



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: October 30, 2020

The following advice letters have been issued since the September 25, 2020, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the November 2020 Commission Meeting. Full copies of 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

Prasanna W. Rashiah

[A-20-103\(a\)](#)

A City Mayor may not take part in amending a General Plan to permit additional office-space where there is clear and convincing evidence the underlying projects would substantially affect property owned by individuals who are sources of income to the Mayor, including a foreseeable effect on the property's market value and income-producing potential.

Jonathan P. Hobbs

[A-20-105](#)

Two councilmembers, who both have sources of income due to their spouses' employment with medical care providers, have conflicts of interest in decisions to approve a new medical facility, which would include a hospital, within the City.

Donna Mooney

[A-20-106](#)

For a planning commission design review decision on a project that is part of a large multi-year development subject to a development agreement, and the official has a leasehold interest in an apartment in an adjacent apartment complex, the official may participate where the decision will not change the lease termination date or allowable use, and there are no facts indicating the design review decision will impact the rental value of the property or its use and enjoyment.

David M. Snow

[A-20-116](#)

City Councilmember and City Attorney may take part in decisions related to the adoption of a Mixed-Use Overlay Zone that would permit mixed-used development at locations near their residences, where any potential effect on the residences would be indistinguishable from the effect on the public generally. Likewise, a Mayor may take part in the same decisions where the establishment of the Overlay Zone would not foreseeably and materially affect his business entity and would not change the termination date of his leased property, increase or decrease its

potential rental value, change its actual or legally allowable use, or impact the Mayor's use and enjoyment of the property.

Gleam Davis[A-20-117](#)

City Councilmember has a conflict of interest in a decision involving a business entity, which is a named party and subject of the proceeding, and "otherwise related" to a business that is a reportable source of income to the official.

Jesse W. Barton[A-20-121](#)

Utilities District Director has a disqualifying conflict of interest in the client of his title company, such that he is precluded under the Act from participating in decisions coming before the district in which the client is a named party. Further, the district may not invoke the legally required participation exception to permit him to participate in the decision, as the board may convene the necessary quorum to conduct business with members free of 87100 financial conflicts.

Gary W. Schons[A-20-127](#)

City Councilmember may take part in a decision whether to hire a real estate broker to list two City-owned properties located within 500 feet and 1000 feet, respectively, of his residence because the decision to hire the broker is intended to gauge the public interest in the properties and is not a decision to sell the property at this time. Accordingly, the decision will not have any measurable impact on the councilmember's property.

Conflict of Interest Code**Seth Steiner**[A-20-108](#)

A member of a purely advisory body is not a "public official" as defined by the Act, and thus, not subject to the disclosure and disqualification requirements of the Act.

Section 1090**Suzanne Jones**[A-20-096](#)

The Act does not prohibit County Supervisor from taking part in decisions relating to the potential hiring of the Supervisor's district aide, and Section 1090 does not prohibit the Supervisor from making or participating in making a potential contract between the county and the Supervisor's adult brother governing the brother's service as the Supervisor's district aide, because the Supervisor is not financially interested in those decisions or that potential contract.

Roberto M. Contreras[A-20-119](#)

Section 1090 does not prohibit a city from entering a contract with an independent contractor for roof replacement services on a project where the independent contractor provided roof assessment services under a previous contract for the same project because the independent contractor is not subject to Section 1090 based on the scope of services provided under the initial contract.