



California Fair Political Practices Commission

July 21, 1988

Bruce Risley
President
Civic Action League of Morro Bay
P.O. Box 245
Morro Bay, CA 93442

Re: Your Request for Advice
Our File No. G-88-269

Dear Mr. Risley:

Your letter to the Commission was given to me for response. 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,

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

Diane M. Griffiths
General Counsel

DMG:plh:REFENF
cc: Janis Shank McLean

^{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.

CIVIC ACTION LEAGUE OF MORRO BAY INC.
PO BOX 245 MORRO BAY CA. 93442

Ms. Lilly Spitz
Counsel, Legal Division
Fair Political Practices Commission
P.O. Box 807
Sacramento CA 95804-0807

11/11/88
C. Spitz
11/11/88

Dear Ms. Spitz:

I would appreciate your advice concerning an interpretation of the law as it applies in certain conflict of interest cases in which city council members may or may not be eligible to vote.

As you are aware, three members of the Morro Bay city council have had to refrain from voting several times on agenda items which were related to water and growth matters. However, there remains an area which surely should also be proscribed, and that is conditional use permits (CUP's) for large construction projects.

Recently, a development proposal for a multi-million dollar, 2 story, structure covering an entire waterfront block (7 lease sites) was unanimously rejected by the city's planning commission, but, on appeal, was approved (CUP) by the council on a 3-2 vote. The "yes" votes were cast by Reddell, Lemons and Donnelly. All three are engaged in the construction industry locally and have a potential to gain financially from such a vote.

In my opinion should they should not have voted.

Would you please advise us if our interpretation of the Political Reform Act is correct?

For the Board of Directors


Bruce Rislely, President

July 12, 1988