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ADMINISTRATION

RYAN SMOOT
CITY MANAGER

CITY OF LOMITA

November 16, 2022

Richard C. Miadich
Chair
Fair Political Practices Commission
1102 Q Street, Suite 3800
Sacramento, CA 95811

via email: CommAsst@fppc.ca.gov

RE: Concerns Relating to Retroactive Application of SB 1439

Dear Chairman Miadich and Commission Members,

The City of Lomita writes to express its concern in regards to applying the rules outlined in Senate Bill 1439 to donations received by elected officials prior to January 1, 2023. We are concerned how the retroactive application could impact local elected officials across the State of California.

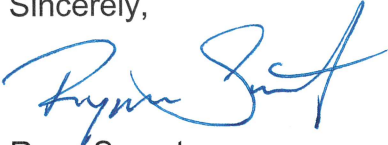
SB 1439 will prohibit local elected officials from taking part in entitlement proceedings involving a party who has contributed more than \$250 to the official within the 12 months prior to the proceeding and would also prohibit the official from receiving a contribution exceeding \$250 from a party 12 months after the final decision.

We believe there are practical and legal implications created if the retroactive application of SB 1439 is adopted as recommended by FPPC Counsel. While the ability of local officials to vote on certain matters applies prospectively, the actual impact upon both candidates and contributors is retroactive and relative to the date a donation was made in 2022. If these retroactive rules were known before SB 1439 was adopted by the Legislature and signed into law by the Governor, candidates and donors are likely to have evaluated their campaign donations differently.

While the donations made in 2022 were lawfully provided at the time they were made, the ultimate impact, if SB 1439 is applied retroactively, would deny local elected officials, including those who did not hold officer prior to the November 2022 election, the opportunity to participate in decision making processes.

Again, the City of Lomita urges the FPPC to consider a fair and reasonable approach to applying SB 1439, clarifying that its new rules do not apply retroactively and instead apply to donations made after January 1, 2023.

Sincerely,



Ryan Smoot
City Manager

- c. Lomita Mayor Cindy Segawa and City Council Members
Los Angeles County Division, League of California Cities
California Contract Cities Association