



California Fair Political Practices Commission

February 1, 1993

Brian Libow
City Attorney
City of San Pablo
One Alvarado Square
San Pablo, California 94806

Re: Your Request for Advice
Our File No. A-93-047

Dear Mr. Libow:

I am writing to confirm our telephone conversation of January 29, 1993 wherein we discussed your request for advice Letter No. A-93-047. I informed you that we only issue formal advice in response to all the facts surrounding a pending governmental decision. Since Mayor Gomes has not even accepted the public relations position with the Chamber of Commerce, and your questions are general in nature, we cannot issue advice which would render immunity on issues which are not pending at this time.


I previously advised you on January 22, 1993 that, in general, there does not appear to be a "nexus" (as defined in Regulation 18702.1(d)), which would prevent the mayor from participating in city council decisions involving individual businesses which are Chamber of Commerce members. Since the mayor would be employed by the Chamber, the individual business members are not considered a source of income to him.

However, the Chamber of Commerce, a registered, non-profit organization, would be a source of income to Mayor Gomes. Please consult Regulation 18702.5, which defines material financial effect for a nonprofit entity source of income indirectly involved in a decision. You have correctly advised Mayor Gomes that he must disqualify from participating in any decision in which the Chamber is directly involved. (Regulation 18702.1).

I trust this answers your questions.

Sincerely,

Jeff Marschner
General Counsel

By: 
Jill Stecher
Counsel, Legal Division