



California Fair Political Practices Commission

March 31, 1987

Earl Wilson, City Manager
City of Gustine
P. O. Box 306
Gustine, CA 95322

Re: Your Request for Advice
Our File No. A-87-070

Dear Mr. Wilson:

This is in response to your request for advice with regard to the conflict of interest disclosure provisions of the Political Reform Act.^{1/}

QUESTION

When a city contracts with a law firm to provide services as city attorney, is the firm required to file a statement of economic interests, or is the individual attorney required to file the statement?

CONCLUSION

The individual attorney who provides services to the city must file the statement of economic interests.

ANALYSIS

In Section 81002, the Act states as one of its purposes that:

Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

Earl Wilson, City Manager
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the officials should be disqualified from acting in order that conflicts of interest may be avoided.

Section 81002(c).

The Act defines "public official" as "every member, officer, employee or consultant of a state or local government agency" (Section 82048), and specifies the public officials, including city attorneys, who are required to file statements of economic interests (Form 721). (Sections 87200-87208.)

Based on the foregoing, it is clear that the conflict of interest disclosure provisions of the Act apply to individuals who are employed by or provide services to state and local government agencies, and not to business entities which contract to provide services to such agencies. Therefore, when a law firm is hired to provide services as city attorney, the individual attorney who provides the services must file periodic statements of economic interests (Form 721) pursuant to Section 87200.

If you have additional questions, please do not hesitate to contact me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel

Carla Wardlow

By Carla Wardlow
Political Reform Consultant

City of Gustine

682 Third Avenue

P.O. Box 306

Gustine, California 95322

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Earl Wilson

~~David H. Wilson~~

City Manager - City Clerk

Phone

(209) 854-6471

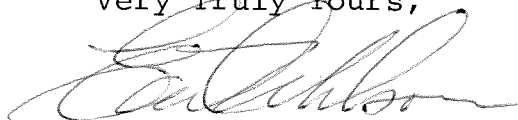
February 27, 1987

Technical Assistance and
Analysis Division
Fair Political Practices Commission
P.O. Box 807
Sacramento, Ca. 95804-0807

This is in regard to the amendment to the Political Reform Act (1985 Stats. Chapter 611) which requires City Attorneys to file a Form 721. If the City Attorney services are contracted rather than being performed by an employee, is the contract individual or firm required to make a filing?

Your response as soon as possible is appreciated. If you need any further details regarding our City Attorney services to answer this request, please contact me.

Very Truly Yours,



Earl Wilson
City Manager



California Fair Political Practices Commission

March 3, 1987

Earl Wilson
City Manager
City of Gustine
P.O. Box 306
Irvine, CA 95322

Re: 87-070

Dear Mr. Wilson:

Your letter requesting advice under the Political Reform Act was received on March 2, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days. You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Jeanne Pritchard

Jeanne Pritchard
Chief

Technical Assistance and Analysis
Division

JP:plh