



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
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**To:** Chair Miadich and Commissioners Cardenas, Hatch, and Wilson

**From:** Dave Bainbridge, General Counsel  
Brian Lau, Assistant General Counsel

**Subject:** Advice Letter Report and Commission Review

**Date:** December 30, 2020

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The following advice letters have been issued since the November 24, 2020, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the January 2021 Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at:

<http://www.fppc.ca.gov/the-law/opinions-and-advice-letters/law-advice-search.html>.

### **Conflict of Interest**

**Sudhanshu Jain**

**[A-20-126](#)**

Councilmember has a potential conflict of interest in governmental decisions concerning a proposed plan for a focus area due to the proximity of his primary residence. However, the official may take part in the decision under the public generally exception because 16.34% of the residential parcels in the official's district are within 1,000 feet of the focus area and there is no indication that the official's residence will be uniquely affected.

**Richard D. Pio Roda**

**[A-20-130](#)**

Members of a temporary budget advisory task force have no decision-making authority and do not qualify as public officials subject to conflict-of-interest provisions under the Act. However, city employees who serve on the task force are subject to the conflict-of-interest provisions and may be prohibited from taking part in task force decisions if there is a reasonably foreseeable and material effect on a financial interest as enumerated in Section 87103 of the Act.

**Andrew Morris**

**[A-20-145](#)**

Under the Act, a councilmember is prohibited from taking part in decisions regarding the development of a parcel of land, which would introduce up to 580 additional residential units and desirable new amenities, because it is reasonably foreseeable that such significant development would affect the potential rental value of the councilmember's leased property located approximately 700 feet away.

**Arnold M. Alvaraz-Glasman** [A-20-148](#)

Under the Act, a public official may not take part in decisions affecting the development of a vacant 51-acre parcel of land into new park land where that parcel is located directly behind and visible from that public official's residence, given the proximity of the development and the foreseeable effect it would have on the value, use and enjoyment, and view of the public official's property.

**Section 1090**

**Renee Stadel** [A-20-120](#)

Section 1090 would prohibit a councilmember from making or participating in making, and the city from entering into or extending, a contract between the city and a potential city contractor if the councilmember's spouse becomes an employee, agent, or subcontractor of that contractor

**Joshua K. Clendenin** [A-20-143](#)

Section 1090 prohibits a city from entering into an energy services contract with a company to develop energy related improvement options and then perform the work, but only after the contract is amended to reflect the actual work the city authorizes the company to perform. Because the amended contract would be a separate contract for purposes of Section 1090, the city would be prohibited from entering two separate contracts with the same energy services company where the scope of work in the amended contract would be established through services performed under the initial contract.