



California Fair Political Practices Commission

December 10, 1985

Jennie M. Fulasz, CMC
City Clerk, City of Chula Vista
276 Fourth Avenue
Chula Vista, A 92010

Re: FPPC No. A-85-250

Dear Ms. Fulasz:

Jennie
This letter is in response to your letters of October 28, and November 12, 1985, concerning articles appearing in the "On Call" newsletter published by the Community Hospital of Chula Vista. You asked if the Commission would consider the articles an endorsement of Penny Allen, a candidate for Chula Vista City Council, and Gayle McCandliss, the incumbent city council candidate, and whether or not the candidates received a non-monetary contribution from the hospital as a result of the articles.

Government Code Section 82025 defines the term "expenditure" as "a payment...unless it is clear from the surrounding circumstances that it is not made for political purposes..."

FPPC Regulation 2 Cal. Adm. Code Section 18225 further defines the term "political purposes." In the case of a newsletter or some other similar publication, an expenditure for political purposes is made if the communication "'expressly advocates" the nomination, election or defeat of a candidate... contains express words of advocacy such as "vote for," "elect," "support," "cast your ballot," "vote against," "defeat," "reject," ..."

The articles printed by the Community Hospital do not expressly advocate the election or defeat of Ms. Allen or Ms. McCandliss. Therefore, the hospital has not made an expenditure for political purposes and the candidates have not received a non-monetary contribution as a result of the articles.

I apologize for the delay in responding to your request. I hope this answers your questions and that you will not hesitate to contact me if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Kvasager".

Mary Ann Kvasager
Political Reform Consultant

Enclosure: 18225

MAK:kt



OFFICE OF THE CITY CLERK

F P P C
Nov 19 8 25 AM '85

November 12, 1985


Mary Ann Kvasager, Consultant
Fair Political Practices Commission
Technical Assistance & Analysis Division
1100 "K" Street
Sacramento, CA 95814

As you requested, I have enclosed the special mailing brochure on Gayle McCandliss as circulated by the Community Hospital of Chula Vista.

I called Laura Brien, Community Relations Director for the Hospital about who initiated this flyer.

She stated she received a call from Assemblyman Steve Peace who "suggested" a similar article be printed and sent out for Miss McCandliss. Laura Brien met with the Hospital's attorneys and they informed her she could do one of either: (1) say "no" or (2) send out the flyer. She chose the latter and called Miss McCandliss offering her the interview and the flyer. Miss McCandliss accepted.....and thus, the flyer!

Please call me if you need any further information.


Jennie M. Fulasz, CMC
City Clerk

Flyer enclosed



The City of Chula Vista

Office of the City Clerk

NOV 1

3 06 11 85
619
691-5041

October 28, 1985

Mary Ann Kvasager, Consultant
Fair Political Practices Commission
Technical Assistance & Analysis Division
1100 K Street
Sacramento, CA 95814


In accordance with our telephone conversation this morning, I am enclosing the Community Hospital's newsletter (October issue) which features the story on Penny Allen, candidate running for the City Council Seat No. 1 against incumbent Gayle McCandliss.

I have also enclosed a couple of news articles which explains the issue - as I have outlined it to you this morning.

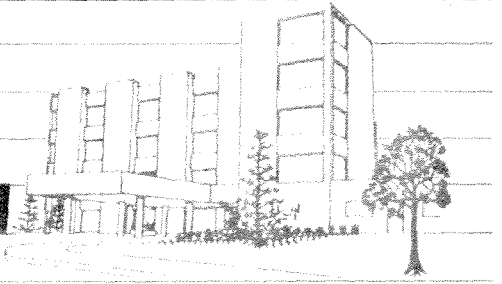
My question is whether or not you consider this story an endorsement of Candidate Penny Allen.

Incumbent Gayle MC Candliss was interviewed this morning by the editor of ON CALL. A special bulletin will be mailed out this week (one page) featuring a story on Miss McCandliss. Do I consider both as "in-kind" services and should be reported on their next campaign statements?

I appreciate any help you can give me in this matter.


Jennie M. Fulasz, CMC
City Clerk

ON CALL



COMMUNITY HOSPITAL OF CHULA VISTA

Volume 12, Number 7

October 1985

At Community Hospital

Birch-Patrick Convalescent Center anticipates early December opening

The 98-bed Birch-Patrick Convalescent Center at Community Hospital of Chula Vista is nearing completion and anticipates accepting patients early in December, according to the hospital's executive director, Robert D. Hansen.

Hansen said the name for the new convalescent center was chosen by the hospital board of directors in recognition of the generosity of the Stephen and Mary Birch Foundation, Inc., and in memory of the late Mary Birch Patrick, a former member of the hospital board of directors and a trustee of

the Stephen and Mary Birch Foundation, which was founded by Mrs. Patrick's father.

Mrs. Patrick served on the hospital board of directors from November 1975 to May 1980 and during that time made known her interest in the provision of convalescent care. The Stephen and Mary Birch Foundation with offices in Dover, Delaware, is a non-profit, private foundation that has been a significant contributor to the Community Hospital of Chula Vista.

A premiere viewing of the convales-

cent center is tentatively scheduled for Thursday, Nov. 21, from 4 to 6 p.m. Anyone interested in attending is invited to telephone the Community Relations Department at 421-6110, extension 5266 for a reservation.

Free transportation will be furnished by reservation for those needing or desiring such a service.

The viewing will feature tours of the facility, including resident rooms, nursing stations, office and activities areas. A listing of dignitaries expected for the

Continued on Page 2

Penny Allen seeks C.V. council seat

Auxiliary Penny Allen, an active civic leader, chairman of the California Coastal Conservancy and member of the Chula Vista City School District Board of Education, is challenging incumbent Gayle McCandliss for a seat on the Chula Vista City Council in the Nov. 5 election.

Allen, a petite dynamo who seems to bring full time commitment to each of her civic duties, has stated that she feels public safety should be the number one concern for city government.

That opinion was made public soon after she spent an eight-hour period riding with Police Sgt. David Miller on a Friday evening.

Declaring the police force to be "understaffed and underpaid," she said that "Chula Vista has one of the lowest officer to population ratios in the county." She noted also that "even on what was considered to be a slow night, the officers were kept very busy."

During the eight-hour period, Allen said the officers responded to calls ranging from domestic arguments to drunk driving and teen violence and she was told that on busy nights, it was not unusual for officers to be called away before completely resolving one situation, in order to handle a potentially more violent confrontation elsewhere in the city.

In addition to that, she said information from the Police Officers Association indicates that Chula Vista officers contend with the lowest starting salary in the county.

But public safety isn't the only concern which Allen has identified during her explorations into the job to which she aspires.

Allen specifies four major challenges which she feels Chula Vista faces — and which she says will affect the quality of life in this city for many years to come.



Penny Allen

Continued on Page 3

Children's health fair Oct. 26 at hospital

Community Hospital of Chula Vista and Greg Rogers Elementary School (the hospital's Adopt-a-School partner) will sponsor a children's health fair for community residents on Saturday, Oct. 26 from 10 a.m. to 2 p.m. at the hospital, 751 Medical Center Court.

The fair will be centered in the hospital's main meeting room, on the first floor. Visitors are asked to enter the hospital through the main front entrance. They will then be directed to the health fair area by hospital volunteers and Rogers School sixth grade students.

Two pediatricians, two internists, two dentists and a podiatrist will participate in the fair, in addition to Vista Hill Hospital and several departments at the hospital. Respiratory therapy, physical therapy, the laboratory and other departments will offer tests and information.

The Pediatric Department will oper-

ate a toy clinic, where children are encouraged to bring their dolls or stuffed animals for a checkup.

"The nice thing about having children visit a hospital for something like this," said Maggie Sadler, RN, head pediatric nurse, "is that they begin to understand what goes on in a hospital.

"They see doctors and nurses in a non-threatening environment. Then, when they must be hospitalized, they are less fearful and suffer much less stress.

"It's definitely good for both the children and the adults who help them when they are ill."

Information on numerous health topics, plus a South Bay 4-H program will be available.

Rogers School personnel and PTA members will decorate the meeting room for the fair — and since the date is close to Halloween, decorations will take on a Halloween theme.

For additional information, interested persons are asked to call the hospital's Community Relations Dept., 421-6110, extension 5266.

ACS *Continued from Page 2*

located off Telegraph Canyon Road in Chula Vista, a mile east of Highway 805 at 751 Medical Center Court.

For directions on finding the hospital, interested persons may call the hospital's Community Relations Department at 421-6110, extension 5266.

Speakers for the Resource program include a volunteer team of two health professionals (physician, social worker or registered nurse) and a cancer patient.

Resource is offered periodically throughout the year at various locations in San Diego County. Locations and dates are available by contacting the ACS offices.

● Allen seeks council seat

Continued from Page 1

These are: the need for long range planning to ensure the city's continuing ability to provide a high level of service to its citizens; development of the bayfront; the proper relationship of Chula Vista with adjacent areas; and the development of Otay Valley.

Long range planning is the first major challenge which Allen identifies as necessary "to guarantee a tax base adequate to provide a continuing high level of public service to the community."

"I envision a city growing and developing," Allen says, "but in a careful, well managed and balanced manner — growth which will be both sensitive to and which will improve the quality of life of its citizens."

She says that in a "post Proposition 13 world" it is necessary for the city to attract and actively support revenue producing businesses and that this need will increase in the future as federal revenue sharing and block grant monies are reduced.

"The Chula Vista bayfront is an area which has long been neglected and abused," Allen says. "While the incumbent supported a trash plant on the bayfront, I am proud of my involvement as co-chairman, with Bob Campbell, of Citizens for a Beautiful

Bayfront. (C. R. "Bob" Campbell is first vice president of Community Hospital of Chula Vista's board of directors and winner this year of the "Chula Vista Outstanding Citizen" award.)

"We were an active and productive part of the successful effort to gain coastal commission approval of a plan which will provide for the balanced and sensitive development of the bayfront.

"Approval of the plan was a major first step in transforming our blighted bayfront into an area of beauty which can be enjoyed and appreciated.

"In the years to come, more decisions will be necessary as the plan is implemented. It is imperative that we devote the time to both monitor and work closely with the developer to ensure that the development will be of the highest quality."

Allen has taken an equally intense look at controversy surrounding development in the Otay Valley — and indicates that she would work for a solid, long lasting, positive relationship between all of those who live and work in the area, while developing its tax base to the fullest practical level.

"The valley must not be allowed to deteriorate into an unsightly blight, or to become a dumping ground for

environmentally dangerous wastes," she says.

Lands within the city's sphere of influence concern Allen, who says she favors the city's proposal for dealing with these lands. The city proposal was recently approved by LAFCO (Local Agency Formation Commission) with some exceptions, including the United Enterprise holdings.

Allen favors a "thriving cultural life" for Chula Vista, incorporating an outdoor amphitheater in Memorial Park, a lively indoor community playhouse in the heart of downtown and a cultural arts center in the Eastlake development.

"All of this," she says, "could be provided by the private sector with the proper encouragement."

Penny Allen's involvement with Community Hospital of Chula Vista includes service on the benefit committee for the Auxiliary's annual Valentine Spectacular gala; marriage to attorney David Allen, a member of the board of directors; and the makeup of her campaign committee.

David "Bud" Wilson, a board member, is co-chairman with former school superintendent Leonard Servetter, of her campaign committee.

Continued on Page 4

● Penny Allen

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Larry Benthien, a senior vice president of Pacific Commerce Bank (one of the first advertisers in the Valentine Spectacular program-calendar) is finance chairman.

Allen was chairman of the South Bay YMCA fund drive in 1984-85 and that turned into the most successful drive the organization has ever held. She was a member of the Greg Rogers Elementary School PTA for four years, serving as president in 1979-80; and serves on the board of directors of the South County United Way.

In 1983, Allen was presented with a distinguished service award by the Chula Vista Junior Chamber of Commerce, thus becoming the first woman to be so honored.

On the state level, Allen is a member of the School Board Advisory Committee and has served on the state superintendent's Task Force for Effective Schools. She is a member of Las

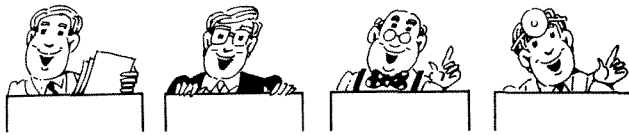
Primeras and chaired the Children's Museum Kaleidoscope Exhibit sponsored by the Hallmark Corporation.

Penny and David Allen have lived in Chula Vista for 16 years. They have two sons, Todd, 15; and Travis, 12, who attended Greg Rogers and Hillcrest Elementary Schools.

During her tenure as chairman of the South Bay YMCA fund drive, Allen was once challenged by a report meeting speaker to quickly "say something good" about herself.

Without hesitation, Allen said: "I have lots of energy!" That fact is abundantly evident in any perusal of her numerous activities — and she says it is an important asset which she will bring to the job of city council member if she is elected.

Allen invites prospective constituents to call her with questions at 421-0868.



ON CALL

ON CALL is published monthly by Community Hospital of Chula Vista, a non-profit corporation.

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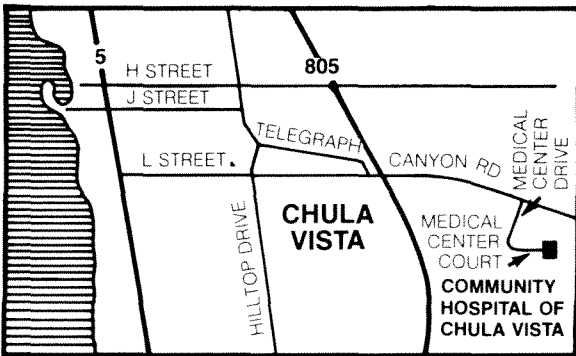
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ON CALL

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FROM: Kvasager

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[] TELEPHONE ADVICE - SEE BELOW

[*] CORRESPONDENCE ADVICE - SEE ATTACHED DRAFT

(IF YOU HAVE ANY COMMENTS, NOTIFY ADVISOR WITHIN 1 DAY)

FILE LOCATION: _____

INCLUDE IN ADVICE PACKAGE: YES [] NO []

CALLER Jennie M. Fulasz

REPRESENTING City of Chula Vista

PHONE NUMBER: _____

QUESTION: Would the Commission consider articles appearing in the "On
Call" newsletter published by the Chula Vista Community
Hospital an endorsement and non-monetary contributions
benefitting two candidates for the city council.

ANSWER: No. The articles do not "expressly advocate" the nomination,
election or defeat of either candidate. Defined term
--payment for political purposes.

Hospital offers candidate equal space in newsletter

By Dee Anne Traitel
Tribune Staff Writer

SD Tribune
10/26/85

In response to criticism over an article that ran in the Chula Vista Community Hospital's October newsletter featuring Chula Vista City Council candidate Penny Allen, the hospital has agreed to publish a second newsletter, this one featuring Allen's opponent.

Allen was prominently featured, including her picture, under a headline in the newsletter "ON CALL" that said: "Penny Allen seeks C.V. council seat."

The newsletter containing the arti-

cle about Allen, who is trying to unseat Councilwoman Gayle McCandliss in the Nov. 5 election, was mailed Tuesday to 5,000 residents, mostly in the South Bay.

The article prompted criticism from state Assemblyman Steve Peace and Rep. Jim Bates, as well as community members, who said that the hospital had abused its non-profit status and circulated what amounted to a political endorsement.

While the hospital denied any political intent in publishing the article, Robert Hansen, the hospital's executive director, offered to provide McCandliss an interview "to assure there is no appearance of impropriety."

In a letter Thursday to McCandliss and state Assemblyman Steve Peace — who said he contacted the hospital after receiving about a dozen calls about the newsletter, Hansen wrote that it is not the hospital's policy to endorse any candidate.

"However," Hansen wrote, "the hospital does from time to time feature members of the 'hospital family' . . . Penny Allen is the wife of a member of the hospital board of directors (David Allen) and she has worked on behalf of the community hospital."

Laura Brien, public affairs director of the hospital, said that for the second publication to reach people prior to Nov. 5, it will have to be sent first-class at a cost of about \$1,000, nearly \$700 more than the first newsletter. Brien said the hospital board of directors approved the solution after consulting with its attorney.

Brien said she will meet with McCandliss Monday to prepare the article. "Maybe it won't be exactly equal space," she said, "but it will be as equal as we can get."

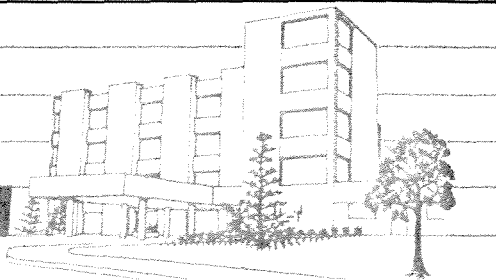
Peace said that while he has does not plan to endorse either candidate for the council race, he said he told Hansen that he was concerned about the hospital's losing its tax-exempt status.

"My office responded to inquiries about fair political practice considerations out of concern for the reputation of the hospital," he said.

Lynn Montgomery of the state Fair Political Practices Commission in Sacramento said the hospital probably is not in any danger of losing its tax-exempt status.

"The article doesn't sound as if it contains express words of endorsement by the hospital which would constitute a political contribution," she said. "Usually if we don't find a problem, the IRS and the Franchise Tax Board who monitor tax-exempt organizations won't have a problem either."

ON CALL



COMMUNITY HOSPITAL OF CHULA VISTA

Volume 12, Number 7-A

October 1985

GAYLE MC CANDLISS, INCUMBENT, SEEKS REELECTION TO COUNCIL

EDITOR'S NOTE (*Laura Brien, Community Relations Director of Community Hospital of Chula Vista and editor of On Call*):

It is the policy of the Community Hospital of Chula Vista to not endorse nor support any candidate for local political office. However, because of misunderstandings emanating from the Penny Allen article appearing in the October issue of On Call, the Community Hospital of Chula Vista presents an interview with Gayle McCandliss, incumbent member of the Chula Vista City Council.

* * * *

Gayle McCandliss, incumbent member of the Chula Vista City Council, is seeking re-election to a four-year term on the council. She notes that she has been in public service here since she was a sophomore at Bonita Vista High School and chaired the city's Youth Commission at age 15.

"Most of us shy away from the headaches of community leadership positions," she said. "Those willing to shoulder the responsibilities usually become interested anywhere from their late 20s to their 50s or even 60s."

A 25-year resident of Chula Vista, McCandliss holds a science degree from San Diego State University and is assistant to the San Diego County Department of Health Services director, a member of the board of directors of the Health Systems Agency for San Diego and Imperial Counties and was honorary chairman of this year's American Cancer Society colorectal cancer awareness project in the South Bay.

Honors she has received include Outstanding Young Woman of America (1980), Outstanding Young Career Woman (1981), Woman of Achievement (1981), an Outstanding Young Citizen of San Diego County (1982) and Distinguished Woman in Government Award (1984).

McCandliss says that her ambition to become a member of the Chula Vista City Council goes back to a time when she was only 11 or 12 years old and her father appeared before the council in opposition to small homes in a proposed neighborhood subdivision. She says she remembers sitting in the audience that night and fantasizing: "Someday I'm going to be sitting up there with those councilmen."

"Well, I made it, and I'm proud of my accomplishments on behalf of the city," she says. "I'm looking forward to continuing to sit up there and do a job for our city for four more years."

She has served as president of the Chula Vista Girls' Club, on the county Transit (Trolley) Board, the city's Cultural Arts Committee and the joint City-Chula Vista School



Gayle McCandliss

Continued on next page

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District Coordinating Committee.

McCandliss has been endorsed by the Chula Vista Police Officers' Association and by three of the four members of the Chula Vista School District board of directors, Judy Bauer, Opal Fuller and Sharon Giles.

McCandliss says she sees eastward development as the number one issue facing the city in the near future.

"The key is to insure that it's not a strain on services and that we guard and protect the quality of life currently enjoyed in the city," she said. "We are master planning the area to insure that traffic is controlled, that there is a balance of housing types with some low, middle and high income homes and that there is the proper phasing of development so that it doesn't have a negative impact."

McCandliss says she, with the Chula Vista Police Department, initiated the city's new police task force to reduce drug-related crimes. In its first six weeks, she said the mostly-undercover squad "netted a whopping 120 arrests."

She says she favors tight budgeting practices, which she has encouraged on the City Council. Such practices, she adds, have allowed the city to increase library hours, improve tree maintenance, sweep streets more often and extend youth recreation hours, while remaining fiscally responsible.

"The past five years have been times of tremendous change for the city," McCandliss says, "and I am proud of the role I have played in that change in the areas of economic development. We have the Bayfront Plan and I am proud of my contribution to the development of the plan.

"I first reviewed that plan as a youth commissioner at about age 16. As a council member, I worked to balance the environmental concerns and economic interests. Now, for the first time, I believe that we have a plan that's both economically and environmentally balanced and we will have, for the first time, local access to our water front."

ON CALL

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Chula Vista, CA 92010
Telephone (619) 421-6110

1985 OCT 31 AM 9:52
CITY CLERK'S OFFICE

Jenny Fulasz
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