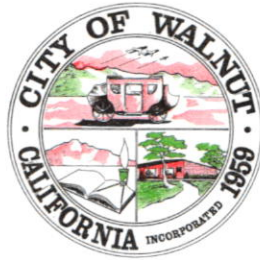


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CITY OF WALNUT

April 29, 1991

Fair Political Practices Commission
P. O. Box 807
Sacramento, CA 95804-0807

Attention: Legal Division

Ladies/Gentlemen:

Subject: Request for Advice Regarding Conflict of Interest Code for Walnut
Redevelopment Agency

On April 10, 1991, the Walnut City Council adopted Resolution No. 2952 adopting an updated Conflict of Interest Code for the City in conformance with the Commission's standardized Conflict of Interest Code. A copy of the City's newly adopted Conflict of Interest Code and Resolution No. 2952 were sent to you on April 23, 1991.

On January 9, 1991, Michael Montgomery, the Attorney for the City's Redevelopment Agency, known as Walnut Improvement Agency or WIA, presented a Model Conflict of Interest Code to the Agency for adoption. However, he did not include the appendices regarding Designated Employees nor Disclosure Categories. In accordance with Mr. Montgomery's recommendation, the Agency adopted the Conflict of Interest Code as presented to them.

Shortly thereafter, I telephoned the FPPC and spoke to someone about this action. I was informed that the code was not valid since it lacked the appendices referred to above. However, because it had been adopted, those people Mr. Montgomery enumerated during his verbal presentation; i.e., the Agency Members, the Executive Director, the Assistant Executive Director, the Agency Secretary, the Assistant Agency Secretary, the Finance Director/Treasurer, not only filed either Forms 721 or Forms 730 for the City, but also filed Forms 730 for the WIA.

The Agency Members are the members of the City Council. All the the WIA officials act in the same capacity for the City. Therefore, the Agency Members as Councilmembers, the Executive Director (City Manager), the City Treasurer/Finance Director, and the Assistant Treasurer all filed 721 Forms in conjunction with their City positions. The Engineer and Planner filed 730 Forms for the City. The City's new Conflict of Interest Code eliminates the 730 Form filing of the City Clerk. The Agency Attorney does not file, which is in accordance with information received from the FPPC indicating that he is not required to do so.

April 29, 1991

At least on three occasions while attending FPPC seminars, I asked whether the Agency Members were obliged to file conflict of interest forms. Each time the answer was that they are not required to do so.

At this time there is confusion regarding the WIA's Conflict of Interest Code. If it is not required, we would like to eliminate it. According to the information received from the FPPC, it is not valid because the appendices are not included. If this is so, can the WIA code just be ignored.

Or, is it necessary for the Agency to rescind its action and repeal the Conflict of Interest Code which it adopted in January.

Mr. Montgomery recommended that I write to the Commission and receive your opinion on this matter so that the City/Agency will be in legal compliance with the Fair Political Practices Code. The duplicate filings are redundant since most of the officials are covered by the 721 Form which is more encompassing than the 730 Form. The other officials are already filing 730 Forms for the City.

Your response will be appreciated. It is our desire to comply with the FPPC, but in view of information received from the Commission, it seems that we were already doing so before the Agency adopted its new Conflict of Interest Code.

Sincerely,



Beverly Sherwood
City Clerk

cc: City Manager/Executive Director Holmes
Agency Attorney Michael Montgomery