

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95814 • 1000 MARKET BUILDING, SACRAMENTO, 95814

Technical Assistance: 916-322-5662

Administrative: 916-322-5660

Enforcement: 916-322-5661

Investment: 916-322-5663

Statements of Economic Interest: 916-322-5664

April 28, 1983

Mr. Irish D. Mitchell
402 E. 6th Street
Beaumont, CA 92223

Re: Your Request For Advice, Our
Advice No. A-83-097

Dear Mr. Mitchell:

Thank you for your request for advice on the campaign provisions of the Political Reform Act. Because your duties, under the Act are not in question, I cannot provide you with specific advice. (Government Code Section 83114.) However, I can provide you with a general explanation of the law.

The facts, as presented to me, are that on April 15, 1983, the City of Beaumont held a special election on an issue affecting the redevelopment plan. The City Council provided the Chamber of Commerce with \$2,700 in "Bed Tax" revenue to be spent on a mass mailing, signs, and other political activity in support of the ballot measure. The Chamber of Commerce formed a committee and expended these funds in accordance with this agreement. You are a citizen who opposed the ballot measure and your question is whether the allocation was a proper use of city funds.

The provisions of the Political Reform Act do not cover the propriety of the City's use of the money. The Act only covers the campaign reporting requirements. Under the Act, an entity which receives \$500 or more in contributions is a recipient committee under Government Code Section 82013(a).^{1/} A recipient committee must report all of the contributions that it receives on Form 420, Schedule A.^{2/}

^{1/} Hereinafter all statutory references are to the Government Code unless otherwise indicated.

^{2/} A recipient committee must also report all other receipts and expenditures.

Mr. H. M. Doudney
April 26, 1978
Page 12

A "contribution" is defined as a gift or contribution for political purposes. This would include any money, goods, services made to a committee for the purpose of influencing or attempting to influence the action of the voters in or against the passage of a measure if full and adequate consideration is not received by the donor (2 Cal. Ann. Code Sections 18220 and 18225).

An entity which makes less than \$1,000 in contributions, and which does not receive any contributions, does not have a filing requirement under the Act.

If, after reviewing the campaign statements of the Chamber of Commerce's committee, you do not feel that they are properly completed, you may file a complaint with the Fair Political Practices Commission. With regard to the question of whether the City properly used its "Bed Tax" funds to influence the election, you should contact the Attorney General's Office or your local District Attorney. If you believe that the funds were improperly used, you can file complaints with either of these agencies.

If I can be of any further help to you on the provisions of the Political Reform Act, please feel free to contact me at 916/322-5901.

Very truly yours,

Janis Shank McLean
Janis Shank McLean
Counsel, Legal Division

JSM:km

cc: Mr. H. M. Doudney
Bob Poeschl
Ann Conners

Mr. [Name] [Address]
April 24, 1978
Page Two

A "contributor" is any person or entity which makes contributions for political purposes. This includes contributions made to a committee for the purpose of influencing the action of the voters in favor of the passage of a measure if full and adequate consideration is not received by the donor (2 Cal. Am. Code Sections 18600-18625).

An entity which makes less than \$1000 in contributions, and which does not receive any consideration, does not have a filing requirement under the Act.

If, after reviewing the campaign statements of the Chamber of Commerce's committee, you do not feel that they are properly completed, you may file a complaint with the Fair Political Practices Commission with regard to the question of whether the City properly used its "bed tax" funds to influence the election, you should contact the Attorney General's Office or your local District Attorney. If you believe that the funds were improperly used, you can file complaints with either of these agencies.

If I can be of any further help to you on the provisions of the Political Reform Act, please let me know. My office is at 916/322-5931.

Very truly yours,
James Shank McLean
James Shank McLean
Attorney General

JSM:km
cc: Mr. N. S. [Name]
Bob Poeschl
Ann Connors

State of California



Fair Political Practices Commission

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

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

April 28, 1983

Bob Poeschl, Chairman
Beaumont Chamber of Commerce
450 E. Fourth Street
Beaumont, CA 92223

Dear Mr. Poeschl:

I recently received a request for advice on a question involving the Chamber of Commerce. For your information, I have included a copy of my response.

If, after reviewing my letter, you would like additional advice, please feel free to contact me at 916/322-5901.

Very truly yours,

Janis Shank McLean

Janis Shank McLean
Counsel, Legal Division

JSM:km
Enclosure

State of California



Fair Political Practices Commission

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

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

APR 11 28, 1993

H. M. Dougherty
City Attorney
P.O. Drawer 158
Beaumont, CA 92223

Dear Mr. Dougherty:

I recently received a request for advice on a question involving the City of Beaumont. For your information, I have included a copy of my response.

If, after reviewing my letter, you would like additional advice, please feel free to contact me at 916/322-5901.

Very truly yours,

Janis Shank McLean

Janis Shank McLean
Counsel, Legal Division

JSM:km
Enclosure