



## RURAL NORTH VACAVILLE WATER DISTRICT

**POLICY TITLE:** Campaign Contributions and Refuse and Recuse  
**POLICY NUMBER:** 1033  
**ADOPTION:** December 13, 2022, Effective January 1, 2023  
**REVISIONS:** None

### 1033.1

The Levine Act will now impose two key duties on district board members. First, it will prohibit accepting, soliciting or directing a campaign contribution of \$250 if the donor is involved in a proceeding involving a license, permit or other entitlement for use, including a contract award, that is pending before the agency. Under SB 1439, this prohibition continues for 12 months following the proceeding. Second, the Levine Act will now require district board members to recuse from any proceeding involving a license, permit or other entitlement for use, including a contract award, if the member has received a campaign contribution from a person involved in the proceeding within the previous 12 months. .

The Levine Act applies to both the parties directly involved in the proceeding, such as an applicant for an entitlement, as well as to other participants who actively support or oppose a particular decision in the proceeding. As with other provisions of the Political Reform Act, officials with a Levine Act conflict of interest cannot make, participate in making, or attempt to influence any such proceeding. The rule does not apply to labor contracts, personal employment contracts or contracts that are competitively bid.

In light of SB 1439, both elected and appointed officials of a local government agency must therefore do all of the following:

- *Disclose.* Before participating in any decision in a proceeding involving a license, permit or other entitlement for use (including certain contracts), a board member who received a contribution over \$250 in the preceding 12 months from a party or any participant in the proceeding must disclose that fact on the record.
- *Recuse.* If the board member knows or has reason to know that the party or participant who made the contribution has a financial interest in the decision, the board member must not make – or participate in making – the decision.
- *Or Return.* If the board member returns the contribution within 30 days from the time the board member knows or should have known about the contribution and relevant proceeding, the board member may participate in the decision.
- *Refuse.* While the proceeding is pending for 12 months after a final decision is rendered, a board member must not accept, solicit or direct a contribution of more than \$250 from the party or participant if the board member knows or has reason to know the party, participant or the party's or participant's agent has a financial interest in the decision.

- *Or Return.* If a board member accepts, solicits or directs a contribution of more than \$250 during the 12 months after the date a final decision is rendered in the proceeding, the board member may cure the violation by returning the contribution, or the portion of the contribution that exceeds \$250, within 14 days of accepting, soliciting or directing the contribution, whichever comes latest. This opportunity to cure is only available if the board member did not knowingly and willfully accept, solicit or direct the prohibited contribution and the board member or board member's controlled committee keeps a record of curing the violation.

See SB 1439, and The Levine Act Government Code section 84308.