



California Fair Political Practices Commission

September 21, 1988

J. Kenneth Brown
Brown, Winfield and Canzoneri
Attorneys at Law
300 South Grand Avenue
Suite 1500
Los Angeles, CA 90071-3125

Re: Your Request for Informal
Assistance
Our File No. I-88-321

Dear Mr. Brown:

You have requested advice regarding the mass mailing provisions of the Political Reform Act (the "Act")^{1/} as recently amended by Proposition 73. As city attorney for several cities, you have advised your clients that under the Commission's emergency regulation 18901 (copy enclosed), newsletters may include the names of the present city council only in the standard letterhead or logotype. The newsletters may not contain pictures, signatures, or other references to members of the city council.

This is to confirm that your advice is an accurate explanation of the emergency regulation.

^{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.

J. Kenneth Brown
September 21, 1988
Page -2-

The regulation provides:

(b) A mailing will not be deemed to be prohibited by Section 89001 if the mailing meets all of the following criteria:

(1) It is mailed by an elected officer's agency;

(2) The stationery, forms and envelopes used for the mailing are the official stationery, forms and envelopes of the agency; and

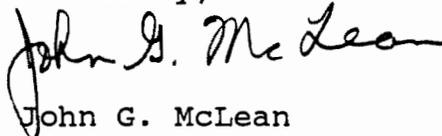
(3) The elected officer's name appears, if at all, only on the standard letterhead or logotype of the stationery, forms or envelopes and there are no other references to the officer, including his or her photograph or signature, in the mailing.

Regulation 18901(b)

The Commission is presently in the process of developing a permanent regulation which may modify this advice. We will include your name on the mailing list for information on this topic.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "John G. McLean". The signature is written in dark ink and is positioned above the printed name.

John G. McLean

JGM:ld

Enclosure

BROWN, WINFIELD & CANZONERI

INCORPORATED

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August 9, 1988

FAIR POLITICAL PRACTICES COMMISSION
428 J. Street, Suite 800
Sacramento, California 95814

Re: Newsletters

Gentlemen:

This office represents the Cities of Cerritos, La Canada Flintridge, Monterey Park, Norwalk, San Dimas and San Gabriel, which have from time to time published newsletters containing matters of general information to the community, along with schedules of activities, summaries of city council actions, etc. In each instance, these cities have included in the newsletter letterhead identification of the present members of the city council. In view of the emergency regulation which the Fair Political Practices Commission adopted at its meeting on July 26th, and the earlier July 1st advise letter, we are advising our cities that they may prepare their upcoming newsletters in compliance with this emergency regulation and include only the names of the present members of the city council in the standard letter or logotype with no pictures, signatures, or other reference to the members of the city council. In this regard, I expect that this reflects the practice of other public agencies.

Since these cities are preparing newsletters which include information regarding scheduled upcoming activities and

AUG 15 1 27 PM '88

FAIR POLITICAL PRACTICES COMMISSION

August 9, 1988

Page 2

events, I am advising the clients of this office that they can rely upon this emergency regulation. If for any reason these cities should not rely upon the emergency regulation, I would appreciate your advising me.

Very truly yours,



J. KENNETH BROWN

JKB:dsd

cc: Mr. Gaylord F. Knapp, City Manager, Cerritos
Mr. Donald H. Otterman, City Manager, La Canada Flintridge
Mr. David P. Bentz, Interim City Manager, Monterey Park
Mr. Richard R. Powers, City Manager, Norwalk
Mr. Robert L. Poff, City Manager, San Dimas
Mr. Robert D. Clute, City Administrator, San Gabriel