

1 **§ 18706.[Renumbered from Regulation 18709]**

2 (a) An agency may segment a decision in which a public official has a financial interest,
3 to allow participation by the official, provided all of the following conditions apply:

4 (1) The decision in which the official has a financial interest can be broken down into
5 separate decisions that are not inextricably interrelated to the decision in which the official has a
6 disqualifying financial interest;

7 (2) The decision in which the official has a financial interest is segmented from the other
8 decisions;

9 (3) The decision in which the official has a financial interest is considered first and a final
10 decision is reached by the agency without the disqualified official's participation in any way; and

11 (4) Once the decision in which the official has a financial interest has been made, the
12 disqualified public official's participation does not result in a reopening of, or otherwise
13 financially affect, the decision from which the official was disqualified.

14 (b) For purposes of this regulation, decisions are "inextricably interrelated" when the
15 result of one decision will effectively determine, affirm, nullify, or alter the result of another
16 decision.

17 (c) Budget Decisions and General Plan Adoption or Amendment Decisions Affecting an
18 Entire Jurisdiction: Once all the separate decisions related to a budget or general plan affecting
19 the entire jurisdiction have been finalized, the public official may participate in the final vote to
20 adopt or reject the agency's budget or to adopt, reject, or amend the general plan. Comment: This
21 regulation implements the segmentation principle outlined in the Commission's opinion In re
22 Owen (1976) 2 FPPC Ops. 77. Note: Authority cited: Section 83112, Government Code.
23 Reference: Sections 87100 and 87103, Government Code.

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