

County of Santa Clara Form 700 Filer Reference

As a Form 700 filer, you are required to disclose reportable economic interests from reportable sources, as specified in your position's disclosure category.

A. TO DETERMINE YOUR DISCLOSURE REQUIREMENTS

Each County department, and board and commission with a Form 700 filing requirement, has an Exhibit A and Exhibit B as part of the County's conflict of interest code. Exhibit A lists the position titles in the department/board/commission that are required to file a Form 700 and the assigned disclosure category number for each position title. Exhibit B lists what each disclosure category is required to report.

First, look at the department/board/commission's Exhibit A and determine to what disclosure category number your position title is assigned. Your position will be assigned to only one disclosure category.

Second, find your disclosure category number on the department/board/commission's Exhibit B. You only need to look at the requirements under your position's disclosure category number. Many disclosure categories are written with multiple sections, such as (1)(a), (1)(b), (2), etc. Make sure you look at all of the disclosure requirements under the disclosure category number to which your position is assigned.

County Departments Exhibits A and B

url: <https://boardclerk.sccgov.org/county-agency-and-departments-exhibits>

County Boards and Commissions Exhibits A and B

url: <https://boardclerk.sccgov.org/county-boards-and-commissions-exhibits>

Your position's disclosure requirements are also available in eDisclosure, the County's online system for e-filing forms, by clicking on the disclosure category field next to your position title, or via a "book" icon available at the top of each Schedule page as you are filling it out.

1. Which economic interests am I required to report?

There are 4 types of economic interests that may be required: (1) income (includes gifts, loans, and travel payments), (2) investments, (3) business positions, and (4) interests in real property.

Your position's disclosure category (on Exhibit B) will specify which economic interests your position is required to disclose.

2. Which sources of economic interests am I required to report?

Your position's disclosure category will also specify which sources of economic interests your position is required to disclose.

The County's disclosure categories are structured to allow you to easily identify the types of sources your position is required to report. For example, the disclosure category will state that persons in the category shall disclose all investments, business positions, and income (including gifts, loans, and travel payments) from all sources that **[source-defining text]**. If a source does not fall within the "source-defining text" in the position's disclosure category, you do not need to report economic interests from that source.

If your position is required to report interests in real property, you are required to report all interests in real property in Santa Clara County located entirely or partly within the County, or within two miles of County boundaries, or of any land owned or used by the County.

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3. Read the Form 700 Instructions Pages, FAQs for Form 700 Disclosure, and Fair Political Practice Commission (FPPC) Reference Pamphlet

You must verify the Form 700's content under penalty of perjury so every effort must be made to understand what is required. The Form 700 Instructions pages, FAQs, and FPPC Reference Pamphlet provide answers to many questions.

You may also contact the Fair Political Practices Commission (FPPC) which provides advice regarding Form 700 reporting questions:

- Call toll-free hotline at 1-866-ASK-FPPC (1-866-275-3772) Monday-Thursday: 9:00 a.m. – 11:30 a.m.
- Email advice@fppc.ca.gov

You will need to have your position's disclosure category requirements when you call for the FPPC to assist you.

4. Are there exceptions to what must be reported?

State law provides exceptions to what must be disclosed. These exceptions are described in the Form 700 Instructions and explained in the FAQs and Reference Materials.

These exceptions are purposely not written into disclosure categories as the exceptions are too numerous and fact-specific. Once you know what economic interests and sources of those interests you must disclose, you then need to check the Instructions, FAQs, and Reference Materials for any exceptions that might apply to your required disclosures.

B. WHAT IS MY FILING REQUIREMENT IF I'M "ACTING" OR "INTERIM" IN A POSITION?

If you are an employee, you file as if you regularly hold the position in which you are serving in an acting/interim capacity. You file under the regular position title; do not add interim or acting to the title on your Form 700. You file based on the disclosure requirements of the position in which you are acting.

If you are a consultant (working through a contract) serving in an "acting"/"interim" role, you file as "Consultant."

C. STRUCTURE OF THE FORM 700

The Form 700 is composed of a Cover Page and different Schedules to report different types of interests:

- Cover Page
- Schedule A-1 (Investments)
- Schedule A-2 (Business Entities/Trusts)
- Schedule B (Real Property)
- Schedule C (Income, Loans, and Business Positions)
- Schedule D (Gifts)
- Schedule E (Travel Payments)

D. USING eDISCLOSURE TO E-FILE FORM 700

eDisclosure is the County's online system for e-filing Form 700s. eDisclosure will automatically fill out the Cover Page. The information is based on the information and dates entered into the system by the Department's Form 700 Filing Official. You cannot make changes to the Cover Page in eDisclosure.

For each Schedule, you will either input reportable interests or check the box that you have no reportable interests to report on that Schedule. **NOTE:** Regardless of your position's disclosure category requirements, eDisclosure will make every Schedule available to you. So, for example, even if you are not required to disclose interests in real property, eDisclosure will still list Schedule B and you would need to check the box indicating no reportable interests since you would not be required to report interests in real property.

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E. WHAT IF I HAVE NO REPORTABLE INTERESTS?

You must submit a Form 700 even if you have no reportable interests to report. At a minimum, each filer will submit a Cover Page.

You need to check the appropriate boxes to indicate no reportable interests and submit the form under penalty of perjury.

F. WHAT ARE THE COMMON TYPES OF ECONOMIC INTERESTS A FORM 700 FILER NEEDS TO REPORT FROM REPORTABLE SOURCES?

1. Gross income from a reportable source.

If your disclosure category requires disclosure of income, you must report gross income of \$500 or more you received from a reportable source during the reporting period.

- **This includes your community property share of income to your spouse or registered domestic partner. (Report the employer's name and all other required information.)**
- This includes loans (other than loans from a commercial lending institution).
- Common income and loans include:
 - Salary/wages, per diem, and reimbursement for expenses provided by employer.
 - There is an exception that you do not need to report income from the County or another federal, state, or local government agency (e.g., if your spouse is a teacher at a public school).
 - Rental property income (report actual tenant as source of income; not a property management company).
 - Gross income from any sale, including the sale of a house or car.
 - Income from investment interests, such as partnerships.
 - Client of a business you own who provided income of \$10,000 or more during the reporting period.
 - Payments on loans you made to others.

2. Business entities (that are a reportable source) in which you are a director, officer, partner, trustee, or hold any position of management.

If your disclosure category requires disclosure of business positions, you must report on Schedule C if you are a director, officer, partner, trustee, or if you hold any position of management in a reportable business entity. You must report your position even if you received no income from the business entity during the reporting period. Check the "No Income – Business Position Only" box to indicate that no income was received.

3. Investments from a reportable business entity.

If your disclosure category requires disclosure of investments, you must report investments from a reportable business entity (including a consulting business or other independent contracting business) in which you, your spouse or registered domestic partner, or your dependent children have an interest worth at least \$2,000.

- When reporting investments, you must report if you held the investment during **any** portion of the reporting period and the value was at least \$2,000 at any point you held the investment.
- Stocks will be reported each year they are held.

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- If you newly acquired a stock during the reporting period (you didn't own any shares of that stock before), you need to also list the acquisition date on the Form 700.
- If you completely sold a particular stock (not just some portion of it), you need to also list the disposal date on the Form 700.
- If you *completely* sold a stock and then later *newly acquired* the same stock, enter it once with the disposal date and again with the acquisition date.
- Common investments include:
 - Stocks, bonds, warrants, and options, including those held in margin or brokerage accounts and managed investment funds (*see exceptions for diversified mutual funds and certain similar funds*)
 - Sole proprietorships.
 - Your or your spouse/registered domestic partner's business.
 - Your spouse/registered domestic partner's investments (even if legally separate property).
 - Partnerships (e.g., a law firm or family farm).
 - Investments in reportable business entities held in a retirement account (with exceptions).
 - Investments held by a business entity or trust where you, your spouse/registered domestic partner, or dependent children together had a 10% or greater ownership interest.
 - Business trusts.

4. Gifts from a reportable source.

If your disclosure category requires disclosure of income, you must report if you receive one or more gifts aggregating \$50 or more from a reportable source. The gift limit from a reportable source for calendar year 2020 was \$500.

- Common gifts include:
 - Tickets/passes to sporting or entertainment events.
 - Fees paid by someone else for you to participate in activities (e.g., golf fees).
 - Food, beverages, and accommodations, including those provided in direct connection with your attendance at a convention, conference, meeting, social event, meal, or like gathering.
 - Rebates/discounts not made in the regular course of business to members of the public without regard to official status.
 - Forgiveness of a loan received by you.
 - **NOTE:** There are *many* exceptions to the gifts you have to report. You are not required to disclose gifts from specified family members, gifts exchanged with friends (who aren't lobbyists/vendors) on birthdays, holidays, etc. See FPPC Reference Materials.
 - **NOTE:** There are also some gifts that are reportable, but are not subject to the gift limit. See FPPC Reference Materials.

5. Travel payments, including advances and reimbursements, from a reportable source.

If your disclosure category requires disclosure of income, you must report travel payments, including advances and reimbursements for travel and related expenses, including lodging and meals, from reportable sources.

- You are not required to disclose:
 - Travel paid by the County of Santa Clara.
 - Travel payments received from any state, local, or federal government agency:
 - for which you provided services equal or greater in value; OR

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- when travel is for education, training or other inter-agency programs or purposes.

6. Interests in real property.

If your disclosure category indicates that you need to disclose interests in real property, you need to disclose interests in real property located in Santa Clara County, or within two miles outside the boundaries of Santa Clara County or within two miles of any land owned or used by the County of Santa Clara.

- You may list Assessor's Parcel Number instead of a street address.
- **NOTE:** You are not required to report a residence used exclusively as a personal residence. However, a residence in which you rent out a room or for which you claim a business deduction may be reportable.
- Interests in real property include:
 - Ownership interest (including a beneficial ownership interest).
 - Deed of trust, easement, or option to acquire property.
 - Leasehold interest.
 - Interest in real property held in a retirement account.
 - Interest in real property held by a business entity or trust in which you, your spouse or registered domestic partner, and your dependent children together had a 10% or greater ownership interest
 - Your spouse/registered domestic partner's interests in real property that are legally held separately by him or her.

G. WHAT IF I NEED TO AMEND MY FORM 700?

If you already filed a Form 700 and realized you didn't list something you should have, or need to correct something, you may amend a previously filed Form 700. You may submit an Amendment to a Form 700 (assuming, annual, or leaving) at any time if you discover errors or omissions. The Amendment needs to be filed as soon as you discover the error.

You do not need to re-do your entire Form 700. Once a Form 700 is filed, it remains as-is as a public document. But an Amendment, which also becomes a public document, can address omissions or errors. You must use the correct year's version of the Amendment for the Form 700 you are amending. Each Schedule has an "Amendment" version with its own verification box. You only need to complete the Schedule Amendment(s) for the Schedule(s) that needs revisions. For example, if you forgot to list your spouse's income, you only need to complete a Schedule C Amendment.

[eDisclosure](#) allows you to complete an Amendment form for any previous filing in eDisclosure's records and will automatically provide the correct Amendment form based on what Form 700 filing you need to amend.

H. PENALTIES FOR NOT FILING ON TIME OR NOT REPORTING ALL REQUIRED REPORTABLE INTERESTS

If a Form 700 is not submitted on time, a late fine of \$10 per day up to \$100 may be assessed.

If a matter is referred to the FPPC Enforcement Division for failure to file or failure to include all required economic interests, the fine may be substantially higher. If an individual does not pay a fine, the matter may be referred to the Franchise Tax Board for collection.