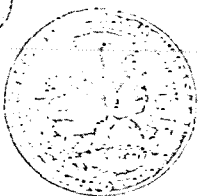


State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95834 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

April 6, 1976

Mr. John Woodhead  
City Attorney  
City of Riverside  
3900 Main Street  
Riverside, CA 92501

A-76-270

Dear Mr. Woodhead:

Re: Request for Opinion  
No. 76-043

Thank you for your letter of March 22, 1976, requesting an opinion relating to enforcement of and compliance with the Political Reform Act. Because your letter raises no substantial question involving an interpretation of the Act, no formal opinion will be issued. However, I hope the following informal comments will be helpful.

In response to your first question, the Commission has adopted regulations that set forth standards for determining when a board or commission possesses decision making authority. 2 Cal. Adm. Code Section 18700. Boards that do not possess decision making authority serve a "solely advisory function." A copy of that regulation is enclosed.

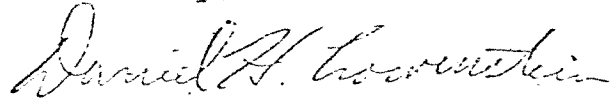
Turning to your second question, the Riverside Transit Agency is a "local government agency" as that term is defined in Government Code Section 82041. Moreover, alternate members are "designated employees" to the same extent that principal members are "designated employees." Although the alternate members participate only in the absence of the principal member, the facts you have stated indicate that, when they do participate, they participate to the same extent as principal members. Accordingly, the responsibilities of both principal and alternate members should be addressed in the conflict of interest code adopted by the agency.

Finally, although the Charter of the City of Riverside does not expressly authorize the city attorney to prosecute misdemeanor violations, it is consistent with the Charter to allow the city attorney to prosecute misdemeanor violations of the Act, as provided in Government Code Section 91001(a).

Mr. John Woodh...  
April 6, 1976  
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If you wish to appeal the denial of your opinion request, you may do so pursuant to 2 Cal. Adm. Code Section 18321. If you have any questions, please contact Natalie West, an attorney with the Legal Division of the Commission staff.

Sincerely,



Daniel H. Lowenstein  
Chairman

DHL:plh

Riverside

OFFICE OF CITY ATTORNEY

3740 Main Street - Riverside, California 92501 - 783-781-7552

4-8-76

762-10

March 22, 1976

Daniel H. Lowenstein, Chairman  
Fair Political Practices Commission  
Post Office Box 807  
Sacramento, California 95804

Dear Mr. Lowenstein:

Pursuant to Section 83114 of the Political Reform Act of 1974 ("Act"), we request your opinion on the following questions relating to enforcement of, or compliance with the Act:

I.

Under the Act, the City Council of the City of Riverside is the code reviewing body for the various boards and commissions of the City. The Act provides in Section 82019 that members of boards and commissions which serve a solely advisory function are not subject to the conflict of interest code provisions of Section 87300 and following. In this regard, please advise us as to the interpretation, if any, which your Commission gives to the phrase "serves a solely advisory function".

II.

Section 82041 of the Act defines "Local Government Agency". Riverside Transit Agency is a joint powers agency formed pursuant to Government Code Sections 6500 and following. The Agency's board of directors is made up of elected members of the Riverside County Board of Supervisors and the cities which have joined with the County in forming the Agency ("principal members"). Alternate members of the board of directors participate only in the absence of the principal member. Alternate members may be elected members of the agency which they represent or they may be non-elected employees or officers of such agency. A copy of the Agency's joint powers agreement is enclosed for your information. Please advise us:

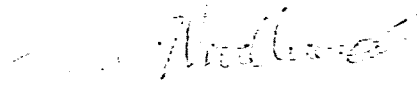
1. Is the Riverside Transit Agency a "local government agency" within the meaning of the Act?
2. If the principal members of the Agency's board of directors are designated employees within the meaning of the Act, are alternate members of the board of directors also designated employees within the meaning of the Act?

III.

The Charter of the City of Riverside does not permit the Riverside City Attorney to prosecute misdemeanor violations of state law. Please advise us whether or not Section 91001 (a) of the Act, nevertheless, permits the Riverside City Attorney to prosecute misdemeanor violations of the Act. In this regard, we call your attention to Attorney General Younger's Opinion CR 74/1 issued February 28, 1974 in relation to the City of Los Angeles, whose charter does permit its City Attorney to prosecute misdemeanor violations of state law.

We will appreciate receiving your opinion on the above matters.

Very truly yours,

  
JOHN WOODHEAD  
City Attorney

JW/ED:c

Enclosure