



California Fair Political Practices Commission

June 28, 1993

Audrey Ho
Burke, Williams & Sorensen
611 West Sixth Street, Suite 2500
Los Angeles, CA 90017

Re: Your Request for Confirmation
of Telephone Assistance
Our File No. I-93-233

Dear Ms. Ho:

You have requested confirmation of telephone assistance provided to you concerning the conflict of interest disclosure provisions of the Political Reform Act.^{1/} Since you do not identify the city or joint powers authority to which this question applies, we consider your letter to be a request for informal assistance pursuant to Regulation 18329(c).^{2/}

QUESTION

Must a joint powers authority (the "JPA") adopt a conflict of interest code if the board of directors consists solely of city councilmembers?

CONCLUSION

A separate conflict of interest code is not necessary for the JPA if the board is comprised solely of city councilmembers and the geographical jurisdiction of the board does not extend beyond the city's boundaries. However, if public members are appointed, staff members are employed or consultants are retained who make or participate in the making of governmental decisions, a code would need to be developed.

^{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. (Section 83114; Regulation 18329(c)(3).)

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ANALYSIS

Government Code Section 87200 et seq. specifically requires city councilmembers to disclose their economic interests under the provisions of the Political Reform Act. These public officials are required to disclose certain investments, interests in real property and sources of income in their jurisdiction on a statement of economic interests (Form 721).

Pursuant to Regulation 18730(b)(3), a conflict of interest code does not establish any disclosure obligation for persons who are also listed in Section 87200 if they serve in essentially the same capacity or if the geographical jurisdiction of the agency is the same as the jurisdiction in which they must report their financial interests under Section 87200. Since the JPA is comprised solely of city councilmembers, there are no designated employees to be covered by a conflict of interest code. Therefore, a conflict of interest code is not required to be adopted.

If the JPA retains additional public members, staff or consultants^{3/} who make or participate in the making of decisions in the future, a conflict of interest code would need to be adopted. The city council has discretion to include these positions in the city's conflict of interest code or in a separate conflict of interest code for the JPA.

If you have any questions or need further assistance, please contact me at (916) 322-5662.

Sincerely,



Dixie Howard
Legal Documents Examiner
Technical Assistance Division

^{3/} A "consultant" is any natural person who provides, under contract, information, advice, recommendation or counsel to a state or local government agency. (Regulation 18700(a)(2).)