



California Fair Political Practices Commission

July 15, 1988

William E. McBee
Cupertino Sanitary District
Santa Clara County
20065 Stevens Creek Blvd., Bldg. C
Cupertino, CA 95014

Re: Your Request for Advice
Our File No. A-88-236

Dear Mr. McBee:

This is in response to your letter requesting advice regarding application of the new restrictions on publicly-funded mass mailings under Proposition 73.

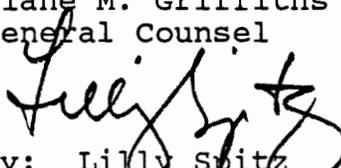
Enclosed are copies of our first advice letters interpreting the mass mailing restricts. After examining the new statute and the analysis by the Legislative Analyst, we have concluded that the voters intended to restrict mailings by state and local elected officials, but did not intend to ban publicly funded mailings entirely.

Upon review of the two documents you have submitted to us, the letter to the property owners, signed by the District Manager-Engineer, appears to be in compliance with Proposition 73. However, concerning the second document, I would like to direct your attention to the restrictions imposed on periodicals and annual reports (Item g, page 3 of June 16th letter). You will note that annual reports which include an elected officer's name, signature or photograph are prohibited.

In the future, we expect to address additional questions concerning the mass mailing restrictions in Proposition 73, and we have included your name on our mailing list for information on the subject.

Sincerely,

Diane M. Griffiths
General Counsel


By: Lilly Spitz
Counsel, Legal Division

DMG:LS:plh
Enclosures

CUPERTINO SANITARY DISTRICT

SANTA CLARA COUNTY

DISTRICT MANAGER-ENGINEER

MARK THOMAS & CO. INC.

DISTRICT COUNSEL

PHILIP D. ASSAF OF
STURGIS, NESS, BRUNSELL &
SPERRY

2006S STEVENS CREEK BOULEVARD, BLDG. C

CUPERTINO, CA 95014

(408) 253-7071

BOARD OF DIRECTORS

ROY M. RUSHTON, PRES
WENDELL H. KERR, JR., SECTY
CURTIS B. HARRISON
DR. JOSEPH F. BROWN
RICHARD A. FELLOWS

June 21, 1988

File: CuSD SP-159
SP-121

JUN 22 1 48 PM '88

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

Gentlemen:

The Board of Directors of the Cupertino Sanitary District have requested that we submit to your office for review, the two (2) enclosed documents, to determine if either appears to be in violation of Proposition 73.

1. Draft copy of a letter, on District letterhead, proposed to be mailed to a selected group of property owners in the District, outlining District standards and policies for maintenance of sanitary sewers.
2. A copy of the District's annual report for fiscal year 1987-88, mailed to all citizens of the District. The District has mailed a similar type report each year since 1962.

Your opinion as to whether either of the above could be in conflict with the provisions of Proposition 73 would be appreciated.

Yours very truly,

MARK THOMAS & CO. INC.
District Manager-Engineer



by William E. McBee

WEMc:lw
Enclosures

DRAFT

CUPERTINO SANITARY DISTRICT

SANTA CLARA COUNTY

DISTRICT MANAGER-ENGINEER

MARK THOMAS & CO. INC.

DISTRICT COUNSEL

PHILIP D. ASSAF OF
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June , 1988

File: CuSD SP-159 (79074)

CuSD SP-121 (73122)

TO PROPERTY OWNERS:

The Cupertino Sanitary District acquired the operation and maintenance responsibilities for the sanitary sewer collection system in your area in 1979.

It is the policy of the District to maintain all sanitary sewers within the public streets and easements. This includes the street portion of the individual sanitary sewer house lateral, except when there is no property line cleanout which is accessible or serviceable.

However, the installation of a property line cleanout may not have been a requirement when your sewer line was originally installed. The District recognizes this fact and would like to take this opportunity to provide you with information necessary to install a property line cleanout at this time.

Additionally, if the elevation of your floor is below the adjacent street, it may be necessary to install a standard backflow protective device.

Enclosed is a sketch showing a typical house lateral connection to a cleanout, and a street lateral from the cleanout to the main street sewer. Also enclosed is a sketch showing a standard backflow protective device installation.

As the District will only maintain those laterals within the public street or easement, it is important that each property owner check to see if there is an existing cleanout at or near their property line. The installation of this cleanout and standard backflow protective device, if required, is the responsibility of the property owner.

SUPPLYING SANITARY SEWERAGE SERVICES FOR:

CITY OF CUPERTINO, PORTIONS OF THE CITIES OF SARATOGA, SUNNYVALE AND LOS ALTOS
AND SURROUNDING UNINCORPORATED AREAS

PROPERTY OWNERS

2

June , 1988

If you should have any questions, need information regarding the location of the sanitary sewer lateral, or are uncertain about your particular requirements, please call the District Office at 253-7071 or stop in at 20065 Stevens Creek Boulevard, Building C, Cupertino, California.

Yours very truly,

MARK THOMAS & CO. INC.
District Manager-Engineer

Phillip R. Savio

PRS:lw
Enc. 2



California Fair Political Practices Commission

June 22, 1988

William E. McBee
Cupertino Sanitary District
20065 Stevens Creek Blvd., Bldg. C
Cupertino, CA 95014

Re: 88-236

Dear Mr. McBee:

Your letter requesting advice under the Political Reform Act was received on June 22, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Lilly Spitz, 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. Code of Regs. 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:plh