



RAVI MEHTA  
CHAIRMAN

## FAIR POLITICAL PRACTICES COMMISSION

May 1, 1997

Gail A. Vasquez-Connolly  
City Clerk  
City of La Mirada  
City Hall  
13700 La Mirada Boulevard  
Post Office Box 828  
La Mirada, California 90637-0828

**Re: Your Request for Advice  
Our File No. A-97-181**

Dear Ms. Vasquez-Connolly:

This letter is a response to your request for advice regarding the provisions of the Political Reform Act (the "Act").<sup>1</sup>

### QUESTIONS

May a member of the planning commission who was appointed to the planning commission by the city council serve as the campaign treasurer for two members of the city council and may a member of the Human Services Commission serve as the campaign treasurer for one member of the city council?

### CONCLUSIONS

Appointed members of the planning commission and the Human Services Commission may not serve as treasurers for members of the city council if the appointees will be making, accepting, or soliciting contributions on behalf of the city councilmembers. Accepting a contribution includes receiving an actual contribution check for the purposes of receiving and logging the contribution.

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<sup>1</sup> Government Code sections 81000 - 91014. Commission regulations appear at title 2, sections 18109 - 18995, of the California Code of Regulations.

## FACTS

The City of La Mirada appoints the members of its commissions in the following manner: Prospective commissioners are nominated by an individual member of the city council; the nominations are approved by the city council as a whole. Currently, a member of the Planning Commission serves as the campaign treasurer for two members of the city council, and a member of the Human Services Commission serves as the campaign treasurer for one member of the city council.

## ANALYSIS

Section 85705 was added to the Act by Proposition 208, which was passed by the voters on November 5, 1996. Section 85705 provides as follows:

“No person appointed to a public board or commission or as Trustee of the California State University or Regent of the University of California during tenure in office shall donate to, or solicit or accept any campaign contribution for, any committee controlled by the person who made the appointment to that office or any other entity with the intent that the recipient of the donation be any committee controlled by such person who made the appointment.”

Although there is no definition of “public board or commission” in Section 85705, both the Planning Commission and the Human Services Commissions appear to be public boards. They serve a public function in administering and planning public service issues in the City of La Mirada. Moreover, planning commissioners are specifically mentioned in the Act as public officials who by definition occupy such a position of public trust that they are required by statute to file statements of economic interests with full disclosure. (Section 87200.)

Members of the Planning and Human Services Commissions are *nominated* by individual members of the city council, but the entire council approves the nomination. “Person” as defined in the Act means not only an individual, but also a “proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.” (Section 82047.) Under these facts, we conclude the “person who made the appointment” (i.e., the appointing authority) as referred to in Section 85705 would be the entire city council in the case of both the Planning and Human Services Commissions. Thus, no person appointed to the Planning and Human Services Commissions may donate to, solicit or accept any campaign contribution for any committee controlled by a member of the city council.

A person may potentially violate Section 85705 by acting as treasurer of a committee even if the appointee is not actually engaged in fundraising activities. The appointee may not solicit or accept any contributions on behalf of the appointing officials. If the appointee receives

contribution checks on behalf of the appointing officials, even if the appointee merely opened and logged in the checks, the appointee would be deemed to have accepted the contribution.

In addition, appointees are prohibited from soliciting contributions on behalf of the appointing officials. Section 85307 provides that extensions of credit for a period of more than 30 days are subject to the contribution limits. Thus, Section 85705 would prohibit an appointee from soliciting extensions of credit for more than a period of 30 days because such extensions of credit would be considered contributions.

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell  
General Counsel

Handwritten signature of Liane Randolph in cursive, with the initials "smcc" written below it.

By: Liane Randolph  
Staff Counsel, Legal Division

SGC:LR:ak