



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 25-025

February 18, 2025

Introduced: 2/5/2025

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Adopt a resolution to approve amendments to the Levine Act Policy (G-125) within the Board Policy Manual given changes to Government Code section 84308, a provision of the Political Reform Act.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to approve amendments to the Levine Act Policy (G-125) within the Board Policy Manual given changes to Government Code section 84308, a provision of the Political Reform Act.

SUMMARY/DISCUSSION:

On September 29, 2022, Governor Newsom signed Senate Bill (“SB”) 1439 into law, making a number of changes to Government Code section 84308, a provision of the Political Reform Act generally known as the “Levine Act”. Section 84308 provides, in relevant part, that an elected officer is prohibited from taking part in a license, permit, or other entitlement for use proceeding if the officer has received a campaign contribution, for any office the officer holds or seeks, in excess of \$250 within the preceding 12 months. An officer is also prohibited from accepting a contribution in excess of \$250 during the proceeding, and for 12 months following the date a final decision is rendered in the proceeding.

The Levine Act previously only applied to local governing boards composed of appointed elected officers, appointed to governing boards other than their organic board, such as joint powers authorities or Local Agency Formation Commissions. However, effective January 1, 2023, SB 1439 amended Section 84308 to also apply to elected officers sitting on their elected governing boards or in their elected positions. Given the change in law applicable to the Board of Supervisors and other County elected officers, the Board of Supervisors approved a Levine Act policy for inclusion in the Board Policy Manual to create a policy for Levine Act compliance on March 21, 2023.

In September 2024, SB’s 1181 and 1243 were enacted into legislation, making numerous additional changes to Government Code section 84308. As a result of these statutory changes, which went effect on January 1, 2025, staff has identified a number of necessary conforming changes to the Levine Act Policy. These changes include, in relevant part:

- Raising the contribution threshold from \$250 to \$500.
- Codifies that the term “pending,” as it relates to the officer, is when:
 - The item involving the license, permit, or other entitlement for use is placed on the agenda; or

- The officer knows such license, permit, or other entitlement for use is within the jurisdiction of the officer’s agency, and it is reasonably foreseeable that the decision will come before the officer for a decision.
- Extends from 14 days to 30 days the period during which an officer can return and “cure” a contribution in excess of the threshold that the officer accepted, solicited, or received during the 12 months following a final decision on a license, permit or entitlement.
- Contributions by agents of a party or participant are no longer aggregated with the party or participant.
- Adding clarification to the time period during which a party to an entitlement for use proceeding must disclose that it made a contribution greater than \$500 (formerly \$250).
- The definition of a “participant” in a proceeding now excludes persons whose financial interest in the decision results solely from an increase or decrease in membership dues.
- Excludes the following contracts from the definition of “licenses, permits, or other entitlements for use”:
 - Competitively bid contracts required by law, agency policy, or rule to be awarded via a competitive process;
 - Labor contracts;
 - Personal employment contracts;
 - Contracts under \$50,000;
 - Contracts between two or more government agencies;
 - Contracts where no party receives financial compensation; and
 - Periodic review or renewal of development agreements or competitively bid contracts with non-material modifications.

OTHER AGENCY INVOLVEMENT:

Not applicable.

FINANCING:

County Administrative Office, Intergovernmental & Legislative Affairs Division manages the Board Policy Manual. Approval of the recommendation will not result in additional general fund contributions.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Strategic Initiative Policy Areas integrate with the Board Policy Manual Policies.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared/Approved by: Kelly L. Donlon, Chief Assistant County Counsel

Attachments:

1. Draft resolution adopting amendments to the Levine Act Policy
2. Amended Levine Act Policy (redline)
3. Amended Levine Act Policy (clean)