



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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December 9, 2016

Kryss Rankin
City Clerk
City of West Sacramento
1110 West Capitol Avenue, 3rd Floor
West Sacramento, CA 95691

Re: Your Request for Advice
Our File No. A-16-242

Dear Ms. Rankin:

This letter responds to your request for advice regarding the conflict-of-interest code provisions of the Political Reform Act (the "Act").¹

QUESTION

For purposes of determining the code reviewing body for the Sacramento-Yolo Port District (the "Port District"), is the Port District considered to be a multi-county agency, with the Fair Political Practices Commission (the "Commission") as the code reviewing body?

CONCLUSION

Yes. The Port District meets the definition of a multi-county agency and, therefore, the Commission is the Port District's code reviewing body.

FACTS

The Sacramento-Yolo Port is an inland port located 79 nautical miles northeast of San Francisco and is a deep-water gateway for Northern California agriculture and industrial bulk industries. The port is centered in one of the world's richest agricultural regions, providing easy access for Northern California farmers. Ships come from all over the world including China, Australia, Spain, Germany, and New Zealand.

The Port District is governed by a five-member commission. Under Section 6830.1 of the California Harbor and Navigations Code, (the "Harbor Code"), four members are appointed by the City Council of the City of West Sacramento. One member is appointed by the Yolo County Board

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

of Supervisors. All members must reside in the City of West Sacramento, which is located in Yolo County.

The Harbor Code defines the Port District's boundaries "to coincide with the first supervisorial district of the County of Yolo, as of October 1, 2005. The boundaries also shall include all property owned by the Sacramento-Yolo Port District in Solano County that was incorporated into the district by the Sacramento County Local Agency Formation Commission on May 29, 1992."

ANALYSIS

Section 87300 requires every state and local government agency to adopt a conflict-of-interest code ("code"). The code must enumerate the positions within the agency that involve the making or participating in the making of decisions that may foreseeably have a material financial effect on any financial interest held by the person filling the position. Further, the code specifies which financial interests must be disclosed by persons holding those positions designated in the code, all with a view to avoiding conflicts of interest. (Sections 87300-87302.) The issue addressed in your request for advice is whether the Commission should be the code reviewing body for the District.

Pursuant to Section 82011, "code reviewing body," as it relates to a county agency versus a multi-county agency, means the following:

"(a) The [C]ommission, with respect to the conflict-of-interest code of a state agency other than an agency in the judicial branch of government, *or any local government agency with jurisdiction in more than one county.*

"(b) The board of supervisors, with respect to the conflict-of-interest code of any county agency other than the board of supervisors, or any agency of the judicial branch of government, and of any local government agency, other than a city agency, *with jurisdiction wholly within the county.*" [Emphasis added.]

Under Section 82035, the jurisdiction of a local government agency is ". . . the region, county, city, district or other geographical area in which it has jurisdiction . . ." Thus, to answer your question of whether or not the Port District is a multi-county agency subject to the Commission's review or a county agency subject to the Yolo County Board of Supervisors' review, we must ascertain the meaning of "jurisdiction" as it applies to an agency.

In prior letters we determined whether an agency principally located within one county has jurisdiction in the other county by applying a two-prong approach. First, we look at whether the agency owns real property in the other county. Second, we assess the extent to which the agency has the lawful right to exercise official authority in another county. (*Bender* Advice Letter, No. A-06-1884, *Krauss* Advice Letter, No. A-05-036 and *Zimrig* Advice Letter, No. A-90-167.) This includes looking at the agency's political boundaries as indicated by the property owners or residents that are entitled to vote on agency matters.

The port is principally located in Yolo County. However, it owns real property in portions of Solano County, and it may lawfully exercise official authority in both these areas.

Accordingly, if we apply the two-prong test, the port's jurisdiction would be Yolo County and those portions of Solano County that are owned by the Port District. This comports with the statutory definition of the boundaries of the Port District to include all property owned by the Sacramento-Yolo Port District in Solano County. Accordingly, we find that the Port District is a multi-county agency whose code reviewing body is the Commission.

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

Sincerely,

Hyla P. Wagner
General Counsel



By: Valentina Joyce
Counsel, Legal Division

VJ:jgl

