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September 29, 2016

Fair Political Practices Commission
advice@fppc.ca.gov

Re: FPPC Form 700

Dear Gentlepersons,

We are seeking an advisory opinion pursuant to California Code of Regulations section 18320 as to whether the members of the Nevada County Historical Landmarks Commission board qualify as "public officials" for purposes of being included in Nevada County's Conflict of Interest Code, and therefore subject to the Form 700 filing requirements.

Question 1: Are the members of the board of the Nevada County Historical Landmarks Commission subject to the conflict of interest Form 700 financial disclosure requirements?"

Question 2: Is there an exemption that applies to the members of the board of the Nevada County Historical Landmarks Commission such that they are not required to file a Form 700, and if so, what is that exemption?

The Nevada County Historical Landmarks Commission is comprised of 10 individual volunteer board members appointed by the Nevada County Board of Supervisors. They meet the third Friday of every month to, "prepare an application form for registration of all proposed historical landmarks in Nevada County, establish procedures for the submittal and verification of all proposed historical landmarks, and present all proposed historical landmarks to the Board of Supervisors for final approval." The purpose of the Historical Landmarks Commission is to "promote the general welfare of Nevada County and its citizens through official recognition, recording, marking, preserving and promoting the historical resources of Nevada County."¹

To that end, the Commission members conduct research into the historical significance of the site under review, and reach a decision as to whether to seek approval of the designation of the site as a historical landmark by the Board of Supervisors. If the

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Commission determines that the site should be considered a historical landmark, they propose a Resolution to the Nevada County Board of Supervisors recommending the Board of Supervisors approve the designation of the site as a historical landmark.

The Nevada County Board of Supervisors retains the ultimate authority to determine whether to designate a site as a historical landmark.

Over the past 23 years, the significant majority of the proposals from the Historical Landmarks Commission to the Board of Supervisors have been approved unanimously by the Board of Supervisors without significant modification. From a review of the agendas and minutes of the Board of Supervisor meetings, it appears that those Resolutions approving the designations recommended by the Historical Landmarks Commission have often been passed through the Consent Calendar, and therefore, were not the subject of discussion by the Board or the public before the approval. Over the last several years, in a review of the proposals submitted to the Board for approval, only one site was identified with which the Board has had any significant interaction during meetings, and ultimately, the Commission's recommendations were largely accepted without modification.

We seek to clarify whether the Commission members should be included in the Conflict of Interest Code, and whether they are subject to the Form 700 financial disclosures.

We look forward to your advisory opinion, and thank you for your time and assistance with these important issues.

Very truly yours,



Alison Barratt-Green, County Counsel

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¹ This information was taken from the website for the Historical Landmarks Commission.