

**RESOLUTION NO. 66-24**

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,  
AMENDING THE CONFLICT-OF-INTEREST CODE FOR THE CITY OF RICHMOND**

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**WHEREAS**, the Political Reform Act, Government Code section 81000 *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes; and,

**WHEREAS**, the Fair Political Practices Commission has adopted a regulation (Title 2, Division 6, California Code of Regulations section 187302) which contains the terms of a standard conflict of interest code that meets the requirements of the Political Reform Act; and

**WHEREAS**, the terms of Title 2, Division 6, California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference; and

**WHEREAS**, the City of Richmond's Conflict of Interest Code includes, in addition to Title 2, Division 6, California Code of Regulations section 18730, appendices of those positions that are required to disclose financial information ("designated positions") and disclosure categories; and

**WHEREAS**, said appendices of Resolution No. 15-22, which include designated positions and disclosure categories, have been reviewed by the City Attorney's Office; and

**WHEREAS**, based on this review and necessary consultation, the City Attorney's Office determined that the City of Richmond's Conflict of Interest Code should be amended to reflect current positions and duties.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Richmond, as follows:

- A. Resolution No. 15-22, adopted on February 25, 2022, is hereby rescinded and is of no further force and effect.
- B. City Council Members, the Mayor, the City Manager, the City Attorney, members of the planning commission, public officials who manage public investments, and any other officer who may be subject to the provisions of Government Code section 87200, shall file electronically using the electronic system, no hard copy is needed; or file one original Statement of Economic Interest (Form 700) with the City Clerk who shall publish a copy to the electronic system and forward the original to the Fair Political Practices Commission which shall be the filing officer.
- C. This Resolution, including the attached Appendix A (Designated Positions), Appendix B (Disclosure Categories), and Appendix C (Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations section 18730) shall constitute the City of Richmond's Conflict of Interest Code.
- D. The terms of Title 2, Division 6, California Code of Regulations section 18730 and any amendments adopted by the Fair Political Practices Commission, are hereby incorporated by reference as Appendix C.
- E. City Clerk as Filing Officer: An individual holding a designated position shall file his or her Statement of Economic Interest (Form 700) with the City Clerk to whom the Richmond City Council hereby designates the authority to carry out the duties of the filing officer. The Filing Officer shall send an original and a reminder email to all individuals that have been identified to have a filing requirement.
- F. Point of Contact for each Department: An individual whose duty it is to work with the City Clerk's Office to remind each designated employee that he or she must electronically use the electronic system - no copy needed, or manually transmit an original Form 700 to the City Clerk by April 1.

- G. Departing Designated Employees: The point of contact shall notify departing designated employees that he or she must submit a Form 700 no later than his or her last day of service. The point of contact must also provide the name of the departing designated employee to the City Clerk before his or her last day of employment so that the departing employee may file electronically.
- H. New Designated Employees: When a new employee starts in a department, the point of contact shall determine if the employee is a designated employee by referring to the Conflict of Interest designated positions, and if he or she is a designated employee, the point of contact must notify the City Clerk within 10 days of his or her starting date. The point of contact must also notify a new designated employee within the department that he or she must electronically transmit a Form 700 to the City Clerk within 30 days of his or her initial start date.
- I. Individuals holding designated positions shall file their Statement of Economic Interest no later than April 1 using the electronic system or file an original copy with the City Clerk, who will retain the statements and make them available for public inspection and reproduction.

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held June 25, 2024, by the following vote:

AYES: Councilmembers Bana, McLaughlin, Robinson, Willis, Zepeda, Vice Mayor Jimenez, and Mayor Martinez.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

EDUARDO MARTINEZ  
Mayor

Approved as to form:

DAVE ALESHIRE  
City Attorney



State of California            }  
County of Contra Costa        }       : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 66-24**, finally passed and adopted by the Council of the City of Richmond at a regular meeting held on June 25, 2024.

  
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Pamela Christian, Clerk of the City of Richmond

**APPENDIX A - DESIGNATED POSITIONS – JUNE 25, 2024**

**Mayor's Office**

<b>Designated Position</b>	<b>Disclosure Category</b>
Assistant Admin Analyst	1,2, 3,4
Assistant to the Mayor	1,2,3,4
Mayor (87200 Filer)	1,2,3,4
Management Analyst	1,3,4

**City Attorney's Office**

<b>Designated Positions</b>	<b>Disclosure Category</b>
Assistant City Attorney	1,2,3,4
Chief Assistant City Attorney	1,2,3,4
City Attorney (87200 Filer)	1,2,3,4
Law Office Supervisor	1,2,3,4
Senior Assistant City Attorney	1,2,3,4
Supervising Office Assistant	1,3,4

**City Clerk's Office**

<b>Designated Position</b>	<b>Disclosure Category</b>
Deputy City Clerk	1,2,3,4
City Clerk	1,2,3,4

**City Council**

<b>Designated Position</b>	<b>Disclosure Category</b>
City Council Member (87200 Filer)	1,2,3,4
Project Coordinator	1,2,3,4
Staff Assistant to City Council	1,2,3,4
Senior Administrative Analyst	1,2,3,4

**City Manager's Office**

<b>Designated Position</b>	<b>Disclosure Category</b>
City Manager (87200 Filer)	1,2,3,4
Assistant City Manager	1,2,3,4
Deputy City Manager	1,2,3,4

**Fire Department**

<b>Designated Position</b>	<b>Disclosure Category</b>
Administrative Services Analyst (Senior)	1,3,4
Battalion Chief	1,3,4
Deputy Fire Chief	1,2,3,4
Deputy Fire Marshal	1,2,3,4
Emergency Services Manager	1,3,4
Fire Chief	1,2,3,4

Fire Marshall	1,2,3,4
Project Manager I	1,2,3,4
Fire Inspector I, II	1,2,3,4

**Police Department**

<b>Designated Position</b>	<b>Disclosure Category</b>
Accountant II	1,3,4
Assistant Police Chief	1,2,3,4
Communications Shift Manager	1,3,4
Internal Affairs Lieutenant	1,3,4
Police Captain	1,2,3,4
Police Chief	1,2,3,4
Project Manager II	1,2,3,4
Senior Accountant	1,3,4

**Rent Control**

<b>Designated Position</b>	<b>Disclosure Category</b>
Executive Director	1,2,3,4
Deputy Director	1,2,3,4
General Counsel	1,2,3,4
Program Services Analyst I, II	1,3,4
Hearing Examiner	1,2,3,4
Management Analyst II	1,3,4
Staff Attorney	1,2,3,4

***ECONOMIC DEVELOPMENT DEPARTMENTS***

<b>Designated Position</b>	<b>Disclosure Category</b>
Deputy City Manager	1,2,3,4
Director of Economic Development	1,2,3,4

**Environmental & Health Initiatives**

<b>Designated Position</b>	<b>Disclosure Category</b>
Environmental Manager	1,2,3,4

**Property Management**

Development Project Manager II	1,2,3,4
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**Arts and Culture**

Arts and Culture Manager	1, 2,3,4
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### Housing Authority

<b>Designated Position</b>	<b>Disclosure Category</b>
Accountant I, II	1, 2, 3, 4
Assisted Housing Manager	1,2,3,4
Executive Director of Housing Authority	1, 2,3,4
Finance Manager	1, 2,3,4
Housing Manager	1, 2,3,4
Housing Program Analyst	1,2,3,4
Housing Program Specialist (I, II, III)	1,2,3,4
Project Manager (I, II)	1,2,3,4
Management Analyst II	1,2,3,4
Resident Services Executive Officer	1, 2,3,4
Resident Housing Manager	1, 2,3,4
Senior Property Manager	1, 2,3,4
Senior Development Project Manager	1, 2,3,4

### Port Department

<b>Designated Position</b>	<b>Disclosure Category</b>
Executive Director	1, 2,3,4
Executive Secretary II	1,3,4
Port Marketing/Operations Manager	1,2,3,4
Operations Administrator	1,2,3,4

### **INTERNAL SERVICES DEPARTMENTS**

<b>Designated Position</b>	<b>Disclosure Category</b>
Deputy City Manager	1, 2,3,4

### Finance Department

<b>Designated Position</b>	<b>Disclosure Category</b>
Accountant (I, II, Senior)	1, 2,3,4
Accounting Manager	1, 2,3,4
Budget Administrator	1, 2,3,4
Budget Analyst (I, II, Senior)	1,2,3,4
Budget and Financial Service Agency Director / Treasurer	1, 2,3,4
Buyer (I, II, Senior)	1,3,4
Deputy Director of Finance	1, 2,3,4
Director of Finance	1, 2,3,4
Investment Analyst	1, 2,3,4
Payroll Supervisor	1, 2,3,4
Revenue Manager	1, 2,3,4
Senior Accountant	1, 2,3,4

### Human Resources Management Department

<b>Designated Position</b>	<b>Disclosure Category</b>
Benefits Analyst	1,3,4
Employee Benefits Analyst	1,3,4
Human Resources Director	1,2,3,4
Human Resource Manager	1,2,3,4
Human Resources Personnel Officer	1,3,4
Labor Relations /Training Manager	1,3,4
Personnel Manager	1,2,3,4
Project Manager I	1,3,4
Project Manager III - Innuitant	1,3,4
Principal Personnel Analyst	1,3,4
Risk Manager	1,2,3,4
Senior Employee Benefits Analyst	1,3,4
Senior Personnel Analyst	1,3,4
Project Manager I	1,3,4

### Information Technology Department

<b>Designated Position</b>	<b>Disclosure Category</b>
Business Systems Manager	1,3,4
Cable Television Administrator	1,3,4
Cable Television Programming Coordinator	1,3,4
Cable Television Manager	1,3,4
Cable Television Coordinator	1,3,4
GIS Coordinator Administrator	1,3,4
Information Technology Director	1,3,4
Information Technology Manager	1,3,4
Network & Systems Security Officer	1,3,4
Network & Systems Spec II	1,3,4

### COMMUNITY SERVICES DEPARTMENTS

<b>Designated Position</b>	<b>Disclosure Category</b>
Community Services Director	1,2,3,4
Deputy Director Community Services	1,2,3,4

### Internal Services Program

<b>Designated Position</b>	<b>Disclosure Category</b>
Project Manager I	1,3,4

### Recreation

<b>Designated Position</b>	<b>Disclosure Category</b>
Accountant	1,2,3,4
Accounting Assistant II	1,3,4
Assistant Administrative Analyst	1,3,4
Administrative Aide	1,3,4

Community Services Administrative Manager	1,3,4
Community Services Program Manager	1,3,4
Deputy Director Community Services	1,3,4
Development Program Manager	1,3,4
Finance Manager	1,3,4
Office Assistant II	1,3,4
Office Specialist	1,3,4
Senior Accountant	1,2,3,4
Recreation Supervisor	1,3,4
Recreation Program Coordinator	1,3,4

### **Employment and Training**

<b>Designated Position</b>	<b>Disclosure Category</b>
Deputy Director Community Services Employment and Training	1,2,3,4
Employment and Training Director	1,2,3,4
Employment Program Manager	1,3,4
Employment Program Specialist (I,II)	1,3,4
Finance Manager	1,3,4
Project Coordinator	1,2,3,4
Senior Employment Program Specialist	1,3,4
Workforce Program Specialist	1,3,4
Workforce Program Manager	1,3,4

### **Library and Cultural Services**

<b>Designated Position</b>	<b>Disclosure Category</b>
Administrative Librarian – Adult Access Services	1,3,4
Administrative Librarian – Children and Extension Services	1,3,4
Arts and Culture Manager	1,3,4
Deputy Director Community Services Library	1,2,3,4
Development Project Manager II	1,2,3,4
Director of Library and Cultural Services	1,2,3,4
Executive Secretary	1,3,4
Head of Reference	1,3,4
Learning Center Manager	1,3,4
Librarian (I, II)	1,3,4
Library Services Manager	1,3,4
Family Literacy Specialist	1,3,4
Literacy Program Manager	1,3,4

### **Office of Neighborhood Safety**

<b>Designated Position</b>	<b>Disclosure Category</b>
Community Services Program Manager	1,3,4
Deputy Director of Community Services - ONS	1,3,4
ONS Program Manager	1,3,4
Project Coordinator	1,3,4

## Transportation

<b>Designated Position</b>	<b>Disclosure Category</b>
Project Manager (I, II)	1,3,4

## PUBLIC WORKS DEPARTMENTS

<b>Designated Position</b>	<b>Disclosure Category</b>
Director of Public Works	1,2,3,4

### Engineering & Capital Improvement Projects

<b>Designated Position</b>	<b>Disclosure Category</b>
Capital Projects Manager	1,2,3,4
Construction Inspector I	1,2,3,4
Deputy Director Public Works – City Engineer	1,2,3,4
Development Project Manager II	1,2,3,4
Office Assistant II	1,3,4
Director of Engineering and Capital Improvement Projects	1,2,3,4
Public Works Streets Maintenance Superintendent	1,2,3,4
Senior Civil Engineer	1,2,3,4

### Infrastructure Maintenance & Operations

<b>Designated Position</b>	<b>Disclosure Category</b>
Deputy Director Public Works Operations/Maintenance	1,2,3,4
Director of Infrastructure and Maintenance Operations	1,2,3,4
Electrical Supervisor	1,3,4
Equipment Services Superintendent	1,2,3,4
Parks Supervisor	1,2,3,4
Parks & Landscaping Superintendent	1,3,4
Public Works Abatement Superintendent	1,2,3,4
Public Works Administrative Manager	1,3,4
Public Works Facilities Maintenance Superintendent	1,2,3,4
Public Works Street Maintenance Superintendent	1,2,3,4

### Water Resource Recovery

<b>Designated Position</b>	<b>Disclosure Category</b>
Engineering Infrastructure Administrator	1,3,4
Management Analyst II	1,3,4
Project Coordinator	1,3,4
Senior Environmental Compliance Inspector	1,2,3,4
Environmental Compliance Inspector	1,2,3,4
Director of Wastewater Recovery	1,2,3,4

## COMMUNITY DEVELOPMENT DEPARTMENTS

<b>Designated Position</b>	<b>Disclosure Category</b>
Community Development Director	1,2,3,4

### Housing & Community Development

<b>Designated Position</b>	<b>Disclosure Category</b>
Development Project Manager (II)	1,3,4
Senior Accountant	1,2,3,4
Senior Administrative Analyst	1,3,4

### Planning and Building Services

<b>Designated Position</b>	<b>Disclosure Category</b>
Accountant II	1,2,3,4
Associate Planner	1,2,3,4
Senior Administrative Analyst	1,2,3,4
Building Inspector Supervisor	1,2,3,4
Building Inspector	1,2,3,4
Building Official	1,2,3,4
Code Enforcement Manager	1,2,3,4
Community Development Director	1,2,3,4
Deputy Building Official	1,2,3,4
Permit Technician (I, II)	1,2,3,4
Plan Checking Engineer	1,2,3,4
Planning and Building Services Director	1,2,3,4
Planning Manager	1,2,3,4
Senior Accountant	1,2,3,4
Senior Building Inspector	1,2,3,4
Senior Planner	1,2,3,4
Code Enforcement Officer (I, II)	1,2,3,4
Code Enforcement Supervisor/Superintendent	1,2,3,4

## BOARDS AND COMMISSIONS

### Design Review Board

<b>Designated Position</b>	<b>Disclosure Category</b>
Members of the Design Review Board	1,2,3,4

### Economic Development Commission

<b>Designated Position</b>	<b>Disclosure Category</b>
Members of the Economic Development Commission	1,2,3,4

### **General Pension Board**

<b>Designated Position</b>	<b>Disclosure Category</b>
Members of the General Pension Board	1,3,4

### **Historic Preservation Advisory Committee**

<b>Designated Position</b>	<b>Disclosure Category</b>
Members of the Preservation Advisory Committee	1,2,3,4

### **Housing Advisory Commission**

<b>Designated Position</b>	<b>Disclosure Category</b>
Members of the Housing Advisory Commission	1,2,3,4

### **Personnel Board**

<b>Designated Position</b>	<b>Disclosure Category</b>
Members of the Personnel Board	1,3,4

### **Planning Commission**

<b>Designated Position</b>	<b>Disclosure Category</b>
Members of the Planning Commission (87200 Filer)	1,2,3,4

### **Police Commission**

<b>Designated Position</b>	<b>Disclosure Category</b>
Investigative Appeals Officer	1,3,4
Members of the Police Commission	1,3,4

### **Police and Firemen's Pension Board**

<b>Designated Position</b>	<b>Disclosure Category</b>
Members of the Police and Firemen's Pension Board	1,3,4

**Reimagining Public Safety Task Force**

	<b>Disclosure Category</b>
Members of the Reimagining Public Safety Task Force	1,3,4

**Rent Board**

<b>Designated Position</b>	<b>Disclosure Category</b>
Members of the Rent Board	1,2,3,4

**Workforce Investment Board**

<b>Designated Position</b>	<b>Disclosure Category</b>
Members of the Workforce Investment Board	1,3,4
Miscellaneous	

<b>Designated Position</b>	<b>Disclosure Category</b>
Consultant*	TBD

\*The City Manager, in consultation with the City Attorney, may determine 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 comply with the disclosure requirement above. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the Disclosure Category required. The City Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as Statements of Economic Interests filed pursuant to this conflict of interest code.

## **APPENDIX B - DISCLOSURE CATEGORIES**

Individuals holding designated positions must report their interests according to the following corresponding disclosure category(ies) to which their position has been assigned.

Category 1: All sources of income, including investments, gifts, loans and travel payments as defined in Government Code Section 82030, as amended.

Category 2: All interests in real property, as defined in Government Code Section 82033, as amended, located in whole or in part within the City of Richmond or within a two-mile radius of the boundaries of the City of Richmond. An “interest in real property” does not include the principal residence occupied by the designated filer or their family, if used exclusively as a personal residence.

Category 3: All investments in excess of \$2,000 held by designated filer, the filer’s spouse, domestic partner or dependent children, as defined in Government Code Section 82034, as amended, including but not limited to common stock, preferred stock, options, debt instruments and any partnership or other ownership interest if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the City of Richmond, or does business or plans to do business in the City of Richmond, or has done business within the City of Richmond at any time during the two years prior to the time this disclosure statement is made.

Category 4: All management positions held with any business entity located, doing business, planning to do business, or having done business in the past two years within the City of Richmond.

## APPENDIX C - 18730 PROVISIONS OF CONFLICT OF INTEREST CODES

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

### § 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees. The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or

participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies. [FN1]

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in the employee's statement of economic interests those economic interests the employee has which are of the kind described in the disclosure categories to which the employee is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which the employee foreseeably can affect materially through the conduct of the employee's office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code. [FN2]

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following the person's return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided the person did not make or participate in the making of, or use the person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of the person's appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation the person 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.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12

months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property [FN3] is required to be reported, [FN4] the statement shall contain the following:

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 whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported, [FN5] the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$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 whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;

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 of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, [FN6] 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 filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which the employee is a director, officer, partner, trustee, employee, or in which the employee holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an 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.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$590.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$590 in a calendar

year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control.

This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while the official holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public 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 persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of the officer's election to office through the date the officer vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her 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, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

- a. The date the loan was made.
- b. The date the last payment of \$100 or more was made on the loan.
- c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use the employee's official position to influence the making of any governmental decision which the employee knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 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 \$500 or more in value provided to, received by or promised to the designated employee within 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 or agent for a donor of, a gift or gifts aggregating \$590 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent the employee's participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make the employees' participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use the official's position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of the official's immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that the employee should not make a governmental decision because the employee has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of the duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for the employee's agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political

Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

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<sup>1</sup> Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

<sup>2</sup> See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

<sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup> Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>5</sup> A designated employee's income includes the employee's community property interest in the income of the employee's spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<sup>6</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

### **Credits**

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

### **HISTORY**

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).  
Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).

8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of NOTE filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding HISTORY 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and NOTE filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).

17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of NOTE filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.  
Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.  
Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of*

Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of HISTORY 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations.

Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to

OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

35. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-12-2018; operative 1-11-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2018, No. 50).

36. Amendment of subsections (b)(8.1)-(8.1)(A) filed 12-23-2020; operative 1-1-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2020, No. 52).

37. Amendment of subsections (b)(3)(C), (b)(5)(C), (b)(5.5), (b)(5.5)(A)(2), (b)(7)(D), (b)(8)(A), (b)(8.1)(A), (b)(8.2)(A), (b)(8.2)(C)-(D), (b)(8.3)(A), (b)(9), (b)(9.3), (b)(9.5), (b)(10) and (b)(11) and footnote 5 filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate

District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).

38. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-20-2022; operative 1-19-2023 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2022, No. 51).