

CPI GEN

State of California



Fair Political Practices Commission

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

Technical Assistance	••	Administration	••	Executive/Legal	••	Enforcement	••	Statements of Economic Interest
(916) 322-5662		322-5660		322-5901		322-6441		322-6444

September 29, 1980

Mimi Sabin
4935 Dow's Prairie Road
McKinleyville, CA 95521

A-80-127

Dear Ms. Sabin:

This is in response to your letter of August 13, 1980. I apologize for the delay in my response.

In your letter you have asked whether your position as Deputy County Counsel for Humboldt County would prevent you from serving on the Humboldt County Commission on Human Rights. The provisions of the Political Reform Act of 1974 governing conflicts of interest provide primarily as follows:

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.

Government Code Section 87100

An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on:

(a) Any business entity in which the public official has a direct or indirect investment worth more than one thousand dollars (\$1,000);

(b) Any real property in which the public official has a direct or indirect interest worth more than one thousand dollars (\$1,000);

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Ms. Mimi Sabin
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(c) Any source of income . . . aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within twelve months prior to the time when the decision is made; or


(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management. . . .

Government Code Section 87103

The Political Reform Act therefore does not prohibit one from holding any public office, it merely requires that once in public office, one must refrain from participating in public decisions which could affect their private financial interests. Also, note that the definition of the term "income" as used in the Political Reform Act does not include salary, reimbursement for expenses or per diem received from a federal, state or local government agency. See Government Code Section 82030(b)(2). Therefore, neither the Humboldt County Counsel's Office nor the Commission on Human Rights is a "source of income" to you within the meaning of Government Code Section 87103.

Finally, although the Political Reform Act does not create a conflict of interest in the situation you describe, other provisions of state or local law might. For example, Government Code Section 1125 et seq., contains provisions relating to incompatible activities of local government officers and employees, and there is a common law doctrine of incompatibility of offices. As this agency administers only the Political Reform Act, I am not at liberty to advise you concerning these or any other provisions of law. If you have any further questions concerning the Political Reform Act, please do not hesitate to contact me again.

Sincerely,



Sarah T. Cameron
Deputy Chief for
Conflicts of Interest
Legal Division

STC:nrw

F P P C
AUG 15 10 56 AM '80

4935 Dow's Prairie Rd.
McKinleyville Ca 95521
August 13, 1980

Sarah T. Cameron,
Deputy Chief for Conflicts of Interest
P.O. Box 807, 1100 K St.
Sacramento Ca 95814

Dear Ms. Cameron:

I would like your advice as to whether I may serve on the Human Rights Commission. This group meets once a month and has some enforcement powers, since it exists by right of a County Ordinance (enclosed - also, citations to authorities are included.)

I work as a Deputy County Counsel for Humboldt County. All of my work is concerned with the CETA Dept. Although I am a County employee, the County is reimbursed ^{for my salary} from federal grant money allocated to the County for CETA Administration.

Thank you for your opinion.

Yours truly,

Mimi Saben

20127

CHAPTER 8

HUMBOLDT COUNTY COMMISSION ON HUMAN RIGHTS

228-1. ESTABLISHMENT OF COMMISSION.

The Humboldt County Commission on Human Rights is hereby established. (Ord. 1023 § 1, 4/22/75)

228-2. AUTHORITY FOR ESTABLISHMENT.

Code sections attached

The Commission is established pursuant to Title 5, Division 1, Part 1, Chapter 1, Article 10 of the Government Code (§§ 50260-50265) and Section 31000.1 of the Government Code. (Ord. 1023 § 2, 4/22/75)

228-3. PURPOSE OF COMMISSION.

The Commission is established to aid in the eradication of discrimination in Humboldt County, with particular reference to housing, employment, education and public accommodation. The Board of Supervisors recognizes that such discrimination is harmful to those discriminated against and is ultimately harmful to the County, as a whole, due to the lack of utilization of the human potential of those subject to such discrimination, and further due to depreciated property values and the increased cost of governmental services such as law enforcement and welfare. Committees may be established by the Commission. (Ord. 1023 § 5, 4/22/75)

228-4. APPOINTMENT OF MEMBERS OF COMMISSION.

The Commission shall consist of fifteen (15) members who shall be appointed by the Board of Supervisors. The Supervisors of each district shall appoint two (2) members, and the remaining five (5) members shall be appointed at large. The two (2) members appointed by the individual Supervisors of Districts 1, 2 and 3 shall serve a term which shall become effective on the date the member is appointed and shall expire on June 30, 1977. The two (2) members appointed by the individual Supervisors of Districts 4 and 5 shall serve a term which shall become effective on the date the member is appointed and shall expire on June 30, 1975. Three (3) of the five (5) members appointed at large shall be appointed for a term which shall become effective on the date the member is appointed and shall expire on June 30, 1975, and the two (2) remaining members at large shall be appointed for a term which shall become effective on the date the member is appointed and shall expire on June 30, 1977. All subsequent appointments shall be for a term of four (4) years and shall expire on June 30 of the fourth year after appointment. Members of the Commission shall serve at the pleasure of the Board of Supervisors. (Ord. 1023 § 3, 4/22/75)

228-5. OFFICERS AND THEIR DUTIES.

The members of the Commission shall select a Chairman, a Vice Chairman and a Secretary. The Chairman shall preside at all meetings and shall

provide the agenda for such meetings. The Vice Chairman shall preside in the absence of the Chairman and shall assist the Chairman in the conduct of his office. The Secretary shall keep the minutes of all meetings, prepare correspondence under the direction of the Chairman or Vice Chairman, send notices of meetings, maintain membership lists, and maintain the files of the Commission. (Ord. 1023 § 4, 4/22/75)

228-6. RESPONSIBILITY OF COMMISSION.

It shall be the responsibility of the Commission:

(a) To foster mutual respect and understanding among all racial, religious and nationality groups in the County.

(b) To make such studies in any field of human relationships in the County as, in the judgment of the Commission, will aid in effectuating its general purposes.

(c) To inquire into incidents of tension and conflict among or between various racial, religious and nationality groups, and to take action by means of conciliation, conference and persuasion to alleviate such tensions and conflict.

(d) To conduct and recommend such educational programs as, in the judgment of the Commission, will increase good will among inhabitants of the County and open new opportunities into all phases of community life for all inhabitants. (Ord. 1023 § 6, 4/22/75)

228-7. OBLIGATIONS OF COMMISSION.

The Commission shall discharge the following obligations:

(a) To hold conferences and other public meetings in the interest of the constructive resolution of racial, religious and nationality group tensions and the prejudice and discrimination occasioned thereby.

(b) To issue such publications and reports of investigation as in its judgment will tend to effectuate the purposes of this chapter.

(c) To enlist the cooperation and participation of the various racial, religious and nationality groups, community organizations, industry and labor organizations, media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the County mutual esteem, justice and equity.

(d) To encourage and stimulate agencies under the jurisdiction of the Board of Supervisors to take such action as will fulfill the purposes of this chapter.

(e) To submit an annual report to the Board of Supervisors. (Ord. 1023 § 7, 4/22/75)

228-8. MEETINGS.

The Commission shall hold regular monthly meetings at such time and place as shall be agreed upon by the Commission and such other special meetings as shall be required from time to time. Special meetings shall be called by the Chairman of the Commission or, in his absence from the County, by the Vice Chairman. Special meetings shall be effective for the transaction of business only if notice has been given to each member at least forty-eight (48) hours in advance of the special meeting, and the notice shall contain the subject of the special meeting. No action taken at either regular or special meetings shall be valid unless approved by a majority of the members of the Commission present and voting, and unless a quorum is present. A quorum shall consist of five (5) members of the Commission. (Ord. 1023 § 8, 4/22/75)

228-9. REMOVAL OF MEMBERS FOR FAILURE TO ATTEND MEETINGS.

In the event that any member of the Commission shall absent himself from three (3) consecutive regular meetings of the Commission without showing good cause therefor to the Chairman, at the fourth such consecutive regular meeting from which he is absent his place shall automatically become vacant. Such vacancy shall be reported to the Board of Supervisors, and the Board of Supervisors shall appoint another member for the unexpired term of the member whose absence gave rise to the vacancy. (Ord. 1023 § 9, 4/22/75)

Title 5

Div. 1

POWERS AND DUTIES—GENERAL

§ 50261

§ 50255. Refunds; filing of claims; verification. The legislative body may order refunded all or part of a tax paid pursuant to this article if it finds that all or part of the tax has been erroneously levied. A tax or part shall not be refunded unless a claim is filed with the clerk of the legislative body on or before March 1st after the tax became due and payable. The claim shall be verified by the person who paid the tax, or his guardian, executor, or administrator. (Added Stats.1959, c. 1142, p. 3237, § 1.)

§ 50256. Payment of claims for property damage resulting from negligence of officer or employee. If the legislative body finds that property damage was caused by the negligence of an officer or employee of the local agency in connection with the abatement of a nuisance pursuant to this article, a claim for such damages may be paid from the general fund of the local agency. (Added Stats.1959, c. 1142, p. 3237, § 1.)

Article 10

HUMAN RELATIONS

Sec.

50260. Purpose.

50261. Legislative finding; authority to expend public funds.

50262. Commissions authorized.

Article 10 was added by Stats.1961, c. 1867, p. 3968, § 1.

➤ **§ 50260. Purpose.** The purpose of this article is to promote the establishment in counties and cities and counties throughout the State of commissions designed to foster peaceful relations in the interest of preserving the public peace among citizens of different races, religions and national origins. (Added Stats.1961, c. 1867, p. 3968, § 1.)

Library references: Civil Rights ⇐2; C.J.S. Civil Rights § 3.

➤ **§ 50261. Legislative finding; authority to expend public funds.** It is hereby found that the promotion of positive human relations for the purpose of insuring public peace, health, safety, and general welfare of all the people of this State is a principal governmental concern and responsibility, and counties and cities and counties are hereby authorized to expend public funds to attain these objectives. (Added Stats.1961, c. 1867, p. 3968, § 1.)

Library references: Counties ⇐140; C.J.S. Counties § 214.

ARTICLE 10. HUMAN RELATIONS

Sec.

- 50262. Creation of commission [New].
- 50263. Personnel; expenses and compensation; appropriation [New].
- 50264. Responsibility of commission [New].
- 50265. Obligations of commission [New].

Library references

- Civil Rights ~~2~~.
- C.J.S. Civil Rights § 3.

§ 50262. Creation of commission

The governing body of any city or county may, by ordinance, create a commission on human relations. The governing body shall determine the number of members of such commission, the terms of the members, the manner of appointment of the members, the selection of a chairman and the compensation, if any, to be paid to them. In selecting the membership of the commission, the governing body shall take into consideration, among other things, the various religious, racial, nationality and political groups in the community. The establishment of such a commission at one level of local government shall not preclude establishment of such a commission at other levels of local government.

(Added Stats.1967, c. 1255, p. 3039, § 2.)

Former section 50262 was repealed by Stats.1967, c. 1255, p. 3039, § 1. Derivation: Former section 50262, added by Stats.1961, c. 1867, p. 3963, § 1.

§ 50263. Personnel; expenses and compensation; appropriation

The governing body may assign personnel to the commission or permit the commission to employ an executive director, a secretary, and such attorneys, experts and other employees as may be necessary, within the amount made available by the local governing body and to accept and expend funds from private, as well as public, sources. Each city and county is hereby authorized and empowered to make such appropriation for such expenses and for the compensation, if any, to be paid to the members of the commission.

(Added Stats.1967, c. 1255, p. 3039, § 3.)

§ 50264. Responsibility of commission

It shall be the responsibility of the commission:

- (a) To foster mutual respect and understanding among all racial, religious and nationality groups in the community.
- (b) To make such studies in any field of human relationship in the community as in the judgment of the commission will aid in effectuating its general purposes.
- (c) To inquire into incidents of tension and conflict among or between various racial, religious and nationality groups, and to take action by means of conciliation, conference, and persuasion to alleviate such tensions and conflict.
- (d) To conduct and recommend such educational programs as, in the judgment of the commission, will increase good will among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants.

(Added Stats.1967, c. 1255, p. 3039, § 4.)

§ 50265. Obligations of commission

A commission on human relations created under the provisions of Section 50262 shall discharge the following obligations:

- (a) To hold conferences, and other public meetings, in the interest of the constructive resolution of racial, religious and nationality group tensions and the prejudice and discrimination occasioned thereby.
- (b) To issue such publications and reports of investigation as in its judgment will tend to effectuate the purposes of this article.

Asterisks * * * Indicate deletions by amendment

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body shall hear and consider
of the abandoned excavation.
c. 1178, p. 2086, § 5.)
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ction
titutes a special assessment
l confirmed, it is a lien on
office of the county recorder
tified copy of the resolution
the same time and in the
are collected, and shall be
l sale in case of delinquency
levy, collection and enforce-
to such assessment, except
ch has been transferred or
ien of a bona fide encum-
prior to the date on which
quent, then the lien which
tach to such real property
isecured roll for collection.
. c. 861, p. 1569, § 8.)
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excavation which contains
additions by amendment

(c) To enlist the cooperation and participation of the various racial, religious and nationality groups, community organizations, industry and labor organizations, media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual esteem, justice and equity.

(d) To encourage and stimulate agencies under the jurisdiction of the local governing body which created the commission to take such action as will fulfill the purposes of this article.

(e) To submit an annual report to the governing body.
(Added Stats.1967, c. 1255, p. 3040, § 5.)

ARTICLE 11. CITY SELECTION COMMITTEES [NEW]

Sec.

- 50270. Creation; purpose; membership.
- 50270.5 Clerk defined [New].
- 50271. Absence of mayor; designated representative.
- 50272. Quorum; majority; necessity.
- 50273. Organizational meeting; temporary chairman.
- 50274. Chairman; vice chairman; terms.
- 50275. Rules and regulations.
- 50276. County clerk; secretary and recording officer; duties; public records.
- 50277. Regular and special meetings; notice.
- 50278. Notice to members.
- 50279. Compensation.
- 50279.2 City legislative body as selection committee; procedure.
- 50279.4 Regional coastal zone conservation commissions; appointments.

Article 11 was added by Stats.1972, c. 1232, p. 2374, § 1, urgency, eff. Dec. 13, 1972.

Another Article 11. City Selection Committee, comprising sections 50270 to 50273, added by Stats.1972, c. 415, p. 736, § 1, was repealed by Stats.1974, c. 710, p. 1583, § 1, urgency, eff. Sept. 6, 1974.

Bay area air quality management district, city selection committee, see Health and Safety Code § 40210.

Regional air pollution control districts, city selection committee, see Health and Safety Code § 40310.

§ 50270. Creation; purpose; membership

In any county in which two or more cities are incorporated there is hereby created a city selection committee the purpose of which shall be to appoint city representatives to boards, commissions, and agencies as required by law. The membership of each such city selection committee shall consist of the mayor of each city within the county.

(Added by Stats.1972, c. 1232, p. 2374, § 1, urgency, eff. Dec. 13, 1972.)

Another section 50270, added by Stats. 1972, c. 415, p. 736, § 1, providing for the appointment of local representatives by city selection committee, to regional agencies and providing that local agency law would govern over inconsistent provisions.

was repealed by Stats.1974, c. 710, p. 1583, § 1.

Library references
Counties \Rightarrow 40.
C.J.S. Counties § 74.

§ 50270.5 Clerk defined

As used in this article, "clerk" means the clerk of a county or the legislative body thereof. Where the office of county clerk is separate from the office of clerk of the board of supervisors, "clerk" means the clerk of the board of supervisors.

(Added by Stats.1973, c. 43, p. 70, § 3, urgency, eff. May 15, 1973.)

Underline indicates changes or additions by amendment

§ 50271. Absence of

When the mayor i
he shall designate a
vote at the meeting i
(Added by Stats.1972,

Another section 50271, 1972, c. 415, p. 736, § 1, selection committee, was 1974, c. 710, p. 1583, § 1. See, now, § 50270.

§ 50272. Quorum; m

Representatives of
to representation on
committee; * * *

of the number of citie
is necessary to appoin

ever a quorum is not
meeting shall be post
terminated by the chair
(Added by Stats.1972,
Stats.1973, c. 43, p. 70,

Another section 50272, 1972, c. 415, p. 736, § 1, agency as any public district or other local ag arate governing board a tion over two or more

§ 50273. Organization

In order to provide
ant to this article, a
within 60 days after t
county shall act as te

As temporary chair
fix a time and place fo
notice of such date an
county.

Each selection comm
the * * * clerk. 2
meet on such dates an
law.

(Added by Stats.1972,
by Stats.1973, c. 43, p. 70

Another section 50273, 1972, c. 415, p. 736, § 1, p dation of votes appointin regional agency, was r 1974, c. 710, p. 1583, § 1. See, now, § 50276.

§ 50274. Chairman; v

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to Section 50273, it sh
and vice chairman, and
fice of the chairman a
than four years as det
tion committee pursuar
of the term of office o
in the rules and regul

Asterisks * * * indicat

The board of supervisors of the city and county of San Francisco are the judges of the necessity of an expenditure for the employment of detectives, and their determination is to be reversed, only in plain case of abuse of their powers. *Langdon v. Koster* (1909) 106 P. 209, 157 C. 39.

the district attorney, to collect the money due to the county by the state for the support of indigent persons, and the choice of such counsel was a matter within their discretion, and could not be reviewed. *Lassen County v. Shinn* (1891) 26 P. 365, 88 C. 510.

The board of county commissioners had authority to employ counsel, other than

§ 31000.1 Commissions or committees of citizens; appointment; expenses of members

The board of supervisors may appoint commissions or committees of citizens to study problems of general or special interest to the board and to make reports and recommendations to the board. The members of such commissions need not be specially trained or experienced with respect to the matters to be studied. The board may pay from any available funds such actual and necessary expenses of travel, lodging, and meals for the members of such commissions while on official business as may be approved by the board. (Added Stats.1965, c. 1496, p. 3486, § 1.)

Library References

Counties \Leftarrow 61 et seq.

C.J.S. Counties § 231.

§ 31000.5 Employment of technical assistants for assessor; requisites of agreement

The board of supervisors may employ technical assistants for the assessor to enable him to secure the necessary maps and plats for the performance of his work. The board may employ such technical assistants, either exclusively for the county or may enter into agreements for the employment of such persons with the board or boards of supervisors of one or more other counties.

The agreement may provide that contributions from the treasuries of the respective counties may be made for the purpose of paying the compensation and expenses of such technical assistants, and the amounts or percentages to be paid by each county. The agreement may be continued for a definite term or until rescinded and may provide for the method of rescission by any of the contracting counties. (Added Stats.1947, c. 1569, p. 3228, § 2.)

Notes of Decisions

1. In general

County assessor could not be relieved of his duties by board of supervisors employing others to discharge the du-

ties imposed by statute on him and attempted contract therefor was void. *Tax Factors v. Marin County* (1937) 66 P.2d 666, 20 C.A.2d 79.