



California Fair Political Practices Commission

October 24, 1988

Jamie Foster
241 Elaine Way
Pismo Beach, CA 93449

Re: Our File No. I-88-398

Dear Mr. Foster:

You have asked whether a councilmember has a conflict of interest concerning decisions to provide city funding for rebuilding the street where the councilmember lives. It appears that you have not been authorized by the councilmember to request this advice on his or her behalf. Accordingly, we cannot provide a specific response to your question. (See Regulation 18329(c), copy enclosed.)

Enclosed is a copy of a pamphlet explaining the conflict-of-interest provisions of the Political Reform Act, a copy of In re Brown (1978) 4 FPPC Ops. 19, and a copy of an advice letter concerning a decision that may be similar to the one you have described. Also enclosed is a complaint form, which you may file with our Enforcement Division if you believe that a violation of the Political Reform Act has occurred.

Sincerely,

Diane M. Griffiths
General Counsel

Kathryn E. Donovan

By: Kathryn E. Donovan
Counsel, Legal Division

FPPC

Oct 11 1 20 PM '88

October 8, 1988

Jamie Foster
241 Elaine Way
Pismo Beach, CA 93449

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

Dear FPPC,

I would be interested in your opinion regarding the following question:

"Is there a Conflict of Interest when a Councilmember lives (owns the property) on a street that is being considered for rebuilding and the City could participate in the expense of the project (the City's portion is about \$770,000)?"

Some of the arguments I've heard of:

1. Yes. There is direct financial benefit in that the property the Councilmember owns will go up in value as a result of the street work.
2. No. While the value of the property may go up, the Councilmember benefits no more than all the rest of the people on the street.
3. No. The process began years ago. (Though the final approval to spend the money has not yet been acted upon.)

What do you think?

Thank you for taking the time to consider this matter.

Sincerely,



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