

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

In the Matter of:)

Opinion requested by)
 Robert E. Goodwin, Attorney for)
 Goleta County Water District)

No. 75-032
 June 5, 1975

BY THE COMMISSION: We have been asked the following questions by Robert E. Goodwin, attorney for the Goleta County Water District:

Mr. Goodwin raises various questions regarding the filing of semi-annual campaign statements by directors of special districts who are elected officers as defined by the Political Reform Act and whose salaries may or may not be less than \$100 a month. Government Code Section 84206 1/ exempts elected officers whose salaries are less than \$100 a month from filing the semi-annual campaign statements.

(1) If a special district director receives compensation of \$50 per meeting, is that a salary?

(2) If a special district director is to receive compensation of \$50 per meeting, and if the number of meetings per month are not specified by law, is the director exempt on the grounds that he has no minimum salary of \$100?

(3) Is the \$100 salary exemption determined by the number of meetings and the amount of compensation which each individual director actually receives within each given month?

(4) If the director receives compensation of \$100 or more for some months, but not all, within a six-month period, does the exemption apply?

CONCLUSION

(1) The compensation provided special district directors is equivalent to salary.

1/ All statutory references are to the Government Code unless otherwise noted.

(2) A director is not exempt under Section 84206 from filing semi-annual campaign statements if he receives salary more than \$100 a month.

(3) The salary used to determine the \$100 threshold is determined by the amount of compensation he becomes entitled to receive each month.

(4) If the average compensation over the six-month period is over \$100, the exemption does not apply.

ANALYSIS

(1) The Political Reform Act (hereinafter referred to as "the Act") requires that each elected officer file campaign statements on a semi-annual basis unless the officer is required to file statements in connection with an election held during the six-month period. An exemption is made for elected officers whose salaries are less than \$100 a month and who do not receive contributions or make expenditures during the period. Section 84206.^{2/}

2/ Every candidate and committee that receives contributions or makes expenditures during the periods specified in this section, and every elected officer except as provided below, shall file campaign statements as provided in this section, unless the candidate, committee or elected officer is required to file campaign statements in connection with any election or elections held within the periods specified in subsections (a) and (b):

(a) For the period January 1 through June 30, campaign statements shall be filed not later than July 31.

(b) For the period July 1 through December 31, campaign statements shall be filed not later than January 31.

If a campaign statement was filed in connection with an election held during the six-month period immediately prior to a period specified in this section, the period covered by the campaign statement filed pursuant to this section shall begin from the day after the closing date of the previous campaign statement. This section is not applicable to elected officers whose salaries are less than one hundred dollars (\$100) a month or to judges, unless such an elected officer or judge is a candidate or committee who receives contributions or makes expenditures during the specified periods.

The compensation for a county water district director is \$50 per day for each day's attendance at a meeting of the board or for each day's service rendered as a director by request of the board. (Water Code Section 30507) The Water Code designates the payment as "compensation," not as salary, which is the term used in the Act. It is our view, substantiated by California case law, that these two terms are synonymous.

The words "salary" and "compensation" are, in general usage, interchangeable and are synonymous in most definitions.

Treu v. Kirkwood,
42 C.2d 602, 609 (1954).

While the term salary in its original and strict sense signifies a fixed compensation it is frequently used in our constitution and laws as the equivalent of compensation.

Martin v. County of Santa Barbara,
105 Cal. 208, 212 (1894).

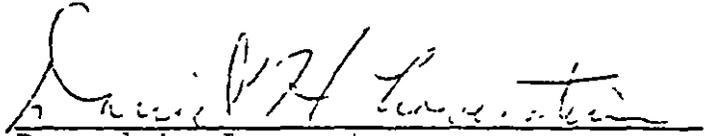
Therefore, compensation provided special district directors must be regarded as salary within the meaning of the Act.

(2) The exemption permitting an elected officer to forego filing a semi-annual campaign statement applies to any elected officer who receives less than \$100 a month. As discussed above, the payment made under the Water Code is regarded as salary. Although the compensation may vary from month to month and from water district to water district depending on their activities, the language of the Act does not differentiate between a stated fixed amount and a payment based on meeting attendance.

(3) This question is answered by the answer to Question (2). The amount of salary is determined by the compensation he becomes entitled to receive each month.

(4) The exemption applies to "officers whose salaries are less than one hundred dollars a month." The average salary should be the basis for determining whether officials are within the exemption. Thus, if a district normally meets once each month with a \$50 compensation, but in one month has two meetings, the district officials would not be required to file campaign statements. No public purpose would be served by requiring reporting for a six-month period as a result of one month's payment of \$100 or more.

Approved by the Commission on June 5, 1975. Concurring:
Brosnahan, Carpenter, Lowenstein and Miller. Commissioner Waters
was absent.


Daniel H. Lowenstein
Chairman