



California Fair Political Practices Commission

May 5, 1994

Jo Seibert
City Clerk
City of Vista
600 Eucalyptus Avenue
Post Office Box 1988
Vista, CA 92085

Re: Your Request for Advice
Our File No. A-94-032

Dear Ms. Seibert:

This is in response to your letter requesting advice on behalf of the various advisory commissions of the City Council of the City of Vista regarding its high school student members' responsibilities, if any, under the conflict-of-interest provisions of the Political Reform Act (the "Act").¹

QUESTIONS

1. Are Vista High School students who serve on various city council advisory commissions as nonvoting members required to file Statements of Economic Interests?
2. If the answer to the above is in the affirmative, are these students required to disclose the economic interests of their parents?

CONCLUSIONS

1. and 2. Vista High School students are not public officials under the Act; therefore, they are not required to file Statements of Economic Interests.

FACTS

The City Council of the City of Vista appoints citizens to serve on various advisory commissions. Senior high school students are encouraged to serve on each of the commissions. If enough interest is generated among the students, two students are

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, Sections 18000-18954. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

appointed to each commission. The students are allowed a nonbinding advisory vote on each motion.

ANALYSIS

In 1980, the Commission was asked whether nonvoting, student members of the Boards of Trustees of Community College Districts who were appointed pursuant to Education Code Section 72023.5 were public officials.² The Commission concluded that these particular students should file Statements of Economic Interests. (Memorandum A-80-077.)

Though the student members were not "making decisions" within the meaning of the Act, the Commission reasoned they were "participating in making decisions." "Participating in making decisions" includes, in part:

(2) Advises or makes recommendations to the decision-maker, either directly or without significant intervening substantive review, by:

(B) Preparing or presenting any report, analysis or opinion, orally or in writing, which requires the exercise of judgment on the part of the official or designated employee and the purpose of which is to influence the decision.

(Regulation 18700(c)(2).)

The purpose of having the student members serve on the governing boards of community college districts was to advise the boards, with the intent of influencing their decisions, by presenting the students' opinions, or, at least, the opinion of the student member.

Based on the information you provided, none of the factors present in the community college boards of trustees situation appear to be present here. First, Vista senior high school students are not appointed to various city council advisory commissions pursuant to a state statute or a municipal ordinance. Rather, they volunteer. Second, the purpose of having the student members on these numerous advisory commissions is to further their education, not to advise the commission and influence its decisions.

² Education Code Section 72023.5 provides, in pertinent part, that the students are recognized as full members of the board at meetings, including receiving all materials presented to the board members and participating in the questioning of witnesses and the discussion of issues. However, the student members are nonvoting and are not included in determining the vote required to vary any measure before the board.

For the above reasons, I advised you on March 15, 1994, that it does not appear that Vista high school students are public officials under the Act³ and therefore they are not required to file Statements of Economic Interests.

If you have any further questions regarding this matter, please feel free to contact me at (916) 322-5901.⁴

Sincerely,

Steven G. Churchwell
General Counsel

Deanne Stone

By: Deanne Stone
Senior Commission Counsel

³ "Public official" means every natural person who is a member, officer, employee or consultant of a state or local government agency. (Section 82048.) "Member" includes, but is not limited to, salaried or unsalaried members of boards or commissions with decisionmaking authority. (Regulation 18700(a)(1).)

⁴ Copies of Commission regulations and Opinions are available in many law libraries. Alternatively, copies of these materials and Commission advice letters may be obtained from the Commission at a cost of 10¢ per page.