

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 15, 1984

Sandra Woliver
Breon, Galgani, Godino
& O'Donnell
1530 Fifth Avenue
San Rafael, CA 94901

Re: Your Request for Advice
Our File No. A-84-123

Dear Ms. Woliver:

Your request for advice on behalf of the Mendocino County Office of Education was referred to the Legal Division. In addition to your letters dated April 17, 1984 and May 1, 1984, I have received correspondence from the County Clerk's office on this matter. This letter should resolve all of your concerns.

I would like to first apologize on behalf of the agency for any inconvenience and confusion that our failure to respond to earlier inquiries in this matter has caused to any of your clients.

The overriding issue in this situation has been whether the Mendocino County Board of Supervisors or the Fair Political Practices Commission is the code reviewing body for the Mendocino County Office of Education. As you know, the Political Reform Act provides that the Commission is the code reviewing body for local government agencies with jurisdiction in more than one county. Government code Section 82011(a).^{1/} County agencies and local agencies with jurisdiction wholly within the county have the board of supervisors as their code reviewing body. Section 82011(b). In determining whether an agency principally located within one county has jurisdiction in another county, we look at whether the agency owns real property and to what extent it has authority in the other county. From a review of the statutes and the other materials particularly Mr. DeMent's letter dated December 1, 1984, to Jeanette Turvill

^{1/} All statutory references are to the Government Code.

Sandra Woliver
May 15, 1984
Page 2

of our office, it appears the Mendocino County Office of Education does not own real property in Sonoma County nor does it have any real authority in Sonoma County; the only exchange the Mendocino County Office of Education has with the school district partially located in Sonoma County is to provide information on consolidated trustee elections.

There was a determination early in the Commission's code reviewing and adoption process that all county offices of education in the state would have the boards of supervisors of their counties as their code reviewing bodies. Advice Letter No. A-76-249 (copy enclosed). We are not presented with any information or facts which would cause us to change this determination for the Mendocino County Office of Education.

In any event, the Board of Supervisors is presently the code reviewing body for the County Office of Education, and the County Clerk is the filing officer for the County office. Even if we had come to a different conclusion on the code reviewing body, the Statements of Economic Interests have to be filed according to the existing conflict of interest code. Filing requirements can only be changed if the conflict of interest code is amended. Thus the designated officials of the Mendocino County Office of Education should presently be filing according to their conflict of interest code. Since we have determined that the Mendocino Board of Supervisors is the appropriate code reviewing body, the officials will continue to file their statements according to the present code.

In addition, since the Board of Supervisors is the code reviewing body, the County Clerk is the filing officer for all statements. Under the Political Reform Act, the filing officer has authority to impose late filing penalties. Section 91013(a). The filing officer may also waive penalties if she determines that a late filing was not willful. We do not have the authority to require a filing officer to impose or waive penalties nor do we wish to become involved in an examination of whether a filing officer should or should not have imposed fines absent clear evidence of impropriety or unlawful conduct.

We understand that our failure to respond to inquiries may have caused some confusion on the part of some officials, but it also appears that the County Clerk sent all of the appropriate notifications and was well within the bounds of her discretion in imposing late filing penalties.

Sandra Woliver
May 15, 1984
Page 3

In summary, the Board of Supervisors should remain the code reviewing body, and the County Clerk, the filing officer, for the Mendocino County Office of Education. Based on this determination, the Commission has no further role to play in this matter.

Sincerely,



Diane Maura Fishburn
Staff Counsel
Legal Division

DMF:plh
Enclosure

cc: Marsha Young
Mendocino County Clerk

BREON, GALGANI, GODINO & O'DONNELL

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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RICHARD V. GODINO
MARGARET E. O'DONNELL*
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*A PROFESSIONAL CORPORATION

Ms. Susan M. Harrigan
Administrative Assistant
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95814

REPLY TO: San Rafael

Re: Conflict of Interest Reporting Requirements

Dear Ms. Harrigan:

Thank you for your response to our April 17 letter to Jeannette Turvill. Although we will gladly cite the Education Code sections which indicate that the Mendocino County Office of Education has multi-county jurisdiction, we note that this matter was originally raised by Marsha Young, the Mendocino County Clerk/Recorder after a conversation with you. County Office staff and officers had always filed their Conflict of Interest forms with the Mendocino County Clerk. Then, in November 1983, the County Superintendent, Louis Delsol, received a letter from Marsha Young, the new County Clerk, stating that she believed that the County Office staff and officers should be filing their Conflict of Interest statements with the FPPC rather than with the Board of Supervisors. A copy of this letter is attached hereto in case you have not previously seen it. Note that Ms. Young quotes you as one authority for her conclusion. Consequently, if you desire any further information beyond the Education Code sections which we cite herein, we urge you to contact Ms. Young to discuss this matter again. Her number is contained in the attached letter.

Part II, Chapter I, Article 1 of the Education Code is entitled, "Election, Jurisdiction, Organization and Procedure for County Boards of Education". Section 1001, "Eligible Voters", refers to situations where the County Superintendent of Schools has jurisdiction over a school district situated in two or more counties. The Mendocino County Superintendent of Schools has jurisdiction over a district, the Point Arena Joint Union High School District, which is situated in both Mendocino and Sonoma counties. Since the schoolhouse of the District is located in Point Arena, which is in Mendocino

Susan M. Harrigan
April 30, 1984
Page two

County, jurisdiction over this district is in the Mendocino County Superintendent, pursuant to Education Code section 1253(a). Copies of Education Code sections 1001 and 1253 are attached hereto.

We would appreciate your prompt response to this letter, so that the County Office staff and officers may file their Conflict of Interest statement at the earliest possible date.

Thank you for your assistance in this matter.

Sincerely,

BREON, GALGANI, GODINO & O'DONNELL

A handwritten signature in cursive script, appearing to read "Sandra Woliver", written in black ink.

Sandra Woliver

SW:pd
cc: Louis Delsol
Marsha Young
Encl.



MARSHA A. YOUNG
COUNTY CLERK-RECORDER

TELEPHONE: AREA (707)
468-4379 - CLERK
468-4376 - RECORDER
468-4371 - ELECTIONS

EX-OFFICIO CLERK
OF THE
SUPERIOR COURT

REGISTRAR OF VOTERS

COUNTY OF MENDOCINO
OFFICE OF THE REGISTRAR OF VOTERS
P.O. BOX 148
UKIAH, CALIFORNIA 95482

November 28, 1983

RECEIVED

NOV 30 1983

MENDOCINO COUNTY
SUPERINTENDENT OF SCHOOLS

Mr. Louie Delsol
Superintendent of Schools
2240 East Side Rd.
Ukiah, Ca. 95482

Dear Mr. Delsol:

It appears from my research that your code reviewing body and filing obligations for Conflict of Interest, lie with the Fair Political Practices Commission (FPPC) and not with the Board of Supervisors, nor this office.

Government Code Section 82011, defines Code Reviewing Body. In particular subparagraph (a) I feel would be applicable to your district since your jurisdiction lies within more than one county. This was further confirmed with a conversation with Ms. Susie Harrigan, (916) 322-5901 of the FPPC.

In view of the above, it would be my suggestion to consult with your counsel as to the appropriate code reviewing body for your district in accordance with Government Code 82011.

Should counsel advise that the commission is your appropriate code reviewing body, then I feel the same would be applicable to any school district under your jurisdiction whose boundaries cross county lines.

It is requested that this office be advised as soon as possible as to your appropriate Code Reviewing Body.

Should you have any questions, please feel free to contact me in care of (707) 462-1620.

Sincerely,

Marsha A Young

MARSHA A. YOUNG
County Clerk/Recorder

cc: Board of Supervisors
Fair Political Practices Commission
County Council
Board of Education Counsel

bition against dual membership. 31 Ops. Atty.Gen. 170.

Since chartered counties lack the constitutional power to determine the manner in which county boards of education shall be selected, they are required by Educ.C. 1943, § 301 et seq. (repealed. See, now, § 1000 et seq.) to provide for elective county boards of education. 27 Ops.Atty. Gen. 26.

2. Compensation of members

Under Educ.C.1959, §§ 601, 608, 703 (repealed: see, now, §§ 1000, 1010, 1092) and Const. Art. 9, § 3.1, each county superintendent of schools is entitled to receive compensation for his services as secretary of the county board of education in addition to his salary as county superintendent of schools. 13 Ops.Atty.Gen. 240.

3. Actions against board

It was not necessary to make county superintendent of schools a separate party

§ 1001. Eligible voters

(a) In those counties where the county superintendent of schools has jurisdiction over a school district situated in two or more counties, any qualified elector residing in the part of the school district situated in a county whose county superintendent of schools does not have jurisdiction of such school district shall be eligible to vote for one or more members of the county board of education of the county whose county superintendent of schools has jurisdiction over the school district. Each such elector shall be eligible to vote for the member of the county board of education representing the trustee area of such county having jurisdiction as designated by the county committee on school district organization. Such committee shall apportion the portion of the school district territory not situated in the county having jurisdiction to one or more trustee areas of the other county so that such territory shall, insofar as possible, be represented as if it were situated in the county having jurisdiction. The territory so apportioned shall not become a part of the trustee area to which apportioned for any other purpose. As used in this subdivision, "school district" means any joint union elementary school district, joint union high school district or joint unified school district but does not include any community college district.

(b) Any person who is a resident of a county and is made eligible to vote for the county board of education of another county pursuant to subdivision (a) shall not be eligible to vote for the county board of education of the county of which he is a resident. Notwithstanding the foregoing provisions of this subdivision, a person

§ 1001

COUNTY BOARDS OF EDUCATION

Pt. 2

shall be eligible to vote for both county boards of education if he is a resident of an elementary school district of any type which is included in a joint union high school district and the elementary school district and the joint union high school district are each under the jurisdiction of different county superintendents of schools.

This section shall not be applicable in a chartered county unless made so by the charter, or by the board of supervisors acting pursuant to the charter.

(Stats.1976, c. 1010, § 2, operative April 30, 1977.)

Historical Note

Derivation: Educ.C.1959, § 601.1 added amended by Stats.1969, c. 744, p. 1485, § by Stats.1965, c. 1779, p. 3969, § 1. 1: Stats.1970, c. 102, p. 131, § 23.

Cross References

County committee, see § 4005.
County superintendent of schools, see § 1200 et seq.
Trustee areas, see § 5019 et seq.
Voters, see § 5390 et seq.; Const. Art. 2, § 2; Elections Code §§ 18, 100.

§ 1002. Trustee area boundary and board membership changes

Upon being so requested by the county board of education, the county committee on school district organization, by a two-thirds vote of the members, may either change the boundaries of any or all of the trustee areas of the county, or propose to increase or decrease the number of members of the county board of education, or both. The trustee areas shall be as nearly equal in population as may be, except that in establishing or changing the boundaries of the trustee areas the county committee may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, continuity, integrity, and compactness of territory, and (d) community of interests of the trustee areas. In any event, the county committee shall insure that such areas are as nearly equal in population as practicable. Changes in trustee area boundaries or a proposed reduction in the number of county board of education members shall be made in writing and filed with the county board of supervisors not later than the first day of March of any school year.

In those counties in which the election of members of county boards of education are required to be held on the same date as prescribed for the election of members of governing boards of school districts, as provided in Section 1007, the county committees on school district organization shall fix the boundaries of trustee areas, insofar as possible, to coincide with the boundaries of school districts.

Whenever the boundaries of trustee areas are changed so as to be coterminous with those of supervisorial districts of the county, the

committees of the Senate an amendment was made as follows: 'Except as herein provided, a workmen's compensation insurer shall issue a separate policy to each insured employer and shall not combine two or more employers for the purpose of insurance or dividend distribution.' That amendment was stricken from the bill on the Senate floor. (Senate Journal, June 11, 1941, p. 2565.) These several enactments indicate no intention on the part of the Legislature that the policy in suit should be prohibited. * * *

The petitioner contends: That groups as such may not be covered by a single policy of workmen's compensation insur-

ance, that the Legislature having made specific provision for group insurance in two instances, and not having made any provisions for group workmen's compensation insurance, it may be implied therefrom that it was not the intention to so provide. That is a misconception of the law. In the absence of statutes on the subject, persons, partnerships, and corporations may write insurance. 32 C.J. 981 and 1004. The Legislature may regulate the business. In this state it has done so in some particulars. But counsel have not cited, and we have not seen, any statute that purports to prohibit the issuance of such policies as the one in suit.'

§ 1253. Jurisdiction over districts in two or more counties

(a) Whenever any school district or community college district is situated partly within two or more counties, jurisdiction over it is, unless otherwise provided in this code, in the county superintendent of schools of the county in which the schoolhouse of the district is located, or, if there be a schoolhouse of the district in each of two or more counties, jurisdiction over the district is in the county superintendent of schools of the county in which the greatest area of the district lies.

(b) Jurisdiction once established pursuant to subdivision (a) over a school district or community college district situated in two or more counties, shall not be changed, regardless of changes in the schoolhouse maintained by the district in the several counties or changes in the areas of the several counties included within the district, except by a majority of the votes cast by the electors within the district on the proposition for change of such jurisdiction submitted at election.

(Stats.1976, c. 1010, § 2, operative April 30, 1977.)

Historical Note

Derivation: Educ.C.1959, § 812.5, added by Stats.1963, c. 629, p. 1612, § 5, amended by Stats.1968, c. 375, p. 788, § 1.

Educ.C.1959, § 1682, enacted by Stats. 1959, c. 2, p. 675, § 1682.

Educ.C.1943, § 1652 (Stats.1943, c. 71, p. 334, amended by Stats.1951, c. 1080, p. 2810, § 1).

School C. § 2.81, amended by Stats.1941, c. 1106, p. 2812, § 1.

Pol.C. § 1543b, added by Stats.1917, c. 545, p. 712, § 1.

Cross References

County superintendent of schools.

Generally, see § 1200 et seq.

Qualifications and compensation, see § 1205 et seq.

§ 1251

EDUCATION CODE

EDUCATION

The agreement shall, among other matters, provide for the amount of the payment to be made by the nonpublic institution of higher education, the governing board of any nonpublic school, a public agency, or a nonprofit public organization to the county superintendent of schools and the time payments shall be made. The payments made by the nonprofit institution of higher education, the governing board of any nonpublic school, a public agency, or a nonprofit public organization that has entered into an agreement with the county superintendent of schools under this section shall be equal to the cost incurred by the county superintendent of schools in connection with the handling of, and the loss, destruction or damage to the audiovisual curriculum materials, including equipment and apparatus, by the nonpublic institution of higher education, the governing board of any nonpublic school, a public agency, or a nonprofit organization.

The governing board of any nonpublic school, a public agency, or nonprofit organization may withdraw from an agreement by giving notice six months prior to the beginning of the next fiscal year, and the agreement shall terminate on the last day of the then current fiscal year. The terms of an agreement may be changed by mutual consent at any time.

All funds received for the purposes of this section shall be deposited in the special equipment and apparatus fund of the county superintendent of schools authorized by Section 1250, and all expenditures made for the purposes of this section shall be made from that fund.

The audiovisual curriculum materials, including equipment and apparatus, shall be available for use by the nonpublic institution of higher education, the governing board of any nonpublic school, a public agency, or a nonprofit organization pursuant to this section only when such materials, including equipment and apparatus, are not needed by the public schools or the county superintendent of schools.

As used in this section, "nonpublic school" means a school that satisfies the requirements of Section 48222 and is exempt from taxation under Section 214 of the Revenue and Taxation Code. (Amended by Stats. 1983, c. 71, p. —, § 1.)

Notes of Decisions

In general 2

2. In general

Instructional television services and materials may be made available by a county superintendent of schools to

nonpublic schools if a fair rental value is charged for its use, provision is made for reimbursement for loss, destruction or damage and they are only made available when not needed by the public schools or by the county superintendent of schools. 61 Ops.Atty.Gen. 104. 3-14-78.

§ 1253.5 Election; unified school district in two or more counties; participation of voters outside county housing the superintendent

(a) If a unified school district, described in subdivision (c), is subject to Section 1253, the county board of supervisors of each county wherein the district is situated may by agreement and pursuant to an appropriate resolution adopted by each board, permit the voters of the district who lie outside the county housing the county superintendent of schools who has jurisdiction of the district the right to participate in the election of such county superintendent of schools.

(b) The county clerk or registrar of voters of each county affected by the agreement described in subdivision (a) shall be responsible for the conduct of the election within his or her county.

(c) The provisions of this section shall apply only to a unified school district which was formed on July 1, 1965, and which, as of the 1979-80 school year, maintained an enrollment of between 12,000 and 15,000 pupils.

(Added by Stats.1980, c. 687, p. 2078, § 1.)

Library References

Schools = 53(1). C.J.S. Schools and School Districts §§ 107 to 110.

§ 1256. Power to operate school if trustees fail to do so

The county superintendent of schools shall, when there is sufficient money in the fund of any school district . . . to maintain a free school in the district for 175 days of actual teaching, if the trustees neglect or refuse to employ a teacher, appoint a teacher, and open and keep the school. . . . The

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BREON, GALGANI, GODINO & O'DONNELL

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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RICHARD V. GODINO
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LOUIS T. LOZANO

APR 13 8 50 AM '84

April 17, 1984

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*A PROFESSIONAL CORPORATION

Jeanette Turvill
Fair Political Practices Commission
P.O. Box 897
Sacramento, CA 95804

REPLY TO San Rafael

Re: Mendocino County Office of Education Conflict of
Interest Statements

Dear Ms. Turvill:

Our firm represents the Mendocino County Office of Education in legal matters. They have asked us to write to you regarding the filing of conflict of interest statements by board members and employees of their agency. You will recall that on December 1, 1983 Brian De Ment, Director of Administrative Services and Personnel wrote you to request clarification and assistance regarding identifying the proper "code reviewing body" for their agency. They had previously been notified by the Mendocino County Clerk that their agency should file conflict of interest statements with the FPPC since, according to the County Clerk, the Superintendent of Schools had jurisdiction in more than one county. Dr. De Ment sought your clarification so that conflict of interest statements required to be filed by officers and employees of the County Office could file with the proper agency by the 1984 deadline. You did not respond to his letter.

On March 29, 1984 the Mendocino County Clerk notified the County Superintendent Louis Delsol, Dr. De Ment and other officers and employees of the County Office that they would be assessed a penalty for failing to file their conflict of interest statements with the Board of Supervisors before the 1984 deadline. They had been postponing filing their statement until they knew with which agency they were to be filed.

Jeanette Turvill
April 17, 1984
Page two

Since you still had not responded to Dr. De Ment's letter and the County Office personnel were uncertain as to which code reviewing body they should file their statement with, he telephoned you several times at the beginning of April. You expressed surprise that no one from your legal department had ever responded to his December 1 inquiry and promised to look into the matter and get back to him. As of last week he still had received no response.

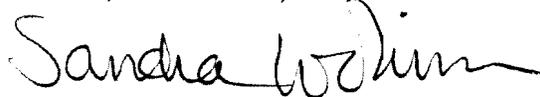
In the meantime, the designated County officers and employees have filed their conflict of interest statement with the Board of Supervisors and have placed the assessed late penalties in an escrow account pending resolution of this matter. You should have received a copy of Dr. De Ment's April 13 letter to Marsha Young, the County Clerk, regarding this matter.

Our review of the applicable statutes indicates that the Mendocino County Office of Education may be a multi-county agency since it has jurisdiction over districts which are partially located in another county. If necessary, we would gladly discuss this matter with your agency's legal staff. Our desire, however, on behalf of our clients is to resolve this matter as quickly as possible and to relieve them of the requirement of paying any penalties resulting from delays by other agencies. The situation seems especially unfair since the delay in filing statements was not the result of any willful or negligent act.

We would greatly appreciate a prompt response to our letter and to Dr. De Ment's inquiries. You may reach us at the San Rafael telephone number listed above.

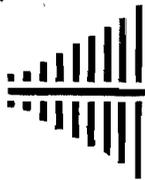
Sincerely,

BREON, GALGANI, GODINO & O'DONNELL



Sandra Woliver

SW:pd
cc: Marsha Young
Louis Delsol
Brian De Ment



**MENDOCINO
COUNTY**

LOUIS DELSOL

SUPERINTENDENT OF SCHOOLS

2240 EAST SIDE ROAD

UKIAH, CALIFORNIA 95482

APR 17 8 51 AM '84

April 13, 1984

Ms. Marsha Young
Clerk/Recorder
Mendocino County
c/o Courthouse
Ukiah, CA 95482

Dear Marsha:

I am responding to concerns expressed by several members of our staff who are currently subject to "conflict of interest" code reporting requirements as per that code version which is currently on file within your office.

As you know, our agency originally filed with the County of Mendocino as per instructions from the County as provided through the Administrator's office. The clear presumption was, and had been, at least until your letter to Mr. Louis Delsol, dated November 28, 1983 (copy enclosed), that the County of Mendocino was the appropriate Code Reviewing Body under G.C. Section 82011. In effect, you stated your belief that the County was not the proper authority for the filing of our agency's conflict of interest statements and cited corroboration from a person within the Fair Political Practice Commission, a state agency, that the body was the proper authority with which we should be dealing in regard to our filings. We believe, as you do, that because the Mendocino County Superintendent of Schools has jurisdiction in more than one county and that we have official relationships with agencies and individuals in Sonoma County, we should indeed be dealing with the state FPPC on matters relating to our conflict of interest filings.

Therefore, we believe there is substantial doubt that your office has the authority to levy the fines which you have assessed.

As you suggested in that letter, we have tried to consult directly with the FPPC in Sacramento. Verbal contact, as well as the written communication (copy also attached) with the FPPC explaining the jurisdictional questions and requesting a written opinion, has failed to bring about a resolution of the matter. We have yet to receive a definitive answer to the question of who is our proper Code Reviewing Body. Because of the attempts to assess penalties for late filings on the parts of a few of our employees and board members, we are making a renewed attempt through our attorney firm to resolve the question of who is the proper code reviewing body for the Mendocino County Superintendent of Schools.

707/462/2345

Marsha Young
April 13, 1984
Page 2

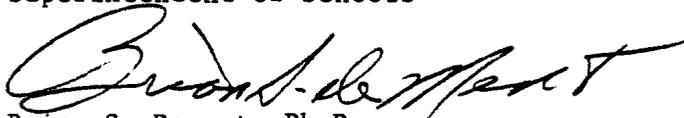
In summary, our office feels that in the interest of fairness to staff members and board of education persons, we are requesting a moratorium on your pursuit of current or yet to be assessed penalties - at least until the matter is resolved by FPPC as to the "code reviewing body" question.

Further, since these penalties have never before been assessed and since it is not yet clear as to whether said penalties NEED to be or can be collected by your office, I am going to recommend to individual staff members that any disputed amounts allegedly owed be placed in an escrow or trust account pending the outcome of a more full hearing on these matters.

If you have suggestions of how we might handle this matter differently, please let us know.

Sincerely

LOUIS G. DELSOL,
Superintendent of Schools



Brian S. Dement, Ph.D.
Director, Adm. Svcs./Personnel

LGD:BSD:mlh

cc: County Counsel
Dick Godino
✓ FPPC

Louis DeSal

SUPERINTENDENT OF SCHOOLS
MENDOCINO COUNTY
589 LOW GAP ROAD
UKIAH, CALIFORNIA 95482
(707) 468-4231

December 1, 1983

DEC 1 1983

Jeanette Turvill
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

Dear Mrs. Turvill:

I am writing to further clarify issues raised in our telephone conversation of 11/29/83.

As you know our concern has to do with the definition of "Multi-county Agency" as used in your manual regarding identification of the proper "Code Reviewing Body" and as apparently interpreted by the Clerk/Recorder of Mendocino County through review of Gov't Code Sec. 82001.

A few facts, from our perspective, are in order at this point regarding the apparent scope of authority of the Mendocino County Office of Education relative to schools located within our physical county boundaries versus those without.

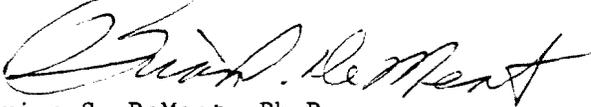
While certain component elementary schools located within Sonoma County (which are "feeder" schools to the Point Arena Joint Union High School district-located principally in Mendocino county) are subject to rules and regulations adopted by trustees of Point Arena Joint Union High School District, the Mendocino County Office of Education has no other authority per se over those component elementary school districts within Sonoma County territory.

While this office does have responsibility to inform said districts (among others) of the need to consolidate trustee elections (as part of Point Arena Joint Union High School District) the responsibility carries with it no other apparent authority. This process is merely an information exchange. While it also appears as a matter of history that our Mendocino County Board of Education trustee (Area #1) could conceivably be elected to a County Board seat by the voters of either Sonoma or Mendocino County, we understand Sonoma County Board of Education trustee (area #6) also covers that portion of Sonoma County (component elementary school district territories) lying within the Point Arena Joint Union High School District. A similar situation also exists with regard to our two (2) County-wide Trustee Areas "at-large" (#5). Mendocino county board members thus represent and are elected by their respective county residents as well as otherwise eligible voters of Sonoma County resident within those component elementary school districts within Point Arena Joint Union High School District.

Again, while it is true that certain Sonoma County residents do vote (along with Mendocino County residents), within the Point Arena Joint Union High School District for joint high school trustees we are not therewith convinced that these facts in and of themselves indicate that our Mendocino County Office of Education is a "Multi-county Agency" in terms of establishing the FPPC in Sacramento as our "Code Reviewing Body".

If you have information or advice to the contrary we would welcome your written opinion.

Respectfully,

A handwritten signature in cursive script that reads "Brian S. DeMent". The signature is written in dark ink and is positioned above the typed name and title.

Brian S. DeMent, Ph.D.
Director, Admin. Svcs./Personnel

BSD/dw

cc: Lou Delsol
Marsha Young
Breon Galgani, Godino & O'Donnell
Eeve T. Lewis, Sonoma County Clerk

Encl.

MARSHA A. YOUNG
COUNTY CLERK-RECORDER

EX-OFFICIO CLERK
OF THE
SUPERIOR COURT

REGISTRAR OF VOTERS



TELEPHONE: AREA (707)
468-4379 - CLERK
468-4376 - RECORDER
468-4371 - ELECTIONS

COUNTY OF MENDOCINO
OFFICE OF THE REGISTRAR OF VOTERS
P.O. BOX 148
UKIAH, CALIFORNIA 95482

November 28, 1983

Mr. Louie Delsol
Superintendent of Schools
2240 East Side Rd.
Ukiah, Ca. 95482

Dear Mr. Delsol:

It appears from my research that your code reviewing body and filing obligations for Conflict of Interest, lie with the Fair Political Practices Commission (FPPC) and not with the Board of Supervisors, nor this office.

Government Code Section 82011, defines Code Reviewing Body. In particular subparagraph (a) I feel would be applicable to your district since your jurisdiction lies within more than one county. This was further confirmed with a conversation with Ms. Susie Harrigan, (916) 322-5901 of the FPPC.

In view of the above, it would be my suggestion to consult with your counsel as to the appropriate code reviewing body for your district in accordance with Government Code 82011.

Should counsel advise that the commission is your appropriate code reviewing body, then I feel the same would be applicable to any school district under your jurisdiction whose boundaries cross county lines.

It is requested that this office be advised as soon as possible as to your appropriate Code Reviewing Body.

Should you have any questions, please feel free to contact me in care of (707) 462-1620.

Sincerely,

Marsha A Young

MARSHA A. YOUNG
County Clerk/Recorder

cc: Board of Supervisors
Fair Political Practices Commission
County Counsel
Board of Education Counsel

RECEIVED

NOV 29 1983

MENDOCINO COUNTY
SUPERINTENDENT OF SCHOOLS