

THIS FORM IS A PUBLIC RECORD

LEVINE ACT DISCLOSURE STATEMENT FOR
LICENSES, PERMITS, OR OTHER ENTITLEMENTS FOR USE
(DEVELOPMENT)

Background: California Government Code § 84308, commonly referred to as the "Levine Act," prohibits City Officers from participating in any proceeding concerning a license, permit, other entitlement for use, franchise, or contract (collectively "license, permit, or contract") if they receive campaign contribution(s) from a Party or Participant to the proceeding, or their Agents, totaling more than \$500 in the preceding 12 months. The Levine Act also prohibits City Officers from accepting, soliciting, or directing campaign contributions over \$500 from Parties or Participants to a proceeding, or in any amount by their Agents, while a proceeding is pending and for 12 months following the final decision in a proceeding. See definitions of Party, Participant, and Agent in the Definitions attached.

Levine Act requirements apply when the City Officer or the body of which they are a member has the authority to make any decision or recommendation in the proceeding. City Officers include City elected or appointed officers, their alternates, and any candidate for elective office. City Officers are listed at the following sites:

- *City elected officers* - <https://www.fresno.gov/cityofficials/>
- *Board members and Commissioners* - <https://www.fresno.gov/cityclerk/#boards-&-commission-application>

Parties are responsible for reviewing and disclosing on the record of a proceeding their and their Agent's campaign contributions to City Officers over \$500 in the 12 months preceding any decision rendered by the agency. A "Party" to a proceeding means the applicant as well as the subject of the proceeding.

Both the applicant and the subject of a proceeding are required to provide information about campaign contributions to City Officers made by them, their Agents on behalf of them or their organization(s), their organization(s) subject to the proceeding with the City, and any organization they direct or control pursuant to the aggregation rules set forth by [FPPC Reg. § 18438.5](#), except for uncompensated officers of a nonprofit organization. When a closed corporation is a Party or Participant to a proceeding subject to the Levine Act, the majority shareholder is subject to the disclosure and prohibition requirements of the Levine Act.

DISCLOSURES

Applicants and subjects of proceedings are responsible for reviewing the names of the City Officers and aggregation rules linked above prior to making the following disclosures:

FOR THE APPLICANT: Have you or your company, or any Agent on behalf of you or your company, or any organization you direct or control, made campaign contributions of more than \$500 to a City Officer in the 12 months preceding the date of the submission of your bid or proposal, or the anticipated date of any action by a City Officer related to this proceeding?

YES: _____ NO: _____

If yes, please identify the City Officer(s), Contributing Entity and if they are a Party or an Agent, and date(s) of contribution(s) in the spaces below:

City Officer(s) Name(s)	Contributing Entity	Date(s) of Contribution(s)
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APPLICANT'S NAME: _____
(Submit with Application)

FOR THE ENTITY OR PERSON THAT IS THE SUBJECT OF PROCEEDING: Have you or your company, or any Agent on behalf of you or your company, or any organization you direct or control, made campaign contributions of more than \$500 to a City Officer in the 12 months preceding the date of the submission of your bid or proposal, or the anticipated date of any action by a City Officer related to this proceeding?

YES: _____ NO: _____

If yes, please identify the City Officer(s), Contributing Entity and if they are a Party or an Agent, and date(s) of contribution(s) in the spaces below:

City Officer(s) Name(s)	Contributing Entity	Date(s) of Contribution(s)
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_____	_____	_____
_____	_____	_____
_____	_____	_____

Answering yes to the question above does not preclude the City of Fresno from awarding a license, permit, or contract or taking any subsequent action related to the proceeding.

ENTITY OWNERSHIP

To facilitate City Officials' compliance with the Levine Act, the City requests Parties (both applicants and subjects of the proceeding) disclose the ownership of their companies or entities they control. **Applications will not be denied if this information is not provided, but the disclosure above is legally required.**

Name of **Applicant**:

Address:

List the names of all principals, partners, and/or trustees. For corporations, provide names of officers, directors, and all stockholders owning more than 10% equity interest in corporation:

APPLICANT'S NAME: _____
(Submit with Application)

Name of the entity or person that is the **Subject of Proceeding**:

Address:

List the names of all principals, partners, and/or trustees. For corporations, provide names of officers, directors, and all stockholders owning more than 10% equity interest in corporation:

SIGNATURES

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Name of Applicant

Print Name and Title of Authorized Representative

Signature

Date

Name of Entity or Person that is the Subject of the Proceeding

Print Name and Title of Authorized Representative

Signature

Date

LEVINE ACT DISCLOSURE STATEMENT
DEFINITIONS

Term	Definition	Law
Covered Proceedings	<p>A license, permit, or other entitlement for use, meaning all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts, and all franchises. Including a proceeding to grant, deny, revoke, restrict, or modify a license, permit or other entitlement for use, that does not solely involve purely ministerial decisions and is:</p> <p>(1) Applied for by the party;</p> <p>(2) Formally or informally requested by the party; or</p> <p>(3) A contract between the agency and the party or a franchisee granted by the agency to the party, <u>other than those</u> competitively bid, labor contract, personal employment contract, valued under \$50,000, between two or more agencies, where no party receives financial compensation, periodic review of or renewal of a development agreement with no material changes; or a periodic review or renewal of competitively bid contracts (unless material modifications or amendments valued at >10% value of the contract \$50,000, whichever is less).</p>	FPPC Reg 18438.2(a)
Party	Any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.	Gov. Code 84308(a)(1)
Participant	Any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision. A person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.	Gov. Code 84308(a)(2); see also FPPC Reg. 18348.4
Agent	<p>A person who represents a party or participant for compensation and appears before or otherwise communicates with the governmental agency for the purpose of influencing the pending proceeding.</p> <p>See FPPC Reg 18438.3 for exceptions for certain consultants.</p>	FPPC Reg 18438.3
Competitively Bid	Competitively bid contracts are required by law, agency policy, or agency rule to be awarded pursuant to a competitive process. A contract required by law to be awarded to the lowest responsible bidder with a responsive bid, or, if the successful bidder refuses or fails to execute the contract, to the next lowest responsive bidder.	Gov. Code 84308(a)(5)(B); FPPC Reg 18438.2(a)(3)(A)
Labor Contract	A contract or agreement reached through collective bargaining or with a representative group regarding the salary, benefits, or terms and conditions under an employment or retirement policy for employees or retirees, including a project labor agreement entered under Public Contract Code Section 2500.	FPPC Reg 18438.2(a)(3)(B)
Personal Employment Contract	A contract for employment, including the terms and conditions of employment, between the agency and an agency employee. A contract with an independent contractor is NOT a personal employment contract.	FPPC Reg 18438.2(a)(3)(C)-(D)

Additional information on the Levine Act: <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Documents/84308/Section%2084308%20and%20Parties%20and%20Participants%20Guide.pdf>