

1 Repeal 2 Cal. Code Regs. Section 18707:

2 **§ 18707. Disqualification Requirements.**

3 ~~(a) Public Officials under Section 87200. For recusal under Section 87105, all of the~~
4 ~~following apply when a public official who holds an office specified in Section 87200 has a~~
5 ~~financial interest in a decision within the meaning of Section 87100, and the governmental~~
6 ~~decision relates to an agenda item that is noticed for a meeting subject to the provisions of the~~
7 ~~Bagley-Keene Act (Section 11120 et seq.) or the Brown Act (Section 54950 et seq.):~~

8 ~~(1) Content and Timing of Identification. Following the announcement of the agenda~~
9 ~~item to be discussed or voted upon but before either the discussion or vote commences, the~~
10 ~~public official must do all of the following:~~

11 ~~(A) The public official must publicly identify each type of financial interest held by the~~
12 ~~official that is involved in the decision and gives rise to the disqualifying conflict of interest (i.e.~~
13 ~~investment, business position, interest in real property, personal financial effect, or the receipt or~~
14 ~~promise of income or gifts), and the following details identifying each financial interest:~~

15 ~~(i) If an investment, the name of the business entity in which each investment is held;~~

16 ~~(ii) If a business position, a general description of the business activity in which the~~
17 ~~business entity is engaged as well as the name of the business entity;~~

18 ~~(iii) If real property, the address or another indication of the location of the property,~~
19 ~~unless the property is the public official's principal or personal residence, in which case,~~
20 ~~identification that the property is a residence;~~

21 ~~(iv) If income or gifts, the identification of the source; and~~

22 ~~(v) If personal financial effect, the identification of the expense, liability, asset or income~~
23 ~~affected.~~

1 ~~(B) Form of Identification. If the governmental decision will be made during an open~~
2 ~~session of a public meeting, the public identification must be made orally and be made part of the~~
3 ~~official public record.~~

4 ~~(C) Recusal and Leaving the Room. The public official must recuse himself or herself~~
5 ~~and leave the room after the identification required by this regulation is made. He or she will not~~
6 ~~be counted toward achieving a quorum while the item is discussed.~~

7 ~~(2) Special Rules for Closed Session. If the governmental decision is made during a~~
8 ~~closed session of a public meeting, the public identification must be made orally during the open~~
9 ~~session before the body goes into closed session and may be limited to a declaration that his or~~
10 ~~her recusal is because of a conflict of interest under Section 87100. The declaration will be made~~
11 ~~part of the official public record. The public official must not be present when the decision is~~
12 ~~considered in closed session or knowingly obtain or review a recording or any other non-public~~
13 ~~information regarding the governmental decision.~~

14 ~~(3) Exceptions:~~

15 ~~(A) Uncontested Matters. The exception from leaving the room granted in Section~~
16 ~~87105(a)(3) for a "matter [that] has been placed on the portion of the agenda reserved for~~
17 ~~uncontested matters" means agenda items on the consent calendar. If the public official has a~~
18 ~~financial interest in a matter that is on the consent calendar, the public official must comply with~~
19 ~~subdivisions (a)(1)(A) and (a)(1)(B) of this regulation, and recuse himself or herself from~~
20 ~~discussing or voting on that matter, but the public official is not required to leave the room~~
21 ~~during the consent calendar.~~

1 ~~(B) Absence. If the public official is absent when the agenda item subject to subdivision~~
2 ~~(a) of this regulation is considered, there are no public identification duties on the public official~~
3 ~~for that item at that meeting.~~

4 ~~(C) Speaking as a Member of the Public Regarding an Applicable Personal Interest.~~
5 ~~When a personal interest found in Regulation 18704(d)(2) is present, a public official may speak~~
6 ~~as a member of the general public if he or she complies with subdivisions (a)(1)(A) and (a)(1)(B)~~
7 ~~of this regulation, recuses himself or herself from voting on the matter and leaves the dais to~~
8 ~~speak from the same area as the members of the public. He or she may listen to the public~~
9 ~~discussion and deliberations of the matter with the members of the public.~~

10 ~~(b) For All Other Public Officials. For recusal from any decision other than a decision~~
11 ~~under subdivision (a), all of the following apply:~~

12 ~~(1) If a public official determines not to act because of his or her financial interest, the~~
13 ~~official's determination may be accompanied by an oral or written disclosure of the financial~~
14 ~~interest.~~

15 ~~(2) When an official with a disqualifying conflict of interest abstains from making a~~
16 ~~governmental decision in an open session of the agency and the official remains on the dais or in~~
17 ~~his or her designated seat during deliberations of the governmental decision in which he or she is~~
18 ~~disqualified, his or her presence will not be counted toward achieving a quorum.~~

19 ~~(3) During a closed meeting of the agency, a disqualified official must not be present~~
20 ~~when the decision is considered or knowingly obtain or review a recording or any other~~
21 ~~nonpublic information regarding the governmental decision.~~

22 ~~(4) An agency may adopt a local rule requiring a disqualified official to step down from~~
23 ~~the dais or leave the chambers.~~

1 ~~(e) Confidential Information. Nothing in the provisions of this regulation is intended to~~
2 ~~cause an agency or public official to make any disclosure that would reveal the confidences of a~~
3 ~~closed session or any other privileged information as contemplated by law including but not~~
4 ~~limited to the recognized privileges found in Regulation 18740.~~
5 ~~Note: Authority cited: Section 83112, Government Code. Reference: Sections 87100, 87101,~~
6 ~~87105 and 87200, Government Code.~~