



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Miadich and Commissioners Baker, Wilson, and Wood

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

Subject: Advice Letter Report

Date: August 25, 2023

The following advice letters have been issued since the July 28, 2023, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the September 21, 2023, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Conflict of Interest

Ishvi Aum

[I-23-109](#)

Under the Act's public generally exception, a community services district board member may be permitted to take part in governmental decisions involving the amendment of a ground water management plan that would impact the development criteria of the entire jurisdiction, including his own real property, so long as the decisions will not have a unique effect on the official's economic interests. However, we are unable to determine whether the public generally exception applies without identifying a specific decision before the district.

Matthew T. Summers

[A-23-114](#)

Councilmember is potentially disqualified from mixed use housing development project decisions where the project will develop a commercial area into housing, bring construction noise, and increase traffic on a parcel located in close proximity to the official's leased commercial office space. However, the Councilmember may take part in the decisions under the public generally exception as a significant segment of the businesses in the City, 45 percent, are within 500 feet of the project and the facts indicate there is no unique effect on the official's interests in comparison to the significant segment.

Christine Dietrick

[I-23-118](#)

Under the Act, Vice Mayor and Assistant City Attorney are generally prohibited from taking part in decisions related to the construction of a freeway interchange near their neighborhood, and supported by assessment on property in the neighborhood, if decisions would explicitly involve the officials' respective properties under Regulation 18702.2(a)(1)-(6). To the extent a decision regarding the interchange would *not* explicitly involve the officials' respective properties, which are more than 1,000 feet from the interchange, the officials may take part in the decisions unless there is clear and convincing evidence of a substantial impact on their real property.

Peter Thorson[A-23-120](#)

Councilmember is prohibited under the Act from taking part in decisions relating to a proposed project to construct, which includes up to 1,192 new residential units, 3 million square feet of commercial and industrial space, a 160-room hotel, and 11 acres of parks and open space on approximately 248 acres of predominately vacant land within 500 and 1000 feet from her residence, because it is reasonably foreseeable that the project will have a material financial effect on her residence including a potential effect on the market value of the residence.

Scott M. Rennie[A-23-123](#)

Councilmember who owns a residence located within 500 feet of an unincorporated industrial area, which is the subject of annexation decisions and the adoption of a draft specific plan, has a conflict of interest in these decisions and may not take part in them. Based on the nature of the decisions and proximity to the official's residence, it is reasonably foreseeable the decisions would have a material financial effect on the Councilmember's residence.

Melina C. H. Stewart[A-23-130](#)

Councilmember has a disqualifying financial interest and may not take part in decisions involving a project, which includes relocating area designated for housing within 1,000 feet of the official's property and redesignating the area as open space because it is reasonably foreseeable the decisions may change the character or market value of the Councilmember's interest in property. However, it may be possible to segment other subsequent decisions to allow the official to take part in decisions in which the official does not otherwise have a disqualifying conflict of interest.

Section 1090**Marco A. Martinez**[A-23-033](#)

Mayor has a conflict of interest under the Act and Section 1090 that prohibits him from participating in decisions by the City to sell or lease City property to his employer. Additionally, under Section 1090, the City is also prohibited from selling or leasing City property to the Mayor's employer unless an exception applies. However, while the facts indicate selling or leasing the property to the Mayor's employer may be the best option for the City, this fact does not establish that selling or leasing the property to the employer is necessary. Accordingly, there is no indication that any exception, including the rule of necessity, applies and the City is prohibited from entering a contract to sell or lease the property to the employer.