



# California Fair Political Practices Commission

July 23, 1987

William D. Esselstein  
Robertson, Alexander, Luther,  
Esselstein, Shiells & Wright  
750 Menlo Avenue, Suite 250  
Menlo Park, CA 94025

Re: Your Request for Assistance  
Our Advice File No. I-87-180

Dear Mr. Esselstein:

You have contacted us regarding the California Sanitation Risk Management Association's need to develop a conflict of interest code under the Political Reform Act.<sup>1/</sup> You are the legal counsel to the California Sanitation Risk Management Association (CSRMA), a recently formed joint powers agency. The agency is comprised of approximately 40 public agencies and intends to pool its funds for the purpose of providing a self-insurance program.

You have asked for assistance in developing a conflict of interest code for the agency and, more particularly, help in designing appropriate disclosure categories.

As you are aware, the Fair Political Practices Commission is the code-reviewing body for local governmental agencies with jurisdiction in more than one county. (Section 82011(a).) As such, we have developed a regulation which describes the procedures that agencies are to follow in promulgating their conflict of interest codes. (2 Cal. Adm. Code Section 18750.1, copy enclosed.)

The basic process for adopting a code is to:

1. Prepare the proposed code and a written notice describing the code;
2. Provide notice to employees for comment on the code;

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

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3. Forty-five days after notice, conduct a public hearing on the code;
4. After formal adoption, submit the code to the Fair Political Practices Commission for approval.

The specific instructions are contained in the enclosed regulation.

I have included samples of conflict of interest codes for joint powers agencies with structures similar to yours. Perhaps the language developed for these agencies could be modified or altered for your code.

After you have reviewed the attached, please feel free to call me at (916) 322-5901 if you have any questions.

Sincerely,

Diane M. Griffiths  
General Counsel

  
By: Jeanette Turvill  
Legal Assistant

DMG:JET:jaj  
Enclosures

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WRITER'S DIRECT DIAL

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June 16, 1987

Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814

Re: California Sanitation Risk Management Association

Ladies/Gentlemen:

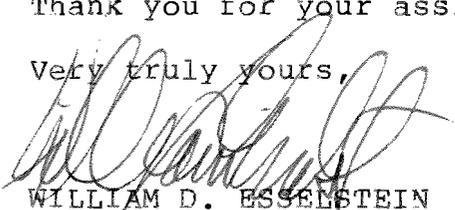
I am general legal counsel to California Sanitation Risk Management Association ("CSRMA"), a recently formed joint exercise of powers authority. CSRMA was formed by approximately 40 California public agencies to develop jointly operated and administered insurance and self-insurance programs. Membership is restricted to public agencies engaged in sewerage collection and treatment activities. At present, CSRMA is operating a general liability insurance program in which about 21 agencies are participants.

It was recently recognized that it would be necessary to develop a Conflict of Interest Code meeting the requirements of the Political Reform Act. Under the Act, because CSRMA is a statewide agency, the Code must be approved by the Fair Political Practices Commission. However, the Board of Directors of CSRMA is unclear as to the form the Code should take in order to satisfy the FPPC. Of particular concern is the definition of appropriate disclosure categories. Although all Board Members are familiar with the disclosure categories applicable to the agencies they represent, these do not seem suited to the types of activities in which CSRMA engages.

The purpose of this letter is to ask the assistance of the FPPC staff in attempting to formulate an acceptable code. Because I will be absent on an extended vacation through July 20th, please contact my partner, Diane Greenberg.

Thank you for your assistance.

Very truly yours,

  
WILLIAM D. ESSELSTEIN

WDE:bls:417

cc: CSRMA Executive Committee