



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Miadich and Commissioners Baker, Cardenas, Hatch, and Wilson

From: Dave Bainbridge, General Counsel
Brian Lau, Assistant General Counsel

Subject: Advice Letter Report and Commission Review

Date: January 29, 2021

The following advice letters have been issued since the December 30, 2020, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the February 2021 Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at:

<http://www.fppc.ca.gov/the-law/opinions-and-advice-letters/law-advice-search.html>.

Section 84308

Keith F. Collins

[A-20-138](#)

Members of a sanitation district do not have a conflict of interest under Section 87100 as a result of having received campaign contributions from labor organizations, as contributions constitute neither income nor gifts under the Act. Further, the members are not required to recuse themselves from a decision regarding a contract that will require union workers pursuant to a Community Workforce Agreement under the Act's pay-to-play provisions of Section 84308 because the contract will be competitively bid.

Campaign

Brian Burley

[A-20-156](#)

For City that has adopted local contribution limits pursuant to Section 85702.5, the Act's general intra-candidate transfer provisions under Section 85306 are inapplicable. Accordingly, the Act does not prohibit the transfer. However, the permissibility of such a transfer will depend on any federal restrictions as well as the City's local ordinances.

Conflict of Interest

Michael Wagner

[I-20-153](#)

The Act's conflict of interest provisions generally would not prohibit a member of a school district's governing board, who also serves as a volunteer assistant football coach for a high school under the district's authority, from taking part in decisions relating to the school district or the high school's athletic programs, including the high school's football program, unless it is reasonably foreseeable that the decision would have a material financial effect on one or more of the governing board member's interests specified in Section 87103.

Hannah Shin-Heydorn

[A-20-157](#)

The Act prohibits a city councilmember from taking part in decisions relating to any decision regarding the city council's potential reimbursement of the councilmember incurred personal tuition expenses.

Section 1090

Jamie Raymond

[A-21-003](#)

Neither the conflict of interest provisions of the Act nor Section 1090 prohibit City from entering a contract with a firm for construction management services for a City project where the employer of a councilmember will be a subcontractor for the firm on the same project because the remote interest exception under Section 1091(b)(2) applies. However, the councilmember must follow the requirements for abstention pursuant to Section 1091(a) and, in addition, leave the room during any decision concerning the contract in accordance with the Act's recusal requirements.

Joel Campbell-Blair

[A-21-010](#)

Neither the Act nor Section 1090 prohibit a county supervisor from taking part in a contracting process involving an organization that employs the official's adult, financially independent child.