

# 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

August 28, 1985

Ronald E. Null  
City Attorney for Vista  
P.O. Box 8025  
Rancho Santa Fe, CA 92067

Re: Your Request for Advice on Behalf  
of the Vista City Council  
Our No. A-85-186

Dear Mr. Null:

You have written requesting advice on behalf of the City Council of the City of Vista. Your letter states the facts and your questions as follows:

### FACTS

Daon Corporation ("Daon") is the owner and operator of the Shadowridge Country Club ("Club") within the City of Vista. Initially, the Club was operated as a public facility. Members of the City Council, the City Manager and various City Department heads used the clubhouse facilities for official activities during the time that the club was operated as a public facility. Daon wishes to make a gift of social memberships to the City to allow continued use of the facility by City Officials.

We have prepared a Resolution of Acceptance for adoption by the City Council. We believe the Resolution complies with the criteria set forth in the Stone Opinion of the FPPC, reported at 3 FPPC Opinion 52. We have enclosed a copy of the Resolution for your review.

### QUESTIONS

We are particularly concerned with whether or not the gift as currently structured creates a conflict of interest for the members of the City Council, the City Manager or the City Department heads and Daon. Additionally, we inquire as to whether or not the members of the City Council, the City Manager or the City Department heads must report the use of the club as a gift.

### ANALYSIS

The proposed resolution (copy attached and incorporated herein by reference) meets the criteria established by the Commission in its Stone Opinion, No. 77-003 (3 FPPC Opinions 52, June 9, 1977).<sup>1/</sup> Consequently, the three social passes will be treated as gifts to the City to be used for City business as described in your letter and the resolution. Hence, they will not be gifts to the individual City officials who use them for City business. Consequently, the passes will not lead to any potential disqualification situations, or necessitate disclosure.

---

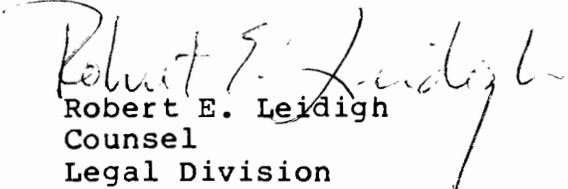
<sup>1/</sup> The requirements of the Stone Opinion appear at p. 57 and are as follows:

1. The donor intended to donate the gift to the city and not to the official;
2. The city exercises substantial control over use of the gift;
3. The donor has not limited use of the gift to specified or high level employees, but rather has made it generally available to city personnel in connection with city business without regard to official status; and
4. The making and use of the gift was formalized in a resolution of the city council (a written public record will suffice for administrative agencies not possessing the legislative power of adopting resolutions) which embodies the standards set forth above.

Ronald E. Null  
August 28, 1985  
Page 3

If you have any questions regarding this letter, I or one of my colleagues, may be reached at (916) 322-5901.

Sincerely,

  
Robert E. Leidigh  
Counsel  
Legal Division

REL:plh  
Enclosure

*Law Offices of* F P P C  
RONALD E. NULL

A PROFESSIONAL CORPORATION

P.O. BOX 8025

FAIRBANKS RANCH PLAZA

RANCHO SANTA FE, CALIFORNIA 92067

(619) 756-5994

AUG 26 9 02 AM '85

LOS ANGELES (213) 587-1915  
ORANGE (714) 857-0464  
RIVERSIDE (714) 359-5489

ASSOCIATE COUNSEL  
F. MACKENZIE BROWN, INC.  
WARREN B. DIVEN  
THOMAS J. RUHRUP

August 14, 1985

Robert E. Leidigh, Esquire  
Legal Division  
State of California Fair  
Political Practices Commission  
P.O. Box 807  
Sacramento, CA 95804

Re: Request for Written Advice (Government Code §83114(b))  
Acceptance of Social Memberships in a Private Country Club by  
the City of Vista, California

Dear Mr. Leidigh:

We represent the City of Vista, California and in that capacity render City Attorney services to said City. We hereby request formal written advice pursuant to Government Code §83114(b) concerning the acceptance of social memberships in a private country club by the City of Vista.

Daon Corporation ("Daon") is the owner and operator of the Shadowridge Country Club ("Club") within the City of Vista. Initially, the Club was operated as a public facility. Daon has recently converted the Club to a private membership facility. Members of the City Council, the City Manager and various City Department heads used the clubhouse facilities for official activities during the time that the club was operated as a public facility. Daon wishes to make a gift of social memberships to the City to allow continued use of the facility by City Officials.

We have prepared a Resolution of Acceptance for adoption by the City Council. We believe the Resolution complies with the criteria set forth in the Stone Opinion of the FPPC, reported at 3 FPPC Opinion 52. We have enclosed a copy of the Resolution for your review.

We are particularly concerned with whether or not the gift as currently structured creates a conflict of interest for the members of the City Council, the City Manager or the City Department heads and Daon. Additionally, we inquire as to whether or not the members of the City Council, the City Manager or the City Department heads must report the use of the club as a gift.

Robert E. Leidigh  
August 14, 1985  
Page Two

Please provide to the undersigned the written advice as requested at your earliest convenience. Should you have any questions or need further information, please call.

Very truly yours,



RONALD E. NULL

REN:lr

Encs.

cc: Morris Vance

Aug 26 9 02 AM '85

RESOLUTION 85-\_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISTA, CALIFORNIA, ACCEPTING NOT MORE THAN THREE SOCIAL MEMBERSHIPS IN THE SHADOWRIDGE COUNTRY CLUB AS A GIFT FROM DAON CORPORATION.

WHEREAS, Daon Corporation owns and operates the Shadowridge Country Club within the City of Vista;

WHEREAS, the City of Vista has used the Shadowridge Country Club Clubhouse Facilities for official functions;

WHEREAS, Daon Corporation has recently converted the Shadowridge Country Club Facility from a public club to a private club;

WHEREAS, Daon Corporation desires to allow continued use of the Shadowridge Country Club Clubhouse Facilities by the City of Vista;

WHEREAS, the City of Vista desires to be allowed to continue to use the Shadowridge Country Club Clubhouse Facilities;

WHEREAS, it is the intent and desire of Daon Corporation to donate to the City of Vista up to three social memberships in the Shadowridge Country Club Clubhouse Facilities for use by the City of Vista without condition or qualification;

WHEREAS, the City of Vista shall exercise substantial control over the memberships;

WHEREAS, the City of Vista, based upon the foregoing, desires to accept as a gift from Daon Corporation up to three social memberships in the Shadowridge Country Club Clubhouse Facilities;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vista as follows:

//  
//  
//

1 SECTION 1. That all of the above recitals are true and correct.

2 SECTION 2. That not more than three social memberships in the  
3 Shadowridge Country Club Clubhouse Facilities are hereby accepted.

4 SECTION 3. That the City Manager shall create a procedure controlling  
5 the use of the social memberships.

6 SECTION 4. This Resolution shall take effect upon its adoption.

7 PASSED, APPROVED, and ADOPTED at a regular meeting of the Vista City  
8 Council held on \_\_\_\_\_ day of \_\_\_\_\_, 1985 by the following roll  
9 call vote:

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

AYES: COUNCILMEMBERS  
NOES: COUNCILMEMBERS  
ABSTAIN: COUNCILMEMBERS

\_\_\_\_\_  
R. MICHAEL FLICK, Mayor

ATTEST:

\_\_\_\_\_  
JEAN BROOKS, City Clerk