



Agenda item possible on "in kind" contributions from the city towards incumbents in January?

From Laurie alderman [REDACTED]

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To asilver@fppc.ca.gov <asilver@fppc.ca.gov>; GeneralCounsel@fppc.ca.gov <GeneralCounsel@fppc.ca.gov>; ExecutiveDirector@fppc.ca.gov <ExecutiveDirector@fppc.ca.gov>; complaint@fppc.ca.gov <complaint@fppc.ca.gov>; chiefofadmin@fppc.ca.gov <chiefofadmin@fppc.ca.gov>

Cc George Barich [REDACTED]; Carleton L. Briggs Attorney at Law [REDACTED] Michael Ceremello Ceremello [REDACTED]; Adina Flores [REDACTED] Michael Hilber [REDACTED] Calmatters Info <info@calmatters.org>

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EXTERNAL EMAIL

Hi,

A handful of us citizens mostly from Sonoma County are coming to speak in public comment at the January meeting to speak about "in-kind" contributions of a city to help incumbents keep their seats. I was wondering if there is a possibility of it being a discussion item on the agenda for future policy changes for the concept of "in kind" and indirect contributions can be added to the agenda.

The main situation that has to do with this, is happening here in the City of Cotati. The city has weaponized

code enforcement to go selectively after George Barich, a previous council member. He was their only opponent, a conservative, in the November 2024 city council race against three incumbents, all three recently re-elected.

Since June 2023, the city has been in a prolonged hearing on code enforcement "violations" on Barich's property.

Two thirds of the 2023/2024 fiscal budget code enforcement budget billings for all of Cotati (\$65k dedicated to Barich's code enforcement case of the code enforcement attorneys billings) were selectively used to keep him unable to afford to campaign. The city council and city staff were informed additionally of a related \$53k cost overage for the code enforcement budget for 23/24. They will not acknowledge this misappropriation of funds.

The hearings have cost Mr. Barich around \$30k in attorney fees, and many of the code enforcement proceedings need an attorney to proceed with, i.e. legal briefs for the administrative law judge. There is no end in sight to the code enforcement hearings, which have been happening since the supposed violations were cited in June 2023. Tolling at \$4k a day for 8 supposed violations since September 2023, his potential fines are at \$1.8 million. He has no choice but to continue with hiring his attorney to defend against this huge fine.

The incumbents on the council, Laura Sparks, Ben Ford, and Susan Harvey knew that George Barich intended to

run in the November 2024 election since at least March 2024. Still, the hearings continued on without resolution, with the city council all knowing about the costs of the hearings, etc. The costs of the hearing (\$30k in attorney fees needed at the hearing level) left Mr. Barich little time or money to campaign for his seat in November. The three incumbents were re-elected in November 2024 without little spending (2 of the 3 spent \$0) or campaigning.

This is the situation that has sparked the need for this kind of situation to be able to be addressed by the FPPC. The incumbents did not receive directly financial contributions, but in-kind, the City of Cotati used monies to go after an opponent with the full knowledge of the incumbents. A policy change is needed by the FPPC to deal with these "in kind" contributions.

Best,

Laurie Alderman

