



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

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

Subject: Advice Letter Report

Date: September 27, 2024

The following advice letters have been issued since the August 30, 2024, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the October 17, 2024, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

Conflict of Interest

Quinn M. Barrow

[A-24-093](#)

It is reasonably foreseeable that the decisions regarding the development of a 10-acre commercial and high-density residential project located 604 feet from the property line of the mayor's property, which includes ten parcels, his residence, and undeveloped land (zoned low to medium residential), will have a material financial effect on the official's properties as the decisions will impact the parcels' development potential, income-producing potential, highest and best use, character, and market value. Similarly, it is reasonably foreseeable that the decisions will have a material financial effect on the mayor pro tem's 5-acre, two-parcel, property interests located within 648 feet of the project site where the property includes undeveloped commercial land. Each official is disqualified from taking part in the development project's decisions.

H. James Lance

[A-24-097](#)

A council member who owns real property within 500 feet of a city park that will receive a variety of improvements as the result of a proposed project has a disqualifying financial interest in the decision. Under Commission regulations, it is reasonably foreseeable a decision will have a material financial effect on property within 500 feet unless there is clear and convincing evidence presented to establish that there would be no measurable impact on the property.

Benjamin L. Stock

[A-24-101](#)

A planning commissioner is not prohibited from appearing before the city council, provided the city council's decision will be a final decision. Because the city council is not appointed by or subject to the budgetary control of the planning commission, the planning commissioner is not attempting to use an official position to influence a decision when appearing before the city, as an attorney on behalf of a private client, so long as the planning commissioner does not act or purport to act as a representative of or on behalf of the planning commission.

Jennifer M. Lyon[A-24-104](#)

Two elected city officials with residences located within 240 and 340 feet, respectively, may take part in decisions regarding a project to repair and improve a six-lane primary arterial street and commercial corridor under the public generally exception. Based on the facts provided, a significant segment of the public will be affected by the decisions, and there are no indications the decision will have a unique effect on the officials' residences.

Revolving Door**Joe Stuyvesant**[A-24-084](#)

For purposes of Section 87406.3 and Regulation 18746.4(b)(2) regarding the local one-year ban, a chief administrative officer is not deemed to have permanently left office on the first day of paid administrative leave as he continued to be an employee of the district and receive a salary, even though relieved of his job duties. His date of resignation from the local agency is the date he permanently left office.

Isra Shah[A-24-089](#)

City may enter into agreements with a limited liability company for a housing project under the rule of necessity. Even though a city council member's spouse represents the majority owner of the company in unrelated legal matters and has contacted the city as the owner's representative regarding one of the agreements, the rule of necessity applies because the city council is the only entity authorized to enter into the contract on behalf of the city. However, the city council member must recuse herself from the decisions.