



# California Fair Political Practices Commission

December 28, 1989

Diana Marie Valdez  
Best, Best & Krieger  
P. O. Box 1028  
Riverside, CA 92502

Re: Your Request for Informal Assistance  
Our File No. I-89-601

Dear Ms. Valdez:

You have requested advice concerning the conflict of interest provisions of the Political Reform Act ("Act").<sup>1/</sup> Your request is one for general assistance. Accordingly, we are treating it as a request for informal assistance.<sup>2/</sup>

## QUESTIONS

Under what criteria must a redevelopment agency adopt its own conflict of interest code? If a redevelopment agency does not have to adopt its own code, should the members and employees be listed as designated employees under the city's conflict of interest code?

## CONCLUSION

A redevelopment agency which is comprised solely of the city's councilmembers is not required to develop a separate conflict of interest code. However, a redevelopment agency would be required to develop a conflict of interest code if the agency employs staff in addition to the city's councilmembers, such as an executive officer and any appointed public members. In this instance, the conflict of interest code would enumerate the executive officer and the appointed public members only. For

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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.

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

instance, if the redevelopment agency creates a project area committee, the members of the project area committee would be designated. City councilmembers would not be designated in the redevelopment agency's code.

Under the Act, the redevelopment agency may develop a code that is separate from the city's conflict of interest code, or may develop a list of designated employees and disclosure categories to be included in the city's conflict of interest code.

#### FACTS

In most cases, if not all, the redevelopment agencies which Best, Best & Krieger represents are comprised of the city councilmembers. It is my understanding that the geographical jurisdiction for the redevelopment agencies is the city which the councilmembers serve and that they do not have any authority which extends beyond the city's boundaries. Additionally, some of the redevelopment agencies which you represent may include employees or members in addition to the city councilmembers.

#### ANALYSIS

A conflict of interest code is a document which lists the positions within the agency that are in decision making capacities and further provides disclosure categories which describe the types of information to be reported by the employees designated in the code. The categories are designed to require disclosure of the economic interests which the designated employee can affect by decisions he or she makes in his or her official capacity.

You would not designate in the code your city councilmembers who are members of your redevelopment agency (city councilmembers are already covered under Section 87200 and have city-wide jurisdiction), nor would you designate other city employees who are required to file under the city's conflict of interest code and have full disclosure.

Section 87302 requires that a conflict of interest code enumerate the positions designated within a conflict of interest code and that each designated employee other than those specified in Section 87200, be required to file statements at specified times and disclosing certain interests.

Section 87301 provides as follows:

"It is the policy of this act that Conflict of Interest Codes shall be formulated at the most decentralized level possible, but without precluding intra-departmental review. A question of the level of a department which should be deemed an "agency" for purposes of Section 87300 shall be resolved by the code reviewing body."

Thus, if a city's redevelopment agency has employees or other persons who should be covered by a code, the Act permits either the city or the redevelopment agency to develop the code.

The package of materials which you received at the Conflict of Interest Code seminar held in San Bernardino should be of assistance to you should you find that one of your redevelopment agencies must adopt a conflict of interest code. Pursuant to Section 82011, the code reviewing body for a single city agency is with their respective city council. Single county agencies report to their board of supervisors. All multi-county agencies fall under the authority of the Fair Political Practices Commission.

If I can be of any further assistance, please feel free to call me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel



By: Cheryl A. Hoff  
Staff Services Analyst  
Legal Division

KED:CAH:I89601

# BEST, BEST & KRIEGER

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\*A PROFESSIONAL CORPORATION

October 16, 1989

Jeanette Turville  
Legal Division  
Fair Political Practices  
Commission  
428 "J" Street, Suite 800  
P.O. Box 807  
Sacramento, CA 95804

Re: Conflict of Interest Codes for  
Redevelopment Agencies

Dear Jeanette:

On September 18, 1989, I spoke to you regarding another matter and in the process you informed me, much to my surprise, that redevelopment agencies do not necessarily require a separate conflict of interest code from their cities.

As you know Best, Best & Krieger represents several cities and redevelopment agencies. In most cases, if not all, the redevelopment agencies are comprised of members of their city councils who must file Form 721 statements pursuant to the Government Code. I would like to know under what criteria a redevelopment agency must adopt its own conflict of interest code. Also, if a redevelopment agency does not have to adopt its own code, should its members and employees be listed as designated employees under its city's code?

Your attention to this matter is greatly appreciated and should you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,

Dianna Marie Valdez  
Legal Assistant  
Best, Best & Krieger

:dmv

Oct 19 12:50 AM '89  
FPPC



# California Fair Political Practices Commission

October 23, 1989

Dianna Marie Valdez  
Legal Assistant  
Best, Best & Krieger  
P.O. Box 1028  
Riverside, CA 92502

Re: Letter No. 89-601

Dear Ms. Valdez:

Your letter requesting advice under the Political Reform Act was received on October 19, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Cheryl Hoff, 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, we 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,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan  
General Counsel

KED:plh



# California Fair Political Practices Commission

November 28, 1989

Roger Brown  
Weintraub, Genshlea, Hardy,  
Erich and Brown  
2535 Capitol Oaks Drive  
Sacramento, CA 95833

Re: Your Request for Advice  
Our File No. I-89-602

Dear Mr. Brown:

We have received your letter of October 17, 1989 requesting written confirmation of the informal assistance<sup>1/</sup> I provided to you in our telephone conversation of September 20, 1989, regarding the gift restrictions on lobbying firms. This to confirm that your letter accurately reflects that advice.

A copy of your letter is enclosed for your convenience.

If you have further questions, please contact me at (916) 322-5662.

Sincerely,

Kathryn E. Donovan  
General Counsel

A handwritten signature in cursive script that reads "Wayne Imberi".

By: Wayne Imberi  
Political Reform Consultant

<sup>1/</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).)