

MEMORANDUM OF LAW

DATE: April 14, 1995

TO: Kris Michell, Director of Community Outreach,
Mayor's Office

FROM: City Attorney

SUBJECT: Letter Regarding Children's Summit

On a priority basis, you asked for our review of a proposed letter to be sent to approximately 800 community leaders to discuss the Children's Summit on April 27, 1995. Because of the size of this distribution and attendance by elected officials, you asked our review of potential problems. In keeping with your priority request, our brief comments follow:

1. Mass Mailings

Generally California Government Code section 89001 prohibits mass mailings (at least 200 copies of a document mailed in one calendar month). However, the California Fair Political Practices Commission ("FPPC") has adopted a comprehensive regulation governing the interpretation and implementation of this restriction. The regulation at 2 California Code of Regulations 18901(b)(9) permits announcements of public meetings directly related to the elected officer's governmental duties. However, such announcement may not contain the elected officer's photograph or signature. 2 C.C.R. Section 18901(b)(9)(B). The draft letter that you provided clearly relates to the general welfare of San Diego children and hence is within the Mayor's duties and does not contain a photo-graph or signature. Hence we find it meets all the restrictions of the regulation.

2. The Brown Act

The Ralph M. Brown Act (California Government Code section 54950 et seq.) governs the noticing and conduct of public meetings. Yet the requirements of the Act do not govern conferences or similar gatherings, open to the public, involving discussions of issues of general interest. Section 54952.2(e)(2). Members of the legislative body, however, may not discuss among themselves specified business other than that of the specified program, i.e., children's welfare issues. Hence we find the conference of April 27, 1995 does not fall within the ambit of the Brown Act.

I trust this gives you express direction within the confines of your time priority.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

TB:mb:072(x043.2)

cc John M. Kaheny,

Assistant City Attorney

ML-95-28