

State of California



Fair Political Practices Commission

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

November 3, 1977

77-135

Ralph W. Benson
433 Jasmine Street
Laguna Beach, CA 92651

Re: Opinion Request No. 77-033

Dear Mr. Benson:

Thank you for your letter of October 17, 1977, requesting an opinion concerning whether the proposed Orange County Campaign Reform Ordinance would prevent any person from complying with the Political Reform Act. Because your request does not involve a substantial question of interpretation under the Act, no formal opinion will be issued. I trust, however, that the following informal advice, rendered by the staff pursuant to Government Code Section 83114(b), will resolve your problem.

It is clear that pursuant to Government Code Section 81013^{1/} counties can impose additional requirements of a political reform nature if those requirements do not prevent the persons affected from complying with the provisions of the Political Reform Act. See Opinion requested by Edwin L. Miller, 2 FPPC Opinions 91 (No. 75-125, July 6, 1976); Opinion requested by Anthony Saul Alperin, 3 FPPC Opinions 77 (No. 76-084, August 18, 1977). The proposed Orange County Campaign Reform Ordinance is concerned with subjects not addressed in the Political Reform Act: disqualification on the basis of campaign contributions and persons who influence governmental decisions at the county level. The staff has concluded that nothing in the Political Reform Act would prohibit the county from enacting an initiative with respect to these subjects since the requirements contained therein would be in addition to those contained in the Political Reform Act and would not prevent compliance with the Act's requirements.


^{1/} Section 81013 provides:

Nothing in this title prevents the Legislature or any other state or local agency from imposing additional requirements on any person if the requirements do not prevent the person from complying with this title. If any act of the Legislature conflicts with the provisions of this title, this title shall prevail.

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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 further questions, please contact Lee Rosenthal, an attorney in the Commission's Legal Division.

Sincerely,


Michael Bennett
Executive Director

MB:KHF:jo

Request No. 77 033

Date Received _____

Response Due _____

77135

Out

RALPH W. BENSON
ATTORNEY AT LAW
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LAGUNA BEACH, CALIFORNIA 92651
714 494 6631
Office Phone 496-4040

October 17, 1977

Fair Political Practices Commission
1100 K Street Mall
Post Office Box 807
Sacramento, California 95814

Attention: Lee Rosenthal

Re: Proposed Orange County Campaign Reform Ordinance

Dear Commissioners:

I represent the Orange County Campaign Reform Committee. The Chairman of this Committee is Robert-Joe Vasquez, 524 St. Ann's, Laguna Beach, California 92651. The Treasurer of this Committee is George Benz, 533 1st Street, Oakwood G202, Seal Beach, California 90740.

The Orange County Campaign Reform Committee has prepared a draft ordinance which is dated October 11, 1977, and titled as follows:

An Ordinance of the County of Orange, California
Supplementing the State Political Reform Act of 1974
by Prohibiting Members of the Board of Supervisors
from Participating in Governmental Decisions Affecting
Certain of their Campaign Contributors and by Defining
and Regulating "County Influence Brokers".

A copy of this proposed Orange County Campaign Reform Ordinance is enclosed.

The Orange County Campaign Reform Committee is planning an initiative effort to secure the adoption of the Orange County Campaign Reform Ordinance enclosed. Before commencing this effort, and because of the practically irreversible nature of the initiative process, the Committee would like the opinion of your Commission as to whether the proposed ordinance would be valid and enforceable if adopted by the people of Orange County. Specifically, the Committee would like your opinion as to whether the proposed ordinance, if adopted, would prevent any person from complying with the Poli-

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tical Reform Act of 1974.

This request for an opinion is submitted to you pursuant to
Section 83114 of the California Government Code.

Respectfully submitted,



Ralph W. Benson,
Attorney for the Orange County Campaign
Reform Committee

RWB:dsg
Enclosures