



California Fair Political Practices Commission

November 22, 1988

Peter L. Wallin
Wallin, Kress, Reisman,
Price & Dilkes
2800 Twenty-Eighth St., Ste. 315
Santa Monica, CA 90405-2934

Re: Your Request for Advice
Our File No. 88-443

Dear Mr. Wallin:

Your letter requesting advice concerning the recently enacted campaign finance reform initiatives (Government Code Section 85100, et seq.) was received on November 21, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John McLean, an attorney in the Legal Division, directly at (916) 322-5901.

Because of the delayed operative date of most of the provisions of these initiatives, and the numerous inquiries we are receiving relative to implementation, we are attempting to respond to questions regarding interpretation in an organized and efficient fashion. Due to the volume of requests and complexity of the issues involved, we will answer your question in a timely manner, but not within the usual twenty-one working days. (Government Code Section 83114(b).)

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. 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 dark ink, appearing to read "Gregory W. Baugher", is written over a horizontal line.

Gregory W. Baugher
Executive Director

GWB:plh:73FORM3

WALLIN, KRESS, REISMAN, PRICE & DILKES ^{FPPC}
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November 14, 1988

Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804-0807
Attention: Jeanette Turvill

RE: Inquiry regarding 2 Cal.Adm.Code §18901, and proposed replacement provision (Newsletters and Mass Mailings; application to Project Area Committee newsletters.)

Dear Ms. Turville:

Is a redevelopment project area committee newsletter, mailed to in excess of 200 residents and businesses by a Project Area Committee ("PAC") whose members are elected by residents and businesses in the Project Area, exempt under §18901 (c)(4) as adopted by Emergency regulation and under Option 4.5 of proposed §18901 to be considered by the Commission at its December 6 meeting (mailings to persons subject to a government program ...when such mailings are essential [directly related] to the functioning of the program)?

While a newsletter is a convenient tool to assist a PAC in performing its statutory duty to consult with the Agency on matters affecting project area businesses and residents, the newsletter is probably not "essential" (although performance of the consultation function is essential, and, as a part of performing the essential function, the newsletter is arguably exempt). If Option 4.5's alternative language ("directly related to") is approved, I would feel more comfortable, but even then, perhaps each item contained in the newsletter must be scrutinized to ensure that it is directly related to redevelopment project business pertinent to the PAC's function.

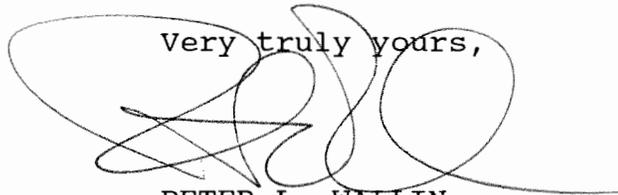
If a PAC newsletter falls outside this exemption, I have serious concerns about the language of Option 1, Alternative B, Section (c)(2)(B) ("the document is prepared or sent in cooperation, consultation, coordination or concert with the elected officer"). Such rules may work with a large governmental organization, but the PAC that I represent is run by volunteers who are affected by the project and is not provided with a budget that enables it to hire sufficient employees to divorce content

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control from the elected PAC members. I have no problem with applying the other rules of Alternative B to the newsletter, ((c)(2)(A)--PAC members can't be featured, and (c)(1)--which, with the bracketed language, as I understand it, would allow a PAC member to control or advise on content as long as neither his photograph nor name (other than on the roster) appear in the document) but don't understand why (c)(2)(B) is necessary once you've excised the names and photographs.

Please express my concerns to the Commission in their consideration of the proposed regulations, and provide me with guidance to pass on to the PAC regarding the effect of these regulations on the newsletter.

Very truly yours,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

PETER L. WALLIN
Counsel to the West Long Beach
Project Area Committee

cc: Eric Snyder, PAC Chairman
Roger Anderman