



# California Fair Political Practices Commission

February 13, 1987

J. Dennis Crabb  
City Attorney  
City of South Lake Tahoe  
P.O. Box 1210  
South Lake Tahoe, CA 95705

Re: Your Request for Informal Assistance  
Our Advice No. I-87-035

Dear Mr. Crabb:

Pursuant to our telephone discussion, you have forwarded to me the attached copy of your legal memorandum to South Lake Tahoe Mayor Woods. I have reviewed your memorandum and agree with the advice and its conclusion as it relates to the conflict of interest provisions of the Political Reform Act.<sup>1/</sup>

I trust this letter is sufficient confirmation for your purposes. Should you have further questions regarding this matter, I may be reached at 916/322-5901.

Very truly yours,

Diane M. Griffiths  
General Counsel

  
By: Robert E. Leidigh  
Counsel, Legal Division

REL:km  
Enclosures

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise noted. 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.

Your letter states only a general question; it does not seek advice concerning a specific decision pending before the City Council. Therefore, we consider it to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed). Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)



CITY OF  
SOUTH LAKE TAHOE

CALIFORNIA

ADMINISTRATIVE CENTER

1052 TATA LANE

P.O. BOX 1210 — SOUTH LAKE TAHOE, CALIFORNIA 95705 — PHONE (916) 573-2040

JAN 20 6 41 AM '87

TO: Mayor Woods

FROM: J. Dennis Crabb, City Attorney

DATE: January 27, 1987

SUBJECT: Processing of Permit Application

In accordance with the direction of the City Council on January 20, 1987, this memo is intended to constitute a formal City Attorney's opinion as to the mechanisms necessary to the correct processing of a permit application for the development of real property owned by you and your wife on Eloise Avenue.

In processing the proposed development application the following procedures must be observed:

1. You have previously retained an independent consultant to handle the processing of the application through both the City and TRPA. All contact with the City staff must be handled exclusively through the consultant. You should have no contact of any type concerning the application with any member of the City staff other than to request any other legal advice which may be required from this office through the City Council under the procedure established for that purpose.
2. All contacts between the consultant and the City staff must be fully documented, in writing, and made a part of the official City file regarding the project.
3. The Planning Director will designate a single contact person for the project on the City staff. All communications between the City and the consultant must be handled by that single individual. Until further notice, the designated individual is Gary Marchio.
4. It is not anticipated that this matter will come before the City Council. Should that eventually occur, upon appeal or otherwise, you must disqualify yourself from any such pro-

Mayor Woods  
January 27, 1987  
Page 2

ceeding and you must refrain from discussing the matter with any member of the Council.

5. You should secure a written opinion from the counsel for the Tahoe Regional Planning Agency regarding processing of any application before that agency and insure that a copy of that opinion is included in both the TRPA and City project files.

Prior to preparing this memorandum, I consulted with Mr. Bob Leidigh of the Fair Political Practices Commission and he generally concurred with the advice provided. He did suggest that I contact Mr. Ted Primm of the Attorney General's Office for advice on whether a Government Code 1090 situation might be involved.

That section prohibits entry into contracts with the City by persons who are city officials, with certain limited exceptions. I do not believe that it has any applicability here. However, Mr. Primm indicated that he wished to discuss it further within his office and he will subsequently advise me if I appear to be in error.

By copy of this memo I am advising the FPPC, Attorney General, TRPA, and City staff of the advice provided to you, and the manner in which, in my opinion, the application should be processed.

If they have further comments, I will advise you in writing. In the interim, City staff is working with the consultant to insure that the application to be submitted to the City is complete. The consultant has executed a waiver of the statutory time limits within which an application must be processed, once it is determined to be complete. The Planning Department will be working jointly with the TRPA staff to insure that their requirements and any requirements under the presently existing injunction are met during processing.

I would be less than candid if I did not state that the advice I have provided to you is very conservative and there are, in all probability, other lawful mechanisms which could be uti-

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Mayor Woods  
January 27, 1987  
Page 3

lized. However, given the complex legal and governmental questions involved with the new TRPA plan, its limits on new development, and your role as a member of both the City Council and the TRPA, I would be professionally remiss if I did not advise a course of action which is circumspect in the extreme.

If there are any questions or you require clarification of any issues discussed herein, please contact me at your convenience.



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J. Dennis Crabb, City Attorney

JDC:jmc

cc: City Manager  
City Clerk  
Planning Director  
✓ Bob Leidigh, Fair Political Practices Commission  
Ted Primm, Office of the Attorney General  
Susan Scholley, Legal Counsel, TRPA  
Dena Schwarte

11-86-635



January 22, 1987

Diane M. Griffiths, General Counsel  
Jeanne Pritchard, Division Chief  
Fair Political Practices Commission  
428 "J" Street, Suite 800  
P.O. Box 807  
Sacramento, California 94804-0807

RE: Your File No. A-87-023

Dear Ms. Griffiths and Ms. Pritchard:

Thank you for your letter of January 16, 1987 regarding our duties under the campaign disclosure provisions of the Political Reform Act.

Please note that my partner Ivan C. Gayler and I transferred title of the subject properties to Del Mar Plaza, Ltd., a California limited partnership. That entity is filing Form 461 as an Independent Expenditure and Major Donor Committee.

Pursuant to your letter, the Partnership has prepared one statement for the period from January 1, 1986 through December 20, 1986. This statement is being filed late because we did not receive your letter until January 16, 1987 which indicated the filing requirements which had to be met. We did not realize until late December 1986 that we would have to report staff twice, architectural fees, office overhead and other expenses associated with the preparation of ballot materials and payments for the costs of conducting the election.

The second statement is for the period from December 21, 1986 through January 17, 1987. It reflects the percentage of staff time allocated to expenses associated with informing voters about the facts related to the project. Salaried individual staff members who devoted more than ten percent (10%) of their working time to the election are reported. According to your explanation these are all expenditures "made for political purposes," which are therefore fully reportable.

If there is any additional information or clarification required please do not hesitate to call.

Yours truly,

David J. Winkler

DJW:lsp

Enclosures

cc: City of Del Mar

**INDEPENDENT EXPENDITURE AND MAJOR DONOR  
COMMITTEE CAMPAIGN STATEMENT**



(Government Code Sections 84200—84217)

For use by: (1) persons who have made independent expenditures to support or oppose candidates, officeholders or ballot measures totaling \$500 or more in a calendar year; or (2) persons who have made expenditures or contributions totaling \$10,000 or more in a calendar year directly to or at the behest of candidates, officeholders or committees.

Type or Print in Ink

Statement covers period 1/1/86 through 12/20/87

A OFFICIAL USE ONLY

**NAME OF FILER:**  
Del Mar Plaza, Ltd., a California limited partnership

**PERMANENT ADDRESS: NO. AND STREET CITY STATE ZIP CODE AREA CODE BUSINESS PHONE NUMBER**  
300-15th Street Del Mar CA 92014 (619)259-0903

**NAME OF RESPONSIBLE OFFICER (IF FILER IS OTHER THAN AN INDIVIDUAL)**  
David J. Winkler

**PERMANENT ADDRESS OF RESPONSIBLE OFFICER: NO. AND STREET CITY STATE ZIP CODE AREA CODE BUSINESS PHONE NUMBER**  
Same as above

**DATE OF ELECTION (MO., DAY, YR.): (IF APPLICABLE)** February 3, 1987      **TOTAL PAGES** 2

**I EXPENDITURES AND CONTRIBUTIONS MADE TO: (Amounts may be rounded off to whole dollars)**

| DATE  | IND EXP. * | NAME & ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NO. OR TREASURER'S NAME AND ADDRESS) | DESCRIPTION OF EXPENDITURE OR CONTRIBUTION MADE | NAME OF CANDIDATE & OFFICE OR NAME OF BALLOT MEASURE & BALLOT NUMBER OR LETTER | Check one* |          | AMOUNT   | CUMULATIVE AMOUNT |
|---|------------|---|---|--|------------|----------|----------|-------------------|
|   |            |   |   |  | Sup- port  | Op- pose |          |                   |
| 2/1/86  | X          | Pacific Bell San Diego, CA  | telephone service                               | Del Mar Plaza Specific Plan  | X          |          | 160.00   | 160.00            |
| 2/15/86   | X          | The Del Mar Partnership, Inc. 300-15th St. Del Mar, CA 92014                                | staff time                                      | Del Mar Plaza Specific Plan  | X          |          | 4,830.00 | 4,990.00          |
| 2/15/86   | X          | Diversified Realty Consultants, Inc. 300-15th St. Del Mar CA 92014                          | photocopies                                     | Del Mar Plaza Specific Plan  | X          |          | 467.00   | 5,457.00          |
| 2/15/86   | X          | Sprint Communications Company San Diego, CA   | telephone service long distance                 | Del Mar Plaza Specific Plan  | X          |          | 10.00    | 5,467.00          |
| 2/18/86   | X          | The Jerde Partnership Inc. 363 5th Ave San Diego 92101                                      | architectural floor plans for ballot            | Del Mar Plaza Specific Plan  | X          |          | 1,018.00 | 6,485.00          |
| 2/31/86   | X          | Neilsen, Hodgson Parrinello & Mullen 1030 15th St. Sacramento, CA 95814                     | legal   | Del Mar Plaza Specific Plan  | X          |          | 338.00   | 6,823.00          |
| Attach additional information on appropriately labeled continuation sheets. |            |   |   |  |            |          |          |                   |
| SUBTOTAL (Carry with any additional subtotals to Line 1, Part IV)           |            |   |   |  |            |          | \$       | 6,823.00          |

\*See instructions on reverse regarding "independent expenditures."

**YOU MUST COMPLETE THE SUMMARY AND VERIFICATION ON PAGE 2**

|                   |   |   |   |   |
|-------------------|---|---|---|---|
| OFFICIAL USE ONLY | C | D | E | F |
|-------------------|---|---|---|---|

For information required to be provided to you pursuant to the Information Practices Act of 1977, see "Information Manual on Campaign Disclosure Provisions of the Political Reform Act."

**INDEPENDENT EXPENDITURE AND MAJOR DONOR  
COMMITTEE CAMPAIGN STATEMENT  
FORM 461**

|                         |          |
|-------------------------|----------|
| STATEMENT COVERS PERIOD |          |
| FROM                    | THROUGH  |
| 1/1/86                  | 12/20/87 |

NAME OF FILER:  
Del Mar Plaza, Ltd., a California limited partnership

**I LOANS MADE TO: (Amounts may be rounded off to whole dollars)**

| DATE | FULL NAME & ADDRESS OF RECIPIENT<br>(If committee, also enter I.D. Number or Treasurer's name and address) | NAME OF CANDIDATE AND OFFICE OR NAME OF<br>BALLOT MEASURE AND BALLOT NUMBER<br>OR LETTER AND JURISDICTION | Check one |        | INT<br>RATE | AMOUNT OF<br>LOAN | CUMULATIVE<br>AMOUNT |
|------|--|---|-----------|--------|-------------|-------------------|----------------------|
|      |  |   | Support   | Oppose |             |                   |                      |
|      | NONE   |   |           |        |             |                   |                      |
|      |  |   |           |        |             |                   |                      |

Attach additional information on appropriately labeled continuation sheets.

SUBTOTAL (Carry with additional subtotals to Line 3, Part IV) \$ -0-

**II LOAN PAYMENTS RECEIVED AND LOANS FORGIVEN: (Amounts may be rounded off to whole dollars)**

| FULL NAME AND ADDRESS OF DEBTOR AND PERSON WHO REPAID THE LOAN IF DIFFERENT<br>(If the loan was made to a committee, list the committee's name and address and I.D. Number.<br>If the committee I.D. Number is unknown list the treasurer's full name and street address.) | AMOUNT<br>FORGIVEN | AMOUNT<br>REPAID THIS<br>PERIOD | UNPAID<br>BALANCE |
|--|--------------------|---------------------------------|-------------------|
| NONE   |                    |                                 |                   |
|  |                    |                                 |                   |

Attach additional information on appropriately labeled continuation sheets.

TOTAL \$ -0- (DO NOT CARRY TO SUMMARY SECTION)

**V SUMMARY**

|  |                 |
|--|-----------------|
| Expenditures and contributions made of \$100 or more this period (Part I) .....  | \$ 6,823.00     |
| Expenditures and contributions under \$100 made this period (Not itemized) .....   | -0-             |
| Loans made this period (Part II). Include all subtotals .....  | -0-             |
| <b>TOTAL (Line 1 + 2 + 3) .....</b>  | <b>6,823.00</b> |
| Total of expenditures and contributions made from prior statements. (If this is the first report for the calendar year, enter zero.) ..... | -0-             |
| Cumulative expenditures and contributions made to date (since January 1 of the current year) (Line 4 + 5) .....                            | 6,823.00        |

**VERIFICATION**

I have used all reasonable diligence in preparing this Statement. I have reviewed the Statement and to the best of my knowledge the information contained herein is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 1/22/87 at Del Mar, CA by Daryl A. White  
(DATE) (CITY AND STATE) (SIGNATURE OF INDIVIDUAL DONOR OR RESPONSIBLE OFFICER IF OTHER THAN AN INDIVIDUAL)

**INDEPENDENT EXPENDITURE AND MAJOR DONOR  
COMMITTEE CAMPAIGN STATEMENT**



**FORM 461  
1986**

(Government Code Sections 84200—84217)

For use by: (1) persons who have made independent expenditures to support or oppose candidates, officeholders or ballot measures totaling \$500 or more in a calendar year; or (2) persons who have made expenditures or contributions totaling \$10,000 or more in a calendar year directly to or at the behest of candidates, officeholders or committees.

**Type or Print in Ink**

Statement covers period 12/21/86 through 1/17/87

A OFFICIAL USE ONLY

**NAME OF FILER:**

Del Mar Plaza, Ltd., a California limited partnership

**PERMANENT ADDRESS: NO. AND STREET CITY STATE ZIP CODE AREA CODE BUSINESS PHONE NUMBER**  
 300-15th Street Del Mar CA 92014 (619) 259-0903

**NAME OF RESPONSIBLE OFFICER (IF FILER IS OTHER THAN AN INDIVIDUAL)**

David J. Winkler

**PERMANENT ADDRESS OF RESPONSIBLE OFFICER: NO. AND STREET CITY STATE ZIP CODE AREA CODE BUSINESS PHONE NUMBER**  
 same as above

**DATE OF ELECTION (MO., DAY, YR.): (IF APPLICABLE) TOTAL PAGES**  
 February 3, 1987 2

**I EXPENDITURES AND CONTRIBUTIONS MADE TO: (Amounts may be rounded off to whole dollars)**

| DATE   | IND EXP.* | NAME & ADDRESS OF PAYEE<br>(IF COMMITTEE, ALSO ENTER I.D. NO. OR TREASURER'S NAME AND ADDRESS) | DESCRIPTION OF EXPENDITURE OR CONTRIBUTION MADE | NAME OF CANDIDATE & OFFICE OR NAME OF BALLOT MEASURE & BALLOT NUMBER OR LETTER | Check one* |        | AMOUNT    | CUMULATIVE AMOUNT |
|--|-----------|--|---|--|------------|--------|-----------|-------------------|
|  |           |  |   |  | Support    | Oppose |           |                   |
| 1/2/87   | X         | Diversified Realty Consultants, Inc.<br>300-15th Street<br>Del Mar, CA 92014                   | Printing Office Help                            | Del Mar Plaza Specific Plan  | X          |        | \$ 782.00 | 782.00            |
| /15/87   | X         | Del Mar Plaza, Ltd.<br>300-15th Street<br>Del Mar, Ca 92014                                    | Office Hlep                                     | Del Mar Plaza Specific Plan  | X          |        | 522.00    | 1,304.00          |
| /15/87   | X         | Linda S. Perrin<br>7751 Starline Dr.<br>San Diego, CA 92123                                    | Staff time                                      | Del Mar Plaza Specific Plan  | X          |        | 500.00    | 1,804.00          |
| 15/87  | X         | Michael R. Gayler<br>8405 A Summerdale<br>San Diego, CA 92126                                  | Staff time                                      | Del Mar Plaza Specific Plan  | X          |        | 710.00    | 2,514.00          |
|  |           |  |   |  |            |        |           |                   |
|  |           |  |   |  |            |        |           |                   |
|  |           |  |   |  |            |        |           |                   |
| <b>Attach additional information on appropriately labeled continuation sheets.</b> |           |  |   |  |            |        |           |                   |
| <b>SUBTOTAL (Carry with any additional subtotals to Line 1, Part IV)</b>           |           |  |   |  |            |        | \$        | 2,514.00          |

\*See instructions on reverse regarding "independent expenditures."

**YOU MUST COMPLETE THE SUMMARY AND VERIFICATION ON PAGE 2**

OFFICIAL USE ONLY

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D

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For information required to be provided to you pursuant to the Information Practices Act of 1977, see "Information Manual on Campaign Disclosure Provisions of the Political Reform Act."

**INDEPENDENT EXPENDITURE AND MAJOR DONOR  
COMMITTEE CAMPAIGN STATEMENT  
FORM 461**

|                         |         |
|-------------------------|---------|
| STATEMENT COVERS PERIOD |         |
| FROM                    | THROUGH |
| 12/21/86                | 1/17/87 |

NAME OF FILER:  
Del Mar Plaza, Ltd., a California limited partnership

**II LOANS MADE TO: (Amounts may be rounded off to whole dollars)**

| DATE   | FULL NAME & ADDRESS OF RECIPIENT<br>(If committee, also enter I.D. Number or Treasurer's name and address) | NAME OF CANDIDATE AND OFFICE OR NAME OF<br>BALLOT MEASURE AND BALLOT NUMBER<br>OR LETTER AND JURISDICTION | Check one |        | INT<br>RATE | AMOUNT OF<br>LOAN | CUMULATIVE<br>AMOUNT |
|--|--|---|-----------|--------|-------------|-------------------|----------------------|
|  |  |   | Support   | Oppose |             |                   |                      |
|  | NONE   |   |           |        |             |                   |                      |
| <i>Attach additional information on appropriately labeled continuation sheets.</i><br>SUBTOTAL (Carry with additional subtotals to Line 3, Part IV) \$ |  |   |           |        |             | -0-               |                      |

**III LOAN PAYMENTS RECEIVED AND LOANS FORGIVEN: (Amounts may be rounded off to whole dollars)**

| FULL NAME AND ADDRESS OF DEBTOR AND PERSON WHO REPAYED THE LOAN IF DIFFERENT<br>(If the loan was made to a committee, list the committee's name and address and I.D. Number.<br>If the committee I.D. Number is unknown list the treasurer's full name and street address.) | AMOUNT<br>FORGIVEN | AMOUNT<br>REPAID THIS<br>PERIOD | UNPAID<br>BALANCE                   |
|---|--------------------|---------------------------------|-------------------------------------|
| NONE  |                    |                                 |                                     |
| <i>Attach additional information on appropriately labeled continuation sheets.</i><br>TOTAL \$  |                    | -0-                             | DO NOT CARRY TO<br>SUMMARY SECTION) |

**IV SUMMARY**

|  |             |
|--|-------------|
| 1. Expenditures and contributions made of \$100 or more this period (Part 1) .....   | \$ 2,514.00 |
| 2. Expenditures and contributions under \$100 made this period (Not itemized) .....  | -0-         |
| 3. Loans made this period (Part II). Include all subtotals .....   | -0-         |
| 4. TOTAL (Line 1 + 2 + 3) .....  | 2,514.00    |
| 5. Total of expenditures and contributions made from prior statements. (If this is the first<br>report for the calendar year, enter zero.) ..... | 6,823.00    |
| 6. Cumulative expenditures and contributions made to date (since January 1 of the current year)<br>(Line 4 + 5) .....                            | 9,337.00    |

**VERIFICATION**

I have used all reasonable diligence in preparing this Statement. I have reviewed the Statement and to the best of my knowledge the information contained herein is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 1/22/87 at Del Mar, CA by [Signature]  
(DATE) (CITY AND STATE) (SIGNATURE OF INDIVIDUAL DONOR OR RESPONSIBLE OFFICER IF OTHER THAN AN INDIVIDUAL)



# California Fair Political Practices Commission

January 29, 1987

Dennis J. Crabb  
City Attorney  
P.O. Box 1210  
South Lake Tahoe, CA 95705

Re: 87-035

Dear Mr. Crabb:

Your letter requesting advice under the Political Reform Act was received on January 28, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Robert E. Leidigh, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days. You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script that reads "Diane M. Griffiths".

Diane M. Griffiths  
General Counsel

DMG:plh