



California Fair Political Practices Commission

July 29, 1988

Marcia C. Livingstone
160 Third Street
Woodland, CA 95804

Re: Your Request For Advice
Our File No. I-88-237

Dear Ms. Livingstone:

You have requested advice about application of conflict of interest provisions of the Political Reform Act (the "Act")^{1/} to your duties on the Yolo County Mental Health Advisory Board.

Your advice request does not refer to a specific governmental decision. Therefore, we are treating your question as a request for informal assistance pursuant to Regulation 18329(c)(3)(D) and (F) (copy enclosed).^{2/}

QUESTION

You are an unpaid member of the board of directors of the nonprofit Yolo Community Care Continuum (Community Care). You also are a board member of the Yolo County Mental Health Advisory Board (Mental Health Advisory Board). Does your

^{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.

^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

membership on the board of Community Care require that you disqualify yourself from participating in decisions before the Mental Health Advisory Board which concern Community Care?

CONCLUSION

Because Community Care is a nonprofit organization that is not a source of income to you, your volunteer service on the Community Care board does not create an economic interest in the organization. Therefore, you may participate in decisions concerning Community Care, which are before the Mental Health Advisory Board.

FACTS

You are a member of the Board of Directors of the Mental Health Advisory Board. You also are an unpaid board member of Community Care. Community Care is a nonprofit (Short-Doyle) contract agency. You are not an employee of Community Care nor do you have a business interest in the organization, but you are a client of Community Care.

ANALYSIS

Section 87100 prohibits a public official from making, participating in making, or in any way attempting to influence a governmental decision in which an official knows or has reason to know he has a financial interest. An official has a financial interest in a decision that will have a reasonably foreseeable material financial effect, different from the effect on the general public, on, among others, the following economic interests:

c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

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

Section 87103 (c) and (d).

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Community Care is not a source of income to you. Your services as a director are on a volunteer basis. Your contracting to receive health care services from Community Care also does not provide income to you. Therefore, Section 87103(c) does not apply to your situation.

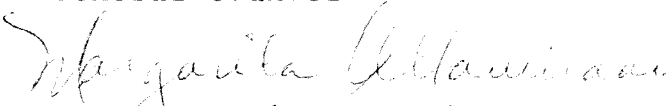
For purposes of the Act, a business entity is an organization or enterprise operated for profit. (Section 82005.) Community Care is a nonprofit organization, not a business entity. Your membership on the board of Community Care does not make you an officer of a business entity. For this reason, Section 87103(d) does not apply to your situation.

Consequently, you may participate in decisions before the Mental Health Advisory Board which concern Community Care.

I hope this letter satisfactorily answers your request for advice. Please call me at (916) 322-5901 if you have any questions about this letter.

Sincerely,

Diane M. Griffiths
General Counsel


By: Margarita Altamirano
Counsel, Legal Division

DMG:MA:aa

Enclosure

JUN 24 8 03 AM '88

June 20, 1988

Legal Division
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

To Whom It May Concern:

I am a member of the Yolo County Mental Health Advisory Board (MHAB), and also a member of the Board of the Yolo Community Care Continuum (YCCC), a non-profit (Short-Doyle) contract agency. I am also a consumer of YCCC. I am not an employee of YCCC, nor do I have any business interest in YCCC.

I would like to know if there are specific current conflict of interest regulations governing my participation on the Yolo County MHAB.

Thank you for any assistance you can provide.

Sincerely,

Marcia C. Livingstone

Marcia Livingstone
160 Third Street
Woodland, CA 95695