



California Fair Political Practices Commission

July 18, 1988

Honorable John Heilman
Councilmember, City of West Hollywood
8611 Santa Monica Blvd.
West Hollywood, CA 90069-4109

Re: Your Requests for Advice
Our File Nos. A-88-260
A-88-266

Dear Mr. Heilman:

Your letters requesting advice about application of Section 85400 of the Political Reform Act, as added by Proposition 73, were received on July 7 and 12, 1988. If you have any questions about your advice requests, you may contact Margarita Altamirano, an attorney in the Legal Division, directly at (916) 322-5901.

Section 85400 limits to \$1,000 in a calendar year acceptance by an elected official of gifts or honoraria received for speeches, articles or published work concerning the governmental process. As you know, Section 85400 becomes operative on January 1, 1989. Therefore, presently Section 85400 does not apply to gifts and honoraria received by an elected official.

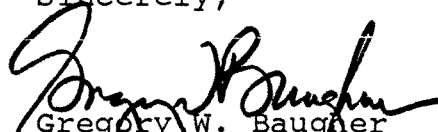
Because of the delayed operative date of most of the provisions of the recently enacted campaign finance reform initiatives and the number of questions regarding implementation, we are attempting to answer questions in an organized and efficient manner. We expect to answer your request in a timely manner, but not within the usual twenty-one working days. (Section 83114(b).) Furthermore, because both your letters request advice about the same section of Proposition 73, we will answer both requests in one letter.

If you have any questions or would like to discuss your request, please call Ms. Altamirano. As Ms. Altamirano has

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explained to you, you should be aware that your letters and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Sincerely,



Gregory W. Baugher
Executive Director

88-266

City of West Hollywood

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City Council

- Helen Albert
Mayor
- Abbe Land
Mayor Pro Tempore
- John Heilman
- Stephen Schulte
- Paul Koretz

June 30, 1988

Ms. Diane M. Griffiths, General Counsel
 Mr. Robert E. Leidigh, Counsel, Legal Division
 California Fair Political Practices Commission
 428 J Street, Suite 800
 P.O. Box 807
 Sacramento, California 95804-0807

Dear Ms. Griffiths and Mr. Leidigh:

I am seeking advice from you regarding the provisions of Proposition 73. I know that you have been deluged with requests regarding the provision which prohibits bulk mailings by government agencies. My request, however, has to do with the provision which prohibits elected officeholders from accepting any gift or honorarium for any speech, article or published work on a subject relating to the governmental process from any single source which is in excess of \$1,000 in any calendar year. As you are aware, many local elected officials receive only a small salary for being councilmembers. Those of us who are not independently wealthy have to work for a living. Some of us make our living by writing and teaching. For example, I annually prepare a book dealing with decisions by the Supreme Court. I am paid over \$1,000 for that work from a single source. What impact will Proposition 73 have on my livelihood?

I also am aware that a number of local elected officials teach classes at colleges and universities regarding the governmental process. Will the provisions of Proposition 73 have any impact on those elected officials who draw a supplemental salary from an educational institution for teaching about the governmental process?

I certainly understand the intent of Proposition 73 and am supportive of some of what the authors were trying to prohibit. My reading of the language, however, indicates

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that there are a number of uncertainties created by the initiative. Please provide me with your analysis at your earliest convenience. Thank you for all your hard work and good luck in unraveling the questions created by Proposition 73.

Very truly yours,



John Heilman
Councilmember

JH:bc

P.S. I am requesting confidential advice on a specific matter under separate cover.

cc: Jim Petzke, Supervisor Edmund Edelman's Office
Fred Woocher, The Center for Law in the Public
Interest
Ramona Ripston, ACLU