



California Fair Political Practices Commission

May 23, 1988

Ivan L. Hopkins
City Attorney
City of Grand Terrace
22737 Barton Road, Suite 1
Grand Terrace, CA 92324

Re: Your Request For Advice
Our File No. A-88-151

Dear Mr. Hopkins:

You have requested advice on behalf of the members of the City of Grand Terrace City Council about application of conflict-of-interest provisions of the Political Reform Act (the "Act")^{1/} to their duties on the city council.

QUESTIONS

Each member of the city council owns a home in the general plan area. The city council will be considering amendments of the land use and traffic circulation elements of the current general plan.

1. May all city councilmembers participate in the decision to amend the general plan? From which portions of the general plan amendments would councilmembers be disqualified?

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

2. If a majority of councilmembers are disqualified, how can the city council form a quorum to act on the general plan? For example, if it is too difficult to divide into separate components the decision about the land use element for the southwest portion of the city, may all councilmembers who own property in this area participate in a decision about the southwest area land use element?

3. May all city councilmembers participate in a decision to revise the traffic circulation plan to extend Commerce Way?

CONCLUSIONS

1. A city councilmember is disqualified from participating in a decision concerning the land use designation for the councilmember's real property, unless the decision will have no measurable financial effect on the value of the property. Furthermore, a councilmember is disqualified from participating in a land use decision about neighboring property if the effect of such a decision on the value of the councilmember's property would be foreseeable and material and different from the effect on the general public. Each councilmember's situation is discussed specifically in the Analysis.

2. If a majority of councilmembers are disqualified, a quorum may be formed by random selection from among disqualified councilmembers. Participation of otherwise disqualified councilmembers is limited to what is legally required, which may mean being present only to form a quorum or only to vote on a decision. Even if it is not possible to divide the land use element into separate decisions, disqualified councilmembers may not participate unless participation is legally required.

3. Mr. Grant, Ms. Pfennighausen and Ms. Shirley may participate in decisions to revise the traffic circulation element. Mr. Matteson and Mr. Evans are disqualified from participating in a decision to revise the traffic circulation element if the financial effect of the extension of Commerce Way on their property would be foreseeable, material, and different from the effect on the general public. At the moment, however, we do not have enough information to determine whether the effect of such a decision would require Mr. Matteson's and Mr. Evans' disqualification.

FACTS

The City of Grand Terrace has five city councilmembers: Mayor Byron Matteson and Councilmembers Dennis Evans, Hugh Grant, Barbara Pfennighausen and Susan Shirley. The city council will be considering amendments to the land use and traffic circulation elements of the current general plan.

Mr. Matteson owns his home, which is situated in an area now zoned for commercial use. He also owns a residential rental unit on the same parcel. The present land use designations would remain the same for his parcel. Land use designations for several parcels across the street and from 100 to 1,000 feet south of Mr. Matteson's property would be changed from a mix of residential and commercial use to business park use. A proposed change in the traffic circulation element would extend Commerce Way to the city's boundaries. Presently Commerce Way is a dead-end street that begins across the street from Mr. Matteson's property.

Mr. Evans owns his home, which is situated in an area now zoned for low-density residential use. Even though the city consultant had recommended that Mr. Evans' property be zoned for general commercial use, the planning commission has recommended that the land use designation remain low-density residential. The consultant also had recommended that the properties adjacent to and surrounding Mr. Evans' property be changed from low-density residential to general commercial use, but the planning commission has recommended that they remain low-density residential. The planning commission has recommended changing the designations of the area south of Mr. Evans' property from a mix of low-density residential and general commercial use to business park use. Four real estate brokers estimate that a change in land use designations or the development of adjacent property or both will have little or no effect on the value of Mr. Evans' property.

Mr. Grant owns a home in an area now designated low-density residential. The planning commission has recommended maintaining the present land use designation for Mr. Grant's property and for adjacent and surrounding properties.

Ms. Pfennighausen owns a home situated in an area now designated low-density residential. This designation would not change. The land use designation for property across the street, however, would be changed from light industrial to low-density residential. All other adjacent and surrounding property would remain low-density residential. Four real estate brokers have estimated that the proposed amendment will not change the value of Ms. Pfennighausen's property.

Ms. Shirley owns a home in an area that will retain its low-density residential use designation. Adjacent and surrounding properties also will retain the low-density residential designation. She also owns an undeveloped parcel about a mile away from her home whose use designation will remain low-density residential.

ANALYSIS

Section 87100 prohibits a public official from making, participating in making, or in any way attempting to influence a governmental decision in which an official knows or has reason to know he or she has a financial interest. An official has a financial interest in a decision that will have a foreseeable and material financial effect, different from the effect on the general public, on the official's interest in real property worth \$1,000 or more. (Section 87103.)

City councilmembers are public officials. (Section 82048.) Section 87206(f) specifies that for the purposes of disclosure, an interest in real property does not include a public official's principal residence. Therefore, as you mentioned in your advice request, a public official does not have to disclose his or her principal residence on the statement of economic interests.

Nevertheless, for the purposes of disqualification, an interest in real property includes "any leasehold, beneficial or ownership interest or an option to acquire such an interest worth \$1,000 or more in real property located in the jurisdiction." (Sections 82033 and 87103(b).) Consequently, to determine if disqualification is required, a city councilmember must consider the financial effect of a decision on his or her personal residence and other real property.

Amending the General Plan

In the near future, the city council will be considering changes in land use designations that establish the permitted use of land in the general plan area. We begin with a general discussion of the conflict-of-interest laws, and follow with an analysis of each councilmember's situation.

The Commission has concluded that the effect of a zoning or similar decision concerning an official's real property will be considered material. Consequently, Regulation 18702.1(a)(3) (copy enclosed) prohibits a city councilmember from participating in a decision concerning the permitted use of the councilmember's real property.

Nevertheless, disqualification is not required if it is reasonably foreseeable that the decision will have no measurable financial effect on a councilmember's land. (Regulation 18702.1(c)(3); see Fox Advice Letter, No. I-87-064, copy enclosed.) Therefore, a councilmember will be disqualified from participating in a land use decision concerning his or her own property, unless the decision will have no measurable financial effect on the councilmember's property.

A councilmember also may be disqualified from participating in a general plan amendment concerning neighboring property if the decision will have a foreseeable and material effect on his or her own property and the effect will be different from the effect on the general public.

To require disqualification, the effect of a decision must be foreseeable. An effect does not have to be certain to be foreseeable. However, if an effect were a mere possibility, it would not be foreseeable. (In re Thorner (1975) 1 FPPC Ops. 198, 206-207, copy enclosed.)

The effect of a decision also must be material. Regulation 18702(b)(2) (copy enclosed) provides guidelines for determining whether an effect on real property is material. If the fair market value of the property is less than \$200,000, an increase or decrease in value of \$1,000 or more is material. An effect of less than \$1,000 is never material. If the fair market value is \$200,000 or more, but less than \$2,000,000, an increase or decrease in value of one-half of 1 percent or more is material. If the fair market value is \$2,000,000 or more, an increase or decrease in value of \$10,000 or more is material.

Nevertheless, even if the effect of a land use decision were foreseeable and material, a councilmember would not be disqualified if the decision affected the official's interest in substantially the same manner it affected a significant segment of the public. For the purpose of this analysis, residents and property owners of Grand Terrace are the general public. (See In re Owen (1976) 2 FPPC Ops. 77, 81; In re Legan (1985) 9 FPPC Ops. 1, 12, copies enclosed.)

In the Owen opinion, supra, the Commission concluded that owners of single-family homes are a significant segment of the public. Therefore, if a decision to change a land use designation would affect most residential homeowners in Grand Terrace in substantially the same manner as it affected a councilmember, that councilmember would be able to participate in the decision.

Effects on Mr. Matteson's Real Property

Mr. Matteson may participate in a decision about the land use designation of his property if the decision will have no measurable financial effect on the value of the property. If the land use designation remains the same, we assume there will be no measurable financial effect on the property. Therefore, Mr. Matteson will be able to participate in such a decision.

Two decisions about nearby property, however, may affect the value of Mr. Matteson's property: 1) changes in land use designations for the area across the street and from 100 to 1,000 feet south of his property, and 2) a change in the traffic circulation element to extend Commerce Way. Mr. Matteson should evaluate the effects of those decisions on the value of his own property to determine if he is disqualified from participating in the decisions.

As mentioned before, Regulation 18702(b)(2) should be used to assess the materiality of effects on real property. If a decision will have a foreseeable and material financial effect on Mr. Matteson's property and the effect is different from that on the general public, Mr. Matteson will be disqualified from participating in that decision.

Currently, the Commission is developing regulations that will provide new guidelines for determining whether the effect of a decision is material. Proposed Regulation 18702.3(a)(1) (copy enclosed) concerns effects on real property. This subdivision presumes the effect on an official's real property is material if the property is situated within a 300-foot radius of the boundaries of the property that is the subject of the decision, unless there is no measurable financial effect on the official's real property. In several advice letters, the Commission also has used distance to assess the effect of redevelopment agency decisions on the value of officials' real property interests. (See Roberts Advice Letter, No. A-86-161 [1,000 foot distance]; Mering Advice Letter, No. A-84-325 [four to eight blocks], copies enclosed.)

Consequently, Mr. Matteson may assume a decision concerning the land use designation of property within a 300-foot radius of his own property will have a material effect requiring disqualification from the decision, unless Mr. Matteson knows the decision will have no measurable financial effect. This analysis also applies to a decision to extend Commerce Way, which is within 300 feet of his property.

Effects on Mr. Evans' Real Property

Again, if a decision concerning the land use designation for Mr. Evans' property will have no measurable financial effect on his property, Mr. Evans may participate in a decision about the designation. The land use designation for Mr. Evans' property will remain low-density residential. Based on this information, it appears the decision will have no measurable financial effect on the property. Therefore, Mr. Evans may participate in a decision concerning the designation for his property.

Four real estate brokers have said the proposed amendments to the general plan or the ensuing development of adjacent properties or both will have little or no effect on the value of Mr. Evans' property. Decisions about the land use designations for nearby property and the traffic circulation element will require disqualification only if those decisions will have foreseeable and material financial effects on the value of Mr. Evans' property.

Mr. Evans should use Regulation 18702(b)(2) to assess whether the effect of those decisions will require his disqualification. Furthermore, proposed Regulation 18702.3(d) provides a list of factors to consider in making this determination. This list is based on factors regularly considered in previous advice letters and opinions. The factors are as follows:

(1) The proximity of the property which is the subject of the decision and the magnitude of the proposed project or change in use in relationship to the property in which the official has an interest;

(2) Whether it is reasonably foreseeable that the decision will affect the development potential or income producing potential of the property;

(3) In the case of residential property, whether it is reasonably foreseeable that the decision will result in a change to the character of the neighborhood including, but not limited to, effects on traffic, view, privacy, intensity of use, noise levels, air emissions, or similar traits of the neighborhood.

Mr. Evans should consider these guidelines to determine whether he will be disqualified from decisions to change land use designations for nearby property and to extend Commerce Way.

Effects on Mr. Grant's Real Property

The land use designations for Mr. Grant's property and nearby property will remain low-density residential. Based on this information it appears that decisions about his and nearby property will have no measurable financial effect on the value of Mr. Grant's property. Therefore, Mr. Grant will be able to participate in decisions concerning land use designations.

Furthermore, Mr. Grant's property is situated more than 3,000 feet from Commerce Way. Because of this distance, the effect of a decision about extending Commerce Way would not have a foreseeable material financial effect on Mr. Grant's property. In turn, Mr. Grant may participate in a decision about extending Commerce Way.

Effects on Ms. Pfennighausen's Property

Four real estate brokers have said the proposed amendment will have no effect on the value of Ms. Pfennighausen's home. Ms. Pfennighausen may participate in a decision to approve the land use designation for her home if the decision will have no measurable financial effect on her property. The designation for Ms. Pfennighausen's residence will not change; therefore, she may participate in that portion of the general plan amendments.

Again, it is not clear whether the real estate brokers evaluated the specific effect land use decisions regarding nearby property would have on Ms. Pfennighausen's home. For example, the land use designation for property within 300 feet of Ms. Pfennighausen's home may be changed from light industrial to low-density residential. Ms. Pfennighausen should review the discussion concerning Mr. Matteson to determine whether the effect of land use designation changes for nearby properties will have a foreseeable and material financial effect on her property. Unless there would be no measurable effect on the value of her property, Ms. Pfennighausen would be disqualified from participating in a decision concerning the land use designation for the property within 300 feet of her residence.

Ms. Pfennighausen's property is more than a mile from Commerce Way. Because of the distance, a decision to extend Commerce Way will be considered not to have a foreseeable material effect on her property. Ms. Pfennighausen may participate in a decision to extend Commerce Way.

Effects on Ms. Shirley's Real Property

Land use designations for both of Ms. Shirley's parcels and for surrounding property will remain low-density residential. Based on these facts, it appears decisions about her own and nearby property will have no measurable financial effects on the value of Ms. Shirley's property. Therefore, Ms. Shirley may participate in those decisions.

Commerce Way also is more than a mile from both Ms. Shirley's parcels. Because of the distance, a decision to extend Commerce Way will be considered not to have a material effect on her property. Ms. Shirley may participate in a decision to extend Commerce Way.

Legally Required Participation

You asked whether all councilmembers could participate in decisions about the general plan if the general plan decision could not be bifurcated. In the past, the Commission has advised that separating decisions about a zoning ordinance might permit an otherwise disqualified public official to participate in part of the decision in which the official did not have a financial interest. (See Huffaker Advice Letter, No. A-86-343.) Nevertheless, if a decision to amend the general plan cannot be divided into separate components, disqualified councilmembers may participate only to the extent their participation is legally required. (Section 87101.)

Regulation 18701(a) (copy enclosed) defines legally required participation as follows:

- (a) A public official is not legally required to make or to participate in the making of a governmental decision within the meaning of Government Code Section 87101 unless there exists no alternative source of decision consistent with the purposes and terms of the statute authorizing the decision.

Ivan L. Hopkins
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In its Hudson opinion, the Commission recommended that a disqualified board member be chosen by "lot or other means of random selection" to make up the necessary three-person quorum. (See In re Hudson (1978) 4 FPPC Ops. 13, 18, copy enclosed.) Participation of an otherwise disqualified official is limited to what is legally required, which may be only to vote. He or she may not participate in discussions, unless participation is legally required because there is no "alternative means of decision-making." (In re Brown (1978) 4 FPPC Ops. 19, 25, copy enclosed.) An otherwise disqualified official may not be brought in to vote just to break a tie. (Section 87101; Regulation 18701(c)(1).) An otherwise disqualified official may not vote if a quorum can be convened of agency members who are absent, but not disqualified. (Regulation 18701(c)(2).)

Consequently, in answer to your question about the land use element for the southwest portion, all councilmembers may not vote just because the decision cannot be divided into separate components. If three councilmembers are disqualified, one may be chosen by random selection to form a quorum. That member also may vote on a decision because voting is legally required. But, the otherwise disqualified councilmember may not participate in discussions unless such participation is legally required.

I hope this letter provides you with the guidance you requested. Please call me at (916) 322-5901 if you have any questions about this letter.

Sincerely,

Diane M. Griffiths
General Counsel


By: Margarita Altamirano
Counsel, Legal Division

DMG:MA:ld

Enclosures

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LAW OFFICE OF
IVAN L. HOPKINS - ATTORNEY AT LAW
22737 BARTON ROAD, SUITE 1
GRAND TERRACE, CALIFORNIA 92324
(714) 783-4004 • (714) 783-3844

April 20, 1988

Fair Political Practices Commission
428 J Street Suite 800
Sacramento, CA 95814

ATTN: Legal Division

SUBJ: City of Grand Terrace;
Advice in re Potential Conflicts of Interest

Gentlemen:

This office provides City Attorney services to the City of Grand Terrace, located in eastern San Bernardino Valley of San Bernardino County. This is a general law city of approximately 3.7 square miles and a population of 10,000.

The City Council is about to undertake discussion, and deliberation, of a proposed amendment to the land use element and the circulation element of its current general plan.

The Planning Commission has approved the proposed amendment and recommended its approval to the City Council. A member of the public has posed a question as to whether or not certain members of the City Council may participate in any decision relating to part or all of the proposed amendment since each of the Council Members has an investment of more than \$1,000 in real property located within the City.

It is our understanding that each of the Council Members is exempted from disclosing their principal residence located within the City, unless it is also a place of business, on their Form 721 Statement of Economic Interests. However, it is our further understanding that this exemption does not preclude them from potential conflicts of interest under Section 87103 of the Government Code on such principal residences if such property would be financially affected in a manner different from a substantial portion of the City.

Copies of the current General Plan Land Use Policy Map and of the proposed General Plan Land Use Map have been attached hereto. The Council Members real property ownership has been designated on these maps.

Following is a cursory review of the Council Members property ownership and the effect of the proposed amendment on their property.

MAYOR MATTISON

The Mayor's principal residence (not used as a business) is presently designated as general commercial and would remain the same under the proposed amendment. Several parcels across the street and approximately 100-1,000 feet south of his property would change in land use designation from residential to commercial or business park. However, for the most part, the land use designation of surrounding and adjacent parcels remains unchanged.

The entrance to a street, Commerce Way, is located across the street from the Mayor's property. Under the proposed amendment, this street would be extended approximately 4500 feet to the City boundaries, where it would terminate.

The Mayor has owned this property for several years, prior to the City's incorporation.

COUNCILWOMAN PFENNIGHAUSEN

Councilwoman Pfennighausen owns her principal residence, which is not used as a business. The land use designation of her property is currently single family residential and would remain so under the proposed amendment. Property located adjacent to hers would have its designation changed from light industrial to single family residential. However, other than for that one parcel all other adjacent and surrounding property would retain its single family residential designation.

Four (4) real estate brokers/appraisers have indicated that the value of her property would not change whether the proposed amendment is approved or not, including when the presently vacant property is developed, under either land use designation.

COUNCILMAN EVANS

Councilman Evans has owned his principal residence, not used as a place of business, for several years, including prior to incorporation of the City. His property is currently designated as single family residential and has been recommended by the Planning Commission to remain single family residential. However, the consultant who drafted the proposed amendment had recommended that the property be designated general commercial. The designation of most of the adjacent and surrounding property would remain unchanged. However, many of the residential properties adjacent to his property had been recommended for a change of designation from single family residential to general commercial by the planning consultant, but this change was not recommended by the Planning Commission. In addition, a substantial area across the street from his property has been proposed to be changed from a designation of residential and general commercial to business park designation.

Four (4) real estate brokers/appraisers have indicated that the proposed amendment and/or subsequent development of adjacent properties pursuant to the proposed amendment would have little or not effect on the value of his property.

Councilman Evans feels, although this office disagrees, that the provisions of Section 87103 do not apply to his principal residence due to its exemption from disclosure on his Financial Disclosure Statement.

COUNCILWOMAN SHIRLEY

Councilwoman Shirley owns her principal residence, which is not used for a business. The land use designation is and is recommended to remain, single family residential. There are not changes proposed in land use designations of any properties adjacent to or surrounding this property. She has owned the property for several years, including prior to the City's incorporation.

In addition to her residence, Councilwoman Shirley owns a vacant parcel of land presently designated low density residential and proposed for the same designation. The properties adjacent to or surrounding this property are proposed to retain the same or similar land use designations.

COUNCILMAN GRANT

Councilman Grant owns his principal residence, which is not used as a business. The land use designation of this property is single family residential and is proposed to retain the same designation. The adjacent and surrounding properties are currently designated as single family residential and are proposed to remain the same.

Councilman Grant has owned this property for several years, including prior to the City's incorporation in 1978.

QUESTION

- (1) In view of the above mentioned facts, may all of the Council Members participate in the approval of the proposed General Plan amendment?
- (2) Since three of the Council Members own property in the southwest portion of the City and since it would be difficult to bifurcate the land use element of the area, may all of the Council Members participate in this portion of the General Plan amendment?
- (3) May all of the Council participate in the revision of the Circulation Element of the General Plan relative to the extension of Commerce Way?

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(4) If any of the Council Members should disqualify themselves from any portion of the General Plan amendment, which portion should they refrain from participating in said decision? (Please include as much specificity as possible.)

(5) If a majority of the Council should disqualify themselves from any or all discussion and participation in a decision on part or all of the proposed amendment, how can a majority or quorum be obtained in order to allow the Council to proceed to act on this mandated subject matter?

We respectfully request that your advice relative to this matter be received in as expeditious a manner as is possible. The Council has continued this matter pending receipt of your advice.

If you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,



IVAN L. HOPKINS
Grand Terrace
City Attorney

Enclosures

IHL/nbc



California Fair Political Practices Commission

April 21, 1988

Ivan L. Hopkins
Attorney at Law
22737 Barton Road, Suite 1
Grand Terrace, CA 92324

Re: 88-151

Dear Mr. Hopkins:

Your letter requesting advice under the Political Reform Act was received on April 20, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Margarita Altamirano, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Diane M. Griffiths".

Diane M. Griffiths
General Counsel

DMG:plh

APR 20 3 47 PM '88

LAW OFFICE OF
IVAN L. HOPKINS - ATTORNEY AT LAW
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April 20, 1988

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The Planning Commission has approved the proposed amendment and recommended its approval to the City Council. A member of the public has posed a question as to whether or not certain members of the City Council may participate in any decision relating to part or all of the proposed amendment since each of the Council Members has an investment of more than \$1,000 in real property located within the City.

It is our understanding that each of the Council Members is exempted from disclosing their principal residence located within the City, unless it is also a place of business, on their Form 721 Statement of Economic Interests. However, it is our further understanding that this exemption does not preclude them from potential conflicts of interest under Section 87103 of the Government Code on such principal residences if such property would be financially affected in a manner different from a substantial portion of the City.

Copies of the current General Plan Land Use Policy Map and of the proposed General Plan Land Use Map have been attached hereto. The Council Members real property ownership has been designated on these maps.

Following is a cursory review of the Council Members property ownership and the effect of the proposed amendment on their property.

MAYOR MATTISON

The Mayor's principal residence (not used as a business) is presently designated as general commercial and would remain the same under the proposed amendment. Several parcels across the street and approximately 100-1,000 feet south of his property would change in land use designation from residential to commercial or business park. However, for the most part, the land use designation of surrounding and adjacent parcels remains unchanged.

The entrance to a street, Commerce Way, is located across the street from the Mayor's property. Under the proposed amendment, this street would be extended approximately 4500 feet to the City boundaries, where it would terminate.

The Mayor has owned this property for several years, prior to the City's incorporation.

COUNCILWOMAN PFENNIGHAUSEN

Councilwoman Pfennighausen owns her principal residence, which is not used as a business. The land use designation of her property is currently single family residential and would remain so under the proposed amendment. Property located adjacent to hers would have its designation changed from light industrial to single family residential. However, other than for that one parcel all other adjacent and surrounding property would retain its single family residential designation.

Four (4) real estate brokers/appraisers have indicated that the value of her property would not change whether the proposed amendment is approved or not, including when the presently vacant property is developed, under either land use designation.

COUNCILMAN EVANS

Councilman Evans has owned his principal residence, not used as a place of business, for several years, including prior to incorporation of the City. His property is currently designated as single family residential and has been recommended by the Planning Commission to remain single family residential. However, the consultant who drafted the proposed amendment had recommended that the property be designated general commercial. The designation of most of the adjacent and surrounding property would remain unchanged. However, many of the residential properties adjacent to his property had been recommended for a change of designation from single family residential to general commercial by the planning consultant, but this change was not recommended by the Planning Commission. In addition, a substantial area across the street from his property has been proposed to be changed from a designation of residential and general commercial to business park designation.

Four (4) real estate brokers/appraisers have indicated that the proposed amendment and/or subsequent development of adjacent properties pursuant to the proposed amendment would have little or not effect on the value of his property.

Councilman Evans feels, although this office disagrees, that the provisions of Section 87103 do not apply to his principal residence due to its exemption from disclosure on his Financial Disclosure Statement.

COUNCILWOMAN SHIRLEY

Councilwoman Shirley owns her principal residence, which is not used for a business. The land use designation is and is recommended to remain, single family residential. There are not changes proposed in land use designations of any properties adjacent to or surrounding this property. She has owned the property for several years, including prior to the City's incorporation.

In addition to her residence, Councilwoman Shirley owns a vacant parcel of land presently designated low density residential and proposed for the same designation. The properties adjacent to or surrounding this property are proposed to retain the same or similar land use designations.

COUNCILMAN GRANT

Councilman Grant owns his principal residence, which is not used as a business. The land use designation of this property is single family residential and is proposed to retain the same designation. The adjacent and surrounding properties are currently designated as single family residential and are proposed to remain the same.

Councilman Grant has owned this property for several years, including prior to the City's incorporation in 1978.

QUESTION

- (1) In view of the above mentioned facts, may all of the Council Members participate in the approval of the proposed General Plan amendment?
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If you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,



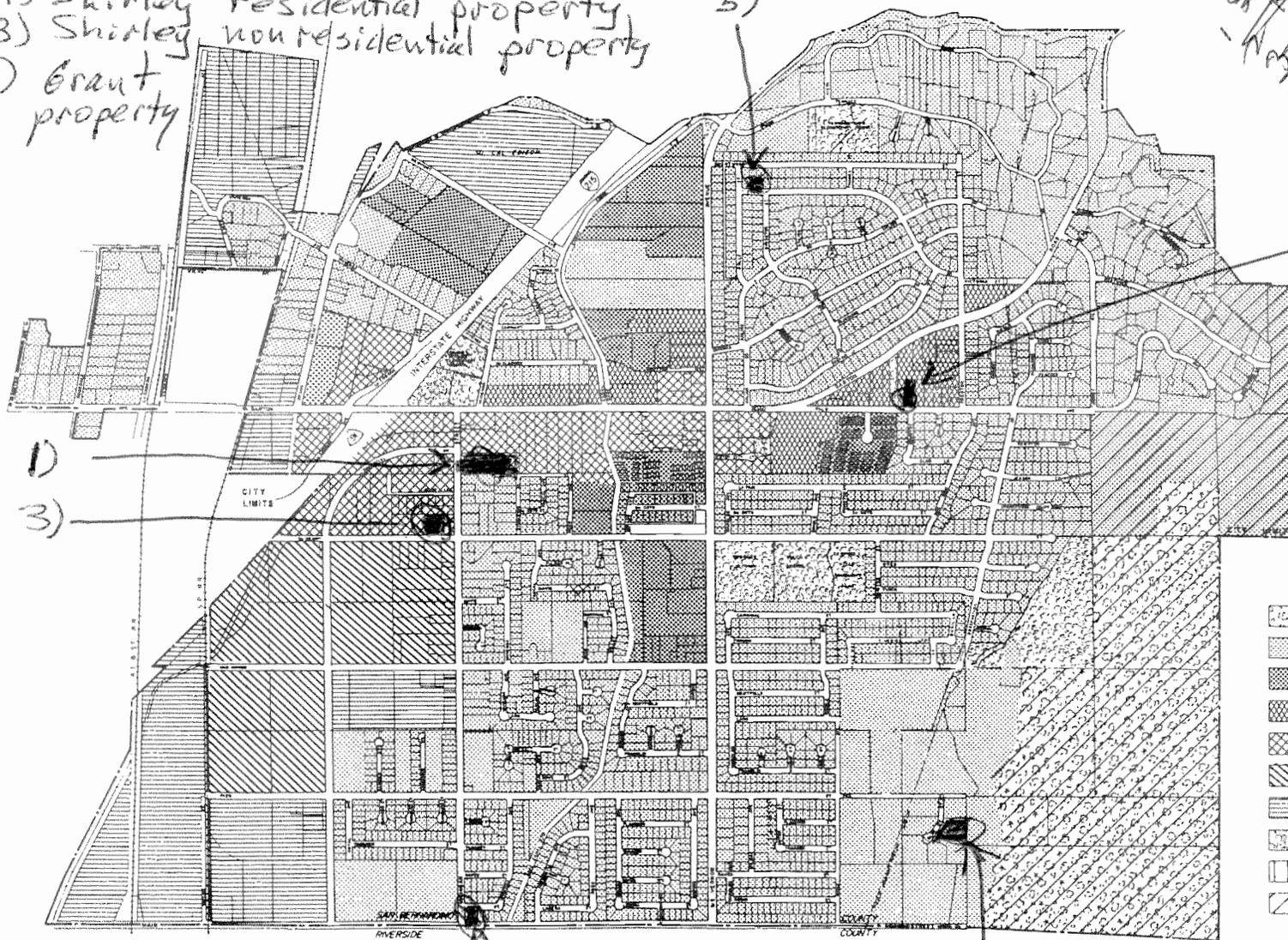
IVAN L. HOPKINS
Grand Terrace
City Attorney

Enclosures

IHL/nbc

- 1) Mattison Property
- 2) Pfennighausen property
- 3) Evans property
- 4A) Shirley residential property
- 4B) Shirley non residential property
- 5) Grant property

*Shirley
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City of Grand Terrace

PROPOSED GENERAL PLAN