

LEGAL UPDATES

January 2023 Brought New Rules Regarding Political Contributions To Local Elected Officials

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Effective January 1, 2023, the reach of California Government Code section 84308 expanded to apply to city council members and county supervisors. The law, which has long applied to planning commissioners, now disqualifies local elected officials from participating in decisions involving a donor's license, permit or other entitlement for 12 months after the date of a donation exceeding \$250. It also prohibits contributions over \$250 while a project is pending and for 12 months after the project is approved.

This law also applies to contributions over \$250 from any "participant" in a decision. A "participant" is broadly defined and includes anyone who has a financial interest in the decision and lobbies, testifies, or attempts to influence the outcome. That could include architects, engineers, lawyers and, of course, lobbyists. And, to make it more complicated, contributions from principals and agents are aggregated. On top of that, a "party" to a proceeding before agencies such as a City Council or Board of Supervisors must disclose these contributions on the record if it was made within the preceding 12 months. The limitations of Section 84308 also apply for contributions over \$250 to some other committee or entity at the request of an elected official.

To avoid disqualification, the official must return contributions within 30 days from the time that the official knows, or should have known, about the contribution and a proceeding.

Significantly, in early January 2023, the Fair Political Practices Committee clarified that the new rules under Section 84308 do not apply to contributions received or proceedings that occurred during 2022. But, going forward, if you want to help someone get elected/re-elected to local government, it would be wise to pay careful attention to the rules under Section 84308 so that your civic engagement does not end up impairing the consideration of your permit or development project.

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If you have questions about the application of Section 84308 or need assistance regarding other Land Use or Real Estate legal matters, the members of Lathrop GPM's Real Estate Team are available and ready to help.