



# California Fair Political Practices Commission

August 26, 1986

Mr. James L. Larson  
Attorney at Law  
P.O. Box 1369  
Fort Bragg, CA 95437

Re: Your Request for Advice  
Our File No. I-86-261

Dear Mr. Larson:

In accordance with our telephone conversation, enclosed is a copy of Commission regulation 2 Cal. Adm. Code Section 18702.1 which we discussed.

During our conversation, you informed me that the maximum amount that rates could change under the rate setting proposal would be approximately \$85 to \$100 per year. You can see that under regulation 18702.1(a)(4) (copy enclosed), officials would not be required to disqualify themselves unless the decision could increase or decrease expenses by \$250 or more per year. The Commission has interpreted this provision to mean that the \$250 effect would occur within a one-year period.

Accordingly, the members of the Noyo Harbor Commission and the Noyo Harbor District would not be disqualified from voting on the rate change proposals.

If I can be of further assistance, please feel free to call me at (916) 322-5901.

Sincerely,

*John G. McLean*  
John G. McLean  
Counsel  
Legal Division

JM:JT:km  
Enclosure

**James L. Larson**  
ATTORNEY AT LAW  
311 N. MCPHERSON ST. P. O. BOX 1369  
FORT BRAGG, CA 95437  
[707] 964-6327

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August 14, 1986

Fair Political Practices Commission  
P. O. Box 807  
Sacramento, CA 95814

Ladies and Gentlemen:

I am writing on behalf of the Noyo Harbor Commission and the Noyo Harbor District, a California Port District, established under the Harbors and Navigation Code, § 6200, et seq.

A question has arisen regarding whether various commission members are disqualified from voting on rate setting proposals and on the over-all budget of the District.

Because our budget by law is to be completed by September 1, 1986, an immediate response to this letter is requested.

One of the board members is the owner and operator of a commercial fishing vessel, another member is an owner and the wife of an operator of a commercial fishing vessel, and a third member is shown on the title to a vessel as a co-owner, but exercises no control over the vessel and has no beneficial interest therein.

Your advice is requested as to the following:

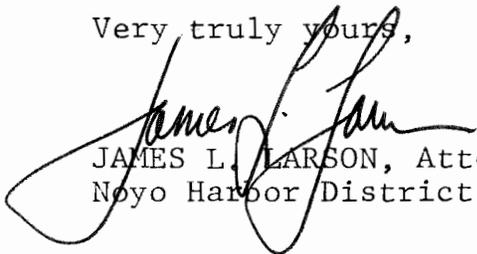
1. Are these members each disqualified from voting or participating in rate setting decisions fixing mooring rates for vessels in the Noyo Mooring Basin, which is operated by the District? (A relatively small percentage of the voters and tax payers in the District are vessel owners whose vessels are moored in Noyo Mooring Basin.)

2. May one of the disqualified members vote on setting rates (if selected in a random fashion) pursuant to Government Code §87101?

3. May the three members vote on the adoption of a budget if a rate increase or decrease is not a part of the budget?

Thank you for your anticipated assistance. If you need any further information or would like to discuss the matter further with the undersigned, please do not hesitate to telephone my office at your convenience.

Very truly yours,



JAMES L. LARSON, Attorney for  
Noyo Harbor District

P.S.: By action of the board at its meeting of August 14, 1986, I was directed to make this inquiry and request your written advice.



# California Fair Political Practices Commission

August 19, 1986

James L. Larson  
Attorney at Law  
311 N. McPherson St.  
P.O. Box 1369  
Fort Bragg, CA 95437

Re: 86-261

Dear Mr. Larson:

Your letter requesting advice under the Political Reform Act has been received on August 19, 1986 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