

# State of California



## Fair Political Practices Commission

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

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January 11, 1985

David M. Kennedy  
City Attorney  
City of Salinas  
200 Lincoln Avenue  
Salinas, CA 93901

Re: Advice Letter No. A-85-001

Dear Mr. Kennedy:

Thank you for your letter of January 4, 1985 regarding Councilmember Phyllis Price. You asked whether Ms. Price may participate in labor negotiations involving a union that made a \$1,500 contribution to her campaign.

The Political Reform Act provides that, in certain circumstances, a councilmember must disqualify herself from decisions involving persons who have provided gifts or income to her within the preceding twelve months. Government Code Sections 87100, 87103. Under these sections, disqualification is not required as a result of receiving campaign contributions. There is a section of the Act under which disqualification from certain decisions may result from the receipt of campaign contributions. Section 84308. However, this section does not apply to city councilmembers making city council decisions.

Under the facts you have provided, there appears to be no reason why Ms. Price should not participate as a city councilmember in the labor negotiations.

Very truly yours,

  
Barbara A. Milman  
General Counsel

BAM:nwm



**City of Salinas**

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

Re: Request for Advice

Gentlemen:

Councilmember Phyllis Price was first elected to the Salinas City Council in June, 1983. During her campaign, she received a large donation, around \$1,500, from Firefighters Local 1270, the employee organization which, then as well as now, represents the firefighters employed by the City of Salinas. The City is presently in the process of meeting and conferring with Local 1270 on a memorandum of understanding.

Is there any conflict of interest if Councilmember Price participates in the Council decision relating to the labor negotiations and the ultimate approval of an MOU.

Very truly yours,

DAVID M. KENNEDY,  
City Attorney

DMK:jb