MARCH 2007

Campaign	
Dated: **File Number**	
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Conflicts of Interest	
Gilberto Gil **Redlands City Council** **Dated: March 22, 2007** **File Number A-07-015**	1. A city councilmember who owns property in a particular neighborhood may discuss with its residents the potential use of redevelopment to enhance the neighborhood. 2. He may not, however, discuss with other councilmembers nor may he participate in a vote regarding the designation of a redevelopment area where the area would include his neighborhood.
Rita Anderson and Katherine King **Borrego Water District Board** **Dated: March 1, 2007** **File Number A-07-016**	Two members of a water district board have a conflict of interest and must disqualify themselves from decisions concerning a Mello Roos bond refinancing because it is reasonably foreseeable that the decisions will have a material financial effect on their real estate firms which are business interests and sources of income for them.
Olly Kaluz **El Dorado County Development Services Building. Services** **Dated: March 6, 2007** **File NumberA-07-019**	A county building inspector whose job entails approval of building plans may operate a fire sprinkler consulting business without violating the conflict of interest provisions of the Act because her business does not conduct business within the jurisdiction of her agency and, therefore, she will not be making, participating in or influencing governmental decisions involving the business or its clients.
Andrew Carter **City of San Luis Obispo** **Dated: March 5, 2007** **File NumberA-07-020**	A city attorney sought advice as to whether a councilmember may participate in decisions regarding a proposed development project across the street from the councilmember's place of employment. The councilmember may participate if it is not reasonably foreseeable that the governmental decisions will have a material financial effect on any of his economic interests.
Jon Sharkey **City of Port Hueneme** **Dated: March 5, 2007** **File NumberA-07-023**	A city attorney asked on behalf of a city councilmember if the city councilmember is disqualified from participating in governmental decisions involving development of city owned property that is located within 500 feet of property the councilmember owned but recently gave to his mother in exchange for her property that is located

	within the jurisdiction but more than 500 feet from the city owned property. Staff advised that it was likely the councilmember was disqualified from participating in the decisions because the exchange of property amounted to his mother becoming a source of income to him and because the property she now owned was located within 500 feet of the property that would be the subject of the governmental decisions, there would likely be a reasonably foreseeable material financial affect on his mother. Staff also advised that the property the councilmember received from his mother could also cause a potential conflict of interest if the governmental decisions would result in a reasonably foreseeable material financial effect on that property.
Julie Borden **Hillsborough City School District** **Dated: March 12, 2007** **File Number I-07-025**	Under the Act's conflict-of-interest rules, a school board member who owns real property within 500 feet of a school campus affected by a governmental decision, may rebut the presumption that the financial effect will be material if the official reasonably relies on an appraisal by a disinterested and qualified real estate professional which is based upon an accurate understanding of the pertinent facts and circumstances. Additionally, the Act's conflict-of-interest rules do not prohibit a school board member from participating in a governmental decision relating to school campus within 500 feet of her home if either (1) 10% or more of all property owners or homeowners in the school district, or (2) 5,000 property owners or homeowners in the school district would be affected, and the governmental decisions in question would affect her economic interest in her home substantially the same manner as it would affect the significant segment identified.
Jerry Birdwell **City of Lake Tahoe** **Dated: March 15, 2007** **File Number A-07-026**	A local city councilmember is advised that he does not have a conflict of interest under the Act participating in a governmental decision to provide funding for a local visitors bureau or local chambers of commerce where he owns a lodging facility in the city and the organizations solicit visitors to the area, including visitors to his facility.
Lucille Kring **Anaheim City Council** **Dated: March 19, 2007** **File Number A-07-035**	A local city councilmember is advised that she does not have a conflict of interest under the Act participating in a governmental decision concerning land use issues where she does not have any economic interests that would be financially effected by the decision.
Robert Stadum **Hi-Desert Water District** **Dated: March 7, 2007** **File Number I-07-037**	The president of a water district sought advice regarding whether the conflict of interest provisions of the Act prohibit him from voting on the approval of a Water Supply Assessment (WSA), which is necessary for the progress of a new housing development within the boundaries of the water district. The official does not have an economic interest in the

	new development; however, he does own property in water district territory that he is planning to develop at a future date. The WSA concludes that there is enough water in the area to service the entire water district region for all planned and future uses over the next 20 years. If the approval or disapproval of the WSA makes it reasonably foreseeable that the official's future plans to build housing developments may be materially affected, he would be prohibited from participating in the decision
Eric Bush **El Segundo City Council** **Dated: March 26, 2007** **File Number I-07-046**	Following up a prior advice letter (I-06-222), this letter expressly states that the business entity in question would be indirectly involved in certain decisions so long as it did not initiate the proceeding, and was not a named party or a subject of the proceeding.
Tony Campos **Santa Cruz Board of Supervisors** **Dated: March 03/27/07** **File Number I-07-049**	County supervisor's economic interest in real property is directly involved in governmental decisions to rezone nearby property and to amend the county's affordable housing program because the supervisor's property is within 500 feet of property subject to the decisions. The financial effect of these decisions is presumed to be material. Thus, the supervisor may not participate in the decisions unless he can prove that the presumption has been rebutted and determine that there will be no other reasonable foreseeable material financial effects on his other economic interests. Moreover, the supervisor may not participate in amendments to the general plan and zoning code necessitated by the rezoning decision because, even if these amendments are applicable to all properties in a zoning category, specific circumstances indicate a reasonably foreseeable material financial effect on his economic interest in real property.

Conflict of Interest Code	
Elizabeth McGie **County of Butte Indian Gaming Local Community Benefit Committee** **Dated: March 13, 2007** **File Number I-06-207-**	County counsel requested advice as to whether an "Indian Gaming Local Benefit Committee" created pursuant to Government Code section 12710 through 12718 is a local agency required to adopt a conflict of interest code and, if so, what provisions should be contained in the code. Staff advised that the Indian Gaming Local Benefit Committee was a local agency and that the conflict of interest code provisions would first need to be addressed by the code reviewing body, the county board of supervisors.
Dated: **File Number**	

Gift	
Steven W. Enoch **San Juan Unified School District** **Dated: March 29, 2007** **File NumberA-07-042**	School District legal analyst sought advice on behalf of Superintendent regarding the gift provisions of the Act. Specifically, the requestor wished to know if the Superintendent may accept a payment of travel from a software vendor in order to discuss the vendor's contract with the school district. The Superintendent may accept the travel payment, but it is deemed a gift to the Superintendent subject to gift limits and the reporting and conflict of interest provisions of the Act.

Honoraria	
Dated: **File Number**	

Lobbying	
Dated: **File Number**	

Revolving Door	
Kenneth L. Glick **CA Energy Commission** **Dated: March 9, 2007** **File Number I-07-004**	The former state official is prohibited by the one-year ban from communicating with his former state employer, for compensation and in representation of a private employer, for the purpose of influencing licensing and rulemaking proceedings. The former official is also prohibited by the permanent ban from communicating with other state agencies for the purpose of influencing quasi-judicial proceedings including licensing proceedings. The former official is not, however, prohibited from participating in general informational meetings or requesting information available to the public.

Revolving Door ------**Continued**	
Dennis Green **CA Dept. of Transportation** **Dated: March 2, 2007** **File Number I-07-006**	A former state employee sought advice regarding his ability to appear before his former state employer as an independent contractor. He was employed as a Staff Services Manager I. His position was not designated in the agency conflict of interest code during his employment. However, from the facts provided, it appeared that his position should have been designated. Staff advised that though there were no facts to indicate that the permanent ban on switching sides was implicated, he was prohibited from appearing before his former agency as an independent contractor on behalf of his new employer under the one-year ban.
Stephen L. Jenkins **CA State Lands Commission** **Dated: March 10, 2007** **File Number I-07-017**	The permanent ban prohibits a former state official, who wishes to contract with his former state employer to perform environmental impact reports, from communicating with his former employer to influence any proceedings involving reports necessitated by applications to lease state lands submitted while the official was employed by the state.
Trent J. Benedetti **James Rigali for Superior Court Judge Committee** **Dated: March 5, 2007** **File Number A-07-021**	The treasurer of a campaign committee with outstanding debts sought advice regarding whether it was permissible to terminate a campaign committee with outstanding debts, if the candidate plans to continue paying the debts with his own personal funds. The requestor was advised that a campaign committee may not be terminated if the candidate plans to raise additional funds, or pay the outstanding debt with personal funds.
Brain Ramsey **City of Weed Police Department** **Dated: March 14, 2007** **File Number A-07-029**	A former city councilmember is not prohibited by the Act from accepting a position with the city's police department as a police dispatcher, and he is not prohibited by the 12-month ban of section 87406.3 from appearing before the city council if he is doing so as part of his police dispatching duties.
Gary Freeman **Tri-County Economic Development Corporation** **Dated: March 20, 2007** **File Number A-07-032**	The one-year ban on communications with an agency that formerly employed a public official does not prohibit a former county supervisor from making appearances before or communicating with the county board of supervisors, or any officer or employee thereof, on behalf of a local resource conservation and development council because he receives no

	compensation whatsoever from the council.
Ben Williams **Department of Finance** **Dated March 29, 2007** **File Number A-07-043**	School District legal analyst sought advice on behalf of Superintendent regarding the gift provisions of the Act. Specifically, the requestor wished to know if the Superintendent may accept a payment of travel from a software vendor in order to discuss the vendor's contract with the school district. The Superintendent may accept the travel payment, but it is deemed a gift to the Superintendent subject to gift limits and the reporting and conflict of interest provisions of the Act.

Statements of Economic Interests	
Donald E. Wilson **Dated: March 26, 2007** **File NumberA-07-039**	A former member of the Antelope Community Planning Advisory Council, who resigned effective December 26, 2006, is not required to disclose a 2007 business venture investment on his Leaving Office Statement (Form 700).