



# COUNTY OF TULARE

## ADMINISTRATIVE REGULATION

Good Works Funding  
AR 47  
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<b>Policy Type</b>	General Administrative Practices
<b>Policy Name</b>	AR 47, Good Works Funding
<b>Resolution Number</b>	2021-0635
<b>Effective Date</b>	August 17, 2021

### PURPOSE

This policy establishes rules in accordance with Government Code section 26227 regarding the appropriation and distribution of County funds to projects and programs that support the social needs of Tulare County residents, hereinafter referred to as Good Works funding.

### SCOPE

This policy applies to County staff, County departments, and non-County organizations involved in the application review, project or program selection, fund disbursement, and receipt of Good Works funds.

### POLICY

Government Code section 26227 provides, in part, that the Board of Supervisors may appropriate and expend money from the General Fund of the County to establish County programs or to fund other programs deemed by the Board of Supervisors to be necessary to meet the social needs of the population of the county.

Accordingly, this policy establishes that the Board of Supervisors may appropriate Good Works funds annually to support projects or programs in each supervisorial district that meet certain eligibility criteria. Good Works funding may be requested by and granted to County departments, and other public, private, or nonprofit organizations, in an amount not to exceed \$5,000 per project or program, per fiscal year.

Requests for funding that are not covered by this policy must be presented to the Board of Supervisors separately for its consideration. The Board of Supervisors may approve, disapprove, or partially approve such requests on such terms and conditions as the Board, in its sole discretion, deems appropriate.

#### 1. POLICY ADMINISTRATOR

The County Administrative Officer, or designee, shall be responsible for administering this policy.

The policy administrator shall:

- Determine the eligibility of projects or programs in accordance with Section 3 of this policy.
- Sign Good Works Funding Agreements and Authorization Forms for nominated and eligible projects and programs.
- Bring all Good Works Funding Agreements and Authorization Forms to the Board of Supervisors for proposed ratification within a month of execution, to the extent practicable. Generally, Good Works Funding agreements from the previous calendar month are to be presented to the Board of Supervisors at its first meeting of the following month.



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- d. Monitor the use of Good Works funding to ensure that each Supervisor's nominated projects remain within the annual budget established for Good Works funding.

The policy administrator shall have no authority to enter into any Good Works Funding Agreements unless sufficient Good Works funding is available within the appropriation for a given fiscal year.

## 2. APPROPRIATION OF FUNDS

Each fiscal year, the Board of Supervisors may appropriate General Fund dollars for Good Works funding through the regular county budget development process. Funds will be appropriated in the Miscellaneous Administration account (currently, 001-012-1010-7043), and equal amounts shall be available for projects and programs in each supervisorial district. This amount may be modified by the Board of Supervisors through the County budget development process.

## 3. ELIGIBILITY

Projects or programs that meet the social needs of the community, in accordance with Government Code section 26227, will be eligible to receive Good Works funding. In addition to the following eligibility criteria, the Board may provide direction regarding the prioritization of Good Works funding during any specific fiscal year.

- a. At this time, projects or programs that meet the social needs of the community include, but are not limited to, those intended for:
  - i. Protecting or improving the health of county residents;
  - ii. Improving the quality or availability of law enforcement services;
  - iii. Increasing public safety generally, which includes after-school activities and gang prevention;
  - iv. Providing or improving rehabilitation services;
  - v. Promoting the general welfare, including improving access to healthy recreation opportunities;
  - vi. Promoting community vitality;
  - vii. Providing education to or supporting educational services for county residents;
  - viii. Providing legal services to county residents; and
  - ix. Supporting the needs of physically, mentally, and financially handicapped persons and aged persons.
- b. In accordance with sections 5 and 6 of article XVI of the California Constitution, Good Works funds may not be used for any of the following activities:
  - i. Activities that would provide a direct personal benefit to any individual different from the benefit conferred upon the general public;
  - ii. Religious activities, including but not limited to, prayer, religious instruction, or proselytism; and
  - iii. Political campaign activities.
- c. Good Works funds recipients must have a Tax ID number. Good Works funding must be utilized by the applicant organization and may not be transferred to a project or program administered by a third party or other individual.

## 4. PROJECT OR PROGRAM SELECTION

- a. County departments and non-County organizations may request Good Works funding by submitting a Good Works Funding Application to the Board of Supervisors staff.



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- b. Supervisors individually will review applications and nominate specific projects or programs for Good Works funding.
- c. Projects or programs may be nominated by multiple Supervisors, provided that total funding for a particular project or program does not exceed \$5,000 in a single fiscal year. For projects and programs nominated by multiple Supervisors, the total funding amount will be counted against each Supervisor's annual Good Works Funding allotment in equal portions, unless otherwise specified in the request.
- d. Board of Supervisors staff will prepare the following Good Works Funding documents for nominated projects or programs. These documents will be submitted to the County Administrative Officer for eligibility review and approval.
  - i. **County Departments:** Board of Supervisors staff prepare and send a **Good Works Funding Authorization Form** to the requesting department for signature by its authorized representatives. Staff shall make it clear in the transmittal letter that funding for the program is not committed until the agreement has been approved by the County Administrative Officer. The department shall complete and return the authorization form to the Board of Supervisors staff, who will forward it to the County Administrative Officer for review and approval.
  - ii. **Non-County Organizations:** Board of Supervisors staff prepare and send a **Good Works Funding Agreement** to the requesting non-County organization for signature by its authorized representatives. Staff shall make it clear in the transmittal letter that funding for the program is not committed until the agreement has been approved by the County Administrative Officer. The non-County organization shall execute and return the agreement to the Board of Supervisors staff, who will forward it to the County Administrative Officer for review and approval.
- e. The County Administrative Officer will review nominated projects and programs for eligibility, sign eligible Good Works Funding Agreements and Authorization Forms, and return approved documents to Board of Supervisors staff to process payments.
- f. County Administrative Office or Board of Supervisors staff (as appropriate) will send approved Agreements and Authorization Forms to the Auditor-Controller/ Treasurer-Tax Collector for issuance of funds and send a copy of the fully executed Agreements and Authorization Forms to the requesting party.

### 5. FUNDING RECOGNITION

Whenever recipients highlight the receipt of Good Works funding in project or program, plaques, banners, posters, or through any other medium, recipients must acknowledge that funding is provided by the County of Tulare, as opposed to a specific Supervisor.

### 6. SPECIAL RULES FOR TICKETS TO CHARITABLE FUNDRAISERS PURCHASED WITH GOOD WORKS FUNDS

For special rules regarding tickets to charitable fundraisers purchased with Good Works funding, see Administrative Regulation 46, Distribution of Tickets and Passes by the County.



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Compliance with Levine Act

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<b>Policy Type</b>	General Administrative Practices
<b>Policy Name</b>	AR 49, Compliance with Levine Act
<b>Resolution Number</b>	2023 - 0316
<b>Effective Date</b>	May 1, 2023

### PURPOSE

The purpose of the policy is to establish procedures to ensure the County's compliance with Levine Act requirements and facilitate the efforts of County officers, parties, participants, and agents in their efforts to comply with the Act.

### SCOPE

This policy applies to all County Agencies and Departments. County Agencies and Departments may have policies specific to their Agencies or Departments, and not in conflict with this policy, to maintain Levine Act compliance for licenses, permits, or entitlements for use subject to action by County officers within their Agencies or Departments.

### POLICY

County Agencies and Departments will comply with Government Code section 84308, a provision of the Political Reform Act of 1974 generally known as the "Levine Act." Generally, the Levine Act has the following requirements:

- While a license, permit, or other entitlement for use from the County is pending, and for 12 months after a final decision is rendered on the matter, a County officer may not solicit, accept, or direct a campaign contribution of more than \$250 from a Party to the matter, a Party's agent, or a Participant with a financial interest in the matter if the officer has reason to know that the Participant has such a financial interest.
- A County officer may not make, participate in making, or in any way use the officer's official position to influence a decision regarding a license, permit, or other entitlement for use from the County if the officer has willfully or knowingly received a campaign contribution of more than \$250 from a Party to the matter, a Party's agent, or a Participant with a financial interest in the matter within the preceding 12 months.
- A Party, or an agent for a Party, seeking a license, permit, or other entitlement for use or a Participant in the proceeding may not contribute more than \$250 to a County officer while the matter is pending before the County or within 12 months after there has been a final decision on the matter. The Party to the pending matter must disclose on the record any qualifying campaign contribution made within the preceding 12 months.
- A Party to a proceeding involving a license, permit, or other entitlement for use pending before the County in the proceeding must disclose any campaign contribution of more than \$250 made to a County officer within the preceding 12 months by the Party or the Party's agent.



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### 1. POLICY ADMINISTRATOR

The County Administrative Officer, or designee, shall be responsible for administering this policy. The County Administrative Officer or designees are authorized to issue and enforce supplemental instructions, directives, and procedures to implement this Administrative Regulation.

### 2. DEFINITIONS

- “Act” means the Levine Act, found in Government Code section 84308, a provision of the Political Reform Act of 1974, as amended by the passage of SB 1439, Chapter 848 of the Statutes of 2021-22.
- “Board” means the Tulare County Board of Supervisors.
- “Competitively bid” means where the County has little, if any, discretion in choosing the contractor and includes, for example, a solicitation in which bidders submit fixed amounts in their bids and the County is legally required to award the contract to the lowest responsive, responsible bidder.
- “Contribution” or “campaign contribution” includes contributions to County candidates, County officeholders, and/or their controlled committees in federal, state, or local elections.
- “License, permit, or other entitlement for use” means all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises. Amendments, extensions, and renewals of licenses, permits, or other entitlements for use are included within this definition.
- “Officer” means any elected or appointed officer of the County of Tulare, any alternate to an elected or appointed officer of the County of Tulare, and any candidate for elective office of the County of Tulare.
- “Participant” means any person who is not a Party but who meets both of the following requirements:
  - The person actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use. A person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the County, testifies in person before the County, or otherwise acts to influence officers of the County in the matter; and,
  - The person has a financial interest in the decision as defined in the Political Reform Act (Government Code section 87100, et seq.).
- “Party” means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use. This includes bidders on solicitations for County contracts.

### 3. AUTHORITY

Government Code section 84308, included as **Attachment A**; Fair Political Practices Commission regulations 18438.1 through 18438.8.



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#### 4. RESPONSIBILITIES

Each application or solicitation for a County license, permit, or other entitlement for use subject to action by a County officer or officers shall require applicants and bidders to receive the "Campaign Contribution Disclosure Information" as identified in **Attachment B** and complete a "Campaign Contribution Disclosure Form" as identified in **Attachment C**.

County Agencies or Departments shall ensure each applicant or bidder for a County license, permit, or other entitlement for use subject to action by a County officer or officers has completed a Campaign Contribution Disclosure Form before processing the application or solicitation for review. County Agencies or Departments will review Campaign Contribution Disclosure Forms to identify those wherein an applicant or bidder has disclosed a contribution of more than \$250 to a County officer.

County Agencies or Departments are not responsible for reviewing County officer campaign filings or donor contribution records.

#### Board Agenda Items

County Agencies or Departments will identify in Board Agenda Items (BAIs) that an application or solicitation for a County license, permit, or other entitlement for use requiring Board action is subject to the Levine Act.

Where a County Agency or Department identifies that a County license, permit, or other entitlement for use requiring Board action is subject to the Levine Act, before a BAI is approved by the submitting Agency or Department head, the Agency or Department must produce to the County Administrative Office and County Counsel those Campaign Contribution Disclosure Forms wherein an applicant or bidder has disclosed a contribution of more than \$250 to a County officer. If disclosed to a County Agency or Department, the name of each Participant that has provided a contribution of more than \$250 to a County officer in the preceding 12 months shall also be provided to the County Administrative Office and County Counsel. County Agencies and Departments shall provide the notice information described in this paragraph in a format similar to the "Campaign Contribution Disclosure Notice" in **Attachment D**. The County Administrative Office or County Counsel will take any appropriate actions upon receipt of the Campaign Contribution Disclosure Notice. County Counsel will not approve as to form any proposed license, permit, or other entitlement for use until the submitting Agency's or Department's compliance with this policy is verified.

#### County Officer Decisions

Where a County Agency or Department is aware that a County officer may make, participate in making, or in any way attempt may use the officer's official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the County, before a decision is made on the item, the Agency or Department must produce to the County Administrative Office and County Counsel those Campaign Contribution Disclosure Forms wherein an applicant or bidder has disclosed a contribution of more than \$250 to a County officer. If disclosed to a County Agency or Department, the name of each Participant that has provided a contribution of more than \$250 to a County officer in the preceding 12 months shall also be provided to the County Administrative Office and County Counsel. County Agencies and Departments shall provide the notice described in this paragraph in a format similar to the Campaign Contribution Disclosure Notice in **Attachment D**. The County Administrative Office or County Counsel will take any appropriate actions upon receipt of the Campaign Contribution Disclosure Notice.



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### Post-Decision Notifications

Where a Party has disclosed to a County Agency or Department a contribution of more than \$250 to a County officer within 12 months after a final decision on the Party's license, permit, or other entitlement for use, the County Agency or Department shall provide that information to the County officer and County Counsel. If disclosed to a County Agency or Department, the name of each Participant that has provided a contribution of more than \$250 to a County officer within the 12 months after a final decision on a Party's license, permit, or other entitlement for use shall also be provided to the County Administrative Office and County Counsel. County Agencies and Departments shall provide the notice described in this paragraph in a format similar to the Campaign Contribution Disclosure Notice in **Attachment D**. The County Administrative Office or County Counsel will take any appropriate actions upon receipt of the Campaign Contribution Disclosure Notice.

### 5. REFERENCES

Government Code section 84308

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=84308](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=84308)

FPPC Regulations 18438.1 through 18438.8

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I76245C705A0A11EC8227000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I76245C705A0A11EC8227000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

### 6. ATTACHMENTS

#	Title
A	Government Code Section 84308
B	Campaign Contribution Disclosure Information
C	Campaign Contribution Disclosure Form
D	Campaign Contribution Disclosure Notice

**Attachment A**  
**To Administrative Regulation 49**

**GOVERNMENT CODE SECTION 84308**

(a) The definitions set forth in this subdivision shall govern the interpretation of this section.

(1) "Party" means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.

(2) "Participant" means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7. A person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.

(3) "Agency" means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.

(4) "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.

(5) "License, permit, or other entitlement for use" means all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.

(6) "Contribution" includes contributions to candidates and committees in federal, state, or local elections.

(b) While a proceeding involving a license, permit, or other entitlement for use is pending, and for 12 months following the date a final decision is rendered in the proceeding, an officer of an agency shall not accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party or a party's agent, or from any participant or a participant's agent if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution on the officer's own behalf, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

(c) Prior to rendering any decision in a proceeding involving a license, permit, or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. An officer of an agency shall not make, participate in making, or in any way attempt to use the officer's official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution in an amount of more than two



hundred fifty dollars (\$250) within the preceding 12 months from a party or a party's agent, or from any participant or a participant's agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.

(d)(1) If an officer receives a contribution which would otherwise require disqualification under this section, and returns the contribution within 30 days from the time the officer knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, the officer shall be permitted to participate in the proceeding.

(2)(A) Subject to subparagraph (B), if an officer accepts, solicits, or directs a contribution of more than two hundred fifty dollars (\$250) during the 12 months after the date a final decision is rendered in the proceeding in violation of subdivision (b), the officer may cure the violation by returning the contribution, or the portion of the contribution in excess of two hundred fiftydollars (\$250), within 14 days of accepting, soliciting, or directing the contribution, whichever comes latest.

(B) An officer may cure a violation as specified in subparagraph (A) only if the officer did not knowingly and willfully accept, solicit, or direct the prohibited contribution.

(C) An officer's controlled committee, or the officer if no controlled committee exists, shall maintain records of curing any violation pursuant to this paragraph.

(e)(1) A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party or the party's agent.

(2) A party, or agent to a party, to a proceeding involving a license, permit, or other entitlement for use pending before any agency or a participant, or agent to a participant, in the proceeding shall not make a contribution of more than two hundred fifty dollars (\$250) to any officer of that agency during the proceeding and for 12 months following the date a final decision is rendered by the agency in the proceeding.

(3) When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in this section.

(f) This section shall not be construed to imply that any contribution subject to being reported under this title shall not be so reported.

**Attachment B  
To Administrative Regulation 49**

**COUNTY OF TULARE  
CAMPAIGN CONTRIBUTION DISCLOSURE INFORMATION**

The attached Campaign Contribution Disclosure Form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use, including most contracts and franchises, pending before the Board of Supervisors ("Board") of the County of Tulare or any of its affiliated agencies.

**IMPORTANT NOTICE**

Government Code section 84308 (also known as the "Levine Act") contains requirements that are summarized generally as follows:

- A. If you are an applicant for, or the subject of, any proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of more than \$250 to any member of the Board of Supervisors or other County official who may participate in your proceeding. This prohibition begins on the date your application is filed or the proceeding is otherwise initiated, and the prohibition ends 12 months after a final decision is rendered by the Board of Supervisors or other County officer. In addition, no Board member or other County official or alternate who may participate in your proceeding may solicit or accept a campaign contribution of more than \$250 from you during this period.
- B. These prohibitions also apply to your agents, and, if you are a closely held corporation, to your majority shareholder as well. These prohibitions also apply to your subcontractor(s), joint venturer(s), and partner(s) in this proceeding. Also included are parent companies and subsidiary companies directed and controlled by you, and political action committees directed and controlled by you.
- C. You must file the attached disclosure form and disclose whether you or your agent(s) have in the aggregate contributed more than \$250 to any Board member or other County officer who may participate in your proceeding during the 12-month period preceding the filing of the application or the initiation of the proceeding.
- D. If you or your agent have in the aggregate contributed more than \$250 to any individual Board member or other County officer who may participate in your proceeding during the 12 months preceding the decision on the application or proceeding, that Board member or other County officer must disqualify himself or herself from the decision. However, disqualification is not required if the Board member or other County official returns the campaign contribution within 30 days from the time the member or official knows, or should have known, about both the contribution and the fact that you are a Party in the proceeding. The Campaign Contribution Disclosure Form should be completed and filed with your application or proposal, or with the first written document you file or submit after the proceeding commences.

1. A proceeding involving “a license, permit, or other entitlement for use” includes all business, professional, trade and land use licenses and permits, and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor or personal employment contracts), and all franchises.
2. Your “agent” is someone who represents you in connection with a proceeding involving a license, permit or other entitlement for use. If an individual acting as an agent is also acting in his or her capacity as an employee or member of a law, architectural, engineering, consulting firm, or similar business entity, both the business entity and the individual are “agents” for purposes of these rules.
3. To determine whether a campaign contribution of more than \$250 has been made by you, campaign contributions made by you within the preceding 12 months must be aggregated with those made by your agent within the preceding 12 months or the period of the agency relationship, whichever is shorter. Contributions made by your majority shareholder (if a closely held corporation), your subcontractor(s), your joint venturer(s), and your partner(s) in this proceeding must also be included as part of the aggregation. Campaign contributions made to different Board of Supervisors members or other County officer who may participate in your proceeding are not aggregated with contributions to the first Board member but are aggregated as to each Board member or other County officer who may participate in your proceeding.
4. A list of the Board of Supervisors members and other County officials is attached.

This notice summarizes the major requirements of Government Code section 84308 of the Political Reform Act and California Code of Regulations, Title 2 sections 18438.1-18438.8.

**ATTACHMENT C  
To Administrative Regulation 49**

**TULARE COUNTY BOARD OF SUPERVISORS  
AND  
ELECTED COUNTY OFFICERS**

**Board of Supervisors**

Larry Micari, Supervisor, First District  
Pete Vander Poel, Supervisor, Second District  
Amy Shuklian, Supervisor, Third District  
Eddie Valero, Supervisor, Fourth District  
Dennis Townsend, Supervisor, Fifth District

**Elected County Officers**

Tara K. Freitas, Assessor/Clerk-Recorder  
Cass Cook, Auditor-Controller/Treasurer-Tax Collector  
Timothy Ward, District Attorney  
Michael Boudreaux, Sheriff-Coroner