

# 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

September 26, 1984

Mike Flick  
P.O. Box 2810  
Vista, CA 92083

Re: Telephone Advice, Our Advice  
No. A-84-243

Dear Mr. Flick:

This letter is sent to confirm a telephone conversation that you had with Janis Shank McLean of this office.

## FACTS

You are presently employed as a staff member to the San Diego County Board of Supervisors, and you are running for election as Mayor of the City of Carlsbad.

## QUESTIONS PRESENTED

1. Does the Political Reform Act prevent you from assuming the position of Mayor of the City of Carlsbad?
2. If you are elected, will you be required to disqualify yourself in your capacity as Mayor from decisions affecting the County of San Diego or, conversely, in your capacity as an aide to the Board of Supervisors, from decisions affecting the City of Carlsbad?

## CONCLUSIONS

1. The Political Reform Act does not prevent you from assuming the position of Mayor of the City of Carlsbad.
2. If you are elected, you will not be required to disqualify yourself from decisions affecting the County of San Diego nor from decisions affecting the City of Carlsbad.

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DISCUSSION

The Political Reform Act does not prevent you from serving as Mayor of the City of Carlsbad. However, the Act may affect your governmental decisionmaking. Government Code Section 87100<sup>1/</sup> prohibits a public official from making, participating in the making, or in any way attempting to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. An official has a "financial interest" in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect on:

(c) Any source of income ... aggregating \$250 or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made.

Section 87103(c).

However, the County of San Diego (and, conversely, the City of Carlsbad if you are elected) are not sources of income to you within the meaning of Section 87103.<sup>2/</sup> Under the Political Reform Act, salary received from a local government agency is not considered to be "income." See Section 82030(b)(2). Accordingly, you would not be required to disqualify yourself from decisions which would materially affect the County or the City.

If I can be of further assistance, please feel free to contact me at 916/322-5901.

Sincerely,



Diane Maura Fishburn  
Counsel, Legal Division

DMF:km

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<sup>1/</sup> All statutory references made are to the Government Code.

<sup>2/</sup> I am assuming that you receive a salary from the County and would receive compensation from the City if you are elected.

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107 SOUTH BROADWAY • • • SUITE 7007 • • • LOS ANGELES, 90012

July 25, 1984

Mr. R. Michael Flick  
1630 Alta Vista Drive  
Vista, CA 92083

Dear Mr. Flick:

I am in receipt of your letter dated July 19, 1984 concerning your filing obligations under the Political Reform Act.

There are several questions which I need to ask in order to determine whether or not any amendments need to be filed. I have been unable to contact you by telephone. Please call (collect is OK) or drop me a note with a telephone number where I can reach you during the day.

Sincerely,

A handwritten signature in cursive script that reads "Helen P. Arriola".

HELEN P. ARRIOLA  
Political Reform Consultant

HPA:cv

called left Top message 8-22-84  
called left message with secretary 8-27-84  
with phone #

8-29-84 called Helen in CA and Carla Wadlow  
in Sacramento in a telephone conversation. This check is  
with FPPC attorney will call back