



FAIR POLITICAL PRACTICES COMMISSION

January 9, 1998

Michael Adams
40019 Tesoro Lane
Palmdale, California 93551

**Re: Your Request for Advice
Our File No. A-97-587**

Dear Mr. Adams:

This letter is in response to your request for advice regarding the provisions of the Political Reform Act (the "Act").¹

QUESTION

As an elected member of the Antelope Valley Community College District Board of Trustees, may you participate in the deliberations concerning the lawsuit brought by John Hall, a contributor to your campaign committee, against the Antelope Valley Community College and two of the Board members?

CONCLUSION

Yes. Nothing in the Act restricts you from participating in the deliberations.

FACTS

You were elected to the Antelope Valley Community College District Board of Trustees. John Hall, who contributed \$250 to your campaign and served on your campaign committee, has an on-going lawsuit against the College District and two of the Board members. John Hall has no other financial or monetary connection to you, and was listed by you on the campaign disclosure forms as a contributor. You would like to know whether you may participate in decisions regarding this lawsuit.

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

ANALYSIS

The Act was adopted by the people of the State of California by initiative in 1974. The purpose of the conflict-of-interest provisions of the Act is to insure that public officials perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who support them. (Section 81001(b).) In furtherance of this goal, Section 87100 prohibits any public official from making, participating in making, or otherwise using his or her official position to influence a governmental decision in which the official has a financial interest. However, the receipt of campaign contributions is not a basis for disqualification by a public official. (Sections 87103 and 82030(b)(1).)


In 1983, Government Code Section 84308 was added to the act to deal specifically with campaign contributions and government decisionmaking by certain officials. However, local government agencies whose members are directly elected by voters are exempt from the provisions of Section 84308 along with the courts, the Legislature, state constitutional officers and the Board of Equalization. Moreover, Section 84308 only applies if the contribution accepted is *more* than \$250.

Therefore, nothing in the Act prohibits you from participating in decisions regarding the lawsuit brought by Mr. John Hall against your governmental agency.

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

Sincerely,

Steven G. Churchwell
General Counsel



By: Marte Castaños
Staff Counsel, Legal Division

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