

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 • • Statements of Economic Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

December 5, 1984

Louise T. Closs
City Attorney
City of Needles
c/o Law Offices of Closs & Closs
P.O. Box 1070
Needles, CA 92363

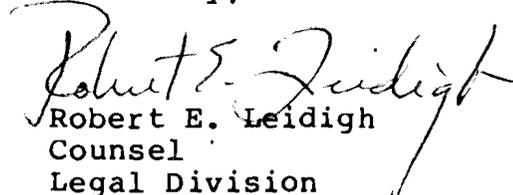
Re: Your Request for Advice;
Our No. A-84-294

Dear Ms. Closs:

We are in receipt of your letter requesting advice from this agency regarding the possible incompatibility of public offices arising from the Mayor's wife serving as the Chair of the City's Planning Commission.

At present, our agency is not authorized to render advice on this subject, as the Political Reform Act deals only with conflicts between official duties and private financial interests. For advice on possible conflicts arising from two public offices, you should contact the Attorney General. I enclose a copy of our November 1983 Bulletin, which contains a listing of several Attorney General's Opinions on the subject (at page 4).

Sincerely,


Robert E. Leidigh
Counsel
Legal Division

REL:plh
Enclosure

LAW OFFICES OF CLOSS & CLOSS

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Nov 27 8 12 AM '84

JOHN D. CLOSS
Admitted in California
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LOUISE T. CLOSS
Admitted in California

November 20, 1984

TORRANCE OFFICE
18411 S. Crenshaw Boulevard
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Torrance, California 90504
(213) 532-4162

Fair Political Practices Commission
1100 "K" Street
P.O. Box 807
Sacramento, California 95804

Subject: Conflict of Interest

The Needles City Council and the Mayor have requested an opinion regarding the following issue:

"May the Mayor's wife serve as a member of the Planning Commission?"

The facts are as follows:

Mayor Daniel has served on the City Council for the past eight years. He has served as Mayor for the past three years. Mrs. Daniel's was appointed to the Planning Commission approximately five years ago. She currently is the Planning Commission's Chairperson.

It should be noted that neither Mayor Daniel nor his wife own any property in Needles except their residence.

The case I have researched regarding this is:

Marcia Kimura vs. Harold Robbins
89 Cal. App. 3d 871
152 Cal. Reporter 569

It would appear from this case that there is a compelling public interest as to the decision of the Planning Commission on zoning and the like, which are subject to be reviewed by the City Council. A conflict of interest might exist, or might give the appearance to the public of existing, in this situation, where the official decisions of a wife were officially reviewable by her husband.

The case stated "A Planning Commissioner and a Council Member (with review powers) married to each other, can conceivably raise a substantial question of fairness and bias, prejudice or influence, in the vital County planning processes, obvious enough to have an effect on public confidence in such processes."

Therefore, my initial observation is that a conflict exists. However, the Mayor has requested that I obtain a written opinion from the Fair Political Practices Commission.

Thank you for your cooperation and courtesy regarding this matter.

Sincerely,



LOUISE T. CLOSS

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December 3, 1984

Louise T. Closs
Closs & Closs
P.O. Box 1070
Needles, CA 92363

Re: A-84-294

Dear Ms. Closs:

Your letter requesting advice under the Political Reform Act has been referred to Robert E. Leidigh, an attorney in the Legal Division of the Fair Political Practices Commission. If you have any questions about your advice request, you may contact this attorney directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

Barbara A. Milman
Barbara A. Milman
General Counsel

BAM:plh