



California Fair Political Practices Commission

March 29, 1988

Stephen C. Gaither
Gaither & Company
The Adobe Creek Lodge Initiative
26200 Moody Road
Los Altos Hills, CA 94022

Re: Your Request for Advice
Our File No. I-88-131

Dear Mr. Gaither:

You have asked for advice concerning various actions taken by the Los Altos Hills City Council.

The Commission's Legal Division does provide written advice to persons with questions about their duties under the Political Reform Act.^{1/} (Section 83114(b).) We do not provide advice to third parties about another person's duties unless the third party has been authorized to request advice by the person whose duties are in question. (Regulation 18329(b)(8)(B).) Therefore, we cannot provide advice on the question you have raised. However, I have referred your letter to our Enforcement Division for review. If you have any questions, that division can be reached at (916) 322-6441.

Sincerely,

Diane M. Griffiths
General Counsel

DMG:plh
cc: Roger Brown

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

THE ADOBE CREEK LODGE INITIATIVE

March 24, 1988

Mr. Bruce Robeck
Political Reform Consultant
State of California
Fair Political Practices Commission
Technical Assistance and Analysis Division
428 J Street, Suite 800
Post Office Box 807
Sacramento, CA 95804

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Re: Los Altos Hills General Municipal Election

Dear Robeck:

Based on the enclosed materials, I am respectfully requesting your opinion as to whether the Town of Los Altos Hills comes within the reporting requirements of your agency.

As the enclosed flyer establishes, the Town of Los Altos Hills produced and distributed political campaign materials. The enclosed copy of my letter to the District Attorney explains how the flyer constitutes political persuasion rather than factual statements. Further explanation is provided in the enclosed documentation.

The Town of Los Altos Hills will also spend money to host and publicize a "Special Meeting" of the Town of Los Altos Hills City Council to present information on Ballot Measure B. I believe that this will represent a political campaign expenditure because at the same time that the Town will present what it considers to be "factual information" to the public, it will also be presenting "political arguments" and opinions/misrepresentations (see enclosed analysis by Attorney Etzel).

The Town of Los Altos Hills is also engaging in campaign expenditures in that the Mayor has repeatedly directed the City Attorney and Staff to use their time to find ways to defeat Measure B and challenge me individually as a candidate for City Council.

Please contact me for any further information you require. Thank you in advance for your prompt attention to this matter.

Respectfully yours,



Stephen C. Gaither

Enclosures