

**City of Pacific Grove  
Council Policy**

<b>Subject</b>	<b>Policy Number</b>	<b>Effective Date</b>
<b>Discretion to Reduce or Waive Fees on FPPC Late Filings</b>	<b>000-20</b>	<b>December 7, 2011</b>

**Implementation**

The purpose of this policy is to provide authorization for the City Clerk or his/her designee to have the discretion whether to assess a fee on a Fair Political Practices Commission (FPPC) form(s) filed late, if on an impartial basis, he or she determines that “good cause” exists for the late filing.

**Purpose**

The purpose of this policy is to:

1. Establish Council policy to have the ability to reduce or waive fees for late filing(s) on FPPC form(s);
2. Broaden the definition of “Good Cause” from the FPPC standards; and
3. Authorize the City Clerk and/or his/her designee to make the determination based on the guidelines adopted in this Policy.

**Process for Requesting a Waiver**

Fair Political Practices Commission forms must be filed by the filing deadline. No extension of the deadline to file the statement will be granted.

Upon failure of a person or committee subject to the filing requirement to file a Fair Political Practices Commission form(s) on or before the filing deadline, the City Clerk or his/her designee will send written notice of the filing requirement.

After written notice of the filing requirement for Statement of Economic Interest is sent, the filer has 30 days to comply.

If, after written notice of the filing requirement is sent, the filer does not request and is not granted a waiver, a late fee will be assessed for each day the Fair Political Practices Commission form(s) is late beginning the first day after the filing deadline until the Fair Political Practices Commission form(s) is filed. A campaign statement shall be considered late starting the day after the filing deadline imposed by the Political Reform Act until the date it is filed. .

The City Clerk or his/her designee shall assess a fee as stipulated in the Government Code. Fees are as set forth in Government Code Section Chapter 9 and as amended from time to time. The City Clerk or his/her designee is given the authorization and discretion whether to assess a fee on a Fair Political Practices Commission form(s) filed late if on an impartial basis he or she determines that good cause exists for the late filing.

A request for waiver of the late filing fee must be in writing signed by the filer. This request will accompany the Fair Political Practices Commission form for the duration of the document’s life in accordance with the approved Records Retention Schedule.

## **Definition of Good Cause**

The following reasons with supporting documentation will be deemed "good cause":

- a. Incapacitation for medical reasons. This must be supported by documentation consisting of the statement of a doctor, psychologist, therapist or chiropractor identifying the filer, the nature of the filer's incapacitation and the dates therefore. The statement must be on the medical provider's letterhead.
- b. Hospitalization. Documentation supporting this reason must be in the form of a hospital bill or physician's statement (on letterhead) showing the patient's name and the date(s) of the hospitalization.
- c. Accident Involvement. If involvement in an accident causes the late filing, such involvement shall be documented by one or more of the following and the filer must provide the City Clerk or his/her designee with a written statement explaining how the accident caused the late filing and include one of the following:
  - i. A police report showing the filer's name, the date and time of the accident, and if applicable, whether or not the vehicle was disabled;
  - ii. If medical attention is provided and results in the late filing, a copy of the hospital bill, emergency room service, or a doctor's statement (on letterhead) showing the patients name and date(s) and time(s) of medical attention.
- d. Death. Adequate documentation consists of a copy of the filer's death certificate, published death notice, or obituary.
- e. Duties involving protection against terrorism. Terrorism as defined as premeditated, politically motivated violence perpetrated against noncombatant targets by sub national groups or clandestine agents and involving a territory greater than two states.
- f. Other unique, unintentional factors beyond the filer's control not stemming from a negligent act or non-action, such as, loss or unavailability of records due to fire, flood, theft, earthquake or similar reason supported by documentation consisting of a police, fire or insurance's report containing the date of the occurrence and the extent of the loss or damage.
- g. Compelling reasons beyond the filer's control, including problems associated with electronic filing of campaign or lobbying disclosure information. Electronic filing problems must be documented for waiver consideration.
- h. No error of the filer. Examples are document originally file and misplaced by filing officer (must provide a copy with date stamp) and proof showing that the address sent by the City was a bad address on file.
- i. First time offense with valid documentation.
- j. Other factors that could allow the City Clerk or his/her designee to reduce but not eliminate the penalty amount, include: out of area to care for an elderly relative; emergency family situation; serious illness of family member; or being destitute. All request for waivers need to be accompanied with proper documentation that is acceptable to the City Clerk and/or his/her designee.

Adopted: December 7, 2011 (Resolution No. 11-093)