



# California Fair Political Practices Commission

May 19, 1989

Henry S. Barbosa  
Barbosa & Vera  
Attorneys at Law  
1000 Corporate Center Drive, Suite 350  
Monterey Park, CA 91754

Re: Your Request for Advice  
Our File No. G-89-249

Dear Mr. Barbosa:

As City Attorney for the City of Montebello, you have requested our advice concerning the applicability of the mass mailing prohibition of the Political Reform Act (the "Act")<sup>1</sup> to an article published in the Montebello Today Newsletter.

The Commission provides advice to persons whose duties under the Act are in question. (Section 83114.) As City Attorney for the City of Montebello, you may request informal assistance because you have the duty to advise other persons relating to their duties or actions under the Act. (Regulation 18329(c)(1), copy enclosed.) However, the Commission does not provide advice relating to past conduct. (Regulation 18329(b)(8)(A).)

Your request deals with past conduct because you have asked us to determine whether an article which has already been published complies with the mass mailing prohibitions of the Act. Therefore, we are unable to advise you in this matter. If you believe that the Act has been violated, you may contact our Enforcement Division at this address or by telephone at (916) 322-6441.

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<sup>1</sup> 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.

The Act prohibits certain types of mass mailings sent at public expense. (Section 89001.) A city newsletter may be subject to this prohibition. For your information and future reference we are enclosing a copy of Regulation 18901 which clarifies the prohibition in Section 89001.

Should you have any further questions regarding the above, please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel

  
By: Blanca M. Breeze  
Counsel, Legal Division

KED:BMB:plh

Enclosure

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April 20, 1989

Kathryn Donovan  
General Counsel  
Fair Political Practices Commission  
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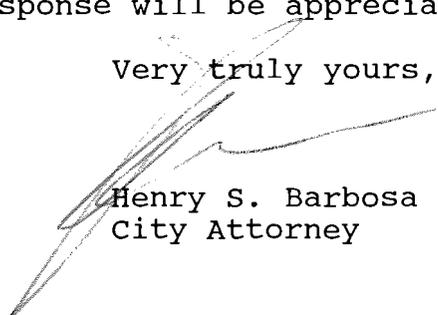
Re: Montebello Today Newsletter

Dear Ms. Donovan:

As City Attorney for the City of Montebello, I have been directed to refer to you a request that you review an article published in the Montebello Today Newsletter for Spring 1989, for compliance under "Prop. 73." For your information, I have attached a copy of the specific article.

Your prompt response will be appreciated.

Very truly yours,

  
Henry S. Barbosa  
City Attorney

HSB:vlv 1414

cc: City Administrator

Enclosure

# MONTEBELLO

# TODAY

Emergency Preparedness pg. 3

SYEP pg. 2

Community Services Schedule pg. 6

A NEWSLETTER FOR MONTEBELLO RESIDENTS

VOL. 3, NO. 2, SPRING 1989



Lieutenant Joe Julliano (right) discusses Whittier Boulevard closure strategy with Reserve Officer Nancy Nava. The Boulevard is closed periodically to discourage cruising.

## Boulevard Closure Stops Cruising

The cruising problem that has plagued Montebello since 1978 resurfaced again in full force in January, and according to Deputy Police Chief Steve Simonian, it is the Police Department's highest priority to alleviate the gridlock.

The problem reached a peak on January 15, but thanks to the quick action of the Police Department, Boulevard closures were enacted and most of the problem has subsided. According to Chief Simonian, the only option open when the cruising problem escalates is to enact a full Boulevard closure. Whittier Boulevard was closed starting at Maple Avenue continuing east to the city limits. All northbound and southbound traffic was allowed via 4th Street, Montebello Boulevard, and Maple Avenue. Only residents and people enroute to a business were allowed to enter Whittier Boulevard.

## Council Calls for Special Election

The Montebello City Council has voted to schedule a special election on May 2, 1989 to provide the voters an opportunity to approve or disapprove the ordinance that gives the Redevelopment Agency the power of eminent domain in two areas of Montebello.

In November the Council approved the ordinances to give the City's Redevelopment Agency condemnation powers to spur redevelopment and improve its ability to bring land uses into conformance with zoning laws. The ordinance included a restriction that would prevent the use of eminent domain on single family owner occupied houses. The power of eminent domain could not be used outside the Project Area boundaries.

At another special meeting conducted the following week, Council directed that a third ballot measure be added to the election. The measure would require any future extension of the power of eminent domain over homes to be submitted to a vote of the people.

A major point of contention

City Council's desire to reassure residents that they would be protected from the use of eminent domain both now and in the future.

City officials are counting on future development in the Project Areas to create jobs and generate needed tax revenue that provides such basic services as police and fire. Montebello is currently facing a mounting budget short fall to the tune of \$1.4 million. The short fall was created by federal funding cutbacks and other revenue reductions during times when the need for public services continues to increase.

Instead of increasing taxes or further reducing services, the city had chosen to encourage new development in an attempt to ensure the city's long term financial stability. Officials looked at eminent domain as a way to allow the city to be able to improve its ability to assemble land for better industrial uses. New development is anticipated to raise tax revenue for governmental services and provide jobs for the city's residents, officials said.

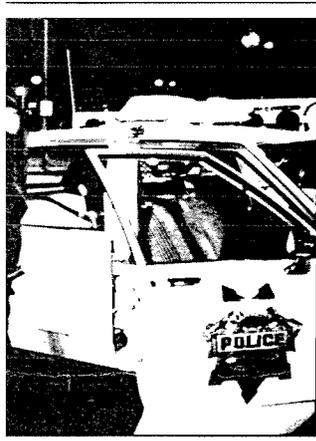
The city conducted an

tend one of the scheduled meetings.

In addition, the city formed the South Montebello Citizens Advisory Ad Hoc Committee. The purpose of the Citizens Committee was to review and provide input to the proposed Redevelopment Plan Amendments.

The Committee determined that more control in eliminating incompatible uses and addressing the problems of under utilized land and substandard uses existing within the Project Areas was needed since the City was at a competitive disadvantage with other cities concerning redevelopment efforts.

The Committee further determined that a more "proactive" approach is needed to include land use controls and rigid industrial/commercial development and performance standards. The committee found that the amendment to the redevelopment plan would encourage improved streets, moving heavy industrial uses to the M-2 zone, better utilities, more parking, and allow land assembly in order to retain desirable existing busi-



Whittier Boulevard closure strategy

## Stops Cruising

Montebello since 1978 resumed according to Deputy Police Department's highest priority

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1979 when Montebello was in Low Rider magazine and led to the closing of Whittier and 1981. the City faced a sulted in a variety of plans to s. scaled down plans were ies and the problem became cruising related problems have

Simonian. is unexplainable. hundred more cars than what tever the cause. the result has ints from citizens regarding loud radio noise, which for ward onto nearby residential with less than a full closure

fort of the Montebello Police ment, and the Pico Rivera ed Whittier Boulevard at Para- Both agencies have mutually

osure and the future tactical significant. While Reserve s. the funds required to pay rment crews exceeds \$2,000

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At another special meeting conducted the following week, Council directed that a third ballot measure be added to the election. The measure would require any future extension of the power of eminent domain over homes to be submitted to a vote of the people.

A major point of contention heard from residents throughout the town hall meetings and public hearings was concern regarding a future council being able to amend these ordinances to extend the powers of eminent domain over homes. The third ballot measure stems from the

City Council's desire to reassure residents that they would be protected from the use of eminent domain both now and in the future.

City officials are counting on future development in the Project Areas to create jobs and generate needed tax revenue that provides such basic services as police and fire. Montebello is currently facing a mounting budget short fall to the tune of \$1.4 million. The short fall was created by federal funding cut-backs and other revenue reductions during times when the need for public services continues to increase.

Instead of increasing taxes or further reducing services, the city had chosen to encourage new development in an attempt to ensure the city's long term financial stability. Officials looked at eminent domain as a way to allow the city to be able to improve its ability to assemble land for better industrial uses. New development is anticipated to raise tax revenue for governmental services and provide jobs for the city's residents. officials said.

The city conducted an unprecedented seven town hall meetings during the month of September in an attempt to inform the residents and to gather feedback about the ordinances. Most residents located both in and near the project areas received a letter of invitation to at-

tend one of the scheduled meetings.

In addition, the city formed the South Montebello Citizens Advisory Ad Hoc Committee. The purpose of the Citizens Committee was to review and provide input to the proposed Redevelopment Plan Amendments.

The Committee determined that more control in eliminating incompatible uses and addressing the problems of under utilized land and substandard uses existing within the Project Areas was needed since the City was at a competitive disadvantage with other cities concerning redevelopment efforts.

The Committee further determined that a more "proactive" approach is needed to include land use controls and rigid industrial/commercial development and performance standards. The committee found that the amendment to the redevelopment plan would encourage improved streets, moving heavy industrial uses to the M-2 zone. better utilities, more parking, and allow land assembly in order to retain desirable existing businesses by helping them expand, and to lessen existing negative impacts on residential areas and streets.

For information on how to register to vote. call the City Clerk's office between 8 a.m. and 5 p.m. at (213)725-1200, ext. 330.





# California Fair Political Practices Commission

April 27, 1989

Henry S. Barbosa  
City Attorney  
City of Montebello  
Barbosa & Vera  
Los Angeles Corporate Center  
1000 Corporate Center Dr., Suite 1000  
Monterey Park, CA 91754

Re: Letter No. 89-249

Dear Mr. Barbosa:

Your letter requesting advice under the Political Reform Act was received on April 25, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Blanca Breeze 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,

*Kathryn E. Donovan*  
Kathryn E. Donovan  
General Counsel

KED:plh