to a critical incident may be delayed for no longer than 45 calendar days after the date the agency knew or reasonably should have known about the incident, if, based on the facts and circumstances depicted in the recording, disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. If an agency delays disclosure pursuant to this section, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation and the estimated date for disclosure.

(2) After 45 days from the date the agency knew or reasonably should have known about the incident, and up to one year from that date, the agency may

continue to delay disclosure of a recording if the agency demonstrates that disclosure would substantially interfere with the investigation. After one year from the date the agency knew or reasonably should have known about the incident, the agency may continue to delay disclosure of a recording only if the agency demonstrates by clear and convincing evidence that disclosure would substantially interfere with the investigation. If an agency delays disclosure pursuant to this paragraph, the agency shall promptly provide in writing to the requester the specific basis for the agency's determination that the interest in preventing interference with an active investigation outweighs the public interest in disclosure and provide the estimated date for the disclosure. The agency shall reassess withholding and notify the requester every 30 days. A recording withheld by the agency shall be disclosed promptly when the specific basis for withholding is resolved.

(b) (1) If the agency demonstrates, on the facts of the particular case, that the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording, the agency shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served by withholding the recording and may use redaction technology, including blurring or distorting images or audio, to obscure those specific portions of the recording that protect that interest. However, the redaction shall not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording and the recording shall not otherwise be edited or altered.

(2) Except as provided in paragraph (3), if the agency demonstrates that the reasonable expectation of privacy of a subject depicted in the recording cannot adequately be protected through redaction as described in paragraph (1) and that interest outweighs the public interest in disclosure, the agency may withhold the recording from the public, except that the recording, either redacted as provided in paragraph (1) or unredacted, shall be disclosed promptly, upon request, to any of the following:

(A) The subject of the recording whose privacy is to be protected, or the subject's authorized representative.

(B) If the subject is a minor, the parent or legal guardian of the subject whose privacy is to be protected.

(C) If the subject whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased subject whose privacy is to be protected.

(3) If disclosure pursuant to paragraph (2) would substantially interfere with an active criminal or administrative investigation, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation, and provide the estimated date for the disclosure of the video or audio recording. Thereafter, the recording may be withheld by the agency for 45 calendar days, subject to extensions as set forth in paragraph (2) of subdivision (a).

(c) An agency may provide greater public access to video or audio recordings than the minimum standards set forth in this section.

(d) For purposes of this section, a peace officer does not include any peace officer employed by the Department of Corrections and Rehabilitation.

(e) For purposes of this section, a video or audio recording relates to a critical incident if it depicts any of the following incidents:

(1) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.

(2) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death or in great bodily injury.

(f) This section does not alter, limit, or negate any other rights, remedies, or obligations with respect to public records regarding an incident other than a critical incident as described in subdivision (e).

7923.630. (a) Immediately before the CPRA Recodification Act of 2021, the other provisions in this article comprised a single subdivision of former Section 6254 (subdivision (f) of Section 29 of Chapter 385 of the Statutes of 2019).

(b) Dividing the substance of those provisions into multiple code sections was not intended to affect the construction of those provisions or their relation to each other.

Article 2. Obtaining Access to Law Enforcement Records

7923.650. The exemption of records of complaints to, or investigations conducted by, any state or local agency for licensing purposes under Article 1 (commencing with Section 7923.600) shall not apply when a district attorney requests inspection of those records.

7923.655. (a) A state or local law enforcement agency shall not require a victim of an incident, or an authorized representative of a victim, to show proof of the victim's legal presence in the United States in order to obtain the information

required to be disclosed by that law enforcement agency pursuant to Article 1 (commencing with Section 7923.600).

(b) If, for identification purposes, a state or local law enforcement agency requires a victim of an incident, or an authorized representative of a victim, to provide identification in order to obtain information required to be disclosed by that law enforcement agency pursuant to Article 1 (commencing with Section 7923.600), the agency shall at a minimum accept any of the following:

(1) A current driver's license or identification card issued by any state in the United States.

(2) A current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship.

(3) A current Matricula Consular card.

Article 3. Records of Emergency Communications to Public Safety Authorities

7923.700. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of a record obtained pursuant to paragraph (2) of subdivision (f) of Section 2891.1 of the Public Utilities Code.

Article 4. Records Specifically Relating to Crime Victims

7923.750. (a) This division does not require disclosure of a video or audio recording that was created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident depicted in the recording. An agency shall justify withholding that type of video or audio recording by demonstrating, pursuant to Section 7922.000 and subdivision (a) of Section 7922.540, that on the facts of the particular case, the public interest served by not disclosing the recording clearly outweighs the public interest served by disclosure of the recording.

(b) When balancing the public interests as required by this section, an agency shall consider both of the following:

(1) The constitutional right to privacy of the person or persons depicted in the recording.

(2) Whether the potential harm to the victim caused by disclosing the recording may be mitigated by redacting the recording to obscure images showing intimate body parts and personally identifying characteristics of the victim or by distorting portions of the recording containing the victim's voice, provided that the redaction does not prevent a viewer from being able to fully and accurately

perceive the events captured on the recording. The recording shall not otherwise be edited or altered.

(c) A victim of a crime described in subdivision (a) who is a subject of a recording, the parent or legal guardian of a minor subject, a deceased subject's next of kin, or a subject's legally authorized designee, shall be permitted to inspect the recording and to obtain a copy of the recording. Disclosure under this subdivision does not require that the record be made available to the public pursuant to Section 7921.505.

(d) Nothing in this section shall be construed to affect any other exemption provided by this division.

7923.755. (a) This division does not require disclosure of a record of the California Victim Compensation Board that relates to a request for assistance under Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of Title 2.

(b) This section shall not apply to a disclosure of the following information, if no information is disclosed that connects the information to a specific victim, derivative victim, or applicant under Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of Title 2:

(1) The amount of money paid to a specific provider of services.

(2) Summary data concerning the types of crimes for which assistance is provided.

Article 5. Firearm Licenses and Related Records

7923.800. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of any of the following information contained in an application for a license to carry a firearm, issued by the sheriff of a county or the chief or other head of a municipal police department pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code:

(a) Information that indicates when or where the applicant is vulnerable to attack.

(b) Information that concerns the applicant's medical or psychological history, or that of members of the applicant's family.

7923.805. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of the home address or telephone number of any of the following individuals, as set forth in an application for a license to carry a firearm, or in a license to carry a firearm, issued by the sheriff of a county

or the chief or other head of a municipal police department, pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code:

(a) A prosecutor.

(b) A public defender.

(c) A peace officer.

(d) A judge.

(e) A court commissioner.

(f) A magistrate.

CHAPTER 2. Election Materials and Petitions

Article 1. Voter Information

7924.000. (a) Except as provided in Section 2194 of the Elections Code, both of the following are confidential and shall not be disclosed to any person:

(1) The home address, telephone number, email address, precinct number, or other number specified by the Secretary of State for voter registration purposes.

(2) Prior registration information shown on an affidavit of registration.

(b) The California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on an affidavit of registration, or added to the voter registration records to comply with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), are confidential and shall not be disclosed to any person.

(c) The signature of the voter that is shown on an affidavit of registration is confidential and shall not be disclosed to any person.

(d) For purposes of this section, "home address" means street address only, and does not include an individual's city or post office address.

7924.005. (a) Notwithstanding Sections 7920.510, 7920.515, 7920.520, 7920.530, 7920.540, 7920.545, 7922.545, subdivision (a) of Section 7920.525, subdivision (b) of Section 7922.540, and Sections 7922.500 to 7922.535, inclusive, information compiled by a public officer or public employee that reveals the identity of a person who has requested a bilingual ballot or ballot pamphlet, in accordance with any federal or state law, or other data that would reveal the identity of the

requester, is not a public record and shall not be provided to any person other than a public officer or public employee who is responsible for receiving the request and processing it.

(b) Subdivision (a) does not prohibit a person, otherwise authorized by law, from examining election materials, including, but not limited to, an affidavit of registration, provided that a request for a bilingual ballot or ballot pamphlet is subject to the restrictions in subdivision (a).

Article 2. Initiative, Referendum, Recall, and Other Petitions and Related Materials

7924.100. As used in this article, "petition" means any petition to which a registered voter has affixed the voter's own signature.

7924.105. As used in this article, "proponent of the petition" means the following:

(a) For a statewide initiative or referendum measure, the person who submits a draft of a petition proposing the measure to the Attorney General with a request that the Attorney General prepare a title and summary of the chief purpose and points of the proposed measure.

(b) For other initiative and referendum measures, the person who publishes a notice of intention to circulate a petition, or, where publication is not required, who files the petition with an elections official.

(c) For a recall measure, the person defined in Section 343 of the Elections Code.

(d) For a petition circulated pursuant to Section 5091 of the Education Code, the person having charge of the petition who submits the petition to the county superintendent of schools.

(e) For a petition circulated pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of Division 3 of Title 2 of the Education Code, the person designated as chief petitioner under Section 35701 of the Education Code.

(f) For a petition circulated pursuant to Part 46 (commencing with Section 74000) of Division 7 of Title 3 of the Education Code, the person designated as chief petitioner under Section 74102, 74133, or 74152 of the Education Code.

7924.110. (a) Notwithstanding Sections 7920.510, 7920.515, 7920.520, 7920.530, 7920.540, 7920.545, 7922.545, subdivision (a) of Section 7920.525, subdivision (b) of Section 7922.540, and Sections 7922.500 to 7922.535, inclusive, the following are not public records:

(1) A statewide, county, city, or district initiative, referendum, or recall petition.

(2) A petition circulated pursuant to Section 5091 of the Education Code.

(3) A petition for reorganization of school districts submitted pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of Division 3 of Title 2 of the Education Code.

(4) A petition for reorganization of community college districts submitted pursuant to Part 46 (commencing with Section 74000) of Division 7 of Title 3 of the Education Code.

(5) A memorandum prepared by a county elections official in the examination of a petition, indicating which registered voters signed that particular petition.

(b) The materials described in subdivision (a) shall not be open to inspection except by the following persons:

(1) A public officer or public employee who has the duty of receiving, examining, or preserving the petition, or who is responsible for preparation of the memorandum.

(2) If a petition is found to be insufficient, by the proponent of the petition and a representative of the proponent as may be designated by the proponent in writing, in order to determine which signatures were disqualified and the reasons therefor.

(c) Notwithstanding subdivisions (a) and (b), the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a city attorney, a school district attorney, and a community college district attorney shall be permitted to examine the materials described in subdivision (a) upon approval of the appropriate superior court.

(d) If the proponent of a petition is permitted to examine a petition and a memorandum pursuant to subdivision (b), the examination shall commence not later than 21 days after certification of insufficiency, and the county elections official shall retain the documents as prescribed in Section 17200 of the Elections Code.

CHAPTER 3. Environmental Protection, Building Standards, and Safety Requirements

Article 1. Pesticide Safety and Efficacy Information Disclosable Under the Federal Insecticide, Fungicide, and Rodenticide Act

7924.300. If both of the following conditions are satisfied, nothing in this division exempts from public disclosure the same categories of pesticide safety and

efficacy information that are disclosable under Section 10(d)(1) of the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136h(d)(1)):

(a) The individual requesting the information is not an officer, employee, or agent specified in subdivision (a) of Section 7924.310.

(b) The individual signs the affirmation specified in subdivision (b) of Section 7924.310.

7924.305. (a) The Director of Pesticide Regulation, upon the director's initiative, or upon receipt of a request pursuant to this division for the release of data submitted and designated as a trade secret by a registrant or applicant, shall determine whether any or all of the data so submitted is a properly designated trade secret. In order to assure that the interested public has an opportunity to obtain and review pesticide safety and efficacy data and to comment before the expiration of the public comment period on a proposed pesticide registration, the director shall provide notice to interested persons when an application for registration enters the registration evaluation process.

(b) If the director determines that the data is not a trade secret, the director shall notify the registrant or applicant by certified mail.

(c) The registrant or applicant shall have 30 days after receipt of this notification to provide the director with a complete justification and statement of the grounds on which the trade secret privilege is claimed. This justification and statement shall be submitted by certified mail.

(d) The director shall determine whether the data is protected as a trade secret within 15 days after receipt of the justification and statement or, if no justification and statement is filed, within 45 days of the original notice. The director shall notify the registrant or applicant and any party who has requested the data pursuant to this division of that determination by certified mail. If the director determines that the data is not protected as a trade secret, the final notice shall also specify a date, not sooner than 15 days after the date of mailing of the final notice, when the data shall be available to any person requesting information pursuant to Section 7924.300.

(e) This article does not prohibit any person from maintaining a civil action for wrongful disclosure of a trade secret.

(f) "Trade secret" means data that is nondisclosable under Section 10(d)(1) of the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136h(d)(1)).

7924.310. (a) Unless the applicant or registrant consents to disclosure of information that the applicant or registrant submits to the state pursuant to Article

4 (commencing with Section 12811) of Chapter 2 of Division 7 of the Food and Agricultural Code, the Director of Pesticide Regulation shall not knowingly disclose any of that information to any of the following:

(1) An officer, employee, or agent of any business or other entity engaged in the production, sale, or distribution of pesticides in a country other than the United States, or in a country in addition to the United States.

(2) Any other person who intends to deliver this information to any foreign or multinational business or entity.

(b) To implement this section, the director shall require a person requesting information described in subdivision (a) to sign the following affirmation:

AFFIRMATION OF STATUS

This affirmation is required by Article 1 (commencing with Section 7924.300) of Chapter 3 of Part 5 of Division 10 of Title 1 of the Government Code.

I have requested access to information submitted to the Department of Pesticide Regulation (or previously submitted to the Department of Food and Agriculture) by a pesticide applicant or registrant pursuant to the California Food and Agricultural Code. I hereby affirm all of the following statements:

(1) I do not seek access to the information for purposes of delivering it or offering it for sale to any business or other entity, including the business or entity of which I am an officer, employee, or agent, engaged in the production, sale, or distribution of pesticides in a country other than the United States or in a country in addition to the United States, or to an officer, employee, or agent of such a business or entity.

(2) I will not purposefully deliver or negligently cause the data to be delivered to a business or entity specified in paragraph (1) or its officers, employees, or agents.

I am aware that I may be subject to criminal penalties under Section 118 of the Penal Code if I make any statement of material facts knowing that the statement is false or if I willfully conceal any material fact.

Name of Requester

Name of Requester's Organization

Signature of Requester

Address of Requester

Date

Request No.

Telephone Number of Requester

Name, Address, and Telephone Number of Requester's Client, if the requester has requested access to the information on behalf of someone other than the requester or the requester's organization listed above.

(c) Section 118 of the Penal Code applies to any affirmation made pursuant to this article.

7924.315. Notwithstanding any other provision of this article, if the Director of Pesticide Regulation determines that information submitted by an applicant or registrant is needed to determine whether a pesticide, or any ingredient of any pesticide, causes unreasonable adverse effects on health or the environment, the director may disclose that information to any person in connection with a public proceeding conducted under law or regulation.

7924.320. The Director of Pesticide Regulation shall maintain records of the names of persons to whom data is disclosed pursuant to this article and the persons or organizations they represent and shall inform the applicant or registrant of the names and the affiliation of these persons.

7924.325. The Director of Pesticide Regulation may limit an individual to one request per month pursuant to this article if the director determines that a person has made a frivolous request within the past 12-month period.

7924.330. (a) Any officer or employee of the state, or former officer or employee of the state, who, because of this employment or official position, obtains possession of, or has access to, material which is prohibited from disclosure by this article, and who, knowing that disclosure of this material is prohibited by this article, willfully discloses the material in any manner to any person not entitled to receive it, shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000), or by imprisonment in the county jail for not more than one year, or by both fine and imprisonment.

(b) For purposes of this section, any contractor with the state who is furnished information pursuant to this article, or any employee of any contractor, shall be considered an employee of the state.

7924.335. This article shall be operative only so long as, and to the extent that, enforcement of Section 10(d)(1) of the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136h(d)(1)) has not been enjoined by federal court

order. If a final and unappealable federal court judgment or decision holds that paragraph invalid, this article shall become inoperative, to the extent of the invalidity.

Article 2. Pollution

7924.500. Nothing in this division requires the disclosure of records that relate to volatile organic compound or chemical substance information received or compiled by an air pollution control officer pursuant to Section 42303.2 of the Health and Safety Code.

7924.505. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of financial data contained in an application for financing under Division 27 (commencing with Section 44500) of the Health and Safety Code, if an authorized officer of the California Pollution Control Financing Authority determines that disclosure of the financial data would be competitively injurious to the applicant and the data is required in order to obtain a guarantee from the United States Small Business Administration.

(b) The California Pollution Control Financing Authority shall adopt rules for review of individual requests for confidentiality under this section and for making available to the public those portions of an application that are subject to disclosure under this division.

7924.510. (a) Any information, analysis, plan, or specification that discloses the nature, extent, quantity, or degree of an air contaminant or other pollution that any article, machine, equipment, or other contrivance will produce, which any air pollution control district or air quality management district, or any other state or local agency or district, requires any applicant to provide before the applicant builds, erects, alters, replaces, operates, sells, rents, or uses the article, machine, equipment, or other contrivance, is a public record.

(b) All air or other pollution monitoring data, including data compiled from a stationary source, are public records.

(c) Except as otherwise provided in subdivision (d) and Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3 of the Education Code, a trade secret is not a public record under this section or Section 7924.700.

(d) Notwithstanding any other provision of law, all air pollution emission data, including those emission data that constitute trade secrets as defined in subdivision (f), are public records. Data used to calculate emission data are not emission data for the purposes of this subdivision and data that constitute trade secrets and that are used to calculate emission data are not public records.

(e) Data used to calculate the costs of obtaining emissions offsets are not public records. At the time that an air pollution control district or air quality management district issues a permit to construct to an applicant who is required to obtain offsets pursuant to district rules and regulations, data obtained from the applicant consisting of the year the offset transaction occurred, the amount of offsets purchased, by pollutant, and the total cost, by pollutant, of the offsets purchased is a public record. If an application is denied, the data shall not be a public record.

(f) As used in this section, "trade secret" may include, but is not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that satisfies all of the following requirements:

(1) It is not patented.

(2) It is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value.

(3) It gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

Article 3. Building Standards and Safety Requirements

7924.700. (a) A record of a notice or an order that is directed to the owner of any building and relates to violation of a housing or building code, ordinance, statute, or regulation that constitutes a violation of a standard provided in Section 1941.1 of the Civil Code is a public record.

(b) A record of subsequent action with respect to a notice or order described in subdivision (a) is a public record.

Article 4. Enforcement Orders

7924.900. (a) Every final enforcement order issued by an agency listed in subdivision (b) under any provision of law that is administered by an entity listed in subdivision (b), shall be displayed on the entity's internet website, if the final enforcement order is a public record that is not exempt from disclosure pursuant to this division.

(b) This section applies to the California Environmental Protection Agency and to all of the following entities within the agency:

(1) The State Air Resources Board.

(2) The California Integrated Waste Management Board.

(3) The State Water Resources Control Board, and each California regional water quality control board.

(4) The Department of Pesticide Regulation.

(5) The Department of Toxic Substances Control.

(c) (1) Except as provided in paragraph (2), for purposes of this section, an enforcement order is final when the time for judicial review has expired on or after January 1, 2001, or when all means of judicial review have been exhausted on or after January 1, 2001.

(2) In addition to the requirements of paragraph (1), with regard to a final enforcement order issued by the State Water Resources Control Board or a California regional water quality control board, this section shall apply only to a final enforcement order adopted by that entity at a public meeting.

(d) An order posted pursuant to this section shall be posted for not less than one year.

(e) The California Environmental Protection Agency shall oversee the implementation of this section.

CHAPTER 4. Financial Records and Tax Records

7925.000. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of information required from any taxpayer in connection with the collection of local taxes if that information is received in confidence and disclosure of it to other persons would result in unfair competitive disadvantage to the person supplying the information.

7925.005. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of a statement of personal worth or personal financial data required by a licensing agency and filed by an applicant with the licensing agency to establish the applicant's personal qualification for the license, certificate, or permit requested.

7925.010. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of any of the following records:

(a) Financial data contained in an application for registration, or registration renewal, as a service contractor, which is filed with the Director of Consumer Affairs pursuant to Chapter 20 (commencing with Section 9800) of Division 3 of

the Business and Professions Code, for the purpose of establishing the service contractor's net worth.

(b) Financial data regarding the funded accounts held in escrow for service contracts held in force in this state by a service contractor.

7925.015. This division does not require the disclosure of records that the Controller and third-party auditors obtain the possession of as a result of an examination of records pursuant to Section 1571 of the Code of Civil Procedure, other than records of property that should have been reported to the Controller as unclaimed property.

CHAPTER 5. Health Care

Article 1. Accreditation

7926.000. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of a final accreditation report of the Joint Commission on Accreditation of Hospitals that has been transmitted to the State Department of Public Health pursuant to subdivision (b) of Section 1282 of the Health and Safety Code.

Article 2. Advance Health Care Directive and Related Matters

7926.100. (a) Except as provided in subdivision (b) and in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of any information that a person provides to the Secretary of State for the purpose of registration in the Advance Health Care Directive Registry.

(b) The information described in subdivision (a) shall be released at the request of a health care provider, a public guardian, or the registrant's legal representative.

Article 3. Contracts and Negotiations

7926.200. The provisions listed in Section 7920.505 do not prevent any health facility from disclosing to a certified bargaining agent relevant financing information pursuant to Section 8 of the National Labor Relations Act (29 U.S.C. Sec. 158).

7926.205. (a) Nothing in this division or any other provision of law requires disclosure of records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to

provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulae or calculations for these payments, and contract negotiations with providers of health care for alternative rates for a period of three years after the contract is fully executed.

(b) Transmission of the records described in subdivision (a), or the information contained therein in an alternative form, to the board of supervisors is not a waiver of exemption from disclosure. The records and information once transmitted to the board of supervisors remain subject to the exemption described in subdivision (a).

(c) (1) This section does not prevent the Joint Legislative Audit Committee from accessing any records in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2.

(2) This section does not prevent the Department of Managed Health Care from accessing any records in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

7926.210. (a) Except as provided in subdivision (b) or in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of any records of a local hospital district, formed pursuant to Division 23 (commencing with Section 32000) of the Health and Safety Code, or a municipal hospital, formed pursuant to Article 7 (commencing with Section 37600) or Article 8 (commencing with Section 37650) of Chapter 5 of Part 2 of Division 3 of Title 4, that relate to a contract with an insurer or a nonprofit hospital service plan for inpatient or outpatient services for alternative rates pursuant to Section 10133 of the Insurance Code.

(b) A record described in subdivision (a) shall be open to inspection within one year after the contract is fully executed.

7926.215. (a) Except as provided in Sections 7924.510, 7924.700, and the provisions listed in Section 7920.505, this division does not require disclosure of records of the Department of Corrections and Rehabilitation that relate to health care services contract negotiations, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations, including, but not limited to, records related to those negotiations, such as meeting minutes, research, work product, theories, or strategy of the department, or its staff, or members of the California Medical Assistance Commission, or its staff, who act in consultation with, or on behalf of, the department.

(b) (1) Except for the portion that contains the rates of payment, a contract for health services entered into by the Department of Corrections and Rehabilitation

or the California Medical Assistance Commission on or after July 1, 1993, shall be open to inspection one year after it is fully executed.

(2) If a contract for health services was entered into before July 1, 1993, and amended on or after July 1, 1993, the amendment, except for any portion containing rates of payment, shall be open to inspection one year after it is fully executed.

(c) Three years after a contract or amendment is open to inspection under this section, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(d) (1) Notwithstanding any other provision of law, including, but not limited to, Section 1060 of the Evidence Code, the entire contract or amendment shall be open to inspection by the California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office.

(2) The California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office shall maintain the confidentiality of each contract or amendment until the contract or amendment is fully open to inspection by the public.

(e) It is the intent of the Legislature that the confidentiality of health care provider contracts, and of the contracting process as provided in this section, shall protect the competitive nature of the negotiation process, and shall not affect public access to other information relating to the delivery of health care services.

7926.220. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of a state agency related to activities governed by Article 2.6 (commencing with Section 14081), Article 2.8 (commencing with Section 14087.5), or Article 2.91 (commencing with Section 14089) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, that reveal the special negotiator's deliberative processes, discussions, communications, or any other portion of the negotiations with providers of health care services, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy, or that provide instruction, advice, or training to employees.

(b) (1) Except for the portion containing the rates of payment, a contract for inpatient services entered into pursuant to one of these articles, on or after April 1, 1984, shall be open to inspection one year after it is fully executed.

(2) If a contract for inpatient services was entered into before April 1, 1984, and amended on or after April 1, 1984, the amendment, except for any portion

containing the rates of payment, shall be open to inspection one year after it is fully executed.

(3) If the California Medical Assistance Commission enters into a contract with a health care provider for other than inpatient hospital services, the contract shall be open to inspection one year after it is fully executed.

(c) Three years after a contract or amendment is open to inspection under this section, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(d) (1) Notwithstanding any other law, the entire contract or amendment shall be open to inspection by the California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office.

(2) The California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office shall maintain the confidentiality of each contract or amendment until the contract or amendment is fully open to inspection by the public.

7926.225. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the Managed Risk Medical Insurance Board and the State Department of Health Care Services that relate to activities governed by former Part 6.3 (commencing with Section 12695), former Part 6.5 (commencing with Section 12700), former Part 6.6 (commencing with Section 12739.5), or former Part 6.7 (commencing with Section 12739.70) of Division 2 of the Insurance Code, or Chapter 2 (commencing with Section 15810) or Chapter 4 (commencing with Section 15870) of Part 3.3 of Division 9 of the Welfare and Institutions Code, and that reveal any of the following:

(1) The deliberative processes, discussions, communications, or any other portion of the negotiations with entities contracting or seeking to contract with the board or the department, entities with which the board or the department is considering a contract, or entities with which the board or department is considering or enters into any other arrangement under which the board or the department provides, receives, or arranges services or reimbursement.

(2) The impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff or the department or its staff, or records that provide instructions, advice, or training to their employees.

(b) (1) Except for the portion that contains the rates of payment, a contract entered into pursuant to former Part 6.3 (commencing with Section 12695), former Part 6.5 (commencing with Section 12700), former Part 6.6 (commencing with Section 12739.5), or former Part 6.7 (commencing with Section 12739.70) of

Division 2 of the Insurance Code, or Chapter 2 (commencing with Section 15810) or Chapter 4 (commencing with Section 15870) of Part 3.3 of Division 9 of the Welfare and Institutions Code, on or after July 1, 1991, shall be open to inspection one year after its effective date.

(2) If a contract was entered into before July 1, 1991, and amended on or after July 1, 1991, the amendment, except for any portion containing the rates of payment, shall be open to inspection one year after the effective date of the amendment.

(c) Three years after a contract or amendment is open to inspection pursuant to this section, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(d) (1) Notwithstanding any other law, the entire contract or amendment to a contract shall be open to inspection by the California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office.

(2) The California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office shall maintain the confidentiality of each contract or amendment until the contract or amendment is open to inspection pursuant to subdivision (c).

7926.230. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the Managed Risk Medical Insurance Board and the State Department of Health Care Services related to activities governed by Part 6.2 (commencing with Section 12693) or former Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code or Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions Code, if the records reveal any of the following:

(1) The deliberative processes, discussions, communications, or any other portion of the negotiations with entities contracting or seeking to contract with the board or the department, entities with which the board or department is considering a contract, or entities with which the board or department is considering or enters into any other arrangement under which the board or department provides, receives, or arranges services or reimbursement.

(2) The impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or the department or its staff, or records that provide instructions, advice, or training to employees.

(b) (1) Except for the portion that contains the rates of payment, a contract entered into pursuant to Part 6.2 (commencing with Section 12693) or former Part

6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code, on or after January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions Code shall be open to inspection one year after its effective date.

(2) If a contract entered into pursuant to Part 6.2 (commencing with Section 12693) or former Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code or Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions Code, is amended, the amendment shall be open to inspection one year after the effective date of the amendment.

(c) Three years after a contract or amendment is open to inspection pursuant to this section, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(d) (1) Notwithstanding any other law, the entire contract or amendments to a contract shall be open to inspection by the California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office.

(2) The California State Auditor's Office, the Joint Legislative Audit Committee, and the Legislative Analyst's Office shall maintain the confidentiality of each contract or amendment until the contract or amendment is open to inspection pursuant to subdivision (b) or (c).

(e) The exemption from disclosure provided pursuant to this section for the contracts, deliberative processes, discussions, communications, negotiations, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or the department or its staff, shall also apply to the contracts, deliberative processes, discussions, communications, negotiations, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of applicants pursuant to former Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code or Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of the Welfare and Institutions Code.

7926.235. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the Managed Risk Medical Insurance Board that relate to activities governed by Chapter 8 (commencing with Section 10700) of Part 2 of Division 2 of the Insurance Code, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations with health plans, or the impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or records that provide instructions, advice, or training to employees.

(b) Except for the portion that contains the rates of payment, a contract for health coverage entered into pursuant to Chapter 8 (commencing with Section 10700) of Part 2 of Division 2 of the Insurance Code, on or after January 1, 1993, shall be open to inspection one year after it has been fully executed.

(c) (1) Notwithstanding any other law, the entire contract or amendment to a contract shall be open to inspection by the Joint Legislative Audit Committee.

(2) The committee shall maintain the confidentiality of each contract or amendment until the contract or amendment is open to inspection pursuant to subdivision (b).

Article 4. In-Home Supportive Services and Personal Care Services

7926.300. (a) Notwithstanding any other provision of this division, information regarding persons paid by the state to provide in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code or personal care services pursuant to Section 14132.95, 14132.952, 14132.956, or 14132.97 of the Welfare and Institutions Code, and information about persons who have completed the form described in subdivision (a) of Section 12305.81 of the Welfare and Institutions Code for the provider enrollment process, is not subject to public disclosure pursuant to this division, except as provided in subdivision (b).

(b) Copies of names, addresses, home telephone numbers, personal cellular telephone numbers, written or spoken languages, if known, and personal email addresses of persons described in subdivision (a) shall be made available, upon request, to an exclusive bargaining agent and to any labor organization seeking representation rights pursuant to subdivision (c) of Section 12301.6, or Section 12302.5, of the Welfare and Institutions Code or Chapter 10 (commencing with Section 3500) of Division 4. This information shall not be used by the receiving entity for any purpose other than the employee organizing, representation, and assistance activities of the labor organization.

(c) This section applies solely to individuals who provide services under the In-Home Supportive Services Program (Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code), the Personal Care Services Program pursuant to Section 14132.95 of the Welfare and Institutions Code, the In-Home Supportive Services Plus Option Program pursuant to Section 14132.952 of the Welfare and Institutions Code, the Community First Choice Option Program pursuant to Section 14132.956 of the Welfare and Institutions Code, or the Waiver Personal Care Services Program pursuant to Section 14132.97 of the Welfare and Institutions Code.

(d) This section does not alter the rights of parties under the Meyers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4) or any other labor relations law.

Article 5. Reproductive Health Services Facility

7926.400. For purposes of this article, the following terms have the following meanings:

(a) "Contractor" means an individual or entity that contracts with a reproductive health services facility for services related to patient care.

(b) "Personal information" means any of the following information related to an individual that is maintained by a public agency:

(1) Social security number.

(2) Physical description.

(3) Home address.

(4) Home telephone number.

(5) Statements of personal worth or personal financial data filed pursuant to Section 7925.005.

(6) Personal medical history.

(7) Employment history.

(8) Electronic mail address.

(9) Information that reveals any electronic network location or identity.

(c) "Public agency" means all of the following:

(1) The Department of Consumer Affairs.

(2) The Department of Managed Health Care.

(3) The State Department of Health Care Services.

(4) The State Department of Public Health.

(d) "Reproductive health services facility" means the office of a licensed physician and surgeon whose specialty is family medicine, obstetrics, or

gynecology, or a licensed clinic, where at least 50 percent of the patients of the physician or the clinic are provided with family planning or abortion services.

7926.405. This division does not require disclosure of any personal information received, collected, or compiled by a public agency regarding the employees, volunteers, board members, owners, partners, officers, or contractors of a reproductive health services facility who have notified the public agency pursuant to Section 7926.415 if the personal information is contained in a document that relates to the facility.

7926.410. (a) Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to obtain access to employment history information of a reproductive health services facility pursuant to Part 4 (commencing with Section 7923.000).

(b) If the court finds, based on the facts of a particular case, that the public interest served by disclosure of employment history information of a reproductive health services facility clearly outweighs the public interest served by not disclosing the information, the court shall order the officer or person charged with withholding the information to disclose employment history information or show cause why that officer or person should not disclose pursuant to Chapter 2 (commencing with Section 7923.100) of Part 4.

7926.415. (a) In order for this article to apply to an individual who is an employee, volunteer, board member, officer, or contractor of a reproductive health services facility, the individual shall notify the public agency to which the individual's personal information is being submitted or has been submitted that the individual falls within the application of this article.

(b) Notification pursuant to subdivision (a) is valid if it complies with all of the following:

(1) It is on the official letterhead of the facility.

(2) It is clearly separate from any other language present on the same page and is executed by a signature that serves no other purpose than to execute the notification.

(3) It is signed and dated by both of the following:

(A) The individual whose information is being submitted.

(B) The executive officer of the reproductive health services facility or designee of the executive officer.

(c) A reproductive health services facility shall retain a copy of all notifications submitted pursuant to this article.

7926.420. The privacy protections for personal information authorized pursuant to this article are effective from the time of notification pursuant to Section 7926.415 until either one of the following occurs:

(a) Six months after the date of separation from a reproductive health services facility for an individual who has served for not more than one year as an employee, contractor, volunteer, board member, or officer of the reproductive health services facility.

(b) One year after the date of separation from a reproductive health services facility for an individual who has served for more than one year as an employee, contractor, volunteer, board member, or officer of the reproductive health services facility.

7926.425. Within 90 days of separation of an employee, contractor, volunteer, board member, or officer of the reproductive health services facility who has provided notice to a public agency pursuant to Section 7926.415, the facility shall provide notice of the separation to the relevant agency or agencies.

7926.430. This section does not prevent a government agency from disclosing data regarding the age, race, ethnicity, national origin, or gender of individuals whose personal information is protected pursuant to this article if the data does not contain individually identifiable information.

Article 6. Websites and Related Matters

7926.500. In implementing this division, each health care district shall maintain an internet website in accordance with subdivision (b) of Section 32139 of the Health and Safety Code.

CHAPTER 6. Historically or Culturally Significant Matters

7927.000. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of any of the following:

(a) Records of Native American graves, cemeteries, and sacred places.

(b) Records of Native American places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code, which are maintained by, or in the possession of, the Native American Heritage Commission, another state agency, or a local agency.

7927.005. Nothing in this division requires disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.

CHAPTER 7. Library Records and Similar Matters

7927.100. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library and museum materials made or acquired and presented solely for reference or exhibition purposes.

(b) The exemption in this section does not apply to records of fines imposed on the borrowers.

7927.105. (a) As used in this section, the term "patron use records" includes both of the following:

(1) Any written or electronic record that is used to identify a library patron and is provided by the patron to become eligible to borrow or use books and other materials. This includes, but is not limited to, a patron's name, address, telephone number, or email address.

(2) Any written record or electronic transaction that identifies a patron's borrowing information or use of library information resources. This includes, but is not limited to, database search records, borrowing records, class records, and any other personally identifiable uses of library resources, information requests, or inquiries.

(b) This section does not apply to either of the following:

(1) Statistical reports of patron use.

(2) Records of fines collected by a library.

(c) All patron use records of a library that is in whole or in part supported by public funds shall remain confidential. A public agency, or a private actor that maintains or stores patron use records on behalf of a public agency, shall not disclose those records to any person, local agency, or state agency, except as follows:

(1) By a person acting within the scope of the person's duties within the administration of the library.

(2) By a person authorized in writing to inspect the records. The authorization shall be from the individual to whom the records pertain.

(3) By order of the appropriate superior court.

CHAPTER 8. Litigation Records and Similar Matters

7927.200. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of any of the following records:

(a) Records pertaining to pending litigation to which the public agency is a party, until the pending litigation has been finally adjudicated or otherwise settled.

(b) Records pertaining to a claim made pursuant to Division 3.6 (commencing with Section 810), until the pending claim has been finally adjudicated or otherwise settled.

7927.205. Nothing in this division or any other provision of law requires disclosure of a memorandum submitted to a state body or to the legislative body of a local agency by its legal counsel pursuant to subdivision (e) of Section 11126 or Section 54956.9 until the pending litigation has been finally adjudicated or otherwise settled. The memorandum is protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled.

CHAPTER 9. Miscellaneous Public Records

7927.300. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, that are obtained in confidence from any person.

7927.305. (a) Notwithstanding any other provision of this division to the contrary, information regarding family childcare providers, as defined in subdivision (b) of Section 8431 of the Education Code, shall not be subject to public disclosure pursuant to this division, except as provided in subdivisions (b) and (c).

(b) Consistent with Section 8432 of the Education Code, copies of names, home and mailing addresses, county, home, if known, work, and cellular telephone numbers, and email addresses of persons described in subdivision (a) shall be made available, upon request, to provider organizations that have been determined to be a provider organization pursuant to subdivision (a) of Section 8432 of the Education Code. Information shall be made available consistent with the deadlines set in Section 8432 of the Education Code. This information shall not be used by the receiving entity for any purpose other than for purposes of organizing, representing, and assisting family childcare providers.

(c) Consistent with Section 8432 of the Education Code, copies of names, home and mailing addresses, county, home, if known, work, and cellular telephone numbers, and email addresses of persons described in subdivision (a) shall be made available to a certified provider organization, as defined in subdivision (a) of Section 8431 of the Education Code. Information shall be made available consistent with the deadlines set in Section 8432 of the Education Code. This information shall not be used by the receiving entity for any purpose other than for purposes of organizing, representing, and assisting family childcare providers.

(d) This section does not prohibit or limit the disclosure of information otherwise required to be disclosed by the California Child Day Care Facilities Act (Chapter 3.4 (commencing with Section 1596.70) of, Chapter 3.5 (commencing with Section 1596.90) of, and Chapter 3.6 (commencing with Section 1597.30) of, Division 2 of the Health and Safety Code), or to an officer or employee of another state public agency for performance of their official duties under state law.

(e) All confidentiality requirements applicable to recipients of information pursuant to Section 1596.86 of the Health and Safety Code shall apply to protect the personal information of providers of small family daycare homes, as defined in Section 1596.78 of the Health and Safety Code, that is disclosed pursuant to subdivisions (b) and (c).

(f) A family childcare provider, as defined by subdivision (b) of Section 8431 of the Education Code, may opt out of disclosure of their home and mailing address, home, work, and cellular telephone numbers, and email address from the lists described in subdivisions (c) and (d) of Section 8432 of the Education Code by complying with the procedure set forth in subdivision (k) of Section 8432 of the Education Code.

CHAPTER 10. Personal Information and Customer Records

7927.400. Nothing in this division requires the disclosure of records that relate to electronically collected personal information, as defined by Section 11015.5, that is received, collected, or compiled by a state agency.

7927.405. Nothing in this division requires the disclosure of the residence or mailing address of any person in any record of the Department of Motor Vehicles except in accordance with Section 1808.21 of the Vehicle Code.

7927.410. Nothing in this division requires the disclosure of the name, credit history, utility usage data, home address, or telephone number of a utility customer of a local agency, except that disclosure of the name, utility usage data, and the home address of a utility customer of a local agency shall be made available upon request as follows:

(a) To an agent or authorized family member of the person to whom the information pertains.

(b) To an officer or employee of another governmental agency when necessary for the performance of its official duties.

(c) Upon court order or the request of a law enforcement agency relative to an ongoing investigation.

(d) Upon determination by the local agency that the utility customer who is the subject of the request has used utility services in a manner inconsistent with applicable local utility usage policies.

(e) Upon determination by the local agency that the utility customer who is the subject of the request is an elected or appointed official with authority to determine the utility usage policies of the local agency, provided that the home address of an appointed official shall not be disclosed without the official's consent.

(f) Upon determination by the local agency that the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure.

7927.415. Except as provided in Sections 7924.510 and 7924.700, nothing in this division requires disclosure of records that are the residence address of any person contained in the records of the Department of Housing and Community Development, if the person has requested confidentiality of that information, in accordance with Section 18081 of the Health and Safety Code.

7927.420. Notwithstanding paragraph (2) of subdivision (a) of Section 827 of the Welfare and Institutions Code, after the death of a foster child who is a minor, the name, date of birth, and date of death of the child shall be subject to disclosure by the county child welfare agency pursuant to this division.

7927.425. This division does not require the disclosure of the following records and information provided to the Controller's office:

(a) Records related to statements of personal worth or personal financial data, including, but not limited to, wills, trusts, account statements, earnings statements, or other similar records.

(b) Personal information, as defined by subdivision (a) of Section 1798.3 of the Civil Code, within records, including, but not limited to:

(1) Social security number.

(2) Date of birth.

(3) Federal employer identification number, until the Controller has made payment of the property in full to the owner.

(4) Account number, until the Controller has made payment of the property in full to the owner.

(5) Check number, until the Controller has made payment of the property in full to the owner.

7927.430. A Judicial Council form provided to request service pursuant to Section 26666.10, and the information contained therein, is confidential and shall not be disclosed pursuant to this division.

CHAPTER 11. Preliminary Drafts and Similar Materials

7927.500. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of any preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by a public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

CHAPTER 12. Private Industry

7927.600. Whenever a city and county or a joint powers agency, pursuant to a mandatory statute or charter provision to collect private industry wage data for salary setting purposes, or a contract entered to implement that mandate, is provided this data by the United States Bureau of Labor Statistics on the basis that the identity of private industry employers shall remain confidential, the identity of the employers shall not be open to the public or be admitted as evidence in any action or special proceeding.

7927.605. (a) Nothing in this division requires the disclosure of records that are any of the following: corporate financial records, corporate proprietary information including trade secrets, and information relating to siting within the state furnished to a government agency by a private company for the purpose of permitting the agency to work with the company in retaining, locating, or expanding a facility within California.

(b) Except as provided in subdivision (c), incentives offered by a state or a local government agency, if any, shall be disclosed upon communication to the agency or the public of a decision to stay, locate, relocate, or expand, by a company, or upon application by that company to a governmental agency for a general plan amendment, rezone, use permit, building permit, or any other permit, whichever occurs first.

(c) Before publicly disclosing a record that describes state or local incentives offered by an agency to a private business to retain, locate, relocate, or expand the business within California, the agency shall delete information that is exempt pursuant to this section.

CHAPTER 13. Private Records, Privileged Materials, and Other Records Protected by Law From Disclosure

7927.700. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

7927.705. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

CHAPTER 14. Public Employee or Official

Article 1. The Governor

7928.000. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of correspondence of and to the Governor or employees of the Governor's office or in the custody of or maintained by the Governor's Legal Affairs Secretary.

(b) Public records shall not be transferred to the custody of the Governor's Legal Affairs Secretary to evade the disclosure provisions of this division.

7928.005. (a) When the Governor leaves office, either voluntarily or involuntarily, public records in the custody or control of the Governor shall be transferred to the State Archives as soon as practical.

(b) Notwithstanding any other law, the Governor, by written instrument, the terms of which shall be made public, may restrict public access to any of the transferred public records, or any other writings the Governor may transfer that have not already been made accessible to the public.

(c) With respect to public records, public access, as otherwise provided for by this division, shall not be restricted for a period greater than 50 years or the death of the Governor, whichever is later, nor shall there be any restriction whatsoever with respect to enrolled bill files, press releases, speech files, or writings relating to applications for clemency or extradition in cases that have been closed for a period of at least 25 years. Subject to any restrictions permitted by this section or Section 7928.010, the Secretary of State, as custodian of the State Archives, shall

make all those public records and other writings available to the public as otherwise provided for in this division.

7928.010. (a) (1) For a Governor who held office between 1974 and 1988, Section 7928.005 does not apply to public records or other writings that were in the Governor's direct custody or control at the time of leaving office, except to the extent that the Governor may voluntarily transfer those records or other writings to the State Archives.

(2) Subdivision (a) does not apply to enrolled bill files, press releases, speech files, or writings relating to applications for clemency or extradition.

(b) (1) Notwithstanding any other law, the public records and other writings of any Governor who held office between 1974 and 1988 may be transferred to any educational or research institution in California. With respect to public records, however, public access, as otherwise provided for by this division, shall not be restricted for a period greater than 50 years or the death of the Governor, whichever is later.

(2) Records or writings shall not be transferred pursuant to this subdivision unless the institution receiving them agrees to maintain, and does maintain, the materials according to commonly accepted archival standards.

(3) An institution receiving public records pursuant to this subdivision shall not destroy any of those records without first receiving the written approval of the Secretary of State, as custodian of the State Archives. The Secretary of State may require that the records be placed in the State Archives rather than being destroyed.

(4) An institution receiving records or writings pursuant to this subdivision shall allow the Secretary of State, as custodian of the State Archives, to copy, at state expense, and to make available to the public, any and all public records, and inventories, indices, or finding aids relating to those records that the institution makes available to the public generally. Copies of those records in the custody of the State Archives shall be given the same legal effect as is given to the originals.

7928.015. (a) The Secretary of State may appraise and manage new or existing records that are subject to Section 7928.005 or 7928.010 to determine whether the records are appropriate for preservation in the State Archives.

(b) For purposes of this section, the Secretary of State shall use professional archival practices, including, but not limited to, appraising the historic value of the records, arranging and describing the records, rehousing the records in

appropriate storage containers, or providing any conservation treatment that the records require.

Article 2. The Legislature

7928.100. (a) Except as provided in subdivision (b) and in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of any records that are in the custody of, or maintained by, the Legislative Counsel.

(b) Subdivision (a) does not apply to records in the public database maintained by the Legislative Counsel that are described in Section 10248.

Article 3. Online Posting or Sale of Personal Information of Elected or Appointed Official

7928.200. (a) Nothing in this article is intended to preclude punishment instead under Section 69, 76, or 422 of the Penal Code, or any other law.

(b) An interactive computer service or access software provider, as defined in Section 230(f) of Title 47 of the United States Code, shall not be liable under this article unless the service or provider intends to abet or cause imminent great bodily harm that is likely to occur or threatens to cause imminent great bodily harm to an elected or appointed official.

7928.205. (a) Notwithstanding subdivision (a) of Section 7922.545, no state or local agency shall publicly post the home address, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official on the internet without first obtaining the written permission of that individual.

(b) For purposes of this section, "publicly post" means to intentionally communicate or otherwise make available the information described in subdivision (a) on the internet in an unrestricted and publicly available manner.

(c) This section does not prohibit a state or local agency from publicly posting a legally required notice or publication of an elected or appointed official on the internet.

7928.210. (a) No person shall knowingly post the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child, on the internet knowing that person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual.

(b) A violation of this section is a misdemeanor.

(c) A violation of this section that leads to the bodily injury of the official, or the official's residing spouse or child, is a misdemeanor or a felony.

7928.215. (a) For purposes of this section, "publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

(b) No person, business, or association shall publicly post or publicly display on the internet the home address or telephone number of any elected or appointed official if that official has, either directly or through an agent designated under Section 7928.220, made a written demand of that person, business, or association to not disclose the official's home address or telephone number.

(c) A written demand made under this section by a state constitutional officer, a mayor, or a Member of the Legislature, a city council, or a board of supervisors shall include a statement describing a threat or fear for the safety of that official or of any person residing at the official's home address.

(d) A written demand made under this section by an elected official shall be effective for four years, regardless of whether the official's term has expired before the end of the four-year period.

(e) (1) A person, business, or association that receives the written demand of an elected or appointed official pursuant to this section shall remove the official's home address or telephone number from public display on the internet, including information provided to cellular telephone applications, within 48 hours of delivery of the written demand, and shall continue to ensure that this information is not reposted on the same internet website, subsidiary site, or any other internet website maintained by the recipient of the written demand.

(2) After receiving the elected or appointed official's written demand, the person, business, or association shall not transfer the appointed or elected official's home address or telephone number to any other person, business, or association through any other medium.

(3) Paragraph (2) does not prohibit a telephone corporation, as defined in Section 234 of the Public Utilities Code, or its affiliate, from transferring the elected or appointed official's home address or telephone number to any person, business, or association, if the transfer is authorized by federal or state law, regulation, order, or tariff, or necessary in the event of an emergency, or to collect a debt owed by the elected or appointed official to the telephone corporation or its affiliate.

7928.220. (a) An elected or appointed official may designate in writing the official's employer, a related governmental entity, or any voluntary professional

association of similar officials to act, on behalf of that official, as that official's agent with regard to making a written demand pursuant to this article.

(b) An appointed official who is a district attorney, a deputy district attorney, or a peace officer, as defined in Sections 830 to 830.65, inclusive, of the Penal Code, may also designate the official's recognized collective bargaining representative to make a written demand on the official's behalf pursuant to this article.

(c) A written demand made by an agent pursuant to Section 7928.215 shall include a statement describing a threat or fear for the safety of that official or of any person residing at the official's home address.

7928.225. (a) An official whose home address or telephone number is made public as a result of a violation of Section 7928.215 may bring an action seeking injunctive or declarative relief in any court of competent jurisdiction.

(b) If a court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the official court costs and reasonable attorneys' fees.

(c) A fine not exceeding one thousand dollars ($1,000) may be imposed for a violation of the court's order for an injunction or declarative relief obtained pursuant to this section.

7928.230. (a) No person, business, or association shall solicit, sell, or trade on the internet the home address or telephone number of an elected or appointed official with the intent to cause imminent great bodily harm to the official or to any person residing at the official's home address.

(b) Notwithstanding any other law, an official whose home address or telephone number is solicited, sold, or traded in violation of subdivision (a) may bring an action in any court of competent jurisdiction.

(c) If a jury or court finds that a violation has occurred, it shall award damages to that official in an amount up to a maximum of three times the actual damages but in no case less than four thousand dollars ($4,000).

Article 4. Personal Information of Agency Employee

7928.300. (a) The home addresses, home telephone numbers, personal cellular telephone numbers, and birthdates of all employees of a public agency shall not be deemed to be public records and shall not be open to public inspection, except that disclosure of that information may be made as follows:

(1) To an agent, or a family member of the individual to whom the information pertains.

(2) To an officer or employee of another public agency when necessary for the performance of its official duties.

(3) To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home addresses and any phone numbers on file with the employer of employees performing law enforcement-related functions, and the birthdate of any employee, shall not be disclosed.

(4) To an agent or employee of a health benefit plan providing health services or administering claims for health services to public agencies and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents.

(b) (1) Unless used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication, the personal email addresses of all employees of a public agency shall not be deemed to be public records and shall not be open to public inspection, except that disclosure of that information may be made as specified in paragraphs (1) to (4), inclusive, of subdivision (a).

(2) This subdivision shall not be construed to limit the public's right to access the content of an employee's personal email that is used to conduct public business, as decided by the Supreme Court in City of San Jose v. Superior Court (2017) 2 Cal.5th 608.

(c) Upon written request of any employee, a public agency shall not disclose the employee's home address, home telephone number, personal cellular telephone number, personal email address, or birthdate pursuant to paragraph (3) of subdivision (a) and an agency shall remove the employee's home address, home telephone number, and personal cellular telephone number from any mailing list maintained by the agency, except if the list is used exclusively by the agency to contact the employee.

Article 5. Employment Contracts of Government Employees and Related Matters

7928.400. Every employment contract between a state or local agency and any public official or public employee is a public record that is not subject to Section 7922.000 and the provisions listed in Section 7920.505.

7928.405. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of records of state agencies related to activities governed by Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), and Chapter 12 (commencing with Section 3560) of Division 4, and Article 19.5 (commencing with Section 8430) of

Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, that reveal a state agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under these chapters.

(b) This section shall not be construed to limit the disclosure duties of a state agency with respect to any other records relating to the activities governed by the employee relations acts referred to in this section.

7928.410. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require the disclosure of records of local agencies related to activities governed by Chapter 10 (commencing with Section 3500) of Division 4, that reveal a local agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under that chapter.

(b) This section shall not be construed to limit the disclosure duties of a local agency with respect to any other records relating to the activities governed by the employee relations act referred to in this section.

CHAPTER 15. Public Entity Spending, Finances, and Oversight

Article 1. Access in General

7928.700. Notwithstanding any contract term to the contrary, a contract entered into by a state or local agency subject to this division, including the University of California, that requires a private entity to review, audit, or report on any aspect of that agency shall be public to the extent the contract is otherwise subject to disclosure under this division.

7928.705. (a) Except as provided in subdivision (b) and in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by a state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained.

(b) This section does not affect the law of eminent domain.

7928.710. (a) For purposes of this section, the following definitions apply:

(1) "Alternative investment" means an investment in a private equity fund, venture fund, hedge fund, or absolute return fund.

(2) "Alternative investment vehicle" means the limited partnership, limited liability company, or similar legal structure through which the public investment fund invests in portfolio companies.

(3) "Portfolio positions" means individual portfolio investments made by the alternative investment vehicles.

(4) "Public investment fund" means any public pension or retirement system, any public endowment or foundation, or a public bank, as defined in Section 57600.

(b) Notwithstanding any provision of this division or other law, the following records regarding alternative investments in which public investment funds invest are not subject to disclosure pursuant to this division, unless the information has already been publicly released by the keeper of the information:

(1) Due diligence materials that are proprietary to the public investment fund or the alternative investment vehicle.

(2) Quarterly and annual financial statements of alternative investment vehicles.

(3) Meeting materials of alternative investment vehicles.

(4) Records containing information regarding the portfolio positions in which alternative investment funds invest.

(5) Capital call and distribution notices.

(6) Alternative investment agreements and all related documents.

(c) Notwithstanding subdivision (b), the following information contained in records described in subdivision (b) regarding alternative investments in which public investment funds invest is subject to disclosure pursuant to this division and shall not be considered a trade secret exempt from disclosure:

(1) The name, address, and vintage year of each alternative investment vehicle.

(2) The dollar amount of the commitment made to each alternative investment vehicle by the public investment fund since inception.

(3) The dollar amount of cash contributions made by the public investment fund to each alternative investment vehicle since inception.

(4) The dollar amount, on a fiscal year-end basis, of cash distributions received by the public investment fund from each alternative investment vehicle.

(5) The dollar amount, on a fiscal year-end basis, of cash distributions received by the public investment fund plus remaining value of partnership assets attributable to the public investment fund's investment in each alternative investment vehicle.

(6) The net internal rate of return of each alternative investment vehicle since inception.

(7) The investment multiple of each alternative investment vehicle since inception.

(8) The dollar amount of the total management fees and costs paid on an annual fiscal year-end basis, by the public investment fund to each alternative investment vehicle.

(9) The dollar amount of cash profit received by public investment funds from each alternative investment vehicle on a fiscal year-end basis.

7928.715. Nothing in this division requires disclosure of an identification number, alphanumeric character, or other unique identifying code that a public agency uses to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency.

7928.720. Notwithstanding Sections 7920.510, 7920.515, 7920.520, 7920.530, 7920.540, and 7920.545, and subdivision (a) of Section 7920.525, an itemized statement of the total expenditures and disbursements of any agency provided for in Article VI of the California Constitution shall be open for inspection.

Article 2. Requirements Specific to Online Access

7928.800. In implementing this division, each independent special district shall maintain an internet website in accordance with Section 53087.8.

7928.801. (a) Any executed contract for the purchase of goods or services by a state or local agency, including the price and terms of payment, is a public record subject to disclosure under this division.

(b) Any provision in a written agreement that purports to exclude a contract specified in subdivision (a) from disclosure by agreeing to consider it a confidential or proprietary record of the vendor is void and unenforceable as a matter of law.

(c) This section does not require disclosure of a record that is otherwise exempt from disclosure or prohibited from disclosure pursuant to federal or state law.

CHAPTER 16. Regulation of Financial Institutions and Securities

7929.000. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records contained in, or related to, any of the following:

(a) Applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies.

(b) Examination, operating, or condition reports prepared by, on behalf of, or for the use of, any state agency referred to in subdivision (a).

(c) Preliminary drafts, notes, or interagency or intra-agency communications prepared by, on behalf of, or for the use of, any state agency referred to in subdivision (a).

(d) Information received in confidence by any state agency referred to in subdivision (a).

7929.005. (a) Any information reported to the North American Securities Administrators Association/Financial Industry Regulatory Authority and compiled as disciplinary records that are made available to the Department of Business Oversight through a computer system constitutes a public record.

(b) Notwithstanding any other provision of law, upon written or oral request pursuant to Section 25247 of the Corporations Code, the Department of Business Oversight may disclose any of the following:

(1) The information described in subdivision (a).

(2) The current license status of a broker-dealer.

(3) The year of issuance of the license of a broker-dealer.

7929.010. (a) For purposes of this section, the following definitions apply:

(1) "Customer" means a person or entity that has transacted or is transacting business with or has used or is using the services of a public bank or a person or entity for whom the public bank has acted as a fiduciary with respect to trust property.

(2) "Investment recipient" means an entity in which the public bank invests.

(3) "Loan recipient" means an entity or individual that has received a loan from the public bank.

(4) "Personal data" means social security numbers, tax identification numbers, physical descriptions, home addresses, home telephone numbers, statements of personal worth or any other personal financial data, employment histories, electronic mail addresses, and information that reveals any electronic network location or identity.

(5) "Public bank" has the same meaning as defined in Section 57600.

(b) Notwithstanding any other provision of this division, the following information and records of a public bank and the related decisions of the directors, officers, and managers of a public bank are not subject to disclosure pursuant to this division, unless the information has already been publicly released by the custodian of the information:

(1) Due diligence materials that are proprietary to the public bank.

(2) A memorandum or letter produced and distributed internally by the public bank.

(3) A commercial or personal financial statement or other financial data received from an actual or potential customer, loan recipient, or investment recipient.

(4) Meeting materials of a closed-session meeting, or a closed-session portion of a meeting, of the board of directors, a committee of the board of directors, or executives of a public bank.

(5) A record containing information regarding a portfolio position in which the public bank invests.

(6) A record containing information regarding a specific loan amount or loan term, or information received from a loan recipient or customer pertaining to a loan or an application for a loan.

(7) A capital call or distribution notice, or a notice to a loan recipient or customer regarding a loan or account with the public bank.

(8) An investment agreement, loan agreement, deposit agreement, or a related document.

(9) Specific account information or other personal data received by the public bank from an actual or potential customer, investment recipient, or loan recipient.

(10) A memorandum or letter produced and distributed for purposes of meetings with a federal or state banking regulator.

(11) A memorandum or letter received from a federal or state banking regulator.

(12) Meeting materials of the internal audit committee, the compliance committee, or the governance committee of the board of directors of a public bank.

(c) Notwithstanding subdivision (b), the following information contained in records described in subdivision (b) is subject to disclosure pursuant to this division and is not a trade secret exempt from disclosure:

(1) The name, title, and appointment year of each director and executive of the public bank.

(2) The name and address of each current investment recipient in which the public bank currently invests.

(3) General internal performance metrics of the public bank and financial statements of the bank, as specified or required by the public bank's charter or as required by federal law.

(4) Final audit reports of the public bank's independent auditors, although disclosure to an independent auditor of any information described in subdivision (b) shall not be construed to permit public disclosure of that information provided to the auditor.

7929.011. (a) Notwithstanding any other provision of this chapter, the following information and records of a bank, as defined in Section 63010, shall not be subject to disclosure pursuant to this chapter, unless the information has already been publicly released by the custodian of the information:

(1) A commercial or personal financial statement or other financial or project data received from an actual or potential applicant to the bank, loan recipient, or investment recipient.

(2) A record containing information regarding a specific financial assistance, bond or loan amount or term, or information received from an applicant or customer pertaining to a contract for financial assistance, bond or loan or an application related thereto, including an investment agreement, loan agreement, or a related document.

(3) Due diligence materials, or information related to customers, and competitors, including summaries, reports, analyses, recommendations, projections, or estimates related thereto.

(4) Any record containing information claimed to be a trade secret, confidential or proprietary, or to be otherwise exempt from disclosure under this chapter, or under other applicable provisions of law as identified in writing by the information provider.

(b) This section shall apply to the bank solely in relation to the administration of the Climate Catalyst Revolving Loan Fund Act of 2020 (Article 6.7 (commencing with Section 63048.91) of Chapter 2 of Division 1 of Title 6.7), the Venture Capital Program pursuant to Section 63089.99, and the financing of economic development facilities and public development facilities, but only when a participating party is seeking financial assistance with the support of a sponsor, as those terms are defined in Section 63010.

(c) This section shall does not exempt disclosure of bank-produced documents or materials, including staff reports and terms sheets, that are presented to the bank's board of directors for consideration and approval, even if such documents or materials are produced from original information and documents that are otherwise exempted under this section. Any further information or document requested by the bank's board of directors in connection with these bank-produced documents or materials this is provided during, or prior to, the bank board meeting, are also not exempt from disclosure and shall be publicly available in the form provided to the board.

(d) This section shall only apply to documents and information provided to the bank on and after August 1, 2022, and prior to July 1, 2025, and shall continue to apply to those documents and information going forward.

CHAPTER 17. Security Measures and Related Matters

7929.200. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of a document prepared by or for a state or local agency that satisfies both of the following conditions:

(a) It assesses the agency's vulnerability to terrorist attack or other criminal acts intended to disrupt the public agency's operation.

(b) It is for distribution or consideration in a closed session.

7929.205. (a) As used in this section, "voluntarily submitted" means submitted without the Office of Emergency Services exercising any legal authority to compel access to, or submission of, critical infrastructure information.

(b) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of critical infrastructure information, as defined in Section 131(3) of Title 6 of the United States Code, that is voluntarily submitted to

the Office of Emergency Services for use by that office, including the identity of the person who, or entity that, voluntarily submitted the information.

(c) This section does not affect the status of information in the possession of any other state or local governmental agency.

7929.210. (a) Nothing in this division requires the disclosure of an information security record of a public agency, if, on the facts of the particular case, disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.

(b) Nothing in this section limits public disclosure of records stored within an information technology system of a public agency that are not otherwise exempt from disclosure pursuant to this division or any other law.

7929.215. Nothing in this division or any other law requires disclosure of a risk assessment or railroad infrastructure protection program filed with the Public Utilities Commission, the Director of Homeland Security, and the Office of Emergency Services pursuant to Article 7.3 (commencing with Section 7665) of Chapter 1 of Division 4 of the Public Utilities Code.

CHAPTER 18. State Compensation Insurance Fund

7929.400. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the State Compensation Insurance Fund that relate to claims pursuant to Chapter 1 (commencing with Section 3200) of Part 1 of Division 4 of the Labor Code, to the extent that confidential medical information or other individually identifiable information would be disclosed.

7929.405. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the State Compensation Insurance Fund that relate to discussions, communications, or any other portion of negotiations with entities contracting or seeking to contract with the fund, and any related deliberations.

7929.410. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the State Compensation Insurance Fund that relate to the impressions, opinions, recommendations, meeting minutes of meetings or sessions that are lawfully closed to the public, research, work product, theories, or strategy of the fund or its staff, on the development of rates, contracting strategy, underwriting, or competitive strategy pursuant to the powers granted to the fund in Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code.

7929.415. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the State Compensation Insurance Fund obtained to provide workers' compensation insurance under Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code, including, but not limited to, all of the following:

(a) Any medical claims information.

(b) Policyholder information, provided that this section shall not be interpreted to prevent an insurance agent or broker from obtaining proprietary information or other information authorized by law to be obtained by the agent or broker.

(c) Information on rates, pricing, and claims handling received from brokers.

7929.420. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of records of the State Compensation Insurance Fund that are trade secrets pursuant to Section 7930.205, or Article 11 (commencing with Section 1060) of Chapter 4 of Division 8 of the Evidence Code, including, without limitation, instructions, advice, or training provided by the State Compensation Insurance Fund to its board members, officers, and employees regarding the fund's special investigation unit, internal audit unit, and informational security, marketing, rating, pricing, underwriting, claims handling, audits, and collections.

(b) Notwithstanding subdivision (a), the portions of records containing trade secrets shall be available for review by the Joint Legislative Audit Committee, California State Auditor's Office, Division of Workers' Compensation, and the Department of Insurance to ensure compliance with applicable law.

7929.425. (a) Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does not require disclosure of internal audits of the State Compensation Insurance Fund containing proprietary information, or the following records of the State Compensation Insurance Fund that are related to an internal audit:

(1) Personal papers and correspondence of any person providing assistance to the fund when that person has requested in writing that the person's papers and correspondence be kept private and confidential. Those papers and correspondence shall become public records if the written request is withdrawn, or upon order of the fund.

(2) Papers, correspondence, memoranda, or any substantive information pertaining to any audit not completed or an internal audit that contains proprietary information.

(b) Notwithstanding subdivision (a), the portions of records containing proprietary information, or any information specified in subdivision (a), shall be available for review by the Joint Legislative Audit Committee, California State Auditor's Office, Division of Workers' Compensation, and the Department of Insurance to ensure compliance with applicable law.

7929.430. (a) For purposes of this section, "fully executed" means the point in time when all of the necessary parties to a contract have signed the contract.

(b) Except as provided in subdivision (d), records of the State Compensation Insurance Fund that are contracts entered into pursuant to Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code shall be open to inspection one year after the contract has been fully executed.

(c) If a contract entered into pursuant to Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code is amended, the amendment shall be open to inspection one year after the amendment has been fully executed.

(d) Three years after a contract or amendment is open to inspection pursuant to this section, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(e) Notwithstanding any other law, the entire contract or amendment to a contract shall be open to inspection by the Joint Legislative Audit Committee. The committee shall maintain the confidentiality of the contract or amendment thereto until the contract or amendment is open to inspection pursuant to this section.

(f) This section does not apply to a document related to a contract with a public entity that is not otherwise expressly confidential as to that public entity.

CHAPTER 19. Test Materials, Test Results, and Related Matters

7929.600. Nothing in this division requires the disclosure of the results of a test undertaken pursuant to Section 12804.8 of the Vehicle Code.

7929.605. Except as provided in Sections 7924.510, 7924.700, and 7929.610, and in Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3 of the Education Code, this division does not require disclosure of test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination.

7929.610. (a) Notwithstanding the provisions listed in Section 7920.505, upon the request of any Member of the Legislature or upon request of the Governor or the

Governor's designee, test questions or materials that would be used to administer an examination and are provided by the State Department of Education and administered as part of a statewide testing program of pupils enrolled in the public schools shall be disclosed to the requester.

(b) The questions or materials described in subdivision (a) may not include an individual examination that has been administered to a pupil and scored.

(c) The requester may not take physical possession of the questions or materials described in subdivision (a), but may view the questions or materials at a location selected by the department.

(d) Upon viewing this information, the requester shall keep the materials that the requester has seen confidential.

PART 6. OTHER EXEMPTIONS FROM DISCLOSURE

CHAPTER 1. Introductory Provisions

7930.000. (a) It is the intent of the Legislature to assist members of the public and state and local agencies in identifying exemptions to the California Public Records Act. It is the intent of the Legislature that, after January 1, 1999, each addition or amendment to a statute that exempts any information contained in a public record from disclosure pursuant to Section 7927.705 shall be listed and described in Chapter 2 (commencing with Section 7930.100) pursuant to a bill authorized by a standing committee of the Legislature to be introduced during the first year of each session of the Legislature.

(b) The statutes and constitutional provisions listed in Chapter 2 (commencing with Section 7930.100) may operate to exempt certain records, or portions thereof, from disclosure. The statutes and constitutional provisions listed and described may not be inclusive of all exemptions. The listing of a statute or constitutional provision in Chapter 2 (commencing with Section 7930.100) does not itself create an exemption. Requesters of public records and public agencies are cautioned to review the applicable statute or constitutional provision to determine the extent to which it, in light of the circumstances surrounding the request, exempts public records from disclosure.

7930.005. Records or information not required to be disclosed pursuant to Section 7927.705 may include, but shall not be limited to, records or information identified in statutes listed in Chapter 2 (commencing with Section 7930.100).

CHAPTER 2. Alphabetical List

7930.100. The following constitutional provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Crime victims, confidential information or records, The Victims' Bill of Rights Act of 2008: Marsy's Law, Section 28 of Article I of the California Constitution.

Privacy, inalienable right, Section 1 of Article I of the California Constitution.

7930.105. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Acquired immunodeficiency syndrome, blood test results, written authorization not necessary for disclosure, Section 121010, Health and Safety Code.

Acquired immunodeficiency syndrome, blood test subject, compelling identity of, Section 120975, Health and Safety Code.

Acquired immunodeficiency syndrome, confidentiality of personal data of patients in State Department of Public Health programs, Section 120820, Health and Safety Code.

Acquired immunodeficiency syndrome, confidentiality of research records, Sections 121090, 121095, 121115, and 121120, Health and Safety Code.

Acquired immunodeficiency syndrome, confidentiality of vaccine volunteers, Section 121280, Health and Safety Code.

Acquired immunodeficiency syndrome, confidentiality of information obtained in prevention programs at correctional facilities and law enforcement agencies, Sections 7552 and 7554, Penal Code.

Acquired immunodeficiency syndrome, disclosure of results of HIV test, penalties, Section 120980, Health and Safety Code.

Acquired immunodeficiency syndrome, personal information, insurers tests, confidentiality of, Section 799, Insurance Code.

Acquired immunodeficiency syndrome, public safety and testing disclosure, Sections 121065 and 121070, Health and Safety Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, production or discovery of records for use in criminal or civil proceedings against subject prohibited, Section 121100, Health and Safety Code.

Acquired Immune Deficiency Syndrome Public Health Records Confidentiality Act, personally identifying information confidentiality, Section 121025, Health and Safety Code.

Acquired immunodeficiency syndrome, test of criminal defendant pursuant to search warrant requested by victim, confidentiality of, Section 1524.1, Penal Code.

Acquired immunodeficiency syndrome, test results, disclosure to patient's spouse and others, Section 121015, Health and Safety Code.

Acquired immunodeficiency syndrome, test of person under Youth Authority, disclosure of results, Section 1768.9, Welfare and Institutions Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, financial audits or program evaluations, Section 121085, Health and Safety Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, violations, Section 121100, Health and Safety Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, personally identifying research records not to be disclosed, Section 121075, Health and Safety Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, permittee disclosure, Section 121080, Health and Safety Code.

Administrative procedure, adjudicatory hearings, interpreters, Section 11513, this code.

Adoption records, confidentiality of, Section 102730, Health and Safety Code.

Advance Health Care Directive Registry, exemption from disclosure for registration information provided to the Secretary of State, Section 7926.100, this code.

7930.110. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Aeronautics Act, reports of investigations and hearings, Section 21693, Public Utilities Code.

Agricultural producers marketing, access to records, Section 59616, Food and Agricultural Code.

Aiding disabled voters, Section 14282, Elections Code.

Air pollution data, confidentiality of trade secrets, Sections 7924.510 and 7924.700, this code, and Sections 42303.2 and 43206, Health and Safety Code.

Air toxics emissions inventory plans, protection of trade secrets, Section 44346, Health and Safety Code.

Alcohol and drug abuse records and records of communicable diseases, confidentiality of, Section 123125, Health and Safety Code.

Alcoholic beverage licensees, confidentiality of corporate proprietary information, Section 25205, Business and Professions Code.

Ambulatory Surgery Data Record, confidentiality of identifying information, Section 128737, Health and Safety Code.

Apiary registration information, confidentiality of, Section 29041, Food and Agricultural Code.

Archaeological site information and reports maintained by state and local agencies, disclosure not required, Section 7927.005, this code.

Arrest not resulting in conviction, disclosure or use of records, Sections 432.7 and 432.8, Labor Code.

Arsonists, registered, confidentiality of certain information, Section 457.1, Penal Code.

Assessor's records, confidentiality of information in, Section 408, Revenue and Taxation Code.

Assessor's records, confidentiality of information in, Section 451, Revenue and Taxation Code.

Assessor's records, display of documents relating to business affairs or property of another, Section 408.2, Revenue and Taxation Code.

Assigned risk plans, rejected applicants, confidentiality of information, Section 11624, Insurance Code.

Attorney applicant, investigation by State Bar, confidentiality of, Section 6060.2, Business and Professions Code.

Attorney applicant, information submitted by applicant and State Bar admission records, confidentiality of, Section 6060.25, Business and Professions Code.

Attorney-client confidential communication, Section 6068, Business and Professions Code, and Sections 952 and 954, Evidence Code.

Attorney, disciplinary proceedings, confidentiality before formal proceedings, Section 6086.1, Business and Professions Code.

Attorney, disciplinary proceeding, State Bar access to nonpublic court records, Section 6090.6, Business and Professions Code.

Attorney, law corporation, investigation by State Bar, confidentiality of, Section 6168, Business and Professions Code.

Attorney work product confidentiality in administrative adjudication, Section 11507.6, this code.

Attorney, work product, confidentiality of, Section 6202, Business and Professions Code.

Attorney work product, discovery, Chapter 4 (commencing with Section 2018.010) of Title 4 of Part 4, Code of Civil Procedure.

Automated forward facing parking control devices, confidentiality of video imaging records from the devices, Section 40240, Vehicle Code.

Automated traffic enforcement system, confidentiality of photographic records made by the system, Section 21455.5, Vehicle Code.

Automobile Insurance Claims Depository, confidentiality of information, Section 1876.3, Insurance Code.

Automobile insurance, investigation of fraudulent claims, confidential information, Section 1872.8, Insurance Code.

Avocado handler transaction records, confidentiality of information, Section 44984, Food and Agricultural Code.

7930.115. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Bank and Corporation Tax, disclosure of information, Article 2 (commencing with Section 19542) of Chapter 7 of Part 10.2 of Division 2, Revenue and Taxation Code.

Bank employees, confidentiality of criminal history information, Section 4990, Financial Code.

Bank reports, confidentiality of, Section 459, Financial Code.

Basic Property Insurance Inspection and Placement Plan, confidential reports, Section 10097, Insurance Code.

Beef Council of California, confidentiality of fee transactions information, Section 64691.1, Food and Agricultural Code.

Bids, confidentiality of, Section 10304, Public Contract Code.

Birth, death, and marriage licenses, confidential information contained in, Sections 102100, 102110, and 102230, Health and Safety Code.

Birth defects, monitoring, confidentiality of information collected, Section 103850, Health and Safety Code.

Birth, live, confidential portion of certificate, Sections 102430, 102475, 103525, and 103590, Health and Safety Code.

Blood tests, confidentiality of hepatitis and AIDS carriers, Section 1603.1, Health and Safety Code.

Blood-alcohol percentage test results, vehicular offenses, confidentiality of, Section 1804, Vehicle Code.

Business and professions licensee exemption for social security number, Section 30, Business and Professions Code.

7930.120. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Cable television subscriber information, confidentiality of, Section 637.5, Penal Code.

CalFresh, disclosure of information, Section 18909, Welfare and Institutions Code.

California AIDS Program, personal data, confidentiality, Section 120820, Health and Safety Code.

California Apple Commission, confidentiality of lists of persons, Section 75598, Food and Agricultural Code.

California Apple Commission, confidentiality of proprietary information from producers or handlers, Section 75633, Food and Agricultural Code.

California Asparagus Commission, confidentiality of lists of producers, Section 78262, Food and Agricultural Code.

California Asparagus Commission, confidentiality of proprietary information from producers, Section 78288, Food and Agricultural Code.

California Avocado Commission, confidentiality of information from handlers, Section 67094, Food and Agricultural Code.

California Avocado Commission, confidentiality of proprietary information from handlers, Section 67104, Food and Agricultural Code.

California Cherry Commission, confidentiality of proprietary information from producers, processors, shippers, or grower-handlers, Section 76144, Food and Agricultural Code.

California Children's Services Program, confidentiality of factor replacement therapy contracts, Section 123853, Health and Safety Code.

California Cut Flower Commission, confidentiality of lists of producers, Section 77963, Food and Agricultural Code.

California Cut Flower Commission, confidentiality of proprietary information from producers, Section 77988, Food and Agricultural Code.

California Date Commission, confidentiality of proprietary information from producers and grower-handlers, Section 77843, Food and Agricultural Code.

California Egg Commission, confidentiality of proprietary information from handlers or distributors, Section 75134, Food and Agricultural Code.

California Forest Products Commission, confidentiality of lists of persons, Section 77589, Food and Agricultural Code.

California Forest Products Commission, confidentiality of proprietary information from producers, Section 77624, Food and Agricultural Code.

California Iceberg Lettuce Commission, confidentiality of information from handlers, Section 66624, Food and Agricultural Code.

California Kiwifruit Commission, confidentiality of proprietary information from producers or handlers, Section 68104, Food and Agricultural Code.

California Navel Orange Commission, confidentiality of proprietary information from producers or handlers and lists of producers and handlers, Section 73257, Food and Agricultural Code.

California Pepper Commission, confidentiality of lists of producers and handlers, Section 77298, Food and Agricultural Code.

California Pepper Commission, confidentiality of proprietary information from producers or handlers, Section 77334, Food and Agricultural Code.

California Pistachio Commission, confidentiality of proprietary information from producers or processors, Section 69045, Food and Agricultural Code.

California Salmon Council, confidentiality of fee transactions records, Section 76901.5 of the Food and Agricultural Code.

California Salmon Council, confidentiality of request for list of commercial salmon vessel operators, Section 76950 of the Food and Agricultural Code.

California Seafood Council, confidentiality of fee transaction records, Section 78553, Food and Agricultural Code.

California Seafood Council, confidentiality of information on volume of fish landed, Section 78575, Food and Agricultural Code.

California Sheep Commission, confidentiality of proprietary information from producers or handlers and lists of producers, Section 76343, Food and Agricultural Code.

California State University contract law, bids, questionnaires, and financial statements, Section 10763, Public Contract Code.

California State University Investigation of Reported Improper Governmental Activities Act, confidentiality of investigative audits completed pursuant to the act, Section 89574, Education Code.

California Table Grape Commission, confidentiality of information from shippers, Section 65603, Food and Agricultural Code.

California Tomato Commission, confidentiality of lists of producers, handlers, and others, Section 78679, Food and Agricultural Code.

California Tomato Commission, confidentiality of proprietary information, Section 78704, Food and Agricultural Code.

California Tourism Marketing Act, confidentiality of information pertaining to businesses paying the assessment under the act, Section 13995.54, this code.

California Victim Compensation Board, disclosure not required of records relating to assistance requests under Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of Title 2 of this code, Section 7923.755, this code.

California Walnut Commission, confidentiality of lists of producers, Section 77101, Food and Agricultural Code.

California Walnut Commission, confidentiality of proprietary information from producers or handlers, Section 77154, Food and Agricultural Code.

California Wheat Commission, confidentiality of proprietary information from handlers and lists of producers, Section 72104, Food and Agricultural Code.

California Wheat Commission, confidentiality of requests for assessment refund, Section 72109, Food and Agricultural Code.

California Wine Commission, confidentiality of proprietary information from producers or vintners, Section 74655, Food and Agricultural Code.

California Winegrape Growers Commission, confidentiality of proprietary information from producers and vintners, Section 74955, Food and Agricultural Code.

7930.125. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Cancer registries, confidentiality of information, Section 103885, Health and Safety Code.

Candidate for local nonpartisan elective office, confidentiality of ballot statement, Section 13311, Elections Code.

Child abuse information, exchange by multidisciplinary personnel teams, Section 830, Welfare and Institutions Code.

Child abuse report and those making report, confidentiality of, Sections 11167 and 11167.5, Penal Code.

Child care liability insurance, confidentiality of information, Section 1864, Insurance Code.

Child concealer, confidentiality of address, Section 278.7, Penal Code.

Child custody investigation report, confidentiality of, Section 3111, Family Code.

Child day care facility, nondisclosure of complaint, Section 1596.853, Health and Safety Code.

Child health and disability prevention, confidentiality of health screening and evaluation results, Section 124110, Health and Safety Code.

Child sexual abuse reports, confidentiality of reports filed in a contested proceeding involving child custody or visitation rights, Section 3118, Family Code.

Child support, confidentiality of income tax return, Section 3552, Family Code.

Child support, promise to pay, confidentiality of, Section 7614, Family Code.

Childhood lead poisoning prevention, confidentiality of blood lead findings, Section 124130, Health and Safety Code.

Children and families commission, local, confidentiality of individually identifiable information, Section 130140.1, Health and Safety Code.

Cigarette tax, confidential information, Section 30455, Revenue and Taxation Code.

Civil actions, delayed disclosure for 30 days after complaint filed, Section 482.050, Code of Civil Procedure.

Closed sessions, document assessing vulnerability of state or local agency to disruption by terrorist or other criminal acts, Section 7929.200, this code.

Closed sessions, meetings of local governments, pending litigation, Section 54956.9, this code.

Colorado River Board, confidential information and records, Section 12519, Water Code.

Commercial fishing licensee, confidentiality of records, Section 7923, Fish and Game Code.

Commercial fishing reports, Section 8022, Fish and Game Code.

Community care facilities, confidentiality of client information, Section 1557.5, Health and Safety Code.

Community college employee, candidate examination records, confidentiality of, Section 88093, Education Code.

Community college employee, notice and reasons for non-reemployment, confidentiality, Section 87740, Education Code.

7930.130. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Conservatee, confidentiality of the conservatee's report, Section 1826, Probate Code.

Conservatee, estate plan of, confidentiality of, Section 2586, Probate Code.

Conservatee with disability, confidentiality of report, Section 1827.5, Probate Code.

Conservator, confidentiality of conservator's birthdate and driver's license number, Section 1834, Probate Code.

Conservator, supplemental information, confidentiality of, Section 1821, Probate Code.

Conservatorship, court review of, confidentiality of report, Section 1851, Probate Code.

Consumer fraud investigations, access to complaints and investigations, Section 26509, this code.

Consumption or utilization of mineral materials, disclosure of, Section 2207.1, Public Resources Code.

Contractor, evaluations and contractor responses, confidentiality of, Section 10370, Public Contract Code.

Controlled Substance Law violations, confidential information, Section 818.7, this code.

Controlled substance offenders, confidentiality of registration information, Section 11594, Health and Safety Code.

Cooperative Marketing Association, confidential information disclosed to conciliator, Section 54453, Food and Agricultural Code.

Coroner, inquests, subpoena duces tecum, Section 27491.8, this code.

County aid and relief to indigents, confidentiality of investigation, supervision, relief, and rehabilitation records, Section 17006, Welfare and Institutions Code.

County alcohol programs, confidential information and records, Section 11812, Health and Safety Code.

County Employees' Retirement, confidential statements and records, Section 31532, this code.

County mental health system, confidentiality of client information, Section 5610, Welfare and Institutions Code.

County social services, investigation of applicant, confidentiality, Section 18491, Welfare and Institutions Code.

County social services rendered by volunteers, confidentiality of records of recipients, Section 10810, Welfare and Institutions Code.

County special commissions, disclosure of health care peer review and quality assessment records not required, Section 14087.58, Welfare and Institutions Code.

County special commissions, disclosure of records relating to the commission's rates of payment for publicly assisted medical care not required, Section 14087.58, Welfare and Institutions Code.

Court files, access to, restricted for 60 days, Section 1161.2, Code of Civil Procedure.

Court files, access to, restricted for 60 days, Section 1708.85, Civil Code.

Court reporters, confidentiality of records and reporters, Section 68525, this code.

Court-appointed special advocates, confidentiality of information acquired or reviewed, Section 105, Welfare and Institutions Code.

Crane employers, previous business identities, confidentiality of, Section 7383, Labor Code.

Credit unions, confidentiality of investigation and examination reports, Section 14257, Financial Code.

Credit unions, confidentiality of employee criminal history information, Section 14409.2, Financial Code.

Criminal defendant, indigent, confidentiality of request for funds for investigators and experts, Section 987.9, Penal Code.

Criminal offender record information, access to, Sections 11076 and 13202, Penal Code.

Crop reports, confidential, Section 7927.300, this code.

Customer list of chemical manufacturers, formulators, suppliers, distributors, importers, and their agents, the quantities and dates of shipments, and the

proportion of a specified chemical within a mixture, confidential, Section 147.2, Labor Code.

Customer list of employment agency, trade secret, Section 16607, Business and Professions Code.

Customer list of telephone answering service, trade secret, Section 16606, Business and Professions Code.

7930.135. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Dairy Council of California, confidentiality of ballots, Section 64323, Food and Agricultural Code.

Death, report that physician's or podiatrist's negligence or incompetence may be cause, confidentiality of, Section 802.5, Business and Professions Code.

Dental hygienist drug and alcohol diversion program, confidentiality of records pertaining to treatment, Section 1966.5, Business and Professions Code.

Dentist advertising and referral contract exemption, Section 650.2, Business and Professions Code.

Dentist, alcohol or dangerous drug rehabilitation and diversion, confidentiality of records, Section 1698, Business and Professions Code.

Department of Consumer Affairs licensee exemption for alcohol or dangerous drug treatment and rehabilitation records, Section 156.1, Business and Professions Code.

Department of Human Resources, confidentiality of pay data furnished to, Section 19826.5, this code.

Department of Motor Vehicles, confidentiality of information provided by an insurer, Section 4750.4, Vehicle Code.

Department of Motor Vehicles, confidentiality of the home address of specified persons in the records of the Department of Motor Vehicles, Section 1808.6, Vehicle Code.

Developmentally disabled conservatee, confidentiality of reports and records, Sections 416.8 and 416.18, Health and Safety Code.

Developmentally disabled person, access to information provided by family member, Section 4727, Welfare and Institutions Code.

Developmentally disabled person and person with mental illness, access to and release of information about, by protection and advocacy agency, Section 4903, Welfare and Institutions Code.

Developmentally disabled person, confidentiality of patient records, state agencies, Section 4552.5, Welfare and Institutions Code.

Developmentally disabled person, confidentiality of records and information, Sections 4514 and 4518, Welfare and Institutions Code.

Diesel Fuel Tax information, disclosure prohibited, Section 60609, Revenue and Taxation Code.

Disability compensation, confidential medical records, Section 2714, Unemployment Insurance Code.

Disability insurance, access to registered information, Section 789.7, Insurance Code.

Discrimination complaint to Division of Labor Standards Enforcement, confidentiality of witnesses, Section 98.7, Labor Code.

Dispute resolution participants confidentiality, Section 471.5, Business and Professions Code.

Division of Medi-Cal Fraud and Elder Abuse, confidentiality of complaints, Section 12528, this code.

Division of Workers' Compensation, confidentiality of data obtained by the administrative director and derivative works created by the division, Sections 3201.5, 3201.7, and 3201.9, Labor Code.

Division of Workers' Compensation, individually identifiable information and residence addresses obtained or maintained by the division on workers' compensation claims, confidentiality of, Section 138.7, Labor Code.

Division of Workers' Compensation, individually identifiable information of health care organization patients, confidentiality of, Section 4600.5, Labor Code.

Division of Workers' Compensation, individual workers' compensation claim files and auditor's working papers, confidentiality of, Section 129, Labor Code.

Division of Workers' Compensation, peer review proceedings and employee medical records, confidentiality of, Section 4600.6, Labor Code.

Domestic violence counselor and victim, confidentiality of communication, Sections 1037.2 and 1037.5, Evidence Code.

Driver arrested for traffic violation, notice of reexamination for evidence of incapacity, confidentiality of, Section 40313, Vehicle Code.

Driving school and driving instructor licensee records, confidentiality of, Section 11108, Vehicle Code.

7930.140. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Educational psychologist-patient, privileged communication, Section 1010.5, Evidence Code.

Electronic and appliance repair dealer, service contractor, financial data in applications, Section 7925.010, this code.

Electronic Recording Delivery Act of 2004, exemption from disclosure for computer security reports, Section 27394, this code.

Emergency Care Data Record, exemption from disclosure for identifying information, Section 128736, Health and Safety Code.

Emergency Medical Services Fund, patient named, Section 1797.98c, Health and Safety Code.

Emergency medical technicians, confidentiality of disciplinary investigation information, Section 1798.200, Health and Safety Code.

Emergency Medical Technician-Paramedic (EMT-P), exemption from disclosure for records relating to personnel actions against, or resignation of, an EMT-P for disciplinary cause or reason, Section 1799.112, Health and Safety Code.

Eminent domain proceedings, use of state tax returns, Section 1263.520, Code of Civil Procedure.

Employment agency, confidentiality of customer list, Section 16607, Business and Professions Code.

Employment application, nondisclosure of arrest record or certain convictions, Sections 432.7 and 432.8, Labor Code.

Employment Development Department, furnishing materials, Section 307, Unemployment Insurance Code.

Enteral nutrition products, confidentiality of contracts by the State Department of Health Care Services with manufacturers of enteral nutrition products, Section 14105.8, Welfare and Institutions Code.

Equal wage rate violation, confidentiality of complaint, Section 1197.5, Labor Code.

Equalization, State Board of, prohibition against divulging information, Section 15619, this code.

Escrow Agents' Fidelity Corporation, confidentiality of examination and investigation reports, Section 17336, Financial Code.

Escrow agents' confidentiality of reports on violations, Section 17414, Financial Code.

Escrow agents' confidentiality of state summary criminal history information, Section 17414.1, Financial Code.

Estate tax, confidential records and information, Section 14251, Revenue and Taxation Code.

Excessive rates or complaints, reports, Section 1857.9, Insurance Code.

Executive Department, closed sessions and the record of topics discussed, Sections 11126 and 11126.1, this code.

Executive Department, investigations and hearings, confidential nature of information acquired, Section 11183, this code.

7930.145. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Family court records, Section 1818, Family Code.

Farm product processor license, confidentiality of financial statements, Section 55523.6, Food and Agricultural Code.

Farm product processor licensee, confidentiality of grape purchases, Section 55601.5, Food and Agricultural Code.

Fee payer information, prohibition against disclosure by the State Board of Equalization and others, Section 55381, Revenue and Taxation Code.

Financial institutions, issuance of securities, reports and records of state agencies, Section 7929.000, this code.

Financial statements of insurers, confidentiality of information received, Section 925.3, Insurance Code.

Financial statements and questionnaires, of prospective bidders for the state, confidentiality of, Section 10165, Public Contract Code.

Financial statements and questionnaires, of prospective bidders for California State University contracts, confidentiality of, Section 10763, Public Contract Code.

Firearms, centralized list of exempted federal firearms licensees, disclosure of information compiled from, Sections 28475 and 28480, Penal Code.

Firearms, centralized list of dealers and licensees, disclosure of information compiled from, Section 26715, Penal Code.

Firearm license applications, Sections 7923.800 and 7923.805, this code.

Firearm sale or transfer, confidentiality of records, Section 28060, Penal Code.

Fishing and hunting licenses, confidentiality of names and addresses contained in records submitted to the Department of Fish and Wildlife to obtain recreational fishing and hunting licenses, Section 1050.6, Fish and Game Code.

Foreign marketing of agricultural products, confidentiality of financial information, Section 58577, Food and Agricultural Code.

Forest fires, anonymity of informants, Section 4417, Public Resources Code.

Foster homes, identifying information, Section 1536, Health and Safety Code.

Franchise Tax Board, access to Franchise Tax Board information by the State Department of Social Services, Section 11025, Welfare and Institutions Code.

Franchise Tax Board, auditing, confidentiality of, Section 90005, this code.

Franchises, applications, and reports filed with Commissioner of Business Oversight, disclosure and withholding from public inspection, Section 31504, Corporations Code.

7930.150. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Gambling Control Act, exemption from disclosure for records of the California Gambling Control Commission and the Department of Justice, Sections 19819 and 19821, Business and Professions Code.

Genetically Handicapped Persons Program, confidentiality of factor replacement therapy contracts, Section 125191, Health and Safety Code.

Governor, correspondence of and to Governor and Governor's office, Section 7928.000, this code.

Governor, transfer of public records in control of, restrictions on public access, Sections 7928.005 and 7928.010, this code.

Grand jury, confidentiality of request for special counsel, Section 936.7, Penal Code.

Grand jury, confidentiality of transcription of indictment or accusation, Section 938.1, Penal Code.

Group Insurance, public employees, Section 53202.25, this code.

Guardianship, confidentiality of report regarding the suitability of the proposed guardian, Section 1543, Probate Code.

Guardianship, disclosure of report and recommendation concerning proposed guardianship of person or estate, Section 1513, Probate Code.

7930.155. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Hazardous substance tax information, prohibition against disclosure, Section 43651, Revenue and Taxation Code.

Hazardous waste control, business plans, public inspection, Section 25509, Health and Safety Code.

Hazardous waste control, notice of unlawful hazardous waste disposal, Section 25180.5, Health and Safety Code.

Hazardous waste control, trade secrets, disclosure of information, Sections 25512, 25512.1, and 25538, Health and Safety Code.

Hazardous waste control, trade secrets, procedures for release of information, Section 25358.2, Health and Safety Code.

Hazardous waste generator report, protection of trade secrets, Sections 25244.21 and 25244.23, Health and Safety Code.

Hazardous waste licenseholder disclosure statement, confidentiality of, Section 25186.5, Health and Safety Code.

Hazardous waste recycling, information clearinghouse, confidentiality of trade secrets, Section 25170, Health and Safety Code.

Hazardous waste recycling, list of specified hazardous wastes, trade secrets, Section 25175, Health and Safety Code.

Hazardous waste recycling, trade secrets, confidential nature, Sections 25173 and 25180.5, Health and Safety Code.

Healing arts licensees, central files, confidentiality, Section 800, Business and Professions Code.

Health authorities, special county, confidentiality of records, Sections 14087.35, 14087.36, and 14087.38, Welfare and Institutions Code.

Health care provider disciplinary proceeding, confidentiality of documents, Section 805.1, Business and Professions Code.

Health care service plans, review of quality of care, privileged communications, Sections 1370 and 1380, Health and Safety Code.

Health commissions, special county, confidentiality of peer review proceedings, rates of payment, and trade secrets, Section 14087.31, Welfare and Institutions Code.

Health facilities, patient's rights of confidentiality, subdivision (c) of Section 128745 and Sections 128735, 128736, 128737, 128755, and 128765, Health and Safety Code.

Health personnel, data collection by the Office of Statewide Health Planning and Development, confidentiality of information on individual licentiates, Section 127780, Health and Safety Code.

Health plan governed by a county board of supervisors, exemption from disclosure for records relating to provider rates or payments for a three-year period after execution of the provider contract, Sections 7926.205 and 54956.87, this code.

Hereditary Disorders Act, legislative finding and declaration, confidential information, Sections 124975 and 124980, Health and Safety Code.

Hereditary Disorders Act, rules, regulations, and standards, breach of confidentiality, Section 124980, Health and Safety Code.

HIV, disclosures to blood banks by department or county health officers, Section 1603.1, Health and Safety Code.

Home address of public employees and officers in Department of Motor Vehicles, records, confidentiality of, Sections 1808.2 and 1808.4, Vehicle Code.

Horse racing, horses, blood or urine test sample, confidentiality, Section 19577, Business and Professions Code.

Hospital district and municipal hospital records relating to contracts with insurers and service plans, Section 7926.210, this code.

Hospital final accreditation report, Section 7926.000, this code.

Housing authorities, confidentiality of rosters of tenants, Section 34283, Health and Safety Code.

Housing authorities, confidentiality of applications by prospective or current tenants, Section 34332, Health and Safety Code.

7930.160. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Improper governmental activities reporting, confidentiality of identity of person providing information, Section 8547.5, this code.

Improper governmental activities reporting, disclosure of information, Section 8547.6, this code.

Industrial loan companies, confidentiality of financial information, Section 18496, Financial Code.

Industrial loan companies, confidentiality of investigation and examination reports, Section 18394, Financial Code.

Influenza vaccine, trade secret information and information relating to recipient of vaccine, Section 120160, Health and Safety Code.

In forma pauperis litigant, rules governing confidentiality of financial information, Section 68633, this code.

Infrastructure information, exemption from disclosure for information voluntarily submitted to the Office of Emergency Services, Section 7929.205, this code.

In-Home Supportive Services Program, exemption from disclosure for information regarding persons paid by the state to provide in-home supportive services, Section 7926.300, this code.

Initiative, referendum, recall, and other petitions, confidentiality of names of signers, Sections 7924.100, 7924.105, and 7924.110, this code.

Insurance claims analysis, confidentiality of information, Section 1875.16, Insurance Code.

Insurance Commissioner, confidential information, Sections 735.5, 1067.11, 1077.3, and 12919, Insurance Code.

Insurance Commissioner, informal conciliation of complaints, confidential communications, Section 1858.02, Insurance Code.

Insurance Commissioner, information from examination or investigation, confidentiality of, Sections 1215.8, 1433, and 1759.3, Insurance Code.

Insurance Commissioner, writings filed with nondisclosure, Section 855, Insurance Code.

Insurance fraud reporting, information acquired not part of public record, Section 1873.1, Insurance Code.

Insurance licensee, confidential information, Section 1666.5, Insurance Code.

Insurer application information, confidentiality of, Section 925.3, Insurance Code.

Insurer financial analysis ratios and examination synopses, confidentiality of, Section 933, Insurance Code.

Department of Resources Recycling and Recovery information, prohibition against disclosure, Section 45982, Revenue and Taxation Code.

International wills, confidentiality of registration information filed with the Secretary of State, Section 6389, Probate Code.

Intervention in regulatory and ratemaking proceedings, audit of customer seeking and award, Section 1804, Public Utilities Code.

Investigation and security records, exemption from disclosure for records of the Attorney General, the Department of Justice, the Office of Emergency Services, and state and local police agencies, Sections 7923.600 to 7923.630, inclusive, this code.

Investigative consumer reporting agency, limitations on furnishing an investigative consumer report, Section 1786.12, Civil Code.

7930.165. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Joint Legislative Ethics Committee, confidentiality of reports and records, Section 8953, this code.

Judicial candidates, confidentiality of communications concerning, Section 12011.5, this code.

Judicial proceedings, confidentiality of employer records of employee absences, Section 230.2, Labor Code.

Jurors' lists, lists of registered voters and licensed drivers as source for, Section 197, Code of Civil Procedure.

Juvenile court proceedings to adjudge a person a dependent child of court, sealing records of, Section 389, Welfare and Institutions Code.

Juvenile criminal records, dissemination to schools, Section 828.1, Welfare and Institutions Code.

Juvenile delinquents, notification of chief of police or sheriff of escape of minor from secure detention facility, Section 1155, Welfare and Institutions Code.

Labor dispute, investigation and mediation records, confidentiality of, Section 3601, this code.

Lanterman-Petris-Short Act, mental health services recipients, confidentiality of information and records, mental health advocate, Sections 5540, 5541, 5542, and 5550, Welfare and Institutions Code.

Law enforcement vehicles, registration disclosure, Section 5003, Vehicle Code.

Legislative Counsel records, Section 7928.100, this code.

Library circulation records and other materials, Sections 7925.000 and 7927.105, this code.

Life and disability insurers, actuarial information, confidentiality of, Section 10489.15, Insurance Code.

Litigation, confidentiality of settlement information, Section 68513, this code.

Local agency legislative body, closed sessions, disclosure of materials, Section 54956.9, this code.

Local government employees, confidentiality of records and claims relating to group insurance, Section 53202.25, this code.

Local summary criminal history information, confidentiality of, Sections 13300 and 13305, Penal Code.

Local agency legislative body, closed session, nondisclosure of minute book, Section 54957.2, this code.

Local agency legislative body, meeting, disclosure of agenda, Section 54957.5, this code.

Long-term health facilities, confidentiality of complaints against, Section 1419, Health and Safety Code.

Long-term health facilities, confidentiality of records retained by State Department of Public Health, Section 1439, Health and Safety Code.

Los Angeles County Tourism Marketing Commission, confidentiality of information obtained from businesses to determine their assessment, Section 13995.108, this code.

7930.170. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Managed Risk Medical Insurance Board, negotiations with entities contracting or seeking to contract with the board, Sections 7926.225 and 7926.230, this code.

Mandated blood testing and confidentiality to protect public health, prohibition against compelling identification of test subjects, Section 120975, Health and Safety Code.

Mandated blood testing and confidentiality to protect public health, unauthorized disclosures of identification of test subjects, Sections 1603.1, 1603.3, and 121022, Health and Safety Code.

Mandated blood testing and confidentiality to protect public health, disclosure to patient's spouse, sexual partner, needle sharer, or county health officer, Section 121015, Health and Safety Code.

Manufactured home, mobilehome, floating home, confidentiality of home address of registered owner, Section 18081, Health and Safety Code.

Marital confidential communications, Sections 980, 981, 982, 983, 984, 985, 986, and 987, Evidence Code.

Market reports, confidential, Section 7927.300, this code.

Marketing of commodities, confidentiality of financial information, Section 58781, Food and Agricultural Code.

Marketing orders, confidentiality of processors' or distributors' information, Section 59202, Food and Agricultural Code.

Marriage, confidential, certificate, Section 511, Family Code.

Medi-Cal Benefits Program, confidentiality of information, Section 14100.2, Welfare and Institutions Code.

Medi-Cal Benefits Program, request of department for records or information, Section 14124.89, Welfare and Institutions Code.

Medi-Cal managed care program, exemption from disclosure for financial and utilization data submitted by Medi-Cal managed care health plans to establish rates, Section 14301.1, Welfare and Institutions Code.

Medi-Cal program, exemption from disclosure for best price contracts between the State Department of Health Care Services and drug manufacturers, Section 14105.33, Welfare and Institutions Code.

Medical information, disclosure by provider unless prohibited by patient in writing, Section 56.16, Civil Code.

Medical information, types of information not subject to patient prohibition of disclosure, Section 56.30, Civil Code.

Medical and other hospital committees and peer review bodies, confidentiality of records, Section 1157, Evidence Code.

Medical or dental licensee, action for revocation or suspension due to illness, report, confidentiality of, Section 828, Business and Professions Code.

Medical or dental licensee, disciplinary action, denial or termination of staff privileges, report, confidentiality of, Sections 805, 805.1, and 805.5, Business and Professions Code.

Meetings of state agencies, disclosure of agenda, Section 11125.1, this code.

Mentally abnormal sex offender committed to state hospital, confidentiality of records, Section 4135, Welfare and Institutions Code.

Mentally disordered and developmentally disabled offenders, access to criminal histories of, Section 1620, Penal Code.

Mentally disordered persons, court-ordered evaluation, confidentiality of reports, Section 5202, Welfare and Institutions Code.

Mentally disordered or mentally ill person, confidentiality of written consent to detainment, Section 5326.4, Welfare and Institutions Code.

Mentally disordered or mentally ill person, voluntarily or involuntarily detained and receiving services, confidentiality of records and information, Sections 5328, 5328.15, 5328.2, 5328.4, 5328.8, and 5328.9, Welfare and Institutions Code.

Mentally disordered or mentally ill person, weapons restrictions, confidentiality of information about, Section 8103, Welfare and Institutions Code.

Milk marketing, confidentiality of records, Section 61443, Food and Agricultural Code.

Milk product certification, confidentiality of, Section 62121, Food and Agricultural Code.

Milk, market milk, confidential records and reports, Section 62243, Food and Agricultural Code.

Milk product registration, confidentiality of information, Section 38946, Food and Agricultural Code.

Milk equalization pool plan, confidentiality of producers' voting, Section 62716, Food and Agricultural Code.

Mining report, confidentiality of report containing information relating to mineral production, reserves, or rate of depletion of mining operation, Section 2207, Public Resources Code.

Minor, criminal proceeding testimony closed to public, Section 859.1, Penal Code.

Minors, material depicting sexual conduct, records of suppliers to be kept and made available to law enforcement, Section 1309.5, Labor Code.

Misdemeanor and felony reports by police chiefs and sheriffs to Department of Justice, confidentiality of, Sections 11107 and 11107.5, Penal Code.

Monetary instrument transaction records, confidentiality of, Section 14167, Penal Code.

Missing persons' information, disclosure of, Sections 14204 and 14205, Penal Code.

Morbidity and mortality studies, confidentiality of records, Section 100330, Health and Safety Code.

Motor vehicle accident reports, disclosure, Sections 16005, 20012, and 20014, Vehicle Code.

Motor Vehicles, Department of, public records, exceptions, Sections 1808 to 1808.7, inclusive, Vehicle Code.

Motor vehicle insurance fraud reporting, confidentiality of information acquired, Section 1874.3, Insurance Code.

Motor vehicle liability insurer, data reported to Department of Insurance, confidentiality of, Section 11628, Insurance Code.

Multijurisdictional drug law enforcement agency, closed sessions to discuss criminal investigation, Section 54957.8, this code.

7930.175. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Narcotic and drug abuse patients, confidentiality of records, Section 11845.5, Health and Safety Code.

Native American graves, cemeteries, and sacred places, records of, Section 7927.000, this code.

Notary public, confidentiality of application for appointment and commission, Section 8201.5, this code.

Nurse, alcohol or dangerous drug diversion and rehabilitation records, confidentiality of, Section 2770.12, Business and Professions Code.

Obscene matter, defense of scientific or other purpose, confidentiality of recipients, Section 311.8, Penal Code.

Occupational safety and health investigations, confidentiality of complaints and complainants, Section 6309, Labor Code.

Occupational safety and health investigations, confidentiality of trade secrets, Section 6322, Labor Code.

Official information acquired in confidence by public employee, disclosure of, Sections 1040 and 1041, Evidence Code.

Oil and gas, confidentiality of proposals for the drilling of a well, Section 3724.4, Public Resources Code.

Oil and gas, disclosure of onshore and offshore exploratory well records, Section 3234, Public Resources Code.

Oil and gas, disclosure of well records, Section 3752, Public Resources Code.

Oil and gas leases, surveys for permits, confidentiality of information, Section 6826, Public Resources Code.

Oil spill feepayer information, prohibition against disclosure, Section 46751, Revenue and Taxation Code.

Older adults receiving county services, providing information between county agencies, confidentiality of, Section 9401, Welfare and Institutions Code.

Organic food certification organization records, release of, Section 110845, Health and Safety Code.

Osteopathic physician and surgeon, rehabilitation and diversion records, confidentiality of, Section 2369, Business and Professions Code.

7930.180. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Parole revocation proceedings, confidentiality of information in reports, Section 3063.5, Penal Code.

Passenger fishing boat licenses, records, Section 7923, Fish and Game Code.

Paternity, acknowledgment, confidentiality of records, Section 102760, Health and Safety Code.

Patient-physician confidential communication, Sections 992 and 994, Evidence Code.

Patient records, confidentiality of, Section 123135, Health and Safety Code.

Payroll records, confidentiality of, Section 1776, Labor Code.

Peace officer personnel records, confidentiality of, Sections 832.7 and 832.8, Penal Code.

Penitential communication between penitent and clergy, Sections 1032 and 1033, Evidence Code.

Personal Care Services Program, exemption from disclosure for information regarding persons paid by the state to provide personal care services, Section 7926.300, this code.

Personal Income Tax, disclosure of information, Article 2 (commencing with Section 19542) of Chapter 7 of Part 10.2 of Division 2, Revenue and Taxation Code.

Personal information, Information Practices Act, prohibitions against disclosure by state agencies, Sections 1798.24 and 1798.75, Civil Code.

Personal information, subpoena of records containing, Section 1985.4, Code of Civil Procedure.

Personal representative, confidentiality of personal representative's birthdate and driver's license number, Section 8404, Probate Code.

Persons formerly classified as mentally abnormal sex offenders committed to a state hospital, confidentiality of records, Section 4135, Welfare and Institutions Code.

Persons with mental health disorders, court-ordered evaluation, confidentiality of reports, Section 5202, Welfare and Institutions Code.

Persons with mental health disorders, confidentiality of written consent to detainment, Section 5326.4, Welfare and Institutions Code.

Persons with mental health disorders voluntarily detained and receiving services, confidentiality of records and information, Sections 5328, 5328.15, 5328.2, 5328.4, 5328.8, and 5328.9, Welfare and Institutions Code.

Persons with mental health disorders, weapons restrictions, confidentiality of information about, Section 8103, Welfare and Institutions Code.

Petition signatures, Section 18650, Elections Code.

Petroleum supply and pricing, confidential information, Sections 25364 and 25366, Public Resources Code.

Pharmacist, alcohol or dangerous drug diversion and rehabilitation records, confidentiality of, Section 4372, Business and Professions Code.

Physical therapist or assistant, records of dangerous drug or alcohol diversion and rehabilitation, confidentiality of, Section 2667, Business and Professions Code.

Physical or mental condition or conviction of controlled substance offense, records in Department of Motor Vehicles, confidentiality of, Section 1808.5, Vehicle Code.

Physician assistant, alcohol or dangerous drug diversion and rehabilitation records, confidentiality of, Section 3534.7, Business and Professions Code.

Physician competency examination, confidentiality of reports, Section 2294, Business and Professions Code.

Physicians and surgeons, confidentiality of reports of patients with a lapse of consciousness disorder, Section 103900, Health and Safety Code.

Physician Services Account, confidentiality of patient names in claims, Section 16956, Welfare and Institutions Code.

Pilots, confidentiality of personal information, Section 1157.1, Harbors and Navigation Code.

Pollution Control Financing Authority, financial data submitted to, Section 7924.505, this code.

Postmortem or autopsy photos, Section 129, Code of Civil Procedure.

7930.185. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Pregnancy tests by local public health agencies, confidentiality of, Section 123380, Health and Safety Code.

Pregnant women, confidentiality of blood tests, Section 125105, Health and Safety Code.

Prehospital emergency medical care, release of information, Sections 1797.188 and 1797.189, Health and Safety Code.

Prenatal syphilis tests, confidentiality of, Section 120705, Health and Safety Code.

Prescription drug discounts, confidentiality of corporate proprietary information, Section 130506, Health and Safety Code.

Prisoners, behavioral research on, confidential personal information, Section 3515, Penal Code.

Prisoners, confidentiality of blood tests, Section 7530, Penal Code.

Prisoners, medical testing, confidentiality of records, Sections 7517 and 7540, Penal Code.

Prisoners, transfer from county facility for mental treatment and evaluation, confidentiality of written reasons, Section 4011.6, Penal Code.

Private industry wage data collected by public entity, confidentiality of, Section 7927.600, this code.

Private railroad car tax, confidentiality of information, Section 11655, Revenue and Taxation Code.

Probate referee, disclosure of materials, Section 8908, Probate Code.

Probation officer reports, inspection of, Section 1203.05, Penal Code.

Produce dealer, confidentiality of financial statements, Section 56254, Food and Agricultural Code.

Products liability insurers, transmission of information, Section 1857.9, Insurance Code.

Professional corporations, financial statements, confidentiality of, Section 13406, Corporations Code.

Property on loan to museum, notice of intent to preserve an interest in, not subject to disclosure, Section 1899.5, Civil Code.

Property taxation, confidentiality of change of ownership, Section 481, Revenue and Taxation Code.

Property taxation, confidentiality of exemption claims, Sections 63.1, 69.5, and 408.2, Revenue and Taxation Code.

Property taxation, confidentiality of property information, Section 15641, Government Code and Section 833, Revenue and Taxation Code.

Proprietary information, availability only to the director and other persons authorized by the operator and the owner, Section 2778, Public Resources Code.

Psychologist and client, confidential relations and communications, Section 2918, Business and Professions Code.

Psychotherapist-patient confidential communication, Sections 1012 and 1014, Evidence Code.

Public employees' home addresses and telephone numbers, confidentiality of, Section 7928.300, this code.

Public Employees' Medical and Hospital Care Act, confidentiality of data relating to health care services rendered by participating hospitals to members and annuitants, Section 22854.5, this code.

Public Employees' Retirement System, confidentiality of data filed by member or beneficiary with board of administration, Section 20230, this code.

Public investment funds, exemption from disclosure for records regarding alternative investments, Section 7928.710, this code.

Public school employees organization, confidentiality of proof of majority support submitted to Public Employment Relations Board, Sections 3544, 3544.1, and 3544.5, this code.

Public social services, confidentiality of digest of decisions, Section 10964, Welfare and Institutions Code.

Public social services, confidentiality of information regarding child abuse or elder or dependent persons abuse, Section 10850.1, Welfare and Institutions Code.

Public social services, confidentiality of information regarding eligibility, Section 10850.2, Welfare and Institutions Code.

Public social services, confidentiality of records, Section 10850, Welfare and Institutions Code.

Public social services, disclosure of information to law enforcement agencies, Section 10850.3, Welfare and Institutions Code.

Public social services, disclosure of information to law enforcement agencies regarding deceased applicant or recipient, Section 10850.7, Welfare and Institutions Code.

Public utilities, confidentiality of information, Section 583, Public Utilities Code.

Pupil, confidentiality of personal information, Section 45345, Education Code.

Pupil drug and alcohol use questionnaires, confidentiality of, Section 11605, Health and Safety Code.

Pupil, expulsion hearing, disclosure of testimony of witness and closed session of district board, Section 48918, Education Code.

Pupil, personal information disclosed to school counselor, confidentiality of, Section 49602, Education Code.

Pupil record contents, records of administrative hearing to change contents, confidentiality of, Section 49070, Education Code.

Pupil records, access authorized for specified parties, Section 49076, Education Code.

Pupil records, disclosure in hearing to dismiss or suspend school employee, Section 44944.3, Education Code.

Pupil records, release of directory information to private entities, Sections 49073 and 49073.5, Education Code.

7930.190. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Radioactive materials, dissemination of information about transportation of, Section 33002, Vehicle Code.

Railroad infrastructure protection program, disclosure not required for risk assessments filed with the Public Utilities Commission, the Director of Emergency Services, or the Office of Emergency Services, Section 7929.215, this code.

Real estate broker, annual report to Bureau of Real Estate of financial information, confidentiality of, Section 10232.2, Business and Professions Code.

Real property, acquisition by state or local government, information relating to feasibility, Section 7928.705, this code.

Real property, change in ownership statement, confidentiality of, Section 27280, this code.

Records described in Section 1620, Penal Code.

Records of contract purchasers, inspection by public prohibited, Section 85, Military and Veterans Code.

Records of persons committed to a state hospital pursuant to Section 4135, Welfare and Institutions Code.

Registered public obligations, inspection of records of security interests in, Section 5060, this code.

Registration of exempt vehicles, nondisclosure of name of person involved in alleged violation, Section 5003, Vehicle Code.

Rehabilitation, Department of, confidential information, Section 19016, Welfare and Institutions Code.

Reinsurance intermediary-broker license information, confidentiality of, Section 1781.3, Insurance Code.

Relocation assistance, confidential records submitted to a public entity by a business or farm operation, Section 7262, this code.

Rent control ordinance, confidentiality of information concerning accommodations sought to be withdrawn from, Section 7060.4, this code.

Report of probation officer, inspection, copies, Section 1203.05, Penal Code.

Repossession agency licensee application, confidentiality of information, Sections 7503, 7504, and 7506.5, Business and Professions Code.

Reproductive health facilities, disclosure not required for personal information regarding employees, volunteers, board members, owners, partners, officers, and contractors of a reproductive health services facility who have provided requisite notification, Sections 7926.400 to 7926.430, inclusive, this code.

Residence address in any record of Department of Housing and Community Development, confidentiality of, Section 7927.415, this code.

Residence address in any record of Department of Motor Vehicles, confidentiality of, Section 7927.405, this code, and Section 1808.21, Vehicle Code.

Residence and mailing addresses in records of Department of Motor Vehicles, confidentiality of, Section 1810.7, Vehicle Code.

Residential care facilities, confidentiality of resident information, Section 1568.08, Health and Safety Code.

Residential care facilities for the elderly, confidentiality of client information, Section 1569.315, Health and Safety Code.

Resource families, identifying information, Section 16519.55, Welfare and Institutions Code.

Respiratory care practitioner, professional competency examination reports, confidentiality of, Section 3756, Business and Professions Code.

Restraint of trade, civil action by district attorney, confidential memorandum, Section 16750, Business and Professions Code.

Reward by Governor for information leading to arrest and conviction, confidentiality of person supplying information, Section 1547, Penal Code.

7930.195. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Safe surrender site, confidentiality of information pertaining to a parent or individual surrendering a child, Section 1255.7, Health and Safety Code.

Sales and use tax, disclosure of information, Section 7056, Revenue and Taxation Code.

Santa Barbara Regional Health Authority, exemption from disclosure for records maintained by the authority regarding negotiated rates for the California Medical Assistance Program, Section 14499.6, Welfare and Institutions Code.

Savings association employees, disclosure of criminal history information, Section 6525, Financial Code.

Savings associations, inspection of records by shareholders, Section 6050, Financial Code.

School district governing board, disciplinary action, disclosure of pupil information, Section 35146, Education Code.

School employee, merit system examination records, confidentiality of, Section 45274, Education Code.

School employee, notice and reasons for hearing on non-reemployment of employee, confidentiality of, Sections 44948.5 and 44949, Education Code.

School meals for needy pupils, confidentiality of records, Section 49558, Education Code.

Sealed records, arrest for misdemeanor, Section 851.7, Penal Code.

Sealed records, misdemeanor convictions, Section 1203.45, Penal Code.

Sealing and destruction of arrest records, determination of innocence, Section 851.8, Penal Code.

Search warrants, special master, Section 1524, Penal Code.

Sex change, confidentiality of birth certificate, Section 103440, Health and Safety Code.

Sex offenders, registration form, Section 290.021, Penal Code.

Sexual assault forms, confidentiality of, Section 13823.5, Penal Code.

Sexual assault counselor and victim, confidential communication, Sections 1035.2, 1035.4, and 1035.8, Evidence Code.

Shorthand reporter's complaint, Section 8010, Business and Professions Code.

Small family day care homes, identifying information, Section 1596.86, Health and Safety Code.

Social security number, applicant for driver's license or identification card, nondisclosure of, Section 1653.5, Vehicle Code, and Section 7922.200, this code.

Social security number, official record or official filing, nondisclosure of, Section 9526.5, Commercial Code, and Sections 7922.205 and 7922.210, this code.

Social Security Number Truncation Program, Article 3.5 (commencing with Section 27300) of Chapter 6 of Part 3 of Division 2 of Title 3, this code.

Social security numbers within records of local agencies, nondisclosure of, Section 7922.200, this code.

7930.200. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

State agency activities relating to unrepresented employees, Section 7928.405, this code.

State agency activities relating to providers of health care, Section 7927.500, this code.

State Auditor, access to barred records, Section 8545.2, this code.

State Auditor, confidentiality of records, Sections 8545, 8545.1, and 8545.3, this code.

State civil service employee, confidentiality of appeal to State Personnel Board, Section 18952, this code.

State civil service employees, confidentiality of reports, Section 18573, this code.

State civil service examination, confidentiality of application and examination materials, Section 18934, this code.

State Compensation Insurance Fund, exemption from disclosure for various records maintained by the State Compensation Insurance Fund, Sections 7929.400 to 7929.430, inclusive, this code.

State Contract Act, bids, questionnaires and financial statements, Section 10165, Public Contract Code.

State Contract Act, bids, sealing, opening, and reading bids, Section 10304, Public Contract Code.

State Energy Resources Conservation and Development Commission, confidentiality of proprietary information submitted to, Section 25223, Public Resources Code.

State hospital patients, information and records in possession of Superintendent of Public Instruction, confidentiality of, Section 56863, Education Code.

State Long-Term Care Ombudsman, access to government agency records, Section 9723, Welfare and Institutions Code.

State Long-Term Care Ombudsman office, confidentiality of records and files, Section 9725, Welfare and Institutions Code.

State Long-Term Care Ombudsman office, disclosure of information or communications, Section 9715, Welfare and Institutions Code.

State Lottery Evaluation Report, disclosure, Section 8880.46, this code.

State prisoners, exemption from disclosure for surveys by the California Research Bureau of children of female prisoners, Section 7443, Penal Code.

State summary criminal history information, confidentiality of information, Sections 11105, 11105.1, 11105.3, and 11105.4, Penal Code.

State Teachers' Retirement System, confidentiality of information filed with the system by a member, participant, or beneficiary, Section 22306, Education Code.

Sterilization of disabled, confidentiality of evaluation report, Section 1955, Probate Code.

Strawberry marketing information, confidentiality of, Section 63124, Food and Agricultural Code.

Structural pest control licensee records relating to pesticide use, confidentiality of, Section 15205, Food and Agricultural Code.

Student driver, records of physical or mental condition, confidentiality of, Section 12661, Vehicle Code.

Student, community college, information received by school counselor, confidentiality of, Section 72621, Education Code.

Student, community college, records, limitations on release, Section 76243, Education Code.

Student, community college, record contents, records of administrative hearing to change contents, confidentiality of, Section 76232, Education Code.

Student, sexual assault on private higher education institution campus, confidentiality of information, Section 94385, Education Code.

Student, sexual assault on public college or university, confidentiality of information, Section 67385, Education Code.

Sturgeon egg processors, records, Section 10004, Fish and Game Code.

7930.205. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Taxpayer information, confidentiality, local taxes, Section 7925.000, this code.

Tax preparer, disclosure of information obtained in business of preparing tax returns, Section 17530.5, Business and Professions Code.

Teacher, credential holder or applicant, information provided to Commission on Teacher Credentialing, confidentiality of, Section 44341, Education Code.

Teacher, certified school personnel examination results, confidentiality of, Section 44289, Education Code.

Telephone answering service customer list, trade secret, Section 16606, Business and Professions Code.

Timber yield tax, disclosure to county assessor, Section 38706, Revenue and Taxation Code.

Timber yield tax, disclosure of information, Section 38705, Revenue and Taxation Code.

Title insurers, confidentiality of notice of noncompliance, Section 12414.14, Insurance Code.

Tobacco products, exemption from disclosure for distribution information provided to the State Department of Public Health, Section 22954, Business and Professions Code.

Tow truck driver, information in records of the Department of the California Highway Patrol, Department of Motor Vehicles, or other agencies, confidentiality of, Sections 2431 and 2432.3, Vehicle Code.

Toxic Substances Control, Department of, inspection of records of, Section 25152.5, Health and Safety Code.

Trade secrets, Section 1060, Evidence Code.

Trade secrets, confidentiality of, occupational safety and health inspections, Section 6322, Labor Code.

Trade secrets, disclosure of public records, Section 3426.7, Civil Code.

Trade secrets, food, drugs, cosmetics, nondisclosure, Sections 110165 and 110370, Health and Safety Code.

Trade secrets, protection by Director of Pesticide Regulation, Sections 7924.300 to 7924.335, inclusive, this code.

Trade secrets and proprietary information relating to pesticides, confidentiality of, Sections 14022 and 14023, Food and Agricultural Code.

Trade secrets, protection by Director of Industrial Relations, Section 6396, Labor Code.

Trade secrets relating to hazardous substances, disclosure of, Sections 25358.2 and 25358.7, Health and Safety Code.

Traffic violator school licensee records, confidentiality of, Section 11212, Vehicle Code.

Traffic offense, dismissed for participation in driving school or program, record of, confidentiality of, Section 1808.7, Vehicle Code.

Transit districts, questionnaire and financial statement information in bids, Section 99154, Public Utilities Code.

Tribal-state gaming compacts, exemption from disclosure for records of an Indian tribe relating to securitization of annual payments, Section 63048.63, this code.

Trust companies, disclosure of private trust confidential information, Section 1602, Financial Code.

(Added by Stats. 2021, Ch. 614, Sec. 2. (AB 473) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 7931.000. Superseded on January 1, 2024; see amendment by Stats. 2022, Ch. 258.)

7930.205. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Taxpayer information, confidentiality, local taxes, Section 7925.000, this code.

Tax preparer, disclosure of information obtained in business of preparing tax returns, Section 17530.5, Business and Professions Code.

Teacher, credential holder or applicant, information provided to Commission on Teacher Credentialing, confidentiality of, Section 44341, Education Code.

Teacher, certified school personnel examination results, confidentiality of, Section 44289, Education Code.

Telephone answering service customer list, trade secret, Section 16606, Business and Professions Code.

Timber yield tax, disclosure to county assessor, Section 38706, Revenue and Taxation Code.

Timber yield tax, disclosure of information, Section 38705, Revenue and Taxation Code.

Title insurers, confidentiality of notice of noncompliance, Section 12414.14, Insurance Code.

Tobacco products, exemption from disclosure for distribution information provided to the State Department of Public Health, Section 22954, Business and Professions Code.

Tow truck driver, information in records of the Department of the California Highway Patrol, Department of Motor Vehicles, or other agencies, confidentiality of, Sections 2431 and 2432.3, Vehicle Code.

Toxic Substances Control, Department of, inspection of records of, Section 25152.5, Health and Safety Code.

Trade secrets, Section 1060, Evidence Code.

Trade secrets, confidentiality of, occupational safety and health inspections, Section 6322, Labor Code.

Trade secrets, disclosure of public records, Section 3426.7, Civil Code.

Trade secrets, food, drugs, cosmetics, nondisclosure, Sections 110165 and 110370, Health and Safety Code.

Trade secrets, protection by Director of Pesticide Regulation, Sections 7924.300 to 7924.335, inclusive, this code.

Trade secrets and proprietary information relating to pesticides, confidentiality of, Sections 14022 and 14023, Food and Agricultural Code.

Trade secrets, protection by Director of Industrial Relations, Section 6396, Labor Code.

Trade secrets relating to hazardous substances, disclosure of, Sections 78480 to 78495, inclusive, and Section 78930, Health and Safety Code.

Traffic violator school licensee records, confidentiality of, Section 11212, Vehicle Code.

Traffic offense, dismissed for participation in driving school or program, record of, confidentiality of, Section 1808.7, Vehicle Code.

Transit districts, questionnaire and financial statement information in bids, Section 99154, Public Utilities Code.

Tribal-state gaming compacts, exemption from disclosure for records of an Indian tribe relating to securitization of annual payments, Section 63048.63, this code.

Trust companies, disclosure of private trust confidential information, Section 1602, Financial Code.

(Amended by Stats. 2022, Ch. 258, Sec. 19. (AB 2327) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 130 of Stats. 2022, Ch. 258.)

7930.210. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Unclaimed property, Controller records of, disclosure, Section 1582, Code of Civil Procedure.

Unemployment compensation, disclosure of confidential information, Section 2111, Unemployment Insurance Code.

Unemployment compensation, information obtained in administration of code, Section 1094, Unemployment Insurance Code.

Unemployment fund contributions, publication of annual tax paid, Section 989, Unemployment Insurance Code.

University of California, exemption from disclosure for information submitted by bidders for award of best value contracts, Section 10506.6, Public Contract Code.

Unsafe working condition, confidentiality of complainant, Section 6309, Labor Code.

Use fuel tax information, disclosure prohibited, Section 9255, Revenue and Taxation Code.

Utility systems development, confidential information, Section 7927.300, this code.

Utility user tax return and payment records, exemption from disclosure, Section 7284.6, Revenue and Taxation Code.

Vehicle registration, confidentiality of information, Section 4750.4, Vehicle Code.

Vehicle accident reports, disclosure of, Sections 16005, 20012, and 20014, Vehicle Code and Section 27177, Streets and Highways Code.

Vehicular offense, record of, confidentiality five years after conviction, Section 1807.5, Vehicle Code.

Veterans Affairs, Department of, confidentiality of records of contract purchasers, Section 85, Military and Veterans Code.

Veterinarian or animal health technician, alcohol or dangerous drugs diversion and rehabilitation records, confidentiality of, Section 4871, Business and Professions Code.

Victims' Legal Resource Center, confidentiality of information and records retained, Section 13897.2, Penal Code.

Voter, affidavit or registration, confidentiality of information contained in, Section 7924.000, this code.

Voter, registration by confidential affidavit, Section 2194, Elections Code.

Voting, secrecy, Section 1050, Evidence Code.

7930.215. The following provisions may operate to exempt certain records, or portions thereof, from disclosure pursuant to this division:

Wards and dependent children, inspection of juvenile court documents, Section 827, Welfare and Institutions Code.

Wards, petition for sealing records, Section 781, Welfare and Institutions Code.

Winegrowers of California Commission, confidentiality of producers' or vintners' proprietary information, Sections 74655 and 74955, Food and Agricultural Code.

Workers' Compensation Appeals Board, injury or illness report, confidentiality of, Section 6412, Labor Code.

Workers' compensation insurance, dividend payment to policyholder, confidentiality of information, Section 11739, Insurance Code.

Workers' compensation insurance fraud reporting, confidentiality of information, Section 1877.4, Insurance Code.

Workers' compensation insurer or rating organization, confidentiality of notice of noncompliance, Section 11754, Insurance Code.

Workers' compensation insurer, rating information, confidentiality of, Section 11752.7, Insurance Code.

Workers' compensation, notice to correct noncompliance, Section 11754, Insurance Code.

Workers' compensation, release of information to other governmental agencies, Section 11752.5, Insurance Code.

Workers' compensation, self-insured employers, confidentiality of financial information, Section 3742, Labor Code.

Workplace inspection photographs, confidentiality of, Section 6314, Labor Code.

Youth Authority, parole revocation proceedings, confidentiality of, Section 1767.6, Welfare and Institutions Code.

Youth Authority, release of information in possession of Youth Authority for offenses under Sections 676, 1764.1, and 1764.2, Welfare and Institutions Code.

PART 7. Operative Date

7931.000. This division shall become operative on January 1, 2023.

Richards, Watson & Gershon delivers practical advice and solutions tailored to the unique needs of California public entities.

About

Working seamlessly across offices in Los Angeles, San Francisco, Orange County, Temecula, the Central Coast, and Sacramento our dedicated team of experts provides the full-scope of public law services.

We are the lawyers of choice for clients who seek reliable, efficient, and effective legal counsel. Richards, Watson & Gershon serves as city attorney, special counsel and general counsel to clients of all sizes and demographics.

Our attorneys are proficient in areas of law only found in a firm with substantial experience in public agency representation. Local governments count on us for help with their most complex problems.

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- Environment & Natural Resources
- Housing
- Labor & Employment
- Land Use & Planning
- Litigation
- Police Practices
- Public Finance
- Public Records Act
- Real Estate & Leasing
- Rent Control
- Subdivisions & Zoning
- Taxes, Fees & Assessments
- Telecommunications
- Solid Waste
- Stormwater Compliance
- Water Rights & Water Law

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Suite 206
San Luis Obispo, CA 93401

SACRAMENTO
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Suite 3
Sacramento, CA 95816

SECTION 10

CITY OF TEMECULA
41000 Main Street
Temecula, California 92590
Main City Hall Phone: (951) 694-6444
Mayor/City Council Phone: (951) 506-5100
Website: www.TemeculaCA.gov

RESOURCE LIST

COUNCIL MEMBERS

District 1 – Mayor Pro Tempore Matt Rahn (matt.rahn@temeculaca.gov)
District 2 – Mayor Jessica Alexander (jessica.alexander@temeculaca.gov)
District 3 – Council Member Brenden Kalfus (brenden.kalfus@temeculaca.gov)
District 4 – Council Member James "Stew" Stewart (james.stewart@temeculaca.gov)
District 5 – Council Member Zak Schwank (zak.schwank@temeculaca.gov)

EXECUTIVE STAFF

Unless otherwise indicated, executive staff can be reached through main mailing address and phone number above and email address template of firstname.lastname@temeculaca.gov.

Aaron Adams	City Manager
John Crater	Division Fire Chief (john.crater@fire.ca.gov) Phone: (951) 693-3960 California Department of Forestry and Fire Protection (CAL Fire) Station #12 (Mercedes) 676-2161, Station #73 (Enterprise Circle W.) 699-4517, Station #75 (Bear Creek) 698-8338, Station #83 (Sky Canyon) 696-0962, Station #84 (Pauba) 693-0683, Station #92 (Wolf Valley) 302-1497, Station #95 (Roripaugh Ranch) 676-2126, Station #96 (Glen Oaks) 302-7502
Becky Obmann	Assistant Director of Human Resources / Risk Management
Kevin Hawkins	Assistant City Manager
Jennifer Hennessy	Director of Finance / City Treasurer
Michael Heslin	Director of Information Technology / Support Services
Randi Johl	Director of Legislative Affairs / City Clerk
Betsy Lowrey	Assistant to the City Manager
Ron Moreno	Director of Public Works
Matt Peters	Interim Director of Community Development
Mark Rigali	Chief of Police (mrigali@riversidesheriff.org) Riverside Sheriff's Department P. O. Box 892050, Temecula 92589 30755-A Auld Road, Murrieta 92563 Office: (951) 696-3000 Non-Emergency: (800) 950-2444
Erica Russo	Director of Community Services
Peter Thorson	City Attorney (pthorson@rwglaw.com) Richards, Watson & Gershon 355 South Grand Avenue, 40th Floor Los Angeles, California 90071-3101 Phone: (213) 626-8484
Luke Watson	Deputy City Manager

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Randi Johl, Director of Legislative Affairs/City Clerk

DATE: January 13, 2026

SUBJECT: Approve Annual Citywide Records Retention Schedule and Records Destruction for Calendar Year 2026

PREPARED BY: Randi Johl, Director of Legislative Affairs/City Clerk

RECOMMENDATION: That the City Council adopt a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING REVISIONS TO THE ESTABLISHED CITYWIDE RECORDS RETENTION SCHEDULE, THEREBY AMENDING AND RESTATING THE RECORDS RETENTION POLICY, AND APPROVING THE DESTRUCTION OF CERTAIN RECORDS

BACKGROUND: The citywide Records Management Program ("Program") is based on state and federal laws and agency guidelines governing public records. The Records Retention Schedule ("Schedule") is a key element of this program. The objective of the program and schedule is to administer and preserve records vital to the operation of the City and to lawfully dispose of records that have served their usefulness. Program components include the retention schedule, records destruction, technology storage and retrieval, and related policies and procedures. The schedule is a comprehensive listing of records created or maintained by the City, that includes the length of time each record is retained and the legal retention authority. The Electronic Document Management System ("EDMS") is a part of the overall program. The City uses Laserfiche as its EDMS to store its official records electronically. The purpose of the EDMS policy is to ensure the City's EDMS meets the definition of a Trusted System as set forth in Government Code Sections 12168.7 and 34090.5 and is in compliance with regulations developed by the Secretary of State to use in recording, storing, and reproducing permanent and nonpermanent documents or records in electronic media, so that every reproduction of a record from the EDMS will be deemed to be a copy of an original record.

Documents already imaged and identified within various records series of the schedule are destroyed in accordance with policy. Permanent imaging of these records complies with the requirements of state and federal laws. Proposed revisions to the schedule are based upon an annual survey of departments. Revisions reflect changes in records ownership, operational needs and changes in applicable records management law.

Government Code Section 34090 requires legislative approval for said destruction, along with City Attorney review and Department Director authorization. The City Attorney consents to the destruction of the proposed records by way of approval of this report and attachments and signature on the corresponding resolution. Assuming the City Council approves the proposed destruction, Department Directors will also sign off on the request for destruction of records prior to actual destruction. In addition to the descriptions set forth in Exhibit A, bar code records also identify each record retained and/or destroyed by the City.

Therefore, staff recommends that the City Council approve the annual retention schedule and records destruction.

FISCAL IMPACT: The costs associated with the program are contained in the annual operating budget for the City Clerk Department.

ATTACHMENTS:

1. Resolution
2. Exhibit A – Retention and Destruction Schedule

RESOLUTION NO. 2026-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING REVISIONS TO THE ESTABLISHED CITYWIDE RECORDS RETENTION SCHEDULE, THEREBY AMENDING AND RESTATING THE RECORDS RETENTION POLICY, AND APPROVING THE DESTRUCTION OF CERTAIN RECORDS

WHEREAS, the Records Retention Schedule is a key element of the Records Management Program for the City of Temecula in administering and preserving records vital to the operation of the City and for legally disposing of records that have served their usefulness; and

WHEREAS, the Records Retention Schedule, attached hereto as Exhibit A, is a living, breathing document changing periodically based on the ongoing operational needs of the City.

WHEREAS, Section 34090 et seq. of the California Government Code authorizes the destruction of City records upon approval of the legislative body of the City and with written consent of the City Attorney, provided that the records do not fall within certain specified categories, and are not less than two years old; and

WHEREAS, the records identified to be destroyed in Exhibit A, incorporated herein by this reference, are more than two years old, are not subject to litigation hold, and are not otherwise required to be kept by the City by statute and therefore meet the criteria for destruction set forth in Government Code Section 34090 et seq.; and

WHEREAS, in addition to the description of records provided in Exhibit A, bar code scans identify each record retained and/or destroyed by the City.

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The "City of Temecula Uniform Filing System Guide Records Retention Schedule" is hereby amended and restated as set forth on Exhibit A.

Section 2. The City Clerk or her designee is authorized to destroy the records described on Exhibit A.

Section 3. The City Attorney's signature on this resolution shall serve as evidence of his written consent to the destruction of records as identified in Exhibit A.

_____
Peter M. Thorson
City Attorney

Section 4. The City Clerk shall certify to the passage and adoption of this resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 13th day of January, 2026.

Jessica Alexander, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 2026- was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 13th day of January, 2026, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
Randi Johl, City Clerk

Exhibit A

City of Temecula

Records Retention Destruction Schedule

Adopted by City Council Resolution No. 2026-xx, January 13, 2026

RECORD SERIES FILE NUMBER	RECORD CATEGORY	OFFICE OF RECORD	RETENTION & LEGAL CITATION	RECORDS LOCATION	DOCUMENT/RECORD TYPE(S)	RETENTION & APPROVED DESTRUCTION DATES OF RECORDS (Updated each January)
100	**GENERAL ADMINISTRATIVE FILES**					
100-01	Mission Statement	ALL	US GC 34090	Hard Copy Hard Drives	Declaration of City's purpose	Until Superseded
100-02	City Wide Policies and Administrative Guidelines	HR	US GC 34090	Hard Copy HR Drive	Policies, procedures, manuals developed by the City to govern it's internal functions	Until Superseded
101	**CORRESPONDENCE CONTROL FILES**					
101-01	Chronological and General Correspondence Files	ALL	C + 2 GC 34090	Hard Copy Office 365	Incoming/outgoing correspondence - letters, email, memorandums, requests, notices, etc.	2023 and prior unless part of ongoing project, within CEQA statute of limitations
101-06	Calendars, Appointment Books, Scheduling, Call Logs and Visitor Logs	ALL	C + 2 GC 34090	Hard Copy Office 365 Outlook	General correspondence, logs, books	2023 and prior
200	**PLANNING, BUDGET & PROGRAMMING FILES**					
201	**EMERGENCY PLANNING & DISASTER REPORTING FILES**					
201-01	Emergency Planning Files	EM	US + 2 GC 34090	Hard Copy EM Drive	Notices, lists, reference papers, general correspondence and supporting documents	Until Superseded + 2
201-02	Emergency Reporting Files	EM	P GC 34090 AD	Hard Copy EMDrive	Declarations of Local Emergency, Receipt of Funds Certification, reports documenting actions and operations - incident reports, reports of resolution	Permanent
201-04	Disaster Reporting Files	CC	P GC 34090 AD	Hard Copy	Reports documenting actions and operations - incident reports, reports of resolution	Permanent
201-06	Emergency Communications Files	EM	P GC 34090 AD	Hard Copy EM Drive	Reports documenting actions and operations - incident reports, reports of resolution	Permanent
201-08	Emergency Management Training	EM	US + 2 GC 34090	Neogov EMDrive	Attendance logs, certificates, etc.	Until Superseded + 2
201-09	Local Hazard Mitigation Plan (LHMP)	EM	US 44 CFR 201.6 Disaster Mitigation Act 2000, Sec. 322	Hard Copy EM Drive	Hazard Mitigation Planning	Until Superseded

Exhibit A
City of Temecula
Records Retention Destruction Schedule
Adopted by City Council Resolution No. 2026-xx, January 13, 2026

RECORD SERIES FILE NUMBER	RECORD CATEGORY	OFFICE OF RECORD	RETENTION & LEGAL CITATION	RECORDS LOCATION	DOCUMENT/RECORD TYPE(S)	RETENTION & APPROVED DESTRUCTION DATES OF RECORDS (Updated each January)
201-10	Emergency Operations Plan (EOP)	EM	US GC 8550	Hard Copy EMDrive	Emergency plan	Until Superseded
201-11	Grant Files	EM	US 2 CFR 200 GC 8550	Hard Copy EM Drive	State and Emergency Management grants	10 yrs

Exhibit A
City of Temecula
Records Retention Destruction Schedule
Adopted by City Council Resolution No. 2026-xx, January 13, 2026

RECORD SERIES FILE NUMBER	RECORD CATEGORY	OFFICE OF RECORD	RETENTION & LEGAL CITATION	RECORDS LOCATION	DOCUMENT/RECORD TYPE(S)	RETENTION & APPROVED DESTRUCTION DATES OF RECORDS (Updated each January)
202	**ORGANIZATION PLANNING FILES**		322			
202-01	Workforce Planning	HR	US GC 34090	HR Drive	Organization charts, lists, reports, etc.	Until Superseded
203	**CITY PLANNING FILES**					
203-01	Tentative Map Files/Tentative Tract Maps/SB9	CD, PW	P GC 34090 AD; H & S 19850; GC 4003; GC 4004	Hard Copy EnerGov PW Drive X Drive Laserfiche	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-02	Tentative Parcel Map Files	CD, PW	P GC 34090 AD; H & S 19850; GC 4003; GC 4004	Hard Copy EnerGov PW Drive X Drive Laserfiche	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-03	Zone Change Files	CD	P GC 34090 AD; H & S 19850; GC 4003; GC 4004	EnerGov X Drive Laserfiche	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-04	Variance Files	CD	P GC 34090 AD; H & S 19850; GC 4003; GC 4004	EnerGov X Drive Laserfiche	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent

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203-07	Minor Temporary Use Permit	CSD, CD	C + 2 GC 34090	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc. (Refer to Series 203-48 for Master and Major TUP's)	2023 and prior
203-08	Conditional Use Permit Files	CD	P GC 34090 AD; H & S 19850; GC 4003; GC 4004	Hard Copy EnerGov X Drive Laserfiche	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-10	Modifications (includes minor, major, review)	CD	P GC 34090 AD; H & S 19850; GC 4003; GC 4004	EnerGov X Drive Laserfiche	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-11	General Plan/Development Code and Amendments	CD, CM	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-12	Lot Line Adjustment	CC, CD,PW	P GC 34090 AD	Hard Copy Laserfiche EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-13	Environmental Initial Study, Environmental Impact Report and Environmental Assessments	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-15	Comprehensive Sign Program	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent

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203-16	Temporary Signs	CD	US + 2 GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Until Superseded + 2
203-17	Sign Permit	CD	P GC 34090 AD	EnerGov Laserfiche X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-19	Parcel Merger	CC, CD, PW	P GC 34090 AD	Hard Copy PW Drive EnerGov Laserfiche X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-20	Home Occupation Permit	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-21	Specific Plans/Specific Plan Amendments	CD, CM	P GC 34090 AD	Hard Copy EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-22	Certificate of Compliance	CC, CD, PW	P GC 34090 AD	Hard Copy PW Drive EnerGov Laserfiche X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-23	Waivers of Final Map	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-24	Development Plans	CD, CM, PW	P GC 34090 AD	Hard Copy PW Drive EnerGov Laserfiche X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-25	Accessory Dwelling Unit, Junior Accessory Dwelling Unit, Second Dwelling Unit	CC, CD	P GC 34090 AD	EnerGov X Drive Hard Copy	Covenants & Agreements, Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent

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203-28	Development Agreements	CD, CM	P GC 34090 AD	Hard Copy EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-31	Landscape Agreements/Bonds/Plans	CD	P GC 34090 AD	Hard Copy EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-32	Appeals	CD	P GC 34090	Hard Copy EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-34	Massage/Tobacco License Supplemental/Non-Store Front Retail Cannibus	CD	2 Years GC 34090	Hard Copy	License application supplemental documents, passport, drivers licese, etc	2023 and prior
203-35	Massage/Tobacco License/Application/Non-Store Front Retail Cannibus	CD	P GC 34090 AD	EnerGov X Drive	Application, license certicate in Energov, correspodence	Permanent
203-36	Findings of Public Convenience or Necessity	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-37	Development Impact Fee Reduction	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-38	Extension of Time	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-39	Habitat Acquisition Negotiations Strategy (HANS)	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-40	Minor Exception	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-41	Model Home Complex	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-42	Pre-Application Review	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent

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203-43	Residential Tract Product Review	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-44	Vendors License	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-45	Wireless Antenna Facility	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-46	Long Range Planning Projects	CD	P GC 34090 AD	EnerGov X Drive	Noticing documents, project correspondence, invoices, receipts, exhibits, EIR documents, required forms	Permanent
203-47	Certificate of Historical Appropriateness	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-48	Master/ Major Temporary Use Permits and Special Events	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-49	Special Studies	CD	P GC 34090 AD	EnerGov X Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
203-50	Zoning Letter	CD	P GC 34090	Hard Copy EnerGov Planning Drive	Zoning letters and relevant information	Permanent
204	**INFORMATION TECHNOLOGY COMPUTER APPLICATIONS, AUDIO/VIDEO & DIRECTORIES**					
204-06	Public Meeting Media	CC, ITSS	P GC 34090.7 AD	P Drive	Audio, visual recordings	Permanent
204-07	Meeting Audio Recordings (Boards & Commissions, Directors Hearing, etc.)	ITSS	C + 2 GC 34090	P Drive	Audio recordings	2023 and prior
204-08	Security Video Recordings (Routine Video Recording, including street intersections)	ITSS	1 Year GC 34090.6	Video Management System	Regular and ongoing operations	2023 and prior

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204-09	Video used in traffic studies	ITSS	2 Years GC 34090	Video Management System	Traffic and road condition surveys	2023 and prior
204-10	Electronic Mail	ITSS	3 Years GC 34090	Outlook	Public Record Emails - Retain land use and PW project emails until the project is approved and the CEQA statute of limitations period expires without litigation.	2023 and prior unless part of ongoing project, within CEQA statute of limitations or subject to other statutory protection
204-11	Proximity Card Log/List	ITSS	P GC 34090 AD	Access Control	Tracking Log	Permanent
204-12	Help Desk Tickets	ITSS	C + 3 GC 34090	IT Ticket System	Employee service requests	2022 and prior
205	**BUDGET FILES**					
205-01	Budget Working Paper Files	FIN	C + 2 GC 34090	Hard Copy Finance Drive	Annual Operating Budget back up documents	2023 and prior
205-02	Proposed Budget	FIN	C + 2 GC 34090	Hard Copy Questica Finance Drive	Annual Operating Budget (City Council Workshop/Report)	2023 and prior
205-03	Final Adopted City Budget & Mid-year Budget	FIN	P GC 34090 AD, 40802 and 53901	Hard Copy Laserfiche Questica Finance Drive	Adopted-Final Annual Operating Budget documents and Midyear Budget documents	Permanent
205-04	Budget Adjustments	FIN	4 AA GC 34090	Hard Copy Tyler Eden/Munis Finance Drive	Journals, budget adjustment requests	FY 20/21 and prior
205-09	Capital Improvement Program Budget	FIN	P GC 34090 AD	Hard Copy Questica Finance Drive	Adopted - Annual Capital Improvement Program Budget	Permanent
205-13	State Budget Information	FIN	C + 2 GC 34090	Finance Drive	State of California yearly budget information with population	2021 and prior

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206	**REPORTING FILES**					
206-02	Comprehensive Annual Financial Reports (CAFR/Annual Financial Statements)	FIN	P GC 34090 AD	Hard Copy Tyler Eden/Munis Finance Drive	Final CAFR	Permanent
206-04	State Controller's Report	FIN	P GC 34090 AD	Hard Copy Finance Drive	Final State Controllers Report submitted to State of California	Permanent
206-05	Street Report	FIN	P GC 34090 AD	Hard Copy Finance Drive	Final Street Report submitted to the State of California	Permanent
206-06	Statement of Indebtedness (RDA)	FIN	P GC 34090 AD	Hard Copy Finance Drive	Final RDA Financial Statements (SOI) submitted to the State of California	Permanent
207	**COST ANALYSIS STUDIES**					
207-01	Cost Analysis Studies Files	FIN	P GC 34090 AD	Hard Copy Finance Drive	Final Fee Studies (City Council Report)	Permanent
208	**REDEVELOPMENT (RDA) & SUCCESSOR AGENCY THE REDEVELOPMENT AGENCY (SARDA)**					
208-01	Redevelopment Plan	CD	P GC 34090 AD	Hard Copy RDA Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
208-02	Redevelopment Projects	CD	P GC 34090 AD	Hard Copy RDA Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
208-03	Redevelopment Programs	CD	P GC 34090 AD	Hard Copy RDA Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
208-04	Housing Programs	CD	P GC 34090 AD	Hard Copy RDA Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent

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208-05	Affordable Housing Compliance	CD	C + 2 GC 34090	Hard Copy RDA Drive Compliance Software	Operating Budget, Unit Status Report, Statement of Monthly Income	Permanent
208-06	Owner Participation Rules	CD	US GC 34090	Hard Copy RDA Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Until Superseded
208-07	Relocation Assistance, Rules & Guidelines	CD	US GC 34090	Hard Copy RDA Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Until Superseded
208-08	Special Studies - RDA/SARDA	CD	P GC 34090 AD	Hard Copy RDA Drive	Project files, applications, notices, correspondence related to project, exhibits, environmental documents, etc.	Permanent
209	**FUNDING PROGRAMS**					
209-01	Community Services Funding Program	CM	T + 4 GC 34090	Hard Copy Hard Drive	Applications, supporting documents	2021 and prior if terminated
209-02	CDBG Public Service Admin Files	CD, CM	3 Office + 5 GC 34090;	Hard Copy Planning Drive	Project files, contracts, proposals, statements, reports, environmental review, grant documents, applications, inventory, plans, regulations (see also 409-18)	2018 and prior
209-03	CDBG Planning Documents	CD	P GC 34090 AD	Hard Copy Planning Drive	Electronic – Includes Consolidate Plan, Annual Action Plans, Analysis of Impediments, Assessment of Fair Housing, Consolidated Action and Performance Evaluation Report (CAPER), Amendments (i.e. notices, actual substantial amendments, agreements, etc.)	Permanent

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209-04	CDBG Funding Applications	CD	2 + 3 GC 34090	Hard Copy Planning Drive	Project files, contracts, proposals, statements, reports, environmental review, grant documents, selected applications, inventory, plans, regulations	2020 and prior
209-05	CDBG Policy Manuals	CD	US GC 34090	Hard Copy Planning Drive	Procedures and policies	Until Superseded
300	**MANAGEMENT FILES**					
301	**DEPARTMENTAL MANAGEMENT FILES**					
301-02	Conference and Meetings	ALL	US GC 34090	Hard Copy Hard Drive	Agendas, outlines, lists, notes, etc.	Until Superseded
301-03	Departmental Procedures	ALL	US GC 34090	Hard Copy Hard Drive	Procedures	Until Superseded
301-04	Signature Authority & Notices of Appointment	CC	US GG 34090	Hard Copy	Delegation of signature authority	Until Superseded
302	**REPORTS MANAGEMENT FILES**					
303	**FORMS MANAGEMENT FILES**					
303-01	Forms (Masters)	ALL	US GC 34090	Hard Drive Laserfiche	Shell forms	Until Superseded
304	**RECORDS MANAGEMENT FILES**					
304-01	Filing Systems & Procedures (Includes TUFFS)	CC	US GC 34090	Hard Drive	Lists	Until Superseded
304-02	Department Inventories and Worksheets	CC	P GC 34090 AD	CC Drive Hard copy	Yearly inventory sheets, worksheets	Permanent
304-03	Records Destruction Authorization Files and Certificates	CC	P GC 34090 AD	Hard Drive	Certificates of Destruction	Permanent

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304-06	Department Transfer Lists	CC	P GC 34090 AD	Hard Copy Laserfiche	Listings of documents transferred to Records	Permanent
304-07	Retention Schedules	CC	P GC 34090 AD	CC Drive	Retention schedule (City Council Report)	Permanent
305	**RISK MANAGEMENT**					
305-01	Insurance Policies	ALL	P GC 34090 AD	Laserfiche RM Drive	City Owned Policies	Permanent
305-02	Claims Filed by the City	HR	3 AS GC 34090	Hard Copy RM Drive	Refer to Series 704-13 for Claims Against the City	2022 and prior years after settled
305-03	Accident Reports – City Assets	HR	CL + 7 GC 34090	Hard Copy RM Drive	Accident/Incident Reports	2018 and prior closed
305-04	Risk Management Reports – Loss Analysis, Safety, etc.	HR	CL + 7 GC 34090	RM Drive	Accident/Incident Reports	2018 and prior closed
305-05	Self-Insured Documentation	HR	AS + 3 GC 34090	RM Drive	Insurance Policies; Certificate of Consent	2022 and prior after settled
305-06	Incident Reports (Non-employee)	HR	CL + 3 GC 34090	RM Drive	Accident/Incident Reports	2022 and prior closed
305-07	Violent Incident Training Logs	HR	C +1 Labor Code 640139	RM Drive	training records, including training dates, contents or a summery of training session, names and qualifications of persons conducting the training, and names and job titles of all persons attending the training sessions	2025
305-08	Work Place Violance Incidents	HR	C + 5 Labor Code 640139	RM Drive	Workplace violence harzard identification, evaluation, and correction, incidents, logs, investigations	2029

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400	**ACCOUNTING, PAYROLL & RETIREMENT**					
401	**ACCOUNTING & REVENUE FILES**				Also see Section 409	
401-03	General Ledger File/AJE/BJE	FIN	4 AA GC 34090 CCP337	Hard Copy Tyler Eden/Munis Finance Drive	Journal and budget adjustments	FY 20/21 and prior
401-06	Accounts Payable	FIN	4 AA GC 34090	Hard Copy Tyler Eden/Munis Finance Drive	Vendor invoices with check copies, draw files	FY 20/21 and prior

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401-07	Accounts Receivable	FIN	4 AA GC 34090	Hard Copy Finance Drive Tyler Eden/Munis	Billing invoices with backup documents	FY 20/21 and prior
401-10	Demands & Warrants (checks)	FIN	4 AA GC 34090	Hard Copy Tyler Eden/Munis Finance Drive	Copies of A/P checks	FY 20/21 and prior
401-13	List of Demands	FIN	4 AA GC 34090	Laserfiche	Check listing issued monthly (City Council Report)	FY 20/21 and prior
401-14	Petty Cash Files	FIN	4 AA GC 34090	Hard Copy	Petty cash receipts with backup documents	FY 20/21 and prior
401-16	Sales Tax (Also see 409-11)	FIN	4 AA GC 34090	Hard Copy Finance Drive	Sales tax backup documents	FY 20/21 and prior
401-19	Quarterly Financial Statements	FIN	4 AA GC 34090 & CCP 337	Hard Copy Laserfiche Finance Drive	Reports of quarterly financials (City Council Report)	FY 20/21 and prior
401-20	State Revenues	FIN	4 AA GC 34090	Hard Copy Finance Drive	State of California revenue information	FY 20/21 and prior
401-21	Fiscal Analysis	FIN	4 AA GC 34090	Hard Copy Questica Finance Drive	Income, balance, cash flow statements	FY 20/21 and prior
401-25	Vouchers and Voucher Register (Cash Disbursement Journal)	FIN	4 AA CCP 337 GC 34090	Hard Copy Tyler Cashiering Finance Drive	Daily cash receipt backup documents	FY 20/21 and prior
401-35	Internal Service Funds	FIN	4 AA GC 34090	Hard Copy Finance Drive	Tracking of services and goods	FY 20/21 and prior

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401-37	Asset Management Inventory	FIN	4 AA GC 34090	Hard Copy Tyler Eden/Munis Finance Drive	Fixed assets inventory	FY 20/21 and prior
402	**RECEIPTS & BILLING FILES**					
402-02	Daily Cash Receipts	FIN	4 AA GC 34090	Hard Copy Tyler Cashiering Finance Drive	Daily cash backup documents	FY 20/21 and prior
402-05	Permits and Permit Fees	FIN	4 AA GC 34090	Hard Copy EnerGov Finance Drive	Listing of permit fees	FY 20/21 and prior
402-06	Business Licenses	FIN	P GC 34090	Hard Copy EnerGov Finance Drive	Business license applications, changes and renewals	Permanent in Energov 2014 for records prior to Energov
403	**CITY BANKING FILES**					
403-01	Bank Deposit Files	FIN	4 AA GC 34090	Hard Copy Finance Drive	Copies of Bank Deposits, checks, deposit slips, direct deposits	FY 20/21 and prior
403-02	Bank Statements	FIN	4 AA GC 34090	Hard Copy Finance Drive	Copies of Bank Statements	FY 20/21 and prior
403-03	Check Stubs, Cancelled/Voided Checks	FIN	4 AA GC 34090	Hard Copy Finance Drive	Copies of A/P checks and voids	FY 20/21 and prior
403-05	Banking Service Files	FIN	3 AT GC 34090	Hard Copy	Bank fees file	2023 and prior after termination
403-06	Bank Reconciliation	FIN	4 AA GC 34090	Finance Drive	Monthly bank reconciliation documents	FY 20/21 and prior
403-08	A/P Checks (Numerical Listing)	FIN	4 AA GC 34090	Hard Copy	A/P checks	FY 20/21 and prior

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404	**PAYROLL FILES**					
404-01	IRS Forms (W2's, W-4's, EDD, 941, 1099, etc.)	FIN	C + 4 GC 34090 CFR 1627.3	Hard Copy Finance Drive	Copies of W-2, W-4, payroll reports, 941 reports sent to IRS	2021 and prior
404-02	Payroll Deductions/Benefit Reports	FIN	C + 4 GC 34090 P29 CFR 1627.3	Hard Copy Tyler Eden/Munis	Payroll reports	2021 and prior
404-03	Payroll System Reports	FIN	4 AA GC 34090	Tyler Eden/Munis	Payroll reports	FY 20/21 and prior
404-04	Time Sheets	FIN	4 AA GC 34090	Tyler Eden/Munis	Payroll timesheets, Time Off Requests	FY 20/21 and prior
404-06	Vacation & Sick Leave	FIN	4 AA GC 34090	Hard Copy Finance Drive Tyler Eden/Munis	Payroll leave report	FY 20/21 and prior
404-09	Unemployment Compensation Files	FIN	4 AA GC 34090	Tyler Eden/Munis	Payroll unemployment forms	FY 20/21 and prior
404-14	PERS – Payroll Deduction Reports	FIN	P 29 CFR 1627.3	Tyler Eden/Munis	Payroll pension reports sent to CalPers	Permanent
404-16	Workers Compensation	FIN	4 AA GC 34090	Tyler Eden/Munis	Workers Compensation yearly audit files	FY 20/21 and prior

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405	**BOND FILES**					
405-01	Bond Issue Maintenance Files	CC, PW	M + 10 53921 & CCP 337.5	Hard Copy	Certificates of participation, distribution lists, agreements, amendments, maps	M + 10
405-09	Bonds, Development and Performance	CC, PW	P 53921 & CCP 337.5	Hard Copy	Bonds, correspondence, tracking lists	Permanent
405-16	Bonds Other	CC	M + 10 53921 & CCP337.5	Hard Copy	Bonds, correspondence, tracking lists	M + 10
406	**AUDIT FILES**					
406-07	City Annual Audit	FIN	P GC 34090 AD	Hard Copy Finance Drive	City Annual Financial Reports Audited	Permanent
406-08	Single Audit	FIN	P GC 34090 AD	Hard Copy Finance Drive	City Annual Financial Reports Audited	Permanent
406-09	Redevelopment Agency Audit	FIN	P GC 34090 AD	Hard Copy Finance Drive	RDA Annual Financial Report Audited	Permanent
406-10	Riverside County Transportation Commission/Measure A Audit	FIN	P GC 34090 AD	Finance Drive	Measure A Annual Audit	Permanent
406-11	Other Audits	FIN	P GC 34090 AD	Finance Drive	Annual Financial Reports Audited	Permanent

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407	**RETIREMENT FILES**					
407-01	Individual Vested Interest Records	FIN	4 AA GC 34090	Hard Copy Laserfiche Sempro Finance Drive	City investment portfolio records	FY 20/21 and prior
407-02	Deferred Compensation Plans	HR	P GC 34090	Hard Copy HR Drive	457 Plan Documents	Permanent
407-04	Retirement Correspondence and Information (PERS)	HR	P GC 34090 AD	Hard Copy HR Drive	Retirement contract, amendments	Permanent
408	**INVESTMENTS FILES**					
408-04	Investments	FIN	FY Puchase + 6 GC 34090 AD	Hard Copy	Investments, CD deposit information, bonds	FY 17/18 and Prior
408-06	Monthly Treasurer's Report	FIN	4AA GC 34090	Hard Copy Laserfiche Sempro Finance Drive	City monthly bank reconciliation	FY 20/21 and prior
408-07	Administration	FIN	4AA GC 34090	Hard Copy Sempro	Investment administration	FY 20/21 and prior
408-10	State of California Local Agency Investment Fund (LAIF)	FIN	4 AA GC 34090	Hard Copy Sempro Finance Drive	Investment information	FY 20/21 and prior

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409	**REVENUE & TAXATION (Also refer to Section 401)**					
409-01	Administration	FIN	4 AA GC 34090	Hard Copy Finance Drive Tyler Eden/Munis Tyler Cashiering	City revenue administration	FY 20/21 and prior
409-04	User Fee Studies	FIN	P GC 34090 AD	Hard Copy Finance Drive Tyler Eden/Munis Tyler Cashiering	City User Fee studies	Permanent
409-05	Development Impact Fees (DIF)	FIN	P GC 34090 AD	Hard Copy Finance Drive Tyler Eden/Munis Tyler Cashiering	City Impact Fee studies	Permanent
409-06	Franchise Fees	FIN	4 AA GC 34090	Hard Copy Finance Drive Tyler Eden/Munis Tyler Cashiering	City Franchise Fees information	FY 20/21 and prior
409-07	Fee Schedules	FIN	P GC 34090 AD	Hard Copy Finance Drive	City Fees Schedule	Permanent
409-10	Property Tax	FIN	4 AA GC 34090	Hard Copy Tyler Eden/Munis Tyler Cashiering Finance Drive	City property tax information	FY 20/21 and prior

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409-11	Sales Tax (Also refer to series 401-16)	FIN	P GC 34090 AD	Hard Copy Finance Drive	City sales tax information, HDL Reports	Permanent
409-12	Transient Occupancy Tax (TOT)	FIN	4 AA GC 34090	Hard Copy Tyler Cashiering Finance Drive	City TOT information	FY 20/21 and prior
409-15	TCSD Fees	FIN	P GC 34090 AD	Hard Copy Tyler Eden/Munis Rec 1 Finance Drive	TCSD Fees	Permanent
409-16	Documentary Transfer Tax	FIN	4 AA GC 34090	Hard Copy Tyler Eden/Munis Finance Drive	City tax information	FY 20/21 and prior
409-17	Temecula Public Financing Corporation (TPFA)	FIN	P GC 34090 AD	Hard Copy Laserfiche Finance Drive	TPFA (City Council Report)	Permanent
409-18	Grants	ALL	P - Successful C + 2 Unsuccessful GC 34090 AD	Hard Copy Finance Drive	Grants information, applications, project proposals, notification of grant, objectives, reports, exhibits (see also 209-02)	Permanent - Successful Unsuccessful - 2023 and prior
409-23	Gas Tax	FIN	4 AA GC 34090	Hard Copy Tyler Eden/Munis Finance Drive	Gas tax revenues	FY 20/21 and prior
409-24	Vehicle Impound Fee	FIN	4 AA GC 34090	Hard Copy Tyler Eden/Munis Finance Drive	Vehicle fee information	FY 20/21 and prior

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409-25	Development Agreement Fees	FIN	P GC 34090 AD	Hard Copy Tyler Eden/Munis Finance Drive	Development Agreement	Permanent

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409-27	Jarvis Prop 218	FIN	P GC 34090 AD	Hard Copy	Prop 218 information	Permanent
409-28	County Revenues, Other	FIN	4 AA GC 34090	Hard Copy Tyler Eden/Munis Finance Drive	County revenue information	FY 20/21 and prior
409-29	State Revenues, Other	FIN	4 AA GC 34090	Hard Copy Tyler Eden/Munis Finance Drive	State Revenues information	FY 20/21 and prior
409-31	Parking Legal Citations	FIN	4 AC GC 34090	Data Ticket Tyler Eden/Munis Finance Drive	Parking citations information	2021 and prior after closed
410	**ECONOMIC DEVELOPMENT**					
410-01	Loans & Incentives	ED	P GC 34090 AD	Hard Copy	Loan information	Permanent
410-02	Studies/Research/Demographics & Census	ED	P GC 34090 AD	ED Drive	Claritas reports, QLMP	Permanent
410-03	Meetings/Seminars/Conferences/ Showcases	ED	C + 2 GC 34090	ED Drive	Agendas, notices, CALED, ICSC, PIO Lunch, Broker's Breakfast, Temecula Trekkers	2023 and prior
410-05	Temecula Businesses	ED	US GC 34090	ED Drive	Creative Spaces Project, correspondence	Until Superseded
410-06	Business Development/Projects	ED	US GC 34090	ED Drive	Business information	Until Superseded
410-07	Sponsorship & Funding Requests	ED	US GC 34090	Hard Copy ED Drive	Application guidelines, applications, funding charts, final sponsorship binder	Until Superseded

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410-08	State of the City Address	CM, ED	P GC 34090 AD	CM Drive Video	Script, event information, audio/visual recordings, photos, PowerPoint Presentation	Permanent
410-09	Film Permits	CM, ED	C + 2 GC 34090	CM Drive Hard Copy	Film permits received from vendor	2023 and prior
500	**PERSONNEL, SALARY & BENEFITS, CLASSIFICATION, RECRUITMENT, TESTING, TRAINING, MEDICAL, COMPLIANCE, SAFETY, INCENTIVES & AWARDS**					
501	**PERSONNEL RECORDS**					
501-01	Individual Personnel File	HR	S + 50 GC 34090, 12946	Hard Copy HR Drive	Pre-employment and new hire documentation, personnel actions, performance evaluations, training documents, general employment correspondence, benefits, confidential information (medical information, leave of absence documentation), grievances, administrative complaints, investigations	Separation + 50
501-02	Personnel Policy File	HR	US GC 34090	Hard Copy HR Drive	Personnel policy	Until Superseded
502	**SALARY & BENEFITS**					
502-01	Employee Benefit Plans	HR	P GC 34090 AD	HR Drive	Cafeteria Plan documents	Permanent
502-02	Salary Studies	HR	US GC 34090	HR Drive	Salary Studies	Until Superseded
502-04	Salary Schedules	HR	P GC 34090 AD	HR Drive	Salary Schedules	Permanent
502-07	Management Compensation Plan	HR	P GC 34090 AD	HR Drive	Management Compensation Plan (City Council Report)	Permanent
502-08	Council Compensation Plan	HR	P GC 34090 AD	HR Drive	City Council Compensation Plan (City Council Report)	Permanent

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503	**PERSONNEL CLASSIFICATION FILES**					
503-01	Classification Specifications	HR	P GC 34090 AD	NeoGov HR Drive	Class Specifications	Permanent
503-02	Classification Studies	HR	US GC 34090	HR Drive	Classification Study results	Until Superseded
505	**RECRUITMENT**					
505-01	Recruitment File (including job application)	HR	AC + 3 GC 34090	NeoGov	Job applications, position announcements, interview ratings, eligibility list	2023 and prior after closed
507	**TRAINING FILES**					
507-03	Employee Career Development Training Rosters	HR	T + 2 GC 34090	HR Drive	Training Participant Rosters	2023 and prior after termination
507-04	Safety Training Rosters	HR	T + 2 GC 34090	NeoGov HR Drive	Training Participant Rosters	2023 and prior after termination
507-05	Mandated Training Rosters	HR	T + 2 GC 34090	NeoGov HR Drive	Training Participant Rosters	2023 and prior after termination
508	**WORKERS COMP**					
508-02	Employee Workers Compensation Claims	HR	AT + 50 CCR 14311; 15400.2; CA LC 110-139.6	Hard Copy HR Drive	Individual Workers' Compensation file (Work Status Reports, DWC-1 Form and Acknowledgement)	50 Years After Termination

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509	**COMPLIANCE FILES**					
509-05	Compliance Reports (EED, SCO, OSHA, etc.)	HR, PW	P GC 34090 AD	Hard Copy HR Drive PW Drive	OSIP Report; Section 111 Reporting, CHP Inspection (DOT), Material Safety Data Sheets (MDS)	Permanent
510	**SAFETY FILES**					
510-01	Safety Committee Meeting/Minutes	HR	P GC 34090 AD	RM Drive	Agenda, meeting minutes	Permanent
510-02	Accident/Safety Investigation Files (OSHA, etc.)	HR	P GC 34090 AD	RM Drive	Accident/Incident Reports	Permanent
510-03	Safety Manual	HR	P GC 34090 AD	RM Drive	Safety Manuals	Permanent
510-05	Department of Transportation DOT Program	HR	P GC 34090 AD	Hard Copy RM Drive	Individual DOT Driver File (Test results, DMV Reports, Pull Program Authorization, Medical Card)	Permanent
511	**INCENTIVE AND SERVICE AWARDS**					
511-01	Employee Recognition	HR	P GC 34090 AD	HR Drive	Service award tracking	Permanent
511-02	City Sponsored Employee Activities (Team PACE)	HR	C + 2 GC 34090	HR Drive	Team PACE event plans, meeting minutes	2022 and prior

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600	**PURCHASING, CONTRACTING, EQUIPMENT AND SERVICE FILES**					
601	**PURCHASING FILES**					
601-01	Purchase Orders	FIN	4 AA GC 34090	SQL Reports Tyler Eden/Munis M Drive	Purchase orders, purchase order reports, backup documents	FY 18/19 and prior
601-03	Bid Files	ALL	P Successful 4 Unsuccessful CCP 337.5	Hard Copy Hard Drive Planet Bids Finance Drive	Notice of Inviting Bid (NIB) and unsuccessful bid bonds (CC retains paper)	Successful Permanent; Unsuccessful 2020 and prior (Successful bid bond filed with contract)
601-04	Authorization to Purchase other than Bid	FIN	US GC 6254	Tyler Eden/Munis	Bid authorization	Until Superseded
601-05	Department Requisition File	FIN	3 AA GC 34090	Tyler Eden/Munis	Requisition file, backup documents	FY 19/20 and prior
601-06	Purchasing Policy and Procedures	FIN	US GC 6254	Finance Drive	Purchasing policies and procedures	Until Superseded
601-08	Vendors Lists	FIN	3 AA GC 34090	Tyler Eden/Munis	Listing of vendors	FY 19/20 and prior
601-13	Credit Applications	FIN	3 AA GC 34090	Finance Drive	Credit application	FY 19/20 and prior
601-15	RFQs, RFPs and RFI's	ALL	Successful: AA +5 2 Unsuccessful GC 34090	Hard Copy Hard Drive Planet Bids	Quotes, proposals, exhibits, correspondence	Successful: 2019 and prior if closed; Unsuccessful: 2022

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602	**CONTRACTS & AGREEMENTS**					
602-00	Contracts , Agreements, Amendments, Contract Change Orders and Leases	CC, PW	P GC 34090 AD	Hard Copy Finance Drive Laserfiche	Agreements, contracts, amendments and contract change orders	Permanent
602-01	Franchises	CC	P GC 34090 AD	Hard Copy Finance Drive Laserfiche	Agreements, Contracts, Amendments	Permanent
602-02	Contracts and Agreements General Correspondence	CC	C + 2 GC 34090	Hard Copy Finance Drive	General Correspondence	2022 and prior
602-05	Vendor Certificates of Insurance	ALL	US + 4 GC 34090	Hard Copy Tyler Eden/Munis Offsite Vendor	Certificates of Insurance (Departments maintain copies for their records)	Until Superseded + 4
603	**INVENTORY SUPPLY FILES & FIXED ASSETS**					
603-01	Master Inventory of Equipment	FIN, ITSS	US + 2 GC 34090	Hard Drive	Listing of inventory	Until Superseded
603-02	Fuel Records File (Gasoline, Oil, etc.)	FIN	C + 2 GC 34090	Hard Copy	City revenue administration	2022 and prior
603-03	Vehicle Registration Records	CC, FIN	L + 4 GC 34090 VC 9900	Hard Copy	City vehicle title records, registrations, sales contract and release correspondence	Life/Sale of Vehicle +4
603-05	Vehicle Maintenance Policy	PW	US GC 34090	Hard Copy PW Drive	Vehicle maintenance policy	Until Superseded
603-06	Fleet/Vehicle Maintenance Records	PW	L	Hard Copy Lucity	All Fleet/Vehicle maintenance records	Life/Sale of Vehicle Permanent - Database info in Lucity

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603-07	Zero Emission Fleet Vehicles	PW, FIN	5 CCR 2013.3	Hard Copy PW Drive Tyler Munis	CARB reporting (VIN, Make and Model, license plate number, GVWR, body type, fule and powertrain type, date of purchase, odomoter, engine family and engoine model), purchase lease agreements, sales information, transer of liability forms, out of state registration form, DMV filing	2029

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604	**SALVAGE AND SURPLUS SALES**					
604-01	Salvage and Surplus Sales	FIN, PW	C + 2 After Disposal GC 34090	Tyler Eden Finance Drive PW Drive	Asset surplus	2022 and prior after disposal
605	**PUBLICATION AND PRINTING FILES**					
605-01	Proof of Publication	CC	C + 2 GC 34090	Hard Copy	Publication Approval, Proof of Publication	2022 and prior
606	**EQUIPMENT LOG, SERVICE RECORDS and WORK ORDERS**					
606-01	Equipment Instruction, Information and Warranties	ALL	C + 2 After Disposal GC 34090	Hard Drive	Equipment information pamphlets, books, manuals	2022 and prior after disposal
606-03	Equipment Service Records & Equipment Maintenance	ALL	C + 2 After Disposal GC 34090	Lucity	Service/Maintenance documentation, logs	2022 and prior after disposal Permanent - Database info in Lucity
606-04	Work Orders and Service Requests	PW	C + 2 GC 34090	Hard Copy Lucity PW Drive	Citizen Requests, Service Order Requests	2022 and Prior - Hard Copies Permanent - Database info in Lucity
607	**SERVICES CONTRACTED**					
607-02	Misc. Mechanics Lien & Stop Notices	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Preliminary Notices, Stop Notices	Permanent
700	**LEGISLATIVE, ELECTIONS & LEGAL FILES**					
701	**LEGISLATIVE FILES**					
701-02	City Council, Agency, Board, Commission & Committee Agendas	CC	P GC 34090 AD	Hard Copy Laserfiche	Agendas, staff reports, exhibits, departmental reports	Permanent

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701-03	Request to Speak Forms	CC	P C + 2	Hard Copy Electronic	Speaker Slips, Emails submitted for the record	Permanent - Read into Record C + 2 - Not read into the record (Public Comment)
701-04	City Council Ordinances	CC	P GC 34090(e)	Hard Copy Laserfiche	Ordinances, exhibits, logs	Permanent - **Originals may not be destroyed**
701-05	City Council, Agency, Board, Commission & Committee Resolutions	CC	P GC 34090(e)	Hard Copy Laserfiche	Resolutions, exhibits, logs	Permanent - **Originals may not be destroyed**
701-10	City Council, Agency, Board, Commission and Committee Minutes	CC	P GC 34090(e)	Hard Copy Laserfiche	Minutes	Permanent - **Originals may not be destroyed**
701-11	City Council, Board, Committee, Commission & Agency Reference Papers, Applications, Appointments & Resignations	CC	Selected: T + 4 Not Selected: C + 2 GC 34090	Hard Copy	Applications, correspondence	Selected: Termination +4 Not Selected: 2022 and prior
701-12	Federal & State Legislative Information & Correspondence	CC	P GC 34090 AD	Hard Copy	Correspondence	Permanent
701-14	Municipal Code	CC	P GC 34090(e) AD	Hard Copy Website	Municipal Code, updates	Replace superseded pages; Code and Insertion Guides Permanent
701-15	Signed Meeting Cancellation Notices	CC	P GC 34090 AD	Hard Copy Laserfiche	Notices	Permanent
701-16	Public Hearing Notices	CC	C + 4 GC 34090	Hard Copy	Notices	2020 and prior
701-18	City Seal/Logo	CC	P GC 34090 AD	Hard Copy	Committee documents, seal, correspondence	Permanent
701-19	City of Temecula Articles of Incorporation	CC	P GC 34090 AD	Hard Copy	LAFCO documents, county resolution, studies, exhibits	Permanent

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701-22	History of Elected/Appointed Officials	CC	P GC 34090 AD	CC Drive	List of elected/appointed officials	Permanent

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702	**ELECTION FILES**					
702-02	Election Historical/Operational Files	CC	P GC 34090 AD	Hard Copy CC Drive	Primary/General election correspondence, publications, resolutions, results, etc.	Permanent
702-04	Miscellaneous Election Ballots	CC	P GC 34090 AD	Hard Copy	Proposition 218	Permanent
702-06	Nomination Files	CC	Successful: T + 4 Unsuccessful: E + 2	Hard Copy	Nomination Papers	Successful:Term + 4 Unsuccessful: Election +2
702-08	Campaign Statements FPPC Form 400 Series & 501	CC	P/E + 5/E+7 GC 81009 (b) GC 81009 (c)	Hard Copy Laserfiche Net File	FPPC documents	Elected Mayor, City Council members and suppporting committees: Permanent Non-Elected (Election + 5) - 2019 and prior Misc. Individuals/Committees (E + 7) – 2017 and prior (Must Retain in Paper Form for 2 Years)
702-09	Campaign Disclosure Log	CC	P GC 34090 AD	CC Drive	Log	Permanent
702-10	Annexation, Consolidation & Boundary Files	CC	P GC 34090(a) AD	Hard Copy	LAFCO documents, reports, recorded maps, notice of intent, correspondence	Permanent
702-11	Initiatives, Referendums and Recalls	CC	C + 8 months C + 2	Hard Copy	Petition, correspondence, ballot turn in, ballot title, notice of intent	For petition: 8 months after certification of election if on ballot or after final

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702-12	Misc. Petitions	CC	C + 2 GC 34090	Hard Copy	Neighborhood petitions	2021 and prior
702-13	AB 1234 Ethics Training & AB 1661 Harassment Prevention Training	CC	5 ATR GC 53235.2 - Ethics GC 12950.1, 53237, 53237.5 HP	Hard Copy	Certificate of Proof, Proof of Participation List	2019 and prior
703	**LEGAL**		GC 12950.1, 53237 and 53237.5 - HP			
703-01	Public Records Act Requests (PRA's)	CC	CL + 2 GC 34090	Web QA	PRA Requests, correspondence, documents produced	2022 and prior after closed
703-02	Requests for Copies of Building Plans/Structural Drawings	CC	CL + 2 GC 34090	Hard Copy Web QA	Request, Architect Consent Correspondence, Owner Declaration, Postal Cards, Proof of Receipt and B & S Letter via CC Dept.	2022 and prior
703-03	Litigation Against City	CC, HR	P GC 34090	Hard Copy RM Drive	Individual Working Files (Claim, Litigation Notices, Depositions, Case Status Reports)	Permanent - Final documents transferred to City Clerk and retained with litigation file
703-06	Bankruptcy Filings/Foreclosure Notices	CC	C + 4 GC 34090	Hard Copy Laserfiche	Notices related to contracts	2020 and prior
703-08	Subpoenas	CC	C + 2 GC 34090	Hard Copy Web QA Portal	Subpoena, correspondence, log	2022 and prior
703-09	Litigation by City	CC, HR	P GC 34090 AD	Hard Copy RM Drive	Individual Working Files (Claim, Litigation Notices, Depositions, Case Status Reports)	Permanent - Final documents transferred to City Clerk and retained with litigation file
704	**LEGAL AFFAIRS FILES**					
704-04	Affidavits Files	CC	CL + 5 GC 34090	Hard Copy	Mailings & Postings	2019 and prior

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704-05	Judgment Files	CC	P GC 34090 AD	Hard Copy	Legal documents, correspondence	Permanent
704-07	Statements of Economic Interest FPPC Form 700	CC	C + 7 GC 81009(e)(f)(g) GC 87200	Laserfiche	FPPC documents	2017 and prior (Must Retain in Paper Form for 2 Years)
704-08	Conflict of Interest Code	CC	P	Hard Copy		Permanent
704-09	Wage Garnishment & Levies	FIN	P GC 34090 AD	Hard Copy	Payroll employee garnishment information	Permanent
704-10	Code Enforcement Case Files	CE	CL + 2 GC 34090 (d) AD	Hard Copy B & S Drive Energov	Citations, complaints, officer comments/notes, photos, notices, violation lists/reports, nuisance/vehicle/weed abatement records, warrants, demand for payment, invoices and related records	Permanent - Database Info in Energov 2022 and prior closed for non energov records
704-11	Code Enforcement Liens	CC, CE	P GC 34090 (a) AD	Hard Copy EnerGov Laserfiche B & S Drive	Code cases, reports, correspondence, invoices, photos, liens, warrants, demand payment letters resolutions and noticing	Permanent
704-12	City Attorney Correspondence (General) /Closed Session Materials	ALL	C + 2 GC 34090	Hard Copy Office 365 Hard Drives	Correspondence, exhibits, reports	2022 and prior

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704-13	Claims Against the City	CC	3 AS GC 34090	Hard Copy	Claim, exhibits, general correspondence (Refer to 305-02 for claims filed by the City)	2021 and prior after settled
704-15	Notary Public	CC	P GC 34090 ~~(d) GC 8209~~	Hard Copy	Notary Bond, Errors & Omissions Policy	Permanent
704-19	Miscellaneous Petitions/Protests (See 702-12 for election petitions)	CC	C + 2 GC 34090, 50115	Hard Copy	Petitions	2022 and prior
704-22	FPPC Form 800 Series	CC	C + 7 GC 34090, GC 81009	Hard Copy Laserfiche	FPPC documents, backup documents	2017 and prior - Must retain paper form for 2 years
705	**ASSESSMENT/SPECIAL DISTRICTS**					
705-01	Assessment/Special Districts	CC	P C + 2 Ballots GC 34090 GC 53753 (e) (2)	Hard Copy	Reports, correspondence, ballots	Permanent Ballots - C + 2
705-05	Temecula Community Services District	FIN	P GC 34090 AD	Hard Copy Finance Drive Tyler Eden/Munis	TCSD Levy	Permanent
705-12	Industrial Development Authority (IDA)	FIN	P GC 34090 AD	Hard Copy Finance Drive Tyler Eden/Munis	IDA Levy	Permanent
800	**ENGINEERING, CONSTRUCTION, BUILDING AND CAPITAL PROJECTS**					
801	**GENERAL ENGINEERING**					
801-03	Improvement Plans – Storm Drain	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent

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801-04	Improvement Plans – Street (All Weather Access)	PW	P GC 34090 AD	Hard Copy PW Drive Laserfiche	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
801-05	Grading Plans	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
802	**ENGINEERING AND CONSTRUCTION PERMITS**					
802-02	Grading Permits	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
802-05	Encroachment Permits	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
802-07	Right of Entry	CD, PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Document files, court filings, noticing, correspondence	Permanent
802-08	Flood Plain Development Permits	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
803	**MAP FILES**					
803-01	Final Tract Maps	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
803-02	Final Parcel Maps	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent

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805	**BUILDING PLANS, PERMITS AND SPECIFICATIONS**					
805-01	Sewer Specifications	CD	P GC 34090 AD	EnerGov Permits Plus	Procedures and policies	Permanent
805-03	Landscape Specifications	CD, PW	P GC 34090 AD	EnerGov Permits Plus Hard Copy PW Drive	Procedures and policies	Permanent
805-04	Regional Standard Drawings and Specifications for Public Works	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive Website	Standard drawings, standard specifications, plans, reports, studies, calculations	Permanent
805-06	Building Codes	BS	P GC 34090 AD	Hard Copy B & S Drive	Procedures and policies	Permanent
805-07	Building Permits	BS	P GC 34090 AD	EnerGov Laserfiche Permits Plus	Building permits, plans, applications, contact information, related permit documents and database records	Permanent - For life of structure
805-08	Building Plans	BS	P GC 34090 AD H & S 19850	EnerGov Laserfiche Hard Copy	Architectural/structural drawings, Title 24's, Structural Calculations, tenant improvement plans	Permanent - For life of structure
806	**CAPITAL PROJECTS**					
806-01	5-Year Plan	ALL	P GC 34090 AD	Hard Copy Hard Drive	Project files, plans, reports	Permanent
806-04	Projects in Progress	PW	P GC 34090 AD	Hard Copy PW Drive	Project files, documents, plans, specifications, reports, logs	Permanent
806-05	Completed Projects	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Project files, documents, plans, specifications, reports	Permanent

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807	**INSPECTION FILES**					
807-01	Inspectors Daily Reports	CD, PW	P GC 34090 AD	Hard Copy B & S Drive EnerGov Permits Plus Laserfiche PW Drive	Inspection reports	Permanent
807-02	Billboard and Sign Files	CD	P GC 34090 AD	EnerGov Permits Plus Hard Copy B & S Drive	Building permits, plans, applications, contact information, related permit documents	Permanent
807-03	Deputy Inspectors/City Fee Required	CD	P GC 34090 AD	EnerGov Permits Plus Hard Copy B & S Drive	Contact information, fee information, reports	Permanent
900	**LABOR RELATIONS FILES**					
901-00	Labor Relations	HR	P GC 34090 AD	HR Drive	Employee relations documentation	Permanent
901-01	Meet and Confer	HR	P GC 34090 AD	HR Drive	Negotiation, resolution documentation	Permanent
901-02	Memorandum of Understanding, Management Compensation Plan	HR	P GC 34090 AD	HR Drive	Employee MOU, Management Compensation Plan	Permanent
901-05	Bargaining Unit Organization Files	HR	P GC 34090 AD	HR Drive	Bargaining Unit documentation	Permanent

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1000	**RIGHT-OF-WAY, BOUNDARY AND PROPERTY FILES**					
1001	**RIGHT-OF-WAY FILES**					
1001-01	Easements Granted BY City	CC	P GC 34090 AD	Hard Copy	Deeds, agreements, grants, legal description	Permanent
1001-02	Easements Granted BY County	CC	P GC 34090 AD	Hard Copy	Deeds, agreements, grants, legal description	Permanent
1001-03	Irrevocable Offers of Dedication (I.O.D.)	CC	P GC 34090 AD	Hard Copy	IOD, legal description	Permanent
1001-04	Encroachment Files	CC	P GC 34090 AD	Hard Copy	Agreements	Permanent
1001-05	Quitclaims	CC	P GC 34090 AD	Hard Copy	Quitclaim Deed	Permanent
1001-06	Easement Grant TO City	CC	P GC 34090 AD	Hard Copy	Deeds, agreements, grants, legal description	Permanent
1002	**PROPERTY FILES**					
1002-01	Property Acquisition Files	CC	P GC 34090 AD	Hard Copy	Grant Deeds, agreements	Permanent
1002-02	Property Lease Files	CC	P GC 34090 AD	Hard Copy	Lease agreements	Permanent
1002-03	Property Sale Files	CC	P GC 34090 AD	Hard Copy	Agreements, escrow documents, correspondence	Permanent
1002-06	Vacations	CC	P GC 34090 AD	Hard Copy	Recorded resolution, reports	Permanent

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1002-07	Annexations	CC, CD, CM	P GC 34090 AD	EnerGov Permits Plus X Drive Hard Copy	Project files, applications, notices, correspondence related to project, plans, etc.	Permanent
1002-08	Property Management	CC	P GC 34090 AD	Hard Copy	Recorded resolution, reports	Permanent
1002-10	Eminent Domain Acquisition	CC	P GC 34090 AD	Hard Copy	Final Order of Condemnation, deeds	Permanent
1002-11	Appraisals	CC	P GC 34090 AD	Hard Copy Laserfiche	Reports	Permanent
1003	**BOUNDARY FILES**					
1003-01	Boundary Description	CD	P GC 34090 AD	EnerGov Permits Plus X Drive	Project files, applications, notices, correspondence related to project, plans, etc.	Permanent
1003-02	Sphere of Influence	CD	P GC 34090 AD	EnerGov Permits Plus X Drive Hard Copy	Project files, applications, notices, correspondence related to project, plans, etc.	Permanent
1100	**PUBLIC SERVICES AND PUBLIC RELATIONS**					
1110	**STREET MAINTENANCE AND IMPROVEMENT FILES**					
1110-01	Street Improvement	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
1110-02	Off-Site Plans (Ramps, Sidewalks, Curbs, etc.)	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent

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1110-03	Bridges	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
1110-04	Street Planning	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
1110-05	Street Maintenance and Repairs	PW	P GC 34090 AD	Hard Copy PW Drive Lucity	Maintenance and inventory records	Permanent
1110-06	Striping (Crosswalks, Bike Lanes, etc.)	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
1110-07	Street Names and Signs	PW	P GC 34090 AD	Hard Copy Lucity PW Drive	GIS data base, street sign inventory	Permanent
1110-08	Street Furniture (Bus Benches, etc.)	PW	P GC 34090 AD	Hard Copy Lucity PW Drive	Street maintenance/inventory records	Permanent
1110-09	State Highways & Freeways	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
1110-10	Street Inventory	PW, ITSS	P GC 34090 AD	Hard Copy GIS System Lucity PW Drive	GIS data base	Permanent
1110-11	Medians	PW, ITSS	P GC 34090 AD	Hard Copy GIS System Lucity PW Drive	GIS data base, maintenance/inventory records	Permanent

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1110-12	Slopes	PW, ITSS	P GC 34090 AD	Hard Copy GIS System Lucity PW Drive	GIS database, maintenance/inventory records	Permanent
1110-13	Street Numbering & Naming	CD	P GC 34090 AD	EnerGov Permits Plus X Drive	GIS database, lists, maps	Permanent
1110-14	Detour Plans	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
1120	**STREET LIGHTING FILES**					
1120-02	Street Lighting Maintenance Files	PW	C + 2 GC 34090	Hard Copy Lucity PW Drive	Service Order Requests (SOR's) and SCE maintenance	2023 and prior - Originals are sent to SCE
1130	**SPECIAL SERVICES FILES**					
1130-01	Volunteer Program Applications (Community Service, etc.)	CSD	C + 2 GC 34090	Hard Copy Volgistics	Applications, Minor Consent Forms, TB Test, Live Scan	2023 and prior
1130-04	Special Events Permits	CSD	P GC 34090	Hard Copy EnerGov CSD Drive	Permits	Permanent
1141	**SPECIAL STUDIES FILES**					
1141-01	Flood Control Studies	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, easements, legal descriptions	Permanent
1141-02	Demographic & Statistical Studies	ED	P GC 34090 AD	Hard Copy ED Drive	Studies, supporting documents	Permanent

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1150	**ANIMAL CONTROL FILES**					
1150-01	Animal Control Correspondence	CE	C + 2 GC 34090	EnerGov Permits Plus B&S Drive	Code cases, reports, correspondence, noticing	2023 and prior
1160	**TRAFFIC CONTROL AND PARKING**					
1160-01	Traffic Control Files	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
1160-02	Traffic Studies and Surveys	PW	C + 2 GC 34090	Hard Copy Laserfiche PW Drive	Reports, studies	2023 and prior
1160-04	Traffic Requests – Public Inquiry	PW	P GC 34090 AD	Hard Copy Lucity PW Drive	Plans, reports, studies, bonds, agreements, easements, legal descriptions	Permanent
1160-06	Traffic Consultants	PW	C + 5 GC 34090	Hard Copy Laserfiche PW Drive	Reports, studies	2020 and prior
1161	**TRAFFIC MAPS**					
1161-02	Street Maps	ITSS/PW	P GC 34090 AD	Hard Copy GIS System Laserfiche PW Drive	GIS database, street improvement plans	Permanent
1161-03	Speed Survey	PW	P GC 34090 AD	Hard Copy Laserfiche PW Drive	Traffic documents, reports, studies	Permanent

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1162	**TRAFFIC SIGNAL FILES**					
1162-01	Traffic Signals	ITSS, PW	L GC 34090	Hard Copy Lucity PW Drive	GIS database, traffic signal plans	Life
1162-02	Traffic Signal Maintenance	PW	L GC 34090	Hard Copy GIS System Lucity PW Drive	Reports, service maintenance records, PM, Service Order Requests	Life
1162-03	Traffic Signal Timing	PW	C+2 GC 34090	Enterprise software	Signal timing	C+2 (retention started 2024)
1163	**PARKING FILES**					
1163-01	Park and Rides	CC	C + 2 GC 34090	Hard Copy	Correspondence	2023 and prior
1170	**SANITATION, SEWERS & STORMDRAINS**					
1170-09	Storm Drains and Flood Control	CC	US GC 34090	Hard Copy	General correspondence, updates	Until Superseded
1180	**PUBLIC RELATIONS FILES**					
1180-02	Historical Documents	ALL	P GC 34090	Hard Copy Hard Drive	Incorporation news clippings, historical press releases	Permanent
1180-03	Public Inquiry and Complaints (Except Consumer)	ALL	C + 2 GC 34090, 945.6 CCP 338, 342	MyCivic Office 365 Hard Copy	General correspondence	2023 and prior
1180-06	Public Ceremony Files	CM	P GC 34090 AD	Hard Copy	Agendas, outlines	Permanent
1180-08	Public Questionnaires/Surveys	CM, CSD	C + 2 GC 34090	Hard Copy Hard Drive	Surveys, summaries, results, reports	2023 and prior
1180-09	Municipal Newsletter	CM	P GC 34090 AD	Hard Copy Hard Drive	Newsletters	Permanent

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1180-10	Donations TO the City	CC	P GC 34090 AD	Hard Copy	Listings of donated items	Permanent
1180-11	Organizations and Clubs, General	CM, CSD	C + 2 GC 34090	Hard Copy	General correspondence	2022 and prior
1180-12	Community Education	CSD	C + 2 GC 34090	Hard Copy Hard Drive	Copies of print collateral, media files	2022 and prior
1180-13	Special Events and City Sponsored Events	CM, CSD	C + 2 GC 34090	Hard Copy Hard Drive	Press releases, permits, supporting documentation	2023 and prior
1180-14	City Promotional Campaign	CM, CSD	C + 2 GC 34090	Hard Copy Hard Drive	Press releases, collateral	2023 and prior
1180-16	Sister City Program	CM, CSD	P GC 34090 AD	Hard Copy Hard Drive	Letters, itinerary, items of historical significance	Permanent
1180-18	City Publications & Brochures	ALL	US + 2 GC 34090	Hard Copy Hard Drive	Publications, brochures, postal cards, etc.	Until Superseded + 2
1180-20	Speeches	CM	P GC 34090 AD	Hard Copy Hard Drive	Reports delivered in conjunction with City business speech outlines (retain items of historical significance)	Permanent
1200	**PUBLIC UTILITIES, COMMUNICATIONS, AND TRANSPORTION FILES**					
1201	**GENERAL UTILITIES FILES**					
1201-01	Public Utilities Commission	CC	P GC 34090 AD	Hard Copy	Agreement	Permanent

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1202	**GAS AND ELECTRIC FILES**					
1202-01	Franchise Files	CC	P GC 34090 AD	Hard Copy Laserfiche	Franchise documentation	Permanent
1202-03	Easements Granted TO Southern California Edison	CC	P GC 34090 AD	Hard Copy Laserfiche	Correspondence, recorded documents, exhibits	Permanent
1203	**RADIO FILES**					
1203-01	Radio Station License	CC	AE + 2 GC 34090	Hard Copy	License	AE + 2
1207	**TRANSPORTATION FILES**					
1207-05	Regional Issues	CM, PW	C + 2 GC 34090	Hard Copy PW Drive	Meeting agendas	2023 and prior

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1300	**PUBLIC SAFETY FILES**					
1301	**PUBLIC SAFETY**					
1301-01	Law Enforcement	CM	C + 2 GC 34090	Hard Copy	Correspondence, enforcement documentation	2022 and prior
1301-02	Public Safety, General	CD, CM	C + 2 GC 34090	EnerGov Permits Plus B&S Drive	Code cases, reports, correspondence, noticing	2023 and prior
1301-08	Abandoned Vehicles & Houses	CD	C + 2 GC 34090	EnerGov Permits Plus B&S Drive	AVA Quarterly Reports, reimbursement documents, correspondence, noticing	2023 and prior
1301-13	Border Patrol	CC, CM	C + 2 GC 34090	Hard Copy	Correspondence, enforcement documentation	2023 and prior
1302	**FIRE DEPARTMENT**					
1302-06	Fire Department Facilities	FP	P GC 34090 AD	Hard Copy Laserfiche FP Drive	Project files, applications, notices, correspondence related to project, plans, etc.	Permanent
1302-08	Fire Permit Files	FP	P GC 34090 AD	Hard Copy EnerGov Permits Plus Laserfiche	Project files, applications, notices, correspondence related to project, plans and database records	Permanent
1400	**PARKS, RECREATION, ENVIRONMENTAL AND EDUCATION FILES**					
1401	**PARKS AND FACILITIES**					
1401-00	Community Service Rules & Regulations (Council Adopted)	CSD	P GC 34090 AD	Hard Copy	Ordinances, resolutions	Permanent

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1401-01	City Facilities and Parks Reports, Studies & Regulations	CC, CSD	P GC 34090 AD	Hard Copy	Reports, studies, summaries and regulations	Permanent
1401-10	Recreation Forms (Activity Registrations, Park/Facility Rentals, Sign-In Sheets, Rosters, etc.)	CSD	P GC 34090	Hard Copy CivicRec	Forms, rosters	Permanent
1402	**CULTURAL RECREATION FILES**					
1403	**ENVIRONMENTAL FILES**					
1403-01	Community Design Manual	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Manual	Permanent
1403-02	Landscaping Guidelines	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Guidelines	Permanent
1403-03	Air Pollution/Air Element	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1403-04	Archaeological Surveys	CD	P GC 34090 AD	Hard Copy Planning Drive	Reports, studies, surveys, environmental documents	Permanent
1403-07	Resource Conservation Areas	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1403-08	Energy Conservation	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent

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1403-09	City-Wide Clean-up Campaigns	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1403-10	Noise Pollution	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1403-11	Tree Trimming and Removal	PW	P GC 34090 AD	Hard Copy Lucity PW Drive	Reports, studies, surveys, environmental documents	Permanent
1403-12	Recycling	PW	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1403-13	Safe Drinking Water Act	CD	P GC 34090 AD	Hard Copy Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1403-14	Congestion Management	CD	P GC 34090 AD	Hard Copy Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent

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1403-15	Stephen's Kangaroo Rat Mitigation	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1403-16	Multi-Species Habitat Conservation Plan	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1403-17	CEQA	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1403-18	Landfills	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1403-19	Erosion Control Plans	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1403-20	Earthquake Standards/Hazardous Buildings	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1403-21	Mining Projects	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent

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1403-22	Federal Endangered Species Act (FESA)	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1403-23	Santa Ana Watershed Project Authority	CD	P GC 34090 AD	X Drive Planning R Drive Paper	Reports, studies, surveys, environmental documents	Permanent
1403-24	Environmental Pests	CD	P GC 34090 AD	Hard Copy Planning Drive X Drive	Reports, studies, surveys, environmental documents	Permanent
1405	**EDUCATION FILES**					
1405-01	Temecula Valley Unified School District	CM	C + 2 GC 34090	Hard Copy	General correspondence	2023 and prior
1405-02	Universities, College & Higher Education	CM	C + 2 GC 34090	Hard Copy	General correspondence	2023 and prior
1405-03	Charter, Private, Public & Christian Schools	CM	C + 2 GC 34090	Hard Copy	General correspondence	2023 and prior

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1500	**GOVERNMENT ORGANIZATIONS AND OFFICES: INTERNATIONAL, NATIONAL AND LOCAL**					
1500-01	International, National and Local Government Organizations & Offices	ALL	C + 2 GC 34090	Hard Copy	General correspondence	2023 and prior
1501	**UNITED STATES OFFICES AND ORGANIZATIONS**					
1501-01	United States Offices & Organizations	ALL	C + 2 GC 34090	Hard Copy	General correspondence	2023 and prior
1502	**CALIFORNIA OFFICES AND ORGANIZATIONS**					
1502-01	California Offices & Organizations	ALL	C + 2 GC 34090	Hard Copy	General correspondence	2023 and prior
1503	**REGIONAL ORGANIZATIONS**					
1503-01	Regional Organizations	ALL	C + 2 GC 34090	Hard Copy	General correspondence	2023 and prior
1504	**RIVERSIDE COUNTY FILES**					
1504-01	Riverside County Offices	ALL	C + 2 GC 34090	Hard Copy	General correspondence	2023 and prior

Legends:

AA	After Audit
AC	After Closed
AD	Administrative Decision
AE	After Expiration
AS	After Settlement
AT	After Termination
ATR	After Training
CL	Closed
C	Current
D/NR	Destroy When No Longer Relevant
E	Election
L	Life
M	Maturity
O	Office
P	Permanent
S	Separation
T	Term
UD	Until Disposed
US	Until Superseded

Departments:

Citywide	ALL
City Clerk	CC
City Manager	CM
Community Development	CD
Code Enforcement	CE
Community Services Department	CSD
Emergency Management	EM
Finance	FIN
Fire Prevention	FP
Human Resources/Risk Mgmt.	HR
Information Technology Support Srvs	ITSS
Public Works	PW

In accordance with the City of Temecula Records Retention Schedule approved by City Council (CC Resolution No. 2024-04), the City records, documents, instruments, books or papers, described and listed above, have reached or exceeded the legal retention period, are permanently imaged, do not have a litigation hold, are not related to a CEQA project in which the statute of limitations to challenge the project has not expired, and are otherwise no longer required to be retained by the City. The department records are retained in accordance with applicable federal and state laws as set forth in the City of Temecula's current retention schedule. In accordance with the City's Records Management Program, with the consent of the Department Head, and upon written approval of the City Clerk and the City Attorney, these records will be properly destroyed or disposed of. Note that documents should be categorized in the most retrictive records retention category to which they belong.

RECORDS WITH A PERMANENT RETENTION:

Authorization to destroy permanent records after imaging as listed on the current retention schedule:
(Historical documents, vital records, documents involved in litigation or pending audit will not be destroyed).

√ Imaging and indexing of these records have been quality checked

√ Images have been stored in the City's Imaging System

√ The imaged record becomes the official original record of the City and will be held in accordance of the City's Retention Schedule

DEPARTMENT DIRECTOR APPROVAL:	Signature	Date
Aaron Adams, City Manager		
Erica Russo, Director of Community Services		
Jennifer Hennessey, Director of Finance		
Ron Moreno, Director of Public Works/City Engineer		
Luke Watson, Deputy City Manager		
Becky Obmann, Interim Director of Human Resources & Risk Management		
Michael Heslin, Director of Information Technology/Support Services		
John Crater, Fire Division Chief		

CITY ATTORNEY/CITY CLERK APPROVAL:	Signature	Date
Randi Johl, Director of Legislative Affairs/City Clerk		
Peter Thorson, City Attorney		

I hereby certify that the records described above have been destroyed in accordance with the City's current Retention Schedule. Records were destroyed by a third party vendor and the Certificate of Destruction is attached.

DESTRUCTION COMPLETED BY:	Signature	Date
Lanny Krage Records Manager		

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Jennifer Hennessy, Director of Finance

DATE: January 13, 2026

SUBJECT: Approve Non-Exclusive Services Agreement With Data Ticket, Inc. for Administrative and Parking Citation Processing

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PREPARED BY: Ward Komers, Assistant Director of Finance
Tina Rivera, Purchasing Administrator

RECOMMENDATION: That the City Council approve a five-year Non-Exclusive Services Agreement with Data Ticket, Inc. for Administrative and Parking Citation Processing Services in the amount of $250,000.

BACKGROUND: The City of Temecula has utilized Data Ticket, Inc. for citation processing services for many years. The City contracts with the Riverside County Sheriff's Department for law enforcement services, and Data Ticket supports parking citation processing, collections, and adjudication for citations issued within the City. Over time, the City expanded its citation programs to include administrative citations issued by the Community Development Department's Code Enforcement Division.

On December 8, 2015, the City Council approved a five-year professional services agreement with Data Ticket, Inc., dba Revenue Experts, for parking citation processing in the amount of $150,000. In January 2016, the City Council adopted Ordinance No. 16-01, authorizing the issuance of administrative citations. As a result of this policy change, the City and Data Ticket executed a First Amendment to the agreement on March 28, 2017. That amendment expanded the scope of services to include administrative citation processing and reduced the cost for first-level review of parking citation adjudications, which were required to be handled internally by the City pursuant to State law. The First Amendment increased the total contract amount by $12,000.

In response to changes in State law related to parking citation payment plans, including Assembly Bill 503, the City and Data Ticket entered into a Second Amendment on October 8, 2018. This amendment added services related to administering indigent parking citation payment plan options, as required under the California Vehicle Code, without increasing the overall contract amount.

On February 22, 2021, the City executed a Third Amendment to the agreement to ensure continuity

of citation processing services. This amendment extended the contract term through December 31, 2025, increased the contract amount by $60,000, and updated administrative provisions to reflect current operational needs. The Third Amendment was executed under the City Manager's emergency authority during the COVID-19 local emergency to ensure uninterrupted citation processing services.

With the existing agreement and amendments approaching expiration, the City now proposes to replace the prior contractual framework with a new, consolidated, five-year Non-Exclusive Services Agreement. The proposed Agreement incorporates parking and administrative citation processing services under a single contract, supports both the Riverside County Sheriff's Department and the Code Enforcement Division, and reflects updated service requirements, pricing, and operational practices. The new Agreement will extend services through December 31, 2030.

Services provided by Data Ticket include data entry for handwritten and electronic citations, bilingual customer service, payment processing, citation database updates, appeal coordination with certified Hearing Officers, access to California and nationwide DMV registered owner information, delinquent notice processing, and detailed reporting. The Agreement also expands these services to fully support administrative citation processing, including management of the Franchise Tax Board Interagency Intercept Program and comprehensive reporting.

Exhibit C of the Agreement contains the vendor's Scope of Services and fee schedule. Under the Agreement's Incorporation and Conflict Control section, the City's terms supersede any conflicting provisions within vendor-prepared exhibits.

FISCAL IMPACT: Adequate funds are included within the Fiscal Year 2025-26 Temecula Sheriff's Department and Community Development Code Enforcement Division's Operating Budgets. Cost of services are offset by revenue received from remittance of paid parking and administrative citations. For the remaining years of the Agreement, funds will be adequately appropriated within the Temecula Police Department and Community Development Code Enforcement Division budget for parking and administrative citation processing services.

ATTACHMENTS: Non-Exclusive Services Agreement

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NON-EXCLUSIVE SERVICES AGREEMENT
BETWEEN CITY OF TEMECULA AND DATA TICKET, INC.

ADMINISTRATIVE AND PARKING CITATION PROCESSING

THIS AGREEMENT is made and effective as of **January 13, 2026**, between the City of Temecula , a municipal corporation (hereinafter referred to as “City"), and **Data Ticket, Inc.**, a **Corporation** (hereinafter referred to as "Vendor"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. TERM

This Agreement shall commence on **January 1, 2026**, and shall remain and continue in effect until tasks described herein are completed, but in no event later than **December 31, 2030**, unless sooner terminated pursuant to the provisions of this Agreement.

2. SERVICES

Vendor shall perform the services and tasks described and set forth in Exhibit A, attached hereto and incorporated herein as though set forth in full. Vendor shall complete the tasks according to the schedule of services which is also set forth in Exhibit A.

Vendor recognizes and agrees that this Agreement is for the purpose of establishing a contractual relationship between the City and the Vendor for the non-exclusive procurement of services outlined on Exhibit A, attached hereto and incorporated herein as though set forth in full. The Vendor understands this Agreement is non-exclusive and the City reserves the right to purchase similar services from other Vendors.

The Data Ticket Scope of Service and Performance Agreement (“Vendor Scope”), attached hereto as Exhibit C and incorporated herein by reference for the sole purpose of describing Vendor’s services and fees, is subordinate to this Agreement. In the event of any conflict between Exhibit C and this Agreement, the terms of this Agreement shall control, and all conflicting terms in Exhibit C shall be deemed void.

3. PERFORMANCE

Vendor shall faithfully and competently exercise the ordinary skill and competence of members of their profession. Vendor shall employ all generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Vendor hereunder in meeting its obligations under this Agreement.

4. PAYMENT

a. The City agrees to pay Vendor monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit B, Payment Rates and Schedule, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. Any terms in Exhibit B, other than the payment rates and schedule of payment, are null and void. This amount shall not exceed **Two Hundred Fifty Thousand Dollars and Zero Cents ($ 250,000.00)** for the total term of this agreement unless additional payment is approved as provided in this Agreement.

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b. Vendor shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the City Manager . Vendor shall be compensated for any additional services in the amounts and in the manner as agreed to by City Manager and Vendor at the time City's written authorization is given to Vendor for the performance of said services. The not to exceed payment amount listed herein is an estimated expenditure and this Agreement does not guarantee Vendor this amount in purchases.

c. Vendor will submit invoices monthly for actual services performed. Invoices shall be submitted between the first and fifteenth business day of each month, for services provided in the previous month. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the City disputes any of Vendor's fees, it shall give written notice to Vendor within thirty (30) days of receipt of an invoice of any disputed fees set forth on the invoice. For all reimbursements authorized by this Agreement, Vendor shall provide receipts on all reimbursable expenses in excess of Fifty Dollars ($50) in such form as approved by the Director of Finance.

5. NON-ASSIGNABILITY

The Vendor shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of the City.

6. INDEPENDENT CONTRACTOR

The Vendor is and shall at all times remain as to the City a wholly independent contractor. The personnel performing the Work under this Agreement on behalf of the Vendor shall at all times be under Vendor's exclusive direction and control.

7. LEGAL RESPONSIBILITIES

The Vendor shall keep itself informed of State and Federal laws and regulations which in any manner affect those employed by it or in any way affect the performance of its service pursuant to this Agreement. The Vendor shall at all times observe and comply with all such laws and regulations. The City, and its officers and employees, shall not be liable at law or in equity occasioned by failure of the Vendor to comply with this section.

8. LICENSES

At all times during the term of this Agreement, Vendor shall have in full force and effect, all licenses required of it by law for the performance of services described in this Agreement.

9. INDEMNIFICATION

Vendor agrees to defend, indemnify, protect, and hold harmless, the City of Temecula, Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency, and its officers, officials, employees, agents, and volunteers, from and against any and all claims, demands, losses, defense costs or expenses, actions, liability or damages of any kind and nature which the City of Temecula, Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency, its officers, agents, employees, and volunteers may sustain or incur or which may be imposed upon them for

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injury to or death of persons, or damage to property arising out of Vendor‘s negligent or wrongful acts or omissions arising out of or in any way related to the Work or the Vendor’s performance or non-performance of this Agreement, excepting only liability out of the sole negligence of the City of Temecula, Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency.

10. INSURANCE REQUIREMENTS

Vendor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons and/or damages to property, which may arise from or in connection with the performance of the work hereunder and the results of work by the Vendor, its agents, representatives, employees, or subcontractors.

a. Minimum Scope of Insurance. Coverage shall be at least as broad as:

1) Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operation, property damage, bodily injury, and personal & advertising with limits no less than One Million ($1,000,000) per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 05 09 or 25 04 05 09) or the general aggregate limit shall be twice the required occurrence limit.

2) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Concessionaire has no owned autos, covering hired, (Code8) and non-owned autos (Code 9), with limits no less than One Million ($1,000,000) per accident for bodily injury, including death, of one or more persons, property damage and personal injury.

3) Workers’ Compensation: as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than One million ($1,000,000) per accident for bodily injury or disease. In accordance with the provisions of Labor Code Section 3700, every contractor will be required to secure the payment of compensation to it’s employees. Pursuant to Labor Code Section 1861, Vendor must submit to City the following certification before beginning any work on the Improvements:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker’s compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

By executing this Agreement, Vendor is submitting the certification required above.

The policy must contain a waiver of subrogation in favor of the City of Temecula, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, their officers, officials, employees or volunteers.

4) Professional Liability (Errors and Omissions): One million ($1,000,000) per occurrence and in aggregate. Professional Liability Insurance shall be written on a policy form providing professional liability for the Vendor's profession.

b. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared and approved by the Risk Manager.

c. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions:

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1) The City of Temecula, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, their officers, officials, employees and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Vendor's products and completed operations of the Vendor; premises owned, occupied or used by the Vendor. General liability coverage can be provided in the form of an endorsement to the Vendor Insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 if a later edition is used). The coverage shall contain no special limitations on the scope of protection afforded to the City of Temecula, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, their officers, officials, employees or volunteers.

2) For any claims related to this project, the Vendor insurance coverage shall be primary and non-contributory and at least as broad as ISO CG 20 01 04 13 as respects the City, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, their officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City of Temecula, Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency, its officers, officials, employees or volunteers shall be excess of the Vendor's insurance and shall not contribute with it. This also applies to any Excess or Umbrella liability policies.

3) The Vendor may use Umbrella or Excess Policies to provide the limits as required in this agreement. The Umbrella or Excess policies shall be provided on a true "following form" or broader coverage basis, with coverage at least as broad as provided on the underlying Commercial General Liability Insurance.

4) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect the indemnification provided to the City of Temecula, the Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency, their officers, officials, employees, or volunteers.

5) The Vendor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6) If the Vendor maintains broader coverage and/or higher limits than the minimums shown above, the City requires and shall be entitled to the broader coverage and/or higher limits maintained by the Vendor.

7) If insurance coverage is canceled or, reduced in coverage or in limits the Vendor shall within two (2) business days of notice from insurer phone, fax, and/or notify the City via certified mail, return receipt requested of the changes to or cancellation of the policy.

8) Unless otherwise approved by City, if any part of the Services and Tasks is subcontracted, the Minimum Insurance Requirements must be provided by, or on behalf of, all subcontractors even if city has approved lesser insurance requirements for Vendor, and all subcontractors must agree in writing to be bound by the provisions of this section.

d. Acceptability of Insurers. Insurance required above, except for workers' compensation insurance, must be placed with insurers with a current A.M. Best rating of A-:VII or better, unless otherwise acceptable to the City. Self-insurance shall not be considered to comply with these insurance requirements.

e. Verification of Coverage. Vendor shall furnish the City with original certificates and amendatory endorsements, or copies of the applicable policy language affecting coverage required by this clause. All certificates and endorsements and copies of the Declarations & Endorsements pages are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Vendor obligation to provide them. The City reserves the right to require complete, certified copies

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of all required insurance policies, including endorsements required by these specifications, at any time.

f. Special Risks or Circumstances. The City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

11. TERMINATION OR SUSPENSION

This Agreement may be terminated or suspended at any time, for any reason, with or without cause at the sole and exclusive discretion of the City Manager, without default or breach of this Agreement by the City.

12. NOTICES

Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, that provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by Notice. Notice shall be effective upon delivery to the addresses specified below or on the third business day following deposit with the document delivery service or United States Mail as provided above.

Mailing Address: City of Temecula
Attn: City Manager
41000 Main Street
Temecula, CA 92590

To Vendor: **Data Ticket, Inc.**
Heather Nowlan
2603 Main St., Suite 300
Irvine, CA 92614

13. SEVERABILITY

If any provision of this Agreement is held invalid or unenforceable by any court of final jurisdiction, it is the intent of the parties that all other provisions of this Agreement be construed to remain fully valid, enforceable, and binding on the parties.

14. GOVERNING LAW

This Agreement shall be construed in accordance with, and governed by, the laws of the State of California as applied to contracts that are executed and performed entirely in California. The City and Vendor understand and agree that the laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement. Any litigation concerning this Agreement shall take place in the municipal, superior, or federal district court with geographic jurisdiction over the City of Temecula. In the event such litigation is filed by one party against the other to enforce its rights under this Agreement, the prevailing party, as determined by the court's judgment, shall be entitled to reasonable attorney fees and litigation expenses for the relief granted.

15. PROHIBITED INTEREST

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No officer, or employee of the City of Temecula that has participated in the development of this agreement or its approval shall have any financial interest, direct or indirect, in this Agreement, the proceeds thereof, the Vendor, or Vendor's sub-contractors for this project, during his/her tenure or for one year thereafter. The Vendor hereby warrants and represents to the City that no officer or employee of the City of Temecula that has participated in the development of this agreement or its approval has any interest, whether contractual, non-contractual, financial or otherwise, in this transaction, the proceeds thereof, or in the business of the Vendor or Vendor's sub-contractors on this project. Vendor further agrees to notify the City in the event any such interest is discovered whether or not such interest is prohibited by law or this Agreement.

16. ENTIRE AGREEMENT

This Agreement contains the entire understanding between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

17. AUTHORITY TO EXECUTE THIS AGREEMENT

The person or persons executing this Agreement on behalf of the Vendor warrants and represents that he or she has the authority to execute this Agreement on behalf of the Vendor and has the authority to bind the Vendor to the performance of its obligation hereunder. The City Manager is authorized to enter into an amendment on behalf of the City to make the following non-substantive modifications to the agreement: (a) name changes; (b) extension of time; (c) non-monetary changes in scope of work; (d) agreement termination.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF TEMECULA

By: _____

Jessica Alexander, Mayor

Data Ticket, Inc.

By: DocuSigned by: Brooke Westcott 8E96EEC8E9D442D...

Brooke Westcott, CEO

ATTEST:

By: _____

Randi Johl, City Clerk

By: _____

APPROVED AS TO FORM:

By: Signed by: Peter M. Thorson C343357EB2E34B5...

Peter M. Thorson, City Attorney

VENDOR

Data Ticket, Inc.

Heather Nowlan
2603 Main St. Suite 300
Irvine, CA 92614
(949) 428-7241
hnowlan@dataticket.com

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EXHIBIT A

Scope of Work / Outline Of Order or Service Procedure

Vendor recognizes and agrees that this Agreement is for the purpose of establishing a contractual relationship between the **City of Temecula** and the Vendor, for the purchase of goods or services.

The Scope of Work for all citation processing services shall be as described in the Data Ticket Scope of Service and Performance Agreement attached hereto as Exhibit C.

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EXHIBIT B

PAYMENT RATES AND SCHEDULE

Compensation for services shall be in accordance with the fee schedule contained in the Data Ticket Scope of Service and Performance Agreement attached as Exhibit C. In no event, however, shall the total cost of services exceed $250,000.00 for the total term of the Agreement unless additional payment is approved as provided in the Payment section of this Agreement.

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EXHIBIT C

DATA TICKET SCOPE OF SERVICE AND PERFORMANCE AGREEMENT

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DATA TICKET, INC. RESOLUTION GRANTING SIGNING AND AUTHORITY TO CONDUCT BUSINESS

WHEREAS, Data Ticket, Inc. desires to grant signing and authority to certain person(s) described hereunder.

RESOLVED, that the Board of Directors is hereby authorized and approved to grant sole signing and authority to conduct business to any one of the following person(s): The foregoing signing, and authority granted shall include, but shall not be limited to, the execution of Deeds, powers of attorney, transfers, assignments, contracts, obligations, certificates, and other instruments of whatever nature entered into by this Corporation.

The undersigned hereby certifies that he is the duly elected and qualified Secretary and the custodian of the books and records and seal of Data Ticket, Inc., a corporation duly formed pursuant to the laws of the state of California and that the foregoing is a true record of a resolution duly adopted at a meeting of the Board of Directors and that said meeting was held in accordance with state law and the Bylaws of the above-named Corporation November 13, 2006,and that said resolution is now in full force and effect without modification or rescission.

IN WITNESS WHEREOF, I have executed my name as Secretary of the above-named Corporation this November 13th of 2006.

A. William Fleming

Secretary

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DATA TICKET, INC. RESOLUTION GRANTING SIGNING AND AUTHORITY TO CONDUCT BUSINESS

Brook Westcott, Chief Operating Officer and Chief Financial Officer is hereby granted sole signing authority to conduct business on behalf of Data Ticket, Inc, including but not limited to the execution of Deeds, powers of attorney, transfers, assignments, contracts, obligations, certificates, and other instruments of whatever nature entered into by Data Ticket, Inc.

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2603 Main Street, Suite 300
Irvine, California 92614
949-428-7241
ClientServices@DataTicket.com

Scope of Service and Performance Agreement

These services are provided by:

Data Ticket Inc.
a California Corporation
2603 Main Street, Suite 300
Irvine, California 92614
(here-in-after sometimes referred to as "COMPANY")

FOR:

City of Temecula
41000 Main Street
Temecula, California 92590
(here-in-after sometimes referred to as "AGENCY").

Through this Scope of Service and Performance Agreement ("Agreement"), Data Ticket, Inc. intends to provide for the processing of bails, fines and forfeiture thereof, in connection with the issuance of administrative citations pursuant to AGENCY municipal code, other debts as specified by the AGENCY and for the issuance of parking citations pursuant to the laws of the State of California.

ARTICLE I - CITATION PROCESSING

1.1 Referral and Reconciliation: COMPANY shall receive and process citations from AGENCY. COMPANY will provide a reconciliation of the number of citations received from AGENCY that is provided on the monthly invoice.

1.2 Determination of Processable Citations: COMPANY shall screen each citation referred to it by the AGENCY to determine if the citation is processable. If the citation is determined by COMPANY to be unprocessable (e.g., essential processing information is missing), COMPANY shall return the citation to AGENCY for clarification. COMPANY will be paid the contractual rate hereinafter provided, for citations properly returned to the AGENCY as unprocessable.

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DATA TICKET inc.

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1.3 Collection and deposit of funds: A direct deposit system shall be employed for all funds received for payment of citations. The AGENCY shall have the choice of jointly owning a bank account with the COMPANY or directing the COMPANY to deposit into an AGENCY account. Deposits shall be made directly into the account by the COMPANY for the collecting AGENCY, with the exception of credit card payments made using VISA, MasterCard and Discover cards belonging to the COMPANY. These payments will be directly deposited into an account held by the COMPANY. Credit card payments are reconciled and remitted on a monthly basis to the AGENCY, but tracked on the citation management software on a daily basis. Citations paid by credit card are marked "paid" real-time immediately upon authorization, thus affording the citizen the opportunity to make payment at any time and have the payment recognized immediately.

1.4 PAYMENT: If the COMPANY deposits into an AGENCY account, the COMPANY will invoice the AGENCY for services rendered. If the COMPANY deposits into an account held jointly between the AGENCY and the COMPANY, the COMPANY shall reconcile the account the month following the banking activity, disperse all revenue due the AGENCY, the COMPANY, any tax liability and all refunds, and send all supporting documentation to the AGENCY for its records.

1.5 Identification of Registered Vehicle Owners: COMPANY shall exert best efforts to obtain the name and address of the registered vehicle owner from the California State Department of Motor Vehicles (DMV) and DMV'S nationwide, for each vehicle for which a parking citation has been issued. COMPANY shall follow all procedures specified by the DMV, and act consistent with the California Vehicle Code and DMV'S nationwide, when identifying registered vehicle owners.

1.6 Verification of Ownership: COMPANY shall exert best efforts to identify and verify registered vehicle owners. Such measures will take into consideration factors such as issuance of new license plates; address changes; license plate transfers to other vehicles; name changes; and the validity of plates and registration during specific time periods applicable to individual cases.

1.7 Delinquency Notices for Administrative Citations: In accordance with AGENCY'S ordinance, delinquency notices will be sent to citizens who have not paid the fines in full. These notices will indicate future actions to be taken in order to collect the fines owed the AGENCY.

1.8 Franchise Tax Board Interface: Subject to AGENCY's prior written approval, the

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Franchise Tax Board Interagency Intercept Program will be used as the next collection step in the process. A notice merging all debts owed the AGENCY will be sent to the citizen showing the total amount due the AGENCY for Administrative and/or Parking Citations and demanding payment. If payment is not received in full, social security numbers will be attached to each debt and the debt will be placed with the Franchise Tax Board for collections.

1.9 Delinquency Notices for Parking Citations: In accordance with State law, COMPANY will generate and mail (presorted, first-class postage) a delinquency notice to all identified registered owners of vehicles who fail to pay their parking citation fines or to post bail. The mailed notice will include all information required by the California Vehicle Code, including, but not limited to, the following:

A. The parking citation issuance date and number;
B. The consequences of nonpayment (i.e., a hold on the vehicle registration and the imposition of penalties, towing, or issuance of a possible warrant for their arrest); and
C. The amount of fines and fees due and payable
D. Affidavit of Non-Ownership

1.10 Registration Holds: The COMPANY will provide the system and procedures and will interface with the California State Department of Motor Vehicles to place a hold on vehicle registrations having unpaid parking fines and fees due to AGENCY against those vehicles in accordance with the California Vehicle Code and any other applicable State and local laws. The notification will be given within a reasonable period of time after issuance of a delinquency notice, but the the period of time will not exceed the time limits provided by State and local law.

1.11 Removal of Registration Holds: COMPANY will provide the system and procedures and will interface with the California State Department of Motor Vehicles to remove registration holds when a registered vehicle owner satisfies the entire amount of parking citation fines, penalties, and fees due against the vehicle and establishes such payment to the satisfaction of COMPANY. Within a reasonable time of the debt being satisfied, but not to exceed any time limits provided by the State or local law, the COMPANY will contact the DMV to remove the registration hold.

1.12 Contested Citations: In the event a vehicle registered owner disputes the liability for the outstanding parking citation, COMPANY will advise the registered vehicle owner of his/her right to request an administrative review/hearing/court appearance. All contested

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citations will be forwarded to the reviewing agency, hearing administrator or Court within the time period prescribed by State and/or local law so that the matter can be adjudicated. (CVC section 40200.7 & 40215 or AGENCY'S Municipal Code).

1.13 Administrative Review and Hearing: The COMPANY may schedule administrative reviews/hearings to respond to citizens wishing to contest their citations and offers the option to perform and administer those reviews and hearings. The COMPANY will provide a web site for appeal and toll-free numbers for contestants, correspond with contestants and notify them of decisions; maintain records of dispositions and appeal paperwork and refer all paperwork to Court as required. The administrative hearing officer shall prepare and issue a written decision within fifteen **(15)** days, or such other time as feasible for the administrative hearing officer, following the conclusion of the public hearing. In no event shall the administrative hearing officer take longer than thirty **(30)** days to render their decision. The COMPANY shall not be responsible for the AGENCY'S failure to provide correct or timely infraction information. The AGENCY shall be responsible to pay the $25.00 court-filing fee if the review and administrative hearing decisions are overturned by the court.

1.14 Citations Disposed of by Hearing/Court: The COMPANY may be required, as a result of court action, to reduce or cancel, on an individual basis, citations which have been referred to it. COMPANY shall be paid the contractual rate hereinafter provided for processing the citation regardless of the outcome of court action. COMPANY will maintain records indicating any reduction or cancellation of parking citations as a result of review/hearing/court action. Citations that are dismissed as a result of review/hearing/court decision will have the dismissal processed by the COMPANY promptly, consistent with applicable California law after receipt from the review/hearing/court.

1.15 Suspension of Processing: COMPANY will suspend processing on any citation referred to it for processing upon written notice to do so by an authorized officer of the AGENCY. COMPANY will promptly return any citation or facsimile properly requested by the AGENCY. COMPANY will maintain records indicating any suspension of citation as a result of AGENCY'S request. COMPANY shall be paid the contractual rate hereinafter provided for processing the citations suspended by the AGENCY.

1.16 Payments by U.S. Mail: It is the citizen's responsibility to ensure that payments are received on or before the date due. The date on which payments are received by the COMPANY will be the criteria to establish any delinquent fees due.

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1.17 Citation System Master File Update: COMPANY will regularly update the citation master file for new citations, payments, reductions, cancellations, dismissals and any other pertinent data.

1.18 Location of Appeal Hearings: All appeal in person hearings shall be held within the county of the AGENCY.

ARTICLE II - PAYMENT PROCESSING

2.1 Disposition Processing: COMPANY will maintain all citation dispositions for a minimum of three (3) years, or longer if required by state or local law. Closed citations will remain on-line for a minimum of three (3) years for research and statistical purposes.

2.2 Payments Processing: COMPANY shall process citation payments on a regular basis. Payments shall be immediately posted in one (1) of three (3) following categories:

"Regular Payments" are citations with the correct amount due, paid on or before the due date. This includes payments properly complying with the first Courtesy Notice.

"Partial Payments" are citations paid after the due date or those where payment is less than the total amount due.

"Appeal Requests" including payment are all requests for administrative/court hearings. These requests are sorted so that the payment submitted is immediately posted, an appeal hold is placed on the citation and if needed the original citations and backup documents are retrieved for the appeal to be heard.

2.3 Miscellaneous Letters Processing: COMPANY will receive and review all miscellaneous correspondence. These are generally letters requesting meter checks, refunds, voids, or otherwise setting forth complaints. These letters will be researched by COMPANY and may be forwarded to the AGENCY for proper follow-up.

2.4 Batching Procedures: COMPANY shall maintain effective procedures of internal control. Such procedures shall involve reconciliation of all payments received using generally accepted accounting principles. After proper reconciliation, deposit slips shall be prepared for and deposits made at the appropriate bank, including an itemized listing

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of all batch numbers included in the deposit. The batch of citation payment documentation shall then be stored in a file room, for a period of three (3) years.

2.5 Cash Payments: COMPANY shall maintain an effective method of handling cash payments. All cash received through the mail, shall be logged in a cash journal. Thereafter, effective internal control procedures shall be implemented to reconcile such payments using generally accepted accounting principles.

2.6 Deposits: All deposits shall be made daily, subject to regular banking hours. Deposits shall be itemized and detailed information will be captured regarding submitted funds. Deposit slips shall be prepared in duplicate, allowing one (1) copy for the bank and one (1) copy for the COMPANY. If the bank account is held jointly, COMPANY shall perform all reconciliation, refunds and cut all checks. This information shall be available for AGENCY review. Deposits shall be directly deposited into the AGENCY'S designated bank account, either jointly held with the COMPANY or individually held by the AGENCY. If the AGENCY holds the account individually, it will supply deposit slips and an endorsement stamp to COMPANY. In this case, COMPANY shall only have the capability to make deposits on behalf of the AGENCY.

2.7 Revenue Report: A monthly revenue report will list all revenues received during the preceding month. This report will also provide information regarding the AGENCY'S responsibility to the County for the Jail and Court fund as required by Sections 40200.3 (a) of the California Vehicle Code and any other relevant taxes due.

ARTICLE III – WEB SITE

3.1 Citation Management Web Site: The COMPANY offers a web site for AGENCY review of its database, including all citations and information relating to changes in status.

3.2 Citizen Web Site Access: When the AGENCY has web site access, citizens who receive citations will be able to access the web site to review their individual citations, pay on-line and appeal on-line.

3.3 Web Site Interaction: The web site may be “view only” or “interactive”, for the AGENCY depending on requirements of the AGENCY.

3.4 Web Site Reports: Web site reports are available to the AGENCY on a daily, (24/7) schedule.

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3.5 Web Site Use: User ID's and passwords will be assigned to the AGENCY.

ARTICLE IV - GENERAL

4.1 Public Inquiries: The COMPANY will respond to reasonable inquiry by telephone or letter of a non-judicial nature. Inquiries of a judicial nature will be referred to the AGENCY for determination.

4.2 COMPANY Limitations: COMPANY will not take legal action or threaten legal action against a CITIZEN in any specific case without AGENCY'S prior written approval.

4.3 Use of Approved Forms: AGENCY shall have the right to approve all forms, delinquency notices, and correspondence sent by the COMPANY to CITIZENS. These must conform to State and local law.

4.4 Books and Records: COMPANY will maintain consistent with the requirements of the State and local laws, adequate books or records for parking citations issued within the AGENCY'S jurisdiction and referred to COMPANY for processing. Such books or records, and related computer processing data, shall be available for inspection and audit the by AGENCY upon its request and will be made available within a reasonable time of the request, not to exceed 7 days from the date of the request by the AGECNY. Copies of such documents shall be provided to the AGENCY for inspection at the AGENCY's address indicated for receipt of notices in this Agreement when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at COMPANY's address indicated for receipt of notices in this Agreement.

4.5 Ownership: Except as provided by State and local law, all reports, information, and data, including but not limited to computer tapes, discs, or files furnished or prepared by the COMPANY or its subcontractor (collectively the "Materials") are and shall remain exclusively the sole property of COMPANY, and the AGENCY shall acquire no right or title to said Materials. All computer software and systems, related automated and manual procedures, instructions, computer programs, and data storage media containing same, and written procedures performed hereunder (collectively the "System") are and shall remain exclusively the sole property of COMPANY, and the AGENCY shall acquire no right or title to said Systems.

The AGENCY is entitled to keep and use any reports and data it may reasonably need to

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administer its parking citation program during or in the event of termination of this Agreement. In the event this Agreement is terminated by either party, the COMPANY will be required to cooperate with the AGENCY in obtaining all data and reports necessary to assume administration of the program or contract with another company to administer the program.

4.6 Property of AGENCY: All documents, records, discs, files and tapes supplied by AGENCY to COMPANY in performance of this Agreement are agreed to be and shall remain the sole property of AGENCY. COMPANY agrees to return same promptly to AGENCY no later than sixty (60) days following notice to the COMPANY. The AGENCY shall make arrangements with COMPANY for the transmission of such data to the AGENCY upon payment to COMPANY for the cost of copy and delivery of such information from COMPANY'S computer facilities to AGENCY'S designated point of delivery.

4.7 Confidentiality: In order to enable COMPANY to carry out its work hereunder, COMPANY may under certain circumstances be required to share with AGENCY'S employees information contained in Materials and Systems (collectively the "CONFIDENTIAL DATA"). AGENCY agrees that the information contained in CONFIDENTIAL DATA and marked in writing as "CONFIDENTIAL", "PROPRIETARY" or similar language as to give notice to AGENCY or its employees notice of its confidential nature when submitted to AGENCY by COMPANY, shall be retained by AGENCY in the strictest confidence and shall not be used or disclosed in any form, except with prior written consent of AGENCY in accordance with Paragraph 4.8. AGENCY recognizes that irreparable harm could be occasioned to the COMPANY by disclosure of CONFIDENTIAL DATA which is related to its business and that COMPANY may, at sole expense, seek to protect such CONFIDENTIAL DATA by enjoining disclosure. However, AGENCY is not required to maintain "CONFIDENTIAL DATA" confidential and may disclose CONFIDENTIAL DATA in its sole discretion if disclosure is required by Federal, State or local law, the California Public Records Act, to comply with the Ralph M. Brown Act, or by subpoena or court order. Where disclosure of CONFIDENTIAL DATA is required to be disclosed by AGENCY pursuant to Federal, State or local law, or to comply with the California Public Records Act or the Ralph M. Brown Act, or as required by subpoena or court order, the AGENCY may make such disclosures in its sole discretion.

4.8 Consent For Disclosure: No CONFIDENTIAL DATA prepared by COMPANY or its subcontractors, successors, officers, employees, servants, or agents shall be made available to any individual or organization without the prior written approval of AGENCY

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other than individuals or organizations who are reasonably necessary to properly effectuate the terms and conditions of this Agreement. This Non-Disclosure obligation shall survive the termination of this Agreement.

4.9 COMPANY Files: COMPANY shall maintain master files on citations referred to it for processing under this Agreement. Such files will contain records of payments, dispositions, and any other pertinent information required to provide a reasonable audit trail. COMPANY shall not disclose to any third party any confidential information contained in any citation obtained from the AGENCY.

4.10 Storage for AGENCY:

A. COMPANY agrees to store original citations for the current year, plus two (2) years, at which time they will be returned to AGENCY. COMPANY will have such information available on the citation management system for a reasonable time period to permit AGENCY retrieval of such information.
B. Subsequent to any termination of the Agreement, COMPANY will return a file containing all data belonging to the AGENCY.

ARTICLE V – ADDITIONAL SERVICES

5.1 Other Collections: COMPANY shall retain a percent of payments for delinquent citations that have been processed in accordance with the current Agreement, and meet the following criteria:

A. Delinquent parking citations: those citations so designated by the AGENCY, for which the California State Department of Motor Vehicles registration hold has been placed or dropped because of a transfer of ownership or non-renewal of registration or a registration hold has not been placed, but the normal daily processing cycle is complete.
B. Citations with out-of-state license plates that have gone through the first courtesy notice process without payment.
C. Any other problem or special citations that the AGENCY so designates and refers to COMPANY under this Agreement.

5.2 Postal Rate Increase: The COMPANY will maintain auditable records to document the COMPANY'S actual postage costs associated with the mailing of delinquency notices for unpaid citations and for other mailings related to the processing of correspondence.

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If there is a postal increase, that increase will be invoiced effective on the date that the postal rate increase goes into effect.

ARTICLE VI - REPORTS

6.1 Periodic Reports: COMPANY will submit reports to AGENCY the month following the month in which activity has been reported. The reports will track activities relating to performance under this Agreement. Among the reports which COMPANY may/will generate are the following:

A. Report of Revenue Collected for Period
B. Report for Citations Issued for Period
C. A balanced summary report for issuing AGENCY providing the status of all citations at the beginning of the period, current period activity, and at the end of the period.
D. A report for issuing AGENCY identifying registered vehicle owners with five (5) or more outstanding parking citations.
E. A report for issuing AGENCY identifying the citations issued, location, violation, and officer.

6.2 Annual Reports: Annually, COMPANY shall comply with CVC section 40200.3 (b)

ARTICLE VIII - CLAIMS AND ACTIONS

8.1 AGENCY Cooperation: In the event any claim or action is brought against COMPANY relating to COMPANY'S performance or services rendered under this Agreement, COMPANY shall notify the AGENCY, in writing, within ten (10) days, of said claim or action.

8.2 Hold Harmless: COMPANY AND AGENCY agree to the following hold harmless clauses.

A. COMPANY agrees to indemnify, defend, and hold harmless the AGENCY and its officers and employees against all claims, demands, damages, costs, and liabilities arising out of, or in connection with, the performance by COMPANY or any of its officers, employees, or agents under this Agreement, including, but not limited to, those arising from the COMPANY'S failure to maintain confidential any confidential information contained in any citations provided by the AGENCY, excepting only loss, injury, or

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damage caused solely by the negligent acts or omissions of AGENCY or any of its officers or employees.

B. AGENCY agrees to indemnify, defend, and hold harmless the COMPANY and its officers and employees against all claims, demands, damages, costs, and liabilities for loss, injury, or damage caused solely by the negligent acts or omissions of AGENCY or any of its officers or employees arising out of, or in connection with, the performance under this Agreement.

ARTICLE IX - SUBCONTRACTORS AND ASSIGNMENTS

9.1 Subcontracting: With AGENCY's prior written consent, COMPANY is authorized to engage subcontractors, as permitted by law at COMPANY'S own expense, and subcontractors shall be deemed agents of COMPANY.

9.2 Assignments: This Agreement may not be assigned without the prior written consent of the AGENCY. It is understood and acknowledged by the parties that the COMPANY is uniquely qualified to perform the services in this Agreement.

ARTICLE X - INDEPENDENT CONTRACTOR

10.1 COMPANY'S Relationship: COMPANY'S relationship to AGENCY in the performance of this Agreement is that of an independent contractor. Personnel performing services under this Agreement shall at all times be under COMPANY'S exclusive direction and control and shall be employees or subcontractors of COMPANY and not employees of the AGENCY. COMPANY shall pay all wages and salaries and shall be responsible for all reports and obligations respecting them relating to social security, income tax withholding, unemployment compensation, worker's compensation, and similar matters. Neither COMPANY nor any officer, agent, or employee of COMPANY shall obtain any right to retirement benefits or other benefits which accrue to employees of AGENCY, and COMPANY hereby expressly waives any claim it might have to such rights.

ARTICLE XII – SECURITY REQUIREMENTS

12.1 Security Provisions: AGENCY agrees to follow all defined security requirements including but not limited to:

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A) All AGENCY employees who are provided access to services provided by COMPANY must complete a background check and must complete annual security awareness trainings.

B) All AGENCY employees must sign security agreement documents subject to the source state of the information being obtained by DMV entities.

C) AGENCY must inform COMPANY within 24 hours of an AGENCY employee with access to COMPANY services leaving their role.

D) AGENCY must inform COMPANY of any breach of information within 24 hours, so the appropriate government agencies can be notified of the breach.

E) AGENCY understands and agrees that security requirements may change and be updated to reflect the most current security requirements of the government agencies we work with to obtain vehicle registered information.

F) AGENCY understands that evidence of the security requirements may be requested to comply with COMPANY audit requirements of the governmental agencies we work with.

G) AGENCY understands and agrees that access to confidential registered owner information may be immediately restricted or terminated if any of the mandatory provisions above are found to be violated or abused. The subrecipient's (AGENCY) access to data is based on the recipient's (CONTRACTOR) access, and any suspension of access prohibits use of the data by both parties.

12.2 Permissible Use Provisions: AGENCY agrees to follow all defined permissible use requirements including but not limited to:

A) All AGENCY employees who are provided access to services provided by CONTRACTOR must receive annual training on permissible use of state agency information.

B) All AGENCY employees must sign permissible use agreement documents subject to the source state or government agency where the vehicle registered owner information is being obtained.

C) All AGENCY employees will be instructed of the confidentiality of information obtained from a government agency and the proper use of that information based on job responsibility, which must not involve immigration purposes.

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D) AGENCY must inform CONTRACTOR within 24 hours if data has been misused in such a manner that might constitute data misuse or a data breach. CONTRACTOR must inform AGENCY within 24 hours if data has been misused in such a manner that might constitute data misuse or data breach.

E) AGENCY must inform CONTRACTOR of any breach of information within 24 hours, so the appropriate government agencies can be notified of the breach. CONTRACTOR must inform AGANCY of any breach of information within 24 hours, so the appropriate agencies and individuals can be notified of the breach.

F) AGENCY understands and agrees that permissible use requirements may change and be updated to reflect the most current permissible use requirements of the government agencies CONTRACTOR works with to obtain vehicle registered information. Data can be used for no other purpose unless otherwise required by law.

G) AGENCY understands that evidence of the permissible use requirements may be requested to comply with CONTRACTOR audit requirements of the governmental agencies CONTRACTOR works with.

H) AGENCY understands that tracking of activity will occur for annual reviews to be conducted by CONTRACTOR to ensure the confidentiality and privacy required for government agency provided information.

I) AGENCY understands and agrees that access to confidential registered owner information may be immediately restricted or terminated if any of the mandatory provisions above are found to be violated or abused.

J) AGENCY understands that all information obtained through government agencies is considered subject to the Drivers Privacy Act (DPPA) and agrees that no disclosures of information will be made that would constitute a violation of this act.

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EXHIBIT A - PARKING CITATION PROCESSING FEE DESCRIPTION

Manual Parking Citation Processing: **$1.40**

Services for the above-mentioned items include:

- On-site data entry of manually written citations performed within 48 hours of receipt
- On-site quality assurance verification of manually entered citations
- Scanning of all manually written citations onto our network for storage and ease of retrieval
- Bi-monthly shredding of manually written citations

Electronic Parking Citation Processing: **$1.40**

Services for the above-mentioned items include:

- Automated citation transmission into Data Ticket's Citation Management Solution 24/7
- Automated confirmation email detailing successfully transmitted citations
- Automated transmission of photos attached to citations

Courtesy Notice: **$0.00**

Services for the above-mentioned item include:

- Included in Manual/Electronic Citation Processing Fee above
- Semi-custom Courtesy Notice that is printed on an 8 ½ x 11" piece of paper with a perforated tear-of payment stub provided in a window envelope sent to the registered owner of a vehicle
- All notices are attached to the citation online and are viewable via the web
- All notices sent via 1st Class Mail
- All notices include a return envelope in which the responsible party may submit payment
- This charge is only incurred if the individual does not pay off the windshield and a notice is sent to the individual as a result

Out-of-State Collections: **27% of revenue collected**

- This fee will cover all expenses associated with obtaining out-of-state registered owner information and will only be due when a citation is paid
- Data Ticket is a recognized Strategic Partner with NLETs and we are currently utilizing the City's and our ORI
- This fee is not combined with any other contingency fee**.** For example. if a citation is rolled to a delinquent status, only 27% of revenue collected will be charged
- If Data Ticket does not collect on a citation that is issued to an out of state plate, the City does not owe this fee.

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Delinquent Collections: **27% of revenue collected**

- This fee will be assessed when a citation is ninety (90) days past the citation issue date, assuming a first notice has been sent to the registered owner and the citation is not on hold for any reason
- Three Delinquent Notices will be sent to the registered owner at no cost to the City
- All notices are sent via First Class mail and all notices are printed on an 8 ½ x 11" sheet of paper and folded into a window envelope; in addition, a window envelope is provided for the recipient to return payment
- All notices are attached to the citation online and are viewable via the web
- If Data Ticket does not collect on a citation that is delinquent, the Agency does not owe this fee
- Notices will be sent via 1st Class Mail, and Data Ticket will be responsible for the cost incurred and all customer service and payment entry

Franchise Tax Board Processing (Optional)
SSN Look-up **$3.00 per SSN**

- This fee will be assessed to lookup a social security number associated with a registered owner and address
- This charge is charged per unique SSN, not per citation

FTB Collections: **15% of revenue collected**

- This fee is charged if a citation is paid at the Franchise Tax Board
- This charge is not combined with any other charge; for example, if a citation is rolled to delinquent status and paid at FTB, only the 15% of revenue collected will be charged
- Data Ticket will send an FTB Notice to the Customer as required by the Interagency Intercept Program; this notice will be sent via 1st Class Mail and will be sent at no cost to the City
- All notices are attached to the citation online and are viewable via the web
- Data Ticket will pay for the Agency's cost to participate in the FTB program; annually, FTB will send an invoice to the Agency for the number of debts placed at FTB; the Agency will simply provide this invoice to Data Ticket and Data Ticket will pay it in full
- If Data Ticket does not collect on a citation that is at FTB, the Agency does not owe the collection fee

Adjudication:
1st Level Review Hold & Scanning of Review Request **$0.50 per citation**

- Data Ticket will review all documentation received by the Appellant and determine whether the request received within the required timeframe
- If the request was received within the required timeframe, Data Ticket's Adjudication Department will place the citation on an Administrative Review Request Hold and

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scan all received documentation into the Citation Management Solution where it is displayed on the web for the Agency's Staff
- If the request is received outside the required timeframe, the Agency will have the option to proceed as though the request was received within the timeframe or it may elect to have Data Ticket send a "time expired letter" rejecting the appeal

1st Level Review Disposition Letters **$1.79 per letter**
- Data Ticket will send a custom disposition letter to the Appellant via 1st Class Mail
- All letters are attached to the citation online and are viewable via the web

2nd Level Hearing Hold, Scanning & Scheduling of Hearing **$0.75 per citation**
- Data Ticket will review all documentation received by the Appellant and determine whether the request received within the required timeframe
- If the request was received within the required timeframe, Data Ticket's Adjudication Department will place the citation on an Administrative Hearing Request Hold and scan all received documentation into the Solution where it is displayed on the web for the Agency's Staff and the Hearing Officer
- If the request is received outside the required timeframe, the Agency will have the option to proceed as though the request was received within the timeframe or it may elect to have Data Ticket send a "time expired letter" rejecting the appeal
- Data Ticket will work with the designated Hearing Officer to schedule the Hearing based on either a pre-determined schedule or an ad hoc basis, depending on the Agency's schedule

3rd Level Court Hold & Scanning **$0.75 per citation**
- Data Ticket will work place the cite on hold once the Agency or Court has provided information the appellant has appealed their cite to Civil Court.

2nd Level Hearing Disposition - Optional **$85.00 per hour**
- Data Ticket's independent, certified, insured hearing officers will be provided to the to perform in-person, phone and written hearings
- Each hearing request will be reviewed, heard or read and all required research will be performed
- The Hearing Officer will enter a judgment into the Citation Processing System for viewing by the Agency, Appellant and Data Ticket
- Hearings will be scheduled
- The Agency will incur costs associated with mileage as defined by Federal guidelines
- Data Ticket will work with the Agency to arrange for the use of a conference room at an Agency location or the Agency may elect to have citations heard at a centralized location within the County

2nd Level Hearing Schedule & Disposition Letters **$1.79 per letter**
- Data Ticket will send a custom disposition letter to the Appellant via 1st Class Mail

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- All letters are attached to the citation online and are viewable via the web
- Disposition letters will be sent Monday – Friday

Miscellaneous Correspondence - Optional **$1.79 per letter**

- Printing & Sending letters at Agency discretion (i.e. Fled, Partial Payment, Letter of Correction, etc.)
- Electronic attachment to the citation
- Windowed #10 envelope and return #9 envelope

Joint / Escrow Banking Services (Optional) **$150.00 per month**

Services for the above-mentioned item include:

- Daily deposits of funds to the Agency's escrow account
- Online, real-time reconciliation reports that tie directly to the bank statement
- Processing of all credit card charge-backs and Insufficient Funds
- Month-end reconciliation of all funds collected
- Disbursement of County / State Surcharges at month-end
- Payment of Data Ticket's invoice
- Disbursement of the net remittance to the Agency
- Scanning of all payments directly to joint bank account daily using remote check deposit
- The Agency will be responsible for the purchase of banking supplies, including checks and endorsement stamps; these fees typically run $200.00 per year

Charge-backs and NSF's (Optional) **$1.79 per issued instance**

- Data Ticket will process credit card charge-backs and NSFs when notified of each occurrence
- Once processed, Data Ticket will send a custom letter to the individual detailing the returned item and the amount due on the citation

Refunds (Optional) **$2.75 per issued instance**

- Data Ticket will process refunds when notified by the Agency
- In the event the Agency utilizes Joint Banking, Data Ticket will verify, generate and send each refund due when notified by the bank
- Refunds will be issued weekly
- Refunds will be sent via 1st Class Mail

Monthly Minimum **$150.00 per month**

- A minimum fee of $150.00 will be charged on a monthly basis if services do not reach this level (not inclusive of the Joint/Escrow Banking Services fee).

Credit Card Convenience Fee **$3.50 per transaction charged to the Citizen**

- This fee is not charged to the City, rather it is charged to the citizen in the event they elect to pay their parking citation(s) via credit or debit card

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- This fee is charged per transaction such that an individual may pay as many citations as they choose at any point in time and incur only 1 fee.

Payment Plan Processing **$15.00 per transaction**

- An administrative fee will be assessed to Patrons who wish to participate in a payment plan
- This fee will cover the cost of the payment plan initiation, and the cost of a confirmation letter that is sent to the Patron confirming the details of the payment plan
- The Agency will have the ability to determine whether Payment Plans are accepted and, if so, what the parameters for payment will be

- The Agency will have the ability to determine whether Payment Plans are accepted and, if so, what the parameters for payment will be

Credit Card Chargeback Processing **$33.50 per transaction**

- An administrative fee will be assessed to Patrons who wish to participate in a payment plan
- This fee will cover the cost of the payment plan initiation, and the cost of a confirmation letter that is sent to the Patron confirming the details of the payment plan
- If a chargeback occurs, a fee will be charged to the Patron for the processing of the chargeback
- No fee will be charged to the Agency

Assembly Bill 503 Changes:

With many of our Agencies focused on the implementation of AB 503, a significant concern is the impact it may have on City's Staff's time and responsibilities. Given this, we have offered to accept and review all payment plan requests for persons claiming indigency. This new process includes the acceptance of documentation via the web and US Mail, the review of this documentation and the scanning of all the documentation and attachment to the citation to which it applies. Based on each City's unique business rules, Data Ticket will either accept of deny each request and then proceed to setup the payment or issue a letter of denial with a reason for the denial. The costs for these services are provided below:

Acceptance and Scanning of Indigent Payment Plan Requests (Approval/Denial by Data Ticket) **$5.00 per request**

Accepting and Scanning of Indigent Payment Plan Requests (Approval/Denial by City) **$2.00 per request**

Indigent Payment Plan Letters **$1.11 per letter**

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Parking Citation Services Included in the Above Costs:

Online Access for the Agency's Customers: **Included**

The Agency's Customers will have the ability to perform the following functions online:

- View real-time citation(s) data
- Pay for a single or many citation(s)
- Request a 1st Level Administrative Review and attach up to three documents supporting their position
- Request a 2nd Level Administrative Hearing Request and attach up to three documents supporting their position
- Print a receipt
- View pictures of the citation taken by the issuing officer (if the Agency allows)

Online Access for the Agency's Staff: **Included**

Access to the Agency's data is based on unique usernames and passwords assigned to each individual who requires access to the system. Data Ticket does not limit the number of individuals who have access to the system and the number and types of access can change at any point with a simple email request to Data Ticket.

Our Solution is setup to maintain a complete audit trail for each transaction in the system, therefore, the username is displayed next to every transaction in the system, indicating who performed the transaction and when.

Reporting: **Included**

- Data Ticket offers 24 reports online for our Clients to generate, print and re-print 24/7. We provide real-time reports that can be generated for any timeframe required and we provide pre-processed/month-end reports that reflect the month-end view of data.
- All reports are available online and because we do not purge data unless specifically requested to do so by a Client, the data is available if the Agency is a Client.
- All reports are generated in HTML, so our Clients can copy and paste the data into Excel for data manipulation purposes.
- If the Agency were to request a report that was not already available using the standard reports or report generator, Data Ticket would work with the Agency to design the report and provide it to the Agency at no cost.

Manual Payment Processing: **Included**

- Manually received payments (checks, cash, money orders and credit card payments sent via US Mail) are received at our PO Box in Newport Beach where a bonded and insured courier picks up the mail daily and delivers it to our Newport Beach office
- On-site Mail Department opens, sorts and batches the payments before providing them to our on-site Data Entry Department
- After double-blind entry of each payment, the citations are updated by our Quality Assurance team

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- Payments are then provided to our Accounting Department where daily deposit slips are completed and provided to a bonded, insured courier who takes them to the bank

Registered Owner Information: **Included**

- Registered owner information for all citations issued on California license plates
- Turnaround time for acquisition of California registered owner information is same day
- Registered owner information for all citations issued on out of state license plates
- Data Ticket is a recognized Strategic Partner with NLETs and has access to registered owner information nationwide real-time through NLETs service
- Access to this system requires the use of the City's ORI for tracking purposes only; Data Ticket will utilize its own ORI for acquiring the out of state RO data

CA DMV Holds and Releases: **Charged to Agency by DMV**

- California DMV Holds and Release performed daily via an online connection
- Holds and releases can also be performed real-time, upon request
- Citation amounts placed on hold are updated daily in the event a partial payment is made
- DMV will deduct this amount from the City's monthly check; Data Ticket will not reimburse the City for this fee because citations paid at DMV incur no Delinquent or Out of State contingency fee. ***100% of the funds collected at DMV go to the City.***

Customer Service: **Included**

- Data Ticket provides a live, bi-lingual, on-site Customer Service Department that is fully trained to answer questions related to citation issuance, payment, adjudication, fix-it tickets, sign-offs, FTB, advanced credit reporting collections and more
- All calls are recorded to quality assurance and recordings can be sent to the Agency at any time for review
- Data Ticket's IVR is bi-lingual and accessible via several toll-free numbers; the IVR provides real-time information to the caller regarding current status, including the amount due
- The IVR accepts VISA, MasterCard, Discover, and American Express

Web Presence: **Included**

- Data Ticket's Solution is 100% web-based and Section 508 Compliant and is provided at: www.CitationProcessingCenter.com; this is a generic website in the sense that it is not Agency branded. This website allows for the Agency and the Agency's Customers to access citations online
- If the Agency prefers an Agency branded website, one in which the look and feel mimics that of the Agency's website, Data Ticket can and will provide this feature to the Agency.

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Cost Increases:

Postal Rate Increase Offset – If postal rates increase during the term of the agreement, fees to DTI shall be raised immediately to offset the effect of the actual postal rate increase.

CPI Increases – There will be **NO** CPI increases for the duration of the agreement.

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EXHIBIT B - ADMINISTRATIVE CITATION PROCESSING FEE DESCRIPTION

Fee Description	Administrative Citation Processing Fee Option 1	Administrative Citation Processing Fee Option 2
Citation Processing and Collections		
Manual Citation Processing	$17.00	$5.00
Electronic Citation Processing	$15.00	$3.00
1st Notice Sent	No charge	$1.01
Delinquent Collections	No charge	25%* of paid amount
Franchise Tax Board Processing - SSN Look-up	$3.00 per unique SSN	$3.00 per unique SSN
FTB Collections	15% of paid amount	15% of paid amount
Advanced Collections Legal Action Not Required	30% of paid amount	30% of paid amount
Adjudication Services		
Adjudication Hold & Scanning of Documentation	No charge	$0.50
Disposition Entry	No charge	$1.00
Disposition Letters	No charge	$1.76
Certified Letter Fee (Optional)	$11.00 per letter	$11.00 per letter
Hearing Performance	$85.00 / hr	$85.00 / hr

*Assessed at Citation Date + 60 Days

- A minimum fee of $200.00 will be charged on a monthly basis if services do not reach this level

To further provide definition surrounding each line item, we have provided additional details below and on the following pages.

Manual and Electronic Administrative Citation Processing:
Services for the above-mentioned items include:

- Data entry of manually written citations performed within 48 hours of receipt
- Quality assurance verification of manually entered citations
- Scanning of all manually written citations onto our network for storage and ease of retrieval
- Bi-monthly shredding of manually written citations

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- Electronic transfer of all electronically written citations, recordings, videos and photographs

1st Notice Cost:
Services for the above-mentioned item include:

- Semi-custom Notice that is printed on an 8 ½ x 11" piece of paper with a perforated tear-of payment stub provided in a window envelope sent to the registered owner of a vehicle
- All notices are attached to the citation online and are viewable via the web
- All notices sent via 1st Class Mail
- All notices include a return envelope in which the responsible party may submit payment
- This charge is only incurred if the individual does not pay within 90 days

Delinquent Collections:

- This fee will be assessed when a citation is sixty (60) days past the citation issue date, assuming a first notice has been sent to the registered owner and the citation is not on hold for any reason
- Three Delinquent Notices will be sent to the registered owner at no cost to the City
- All notices are sent via First Class mail and all notices are printed on an 8 ½ x 11" sheet of paper and folded into a window envelope; in addition, a window envelope is provided for the recipient to return payment
- All notices are attached to the citation online and are viewable via the web
- If Data Ticket does not collect on a citation that is delinquent, the Agency does not owe this fee
- Notices will be sent via 1st Class Mail, and Data Ticket will be responsible for the cost incurred and all customer service and payment entry

Franchise Tax Board Processing:
SSN Look-up

- This fee will be assessed to lookup a social security number associated with a particular responsible party and address
- **This charge is charged per unique SSN, not per citation**

FTB Collections

- This fee is charged if a citation is paid at the Franchise Tax Board
- **This charge is not combined with any other charge**; for example, if a citation is rolled to delinquent status and paid at FTB, only the 15% of revenue collected will be charged
- Data Ticket will send an FTB Notice to the Customer as required by the Interagency Intercept Program; this notice will be sent via 1st Class Mail at no additional cost to the City
- All notices are attached to the citation online and are viewable via the web

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- **Data Ticket will pay for the Agency's cost to participate in the FTB program**; annually, FTB will send an invoice to the Agency for the number of debts placed at FTB; the Agency will simply provide this invoice to Data Ticket and Data Ticket will pay it in full
- **If Data Ticket does not collect on a citation that is at FTB, the Agency does not owe the collection fee**

Advanced Collections

- This fee is charged if a citation is paid at Advanced Collections
- **This charge is not combined with any other charge**; for example, if a citation is rolled to delinquent status and paid at Advanced Collections, only the 26% of revenue collected will be charged

2nd Level Hearing Hold, Scanning and Scheduling of Hearing

- Data Ticket will review all documentation received by the Appellant and determine whether the request received within the required timeframe
- If the request was received within the required timeframe, Data Ticket's Adjudication Department will place the citation on an Administrative Hearing Request Hold and scan all received documentation into the Solution where it is displayed on the web for the Agency's Staff and the Hearing Officer
- If the request is received outside the required timeframe, the Agency will have the option to proceed as though the request was received within the timeframe or it may elect to have Data Ticket send a "time expired letter" rejecting the appeal
- Data Ticket will work with the designated Hearing Officer to schedule the Hearing based on either a pre-determined schedule or an ad hoc basis, depending on the Agency's schedule

2nd Level Hearing Schedule & Disposition Letters

- Data Ticket will send a custom disposition letter to the Appellant via 1st Class Mail
- **All letters are attached to the citation online and are viewable via the web**
- Disposition letters will be sent Monday – Friday

2nd Level Hearing Disposition

- Data Ticket's independent, certified, insured hearing officers will be provided to the to perform in-person, phone and written hearings
- Each hearing request will be reviewed, heard or read and all required research will be performed
- The Hearing Officer will enter a judgment into the Citation Processing System for viewing by the Agency, Appellant and Data Ticket
- Hearings will be scheduled
- The Agency will incur costs associated with mileage as defined by Federal guidelines

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- Data Ticket will work with the Agency to arrange for the use of a conference room at an Agency location or the Agency may elect to have citations heard at a centralized location within the County

Joint / Escrow Banking Services (Optional) **$100.00 per month**
Services for the above-mentioned item include:

- Daily deposits of funds to the Agency's escrow account
- Online, real-time reconciliation reports that tie directly to the bank statement
- Processing of all credit card charge-backs and Insufficient Funds
- Month-end reconciliation of all funds collected
- Payment of Data Ticket's invoice
- Disbursement of the net remittance to the Agency
- Scanning of all payments directly to joint bank account daily using remote check deposit
- The Agency will be responsible for the purchase of banking supplies, including checks and endorsement stamps; these fees typically run $200.00 per year
- Refunds verified and issued weekly

Charge-backs and NSF's (Optional) **$5.00 per transaction**

- Data Ticket will process credit card charge-backs and NSFs when notified of each occurrence if Agency is not an escrow account holder
- Once processed, Data Ticket will send a custom letter to the individual detailing the returned item and the amount due on the citation

Refunds (Optional) **$5.00 per transaction**

- Data Ticket will process refunds when notified of each by the Agency
- In the event the Agency utilizes Joint Banking, Data Ticket will verify, generate and send each refund due
- Refunds will be issued weekly
- Refunds will be sent via 1st Class Mail

Online Access for the Agency's Customers: **Included**
The Agency's Customers will have the ability to perform the following functions online:

- View real-time citation(s) data
- Pay for a single or many citation(s)
- Request a Hearing online and attach up to 3 supporting documents
- Print a receipt
- View pictures of the citation taken by the issuing officer (if the Agency allows)

Online Access for the Agency's Staff: **Included**
Access to the Agency's data is based on unique usernames and passwords assigned to everyone who requires access to the system. **Data Ticket does not limit the number of individuals who have access to the system and the number and types of access**

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can change at any point with a simple email request to Data Ticket.

Our Solution is setup to maintain a complete audit trail for each transaction in the system so that the **username is displayed next to every transaction in the system, indicating who performed the transaction and when.**

Dependent on the access rights provided to each Agency Staff member, the following capabilities are available:

- View real-time citation(s) data, including pictures taken by the Issuing Officer
- Accept payment via VISA, MasterCard, Discover and American Express credit/debit cards
- Accept payment via Cash, Check or Money Order
- Process NSFs, Charge-backs and Refunds
- Reduce or increase violation amounts, dismiss citations, void citations and place a citation on hold
- Change citation data, including violations, date, time, location, comments, and others
- Generate a time expired or letter of non-responsibility for a citation in the adjudication process
- View the complete reason for the Hearing Request and supporting documentation provided by the Appellant directly online
- Edit Appellant information
- Upload disposition documents sent to the Agency via US Mail
- Add a note to a citation and see all comments added to the citation
- View the reason for the 2nd Level Administrative Hearing Request online and view the supporting documentation provided by the Appellant, directly online
- Print a receipt with or without responsible party information

Reporting: **Included**

- Data Ticket offers 24 reports online for our Clients to generate, print and re-print 24/7. We provide real-time reports that can be generated for any timeframe required and we provide pre-processed/month-end reports that reflect the month-end view of data.
- All reports are available online and **because we do not purge data unless specifically requested to do so by a Client, the data is available if the Agency is a Client.**
- All reports are generated in HTML so our Clients can copy and paste the data into Excel for data manipulation purposes.
- Report Generator capabilities that provide City Personnel with the ability to create, save, share and print custom reports at any time for any time frame.
- If the Agency were to request a report that was not already available, Data Ticket would work with the Agency to design the report and provide it to the Agency at no cost.

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Manual Payment Processing: **Included**

- Manually received payments (checks, cash, money orders and credit card payments sent via US Mail) are received at our PO Box in Newport Beach where a bonded and insured courier picks up the mail daily and delivers it to our Newport Beach office
- On-site Mail Department opens, sorts and batches the payments before providing them to our on-site Data Entry Department
- After double-blind entry of each payment, the citations are updated by our Quality Assurance team
- Payments are then provided to our Accounting Department where daily deposit slips are completed and provided to a bonded, insured courier who takes them to the bank

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Cost Increases:

Postal Rate Increase Offset – If postal rates increase during the term of the agreement, fees to DTI shall be raised immediately to offset the effect of the actual postal rate increase.

***CPI Increases – There will be NO CPI increases for the duration of the agreement*.**

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Jennifer Hennessy, Director of Finance

DATE: January 13, 2026

SUBJECT: Award Consultant Services Agreement to Willdan Financial Services for Full Cost Allocation Plan, Comprehensive User Fee Study and Development Impact Fee Study

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PREPARED BY: Ward Komers, Assistant Director of Finance
Tina Rivera, Purchasing Administrator

RECOMMENDATION: That the City Council award a Consultant Services Agreement to Willdan Financial Services, in the amount of $100,000 for Full Cost Allocation Plan, Comprehensive User Fee Study and Development Impact Fee Study.

BACKGROUND: On August 1, 2025, the City issued a Request for Proposals (RFP) for professional consulting services to prepare a Full Cost Allocation Plan (CAP), Comprehensive User Fee Study, and Development Impact Fee (DIF) Study. These studies will provide the City with a legally defensible basis for establishing user fees, allocating overhead costs, and updating development impact fees in compliance with Propositions 26 and 218 and the Mitigation Fee Act.

Five proposals were received by the October 1, 2025 deadline and evaluated by a panel of seven City staff members. Proposals were evaluated in accordance with the RFP criteria, including Responsiveness, Qualifications and Experience, Technical Approach and Timeline, Price, and Local Vendor Preference.

The evaluated proposal rankings and amounts were as follows:

1.	Willdan Financial Services	$100,000*
2.	Matrix Consulting	$100,000
3.	Harris & Associates	$146,207
4.	DTA Public Finance	$170,070
5.	Dickey & Associates	$261,756

*** Local Vendor Preference Applied**. Chapter 3.30 of the Temecula Municipal Code provides for a five percent (5%) Local Vendor Preference for professional services contracts evaluated on a best-value basis. Willdan Financial Services' original proposal amount was $126,880. Willdan qualified as a Local Vendor based on the Local Vendor Certification and City of Temecula

business license submitted with its proposal. After application of the five percent (5%) Local Vendor Preference pursuant to Chapter 3.30 of the Temecula Municipal Code, Willdan's proposal ranked highest among all proposers. In accordance with Temecula Municipal Code §3.30.050(B), Willdan elected, in writing and within the required timeframe, to match the lowest proposed price of $100,000 in order to remain eligible for award.

The proposed Consultant Services Agreement will be for a three-year term, with options to extend for up to two additional one-year periods, consistent with the RFP. The scope of work includes preparation of a Full Cost Allocation Plan, a Comprehensive User Fee Study covering City departments and services, and a Development Impact Fee Study compliant with the Mitigation Fee Act. The agreement includes delivery of Excel-based models, staff training, and support for public presentations and adoption.

FISCAL IMPACT: The total not-to-exceed cost of the agreement is $100,000. Sufficient appropriations are available within existing budgeted funds. No additional budget appropriation is required.

ATTACHMENTS: Agreement and Proposal

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AGREEMENT FOR CONSULTANT SERVICES BETWEEN CITY OF TEMECULA AND WILLDAN FINANCIAL SERVICES

Full Cost Allocation Plan
Comprehensive User Fee Study
Development Impact Fee Project

THIS AGREEMENT is made and effective as of **January 13, 2026**, between the **City of Temecula**, a municipal corporation (hereinafter referred to as "City"), and **Willdan Financial Services** a **California Corporation,** (hereinafter referred to as "Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. TERM

This Agreement shall commence on **January 13, 2026** and shall remain and continue in effect until tasks described herein are completed, but in no event later than **January 13, 2029**, unless sooner terminated pursuant to the provisions of this Agreement.

The City may, upon mutual agreement, extend the contract for two (2) additional one (1) year terms. In no event shall the contract be extended beyond January 13, 2031.

2. SERVICES

Consultant shall perform the services and tasks described and set forth in Exhibit A, attached hereto and incorporated herein as though set forth in full. Consultant shall complete the tasks according to the schedule of performance which is also set forth in Exhibit A.

3. PERFORMANCE

Consultant shall faithfully and competently exercise the ordinary skill and competence of members of their profession. Consultant shall employ all generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Consultant hereunder in meeting its obligations under this Agreement.

4. PAYMENT

a. The City agrees to pay Consultant monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit B, Payment Rates and Schedule, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. Any terms in Exhibit B, other than the payment rates and schedule of payment, are null and void. This amount shall not exceed **One Hundred Thousand Dollars and No cents ($ 100,000.00)** for the total term of this agreement unless additional payment is approved as provided in this Agreement.

b. Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the City Manager . Consultant shall be compensated for any additional services in the amounts and in the manner as agreed to by City Manager and Consultant at the time City's written authorization is given to Consultant for the performance of said services.

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c. Consultant will submit invoices monthly for actual services performed. Invoices shall be submitted between the first and fifteenth business day of each month, for services provided in the previous month. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the City disputes any of Consultant's fees, it shall give written notice to Consultant within thirty (30) days of receipt of an invoice of any disputed fees set forth on the invoice. For all reimbursements authorized by this Agreement, Consultant shall provide receipts on all reimbursable expenses in excess of Fifty Dollars ($50) in such form as approved by the Director of Finance.

5. SUSPENSION OR TERMINATION OF AGREEMENT WITHOUT CAUSE

a. The City may at any time, for any reason, with or without cause, suspend or terminate this Agreement, or any portion hereof, by serving upon the Consultant at least ten (10) days prior written notice. Upon receipt of said notice, the Consultant shall immediately cease all work under this Agreement, unless the notice provides otherwise. If the City suspends or terminates a portion of this Agreement such suspension or termination shall not make void or invalidate the remainder of this Agreement.

b. In the event this Agreement is terminated pursuant to this Section, the City shall pay to Consultant the actual value of the work performed up to the time of termination, provided that the work performed is of value to the City. Upon termination of the Agreement pursuant to this Section, the Consultant will submit an invoice to the City, pursuant to Section entitled **"PAYMENT"** herein.

6. DEFAULT OF CONSULTANT

a. The Consultant's failure to comply with the provisions of this Agreement shall constitute a default. In the event that Consultant is in default for cause under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any work performed after the date of default and can terminate this Agreement immediately by written notice to the Consultant. If such failure by the Consultant to make progress in the performance of work hereunder arises out of causes beyond the Consultant's control, and without fault or negligence of the Consultant, it shall not be considered a default.

b. If the City Manager or his delegate determines that the Consultant is in default in the performance of any of the terms or conditions of this Agreement, it shall serve the Consultant with written notice of the default. The Consultant shall have ten (10) days after service upon it of said notice in which to cure the default by rendering a satisfactory performance. In the event that the Consultant fails to cure its default within such period of time, the City shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

7. OWNERSHIP OF DOCUMENTS

a. Consultant shall maintain complete and accurate records with respect to sales, costs, expenses, receipts and other such information required by City that relate to the performance of services under this Agreement. Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to the representatives of

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City or its designees at reasonable times to such books and records, shall give City the right to examine and audit said books and records, shall permit City to make transcripts there from as necessary, and shall allow inspection of all work, data, documents, proceedings and activities related to this Agreement. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment.

b. Upon completion of, or in the event of termination or suspension of this Agreement, all original documents, designs, drawings, maps, models, computer files containing data generated for the work, surveys, notes, and other documents prepared in the course of providing the services to be performed pursuant to this Agreement shall become the sole property of the City and may be used, reused or otherwise disposed of by the City without the permission of the Consultant. With respect to computer files containing data generated for the work, Consultant shall make available to the City, upon reasonable written request by the City, the necessary computer software and hardware for purposes of accessing, compiling, transferring and printing computer files.

8. INDEMNIFICATION

The Consultant agrees to defend, indemnify, protect and hold harmless the City of Temecula, Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency, its officers, officials, employees and volunteers from and against any and all claims, demands, losses, defense costs or expenses, including attorney fees and expert witness fees, or liability of any kind or nature which the City of Temecula, Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency, its officers, agents, employees or volunteers may sustain or incur or which may be imposed upon them for injury to or death of persons, or damage to property arising out of Consultant's negligent or wrongful acts or omissions arising out of or in any way related to the performance or non-performance of this Agreement, excepting only liability arising out of the negligence of the City of Temecula, Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency.

9. INSURANCE REQUIREMENTS

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons and/or damages to property, which may arise from or in connection with the performance of the work hereunder and the results of work by the Consultant, its agents, representatives, employees, or subcontractors.

a. Minimum Scope of Insurance. Coverage shall be at least as broad as:

1) Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operation, property damage, bodily injury, and personal & advertising with limits no less than One Million ($1,000,000) per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 05 09 or 25 04 05 09) or the general aggregate limit shall be twice the required occurrence limit.

2) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, covering hired, (Code8) and non-owned autos (Code 9), with limits no less than One Million ($1,000,000) per accident for bodily injury, including death, of one or more persons, property damage and personal injury.

3) Workers’ Compensation: as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than One million

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($1,000,000) per accident for bodily injury or disease. In accordance with the provisions of Labor Code Section 3700, every Consultant will be required to secure the payment of compensation to it's employees. Pursuant to Labor Code Section 1861, Consultant must submit to City the following certification before beginning any work on the Improvements:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

By executing this Agreement, Consultant is submitting the certification required above.

The policy must contain a waiver of subrogation in favor of the City of Temecula, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, their officers, officials, employees or volunteers.

4) Professional Liability (Errors and Omissions): One million ($1,000,000) per occurrence and in aggregate. Professional Liability Insurance shall be written on a policy form providing professional liability for the Consultant's profession.

b. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared and approved by the Risk Manager.

c. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions:

1) The City of Temecula, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, their officers, officials, employees and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Consultant's products and completed operations of the Consultant; premises owned, occupied or used by the Consultant. General liability coverage can be provided in the form of an endorsement to the Consultant Insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 if a later edition is used). The coverage shall contain no special limitations on the scope of protection afforded to the City of Temecula, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, their officers, officials, employees, or volunteers.

2) For any claims related to this project, the Consultant insurance coverage shall be primary and non-contributory and at least as broad as ISO CG 20 01 04 13 as respects the City, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, their officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City of Temecula, Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it. This also applies to any Excess or Umbrella liability policies.

3) The Consultant may use Umbrella or Excess Policies to provide the limits as required in this agreement. The Umbrella or Excess policies shall be provided on a true "following form" or broader coverage basis, with coverage at least as broad as provided on the underlying Commercial General Liability Insurance.

4) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect the indemnification provided to the City of Temecula, the Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency, their officers, officials, employees, or volunteers.

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5) The Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6) If the Consultant maintains broader coverage and/or higher limits than the minimums shown above, the City requires and shall be entitled to the broader coverage and/or higher limits maintained by the consultant.

7) If insurance coverage is canceled or, reduced in coverage or in limits the Consultant shall within two (2) business days of notice from insurer phone, fax, and/or notify the City via certified mail, return receipt requested of the changes to or cancellation of the policy.

8) Unless otherwise approved by City, if any part of the Services and Tasks is subcontracted, the Minimum Insurance Requirements must be provided by, or on behalf of, all subcontractors even if city has approved lesser insurance requirements for Consultant, and all subcontractors must agree in writing to be bound by the provisions of this section.

d. Acceptability of Insurers. Insurance required above, except for workers' compensation insurance, must be placed with insurers with a current A.M. Best rating of A-:VII or better, unless otherwise acceptable to the City. Self-insurance shall not be considered to comply with these insurance requirements.

e. Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements, or copies of the applicable policy language affecting coverage required by this clause. All certificates and endorsements and copies of the Declarations & Endorsements pages are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

f. Special Risks or Circumstances. The City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

10. INDEPENDENT CONTRACTOR

a. Consultant is and shall at all times remain as to the City a wholly independent contractor. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City nor any of its officers, employees, agents, or volunteers shall have control over the conduct of Consultant or any of Consultant's officers, employees, or agents except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that it or any of its officers, employees or agents are in any manner officers, employees or agents of the City. Consultant shall not incur or have the power to incur any debt, obligation or liability whatever against City, or bind City in any manner.

b. No employee benefits shall be available to Consultant in connection with the performance of this Agreement. Except for the fees paid to Consultant as provided in the Agreement, City shall not pay salaries, wages, or other compensation to Consultant for performing services hereunder for City. City shall not be liable for compensation or indemnification to Consultant for injury or sickness arising out of performing services hereunder.

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11. LEGAL RESPONSIBILITIES

The Consultant shall keep itself informed of all local, State and Federal ordinances, laws and regulations which in any manner affect those employed by it or in any way affect the performance of its service pursuant to this Agreement. The Consultant shall at all times observe and comply with all such ordinances, laws and regulations. The City, and its officers and employees, shall not be liable at law or in equity occasioned by failure of the Consultant to comply with this section.

12. RELEASE OF INFORMATION

a. All information gained by Consultant in performance of this Agreement shall be considered confidential and shall not be released by Consultant without City's prior written authorization. Consultant, its officers, employees, agents or subcontractors, shall not without written authorization from the City Manager or unless requested by the City Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement or relating to any project or property located within the City. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

b. Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed there under or with respect to any project or property located within the City. City retains the right, but has no obligation, to represent Consultant and/or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, City's right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

13. NOTICES

Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, that provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by Notice. Notice shall be effective upon delivery to the addresses specified below or on the third business day following deposit with the document delivery service or United States Mail as provided above.

Mailing Address: City of Temecula
Attn: City Manager
41000 Main Street
Temecula, CA 92590

To Consultant: Willdan Financial Services
Chris Fisher
27368 Via Industria Suite 200
Temecula, CA 92590

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14. ASSIGNMENT; CONSULTANT WORK WITH ITS EMPLOYEES; SUBCONTRACTS

The Consultant shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of the City. Consultant shall perform all work under this agreement with its own employees unless City Manager approves in writing a subcontractor prior to start of subcontractor's work. Consultant shall not retain independent contractors to perform work for it under this Agreement. Upon termination of this Agreement, Consultant's sole compensation shall be payment for actual services performed up to, and including, the date of termination or as may be otherwise agreed to in writing between the City Council and the Consultant.

15. LICENSES

At all times during the term of this Agreement, Consultant shall have in full force and effect, all licenses required of it by law for the performance of the services described in this Agreement.

16. GOVERNING LAW

The City and Consultant understand and agree that the laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement. Any litigation concerning this Agreement shall take place in the municipal, superior, or federal district court with geographic jurisdiction over the City of Temecula. In the event such litigation is filed by one party against the other to enforce its rights under this Agreement, the prevailing party, as determined by the Court's judgment, shall be entitled to reasonable attorney fees and litigation expenses for the relief granted.

17. PROHIBITED INTEREST

No officer, or employee of the City of Temecula that has participated in the development of this agreement or its approval shall have any financial interest, direct or indirect, in this Agreement, the proceeds thereof, the Consultant, or Consultant's sub-contractors for this project, during his/her tenure or for one year thereafter. The Consultant hereby warrants and represents to the City that no officer or employee of the City of Temecula that has participated in the development of this agreement or its approval has any interest, whether contractual, non-contractual, financial or otherwise, in this transaction, the proceeds thereof, or in the business of the Consultant or Consultant's sub-contractors on this project. Consultant further agrees to notify the City in the event any such interest is discovered whether or not such interest is prohibited by law or this Agreement.

18. ENTIRE AGREEMENT

This Agreement contains the entire understanding between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

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19. AUTHORITY TO EXECUTE THIS AGREEMENT

The person or persons executing this Agreement on behalf of Consultant warrants and represents that he or she has the authority to execute this Agreement on behalf of the Consultant and has the authority to bind Consultant to the performance of its obligations hereunder. The City Manager is authorized to enter into an amendment on behalf of the City to make the following non-substantive modifications to the agreement: (a) name changes; (b) extension of time; (c) non-monetary changes in scope of work; (d) agreement termination.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF TEMECULA

By: _____

Jessica Alexander, Mayor

WILLDAN FINANCIAL SERVICES

By: Signed by: Robert Fisher 1EC90C000B214CF...

Robert Fisher, Vice President – Group Manager

ATTEST:

By: _____

Randi Johl, City Clerk

By: Signed by: Rebekah Smith D6A765E4A9C043F...

Rebekah Smith, Assistant Secretary

APPROVED AS TO FORM:

By: Signed by: Peter M. Thorson C343357EB2E34B5...

Peter M. Thorson, City Attorney

CONSULTANT

Willdan Financial Services
Chris Fisher
27368 Via Industria Suite 200
Temecula, CA 92590
(951) 587-3528
cfisher@willdan.com

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EXHIBIT A

Tasks to be Performed

The specific elements (scope of work) of this service include:

All tasks to be performed are per the proposal provided by the Consultant attached hereto and incorporated herein as though set forth in full.

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EXHIBIT B

Payment Rates and Schedule

Cost for services shall be as described in Consultant's proposal submitted in response to the RFP, attached hereto and incorporated herein; except that the pricing therein is modified by Consultant's written election to match the lowest-cost proposal pursuant to Temecula Municipal Code §3.30.050(B), to match the lowest-cost proposal. Accordingly, the total cost of services shall not exceed One Hundred Thousand Dollars ($100,000.00) for the total term of the Agreement, unless additional payment is approved as provided in the Payment section of this Agreement.

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City of Temecula, CA

Proposal

Full Cost Allocation Plan, Comprehensive User Fee Study and Development Impact Fee Study



WILLDAN
FINANCIAL SERVICES

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WILLDAN
FINANCIAL SERVICES

October 1, 2025

Ms. Tina Rivera
Purchasing Administrator
City of Temecula
41000 Main Street
Temecula, California 92590

Re: Proposal to Conduct a Full Cost Allocation Plan, Comprehensive User Fee Study, & Development Impact Fee Study for the City of Temecula

Dear Ms. Rivera:

Municipalities throughout California are constantly challenged to do more with less. As cities are faced with limited financial resources to address competing priorities, they strive to maintain high standards of service to their communities. Processes and staffing often evolve as staff seek efficiencies and more cost-effective service models; or sometimes practices change out of necessity in response to events such as the recent pandemic.

Considering this, ***it is critical for the City of Temecula ("City") to ensure that fees for requested services reflect current practices, account for the true cost of providing City services, incorporate provision for overhead rates and costs related to indirect support, and ensure maximum appropriate cost recovery, so that the revenues generated by fees cover the cost of those services to the greatest extent possible.*** City Staff, and ultimately the City Council, need a clear understanding of standards, service levels and the associated costs.

Likewise, Development Impact Fees should reflect current community planning and City policy objectives, both for planned development and the facilities necessary to accommodate it; so that growth pays its own way, community standards are maintained, and current residents and businesses are not negatively impacted. Impact fees also need to be developed in compliance with the Mitigation Fee Act and with attention to the effects of new legislation such as AB 516 and AB 602, so that they are defensible and transparent. Willdan would also like to affirm our understanding of the recent ***Sheetz v. County of El Dorado*** Supreme Court decision and subsequent state court decision. The current status of *Sheetz* is that the state court has upheld the El Dorado County fee program as compliant with federal takings law. The upshot of Sheetz is an increase focus on nexus and proportionality, which have always been our watchwords.

Recognizing this, the City is soliciting a proposal for a Comprehensive User Fee Study, Full Cost Allocation Plan, and Development Impact Fee Study. Following are specific advantages that Willdan Financial Services ("Willdan") brings to the City for these studies:

Willdan will work with the City to create new Cost Allocation Plan, User Fee, and Impact Fee models that provides the benefit of a fresh approach and new perspectives.

Part of the Community/Local Vendor — Willdan Financial Services has been a part of the Temecula community since its establishment in 1988. Our headquarters is located less than five miles from City Hall. A number of our team members are residents of Temecula, which enriches our engagement with the community. This local presence and connection to the community give our team a deep understanding and knowledge of the local area, this allows us to leverage our insights and knowledge, enabling us to contribute effectively to our partnership with the city.

Extensive Local Experience with Similar Projects, Direct Experience in Southern California, Ongoing Related Experience in Temecula — Willdan is the leading firm providing these types of studies in California. We have worked successfully with numerous cities like and close to Temecula on Fee Study projects, with objectives very similar to those for this study. ***Twenty Seven (27) years of experience working on similar efforts allows us to bring an unmatched understanding of City service models, processes and staffing and provide valuable perspective and insight from local cities' approaches to fees and policies on fee setting and subsidies – which also helps us conduct meaningful and efficient fee comparisons***. In addition, Willdan Engineering is working with the City on an Engineering and Traffic survey, which may help inform our study of the related impact fees.

Recent related studies include the Cities of Murrieta, Lake Elsinore, Canyon Lake, Corona, Norco, Ontario, Palm Desert, Claremont, Chino Hills, Chino, Pomona, Eastvale, Irvine, South Pasadena, Los Alamitos, Bellflower, Lynwood, Tustin, Stanton, Fountain Valley, Burbank, El Monte, Montebello, West Hollywood, Arcadia, Cudahy, Lomita, and Fontana.

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Collaborative Approach, Commitment to Support and User-friendly Models and Reports — Willdan prides itself on working closely with City staff to develop and explain an approach that is targeted toward your specific objectives. ***This is a distinct advantage we will bring in our approach with the City of Temecula. A collaborative approach and dedicated support ensures we clearly understand your goals and challenges, and just as importantly, you understand and are comfortable with the process, assumptions, key drivers, and the results.***

Our Cost Allocation methodologies and models have been reviewed and approved by Cognizant Agencies such as the US Army and recently, the US Department of Housing and Urban Development, providing evidence of our thorough and defensible approach to the development of Cost Allocation strategies.

We create user-friendly Excel-based models that the City will retain and conduct our analysis and develop the model collaboratively with City staff. Rather than using an inflexible proprietary software program, we construct our models from the ground up, mirroring the City's budget format wherever possible. As a result, ***the information contained in our models is easy for City staff to interpret, and the familiar software ensures ease of navigation.***

Created directly from the models, our reports clearly and graphically illustrate full and recommended levels of cost recovery and projections of revenue for fee programs, break down the costs into direct and indirect overhead categories, and present the fee methodologies. Our models and project approach are geared toward delivering work on schedule and presenting results at public meetings and council workshops.

Our team is excited about this opportunity to serve the City of Temecula. To discuss any aspect of our proposal, please contact me; my contact information is provided in the table below.

Willdan Financial Services

Proposal Contact

Chris Fisher
Vice President / Director
27368 Via Industria, Suite 200 | Temecula, CA 92590
Tel #: (951) 587-3500 | Fax #: (951) 587-3510
Email: CFisher@Willdan.com

As a Vice President of Willdan Financial Services, I am authorized to bind the firm to the terms of this proposal, as well as the subsequent agreement.

Respectfully,

WILLDAN FINANCIAL SERVICES

Chris Fisher
Vice President / Director

Qualifications and Experience

Firm Profile

Willdan Financial Services is an operating division within Willdan Group, Inc. (WGI), which was founded in 1964 as an engineering firm working with local governments. Today, WGI is a publicly traded company (WLDN). WGI, through its divisions, provides professional technical and consulting services that ensure the quality, value and security of our nation's infrastructure, systems, facilities, and environment. The firm has pursued two primary service objectives since its inception—ensuring the success of its clients and enhancing its surrounding communities.



A financially stable company, Willdan has approximately 1,770 employees working in more than a dozen states across the U.S. Our employees include a number of nationally recognized Subject Matter Experts for all areas related to the broadest definition of connected communities—***six of whom are committed to contribute their expertise throughout the duration of the City of Temecula's Full Cost Allocation Plan engagement, Comprehensive User Fee Study, & Development Impact Fee Study.***

Willdan has solved economic, engineering and energy challenges for local communities and delivered industry-leading solutions that have transformed government and commerce. Today, we are leading our clients into a future accelerated by change in resources, infrastructure, technology, regulations, and industry trends.

Willdan Financial Services

Established on June 24, 1988, Willdan Financial Services, is a national firm and is one of the largest public sector economic and financial analysis consulting firms in the United States. Since that time, we have helped over 800 public agencies successfully address a broad range of infrastructure challenges.

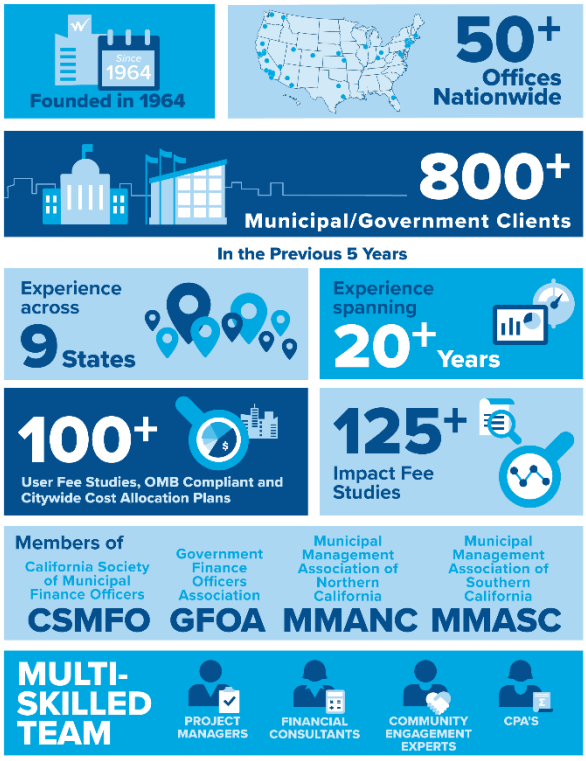
Our staff of over 80 full-time employees support our clients by conducting year-round workshops and on-site training to assist them in keeping current with the latest developments in our areas of expertise.

Willdan assists local public agencies by providing the following services:

Willdan Financial Services	
Primary Services	
▪ User fee studies; ▪ Cost allocation studies; ▪ Utility rate and cost of service studies; ▪ Real estate economic analysis; ▪ Feasibility studies; ▪ Municipal Advisory; ▪ Arbitrage and Continuing Disclosure Services; ▪ Economic development strategic plans;	▪ Development impact fee establishment and analysis; ▪ District Administration Services; ▪ Property tax audits; ▪ Tax increment finance district formation and amendment; ▪ Housing development and implementation strategies; ▪ Debt issuance support; and ▪ Long-term financial plans and cash flow modeling.

Firm Experience

Willdan has provided Development Impact Fee, User Fee, and Cost Allocation Plan services to municipal clients for 27 years; and has prepared comprehensive impact fee studies, user fee studies, as well as cost allocation plans, and OMB compliant cost allocation plans for clients throughout California, and the United States. Since 1998, we have developed the expertise to successfully integrate this service into the Financial Consulting Services group's primary functions.



Willdan's Financial Consulting Services staff has assisted well over 100 California government agencies with the development and/or update of all fee types. Each project has required defensible documentation and thorough coordination of fee program changes for different agency departments and stakeholders within the business community. In some cases, Willdan has been required to negotiate fees with stakeholders and, on occasion, defend them in meetings and public forums.

We are particularly strong in advising our clients on the advantages and disadvantages of different fee schedule structures (Citywide versus multiple-fee districts/zones; more versus fewer land-use categories; etc.) and methods of fee calculation that are based on the City's and stakeholder priorities and applicable regulations that comply with Propositions 26 and 218.

Our record of success within the industry provides assurance of the professionalism and capability we will bring to this engagement. A team composed of project managers and analysts develop and/or update user fee studies, cost allocation plans and development impact fees. Willdan has extensive experience with the range of fees charged in the region and the state, and the typical pros, cons, and challenges of each, both in implementation and management. Willdan will bring its expertise to the City's process of considering financial, practical and policy issues in deciding on its future fee program.

Firm Distinctiveness

Established in 1988, Willdan is a team of over 80 professionals who provide essential financial consulting services throughout California, and the United States. Willdan has provided the requested services to municipal clients for over two decades; and is the only firm providing these types of consulting services that also has a long history of providing contract staff support to public agencies for the delivery of municipal services. Willdan is the only firm providing these types of consulting services that also have a long history of providing contract staff support to public agencies for the delivery of municipal services. We are uniquely qualified to conduct the City of Temecula study.

Staff Continuity

Mr. Fisher has been assigned to serve as the City's representative; he has been selected for this role due to his extensive experience, which includes the preparation and supervision of numerous fee studies, as well as his experience presenting to governing bodies, stakeholders, and industry groups.

It is important to note that Mr. Fisher has been with Willdan for 26 years, ensuring the City of Temecula of continuity and dedication in staffing during the completion of the project.

Project Dedication

Willdan has assembled a project team of six (6) subject matter experts within the Financial Consulting Services group, to conduct the City of Temecula Fee Study engagement. This team has coordinated or participated in numerous public stakeholder and staff workshops regarding fees and cost of service-based charges. Willdan's Financial Consulting Services group is composed of a team of over 30 senior-level professional consultants. While each member of the project team currently has work in progress with other clients, the workload is at a manageable level with sufficient capacity to meet the needs of the City specific to the schedule and budget for this engagement.

Community Investment

Much of our success in developing impactful programs and studies is due to our experiences in meeting with citizen / stakeholder groups and elected officials. Our ability to explain technical information in a concise, understandable manner is a fundamental reason for our high degree of success. Willdan staff takes the time to ***include and inform the Community***.

Project Manager / Key Staff

Our management and supervision of the project team is very simple: staff every position with experienced, capable personnel in sufficient numbers to deliver a superior product to the City, on time and on budget. With that philosophy in mind, we have selected experienced professionals for this engagement. We are confident that our team possesses the depth of experience that will successfully fulfill your desired work performance.

Key Project Team

City of Temecula Project Team		
Key Team Member	**Project Role**	**Responsibility to the Engagement**
Chris Fisher **Vice President/Director**	Principal-in-Charge	▪ Ensure client satisfaction, flow of communication, and oversight of the project ▪ Technical guidance; ▪ Project oversight; ▪ Quality assurance & control; and ▪ Meeting and presentation attendance.
Tony Thrasher **Principal Consultant**	Cost Allocation Plan & User Fee Study Project Manager	▪ Task oversight; ▪ Model development; ▪ Produce key elements of the analyses; ▪ Responsible for project deliverables; ▪ Report preparation and evaluation; and ▪ Meeting and presentation attendance.
Priti Patel **Project Manager**	Cost Allocation Plan & User Fee Study Lead Analyst	▪ Collect, interpret, and analyze key data; ▪ Assistance with model development; ▪ Peer review; and ▪ Report preparation.
Samantha Labitan **Senior Analyst**	Cost Allocation Plan & User Fee Study Analytical Support	▪ Collect, interpret, and analyze key data; ▪ Assistance with model development; ▪ Peer review; and ▪ Report preparation.
James Edison, JD, MPP **Managing Principal**	Development Impact Fee Study Project Manager	▪ Ensure client satisfaction, flow of communication, and management of the project; ▪ Technical guidance; ▪ Project oversight; and ▪ Quality assurance & control.
Carlos Villarreal, MPP **Principal Consultant**	Development Impact Fee Study Lead Consultant	▪ Collect, interpret, and disseminate key data; ▪ Report preparation; and ▪ Meeting and presentation attendance

Resumes

Resumes for Willdan's project team are presented on the following pages.

Chris Fisher

Principal-in-Charge

Education
San Francisco State University, Bachelor of Science, Finance

Areas of Expertise
Cost of Service Analyses

Multi-disciplinary Team Management

Special District Formations

Client Presentations

Proposition 218

Affiliations
California Society of Municipal Finance Officers

Municipal Management Association of Northern California

California Municipal Treasurers Association

26 Years' Experience

Mr. Chris Fisher, Vice President / Director of Willdan's Financial Consulting Services group, will serve as Technical Advisor for the City of Temecula's engagement. He will also share his extensive knowledge related to cost-of-service principles with members of the project team.

Mr. Fisher joined Willdan in April of 1999, and during that time has managed an array of financial consulting projects for public agencies in California, Arizona, Colorado, Texas, and Florida, coordinating the activities of resources within Willdan, as well as those from other firms working on these projects. He is one of the firm's leading experts for special district financing related to public infrastructure, maintenance, and services, including public safety.

Select Related Experience

Mr. Fisher was, or is currently serving as, the technical advisor for the following select multi-disciplined cost of service fee studies (Cost Allocation Plan, User Fee Study, and Development Impact Fee Study) engagements; this is due to his extensive experience managing multi-disciplinary teams, his primary responsibilities include planning, overseeing, supporting, and coordinating the project team, and maintaining client contact and satisfaction through all phases of the studies.

- City of Arroyo Grande, CA
- City of Atwater, CA
- City of Bellflower, CA
- City of Chino Hills, CA
- City of Cudahy, CA
- City of El Monte, CA
- City of Fillmore, CA
- City of Gilroy, CA
- City of Hayward, CA
- City of Hughson, CA
- City of Irwindale, CA
- City of Laguna Hills, CA
- City of Lake Elsinore, CA
- City of McFarland, CA
- City of Murrieta, CA
- City of Pacifica, CA
- City of Pismo Beach, CA
- City of Pittsburg, CA
- City of Pomona, CA
- City of Richmond, CA
- City of Rosemead, CA
- City of San Bruno, CA
- City of San Fernando, CA
- City of San Jacinto, CA
- City of San Marcos, CA
- City of Santa Paula, CA
- City of St. Helena, CA
- City of Twenty-Nine Palms, CA
- County of San Benito, CA
- Town of Apple Valley, CA

City of West Hollywood, CA — Comprehensive User Fee Study and Cost Allocation Plan: Mr. Fisher is the principal-in-charge for the City's Comprehensive User Fee Study and Cost Allocation Plan engagement, managing the overall execution of the project, providing technical guidance and quality control.

City of Burbank, CA — Comprehensive Citywide User Fees and Charges Study: Mr. Fisher oversaw the City's recently completed Citywide User Fees and Charges Study.

City of Pomona, CA – Master Fee Schedule Update: Mr. Fisher was the principal-in-charge for the City's master fee schedule update and update of the development impact fees. Mr. Fisher provided quality control and served as the primary contact with the City.

City of Murrieta, CA — Cost Allocation & OMB Compliant Plan and Comprehensive User Fee Study: Mr. Fisher served as the project manager on the City's fee study. The primary objective for the cost allocation study was to ensure that general government costs were fairly and equitably allocated to appropriate programs and funds. ***The City recently re-engaged Willdan to conduct an update to the Cost Allocation Plan and User Fee Study.***

City of Irvine, CA — OMB Cost Allocation Plan and Comprehensive User Fee Study: Willdan completed a cost allocation plan and user fee study for the City of Irvine. Mr. Fisher managed and provided quality assurance to this project, ensuring the accuracy of the models, as well as the final reports. He also presented the results to the City's Finance Commission and to the City Council.

Tony Thrasher

Project Manager – Cost Allocation Plan and User Fee Study

Education

Bachelor of Science in Economics; California State Polytechnic University, Pomona

Areas of Expertise

Cost Allocation Plans

Fiscal Analysis for User Fees and Rates

District Administration Services

Utility Rate Studies

15 Years' Experience

Due to his cost allocation and user fee analyses experience, Mr. Tony Thrasher has been selected to serve as Project Manager for the City's engagement. Mr. Thrasher is a Principal Consultant within the Financial Consulting Services group, whereby his responsibilities include managing projects and conducting fiscal analyses for cost allocation plans, user fees, and utility rate studies.

Mr. Thrasher's prior employment was as a financial analyst working in bond, equity, and mortgage-backed security markets for Wells Fargo Bank, Bank of New York Mellon, and Deutsche Bank. His experience includes portfolio accounting, differential analysis, and forecasting.

Select Related Experience

City of Chino Hills, CA — Cost Allocation Plan and Comprehensive User Fee Study: Mr. Thrasher is the project manager for the City's Cost Allocation Plan and Comprehensive User Fee Study. He is working directly with the City contact throughout the engagement.

City of Indian Wells, CA — User Fee Study: Mr. Thrasher served as the technical project manager for the City's Administrative, Building, Planning and Public Works Departments. The study involved the identification of existing and potential new fees, fee schedule restructuring, data collection and analysis, orientation and consultation, quality control, communication and presentations, and calculation of individual service costs cost recovery levels.

City of Palm Desert, CA — Cost Allocation Plan and Comprehensive User Fee Study: Mr. Thrasher served as the technical project manager for the City's full cost allocation plan and user fee study. He was directly responsible for the creation of both models for the study, gathering and verification of the data, managing the analysts working to support him and presenting results to City staff and the City Council.

City of San Marcos, CA — Cost Allocation Plan, Indirect Cost Rate Proposals and Comprehensive User Fee Study: Mr. Thrasher is the project manager for the City of San Marcos' full and OMB compliant cost allocation plan, preparation of Indirect Cost Rate proposals, and Comprehensive User Fee Study engagement. He was the primary in developing the model, which contains all City personnel and expenditures broken down into the ICRP tables.

City of Pomona, CA – Master Fee Schedule Update: Mr. Thrasher served as the project manager for the master fee schedule update portion of the City of Pomona's engagement, which also included an update of the development impact fees. Mr. Thrasher was responsible for the development of models and reports and coordinating analytical support.

City of Irvine, CA — OMB Cost Allocation Plan and Comprehensive User Fee Study: Serving as the project's analyst, Mr. Thrasher provided analytical support; and designed micro-level allocation models to ensure full-cost recovery for public safety, public works, community development, community services, and administrative departments.

City of Eastvale, CA — Cost Allocation Plan and User Fee Study: Mr. Thrasher was the assigned project manager who worked directly with the City on this project, overseeing the analytical team, developing the cost allocation and fee models, and delivering results to City management and Council.

City of West Hollywood, CA — Comprehensive User Fee Study and Cost Allocation Plan: As the project manager for City's Comprehensive User Fee Study and Cost Allocation Plan engagement, Mr. Thrasher is overseeing the project analysts and is heavily involved in the analysis, development of models, preparation of reports and delivery of results.

City of Burbank, CA — Comprehensive Citywide User Fees and Charges Study: Mr. Thrasher was the project manager for the City's recently completed study, He directed the preparation of the model and reports and was responsible for the delivery of results to the City.

City of San Fernando, CA — Cost Allocation Plan and Comprehensive User Fee Study: Mr. Thrasher was the project manager for the City's cost allocation plan, OMB compliant plan and comprehensive user fee study engagement. ***Willdan has recently, through a competitive bid, been re-selected to update the cost allocation plan.***

Priti Patel

Lead Analyst – Cost Allocation Plan and User Fee Study

Education

Bachelor of Arts; Business Management, Information Systems and International Business, University of Cincinnati

Areas of Expertise

Cost Allocation Plans

User Fee Studies

Proposition 218

11 Years' Experience

Ms. Priti Patel is a Project Manager in the Financial Consulting Services group. She plays a crucial role in the project team by conducting utility rate analyses, fee studies, cost allocation plans, monitoring Proposition 218 compliance, and establishing special districts. Ms. Patel is responsible for coordinating and performing activities related to Cost Allocation Plans and User Fee Studies. This includes integrating and adjusting databases, analyzing revenues and expenditures, and preparing documentation. Additionally, she regularly interacts with clients as part of her responsibilities.

Ms. Patel joined Willdan as an analyst with the District Administration Group, while with DAS she performed research and analysis needed for local government financial issues related to district administration, including document data entry and updating, database management, research and report preparation. She also provided general information on questions pertaining to Assessment Districts and special taxes (such as Mello-Roo's Pools), as well as the status of property delinquencies.

Select Related Experience

City of West Hollywood, CA — Comprehensive User Fee Study and Cost Allocation Plan: Ms. Patel is serving as the primary financial analyst for City of West Hollywood's Fee Study engagement. Ms. Patel has been instrumental in collecting the necessary data and collaborating with the City and Willdan senior project team members in conducting the study, including development of the model, researching similar fees in comparable cities and preparation of reports.

City of Burbank, CA — Comprehensive Citywide User Fees and Charges Study: Ms. Patel provided analytical support and gathered budget and allocation basis data for this engagement. She also assisted in the development of the financial model.

City of San Fernando, CA — Cost Allocation Plan and Comprehensive User Fee Study: Ms. Patel provided support to senior team members in the preparation of the cost allocation plan, OMB compliant plan and comprehensive user fee study engagement.

City of Palm Desert, CA — Cost Allocation Plan and Comprehensive User Fee Study: Ms. Patel was assigned as the analyst to the City of Palm Desert's full cost allocation plan and user fee study. She supported the project manager by gathering necessary data, preparing the initial draft models and reports, and working directly with City Staff to refine and update results during review iterations.

City of Indian Wells, CA — User Fee Study: Ms. Patel served as the analyst for the City's user fee study for the Administrative, Building, Planning and Public Works Departments. She led the analytical efforts by developing the User Fee model and report and gathering and evaluating the data necessary for the study. She also participated in the on-site interviews with Staff to discuss service delivery processes.

City of Chino Hills, CA — Cost Allocation Plan and Comprehensive User Fee Study: Providing analytical support in the preparation of a cost allocation plan and comprehensive fee study, Ms. Patel worked to identify and take into account direct and indirect costs, along with changes in staffing, structure, and service delivery methods. She is also assisting in the preparation of user-friendly Excel-based models that City staff can easily update in the future to determine the proper allocation of expenditures and ongoing full cost of City-provided services.

City of Chino, CA — Cost Allocation Plan and Comprehensive User Fee Study: Ms. Patel provided analytical support in the preparation of a full cost allocation plan and fee study for the development of a master list of fees. She prepared and presented the models, results, findings and reports.

City of National City, CA — Cost Allocation Plan, OMB Compliant Cost Allocation Plan, User Fee Study, and ISF Allocation Study: Ms. Patel provided analytical support in the preparation of this study, her primary duties included development of the models, finalizing model figures and results, and generating reports.

City of Yucaipa, CA — Cost Allocation Plan and Comprehensive User Fee Study: Provided analytical support in the preparation of a Cost Allocation Plan and OMB compliant cost allocation plan and comprehensive fee study for the development of a master list of fees.

Samantha Labitan

Analytical Support – Cost Allocation Plan and User Fee Study

Education

University of California, Santa Barbara

Bachelor of Arts, Mathematics

Areas of Expertise

Cost Allocation Plans

User Fee Studies

Benefit/Maintenance Assessment Districts

Community Facilities Districts

Local Improvement Districts

8 Years' Experience

Ms. Samantha Labitan is a Senior Analyst within Willdan's Financial Consulting and District Administration Services groups. Ms. Labitan provides analytical support under the guidance of the project team. Her primary function is to support project managers and senior analysts with cost allocation plans and user fee studies**.** She specializes in analysis for a variety of clients, including cities, water districts, public utilities, and school districts.

She regularly speaks with individuals representing title companies, real estate agencies, and appraisal firms, together with staff from cities and counties. Willdan's proprietary computer system allows him to readily access the owner's name, the Assessor's Parcel Number, existing and future taxes or assessments, and more; thus, enabling expedient service. Community Facilities Districts, Local Improvement Districts, Landscape and Lighting Districts, and County Service Areas are some of the special districts she administers.

Select Related Experience

City of Lynwood, CA — Cost Allocation Plan & OMB Compliant Cost Allocation Plan and User Fee Study: Ms. Labitan provided support to the project team specific to the preparation of a comprehensive fee study, full and OMB compliant cost allocation plan. Ms. Labitan worked in tandem with the project managers to identify and account for direct and indirect costs, along with changes in staffing, structure, and service delivery methods. ***The City has recently hired Willdan to conduct updated studies.***

City of West Hollywood, CA — Cost Allocation Plan and Comprehensive User Fee Study: For this project, Ms. Labitan provided analytical support. Primary duties include gathering and verifying necessary data, finalizing model figures and generating reports.

City of San Fernando, CA — Cost Allocation Plan and Comprehensive User Fee Study: Ms. Labitan is currently providing support to senior team members in the preparation of a cost allocation plan, OMB compliant plan and comprehensive user fee study.

City of Blythe, CA — Full and OMB Compliant Cost Allocation Plan: Ms. Labitan served as the analyst in the preparation of a full and OMB compliant cost allocation plan, for the City of Blythe engagement.

City of El Centro, CA — Full & OMB Compliant Cost Allocation Plan and User Fee Study: Ms. Labitan served as the analyst in the preparation of a full & OMB compliant Cost Allocation Plan and Comprehensive User Fee Study, for the City of El Centro engagement.

City of Gilroy, CA — Cost Allocation Plan and Comprehensive User Fee Study: Ms. Labitan worked on the team for the City's fee study project, providing analytical support, gathering data, working with staff to make refinements, and developing cost allocation and fee models to ensure full-cost recovery for building and safety, planning, community development, and public works departments.

City of Los Banos, CA — Full & OMB Compliant Cost Allocation Plan and Comprehensive User Fee Study: Ms. Labitan provided analytical support to the project team for the City's comprehensive fee study, full and OMB compliant cost allocation plan.

City of Richmond, CA — Cost Allocation Plan & User Fee Study: As analytical support, Ms. Labitan provided assistance to the project team. Primary duties included gathering and verifying necessary data, finalizing model figures and generating reports.

City of Pismo Beach, CA — Comprehensive User Fee Study: Ms. Labitan is currently serving in the capacity of assistant analyst for the City's comprehensive fee study.

City of Goleta, CA — Cost Allocation Plan, OMB Compliant Plan, and Comprehensive User Fee Study: Ms. Labitan provided analytical support to the project team for the City's comprehensive fee study, full and OMB compliant cost allocation plan.

City of Brighton, CO — Cost Allocation & OMB Compliant Plan: Ms. Labitan is providing analytical support for the City's cost allocation plan.

James Edison, JD, MPP

Project Manager – Development Impact Fee Study

Education

Juris Doctorate, Boalt Hall School of Law, University of California, Berkeley

Master of Public Policy, Richard and Rhoda Goldman School of Public Policy, University of California, Berkeley

Bachelor of Arts, magna cum laude, Harvard University

Professional Registrations

Member of State Bar, California

Affiliations

Council of Development Finance Agencies

CFA Society of San Francisco

Congress for the New Urbanism

Urban Land Institute

Seaside Institute

International Economic Development Council

27 Years' Experience

Mr. James Edison, a Willdan Financial Services Managing Principal, specializes in the nexus between public and private, with expertise in public-private partnerships, and the benefits of economic development to municipalities and state, provincial, regional, and national governments. He possesses deep expertise in land use economics, with a specialty in finance and implementation, including fiscal impact and the public and private financing of infrastructure and development projects, both in the U.S. and internationally. Mr. Edison's public-sector experience includes local and regional economic impact studies; fiscal impact evaluations; new government formation strategies; and the creation of impact fees, assessments, and special taxes to fund infrastructure and public facilities. He has conducted numerous evaluations of the economic and fiscal impact of specific plans and consulted on a wide variety of land use planning topics related to community revitalization and the economic and fiscal impacts of development.

As a former bond attorney, Mr. Edison understands the legal underpinnings and technical requirements of public financing instruments and has advised both public and private clients on the use of individual instruments, and the interaction between those instruments and the needs of developers and project finance.

Select Related Experience

County of Riverside, CA – Comprehensive Impact Fee Update: Mr. Edison led the effort to establish a comprehensive fee program for the County, including facilities fees for fire, police, parks, criminal justice, libraries, and traffic. He prepared the technical and analytical documents necessary to calculate the fee and establish the necessary nexus to collect it, as well as presented the fees during public hearings to the County Board of Supervisors. Mr. Edison is the project manager on the County's current impact fee update.

City of Murrieta, CA – Master Facilities Plan and Development Impact Fee Calculation Report Update: Mr. Edison served as the principal-in-charge of the City's study to update their Master Facilities Plan and Development Impact Fee Calculation Report, to ensure that new development pays the capital costs associated with growth.

City of Moreno Valley, CA – Comprehensive Development Impact Fee Study: Mr. Edison was the principal-in-charge for the City's comprehensive impact update. Fee categories included arterial streets, traffic signals, interchanges, parks, recreation, fire, police, library, corporation yard, maintenance equipment, and animal shelter facilities.

City of Carpinteria, CA – Development Impact Fee Update: Mr. Edison was the project manager for the City of Carpinteria's Development Impact Fee update study engagement. The study included updates to the following fees: highways and bridges, streets and thoroughfares, traffic control, parking, storm drain, general government, aquatic, park and recreation, and open space. The City has engaged Willdan again to update their impact fees.

City of McFarland, CA – Impact Fee Study Update: Mr. Edison was the principal-in-charge and technical advisor on the update to the City's development impact fee program. The study included the following facility fee categories; general government, law enforcement, park and recreation, fire protection, water, sewer, storm drain, and traffic.

City of Manteca, CA – Fire Impact Fee Update: Mr. Edison served in the capacity of project manager for the update of the City's fire services impact fee program.

City of Fillmore, CA – North Fillmore Specific Plan Nexus Study: Mr. Edison is currently assisting the City with an analysis of development impact fees needed to finance public facilities necessary for the development of the North Filmore Specific Plan. Public facilities included in this analysis include water, sewer systems, recycled water, and streets.

City of Pismo Beach, CA – Development Impact Fee Update: Mr. Edison served in the role of principal-in-charge of an update to the City's impact fee program. The program included the following facilities: police, fire protection, park and recreation improvements, water system improvements, wastewater, traffic, and general government/administrative facilities. Prior to fee program adoption, a stakeholder meeting was held to inform the public about the project, and to solicit feedback from the development community.

Carlos Villarreal, MPP

Lead Consultant – Development Impact Fee Study

Education

Master of Public Policy, Richard and Rhoda Goldman School of Public Policy, University of California, Berkeley

Bachelor of Arts, Geography, University of California, Los Angeles; Minor in Public Policy and Urban Planning

Areas of Expertise

Fiscal Impact Analyses

Development Impact Fees

Public Facilities Financing Plans

GIS Analysis

19 Years' Experience

Mr. Villarreal is a Principal Consultant in the Financial Consulting Services group of Willdan Financial Services. He is proposed to serve in the role of lead analyst for the City of Temecula's engagement due to his experience documenting nexus findings for development impact fees, preparing capital improvement plans, facilitating stakeholder involvement, and analyzing the economic impacts of fee programs. He has supported adoption of fee programs funding a variety of facility types, including, but not limited to transportation, parks, library, fire, law enforcement and utilities.

Select Related Experience

City of Upland, CA – Impact Fee Study Update: Conducted a study to update the City's impact fee program, including general government, regional transportation, water, sewer, storm drain and park fees. Traffic fees were established within the San Bernardino Associated Governments' (SANBAG) guidelines to provide a local funding source for improvements of regional significance.

City of Moreno Valley, CA – Comprehensive Development Impact Fee Study: Mr. Villarreal served as the project manager for the City's comprehensive impact update. Fee categories included arterial streets, traffic signals, interchanges, parks, recreation, fire, police, library, corporation yard, maintenance equipment, and animal shelter facilities. In 2022 the City added a public arts fee and workforce development facility fee.

County of Riverside, CA – Comprehensive Impact Fee Update: Mr. Villarreal served as the lead analyst in the effort to establish a comprehensive fee program for the County, including facilities fees for fire, police, parks, criminal justice, libraries, and traffic. He assisted in the preparation of the technical and analytical documents necessary to calculate the fee and establish the necessary nexus. Mr. Villarreal is once again serving on the project team to update the County's impact fees.

City of Carpinteria, CA – Development Impact Fee Update: Mr. Villarreal served in the role of lead analyst to update the City of Carpinteria's impact fees, which included highways and bridges, streets and thoroughfares, traffic control, parking, storm drain, general government, aquatic, park and recreation, and open space. The City has engaged Willdan again to update their impact fees and Mr. Villarreal is serving in the role of project manager.

City of McFarland, CA – Impact Fee Study Update: Mr. Villarreal served as project manager updating the City's development impact fee program. The study comprehensively updated the City's fee program, incorporating new facility master planning and infrastructure costs necessary to facilitate expected development in the City through 2040. The fees were adopted by the City Council in 2020.

City of Pismo Beach, CA – Development Impact Fee Update: Mr. Villarreal served in the role of project manager for the City's impact fee project. The program included: police, fire protection, park and recreation improvements, water system improvements, wastewater, traffic, and general government/administrative facilities. Prior to fee program adoption, a stakeholder meeting was held to inform the public about the project, and to solicit feedback from the development community.

County of Stanislaus, CA – Impact Fee Study Update: Mr. Villarreal served in the role of project manager for a study updating the County's existing impact fee program. The program includes a range of facilities, like public protection, library, and parks. The study also included a transportation facilities impact fee, with different fees calculated for two zones in the County. Considerable stakeholder outreach was an integral component of this project.

City of Oroville, CA – Impact Fee Study Update: Mr. Villarreal served as project manager for a study updating the City's development impact fee program, including parks, law enforcement, general government, fire suppression, and traffic facilities. The fee program was adopted by the City Council in 2015. The City has engaged Willdan again to update the 2015 study, and Mr. Villarreal served in the role of project manager.

City of Santa Clara, CA – Parks Fee Update: As assistant project manager to Mr. Edison, Mr. Villarreal collected the necessary data to update the City's park impact fee. This project included a demographic analysis and estimation of the cost of acquiring and improving public park land.

References

Below are recent project descriptions, including client contact information, that are similar in nature to those requested by the City of Temecula engagement.

Combined Studies

City of Murrieta, CA

Comprehensive User Fee Study, Full & OMB Cost Allocation Plan, & Development Impact Fee Study

Willdan was engaged by the City of Murrieta to complete a full and OMB compliant cost allocation plan, comprehensive user fee study and development impact fee study. Our primary objective for the cost allocation study was to ensure that general government costs were fairly and equitably allocated to appropriate programs and funds, which are based on tailored and well thought out allocation factors. For the comprehensive user fee study, the primary objective was to ensure that fees for requested services were calculated to account for the full cost of providing the services, and set appropriately, given City policy and financial objectives.

For the impact fee study Willdan developed a technically defensible fee justification based on the reasonable relationship and deferential review standards; provided a schedule of maximum-justified fees by land use category; engaged stakeholders to facilitate public support for the impact fee; and provided comprehensive documentation of all assumptions, methodologies, and results, including findings required by the Mitigation Fee Act

Client Contact: Javier Carcamo, Finance Director
1 Town Square, Murrieta, CA 92562
Tel #: (951) 461-6090 | Email: jcarcamo@murrietaca.gov

City of San Marcos, CA

Comprehensive User Fee Study, Full & OMB Cost Allocation Plan, Indirect Cost Rate Proposals, Development Impact Fee Update

Willdan was engaged by the City of San Marcos to complete a full and OMB compliant cost allocation plan and preparation of Indirect Cost Rate proposals. Our primary objective for the cost allocation study was to ensure that general government costs were fairly and equitably allocated to appropriate programs and funds, which are based on tailored and well thought out allocation factors. Models were created, which contained all City personnel and expenditures broken down into the ICRP tables that are needed for a report; once approved individual ICRP's will be created for each department individually.

The impact fee study centered upon the review and update of multiple fee categories, in addition to adding several new fee categories for the City. Willdan prepared the study and presented the results at several City Council workshops prior to a public hearing where the program was adopted in 2022.

Client Contact: Jeffrey Jorgenson, Accountant
3 Civic Center Drive, San Marcos, CA 92069
Tel #: (760) 744-1050, ext. 3123 | Email: jjorgenson@san-marcos.net

City of Pismo Beach, CA

Development Impact Fee Study and Full & OMB Compliant Cost Allocation Plan, Comprehensive User Fee Study

Willdan assisted the City of Pismo Beach with an update to their impact fee program. The program included the following facilities: police, fire protection, park and recreation improvements, water system improvements, wastewater, traffic, and general government/administrative facilities. This project was warranted due to the amount of time that had elapsed since the prior update, coupled with the adoption of new and revised public facility master plans that complemented the updated impact fees. Prior to fee program adoption, Willdan held a stakeholder meeting to inform the public about the project, and to solicit feedback from the development community.

Additionally, Willdan worked on a User Fee Study for the City. Willdan has reviewed and analyzed existing user fee programs and made recommendations for updates and/or new fees based on this review, our experience, and consultation with City Staff. We developed a comprehensive cost of service model and analysis model that will calculate the full cost of services for which fees are charged and serve as the basis for fee-setting discussions.

Client Contact: Nadia Feeser, Administrative Services Director
760 Mattie Road, Pismo Beach, CA 93449
Tel #: (805) 773-7010 | Email: nfeeser@pismobeach.org

Cost Allocation Plan and User Fee Study

City of Chino Hills, CA
Full Cost Allocation Plan and Comprehensive User Fee Study

The City of Chino Hills engaged Willdan to complete a comprehensive Cost Allocation Plan and Comprehensive User Fee Study. Willdan staff met with City staff to verify the City's objectives for the study, independently gathered most of the necessary data for the development of the CAP model and methodology and worked directly with City staff to gather additional detail or clarify information where necessary. We worked with City staff to understand the various functions served by indirect staff in various City departments, and which operating departments or funds they served. We worked directly with City staff to develop and verify allocation bases and make adjustments through several iterations of the CAP model, as necessary.

We developed a cost-of-service analysis and model that updated existing fees and incorporated new fees and used it to create an updated comprehensive fee schedule.

Willdan is currently providing an update to the User Fee Study and Cost Allocation Plan.

Client Contact: Christa Buhagiar, Finance Director
14000 City Center Drive, Chino Hills, CA 91709
Tel. #: (909) 364-2642 | Email: cbuhagiar@chinohills.org

City of Eastvale, CA
Comprehensive User Fee Study and Full & OMB Cost Allocation Plan

Through competitive bid, the City of Eastvale engaged Willdan Financial Services to conduct a comprehensive study of the City's user fees, as well as the preparation of a Full and OMB compliant Cost Allocation Plan.

Our primary objective for the cost allocation study was to ensure that general government costs are fairly and equitably allocated to appropriate programs and funds, based on tailored and well thought out allocation factors. The Cost Allocation Plan was also created to develop OMB compliant overhead allocations and indirect rates.

Willdan is currently wrapping up the Comprehensive User Fee Study. The Cost Allocation Plan and primary User Fee Study are complete. We are working with the City to incorporate some minor adjustments and conduct meetings with local stakeholder groups, Willdan developed the Cost Allocation Plan and model, reviewed and analyzed existing user fee programs, and working collaboratively with staff, made suggestions as necessary for additions to the City's fee schedule for activities for which fees were not currently being charged.

Client Contact: Amanda Wells, Finance Director/ City Treasurer
12363 Limonite Ave. Suite 910, Eastvale, CA 91752 |
Tel #: (951) 703-4430 | Email: finance@eastvaleca.gov

City of Burbank, CA
Comprehensive User Fee Study

In Spring of 2023 Willdan completed a comprehensive master user fee study for the City of Burbank. Burbank is a large, diverse city with a full range of municipal services. We worked with City staff to gather the necessary data to incorporate appropriate central service overhead factors from the City's current Cost Allocation Plan into this analysis. Following this, we analyzed the current fee schedule, developed a detailed cost-of-service analysis, and calculated the full cost of providing services for which fees are charged.

We also evaluated opportunities to implement new fees and eliminate obsolete ones. Finally, we conducted fee comparisons with other local municipal agencies and worked with City Staff to develop fee-setting recommendations that incorporated policy guidelines and presented these to the City Council for adoption.

Willdan updated many of the fee programs and their structures. Final master fee recommendations were made to address the City's goal to maximize the recovery of the costs of providing services, to the best extent possible, including overhead. The final steps of the process included a detailed presentation to the City Council, and delivery to the City of the fee model for their future use.

Client Contact: Justin Hess, City Manager
275 East Olive Avenue Burbank, CA 91502
Tel #: (818) 238-5800| Email: jhess@burbankca.gov

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Development Impact Fee Study

City of Moreno Valley, CA
Development Impact Fee Study

Willdan was retained to perform a comprehensive update the City's impact fee program in 2020. The City's fee program included a variety of impact fee categories including: arterial streets, traffic signals, interchanges, parks, recreation, fire, police, library, corporation yard, maintenance equipment, and animal shelter facilities. The nexus study justified fees that were significantly higher than the City's current fees, partially because the fees had not been comprehensively updated in some time.

Willdan worked with City staff to recommend a phased approach to implementing the fees, so that the City could increase its fees on a regular schedule, so that developers could have certainty about what the fees would be in the near future

Upon completion of the comprehensive update, Willdan was retained again to create a fee to fund workforce development facilities and a public arts impact fee, which were both adopted by the City in late 2022.

Client Contact: Michael Lloyd, PE, Public Works Director
14177 Frederick Street, Moreno Valley, CA 92553
Tel #: (951) 413-3100 | Email: michaell@moval.org

County of Riverside, CA
Development Impact Fee Study

Willdan assisted the County of Riverside with an update of its comprehensive impact fee program in 2014. The fee categories were broad and diverse including countywide facilities such as jail detention facilities and county parks and trails; unincorporated only facilities such as fire stations and libraries; and County planning area specific facilities including storm drain and traffic improvements. Other facilities needed to be differentiated between the Eastern and Western portions of the County due to separation by distance, as well as varying level of facilities by region.

The process was lengthy, involving significant efforts to inform staff of methodological differences between the Willdan methodology and the methodology of the previous consultant.

Willdan was again selected in October 2019, through competitive bid, to update the County's development impact fees for 2030 and is currently engaged in this effort.

Client Contact: Serena Chow, Administrative Services Manager II
4080 Lemon Street, Riverside, CA 92501
Tel #: (951) 955-6619 | Email: schow@rivcoeda.org

City of Cudahy, CA
Development Impact Fee Update

The City of Cudahy charges a wide range of development impact fees to new development. The City sought to comprehensively update its impact fee program for potential changes in demographics, growth projections, project costs and facility standards. The resulting fees funded new development's share of planned facilities, while not overburdening development with unnecessary costs.

Willdan developed a technically defensible fee justification based on the reasonable relationship and deferential review standards; provided a schedule of maximum-justified fees by land use category; engaged stakeholders to facilitate public support for the impact fee; and provided comprehensive documentation of all assumptions, methodologies, and results.

Client Contact: Joshua Calhoun, CPA, Finance Director
5220 Santa Ana Street, Cudahy, CA 90201
Tel #: (323) 773-5143 | Email: jcalhoun@cityofcudahyca.gov

Similar Studies

Listed in the table below, is an abbreviated list of the public agencies in which similar services are currently in progress, or have been completed, in the previous five years by the project team included within this submission.

Willdan Financial Services 5 Year Cost of Services Study Experience			
Agency	Impact Fee Study	Cost Allocation Plan	User Fee Study
City of Arroyo Grande, CA	◆	◆	◆
City of Atwater, CA	◆	◆	◆
City of Alameda, CA	◆		
City of Amarillo, TX		◆	
City of Arcadia, CA	◆	◆	◆
City of Aurora, CO		◆	◆
City of Barstow, CA		◆	◆
City of Bellflower, CA	◆	◆	◆
City of Belmont, CA			◆
City of Blythe, CA		◆	◆
City of Brea, CA	◆	◆	◆
City of Capitola, CA		◆	◆
City of Carpinteria, CA	◆		
City of Cerritos, CA		◆	◆
City of Chino Hills, CA	◆	◆	◆
City of Claremont, CA		◆	◆
City of Commerce, CA	◆		
City of Commerce City, CO	◆		◆
City of Compton, CA	◆	◆	◆
City of Corona, CA	◆	◆	◆
City of Cudahy, CA	◆	◆	◆
City of Dinuba, CA		◆	◆
City of Eastvale, CA		◆	◆
City of El Centro, CA			◆
City of El Cerrito, CA		◆	◆
City of El Monte, CA	◆	◆	◆
City of Emeryville, CA	◆		
City of Encinitas, CA		◆	◆
City of Fillmore, CA	◆	◆	◆
City of Fontana, CA		◆	◆
City of Fountain Hills, AZ			◆
City of Fullerton, CA			◆

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Willdan Financial Services 5 Year Cost of Services Study Experience			
Agency	Impact Fee Study	Cost Allocation Plan	User Fee Study
City of Fremont, CA	◆		
City of Galt, CA	◆	◆	
City of Georgetown, TX		◆	
City of Gilroy, CA	◆	◆	◆
City of Hayward, CA	◆	◆	◆
City of Hughson, CA	◆	◆	◆
City of Hollister, CA	◆	◆	◆
City of Indian Wells, CA	◆		◆
City of Irvine, CA	◆	◆	◆
City of Irwindale, CA	◆	◆	◆
City of La Mesa, CA	◆		
City of Laguna Hills, CA	◆	◆	◆
City of Lake Elsinore, CA	◆	◆	◆
City of Lindsay, CA	◆	◆	◆
City of Los Angeles, CA			◆
City of Los Banos, CA		◆	◆
City of Lomita, CA	◆	◆	◆
City of Lynwood, CA	◆	◆	◆
City of McFarland, CA	◆	◆	
City of Manteca, CA		◆	◆
City of Mission Viejo, CA			◆
City of Montebello, CA		◆	◆
City of Monterey, CA		◆	
City of Morgan Hill, CA	◆		
City of Mountain View, CA		◆	◆
City of Murrieta, CA	◆	◆	◆
City of Napa, CA		◆	◆
City of National City, CA		◆	◆
City of Norco, CA	◆	◆	◆
City of North Port, FL	◆		◆
City of Oroville, CA	◆	◆	
City of Pacifica, CA	◆	◆	◆
City of Palm Desert, CA		◆	◆
City of Patterson, CA		◆	◆
City of Petaluma, CA	◆	◆	◆

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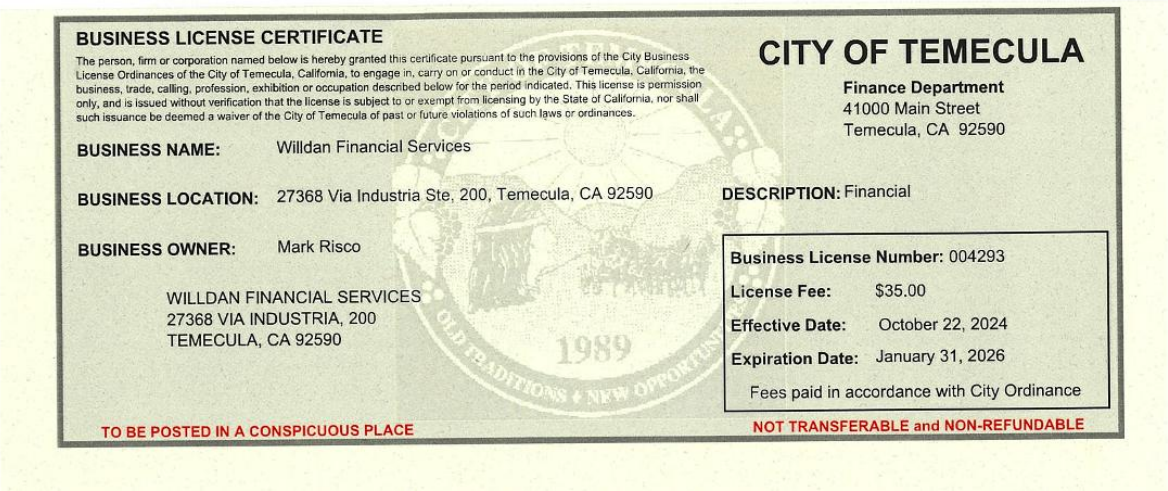
Willdan Financial Services 5 Year Cost of Services Study Experience			
Agency	Impact Fee Study	Cost Allocation Plan	User Fee Study
City of Pismo Beach, CA	◆	◆	◆
City of Pittsburg, CA	◆	◆	◆
City of Pomona, CA	◆		◆
City of Rancho Mirage, CA	◆		
City of Richmond, CA	◆	◆	◆
City of Rosemead, CA	◆	◆	◆
City of St. Helena, CA	◆	◆	◆
City of San Bruno, CA		◆	◆
City of San Fernando, CA	◆	◆	◆
City of San Jacinto, CA	◆	◆	◆
City of San Marcos, CA	◆	◆	◆
City of Santa Cruz, CA		◆	
City of Twenty-Nine Palms, CA	◆	◆	◆
City of Union City, CA		◆	◆
City of Upland, CA	◆	◆	◆
City of Watsonville, CA		◆	◆
City of West Hollywood, CA		◆	◆
City of West Sacramento, CA		◆	◆
City of Yucaipa, CA		◆	◆
County of Mono, CA			◆
County of Riverside, CA	◆		
County of Sacramento, CA	◆		
County of San Benito, CA	◆		◆
County of San Diego, CA	◆		
County of Stanislaus, CA	◆		
County of Tulare, CA	◆		
Housing Authority of the City of Alameda, CA		◆	
Housing Authority of the County of San Bernardino, CA		◆	
Town of Apple Valley, CA	◆	◆	◆
Town of Loomis, CA	◆		
Town of Paradise Valley, AZ			◆
Town of San Anselmo, CA		◆	◆

Subcontractors

Willdan will not require the assistance of a subconsultant to conduct the scope of services included in our proposal.

License

Willdan Financial Services maintains all necessary licenses to conduct business in the state of California. Provided below is a copy of our City of Temecula Business License.



BUSINESS LICENSE CERTIFICATE

The person, firm or corporation named below is hereby granted this certificate pursuant to the provisions of the City Business License Ordinances of the City of Temecula, California, to engage in, carry on or conduct in the City of Temecula, California, the business, trade, calling, profession, exhibition or occupation described below for the period indicated. This license is permission only, and is issued without verification that the license is subject to or exempt from licensing by the State of California, nor shall such issuance be deemed a waiver of the City of Temecula of past or future violations of such laws or ordinances.

CITY OF TEMECULA

Finance Department
41000 Main Street
Temecula, CA 92590

BUSINESS NAME: Willdan Financial Services

BUSINESS LOCATION: 27368 Via Industria Ste, 200, Temecula, CA 92590

DESCRIPTION: Financial

BUSINESS OWNER: Mark Risco

WILLDAN FINANCIAL SERVICES
27368 VIA INDUSTRIA, 200
TEMECULA, CA 92590

Business License Number: 004293
License Fee: $35.00
Effective Date: October 22, 2024
Expiration Date: January 31, 2026
Fees paid in accordance with City Ordinance

TO BE POSTED IN A CONSPICUOUS PLACE

NOT TRANSFERABLE and NON-REFUNDABLE

DIR

Willdan Financial Services does not conduct construction related projects; however, our sister company, Willdan Engineering is registered, 1000033392.

Business Safety Record

Willdan Group, Inc. implements a comprehensive multi-level safety program designed to ensure the well-being of all team members. This program is readily accessible through our user-friendly Willdan intranet, where employees can find important safety resources, guidelines, equipment, and tools.

Willdan Financial Services has not encountered any safety issues. Additionally, Willdan Financial Services ensures that all required safety signage is prominently displayed in every office to promote awareness and compliance. To further enhance our preparedness, we conduct regular earthquake, fire, and other disaster related escape drills, allowing our team to practice safe evacuation procedures and respond effectively in case of an emergency.

Litigation

Willdan Financial Services has not been involved with litigation regarding its services in the previous five years.

Conflict of Interest Statement

Willdan Financial Services is not aware of any actual or potential conflict of interest that would have an impact our ability to conduct the scope of services included within this proposal.

Contract Exceptions

Willdan has carefully reviewed the City's sample agreement and is pleased to confirm that we have no objections to the terms outlined in the RFP. We will be ready to proceed with executing the agreement as presented.

Technical Approach and Timeline

Project Understanding

As one of the only firms combining decades of experience in these three areas of expertise under one roof, without the need for subconsultants, Willdan Financial Services ("Willdan") is confident that we can meet the City of Temecula's ("City") request for services for a Full Cost Allocation Plan ("CAP"), Comprehensive User Fee Study, and a Development Impact Fee Study.

The first objective of this project will be to review, evaluate and update fees and charges for services, evaluate and calculate the full 100 percent cost of providing community services and programs supported by these fees, examine, and verity the relationship between the cost of services and the fees, recommend fees to be charged and cost recovery strategies and best practices, and recommend additional fees where appropriate. These activities will support the goal of providing a well-documented and legally defensible cost of service based User Fee Study that is compliant with the requirements of Propositions 26 and 218, to help maximize the recovery of costs associated with providing these services. Departments to be included in this study include (but are not limited to):

- Planning;
- Building;
- Public Works,
- Fire Protection;
- Law Enforcement;
- Community Services (Parks, Recreation, including Old Town Temecula Community Theater, and sports park(s).

A second directly related objective is to create a CAP that defensibly allocates the cost of indirect overhead support services to operating functions and enterprises, to ensure the City has a basis for applying appropriate overhead rates to calculate the full cost of services, that fees include provision for overhead costs, and so the City has overhead rates that can be used for federal and state grants and reimbursements from other governmental agencies. The overhead allocations determined in this process will be a foundational step in calculating the full cost of services and establishing User Fees.

The final objective is the completion of a study that results in updated impact fees, in accordance with the Mitigation Fee Act, which reflect planned facilities and development in the City, and which are aligned with anticipated impacts of development on the City and its residents.

The end products will include user-friendly Excel-based models, which City staff will retain, and which can be easily updated to add or remove services and/or costs, update budgets in future years, determine the proper allocation of expenditures, and on-going full cost of services provided by the City. Most importantly, we will ensure that the results and recommendations are clear and understandable, defensible, and easily implementable.

For these studies, we will meet directly with departmental representatives at the City at the beginning of the project, to discuss the approach and process for the studies. Discussions will include ways to combine tasks and efforts among the cost allocation plan and user fee study components to maximize efficiencies and ensure adherence to specified timelines.

A key building block of the calculation of updated fees is the development of defensible indirect overhead rates that reflect the cost of support services provided by the City's central service departments to the operating groups that provide end-user services to the public and customers of the City.

The completion of a CAP is a key component and first step in the analysis necessary to calculate the cost of providing services. ***A well thought out CAP ensures that indirect costs associated with central overhead services, such as finance or city clerk, are appropriately allocated to operating departments, and ultimately included as a cost component of fees for services***. We will work collaboratively with City staff to review the City's existing CAP, and evaluate and update existing cost categories, allocation bases and the overall methodology, and discuss with staff changes or modifications they may find valuable. We will identify the overhead support services that are provided to operating departments in Temecula and develop a fair and defensible means of allocating these costs. Our unique model allows us to provide a CAP that will also be compliant with 2 CFR Part 200 Federal regulations related to cost reimbursement and grant funding, formerly known as OMB A-87 and 2 CFR Part 225 guidelines, which have now been superseded by the Omni Circular. The new circular did not completely overhaul the guidelines, and the intent is still the same, but it did add new limitations to consider and incorporate into a compliant CAP.

Rather than a costly and inflexible proprietary software, which can require expensive licensing fees, Willdan builds models utilizing Excel, from the ground up, employing the City's budget as the gauge. This model, which is then the City's to retain, gives City Staff the control to make on-the-fly adjustments and updates.

Our objectives for the User Fee Study will be to ***complete a comprehensive review of the City's User Fees, calculate the full (100%) cost of providing services for which fees are charged, and recommend cost recovery strategies and fee levels that balance full cost recovery with local policies and community dynamics. The final goal will be to arrive at a well-documented and legally defensible fee schedule that complies with Prop 218, Prop 26, and the Mitigation Fee Act***. For the User Fee Study, we will work directly with personnel at the City who provide services and interact directly with residents and customers, to understand the personnel and procedures involved. By carefully examining these processes, we will be able to identify associated costs such as direct staff costs (salaries and benefits) and contract staff costs associated with personnel involved in the activities, and appropriate overhead allocations from both the department and city levels.

For the Development Impact Fee Study, during initial discussions and project kickoff, we will discuss the impacts of recent legislation, including AB 602 and AB 516, and court cases, such as Sheetz, on the City's impact fee programs, and how this new legislation and guidance may affect the adoption, implementation and administration of updated fees.

Willdan will review the previous work prior to the kick-off meeting to determine what has changed in terms of facilities and needs for the fee categories. We will also communicate with the City in advance of the kickoff to determine whether there is any initial policy direction or guidance on new fees. We will update the demographics and present the City with the facilities list and discuss the current status for each fee type. We will work with the City to implement an impact fee program that ensures that new development pays its fair share of infrastructure while being mindful of the impact of fees on development.

For a successful and effective engagement, it is important to have a thorough understanding of specific City policies and objectives, the structure and organization of the City, and the relationships between the central and operating departments. We bring years of successful experience working directly with hundreds of cities throughout California. Willdan possesses the resources, practical experience, creative thinking, and collaborative consulting skills necessary to complete this important project. Key distinct advantages that Willdan brings to the City include the following:

Public Engagement

Our models and project approach are geared toward delivering our work on schedule and presenting our analysis results at public meetings and Council workshops. While we understand that the City Council and local business community may be generally supportive of increasing fees where necessary, it will be important to present recommendations to them in a way that clearly demonstrates the rationale and supporting analysis.

User-friendly Models and Reports

Willdan prides itself on creating user-friendly Excel-based models that the City can retain and ***conducting our analysis and developing the models collaboratively with City staff.*** With City staff's immediate input and collaboration, Willdan will design extremely flexible, intuitive Excel-based models. In the future, as the City assumes new responsibilities, modifies existing processes, and/or eliminates unnecessary services or programs, the models will be capable of adding or deleting funds, objects, departments, programs, staff positions, and activities.

> **The models will be developed to allow the City to run "what-if" scenarios to address possible changes in staffing levels, working hours, etc.**

Willdan understands that issues facing the City are unique; consequently, we design our models to match your immediate and desired needs to ensure that end-results exceed staff expectations rather than using an inflexible proprietary software. ***These models are then the City's to retain, after our services are completed, and allows for the creation of revenue projections, highlighting potential new revenues, and levels of subsidy.***

Project Methodologies

The following describes our proposed approach, and work plan to conduct a Comprehensive User Fee Study, Cost Allocation Plan, and Development Impact Fee Study.

Full Cost Allocation Plan Methodology

The purpose of this cost allocation plan engagement is to ensure that the City is maximizing the allowable recovery of indirect overhead costs from identified operating departments, as well as enterprise and other chargeable funds.

A sound cost allocation plan is also a foundational element in the development of internal hourly rates, including position billing rates. We will work closely with staff in identifying the proper balance of allocation factors appropriate for the City so that the City has a method of identifying and distributing administrative costs that is fair, comprehensive, well documented, and fully defensible.

We will work collaboratively with City Staff in the development of this model to verify that our assumptions are sound and accurate, given specific City characteristics. Further, we will ensure that appropriate allocation factors are selected for various City functions and enterprises to ensure that the overall allocation strategy is tailored for the City of Temecula. Cost allocation studies should be simple in concept and form.

Our plans are not over-complicated, can be easily understood by non-finance-oriented individuals, and are readily presentable to elected officials, appointed finance committees and the public.

We deliberately design our cost allocation models to quickly and easily transition from a simple model to a progressively more inclusive plan. The logical step-by-step presentation of our plans fosters confidence in their results and facilitates adoption and implementation.

The allocation models utilize an iterative method which is the most accurate allocation methodology. Unlike a direct or "step-down" methodology, an iterative method uses the chosen distribution bases and allocates central service costs iteratively until all allocable costs have been distributed. Using this method, the model can detail the allocation for each central function individually for complete transparency and accountability, while removing bias that might result from the order in which allocations occur in a step-down approach.

A direct methodology is essentially a one-iteration methodology, while a step-down method is typically only two iterations and is less precise and unable to accurately track the allocations from start to finish.

Approach for Managing the Project

Willdan's "hands-on" supervision of Cost Allocation Plan studies, include the following methods:

- **Effective Project Management —** Principal-in-Charge Chris Fisher will manage the entire project with an eye toward high responsiveness, while ensuring that all stakeholders are "on board" with the direction of the project, as well as with the final results. Mr. Fisher will ensure that regular status updates are provided to City staff, conference calls are scheduled, and that in-person meetings are conducted (as necessary).
- **Adherence to Time Schedule —** Willdan recognizes that the use of "timelines" is highly effective in meeting all required deadlines. To keep the project on schedule, there are several tasks that must be completed in a timely manner. Therefore, we will present a project timeline at the kick-off meeting that should be closely followed.

Approach in Communicating with the City

Willdan staff is accustomed to interfacing with local government councils, boards, staff, community organizations, and the public in general in a friendly and helpful manner; we are always mindful that we represent the public agency.

We are sensitive to the need of delivering a quality product, with the highest level of service and professionalism. Therefore, as the work on the project progresses, we understand that it will be necessary for our staff to work closely with you and City personnel. To accomplish this, we employ a variety of tools, including monitoring project status and budget costs; and ensuring effective communication through several options that are based on the City's preferences.

Experience with Development Service Processes

A unique aspect of our firm is our relationship with our Engineering Division. For many agencies throughout California and other Western states, this division provides contracted services in planning, engineering, and building and safety. When conducting cost recovery studies, we regularly consult with our engineering and land-development staff of experts on development-related issues. By working with our planners, engineers, and building officials, we understand development-related agency service procedures and workflow functions, which often make the entire user fee study process smoother for your staff.

Comprehensive User Fee Study Methodology

To comprehensively update fees, the City should develop a comprehensive user fee schedule that accurately accounts for the true cost of providing services. Once the study is complete, the fee study model must be flexible so that the City can add, delete, and revise fees in the future. To meet this goal, we will bring our expertise and unique perspectives to your fee study by approaching the project with these three principles:

1) Defensibility

Our user fee projects have not been legally challenged since the inception of this practice area in our firm. We have accomplished this by closely working with legal counsel familiar with user fee studies, our engineering division and with agency staff. In this way, we can tailor the correct approach to ensure full cost recovery combined with a sound and reasonable basis for each user fee you implement.

While Proposition 218 does not directly apply to non-property-related fees, we employ principles from this important constitutional article to make certain that your user fee and rate schedule is developed with fairness, equity, and proportionate cost recovery principles in mind. With the addition of Proposition 26, Willdan will review each analyzed user fee for compliance and appropriateness to ensure continued defensibility.

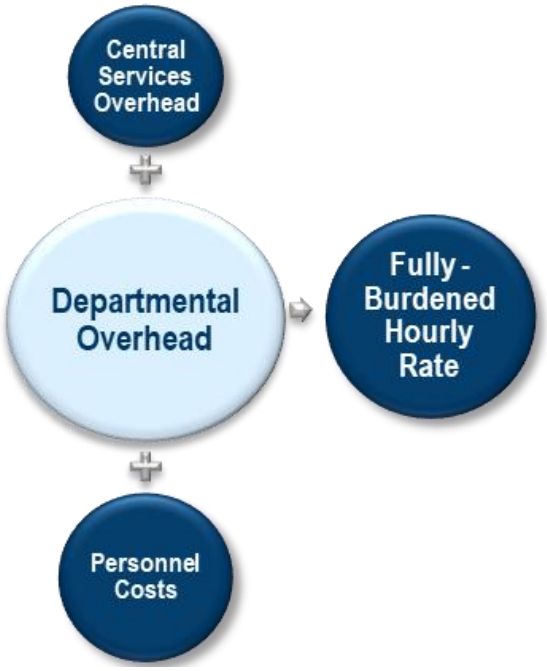
2) Project and Staff Time

The City must have a sound and technically defensible fee schedule to ensure costs are appropriately recovered, as applicants approach the City for its services. Our standards and approaches serve to get to the issues of your fee study quickly.

Starting with the project kick-off, we will make certain that your staff understands the purpose and scope of the study and its corresponding departmental interview. As Willdan is able to communicate directly with the service providers, this face-to-face interaction provides valuable time estimates.

3) Responsiveness

We take great pride in providing responsive service to our client agencies. Frequent communication is critical to a successful user fee study experience. We will provide a list of data requirements in advance of the project kick-off so that the introductory meeting can focus on the survey input process, answering questions, determining policy goals, and defining next steps in the project. We will follow up weekly with you at each step in the fee study process to make sure that staff "buys in" to the fee study approach and results.



Approach

Our approach to preparing the user fee study and documentation for Temecula includes:

- Close coordination with your staff to devise a consensus approach. Different programs and/or different service delivery methods will necessitate different approaches. We will discuss specific pros and cons with City staff as we determine which methods work best for each fee category;
- Strict adherence to key legal and policy issues with regard to user fees, including the percent of cost recovery that the City seeks to achieve. A user fee shall not be set higher than the reasonable cost of providing a fee-generating service. Our approach provides you with a fee schedule that achieves maximum legal cost recovery while ensuring that each fee is supported by technically defensible documentation; and
- Technical analysis necessary to ensure State compliance, and to anticipate and resolve potential policy issues using a combination of industry standards as well as City specific methods.

As described below, there are two basic approaches to calculating user fees:

Approach 1: Case Study Method

This is also sometimes referred to as a cost build-up approach. Using a time and materials approach, the "Case Study Method" examines the tasks, steps and City staff involved in providing a particular 'unit' of service, such as a permit review, and then uses that information to develop estimates of the actual labor and material costs associated with providing a unit of service to a single user. It is often used when a service is provided on a regular basis, and staff and other costs associated with the service can be segregated from available budget data.

A typical case study fee model should comprise the following three general cost layers:

1) Central Services Overhead: This category may involve such costs as labor, services, and supplies that benefit more than one department, division, or project. The exact benefits to specific areas are impossible to ascribe to a single activity.

Examples are purchasing, human resources, and liability insurance. As part of the user fee study, these costs are calculated in the overhead cost review.

2) Department Overhead: This category may include expenses related to such items as office supplies, outside consultants, and membership dues. It may include management, supervision, and administrative support that are not provided to a direct fee-generating service. Typically, these items are charged, on an item-by-item basis, directly to the department, division, or project.

3) Personnel Costs: This category refers to direct salary and benefit costs of staff hours spent on providing a fee-generating service (e.g., on-site building inspector).

Approach 2: Average Cost Method

This is also sometimes referred to as a programmatic approach, because it looks at costs at a program level, and then allocates them to participants on an occurrence basis. By taking total service costs across a substantial sample period (a year) and dividing by the total number of service units delivered over that same period, costs per unit of service is estimated. This approach is useful when services or programs are provided in a more aggregate manner, where it might be difficult to identify a specific sequence of steps associated with one user or participant; or where it is not feasible to cost-effectively segregate costs associated with specific activities.

Development Impact Fee Study Methodology

The City desires to update impact fees to ensure a fair and reasonable fee structure, while meeting the requirements of the California *Mitigation Fee Act* (*California Government Code 66000 to 66025*). The resulting fees will fund new development's share of planned facilities, while not overburdening development with unnecessary costs. Listed below are the development impact fees that are to be updated by this study.

- Traffic Impact and Circulation
- Drainage Infrastructure
- Public and General Facilities
- Sewer and Water Infrastructure
- Public Parks and Open Space
- Technology
- Public Safety Services

Project Objectives

The objective of this project is to establish/update development impact fees pursuant to State law. To accomplish this objective, this study will:

- Develop a technically defensible fee justification, based on the reasonable relationship and deferential review standards;
- Review and facility standards, capital facilities plans and costs, and development and growth assumptions;
- Provide a schedule of maximum-justified fees by land use category; and
- Provide comprehensive documentation of assumptions, methodologies, and results, including findings required by the *Mitigation Fee Act*.

Public Facilities Financing in California

The changing fiscal landscape in California during the past 40 years has steadily undercut the financial capacity of local governments to fund infrastructure. Four dominant trends stand out:

1. The passage of a string of tax limitation measures starting with Proposition 13 in 1978 and continuing through the passage of Proposition 218 in 1996;
2. Declining popular support for bond measures to finance infrastructure for the next generation of residents and businesses;
3. Steep reductions in Federal and State assistance; and
4. Permanent shifting by the State of local tax resources to the State General Fund to offset deficit spending brought on by recessions.

Faced with these trends, many cities and counties have had to adopt a policy of "growth pays its own way." This policy shifts the burden of funding infrastructure expansion from existing rate and taxpayers onto new development. This funding shift has been accomplished primarily through the imposition of assessments, special taxes, and development impact fees, also known as public facilities fees. Assessments and special taxes require approval of property owners or registered voters and are appropriate when the funded facilities are directly related to the developing property. Development impact fees, on the other hand, are an appropriate funding source for facilities that benefit development jurisdiction-wide. Development fees need only a majority vote of the legislative body for adoption.

Summary of Approach

Willdan's methodology for calculating public facilities fees is both simple and flexible. Simplicity is important so that the development community and the public can easily understand the justification for the fee program. At the same time, we use our expertise to reasonably ensure that the program is technically defensible.

Flexibility is important, so we can tailor our approach to the available data, and the agency's policy objectives. Our understanding of the technical standards established by statutes and case law suggests that a range of approaches are technically defensible. Consequently, we can address policy objectives related to the fee program, such as economic development and affordable housing.

Flexibility also enables us to avoid excessive engineering costs associated with detailed facility planning. We calculate the maximum justifiable impact fee and provide flexibility for the agency to adopt fees up to that amount.

Development impact fees are calculated to fund the cost of facilities required to accommodate growth. The four steps followed in an impact fee study include:

- **Estimate existing development and future growth:** Identify a base year for existing development and a growth forecast that reflects increased demand for public facilities;
- **Identify facility standards:** Determine the facility standards used to plan for new and expanded facilities;
- **Determine facilities required to serve new development and their costs:** Estimate the total amount and cost of planned facilities, and identify the share required to accommodate new development; and
- **Calculate fee schedule:** Allocate facilities costs per unit of new development to calculate the public facilities fee schedule.

We discuss key aspects of our approach to each of these steps in the subsections that follow.

Growth Projections

In most cases, we recommend use of long-range market-based projections of new development. By "long-range" we suggest 20 to 30 years to: capture the total demand often associated with major public facility investments; and support analysis of debt financing, if needed. In contrast to build out projections, market-based projections provide a more realistic estimate of development across all land uses. Build out projections typically overestimate commercial and industrial development because of the oversupply of these land uses relative to residential development.

Facility Standards

The key public policy issue in development impact fee studies is the identification of facility standards (second bullet above). Facility standards document a reasonable relationship between new development and the need for new facilities. Standards ensure that new development does not fund deficiencies associated with existing development.

Our approach recognizes three separate components of facility standards:

1. **Demand standards** determine the amount of facilities required to accommodate growth. Examples include park acres per thousand residents, square feet of library space per capita, or gallons of water per day. Demand standards may also reflect a level of service such as the vehicles-to-capacity (V/C) ratio used in traffic planning;
2. **Design standards** determine how a facility should be designed to meet expected demand, for example park improvement requirements and technology infrastructure for office space. Design standards are typically not explicitly evaluated as part of an impact fee analysis but can have a significant impact on the cost of facilities. Our approach incorporates current facility design standards into the fee program to reflect the increasing construction cost of public facilities; and
3. **Cost standards** are an alternate method for determining the amount of facilities required to accommodate growth based on facility costs per unit of demand. Cost standards are useful when demand standards were not explicitly developed for the facility planning process. Cost standards also enable different types of facilities to be analyzed based on a single measure (cost or value), useful when disparate facilities are funded by a single fee program. Examples include facility costs per capita, per vehicle trip, or cost per gallon of water per day.

Identifying New Development Facility Needs and Costs

We can take several different approaches to identify facility needs and costs to serve new development. Typically, this is a two-step process: 1) identify total facility needs; and 2) allocate to new development its fair share of those needs. Total facility needs are often identified through a master facility planning process that typically takes place concurrent with or prior to conducting the fee study. Engineered facility plans are particularly important in the areas of traffic, water, sewer, and storm drain due to the specialized technical analysis required to identify facility needs.

There are three common methods for determining new development's fair share of planned facilities costs: 1) the existing inventory method; 2) the planned facilities method; and 3) the system plan method. Often the method selected depends on the degree to which the community has engaged in comprehensive facility master planning to identify facility needs.

The formula used by each approach and the advantages and disadvantages of each method is summarized as follows:

Existing Inventory Method

The existing inventory method allocates costs based on the ratio of existing facilities to demand from existing development as follows:

$$\frac{\text{Current Value of Existing Facilities}}{\text{Existing Development Demand}} = \$/\text{unit of demand}$$

Under this method new development funds the expansion of facilities at the same standard currently serving existing development. By definition, the existing inventory method results in no facility deficiencies attributable to existing development. This method is often used when a long-range plan for new facilities is not available. Only the initial facilities to be funded with fees are identified in the fee study. Future facilities to serve growth are identified through an annual Capital Improvement Plan (CIP) and budget process, possibly after completion of a new facility master plan.

Planned Facilities Method

The planned facilities method allocates costs based on the ratio of planned facility costs to demand from new development as follows:

$$\frac{\text{Cost of Planned Facilities}}{\text{New Development Demand}} = \$/\text{unit of demand}$$

This method is appropriate when specific planned facilities can be identified that only benefit new development. Examples include street improvements to avoid deficient levels of service or a sewer trunk line extension to a previously undeveloped area. This method is appropriate when planned facilities would not serve existing development. Under this method new development funds the expansion of facilities at the standards used for the master facility plan.

System Plan Method

This method calculates the fee based on the ratio of the value of existing facilities plus the cost of planned facilities divided by demand from existing plus new development:

$$\frac{\text{Value of Existing Facilities + Cost of Planned Facilities}}{\text{Existing + New Development Demand}} = \$/\text{unit of demand}$$

This method is useful when planned facilities need to be analyzed as part of a system that benefits both existing and new development. It is difficult, for example, to allocate a new fire station solely to new development when that station will operate as part of an integrated system of fire stations that work together to achieve the desired level of service. Police substations, civic centers, and regional parks are examples of similar facilities.

The system plan method ensures that new development does not pay for existing deficiencies. Often, facility standards based on policies such as those found in General Plans are higher than existing facility standards. This method enables the calculation of the existing deficiency required to bring existing development up to the policy-based standard. The local agency must secure non-fee funding for that portion of planned facilities, required to correct the deficiency, to ensure that new development receives the level of service funded by the impact fee.

Calculating the Fee Schedule

At its simplest, the fee schedule uses the cost per unit of demand discussed in the last subsection to generate the fee schedule. This unit cost is multiplied by the demand associated with a new development project to calculate the fee for that project. The fee schedule uses different demand measures by land use category to provide a reasonable relationship between the type of development and the amount of the fee. We are familiar with a wide range of methods for identifying appropriate land use categories and demand measures depending on the particular study.

Related Approach Issues

Funding and Financing Strategies

In our experience, one of the most common problems with impact fee programs and with many CIPs is that the program or plan is not financially constrained to anticipated revenues. The result is a “wish list” of projects that generate community expectations that often cannot be fulfilled. Our approach is to integrate the impact fee program into the local agency’s existing CIPs while encouraging those plans to be financially constrained to available resources. We clearly state the cost of correcting existing deficiencies, if any, to document the relationship between the fee program and the need for additional non-fee funding.

We can also address one of the most significant drawbacks of an impact fee program – the inability to support conventional public debt financing, so projects can be built before all fee revenues have been received.

In collaboration with financial advisors and underwriters, we have developed specific underwriting criteria so that fees can be used to pay back borrowing if another source of credit exists. Typically, this approach involves the use of Certificates of Participation or revenue bonds that are calibrated so that they can be fully repaid using impact fee revenues.

Economic Development Concerns

The development community often is concerned that fees and other exactions will become too high for development to be financially feasible under current market conditions. Local agencies have several strategies to address this concern, including:

- Conducting an analysis of the total burden placed on development, by exactions, to see if feasibility may be compromised by the proposed fees;
- Gathering similar data on the total fee burden imposed by neighboring or competing jurisdictions;
- Developing a plan for phasing in the fees over several years to enable the real estate market to adjust;
- Providing options for developers to finance impact fees through assessments and other types of financing districts; and
- Imposing less than the maximum justified fee.

If less than the maximum justified fee is imposed, we will work with staff to identify alternative revenues sources for the CIP. The CIP should remain financially feasible to maintain realistic expectations among developers, policymakers, and the public.

Stakeholder Participation

Stakeholder participation throughout the study supports a successful adoption process. Our approach is to create consensus first around the need for facilities based on agreed upon facility standards. Second, we seek consensus around a feasible funding strategy for these needs, leading to an appropriate role for impact fees.

Gaining consensus among various groups requires a balanced discussion of both economic development and community service objectives. Often, our approach includes formation of an advisory committee to promote outreach to and input from the development community and other stakeholders. We have extensive experience facilitating meetings to explain the program and gain input.

Program Implementation

Fee programs require a certain level of administrative support for successful implementation. Our final report will include recommendations for appropriate procedures, such as:

- Regularly updating development forecasts;
- Regularly updating fees for capital project cost inflation;
- Regularly updating capital facility needs based on changing demands;
- Developing procedures for developer credits and reimbursements; and
- Including an administrative charge in the fee program.

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Work Plans

Our proposed work plans, described in detail by task, are provided below. We explain how each task will be accomplished and identify associated meetings and deliverables. We want to ensure our scopes of work provides quality and clarity and is responsive to the City's needs and specific local circumstances. We will work in concert with the City to adjust scopes as needed during the course of the studies.

Full Cost Allocation Plan

This proposed scope of services addresses the completion of both the full and OMB compliant versions of the Cost Allocation Plan (CAP). We have noted where activities specific to the OMB compliant plan occur.

Task 1:	Initial Document Request
Objective:	Initial due diligence.
Description:	Prior to the kick-off call, relevant documentation will be obtained and reviewed. As necessary, specific data may be requested to better understand any changes that have occurred withing the City's internal structure since our completion of the previous CAP. A written request for specific data will be sent to the City. The data provided in this task will provide the building blocks for later model development. Our request may include (but is not limited to): ▪ Detailed budget and accounting data; ▪ Data related to various allocation bases that may be used in the study and incorporated as part of the methodology, i.e., City Council agenda frequencies by department, AP/AR transactions by department, IT equipment distribution by department, etc.; ▪ Prior year's financial data, salary, position, and staffing data; ▪ Prior cost allocation plan and/or user fee documentation and models; and ▪ Organizational structure.
Deliverables:	**Willdan:** Submit information request to City. **City:** Provide requested data to Willdan (prior to Task 2, Kick-off Call/Refine Scope). We will follow up with the City to confirm in writing the data that we have received, or which is still outstanding.

Task 2:	Kick-off Conference Meeting or Call / Refine Scope
Objective:	Confirm project goals and objectives. Identify and discuss policy matters related to the study and determine appropriate fee categories.
Description:	Willdan will begin this portion of the project with a discussion of the City's exiting Cost Allocation Plan or methodology if available. We will identify and discuss policy implications typically raised in conjunction with these studies and address data gaps in order to gain a full understanding of the City's goals for the cost allocation plan. We will establish effective lines of communication and processes for information gathering and review. We will also discuss costs that may not be allocable for OMB purposes, and the potential impact on the OMB version of the CAP. During this call, we will ask that the City assign a project manager to serve as its primary contact. The selected City project manager will ensure that available data is provided to Willdan in a timely manner, thereby maintaining adherence to the project's schedule. We will obtain and review the current cost allocation methodology and discuss with City staff. The objective of this review is to determine specific areas of focus as they relate to the City's objectives, and to discuss and evaluate current and potential cost categories, allocation factors, and methodology.
Meetings:	One (1) project kick-off meeting or conference call to initiate the project, discuss data needs and methodologies and to address policy issues. We would propose conducting the user fee study kick-off during this same call, to maximize efficiency and cost effectiveness of staff and Willdan time.
Deliverables:	**Willdan:** If needed, a revised project scope and schedule. **City:** Provide further data requirements and select / introduce City's project manager.

Task 3:	Gather Staffing Information and Develop/Update Cost Allocation Plan Model
Description:	This task involves the gathering of specific information, directly from City staff, through interviews and discussion, related to the functions served by indirect staff and the departments served by their activities. This task also focuses on the development of, and/or adjustment of existing, allocation bases, and the development and testing of a model that will ultimately be used to calculate the proper cost allocations derived from data gathered in prior tasks based on service provisions and cost categories identified during discussions, staff and functions that can be allocated, their related costs and appropriate allocation criteria. We will develop a model that reflects current practices and service models and structures within the City and identifies the total costs of providing indirect overhead support services and allocates them to operating groups and functions. The model will also be developed to allocate only those costs eligible under Title 2 CFR Part 200. This is accomplished by loading relevant data into the model, identifying which costs are not allocable under the OMB guidelines. The OMB Super Circular compliant model is valuable as the City may receive Federal or State grant funding that mandates compliance with Federal OMB regulations. The model will include flexibility to add or delete support service and/or operating groups as changes occur and also the ability to adjust the model and the results annually for inflation, salary, and benefit increases, as well as contract rates. We will utilize budget and organizational information, and other required information gathered from City staff to complete the work in this task. Specific discussions will be held to discuss allocation bases, services provided by indirect groups, how central overhead services are provided to and utilized by other departments, cost categories and allocation criteria, and how these will factor into the overall cost allocation methodology. The model and methodology will produce indirect cost rates and overhead percentages. These rates will be used to develop the fully burdened hourly cost of City Staff and will be suitable for a variety of uses, including incorporation into the User Fee Study's fully burdened personnel rates, billing to CIP projects, and in the OMB Super Circular compliant CAP, to Federal grants.
Meetings:	Online meetings with staff to understand structure and operations as model and allocation bases are developed. Key staff will be interviewed to best understand central overhead staffing and functions and the departments served.
Deliverables:	**Willdan:** One (1) user-friendly model in Microsoft Excel format that provides both a full cost allocation plan and an OMB Super Circular compliant cost allocation plan.

Task 4:	Test and Review Cost Allocation Methodology
Objective:	Test and review model and results with City.
Description:	The draft cost allocation plan model will be reviewed with City staff, and adjusted as necessary, to ensure that preliminary allocations provide an accurate depiction of how the central overhead costs should be borne by the operating programs and funds. Over the past several years, we have successfully integrated online meetings by using WebEx™ as an element to our approach. This allows us to remotely guide staff through the model review and allows you the opportunity to interactively change inputs and test approaches.
Meetings:	One meeting, conference call or virtual meeting and demonstration with City Staff and Management to review the model, present and discuss initial results, and receive feedback. We will discuss with staff whether an in person meeting is preferable, or if a call/virtual meeting is sufficient for the purposes of the discussion.
Deliverables:	**Willdan and City:** Draft cost allocation plan model review.

Task 5:	Prepare and Present Draft Report and Results
Objective:	Prepare the draft cost allocation report and results.
Description:	This task involves the draft report preparation and presentation to the City for feedback. The cost allocation plan's background, model methodologies, and results will be discussed; calculations and supporting data will be presented textually and in easily understood tables and provided to the City.

The report and model will also identify direct and indirect overhead costs so they can be tracked from the allocating overhead departments and functions to the recipient organizations and functions, and the bases upon which the allocations were made.

Meetings: One (1) meeting to present the draft report to City Staff for review and feedback and one (1) meeting with the Council Subcommittee for review and comment.

Deliverables: **Willdan:** Draft report for City and Council Subcommittee review and input.

City: Review of draft report, with comments, and edits.

Task 6:	Discuss and Revise Report

Objective: Review of draft report, cost distribution methods, and model.

Description: An in-depth review of the draft report and model will be conducted to arrive at an optimum allocation method for each expenditure type. Often, through the course of an engagement, comments usually revolve around issues of understandability; appropriate levels of enterprise funds' cost recovery, etc.; ease of calculation; and overhead costs' distribution methods.

Our reports are structured to include both the full and OMB compliant plan, but in the course of review if a separate report is desired for each or just one of the plans, they will be split.

Following a round of comments from City Staff, Management and Council Subcommittee concerning the draft report, the final report will be prepared for presentation to the Council.

Meetings: One (1) conference call with City staff to review the report with changes and revisions.

Deliverables: Draft report, and revised draft/final report.

Task 7:	Prepare and Present Final Report and Model

Objective: Prepare and present the final report to City Council. Educate City staff on the operation and use of the model for future modifications.

Description: This task is the culmination of the cost allocation plan project. Based on staff comments on the draft report, Willdan will prepare the final report for presentation to Finance Director, City Manager, City Staff, and City Council.

Meetings: One (1) meeting to assist City Staff with the presentation of the results and plan to the City Council. This meeting would be held in conjunction with the presentation of the User Fee study results.

We will also provide staff instruction on the operation and use of the model.

Deliverables: **Willdan:** Provide one (1) electronic PDF file copy of the final report, on USB, and models and twenty (20) bound copies to the City. Using Microsoft Word and Excel, an updateable electronic copy of the study and models, as well as related schedules, will also be provided on CD/ROM.

Comprehensive User Fee Study

Task 1:	Initial Document Request

Objective: Initial due diligence; obtain study-related data.

Description: Prior to the kick-off meeting, we will obtain and review relevant documentation to further enhance our understanding of the services, fees, and rates to be studied. A written request for data will be sent to the City. Please note that Time Survey data is not part of this request and will be gathered during the interviews described in Task 5.

We will request information and documentation on current fees and fee programs, activity levels, and budget and staffing information (to the extent not already available) related specifically to programs and activities which have associated fees, and for which the City has this level of detail.

Deliverables: **Willdan:** Submit information request to City.

City: Provide requested data to Willdan (prior to Task 3, Kick-off Meeting/Refine Scope). As with the cost allocation plan, we will follow up with the City to confirm receipt of requested data and information and highlight data elements that are outstanding.

Task 2:	Compile Inventory of Current and Potential Fees

Objective: Willdan will identify a schedule of fees and methodology for calculating the fees.

Description:	Based on the results of the initial document request and independent research, incorporate into our model the existing fees, provided by the City, to comprise the parameters of the fee study.
Meetings:	It is possible that a conference call with the City may be necessary to discuss new fees to implement or existing fees that may no longer be required.
Deliverables:	**Willdan:** One (1) draft list of current fees based on initial data provided (to be discussed and finalized during the kick-off call). **City:** Review completed fee schedule with comments/revisions to be discussed during the kick-off meeting.

Task 3:	**Kick-off Conference Call / Refine Scope**
Objective:	Confirm goals and objectives for the User Fee Study. Identify and policy matters typically related to a User Fee Study, address gaps in data, and refine appropriate existing or new fee categories (based on Task 2).
Description:	Verify our understanding of the City's goals, the City's cost-recovery policy for user fees, and to fill any gaps in data/information necessary for the project. It is important for the City and Willdan to identify and address any foreseeable problems and maintain open communication throughout the process. During this call, we will ask that the City identify a project manager who will serve as the primary contact for the project. The project manager shall have responsibility for ensuring that all available data is provided in a timely manner, thereby maintaining adherence to the project's schedule.
Meetings:	One (1) project kick-off meeting or call to initiate the entire project, discuss data needs, and address policy implications. This will be held in conjunction with the kick-off for the cost allocation plan. As mentioned in the cost allocation plan work plan, we suggest combining the kick-off calls to increase efficiency.
Deliverables:	**Willdan:** 1) Revised project scope and schedule (if needed); and 2) brief summary of policy decisions (if needed). **City:** 1) Provide further data needs; and 2) determine/introduce City's project manager.

Task 4:	**Develop User Fee Model**
Objective:	Develop and test model.
Description:	This task involves the development of the model ultimately used to calculate the fees, based on data and information gathered in previous tasks and in the Time Survey Interviews described in Task 5. To ensure that City policies are met through the imposition of the calculated fees, the model will be formatted to include appropriate costs. Key model inputs will include staff and allocated overhead costs per position, and relevant budget data on salaries and benefits. Most of this information will be developed during the cost allocation plan phase of this project and will be incorporated directly into the user fee model. We will request clarification and/or additional data if necessary. The model will build upon the cost allocation plan results, to provide an allocation of administrative and overhead costs to fee related activities and departments providing services to customers, so that fees and billable rate schedules incorporate applicable costs. Furthermore, the fees and rates charged to customers will also reflect the cost of the services being provided, to the extent possible given policy and/or political considerations.
Deliverables:	**Willdan:** One (1) user-friendly model in Microsoft Excel format, which, when finalized, City staff can use to calculate fee changes annually, or as often as deemed appropriate by the City Council.

Task 5:	**Time Survey Interviews and Information Gathering**
Objective:	Meet with City staff to review processes and staffing for fee-based services, gather data and information necessary to understand service delivery processes.
Description:	In order to gather the information and feedback necessary to understand processes, staffing and levels of effort, we will schedule up to one-and-a-half (1.5) days of meetings with staff; however, the number of meetings needed may vary depending on the number of staff and departments involved. The Willdan Team will conduct interviews with supervisors/managers, as well as other staff, as deemed appropriate and/or necessary, from each organization involved in the user fee study to determine the average time required by City staff to provide each of the services for which a fee is collected. The fee model is designed so that full cost recovery fees are calculated immediately upon input of staff time. These full costs are also compared to current cost recovery levels.

This will allow Willdan and City staff to conclude with a final meeting to review the draft full cost recovery fees and adjust any times as necessary once all information has been compiled and input into the fee model. We will schedule the interviews with staff to minimize any disruption to their normal workflow.

Meetings: One-and-a-half (1.5) business days of meetings/staff interviews. Depending upon circumstances and availability, we may discuss the option with City Staff of conducting these meetings in person or via WebEx or Zoom, or some combination. In recent years city staff have become familiar and comfortable with virtual meeting methods, and there are advantages to this approach. We can share our fee model during the meeting to review data inputs and needs, clarify questions, demonstrate results and make on-the-fly adjustments.

Virtual meetings also provide more flexibility in scheduling, and scheduling in much shorter term, as opposed to getting everyone available on a single day. In person meetings can have value, and are preferred by some cities, so we will discuss both options and proceed based on the City's preference.

Deliverables: **Willdan and City:** Time surveys and draft full cost recovery fees.

Task 6: Data Analysis and Final User Fee Schedule

Objective: Incorporate information obtained from meetings in Task 5 to fully develop model, calculate the full cost of service and compare full cost to current level of cost recovery.

Description: We will update the model, based on information received during the interviews, to generate a comprehensive user fee schedule. In addition, it is very common that a supplemental data request may be necessary, based on new fees identified that the City is not currently collecting.

Where appropriate, we will suggest and discuss with staff alternate approaches to existing fee programs (i.e., building fees) and suggest potential areas where new fees could be collected where none currently exist.

We will calculate and present the full cost recovery level for fees, both current and projected under the new calculated fees, and revenue projections, given certain assumptions about the levels of subsidy for different fees.

Current levels of cost recovery will be compared to actual full costs calculated during the course of this study. Cost will be calculated at reasonable activity levels and include all appropriate direct and indirect costs and overhead. We will review fee programs for compliance with Propositions 218 and 26 in developing the fee schedule, we will make recommendations for new fees where appropriate, based on our experience with other cities. Some areas for new fees may be due to changes in law (legalized cannabis), or for activities that the City finds itself performing regularly, but for which no fee is collected.

The model will include provision for inflationary adjustments for appropriate costs, i.e., personnel and/or contractor rates associated with fee-based activities.

We will also evaluate deposit-based fees for recommended improvements, deposit levels, or other suitable structures and recommend changes to fee structures where appropriate to simplify administration and/or customer understanding.

The user fee data analysis and model development may take four (4) to six (6) weeks with frequent correspondence with City staff to discuss current cost recovery amounts, necessary to recover full cost and frequency activity.

Meetings: One (1) meeting, as necessary, to gather additional input, complete analysis and finalize fee schedule. Please see the note in Task 5 regarding in-person meetings.

Deliverables: Final user fee model for City Council presentation and discussion.

Task 7: Common Fees Comparison

Objective: Examine selected user fees charged by up to five (5) comparable cities in Riverside County, or jurisdictions that are similar to the City of Temecula. Where practical, we will utilize the same comparisons from the previous study for continuity and consistency.

Description: We will access and use our knowledge of other jurisdictions to benchmark the City's five (5) most common fees or highest yielding fees with comparable jurisdictions agreed.

Fee schedules are rarely readily or directly comparable from agency to agency due to definitional and operational differences. For example, a grading permit in one jurisdiction may include the plan check service, while the same permit in another jurisdiction may not, resulting in similar sounding services with widely varying costs.

For this reason, where possible, Willdan will develop comparisons for prototype projects that include applicable fees (i.e., compare the fee burden for a standard residential home, or a 5,000 sq. ft. commercial building) or take a selection of the City's most commonly used and/or highest yielding fees.

The survey will contain the following, a comparison of common or similar fees and charges used by the City and other jurisdictions; current and proposed fees and charges unique to the City of Temecula; fees and charges used by other public entities not currently used in the City; and If possible, identify characteristics and processes unique to the City that account for significant variances in fees and charges used by other jurisdictions.

Deliverables: **Willdan:** Recommendations provided in Task 8 will incorporate the data gathered during our examination.

Task 8: Prepare and Present Draft Report

Objective: Prepare draft report. Receive feedback.

Description: This task involves the preparation of the draft report that discusses the study's background, the methodologies utilized in the study, and the results and presentation to various stakeholder groups. As noted below, meetings may occur during this or the next task as appropriate. The calculations used to generate the user fee study will be included textually, as well as in easy-to-understand tables.

Individual fee summaries by department and a comprehensive fee schedule will be included.

The draft report will include the following:

- Key results and findings;
- Basic descriptions of each service;
- Projections of potential fee revenue;
- Calculation of full cost of services, with costs broken down graphically into indirect and direct components, with a graphic display of the level of cost recovery;
- All fees included in study, with full cost, current and recommended fees, current and recommended levels of cost recovery, percentage changes in fees and cost recovery;
- The full cost of each service and current cost recovery levels;
- Fee comparisons with other cities from Task 7; and
- Summary and recommendations.

The objective of the report is to communicate the recommendation of appropriate fees, which include the appropriate subsidy percentage for those fees where full cost recovery may be unrealistic.

Meetings: One (1) meeting with City staff, to present draft results, address questions and receive feedback.

Deliverables: **Willdan:** Draft report for City review and comment.

City: Review of draft report, with comments and edits.

Task 9: Revise Draft Report/Determine Cost Recovery Levels for Recommended Adoption

Objective: Review of draft report and fee model.

Description: The goal of this task is to conduct an in-depth review of the draft report and model, incorporate feedback from Task 8, and changes as a result of previous discussions, and arrive at an optimum fee structure. Appropriate fees and charges will be discussed and recommendations provided, based on the analysis conducted in Task 6, consideration of City policy objectives related to fee-setting, cost recovery and subsidies, and in discussion with City Staff.

Often through the course of an engagement, City staff will volunteer insightful likes and dislikes regarding the existing fee structure. We listen to this feedback carefully because your staff members know the community best. Comments usually revolve around issues of:

- Understandability;
- Fairness to applicants;
- Ease of calculation;
- Appropriate levels of subsidy and cost recovery; and
- Full cost recovery hourly rates.

When adjusting fee recovery levels, we believe it is important to address these concerns.

Following one (1) round of comments and feedback from City staff on the draft report, we will prepare the final report for presentation to the City Council.

Meetings:	One (1) online demonstration (WebEx) to review the report and model, with any revisions.
Deliverables:	Draft report, revised draft /final report.

Task 10:	**Prepare and Present Final Report/Instruct Staff on Model**
Objective:	Prepare and present final report to City Council. Instruct staff on the operation and use of the model for future modifications.
Description:	This task is the culmination of the entire project. Based on staff comments received regarding the draft report, we will prepare the final report for presentation.
Meetings:	One (1) meeting to deliver the presentation of the results with the Council Subcommittee if requested, gather and incorporate feedback as appropriate, and one (1) meeting with the City Council to present the results and adopt the updated fee schedule. One (1) meeting with City Staff to provide instruction on the operation and use of the model on the same day, during regular business hours. We will also consult with the City as necessary to address questions related to the User Fee Study, or to defend the Study as the result of a challenge.
Deliverables:	Provide one (1) electronic PDF file copy of the final report, on USB, and models and twenty (20) bound copies to the City. Using Microsoft Word and Excel, an updateable electronic copy of the study and models, as well as related schedules, will also be provided digitally.

Development Impact Fee Study

Willdan will work with the City to update its impact fees consistent with the Mitigation Fee Act and other relevant laws. We want to ensure that our scope of services is responsive to the City's needs and specific local circumstances. We will work with the City to revise our proposed scope based on input prior to approval of a contract, and as needed during the course of the study.

Listed below are the development impact fees that are to be updated by this study. Willdan will also confer with the City on other potential fee categories.

- Traffic Impact and Circulation
- Drainage Infrastructure
- Public and General Facilities
- Sewer and Water Infrastructure
- Public Parks and Open Space
- Technology
- Public Safety Services

Task 1:	**Identify Policy Issues**
Objective:	Identify and discuss potential policy issues raised by the study. Kick-off meeting with staff to review data needs, policy issues, schedule and discuss potential additional fee categories.
Description:	Review agency documents related to existing capital planning policies and funding programs including existing impact fees. Bring policy issues to City staff's attention, as appropriate, during the project and seek guidance prior to proceeding. Potential policy issues include: ▪ Changes in implementation resulting from AB 602 and other legislation; ▪ Changes in approach and nexus findings necessary to comply with AB 602; ▪ Potential new impact fees for consideration ▪ Adequacy of General Plan and other public facility planning policies (e.g., level of service standards); impact fee ordinances and resolutions, and prior nexus studies; ▪ Availability of existing public facility master plans and CIPs to identify needed facilities; ▪ Types of facilities to be funded by each fee; ▪ Land use categories for imposition of fees; ▪ Nexus approach to determining facility standards; ▪ Nexus approach to allocating cost burden among land uses, including need for separate fee zones; ▪ Potential alternative funding sources, if needed; ▪ Funding existing deficiencies, if identified; and ▪ Implementation concerns and strategies.
Deliverables:	(1) Information requests; and (2) revised project scope and schedule (if needed).

Task 2:	Identify Existing Development and Future Growth

Objective: (1) Identify estimates of existing levels of development; and (2) identify a projection of future growth consistent with current planning policy.

Description: Identify base year for estimating existing levels of development and for calculating facility standards based on existing facility inventories (see Task 3). Include entitled development that would be exempt from fee program.

Consult with City staff to identify growth projections to a defined long-range planning horizon (10 to 30 years). Projections provide a basis for determining the facilities needed to accommodate growth (see Task 4). Consider projections from regional metropolitan planning agencies and other available sources - City staff to provide estimates and projections by zone if needed.

Develop approach for converting land use data to measure of facility demand. For example, identify population and employment density factors to convert population and employment estimates to dwelling units and building square footage.

Select appropriate approach for each impact fee based on:

- Available local data on facility demand by land use category;
- Approaches used by other agencies; and
- Support for other agency policy objectives.

Changes to estimates and projections during subsequent tasks could cause unanticipated effort and require an amendment to the scope of services and budget. Obtain approval of estimates and projections from City staff prior to proceeding.

Task 3:	Determine Facility Standards

Note: Conduct Tasks 3, 4, and 5 separately for each intended facility and fee type. Conduct tasks concurrently because of the effect of facility standards (Task 3), facility needs (Task 4), and alternative funding (Task 5) on the fee calculation.

Objective: Determine standards to identify facilities required to accommodate growth.

Description: Identify and evaluate possible facility standards depending upon the facility type, current facility inventory data, and available facility planning documents. Consider use of: (1) adopted policy standards (e.g., General Plan, master facility plans); (2) standards derived from existing facility inventories; or (3) standards derived from a list of planned facility projects. City staff to provide policies, inventories, and project lists. Willdan will work with the City to identify additional costs that might be eligible for funding by the DIF.

Task 4:	Determine Facilities Needs and Costs

Objective: Identify the type, amount and cost of facilities required to accommodate growth and correct deficiencies, if any.

Description: Quantify total planned facilities based on growth projection from Task 2 and facility standards from Task 3. Express planned facilities in general quantities such as acres of parkland, or as a specific list of capital projects from a master facility plan.

Location of planned facilities may or may not be specified. If only a general description of planned facilities is available through the planning horizon, City staff to provide a list of specific capital projects for use of fee revenues during the short term (e.g., five years).

Distinguish between: (1) facilities needed to serve growth (that can be funded by impact fees); and (2) facilities needed to correct existing deficiencies (that cannot be funded by impact fees). Use one of three cost allocation methods (existing inventory, system plan, or planned facilities).

Gather planning-level data on new facilities costs based on lump sum project cost estimates, or unit costs and project quantities (acres, building square feet, lane miles, etc.). Consider recent City experience, local market data such as land transactions, and consultant team experience from prior projects. Inflate older cost estimates to base year using appropriate cost indices.

The revised facility costs will form the basis of the capital improvement program needed for compliance with AB 602.

This scope of work does not include additional engineering analysis, including traffic engineering, to identify total facility needs, existing deficiencies, or cost estimates.

Any such engineering/design work can be provided under a separate contract with Willdan Engineering or a third party. However, Willdan can use rough descriptions and comparables to calculate a reasonable cost estimate sufficient for use in the DIF study.

Task 5:	Identify Funding and Financing Alternatives

Objective: Determine the extent of alternative (non-fee) funding available for new facilities.

Description: If impact fees are going to only partially fund a capital project, the *Mitigation Fee Act* requires the agency report on the anticipated source and timing of the additional funding every five years. There are two types of alternative funding sources that we will identify:

1. Funding from non-impact fee sources to correct existing deficiencies; and
2. Funding from new development other than impact fees that must be credited against new development's impact fee contributions, possibly including taxes paid to finance facilities.

Identify anticipated alternative funding based on information from City staff or note that funds are still to be identified based on a list of probable funding alternatives. If fees will fund debt service include financing costs in the total cost of facilities.

Assume facilities to be funded predominantly on a pay-as-you-go basis. Scope does not include a cash flow analysis to analyze effect of timing of fee revenues on financing costs.

Task 6:	Fee Comparison Analysis

Objective: Provide a comparison of the current and proposed impact fees to those of comparable/surrounding jurisdictions in Riverside County.

Description: Willdan will compare a total of four Riverside County jurisdictions to be selected by the City.

Typically, Willdan prepares an analysis of fees charged to a series of prototype developments (such as residential, retail, etc.) to provide an "apples to apples" comparison, but the exact methodology will be determined in consultation with the City. This comparison will be limited to four other jurisdictions.

Task 7:	Calculate Fees and Prepare Report

Objective: Provide technically defensible fee report that comprehensively documents project assumptions, methodologies, and results.

Description: Generate fee schedule to apportion facility costs to individual development projects. Use facility costs per unit of demand multiplied by demand by land use category based on data developed in prior tasks.

Prepare draft report tables for City staff to review, that document each step of the analysis, including schedule of maximum justified fees by facility type land use category and all other requirements of the Mitigation Fee Act.

Following one (1) round of comments from City staff on the quantitative analysis and fee schedules, prepare administrative draft report. Following one (1) round of comments on administrative draft, prepare public draft for presentation to interested parties, the public and elected officials. This public review draft will be presented and public stakeholder meetings and at a Council informational session. Prepare final report, if necessary, based on comments received on the public draft report. If requested, post the report on our website for public access. Note that as of January 2022, the Nexus study is adopted separately from the fees, and with a 30-day notice.

Fees will be calculating residential land uses in compliance with AB 602.

Provide legal counsel with copies of fee resolutions and ordinances used by other jurisdictions.

Deliverables: If necessary, we will provide up to two (2) bound copies of the draft report, one (1) unbound copy, one (1) Microsoft Word copy; and up to twenty (20) bound copies of the final report.

Task 8:	Meetings

Objective: The project manager or other necessary Willdan staff will attend project meetings. A member of the Impact Fee project team will attend up to four (6) in-person meetings and presentations throughout the City's engagement. This includes a kickoff meeting, interim findings presentation, two council subcommittee meetings, a final council meeting, and one additional meeting, such as with stakeholders. Video/Phone conferences are not considered meetings for the purposes of this scope.

Optional: Optional stakeholder and Council meetings may be requested by the City.

City Staff Support

To complete our tasks, we will need the cooperation of City staff. We suggest that the City of Temecula assign a key individual to represent the City as the project manager who can function as our primary contact. We anticipate that the City's project manager will:

1) Coordinate responses to requests for information;

2) Coordinate review of work products; and

3) Help resolve policy issues.

Willdan will endeavor to minimize the impact on City staff in the completion of this project. We will ask for responses to initial information requests in a timely manner. If there are delays on the part of the City, we will contact the City's project manager to steer the project back on track. We will keep the City's project manager informed of data or feedback we need to keep the project on schedule.

Project Disclaimer

Willdan is a registered municipal advisory firm with the U.S. Securities and Exchange Commission ("SEC"), as such the City of Temecula represents, acknowledges, and agrees that Willdan is not acting as a "municipal advisor" (as defined by the SEC), to the City, in any capacity as it relates to the project proposed in this Full Cost Allocation Plan, Comprehensive User Fee Study and Development Impact Fee Study RFP.

(i) The City uses, or may use, the services of one or more municipal advisors registered with the SEC to advise it in connection with municipal financial products and the issuance of municipal securities;

(ii) The City is not looking to Willdan to provide, and the City shall not otherwise request or require Willdan to provide any advice or recommendations with respect to municipal financial products or the issuance of municipal securities (including any advice or recommendations with respect to the structure, timing, terms, and other similar matters concerning such financial products or issues);

(iii) The provisions of this proposal and the services to be provided hereunder as outlined in the scope of services are not intended (and shall not be construed) to constitute or include any municipal advisory services within the meaning of Section 15B of the U.S. Securities Exchange Act of 1934, as amended (the "Exchange Act"), and the rules and regulations adopted thereunder;

(iv) For the avoidance of doubt and without limiting the foregoing, in connection with any revenue projections, cash-flow analyses, feasibility studies and/or other analyses Willdan may provide the City with respect to financial, economic or other matters relating to a prospective, new or existing issuance of municipal securities of the City , (A) any such projections, studies and analyses shall be based upon assumptions, opinions or views (including, without limitation, any assumptions related to revenue growth) established by the City, in conjunction with such of its municipal, financial, legal and other advisers as it deems appropriate; and (B) under no circumstances shall Willdan be asked to provide, nor shall it provide, any advice or recommendations or subjective assumptions, opinions or views with respect to the actual or proposed structure, terms, timing, pricing or other similar matters with respect to any municipal financial products or municipal securities issuances, including any revisions or amendments thereto; and

(v) Notwithstanding all of the foregoing, the City recognizes that interpretive guidance regarding municipal advisory activities is currently quite limited and is likely to evolve and develop during the term of the potential engagement and, to that end, the City will work with Willdan throughout the term of the potential Agreement to ensure that the Agreement and the services to be provided by Willdan hereunder, is interpreted by the parties, and if necessary amended, in a manner intended to ensure that the City is not asking Willdan to provide, and Willdan is not in fact providing or required to provide, any municipal advisory services.

Project Schedules

Willdan understands time is of the essence for the City of Temecula to begin this engagement. The schedules can only be met with the prompt cooperation of City staff. Delays in responding to our requests for data, policy guidance, clarifications, other information and review will likely result in corresponding delays to the project schedule. If that is the case, we will notify the City immediately of the possible impact on the schedule. It is also important to note that there are statutory requirements for a 60-day waiting period for the implementation of fees related to development, after they've been adopted by the City Council.

Full Cost Allocation Plan

City of Temecula
Cost Allocation Plan
Project Schedule

Scope of Services	December					January 2026				February				March				
	1	8	15	22	29	5	12	19	26	2	9	16	23	2	9	16	23	30
Task 1: Initial Document Request			⌘1															
Task 2: Kick-off / Refine Scope *(conference call)*				⌘2														
Task 3: Gather Staffing Information and Develop Model *(conference call)*						⌘3												
Task 4: Test and Review Cost Allocation Methodology *(conference call)*										⌘4								
Task 5: Prepare and Present Draft Report *(meeting)*													⌘5					
Task 6: Discuss and Revise Report *(conference call)*															⌘6			
Task 7: Prepare and Present Final Report/Instruct Staff on Model *(meeting)*																⌘7		

Deliverables:

- ⌘1: Information Request
- ⌘2: Revised Project Scope and Schedule *(if needed)*
- ⌘3: User-friendly Model in Microsoft Excel
- ⌘4: Draft Cost Allocation Plan Model Review
- ⌘5: Draft Report
- ⌘6: Revised Draft Report/Final Report
- ⌘7: Final Report – Hard and Electronic Copies

Comprehensive User Fee Study

City of Temecula
Comprehensive User Fee Study
Project Schedule

Scope of Services	December					January 2026				February				March					April				May				June			
	1	8	15	22	29	5	12	19	26	2	9	16	23	2	9	16	23	30	6	13	20	27	4	11	18	25	1	8	15	22	29
Task 1: Initial Document Request		⌘1																													
Task 2: Compile Inventory of Current and Potential Fees			⌘2																												
Task 3: Kick-off / Refine Scope *(web meeting/conference call)*				⌘3																											
Task 4: Develop User Fee Model									⌘4																						
Task 5: Staff Interviews and Information Gathering *(web meetings)*													⌘5																		
Task 6: Data Analysis and Final User Fee Schedule *(Web mtgs/conf calls)*																		⌘6													
Task 7: Common Fees Comparison																			⌘7												
Task 8: Prepare and Present Draft Report *(conference call)*																				⌘8											
Task 9: Revise Draft Report/Determine Cost Recovery Levels *(conference call)*																					⌘9										
Task 10: Prepare and Present Final Report/Instruct Staff on Model *(web meeting)*																											⌘10				

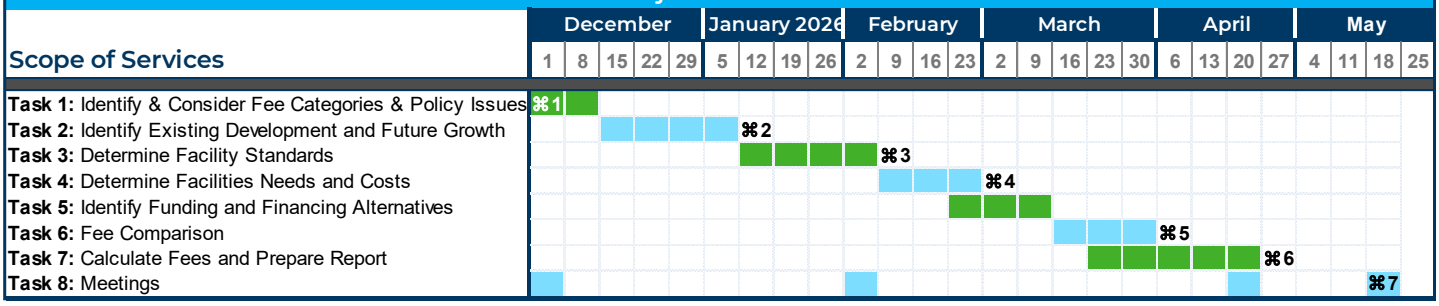
Deliverables:

- ⌘1: Information Request
- ⌘2: Draft List of Current Fees
- ⌘3: Revised Project Scope and Schedule *(if needed)*
- ⌘4: User-friendly Model in Microsoft Excel
- ⌘5: Time Surveys and Draft Full Cost Recovery Fees
- ⌘6: Draft Fee and Rate Model Review
- ⌘7: Common Fee Comparison
- ⌘8: Draft Report
- ⌘9: Revised Draft Report/Final Report
- ⌘10: Final Report – Hard and Electronic Copies

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Development Impact Fee Study

City of Temecula
Development Impact Fee Study
Project Schedule



Deliverables:

- ⌘1: Information Request, Meeting Agenda, Revised Schedule, Summary of Policy Decisions
- ⌘2: Development Growth Projections (table format)
- ⌘3: Project List
- ⌘4: Cost Estimates for Identified Facilities
- ⌘5: Fee Comparison
- ⌘6: Draft Fee Tables & Text
- ⌘7: Administrative/Public Draft Report(s), Final Nexus Report, Slide Presentation

Project Management and Quality Assurance/Control Approach

Provided below is the firm's project management approach to producing the required product in a timely fashion.

Project Management Approach

At Willdan, we utilize a Project Management Process/Approach that ensures projects are completed on time, within budget and most importantly yield results that match our clients' expectations. We will document discussions leading to important policy decisions and/or the choice of critical assumptions used in constructing the analysis and model.

Following key stakeholder discussions, we will schedule a call to summarize findings and direction with City staff, to make certain that we are in agreement with stated objectives, and that feedback is incorporated as appropriate.

Through the process of providing regular updates and conducting status conference calls, potential issues will be highlighted, discussed, and resolved. Any deviances from the project timeline will be identified and plans will be developed for course corrections.

Project Management				
Define the Project	Plan the Project	Manage the Project	Review the Project	Communicate the Project
▪ Identify the project scope, set objectives, list potential constraints, document assumptions. ▪ Define a course of action and develop an effective communication plan. ▪ Provide a forum for applying the team's collective expertise to solving difficult analytical issues that arise in complex projects.	▪ Collaborate with the project team and client staff and agree upon timeline to meet the estimated project timeline. ▪ Assign workload functions to appropriately qualified staff to ensure milestones are met, on time. ▪ Pre-schedule quality control meetings with project team to maintain the progressive motion of the project.	▪ Manage the execution of the project. ▪ Direct existing and upcoming project tasks. ▪ Control and monitor work in progress. ▪ Provide feedback to client and project team. ▪ Identify and resolve deviances from project timeline.	▪ Review all work product and deliverables. ▪ Utilize structured quality assurance process involving up to three levels of review at the peer level, project manager level. ▪ Procure executive officer level review.	▪ Communicate with the client regarding work status and progress. ▪ Ensure client is in receipt of regular status updates. ▪ Schedule regular conference calls to touch base. ▪ Inform client of roadblocks, work outside of projected scope.

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Quality Assurance / Quality Control Process

Our quality control program is incorporated as a required element of Willdan's day-to-day activities. There are three levels of reviews incorporated for our deliverables:

1) Peer review;
2) Project Manager review; and
3) Final quality assurance manager review.



Peer reviews involve one analyst reviewing the work of another, while project manager reviews are conducted prior to delivery to the quality assurance manager. The quality assurance manager then performs a final review. This assures that our final product has been thoroughly evaluated for potential errors; thus, providing quality client deliverables, and high levels of integrity and outcomes.

The primary mission of our quality control plan is to provide staff with the technical and managerial expertise to plan, organize, implement, and control the overall quality effort, thereby ensuring the completion of a quality project within the time and budget established.

Quality Assurance Goals		
Goal	**Lead**	**Task**
Quality Assurance / Control Process	Chris Fisher	▪ Establish a set of planned and systematic actions for maintaining a high level of quality in the professional services performed; ▪ Emphasize quality in every phase of work; ▪ Ensure efficient use of resources; ▪ Establish a consistent and uniform approach to the services performed; and ▪ Implement appropriate quality control measures for each work task of the project.
Quality Control Plan	Chris Fisher & James Edison	▪ Contract deliverables; ▪ Specific quality control procedures; ▪ Special quality control emphasis; ▪ Budget and manpower requirements; ▪ Overall project schedule and budget; and ▪ Project documentation requirements;

Price

Total All-Inclusive Not to Exceed Maximum Price

Willdan Financial Services ("Willdan") proposes a ***fixed fee of $126,880*** for the Full Cost Allocation Plan, Comprehensive User Fee Study, and Development Impact Study.

Component Costs

Full Cost Allocation Plan

Willdan Financial Services proposes a ***fixed fee of $12,975*** for the Full Cost Allocation Plan.

City of Temecula
Cost Allocation Plan
Fee Proposal

	C. Fisher Principal-in-Charge	T. Thrasher Project Manager	P. Patel Lead Analyst	S. Labitan Analytical Support	QA/Tech Advisor	Total	
	$ 310	$ 270	$ 210	$ 135	$ 270	Hours	Cost
Scope of Services							
Task 1: Initial Document Request	-	-	1.0	1.0	-	2.0	$ 345
Task 2: Kick-off /Refine Scope	-	1.0	1.0	1.0	-	3.0	615
Task 3: Gather Staffing Information & Develop CAP Model	1.0	2.0	5.0	10.0	0.5	18.5	3,385
Task 4: Test and Review Cost Allocation Methodology		2.0	4.0	6.0	0.5	12.5	2,325
Task 5: Prepare and Present Draft Report	1.0	2.0	3.0	6.0	0.5	12.5	2,425
Task 6: Discuss and Revise Report	1.0	2.0	4.0	2.0		9.0	1,960
Task 7: Prepare and Present Final Report/Instruct Staff on Model	-	4.0	4.0	-	-	8.0	1,920
Total – Cost Allocation Plan	**3.0**	**13.0**	**22.0**	**26.0**	**1.5**	**65.5**	**$ 12,975**

Comprehensive User Fee Study

Willdan Financial Services proposes a ***fixed fee of $37,855*** for the Comprehensive User Fee Study.

City of Temecula
Comprehensive User Fee Study
Fee Proposal

	C. Fisher Principal-in-Charge	T. Thrasher Project Manager	P. Patel Lead Analyst	S. Labitan Analytical Support	QA/Tech Advisor	Total	
	$ 310	$ 270	$ 210	$ 135	$ 270	Hours	Cost
Scope of Services							
Task 1: Initial Document Request	-	-	1.0	1.0	-	2.0	$ 345
Task 2: Compile Inventory of Current and Potential Fees	-	1.0	1.0	1.0	-	3.0	615
Task 3: Kick-off /Refine Scope	-	1.0	1.0	1.0	-	3.0	615
Task 4: Develop User Fee Model	0.5	2.0	4.0	8.0	1.0	15.5	2,885
Task 5: Staff Interviews and On-site Information Gathering	-	8.0	12.0	5.0	-	25.0	5,355
Task 6: Data Analysis and Final Fee and Rate Schedule	1.0	6.0	36.0	44.0	1.0	88.0	15,700
Task 7: Common Fees Comparison	0.5	2.0	3.0	10.0	-	15.5	2,675
Task 8: Prepare and Present Draft Report	1.0	3.0	4.0	8.0	0.5	16.5	3,175
Task 9: Revise Draft/Determine Cost Recovery Levels	1.0	4.0	8.0	4.0	-	17.0	3,610
Task 10: Prepare and Present Final Report/Train Staff on Model	-	6.0	6.0	-	-	12.0	2,880
Total – Comprehensive User Fee Study	**4.0**	**33.0**	**76.0**	**82.0**	**2.5**	**197.5**	**$ 37,855**

Development Impact Fee Study

Willdan Financial Services proposes a ***fixed fee of $76,050*** for the Development Impact Fee Study.

City of Temecula Development Impact Fee Study Fee Proposal		J. Edison Project Manager	C. Villarreal Lead Analyst	Total	
		$ 300	$ 270	Hours	Cost
Scope of Services					
Task 1:	Identify & Consider Fee Categories & Policy Issues	10.0	20.0	30.0	$ 8,400
Task 2:	Identify Existing Development and Future Growth	10.0	22.0	32.0	8,940
Task 3:	Determine Facility Standards	12.0	22.0	34.0	9,540
Task 4:	Determine Facilities Needs and Costs	10.0	22.0	32.0	8,940
Task 5:	Identify Funding and Financing Alternatives	12.0	16.0	28.0	7,920
Task 6:	Fee Comparison	4.0	14.0	18.0	4,980
Task 7:	Calculate Fees and Prepare Report	8.0	25.0	33.0	9,150
Task 8:	Meetings	30.0	34.0	64.0	18,180
Total – Development Impact Fee Study		**96.0**	**175.0**	**271.0**	**$ 76,050**

Development Impact Fee Review Notes:

- The fee denoted above includes attendance at four in-person meetings with City staff, stakeholders, and City Council.
- Attendance at more than four meetings will be billed at the per meeting fee. Attendance at additional on-site meetings or presentations will be $2,000 per meeting; attendance at additional remote meetings or presentations will be $1,000 per meeting.
- Comprehensive written responses to resolve conflicts or preparation of more than one set of major revisions to the draft report will be classified as Additional Services, and may require additional billing at hourly rates stated in the hourly rate schedule listed below. These additional fees shall only take effect once the fixed fee stated above has been exceeded.

Rates for Additional Professional Services

Our current hourly rates are listed below.

Willdan Financial Services Hourly Rate Schedule		
Position	**Team Member**	**Hourly Rate**
Vice President / Director	Chris Fisher	$310
Managing Principal	James Edison	$300
Principal Consultant	Tony Thrasher Carlos Villarreal	$270
Senior Project Manager		$250
Project Manager	Priti Patel	$210
Senior Project Analyst		$150
Senior Analyst	Samantha Labitan	$135
Analyst II		$120
Analyst I		$110

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Manner of Payment

- Our fee includes all direct expenses associated with the project.
- We will invoice the City monthly based on percentage of project completed.
- Additional services may be authorized by the City and will be billed at our then-current hourly overhead consulting rates.
- City shall reimburse Willdan for any costs Willdan incurs, including without limitation, copying costs, digitizing costs, travel expenses, employee time and attorneys' fees, to respond to the legal process of any governmental agency relating to City or relating to the project. Reimbursement shall be at Willdan 's rates in effect at the time of such response.
- The cost of preparing the user fee study can be included in the resulting new user fee schedule. Therefore, over time, the City can recover the initial outlay of funds that was required to complete the studies.
- Willdan will rely on the validity and accuracy of the City's data and documentation to complete the analysis. Willdan will rely on the data as being accurate without performing an independent verification of accuracy and will not be responsible for any errors that result from inaccurate data provided by the client or a third party.

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Local Vendor Certification

CITY OF TEMECULA
Full Cost Allocation Plan, Comprehensive User Fee Study,
and Development Impact Fee Study

STATEMENT OF LOCAL VENDOR CERTIFICATION

Qualified Local Vendors desiring consideration under the City of Temecula Local Vendor Preference Program must complete the following and submit with their Proposal (print or type):

I, Chris Fisher (Individual Submitting Bid), Vice President/Director (Title)

of/for Willdan Financial Services (Company Name) certify that Willdan Financial Services (Company Name)

is a City of Temecula Local Vendor as defined under the Local Vendor Preference Program - Services section of this solicitation (titled Full Cost Allocation Plan, Comprehensive User Fee Study, and Development Impact Fee Study) and therefore qualifies for the Local Vendor Preference.

Signature	Title	Date
	Vice President/Director	October 1, 2025

Local Vendor:

Submit this document as a part of your quotation.

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WILLDAN

27368 Via Industria, Suite 200
Temecula, CA 92590
800.755.6864 | Fax: 888.326.6864
www.willdan.com

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Ron Moreno, Director of Public Works/City Engineer

DATE: January 13, 2026

SUBJECT: Accept Improvements and File the Notice of Completion for the Murrieta Creek Trail Solar Lights, PW21-13

PREPARED BY: Hossein Ajideh, Principal Civil Engineer
Emalee Manning, Assistant Engineer II

RECOMMENDATION: That the City Council:

1. Accept the construction of the Murrieta Creek Trail Solar Lights, PW21-13, as complete; and

2. Direct the City Clerk to file and record the Notice of Completion, release the Performance Bond, and accept a one-year Maintenance Bond in the amount of 10% of the final contract amount; and

3. Release the Labor and Materials Bond seven months after filing the Notice of Completion, if no liens have been filed.

BACKGROUND: The Murrieta Creek Improvements Project, PW15-07, is identified in the 2026-2030 City of Temecula Capital Improvement Program Budget, and funds coordination efforts and several follow up projects to the Murrieta Creek Channel improvements constructed by the United States Army Corps of Engineers (USACE) and Riverside County Flood Control (RCFC) within City limits. The Murrietta Creek Trail Solar Lights Project, PW21-13, is one of these follow up projects, shares funds with PW15-07, and is installing twenty-seven (27) solar lights along the Murrieta Creek Trail between the Epperson Memorial Parking Lot, at the project's southern end, to the project's northern boundary located near the intersection of Moreno Rd and Old Town Front Street.

On July 22, 2025, the City Council awarded a construction contract to Asad Holdings LLC DBA OrangeBlue General Contractors in the amount of $108,949 and authorized the City Manager to approve construction contract change orders not to exceed the contingency amount of $27,237.25. Due to unforeseen subsurface conditions, an additional $27,237.25 was authorized at the October 28, 2025 City Council Meeting, increasing the City Manager's authority to approve change orders to a total of $54,474.50.

Work generally consisted of constructing new solar lights along the east side of the Murrieta Creek Trail between the Epperson Memorial Parking Lot, at the project's southern end, to the project's northern boundary located near the intersection of Moreno Rd and Old Town Front Street.

Asad Holdings LLC DBA OrangeBlue General Contractors has completed the work in accordance with the approved plans and specifications and to the satisfaction of the Director of Public Works/City Engineer. All work will be warranted for a period of one year from October 16, 2025, the date the City obtained "beneficial use" of the project improvements. The retention for this project will be released pursuant to the provisions of Public Contract Code 7107.

The amount of the construction contract was $108,949. There was one (1) construction contract change order with a net total of $23,331.93. The final contract amount totaled $132,280.93.

FISCAL IMPACT: There is no fiscal impact associated with accepting the project and filing and recording the Notice of Completion.

ATTACHMENTS:

1. Notice of Completion
2. Contractor's Affidavit and Final Release
3. Maintenance Bond

RECORDING REQUESTED BY
AND RETURN TO:

CITY CLERK
CITY OF TEMECULA
41000 Main Street
Temecula, CA 92590

EXEMPT FROM RECORDER'S FEES
Pursuant to Government Code
Sections 6103 and 27383

N O T I C E O F C O M P L E T I O N

NOTICE IS HEREBY GIVEN THAT:

1. The City of Temecula is the owner of the property hereinafter described.

2. The full address of the City of Temecula is 41000 Main Street, Temecula, California 92590.

3. The Nature of Interest is a Contract which was awarded by the City of Temecula **to Asad Holdings LLC DBA OrangeBlue General Contractors, 27071 Cabot Rd, Ste 108, Laguna Hills, CA 92653** to perform the following work of improvement:

Murrieta Creek Trail Solar Lights
Project No. PW21-13

4. Said work was completed by said company according to plans and specifications and to the satisfaction of the Director of Public Works of the City of Temecula and that said work was accepted by the City Council of the City of Temecula at a regular meeting thereof held on **January 13, 2026**. That upon said contract the **Philadelphia Indemnity Insurance Company** was surety for the bond given by the said company as required by law.

5. The property on which said work of improvement was completed is in the City of Temecula, County of Riverside, State of California, and is described as follows:

Murrieta Creek Trail Solar Lights
Project No. PW21-13

6. The location of said property is: **Murrieta Creek Trail, Temecula, California.**

Dated at Temecula, California, this **13th day of January, 2026**.

City of Temecula

_____
Randi Johl, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, California, do hereby certify under penalty of perjury, that the foregoing NOTICE OF COMPLETION is true and correct, and that said NOTICE OF COMPLETION was duly and regularly ordered to be recorded in the Office of the County Recorder of Riverside by said City Council.

Dated at Temecula, California, this **13th day of January, 2026**.

City of Temecula

_____

Randi Johl, City Clerk

CITY OF TEMECULA, DEPARTMENT OF PUBLIC WORKS

CONTRACTOR'S AFFIDAVIT AND FINAL RELEASE

for

MURRIETA CREEK TRAIL SOLAR LIGHTS
PROJECT NO. PW21-13

This is to certify that Orangeblue General Contractors (hereinafter the "Contractor") declares to the City of Temecula, under oath, that he/she/it has paid in full for all materials, supplies, labor, services, tools, equipment, and all other bills contracted for by the Contractor or by any of the Contractor's agents, employees or subcontractors used or in contribution to the execution of its Contract with the City of Temecula, with regard to the building, erection, construction, or repair of that certain work of improvement known as **MURRIETA CREEK TRAIL SOLAR LIGHTS, PROJECT NO. PW21-13**, situated in the City of Temecula, State of California, more particularly described as follows:

Murrieta Creek Trail Solar Lights, PW21-13

ADDRESS OR DESCRIBE LOCATION OF WORK

The Contractor declares that it knows of no unpaid debts or claims arising out of said Contract which would constitute grounds for any third party to claim a Stop Notice against of any unpaid sums owing to the Contractor.

Further, in connection with the final payment of the Contract, the Contractor hereby disputes the following amounts:

Description	Dollar Amount to Dispute

Pursuant to Public Contract Code Section 7100, the Contractor does hereby fully release and acquit the City of Temecula and all agents and employees of the City, and each of them, from any and all claims, debts, demands, or cause of action which exist or might exist in favor of the Contractor by reason of payment by the City of Temecula of any contract amount which the Contractor has not disputed above.

CONTRACTOR:

Dated: 12/16/2025 By: Arman Tehrani

Signature

Arman Tehrani/Managing Member

Print Name and Title

CITY OF TEMECULA, DEPARTMENT OF PUBLIC WORKS

BOND NO. CE11511100249
Premium included in Performance Bond
MAINTENANCE BOND

for

MURRIETA CREEK TRAIL SOLAR LIGHTS
PROJECT NO. PW21-13

KNOW ALL PERSONS BY THESE PRESENT THAT

Asad Holdings, LLC DBA OrangeBlue General Contractors; 27071 Cabot Road Suite 108 Laguna Hills, CA92653
NAME AND ADDRESS OF CONTRACTOR

a Limited Liability Company (hereinafter called "Principal"), and
(fill in whether a Corporation, Partnership, or Individual)

Philadelphia Indemnity Insurance Company; One Bala Plaza, Suite 100 Bala Cynwyd, PA 19004-0950
NAME AND ADDRESS OF SURETY

(hereinafter called "Surety"), are held and firmly bound unto CITY OF TEMECULA (hereinafter called "Owner") in the penal sum of Thirteen thousand two hundred twenty eight **DOLLARS AND** nine **CENTS ($** 13,228.09 **)** in lawful money of the United States, said sum being not less than ten percent of the Contract value payable by the said City of Temecula under the terms of the Contract, for the payment of which, we bind ourselves, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the Principal entered into a certain Contract with the Owner, dated the 22nd **day of** July **, 20**25 , a copy of which is hereto attached and made a part hereof for the construction of **MURRIETA CREEK TRAIL SOLAR LIGHTS, PROJECT NO. PW21-13**.

WHEREAS, said Contract provides that the Principal will furnish a bond conditioned to guarantee for the period of one year after approval of the final estimate on said job, by the Owner, against all defects in workmanship and materials which may become apparent during said period; and

WHEREAS, the said Contract has been completed, and was the final estimate approved on this the 15th **day of** October **, 20**25.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if within one year from the date of approval of the final estimate on said job pursuant to the Contract, the work done under the terms of said Contract shall disclose poor workmanship in the execution of said work, and the carrying out of the terms of said Contract, or it shall appear that defective materials were furnished thereunder, then this obligation shall remain in full force and virtue, otherwise this instrument shall be void.

As a part of the obligation secured hereby and in addition to the face amount specified, costs and reasonable expenses and fees shall be included, including reasonable attorney's fees incurred

by the City of Temecula in successfully enforcing this obligation, all to be taxed as costs and included in any judgment rendered.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract, or to the work to be performed thereunder, or to the specifications accompanying the same, shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the terms of the Contract, or to the work, or to the Specifications.

Signed and sealed this 5th day of November, 2025.

(Seal)

SURETY: Philadelphia Indemnity Insurance Company

By: _____

Jamie Magnussen
(Name)

Attorney-in-Fact
(Title)

PRINCIPAL: Asad Holdings, LLC DBA OrangeBlue General Contractors

By: _____

Arian Tehrani
(Name)

Managing Member
(Title)

By: _____

(Name)

(Title)

APPROVED AS TO FORM:

Peter M. Thorson, City Attorney

NOTE: Signatures of two corporate officers required for corporations. A Notarial Acknowledgement or Jurat must be attached for each of the Surety and Principal Signatures.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

County of San Diego }

On November 5, 2025 (Date) before me, Pam Davis (Insert Name of Notary exactly as it appears on the official seal), Notary Public,

personally appeared Jamie Magnussen (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____ (Signature of Notary Public)

PAM DAVIS
Notary Public - California
San Diego County
Commission # 2519464
My Comm. Expires Jun 1, 2029

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of the form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner ☐ Limited ☐ General
- ☑ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: _____
- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Orange)

On November 18, 2025 before me, R. Stulz, Notary Public

Date *Here Insert Name and Title of the Officer*

Personally appeared Arman Tehrani

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

R. STULZ
Notary Public - California
Orange County
Commission # 2399807
My Comm. Expires Apr 5, 2026

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document Maintenance Bond Document Date _____

Number of Pages _____ Signer(s) Other Than Named Above _____

Capacity(ies) Claimed by Signer(s)

Signer's Name _____

☐ Corporate Officer—Title(s) _____

☐ Partner ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other _____

Signer Is Representing _____

Signer's Name _____

☐ Corporate Officer—Title(s) _____

☐ Partner ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other _____

Signer Is Representing _____

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PHILADELPHIA INDEMNITY INSURANCE COMPANY
One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Cyndi Beilman, Rebecca Brannan and Jamie Magnussen of Arthur J. Gallagher Risk Management Services, Inc.**, its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **$50,000,000.00.**

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEALTO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5TH DAY OF OCTOBER 2024.

(Seal)

John Glomb, President & CEO
Philadelphia Indemnity Insurance Company

On this 5th day of October, 2024 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Commonwealth of Pennsylvania - Notary Seal
Vanessa Mckenzie, Notary Public
Delaware County
My commission expires November 3, 2028
Commission number 1366394
Member, Pennsylvania Association of Notaries

Notary Public: Vanessa McKenzie

residing at: Linwood, PA

My commission expires: November 3, 2028

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5th day October 2024 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 5th day of November, 2025.

Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Ron Moreno, Director of Public Works/City Engineer

DATE: January 13, 2026

SUBJECT: Approve Increase to Construction Contingency for the Contract with American Asphalt South, Inc. for the Citywide Slurry Seal Project, PW25-06

PREPARED BY: Hossein Ajideh, Principal Civil Engineer
William Becerra, Associate Engineer II

RECOMMENDATION: That the City Council:

1. Approve increase to the construction contingency for the contract with American Asphalt South, Inc., in the amount of $245,000 for the Citywide Slurry Seal Project, PW25-06, resulting in a total construction contingency of $779,027.15; and

2. Approve increase to the City Manager's authorization to approve contract change orders up to $779,027.15.

BACKGROUND: On October 14, 2025, the City Council awarded a construction contract to American Asphalt South, Inc. for the Citywide Slurry Seal Project, PW25-06, in the amount of $1,068,054.30 with a separate construction contingency in the amount of $534,027.15.

The Citywide Slurry Seal Program is an annual project that applies slurry seal to roadways to protect pavement from water intrusion and deterioration of the asphalt concrete pavement. Slurry seal is ideally applied every five to seven years, as it extends pavement life and helps delay more costly rehabilitation measures such as asphalt concrete overlays or pavement removal and reconstruction.

Construction activities involve roadway preparation by removing existing striping and pavement markings, cleaning the roadway surface, and sealing cracks. This work is followed by the application of slurry seal and subsequent restoration of striping and pavement markings.

The project originally consisted of slurry sealing over four million square feet of residential roadways at designated locations.

The Citywide Slurry Seal Project is designed to maximize the use of available funding. For this year's project, staff originally requested approval of a 50% construction contingency to cover

potential extra work. After careful review of the City's Five-Year Slurry Seal Plan, staff requested a proposal from the contractor to expand the project limits to include Crown Hill and Sterling Ranch neighborhoods. This expansion added approximately 2.5 million square feet of residential roadway to the project. The expanded project area is shown on the attached Project Location Map.

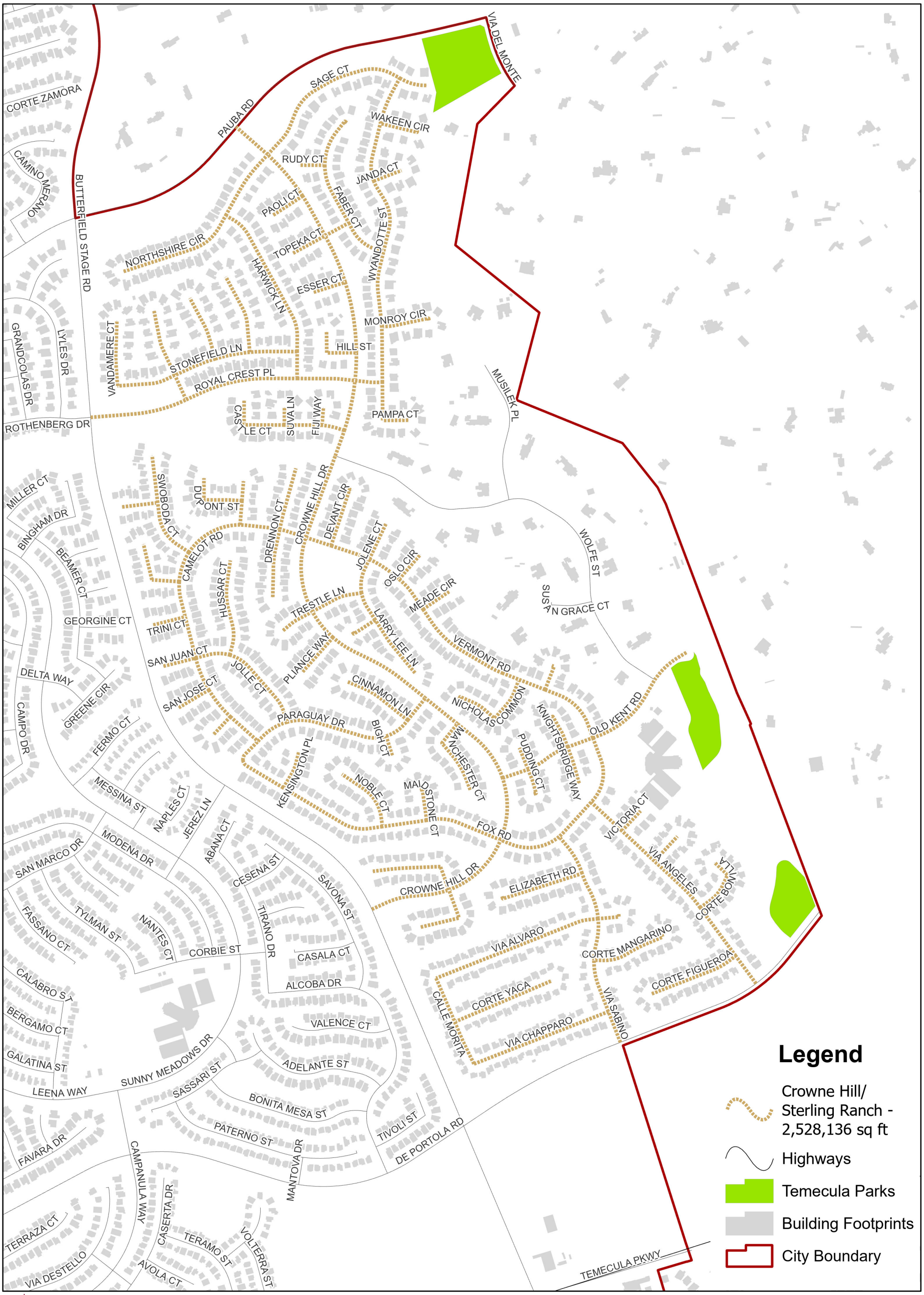
Extra work associated with this expansion also includes modification to roadway striping on Solana Way, Seraphina Road, Rita Way, Suzi Lane, Chandler Drive, and Yukon Road.

Staff recommend approval of an increase to the City Manager's authorized construction contingency in the amount of $245,000 resulting in a total authorized contingency of $779,027.15.

FISCAL IMPACT: The Citywide Slurry Seal Project is included in the Fiscal Year 2025-26 Operating Budget and is funded with Measure A. Sufficient funds are available in the project account to cover the requested increase to the contingency of $245,000. The revised contingency amount of $779,027.15 plus the original contract amount of $1,068,054.30 results in a total encumbrance of $1,847,081.45.

ATTACHMENTS:
1. Project Location Map
2. Extra Work Street Names

City of Temecula - Slurry Seal 2025



The map SlurrySeal.mxd is maintained by City of Temecula GIS. Data and information represented on this map are subject to update and modification. The City of Temecula assumes no warranty or legal responsibility for the information contained on this map. This map is not for reprint or resale. Visit the City of Temecula GIS online at https://temeculaca.gov/gis

0 0.1 0.2 Miles

Updated 12/4/2025

1410

Extra Work

Crown Hill/ Sterling Ranch

ADEN CIR
ASHLEY ROSE CT
BIGH CT
BROOKWAY DR
CALLE MORITA
CAMELOT RD
CASTLE CT
CINNAMON LN
CORTE BONILLA
CORTE EBANO
CORTE FIGUEROA
CORTE MANGARINO
CORTE PORFIRIO
CORTE YACA
CROWNE HILL DR
DEVANT CIR
DRENNON CT
DUPONT ST
ELIZABETH RD
ESSER CT
FABER CT
FIJI WAY
FOX RD
GATESHEAD CT
HARWICK LN
HARWICK LN
HILL ST
HUSSAR CT
JANDA CT
JOHN WAY
JOLENE CT
JOLLE CT
KENSINGTON PL
KNIGHTSBRIDGE WAY
LANCASHIRE COMMON
LARRY LEE LN
MAIDSTONE CT
MAJESTIC CT
MANCHESTER CT
MEADE CIR
MONROY CIR
NICHOLAS COMMON
NOBLE CT
NORTHSHIRE CIR
OLD KENT RD
OSLO CIR
PAMPA CT
PAOLI CT
PARAGUAY DR
PLIANCE WAY
PUDDING CT
REGENTS HILL CIR
ROYAL CREST PL
RUDY CT
SAGE CT
SAN JOSE CT
SAN JUAN CT
SPARKS CT
STONEFIELD LN
SUVA LN
SWOBODA CT
TIEMPO CIR
TOPEKA CT
TOPEKA WAY
TRESTLE LN
TRINI CT
VANDAMERE CT
VERMONT RD
VIA ALVARO
VIA ANGELES
VIA CHAPPARO
VIA SABINO
VICTORIA CT
WAKEEN CIR
WHISTLE CT
WYANDOTTE ST

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Ron Moreno, Director of Public Works/City Engineer

DATE: January 13, 2026

SUBJECT: Award Construction Contract to Roadway Engineering & Construction Corp. for the Vail Ranch Park Restrooms Project, PW23-06

PREPARED BY: Hossein Ajideh, Principal Civil Engineer
Laura Bragg, Associate Engineer II

RECOMMENDATION: That the City Council:

1. Award a construction contract to Roadway Engineering & Construction Corp., in the amount of $264,052 for the Vail Ranch Park Restrooms Project, PW23-06; and

2. Authorize the City Manager to approve contract change orders up to 10% of the contract amount, $26,405.20; and

3. Make a finding that this project is exempt from Multiple Species Habitat Conservation Plan fees.

BACKGROUND: The Vail Ranch Park Restrooms Project is a park and recreation project that includes the construction of a new park restroom facility designed to meet current Americans with Disabilities Act (ADA) accessibility standards. This project will provide additional amenities for park patrons through the design, fabrication, delivery and installation of a prefabricated restroom building. The facility will include two unisex single-stall restrooms, a drinking fountain with a bottle filler, and a small storage area located within the utility chase.

The project also includes utility rerouting, upgrading and new utilities, site grading, parking lot reconfiguration and restriping, concrete improvements, installation of ADA-compliant pedestrian access ramp and signage, landscaping and irrigation improvements, and construction of a new ADA-compliant sidewalk connecting the park to the existing sidewalk adjacent to Vail Ranch Parkway.

A consultant services agreement with Michael Baker International, Inc., dated August 13, 2024, provided consultant services to design the site improvements necessary to accommodate a stand-alone restroom building to be procured from, and installed by, Public Restroom Company. The construction contract proposed for award to Roadway Engineering & Construction Corp. on

today's agenda is for the site improvements necessary to support the prefabricated restroom building.

A separate contract between the City and Public Restroom Company, dated August 13, 2024, provides for all prefabricated restroom building-related activities, which include but are not limited to the design, manufacturing, delivery, and installation of the restroom building at the project site.

This project is exempt from the California Environmental Quality Act (CEQA) requirements pursuant to Article 19, Categorical Exemption, Section 15303, Class 3 (e), New Construction or Conversion of Small Structures, of the CEQA Guidelines. The project involves upgrades to an existing park consisting of a new 166-square foot restroom building with associated ADA compliant flatwork.

The construction contract was publicly advertised for bid between November 20, 2025, and December 16, 2025. Twelve (12) bids were received and publicly opened on Tuesday, December 16, 2025. Staff have completed the evaluation of the bids and have determined all the bids to be responsive.

The results are as follows:

	Contractor	Bid Amount
1	Roadway Engineering & Construction Corp.	$264,052.00
2	LGC Construction	$303,579.00
3	Ace Capital Engineering	$314,829.12
4	Leonida Builders Inc	$324,961.00
5	Camp Constructors Inc	$330,000.00
6	Gentry General Engineering Inc.	$339,417.00
7	Western State Builders	$339,474.00
8	ANEEN CONSTRUCTION, INC.	$364,596.00
9	Malek Engineering and Construction	$366,000.00
10	Prestige Prime Engineering	$369,389.00
11	NoLimit Construction	$370,999.16.0
12	Van Engineering Inc	$413,948.00

After analyzing the bids and waiving minor bid irregularities, staff determined that Roadway Engineering & Construction Corp., of Perris, California, is the lowest responsive and responsible bidder. Roadway Engineering & Construction Corp. has public contracting experience and has successfully completed various similar projects with other public agencies.

The Engineer's construction cost estimate for the Project is $355,000. Construction duration is estimated to be seventy (70) working days, which is approximately three and a half (3 1/2) months.

The Multiple Species Habitat Conservation Plan (MSHCP) is an element of the Riverside County Integrated Project (RCIP) to conserve open space; nature preserves and wildlife to be set aside in some areas. It is designed to protect over 150 species and conserve over 500,000 acres in Western Riverside County. The City of Temecula is a permittee to the MSHCP and as such is required to abide by the Regional Conservation Authority's (RCA) MSHCP Mitigation Fee Implementation Manual adopted by Resolution 2020-013 on December 7, 2020. The RCA is a joint regional authority formed by the County and the Cities to provide primary policy direction for implementation of the MSHCP.

Since July 1, 2008, the RCA has required that locally funded Capital Improvement Projects contribute applicable MSHCP fees within 90-days of construction contract award. Fees for projects outside the public right of way are calculated based on the cost per acre of disturbed area, while fees for typical right-of-way improvement projects are calculated as 5% of construction costs. Maintenance-only projects and projects located entirely within developed parks, such as this project, are exempt from MSHCP fees.

FISCAL IMPACT: The Vail Ranch Park Restrooms Project, PW23-06, is included in the City's Capital Improvement Program (CIP) Budget for Fiscal Years 2026-2030 and is funded with Measure "S". Adequate funds are available in the project account to cover the contract amount of $264,052 plus the 10% contingency amount of $26,405.20 for a total encumbrance of $290,457.20.

ATTACHMENTS:
1. Contract
2. Project Description
3. Project Location Map

Docusign Envelope ID: 50BF904D-4079-411C-B325-F9A97F2E30C2

CITY OF TEMECULA, DEPARTMENT OF PUBLIC WORKS

CONTRACT

for

VAIL RANCH PARK RESTROOMS
PROJECT NO. PW23-06

THIS CONTRACT, made and entered into the **13th day of January, 2026** by and between the City of Temecula, a municipal corporation, hereinafter referred to as "City", Roadway Engineering & Construction Corp, hereinafter referred to as "Contractor."

WITNESSETH:

That City and Contractor, for the consideration hereinafter named, mutually agree as follows:

1. CONTRACT DOCUMENTS

The complete Contract includes all of the Contract Documents, to wit: Notice Inviting Bids, Instructions to Bidders, Proposal, Performance Bond, Labor and Materials Bond, Plans and Specifications entitled **VAIL RANCH PARK RESTROOMS, PROJECT NO. PW23-06,** Insurance Forms, this Contract, and all modifications and amendments thereto, the State of California Standard Plans and Specifications, (latest edition), issued by the California Department of Transportation, where specifically referenced in the Plans, Special Provisions, and Technical Specifications, and the latest version of the Standard Specifications for Public Works Construction, including all supplements as written and promulgated by Public Works Standards, Inc. (hereinafter, "Standard Specifications") as amended by the General Specifications, Special Provisions, and Technical Specifications for **VAIL RANCH PARK RESTROOMS, PROJECT NO. PW23-06**. Copies of these Standard Specifications are available from the publisher:

BNi Building News
Division of BNi Publications, Inc.
990 Park Center Drive, Suite E
Vista, CA 92081
(760) 734-1113

The Standard Specifications will control the general provisions, construction materials, and construction methods for this Contract except as amended by the General Specifications, Special Provisions, and Technical Specifications for **VAIL RANCH PARK RESTROOMS, PROJECT NO. PW23-06.**

In case of conflict between the Standard Specifications and the other Contract Documents, the other Contract Documents shall take precedence over, and be used in lieu of, such conflicting portions.

Where the Contract Documents describe portions of the work in general terms, but not in complete detail, it is understood that the item is to be furnished and installed completed and in place and that only the best general practice is to be used. Unless otherwise specified, the Contractor shall furnish all labor, materials, tools, equipment, and incidentals, and do all the work involved in executing the Contract.

The Contract Documents are complementary, and what is called for by anyone shall be as binding as if called for by all. Any conflict between this Contract and any other Contract Document shall be resolved in favor of this Contract.

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2. SCOPE OF WORK

Contractor shall perform everything required to be performed, shall provide and furnish all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services required for the following: **VAIL RANCH PARK RESTROOMS, PROJECT NO. PW23-06**.

All of said work to be performed and materials to be furnished shall be in strict accordance with the Drawings and Specifications and the provisions of the Contract Documents hereinabove enumerated and adopted by City.

3. CITY APPROVAL

All labor, materials, tools, equipment, and services shall be furnished and work performed and completed under the direction and supervision, and subject to the approval of City or its authorized representatives.

4. CONTRACT AMOUNT AND SCHEDULE

The City agrees to pay, and Contractor agrees to accept, in full payment for, the work agreed to be done, the sum of: **TWO HUNDRED SIXTY-FOUR THOUSAND FIFTY TWO DOLLARS AND ZERO CENTS ($264,052.00)**, the total amount of the base bid.

Contractor agrees to complete the work in a period not to exceed **Seventy (70) working days**, commencing with delivery of a Notice to Proceed by City. Construction shall not commence until bonds and insurance are approved by City.

5. CHANGE ORDERS

All change orders shall be approved by the City Council, except that the City Manager is hereby authorized by the City Council to make, by written order, changes or additions to the work in an amount not to exceed the contingency as established by the City Council.

6. PAYMENTS

a. Lump Sum Bid Schedule: Before submittal of the first payment request, the Contractor shall submit to the Director of Public Works a schedule of values allocated to the various portions of the work, prepared in such form and supported by such data to substantiate its accuracy as the Director of Public Works may require. This schedule, as approved by the Director of Public Works, shall be used as the basis for reviewing the Contractor's payment requests.

b. Unit Price Bid Schedule: Pursuant to Section 20104.50 of the Public Contract Code, within 30 days after submission of a payment request to the City, the Contractor shall be paid a sum equal to **95% of the value of the work** completed according to the bid schedule. Payment request forms shall be submitted on or about the 30th day of each successive month as the work progresses. The final payment, if unencumbered, or any part thereof unencumbered, shall be made 60 days after acceptance of final payment and the Contractor filing a one-year Warranty and an Affidavit of Final Release with the City on forms provided by the City.

c. Payment for Work Performed: Payments shall be made on demands drawn in the manner required by law, accompanied by a certificate signed by the City Manager, stating that the work for which payment is demanded has been performed in accordance with the terms of the Contract, and that the amount stated in the certificate is due under the terms of the Contract. Partial payments on the Contract price shall not be considered as an acceptance of any part of the work.

d. Payment of Interest: Interest shall be paid on all undisputed payment requests not paid within 30 days pursuant to Public Contract Code Section 20104.50. Public Contract Code Section 7107 is hereby incorporated by reference.

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7. LIQUIDATED DAMAGES / EXTENSION OF TIME

a. Liquidated Damages: In accordance with Government Code Section 53069.85, Contractor agrees to forfeit and pay to City the sum of $1,000 per day for each calendar day completion is delayed beyond the time allowed pursuant to Paragraph 4 of this Contract. Such sum shall be deducted from any payments due to or to become due to Contractor. Additionally, in accordance with Government Code Section 53069.85, Contractor agrees to forfeit and pay to the City the sum of $1,000 per day for each calendar day beyond March 30, 2026, that the Contractor does not have the site ready for Public Restroom Company to deliver and install the new prefabricated building pursuant to Section 6.1.1 of the Special Provisions. Such sum shall be deducted from any payments due to or to become due to Contractor.

b. Extension of Time: Contractor will be granted an extension of time and will not be assessed liquidated damages for unforeseeable delays beyond the control of, and without the fault or negligence of the Contractor, including delays caused by City. Within ten calendar days of the occurrence of such delay, Contractor shall give written notice to City. Within 30 calendar days of the occurrence of the delay, Contractor shall provide written documentation sufficient to support its delay claim to City. Contractor's failure to provide such notice and documentation shall constitute Contractor's waiver, discharge, and release of such delay claims against City.

8. WAIVER OF CLAIMS

On or before making each request for payment under Paragraph 6 above, Contractor shall submit to City, in writing, all claims for compensation as to work related to the payment. Unless the Contractor has disputed the amount of the payment, the acceptance by Contractor of each payment shall constitute a release of all claims against the City related to the payment. Contractor shall be required to execute an affidavit, release, and indemnity agreement with each claim for payment.

9. PREVAILING WAGES

Pursuant to the provisions of Section 1773 of the Labor Code of the State of California, the City Council has obtained the general prevailing rate of per diem wages and the general rate for holiday and overtime work in this locality for each craft, classification, or type of workman needed to execute this Contract from the Director of the Department of Industrial Relations. Copies may be obtained from the California Department of Industrial Relations Internet website at **http://www.dir.ca.gov**. Contractor shall provide a copy of prevailing wage rates to any staff or subcontractor hired, and shall pay the adopted prevailing wage rates as a minimum. Contractor shall comply with the provisions of Sections 1720, 1720.9, 1725.5, 1771.1(a), 1773.8, 1775, 1776, 1777.5, 1777.6, and 1813 of the Labor Code. Pursuant to the provisions of 1775 of the Labor Code, Contractor shall forfeit to the City, as a penalty, the sum of $200.00 for each calendar day, or portion thereof, for each laborer, worker, or mechanic employed, paid less than the stipulated prevailing rates for any work done under this Contract, by him or by any subcontractor under him, in violation of the provisions of the Contract. This project, work, or service will be subject to compliance monitoring and enforcement by the Department of Industrial Relations (DIR) pursuant to Labor Code Section 1771.4.

10. TIME OF THE ESSENCE

Time is of the essence in this contract.

11. INDEMNIFICATION

All work covered by this Contract done at the site of construction or in preparing or delivering materials to the site shall be at the risk of Contractor alone. Contractor agrees to save, indemnify, hold harmless and defend the City of Temecula, Temecula Community Services District, and/or Successor Agency to the Temecula Redevelopment Agency**,** its officers, employees, and agents, against any and all liability, injuries, or death of persons (Contractor's employees included), and damage to property, arising directly or indirectly out of the obligations herein undertaken or out of the operations conducted by Contractor, save and except claims or litigations arising through the sole active negligence or sole willful misconduct of the City.

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The Contractor shall indemnify and be responsible for reimbursing the City for any and all costs incurred by the City as a result of Stop Notices filed against the project. The City shall deduct such costs from progress payments or final payments due to the Contractor.

12. GRATUITIES

Contractor warrants that neither it nor any of its employees, agents, or representatives has offered or given any gratuities or promises to City's employees, agents, or representatives with a view toward securing this Contract or securing favorable treatment with respect thereto.

13. CONFLICT OF INTEREST

Contractor warrants that none of its partners, members or shareholders are related by blood or marriage to any employee of the City who has participated in the development of the specifications or approval of this project or who will administer this project nor are they in any way financially associated with any City officer or employee, or any architect, engineer, or other preparers of the Drawings and Specifications for this project. Contractor further warrants that no person in its employ nor any person with an ownership interest in the Contractor has been employed by the City within one year of the date of the Notice Inviting Bids.

14. CONTRACTOR'S AFFIDAVIT

After the completion of the work contemplated by this Contract, Contractor shall file with the City Manager, its affidavit stating that all workmen and persons employed, all firms supplying materials, and all subcontractors upon the Project have been paid in full, and that there are no claims outstanding against the Project for either labor or materials, except certain items, if any, to be set forth in an affidavit covering disputed claims or items in connection with a Stop Notice which has been filed under the provisions of the laws of the State of California.

15. NOTICE TO CITY OF LABOR DISPUTES

Whenever the Contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of the Contract, Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to City.

16. BOOKS AND RECORDS

Contractor's books, records, and plans or such part thereof as may be engaged in the performance of this Contract, shall at all reasonable times be subject to inspection and audit by any authorized representative of the City.

17. INSPECTION

The work shall be subject to inspection and testing by City and its authorized representatives during manufacture and construction and all other times and places, including without limitation, the plants of Contractor and any of its suppliers. Contractor shall provide all reasonable facilities and assistance for the safety and convenience of inspectors. All inspections and tests shall be performed in such manner as to not unduly delay the work. The work shall be subject to final inspection and acceptance notwithstanding any payments or other prior inspections. Such final inspection shall be made within a reasonable time after completion of the work.

18. DISCRIMINATION

Contractor represents that it has not, and agrees that it will not, discriminate in its employment practices on the basis of race, creed, religion, national origin, color, sex, age, or handicap.

19. GOVERNING LAW

The City and Contractor understand and agree that the laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Contract and also govern the interpretation of this Contract.

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20. PROHIBITED INTEREST

No member, officer, or employee of the City of Temecula or of a local public body who has participated in the development of the specifications or approval of this project or will administer this project shall have any interest, direct or indirect, in the Contract or the proceeds thereof during his/her tenure or for one year thereafter.

Furthermore, the Contractor covenants and agrees to their knowledge that no board member, officer or employee of the City of Temecula has any interest, whether contractual, non-contractual, financial or otherwise, in this transaction, or in the business of the contracting party other than the City of Temecula, and that if any such interest comes to the knowledge of either party at any time, a full and complete disclosure of all such information will be made, in writing, to the other party or parties, even if such interest would not be considered a conflict of interest under Article 4 (commencing with Section 1090) or Article 4.6 (commencing with Section 1220) of Division 4 of Title I of the Government Code of the State of California.

21. ADA REQUIREMENTS

By signing this Contract, Contractor certifies that the Contractor is in total compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, as amended.

22. WRITTEN NOTICE

Any written notice required to be given in any part of the Contract Documents shall be performed by depositing the same in the U.S. Mail, postage prepaid, directed to the address of the Contractor as set forth in the Contract Documents, and to the City addressed as follows:

Mailing and Delivery Address: Ron Moreno, PE
Director of Public Works / City Engineer
City of Temecula
41000 Main Street
Temecula, CA 92590

23. INSURANCE.

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons and/or damages to property, which may arise from or in connection with the performance of the work hereunder and the results of work by the Contractor, its agents, representatives, employees, or subcontractors.

a. Minimum Scope of Insurance. Coverage shall be at least as broad as:

1) Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operation, property damage, bodily injury, and personal & advertising with limits no less than Two Million ($2,000,000) per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 05 09 or 25 04 05 09) or the general aggregate limit shall be twice the required occurrence limit.

2) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, covering hired, (Code8) and non-owned autos (Code 9), with limits no less than One Million ($1,000,000) per accident for bodily injury, including death, of one or more persons, property damage and personal injury.

3) Workers’ Compensation: as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than One million ($1,000,000) per accident for bodily injury or disease. In accordance with the provisions of Labor Code Section 3700, every contractor will be required to secure the payment of compensation to

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it's employees. Pursuant to Labor Code Section 1861, Vendor must submit to City the following certification before beginning any work on the Improvements:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

By executing this Agreement, Vendor is submitting the certification required above.

The policy must contain a waiver of subrogation in favor of the City of Temecula, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, their officers, officials, employees, or volunteers.

b. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared and approved by the Risk Manager.

c. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions:

1) **The City of Temecula, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, Eastern Municipal Water District (EMWD),** their officers, officials, employees and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor's products and completed operations of the Contractor; premises owned, occupied or used by the Vendor. General liability coverage can be provided in the form of an endorsement to the Contractor Insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 if a later edition is used). The coverage shall contain no special limitations on the scope of protection afforded to the **City of Temecula, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, Eastern Municipal Water District (EMWD),** their officers, officials, employees, or volunteers.

2) For any claims related to this project, the Contractor insurance coverage shall be primary and non-contributory and at least as broad as ISO CG 20 01 04 13 as respects **the City, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, Eastern Municipal Water District (EMWD),** their officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the **City of Temecula, Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency, Eastern Municipal Water District (EMWD),** its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it. This also applies to any Excess or Umbrella liability policies.

3) The Contractor may use Umbrella or Excess Policies to provide the limits as required in this agreement. The Umbrella or Excess policies shall be provided on a true "following form" or broader coverage basis, with coverage at least as broad as provided on the underlying Commercial General Liability Insurance.

4) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect the indemnification provided to the **City of Temecula, the Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency, Eastern Municipal Water District (EMWD),** their officers, officials, employees, or volunteers.

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5) The Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6) If the Contractor's maintains broader coverage and/or higher limits than the minimums shown above, the City requires and shall be entitled to the broader coverage and/or higher limits maintained by the contractor.

7) If insurance coverage is canceled or, reduced in coverage or in limits the Contractor shall within two (2) business days of notice from insurer phone, fax, and/or notify the City via certified mail, return receipt requested of the changes to or cancellation of the policy.

8) Unless otherwise approved by City, if any part of the Services and Tasks is subcontracted, the Minimum Insurance Requirements must be provided by, or on behalf of, all subcontractors even if city has approved lesser insurance requirements for Contractor, and all subcontractors must agree in writing to be bound by the provisions of this section.

d. Acceptability of Insurers. Insurance required above, except for workers' compensation insurance, must be placed with insurers with a current A.M. Best rating of A-: VII or better, unless otherwise acceptable to the City. Self-insurance shall not be considered to comply with these insurance requirements.

e. Verification of Coverage. Contractor shall furnish the City with original certificates and amendatory endorsements, or copies of the applicable policy language affecting coverage required by this clause. All certificates and endorsements and copies of the Declarations & Endorsements pages are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

f. Special Risks or Circumstances. The City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

24. RECOVERED MATERIALS AND SOLID WASTE DISPOSAL ACT

Contractor agrees to comply with all requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.

25. TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT

Contractor shall not procure or obtain, extend or renew a contract to procure or obtain, or enter into a contract to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, or any subsidiary or affiliate of such entities. Covered equipment also includes video surveillance and telecommunications equipment or services provided by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, Dahua Technology Company, any subsidiary or affiliate of such entities, and any entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

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26. COMPLIANCE WITH LAWS

The Contractor shall comply with all applicable federal, State and local laws, ordinances, codes and regulations in force at the time the Contractor performs pursuant to the Contract Documents, and shall comply with all grant or funding terms and conditions applicable to the Contract and/or the work.

27. CLAIM DISPUTE RESOLUTION

In the event of any dispute or controversy with the City over any matter whatsoever, the Contractor shall not cause any delay or cessation in or of work, but shall proceed with the performance of the work in dispute. The Contractor shall retain any and all rights provided that pertain to the resolution of disputes and protests between the parties. The disputed work will be categorized as an "unresolved dispute" and payment, if any, shall be as later determined by mutual agreement or a court of law. The Contractor shall keep accurate, detailed records of all disputed work, claims and other disputed matters.

All claims arising out of or related to the Contract or this project, and the consideration and payment of such claims, are subject to the Government Claims Act (Government Code Section 810 et seq.) with regard to filing claims. All such claims are also subject to Public Contract Code Section 9204 and Public Contract Code Section 20104 et seq. (Article 1.5), where applicable. This Contract hereby incorporates those provisions as though fully set forth herein. Thus, the Contractor or any Subcontractor must present a claim in accordance with the Government Claims Act as a prerequisite to prosecuting any claim against the City. The filing or prosecution of a claim in compliance with Section 9204 and/or Article 1.5 (if applicable) does not in any way obviate the need to timely present a claim under the Government Claims Act, or in any toll the expiration of any limitations period for the timely presentation of a claim under the Government Claims Act.

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IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed on the date first above written.

DATED: 12/29/2025

ROADWAY ENGINEERING & CONSTRUCTION CORP
3121 Indian Avenue
Perris, CA 92571
(951)940-0045
Eric@roadwayengineering.com

By: DocuSigned by: 00BF184C8AF54F5...

Eric Alvarez

President/Secretary

CITY OF TEMECULA

DATED: _____

By: _____
Jessica Alexander, Mayor

ATTEST:

_____
Randi Johl, City Clerk

APPROVED AS TO FORM:

Signed by: Peter M. Thorson C343357EB2E34B5...

Peter M. Thorson, City Attorney

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Roadway Engineering & Construction Corp.

Minutes of Regular Board of Directors Meeting

A meeting of the Board of Directors of Roadway Engineering & Contracting Inc. was held on February 01, 2021, at the following address:

18800 Lakepointe Drive
Riverside, California 92503

The Secretary of Roadway Engineering & Construction Corp. called the roll and the following Directors were present:

Eric Alvarez
Simonette J. Alvarez

...all being Directors of Roadway Engineering & Construction Corp..

The Secretary then noted that a Notice of the time and place of the meeting had been sent to each of the Directors in accordance with the provisions set forth in the by-laws of Roadway Engineering & Construction Corp..

Eric Alvarez, the Chairman, then outlined the purpose of the meeting was to discuss several items that had come to the attention of management, which the Chairman felt required Board consideration.

The Chairman then stated that the next order of business was the authorization of a person to execute contracts on behalf of the Corporation. After consideration, and upon motion duly made and seconded, it was unanimously:

RESOLVED, that the Secretary of the Corporation, Eric Alvarez, is hereby authorized to execute contracts on behalf of the corporation.

There being no further business, the meeting of the board of Directors for Roadway Engineering & Contracting Inc. was then adjourned.

Dated: Feb 01, 2021

Eric Alvarez (Secretary)

VAIL RANCH PARK RESTROOMS

Parks/Recreation Project

Project Description: This project provides for the design and construction of the renovation, expansion and Americans with Disabilities Act (ADA) improvements of existing restroom facilities. The restroom expansion includes the addition of new restroom facilities at Vail Ranch Park that meet current ADA accessibility compliance standards.



Benefit: This project provides restrooms for park patrons that are accessibility compliant.

Core Value: Healthy and Livable City

Project Status: Project is in design. Construction anticipated in FY 25-26

Department: Public Works - Account No. 210.265.999.5800.PWPE-07-02/ PW23-06

Level: I

Project Cost:	Prior Years Actuals	2024-25 Adjusted	2025-26 Adopted Budget	2026-27 Projected	2027-28 Projected	2028-29 Projected	2029-30 Projected	Total Project Cost
5801-Administration	25,292	151,708						**177,000**
5804-Construction		835,000						**835,000**
5805-Construction Engineering		60,000						**60,000**
5802-Design & Environmental		220,930						**220,930**
5809-Information Technology		30,000	70,000					**100,000**
Total Expenditures	25,292	1,297,638	70,000	-	-	-	-	**1,392,930**
Source of Funds:								
4002-Measure S	25,292	1,297,638	70,000					**1,392,930**
Total Funding	25,292	1,297,638	70,000	-	-	-	-	**1,392,930**
Future Operating & Maintenance Costs:								
Total Operating Costs				30,475	31,085	31,706	32,340	

Notes :
1. Operating & Maintenance costs reflect the increased janitorial costs associated with the addition of new park restroom facilities.

Vail Ranch Park Restrooms, PW23-06



Legend

- City of Temecula Boundary
- Street Names
- Highways
  - HWY
  - INTERCHANGE
  - INTERSTATE
  - OFFRAMP
  - ONRAMP
  - USHWY
- Creeks
- Cities
- Streets
  - <Null>
  - PAVED
  - PROPOSED
  - UNPAVED

Notes

188.1 0 94.04 188.1 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Ron Moreno, Director of Public Works/City Engineer

DATE: January 13, 2026

SUBJECT: Award Construction Contract to Roadway Engineering & Construction Corp. for the Long Canyon Creek Park Restrooms Project, PW23-18

PREPARED BY: Hossein Ajideh, Principal Civil Engineer
Emalee Manning, Assistant Engineer II

RECOMMENDATION: That the City Council:

1. Award a construction contract to Roadway Engineering & Construction Corp., in the amount of $189,695.50 for the Long Canyon Creek Park Restrooms Project, PW23-18; and

2. Authorize the City Manager to approve contract change orders up to 10% of the contract amount, $18,969.55; and

3. Make a finding that this project is exempt from Multiple Species Habitat Conservation Plan fees.

BACKGROUND: The Long Canyon Creek Park Restrooms Project is a Park and Recreation project that includes the construction of a new park restroom facility designed to meet current Americans with Disabilities Act (ADA) accessibility standards. This project will provide additional amenities for park patrons through the design, fabrication, delivery and installation of a prefabricated restroom building. The facility will include two unisex single-stall restrooms, a drinking fountain with a bottle filler, and a small storage area located within the utility chase.

The project also includes utility rerouting, upgrading and new utilities, site grading, parking lot reconfiguration and restriping, concrete improvements, installation of ADA-compliant pedestrian access ramp and signage, landscaping, and irrigation improvements.

A consultant services agreement with Michael Baker International, Inc., dated August 13, 2024, provided consultant services to design the site improvements necessary to accommodate a stand-alone restroom building to be procured from, and installed by, Public Restroom Company. The construction contract proposed for award to Roadway Engineering & Construction Corp. on

today's agenda is for these site improvements necessary to support the prefabricated restroom building.

A separate contract between the City and Public Restroom Company, dated August 13, 2024, provides for all prefabricated restroom building-related activities, which include but are not limited to the design, manufacturing, delivery, and installation of the restroom building at the project site.

This project is exempt from the California Environmental Quality Act (CEQA) requirements pursuant to Article 19, Categorical Exemption, Section 15303, Class 3 (e), New Construction or Conversion of Small Structures, of the CEQA Guidelines. The project involves upgrades to an existing park consisting of a new 166-square foot restroom building with associated ADA-compliant flatwork.

The construction contract was publicly advertised for bid between November 20, 2025, and December 16, 2025. Eleven (11) bids were received and publicly opened on Tuesday, December 16, 2025. Staff have completed the evaluation of the bids and have determined that all bids are responsive.

The results are as follows:

	Contractor	Bid Amount
1	Roadway Engineering & Construction Corp.	$189,695.50
2	LGC Construction	$203,782.02
3	Leonida Builders Inc	$218,064.00
4	Gentry General Engineering Inc	$249,679.75
5	ANEEN CONSTRUCTION, INC.	$256,332.00
6	Western State Builders	$261,863.00
7	Van Engineering Inc	$262,077.50
8	Malek Engineering and Construction	$262,416.00
9	Camp Constructors Inc	$275,000.00
10	prestige prime engineering	$279,258.50
11	HZS Engineering Inc	$427,522.00

After analyzing the bids and waiving minor bid irregularities, staff determined that Roadway Engineering & Construction Corp., of Perris, California, is the lowest responsive and responsible

bidder. Roadway Engineering & Construction Corp. has public contracting experience and has successfully completed various similar projects with other public agencies.

The Engineer's construction cost estimate for the project is $245,000. Construction duration is estimated to be seventy (70) working days, which is approximately three and a half (3 1/2) months.

The Multiple Species Habitat Conservation Plan (MSHCP) is an element of the Riverside County Integrated Project (RCIP) to conserve open space, nature preserves and wildlife to be set aside in some areas. It is designed to protect over 150 species and conserve over 500,000 acres in Western Riverside County. The City of Temecula is a permittee to the MSHCP and, as such, is required to abide by the Regional Conservation Authority's (RCA) MSHCP Mitigation Fee Implementation Manual adopted by Resolution 2020-013 on December 7, 2020. The RCA is a joint regional authority formed by the County and the Cities to provide primary policy direction for implementation of the MSHCP.

Since July 1, 2008, the RCA has required that locally funded Capital Improvement Projects contribute applicable MSHCP fees within 90 days of construction contract award. Fees for projects outside the public right-of-way are calculated based on the cost per acre of disturbed area, while fees for typical right-of-way improvement projects are calculated as 5% of construction costs. Maintenance-only projects and projects located entirely within developed parks, such as this project, are exempt from MSHCP fees.

FISCAL IMPACT: The Long Canyon Creek Park Restrooms Project, PW23-18, is included in the City's Capital Improvement Program (CIP) Budget for Fiscal Years 2026-2030 and is funded with Measure "S." Adequate funds are available in the project account to cover the contract amount of $189,695.50, plus the 10% contingency amount of $18,969.55 for a total encumbrance of $208,665.05.

ATTACHMENTS:
1. Contract
2. Project Description
3. Project Location Map

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CITY OF TEMECULA, DEPARTMENT OF PUBLIC WORKS

CONTRACT

for

LONG CANYON CREEK PARK RESTROOMS
PROJECT NO. PW23-18

THIS CONTRACT, made and entered into the **13th day of January, 2026** by and between the City of Temecula, a municipal corporation, hereinafter referred to as "City", Roadway Engineering & Construction Corp, hereinafter referred to as "Contractor."

WITNESSETH:

That City and Contractor, for the consideration hereinafter named, mutually agree as follows:

1. CONTRACT DOCUMENTS

The complete Contract includes all of the Contract Documents, to wit: Notice Inviting Bids, Instructions to Bidders, Proposal, Performance Bond, Labor and Materials Bond, Plans and Specifications entitled **LONG CANYON CREEK PARK RESTROOMS, PROJECT NO. PW23-18**, Insurance Forms, this Contract, and all modifications and amendments thereto, the State of California Standard Plans and Specifications, (latest edition), issued by the California Department of Transportation, where specifically referenced in the Plans, Special Provisions, and Technical Specifications, and the latest version of the Standard Specifications for Public Works Construction, including all supplements as written and promulgated by Public Works Standards, Inc. (hereinafter, "Standard Specifications") as amended by the General Specifications, Special Provisions, and Technical Specifications for **LONG CANYON CREEK PARK RESTROOMS, PROJECT NO. PW23-18**. Copies of these Standard Specifications are available from the publisher:

BNi Building News
Division of BNi Publications, Inc.
990 Park Center Drive, Suite E
Vista, CA 92081
(760) 734-1113

The Standard Specifications will control the general provisions, construction materials, and construction methods for this Contract except as amended by the General Specifications, Special Provisions, and Technical Specifications for **LONG CANYON CREEK PARK RESTROOMS, PROJECT NO. PW23-18**.

In case of conflict between the Standard Specifications and the other Contract Documents, the other Contract Documents shall take precedence over, and be used in lieu of, such conflicting portions.

Where the Contract Documents describe portions of the work in general terms, but not in complete detail, it is understood that the item is to be furnished and installed completed and in place and that only the best general practice is to be used. Unless otherwise specified, the Contractor shall furnish all labor, materials, tools, equipment, and incidentals, and do all the work involved in executing the Contract.

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The Contract Documents are complementary, and what is called for by anyone shall be as binding as if called for by all. Any conflict between this Contract and any other Contract Document shall be resolved in favor of this Contract.

2. SCOPE OF WORK

Contractor shall perform everything required to be performed, shall provide and furnish all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services required for the following: **LONG CANYON CREEK PARK RESTROOMS, PROJECT NO. PW23-18**.

All of said work to be performed and materials to be furnished shall be in strict accordance with the Drawings and Specifications and the provisions of the Contract Documents hereinabove enumerated and adopted by City.

3. CITY APPROVAL

All labor, materials, tools, equipment, and services shall be furnished and work performed and completed under the direction and supervision, and subject to the approval of City or its authorized representatives.

4. CONTRACT AMOUNT AND SCHEDULE

The City agrees to pay, and Contractor agrees to accept, in full payment for, the work agreed to be done, the sum of: **ONE HUNDRED EIGHTY-NINE THOUSAND SIX HUNDRED NINETY FIVE DOLLARS AND FIFTY CENTS ($189,695.50)** the total amount of the base bid.

Contractor agrees to complete the work in a period not to exceed **Seventy (70) working days**, commencing with delivery of a Notice to Proceed by City. Construction shall not commence until bonds and insurance are approved by City.

5. CHANGE ORDERS

All change orders shall be approved by the City Council, except that the City Manager is hereby authorized by the City Council to make, by written order, changes or additions to the work in an amount not to exceed the contingency as established by the City Council.

6. PAYMENTS

a. Lump Sum Bid Schedule: Before submittal of the first payment request, the Contractor shall submit to the Director of Public Works a schedule of values allocated to the various portions of the work, prepared in such form and supported by such data to substantiate its accuracy as the Director of Public Works may require. This schedule, as approved by the Director of Public Works, shall be used as the basis for reviewing the Contractor's payment requests.

b. Unit Price Bid Schedule: Pursuant to Section 20104.50 of the Public Contract Code, within 30 days after submission of a payment request to the City, the Contractor shall be paid a sum equal to **95% of the value of the work** completed according to the bid schedule. Payment request forms shall be submitted on or about the 30th day of each successive month as the work progresses. The final payment, if unencumbered, or any part thereof unencumbered, shall be made 60 days after acceptance of final payment and the Contractor filing a one-year Warranty and an Affidavit of Final Release with the City on forms provided by the City.

c. Payment for Work Performed: Payments shall be made on demands drawn in the manner required by law, accompanied by a certificate signed by the City Manager, stating that the work for which payment is demanded has been performed in accordance with the terms of the Contract, and that the amount stated in the certificate is due under the terms of the Contract. Partial payments on the Contract price shall not be considered as an acceptance of any part of the work.

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d. Payment of Interest: Interest shall be paid on all undisputed payment requests not paid within 30 days pursuant to Public Contract Code Section 20104.50. Public Contract Code Section 7107 is hereby incorporated by reference.

7. LIQUIDATED DAMAGES / EXTENSION OF TIME

a. Liquidated Damages: In accordance with Government Code Section 53069.85, Contractor agrees to forfeit and pay to City the sum of $1,000 per day for each calendar day completion is delayed beyond the time allowed pursuant to Paragraph 4 of this Contract. Such sum shall be deducted from any payments due to or to become due to Contractor. Additionally, in accordance with Government Code Section 53069.85, Contractor agrees to forfeit and pay to the City the sum of $1,000 per day for each calendar day beyond March 23, 2026 that the Contractor does not have the site ready for Public Restroom Company to deliver and install the new prefabricated building pursuant to Section 6.1.1 of the Special Provisions. Such sum shall be deducted from any payments due to or to become due to Contractor.

b. Extension of Time: Contractor will be granted an extension of time and will not be assessed liquidated damages for unforeseeable delays beyond the control of, and without the fault or negligence of the Contractor, including delays caused by City. Within ten calendar days of the occurrence of such delay, Contractor shall give written notice to City. Within 30 calendar days of the occurrence of the delay, Contractor shall provide written documentation sufficient to support its delay claim to City. Contractor's failure to provide such notice and documentation shall constitute Contractor's waiver, discharge, and release of such delay claims against City.

8. WAIVER OF CLAIMS

On or before making each request for payment under Paragraph 6 above, Contractor shall submit to City, in writing, all claims for compensation as to work related to the payment. Unless the Contractor has disputed the amount of the payment, the acceptance by Contractor of each payment shall constitute a release of all claims against the City related to the payment. Contractor shall be required to execute an affidavit, release, and indemnity agreement with each claim for payment.

9. PREVAILING WAGES

Pursuant to the provisions of Section 1773 of the Labor Code of the State of California, the City Council has obtained the general prevailing rate of per diem wages and the general rate for holiday and overtime work in this locality for each craft, classification, or type of workman needed to execute this Contract from the Director of the Department of Industrial Relations. Copies may be obtained from the California Department of Industrial Relations Internet website at **http://www.dir.ca.gov**. Contractor shall provide a copy of prevailing wage rates to any staff or subcontractor hired, and shall pay the adopted prevailing wage rates as a minimum. Contractor shall comply with the provisions of Sections 1720, 1720.9, 1725.5, 1771.1(a), 1773.8, 1775, 1776, 1777.5, 1777.6, and 1813 of the Labor Code. Pursuant to the provisions of 1775 of the Labor Code, Contractor shall forfeit to the City, as a penalty, the sum of $200.00 for each calendar day, or portion thereof, for each laborer, worker, or mechanic employed, paid less than the stipulated prevailing rates for any work done under this Contract, by him or by any subcontractor under him, in violation of the provisions of the Contract. This project, work, or service will be subject to compliance monitoring and enforcement by the Department of Industrial Relations (DIR) pursuant to Labor Code Section 1771.4.

10. TIME OF THE ESSENCE

Time is of the essence in this contract.

11. INDEMNIFICATION

All work covered by this Contract done at the site of construction or in preparing or delivering materials to the site shall be at the risk of Contractor alone. Contractor agrees to save, indemnify, hold harmless and defend the City of Temecula, Temecula Community Services District, and/or Successor Agency to the Temecula Redevelopment Agency, its officers,

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employees, and agents, against any and all liability, injuries, or death of persons (Contractor's employees included), and damage to property, arising directly or indirectly out of the obligations herein undertaken or out of the operations conducted by Contractor, save and except claims or litigations arising through the sole active negligence or sole willful misconduct of the City.

The Contractor shall indemnify and be responsible for reimbursing the City for any and all costs incurred by the City as a result of Stop Notices filed against the project. The City shall deduct such costs from progress payments or final payments due to the Contractor.

12. GRATUITIES

Contractor warrants that neither it nor any of its employees, agents, or representatives has offered or given any gratuities or promises to City's employees, agents, or representatives with a view toward securing this Contract or securing favorable treatment with respect thereto.

13. CONFLICT OF INTEREST

Contractor warrants that none of its partners, members or shareholders are related by blood or marriage to any employee of the City who has participated in the development of the specifications or approval of this project or who will administer this project nor are they in any way financially associated with any City officer or employee, or any architect, engineer, or other preparers of the Drawings and Specifications for this project. Contractor further warrants that no person in its employ nor any person with an ownership interest in the Contractor has been employed by the City within one year of the date of the Notice Inviting Bids.

14. CONTRACTOR'S AFFIDAVIT

After the completion of the work contemplated by this Contract, Contractor shall file with the City Manager, its affidavit stating that all workmen and persons employed, all firms supplying materials, and all subcontractors upon the Project have been paid in full, and that there are no claims outstanding against the Project for either labor or materials, except certain items, if any, to be set forth in an affidavit covering disputed claims or items in connection with a Stop Notice which has been filed under the provisions of the laws of the State of California.

15. NOTICE TO CITY OF LABOR DISPUTES

Whenever the Contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of the Contract, Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to City.

16. BOOKS AND RECORDS

Contractor's books, records, and plans or such part thereof as may be engaged in the performance of this Contract, shall at all reasonable times be subject to inspection and audit by any authorized representative of the City.

17. INSPECTION

The work shall be subject to inspection and testing by City and its authorized representatives during manufacture and construction and all other times and places, including without limitation, the plants of Contractor and any of its suppliers. Contractor shall provide all reasonable facilities and assistance for the safety and convenience of inspectors. All inspections and tests shall be performed in such manner as to not unduly delay the work. The work shall be subject to final inspection and acceptance notwithstanding any payments or other prior inspections. Such final inspection shall be made within a reasonable time after completion of the work.

18. DISCRIMINATION

Contractor represents that it has not, and agrees that it will not, discriminate in its employment practices on the basis of race, creed, religion, national origin, color, sex, age, or handicap.

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19. GOVERNING LAW

The City and Contractor understand and agree that the laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Contract and also govern the interpretation of this Contract.

20. PROHIBITED INTEREST

No member, officer, or employee of the City of Temecula or of a local public body who has participated in the development of the specifications or approval of this project or will administer this project shall have any interest, direct or indirect, in the Contract or the proceeds thereof during his/her tenure or for one year thereafter.

Furthermore, the Contractor covenants and agrees to their knowledge that no board member, officer or employee of the City of Temecula has any interest, whether contractual, non-contractual, financial or otherwise, in this transaction, or in the business of the contracting party other than the City of Temecula, and that if any such interest comes to the knowledge of either party at any time, a full and complete disclosure of all such information will be made, in writing, to the other party or parties, even if such interest would not be considered a conflict of interest under Article 4 (commencing with Section 1090) or Article 4.6 (commencing with Section 1220) of Division 4 of Title I of the Government Code of the State of California.

21. ADA REQUIREMENTS

By signing this Contract, Contractor certifies that the Contractor is in total compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, as amended.

22. WRITTEN NOTICE

Any written notice required to be given in any part of the Contract Documents shall be performed by depositing the same in the U.S. Mail, postage prepaid, directed to the address of the Contractor as set forth in the Contract Documents, and to the City addressed as follows:

Mailing and Delivery Address: Ron Moreno, PE
Director of Public Works / City Engineer
City of Temecula
41000 Main Street
Temecula, CA 92590

23. INSURANCE.

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons and/or damages to property, which may arise from or in connection with the performance of the work hereunder and the results of work by the Contractor, its agents, representatives, employees, or subcontractors.

a. Minimum Scope of Insurance. Coverage shall be at least as broad as:

1) Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operation, property damage, bodily injury, and personal & advertising with limits no less than Two Million ($2,000,000) per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 05 09 or 25 04 05 09) or the general aggregate limit shall be twice the required occurrence limit.

2) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, covering hired, (Code8) and non-owned autos (Code 9), with limits no less than One Million ($1,000,000) per accident for bodily injury, including death, of one or more persons, property damage and personal injury.

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3) Workers' Compensation: as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than One million ($1,000,000) per accident for bodily injury or disease. In accordance with the provisions of Labor Code Section 3700, every contractor will be required to secure the payment of compensation to it's employees. Pursuant to Labor Code Section 1861, Vendor must submit to City the following certification before beginning any work on the Improvements:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

By executing this Agreement, Vendor is submitting the certification required above.

The policy must contain a waiver of subrogation in favor of the City of Temecula, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, their officers, officials, employees, or volunteers.

b. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared and approved by the Risk Manager.

c. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions:

1) **The City of Temecula, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, Eastern Municipal Water District (EMWD)**, their officers, officials, employees and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor's products and completed operations of the Contractor; premises owned, occupied or used by the Vendor. General liability coverage can be provided in the form of an endorsement to the Contractor Insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 if a later edition is used). The coverage shall contain no special limitations on the scope of protection afforded to **the City of Temecula, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, Eastern Municipal Water District (EMWD)**, their officers, officials, employees, or volunteers.

2) For any claims related to this project, the Contractor insurance coverage shall be primary and non-contributory and at least as broad as ISO CG 20 01 04 13 as respects **the City, the Temecula Community Services District, the Successor Agency to the Temecula Redevelopment Agency, Eastern Municipal Water District (EMWD)**, their officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by **the City of Temecula, Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency, Eastern Municipal Water District (EMWD)**, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it. This also applies to any Excess or Umbrella liability policies.

3) The Contractor may use Umbrella or Excess Policies to provide the limits as required in this agreement. The Umbrella or Excess policies shall be provided on a true "following form" or broader coverage basis, with coverage at least as broad as provided on the underlying Commercial General Liability Insurance.

4) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect the indemnification provided to **the City**

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of Temecula, the Temecula Community Services District, and/or the Successor Agency to the Temecula Redevelopment Agency, Eastern Municipal Water District (EMWD), their officers, officials, employees, or volunteers.

5) The Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6) If the Contractor's maintains broader coverage and/or higher limits than the minimums shown above, the City requires and shall be entitled to the broader coverage and/or higher limits maintained by the contractor.

7) If insurance coverage is canceled or, reduced in coverage or in limits the Contractor shall within two (2) business days of notice from insurer phone, fax, and/or notify the City via certified mail, return receipt requested of the changes to or cancellation of the policy.

8) Unless otherwise approved by City, if any part of the Services and Tasks is subcontracted, the Minimum Insurance Requirements must be provided by, or on behalf of, all subcontractors even if city has approved lesser insurance requirements for Contractor, and all subcontractors must agree in writing to be bound by the provisions of this section.

d. Acceptability of Insurers. Insurance required above, except for workers' compensation insurance, must be placed with insurers with a current A.M. Best rating of A-: VII or better, unless otherwise acceptable to the City. Self-insurance shall not be considered to comply with these insurance requirements.

e. Verification of Coverage. Contractor shall furnish the City with original certificates and amendatory endorsements, or copies of the applicable policy language affecting coverage required by this clause. All certificates and endorsements and copies of the Declarations & Endorsements pages are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

f. Special Risks or Circumstances. The City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

24. RECOVERED MATERIALS AND SOLID WASTE DISPOSAL ACT

Contractor agrees to comply with all requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.

25. TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT

Contractor shall not procure or obtain, extend or renew a contract to procure or obtain, or enter into a contract to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, or any subsidiary or affiliate of such entities. Covered equipment also includes video surveillance and telecommunications equipment or services provided by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, Dahua Technology Company, any subsidiary or affiliate of such entities, and any entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an

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entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

26. COMPLIANCE WITH LAWS

The Contractor shall comply with all applicable federal, State and local laws, ordinances, codes and regulations in force at the time the Contractor performs pursuant to the Contract Documents, and shall comply with all grant or funding terms and conditions applicable to the Contract and/or the work.

27. CLAIM DISPUTE RESOLUTION

In the event of any dispute or controversy with the City over any matter whatsoever, the Contractor shall not cause any delay or cessation in or of work, but shall proceed with the performance of the work in dispute. The Contractor shall retain any and all rights provided that pertain to the resolution of disputes and protests between the parties. The disputed work will be categorized as an “unresolved dispute” and payment, if any, shall be as later determined by mutual agreement or a court of law. The Contractor shall keep accurate, detailed records of all disputed work, claims and other disputed matters.

All claims arising out of or related to the Contract or this project, and the consideration and payment of such claims, are subject to the Government Claims Act (Government Code Section 810 et seq.) with regard to filing claims. All such claims are also subject to Public Contract Code Section 9204 and Public Contract Code Section 20104 et seq. (Article 1.5), where applicable. This Contract hereby incorporates those provisions as though fully set forth herein. Thus, the Contractor or any Subcontractor must present a claim in accordance with the Government Claims Act as a prerequisite to prosecuting any claim against the City. The filing or prosecution of a claim in compliance with Section 9204 and/or Article 1.5 (if applicable) does not in any way obviate the need to timely present a claim under the Government Claims Act, or in any toll the expiration of any limitations period for the timely presentation of a claim under the Government Claims Act.

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IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed on the date first above written.

DATED: 12/29/2025

ROADWAY ENGINEERING & CONSTRUCTION CORP
3121 Indian Avenue
Perris, CA 92571
(951) 940-0045
Eric@roadwayengineering.com

By: DocuSigned by: 00BF184C8AF54F5...

Eric Alvarez

President/ Secretary

CITY OF TEMECULA

DATED: _____

By: _____
Jessica Alexander, Mayor

ATTEST:

_____
Randi Johl, City Clerk

APPROVED AS TO FORM:

Signed by: Peter M. Thorson C343357EB2E34B5...

Peter M. Thorson, City Attorney

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Roadway Engineering & Construction Corp.

Minutes of Regular Board of Directors Meeting

A meeting of the Board of Directors of Roadway Engineering & Contracting Inc. was held on February 01, 2021, at the following address:

18800 Lakepointe Drive
Riverside, California 92503

The Secretary of Roadway Engineering & Construction Corp. called the roll and the following Directors were present:

Eric Alvarez
Simonette J. Alvarez

...all being Directors of Roadway Engineering & Construction Corp..

The Secretary then noted that a Notice of the time and place of the meeting had been sent to each of the Directors in accordance with the provisions set forth in the by-laws of Roadway Engineering & Construction Corp..

Eric Alvarez, the Chairman, then outlined the purpose of the meeting was to discuss several items that had come to the attention of management, which the Chairman felt required Board consideration.

The Chairman then stated that the next order of business was the authorization of a person to execute contracts on behalf of the Corporation. After consideration, and upon motion duly made and seconded, it was unanimously:

RESOLVED, that the Secretary of the Corporation, Eric Alvarez, is hereby authorized to execute contracts on behalf of the corporation.

There being no further business, the meeting of the board of Directors for Roadway Engineering & Contracting Inc. was then adjourned.

Dated: Feb 01, 2021

Eric Alvarez (Secretary)

LONG CANYON CREEK PARK RESTROOMS

Parks/Recreation Project

Project Description: This project provides for the design and construction of a new restroom facility at Long Canyon Creek Park that meet current ADA accessibility compliance standards.



Benefit: This project provides restrooms for park patrons that are accessibility compliant.

Core Value: Healthy and Livable City

Project Status: Project is in design. Construction anticipated in FY 25-26

Department: Public Works - Account No. 210.265.999.5800.PWPE-07-03/ PW23-18

Level: I

Project Cost:	Prior Years Actuals	2024-25 Adjusted	2025-26 Adopted Budget	2026-27 Projected	2027-28 Projected	2028-29 Projected	2029-30 Projected	Total Project Cost
5801-Administration	15,427	161,573						**177,000**
5804-Construction		820,000						**820,000**
5805-Construction Engineering		60,000						**60,000**
5802-Design & Environmental		220,930						**220,930**
5809-Information Technology		30,000	190,000					**220,000**
Total Expenditures	15,427	1,292,503	190,000	-	-	-	-	**1,497,930**
Source of Funds:								
4002-Measure S	15,427	1,292,503	190,000					**1,497,930**
Total Funding	15,427	1,292,503	190,000	-	-	-	-	**1,497,930**
Future Operating & Maintenance Costs:								
Total Operating Costs				30,475	31,085	31,706	32,340	

Notes :
1. Operating & Maintenance costs reflect the increased janitorial costs associated with the addition of new park restroom facilities.

Long Canyon Creek Park Restrooms



Legend

- Parcels (May 2025)
- City of Temecula Boundary
- Street Names
- Highways
  - HWY
  - INTERCHANGE
  - INTERSTATE
  - OFFRAMP
  - ONRAMP
  - USHWY
- Creeks
- Cities
- Streets
  - <Null>
  - PAVED
  - PROPOSED
  - UNPAVED

Notes

Project location

320.8 0 160.38 320.8 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

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ACTION MINUTES

TEMECULA COMMUNITY SERVICES DISTRICT MEETING
COUNCIL CHAMBERS
41000 MAIN STREET
TEMECULA, CALIFORNIA
DECEMBER 9, 2025

CALL TO ORDER at 4:13 PM: President Zak Schwank

ROLL CALL: Alexander, Kalfus, Rahn, Schwank, Stewart

PUBLIC COMMENTS – None

CSD CONSENT CALENDAR

Unless otherwise indicated below, the following pertains to all items on the Consent Calendar.

Approved the Staff Recommendation (5-0): Motion by Alexander, Second by Kalfus. The vote reflected unanimous approval.

13. Approve Action Minutes of November 18, 2025

Recommendation: That the Board of Directors approve the action minutes of November 18, 2025.

CSD DIRECTOR OF COMMUNITY SERVICES REPORT

CSD GENERAL MANAGER REPORT

CSD BOARD OF DIRECTORS REPORTS

CSD ADJOURNMENT

At 4:15 PM, the Community Services District meeting was formally adjourned to Tuesday, January 13, 2026 at 2:00 PM for a Closed Session, with a regular session commencing at 3:00 PM, City Council Chambers, 41000 Main Street, Temecula, California.

_____
Zak Schwank, President

ATTEST:

_____
Randi Johl, Secretary

[SEAL]

THE SUCCESSOR AGENCY
TO THE TEMECULA REDEVELOPMENT AGENCY
AGENDA REPORT

TO: Executive Director/Board of Directors

FROM: Matt Peters, Director of Community Development

DATE: January 13, 2026

SUBJECT: Approve Recognized Obligation Payment Schedule and Administrative Budget for the Period of July 1, 2026 Through June 30, 2027 (ROPS 26-27)

PREPARED BY: Haide Urias, Housing and Real Estate Analyst

RECOMMENDATION: That the Board of Directors adopt resolutions entitled:

RESOLUTION NO. SARDA

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE TEMECULA REDEVELOPMENT AGENCY APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JULY 1, 2026 THROUGH JUNE 30, 2027 PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

RESOLUTION NO. SARDA

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE TEMECULA REDEVELOPMENT AGENCY APPROVING THE PROPOSED ADMINISTRATIVE BUDGET PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

BACKGROUND: Pursuant to Health and Safety Code Section 34177 and Section 34177 (o), successor agencies are required to prepare, in advance, a Recognized Obligation Payment Schedule (ROPS) that is forward looking for twelve months. The ROPS lists all of the Successor Agency's anticipated payments for enforceable obligations during the covered period. The Successor Agency is required to submit this ROPS for the period of July 1, 2026, through June 30, 2027 to the Riverside County Oversight Board for approval by January 30, 2026, and the State Department of Finance, the State Controller's Office, and the County Auditor Controller no later than February 1, 2026.

Preparation of a Recognized Obligation Payment Schedule is in furtherance of allowing the Successor Agency to pay enforceable obligations of the former Redevelopment Agency.

Administrative Budget

The proposed administrative budget must include the following:

- Estimated amounts for Successor Agency administrative costs for the applicable six-month fiscal period
- Proposed sources of payment for the administrative costs; and
- Proposals for arrangements for administrative and operations services provided by the City or other entity.

ABX1 26 provides that the Successor Agency may include, among others, the value of City staff, including employee benefits, necessary for the administration and operations of the Successor Agency; and the cost of other resources of the City necessary for the administration and operations of the Successor Agency, such as office space, supplies, equipment, utilities, and insurance.

ABX1 26 provides for an administrative cost allowance to annually be paid to the Successor Agency of not less than $250,000 a year. However, in the event there are insufficient funds to pay the former Redevelopment Agency's enforceable obligations, some or all the administrative cost allowance will be used to pay for the enforceable obligations, and these funds will not be available for administrative expenses of the Successor Agency.

The administrative cost allowance will exclude any administrative costs that can be paid from bond proceeds or from sources other than property tax. However, the use of bond proceeds to pay administrative expenses is subject to certain limitations.

The Successor Agency is now required to submit each proposed administrative budget to the County Oversight Board for its approval. The Successor Agency is also required to provide administrative cost estimates from its approved administrative budget that are to be paid from property tax revenues deposited in the Redevelopment Property Tax Trust Fund, to the County Auditor-Controller for each six-month fiscal period.

The attached Resolution approves the proposed administrative budget for FY 2026-27, which is attached as Exhibits A to the Resolution.

FISCAL IMPACT: Adoption of the proposed resolution will enable the Successor Agency to fulfill its enforceable obligations. In accordance with Health and Safety Code Section 34173(e), the liability of the Successor Agency, acting pursuant to the powers granted under Part 1.85, shall be limited to the extent of, and payable solely from, the total sum of property tax revenues it receives pursuant to Part 1.85 and the value of assets transferred to it as a successor agency for a dissolved redevelopment agency. The debts, assets, liabilities, and obligations of the Successor Agency shall be solely the debts, assets, liabilities, and obligations of the Successor Agency and not of the City.

ABX1 26 provides for an administrative cost allowance to annually be paid to the Successor Agency of not less than $250,000 a year, as outlined in the proposed 2026-27 Administrative Budget.

ATTACHMENTS:
1. SARDA Resolution and Exhibit A – ROPS
2. SARDA Resolution and Exhibit A – Administrative Budget

RESOLUTION NO. SARDA 2026-

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE TEMECULA REDEVELOPMENT AGENCY APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JULY 1, 2026, THROUGH JUNE 30, 2027 PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE TEMECULA REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Board of Directors of the Successor Agency to the Temecula Redevelopment Agency does hereby find, determine and declare that:

A. The Redevelopment Agency of the City of Temecula was a redevelopment agency in the City of Temecula, duly created pursuant to the Community Redevelopment Law, Part 1, commencing with Section 33000, of Division 24 of the California Health and Safety Code (hereafter the "Temecula Redevelopment Agency"). On June 12, 1988, the Board of Supervisors of the County of Riverside adopted Ordinance No. 658 adopting and approving the "Redevelopment Plan for Riverside County Redevelopment Project No. 1988-1." On December 1, 1989, the City of Temecula was incorporated. The boundaries of the Project Area described in the Plan are entirely within the boundaries of the City of Temecula. On April 9, 1991, the City Council of the City of Temecula adopted Ordinances Nos. 91-08, 91-11, 91-14, and 91-15 establishing the Redevelopment Agency of the City of Temecula and transferring jurisdiction over the Plan from the County to the City. Pursuant to Ordinance Nos. 91-11 and 91-15, the City of Temecula and the Redevelopment Agency of the City of Temecula assumed jurisdiction over the Plan as of July 1, 1991. The Plan has been amended by Ordinance Nos. 94-33, 06-11 and 07-20 adopted by the City Council.

B. The City Council of the City of Temecula adopted Resolution No. 12-02 January 10, 2012, pursuant to Health and Safety Code Section 34173 and applicable law electing for the City to serve as the Successor Agency for the Temecula Redevelopment Agency upon the dissolution of the Redevelopment Agency of the City of Temecula. The City Council of the City of Temecula, acting as the Governing Body for the Successor Agency to the Temecula Redevelopment Agency, adopted Resolution No. 12-01 on February 28, 2012 declaring the Successor Agency to the Temecula Redevelopment Agency duly constituted pursuant to law and establishing rules and regulations for the operation of the Successor Agency to the Temecula Redevelopment Agency ("Successor Agency").

C. Pursuant to Health and Safety Code Section 34175(b) and the California Supreme Court's decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.* (53 Cal.4th 231(2011)), on February 1, 2012, all assets, properties, contracts, leases, books and records, buildings, and equipment of the former Temecula Redevelopment Agency transferred to the control of the Successor Agency by operation of law.

D. Pursuant to Health and Safety Code Section 34177(o), the Successor Agency must prepare a Recognized Obligation Payment Schedule listing the anticipated payments for enforceable obligations to be made by the Successor Agency during the fiscal period from July 1, 2026 through June 30, 2027 (ROPS 26-27) and submit ROPS 26-27 to the Riverside County Oversight Board of the Successor Agency (the "Oversight Board") for approval.

E. Accordingly, the Board desires to adopt this Resolution approving the ROPS 26-27.

Section 2. This Resolution is adopted pursuant to Health and Safety Code Section 34177.

Section 3. The Board hereby approves ROPS 26-27 substantially in the form attached as Exhibit A to this Resolution and incorporated herein by reference (the "ROPS"). The Executive Director of the Successor Agency, in consultation with the Successor Agency's legal counsel, may modify the ROPS 26-27 as the Executive Director or the Successor Agency's legal counsel deems necessary or advisable.

Section 4. The Board hereby designates the Finance Director as the official to whom the DOF may make requests for review in connection with the ROPS 26-27 and who shall provide the DOF with the telephone number and e-mail contact information for the purpose of communicating with the DOF.

Section 5. Staff is hereby authorized and directed to post a copy of the Oversight Board-approved ROPS 26-27 on the Successor Agency's website.

Section 6. The officers and staff of the Successor Agency are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, including submitting the ROPS 26-27 to the oversight board for approval and requesting additional review by the DOF and an opportunity to meet and confer on any disputed items, and any such actions previously taken by such officers are hereby ratified and confirmed.

Section 7. The Secretary shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of the Successor Agency to the Temecula Redevelopment Agency this 13th day of January, 2026.

Jessica Alexander, Mayor

ATTEST:

Randi Johl, Secretary

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, Secretary of the Successor Agency to the Temecula Redevelopment Agency, do hereby certify that the foregoing Resolution No. SARDA 2026- was duly and regularly adopted by the Board of Directors of the Successor Agency to the Temecula Redevelopment Agency at a meeting thereof held on the 13th day of January, 2026, by the following vote:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

_____
Randi Johl, Secretary

EXHIBIT A

Recognized Obligations Payment Schedule (ROPS) for the period July 1, 2026 through June 30, 2027 (ROPS 26-27)

Temecula

ROPS 2026-27 Annual

Summary | Detail | Cash Balances | Submission

	Requested Funding for Obligations	26-27A Total	26-27B Total	ROPS Total
A	**Obligations Funded as Follows (B+C+D)**	**0**	**0**	**0**
B	Bond Proceeds	0	0	0
C	Reserve Balance	0	0	0
D	Other Funds	0	0	0
E	**Redevelopment Property Tax Trust Fund (RPTTF) (F+G)**	**3,269,872**	**2,973,825**	**6,243,697**
F	RPTTF	3,144,872	2,848,825	5,993,697
G	Administrative RPTTF	125,000	125,000	250,000
H	**Current Period Obligations (A+E)**	**3,269,872**	**2,973,825**	**6,243,697**

Temecula

ROPS 2026-27 Annual

Summary | Detail | Cash Balances | Submission

Filter

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Item #	Obligation Name	Obligation Type	Agreement Execution Date	Agreement Termination Date	Payee	Description	Total Outstanding Obligation	Total Requested Funding	Notes
1	Trustee Admin Fees	Fees	04/24/2002	06/30/2036	US Bank as Trustee for Bondholders	Trustee Fees for TAB Bond Issues	4,500	4,500	
3	Abbott OPA	OPA/DDA/Construction	02/12/2002	02/12/2030	Abbott Vascular	Reimbursement for Development Improvements	-	-	This obligation no longer exists
5	Temecula Gardens L.P Loan Agreement	OPA/DDA/Construction	07/01/1998	07/01/2027	Temecula Gardens L.P.	Loan for Affordable Housing	590,000	295,000	
20	Agency Administration	Admin Costs	07/01/2012	06/30/2016	Multiple Payees	Agency Staff Compensation / Agency Admin	250,000	250,000	
31	Tax Allocation Refunding Bonds Series 2017A	Refunding Bonds Issued After 6/27/12	12/14/2017	12/15/2038	US Bank as Trustee for Bondholders	Bonds Issues to Fund Redevelopment Activities	45,747,625	3,562,500	
32	Tax Allocation Refunding Bonds Series 2017B	Refunding Bonds Issued After 6/27/12	12/14/2017	12/15/2039	US Bank as Trustee for Bondholders	Bonds Issues to Fund Redevelopment Activities	30,457,022	2,131,697	

EXHIBIT B

2023-24 Cash Balance Report

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see Cash Balance Tips.

Export to Excel

Note: Cash Balances data is auto-saved.

July 1, 2023 through June 30, 2024
(Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H
		Fund Sources					
		Bond Proceeds		Reserve Balance	Other Funds	RPTTF	
	ROPS 23-24 Cash Balances (07/01/23 - 06/30/24)	Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, Grants, Interest, etc.	Non-Admin and Admin	**Comments**
1	**Beginning Available Cash Balance (Actual 07/01/23)** RPTTF amount should exclude "A" period distribution amount	0	3,698,527	0	(12,833)	(3,308,075)	
2	**Revenue/Income (Actual 06/30/24)** RPTTF amount should tie to the ROPS 23-24 total distribution from the County Auditor-Controller		202,361		21,538	7,095,718	
3	**Expenditures for ROPS 23-24 Enforceable Obligations (Actual 06/30/24)**					6,595,060	
4	**Retention of Available Cash Balance (Actual 06/30/24)** RPTTF amount retained should only include the amounts distributed as reserve for future period(s)						
5	**ROPS 23-24 RPTTF Prior Period Adjustment** RPTTF amount should tie to the Agency's ROPS 23-24 PPA form submitted to the CAC	No entry required				6,415	
6	**Ending Actual Available Cash Balance (06/30/24) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)**	$ 0	$ 3,900,888	$ 0	$ 8,705	$ (2,813,832)	

RESOLUTION NO. SARDA 2026-

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE TEMECULA REDEVELOPMENT AGENCY APPROVING THE PROPOSED ADMINISTRATIVE BUDGET PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

THE BOARD OF DIRECTORS OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE TEMECULA REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Board of Directors of the Successor Agency to the Temecula Redevelopment Agency does hereby find, determine and declare that:

A. Pursuant to Part 1.85 of the Community Redevelopment Law (commencing with Health and Safety Code Section 34170) ("Part 1.85"), the Successor Agency to the Temecula Redevelopment Agency ("Successor Agency") is required to undertake a number of actions related to winding down the affairs of the former Redevelopment Agency pursuant to Health and Safety Code Section 34177(h).

B. In connection with the administration and operations of the Successor Agency, the Successor Agency is and will be utilizing the staff, facilities, and other resources of the City. The City Manager of the City serves as Executive Director of the Successor Agency, the Temecula Director of Finance serves as Finance Officer of the Successor Agency, and the City Clerk serves as Secretary to the Successor Agency. Planning, Finance, Engineering, Public Works, and other City departments devote and are expected to devote substantial time with respect to the administration and operations of the Successor Agency, including gathering information relating to the Redevelopment Agency's enforceable obligations, conferring with public officials representing governmental agencies, and undertaking other activities in connection with administration and operations of the Successor Agency.

C. By providing and making available to the Successor Agency the staff, facilities, services, and other resources of the City, including, without limitation, consultants, legal counsel, office space, equipment, supplies, and insurance, necessary to the administration and operations of the Successor Agency, the City has advanced and will continue to advance the cost of the foregoing to the Successor Agency. The City and the Successor Agency desire to enter into an agreement to provide for an appropriate method of reimbursement of such advances by the Successor Agency to the City.

D. Pursuant to Health and Safety Code Section 34171(d)(1)(F), contracts or agreements necessary for the administration or operation of the Successor Agency are enforceable obligations and pursuant to Health and Safety Code Sections 34178(a) and 34180(h), the Successor Agency may enter into agreements with the City with the approval of the oversight board for the Successor Agency (the "Oversight Board").

E. Pursuant to Health and Safety Code Section 34177(j), the Successor Agency is required to prepare a proposed administrative budget for each six-month fiscal period and submit each proposed administrative budget to the Oversight Board for its approval. Each proposed administrative budget shall include all of the following: (1) Estimated amounts for Successor Agency administrative costs for the applicable six-month fiscal period; (2) Proposed sources of payment for the costs identified in (1); and (3) Proposals for arrangements for administrative and operations services provided by the City or another entity.

F. Pursuant to Health and Safety Code Section 34177(k), the Successor Agency is required to provide administrative cost estimates, from its approved administrative budget that are to be paid from property tax revenues deposited in the Redevelopment Property Tax Trust Fund, to the County Auditor-Controller for each applicable six-month fiscal period.

Section 2. This Resolution is adopted pursuant to the provisions of Part 1.85.

Section 3. The Board hereby approves the administrative budget for the twelve-month fiscal period commencing July 1, 2026 and ending June 30, 2027, attached hereto as Exhibit A and incorporated herein by reference.

Section 4. The officers and staff of the Successor Agency are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, and any such actions previously taken by such officers and staff are hereby ratified and confirmed.

Section 5. The Secretary shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of the Successor Agency to the Temecula Redevelopment Agency this 13th day of January, 2026.

_____
Jessica Alexander, Mayor

ATTEST:

_____
Randi Johl, Secretary

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, Secretary of the Successor Agency to the Temecula Redevelopment Agency, do hereby certify that the foregoing Resolution No. SARDA 2026- was duly and regularly adopted by the Board of Directors of the Successor Agency to the Temecula Redevelopment Agency at a meeting thereof held on the 13th day of January, 2026, by the following vote:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

_____
Randi Johl, Secretary

Exhibit A

Successor Agency to the Temecula Redevelopment Agency

FY 2026-27 Administrative Budget

Successor Agency to the Redevelopment Agency
Fiscal Year 2026-27
Proposed Administrative Budget

		Administrative Portion	Other Sources	Total FY2026-27 Budget
AFFORDABLE HOUSING FUND 165				
165.199.999.5100	SALARIES & WAGES	71,216	105,353	**176,569**
165.199.999.5102	P.E.R.S. RETIREMENT	18,882	27,933	**46,815**
165.199.999.5103	CAL CASH OUT	2,659	3,934	**6,593**
165.199.999.5104	MEDICARE	1,074	1,589	**2,663**
165.199.999.5106	AUTO ALLOWANCE	203	301	**504**
165.199.999.5108	VOL LIFE INSURANCE	61	90	**150**
165.199.999.5109	UNEMPLOYMENT TRAINING TAX	64	94	**158**
165.199.999.5111	CAFETERIA BENEFIT	9,331	13,803	**23,134**
165.199.999.5112	WORKERS' COMP	1,383	2,046	**3,428**
165.199.999.5121	OVERTIME WAGES	212	313	**525**
	SALARIES & BENEFITS Total	105,084	155,455	**260,539**
165.199.999.5230	POSTAGE & PACKAGING	238	353	**591**
165.199.999.5246	LEGAL SERVICES - GENERAL	44,344	65,600	**109,943**
165.199.999.5248	CONSULTING SERVICES	12,959	19,171	**32,130**
165.199.999.5250	OTHER OUTSIDE SERVICES	64,500	95,417	**159,917**
165.199.999.5262	MILEAGE	106	157	**263**
	OPERATIONS & MAINTENANCE Total	122,147	180,697	**302,844**
165.199.999.5530	INSURANCE	9,216	13,634	**22,850**
165.199.999.5540	INFORMATION TECHNOLOGY	8,532	12,622	**21,153**
165.199.999.5550	FACILITIES	5,022	7,429	**12,451**
	INTERNAL SERVICE FUND ALLOCATIONS Total	22,770	33,684	**56,454**
	DEPARTMENTAL Total	**250,000**	**369,837**	**619,837**

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Matt Peters, Director of Community Development

DATE: January 13, 2026

SUBJECT: Introduce Ordinance Amending Title 8 of the Temecula Municipal Code to Regulate Kratom Products (Long Range Project No. LR25-0438)

PREPARED BY: Mark Collins, Senior Planner

RECOMMENDATION: That the City Council introduce an ordinance entitled:

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLE 8 OF THE TEMECULA MUNICIPAL CODE TO REGULATE THE SALE, DISTRIBUTION, AND POSSESSION OF KRATOM PRODUCTS, AND MAKE A FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061 (b)(3)

SUMMARY OF ORDINANCE: The proposed Ordinance would make amendments to Titles 8 of the Temecula Municipal Code to regulate kratom products.

Listed below is a summary of the proposed changes to the Municipal Code:

<u>Changes to Title 8 – Chapter 8.56 Psychoactive Bath Salts, Psychoactive Herbal Incense, and Other Synthetic Drugs:</u>

1. Rename the Chapter "Psychoactive Products and Other Synthetic Drugs"

2. Add definitions:

    a. "7-OH"
    b. "Kratom leaf"
    c. "Kratom leaf extract"
    d. "Kratom product"
    e. "Total alkaloid content"

3. Prohibit the sale, distribution, and possession of kratom products.

BACKGROUND: The City of Temecula City Council adopted the Municipal Code in January 1990. Since its adoption, the City Council has periodically made amendments to various sections of the Code to improve its clarity, make corrections, and implement state law. The proposed amendments to the Temecula Municipal Code include amendments to Title 8 (Health and Safety).

At its November 18, 2025, regular meeting, the City Council directed Staff to agendize an ordinance banning "kratom" consistent with Riverside County (Rahn).

Kratom (Mitragyna speciosa) is a tropical tree indigenous to Southeast Asia, primarily Thailand, but does occur naturally throughout the region. Kratom is in the same family as the coffee tree (Rubiaceae) and can reach a height of 50 feet and breadth of 15 feet.

Kratom leaves contain over 25 alkaloids, with the two major psychoactive ingredients being mitragynine and 7-hydroxymytragynine. Consumption of its leaves produces both stimulant effects similar to amphetamine (in low doses) and sedative effects similar to opioids (in high doses), and can lead to psychotic symptoms, and psychological and physiological dependence. Consumption methods vary, from smoking dried leaves, brewing a tea from the leaves or grinding up the leaves and putting them in capsules for oral consumption.

According to the Drug Enforcement Administration (DEA) and the National Institutes of Health (NIH), kratom use has been associated with a range of adverse health impacts, including psychotic symptoms, dependence, and numerous side effects such as nausea, vomiting, sweating, tachycardia, seizures, hallucinations, and hepatotoxicity. According to the DEA, the abuse of kratom has increased markedly in recent years. Although kratom is often marketed for relief of pain, anxiety, opioid withdrawal, and fatigue, there are no FDA-approved medical uses for the substance. The FDA continues to monitor reports of adverse events, and current data suggest kratom's opioid-like properties may expose users to risks of addiction, abuse, and dependence. Kratom is not currently regulated at the federal level, nor is it prohibited statewide in California.

FISCAL IMPACT: Community Development budgeted sufficient funds for the ordinance development, which will include administrative costs, and enforcement.

ATTACHMENTS:

1. Ordinance
2. Notice of Public Hearing
3. Notice of Exemption

ORDINANCE NO. 2026-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLE 8 OF THE TEMECULA MUNICIPAL CODE TO REGULATE THE SALE, DISTRIBUTION, AND POSSESSION OF KRATOM PRODUCTS, AND MAKE A FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061 (b)(3)

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Procedural Findings. The City Council of the City of Temecula does hereby find, determine, and declare that:

A. It is the intent and purpose to prohibit the sale, distribution, or possession of kratom products (also known as 7-hydroxymitragynine or 7-OH) within the City of Temecula that contain more than two percent (2%) of 7-OH in the alkaloid fraction, recognizing the significant health risks associated with elevated concentrations of this alkaloid.

B. Kratom (mitragyna speciosa) is a tropical tree native to Southeast Asia, and its leaves are often consumed in powdered or extract form for their stimulant and sedative effects. The active compounds in kratom include mitragynine and 7-OH. While mitragynine is present in higher concentrations, 7-OH is more potent and is largely responsible for the stronger pain-relieving, sedative, and euphoric effects.

C. Research has shown 7-OH has euphoric and mood-enhancing effects, particularly at higher doses, which can increase its appeal for recreational use. Research has also shown that 7-OH binds to opioid receptors in the brain with greater affinity than morphine, making it significantly more powerful in relieving pain. This greater potency raises significant concerns about its safety profile, especially regarding the potential for addiction, overdose, and adverse physical and psychological effects, including nausea, vomiting, and potential psychosis. These risks are compounded when products contain higher concentrations of 7-OH.

D. Health officials, such as the United States Food and Drug Administration (FDA), and health advisories have raised concerns over the safety of kratom products, particularly those with higher concentrations of 7-OH, which may increase the potential for abuse and harm to public health. The FDA has issued several warning letters to various companies for illegally marketing products containing enhanced levels of 7-OH, culminating in a formal request to the U.S. Drug Enforcement Administration (DEA) on July 29, 2025, to place 7-OH products on the controlled substance list; however, the DEA has not taken action on this request to date.

E. On October 28, 2025, Riverside County adopted Ordinance No. 1004, which prohibits the sale and distribution of kratom products containing more than two percent (2%) of 7-OH in the alkaloid fraction to individuals under 21 years of age.

F. Several cities in California have taken similar steps to regulate or ban kratom products, recognizing the need to protect public safety, especially among vulnerable populations, including Laguna Niguel, Newport Beach, Oceanside, and San Diego.

G. The City of Temecula prioritizes public health and safety above all and seeks to restrict the sale, distribution, and possession of kratom and 7-OH products containing more than two percent (2%) of 7-OH in the alkaloid fraction, thereby reducing potential risks to public health and safety.

H. The City Council, at a regular meeting, considered the Ordinance on January 13, 2026, at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter.

I. Following the public hearing, the City Council considered the entire record of information received at the public hearing before the City Council.

Section 2. Environmental Findings. The City Council hereby finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Municipal Code amendments would have a significant impact on the environment. The Municipal Code amendments are minor policy changes, by way of imposition of regulations on a product that could harm public health. A Notice of Exemption has been prepared and will be filed in accordance with CEQA and the State CEQA Guidelines.

Section 3. The title of Chapter 8.56 (Psychoactive Bath Salts, Psychoactive Herbal Incense, and Other Synthetic Drugs) of Title 8 (Health and Safety) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text):

Chapter 8.56 (Psychoactive <u>Products</u> ~~Bath Salts, Psychoactive Herbal Incense,~~ and Other Synthetic Drugs)

Section 4. Section 8.56.010 (Purpose and intent) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and Regulations) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text, and deletions shown in strikethrough text), with the remainder of Section 8.56.010 remaining unchanged:

"E. ~~An effective way to prevent and abate the health, safety and welfare concerns that exist as a result of the marketing, distribution and sale of synthetic drugs in manners that brazenly seek to circumvent state and federal law is through the administrative, civil and criminal~~

~~enforcement procedures set forth in Title 1 of this code. This chapter shall not apply to any activity already regulated by the state synthetic drug laws, the CSA or any other applicable state or federal law or regulation.~~ Kratom (Mitragyna speciosa) and products derived from it contain the alkaloids mitragynine and 7-hydroxymitragynine ("7-OH"), with 7-OH being significantly more potent and capable of producing stronger psychoactive effects. Products with elevated concentrations of 7-OH increase the risk of addiction, overdose, and other adverse physical or psychological effects. To address the potential for misuse and the health and safety impacts associated with higher-potency kratom products, this chapter regulates kratom products containing more than two percent (2%) 7-OH in the alkaloid fraction.

F. An effective way to prevent and abate the health, safety and welfare concerns that exist as a result of the marketing, distribution and sale of synthetic drugs, kratom, and kratom-derived substances in manners that brazenly seek to circumvent state and federal law is through the administrative, civil, and criminal enforcement procedures set forth in Title 1 of this code. This chapter shall not apply to any activity already regulated by the state synthetic drug laws, the CSA or any other applicable state or federal law or regulation."

Section 5. Section 8.56.020 (Definitions) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and Regulations) of the Temecula Municipal Code is hereby amended to add the following definitions (shown in underlined text), with all other existing definitions of Section 8.56.020 remaining unchanged:

"7-OH" means any natural, enhanced, converted, concentrated, or synthetic form of 7-hydroxymitragynine, whether occurring naturally in kratom or added to a product through chemical or manufacturing processes.

"Kratom leaf" means the leaf of the kratom plant (mitragynine speciosa) in any form, including fresh, dried, or dehydrated.

"Kratom leaf extract" means the material obtained by extraction of kratom leaves by any means.

"Kratom product" means any product consisting of kratom leaf, kratom leaf extract, or both that contains 7-OH in a concentration equal to or greater than two percent (2%) of the total alkaloid content or any other product containing 7-OH in a concentration equal to or greater than two percent (2%) of the total alkaloid content.

"Total alkaloid content" means the sum of mitragynine, speciociliatine, speciogynine, paynantheine, and 7-OH in a Kratom product.

Section 6. The title of Section 8.56.030 (Possession, storage, provision, sale and distribution of synthetic drugs prohibited) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and Regulations) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text):

Section 8.56.030 (Possession, storage, provision, sale and distribution of synthetic drugs or Kratom products prohibited)

Section 7. Section 8.56.030 (Possession, storage, provision, sale and distribution of synthetic drugs or Kratom products prohibited) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and Regulations) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text), with the remainder of Section 8.56.030 remaining unchanged:

"A. It is unlawful for any person to possess, store, provide, distribute or sell any synthetic drug or Kratom product within the city.

B. It is unlawful for any person to store, provide, sell or distribute or to permit the storage, provision, sale or distribution of synthetic drugs or Kratom products from any real property owned, possessed, managed or controlled by that person in the city.

D. The enforcing officer may consider any of the following evidentiary factors to determine if the product is a synthetic drug or Kratom product:

D(8). Merely disclaiming a synthetic drug or Kratom product as "not safe for human consumption" will not avoid the application of this section."

Section 8. Section 8.56.050 (Public nuisance) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and Regulations) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text):

"A. It is a public nuisance for any person to provide, distribute, or sell any prohibited synthetic drug or Kratom product.

B. It is a public nuisance for any person to allow the provision, distribution, or sale of any prohibited synthetic drug or Kratom product on property owned, controlled or managed by such person.

C. It is a public nuisance for any person to provide, distribute, or sell any substance claimed or represented to be a prohibited synthetic drug or Kratom product.

D. It is a public nuisance for any person to allow the provision, distribution, or sale of any substance claimed or represented to be a prohibited synthetic drug or Kratom product on property owned, controlled or managed by such person.

E. The storage, provision, sale or distribution of any synthetic drug or Kratom product from any property, structure or building in the city is declared to be a public nuisance."

Section 9. The title of Section 8.56.060 (Confiscation of synthetic drugs) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and

Regulations) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text):

Section 8.56.060 (Confiscation of synthetic drugs or Kratom products)

Section 10. Section 8.56.060 (Confiscation of synthetic drugs or Kratom products) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and Regulations) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text):

"A. Because the use of synthetic drugs or Kratom products has been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, cannibalism and death, any violation of this chapter presents a grave and imminent danger not only to the person consuming the synthetic drug or Kratom product, but also to the public at large. Any police officer who issues a criminal citation under this chapter shall confiscate any synthetic drugs or Kratom products and store them, pending the conclusion of the criminal case."

Section 11. Severability. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

Section 12. Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 13. Effective Date. This Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this day of , .

Jessica Alexander, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 2026- was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the 13th day of January, 2026, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the day of , , by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
Randi Johl, City Clerk

Notice of Public Hearing

THE CITY OF TEMECULA
41000 Main Street
Temecula, CA 92590

A PUBLIC HEARING has been scheduled before the **CITY COUNCIL** to consider the matter(s) described below.

Case No.: Long Range Project No. LR25-0438

Applicant: City of Temecula

Location: Citywide

Proposal: Adopt an ordinance of the City Council of the City of Temecula amending Title 8 of the Temecula Municipal Code to regulate the sale, distribution, and possession of Kratom Products.

Environmental Action: In accordance with the California Environmental Quality Act ("CEQA"), the proposed ordinance is exempt from further environmental review and a Notice of Exemption will be adopted in compliance with CEQA (Section 15061(b)(3)).

PLACE OF HEARING: **41000 Main St., Temecula, CA 92590**
City of Temecula, Council Chambers

DATE OF HEARING: **January 13, 2026**

TIME OF HEARING: **3:00 PM**

Any person may submit written comments to the City Council before the hearing or may appear and be heard in support of or opposition to the approval of the project at the time of hearing.

Any petition for judicial review of a decision of the City Council shall be filed within the time required by, and controlled by, Sections 1094.5 and 1094.6 of the California Code of Civil Procedure. In any such action or proceeding seeking judicial review of, which attacks or seeks to set aside, or void any decision of the City Council, shall be limited to those issues raised at the hearing or in written correspondence delivered to the City Clerk at, or prior to, the public hearing described in this notice.

The proposed draft ordinance may be viewed at the public information counter, Temecula Civic Center, Community Services Department, 41000 Main Street, Monday through Friday from 8:00 a.m. until 5:00 p.m. Questions concerning the project(s) may be addressed to Mark Collins, City of Temecula Community Development Department, (951) 506-5172.

City of Temecula
Community Development
41000 Main Street • Temecula, CA 92590
Phone (951) 694-6400 • Fax (951) 694-6477 • TemeculaCA.gov

VIA-ELECTRONIC SUBMITTAL
CEQAProcessing@asrclkrec.com

January 13, 2026

Supervising Legal Certification Clerk
County of Riverside
P.O. Box 751
Riverside, CA 92501-0751

SUBJECT: Filing of a Notice of Exemption for LR25-0438, Kratom Ordinance

Dear Sir/Madam:

Enclosed is the Notice of Exemption for the above referenced project. In addition, pursuant to Assembly Bill 3158 (Chapter 1706) please find a receipt in the amount of $50.00, for the County Administrative fee to enable the City to file the Notice of Exemption required under Public Resources Code Section 21152 and 14 California Code Regulations 1507. The City of Temecula is paying the $50.00 filing fee under protest. It is the opinion of the City that the administrative fee has been increased in a manner inconsistent with the provisions of State Law. Under Public Resources Code Section 21152 and 14 California Code Regulations 1507, the County is entitled to receive a $25.00 filing fee.

Also, please email a stamped copy of the Notice of Exemption **within five working days** after the 30-day posting to the email listed below.

If you have any questions regarding this matter, please contact Mark Collins at email Mark.Collins@TemeculaCA.gov.

Sincerely,

Matt Peters
Director of Community Development

Attachments: Project Notice of Exemption Form

City of Temecula
Community Development
Planning Division

Notice of Exemption

TO:	County Clerk and Recorders Office County of Riverside P.O. Box 751 Riverside, CA 92501-0751	**FROM:**	Planning Division City of Temecula 41000 Main Street Temecula, CA 92590

Project Title: Long Range Application No. LR25-0438, Kratom Ordinance

Description of Project: An ordinance of the City Council of the City of Temecula amending Title 8 of the Temecula Municipal Code to regulate the sale, distribution and possession of kratom products,

Project Location: Citywide

Applicant/Proponent: City of Temecula

The City Council approved the above described project on annuary 13, 2025 and found that the project is exempt from the provisions of the California Environmental Quality Act, as amended.

Exempt Status: (*check one*)

- ☐ Ministerial (Section 21080(b)(1); Section 15268);
- ☐ Declared Emergency (Section 21080(b)(3); Section 15269(a));
- ☐ Emergency Project (Section 21080(b)(4); Section 15269(b)(c));
- ☐ Statutory Exemptions (Section Number:)
- ☐ Categorical Exemption; (Section Number)
- ☒ Other: Section Number 15061 (b)(3)

Statement of Reasons Supporting the Finding that the Project is Exempt:

In accordance with the California Environmental Quality Act (CEQA), the proposed ordinance has been deemed to be exempt from further environmental review as there is no possibility that the proposed ordinance would have a significant impact on the environment pursuant to State CEQA Guidelines Section 15061(b)(3). The proposed ordinance amends Title 8 of the Temecula Municipal Code to prohibit the sale, distribution and possession of Kratom Products. The Ordinance does not permit any physical changes to the environment and no construction of any kind will occur due to the passage of this Ordinance.

Contact Person/Title: Mark Collins, Senior Planner **Phone Number**: (951) 506-5172

Signature: _____ **Date**: _____

Matt Peters, Director of Community Development

Date received for filing at the County Clerk and Recorders Office:

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Kevin Hawkins, Assistant City Manager

DATE: January 13, 2026

SUBJECT: Approve Voluntary Intergovernmental Agreement Between the City of Temecula and the Pechanga Band of Indians (At the Request of Pechanga Tribal Council Representatives Rahn and Schwank)

RECOMMENDATION: That the City Council approve a voluntary Intergovernmental Agreement between the City of Temecula and the Pechanga Band of Indians in substantial form.

This voluntary Intergovernmental Agreement (IGA) renews and strengthens the long-standing partnership between the City of Temecula (City) and the Pechanga Band of Indians (Tribe), fostering continued collaboration on public safety, infrastructure, and community investment initiatives that advance shared goals and enhance quality of life throughout the Temecula Valley.

BACKGROUND: The City of Temecula and the Pechanga Band of Indians have long maintained a strong government-to-government partnership rooted in collaboration, mutual respect, and a shared commitment to community well-being. The Pechanga Band of Indians can offset or seek credits against any payment due to the State of California for the ability to host gaming activities. Pechanga generates substantial positive economic, fiscal, and social impacts in Temecula, Riverside County, and surrounding areas. Through direct expenditures related to the tribal government and the operation of gaming and non-gaming-related businesses (such as Pechanga Resort Casino, Temecula Creek Inn, and Pechanga RV Resort), the Tribe actively supports the local economy by making significant contributions to local employment, wages, production, and more.

Since 2004, Pechanga has provided over $40 million to the City for critical infrastructure improvements and public safety enhancements—contributing to projects such as the I-15 South/Temecula Parkway off-ramp improvements and construction of the Northbound auxiliary lane from Temecula Parkway to Rancho California Road.

In 2021, Pechanga's government operations and gaming and non-gaming businesses in Riverside County collectively contributed to an estimated total economic output of $1.1 billion. This supported 6,468 jobs, contributed $313.6 million in total labor income (wages and benefits), and generated $154.4 million in tax revenue at various government levels. Statewide, estimated

economic output reached $1.3 billion, supporting 7,279 jobs, contributing a total of $384.7 million in labor income, and generating $181.2 million in tax revenue.

Building on the framework established in the prior Intergovernmental Agreements, the 2025 IGA continues and expands upon this cooperative relationship. The Agreement is intended to:

- Strengthen the long-term government-to-government relationship between the City and the Tribe.
- Establish a collaborative process for dispute resolution and coordinated project delivery.
- Identify joint opportunities for public safety services, infrastructure enhancements, and capital investment benefiting both the tribal and local communities.

Under this renewed Agreement, Pechanga will make a voluntary annual contribution of $950,000 into the Pechanga Community Fund, dedicated to funding programs and projects mutually agreed upon by the Pechanga Tribal Council and the City.
Funding will focus on:

- Additional public safety services
- Traffic improvement projects and maintenance; and
- Financial contributions or loans supporting mutually agreed-upon capital projects.

The Tribe and City recognize that future Capital Improvement Projects may arise. As a result, this agreement allows for additional consideration between the Tribe and City for additional grants for specific Capital Improvement Projects.

This year, Pechanga will also make a one-time grant deposit of Eight Hundred and Fifty Thousand Dollars ($850,000) into the Pechanga Community Fund for these purposes.

This current Agreement will be effective as of July 1, 2025, with an initial three-year term ending June 30, 2028, an annual contribution which has been increased to $950,000 and provides for three-year extension options at the discretion of the Tribe, aligned with the duration of the Tribe's current Tribal-State Compact.

This continued partnership reinforces Pechanga's and the City's joint vision for community investment, fiscal responsibility, and regional collaboration that enhances the overall quality of life throughout the Temecula Valley.

FISCAL IMPACT: The $950,000 Annual Contribution and the one-time payment of $850,000 for yet to be identified Work Plan of projects/programs focused on additional public safety services, traffic improvement projects and maintenance and financial contributions or loans supporting mutually agreed-upon capital projects.

ATTACHMENTS: Intergovernmental Agreement

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement ("Agreement") is dated and effective as of July 1, 2025 by and between the Pechanga Band of Indians, a federally recognized Indian tribe (the "Tribe"), and the City of Temecula, California (the "City"), which are referred to herein collectively as "the Parties" and as to each as a "Party". The terms "City" and "Tribe" as used herein shall include the Parties' governmental entities, departments and officials unless otherwise stated.

RECITALS

WHEREAS, the Tribe is a federally-recognized Indian Tribe located on federal trust lands which are located within the geographic boundaries of Riverside County (the "County") and abut or are near City boundaries; and

WHEREAS, the Tribe has inhabited the Temecula Valley for more than 10,000 years (and according to tribal history and culture, since time immemorial); and

WHEREAS, the Pechanga Indian Reservation was established by Executive Order of the President of the United States on June 27, 1882, affirming the Tribe's sovereignty and land-base; and

WHEREAS, the Tribe operates a casino featuring Class II and Class III gaming activities, as authorized under the Indian Gaming Regulatory Act ("IGRA") and that includes a hotel and related amenities (the "Gaming Facility") which serves to generate independent tribal resources to provide for the health, education, employment, government, general welfare, safety, and cultural needs of the Tribe; and

WHEREAS, the Pechanga Band of Indians generates substantial positive economic, fiscal, and social impacts in Temecula, Riverside County, and surrounding areas. Through direct expenditures related to the tribal government and the operation of gaming and non-gaming-related businesses (such as Pechanga Resort Casino, Temecula Creek Inn, and Pechanga RV Resort), the Tribe actively supports the local economy by making significant contributions to local employment, wages, production, and more. In 2021, Pechanga's government operations and gaming and non-gaming businesses in Riverside County collectively contributed to an estimated total economic output of $1.1 billion. This supported 6,468 jobs, contributed $313.6 million in total labor income (wages and benefits), and generated $154.4 million in tax revenue at various government levels. Statewide, estimated economic output reached $1.3 billion, supporting 7,279 jobs, contributing a total of $384.7 million in labor income, and generating $181.2 million in tax revenue. Since 2004, Pechanga has provided over $40 million directly to the City of Temecula for infrastructure improvements and public safety services, including grants of $5 million for improvements to the I-15 South/Temecula Pkwy off-ramp and construction of an auxiliary lane on the Northbound onramp from Temecula Parkway to the Northbound off ramp to Rancho California Road.

WHEREAS, in addition to the Gaming Facility, which has become a major tourism driver to the Temecula Valley, bringing millions of dollars into the local economy, the Tribe has successfully developed and acquired other economic development or governmental projects that

service the Tribe and the community, including a convenience store, golf course, cultural center, museum, gas station, car wash, RV park, marketplace, and the Temecula Creek Inn resort; and

WHEREAS, To further the government-to-government partnership between the Tribe and City and to foster long-term mutual cooperation, the Tribe has offered to renew this voluntary Intergovernmental Agreement with the City; and

WHEREAS, the Parties recognize that this Agreement is intended to further the government-to-government relationship between the Parties and build trust, mutual respect, good will and cooperation for the benefit of the entire community; and

NOW, THEREFORE, the Parties agree as follows:

AGREEMENT

SECTION 1. PURPOSE OF AGREEMENT

1.1. The purpose of this Agreement is to set forth certain agreements of the Parties that are intended to:

a. Continue to build and maintain a mutually beneficial government-to-government relationship between the Tribe and the City; and

b. Create a process to resolve disputes that may arise between the City and the Tribe under this Agreement;

c. Identify ways for the Tribe and the City to work together to provide additional services and benefits to the Tribal community and the residents of the City of Temecula.

d. Provide certainty with respect to future planning and development activities throughout the community.

SECTION 2. DEFINITIONS.

The following terms shall be defined in this Agreement as set forth in this Section:

2.1. "City" means the City of Temecula, an incorporated California city that is located within the boundaries of the County.

2.2. "County" means Riverside County, California.

2.3. "Effective Date" means the date this Agreement is executed by both Parties and so designated above in the introduction to this Agreement.

2.4. "Gaming Facility" means: (1) the gaming facility and hotel existing on the date of this Agreement that are located on the Reservation.

2.5. "IGRA" means the Indian Gaming Regulatory Act, 25 U.S.C. § 2701, *et seq.*

2.6. "Reservation" means those lands held in trust by the federal government for the benefit of the Tribe.

2.7. "Tribe" means the Pechanga Band of Indians, a federally recognized Indian tribe.

2.8. "Term" means the term of this Agreement.

2.9. "Voluntary Agreement" means this voluntary intergovernmental agreement.

2.10. "Work Plan" means the document, which provides a reasonable approximation of the delivery timeline and expenditures for projects and services which will be funded by the Pechanga Community Fund, as described in Section 4 below.

3 PECHANGA COMMUNITY FUND

3.1 Annual Funding. The Tribe will deposit Nine Hundred and Fifty Thousand Dollars ($950,000.00) annually into the Pechanga Community Fund account for the purposes of funding programs and services that achieve the broad objectives below, which will be further outlined in a Work Plan, subject to mutual agreement on an annual basis by the Pechanga Tribal Council and the City. Funding purposes shall be focused on:

a. Additional public safety services.

b. Funding for traffic improvement projects and maintenance.

c. Loans or payments to help cover the cost of bond financing for mutually agreed upon capital projects.

3.2 Capital Improvement Projects. The Tribe and City recognize that future Capital Improvement Projects may arise. Nothing herein shall preclude the Tribe and City from agreeing to additional grants for specific Capital Improvement Projects.

3.3 One-Time Grant. The Tribe will make a one-time deposit of Eight Hundred and Fifty Thousand Dollars ($850,000.00) into the Pechanga Community Fund account for the purposes of funding programs and services as described in Section 3.1 of this Agreement as soon as practical following the approval of this Agreement by the parties.

4 CONFIDENTIALITY OF PROPRIETARY INFORMATION

4.1 To the extent authorized by the California Public Records Act (Government Code Section 7920.000, *et seq.*), and subject to all provisions of such Act, the Parties agree that proprietary and confidential operational and financial information shall be deemed confidential and shall not be shared with any third party. The Parties acknowledge and agree that such proprietary information includes all documents obtained, observations made, or conclusions drawn directly or indirectly under this Agreement concerning the proprietary operation or financial information concerning the Gaming Facility, including without limitation, where the source or information comes from, inspection reports, plan reviews, and all documents related to examinations of financial information, negotiations, consultations, disputes or other activities under this Agreement.

4.2 Prior to providing such information to the City, or permitting the City access to such information, but without implying that providing such access or information is necessarily required, the Tribe shall notify the City in writing that such information is confidential or proprietary.

4.3 The City shall promptly provide the Tribe notice of any Public Records Act request related to this Agreement and shall afford the Tribe, within the time limits allowed under the Public Records Act, an opportunity to seek an injunction by the Court against any such disclosure.

5 DISPUTE RESOLUTION

5.1 Meet and Confer Process. In recognition of the government-to-government relationship between the Tribe and the City, the Parties shall make their best efforts to resolve disputes that occur under this Agreement by good faith negotiations whenever possible. Therefore, the Parties hereby establish a threshold requirement that disputes arising under this Agreement shall first be subject to a good faith meet and confer procedure to give the Parties an opportunity to work together to solve identified issues.

5.2 Dispute Resolution Process. Disputes arising between the Parties regarding a Party's alleged failure to meet its obligations imposed by this Agreement, including a refusal to meet and confer, shall be addressed through the following process:

a. The Parties may meet and confer informally to discuss their concerns. This stage may include an informal exchange of views among Tribal and City personnel and shall remain confidential in accordance with applicable law.

b. A Party invoking the meet and confer provisions of this Agreement shall provide written notice to the other Party, identifying with specificity the alleged issue or issues, the specific provision breached, and the actions requested to resolve the dispute. Within seven (7) business days after receipt of the notice, the recipient party shall provide a written response agreeing or disagreeing with the complaint. If the Parties agree upon the issues complained of, they will set forth detailed steps to address the alleged breach of the Agreement. If the Parties disagree, they shall proceed in accordance with the next subsection, 6.2(c).

c. The Parties shall formally meet and confer in good faith within ten (10) business days of receipt of such notice, or at such other time as the Parties may agree in writing, to attempt to resolve the dispute. If both Parties agree, a mediator may be used to help resolve the dispute at this stage. The Parties and mediator, if any, shall ensure that any disputed issues are clearly and directly communicated according to any agreed upon process and timeline. Multiple meetings under this step may be reasonably required depending upon the nature of the dispute, provided that the meet and confer process shall be completed within thirty (30) days of formal initiation unless extended in writing by mutual agreement of the Parties.

d. To the extent allowed by law, such writings as may be prepared and transmitted between the Parties pursuant to this Section 6 shall be confidential.

6 BINDING ARBITRATION PROCEDURE

6.1 Subject to compliance with the meet and confer process stated above and the limitations herein as to the scope of any order, either Party may initiate binding arbitration to resolve any dispute arising out of this Agreement, regarding the interpretation of any the Agreement's provisions and/or rights and obligations of the Parties under the Agreement.

6.2 The arbitration shall be conducted by arbitrator(s) in accordance with the JAMS Comprehensive Arbitration Rules & Procedures (the "Rules") then in effect at the time of the initiation of arbitration. The arbitration shall take place in or near Temecula, including any location

on the Reservation, or at another location mutually agreed upon by the Parties. The arbitrator shall be a retired federal or California superior court judge selected pursuant to the following terms:

a. The arbitrator shall be from the list of prior approved arbitrators with experience in matters similar to the subject matter of this Agreement. In the event the Parties cannot agree upon an arbitrator, the Parties agree that Rule 15 of the Rules shall govern the selection of the arbitrator.

b. Subject to the terms of this Section, the arbitrator shall have jurisdiction to interpret and apply the terms of the Compact and this Agreement but shall lack jurisdiction to modify the Agreement or relieve a Party of its obligations, or add to those obligations under the Agreement, except in the event that material terms of this Agreement are determined to be void or that the provisions of the Compact are in material conflict with the terms of this Agreement. In the latter instance, the arbitrator may order the Agreement modified to conform to the Compact, with the least change necessary in order to maintain the relative positions of the Parties at the time the Agreement was entered into.

c. This Agreement does not provide for, and the arbitrator shall not have jurisdiction to order, remedies with respect to federal, state, or City laws, regulations, ordinances, codes or other laws against the City, including its government entities, officials, members or employees or its real property, and shall only consider or evaluate such laws and issue such orders as expressly permitted under this Agreement.

d. Equitable relief shall be limited to compelling some actual performance that is expressly described in this Agreement or preventing a Party from failing to take such action.

e. Any controversy regarding whether an issue is subject to arbitration shall be determined by the arbitrator, but the arbitrator's jurisdiction shall be limited to ordering forms of relief agreed to in this Agreement.

f. The arbitrator shall render an award consistent with Rule 24 of the Rules. The Parties agree to be bound by the provisions of Rule 17 of the Rules relating to informal and formal discovery rights and obligations, subject to the agreement of the Parties or order of the arbitrator otherwise. In any event, any discovery conducted shall be subject to the confidentiality provisions of this Agreement to the extent such provisions may be lawfully enforced, and the arbitrator shall make such orders as are necessary to enforce such provisions.

g. Following an arbitration order or award, either Party may appeal pursuant to the JAMS Optional Arbitration Appeal Procedure as set forth in Rule 34 of the Rules. In the event appeal is sought, no order of the arbitrator shall be considered to be final until the appeal is concluded, including any matters that may be pending as to such order by a reviewing court under Section 9.

7 JUDICIAL REVIEW AND ENFORCEMENT

7.1 The Parties agree that the prevailing party in any arbitration contemplated under Section 8 hereof may seek to confirm and enforce any arbitration award that has become

final by filing a petition with any Superior Court in the State of California, pursuant to the provisions of California Code of Civil Procedure, Section 1285, *et seq*. In any arbitration or court action, each Party shall bear its own costs and attorneys' fees in any court action or arbitration proceeding brought pursuant to this Agreement.

7.2 Nothing in this Agreement shall preclude or restrict the ability of Parties to voluntarily pursue, by mutual agreement, any other method of dispute resolution.

8 NOTICES

8.1 Notices pursuant to this Agreement and service of process in any judicial or arbitration proceeding is waived in favor of delivery of documents by (i) delivery by a reputable document delivery service, such as but not limited to, Federal Express, that provides a receipt showing date and time of delivery or (ii) by Certified Mail – Return Receipt Requested to the following:

8.2 For the Tribe:

Tribal Chairperson
Pechanga Band of Indians
12705 Pechanga Road
Temecula, CA 92592
Tel: 951-676-2768

With a copy simultaneously delivered to:

General Counsel
Pechanga Office of General Counsel
12705 Pechanga Road
Temecula, CA 92592
Tel: 951-770-6171

8.3 For the City:

City Manager
City of Temecula
41000 Main Street
Temecula, CA 92590
Tel: 951-506-5100

With copy simultaneously delivered to:

Peter M. Thorson
Richards, Watson & Gershon
350 South Grand Ave., 37th Floor
Los Angeles, CA 90071
Tel: 213-626-8484

8.4 Either Party may change the names and address to which notices and service of process may be delivered by written notice to such persons as listed in the subsection or by subsequent notice of changes.

9 MUTUAL LIMITED WAIVER OF SOVEREIGN IMMUNITY

9.1 The Parties agree that the Parties' waiver of immunity from arbitration or suit, or the enforcement of any order or judgment related thereto, is limited to the express provisions of Sections 7 and 8 of this Agreement, and neither the agreement to arbitrate nor any other provision of this Agreement shall be construed as creating any implied waiver of such immunity.

9.2 The Parties each expressly covenant and agree that they may each sue and be sued, including the resolution of disputes in arbitration and the judicial enforcement thereof, as provided in Sections 7 and 8 above, to resolve any controversy arising from this Agreement or to enforce or interpret the terms and conditions of this Agreement, as provided for in this Agreement. The Parties, their officers and agents expressly agree to waive governmental immunities, including sovereign immunity, in connection with any claims arising from this Agreement, as provided for herein for the enforcement of any arbitration award, or judgment to enforce such an award, or enforcement of any easement created as a result of this Agreement. The Parties further consent to the jurisdiction of an arbitrator and/or specified court under this Agreement including the consent to be sued and bound by a lawful order or judgment, to the extent provided for herein. Each of the Parties represent that its agreement to such dispute resolution processes and waivers has been effectively and lawfully granted and that nothing further needs to be done to effectuate those processes.

9.3 With respect to any action arising out of the Agreement for which there is a waiver of sovereign immunity, the Tribe and City expressly consent to the jurisdiction of the United States District Court for the Central District of California and, as limited herein to, the Superior Court of the State of California for Riverside County and all related appellate courts, and/or an arbitrator selected pursuant to this Agreement and specifically waive sovereign immunity for that purpose. The Parties specifically agree that the applicable court shall have jurisdiction to enter judgments enforcing rights and remedies provided for in this Agreement which shall be binding and enforceable on the Parties, subject to the limitations set forth in this Agreement. No Party to this Agreement shall contest jurisdiction or venue of the above-referenced courts, provided their jurisdiction and venue are invoked in the order specified, but only for disputes or claims arising out of this Agreement. Neither the Tribe nor the City shall plead or invoke the doctrine of exhaustion of Tribal or other administrative remedies, defenses of immunity or indispensable Parties beyond those contemplated in this Agreement.

9.4 The City and the Tribe may not join or consent to the joinder of any third party to any action (including but not limited to any arbitration) contemplated herein, unless failure to join such party would deprive the court or arbitration tribunal of jurisdiction; provided that nothing in this Agreement shall be construed to constitute a waiver of the sovereign immunity or other protection from lawsuit (or other dispute resolution process), or the effect, orders or judgments thereof, of either the Tribe or the City with respect to any claim of any kind by any such third party. In the event of intervention by any third party into any such action without the consent of the Tribe and the City, nothing herein shall be construed to constitute a waiver of any immunity

with respect to such third party, and no arbitrator or court shall have jurisdiction to award any relief or issue any order as against the City or Tribe with respect to such third party in that or any other proceeding.

10 MISCELLANEOUS PROVISIONS

10.1 No Authority Over Tribal Activities. Nothing in this Agreement is intended to confer or expand the jurisdiction of any local, state or federal agency or other governmental body, nor is this Agreement intended to infringe or otherwise usurp the authority of any regulatory body including local, state, federal or Tribal agencies that may have jurisdiction over or related to Tribal activities, development or Projects. Further, nothing in this Agreement shall be construed to relieve the Tribe's obligation to comply with the National Environmental Policy Act (NEPA) as may be required as part of any trust application or any other Project requirement.

10.2 No Third Party Beneficiaries. This Agreement is not intended to, and shall not be construed to, create any right on the part of a third party including, without limitation, no rights in any Interested Persons, nor does it create any private right of action for any third party nor permit any third party to bring an action to enforce any of its terms.

10.3 Amendments. This Agreement may be modified or amended only by mutual and written agreement of the Parties.

10.4 Final Agreement. This Agreement contains the entire agreement of the Parties as to the subject matter of this Agreement and supersedes any other agreements of the Parties to the contrary, except for those certain "Intergovernmental Agreement" between the Tribe and the City dated as of November 17, 2015~~,~~ and July 1, 2021 which agreements shall remain in full force and effect in accordance with their terms without any changes. However, this Agreement shall not prohibit any future agreements contemplated by the Parties. Except as provided above, the Agreement is intended both as the final expression of the agreement between the Parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement consistent with California Code of Civil Procedure section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing approved and signed by the Parties.

10.5 Severability of Provisions. The invalidity of any provisions or portion of this Agreement as determined by a court of competent jurisdiction or any State or federal agency having jurisdiction and thereof and the authority to do so, shall not affect the validity of any other provisions of this Agreement or the remaining portions of the applicable provisions, unless such provision is material to the reasonable expectation of the Parties. Without limiting the foregoing, if any provision of the Agreement is declared invalid as aforesaid, then the Parties shall use their best efforts to renegotiate the terms of the invalid provisions.

10.6 Force Majeure. The Parties shall not be liable for any failure to perform, or for delay in performance of a Party's obligations, and such performance shall be excused for the period of the delay and the period of the performance shall be extended when a force majeure event occurs; provided however that the party whose performance is prevented or delayed by such event of force majeure shall give prompt written notice (i.e., within seventy-two (72) hours of the event)

of such event to the other party. For purposes of this Section, the term "force majeure" shall include, without limitation, war, epidemic, rebellion, riot, civil disturbance, earthquake, fire, flood, acts of governmental authorities (other than the City or Tribe), acts of God, acts of terrorism (whether actual or threatened), acts of the public enemy and in general, any other severe causes or conditions beyond the reasonable control of the Parties, the consequences of which in each case, by exercise of due foresight such party could not reasonably have been expected to avoid, and which by the exercise of due diligence it would not have been able to overcome, when such an event prevents the Tribe from performing at a level sufficient to meet its obligations under this Agreement due to substantial changes in the Tribe's ability to offer gaming activities, ceasing the gaming or hotel operations for an extended period, or prevents the City from meeting its obligations under this Agreement due to an interruption of City government operations. An interruption of performance, or the delayed occurrence of any event, under this Agreement caused by an event of force majeure shall as far as practical be remedied with all reasonable dispatch. During any period in which a party is excused from performance by reason of the occurrence of an event of force majeure, the party so excused shall promptly, diligently, and in good faith take all reasonable action required in order for it to be able to commence or resume performance of its obligations under this Agreement.

10.7 Governing Law. This Agreement shall be construed according to applicable federal and California substantive law to the extent not inconsistent with the express provisions of this Agreement, unless federal law as to the Tribe or the City, or California law as to the City, prohibits such Parties from abiding by such express provision, in which case the provision will be deemed to be invalid and resolved, if possible, under the severability provisions in Section 13.5. Notwithstanding the foregoing, California rules of construction shall be applied in interpreting this Agreement. This Agreement shall be deemed to have been drafted jointly by the Parties and shall not be construed as having been drafted by, or construed against, one Party against another.

10.8 Term; Obligations to Continue. The Term of this Agreement shall be for the period of three (3) years, unless sooner terminated pursuant to the terms of this Agreement. The Tribe shall have the option to extend this Agreement in three-year increments until the expiration or termination of the Compact in place at the time of this Agreement. Unless specifically designated otherwise, all of the Parties' obligations under this Agreement shall continue through the Term, including any extensions thereof. Notwithstanding the end of the Term, any covenant, term or provision of this Agreement which, in order to be effective, or is necessary to enforce an unfulfilled material term of this Agreement or obligation that may continue beyond the end of the Term shall survive termination.

Because the Tribe's ability to dedicate these funds to the City are predicated on the Tribe's gaming rights that exist as of the effective date of this Agreement, the Tribe shall have the right to amend or terminate this Agreement in the event of a change in California or federal law expanding gaming to non-tribal entities. The Tribe shall provide 90 days' written notice informing the City of its intent to either amend or terminate the Agreement;

10.9 Payments. Unless otherwise indicated, all payments made pursuant to this Agreement shall be made payable to the City of Temecula. For projects and services identified in the Work Plan, payments shall be made as scheduled in the Work Plan.

10.10 Representations. By entering into this Agreement each signatory represents that, as of the Effective Date, the undersigned has the authority to execute this Agreement on behalf of their respective governing bodies.

10.11 Duplicate Originals. At least two copies of this Agreement shall be signed and exchanged by the Parties each of which shall be considered an original document.

10.12 Approval. Each Party's execution, delivery and performance of this Agreement shall be approved by resolution of each Party's respective governing body, which shall provide that the Party shall not enact a law impairing the rights and obligations under this Agreement.

10.13 Obligation on Related Entities. This Agreement binds the Parties and their departments, affiliates, agents, representatives, successors, contractors, officials and related entities, which such Agreement shall also be reflected in a resolution of each Party's respective governing body approving the Agreement.

10.14 Authority/Authorization. The City and Tribe each represent and warrant that each has performed all acts precedent to adoption of this Agreement, including but not limited to matters of procedure and notice and each has the full power and authority to execute this Agreement and perform its obligations in accordance with the above terms and conditions, and that the representative(s) executing this Agreement on behalf of each Party is duly authorized to so execute and deliver the Agreement.

IN WITNESS WHEREOF, the Parties hereby execute and enter into this Agreement with the intent to be bound thereby through their authorized representatives whose signatures are affixed below.

PECHANGA BAND OF INDIANS

BY:_____
Mark Macarro, Tribal Chairman
Pechanga Band of Indians

Attest

_____
Nichole Sutter
Tribal Secretary

Approved as to Form:

_____
Steve M. Bodmer
General Counsel

CITY OF TEMECULA

BY:_____
Jessica Alexander
Mayor

Attest

_____
Randi Johl-Olson, JD, MMC City Clerk

Approved as to Form:

_____
Peter M. Thorson
City Attorney

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Randi Johl, Director of Legislative Affairs/City Clerk

DATE: January 13, 2026

SUBJECT: Approve Annual Proclamation List for Calendar Year 2026

PREPARED BY: Randi Johl, Director of Legislative Affairs/City Clerk

RECOMMENDATION: That the City Council approve the annual proclamation list for calendar year 2026.

BACKGROUND: On January 10, 2023, the City Council approved its Public Recognitions Policy. This policy also includes proclamations. Proclamations may be provided at the request of residents, businesses, nonprofit organizations and/or Council Members. Pursuant to the policy, the City Council shall approve annually a list of proclamations proposed to be issued for the calendar year. Unless three or more Council Members pull a proclamation from the list indicating exclusion, all proclamations on the annual list shall be issued for presentation via mail or in-person as requested. Proclamations shall be presented on behalf of the City of Temecula and shall be signed by a single signatory in the following order: (1) Mayor, (2) Mayor Pro Tempore, or (3) Council Member designated by the Mayor. It is recommended that the City Council approve the annual proclamation list for the upcoming calendar year.

FISCAL IMPACT: None

ATTACHMENTS: 1. Public Recognitions Policy
2. Proclamation List

CITY OF TEMECULA

CITY COUNCIL POLICY

Title:	**Public Recognitions Policy**
Policy No.	**9**
Approved:	**January 10, 2023**
Revised:	**N/A**

PURPOSE:

The purpose of this City Council policy is to ensure an effective and efficient process for the consideration and conduct of various public recognitions by the City Council.

POLICY:

The policy of the City Council with respect to the subject matter listed in the above-referenced title is as follows:

Public Recognitions Ad Hoc Subcommittee

A subcommittee shall be appointed annually as part of the City Council subcommittee review and selection process in January. To the extent possible, the subcommittee shall include both short and long tenured members of the City Council. The subcommittee will consider all public recognitions that include a nomination component (Community Leader Award of Distinction, Council Member Award of Recognition Upon Retirement, Wall of Honor, and Memorial, Monument and/or Facility Naming). The subcommittee will consider all nominations in a calendar year together and make recommendations to the full City Council. The subcommittee will function similarly to other ad hoc subcommittees that consider items on a calendar year basis.

Standard Certificates of Recognition

Standard certificates of recognition may be provided at the request of City residents, community leaders, businesses, nonprofit organizations, and/or Council Members. Standard certificates shall include those designated in the chart below. Such certificates shall be presented on behalf of the City of Temecula and shall be signed by a single signatory in the following order: (1) Council Member attending a related event, (2) Mayor, (3) Mayor Pro Tempore, or (4) Council Member designated by the Mayor.

1	Certificate of Achievement	Student of the Month, Student of the Year, Girl Scouts, Eagle Scouts, Student Sports and Competitions, Youth in Government	Common / Monthly
2	Certificate of Appreciation	Former Board and Commission Members, Meeting Entertainment	Common
3	Certificate of Commendation	Acts of Bravery, Heroism (Resident Assistance in Emergency Circumstances), Veterans	Rare

4	Certificate of Congratulations	$25^{th}/50^{th}/75^{th}/100^{th}$ Birthdays, Wedding Anniversaries, Retirements	Rare
5	Certificate for Grand Opening / Ribbon Cutting	New Businesses / New Owners / Chamber of Commerce (Economic Development Requests)	Common
6	Certificates of Recognition	Miscellaneous – Noteworthy Residents, Non-Profits, Foundations, Chamber Gala	Common
7	Certificate of Remembrance	In Memoria, Adjournments	Rare
8	Certificate of Welcome	Sister City Dignitaries	Rare

Proclamations

Proclamations may be provided at the request of residents, businesses, nonprofit organizations and/or Council Members. The City Council shall approve annually a list of proclamations proposed to be issued for the calendar year. Unless three or more Council Members pull a proclamation from the list indicating exclusion, all proclamations on the annual list shall be issued for presentation via mail or in-person as requested. Proclamations shall be presented on behalf of the City of Temecula and shall be signed by a single signatory in the following order: (1) Mayor, (2) Mayor Pro Tempore, or (3) Council Member designated by the Mayor.

1	Proclamation	Day, Week or Month of Observation Consistent with Regional, State and/or National Recognition for Public Awareness / Education Purposes	Common
2	Proclamation – Person	Recognition of Day in Celebration of a Person (Council Member, Founding Member)	Rare

Pins and Medals

Pins and medals may be provided at the request of residents, businesses, nonprofit organizations and/or Council Members. Pins and medals shall include those designated in the chart below. Pins and medals shall be accompanied by a related certificate and shall be presented via mail or in-person as requested. Pins and medals shall be presented on behalf of the City of Temecula and any related certificate shall be signed by a single signatory in the following order: (1) Mayor, (2) Mayor Pro Tempore, or (3) Council Member designated by the Mayor.

1	Boy Scout / Girl Scout	Eagle Scout, Bronze/Silver/Gold Award, or Similar Noteworthy Accomplishment	Common
2	Hero's Medal and Pin	Acts of bravery and courage in the service of others	Rare

Community Leader Award of Distinction

A Community Leader Award of Distinction may be provided to a resident and/or nonprofit or business affiliate upon recommendation of the Public Recognitions Subcommittee. Such award is rare and therefore shall be presented on behalf of the City of Temecula in-person at a City Council meeting. Any

related certificate shall be signed by all Council Members. To be eligible for such an award, a nominee must meet the following criteria:

Criteria

1. Nomination Form – The requisite nomination form, with supporting documentation, is submitted to the City Clerk's Office pursuant to instructions by the relevant deadline.
2. Contributions – The contributions and proof of impact of the nominee, as illustrated in the nomination packet, are well known and recognized by a significant segment of the community and their respective industry (education, nonprofit, business).
3. Subcommittee Consideration – The nominee received a recommendation for recognition by the full City Council from the Public Recognitions Ad Hoc Subcommittee.
4. Public Recognition – During an in-person recognition at a City Council meeting, the nominee will receive a framed award signed by all Council Members, a swag bag from the City, and other recognitions from the community/industry as they deem appropriate.

Council Member Award of Recognition Upon Retirement

A Council Member Award of Recognition Upon Retirement shall be provided to retiring Council Members as indicated below. Such recognition is rare and therefore shall be presented on behalf of the City of Temecula in-person at a City Council meeting. Any related certificate shall be signed by all Council Members. To be eligible for such an award, a nominee must meet the following criteria:

Criteria

1. Internal Form – The requisite recognition form, with supporting documentation, is submitted by relevant staff to the City Clerk's Office pursuant to instructions by the relevant deadline.
2. Service – The subject Council Member has completed a minimum of one full-term if elected or the whole of an unexpired term if appointed.
3. Subcommittee Consideration – The subject Council Member received a recommendation for recognition by the full City Council from the Public Recognitions Ad Hoc Subcommittee.
4. Public Recognition – The subject Council Member receives recognition based on tenure with optional community recognitions at th meeting. While Board and Commission service is noted as part of the presentation, it is not counted towards years of service for purposes of recognition categories below:

A. One Term (4 Years) – The subject Council Member receives an engraved plaque with years of service, a commemorative street sign, and a swag bag from the City.
B. Two – Three Terms (8-12 Years) – The subject Council Member receives an engraved plaque with years of service, a framed proclamation recognizing member's retirement date as Member's Day, a commemorative street sign, and a swag bag from the City.
C. Four Terms and Beyond (16+ Years) – The subject Council Member receives a shadow box with a key to the City, a proclamation recognizing member's retirement date as Member's Day, a commemorative street sign, and a swag bag from the City.

Wall of Honor

A Wall of Honor recognition may be provided to any deserving individual (i.e., resident, service club member, former Council Member, Commissioner or staff, nonprofit or business affiliate, etc.) upon recommendation of the Public Recognitions Subcommittee. Such recognition is rare and therefore shall be presented on behalf of the City of Temecula in-person at a City Council meeting. Any related certificate

shall be signed by all Council Members. To be eligible for such a recognition, a nominee must meet the following criteria:

Criteria

1. Nomination Form – The requisite nomination form, with supporting documentation, is submitted to the City Clerk's Office pursuant to instructions by the relevant deadline.
2. Contributions – The contributions and proof of impact of the nominee, as illustrated in the nomination packet, have extended beyond a 10 year period of time, are well known, and recognized by a significant segment of the community and/or their respective industry (education, nonprofit, business).
3. Subcommittee Consideration – The nominee received a recommendation for recognition by the full City Council from the Public Recognitions Ad Hoc Subcommittee.
4. Public Recognition – During an in-person recognition at a City Council meeting, the nominee will receive a framed award signed by all Council Members and the nominee's name will be incorporated into the perpetual Wall of Honor plaque located at City Hall.

Memorial, Monument and/or Facility Naming

A memorial, monument and/or facility naming recognition may be provided to any deserving individual (i.e., resident, service club member, former Council Member, Commissioner or staff, nonprofit or business affiliate, etc.) upon recommendation of the Public Recognitions Subcommittee. Such recognition is rare and therefore shall be presented on behalf of the City of Temecula in-person at the site of the thing and/or place to be named. Any related certificate shall be signed by all Council Members. To be eligible for such a recognition, a nominee must meet the following criteria:

Criteria

1. Nomination Form – The requisite nomination form, with supporting documentation, is submitted to the City Clerk's Office pursuant to instructions by the relevant deadline.
2. Contributions – The contributions and proof of impact of the nominee, as illustrated in the nomination packet, have extended beyond a 20 year period of time, are well known, and recognized by a significant segment of the community and/or their respective industry (education, nonprofit, business). Such contributions exceed all other contributions in community value such that there is no other public recognition that can be applied.The 20 year period of time is subject to review and adjustment by the full City Council.
3. Subcommittee Consideration – The nominee received a recommendation for recognition by the full City Council from the Public Recognitions Ad Hoc Subcommittee.
4. Public Recognition – During an in-person recognition, the nominee will receive a framed award signed by all Council Members and the nominee's name will be incorporated into the subject memorial, monument and/or facility.

Miscellaneous

The following non-standard recognitions shall not have a political, religious, lifestyle, and/or commercial association: Community Leader Award of Distinction, Wall of Honor, Memorial, Monument, and/or Facility Naming. In addition, Resolutions of Principle, defined as statements in which an organization describes its collective beliefs, values, and intentions towards a particular topic(s), will not be issued by the Council and are not included as a part of this policy.

2026 CITY COUNCIL PROCLAMATION LIST

Name of Proclamation	Day/Week/ Month of Recognition	Description	Links to More Information	Recipient(s)
Human Trafficking Prevention Month	January	Raise awareness and educate all members of our society on how they can prevent and respond to human trafficking.	Federal More Information	Riverside County Sheriff's Department Anti-Human Trafficking Task Force
Mentoring Month	January	Campaign that aims to unify and expand the mentoring movement by encouraging others to become a mentor through organizations such as Big Brothers Big Sisters.	Federal More Information	Big Brothers Big Sisters Inland Empire
American Heart Month	February	Acknowledges the ongoing fight against cardiovascular disease.	Federal More Information	American Heart Association
Black History Month	February	Is a time to honor the contributions and legacy of African Americans across U.S. history and society.	Federal State More Information	All Requesters
American Red Cross Month	March	Honors the humanitarian spirit and hard work of the volunteers during Red Cross Month		Note: Added to Proclamation list on 02/06/2025 per request of Executive Director Lois Beckman of the American Red Cross
Women's History Month	March	Highlights the contributions of women to events in history and contemporary society.	Federal More Information	All Requesters
Vietnam War Commemoration Day	March 29	Recognize and honor those who served during the Vietnam War.	Federal State More Information	Department of Veterans Affairs

2026 CITY COUNCIL PROCLAMATION LIST

Name of Proclamation	Day/Week/ Month of Recognition	Description	Links to More Information	Recipient(s)
Education and Sharing Day	April 1	Established by U.S. Congress in honor of Rabbi Menachem Mendel Schneerson to recognize the essential role of education and sharing in our society.	Federal More Information	Rabbi from Chabad of Temecula
Arab American Heritage Month	April	Celebrates the Arab American heritage and culture and pays tribute to the contributions of Arab Americans and Arabic-speaking Americans.	Federal State More Information	All Requesters
Autism Awareness Month	April	Promotes autism awareness, inclusion, and self-determination for all.	Federal More Information	Varies
Child Abuse Prevention Month	April	Annual observance in the United States dedicated to raising awareness and preventing child abuse.	Federal State More Information	Safe Family Justice Center
DMV/Donate Life Month	April	Recognizes the DMV as the largest registrant of organ donors and encourages residents to register and become an organ donor.	Federal More Information	OneLegacy Ambassador Program
Innovation Month	April	Encourages the growth and expansion of innovation, technology, and entrepreneurship in our community and in the region.	More Information	Economic Development Department
Records Information Management Month	April	Highlights the importance of organizing and maintaining records and data for the efficient and effective management of any organization.	More Information	Note: Added to Proclamation list on 10/16/2025 per request from Records Manager, Lanny Krage.

2026 CITY COUNCIL PROCLAMATION LIST

Name of Proclamation	Day/Week/ Month of Recognition	Description	Links to More Information	Recipient(s)
Library Week	April 7 - 13	Promotes local libraries and recognizes library workers.	Federal State More Information	Ronald H Roberts Public Library & Friends of Temecula Libraries
Crime Victims' Rights Week	April 19 - 25	Acknowledges the abuse and trauma that victims of crimes often experience and the work of dedicated advocates who support crime victims.	Federal More Information	Riverside County District Attorney's Office Division of Victim Services
Earth Action Day	April 22	An opportunity for everyone to engage in a constructive dialogue about how renewable energy: solar, wind, geo-thermal, hydro and tidal, can benefit their community.	More Information	Note: Added to Proclamation list on 02/10/2025 per request from Ilene Stark with the National Campaign for EarthDay.org.
Arbor Day	April 24	Marked by the planting of trees and emphasizes caring for them to sustainably protect our planet.	State More Information	Public Works Dept.
Asian American and Native Hawaiian/ Pacific Islander Heritage Month	May	Recognizes the many contributions, vibrant cultures, and rich heritage of Asian Americans, Native Hawaiians, and Pacific Islanders.	Federal State More Information	All Requesters
Bike Month	May	Celebrates bikes and the benefits of bicycling.	More Information	Hike Bike Temecula
California Tourist Month	May	Spotlights the role of tourism as a key economic driver for California.	More Information	Visit Temecula Valley
Conservation Appreciation Month	May	Celebration of anniversary of RCHCA and the down listing of the endangered Stephens' Kangaroo Rat.	N/A	Riverside County Habitat Conservation Agency

2026 CITY COUNCIL PROCLAMATION LIST

Name of Proclamation	Day/Week/ Month of Recognition	Description	Links to More Information	Recipient(s)
Frontline Worker Appreciation Month	May	Opportunity to spotlight the important work of nurses, teachers, police, fire, EMS, and other frontline workers as part of Frontline Worker Appreciation Month.	More Information	Note: Added to Proclamation List on 03/17/2025 per request from Pam Woo of the Frontline Impact Project, Lubetzky Family Foundation
Jewish American Heritage Month	May	Recognizes the many contributions, vibrant cultures, and rich heritage of Jewish Americans.	Federal More Information	All Requesters
Mental Health Month	May	Movement to raise awareness about mental health through support, education, and advocacy.	Federal More Information	Riverside University Health System, Department of Mental Health
Military Appreciation Month	May	Recognizes the contributions, sacrifices, and services of the members of the armed forces, past and present.	More Information	Note: Added to Proclamation list on 05/29/2024 and approved at City Council meeting 01/14/2025
Older Americans Month	May	Recognizes the contributions of past and present older persons to the country.	Federal	TBD
Water Safety Month	May	Raises awareness about pool and swim safety for drowning prevention.	State More Information	Community Services Department Aquatics Division
Global Love Day	May 1	Global recognition of humanity and the power of love within everyone.	More Information	Note: Added to Proclamation list on 02/10/2025 per request from Harold W. Becker of The Love Foundation, Inc.

2026 CITY COUNCIL PROCLAMATION LIST

Name of Proclamation	Day/Week/ Month of Recognition	Description	Links to More Information	Recipient(s)
Municipal Clerks Week	May 3 - 9	Increases the public's awareness of Municipal Clerks and the vital services they provide for local government and community.	More Information	City Clerk's Dept.
National Travel and Tourism Week	May 3 - 9	Showcase the industry's role in fostering vibrant communities, encouraging emerging innovations and economic recovery.	More Information	Visit Temecula Valley
Nurses Week	May 6 - 12	Recognizes nurses and the hard work they put in to making their patients feel comfortable.	Federal More Information	American Nurses Association
Public Gardens Week	May 8 - 17	Call attention to local public gardens and recognize their contribution to the community.	More Information	Temecula Valley Rose Society
Hospital Week	May 10 - 16	Opportunity to recognize multiple healthcare workers and hospital staff for their dedication and commitment.	More Information	Temecula Valley Hospital
Public Works Week	May 17 – 23	Recognizes the importance of public works and the essential role that these employees play in our City's infrastructure.	More Information	Director of Public Works
Pride Month	June	Recognizes the contributions of LGBTQ individuals across America.	Federal State More Information	All Requesters
Juneteenth	June 19	Celebrates the emancipation of those who had been enslaved in the United States.	Federal State More Information	Varies

2026 CITY COUNCIL PROCLAMATION LIST

Name of Proclamation	Day/Week/ Month of Recognition	Description	Links to More Information	Recipient(s)
Make Music Temecula Day	June 21	Make Music Day, a subsidiary of the National Association of Music and Merchants (NAMM), is a free celebration of music around the world. Make Music Temecula is a day of music-making in public spaces throughout Temecula, for musicians and audiences alike.	More Information	Make Music Temecula Organization
National Parks and Recreation Month	July	Promotes building strong, vibrant and resilient communities through the power of parks and recreation.	More Information	Note: Added to Proclamation list on 07/11/2024 and approved at City Council meeting 01/14/2025
Emergency Management Month	August	Raises awareness to support communities and organizations on planning in advance, coordinating under pressure, and developing lasting resiliency through emergency management.	More Information	Note: Added to Proclamation List on 07/22/2025 per request from Mikel Alford and Chief Crater.
Purple Heart Day	August 7	Remember and honor the brave men and women who were either wounded on the battlefield or paid the ultimate sacrifice with their lives.	Federal More Information	Department of Veterans Affairs
Childhood Cancer Awareness Month	September	Brings awareness to pediatric cancer and pays tribute to the healthcare professionals who work together with families to provide hope and help to children diagnoses with cancer.	Federal More Information	Varies

2026 CITY COUNCIL PROCLAMATION LIST

Name of Proclamation	Day/Week/ Month of Recognition	Description	Links to More Information	Recipient(s)
Preparedness Month	September	Opportunity to reflect and act on shared responsibility to be prepared in the case of when a disaster strikes.	Federal State More Information	Emergency Management
Prostate Cancer Awareness Month	September	Call upon all citizens to learn the early detection signs, support patients and survivors, and educate about treatment options.	Federal More Information	Varies
Service Dog Month	September	Devoted to raising awareness and showing appreciation for the extraordinary work service dogs provide.	More Information	Ronald H. Roberts Library Staff
Hispanic Heritage Month	September	Recognize the achievements and contributions of Hispanic Americans, including the colorful culture, rich histories, and diversity.	Federal State	All Requesters
Constitution Week	September 17 – 23	Commemorates the history and importance of the U.S. Constitution.	Federal More Information	Daughters of the American Revolution
California Native American Day	September 25	State holiday that honors the diverse cultures and histories of the indigenous peoples of California. Celebrated on the 4th Friday in September.	State More Information	California Native American Legislative Caucus
Code Enforcement Officer Appreciation Month	October	Month dedicated to honoring code enforcement officers for their role in enforcing health and safety regulations while highlighting their impact on building, zoning, environmental, and housing standards.	More Information	Note: Added to Proclamation List on 09/03/2025 per request from Jamie Lenos, Code Enforcement Manager

2026 CITY COUNCIL PROCLAMATION LIST

Name of Proclamation	Day/Week/ Month of Recognition	Description	Links to More Information	Recipient(s)
Children's Environmental Health Month	October	Raises awareness about ways to protect children from environmental toxins at all stages and in all communities.	Federal State More Information	Alliance of Nurses for Healthy Environments
Cybersecurity Awareness Month	October	Highlights the importance of safeguarding city's infrastructure from malicious cyber activity and protecting citizens and businesses.	Federal More Information	Director of Information Technology & Support Services
Domestic Violence Awareness Month	October	Acknowledges the commitment to raising awareness about domestic violence, which can include physical, emotional and sexual abuse as well as neglect.	Federal More Information	Safe Family Justice Center
Freedom from Workplace Bullying Week	October	Re-evaluates the work environment to make sure that employees have a safe workplace.	City More Information	Bully Free Workplace
Manufacturing Month	October	Celebrates the importance of U.S. manufacturing innovation and ingenuity.	Federal State More Information	Chair of the Southwest California Manufacturing Council
Greek Food Festival Month	October (Date varies based on event date)	A Temecula traditional event, "Greek Festival", with food, drinks, music, dance, and games that exemplify the Greek culture.	More Information	Saint Nicholas Greek Orthodox Church
Fire Prevention Week	October 4 – 10	Emphasizes fire prevention strategies and fire safety education.	Federal More Information	Fire Chief

2026 CITY COUNCIL PROCLAMATION LIST

Name of Proclamation	Day/Week/ Month of Recognition	Description	Links to More Information	Recipient(s)
World Dyslexia Awareness Day	October 8	Raises awareness about the learning disorder Dyslexia.	State More Information	Varies
White Cane Awareness Day	October 15	Recognizes the safety and independence of people who are blind or visually impaired.	Federal More Information	Varies
First Responders Day	October 28	Recognize the contribution of first responders in the community.	Federal	Varies
Veterans Small Business Week	November (Date TBD)	Support local veteran-owned businesses.	More Information	Varies
Veteran and Military Families Month	November	Recognizes the important role of military families.	Federal More Information	Varies
Adoption Month	November	Raises awareness about adoption and celebrates families who create a supportive environment for children who were adopted.	Federal More Information	Varies
Family Court Awareness Month	November	Recognizes the importance of a court system that prioritizes child safety.	More Information	Family Court Awareness Month Committee and One Mom's Battle
Native American Heritage Month	November	Celebrates the heritage, culture, and experience of Indigenous peoples both historically and in American life today.	Federal State More Information	All Requesters
Pancreatic Cancer Awareness Month	November	Raises awareness about pancreatic cancer and treatments.	More Information	Pancreatic Cancer Action Network

2026 CITY COUNCIL PROCLAMATION LIST

Name of Proclamation	Day/Week/ Month of Recognition	Description	Links to More Information	Recipient(s)
Pechanga Pu'éska Mountain Day	November 15	Celebrated to thank the Pechanga Band of Luiseño Indians for preserving the Pu'éska mountain through a historic settlement.	More Information	Pechanga Band of Indians Tribal Council
Small Business Saturday	November 28	Celebrate and support small businesses and all they do for their communities.	More Information	Women Impacting Public Policy
#ValleyGIVESday	December 1	Local day of giving on the Tuesday following Thanksgiving known as national Giving Tuesday.	More Information	Varies
Day of Persons with Disabilities	December 3	International observance promoted by the United Nations since 1992 to promote the rights and well-being of persons with disabilities.	Federal More Information	SoCal Adaptive Sports
Annual Community Candlelight Tribute Day	VARIES	Memorial of those who are loved and lost.	N/A	Jacob's House
Fentanyl Awareness Day	VARIES	Day of remembrance for loved ones who died from fentanyl poisoning and raise awareness about the dangers of fentanyl.	More Information	Drug Induced Homicide
Because Nice Matters Week in Temecula	VARIES	Support of Temecula Valley Unified School District's social campaign of kindness and anti-bullying.	N/A	TVUSD
Circus Vargas Days	VARIES	Recognizes one of the world's biggest traveling circuses that traditionally	N/A	Circus Vargas (Mailed)

2026 CITY COUNCIL PROCLAMATION LIST

Name of Proclamation	Day/Week/ Month of Recognition	Description	Links to More Information	Recipient(s)
		returns to Temecula annually.		
Relay for Life Day	VARIES	Recognizes the fundraising event by the American Cancer Society "Relay for Life"	More Information	American Cancer Society
Sister City Daisen Anniversary	EVERY 5 YEARS (Next: December 2028)	Celebrate the anniversary of Temecula's sister City, Daisen, Japan.	N/A	Temecula Valley History Museum
Toastmasters Month	VARIES	Promotes their club and the value of the Toastmasters program.	More Information	Toastmasters Club Temecula
Voices for Children CASA Volunteers Day	VARIES	A CASA Volunteer is a Court Appointed Special Advocate appointed by a judge to abused or neglected children.	More Information	Voices for Children

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Randi Johl, Director of Legislative Affairs/City Clerk

DATE: January 13, 2026

SUBJECT: Consider Appointments to City Council Committees for Calendar Year 2026

PREPARED BY: Randi Johl, Director of Legislative Affairs/City Clerk

RECOMMENDATION: That the City Council appoint members to serve on committees for calendar year 2026 and approve related City Council Committee Appointments List.

BACKGROUND: The City Council annually appoints members of its legislative body to serve as liaisons to City boards and commissions, external organizations, standing committees, and ad hoc subcommittees. Each year the City Council Committee Assignments List is reviewed and revised for the upcoming calendar year. The Council Members appointed serve a calendar year (January 1 – December 31). For appointments to external organizations that include a stipend, Form 806 is completed and posted pursuant to requirements set forth by the Fair Political Practices Commission. Proposed changes to committee names, dates, and/or descriptions are visible in italics and/or strikethrough text. It is therefore recommended that the City Council review and approve the committee list and make related appointments.

FISCAL IMPACT: None

ATTACHMENT: City Council Committee Assignments List

DRAFT - 2026 CITY COUNCIL COMMITTEE ASSIGNMENTS
(Last Updated: January 13, 2026)

~~Commission Liaison (One Member)~~	~~Current Member~~
~~Community Services Commission~~	~~Stewart~~
~~Old Town Local Advisory Committee~~	~~Schwank~~
~~Planning Commission~~	~~Kalfus~~
~~Traffic Safety Commission~~	~~Alexander~~
~~Race, Equity, Diversity, and Inclusion Commission~~	~~Rahn~~

Note: The section above will be eliminated due to the BCC reorganization and Council is directly appointing their respective planning commissioners for liaison purposes.

Standing Committees (Two Members) – Publicly Noticed	Current Members
Arts and Cultural Affairs Subcommittee	Rahn, Schwank
City Sustainability Program Subcommittee	Kalfus, Stewart
E-Government and Temecula Outreach Subcommittee	Alexander, Schwank
Economic Development Subcommittee	Alexander, Kalfus
Finance Subcommittee	Rahn, Stewart
Infill Land Use and Project Review Subcommittee	Rahn, Stewart
Infrastructure Beautification Subcommittee	Alexander, Stewart
Joint City Council/TVUSD Subcommittee	Alexander, Kalfus
Military Subcommittee	Alexander, Schwank
~~Move I-15 Through Temecula Valley / Southwest Elected Collaborative Subcommittee~~ **Southwest Regional Transportation Subcommittee**	Rahn, Stewart
Old Town Steering Subcommittee	Alexander, Schwank
Parks, Recreation and Community Services Subcommittee	Schwank, Stewart
Public Works Subcommittee	Alexander, Stewart
Surplus Lands Act Subcommittee	Rahn, Stewart

Representative Assignments – Meet In Person As Needed (External Organizations - Stipend Not Included)	Current Member(s)
Animal Shelter Liaison/JPA Representative	Kalfus, (Alternate Alexander)
League of California Cities – Voting Delegate *Note: Mayor and Mayor Pro Tem Unless Otherwise Designated*	Alexander (Alternate Rahn)
National League of Cities – Voting Delegate *Note: Mayor and Mayor Pro Tem Unless Otherwise Designated*	Alexander (Alternate Rahn)
Southern California Association of Governments – Voting Delegate *Note: Mayor and Mayor Pro Tem Unless Otherwise Designated*	Alexander (Alternate Rahn)
Pechanga Tribal Council Representative	Rahn, Schwank
Rancho California Water District Liaison	Alexander, (Alternate Stewart)
Southwest Riverside County Energy Authority JPA	Rahn, Stewart
Temecula Sister City Liaison	Schwank, Stewart

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Representative Assignments – Meet In Person Regularly (External Organizations – Stipend Included)	Current Member(s)
Western Riverside County Regional Conservation Authority (RCA) *Note: Meet Monthly on 1st Monday at 12:30 p.m. (In Person)*	Alexander, (Alternate Stewart)
Riverside County Habitat Conservation Agency Board (RCHCA) *Note: Meet Quarterly on 2nd Thursday at 11:30 a.m. (In Person)*	Rahn, (Alternate Stewart)
Riverside County Transportation Commission (RCTC) *Note: Meet Monthly on 2nd Wednesday at 9:30 a.m. (In Person)*	Stewart, (Alternate Kalfus)

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Riverside Transit Agency (RTA) *Note: Meeting Monthly on 4th Thursday at 2:00 p.m. (In Person)*	Schwank, (Alternate Alexander)
WRCOG Executive Committee and Zone Committee *Note: Meet Monthly on 1st Monday at 2 p.m. (Remote Upon Request)*	Alexander, (Alternate Stewart)

Ad Hoc Committees (Two Members)	**Current Members**
Altair Property Ad Hoc Subcommittee	Schwank, Stewart
Auto Dealer Ad Hoc Subcommittee	Alexander, Kalfus
Butterfield / Temecula Parkway Properties Ad Hoc Subcommittee	Alexander, Kalfus
Community Commission Ad Hoc Subcommittee	**TBD**
Community Service Funding Ad Hoc Subcommittee	Kalfus, Schwank
Diaz Property Ad Hoc Subcommittee	Rahn, Schwank
Franchise Agreements Ad Hoc Subcommittee	Schwank, Stewart
French Valley Parkway Interchange Ad Hoc Subcommittee	Alexander, Stewart
General Plan Update Ad Hoc Subcommittee	Kalfus, Rahn
Higher Education Ad Hoc Subcommittee	Rahn, Schwank
Hospital Ad Hoc Subcommittee	Alexander, Kalfus
~~Human Services Ad Hoc Subcommittee~~	~~Alexander, Schwank~~
~~LA28 Olympics Ad Hoc Subcommittee~~	~~Alexander, Kalfus~~
Library Services Ad Hoc Subcommittee	Alexander, Schwank
Murrieta Creek Project Ad Hoc Subcommittee	Schwank, Stewart
Old Town Civic Center Ad Hoc Subcommittee	Alexander, Stewart
~~Police Base of Operations Ad Hoc Subcommittee~~	~~Schwank, Stewart~~
~~Private-Public Street Maintenance Ad Hoc Subcommittee~~	~~Kalfus, Stewart~~
Promenade Temecula Ad Hoc Subcommittee	Alexander, Stewart
Public Recognitions Ad Hoc Subcommittee	Kalfus, Stewart
Public Safety Ad Hoc Subcommittee	Alexander, Rahn
Roripaugh Ranch (aka Sommers Bend) Ad Hoc Subcommittee	Kalfus, Stewart
Senior Services Master Plan Ad Hoc Subcommittee	Rahn, Stewart
~~Seraphina Property Ad Hoc Subcommittee~~	~~Schwank, Stewart~~
Strategic Fiscal Planning Ad Hoc Subcommittee	Alexander, Schwank
Supportive Housing/Services Ad Hoc Subcommittee	Kalfus, Schwank
~~Traffic Signal Prioritization Ad Hoc Subcommittee~~	~~Kalfus, Schwank~~
Trails / Open Space Ad Hoc Subcommittee	Schwank, Stewart
TVE2 (Small Business Incubator) Ad Hoc Subcommittee	Kalfus, Stewart
Uptown Temecula Ad Hoc Subcommittee	Alexander, Schwank
Wildfire Mitigation Ad Hoc Subcommittee	Kalfus, Rahn
Winchester Community Plan Ad Hoc Subcommittee	Alexander, Rahn

Ad Hoc Subcommittees are formed for a specific limited purpose and operate for a limited time until its purposes are fulfilled ("ad hoc") as opposed to "standing committees" that have continuing subject matter jurisdiction. The descriptions of the purposes and duration of the ad hoc subcommittees are as follows:

Altair Property Ad Hoc Subcommittee – This subcommittee will provide staff direction on development options for the property located west of Pujol below the western escarpment. Development on this property would include the construction of Pu'éska Mountain Parkway and has potential for an "in town" residential neighborhood adjacent to Old Town. The term of this subcommittee is through the completion of the development and disposition of the property.

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Auto Dealer Ad Hoc Subcommittee - This subcommittee will review issues and provide direction to the Council on proposed General Plan Amendments, new or amended specific plans, zone changes, or amendments to development standards in the zoning ordinance relating to existing or proposed auto dealers in the remaining vacant properties currently zoned CC-Community Commercial and SC-Service Commercial. The term of this subcommittee is through build out of the remaining vacant properties zoned CC-Community Commercial and SC-Service Commercial.

Butterfield and Temecula Parkway Properties Ad Hoc Subcommittee – The subcommittee will provide land use and project review direction to staff on the potential development proposals near the intersections of Butterfield Stage Road and Temecula Parkway and Deportola Road. The term of the subcommittee is through the development of properties adjacent to these intersections.

Community Commission Ad Hoc Subcommittee – The subcommittee will provide guidance to staff in consideration of the creation of a community commission that is public-facing with an eye towards community engagement and inclusion in the City's services and programs. The subcommittee will also consider potential alignment with the work of the General Plan Advisory Committee. Related recommendations will be provided to the City Council by December 2026.

Community Service Funding Ad Hoc Subcommittee – This subcommittee reviews funding applications from various non-profit organizations requesting Community Service Funding for the year. This subcommittee will review the applications and funding associated with this program for Fiscal Year 2026-2027 and report back on its recommendations to the City Council by December 2026.

Diaz Property Ad Hoc Subcommittee – This subcommittee is responsible for evaluating and negotiating terms and conditions associated with the disposition and development of the Agency owned property located at the Northwest Corner of Diaz Road and Dendy Parkway. The term of this subcommittee is through the completion of the development or disposition of the property.

Franchise Agreements Ad Hoc Subcommittee – This subcommittee will review issues and proposed changes that arise in 2026 with the City's franchise agreements (solid waste, telecommunications, electricity, gas, water, etc.), **and tolling agreements related to user fees**, and provide staff direction regarding the same. Related recommendations will be provided to the City Council by December 2026.

French Valley Parkway Interchange Ad Hoc Subcommittee – This subcommittee shall work with representatives from Caltrans, Federal Highways, and elected officials at the city, state, and federal levels for Phase II and III. The term of this subcommittee is through the completion of the construction of the interchange project.

General Plan Update Ad Hoc Subcommittee – This subcommittee will provide direction and recommendations relating to the General Plan update project, which will kick-off with updating several supporting components including the Housing Element, Circulation Element. The term of this subcommittee is through the adoption of a comprehensive General Plan Update.

Higher Education Ad Hoc Subcommittee – This subcommittee is responsible for attracting and facilitating the development of a higher education facility and programs in the City of Temecula, including the new higher education complex acquired by MSJC and expansion of CSUSM in the City. Related recommendations will be provided to the City Council by December 2026.

Hospital Ad Hoc Subcommittee – This subcommittee will monitor and provide feedback on the implementation of the development plan for the existing Temecula Valley Hospital. It is anticipated that this subcommittee will need to continue through the implementation of the development plan.

~~Human Services Ad Hoc Subcommittee – This subcommittee will identify nonprofit stakeholders and evaluate services and programs related to special needs, homelessness, seniors, behavioral and mental health, etc., ensuring coordinated delivery to underrepresented/underserved segments of the~~

~~community. This subcommittee will also review funding associated with these programs and services for Fiscal Year 2026-2026 and report back on its recommendations to the City Council by December 2026.~~

Note: Committee has not met recently, work has been incorporated into other subcommittees.

~~LA28 Olympics Ad Hoc Subcommittee – This subcommittee will ensure all necessary city resources, infrastructure, and community engagement efforts align with the objectives of hosting a successful Olympic and Paralympic Games in 2028 and coordinate with stakeholders (local, state and federal agencies, LA28 Organizing Committee, local business leaders, community organizations) to develop comprehensive plans addressing transportation, security, public transit networks, efficient crowd and traffic management, demobilization, and maximizing local economic impact. Related updates/recommendations will be provided to the City Council by December 2026.~~

Note: Council will be kept apprised via email and individual briefings on an as needed basis.

Library Services Ad Hoc Subcommittee – This subcommittee will work with staff to understand library operations and identify opportunities for improved function and efficiencies in line with existing funding. Related recommendations will be provided to the City Council by December 2026.

Murrieta Creek Project Ad Hoc Subcommittee – This subcommittee will provide direction and recommendations that involve the Army Corps of Engineers Project that improves Murrieta Creek to provide added flood protection. The term of this subcommittee is through the completion of the Murrieta Creek Improvement Project.

Old Town Civic Center Ad Hoc Subcommittee – This subcommittee is responsible for evaluating and negotiating terms and conditions associated with the disposition and development of the Agency owned property located adjacent to the Town Square along Main Street in Old Town. The term of this subcommittee is through the completion of the adjacent properties.

~~Police Base of Operations Ad Hoc Subcommittee – This subcommittee will work with staff to evaluate and discuss alternatives to the police base of operations located at the Southwest Station and related funding mechanisms. Related recommendations will be provided to the City Council by December 2026.~~

Note: Work completed and direction was given in closed session by the City Council in 2025.

~~Private Public Street Maintenance Ad Hoc Subcommittee – This subcommittee will consider policies, procedures and other items related to the acceptance of streets into the city maintained street system for street maintenance, provide staff guidance for further research and document production as necessary, and make recommendations to the City Council regarding the same. Related recommendations will be provided to the City Council by December 2026.~~

Note: Work completed and approval given in council meeting by the City Council in 2025.

Promenade Temecula Ad Hoc Subcommittee – This subcommittee would provide direction and review of any **topics related to the Promenade Temecula, including leasing and economic opportunities, property enhancements, and** potential development applications associated with the City's regional mall in 2026. Related recommendations will be provided to the City Council by December 2026.

Public Recognitions Ad Hoc Subcommittee – This subcommittee reviews applications from the community to recognize various residents and businesses by providing them with a distinguished award of honor and/or other recognition beyond standard recognitions. The subcommittee will meet in September/October to review the annual nominations. Related recommendations will be provided to the City Council by December 2026.

Public Safety Ad Hoc Subcommittee – This subcommittee will work with staff to evaluate and discuss the City's public safety operations, opportunities for efficiencies, and other related matters that arise in 2026. Related recommendations will be provided to the City Council by December 2026.

DRAFT

Roripaugh Ranch (aka Sommers Bend) Ad Hoc Subcommittee – This subcommittee will monitor and report on the issues affecting the community facility district bonds, and development issues affecting the Roripaugh Ranch Specific Plan and the development now known as Sommers Bend. The term of this subcommittee is through the build out of the Roripaugh Ranch Specific Plan.

Senior Services Master Plan Update Ad Hoc Subcommittee – This subcommittee will work with staff to review the existing Senior Master Plan and identify any updates that may be needed to meet current community needs. Related recommendations will be provided to the City Council by December 2026.

~~Seraphina Property (aka Oak Creek) Ad Hoc Subcommittee – This subcommittee will provide staff direction on development proposals at the property located on the northeast corner of Joseph Road and Nicolas Road. The term of this subcommittee is through the completion and buildout of the project.~~
Note: Work complete and projects entitlements approved in 2025.

Strategic Fiscal Planning Ad Hoc Subcommittee –This subcommittee will provide direction regarding fiscal policies and strategies related to new revenue streams, user fees, **long-term fiscal planning** and related cost studies pursuant to Council policy. Related recommendations will be provided to the City Council by December 2026.

Supportive Housing/Services Ad Hoc Subcommittee – This subcommittee will work with staff to identify and implement solutions to provide both housing and supportive services for families and individuals who meet the criteria of extremely low, very low and low income by evaluating affordable housing development opportunities utilizing remaining affordable housing bond proceeds. The term of this subcommittee is through the expenditure of the available Affordable Housing bond proceeds.

~~Traffic Signal Prioritization Ad Hoc Subcommittee – This subcommittee will provide staff guidance regarding the prioritization selection criterion for future traffic signal locations and to update and rank the existing traffic signal priority list pursuant to CAMUTCD traffic signal warrants. Related recommendations will be provided to the City Council by December 2026.~~
Note: Work was completed, presented and approved by the City Council in 2025.

Trails / Open Space Ad Hoc Subcommittee – This subcommittee will provide direction on efforts underway to enhance and complete existing trails and connections, consider additional trail ways for multi-purpose use including equestrian, pedestrian, and cycling. This subcommittee also provides direction on potential annexations of areas within the City's Sphere of Influence and potential purchase of permanent open space property. Related recommendations will be provided to the City Council by December 2026.

TVE2 (Small Business Incubator) Ad Hoc Subcommittee –This subcommittee will evaluate policies and procedures related to incubator use, including the 2nd floor which is ~~planned to become~~ a regional Entrepreneurial Resource Center, a one-stop shop for business assistance. If requested, this subcommittee will also review applications from developing entrepreneurs for incubator use and selection in **2026-2027**. Related recommendations will be provided to the City Council by December 2026.

Uptown Temecula Ad Hoc Subcommittee – This subcommittee will provide staff direction to analyze the potential urbanized extension of Old Town with increased commercial and corporate office opportunities, mixed use residential development, and the implementation of the Uptown Temecula Specific Plan and In-Lieu Road Fee. The term of this subcommittee is through the implementation and development of the Uptown Temecula Specific Plan.

Wildfire Mitigation Ad Hoc Subcommittee – This subcommittee will work with staff to develop and implement a work plan related to wildfire mitigation strategies, including those related to a Community Wildfire Protection Plan (CWPP). Related recommendations will be provided to the City Council by December 2026.

DRAFT

Winchester Community Plan Ad Hoc Subcommittee - This subcommittee will provide direction on Riverside County's proposal to adopt the Winchester Community Plan and EIR (SCH 2019049114) and amend the General Plan (GPA 1207), a project proposing 71,470 residential dwelling units with a projected population of 203,690 (located in the southwestern portion of the County, generally bound by unincorporated land and City of Hemet to the north and east, unincorporated land and City of Temecula on the south, and cities of Murrieta and Menifee to the west). The term of this subcommittee is through the adoption of the EIR and General Plan Amendment by the County.

DRAFT

CITY OF TEMECULA
AGENDA REPORT

TO: City Manager/City Council

FROM: Mark Rigali, Captain

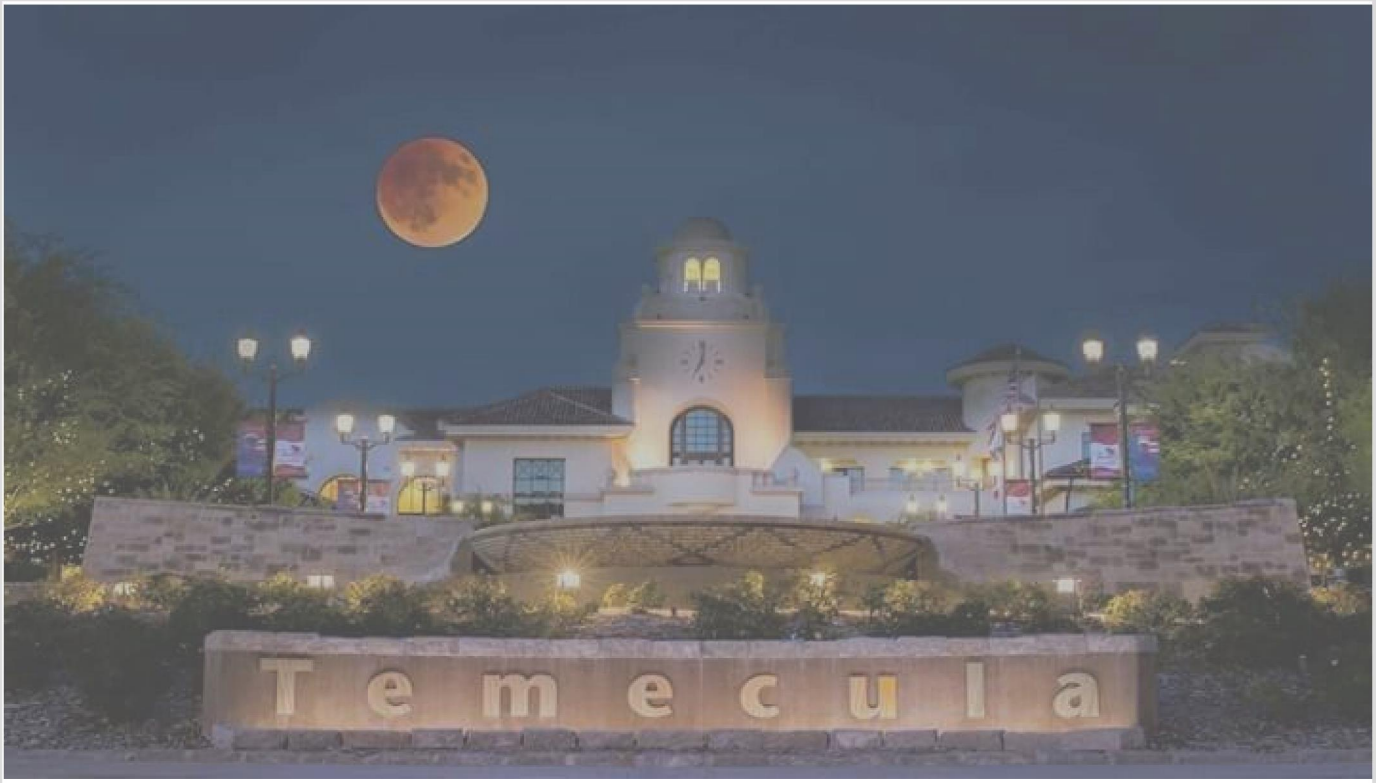
DATE: January 13, 2026

SUBJECT: Temecula Sheriff's Monthly Report (November 2025)

PREPARED BY: Jeret McClellan, Sergeant

RECOMMENDATION: That the City Council receive and file monthly report.

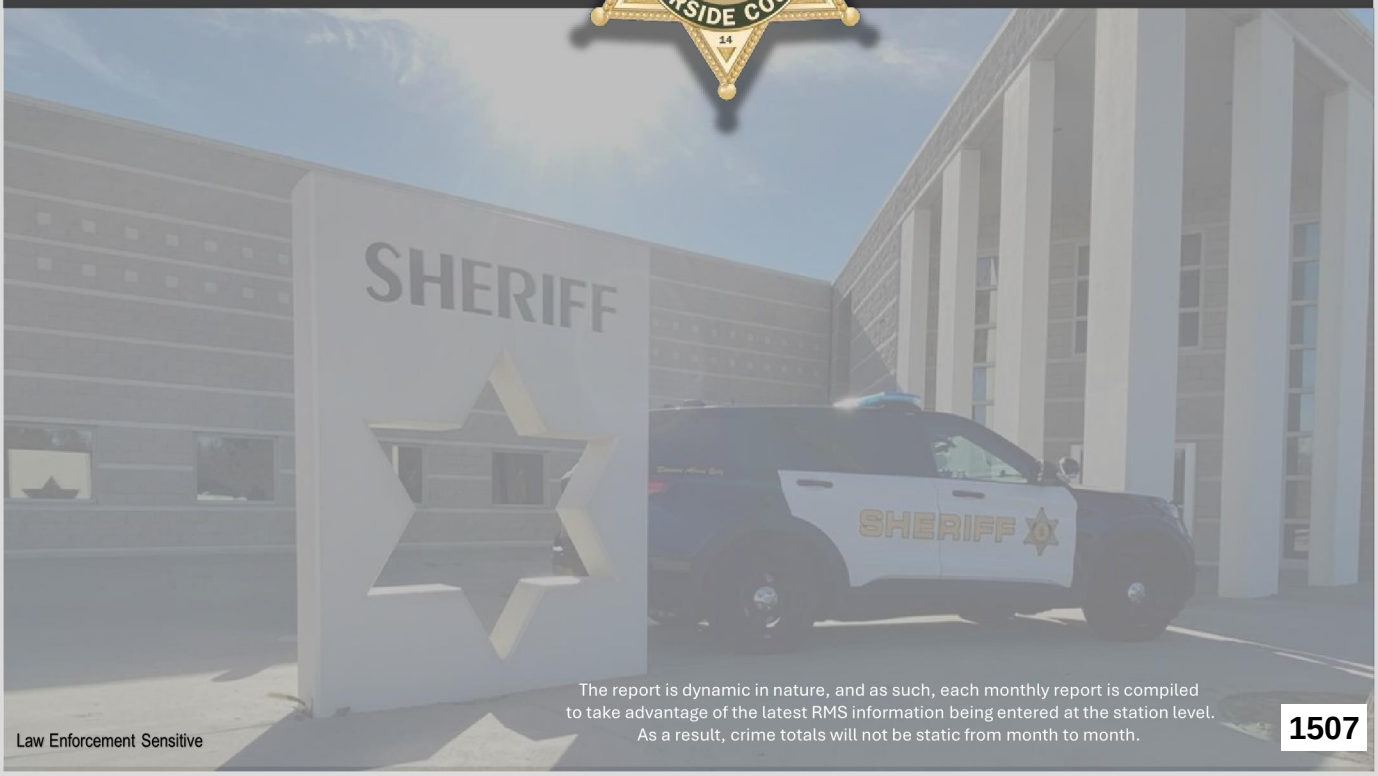
ATTACHMENTS: Monthly Report



MONTHLY REPORT

CAPTAIN MARK RIGALI

NOVEMBER 2025



The report is dynamic in nature, and as such, each monthly report is compiled to take advantage of the latest RMS information being entered at the station level. As a result, crime totals will not be static from month to month.

Law Enforcement Sensitive

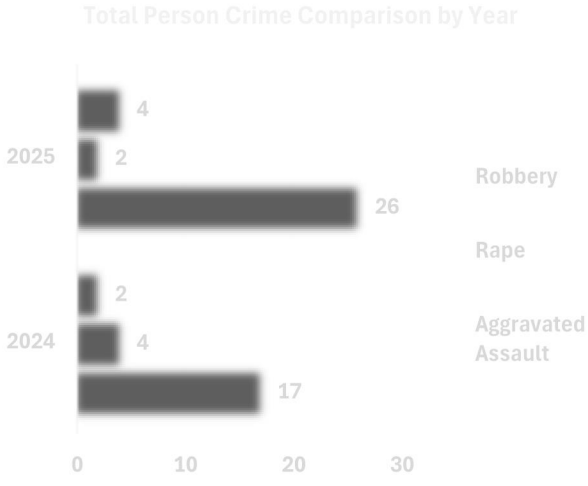
PART 1 CRIMES

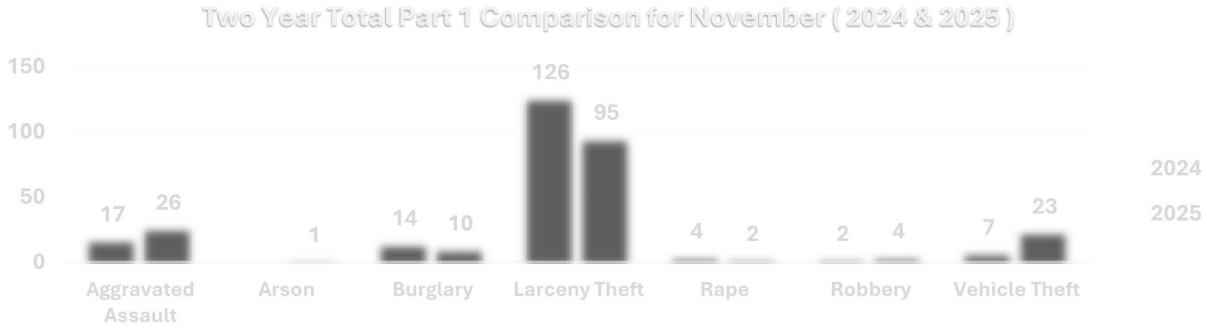
City of Temecula

Part 1 Crime**	October	November
Homicide	0	0
Rape	0	2
Robbery	4	4
Aggravated Assault	27	26
Burglary	15	10
Vehicle Theft	11	23
Larceny Theft	96	95
Arson	1	1
Total	154	161

Two Year Data Comparison For November (2024 & 2025)







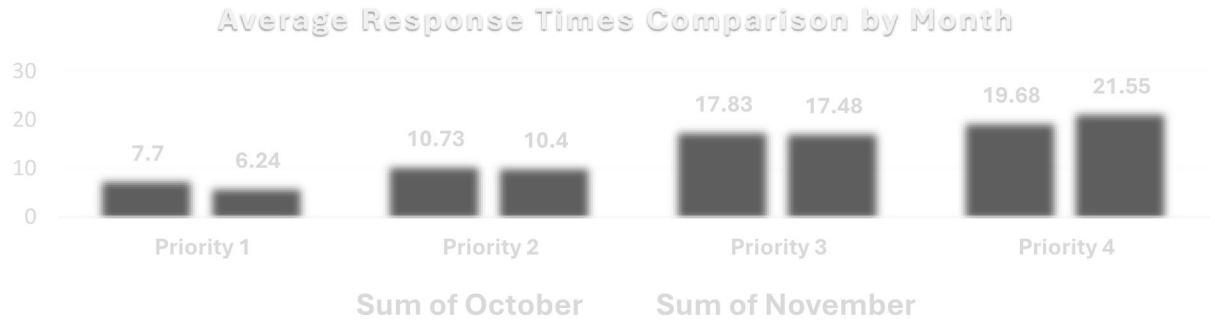
Prepared by CA M. Chiodo 12/04/25

** unfounded calls removed

RESPONSE TIME

City of Temecula

Average Response Time **	October	November
Priority 1	7.7	6.24
Priority 2	10.73	10.4
Priority 3	17.83	17.48
Priority 4	19.68	21.55



Priority 1: Involved circumstances that pose, or did pose in the immediate past, a clearly defined threat to human life or property, and which involve a high level of violence or the potential for serious injury.

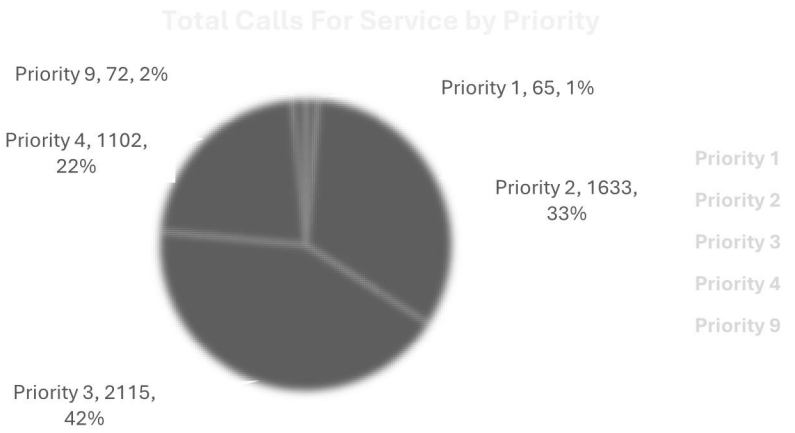
Priority 2: Involve circumstances of an urgent, but not life-threatening nature. They are generally disturbances with a potential for violence, minor assaults and batteries, etc.

Priority 3: Involve circumstances that are neither urgent nor life-threatening.

Priority 4: Except for a few felonies, most past incidents are classified as Priority 4.

Priority 9: Those calls meeting the criteria for processing by the Telephone Report Unit (TRU).

All Calls for Service for City of Temecula: 4987



Priority	Total
Priority 1	65
Priority 2	1633
Priority 3	2115
Priority 4	1102
Priority 9	72
Grand Total	4987

***Additional calls not shown are T.R.U., cancelled, and missing arrival / dispatch times.**

INVESTIGATIONS

Investigations Team

Activity	November
Beginning Caseload	170
Number of Assigned Cases	16
Number of Closed Cases	13
Number of Arrests	5
Number of Search Warrants Written	28
Out of Custody Filings	2
Cell Phone Forensic Exams	13
Supplemental Reports	11
Patrol Assist (hours)	32
Call Outs	8
Forensic Interviews (Sex & Physical Abuse)	4

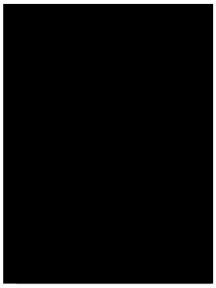
Sex Offenders | Arson Offenders – Southwest Station

Sex Registrant | Arson Registrant Team	November
Total # of Sex Registrants	127
Total # of Arson Registrants	10
Total # of Sex Offenders processed	16
Total # of Transient Sex | Arson Registrants	8 | 1
Total # of Sexually Violent Predators	1
In Violation	0
Total # of Annual Updates or Sex Registrant Compliance Checks	0

INVESTIGATIONS

Notable Cases

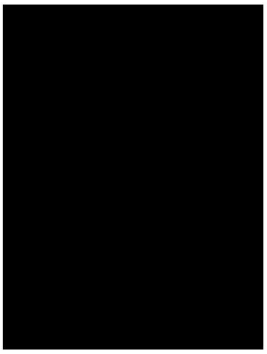
SW253270031 - Investigators conducted follow-up on a high-risk runaway juvenile case. Information was developed that indicated the juvenile was a victim of human trafficking and commercial sexual exploitation in the Los Angeles area. Investigations personnel developed evidence with legal process to the social media companies, community video collection, and follow-up interviews with friends of the victim. Investigations personnel worked with the Riverside County Anti-Human Trafficking task force. **The victim was successfully rescued in the Long Beach area.** Case agents: Cpl. Au, Dep. Risen, Inv. Roberge, and Inv. Riddle)



Kevin Villanueva
Adult male

TE253240059 - Investigators conducted follow-up on a felony domestic violence case. The victim was treated at a local hospital for head trauma and strangulation injuries. The suspect fled the scene. Investigator Roberge worked with Riverside County DA Gang Impact Team, Special Enforcement Bureau K9, and patrol personnel to successfully apprehend the suspect. **The suspect was arrested, and bail enhancement and emergency protective order were granted.** Case agent: Inv. Roberge

TE253140173 - Investigators were called out to assist patrol with an assault with a deadly weapon case in the Sommers Bend community. On November 10, 2025, at 10:41 p.m., deputies for the Southwest Sheriff's Station were dispatched to the 32000 block of Daybrook Terrace, Temecula, regarding the brandishing of a firearm. Upon arrival, deputies spoke with the reporting party, who advised his 17-year-old son had been stopped by a subject in the roadway while driving in a residential neighborhood. Deputies were also told that the subject who stopped him displayed a badge and ordered the juvenile out of the vehicle at gunpoint. The juvenile complied and was ultimately released to his parents, who reported the incident to law enforcement.

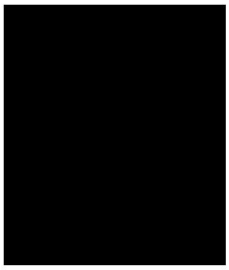


Gerardo Rodriguez
Adult male

During the investigation, the suspect was identified as Gerardo Rodriguez, a 45-year-old resident of Temecula. Rodriguez was contacted at his residence and taken into custody without incident. A search warrant was authored and served at Rodriguez's residence, where evidence related to the investigation was collected. **Rodriguez was booked into the Cois Byrd Detention Center for assault with a deadly weapon, child endangerment, and assault by a public officer. (Case agents: Inv. Morris & Inv. Mills)**

INVESTIGATIONS

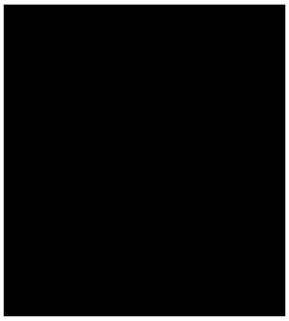
Notable Cases



Anthony Gonzales
Adult male

TE253180068 - Corporal Au investigated a violation of sex offender requirements. A local sex registrant, Anthony Gonzalez, was in violation of registration requirements and had a felony warrant for probation violation. **Cpl Au arrested and booked Gonzalez into custody at Cois Byrd Detention Center. (Case agent: Cpl. Au)**

SW253080002 - Inv. Roberge and Deputy Risen investigated a physical abuse of a child case involving a 10-year old boy. Evidence was developed that the child's estranged mother abused the victim. The mother was attempting to take the child out of state and avoid law enforcement & Children Services Division. The child was placed into safe custody with a family member. **The suspect, Airyssa Shannon, was arrested for felony child abuse charges. (Case agents: Inv. Roberge & Deputy Risen)**



Airyssa Shannon
Adult female

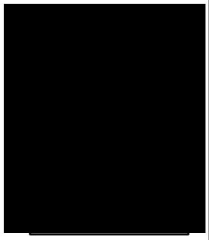
SET

SPECIAL ENFORCEMENT TEAM

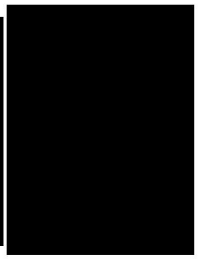
Team Activity	November
On-Sight Felony Arrests	17
On-Sight Misdemeanor Arrests	22
Felony Arrest Warrants Served	16
Misdemeanor Arrest Warrants Served	25
Follow – up Investigations / Search Warrants	37
Pedestrian Checks	21
Traffic Stops / Vehicle Checks	121
Contraband Recovered	
Firearm / Weapon	5
Stolen Property	0
Vehicles Recovered	0
Cash (dollars)	$8,000
Cocaine (grams)	173.2
Heroin (grams)	0
Pills (count)	89
Marijuana (grams)	1,179.34
Fentanyl (grams)	406.1
Fentanyl (pills)	1
Methamphetamine (grams)	45.1
Psilocybin (grams)	0

SET

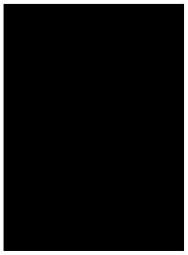
Notable Cases



Victor Novodoczky
Adult male



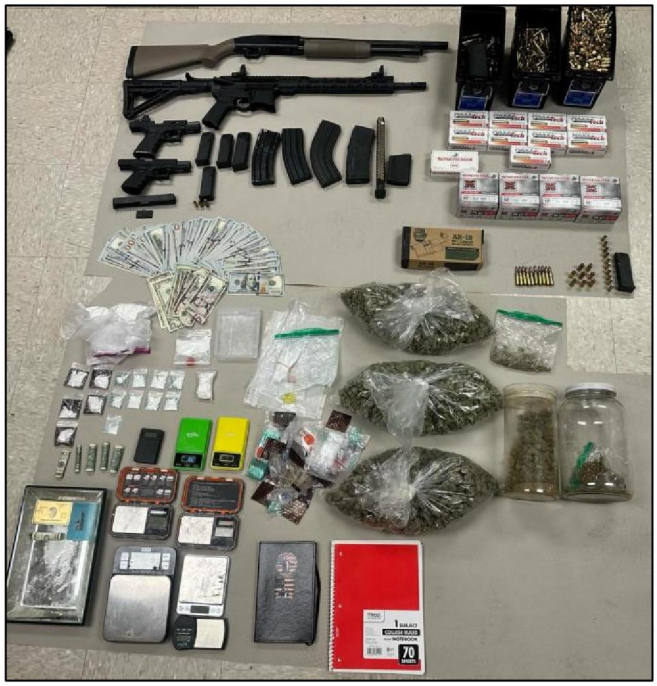
June Alejo
Adult female



Matthew Agajanian
Adult male

On 11/19 SET stopped a vehicle at Pechanga Pkwy. The driver, June Alejo, was on parole, and there were 2 additional occupants. A compliance check was conducted. Deputies located fentanyl on Novodoczky. Deputies found methamphetamine inside Alejo's purse. **Novodoczky & Alejo were arrested for multiple narcotics charges. Agajanian was arrested for being under the influence of a controlled substance.**

SET received information that Ryan Brock, a Temecula resident was selling cocaine and fentanyl. Through surveillance, SET observed Ryan meet with multiple subjects for short periods in various locations throughout the city. He was also seen entering a business located at 28364 Vincent Moraga #C. There was no record of a business operating, and a for lease sign was posted out front. A search warrant was authored for Ryan, his vehicle, and residence. On 11/25 SET conducted a traffic stop on Ryan pursuant to the warrant. They located 14 baggies with cocaine packaged for sale, a scale, and cash. His roommate, Michael Barton, was a passenger. At the residence deputies located cash, an assault rifle, a 12-gauge shotgun, 2 handguns, a large amount of ammunition, and over 3lbs of marijuana. **Ryan was arrested for multiple narcotics related charges.**





Ryan Brock
Adult male

RBST

ROBBERY | BURGLARY SUPPRESSION TEAM

Team Activity		November
Beginning Caseload		62
New Cases Assigned		9
Total Cases Closed		3
Search Warrants prepared / served		17
Arrests		1
Out of Custody Filings		2

Notable Cases

CORE TEAM

Community Outreach Resource & Engagement Team

Team Activity	November
Reports Written	8
On-Sight Felony Arrests	0
On-Sight Misdemeanor Arrests	1
Felony Arrest Warrants Served	1
Misdemeanor Arrest Warrants Served	26
Traffic / Misc. Citations	5
Area Checks	54
Camp Checks	0
Pedestrian Checks	7
Traffic / Vehicle Checks	22/3
Outreach Attempts / Success	20/1
Over the Counter Reports	2
602 Letters / Properties	8
Business License / 2nd Hand Dealer Applications	14

Outreach Efforts / Camp Checks

OUTREACH EFFORTS:

In collaboration with the City H.O.T and Social Workers Action Group (S.W.A.G.) **29 subjects were contacted and offered services. 27 declined.**

PROBLEM LOCATIONS/AREAS:

Ynez Rd. x Ynez Ct. – Behind Target
Santa Gertrudis Bike Trail
Old Town Front Street X Western Bypass
Ridge Park X Rancho California Road
Diaz X Rancho California

CRIME PREVENTION

Team Activity

Team Activity	November
Crime Prevention / Neighborhood watch meetings	4
Safety Presentations / Trainings	0
Special Events	3
Residential / Business security surveys conducted	0
Residences / Businesses visited for past crime follow-up	0
Station Tours	0
Planning Review Projects	0
Temp Outdoor Use Permits	2

METRO TEAM

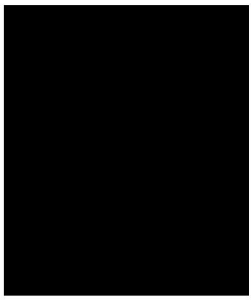
METRO DISTRICT TEAM

Team Activity	November
On-Sight Felony Arrests	5
On-Sight Misdemeanor Arrests	13
Felony Arrest Warrants Served	6
Misdemeanor Arrest Warrants Served	6
Bar / Business Check	88
D.U.I. Arrests	5
Traffic / Parking Citations	124
Firearms Seized	0

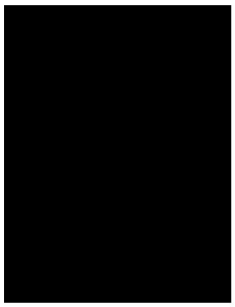


METRO TEAM

Notable Cases



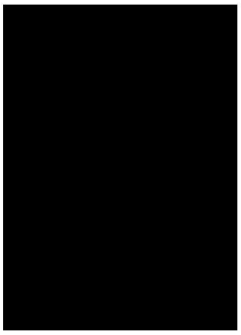
Darren Tokar
Adult male



Avery Dunn
Adult male

On 11/22, METRO responded to a residential burglary in progress in the 41000 block of Yorba Avenue. The RP observed via surveillance video 2 suspects attempting to gain access to the residence. Deputies arrived and the suspects, **Darren Tokar & Avery Dunn surrendered and were arrested for burglary.**

On 11/21 Deputy Thompson pulled a vehicle over after the vehicle, driven by Elias Martinez, pulled in front of him causing him to swerve to avoid a collision. Martinez appeared highly intoxicated and saw multiple empty beer bottles on the front passenger seat. Deputy Thompson ordered Martinez out of the vehicle, and Martinez locked the vehicle and refused. Additional units arrived and were able to gain entry to the vehicle. They located 21 empty beer bottles. **Martinez was arrested for driving under the influence and resisting arrest.**



Elias Rosas
Martinez
Adult male

TRAFFIC TEAM

Traffic

Traffic	November
Citations issued for Hazardous Violations	719
Non-Hazardous Citations	159
Parking Citations	199
Stop Light Abuse / Intersection Program (S.L.A.P.) Citations	90
Seatbelt Citations	6
Non-Injury Collisions	9
Cell Phone Citations	173
Injury Collisions	24
D.U.I. Arrests	25
OTS / City Funded Special Operations	2
Commercial Enforcement Citations	81
Written Warnings Issued	259
Pedestrian Related Collisions	4
Hit and Run	21



PROMENADE MALL

Promenade Mall Police Storefront

Team Activity	November
Total Calls For Service	262
Felony / Arrest Filings	9
Misdemeanor Arrest / Filings	21
Traffic Citations	12
Total Customers Served	554
Fingerprints / Live Scans	114
Total Receipts	$7206.00

SRD's

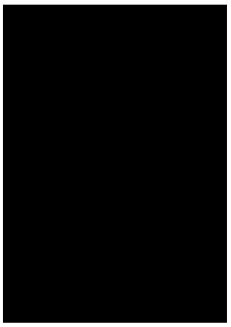
SCHOOL RESOURCE DEPUTIES

Team Activity	November
Felony Arrest	2
Misdemeanor Arrests	2
Reports	11
Citations	14
Meetings / Presentations	83

Programs/presentations conducted by SRD's: Youth Court

Patrol Highlights

Notable Cases



Carlos Menjivar
Adult male

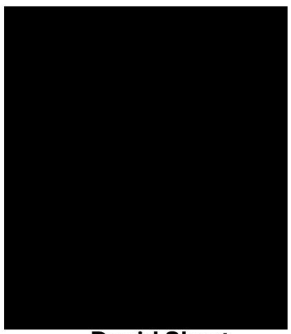
On 11/01, Patrol responded to an unknown trouble call at the 41000 block of Temecula Center Drive. Deputies arrived and detained a male and female subject inside a vehicle. The male subject, identified as **Carlos Menjivar**, had a Nitrous Oxide (Laughing gas) tank inside the vehicle and was inhaling it from a balloon. Deputies noticed a gun magazine in the center console of the vehicle. Deputies also located a loaded Glock 17 firearm, 3 magazines, a Nitrous Oxide tank, and psilocybin mushrooms. **Menjivar was arrested for carrying a loaded firearm, possession of nitrous oxide, possession of narcotics, and being under the influence of a controlled substance.**

On 11/02, Deputies received an Automated License Plate Reader alert, referencing a stolen vehicle on Temecula Pkwy & Butterfield Stage Rd. The report named a suspect, **Enrique Lemus,** wanted armed & dangerous. Deputies located the vehicle and conducted a felony stop. The driver, **David Beverly**, surrendered. The passenger crawled to the driver's seat and fled the scene. A pursuit ensued, and deputies were unable to locate the vehicle. **Beverly was arrested for possession of a stolen vehicle. Deputies will conduct a follow-up reference Lemus.**



David Beverly
Adult male

Enrique Lemus
Not arrested
Adult male



David Short
Adult male

On 11/13, Deputies responded to La Michoacana Ice Cream Shop reference a burglary. When they arrived a male subject, identified as David Short, was walking away from the business. He voluntarily admitted to breaking into the business because he was hungry. **He was arrested for burglary and parole violation.**

OLD TOWN STOREFRONT

Old Town Police Storefront

Team Activity	November
Total Customers Served	452
Fingerprints / Live Scan	78
Police Reports Filed	3
VICR Releases	14
Citations signed off	14
Total receipts	$3,856.00

VOLUNTEERS

Volunteers

Team Activity	November
Chaplain Hours	105.00
Community Action Patrol (CAP) hours	219.80
Reserve Officer hours (patrol)	0
Volunteer Patrol hours	0
Explorer hours	80.00
Station / Administration	24.00
Total Volunteer hours	831.30
Call Out Events	2
Special Event Hours	97.55
Area Checks	88
Traffic / Misc. Citations	8



PHOTOS

Events in Pictures

2025 Motor Rodeo

Deputy Bowman and Deputy Gruwell claimed 1st place in the Cordero/Corlew 2-Man Team Challenge





Deputy Bowman took 1st place overall!