



California Fair Political Practices Commission

August 3, 1987

Honorable Peter Green
Councilmember, Huntington Beach
P.O. Box 190
Huntington Beach, CA 92648

Re: Your Request for Advice
Our File No. I-87-187

Dear Councilmember Green:

You have written seeking advice concerning your duties under the Political Reform Act.

QUESTION

Does the Political Reform Act permit your minor son to be employed by the city library as a page if you have no involvement in the hiring decision?

CONCLUSION

You may not make, participate in making, or use your official position to influence any decision which would increase or decrease your son's wages by \$250 or more in a year. We cannot provide any more detailed advice regarding past conduct or events.

FACTS

You are a member of the Huntington Beach City Council. Recently, your 15-year-old son, Tom, applied for and was selected as a library page at the Central Library. Members of the city council have no involvement in the selection process. He will receive minimum wage for a part-time position of not more than 20 hours a week.

ANALYSIS

The Political Reform Act (the "Act")^{1/} provides that no public official shall make, participate in making, or use his

^{1/} 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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Page 2

official position to influence the making of any governmental decision in which the official has a financial interest. (Section 87100.) An official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on the official or a member of the official's immediate family which is distinguishable from the decision's effect upon the public generally. (Section 87103.)

Your 15-year-old son is a member of your immediate family. (Section 82029.) Therefore, you must not participate in or influence any city decision which would have a reasonably foreseeable material financial effect upon him. Under the Commission's Regulation 18702.1(a)(4), any decision which would result in an increase or decrease in his income of \$250 or more per year would be considered material. Obviously, employment decisions would affect him differently than the public generally. You are required to disqualify yourself from such decisions. A decision by another city official, acting without your participation or input, to hire your son is permissible since disqualification is personal as to you. We cannot provide you with any more specific advice on this issue since the Commission does not provide advice regarding past events or conduct. (See Regulation 18329(b)(8)(A), copy enclosed.)

A decision to change city pay rates overall would not require your disqualification, even though your son's wages might be affected, because he is not being singled out for different treatment. All city employees constitute a significant segment of the general public for purposes of such decisions. (See Advice Letter to Deborah Hopkins, No. A-82-106, copy enclosed.)

Should you have questions regarding this letter, I may be reached at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel


By: Robert E. Leidigh
Counsel, Legal Division

DMG:REL:plh



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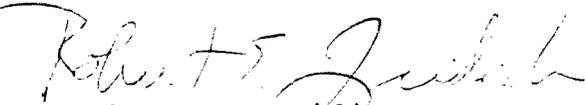
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Sincerely,

Diane M. Griffiths
General Counsel


By: Robert E. Leidigh
Counsel, Legal Division

DMG:REL:plh



California Fair Political Practices Commission

July 7, 1987

Peter Green, Councilman
City of Huntington Beach
P.O. Box 190
Huntington Beach, CA 92648

Re: 87-187

Dear Mr. Green:

Your letter requesting advice under the Political Reform Act was received on July 3, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Robert 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 if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

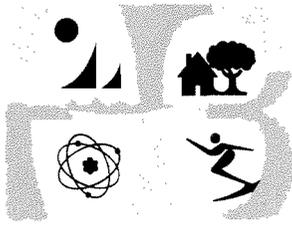
You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

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

Diane M. Griffiths
General Counsel

DMG:jaj



City of Huntington Beach

P. O. BOX 190 • 2000 MAIN STREET • CALIFORNIA 92648

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Jack Kelly
MAYOR PRO TEMPORE
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Ruth Finley
Peter Green
Tom Mays
Grace Winchell

June 29, 1987

Ms. Cathy Donovan
Fair Political Practices
Commission
428 J Street, Suite 800
Sacramento, CA 95814

Dear Ms. Donovan:

My name is Peter Green, and I am a member of the Huntington Beach City Council. Recently my 15 year old son, Tom, applied for, was interviewed for, and received a position of Library Page at the Central Library. Members of the City Council do not involve themselves in the selection process. He will receive minimum wage for a part-time position of not more than 20 hours a week. Incidentally, he will earn more than I do, since the city charter sets council members salary at \$186.00 a month.

I would like your opinion as to any possible violation of the Political Reform Act in his taking this position.

Sincerely,

Peter Green
Councilman

PG:bb