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Fair Political Practices Commission
Zachery P. Morazzini, General Counsel
Attn: Sukhi Brar
428 J Street, Suite 620
Sacramento, CA 95812

Re: Comments to CASA Petition to Amend Regulation 18705.5(c)

Dear Sukhi:

Our law firm represents special districts throughout Ventura County, and submits this letter in support of the California Association of Sanitation Agencies' ("CASA") Petition to Amend California Code of Regulations 18705.5(c). We appreciate the efforts of the Fair Political Practices Commission ("FPPC") to address concerns raised by CASA in its petition.

Although we fully support the language set forth in CASA's proposed amendment, we respectfully suggest expanding that language to include "appointments" made by local agencies pursuant to California Government Code §53232.1(b).

Government Code §53232.1(a) provides as follows:

"When compensation is otherwise authorized by statute, a local agency may pay compensation to members of a legislative body for attendance at the following occurrences: (1) a meeting of the legislative body; (2) a meeting of advisory body; and, (3) a conference or organized educational activity ... including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234)."

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Government Code §53232.1(b) expands the range of official duties for which members of a local agency's legislative body may be compensated by providing as follows:

“A local agency may pay compensation for attendance at occurrences not specified in subdivision (a) only if the governing body has adopted, in a public meeting, a written policy specifying other types of occasions that constitute the performance of official duties for which a member of the legislative body may receive payment.”

Acting in accordance with section 53232.1(b), a local agency may “appoint” members of its legislative body to perform (and be compensated for performing) a wide-range of official duties other than those specified under section 53232.1(a). Since these “appointments” would be defined by local agency policy, it is not possible to know what those “appointments” would be prior to adoption of that policy. Nevertheless, each “appointment” made in accordance with an adopted policy, potentially raises concerns set forth in the CASA petition.

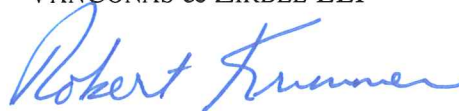
To address the full range of “appointments” allowed under California Government Code §53232.1(b), we request that CASA's proposed amendment to CCR 18705.5(c) be modified as follows (all proposed additions in bold and italics):

(2) The appointment is ***(i) to a standing or ad hoc committee of the public agency of which the public official is a member, (ii) to attend an occurrence for which the public official is compensated in accordance with Government Code §53232.1(b) or (iii)*** one required to be made by the body of which the official is a member pursuant to either state law, local law, or a joint powers agreement.

For the reasons detailed in the CASA petition and discussed herein, modifying the proposed amendment's language to reflect Government Code §53232.1 would allow local agencies to more effectively appoint local officials to perform their full range of official duties under applicable law.

Very truly yours,

ARNOLD LAROCHELLE MATHEWS
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Robert S. Krimmer

RSK:kk2