

CALIFORNIA COASTAL COMMISSION

TO: Coastal Commissioners
cc: Senior Management

FROM: John Ainsworth, Acting Executive Director
Christopher Pederson, Chief Counsel

RE: Commission Staff Procedures for Handling Ex Parte Communication Disclosures

DATE: August 4, 2016

Coastal Act section 30324 requires commissioners to provide a complete, comprehensive disclosure of ex parte communications within seven days of when they occur. Commissioners are responsible for providing accurate and complete disclosures within the statutory deadline. This memorandum clarifies the procedures for Commissioners and Commission staff to follow to ensure that the Commission maintains complete, accurate, and timely records of those disclosures.

As a reminder, ex parte communications include both oral and written communications, including email and other forms of electronic communication, regarding any form of application pending before the Commission. As addressed in prior memos to Commissioners, Commissioners should not engage in ex parte communications regarding matters involving pending enforcement issues. If you have any questions as to whether this is the case in a given matter, please contact the Chief of Enforcement or the Executive Director.

1. **Submittal.** Commissioners must provide completed ex parte communication disclosure forms to the Commission's Executive Office **within seven days** of when the communication occurred. Commissioners may deliver the disclosures in any of the following ways:
 - a. By hand-delivery to Vanessa Miller at a Commission meeting.
 - b. By email to the Executive Office: ExecutiveStaff@coastal.ca.gov. Both Vanessa Miller and Jeff Staben have access to this email account. Each disclosure should be sent as a separate email and should include the project name and application number in the subject line if possible.
 - c. By fax to the Executive Office at 415-357-3839.
 - d. By mail to the Executive Office at California Coastal Commission, 45 Fremont St. Ste. 2000, San Francisco, CA 94105. If sending ex parte disclosures by mail, commissioners should mail them a few days in advance of the seven-day reporting deadline.

If the ex parte communication was a written communication (including email and other forms of electronic communication), or was an oral communication accompanied by written materials, a copy of the written communication or materials must be provided to the Executive Office in the same manner as ex parte communication disclosure forms. If the



communication is in the form of an email and it is clear that the email was also sent to Commission staff, it does not need to be provided to the Executive Office.

2. **Confirmation of Receipt.** The Executive Office will send an email to the commissioner's Coastal Commission email account confirming receipt of ex parte disclosures. Commissioners should maintain a record of their disclosures, including the email receipt of the ex parte disclosure. That record should be kept in a separate electronic and/or hard-copy file, not simply in the inbox/sent box of Coastal Commission email accounts. Pursuant to direction from the Natural Resources Agency, email in the inboxes and sent boxes of Coastal Commission email accounts will be automatically deleted after 90 days.
3. **Date-Stamping.** Ex parte communication disclosures will be date-stamped on the date of receipt.
 - a. If the disclosure is submitted to Vanessa Miller at a Commission meeting, it will be date-stamped on the date of receipt.
 - b. If the disclosure is emailed, the transmittal email will function as the date stamp.
 - c. If the disclosure is mailed, it will be stamped as received on the date it is delivered to the office and the envelope will be attached to the original disclosure form.
 - d. If the disclosure is faxed, it will be date-stamped on the date of receipt.
4. **Executive Office Filing.** The Executive Office will maintain both paper and electronic copies of the date-stamped disclosures. A copy of the envelope, transmittal email, or fax cover sheet, if any, will be saved with the copy of the disclosure.
5. **Transmittal to Districts.** The Executive Office will email a copy of the complete ex parte disclosure, including a copy of any envelope, transmittal email, or fax cover sheet, to both the appropriate district/unit manager and the support staff for the district or unit by the close of business of the work day following receipt of the disclosure.
6. **District Office Filing.** The district or unit office will file the ex parte disclosures (along with any attached copies of envelopes, transmittal emails, or fax cover sheets) in the ex parte communication folder of the appropriate project file.
7. **Submittals to District Offices.** Ex partes should be submitted to the Executive Office as noted above, but in the event that an ex parte communication disclosure is sent directly to the district or unit office but not to the Executive Office, the district or unit office will date-stamp the disclosure in the manner specified in Paragraph 3, will file the original disclosure (with any envelope, transmittal email, or fax cover sheet attached) in the ex parte communication folder of the appropriate project file, and will email a copy of the disclosure (including a copy of the envelope, transmittal email, or fax cover sheet for the disclosure) to the Executive Office. The Executive Office will email confirmation of receipt of the disclosure to the commissioner.
8. **Publication of Disclosures.** Copies of ex parte communication disclosures (but normally not including envelopes, transmittal emails, or fax cover sheets) will be attached as exhibits to staff reports or staff report addenda for the project, provided such disclosures are received in time to be included.