

87100-103

# 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

January 21, 1981

Sheila Gilligan  
 City Clerk  
 City of Palm Desert  
 P.O. Box 1977  
 Palm Desert, CA 92261

A-81-01-091

Dear Ms. Gilligan:

I have been thinking about the question you asked on behalf of the City of Palm Desert City Council. You asked whether a building inspector who is also a general contractor may inspect buildings for which he is not the general contractor, but on which subcontractors for his projects work for other general contractors. The Political Reform Act requires officials to disqualify themselves from governmental decisions which may foreseeably have a material financial effect on their investments, real property holdings, or sources of income. Government Code Sections 87100 and 87103. It does not require disqualification unless one of these three types of interests is affected. Because a subcontractor is not a source of income to his general contractor, the building inspector would not ordinarily be required to disqualify himself from doing inspections of building projects in which he was not involved as general contractor, but in which his subcontractors were. However, if it could be established that by approving work done by his subcontractors on other general contractors' projects the building inspector actually received a financial benefit in his own business, disqualification would be required.


I should point out that although the Political Reform Act does not require disqualification in these circumstances, the City can, if it wishes, take other types of actions to limit or prohibit a building inspector from acting as a general contractor within the City of Palm Desert. Such restrictions could, for example, be included in the City's Statement of Incompatible Interests. Government Code Section

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19251. I would advise you to discuss this matter with your city attorney if you are interested in pursuing it outside the confines of the Political Reform Act.

I hope this answers your questions. If you have any further questions, please feel free to call me.

Very truly yours,

  
Barbara A. Milman  
Staff Counsel  
Legal Division

BAM:plh