

## Sasha Linker

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**From:** Steve Petzold <[REDACTED]>  
**Sent:** Thursday, October 15, 2020 7:13 AM  
**To:** CommAsst  
**Subject:** Public Comment Not on the Agenda  
**Attachments:** EPSON377.pdf

EXTERNAL EMAIL

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At the August meeting attorney for the Respondent Stipulation 19-475 Lacey Keys made reference to AG Opinion 04-211.

Please note the conclusion of AG regarding contributions made by nonprofit foundations such as the College of the Canyons Foundation.

There is a real question whether the decision to contribute \$150,000 to Measure E was independent since the Grant Request was completed by employees of the College District.

There is also a question whether the funds were "privately raised" since the Foundation seems to claim the contributions came from non donor funds.

Sincerely,

Stephen C Petzold  
[REDACTED]

I am only submitting the first two pages of the AG decision, but the entire document is available online for your reference.

Sent from my iPhone

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL  
State of California

BILL LOCKYER  
Attorney General

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OPINION	:	No. 04-211
	:	
of	:	April 7, 2005
	:	
BILL LOCKYER	:	
Attorney General	:	
	:	
SUSAN DUNCAN LEE	:	
Deputy Attorney General	:	
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THE HONORABLE DENNIS HOLLINGSWORTH, MEMBER OF THE STATE SENATE, has requested an opinion on the following questions:

1. In preparation for submitting a bond measure to the electorate for approval, may a community college district use district funds to hire a consultant to conduct surveys and establish focus groups to assess the potential support and opposition to the measure, the public's awareness of the district's financial needs, and the overall feasibility of developing a bond measure that could win voter approval?

2. In preparation for submitting a bond measure to the electorate for approval, may a community college district use district funds to hire a consultant to develop and implement a strategy for building the broadest possible coalition in support of the measure and the financial support for a campaign by, for example, assisting the district chancellor in scheduling meetings with civic leaders and potential campaign contributors in order to gauge their support for the bond measure?

3. After a community college district has placed a bond measure on the ballot, consistent with its charter, articles, and bylaws, may the district's nonprofit foundations, student body associations, and other auxiliary organizations independently determine to contribute their own privately raised funds to a political action committee established specifically to advocate voter approval of the bond measure?

## CONCLUSIONS

1. In preparation for submitting a bond measure to the electorate for approval, a community college district may use district funds to hire a consultant to conduct surveys and establish focus groups to assess the potential support and opposition to the measure, the public's awareness of the district's financial needs, and the overall feasibility of developing a bond measure that could win voter approval.

2. In preparation for submitting a bond measure to the electorate for approval, a community college district may not use district funds to hire a consultant to develop and implement a strategy for building the broadest possible coalition in support of the measure and the financial support for a campaign by, for example, assisting the district chancellor in scheduling meetings with civic leaders and potential campaign contributors in order to gauge their support for the bond measure if the purpose or effect of such actions serves to develop a campaign to promote approval of the bond measure by the electorate.

3. After a community college district has placed a bond measure on the ballot, consistent with its charter, articles, and bylaws, the district's nonprofit foundations, student body associations, and other auxiliary organizations may independently determine to contribute their own privately raised funds to a political action committee established specifically to advocate voter approval of the bond measure, subject to applicable campaign disclosure requirements.

## ANALYSIS

It is well settled that a public agency may not use public funds to campaign for one side or the other in an election contest. (*Stanson v. Mott* (1976) 17 Cal.3d 206; *Schroeder v. Irvine City Council* (2002) 97 Cal.App.4th 174; *League of Women Voters v. Countywide Crim. Justice Coordination Com.* (1988) 203 Cal.App.3d 529 ("League of Women Voters"); *Miller v. Miller* (1978) 87 Cal.App.3d 762; 73 Ops.Cal.Atty.Gen. 255 (1990).) The three questions presented for analysis seek clarification concerning how that