

State of California



Fair Political Practices Commission

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

Technical Assistance •• Administration •• Executive/Legal •• Enforcement •• Statements of Economic Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

May 2, 1984

John A. Frederick
McFall, Burnett, Brinton & Cadle
146 North Grant Street
Manteca, CA 95336

Re: Conflict of Interest Code Review Committee
FPPC No. A-84-087

Dear Mr. Frederick:

In your letter to us of April 6, 1984, as well as in our earlier phone conversation, you asked whether positions on a newly-established committee should be "designated" in the City of Manteca's Conflict of Interest Code. The facts as I understand them are as follows:

The Manteca City Council has appointed members of the community to serve on a committee whose sole purpose is to review the existing Manteca City Conflict of Interest Code and make recommendations for changes in the Code to the city council. The city council, as the code reviewing body, will have the ultimate responsibility to make amendments to the Code where necessary.


Government Code Section 82019 defines a "designated employee" as one whose position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest. "Designated employee" does not include . . . any unsalaried member of any board or commission which serves a solely advisory function.

From the facts you have given me, it appears that the committee members perform a solely advisory function. Furthermore, they cannot foreseeably use their official positions to influence any governmental decision which will have a material effect on any financial interest. As they are not "designated employees" within the meaning of the Political Reform Act, they should not be included in the City's Conflict of Interest Code.

John A. Frederick
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I hope this answers your question. If I can be of further assistance, please feel free to contact me at (916) 322-5662.

Sincerely,


Jeanette E. Turvill
Documents Examiner

JET/

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April 6, 1984

Fair Political Practices
Commission
1100 K Street
P. O. Box 807
Sacramento, CA 95804

Attn: Jeannette Turvill

RE: Temporary committee appointed
by Manteca City Council to
review the existing City code
and make recommendations regard-
ing changes therein

Dear Ms. Turvill:

This office is the City Attorney for the City of Manteca. As you may recall, on Thursday, April 5, 1984, I spoke with you by telephone regarding the above referenced matter. At that time I indicated I would be forwarding a request for a written opinion.


At the request of a citizen the Manteca City Council has appointed a committee of several members of the community to review the existing Manteca City code and make recommendations for changes thereto to the City Council. The Committee will have no power to actually make the changes itself and its recommendations will be of no effect unless they are adopted by the City Council. The committee is an ad hoc committee appointed for this limited and special purpose.

Would you please supply this office with a written opinion as to whether positions on that committee should be "designated positions" under the FPPC regulations and should be included as such in the City's conflict of interest code.

Thank you in advance for your assistance.

Yours truly,

MC FALL, BURNETT, BRINTON & CADLE


John A. Frederick
Attorney at Law

JAF/bv

cc: Karen Mathews, City Clerk