

MEMORANDUM OF LAW

DATE: March 18, 1986
TO: Councilwoman Gloria D. McColl
FROM: City Attorney
SUBJECT: Reportability of Colorado River Aqueduct Trip

You recently asked our guidance on whether or not you should report a recent trip to tour the Colorado River Aqueduct. We understand you toured this facility with your husband as the guest of the Metropolitan Water District. You anticipate an additional trip to view other water facilities sponsored by the same agency.

While the term "gift" is statutorily defined in the Political Reform Act (California Government Code section 82028), the Fair Political Practices Commission has issued a ruling on a highly similar trip. Passing on the trip of John Stephen Spellman to tour a P.G. and E. nuclear power plant in San Luis Obispo County, the commission ruled:

Travel is intangible in nature, and Section 82028 specifically provides that payment of another's travel expenses is a gift, because of the potential for abuse. This does not apply to the tour in question here. Mr. Spellman's travel expenses are paid by the State, and the tour that is provided by PG&E, although intangible in nature, supplies information in a useful form and does not lend itself to any accompanying gratuities or special favors.

....

The acquisition of adequate information is essential to sound legislative and administrative action. It is not the purpose of the Political Reform Act to interfere in any way in the free flow of information to

officials. Only financial pressures and inducements are sought to be limited and disclosed. See Section 81001(b). The tour outlined here would increase the knowledge of the legislative official and would be neither prohibited nor reportable as a gift under the Act.

In re opinion on Spellman,
1 FPPC 16 (1975)

The similarity of your trip to his is compelling. You are the guest of the Metropolitan Water District, a public district, and you take the trip to gain information to enable you to take sound legislative and administrative action. Hence we believe you need not report this trip as a gift.

We have a similar conclusion with respect to your being joined by your husband. Gifts to spouses are separate property. California Civil Code sections 5107 and 5108. Consequently you have no interest in any gift received by your husband and are not required to report such. California Government Code section 87207; In re Opinion on Cory, 2 FPPC 48 (1976). Of course joint gifts or gifts made for the benefit of both are treated differently. Cory, *supra* at 51-53.

We conclude therefore that no reporting obligations are incurred by you as a result of the two (2) trips described.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

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