



California
Fair Political
Practices Commission

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NOV 5 1987

ADMINISTRATION

November 5, 1987

Mr. Michael B. Montgomery
215 North Morengo Avenue, Second Floor
Pasadena, CA 91101

Re: Statement of Economic Interests
for City of Walnut Community
Redevelopment Agency

Dear Commissioner Montgomery:

Mr. Baugher gave me the Statement of Economic Interests (Form 721) that you left with him today following the Commission meeting. The statement you provided is for your position as attorney for the City of Walnut Community Redevelopment Agency.

You would be required to file a statement for that position only if the position is designated in the City of Walnut's conflict of interest code. If a statement were required under the conflict of interest code, it would be filed directly with the filing official for the agency. In addition, when a statement is required to be filed under a conflict of interest code, a Form 730 is used (rather than a Form 721).

However, Beverly Sherwood, the City Clerk of the City of Walnut, informs us that the city's conflict of interest code does not require that the attorney for the Community Redevelopment Agency file statements of economic interests. Therefore, we are returning the statement to you.

Ms. Sherwood also mentioned that the City of Walnut's conflict of interest code has not been amended since 1979. We suggested to Ms. Sherwood that the city council for the City of Walnut be informed that the code should be reviewed and amended to ensure that all positions which involve decisionmaking are designated in the code. It is likely that the Community Redevelopment Agency Attorney position should be designated in the code. However, until it is, no statements are required to be filed.

Bob Leidigh asked me to confirm the advice he provided to you concerning salary received from a government agency. Government Code Section 82030, which defines "income" for disclosure purposes

Michael B. Montgomery
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under the Act, provides the following exception:

(b) "Income" also does not include:

....

(2) Salary, reimbursement for expenses or per diem received from a state, local or federal government agency

Section 82030(b)(2)

Therefore, such payments received from a city or any city agency for performing services as agency counsel are not required to be reported as "income" on a statement of economic interests.

If you have any questions about this letter, please call me at (916) 322-5662. In addition, if Ms. Sherwood or an official of the City of Walnut would like to discuss the need to amend the city's conflict of interest code, please ask them to call Jeanette Turvill with the Commission's Legal Division, at (916) 322-5901.

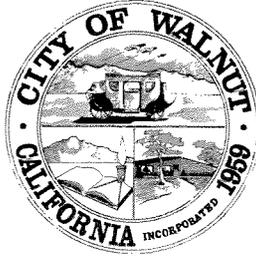
Sincerely,



Jeanne Pritchard
Division Chief
Technical Assistance and
Analysis Division

cc: Beverly Sherwood, City Clerk
City of Walnut

P.O. Box 682, Walnut, CA 91788-0682
21201 LA PUENTE ROAD
WALNUT, CALIFORNIA 91789
Telephone (714) 595-7543
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DREXEL L. SMITH
Mayor
CHARLES D. RICHARDSON
Mayor Pro Tem
"BERT" ASHLEY
H. THOMAS SYKES
RAY T. WATSON
Council Members

CITY OF WALNUT

March 7, 1989

FPPC
MAR 10 1989
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Fair Political Practices Commission
P. O. Box 807
Sacramento, CA 95804-0807

Gentlemen:

Re: Statement of Economic Interest

This is a follow up to your letter to Mr. Michael B. Montgomery dated November 5, 1987, to ensure that the circumstances have not changed regarding Mr. Montgomery's filing obligations relative to the City of Walnut. Mr. Montgomery is the Community Redevelopment Agency Attorney for the Walnut Improvement Agency of the City of Walnut. He serves in this capacity on a contractual basis.

According to the above-referenced letter of November 5, 1987, Mr. Montgomery is under no obligation to file either a 721 Form or a 730 Form since he is not a City Attorney and he is not listed as a designated employee on the City's conflict of interest code.

Please advise if there has been any change regarding Mr. Montgomery's filing requirements as they relate to the City of Walnut.

Sincerely,

Beverly Sherwood
City Clerk

cc: Mr. Montgomery



California Fair Political Practices Commission

March 14, 1989

Beverly Sherwood
City Clerk
P.O. Box 682
Walnut, CA 91788-0682

Re: Letter No. 89-163

Dear Ms. Sherwood:

Your letter requesting advice under the Political Reform Act was received on March 10, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

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 the 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,

Jeanne Pritchard by plh

Jeanne Pritchard
Chief Technical Assistance
and Analysis Division

JP:plh