

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

December 28, 1976

Mr. Robert Tellander
California State College,
Sonoma
615 Keokuk Street
Petaluma, California 94952

76-12-221

Dear Mr. Tellander:

This is in response to your letter of December 15 inquiring about the obligation of doctors who serve on local district hospital boards to disqualify themselves pursuant to the provisions of Proposition Nine.

Government Code §87100, which embodies the provisions of the Proposition, provides:

No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

This general prohibition requires a public official to disqualify himself from making or participating in certain decisions of the board or agency of which he is a member. Government Code §87103, defining "financial interest", specifically sets forth the appropriate bases for disqualification.

Similar disqualification provisions will be embodied in a Conflict of Interest Code applicable to the local agency. However, the disqualification provisions of the Political Reform Act prevent neither the holding of certain interests nor the service on a board or commission. Thus, even though

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a public official may have to disqualify himself or herself from a significant portion of the decisions of the board, the Act would not require the official to leave the board or dispose of his or her assets.

Thank you for your concern. I trust the foregoing has been responsive. If you have specific questions regarding a conflict of interest within city or county agencies, your county counsel or appropriate city attorney should be able to provide more specific responses than the Fair Political Practices Commission.

Thank you.

Sincerely,



Delbert L. Spurlock, Jr., Chief
Conflicts of Interest Division

DLS:glb

CALIFORNIA STATE COLLEGE, SONOMA

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ROBERT PARK, CALIFORNIA 94928



DEPARTMENT OF SOCIOLOGY
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15 DECEMBER 1976

CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
Box 807
SACRAMENTO, CA 95704

REPLY:

SOME TIME AGO, A LETTER APPEARED IN OUR LOCAL NEWSPAPER, THE TOWN-
CLERK, INQUIRING WHETHER DOCTORS, WHO SERVE ON THE LOCAL HILLOPST
DISTRICT HOSPITAL BOARD, WERE NOT IN CONFLICT OF INTEREST AS DEFINED
IN THE NEW REGULATIONS ESTABLISHED WITH THE PASSAGE OF PROPOSITION 13.
IT WOULD BE MY DUTY TO ADVISE THAT THE DISTRICT HOSPITAL BOARD IS
NOT A PUBLIC ENTITY AS DEFINED IN THE REDEVELOPMENT
JURISDICTION. TO MY KNOWLEDGE, HOWEVER, NEITHER THE NEWSPAPER NOR THE
HOSPITAL BOARD HAS REQUESTED A CLARIFICATION OF THE VOTING PARTICIPATION
OF DOCTORS ON THE DISTRICT HOSPITAL BOARD. I WOULD LIKE ONE.

AS A FACULTY MEMBER AT SONOMA STATE COLLEGE, I HAVE LIVED WITH THE
COMPLEXITY OF THE BOARD AND ADMIRABLE WITH THE BOARD AT THE BOARD
OF TRUSTEES LEVEL, THEREFORE, I DO NOT VIEW THE MATTER AS PREJUDICIAL TO
DOCTORS IF THEY CANNOT SERVE AS VOTING MEMBERS OF THE BOARD. COULD YOU
CLARIFY THE ISSUE FOR ME?

SINCERELY,

Robert Tollander

ROBERT TOLLANDER

115 KIDKUM STREET
PETALUMA, CALIFORNIA 94952