

## Proposed Amendments to the Commission on the State of Hate Member Policy Manual

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### **On-boarding**

Commission members must submit the following no later than 30 days after their swearing-in:

1. Oath of Office
2. Commissioner Service Agreement
3. I-9
4. Race/Ethnicity Questionnaire
5. Emergency Notification Information
- ~~6. Form 700 – Statement of Economic Interest~~
6. Payee Data Record (STD.204)
7. Authorization to Use Privately Owned Vehicles on State Business (STD.261)
8. Incompatible Activities Statement
9. Acceptable Use Statement

**Effective August 25, 2023, Commission members are encouraged, though not required, to complete and submit a Statement of Economic Interest (Form 700). However, in the future, Commission members may be required to do so. (See “Conflict of Interest” section below.)**

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### **Conflict of Interest**

A Commission member may not make, participate in making, or in any way attempt to use their official position to influence a governmental decision, including any decision of or on behalf of the Commission, in which they know or have reason to know they have a financial interest.

Any Commission member who has a financial interest shall disqualify themselves from making or attempting to use their official position to influence the decision.

Any Commission member who feels they are entering a situation where there is a potential for a conflict of interest should immediately consult the Senior Advisor, ~~CRD legal counsel,~~ and, if applicable, or the Fair Political Practices Commission.

A Commission member who feels they have a potential conflict of interest in a specific case or issue should make his or her position known when the matter is discussed publicly (e.g., during a Commission meeting). Further, the member should reinforce this position by physically

leaving the room, or, in the case of a virtual meeting, ~~muting their microphone and turning off their camera leaving the meeting until the~~ during discussions regarding the matter, is concluded. ~~Whenever possible, a~~ A Commission member should notify the Senior Advisor when they believe that the member has a conflict of interest. The Senior Advisor can help refer the Commission member to appropriate resources for assistance, including the Fair Political Practices Commission.

Effective August 25, 2023, Commission members are not required to complete and submit a Statement of Economic Interests (Form 700). This change to the Policy Manual reflects a May 30, 2023 order from the California Fair Political Practices Commission (FPPC) exempting Commission members from filing Statements of Economic Interest related to their positions.

However, this exemption remains in effect only until either the basis for the grant of the exemption no longer exists or the expiration of two years, whichever occurs earlier. The basis for the grant of the exemption is due to the Commission meeting the criteria for an exemption as set forth in California Code of Regulations, Tit. 2, Section 18751. Among these criteria is the requirement that a public body possess no history of making substantive recommendations to a public official or government agency that are regularly accepted or adopted without significant modification. If the Commission's recommendations are accepted or adopted regularly without significant modification by a public official or government agency, the exemption may no longer apply, and Commission members may be required to file Statements of Economic Interest. If a Commission member believes the basis for the grant of the exemption may no longer apply, Commission members should notify the Senior Advisor.

Nonetheless, Commission members are encouraged to complete and submit a Statement of Economic Interests (Form 700) no later than 30 days after taking their Oath of Office and annually thereafter. If the Commission adopts this or any other Conflict of Interest Policy, all Commission members shall complete and submit a Statement of Economic Interests (Form 700) no later than 30 days after the Commission adopts the policy or 30 days after taking their Oath of Office, whichever is later. If the Commission has not yet adopted a Conflict of Interest policy, completion of Form 700 is an optional best practice. When reporting economic interests, Commission members shall report interests in real property located within the State of California; investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Upon receipt of the Form 700, CRD shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

Ex officio members shall abide by the Conflict of Interest Policy of their respective offices.