



FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

To: Chair Remke, Commissioners Casher, Eskovitz, Wasserman, and Wynne

From: Hyla Wagner, General Counsel

Subject: Legal Division's Monthly Report

Date: April 1, 2015

A. OUTREACH AND TRAINING

None to report this period.

B. PROBABLE CAUSE DECISIONS

None to report this period.

C. LEGAL ADVICE TOTALS

- ***Email Requests for Advice:*** In March 2015, Legal Division attorneys responded to more than 109 email and telephone requests for legal advice.
- ***Advice Letters:*** In March 2015, the Legal Division received 22 advice letter requests and issued 11 advice letters.
- ***Section 1090 Letters:*** During the same period, the Legal Division received two advice letter requests concerning Section 1090 and issued two advice letters. This year to date we have received seven requests regarding Section 1090 (not including conflict of interest letters that incidentally deal with Section 1090 issues).

D. ADVICE LETTER SUMMARIES

Behested Payments

Michele Beal Bagneris

A-15-011

Payments made at the request of the mayor to the City of Pasadena to defray the costs of the City's 33rd Annual Black History Parade and Festival are made at the mayor's behest and must be reported on the Behested Payment Report.

Conflict of Interest

Julia Lew

A-15-009

City officials may not make, participate in making, or use their positions to influence any decisions regarding a mixed-use project approximately 460 feet from their residence. Without a more specific description of the project and nature of the community, the facts provided are insufficient to indicate that there will be no reasonably foreseeable measurable impact on the officials' property.

Betsy Martyn,

I-15-012

A Water District Board Member, who owns lake front property and is a member of a property owner's association that leases property from the District, has a conflict of interest in the decisions to modify the lease and may not make or participate in making lease decisions or any decisions involving a potential lawsuit by the association involving the lease

David E. Pipal

A-15-028

Water District Board Members who own or lease property in a zone of the district that is the subject of decisions regarding recycled water services have a conflict of interest because it is reasonably foreseeable that the decisions will have a financial effect on their property interests. The public generally rule regarding water districts implementing service or rate changes applies, however, to allow the members to participate in the decisions.

John Sawatzky

A-15-031

A city council member does not have a conflict of interest in decisions relating to his father's real property. A public official has a financial interest in a relative's real property only if the relative is a member of the official's "immediate family," which does not include an adult official's father.

Nicole C. Wright

A-15-033 and A-15-033(a)

Neither Member of the City of Mountain View Bicycle and Pedestrian Advisory Committee has a conflict of interest with respect to governmental decisions relating to the California Street/Escuela Avenue Complete Street Feasibility Study. First, the Study is limited to certain portions of three streets: California Street, Escuela Avenue and Shoreline Boulevard, none of which are the streets on which the Members reside. Second, there are numerous houses between the Members' property and the streets targeted by the study. Finally, preliminary reviews have

E. EXEMPTION REQUESTS

Regulation 18740 provides that an official or candidate (with the approval of the General Counsel) is not required to disclose the name of a person under Section 87207 if disclosure would violate California or Federal law. The following exemption request was approved in March.

Fair Political Practices Commissioner Gavin Wasserman