

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

W9d



June 24, 1996

TO: Commissioners and Interested Persons
FROM: Ralph Faust, Chief Counsel
SUBJECT: Resolution to Accept Donation of Reimbursement of Travel Expenses
In Connection with Deposition of Commission Staff Member

For Commission Consideration on July 10, 1996, Item No. 9(d)

Staff Recommendation

The staff recommends that the Commission adopt the attached resolution so that the Commission can accept donation of reimbursement of travel expenses incurred in connection with the Commission's defense of the deposition of a Commission staff member in third-party litigation involving Coastal Act issues. The resolution is required to satisfy the criteria for donation of gifts to a public agency set forth by the Fair Political Practices Commission. (Opinion requested by Peter Stone, 3 FPPC Opinions 52, No. 77-003, June 9, 1974.) The Fair Political Practices Commission has advised staff that the reimbursement is properly considered a gift to the Commission. With this resolution, the donation will be considered a gift to the Commission and not to any individual and therefore will not be reportable as a gift to the individual staff member attending the deposition.

Background

A Commission staff member was subpoenaed for deposition in third-party litigation entitled Malibu Professional Park Associates, et al. v. Miramar Publishing Company, et al., Los Angeles Superior Court, Case No. BC104301. Because the suit raised important issues involving the Coastal Act and challenged the Commission's practices, it was necessary for Commission counsel to travel to and defend the deposition. As the Commission's budget does not contain sufficient funds to cover third-party litigation expenses such as these, several of the parties to the suit agreed to reimburse the Commission for travel expenses incurred. Those expenses included the cost of an airline flight and rental car. The parties to the litigation who agreed to reimburse the Commission include: Miramar Publishing Company (a California corporation), Miramar Investment Company (a California general partnership), Beitler & Associates (a California corporation), and Tony Dorn (an individual).

RESOLUTION OF THE
CALIFORNIA COASTAL COMMISSION

1. WHEREAS, John Ainsworth, a Commission staff member, was subpoenaed for deposition in third-party litigation entitled Malibu Professional Park Associates, et al. v. Miramar Publishing Company, et al. and the suit raised issues making it necessary for the Commission to defend its interests in this deposition;
2. WHEREAS, several of the parties to the litigation agreed to reimburse the Commission for travel expenses (consisting of one airline flight and rental car) incurred in connection with the Commission's defense of the deposition;
3. WHEREAS, the circumstances under which the parties are providing this reimbursement are consistent with the Fair Political Practices Commission's opinion in that the parties are making the reimbursement of travel expenses generally available to California Coastal Commission personnel, rather than to a specific individual staff member, in connection with Coastal Commission business without regard to official status, the Coastal Commission is exercising substantial control over the use of the reimbursement, and the Coastal Commission is formalizing the making of the reimbursement in this resolution (Opinion requested by Peter Stone, 3 FPPC Opinions 52, No. 77-003, June 9, 1974);
4. WHEREAS, a copy of this resolution shall be filed with the Commission employee who maintains the records of the Commission staff's statements of economic interest;
5. NOW, THEREFORE BE IT RESOLVED that the California Coastal Commission accepts the donation of the reimbursement of travel expenses from Miramar Publishing Company, Miramar Investment Company, Beitler & Associates, and Tony Dorn for use as set forth above.

This resolution was adopted by
the California Coastal Commission
on July 10, 1996

Louis Calcagno, Chairman
California Coastal Commission