



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Silver and Commissioners Baker, Ortiz, Wilson, and Wood
From: Dave Bainbridge, General Counsel
Brian Lau, Assistant General Counsel
Subject: Advice Letter Report
Date: April 25, 2024

The following advice letters have been issued since the March 29, 2024, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the May 16, 2024, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Campaign

Austin Smith

[A-24-042](#)

In connection with a July 23, 2024, special recall election in San Mateo County, committees may use a filing schedule that combines the semi-annual campaign statement with the second pre-election statement. The combined statement will be due on July 11, 2024, covering the period June 9, 2024, through July 6, 2024.

Conflict of Interest

M. Christine Davi

[A-24-029](#)

Under the Act, a Neighborhood Improvement Program Committee Member may not take part in governmental decisions regarding projects located less than 500 from his real property where the project may increase the usage of recreational facilities near the real property and there no clear and convincing evidence the projects would have no measurable impact on his property.

Section 1090

Julie McMillan

[A-23-171](#)

A town's partial reimbursement to a town councilmember for costs incurred in obtaining a property boundary survey to show a neighbor's permit was incorrectly issued is a contract under Section 1090 and the official is conclusively presumed to be involved in the making of his or her agency's contracts. Thus, the official cannot accept, and the Town cannot provide, the reimbursement under Section 1090 outside of an exception such as the litigation exception in Section 1091(b)(15). Moreover, the rule of necessity does not apply to the facts provided, and the mere threat of litigation by a city official, because the application of the rule of necessity under

these circumstances would render the litigation exception meaningless and thwart the public safeguards provided in the exception.

Section 84308

Andre de Bortnowsky

[A-24-023](#)

It is not reasonably foreseeable a decision regarding the continuation of an existing contract for law enforcement services between the city and county will have a material financial effect on the law enforcement employees, the law enforcement employees' union, or non-law enforcement employees. Accordingly, contributions from these potential contributors will not be restricted under Section 84308 as the potential contributors do not meet the definition of a "participant."

Statements of Economic Interest

James R. Sutton

[I-24-024](#)

A member of the California Coastal Commission, a position expressly identified in Section 87200, is required to disclose their real property within the state because the agency's jurisdiction under the Act is the state.