



# California Fair Political Practices Commission

November 18, 1986

Mike Sedell  
Deputy City Manager  
City of Simi Valley  
2929 Tapo Canyon Road  
Simi Valley, CA 93063

Re: Follow-Up to Advice Letter to  
Marjorie Baxter  
Our File No. A-86-234

Dear Mr. Sedell:

This letter is a follow-up revision to a previous letter written in response to a request by Deputy City Attorney Marjorie Baxter. The revisions herein are based upon the additional material facts provided by yourself and Councilwoman Ann Rock at our meeting at the Commission's offices in Sacramento on October 21, 1986.

You have been furnished with a draft of the revised statement of facts and have submitted amendments thereto, which were received by this office on November 5, 1986. This letter is based upon this amended revision of the facts.

## QUESTION

Which, if any, of the numerous citizen advisory bodies established by the Simi Valley City Council should be covered by the City's conflict of interest code?

## CONCLUSION

Most of the bodies are "solely advisory" and, therefore, the nonsalaried members of those bodies are exempt from coverage by the City's conflict of interest code. However, as discussed in the analysis section below, a few of the bodies are not solely advisory and should be covered by the City's code.

## STATEMENT OF FACTS

### The General Plan Advisory Committee

No new or revised facts were submitted by you; consequently, our advice remains the same. This body is

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"solely advisory" and need not be covered by the City's conflict of interest code.

### The Neighborhood Councils

Substantial revisions and additions were provided to the facts regarding these bodies. First and foremost, despite the provisions of the by-laws previously supplied to the Commission, no City funds have ever been budgeted to the neighborhood councils. The councils do have a city-employed coordinator assigned to them, who develops agendas and acts as a facilitator and as a liaison between the City Council and the neighborhood councils' membership.

There are five neighborhood councils. The executive board of each neighborhood council consists of a maximum of 13 members, depending primarily upon the number of persons who apply for those positions. The primary role of the executive board is to provide a structure to the council's meetings and to assure continuity and to focus input from residents.

Land use matters and other similar issues are not required to come before the neighborhood councils, but it is the recommended procedure. When issues are considered by the councils, a separate vote is taken by the executive board and by those in the audience. The latter are members of the neighborhood council as a result of residing in the neighborhood area. Both the executive board vote and the audience vote are reported to the City Council and both are given consideration by the City Council. The audience vote normally carries more weight if the audience was large in number.

### The Citizens Election Advisory Commission

This commission meets only during the election period, following the filing deadlines. It is a five-member commission, with three alternates. The members serve four-year staggered terms and are appointed by the mayor, after nomination by a selection board.

The commission reviews candidates' campaign reports to determine if they appear to be correct. In addition, or if figures appear to be in error, a letter will be sent seeking clarification or correction. Letters of inquiry may also be sent regarding campaign signs which have been erected.

The commission has no enforcement capability at all. It may not take any actions in the name of the City; it would be

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required to go to the City Council before taking a position in the name of the City. Its recommendations are not followed on a regular and on-going basis by the City Council.

#### The Water Resources Advisory Board

This five-member board is appointed by the City Council (acting as the directors of sanitation and water boards) to serve staggered, four-year terms. The board meets quarterly and reviews and comments on proposed annexations to water and sanitation districts. It also reviews and comments on the districts' budgets, rates, and on proposed assessment districts.

The board does not spend any money. It cannot require any particular action. It does review and comment on capital projects and has input of an advisory nature on the rate structure and other matters such as the comparative rates for 1/2-inch and 3/4-inch meters.

There is no history of routine or regular approval of the board's recommendations by the City Council. Consequently, the City now believes that it was in error when it included Article III in the board's by-laws. Article III, previously furnished to the Commission, states that the board was to be included in the City's and the districts' conflict of interest codes. The City intends to delete Article III in the immediate future.

#### The Cable Communications Franchise Advisory Committee

Although documents were presented and advice was requested regarding this committee in the previous letter, you now advise that it is no longer functioning. Consequently, the question of whether or not it is "solely advisory" is moot.

#### The Council on Aging

The Council on Aging has a seven-member executive board, the members of which are appointed by the City Council to two-year, staggered terms. It meets once each month. There is also an advisory board of approximately 30 members. The executive board acts as an advisory board to the City Council on issues pertaining to senior citizens.

The City has a Senior Citizens Center, which the City built on part of its Civic Center land (adjacent to City Hall) with Community Development Block Grant (CDBG) monies. The City decides who is permitted to use these premises (within guidelines established by the Council on Aging and approved by the City Council).

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The City has hired a senior citizens program coordinator who helps to organize and run the various programs at the Center, but who is supervised by and reports to a City department head. The senior citizens programs are largely designed by the Council on Aging.

The Council on Aging operates the "Meals on Wheels" program. The Council on Aging is not a tax-exempt nonprofit organization; it uses donated monies and other private funds (approximately \$26,000 annually) to pay for the cost of the program. The Council on Aging pays the City on a monthly basis for all costs incurred in the program. The City, in turn, issues payments for mileage reimbursement for volunteer drivers, processes payments for meals purchased by the Council on Aging from the County and processes salary checks for the part-time "Meals on Wheels" coordinator.

The Council on Aging also operates a "Lifeline" program utilizing CDBG monies from the City. The Council on Aging has received approximately \$20,000 per year for the last 3 years from the City to purchase the communication devices which enable disabled, low-income seniors to communicate with the hospital in case of medical emergency. The Council on Aging Lifeline Committee determines which senior citizens will receive the devices, according to certain eligibility criteria. In conjunction with the hospital, the City Council determines from whom to purchase the devices and issues a purchase order for the units through the City's normal accounting process. The devices are maintained by the local hospital in order to assure compatibility with existing equipment.

Lastly, the Council on Aging raises private funds to purchase furnishings for the Senior Citizens Center. Donations of furnishings are also accepted. An advisory committee assists with this function.

Except for those areas noted above, the Council on Aging has not made regular recommendations to the City Council.

#### The Transit System Productivity Improvement Committee

No factual information was previously provided regarding this committee; consequently, the previous advice letter provided no advice about this committee.

The Transit System Productivity Improvement Committee meets once a year. It is established pursuant to state law to study the transit system and make recommendations to improve the system's efficiency. The make-up of the committee is dictated

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by state law and its members are appointed by the City Council. The committee spends no money. The City staff considers its recommendations, but there is no record of regular and on-going approval or implementation of these recommendations.

#### The Home Rehabilitation Administrative Review Committee

No factual information was provided about this committee in the previous letter and, therefore, no advice was rendered regarding it. The committee consists of three members, all appointed by the City Manager.

The committee reviews and oversees the distribution of CDBG money for home rehabilitation activities. The money is distributed through interest subsidy and deferred subsidy loans to qualifying homeowners. The maximum loan amount is \$15,000; however, most run in the \$10,000 to \$11,000 range. A total of \$120,000 may be allocated annually for rehabilitation purchases under both the interest subsidy and the deferred loan programs.

The City staff reviews the applications and makes recommendations to the committee, which reviews the recommendations and makes the final decision to actually disburse the funds.

#### The County-Wide Program Advisory Committee

No factual information was previously provided regarding this body and no advice was previously rendered. You have now advised that this is really a county agency, covered by the county's conflict of interest code. The City just names representatives to the body. Therefore, your question regarding this agency is withdrawn.

#### The Youth Council

The Youth Council does continue to exist, even though the previously submitted documents mandated its extinction several years ago. It gives a report to the City Council every 3 weeks regarding youth issues. There are seldom any issues on which the City Council would take action. It serves an advisory function, and there is no record of the City Council regularly approving or implementing its recommendations.

#### The Youth Employment Service Advisory Board

This is a 15-member body which makes recommendations to the City staff on the youth employment service which the City

operates. The board consists of the employment advisors from the local schools, representatives from governmental agencies, local businesses and youth. It advises City staff on how to operate the service. The staff listens to the board and takes its suggestions into account. The suggestions very seldom go to the City Council for its review. The board is allocated no operating budget.

#### The Joint Powers Civic Center Authority

This body was not mentioned in the previous letter and, therefore, was not discussed. It consists of one member of the City Council, one county supervisor and one at-large member. It determines the compatibility of proposals for use of the Civic Center land, including potential private tenants, etc. The City Council appoints one member to this three-member body which is not advisory to the City Council. There is no money budgeted by the City to this independent authority.

#### ANALYSIS

Under the Political Reform Act (the "Act")<sup>1/</sup>, the fundamental question involved in each instance is whether the body in question either makes decisions or makes recommendations which are followed on a regular basis without substantial modification. (See, Regulation 18700(a).) Unless the official's position entails governmental decision-making, either directly, by delegation, or by participation through recommendation, there is no need to cover the position in a conflict of interest code. (Sections 82019 and 87302(a).)

We now apply these rules to the revised and augmented facts provided for each of the bodies in question.

#### The General Plan Advisory Committee

As previously stated, our advice that this body need not be covered remains the same because the facts have not been changed.

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

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### The Neighborhood Councils

Given that the neighborhood councils do not spend money and given that votes of their executive boards weigh no more than the votes of the audience, the positions of the executive board need not be designated in the City's code.

### The Citizen Election Advisory Committee

The committee has no enforcement authority and only sends letters of inquiry and disseminates information. It does not make recommendations that are followed on a regular basis by the City Council. Consequently, the committee's unsalaried members are members of a solely advisory body and should not be designated in the City's code. (Section 82019.)

### The Water Resources Advisory Board

This board's by-laws declared that it would be included in the conflict of interest codes of the City and the water and sanitary districts. Based upon that, we previously concluded that such coverage was appropriate. However, you have now agreed that the requirement in the by-laws is in error and will be removed. A review of the facts shows that the board does not spend any money and cannot initiate any actions. It reviews and comments upon budgets, rates, and proposed assessment districts. There is no history of routine or regular approval of its recommendations by the City Council. Consequently, the board need not be included in the City's code.

### The Cable Communications Franchise Advisory Committee

This body is no longer functioning. Consequently, it is unnecessary to analyze its characteristics.

### The Council on Aging

While the Council on Aging does make some decisions involving the expenditure of some monies, these decisions are made in conjunction with or through the City. In addition, the sums of money involved are quite small, well below \$70,000 annually. Consequently, an exemption from having a conflict of interest code might be appropriate under Regulation 18751(a) and (d).<sup>2/</sup> As the code reviewing body, the Simi Valley City

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<sup>2/</sup> In the earlier letter to Marjorie Baxter, it was pointed out that some of the bodies might be exempt. See, Baxter letter at p.10. A copy of Regulation 18751 is enclosed.

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Council is the appropriate entity to consider and grant such an exemption.

The Transit System Productivity Improvement Committee

No advice was previously provided regarding this body because no facts accompanied the previous letter. Because this body is unsalaried and advisory only, with no record of regular and on-going approval or implementation of its recommendations, it need not be covered by the City's code. (Section 82019.)

The Home Rehabilitation Administrative Review Committee

No advice was previously provided regarding this body because no facts accompanied the previous letter. This body allocates as much as \$120,000 annually in loans to homeowners for rehabilitation projects. The loans run as high as \$15,000, with most in the \$10,000 to \$11,000 range.

This committee's members should be covered by the City's code. The disclosure category should be narrowly drawn, as required by the statute. (Section 87302(a).) Interests in real property should be disclosed. In addition, disclosure should be made of income or gifts received from homeowners who are eligible to apply for the program's assistance. Lastly, investments in, and income or gifts from, businesses which perform such rehabilitation projects should be disclosed.

The County-Wide Program Advisory Committee

No advice was previously provided regarding this body because no facts accompanied the previous letter. The body is a county agency and, hence, the City has no responsibility as the code adopting or code reviewing body. Therefore, we understand you have withdrawn your question.

The Youth Council

This body is unsalaried and serves a solely advisory function. Consequently, its members need not be designated in the City's code. (Section 82019.)

The Youth Employment Service Advisory Board

This body has no operating budget. Its role is advisory to City staff with respect to operation of the City's youth employment service. Its members are unsalaried and make no direct decisions. There is no indication that their recommendations are regularly followed by City staff. Consequently, the board need not be covered by the City's code.

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The Joint Powers Civic Center Authority

This body was not included in the previous letter. Two of its members (one city councilmember and one county supervisor) already file full disclosure statements pursuant to Sections 87200, 87206 and 87207. The authority makes decisions regarding use of the Civic Center land, including potential private tenants. The authority has no budget, but does have final decision-making authority. It is not advisory to the City Council, but is independent.

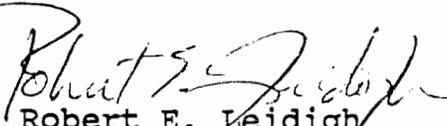
The authority should have a conflict of interest code for its members. The disclosure categories should require disclosure of interests in real property within a 1,000-foot radius of the Civic Center land. In addition, the code should require disclosure of investments in, and income and gifts received from, any business entities which are located within a 1,000-foot radius of the Civic Center or which are tenants of, or are of the type of business likely to seek to become tenants of, the Civic Center.

Overall Resolution

It is my understanding that you and the City are in concurrence with the foregoing advice. Should you have questions regarding any of the advice contained in this letter or the previous letter, the undersigned may be reached at (916) 322-5901.

Sincerely,

DIANE M. GRIFFITHS  
General Counsel

  
By: Robert E. Leidigh  
Counsel, Legal Division

REL:plh  
Enclosure  
cc: Honorable Johan Klehs



# California Fair Political Practices Commission

August 15, 1986

Marjorie Baxter  
Assistant City Attorney  
City of Simi Valley  
2929 Tapo Canyon Road  
Simi Valley, CA 93063

Re: Your Request for Advice  
Our File No. A-86-234

Dear Ms. Baxter:

You have requested Formal Written Advice to assist you in your role as Assistant City Attorney in determining whether various citizen advisory panels should be covered by the City of Simi Valley's Conflict of Interest Code. Your request is based upon your letter, various accompanying documents and upon information supplied by John Torrance, Simi Valley City Attorney, in a July 30 phone conversation.

## QUESTIONS

Is the General Plan Advisory Committee "solely advisory" and therefore exempt from inclusion in the Simi Valley Conflict of Interest Code? The same question is posed as to several other citizens advisory groups within the City.

1. Neighborhood Councils
2. Citizens Election Advisory Commission
3. Water Resources Advisory Board
4. Cable Communications Franchise Advisory Committee
5. Council on Aging
6. Transit System's Productivity Improvement Committee
7. Home Rehabilitation Administrative Review Committee
8. County-wide Planning Program Advisory Committee
9. Youth Council
10. Youth Employment Service Advisory Board

## CONCLUSION

The General Plan Advisory Committee is a "solely advisory" body and need not be covered by the Conflict of Interest Code of the City of Simi Valley. Several of the other bodies about

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which you have asked are not "solely advisory" and are subject to coverage under the Code. However, the disclosure required of agency members should be carefully drawn to relate to their duties and authority. As to some of the bodies, we have insufficient information on which to base any conclusion.

#### FACTS/ANALYSIS

Your letter states as follows:

The General Plan Advisory Committee consists of 13 members appointed by the City Council to represent the entire community as an advisory only "ad hoc" committee. The composition of the Committee was chosen to represent various representative and particular points of view to maintain a balance of community interests. The purpose of the committee is to review the draft General Plan update and to make recommendations which will then be relayed to the Planning Commission and the City Council. This committee will function for approximately three months. There is no indication available as to the likelihood of whether or not these recommendations will be followed by the City Council.

\* \* \*

In addition to this "ad hoc" committee we have several other permanent advisory committees which are also appointed by the City Council to make recommendations....

#### General Plan Advisory Committee

In our telephone conversations, you indicated that the General Plan Advisory Committee had been challenged by some citizens for alleged conflicts of interest on the part of its members, which gave rise to your question to us. In his telephone conversation, Mr. Torrance stressed that the General Plan Advisory Committee is "strictly advisory" and is merely "an additional community perception device" rather than an integral part of the decision-making process; however, "there is no real legislative articulation of what is expected" from the General Plan Advisory Committee. He added that the General Plan Advisory Committee "has no track record, and is generally only ad hoc."

Conflict of interest codes are required to identify "designated employees" and assign to those designated positions the appropriate disclosure categories. Government Code Section

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87302.<sup>1</sup>/ The term "designated employee" is defined in Section 82019. That definition specifically excludes "... any unsalaried member of any board or commission which serves a solely advisory function."

Commission regulation 2 Cal. Adm. Code Section 18700 provides guidance in determining whether a board or commission is "solely advisory" or has decision-making authority.

(a) "Public official at any level of state or local government" means every natural person who is a member, officer, employee or consultant of a state or local government agency.

(1) "Member" shall include, but not be limited to, salaried or unsalaried members of boards or commissions with decision-making authority. A board or commission possesses decision-making authority whenever:

(A) It may make a final governmental decision;

(B) It may compel a governmental decision; or it may prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto which may not be overridden; or

(C) It makes substantive recommendations which are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or governmental agency.

2 Cal. Adm. Code Section  
18700(a)(1)(A), (B) and (C).

In the Bonfa Opinion, the Commission applied this standard to a Project Advisory Council for a redevelopment area. (Bonfa Opinion, 2 FPPC Opinions 146, No. 76-033, Oct. 5, 1976, copy

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<sup>1</sup>/ The Political Reform Act is found at Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

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enclosed.) The Commission concluded that on the particular facts before them, the Project Advisory Council was not a decision-making body.<sup>2/</sup> In doing so, the Commission stated:

Thus, a redevelopment agency may not adopt a plan until it has been submitted to the PAC and consideration has been given to the recommendations of the PAC. However, the PAC's recommendations are not binding on the redevelopment agency, which is free to adopt some, all, or none of the recommendations at its discretion. Moreover, if the redevelopment agency refuses to approve the recommendations of the PAC, this action cannot be appealed to any governmental agency or judicial body, or otherwise reviewed.

We think that under these circumstances it is clear that a PAC does not make final governmental decisions, does not have the power to compel governmental decisions, and cannot prevent such decisions within the meaning of 2 Cal. Adm. Code Section 18700(a)(1). Accordingly, we conclude that a PAC does not have "decision-making authority" within the meaning of the regulation and that its members, therefore, are not "public officials" by reason of their affiliation with the PAC.<sup>2/</sup>

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<sup>2/</sup> Whether the PAC "makes substantive recommendations which are, and over an extended period of time have been, regularly approved without significant amendment," and hence has decision-making authority, depends on the facts of each particular case. We have been provided with no facts which suggest that this occurs in the present case.

Bonfa Opinion, supra, at p.5.

Approximately one year ago, the Commission noticed a proposed regulation (proposed 2 Cal. Adm. Code Section 18700.3) which addressed this issue. A copy of the proposed regulation

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<sup>2/</sup> It should be noted that this specific conclusion would no longer hold because the statutory role of the Project Advisory Council has since been changed. However, the principles enunciated in the Bonfa Opinion remain valid.

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is enclosed for your review and comment, as it has not been considered by the Commission to date. The proposed regulation specifically addresses the type of situation present here, where there is no "track record" in terms of whether the committee's recommendations are regularly followed or not. (See enclosed proposed regulation at subsection (b)(2).) Under the proposed regulation, it is apparent that the General Plan Advisory Committee would be considered "solely advisory" because it is:

... an ad hoc committee not required by law, whose members are unsalaried and are selected to represent the views of the affected community or of specific groups from the affected community concerning a specific topic. These agencies do not include design review boards or other citizen committees which, on an ongoing basis, are or are intended to be a significant element of the decisionmaking process.

Despite the fact that this regulation has not yet been considered by the Commission, it is the staff's belief that the standard thus enunciated is an appropriate one. Consequently, we conclude that the General Plan Advisory Committee is a "solely advisory" agency and not subject to the requirements of the City's Conflict of Interest Code.

#### Neighborhood Councils

You have provided a 12-page document and a nearly identical 13-page document which describe the nature, composition and duties of the Neighborhood Councils which "shall be a recognized component of the City government structure with its purpose and function to operate independently and apart from the influence of the City Councilmembers or City officers while advising the City Council of the various problems of its neighborhoods and making recommendations for improvements on City government services."

Each Neighborhood Council has an Executive Board numbering between 7 and 13 members, appointed by the City Council to serve staggered 2-year terms. The Executive Board is required to establish regular meetings and has an "official representative" at City Council meetings who "shall represent official positions taken by his or her Neighborhood Council." (Emphasis added.)

If any member of an Executive Board shall file as a candidate for election to a public office, he or she

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shall take a leave of absence from the Executive Board. If any member of an Executive Board shall be elected or appointed to any other public office, his or her seat as a member of the Executive Board shall become vacant upon the assumption of the other public office. (Emphasis added.) Art. III, Sec. I.

Articles VI and VII of the document provide further for interaction between the Neighborhood Council and the City Council and for City staff to provide support (including the City Attorney, when necessary) to the Neighborhood Council. Article VII, Section 4, provides:

A special effort will be made to involve each Neighborhood Council in the early deliberation of any matter affecting its area so that decisions ultimately may reflect the needs and expectations of the affected neighborhoods to the greatest extent possible.

The Neighborhood Council is advisory to the City Council on such matters as public works, public safety, planning and zoning, public health and sanitation. (Art. II, Section 1.B.) The Neighborhood Council has a "minimum budget" and may expend monies subject to the normal City warrant processes via the City Manager's Office. (Art. IX.)

All of the foregoing leads to the conclusion that the Neighborhood Council Executive Board members should be included as "designated employees" in the City's Conflict of Interest Code. The Neighborhood Council is clearly "intended to be a significant element of the decisionmaking process."

#### Citizens Election Advisory Commission

You have submitted a 7-page document describing the composition and duties of the Citizens Election Advisory Commission. It is a five-member body appointed by the Mayor. Members may be removed by a four-fifths vote of the City Council. The Commission's meetings are subject to the Ralph M. Brown Act requirements for open meetings.

Generally, the Commission's duties are to facilitate the elections process in the City and to disseminate campaign financing information. Based upon the description of those duties, the Citizens Election Advisory Commission is clearly not "solely advisory." It makes decisions and takes actions. However, given the nature of its duties, the scope of disclosure required of its members will be very narrow, limited

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probably to sources of income or gifts from persons who are candidates, treasurers, committees, or ballot measure proponents in city elections.

Water Resources Advisory Board

You have provided a 10-page document which describes the activities and duties of the Water Resources Advisory Board. Article II thereof states as follows:

The purpose of the WRAB is to advise the Boards of Directors in the administration of the Ventura County Waterworks District No. 8 and the Simi Valley County Sanitation District ... and shall only include:

1. Recommendations to the Boards of Directors on:
  - a. District Operating activities referred by the respective District Board.
  - b. Proposed changes to the boundaries of the Districts.
  - c. Proposed assessment districts or improvement zones within each District.
  - d. Budget and capital projects.
  - e. Setting of rates and fees.

Members of the Water Resources Advisory Board (there are nine members) must be residents of one or both of the two districts and are appointed by the Districts' boards. (Art. III.) The meetings of the Water Resources Advisory Board are subject to the Ralph M. Brown Act. (Art. V.) The Water Resources Advisory Board is subject to the Conflict of Interest Codes of the City of Simi Valley and the Districts. (Art. VIII.) Based upon the foregoing information, we see no reason to reach a different conclusion than that of Article VIII. The Water Resources Advisory Board should continue to be covered by the City's Code.

Cable Communications Franchise Advisory Committee

You have provided a 4-page document describing this body. Unfortunately, much of the language of this document has been blackened-over by use of a colored highlighter at some point in

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the past, which has subsequently photocopied as black, obliterating the type. Apparently, the Cable Communications Franchise Advisory Committee has responsibility for reviewing cable television service proposals and for recommending provisions for franchise-award agreements. This work began in 1982 and is, apparently, on-going. The members of the Cable Communications Franchise Advisory Committee are appointed by the City Council.

If the Cable Communications Franchise Advisory Committee's recommendations "are, and over an extended period of time have been, regularly approved without significant amendment or modification by ..." the City Council, the Cable Communications Franchise Advisory Committee should be covered by the City's Conflict of Interest Code. We are unable to determine if this is the case from the information presented.

#### Council on Aging

You have provided a 6-page document describing the Council on Aging and its duties. The Council on Aging is similar to many other bodies of like name in other communities. It is organized to provide "an appropriate mechanism whereby senior citizens could make formal recommendations on matters of concern to them." The Council on Aging is an advisory body to the City Council and has an Executive Board appointed by the Mayor with the advice and consent of the City Council. Executive Board members serve 2-year terms (originally 4 years). The Council on Aging has staffing appointed by the City Manager. Staff may assist with grant applications and financial assistance may be provided through the normal City budgeting process. The Council on Aging has been in existence for over 12 years.

Based upon the information provided, it is unclear whether the Council on Aging is "solely advisory" or not. If in fact it is involved in grants or contracts, it clearly is making decisions and is not "solely advisory." See Comm. on State Gov't. Organization and Economy v. FPPC (1977) 75 Cal. App. 3d 716, 142 Cal. Rptr. 468. In the alternative, if its recommendations are regularly followed, it is, again, not a "solely advisory" agency. In either such circumstance, the Executive Board of the Council on Aging should be covered by the Simi Valley Conflict of Interest Code.

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Transit System's Productivity Improvement Committee

House Rehabilitation Administrative Review Committee

County-wide Planning Program Advisory Committee

We have received no documents or other information regarding these three bodies, and consequently we are unable to provide any specific advice regarding these agencies. However, our analysis and conclusions with respect to the eight other agencies discussed in this letter should provide sufficient guidance for you to determine whether these agencies serve a solely advisory function.

Youth Council

You have provided a 10-page document relating to this body. The body was created on 27 April 1970, and was to submit its final report on or before 1 January 1971, "at which time the committee shall dissolve," with a possible one-time, one-year extension. Therefore, any issue regarding this body is moot, because its entire existence pre-dated the adoption of the Political Reform Act of 1974 and the Act's effective date of January 7, 1975.

Youth Employment Service Advisory Board

You have provided two documents, totaling 15 pages, regarding the Youth Employment Service Advisory Board. Many of the provisions of the resolution establishing the Youth Employment Service Advisory Board parallel those in the resolution establishing the Council on Aging. However, several additional provisions are contained in the documents. Those provisions parallel several of the provisions in the documents regarding the Neighborhood Councils, such as the requirement for resignation if elected to "other public office." The Youth Employment Service Advisory Board "may raise funds to pay for expenses incurred in the operation of any special or general project.... All funds received, including donations, will be allocated to the City's General Fund, Youth Employment Service Account to offset operating expenses...." The Youth Employment Service Advisory Board is provided with City staff support.

We have no information regarding the frequency with which the Youth Employment Service Advisory Board's recommendations are followed; however, it appears to have certain decision-making authority and can expend funds. A position on the Youth Employment Service Advisory Board is obviously

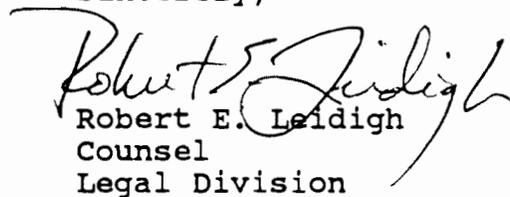
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considered to be a "public office." Hence, absent other facts, we conclude that the Youth Employment Service Advisory Board should be subject to the City's Conflict of Interest Code.

OVERALL CAVEAT

The fact that certain of the previously-discussed bodies are not "solely advisory" does not automatically lead to the result that extensive disclosure will be required of their members. Disclosure categories must be drawn so as to focus on the types of economic interests which may be affected by any agency's decisions. Furthermore, in certain instances, exemptions from coverage are appropriate. See regulation 2 Cal. Adm. Code Section 18751, copy enclosed. Should you determine that you would like assistance from the Commission's staff as to these issues, please contact Ms. Jeanette Turvill, Legal Assistant, in the Legal Division. The Legal Division telephone number is (916) 322-5901.

Sincerely,

  
Robert E. Leidigh  
Counsel  
Legal Division

REL:plh  
Enclosures

# CITY OF SIMI VALLEY

2929 TAPO CANYON ROAD, SIMI VALLEY, CALIFORNIA 93063  
(805) 583-6700

F P P C

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July 10, 1986

Fair Political Practices Commission  
1100 K Street  
Sacramento, California 95814

Attn: Robert Leidiegh

Dear Mr. Leidiegh:

This letter is a request for a written response and follow up to our July 9, 1986 conversation regarding the status of our General Plan Advisory Committee as to the application of the Fair Political Practices Act.

The General Plan Advisory Committee consists of 13 members appointed by the City Council to represent the entire community as an advisory only "ad hoc" committee. The composition of the Committee was chosen to represent various representative and particular points of view to maintain a balance of community interests. The purpose of the committee is to review the draft General Plan update and to make recommendations which will then be relayed to the Planning Commission and the City Council. This committee will function for approximately three months. There is no indication available as to the likelihood of whether or not these recommendations will be followed by the City Council.

Your telephone advice was that these committee members were Public Officers subject to the Fair Political Practices Act and should fill out Disclosure Form 730 before meeting. Please review this request again in light of the contents of this letter.

In addition to this "ad hoc" committee, we have several other permanent advisory committees which are also appointed by the City Council to make recommendations. These consist of the following:

1. Neighborhood Councils
2. Citizen's Election Advisory Commission
3. Water Resources Advisory Board
4. Cable Communications Franchise Advisory Committee
5. Council on Aging
6. Transit System's Productivity Improvement Committee
7. Home Rehabilitation Administrative Review Committee
8. Countywide Planning Program Advisory Committee
9. Youth Council
10. Youth Employment Service Advisory Board

ELTON GALLEGLY, Mayor  
GREG STRATTON, Mayor Pro Tem  
ANN H. ROCK, Council Member  
VICKY HOWARD, Council Member



Mr. Robert Leidiegh  
July 10, 1986  
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Would you advise us as to whether or not these groups should also file Form 730 disclosure statements. Enclosed are the various by-laws of these groups and also a copy of our local conflict of interest code. We are temporarily terminating vital City business which appears before these Boards and Commissions until we receive an answer from you, so we would appreciate an early response.

Thank you for your cooperation and helpfulness in this matter.

Very truly yours,

  
Marjorie Baxter  
Assistant City Attorney

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Enclosures

cc: City Council  
City Manager