



California Fair Political Practices Commission

May 2, 1988

Honorable Rose Marie Sheetz
Councilmember
City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

Re: Your Request for Advice
Our File No. G-88-152

Dear Councilmember Sheetz:

We are in receipt of your request for advice regarding Mayor Reddell's duties under the conflict-of-interest provisions of the Political Reform Act ("the Act"),^{1/} and the city attorney's obligations to disclose information regarding possible conflicts of interests of members of the council.

In your letter you refer to the Commission's Skousen Advice Letter, No. A-87-062 (copy enclosed), in which we advised that Mayor Reddell was prohibited from participating in decisions which involved restrictions on water connections because of the foreseeable material financial effect on his business and real property interests. Based on this letter you now ask whether Mayor Reddell has a continuing conflict of interest requiring that he refrain from participation in any discussion which would affect a change in the method of allocating water, or discussions which concern pursuing and obtaining new water sources for the city.

Section 83114 authorizes the Commission to respond to requests for written advice with respect to the requestor's duties under the Act. Regulation 18329(b)(8) provides that requests for formal written advice may be declined where:

(A) The requestor is seeking advice relating to past conduct.

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

Honorable Rose Marie Sheetz
May 2, 1988
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(B) The requestor is seeking advice about another person's duties under the Act and has not been authorized to do so by that person.

(C) It appears that material facts provided in the request may be inaccurate, incomplete, or in dispute.

(D) The request does not present a question under the Political Reform Act....

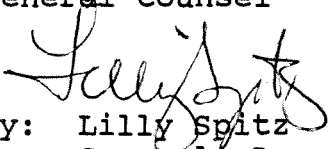
It appears that your request for advice has not been authorized by Mayor Reddell and that it may involve past conduct. Moreover, you have not provided sufficient facts on which we could base an analysis of the current situation.

Finally, your question regarding the city attorney's obligation to disclose information appears to involve attorney-client privilege, which the Act does not address. This type of information differs from advice provided by the Commission, where the advice request and the written advice are public records. (Regulation 18329(b)(6).) You will note that I have enclosed the Skousen Advice Letter, supra, for your information, and would be happy to forward any other advice letters you feel would be helpful to you. Nevertheless, if you wish to pursue this question, I suggest you contact the State Bar of California.

Due to these circumstances, your request for advice is declined pursuant to Regulation 18329(b)(8)(A), (B), (C), and (D).

Sincerely,

Diane M. Griffiths
General Counsel


By: Lilly Spitz
Counsel, Legal Division

DMG:LS:plh
Enclosure



California Fair Political Practices Commission

April 25, 1988

Rose Marie Sheetz
Councilmember
City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

Re: 88-152

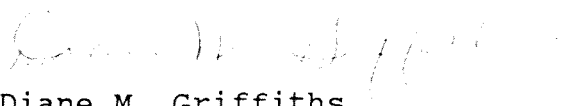
Dear Ms. Sheetz:

Your letter requesting advice under the Political Reform Act was received on April 22, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Lilly Spitz, an attorney in the Legal Division, directly at (916) 322-5901.

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 if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

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,


Diane M. Griffiths
General Counsel

DMG:plh



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595 Harbor Street
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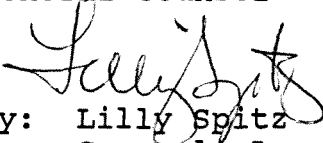
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Diane M. Griffiths
General Counsel


By: Lilly Spitz
Counsel, Legal Division

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