



# California Fair Political Practices Commission

October 10, 1989

Richard E. Archibald  
Deputy City Attorney  
812 Tenth Street  
Sacramento, CA 95814-2694

Re: Your Request for Informal Assistance  
Our File No. I-89-573

Dear Mr. Archibald:

You have requested advice on behalf of the Sacramento City Council regarding their obligations under the mass mailing provisions of the Political Reform Act (the "Act")<sup>1/</sup>, as amended by Proposition 73. Since your request does not involve a specific factual situation we are treating your request as one for informal assistance pursuant to Regulation 18329(c).<sup>2/</sup>

Please note that the Commission is in the process of revising Regulation 18901, which implements the statutory mass mailing restrictions. We anticipate noticing amendments to the regulation in October 1989, and adopting those amendments at the December 13, 1989 Commission meeting. A draft of the proposed amendments is enclosed. Until the amendments are formally adopted by the Commission, the current version of Regulation 18901 remains in force. Our analysis is based upon the current version of the regulation.

## QUESTIONS

1. May the city send at public expense, notices of town hall meetings identifying the elected official who will be present?

---

<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.

<sup>2/</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329 (c) (3).)

2. May such notices be sent out on the individual letterhead of the mayor and councilmembers?

#### CONCLUSIONS

1. The city may send at public expense, notices of meetings which directly relate to an elected official's incumbent governmental duties, and which solely include the time, date, place, a concise description of the subject matter of the meeting, and one mention of the elected official's name.

2. Such notices may be sent out on the individual letterhead of the mayor and councilmembers.

#### ANALYSIS

Section 89001 of the Political Reform Act, as amended by Proposition 73, provides that "no newsletter or other mass mailing shall be sent at public expense." A mass mailing is defined in Section 82041.5 as two hundred or more substantially similar pieces of mail. The Commission has determined that the intent of the voters in adopting Proposition 73 was to prevent elected officers from gaining an advantage from incumbency by using public funds to send out newsletters and other mass mailings which increase their name recognition. (Regulation 18901, copy enclosed.)

Regulation 18901(c)(2)(ii) sets out the general rule that a mass mailing sent out by an elected officer may not include the elected officer's name, office, photograph or other reference to the elected officer. Regulation 18901(f) lists exceptions to the general rule. Specifically, Regulation 18901(f)(8) provides an exception for:

(8) Mailings sent to the elected officer's constituents which directly relate to that elected official's incumbent governmental duties and which solely include the time, date, place, and a concise description of the subject matter of a public meeting to be held by the elected officer;

The name of the elected officer may be used once in the notice in order to identify the officer holding the meeting. However, the mailing may not be signed by the elected officer. (Andersen Advice Letter No. A-89-273, copy enclosed.)

Regulation 18901(e) provides another exception to the mass mailing prohibition provides:

(e) A newsletter or other mass mailing is not prohibited by Government Code Section 89001 if it meets all of the following criteria:

(1) The stationery, forms and envelopes used for the mailing are the standard stationery, forms and envelopes of the agency or committee of the agency; and

(2) The name of an elected officer who is affiliated with the agency or committee appears, in the standard letterhead or logotype of the stationery, forms or envelopes of the agency, a committee of the agency, or the elected official and the newsletter or mass mailing is not otherwise prohibited under subdivision (c).

As used in this subdivision, the term "letterhead or logotype" includes a listing of agency or committee officials or members, in which all who are listed appear in the same typeface and type size and location in the layout of the newsletter or other mass mailing.

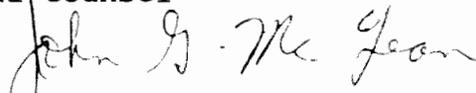
As used in this subdivision, the term "standard letterhead or logotype" refers to any regularly used by the agency, subunit or the elected officer...

Using this exception, a notice of the type provided for under subdivision (f)(8), may be sent out on standard stationery, forms or envelopes as provided for above. (Stirling Advice Letter, No. A-89-132, copy enclosed.)

If you have any further questions, please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel



By: John G. McLean  
Counsel, Legal Division



5250

Aug 9 3 51 PM '89

OFFICE OF THE  
CITY ATTORNEY

JAMES P. JACKSON  
CITY ATTORNEY

THEODORE H. KOBAY JR.  
ASSISTANT CITY ATTORNEY

CITY OF SACRAMENTO  
CALIFORNIA

August 9, 1989

817 FIFTH STREET  
SACRAMENTO, CA  
95811-2924

TELEPHONE (916)

DEPUTY CITY ATTORNEYS  
SAMUEL E. JACKSON  
WILLIAM P. CARNAZZO  
LAWRENCE M. FURNARDI  
CAROLAN E. BURRILL JR.  
DEANE B. BALTER  
RICHARDEE ANTONI  
TAMARA MEEGAN HARMON  
RICHARDEE MCGIBBARD  
KATHLEEN MCGIBBARD  
TIMOTHY N. WASHBURN  
SABRINA M. THOMPSON

**HAND DELIVERED**

Kathryn Donovan, General Counsel  
**CALIFORNIA FAIR POLITICAL  
PRACTICES COMMISSION**  
428 J Street, Suite 800  
Sacramento, CA 95814

Re: **MASS MAILING PROVISIONS OF PROPOSITION 73**

Dear Ms. Donovan:

This office has received requests from City officials and staff concerning the meaning and effect of the "mass mailings" provisions of Proposition 73 and the implementing regulations. While I have discussed some of these matters with representatives of your office over the telephone, I would like to request, pursuant to Government Code Section 83114, an opinion or, alternatively, a written advice letter, on some of these questions.

Pursuant to Government Code Section 83114, this office respectfully requests on behalf of the City of Sacramento, and its elected and appointed officials, agents and employees, an opinion or written response addressing the following questions:

1. Prior to the enactment of Proposition 73 and the adoption of the implementing regulations, the City of Sacramento has held "town hall meetings" at various locations throughout the City for the purpose of discussing matters of general concern or, in some instances, particular events, projects and issues. These meetings are not mandatory pursuant to any federal, state or local law, and are held for the purpose of disseminating or gathering information or opinions about various issues or topics of concern. Elected officials may or may not be present at these "town hall meetings."

Kathryn Donovan  
FPPC  
August 9, 1989  
Page Two

(a) May the City send, at public expense, notices of these "town hall meetings" to 200 or more people if such notices identify the elected official(s) who will be present? I have assumed that community meeting notices which do not contain any reference to an elected official are permissible pursuant to 2 Cal.Admin. Code §18901(f)(8) or (f)(10). If this assumption is incorrect, please advise.

(b) Assuming that the notices referenced in (a), above, are permissible, which, if any, of the four sample notices attached as Exhibits 1 through 4 hereto are permissible?

2. The City of Sacramento does not have a standard letterhead on which the names of the Mayor and eight Councilmembers are listed. Instead, each Councilmember and the Mayor has his or her own standard letterhead, a copy of which is attached hereto as Exhibit 5.

(a) May the community meeting notices be sent out on the letterhead of the Councilmember who is calling the community meeting?

Your prompt response to the foregoing questions would be greatly appreciated. If you have any questions, or if further explanation is needed, please do not hesitate to contact the undersigned.

Very truly yours,

*Richard E. Archibald*  
(4/11/89)

RICHARD E. ARCHIBALD,  
Deputy City Attorney

REA/jmv  
Attachments

## ATTENTION

## AREA RESIDENTS!

The Army Corps of Engineers will begin tests of levee reconstruction methods this fall in the areas shown on the map below. The purpose of these tests is to determine the best method to use for reconstruction of the Sacramento River levees south of the American River scheduled to begin in . There will be some noise and construction activity associated with these tests.

Please come to a neighborhood meeting to learn more about the levee reconstruction tests.

<b>DATE:</b>
<b>TIME:</b>
<b>PLACE:</b>

### Meeting participants:

Sacramento City Councilmember John Doe/Mary Roe  
Sacramento Flood Control Planning Office  
California Department of Water Resources  
State Reclamation Board  
Army Corps of Engineers

# COMMUNITY MEETING

City Councilmember John Doe invites you to a Community Meeting

PLACE:

DATE:

TIME:

You are invited to attend the meeting to discuss issues of community interest. City Council officials and City staff will be in attendance to answer your questions on specific issues.

**Please plan to attend and bring a friend!**

For further information, please call staff member at 111-2222.



EXHIBIT, "2"

City Council Member Mary Roe the  
Neighborhood Association,  
the Sacramento Local Conservation Corp and  
the State of California Division of Recycling  
invite you to:



# Neighborhood Day!



*Mark your calendar!*

DATE:

TIME:

PLACE:

*Music, Face Painting for Kids, Games,  
Job Fair Booths, Slide Show on Africa,  
Fingerprinting of Children by the City Police Dept.,  
and Fire Truck Rides by the City Fire Dept.*

This Neighborhood Day is offered in conjunction with the  
Cleanup Project. Clean out your house, attic, garage, basement and yard.  
Place unwanted junk and debris, furniture, tires, etc. (no chemicals or  
toxics!) on the street in front of your house by 8:00 a.m on Saturday,  
and the City will remove it free of charge. Please make  
sure your material doesn't block the sidewalk or create a traffic hazard.  
Report abandoned cars by \_\_\_\_\_ to the City's Nuisance Abatement  
Division: 449-5948. If you have questions about junk and debris removal  
call the City Solid Waste Division: 449-5757.

*We hope to see you and your neighbors on*

EXHIBIT "3"

For more information - Call:



City Council Member JOHN DOPYMAPY ROE  
invites you to a:



## Community Meeting

Topic:

Date:

Time:

Place:

Please attend this meeting if you would like to learn more about the houses that are being built at LOCATION. Representatives from PRIVATE COMPANY will be available to answer your questions.

*We hope to see you and your neighbors on*

**For More Information Call:**





**OFFICE OF THE  
CITY COUNCIL**

**TERRY KASTANIS**  
COUNCIL MEMBER  
DISTRICT SEVEN

**CITY OF SACRAMENTO**  
CALIFORNIA

CITY HALL  
ROOM 205  
915 F STREET  
SACRAMENTO, CA  
95811-2072

TEL: 417-5000

EXHIBIT "3"



F P E C

Aug 9 3 51 PM '89

OFFICE OF THE  
CITY ATTORNEYCITY OF SACRAMENTO  
CALIFORNIA812 TENTH STREET  
SACRAMENTO, CA  
95811-2094JAMES P. JACKSON  
CITY ATTORNEY

August 9, 1989

916 449 5310

THEODORE H. KUBEY, JR.  
ASSISTANT CITY ATTORNEYDEPUTY CITY ATTORNEYS  
SAMUEL E. JACKSON  
WILLIAM P. CARNAZZO  
LAWRENCE M. TUNARDINI  
GARLAND E. BERRILL, JR.  
DIANE B. BAUTER  
RICHARD F. ANGELO  
TAMARA MILLIGAN HARMON  
RICHARD E. ARCHIBALD  
KATHLEEN MCCORMICK  
TIMOTHY N. WASHBURN  
SABRINA M. THOMPSON**HAND DELIVERED**

Kathryn Donovan, General Counsel  
**CALIFORNIA FAIR POLITICAL  
 PRACTICES COMMISSION**  
 428 J Street, Suite 800  
 Sacramento, CA 95814

Re: **MASS MAILING PROVISIONS OF PROPOSITION 73**

Dear Ms. Donovan:

This office has received requests from City officials and staff concerning the meaning and effect of the "mass mailings" provisions of Proposition 73 and the implementing regulations. While I have discussed some of these matters with representatives of your office over the telephone, I would like to request, pursuant to Government Code Section 83114, an opinion or, alternatively, a written advice letter, on some of these questions.

Pursuant to Government Code Section 83114, this office respectfully requests on behalf of the City of Sacramento, and its elected and appointed officials, agents and employees, an opinion or written response addressing the following questions:

1. Prior to the enactment of Proposition 73 and the adoption of the implementing regulations, the City of Sacramento has held "town hall meetings" at various locations throughout the City for the purpose of discussing matters of general concern or, in some instances, particular events, projects and issues. These meetings are not mandatory pursuant to any federal, state or local law, and are held for the purpose of disseminating or gathering information or opinions about various issues or topics of concern. Elected officials may or may not be present at these "town hall meetings."

Kathryn Donovan  
FPPC  
August 9, 1989  
Page Two

(a) May the City send, at public expense, notices of these "town hall meetings" to 200 or more people if such notices identify the elected official(s) who will be present? I have assumed that community meeting notices which do not contain any reference to an elected official are permissible pursuant to 2 Cal.Admin. Code §18901(f)(8) or (f)(10). If this assumption is incorrect, please advise.

(b) Assuming that the notices referenced in (a), above, are permissible, which, if any, of the four sample notices attached as Exhibits 1 through 4 hereto are permissible?

2. The City of Sacramento does not have a standard letterhead on which the names of the Mayor and eight Councilmembers are listed. Instead, each Councilmember and the Mayor has his or her own standard letterhead, a copy of which is attached hereto as Exhibit 5.

(a) May the community meeting notices be sent out on the letterhead of the Councilmember who is calling the community meeting?

Your prompt response to the foregoing questions would be greatly appreciated. If you have any questions, or if further explanation is needed, please do not hesitate to contact the undersigned.

Very truly yours,

*Richard E. Archibald*  
(jmv)

**RICHARD E. ARCHIBALD,**  
Deputy City Attorney

REA/jmv  
Attachments

# ATTENTION

# AREA RESIDENTS!

The Army Corps of Engineers will begin tests of levee reconstruction methods this fall in the areas shown on the map below. The purpose of these tests is to determine the best method to use for reconstruction of the Sacramento River levees south of the American River scheduled to begin in . There will be some noise and construction activity associated with these tests.

Please come to a neighborhood meeting to learn more about the levee reconstruction tests.

<b>DATE:</b>
<b>TIME:</b>
<b>PLACE:</b>

## Meeting participants:

Sacramento City Councilmember John Doe/Mary Roe  
Sacramento Flood Control Planning Office  
California Department of Water Resources  
State Reclamation Board  
Army Corps of Engineers

# COMMUNITY MEETING

City Councilmember John Doe invites you to a Community Meeting

PLACE:

DATE:

TIME:

You are invited to attend the meeting to discuss issues of community interest. City Council officials and City staff will be in attendance to answer your questions on specific issues.

**Please plan to attend and bring a friend!**

For further information, please call staff member at 111-2222.

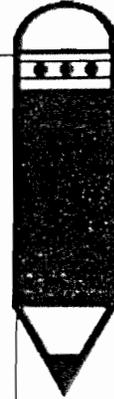


EXHIBIT "2"



City Council Member Mary Roe the  
 Neighborhood Association,  
 the Sacramento Local Conservation Corp and  
 the State of California Division of Recycling  
 invite you to:

# Neighborhood Day!



*Mark your calendar!*

DATE:

TIME:

PLACE:

*Music, Face Painting for Kids, Games,  
 Job Fair Booths, Slide Show on Africa,  
 Fingerprinting of Children by the City Police Dept.,  
 and Fire Truck Rides by the City Fire Dept.*

This Neighborhood Day is offered in conjunction with the Cleanup Project. Clean out your house, attic, garage, basement and yard. Place unwanted junk and debris, furniture, tires, etc. (no chemicals or toxics!) on the street in front of your house by 8:00 a.m on Saturday, and the City will remove it free of charge. Please make sure your material doesn't block the sidewalk or create a traffic hazard. Report abandoned cars by to the City's Nuisance Abatement Division: 449-5948. If you have questions about junk and debris removal call the City Solid Waste Division: 449-5757.

*We hope to see you and your neighbors on*

EXHIBIT, "3"

For more information - Call:



**City Council Member** JOHN DOE & MARY ROE  
invites you to a:



## Community Meeting

**Topic:**

**Date:**

**Time:**

**Place:**

Please attend this meeting if you would like to learn more about the houses that are being built at LOCATION.

PRIVATE COMPANY  
your questions.

Representatives from  
will be available to answer

EXHIBIT "4"

*We hope to see you and your neighbors on*

**For More Information Call:**





**OFFICE OF THE  
CITY COUNCIL**

**TERRY KASTANIS**  
COUNCILMEMBER  
DISTRICT SEVEN

**CITY OF SACRAMENTO**  
CALIFORNIA

CITY HALL  
ROOM 205  
915 I STREET  
SACRAMENTO, CA  
95814 2672

916 449 5000

EXHIBIT "5"