



Memorandum

To: Honorable Jerome E. Horton, Chairman
Senator George Runner, Vice Chair
Honorable Fiona Ma, CPA, Second District
Honorable Diane L. Harkey, Fourth District
Honorable Betty T. Yee, State Controller

Date: October 23, 2015

From: Cynthia Bridges
Executive Director

Subject: **Proposal to Initiate Update of Outreach Services Guidelines**

BOE is committed to helping all California businesses and individuals comply with the state's complex and ever-changing tax laws. Education and outreach activities focus on increasing voluntary compliance through a variety of resources to better educate taxpayers about their tax obligations and also to ensure that pursuant to the Taxpayer Rights statutes, all taxpayers have complete, accurate and timely information about their rights.

Pursuant to BOE Guidelines developed in 2012, the Outreach Services Division, Legal Department and Executive Director review and approve all proposed outreach events and activities, as well as their promotional materials and mailings, to ensure that they abide by State law. (Links to BOE Guidelines: http://www.boe.ca.gov/info/outreach_events_guidelines.htm and <http://www.boe.ca.gov/info/outreach.htm>.)

While the approval processes and procedures in the current Outreach Guidelines are accurate and relevant, the Legal Department and Executive management recommend reviewing, updating and clarifying them to ensure that they are simple and practical for staff to administer under all applicable laws, and that they are approved by the Board for placement in BEAM. Having a definitive and updated roadmap in BEAM will ensure that everyone is well informed with regard to providing outreach services and educational assistance. We are sharing this proposal so that you and your staff can review it and have the opportunity to offer input and direction.

The discussion below explains and summarizes the current review and approval process for all BOE events and activities.

The Outreach Services Division (OSD) develops and implements BOE-supported statewide and regional taxpayer education events to increase voluntary compliance in the most effective and cost efficient manner and works closely with Board Members and their offices on education and outreach events in their equalization districts.

BOE's participation involves a wide variety of local events, speaking engagements, and in-person seminars designed to better educate taxpayers about their tax obligations and rights, including:

- Small business seminars
- Industry-specific seminars

- Nonprofit seminars
- Sales and Use Tax return preparation classes
- Tax practitioner education classes
- Information on new laws and regulations
- Speakers Bureau
- Telephone townhalls
- Online seminars

In addition, the BOE partners with governmental agencies, non-profit organizations and community service agencies to put on Volunteer Income Tax Assistance (VITA) events.

General Types of Outreach Events

The current guidelines are structured around three types of outreach events: (1) BOE sponsored, (2) BOE co-sponsored, and (3) Non-BOE sponsored. One recommendation - for efficiency purposes - is to structure the Guidelines around only two types of events: (1) BOE supported, and (2) Other events.

Summary of Approval Process for a BOE-Supported Outreach Event/Activity

In summary, the approval process for a BOE-supported outreach event/activity is as follows:

1. An event/activity concept is developed by a BOE Member office, the Outreach Services Division (OSD), and/or the Executive Director. If the event/activity is a type that has not been conducted by the Board or not included in the Outreach Plan for that calendar year, the event concept is first reviewed by the Legal Department and the Executive Director to ensure the use of state resources to put on such an event is appropriate.
2. Once the Outreach Plan, or a newly proposed event/activity, is approved by the Legal Department and the Executive Director, OSD coordinates the event details, including the development and publication of any printed or electronically generated promotional material used to publicize or conduct the outreach activity.
3. OSD forwards promotional materials to the Legal Department for review and approval to ensure compliance with State law, including (1) the mass mailing prohibition, (2) use of the BOE name and logo/seal, (3) use of state resources in producing and distributing the promotional materials, and (4) any other legal issues that may arise.
4. Information regarding any costs associated with the event, in-kind donations or direct payments made to event co-sponsors/partners made at the behest of a Board Member is forwarded to the Board Member for his/her records and compliance with possible FPPC reporting requirements.
5. Upon review of the proposed promotional materials, the Legal Department will provide any necessary recommendations, with legal analysis, to OSD. OSD shall maintain a copy of the legal analysis and inform Board Member staff if the proposed

event is approved or if modifications are required to ensure the event complies with State law.

6. If revisions are recommended, OSD will coordinate the re-submission of any promotional materials to the Legal Department for approval. The Legal Department and the Executive Director are available for guidance should additional issues or questions arise.

Summary of Approval Process for Other Events

- BOE employee participation and speaker requests at other events must meet the requirements and approval process outlined in BEAM sections 7807-7809.
- Requests for Board Member speaker, participation and/or co-sponsorship may be approved directly by the Board Member. If such requests involve the use of BOE resources and/or inclusion of the BOE name/seal/logo on promotional materials, the Legal Department will review to ensure compliance with applicable State law.

Existing Outreach guidelines were modeled after the review and approval policies and procedures of the U.S. Small Business Administration (SBA).

The staff assigned to this proposed update will re-examine the SBA procedures and make recommendations for any revisions. The ultimate goal is to have Board- approved Outreach Guidelines for placement in BEAM to provide direction to staff and Members for many years to come.

CB:ls

cc: Mr. Kari Hammond
Ms. Shellie Hughes
Mr. Sean Wallentine
Mr. Jim Kuhl
Mr. Russell Lowery
Ms. Yvette Stowers