

26102(b)

31 March 1977

A-77-348

Evelyn L. Roberson
City Clerk
South Lake Tahoe
P.O. Box 1210
South Lake Tahoe, CA 95705

Dear Ms. Roberson:

This letter will confirm the advice you received during our telephone conversation of March 29, 1977. In a letter dated March 8, 1977, you asked if the Council for Logic should file campaign disclosure statements. You stated that the Council for Logic spends large amounts of money for paid advertising to support and oppose local issues but not candidates or ballot measures.

Based on the information contained in your letter and enclosures as well as your representations during our telephone conversation, the Council for Logic does not need to file campaign disclosure statements because they have not raised or spent money for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure. (See 2 Cal. Adm. Code Section 18215 and 18225)

However, the Council for Logic may have a reporting obligation under Government Code Section 86108(b) which requires lobbying disclosure reports to be filed by any person who directly or indirectly makes payments of \$250 or more in value in any month to influence legislative or administrative action. If the Council for Logic has spent \$250 or more during any month attempting to influence any elective state official, legislative official or agency official, including urging other persons to enter into direct communication with any elective state official, legislative official or agency official, the Council for Logic must file a disclosure report (Form 650) during the month following each month in which \$250 or more was spent.

If you have additional questions or if I may be of further assistance, please contact me.

Sincerely,

John C. Greenwood
Program Coordinator

JCG:qt

bcc: Jeanne P.

F P P C
M 11 9 11 AM '77

CITY CLERK
Evelyn L. Roberson

CITY OF
SOUTH LAKE TAHOE
CALIFORNIA

P. O. BOX 1210 - SOUTH LAKE TAHOE, CALIFORNIA 95705 - PHONE (916) 541-2900



77348

March 8, 1977

FAIR POLITICAL PRACTICE COMMISSION
State of California
Post Office Box 807
Sacramento, California 95804

COUNCIL FOR LOGIC

I have been asked if the Council for Logic should file under Proposition 9, Fair Political Practice Commission regulation 18215 for corporations and associations (copy enclosed). Enclosed also is some Council for Logic clippings from the local newspaper. From time to time Council for Logic expends large amounts of money in paid advertising for and against local issues but not particular candidates or ballot issues.

Your cooperation in providing information on this matter would be appreciated.

Evelyn L. Roberson

EVELYN L. ROBERSON - CITY CLERK

jmc

Enclosure

NOV 4 1976

CONTRIBUTIONS

CITY OF SOUTH LAKE TAHOE, CALIFORNIA

EXAMPLES: REGULATION 18215

1. POLITICAL CLUBS

Political clubs normally receive dues from members. The dues are generally not received exclusively for a political purpose* but simply to maintain membership, pay overhead, conduct voter registration drives. The raising of \$500 for these purposes does not make the political club a committee.

When the political club contributes \$500 to a political campaign or for a political purpose, it is a recipient committee if the club traditionally contributes to candidates or ballot measure campaigns. If it has never made contributions for a political purpose, or if at the time of collecting dues members were not advised that a portion of the dues would be used for political purposes, the club will have a filing obligation only after contributing \$5,000.

If a political club makes a special fund appeal to members of the public generally requesting contributions for a specific political purpose, when \$500 is received through this effort, the club is a recipient committee because the money is earmarked* for a political purpose.

2. COMMUNITY ORGANIZATIONS

A local organization called "Taxpayers for Reform" raises money and makes expenditures to achieve the goal of property tax reform in their community. It has never received or expended money in support or opposition to a candidate or ballot measure or for any other political purpose, nor has it received funds earmarked for a political purpose.

"Taxpayers for Reform" would become a major donor committee when it expends \$5,000 for a political purpose, attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure.

3. LABOR ORGANIZATIONS

A labor union receives dues from members. The payment of dues are made by members for union activities. The union then decides to contribute to political campaigns. What must they file?

The original payment of dues was not for a political purpose nor was a portion earmarked for later contribution, but because the union has a history of making political contributions to candidates and ballot measure campaigns, the union will become a recipient committee after contributing \$500 for political purposes.

*See regulation for definition of political purpose and earmarked.

If a labor union receives dues from members with a specific amount earmarked for political purposes, they will become a recipient committee when \$500 in earmarked funds has been received.

4. CORPORATIONS AND ASSOCIATIONS - Political Action Committees (PACS)

Markham Motors Corporation has encouraged its employees to form a "good government committee." The committee will be funded by voluntary contributions from employees for the purpose of making political contributions to candidates and ballot measure campaigns.

The "good government committee" is a recipient committee when \$500 is received since all money received is earmarked for a political purpose. All contributions received and expenditures made must be reported by the committee because it is a committee formed primarily for political purposes.

The State Association of Laboratory Technicians decides to become politically active and asks all its affiliated members to contribute to a special fund to be administered by the state organization.

The Association has established a PAC and must report as a recipient committee when \$500 is received since all money received is earmarked for a political purpose. All contributions received and expenditures made must be reported by the committee. Because it is a committee formed primarily for political purposes, it must report all of its receipts and expenditures.

COMMITTEE DEFINITIONS:

Recipient Committee - Receives \$500 or more in contributions during a calendar year.

Expenditure Committee - Makes expenditures (other than direct monetary contributions) in support or opposition to candidates or measures, makes non-monetary (in-kind) contributions of goods or services to candidates or committees, repays loans of candidates or committees, if such expenditures and repayments total \$500 or more in a calendar year.

Major Donor Committee - Gives or loans \$5,000 or more in a calendar year directly to candidates or committees.

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

OFFICE OF ADMINISTRATIVE HEARINGS

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
APR 30 1976

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

FAIR POLITICAL PRACTICES COMMISSION
(Agency)

Date of adoption, amendment, or repeal:

April 22, 1976

By: Daniel H. Lowenstein

Chairman

(Title)

ENDORSED
FILED

In the office of the Secretary of State
of the State of California

APR 20 1976

At 3:55 o'clock P.M.
MARCH FONG EU, Secretary of State

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ORDER ADOPTING REGULATIONS OF THE
FAIR POLITICAL PRACTICES COMMISSION

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Government Code Title 2, Div. 3, Part 1, Ch. 4.5) and pursuant to the authority vested by Section 83112 of the Government Code, and to implement, interpret or make specific Section 82015 of the Government Code, the Fair Political Practices Commission hereby adopts its regulation in Division VI, Title 2, California Administrative Code, as follows:

Adopt Section 18215:

Chapter 2: Definitions

18215. Contribution (82015)

(a) "Political purposes," as used in Government Code Section 82015, means made for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure.

DO NOT WRITE IN THIS SPACE

(b) "Contribution" includes any monetary or non-monetary payment for which full and adequate consideration is not made to the donor that is received by or made at the behest of:

(1) A candidate, unless it is clear from surrounding circumstances that the payment was received or made at his behest for personal purposes unrelated to his candidacy or status as an office holder. The term "payment" includes the candidate's own money or property used on behalf of his candidacy;

(2) A controlled committee;

(3) An official committee of a political party, including a state central committee, county central committee, assembly district committee or any subcommittee of such committee; or

(4) An organization formed or existing primarily for political purposes, including, but not limited to a political action committee established by any membership organization, labor union or corporation;

(c) "Made at the behest of" means a payment made under the control or at the direction of a candidate, controlled committee, official committee of a political party, or organization formed or existing primarily for political purposes.

(d) "Contribution" includes any monetary or non-monetary payment for which full and adequate consideration is not made to the donor that is received by any person or organization other than a candidate, controlled committee, official committee of a political

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party, or organization formed or existing primarily for political purposes if the payment is "earmarked" for the making of contributions or expenditures. A payment is "earmarked" when, at the time of making the payment, the donor knows or has reason to know that the payment or funds with which the payment will be commingled will be used to make contributions, as defined in Government Code Section 82015 and this regulation, or expenditures, as defined in Government Code Section 82025 and 2 Cal. Adm. Code Section 13225. If the donor knows or has reason to know that only part of the payment will be used to make contributions or expenditures, the payment shall be apportioned on a reasonable basis in order to determine the amount of the contribution. Factors relevant to a determination that the donor has reason to know that all or part of the payment will be used to make expenditures and contributions include but are not limited to the established practice of the person or organization with respect to expenditures and contributions and any representations made when the payment is solicited.

(e) Notwithstanding any provision of this section, volunteer personal services or payments made by a person for his own travel expenses are not contributions if such payments are made voluntarily without any understanding or agreement that they will be repaid.

* * * * *

This regulation will not create any new or increased costs to local government pursuant to Section 2231 of the Revenue and Taxation Code.

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101-3-4-77

Bureaucratic Ballet

(Editor's note: The opinions expressed in the following column are those of the author, and may or may not reflect those of the newspaper.)

By TERRY TRUPP

Warning!! Residents of the south shore of Lake Tahoe — both taxpayers and those who depend upon the construction industry to survive: Although none of the agencies, with the exception of the TRPA has as yet taken any new action, the following things, we believe, are about to occur.

(1) The CTRPA has recently decided that it must review all applications for construction of any kind. This is the first step toward implementation of their plan to restrict permits to a certain number per year. The last proposal was for 800 units annually, not on a lottery system but on the basis of selections made by the CTRPA. There are approximately 15,000 unbuilt lots on the South Shore. If 800 were selected as the annual building limit, it could be 20 years before you would be allowed to build on your lot.

(2) In the past, there has been conversation from the Lahontan Water Quality Control Board about the alleged need for a ban on new sewer hookups on the South Shore. We believe at this time that such an action may be implemented very soon, creating a total moratorium on new construction. The most insidious part of this proposal is that there is absolutely nothing being done or being proposed to expand sewer capacity. Conversely, everything possible has been done by these same agencies to frustrate attempts to enlarge our sewer facilities.

We believe that if such a ban is enacted, it proves beyond any shadow of a doubt that sewer capacity has been restricted intentionally to provide an excuse for an enactment to stop all new development. That in itself is the true goal rather than a legitimate attempt to mitigate environmental problems and create guidelines which will ultimately provide for both man and ecological protection.

(3) The TRPA has presently created restrictions on dredging which will close the majority of the marinas and boating facilities in the Tahoe basin. Although on the surface it would appear that they are attempting to create access to the lake, the restrictions will negate the ability of marinas to clear the channels for boaters. Also under discussion is a new ordinance which will prohibit the use of buoys in the lake except for those wealthy enough to afford lakefront property which touches the water.

In simple terms, this is another case of the TRPA providing for the wealthy the

recreational opportunities they desire while at the same time depriving all others of similar opportunities.

Food for Thought: As we have indicated to you in the past, it is the intention of some appointed to the CTRPA and TRPA to first take all possible private property without compensation to owners and, secondly, to destroy the economic health of this community, ultimately resulting in economic chaos and a forced exodus from this area by those who must work for a living, then finally, implementation of the Sierra Club's proposal to eliminate all of man's encroachments in the Tahoe basin.

The contractors, sub-contractors and their employees will be the first large group forced to leave — then the suppliers and their employees will be next. Think about it — furniture stores, glass companies, cement companies, masonry suppliers, lumber yards, paint stores, lighting fixture suppliers, electrical suppliers, roofing materials, etc. How then will all of the retail and wholesale stores secure new customers? From what industry? Who will buy the trucks, cars, clothes and food formerly used by the many who will soon be forced to leave? What industry do we have that will take the place of tourism?

Regional government is soon going to implement its "new" anti-transportation plan, again with two goals —

first, to impose a tax on visitors and residents alike (a user fee), and secondly, the beginning of tourist harassment designed to discourage their coming to Tahoe. Already ski resorts have been denied the right to accommodate more skiers. The goal is "no growth" everywhere. Marinas and boating companies are prevented from providing better facilities for the public. The Sierra Club's stated goal is to remove gaming from the Tahoe basin. Because of TRPA and CTRPA, we have no solution to our unsafe, outdated, and clogged highway system. The CTRPA's transportation plan states, "When the congestion gets bad enough, people will go elsewhere."

The limits of this community's economic endurance have been reached. Any further intrusion by government toward reducing our tourist oriented economy will ultimately lead to a disaster. We suggest that you begin writing letters to anyone who you believe may be of help in stopping these non-elected agencies from destroying our future. If you wish to remain here and you are not wealthy enough to retire, it is long past time that you begin to work toward re-establishing some form of common sense and responsive elected government.

Let us hear your views — contact Council for Logic, P.O. Box 6126, South Lake Tahoe, Calif. 95729.

Bureaucratic Ballet

(Editor's note: The opinions expressed in the following column are those of the author, and may or may not reflect those of the newspaper.)

By TERRY TRUPP

The following is a letter that will be mailed to property owners in the Tahoe Basin.

Dear Friends and Property Owners:

Let's look back on five years of performance by regional government—the overlapping bureaucracies of TRPA and CTRPA.

REGIONAL GOVERNMENT HAS:

1. Denied us elected representation; we now have APPOINTEES with a programmed philosophy and vote.

2. Taken or prevented use of property without compensation while taxes and assessments march on.

3. Ignored realistic solutions to our traffic problems, based on the philosophy of—"When congestion gets bad enough, people will go elsewhere."

4. Tarnished Tahoe's image with untrue statements about "polluted" air and water;

misrepresentation to secure the support of legislators.

5. Designed a "playground for the wealthy" that will exclude most Americans.

6. Replaced orderly growth with panic building.

7. Caused accelerated taxes and rents, with even greater increases to come.

8. Increased the cost of building a home without increasing its value.

9. Because of excessive regulations, forced condominiums upon us that are not in the Tahoe image.

10. Prevented the rebuilding of older blighted areas that downgrade our community, either because of arbitrary land coverage restrictions or massive downzoning.

11. Devastated property values; many properties are being lost through foreclosures, because owners are denied use—and now cannot sell.

12. Been totally insensitive to both local government and its citizens.

13. Used to an extreme the premise that the end justifies the means—but what have the means accomplished??

Please, think carefully...after hundreds and hundreds of studies, and millions upon millions of dollars spent...WHAT HAS REGIONAL GOVERNMENT DONE FOR THE TAHOE COMMUNITY, ITS CITIZENS...OR THE 200,000,000 AMERICANS IT IS "SAVING" IT FOR?

WEST AND EAST SHORES OF LAKE TAHOE...

are to be designated as a National Recreation Area for the public with a development of 40,000 new campsites. THE TRPA PROPOSALS ARE:

A. That property owners on the West Shore should surrender their homes to state or federal agencies through an amortization process of tax writeoffs (when fully depreciated the home belongs to the state).

B. Creation of a life estate whereby the home may (or may not) be purchased, and that current owner could then remain until he died, then the property reverts to the state.

Council for Logic urges you to consider three important points:

1. The TRPA compact does not provide authority for eminent domain (ie: compensation at fair market value when property is condemned).

2. Too frequently we have heard (or read) that West Shore property owners are saying in effect—"Take those South Shore and North Shore properties, but leave ours alone." Many of you earlier supported the TRPA's and CTRPA's use of police power (taking or denying use of without compensation). Ultimately when one diminishes the constitutional rights of another, they too become affected by the same erosion of rights.

3. Council for Logic was formed to protect citizens and property owners everywhere from the continued loss of elected representation to appointed government, and against the taking of private property as provided in the 5th and 14th Amendments.

Remember that our efforts are on your behalf, too; please help by contributing to this cause. Checks should be made payable to COUNCIL FOR LOGIC and mailed to P.O. Box 6126, South Lake Tahoe, California 96729.