



California Fair Political Practices Commission

April 7, 1994

Clayton Anderson
Carmel Residents Association
P.O. Box 5067
Carmel, CA 93921

Re: Your Request for Advice
Our File No. A-94-095

Dear Mr. Anderson:

This is in response to your request for advice under the personal use provisions of the Political Reform Act.^{1/} This letter will also serve to confirm telephone advice provided to you.

QUESTION

May the Carmel Residents Association, a recipient committee, co-sponsor a chili-feed with the City of Carmel-By-The-Sea for the purpose of raising funds to renovate the city's community meeting room?

CONCLUSION

The Carmel Residents Association is not prohibited from co-sponsoring this event with the city. Any payments the Carmel Residents Association makes in conjunction with the event, however, must be reported as an expenditure.

FACTS

The Carmel Residents Association (the "Association"), a city general purpose committee, wants to hold a chili-feed, in conjunction with the City of Carmel-By-The-Sea. The purpose of the chili-feed is to raise funds to renovate the city's community meeting room. You indicated in our telephone conversation that local businesses will be donating items for the chili-feed. The Association will be contributing approximately \$50 to pay for paper plates, utensils, etc.

All of the proceeds raised from the chili-feed will be made directly to the city for the renovation.

^{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.

ANALYSIS

The Carmel Residents Association is a city general purpose recipient committee which makes contributions to candidates or measures in the City of Carmel-By-The-Sea. As a recipient committee, it must disclose sources of campaign contributions as well as the expenditures it makes.

The Association, in conjunction with the city, wishes to hold a fundraiser for the purpose of renovating the city's community meeting room. The Act does not expressly prohibit such activities; however, any expenditure that the committee makes must be reasonably related to a political, legislative, or governmental purpose. (Section 89512.5.)

You indicated that the proceeds from this event will enable the city to make necessary repairs to the meeting room without bearing the entire cost of the renovation. Raising funds for this purpose appears to be reasonably related to a governmental purpose and is, thus, a permissible use of campaign funds.

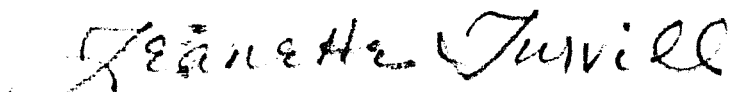
You also mentioned that the Association and the city will co-sponsor a "Beach Clean-up" Day. You did not indicate that any committee funds will be used for this event. You stated that members of the committee encourage citizens to walk the beaches and pick up debris. The city garbage collection workers also assist and provide plastic garbage bags. This activity is not prohibited by the Political Reform Act. However, as stated above, any expenditure made by the Association must be reasonably related to a political, legislative, or governmental purpose and must be reported.

Please note, however, nothing in this letter should be read as condoning or authorizing any specific expenditure by a state or local government agency. Under many circumstances, such activities may be illegal. (See Penal Code §424; Stanson v. Mott, 17 Cal. 3d 206 (1976).) You may wish to confer with your city attorney about the legality or propriety of the city co-sponsoring an event with the Association.

I hope this answers your questions. If you have any questions, please feel free to contact the Commission's Legal Division at (916) 322-5901.

Sincerely,

Steven G. Churchwell
General Counsel


By: Jeanette E. Turvill
Political Reform Consultant
Legal Division