

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance •• Administration •• Executive/Legal •• Enforcement
(916) 322-5662 322-5660 322-5901 322-6441

May 23, 1984

John R. Shaw
City Attorney
City of Pittsburg
P.O. Box 1518
Pittsburg, CA 94565

Re: Your Request for Advice
Our No. A-84-105

Dear Mr. Shaw:

Your letter requests advice on behalf of Joseph Siino, former Mayor and Councilmember of the City of Pittsburg. You have succinctly stated the facts in your letter as follows:

FACTS

The facts are that the City of Pittsburg entered into a concessionaire agreement with Dona Batten, on or about July 6 1981. At that time, when the City Council voted to approve the subject concessionaire agreement ... Joseph Siino, as Mayor, not only voted for the concessionaire agreement, but also signed it as Mayor.

The concessionaire agreement provides in short that the City will make available certain city-owned land to concessionaire for the purpose of allowing the construction of a waterslide facility....

On or about March 16, 1982, the agreement was amended to allow for the substitution of Dona Batten as concessionaire by a newly formed corporation namely, "Ramblin Rivers." Councilman Siino voted for this substitution.

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At present, Dona Batten is the sole shareholder of the corporation.

Former Councilman Joseph Siino, in conjunction with five other individuals, have now proposed to become co-shareholders in Ramblin Rivers Corporation. Six individuals would provide infusion of money that would provide financing for the construction of the waterslide facility. These six individuals together with Dona Batten would become equal shareholders in the corporation.

Former Councilman Siino has now queried whether his investment in the waterslide facility as a co-shareholder in the corporation at this time would constitute a conflict of interest under Government Code Sections 87100 et. seq.

Former Councilman Siino represents that at the time of voting on the concessionaire agreement, he did not have any intent ... to participate in any way in the future construction, funding or investment in the waterslide facility, nor at any time since July 6, 1981 has he acquired any interest in the concessionaire's assets.

ANALYSIS

Since Mr. Siino had no intention of becoming involved in the concession at the time of his votes on the contract, there was no basis then for a conflict of interest. Now that he is no longer a public official, he is free (as regards Chapter 7 of the Political Reform Act^{1/}) to pursue his private financial interests.

^{1/} Government Code Sections 81000-91014. Chapter 7 commences with Section 87100. We express no opinion on the possible applicability of Government Code Sections 1090, et seq. As a precautionary step, Mr. Siino may wish to check with the Attorney General's office regarding these provisions of law. See Stigall v. City of Taft (9162) 58 Cal. 2d 565.

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I trust that this satisfactorily responds to your request for advice. Should you have any questions regarding this letter, I may be reached at (916) 322/5901.

Sincerely,

Robert E. Leidigh
Counsel
Legal Division

REL:plh

OFFICE OF

THE CITY ATTORNEY
City of Pittsburg

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April 24, 1984

Fair Political Practices Commission
1100 K Street - Second Floor
Sacramento, California 95814

Attention: Legal Department

Re: Request for an Informal Opinion

This letter is to request an informal opinion on behalf of former Councilman Joseph Siino who recently vacated office on February 15, 1984.

Former Councilman Siino has requested an informal opinion as to whether there would be any conflict of interest under Government Code §§ 87100 et. seq., in the event he purchased stock in a corporation owning concessionaire rights with the City of Pittsburg.

The facts are that the City of Pittsburg entered into a concessionaire agreement with Dona Batten, on or about July 6 1981. At that time, when the City Council voted to approve the subject concessionaire agreement (copy enclosed) Joseph Siino, as Mayor, not only voted for the concessionaire agreement, but also signed it as Mayor.

The concessionaire agreement provides in short that the City will make available certain city-owned land to concessionaire for the purpose of allowing the construction of a waterslide facility. The terms and conditions of the agreement are set forth in Exhibit A.

On or about March 16, 1982, the agreement was amended to allow for the substitution of Dona Batten as concessionaire by a newly formed corporation namely, "Ramblin Rivers." (See Exhibit B) Councilman Siino voted for this substitution.

At present, Dona Batten is the sole shareholder of the corporation.

Former Councilman Joseph Siino, in conjunction with five other individuals, have now proposed to become co-shareholders in Ramblin Rivers Corporation. Six individuals would provide infusion of money that would provide financing for the construction of the waterslide facility. These six individuals together with Dona Batten would become equal shareholders in the corporation.

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April 24, 1984
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Former Councilman Siino has now queried whether his investment in the waterslide facility as a co-shareholder in the corporation at this time would constitute a conflict of interest under Government Code §§ 87100 et. seq.

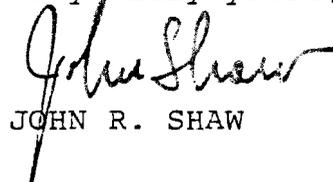
Former Councilman Siino represents that at the time of voting on the concessionaire agreement, he did not have any intent at that time to participate in any way in the future construction, funding or investment in the waterslide facility, nor at any time since July 6, 1981 has he acquired any interest in the concessionaire's assets.

Former Councilman Siino would appreciate a response as quickly as possible as the investment group would like to make a decision soon as to whether to enter into the waterslide investment.

If you should need any additional information, please advise.

Your cooperation is most appreciated.

Very truly yours,



JOHN R. SHAW

JRS/dk

attachments

cc: Joseph Siino w/o attachments