



California Fair Political Practices Commission

March 8, 1990

Honorable Elouise "Dolly" Lewman
Committee to Re-Elect Dolly Lewman
P. O. Box 242
Montclair, CA 91763

Re: Your Request for Informal Assistance
Our File No. I-90-104

Dear Ms. Lewman:

You have requested clarification of the conflict of interest provisions of the Political Reform Act.¹ Because your question is of a general nature, we consider it to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed).²

Question

Must a city councilmember disqualify herself from participating in decisions affecting sources of campaign contributions?

Conclusion and Analysis

A city councilmember, while sitting as a member of the council, or of one of its subcommittees, is not required to disqualify herself on decisions affecting sources of campaign contributions. (See Sections 87100, 87103(c), and 82030(b)(1) and Woodland Hills Residents Assn. v. City Council of Los Angeles (1980) 26 Cal.3d 938.) To the extent that a city councilmember sits on other boards and commissions, she may be required to

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).)

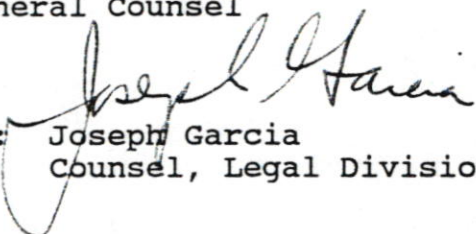
disqualify herself on certain decisions affecting sources of campaign contributions. (See Section 84308 and "A Guide to Government Code Section 84308 of the Political Reform Act of 1974, a copy of which is enclosed.)

Some cities and counties have enacted local ordinances which require disqualification as to sources of campaign contributions in instances where it would not be required by the Act. You should discuss this with your city attorney.

If I can be of any additional help to you please feel free to contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel


By: Joseph Garcia
Counsel, Legal Division

KED:JG:aa

Enclosure