

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance/Administration  
(916) 322-5660

Executive/Legal  
322-5901

Enforcement/Conflict of Interest  
322-6441

July 21, 1976

Ms. Lynne Rogers  
Office of the City Attorney  
City of Richmond  
Richmond CA 94804

76-253

Re: Request for Opinion  
No. 76-073

Dear Ms. Rogers:

Thank you for your letter of June 25, 1976, requesting the Commission to render an opinion with respect to the appropriate code reviewing body for the Conflict of Interest Codes of certain agencies and authorities. Because the question you pose does not present a substantial question of interpretation under the Political Reform Act, no formal opinion will be issued. I trust, however, that the following informal advice will allow you to resolve the matter.

You indicated in a telephone conversation on July 13 with Kenneth Goshorn, an attorney in our Conflict of Interest Division, that city council members are the governing members of the authorities to which you refer, and you inquired about the coverage of these members in a Conflict of Interest Code. Their role as members of such authorities can and should be covered in the context of the city council's Conflict of Interest Code, for which this Commission will be the code reviewing body. Government Code Section 82011(a).

The question which remains is the review of the codes developed by the agencies and authorities mentioned in your letter. Each of the agencies and authorities to which you refer is a "local government agency." Government Code Section 82041. Government Code Section 82011 provides, in pertinent part:

Code Reviewing body means:

....

(b) The Board of Supervisors, with respect to the Conflict of Interest Code of any county agency other than the Board of Supervisors, and of any local government agency, other than a city agency, with jurisdiction wholly within the county;

(c) The city council, with respect to the Conflict of Interest Code of any city agency other than the city council.

Lynne Rogers  
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In the instant case, you have stated that the geographical jurisdiction of each of the agencies and authorities about which you inquire is contiguous with the limits of the City of Richmond. None of the agencies or authorities is a joint powers agency or a special district with any authority beyond the city, nor do any of them otherwise cross any political boundaries or encompass more than one political jurisdiction. In light of these factors, we think it clear that they are all "city agencies" within the meaning of Section 82011(c) and that the city council of the City of Richmond, therefore, is the appropriate code reviewing body.

If you wish to appeal the denial of your formal opinion request, you may do so pursuant to 2 Cal. Adm. Code Section 18321. If you have any further questions concerning this matter, please contact Kenneth Goshorn, Research Specialist, Conflict of Interest Division, at (916) 322-6444.

Sincerely,



Michael Bennett  
Executive Director

MB:pvp

OFFICE OF THE CITY ATTORNEY  
CITY OF RICHMOND  
CALIFORNIA 94804

SAMUEL V. McGRATH  
CITY ATTORNEY

(415) 232-1212, EXTENSION 351

June 25, 1976

Request No. \_\_\_\_\_  
Date Received 7-1-76  
Response Due 7-15-76  
C 43 H 1 '76

Mr. Delbert L. Spurlock, Jr.  
Chief, Conflicts of Interest Division  
Fair Political Practices Commission  
State of California  
P. O. Box 807  
Sacramento, California 95804

Re: Conflict of Interest Codes - Determination of Code Reviewing  
Body for Redevelopment Agency, Housing Authority, Surplus  
Property Authority, Parking Authority

I am writing for an opinion from the FPPC on who the code reviewing body should be for the Redevelopment Agency, Housing Authority, Surplus Property Authority and the Parking Authority of the City of Richmond. §82011 of the California Government Code states that the Board of Supervisors shall be the "code reviewing" body with respect to any local government agency (defined in §82041 of the Government Code to include local political subdivisions, departments, etc., with jurisdiction other than statewide.) We interpret these two sections to mean that the Board of Supervisors should be the code reviewing body for the entities named above. Further, these entities are not City agencies and thus to be reviewed by the City Council.

The County Counsel has informed us that he does not feel the Board of Supervisors is the proper code reviewing body for our Redevelopment Agency and other similar agencies.

Please help us resolve this controversy by a formal opinion from your office. We would appreciate your prompt attention to this matter so that we can submit our codes by our deadline. Thank you.

Yours very truly,



Lynne Rogers  
Deputy City Attorney

LR:JK