



California Fair Political Practices Commission

May 7, 1986

Sherwood H. Patterson
KGDP Radio Station
P.O. Box 660
Santa Ynez, CA 93460

Re: Your Request for Advice
Our File No. I-86-136

Dear Mr. Patterson:

This will confirm^{1/} our telephone conversation of April 23, 1986. In that conversation, as well as in your letter of April 23, you asked if campaign contributions to a candidate for supervisor could result in a conflict of interest under the Political Reform Act.^{2/} You indicated that the candidate you support for supervisor is currently a city councilmember and may be voting in that capacity on a project owned by you.

Section 84308(c) provides that no officer of any agency shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution in an amount of two hundred fifty dollars (\$250) or more within the preceding 12 months from a party or his or her agent, or from any participant or his or her agent. However, the term "agency" excludes local government agencies whose members are directly elected by the voters. Section 84308(a)(3). Therefore, Section 84308 does not apply to members of the city council or to the county board of supervisors when acting in those respective capacities.

^{1/} This confirmation is being responded to by informal assistance rather than written advice (see Commission regulation 2 Cal. Adm. Code Section 18329, enclosed).

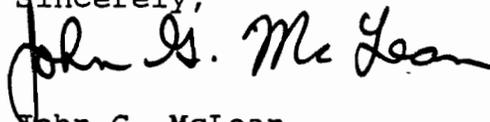
^{2/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

Sherwood H. Patterson
May 7, 1986
Page 2

Section 84308 does apply however, when a city councilmember or county supervisor sits as an appointed member of another board or commission. The enclosed pamphlet discusses how Section 84308 applies and provides examples of how elected officials sitting on appointed bodies are affected.

After reviewing the pamphlet if you have any additional questions, please feel free to call me at (916) 322-9501.

Sincerely,



John G. McLean
Counsel
Legal Division

JGM:JET:plh
Enclosure

KGDP

Radio Station ORCUTT/SANTA MARIA

10,000 Watts — 660 kHz

POST OFFICE BOX 660, SANTA YNEZ, CALIFORNIA 93460 • (805) 688-7766

F F F
APR 25 2 47 PM '86

April 23, 1986

Mr. John McLean
Staff Counsel
Fair Political Practices Commission
428 "J" Street, Suite 800
Sacramento, CA 95814

Re: Potential Conflict of Interest During Political Campaign

Dear Mr. McLean:

Based on our telephone conversation of April 23, 1986, it is my understanding that no conflict of interest is created from contributions to a political campaign. These contributions may take the form of cash or the contribution of one's time and efforts.

Specifically, in our instance, you advised me that it was acceptable for us to participate in the campaign of a local candidate for County Supervisor when that candidate is currently a City Councilman facing a vote in the future on a project which we own.

If you have any difference in understanding our conversation, please contact me immediately. Also, please forward any guidelines or printed information that will clarify this question.

Sincerely,

KGDP RADIO STATION



Sherwood H. Patterson

SHP:dd





California Fair Political Practices Commission

April 28, 1986

Sherwood H. Patterson
KGDP Radio Station
P.O. Box 660
Santa Ynez, CA 93460

Re: 86-136

Dear Mr. Patterson:

Your letter requesting advice under the Political Reform Act has been received by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me 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,

A handwritten signature in cursive script that reads "John G. McLean".

John G. McLean
Counsel
Legal Division

JGM:plh