



California Fair Political Practices Commission

December 22, 1987

Allen Briggs, City Attorney
City of Cathedral City
68-625 Perez Road
Cathedral City, CA 92234

Re: Your Request for Advice
Our File No. A-87-289

Dear Mr. Briggs:

We have received your letter seeking advice under the conflict of interest code provisions of the Political Reform Act.^{1/} You expressed some concern that earlier advice may have been given to the previous city attorney and you now desire confirmation of that advice.

QUESTION

You have asked if a conflict of interest code is required for the city's redevelopment agency or its community services district if the boards of directors for those agencies are comprised solely of city councilmembers. Secondly, you are asking if advice on this subject was given to Mr. Ray Ott, the previous city attorney, sometime in January or February of 1984.

CONCLUSION

A separate conflict of interest code is not necessary for the board of directors of the redevelopment agency or the community services district if the boards are comprised solely of city councilmembers and the geographical jurisdiction for these agencies does not extend beyond the city's boundaries.

Any other officials or employees of the redevelopment agency or the community services district who have decisionmaking authority should be included in a conflict of interest code. The city council has discretion to include these positions in the city's conflict of interest code or in separate conflict of interest codes for the redevelopment agency and community services district.

^{1/} 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.

Allen Briggs
December 22, 1987
Page 2

We have no record of written advice given to Ray Ott on this subject. However, if this was discussed by phone, we presume the previous advice would be consistent with the conclusion in this letter.

ANALYSIS

Section 87200 enumerates certain public officials who are required to disclose their economic interests under the provisions of the Political Reform Act. Section 87200 applies to high-level officials, such as county supervisors, city councilmembers, members of the Legislature and judges. In addition, Sections 87300 and 87302 provide that state and local agencies shall adopt conflict of interest codes which (1) specify the officials, other than those listed in Section 87200, who make or participate in the making of governmental decisions, and (2) require those officials to disclose their economic interests which foreseeably could be affected by their official actions.

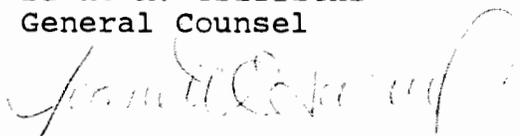
A conflict of interest code would not establish any disclosure obligation for those persons who are also listed in Section 87200 if they serve in essentially the same capacity or if the geographical jurisdiction of the agency is the same as or is wholly included within the jurisdiction in which they must report their financial interests pursuant to Section 87200. (Regulation 18730.) Thus, if the board of directors of the redevelopment agency or the community services district is comprised solely of city councilmembers, adoption of a code for the directors is not necessary.

If either agency retains employees or has board or committee members who have decisionmaking authority and who are not city councilmembers, a conflict of interest code should be adopted to include those persons. The city council has discretion to include those positions in the city's conflict of interest code or in separate conflict of interest codes for the redevelopment agency and community services district.

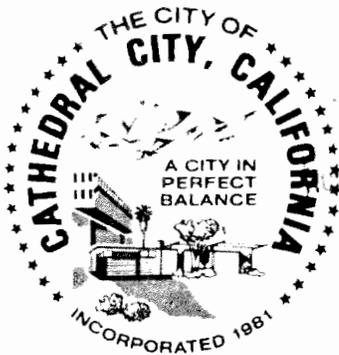
I hope this resolves your concerns. If you have any questions please phone me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel


By: Jeanette E. Turvill
Legal Assistant

JET:jaj



68-625 PEREZ ROAD • CATHEDRAL CITY • CALIFORNIA 92234
GENERAL ADMINISTRATION 619/324-8388
COMMUNITY DEVELOPMENT 619/321-1531

November 13, 1987

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

Re: Redevelopment Agency of the City of Cathedral City
and Community Service District of the City of
Cathedral City; Necessity for Conflict of Interest Code

Gentlemen:

The City of Cathedral City adopted its conflict of interests code in March of 1984, following a public hearing and the procedure then recommended by the Fair Political Practices Commission.

No action was taken at that time regarding other entities governed by the same governing body (City Council members sitting as the Redevelopment Agency and City Council members sitting as the Board of Directors of the Community Service District).

The City Attorney at that time, Ray Ott, had been in contact with your staff. I am wondering whether he may have been advised that no separate conflict of interest code would be required for the Redevelopment Agency and the Community Service District. I cannot understand why codes for those bodies were not adopted at the same time, and in the same manner, if those bodies are required to have their own conflict of interest codes. I know of no basis on which they would be exempt (although neither has its own separate employees, nor its own separate payroll).

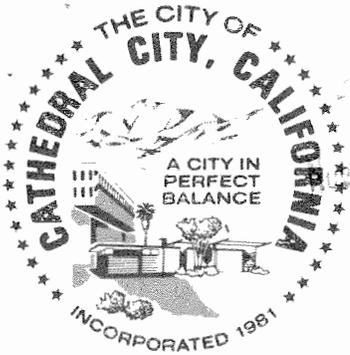
Could you advise whether a conflict of interest code would be required for the Redevelopment Agency and the Community Services District, or both? Can you determine whether any advice in such matter was given to then City Attorney Ray Ott in January or February, 1984 concerning this issue?

Your help will be greatly appreciated.

Very truly yours,

Allen R. Briggs
Allen R. Briggs
City Attorney

87-289



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Could you advise whether a conflict of interest code would be required for the Redevelopment Agency and the Community Services District, or both? Can you determine whether any advice in such matter was given to then City Attorney Ray Ott in January or February, 1984 concerning this issue?

Your help will be greatly appreciated.

Very truly yours,

Allen R. Briggs
Allen R. Briggs
City Attorney



California Fair Political Practices Commission

November 18, 1987

Allen R. Briggs
City Attorney
68-625 Perez Road
Cathedral City, CA 92234

Re: 87-289

Dear Mr. Briggs:

Your letter requesting advice under the Political Reform Act was received on November 16, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jeanette Turvill, 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, we will contact you shortly to advise you as to the 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,

Diane M. Griffiths

Diane M. Griffiths
General Counsel

by Kcd

DMG:plh