



# California Fair Political Practices Commission

November 21, 1989

Raymond R. Patchett  
City Manager  
City of Carlsbad  
1200 Elm Street  
Carlsbad, CA 92008-1989

Re: Your Request for Advice  
Our File No. A-89-621

Dear Mr. Patchett:

This is in response to your request for advice regarding application of the mass mailing provisions of the Political Reform Act (the "Act").<sup>1</sup>

## QUESTION

Does the roster listing printed on the city's public information pamphlets, which includes the members of the city council and the housing and redevelopment commission, comply with the mass mailing provisions of this Commission's regulations?

## CONCLUSION

The roster listing printed on the city's public information pamphlets, which includes the members of the city council and the housing and redevelopment commission, complies with the mass mailing provisions of this Commission's regulations.

## FACTS

As the city manager for the City of Carlsbad, you want to ensure that your city's public information pamphlets are in compliance with the mass mailing provisions amended into the Act

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<sup>1</sup> Government Code Section 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.

by Proposition 73 and implemented by the Commission in its Regulation 18901.

Attached to your letter requesting advice was a copy of the standard letterhead block used by the city which is identical to that which will appear on the pamphlets. This is a listing of the members of the city council and the members of the housing and redevelopment commission. Each officeholder's name is in the same size typeface and type size and all are located together on the back page of the pamphlet. Also printed with this listing is the city seal of Carlsbad.

ANALYSIS

A mass mailing is defined in Section 82041.5 as two hundred or more substantially similar pieces of mail. Government Code Section 89001 provides that no newsletter or other mass mailing shall be sent at public expense. Read together and taken literally, these two sections could be construed to ban all mailings of 200 or more substantially similar documents if the mailings are done at public expense.

Regulation 18901 (copy enclosed), which implements Section 89001, provides that where a mass mailing includes the name of an elected officer in the letterhead of the standard stationary, form and envelopes of the agency, it is not prohibited under Section 89001, provided that the listing of agency or committee officials or members all appear in the same typeface, typesize and location in the mass mailing. In addition, where the mass mailing does not use the agency's standard stationary letterhead, a roster listing containing the names of all elected officers in the agency may be used in place of the agency's standard stationary letterhead. (Regulation 18901(e).)

In applying the Commission's regulation to the mailing you submitted with your letter, it appears that your roster complies with the regulation. The roster contains all of the names of the members of the city council and the housing and redevelopment commission in the same typeface, size and location in the layout.

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

Sincerely,

Kathryn E. Donovan  
General Counsel

By:   
Joseph Garcia  
Counsel, Legal Division



# City of Carlsbad

Office of the City Manager

OCT 23 12:39 AM '89  
FPPC

October 18, 1989

Mr. John H. Larson, Chair  
Fair Political Practices Commission  
428 J Street, #800  
Sacramento, CA 95814

Dear Chairman Larson:

The City of Carlsbad publishes various public information items dealing with City and Housing and Redevelopment issues. These pamphlets are mass mailed to residents of Carlsbad as well as made available to residents at various locations.

A question has arisen as to whether the names of the five Carlsbad City Council Members and five Redevelopment Advisory Commissioners can be included as part of these pamphlets. These names will appear on the back page of the pamphlets utilizing standard letterhead block (as attached). Do FPPC regulations allow us to do this? The purpose of this request is to verify that it is legal for us to include Council Member and Commissioner names on these pamphlets.

If you have any questions or need additional information, please call me, or Joni Wiltgen at (619) 434-2847. We would appreciate receiving your written opinion as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond R. Patchett".

RAYMOND R. PATCHETT  
City Manager

jw:pgk

Attachment



## **Housing and Redevelopment Commission**

**Claude A. "Bud" Lewis, Chairman**  
**Ann Kulohn, Commissioner**  
**Eric Larson, Commissioner**  
**John Memaux, Commissioner**  
**Mark Pettine, Commissioner**



**Mayer Claude A. "Bud" Lewis**  
**Mayer Pro Tem Ann Kulchin**  
**Council Member Eric Larson**  
**Council Member John Marnaux**  
**Council Member Mark Pettine**



# California Fair Political Practices Commission

October 27, 1989

Raymond R. Patchett  
City Manager  
City of Carlsbad  
1200 Elm Avenue  
Carlsbad, CA 92008-1989

Re: Letter No. 89-621

Dear Mr. Patchett:

Your letter requesting advice under the Political Reform Act was received on October 23, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Joe Garcia 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,

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

Kathryn E. Donovan  
General Counsel

KED:plh