

# State of California



## Fair Political Practices Commission

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

August 18, 1976

Mr. Kenneth M. Dickerson  
City Attorney, City of Belmont  
1564 Laurel St., P.O. Box 1055  
San Carlos, California 94070

76-256

Re: Conflict of Interest Code for City Councilmembers of Belmont

Dear Mr. Dickerson:

You ask who is the appropriate code reviewing body in the following circumstances:

The City Council of the City of Belmont sits as the Board of Directors for the Belmont Fire Protection District. Pursuant to an election held approximately 2 years ago the Belmont Fire Protection District became a subsidiary district of the City of Belmont; however, it remains as an independent taxing agency with boundaries that exceed beyond the boundaries of the City.

Unfortunately, it appears that, based upon your assertion that the boundaries of the Fire Protection District extend beyond the boundaries of the City, the appropriate code reviewing body for the District is the Board of Supervisors of San Mateo County. This result is dictated by the definition of code reviewing body, Government Code §82011, which provides:

"Code reviewing body" means:

....  
(b) The Board of Supervisors, with respect to the Conflict of Interest Code of any county agency other than the Board of Supervisors, and of any local government agency, other than a city agency, with jurisdiction wholly within the county;

(c) The city council, with respect to the Conflict of Interest Code of any city agency other than the city council; ....

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In addition, Government Code §82035 provides:


"Jurisdiction" means the state with respect to a state agency and, with respect to a local government agency, the region, county, city, district or other geographical area in which it has jurisdiction....

Thus, it does not appear that the District may be construed to be a "city agency" within the meaning of Government Code §82011(c).

Besides the plain meaning of the cited Government Code Sections above, members of the city council, pursuant to Government Code §87200, file Statements of Economic Interests covering interests in real property and investments in business entities located within the jurisdiction. In the case of the city council members, interests in real property and investments in business entities do not cover the jurisdictional boundaries of the Belmont Fire Protection District. Therefore, without supplemental filings of Statements of Economic Interests covering jurisdictional boundaries of the Fire Protection District, there would not be complete disclosure as is contemplated by the Act. Under these circumstances, it appears clear that under any circumstances the filing of additional Statements of Economic Interests by members of the city council would be required by virtue of their directorships of the Belmont Fire Protection District. Likewise, it appears clear that the District is not a city agency within the meaning of the Act, since its boundaries exceed the boundaries of the City. Thus, if the boundaries of the District reside exclusively within San Mateo County, the San Mateo County Board of Supervisors is the appropriate code reviewing body for the District.

If you have any ideas consistent with this reasoning regarding the manner in which the city council, sitting as the Fire Protection District, may extricate itself from the requirement of additional filings of Conflict of Interest Codes and Statements of Economic Interests, please inform me and I will do whatever I can to assist you in reaching a favorable result.

Sincerely,

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

# CITY OF BELMONT

OFFICE OF THE CITY ATTORNEY  
1564 LAUREL STREET (P. O. BOX 1055)  
SAN CARLOS, CALIFORNIA 94070

August 5, 1976

KENNETH M. DICKERSON  
City Attorney

TELEPHONE  
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Mr. Delbert L. Spurlock, Jr.  
State of California Fair  
Political Practices Commission  
P. O. Box 807  
Sacramento, California 95804

re: City of Belmont conflict of interest code for  
City Council members

Dear Mr. Spurlock:

The City Council of the City of Belmont sits as the Board of Directors for the Belmont Fire Protection District. Pursuant to an election held approximately 2 years ago the Belmont Fire Protection District became a subsidiary district of the City of Belmont; however, it remains as an independent taxing agency with boundaries that exceed beyond the boundaries of the City.

We have received from the County Clerk of San Mateo County a request that we file a conflict of interest code to be reviewed by the Board of Supervisors of San Mateo County. It appears that the requirement to file a conflict of interest code and subsequent disclosure statements pursuant to that code will impose an unnecessary duplication of the disclosure requirement upon the Council.

The City Council is adopting the conflict of interest code recommended by the Commission which is applicable to any activity of the Councilmen as a member or commissioner of a City agency.

It was my understanding from my past discussions that you would advise as to whether the dual filing of the conflict of interest codes and disclosures is necessary under the law.

Very truly yours,

  
KENNETH M. DICKERSON

KMD:c

cc-

Mayor  
City Manager  
City Clerk  
County Clerk