

18730

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

March 10, 1981

William Camil, Esq.
P.O. Box 8743
San Marino, CA 91108

A-81-136

Re: Standardized Conflict of Interest Code

Dear Mr. Camil:

I am responding to your letter of February 9, 1981, since Ms. Cameron is no longer with our office. I will answer your questions in the order you raised them.

1. The new standardized Code, contained in 2 Cal. Adm. Code Section 18730, is not intended to replace the Codes previously adopted by local jurisdictions. It is intended to embody the current requirements for Conflict of Interest Codes in language appropriate for use in such a Code and to guide local jurisdictions in formulating their own Codes for both content and form. I would like to add, however, that the League of California Cities and the California Supervisors Association have endorsed the use of Section 18730 for cities and counties.

2. The adoption of the standardized Code is not mandatory; however, all local Codes must be in compliance with the Political Reform Act, and, as Ms. Cameron noted in her Memo, Section 18730 reflects changes in the law which must be incorporated in all Conflict of Interest Codes.

3. If the standardized Code is adopted by any agency or jurisdiction, it only provides the basic provisions for a Code and must be accompanied by an appendix or appendices which set forth who is required to disclose (the designated employees) and what they are required to report (the disclosure categories). Of course, these matters are subject to variation among cities and are properly formulated at the local level. The standardized Code serves only the function of a body or framework for a Code.

William Camil, Esq.
March 10, 1981
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The Code expressly incorporates by reference all of the definitions in the Political Reform Act which includes the definition you refer to for "interests in real property." See Government Code Sections 82033 and 82035. In addition, the relevant definitions of the Act are spelled out for the convenience of persons filing statements in our Manual for Statements of Economic Interests for Designated Employees which is updated every year.

I trust this letter will be helpful to you in advising your clients. Please feel free to contact me if you would like to discuss this letter or if you have further questions.

Very truly yours,



Diane Maura Fishburn
Counsel
Legal Division

DME:kp

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February 9, 1981

Sarah Cameron
Deputy Chief for Conflicts of Interest
Legal Division
State of California
Fair Political Practices Commission
P O Box 807
Sacramento, CA 95804

SUBJECT: Standard Conflict of Interest Code -
Amendment of 2 Cal. Adm. Code Section 18730

Dear Ms. Cameron:

I have reviewed your memo of January 19, 1981 (attached) and the materials which you sent with that memo. It would help me, in advising my cities, if you would answer some questions for me:

1. Is the new standard Conflict of Interest Code intended to replace the individual codes previously adopted by local jurisdictions?
2. I am of the opinion that adoption of the new Code is not mandatory. Am I correct?
3. The new Code does not, that I can see, designate what must be reported within each disclosure category. To use a simple example, the local codes usually contain a provision that if "real property interests" must be disclosed, such interests are those which are either located within the jurisdiction or within 2 miles of the limits of the jurisdiction. If the new Code is adopted, where do regulations of that kind appear and how are they made applicable?

If my cities are not in compliance, I would like to bring them into compliance; however, at the moment the foregoing questions are puzzling me.

Very truly yours, ,



WILLIAM CAMIL
City Attorney
Cities of Commerce, Duarte
and Santa Fe Springs
WC:ws

Encl.

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January 19, 1981

TO: City and County Clerks, City Attorneys, County Counsels,
and Other Interested Persons

FROM: Sarah Cameron, Deputy Chief for Conflicts of Interest,
Legal Division

RE: Standard Conflict of Interest Code - Amendment of
2 Cal. Adm. Code Section 18730

Attached please find a copy of 2 Cal. Adm. Code Section 18730, the standard Conflict of Interest Code. Please note that subsection (b) of Section 18730 has recently been amended to reflect a legislative amendment changing the deadline for filing assuming office statements for most designated employees from 10 days to 30 days after assuming office. Section 18730 also provides that all designated employees shall file annual Statements of Economic Interests no later than April 1. There may be other changes in the law which are in the standard Code which were not reflected in your old Conflict of Interest Code, so you may want to review these new provisions carefully.