

# Memorandum

To : Advice File - Section 87206

Date : March 7, 1985  
File NO. M-85-060

From : **FAIR POLITICAL PRACTICES COMMISSION**  
Kathryn E. Donovan *Ked*

Subject : Disclosure of Private Cemetery Endowment Care Fund

Alice Hughes has asked how to advise a public official about disclosure of a private cemetery endowment care fund. The public official is a co-owner of a private cemetery, and has an interest in the cemetery's endowment care fund due to her position as a trustee of the endowment care fund.

Private cemetery endowment care funds may be established pursuant to Health and Safety Code Section 8725. The endowment care fund is a trust, and the principal of all funds for endowment care must be invested, and the income may be used only for the care, maintenance, and embellishment of the cemetery. Health and Safety Code Section 8726. Health and Safety Code Section 8751 limits the types of investments authorized for endowment care funds. The endowment care funds for which the public official in question is a trustee are invested in money market funds through a local bank.

I advised Alice that, pursuant to 2 Cal. Adm. Code Section 18234, the public official would not be required to report any interest in the cemetery endowment care fund. However, if the public official receives income that is otherwise reportable for the performance of trustee services, she would be required to disclose that income on her Statement of Economic Interests.

KED:plh

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February 27, 1985

VIA FEDERAL EXPRESS

Ms. Barbara A. Milman  
General Counsel  
Fair Political Practices Commission  
1100 K Street  
Sacramento, CA 95814

Dear Barbara:

This is a request for written advice pursuant to Government Code § 83114(b) on behalf of our client Chevron Corporation ("Chevron"). Specifically, this is a request for confirmation of your oral advice that when Chevron made the below-described presentation, it did not make a "contribution" as that term is defined under the Political Reform Act of 1974, as amended (the "Act"), and the regulations promulgated thereunder.

In early 1984, a local initiative measure qualified for the April 10, 1984 ballot in the City of El Segundo which, had it been passed by the voters, would have imposed a local barrel tax on refineries located in El Segundo. Chevron made some preliminary preparations for a campaign against the initiative. Among other things, Chevron commissioned George Young & Associates, Inc., a political consulting firm, to conduct a local public opinion survey. The purpose of this survey was twofold. It was designed, first, to determine local attitudes toward the proposed initiative and toward Chevron; and, second, to elicit general information about community attitudes for long-term public affairs activities. When completed, this survey was 600 pages long (including computer printouts) and contained

a summary of voter attitudes toward Chevron, the ballot initiative, local problems and issues, city and local elected officials and candidates.

Chevron never conducted, nor did it otherwise become involved in, a campaign against the initiative because the measure was removed from the ballot by the El Segundo City Council. However, several days before the April 10 election--on March 30, 1984--several El Segundo Refinery employees made an oral presentation of portions of the survey (15 pages in total) to three candidates for the El Segundo City Council. The information presented included the following: name recognition of the candidates; voter profiles; voter concerns; citizen perceptions of city government; and citizen perceptions of city organizations. This presentation included viewgraphs, but no written or printed materials were given to the candidates.

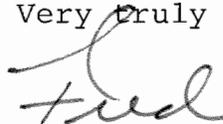
Mr. George Young states that, in view of the underlying purpose of the survey, the information presented would have minimal utility for a candidate. Mr. Young also states that had the survey been intended for the candidates' use, it would have been substantially redesigned.

Inherent in the definition of "contribution" is the idea that it must have some value. Since the presentation was derived from a study prepared for a corporation, was not designed for use by a candidate, and was designed for public affairs, rather than election purposes, it would have had marginal utility for a candidate for city office. Moreover, it is doubtful, in view of the nature of the information and the date when it was presented that any of the candidates could have made any effective use of the information.

You have advised us that under the circumstances stated above, Chevron did not make a contribution in-kind to any of the candidates involved. We would appreciate your confirmation of this advice.

Thank you for your attention to this matter.

Very truly yours,



Frederick K. Lowell

cc: Ms. Jeanne Pritchard