



# California Fair Political Practices Commission

March 2, 1989

Margaret E. O'Donnell  
22nd Floor, The Shell Building  
100 Bush Street  
San Francisco, CA 94104

Re: Your Request for Advice  
Our File No. A-89-057

Dear Ms. O'Donnell:

You have requested advice concerning application of the conflict-of-interest provisions of the Political Reform Act (the "Act")<sup>1/</sup> to the duties of Dr. Henry Levin, the President of the Board of Education of the Palo Alto Unified School District.

## QUESTIONS

1. As an employee of Stanford University, is Dr. Levin prohibited from participating in or voting on decisions regarding the closure of either Gunn or Palo Alto High School, since Stanford University has a reversionary interest in the real properties on which both schools are located?
2. May Dr. Levin participate in discussion of or vote on litigation should a school be closed and Stanford University and the Palo Alto Unified School District (the "district") disagree on the legal interpretation of the use of the property by the district?

## CONCLUSIONS

1. Dr. Levin may not participate in any decision regarding whether to close either high school if such decision will cause the property to revert to Stanford University.

---

<sup>1/</sup> 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. Dr. Levin may not participate in any discussion or vote on litigation regarding school closure and a disagreement of the legal interpretation of the use of the property by the district.

#### FACTS

Dr. Henry Levin is President of the Board of Education (the "board") of the Palo Alto Unified School District. He is also a professor employed by Stanford University. The board is considering closure of one of Palo Alto's public high schools. Both high schools are situated on land acquired from Stanford University.

Gunn High School is on a 50-acre site obtained from Stanford by condemnation. The order of condemnation provides that if the property is not used by the district for school purposes and particularly for public education and general welfare, the land will revert to Stanford upon payment of \$358,681 to the District. The present fair market value of the land is at least \$25,000,000.

Palo Alto High School occupies 28 acres of another 50-acre site and was obtained by deed. The deed requires that the land be used for school purposes and provides for reversion to Stanford upon the payment of \$26,645 by Stanford to the district. The current fair market value of the land is at least \$23,000,000.

#### ANALYSIS

The Political Reform Act prohibits a public official from making, participating in or using his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. (Section 87100). A public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or a member of his immediate family or on, among other things:

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

(Section 87103(c).)

Stanford is a source of \$250 or more in income to Dr. Levin. Therefore, Dr. Levin may not participate in any decision if it is reasonably foreseeable that the decision will have a material financial effect on Stanford.

Since Stanford has a reversionary interest in the land on which both schools are located, it is reasonably foreseeable that any board decision regarding closure of either high school will affect Stanford. In order for an effect to be reasonably foreseeable, it must be more than a mere possibility; there must be a substantial probability that the effect will occur. (In re Thorne (1975) 1 FPPC Ops. 198, at 203-206.) Based on the facts provided, this standard is met.

We must next determine if the effect of the decision on Stanford is "material." Regulation 18702.5 (copy enclosed) contains guidelines for determining if the effect of a decision is material as to a nonprofit entity which is indirectly involved in a decision and which is a source of income to the official.

Regulation 18702.5 contains various threshold levels of an entity's gross annual receipts to determine if the decision has a material effect on gross annual receipts or expenses for the fiscal year, or on assets and liabilities. The highest level of gross annual receipts is \$400,000,000 or more and the lowest level is \$100,000 or less.

Although we do not know which level applies to Stanford, we believe that any decision which results in either of the properties reverting to Stanford will have a material financial effect on Stanford. In either case, Stanford would acquire a parcel of real property worth in excess of \$23 million for the payment to the District of less than \$360,000. Therefore, because it is reasonably foreseeable that the board's decision on the closure of either high school will result in one of the properties reverting to Stanford, Dr. Levin may not participate in or vote on the decision.

With regard to participating in discussions of or voting on litigation regarding the legal interpretation of the use of the property by the district, we believe that any decision would again have a reasonably foreseeable material financial effect on Stanford. Therefore, Dr. Levin may not make, participate in, or use his official position to influence any discussion or decision regarding litigation.

As noted in your letter, the facts in the present situation are similar to those addressed in two previous Commission advice letters in 1979 and 1986. (Scott Advice Letter No. A-79-116 and O'Donnell Advice Letter No. A-86-207). We recommend that you review the previous discussions contained in those letters,

Margaret E. O'Donnell  
March 2, 1989  
Page 4

however please note that Regulation 18702.5 recently became operative on November 16, 1988.

If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths  
General Counsel

  
By: Jill R. Stecher  
Counsel, Legal Division

DMG:JRS:plh

Enclosure

2-24-56

BOOK 97 TO 102

167331 Cal Pac  
DEED

1196764

PALM

For valuable consideration, receipt whereof is hereby acknowledged,  
 THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY, a body having corporate powers under the laws of the State of California, as Grantor, does hereby grant and convey unto PALO ALTO UNIFIED SCHOOL DISTRICT, a political subdivision of the State of California, its successors and assigns, as Grantee, for use for school purposes, all that certain parcel of land situate in the City of Palo Alto, County of Santa Clara, State of California, being a portion of Lot Thirty-nine (39) of the lands of The Leland Stanford Junior University, more particularly described as follows:

BEGINNING at an iron pipe set at the point of intersection of the North-easterly line of El Casano Real (100.00 feet in width) with the North-westerly line of that certain 22.214 acre tract of land described in the Deed from Board of Trustees of Leland Stanford Junior University to High School Board of Palo Alto Union High, dated July 22, 1924, recorded August 13, 1924 in Book 97 Official Records, page 414, Santa Clara County Records, said Northeastery line of the El Casano Real being with the Northeastery line of that certain tract of land described firstly in the Deed from The Board of Trustees of the Leland Stanford Junior University to City of Palo Alto, a Municipal corporation, dated December 22, 1925, recorded January 9, 1926 in Book 206 Official Records, page 317, Santa Clara County Records; thence from said point of beginning North 2° 29' 15" West along the said Northeastery line of the El Casano Real, 1331.54 feet to an iron pipe set at the Southeast corner of that certain tract of land described secondly in the Deed to said City of Palo Alto above referred to; thence Northerly along the Easterly line of land so described secondly in the Deed to said City of Palo Alto, for the three following courses and distances: North 7° 32' 30" West 34.61 feet to an iron pipe, North 9° 43' 30" East 34.54 feet to an iron pipe and North 27° 00' 30" East 34.54 feet to an iron pipe set at the Northernmost corner thereof on the Southeastery line of Embarcadero Road (90.00 feet in width); said Southeastery line being also the Southeastery line of land so described firstly in the Deed to said City of Palo Alto; thence North 70° 04' 30" East along the said Southeastery line of Embarcadero Road, 396.76 feet to an iron pipe set at the Southernmost corner of that certain 1.19 acre tract of land described in the Deed from The Board of Trustees of the Leland Stanford Junior University to City of Palo Alto, a Municipal Corporation, dated December 23, 1935, recorded February 15, 1936 in Book 764 Official Records, page 50, Santa Clara County Records; thence North-easterly along the Southeastery line of said 1.19 acre tract, North 54° 02' 30" East 210.99 feet to an iron pipe and North 70° 04' 30" East 419.98 feet to an iron pipe set at the Easternmost corner of said 1.19 acre tract on the Southwesterly line of the Lands and Right of Way of the Southern Pacific Railroad Company; thence South 51° 50' 30" East along said last named line, 780.28 feet to the Northernmost corner of said 22.214 acre tract above referred to; thence South 38° 15' West along the Northwestery line of said 22.214 acre tract, 1145.01 feet to the point of beginning.

CONTAINING APPROXIMATELY 26.625 acres of land, as surveyed and monumented in October, 1955 by Froot and Brian, Civil Engineers and Surveyors.

BOOK 3159 PAGE 11

Reserving, however, to grantor, its successors and assigns a right of way ten (10) feet in width across the above described premises together with the right of ingress and egress, for the purpose of inspecting, repairing, maintaining, or replacing, including enlarging, at any time and from time to time, the existing sanitary sewer. In connection therewith grantor agrees to restore landscaping following any such use. Grantee agrees for itself, its successors and assigns that at any future time it intends to construct any improvement which shall in any way encroach upon or interfere with said right of way, it shall at its own expense remove and reconstruct a comparable sanitary sewer in manner satisfactory to grantor, and thereafter a right of way ten (10) feet in width across the above described premises and along said sanitary sewer as reconstructed shall vest in grantor for the purposes set forth above.

And further reserving to grantor, its successors and assigns, the right forever to maintain and use a foot path forty (40) feet in width adjacent to Embarcadero Road, in order to permit pedestrians to travel between the Southern Pacific Right of Way and Embarcadero Road in connection with public events upon grantor's campus. Said right of way is more completely described as follows:

BEGINNING at a point in the southwesterly line of the parcel of land described in indenture by and between the Board of Trustees of the Leland Stanford Junior University, Palo Alto High School and Southern Pacific Railroad Company dated December 3-3, 1922 and recorded in Volume 12 of Official Records, page 32 et seq., Records of said County of Santa Clara, distant South 51° 45' East, 166.02 feet from the point of intersection of the northwesterly line of Embarcadero Road with the southwesterly line of the right of way of the Southern Pacific Railroad Company; thence South 70° 10' West along the southwesterly line of the Embarcadero Subway property, 274.79 feet; thence South 00° 37' 43" West, 50.70 feet; thence South 70° 10' West, 8.00 feet; thence South 78° 06' 11" West, 60.59 feet; thence South 85° 32' 35" West, 82.97 feet; thence South 19° 50' East, 41.49 feet; thence North 45° 32' 35" East, 109.05 feet; thence North 70° 10' East, 46.14 feet; thence North 80° 37' 48" East, 50.70 feet; thence North 70° 10' East, 296.37 feet to a point in the southwesterly line of the parcel of land described in above-mentioned indenture; thence North 51° 45' West thereon 47.12 feet to the point of beginning, containing an area of 19,722 square feet, more or less.

This conveyance is given and accepted upon the express condition which shall be binding upon Grantee, its successors and assigns, that the

premises conveyed hereunder shall be used for school purposes only and that if ~~the said premises shall at any time cease to be used for school purposes, and if~~ premises or any part thereof shall at any time be used for any purpose other than school purposes, then and in any such event, all of the said premises, together with the appurtenances, shall ~~thereupon revert to and become the property of Grantor, its successors and assigns, and all right, title and interest of Grantee, its successors and assigns, in and under this conveyance shall cease without further act by Grantor, provided, however, that if Grantor shall re-enter upon the said premises pursuant to the rights herein contained, it shall within ten (10) days after such re-entry pay to Grantee, its successors or assigns, the sum of Twenty-six Thousand Six Hundred Forty-five Dollars (\$26,645) in lawful currency of the United States.~~

This conveyance is further subject to all rights of Southern Pacific Railroad Company, its successors and assigns under an agreement between The Board of Trustees of Leland Stanford Junior University, Palo Alto Union High School District and Southern Pacific Railroad Company dated December 18, 1922, and recorded March 10, 1923 in Book 12 Official Records Page 82, and under an unrecorded agreement dated Nov. 5, 1937 between the same parties.

IN WITNESS WHEREOF, The Board of Trustees of The Leland Stanford Junior University, Grantor, has caused its name and seal to be hereunto subscribed and affixed by its officers therunto duly authorized, this 24th day of September, 1956.

Approved as to form:

Robert Mayberry

THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY

By Robert W. G. ...  
President

By ...  
Secretary

The undersigned hereby accepts the foregoing conveyance upon the conditions therein stated. Dated this 5th day of September, 1956.

PALO ALTO UNIFIED SCHOOL DISTRICT

By ...  
123

OF THE STATE OF CALIFORNIA      COUNTY OF SAN FRANCISCO      ss.  
STATE OF CALIFORNIA }  
City and County of San Francisco }      80(10) (1) (1)

On this 24th day of February, 1958,  
before me, IRENE M. WOOD, a Notary Public  
in and for the said City, County and State, residing  
therein, duly commissioned and sworn, personally appeared  
LLOYD W. DIMKOLSFEL and IRA S. HILICK  
known to me to be the PRESIDENT and  
SECRETARY, respectively, of THE BOARD  
OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY, a  
body having corporate powers described in and that executed  
the within and foregoing instrument, and also known to me  
to be the persons who executed the within and foregoing  
instrument on behalf of said Board, and acknowledged to  
me that said Board executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand  
and affixed my official seal at my office in said City,  
County and State, the day and year in this certificate  
first above written.

NOTARY PUBLIC  
in and for the City and County of  
San Francisco, State of California.  
(Notarial Seal)  
MAY 22 1958



3581 898

1 It further appearing that all the acts required of plaintiff  
2 have been duly done and performed, and that plaintiff is now en-  
3 titled to a Final Order and Decree of Condemnation;

4 IT IS NOW ORDERED, ADJUDGED AND DECREED that title to the  
5 property hereinafter described as Parcel 1 and Parcel 2 be con-  
6 demned to plaintiff in fee, and that all the right, title and  
7 interest of the defendant, The Board of Trustees of The Leland  
8 Stanford Junior University, a body having corporate powers, in  
9 the property hereinafter described as Parcel 3 be condemned to  
10 plaintiff, and the same is finally condemned for the public uses  
11 and purposes of the establishment and maintenance thereon of  
12 public school buildings, school appurtenances and school grounds  
13 to be used by plaintiff for school purposes, and particularly  
14 for the furtherance of public education and general welfare;  
15 provided, however, that said property shall be condemned to  
16 plaintiff upon the express condition that said property shall be  
17 used forever for the purposes of establishment and maintenance  
18 thereon of public school buildings, school appurtenances, and  
19 school grounds to be used by said plaintiff, or its successors,  
20 for school purposes, and particularly for the furtherance of  
21 public education and general welfare, and that in the event said  
22 property shall cease to be used for said purposes that said land  
23 and all buildings and appurtenances thereon shall revert and  
24 become the property of the said defendant, The Board of Trustees  
25 of The Leland Stanford Junior University, a body having corporate  
26 powers, upon the payment by said defendant of the sum of \$158,681.00  
27 to the plaintiff, Palo Alto Unified School District of Santa  
28 Clara County, or its successor;

29 The property hereinabove referred to is all that certain real  
30 property situate and lying and being in the County of Santa Clara,  
31 State of California, and more particularly described as follows:

ROSE M. WILLIAMS  
County Counsel  
City of Santa Clara  
San Jose, California

1 PARCEL NO. 1

1581

2 BEGINNING at a point in the northeasterly line of the lands of  
 3 Leland Stanford, Jr. University, at a point marked with a Con-  
 4 crete Monument marked "G-18"; said point being the most westerly  
 5 corner of Lot 111, as said Lot is shown on that certain map of  
 6 Tract #948, Green Acres #2, recorded May 13, 1952, in Book 36 of  
 7 Maps, at page 54, Santa Clara County Records; THENCE from said  
 8 point of beginning, southeasterly along the westerly line of said  
 9 subdivision and of Lots 111 to 122 inclusive and the southwesterly  
 10 line of Lot 8 of the L'Hermitte Subdivision (being a portion of  
 11 the Rancho Rinconada Franciscano Tract) filed for record in  
 12 Book "M" of Maps, at page 86, Santa Clara County Records, South  
 13 12° 55' 00" East 1177.10 feet to the point of intersection of  
 14 the northeasterly line of the lands of the City and County of  
 15 San Francisco with the southwesterly line of the said L'Hermitte  
 16 Subdivision (80 feet wide) acquired by said City and County of  
 17 San Francisco by that Final Decree of Condemnation recorded  
 18 January 20, 1953, in Volume 2566 of Official Records, at page 36,  
 19 Santa Clara County Records. The Final Judgment of Condemnation  
 20 was entered November 24, 1952 in Judgment Book No. 56 at page 414;  
 21 THENCE on and along said northeasterly line, North 62° 43' 40"  
 22 West 233.70 feet; North 64° 35' 20" West 926.72 feet; THENCE  
 23 continuing along the northerly line of the lands of the City and  
 24 County of San Francisco, South 71° 04' 30" West 99.89 feet to a  
 25 point opposite Engineer's Station 379+92.93 P.O.T. of the lands  
 26 leased by Leland Stanford, Jr. University to the Southern Pacific  
 27 Company described in that certain lease dated February 23, 1906,  
 28 in Book "M" of leases at page 232, Santa Clara County Records;  
 29 THENCE along the said northeasterly line of the lands leased to  
 30 the Southern Pacific Company, North 18° 57' 30" West 1693.75  
 31 feet to a point in the northeasterly line of the lands of Leland  
 Stanford, Jr. University, (said point being opposite Engineer's  
 Station 396+86.68 P.O.T.,) said point also lies in the north-  
 westerly production of the southwesterly line of Tract #522, El  
 Cerrito, Unit #2, filed for record in Book 80 of Maps, at page 7,  
 Santa Clara County Records; said point also lies along the north-  
 westerly production of the southwesterly line of Tract #242, El  
 Cerrito Unit #1, filed for record November 13, 1945 in Book 8 of  
 Maps, at page 9, Santa Clara County Records; THENCE along said  
 line of the lands of Leland Stanford, Jr. University and the said  
 line of the above mentioned Subdivision, South 56° 59' East 1701.13  
 feet to the point of beginning.

Containing 32.933 acres, more or less, and being a portion of the  
 lands of Leland Stanford, Jr. University.

2 PARCEL NO. 2

BEGINNING at a point in the northeasterly line of the lands of  
 Leland Stanford, Jr. University; said point also lies in the  
 southwesterly line of Lot 8, L'Hermitte Subdivision filed for  
 record in Book "M" of Maps at page 86, Santa Clara County Records;  
 said point is distant thereon along said northeasterly line  
 of the lands of Leland Stanford, Jr. University, South 12°  
 55' 00" East 1279.38 feet from Leland Stanford, Jr. University  
 Concrete Monument marked "G-18"; said monument is at the  
 most westerly corner of Lot 111, as said lot is shown on Tract  
 #948, Green Acres #2, recorded May 13, 1952, in Book 36 of Maps,  
 at page 54, Santa Clara County Records; said point of beginning  
 lies at the point of intersection with the southwesterly line  
 of the lands of the City and County of San Francisco acquired

SPENCER M. WILLIAMS  
 County Counsel  
 County of Santa Clara  
 Hall of Records  
 San Jose, California

8 of 10

19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31

containing 18,307 acres, more or less.

**PARCEL NO. 31**

BEGINNING at a point in the northeasterly line of the lands of  
 Leland Stanford, Jr. University at the point of intersection  
 with the northeasterly line of the lands described in that Final  
 Decree of Condemnation recorded January 20, 1953 in Volume 2965  
 of Official Records, at page 36, Santa Clara County Records. The  
 final judgment of condemnation was entered November 24, 1952 in  
 Judgment Book 256 at page 414; said point is distant thereon, South  
 12° 55' 00" East 1177.10 feet from Leland Stanford, Jr. University  
 Concrete Monument marked "G-16", said monument being the most  
 westerly corner of Lot 111, as said lot is shown on Tract 94d,  
 Green Acres, #2, recorded May 13, 1952, in book 36 of Maps,  
 at page 94, Santa Clara County Records; THENCE along the said  
 northeasterly line of the lands of the City and County of San  
 Francisco (80 feet wide), North 62° 43' 40" West 233.70 feet;  
 North 64° 55' 20" West 926.72 feet to a point in the northeasterly  
 line of said lands; THENCE continuing along said northerly  
 line, South 71° 04' 30" West 99.89 feet to a point in the  
 northeasterly line of the lands of the Southern Pacific Com-  
 pany; (said point is opposite the Southern Pacific Engineer's  
 Station 379492.93 P.O.T.) as said lands are described in that  
 certain lease dated February 23, 1906 and recorded in Book  
 # of Leases at page 232, Santa Clara County Records; THENCE

PERSONS WILLIAM  
 County Counsel  
 City of Santa Clara  
 Tall at Records  
 San Jose, California

BOOK 3581 PAGE 476

1 along said northeasterly line, South 18° 57' 30" East 80.00  
2 feet to the point of intersection of the said northeasterly  
3 line of the Southern Pacific Company's lands with the southerly  
4 line of the lands of the City and County of San Francisco  
5 above described; THENCE along said lands, North 71° 04' 30"  
6 East 67.25 feet; South 64° 35' 20" East 892.83 feet; South  
7 62° 43' 40" East 267.36 feet; THENCE South 60° 09' 55" East  
8 31.10 feet to a point in the northeasterly line of the lands  
9 of Leland Stanford, Jr. University; THENCE along said line,  
10 North 12° 25' 00" West 102.28 feet to the point of beginning.

11 Containing 2.314 acres, more or less.

12 Being a portion of the lands of the City and County of San  
13 Francisco as described in that Final Decree of Condemnation  
14 recorded January 20, 1953 in Volume 2566 of Official Records  
15 at page 36, Santa Clara County Records. The Final Judgment  
16 of Condemnation was entered November 24, 1952, in Judgment Book  
17 #36 at page 414 in the County Clerk's Office, Santa Clara  
18 County, California (Decree #75835); and

19 IF IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon filing  
20 a copy of this Final Order of Condemnation with the County Recorder  
21 of the County of Santa Clara, State of California, the fee simple  
22 title to the property hereinabove described as Parcel 1 and  
23 Parcel 2, and all of the right, title and interest of the defendant,  
24 The Board of Trustees of The Leland Stanford Junior University, a  
25 body having corporate powers, is vested in the Palo Alto Unified  
26 School District of Santa Clara County, plaintiff above named, its  
27 successors and assigns, subject only to the condition that said  
28 property shall be used by said plaintiff for school purposes as  
29 hereinabove set forth.

30 Dated this 16 day of August, 1956.  
31 1244499

BOOK 3581 PAGE 397  
FILED FOR RECORD  
AT REQUEST OF  
City of Leland Stanford Co.  
AUG 17 11 50 A 1956

BY R. R. SALSMAN  
Judge of the Superior Court

RECORDED  
SANTA CLARA COUNTY  
AUG 17 1956

The foregoing instrument is a  
correct copy of the original  
on file in this office  
AUG 16 1956  
M. R. TERRY  
County Clerk

SPENCER W. WILLIAMS  
County Counsel  
County of Santa Clara  
Hall of Records  
San Jose, California

RJA/cb  
8-16-56

52°

10 of 10

5700 BREON, O'DONNELL & MILLER  
ATTORNEYS AT LAW

Jan 30 8 24 AM '89

KEITH V. BREON  
PRISCILLA BROWN  
GREGORY J. DANNIS  
DAVID G. MILLER  
MARGARET E. O'DONNELL

MARK W. GOODSON  
EMI R. UYEHARA  
MARK G. INTRIERI  
BRIDGET A. FLANAGAN  
GERALDINE JAFFE  
NANCY BOURNE  
PATRICK I. MCGREAL

January 27, 1989

22<sup>ND</sup> FLOOR, THE SHELL BUILDING  
100 BUSH STREET  
SAN FRANCISCO, CALIFORNIA 94104  
FAX (415) 982-8470  
(415) 788-4999

17840 MORO ROAD, SUITE H120  
SALINAS, CALIFORNIA 93907  
(408) 663-0470

2550 VIA TEJON, SUITE 3A  
PALOS VERDES, CALIFORNIA 90274  
FAX (213) 373-6808  
(213) 373-6857

LOS ANGELES, CALIFORNIA  
(213) 642-1123

COSTA MESA, CALIFORNIA  
(714) 662-6977

SAN FRANCISCO

REPLY TO: \_\_\_\_\_

Diane Griffiths  
General Counsel  
Fair Political Practices Commission  
Post Office Box 807  
Sacramento, California 95804

Re: Conflict of Interest Opinion Request/Henry  
Levin, Palo Alto Unified School District  
Our File 5100.1000

Dear Ms. Griffiths:

On behalf of Henry Levin, President of the Board of Education of the Palo Alto Unified School District, I wish to request an opinion letter regarding a conflict of interest issue under the Political Reform Act, Government Code sections 8100 et seq. This opinion request is similar to ones requested by our office in 1979 and 1986. (See letter from Sarah T. Carmeron to Martha Scott dated February 2, 1979 and letter from John McLean to Margaret O'Donnell dated July 15, 1986.)

The facts are similar to those presented in earlier years. The Palo Alto Unified School District ("District") currently operates a number of schools. Because of enrollment patterns and financial considerations the Board of Education ("Board") is considering its grade level configurations which could affect the number and site location of its schools. Both its high schools (Gunn and Palo Alto) could be affected by a Board decision. The high schools are located on land acquired from Stanford University. Gunn High school is on a 50 acre site obtained from Stanford by condemnation. The order of condemnation, a copy of which is enclosed, provides that if the

Diane Griffiths  
Fair Political Practices Commission  
January 27, 1989  
Page 2

property is not used by the District for school purposes and particularly for public education and general welfare, the land will revert to Stanford upon payment of \$358,681 to the District. The present fair market value of the land is at least \$25,000,000. Palo Alto High School occupies 28 acres of another 50 acre site and was obtained by deed, a copy of which is enclosed. The deed requires the land be used for school purposes and provides for reversion to Stanford upon the payment of \$26,645 by Stanford to the District. The current fair market value of the land is at least \$23,000,000. Dr. Henry Levin is a professor employed by Stanford University.

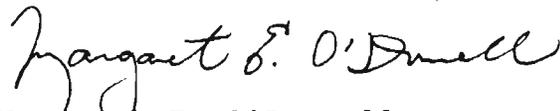
The opinion requested is whether Dr. Levin would have a conflict of interest under the Political Reform Act if he were to participate in discussion of or vote on the closure of either high school? Additionally, could he participate in discussion of or vote on litigation should a school be closed and Stanford University and the District disagree on the legal interpretation of the use of the property by the District.

Both Dr. Levin and I would be able to provide you with additional information, if needed.

Thank you for your time and assistance in this matter. Your office has been very helpful to the District over the past years in providing guidance.

Very truly yours,

BREON, O'DONNELL & MILLER



Margaret E. O'Donnell

MEO/lb  
Enclosures  
cc: Dr. Henry Levin  
Patricia Einfalt  
Palo Alto Unified School District

2-24-56

DA

BOOK 3150761

167331 Cal Pac DEED

3150761

PALY

For valuable consideration, receipt whereof is hereby acknowledged, THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY, a body having corporate powers under the laws of the State of California, as Grantor, does hereby grant and convey unto PALO ALTO UNIFIED SCHOOL DISTRICT, a political subdivision of the State of California, its successors and assigns, as Grantee, for use for school purposes, all that certain parcel of land situate in the City of Palo Alto, County of Santa Clara, State of California, being a portion of Lot Thirty-nine (39) of the lands of The Leland Stanford Junior University, more particularly described as follows:

BEGINNING at an iron pipe set at the point of intersection of the North-easterly line of El Camino Real (100.00 feet in width) with the North-westerly line of that certain 22.214 acre tract of land described in the Deed from Board of Trustees of Leland Stanford Junior University to High School Board of Palo Alto Union High, dated July 22, 1924, recorded August 11, 1924 in Book 97 Official Records, page 424, Santa Clara County Records, said North-easterly line of the El Camino Real being also the North-easterly line of that certain tract of land described firstly in the Deed from The Board of Trustees of the Leland Stanford Junior University to City of Palo Alto, a Municipal Corporation, dated December 22, 1925, recorded January 9, 1926 in Book 206 Official Records, page 114, Santa Clara County Records; thence from said point of beginning North 2° 29' 15" West along the said North-easterly line of the El Camino Real, 1331.54 feet to an iron pipe set at the Southeastmost corner of that certain tract of land described secondly in the Deed to said City of Palo Alto above referred to; thence Northward along the Easterly line of land so described secondly in the Deed to said City of Palo Alto, for the three following courses and distances: North 7° 32' 30" West 34.61 feet to an iron pipe, North 9° 43' 30" East 34.34 feet to an iron pipe and North 27° 00' 30" East 34.52 feet to an iron pipe set at the Northmost corner thereof on the Southeastery line of Emburyadero Road (90.00 feet in width); said Southeastery line being also the Southeastery line of land so described firstly in the Deed to said City of Palo Alto; thence North 70° 04' 30" East along the said Southeastery line of Emburyadero Road, 396.76 feet to an iron pipe set at the Southeastmost corner of that certain 1.19 acre tract of land described in the Deed from The Board of Trustees of the Leland Stanford Junior University to City of Palo Alto, a Municipal Corporation, dated December 23, 1935, recorded February 15, 1936 in Book 764 Official Records, page 50, Santa Clara County Records; thence North-easterly along the Southeastery line of said 1.19 acre tract, North 54° 02' 30" East 210.99 feet to an iron pipe and North 70° 04' 30" East 219.98 feet to an iron pipe set at the Easternmost corner of said 1.19 acre tract on the Southwesterly line of the Lands and Right of Way of the Southern Pacific Railroad Company; thence South 57° 50' 30" East along said last named line, 780.28 feet to the Northmost corner of said 22.214 acre tract above referred to; thence South 78° 15' West along the Northwesterly line of said 22.214 acre tract, 1145.01 feet to the point of beginning.

CONTAINING APPROXIMATELY 26.625 acres of land, as surveyed and monumented in October, 1935 by Frost and Brian, Civil Engineers and Surveyors.

Reserving, however, to grantor, its successors and assigns a right of way ten (10) feet in width across the above described premises together with the right of ingress and egress, for the purpose of inspecting, repairing, maintaining, or replacing, including enlarging, at any time and from time to time, the existing sanitary sewer. In connection therewith grantor agrees to restore landscaping following any such use. Grantee agrees for itself, its successors and assigns that at any future time it intends to construct any improvement which shall in any way encroach upon or interfere with said right of way, it shall at its own expense remove and reconstruct a comparable sanitary sewer in manner satisfactory to grantor, and thereafter a right of way ten (10) feet in width across the above described premises and along said sanitary sewer as reconstructed shall vest in grantor for the purposes set forth above.

And further reserving to grantor, its successors and assigns, the right forever to maintain and use a foot path forty (40) feet in width adjacent to Esbarcadero Road, in order to permit pedestrians to travel between the Southern Pacific Right of Way and Esbarcadero Road in connection with public events upon grantor's campus. Said right of way is more completely described as follows:

BEGINNING at a point in the northwesterly line of the parcel of land described in Underture by and between the Board of Trustees of the Leland Stanford Junior University, Palo Alto High School and Southern Pacific Railroad Company dated December 13, 1922 and recorded in Volume 12 of Official Records, page 82 et seq., Records of said County of Santa Clara, distant South 51° 45' East, 166.02 feet from the point of intersection of the northeasterly line of Esbarcadero Road with the northwesterly line of the right of way of the Southern Pacific Railroad Company; thence South 70° 10' West along the southwesterly line of the Esbarcadero Subway property, 274.79 feet; thence South 60° 37' 43" West, 50.70 feet; thence South 70° 10' West, 11.00 feet; thence South 78° 00' 11" West, 60.59 feet; thence South 85° 23' 15" West, 82.97 feet; thence South 19° 50' East, 41.49 feet; thence North 45° 32' 35" East, 109.05 feet; thence North 70° 10' East, 46.19 feet; thence North 60° 37' 43" East, 50.70 feet; thence North 70° 10' East, 296.37 feet to a point in the southwesterly line of the parcel of land described in above-mentioned Underture; thence North 51° 45' West thereon 47.12 feet to the point of beginning, containing an area of 19,722 square feet, more or less.

This conveyance is given and accepted upon the express condition which and shall be binding upon Grantee, its successors and assigns, that the

premises conveyed hereunder shall be used for school purposes only and that if ~~the said premises shall at any time cease to be used for school purposes, or if the premises or any part thereof shall at any time be used for any purpose other than school purposes, then and in any such event all of the said premises, together with the appurtenances, shall thereupon revert and become the property of Grantor, its successors and assigns, and all right, title and interest of Grantee, its successors and assigns, in and under this conveyance shall cease without further act by Grantor, provided, however, that if Grantor shall re-enter upon the said premises pursuant to the rights herein contained, it shall within ten (10) days after such re-entry pay to Grantee, its successors or assigns, the sum of Twenty-six Thousand Six Hundred Forty-five Dollars (\$26,645) in lawful currency of the United States.~~

This conveyance is further subject to all rights of Southern Pacific Railroad Company, its successors and assigns under an agreement between The Board of Trustees of Leland Stanford Junior University, Palo Alto Union High School District and Southern Pacific Railroad Company dated December 18, 1922, and recorded March 10, 1923 in Book 12 Official Records Page 82, and under an unrecorded agreement dated Nov. 5, 1937 between the same parties.

IN WITNESS WHEREOF, The Board of Trustees of The Leland Stanford Junior University, Grantor, has caused its name and seal to be hereunto subscribed and affixed by its officers whereunto duly authorized, this 27<sup>th</sup> day of April, 1956.

Approved as to form:

Robert M. Henry

THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY

By Robert A. G. ...  
President

By ...  
Secretary

The undersigned hereby accepts the foregoing conveyance upon the conditions therein stated. Dated this 5th day of April, 1956.

PALO ALTO UNIFIED SCHOOL DISTRICT

By ...  
108



STATE OF CALIFORNIA }  
City and County of San Francisco } ss. 800-3-11-11 (11)

On this 24th day of February, 1958,  
before me, TRENE M. WOOD, a Notary Public  
in and for the said City, County and State, residing  
herein, duly commissioned and sworn, personally appeared  
LLOYD W. DIMICKSFIEL and IRA S. LILJICK,  
known to me to be the PRESIDENT and  
SECRETARY, respectively, of THE BOARD  
OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY, a  
body having corporate powers described in and that executed  
the within and foregoing instrument, and also known to me  
to be the persons who executed the within and foregoing  
instrument on behalf of said Board, and acknowledged to  
me that said Board executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand  
and affixed my official seal at my office in said City,  
County and State, the day and year in this certificate  
first above written.

NOTARY PUBLIC  
In and for the City and County of  
San Francisco, State of California.  
(Notarial Seal)  
MREDA 1958

REC-581 397

ENDORSED  
FILED  
AUG 16 1956

PAUL R. TEILH, Clerk  
BY C. A. GREENE  
DEPUTY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

SPENCER M. WILLIAMS, County Counsel  
RODNEY R. ATKINSON, Deputy County Counsel  
Room 501, Hall of Records  
San Jose 13, California  
Telephone: Cypress 5-1050

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA

PALO ALTO UNIFIED SCHOOL DISTRICT OF  
SANTA CLARA COUNTY,

Plaintiff,

No. 97531

-vs-

FINAL ORDER OF CONDEMNATION

THE BOARD OF TRUSTEES OF THE LELAND  
STANFORD JUNIOR UNIVERSITY, a body  
having corporate powers; CITY AND  
COUNTY OF SAN FRANCISCO, a municipal  
corporation; JOHN DOE ONE; JOHN DOE  
TWO; JANE DOE ONE; JANE DOE TWO; DOE  
COMPANY ONE, a corporation; DOE COM-  
PANY TWO, a corporation; BLACK  
CO-PARTNERSHIP ONE, a co-partnership;  
BLACK CO-PARTNERSHIP TWO, a co-partner-  
ship, and all other persons claiming  
any right, title or interest in and  
to the property,

Defendants.

It appearing and pursuant to Judgment made in the above-entitled  
proceeding on the 15th day of August, 1956, and heretofore entered  
therein affecting the real property described in the Complaint, that  
payment of the amount of compensation as provided in said judgment  
to be paid and in accordance with said judgment, has been duly made  
to defendant, The Board of Trustees of The Leland Stanford Junior  
University, a body having corporate powers, within the time provided  
therefor; and

SPENCER M. WILLIAMS  
County Counsel  
Hall of Records  
San Jose, California

CT 68830

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

It further appearing that all the acts required of plaintiff have been duly done and performed, and that plaintiff is now entitled to a Final Order and Decree of Condemnation;

IT IS NOW ORDERED, ADJUDGED AND DECREED that title to the property hereinafter described as Parcel 1 and Parcel 2 be condemned to plaintiff in fee, and that all the right, title and interest of the defendant, The Board of Trustees of The Leland Stanford Junior University, a body having corporate powers, in the property hereinafter described as Parcel 3 be condemned to plaintiff, and the same is finally condemned for the public uses and purposes of the establishment and maintenance thereof of public school buildings, school appurtenances and school grounds to be used by plaintiff for school purposes, and particularly for the furtherance of public education and general welfare; provided, however, that said property shall be condemned to plaintiff upon the express condition that said property shall be used forever for the purposes of establishment and maintenance thereof of public school buildings, school appurtenances, and school grounds to be used by said plaintiff, or its successors, for school purposes, and particularly for the furtherance of public education and general welfare, and that in the event said property shall cease to be used for said purposes that said land and all buildings and appurtenances thereon shall revert and become the property of the said defendant, The Board of Trustees of The Leland Stanford Junior University, a body having corporate powers, upon the payment by said defendant of the sum of \$358,681.00 to the plaintiff, Palo Alto Unified School District of Santa Clara County, or its successor;

The property hereinabove referred to is all that certain real property situate and lying and being in the County of Santa Clara, State of California, and more particularly described as follows:

ROSE W. WILLIAMS  
County Counsel  
City of Santa Clara  
Hall of Records  
San Jose, California

7 of 10

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

PARCEL NO. 1.

7581

BEGINNING at a point in the northeasterly line of the lands of Leland Stanford, Jr. University, at a point marked with a Concrete Monument marked "G-18", said point being the most westerly corner of Lot 111, as said Lot is shown on that certain map of Tract #948, Green Acres #2, recorded May 13, 1952, in Book 36 of Maps, at page 54, Santa Clara County Records; THENCE from said point of beginning, southeasterly along the westerly line of said subdivision and of Lots 111 to 122 inclusive and the southwesterly line of Lot 8 of the L'Hermitte Subdivision (being a portion of the Rancho Rinconada Franciscano Tract) filed for record in Book "M" of Maps, at page 86, Santa Clara County Records, South 12° 55' 00" East 1177.10 feet to the point of intersection of the northeasterly line of the lands of the City and County of San Francisco with the southwesterly line of the said L'Hermitte Subdivision (80 feet wide) acquired by said City and County of San Francisco by that Final Decree of Condemnation recorded January 20, 1953, in Volume 2566 of Official Records, at page 36, Santa Clara County Records. The Final Judgment of Condemnation was entered November 24, 1952 in Judgment Book No. 56 at page 414; THENCE on and along said northeasterly line, North 62° 43' 40" West 233.70 feet; North 64° 35' 20" West 926.72 feet; THENCE continuing along the northerly line of the lands of the City and County of San Francisco, South 71° 04' 30" West 99.89 feet to a point opposite Engineer's Station 379+92.93 P.O.T. of the lands leased by Leland Stanford, Jr. University to the Southern Pacific Company described in that certain lease dated February 23, 1906, in Book "M" of leases at page 232, Santa Clara County Records; THENCE along the said northeasterly line of the lands leased to the Southern Pacific Company, North 18° 57' 30" West 1693.75 feet to a point in the northeasterly line of the lands of Leland Stanford, Jr. University, (said point being opposite Engineer's Station 396+86.68 P.O.T.,) said point also lies in the northwesterly production of the southwesterly line of Tract #522, El Cerrito, Unit #2, filed for record in Book 20 of Maps, at page 7, Santa Clara County Records; said point also lies along the northwesterly production of the southwesterly line of Tract #242, El Cerrito Unit #2, filed for record November 13, 1945 in Book 8 of Maps, at page 9, Santa Clara County Records; THENCE along said line of the lands of Leland Stanford, Jr. University and the said line of the above mentioned subdivision, South 56° 59' East 1701.13 feet to the point of beginning.

Containing 32.933 acres, more or less, and being a portion of the lands of Leland Stanford, Jr. University.

PARCEL NO. 2.

BEGINNING at a point in the northeasterly line of the lands of Leland Stanford, Jr. University; said point also lies in the southwesterly line of Lot 8, L'Hermitte Subdivision filed for record in Book "M" of Maps at page 86, Santa Clara County Records; said point is distant thereon along said northeasterly line of the lands of Leland Stanford, Jr. University, South 12° 55' 00" East 1279.38 feet from Leland Stanford, Jr. University Concrete Monument marked "G-18"; said monument is at the most westerly corner of Lot 111, as said lot is shown on Tract #948, Green Acres #2, recorded May 13, 1952, in Book 36 of Maps, at page 54, Santa Clara County Records; said point of beginning lies at the point of intersection with the southwesterly line of the lands of the City and County of San Francisco acquired

SPENCER M. WILLIAMS  
County Counsel  
County of Santa Clara  
Hall of Records  
San Jose, California

8 of 10

BOOK 3631 PAGE 4141

1 by that Final Decree in Condemnation recorded January 20, 1953,  
 2 in Volume 2566 of Official Records, at page 36, Santa Clara  
 3 County Records. The Final Judgment of Condemnation was entered  
 4 November 24, 1952 in Judgment Book #56 at page 414 in the County  
 5 Clerk's Office, Santa Clara County, California (Decree #73835);  
 6 THENCE from said point of beginning on and along said north-  
 7 easterly line of Leland Stanford, Jr. University, South 12° 55'  
 8 00" East 439.11 feet to a point in the northeasterly line of  
 9 Apacheville Road (40 feet wide) as said Road is shown on said  
 10 Laramie Subdivision Map; THENCE along said northwesterly line,  
 11 South 63° 17' 13" West 517.78 feet; THENCE continuing along  
 12 said line, South 63° 35' 13" West 226.00 feet to a point in the  
 13 northeasterly line of the lands of the Southern Pacific Company  
 14 acquired by lease dated February 23, 1906, recorded in Book "N"  
 15 of Leases at page 232, Santa Clara County Records; (said Southern  
 16 Pacific Company property is 80 feet in width); THENCE along  
 17 said northeasterly line, North 30° 34' 00" West 67.20 feet to  
 18 a point opposite Engineer's Station 365+88.4 B.C.; THENCE con-  
 19 tinuing along said line on the arc of a curve to the right with  
 20 a radius of 5689.65 feet through a central angle of 9° 06' 57",  
 21 an arc distance of 905.23 feet to a point; said point is  
 22 opposite Engineer's Station 375+00.00 P.O.C.; THENCE continuing  
 23 along said line, North 68° 32' 57" East 10.00 feet; THENCE on  
 24 the arc of a curve to the right (a radial line at the beginning  
 25 of said curve bears North 68° 32' 57" East) with a radius of  
 26 5679.65 feet through a central angle of 2° 29' 33" an arc distance  
 27 of 247.08 feet; THENCE continuing along said line, North 18°  
 28 57' 30" West 50.80 feet to a point opposite Engineer's Station  
 29 378+00.00; THENCE, South 71° 02' 30" West 10.00 feet; THENCE  
 30 continuing along said line, North 18° 57' 30" West 112.93 feet  
 31 to a point in the southerly line of the lands of the City and  
 County of San Francisco above described; THENCE along said line,  
 North 71° 04' 30" East 67.25 feet, South 64° 35' 20" East 892.83  
 feet; South 62° 43' 40" East 267.36 feet; THENCE, South 66° 09'  
 55" East 11.10 feet to the point of beginning.

Containing 18.307 acres, more or less.

PARCEL NO. 31

21 BEGINNING at a point in the northeasterly line of the lands of  
 22 Leland Stanford, Jr. University at the point of intersection  
 23 with the northeasterly line of the lands described in that Final  
 24 Decree of Condemnation recorded January 20, 1953 in Volume 2566  
 25 of Official Records, at page 36, Santa Clara County Records. The  
 26 Final Judgment of Condemnation was entered November 24, 1952 in  
 27 Judgment Book #56 at page 414; said point is distant thereon, South  
 28 12° 55' 00" East 1177.10 feet from Leland Stanford, Jr. University  
 29 Concrete Monument marked "8-18", said monument being the most  
 30 westerly corner of Lot 111, as said lot is shown on Tract 948,  
 31 Green Acres, #2, recorded May 13, 1952, in Book 36 of Maps,  
 at page 54, Santa Clara County Records; THENCE along the said  
 northeasterly line of the lands of the City and County of San  
 Francisco (80 feet wide), North 62° 43' 40" West 233.70 feet;  
 North 64° 35' 20" West 926.72 feet to a point in the northerly  
 line of said lands; THENCE continuing along said northerly  
 line, South 71° 04' 30" West 99.89 feet to a point in the  
 northeasterly line of the lands of the Southern Pacific Com-  
 pany; (said point is opposite Southern Pacific Company Engineer's  
 Station 379+92.93 P.O.T.) as said lands are described in that  
 certain lease dated February 23, 1906 and recorded in Book  
 "N" of Leases at page 232, Santa Clara County Records; THENCE

FENCER M. WILLIAMS  
County Counsel  
County of Santa Clara  
Hall of Records  
San Jose, California

BOOK 3581 PAGE 40

1 along said northeasterly line, South 18° 57' 30" East 80.00  
2 feet to the point of intersection of the said northeasterly  
3 line of Southern Pacific Company's lands with the southerly  
4 line of the lands of the City and County of San Francisco  
5 above described; THENCE along said lands, North 71° 04' 30"  
6 East 67.25 feet; South 64° 35' 20" East 892.83 feet; South  
7 62° 43' 40" East 267.36 feet; THENCE South 66° 09' 55" East  
8 31.10 feet to a point in the northeasterly line of the lands  
9 of Leland Stanford, Jr. University; THENCE along said line,  
10 North 12° 45' 00" West 102.28 feet to the point of beginning.

11 Containing 2.314 acres, more or less.

12 Being a portion of the lands of the City and County of San  
13 Francisco as described in that Final Decree of Condemnation  
14 recorded January 20, 1953 in Volume 2566 of Official Records  
15 at page 36, Santa Clara County Records. The Final Judgment  
16 of Condemnation was entered November 24, 1952, in Judgment Book  
17 #36 at page 414 in the County Clerk's Office, Santa Clara  
18 County, California (Decree #75835); and

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon filing  
20 a copy of this Final Order of Condemnation with the County Recorder  
21 of the County of Santa Clara, State of California, the fee simple  
22 title to the property hereinabove described as Parcel 1 and  
23 Parcel 2, and all of the right, title and interest of the defendant,  
24 The Board of Trustees of The Leland Stanford Junior University, a  
25 body having corporate powers, is vested in the Palo Alto Unified  
26 School District of Santa Clara County, plaintiff above named, its  
27 successors and assigns, subject only to the condition that said  
28 property shall be used by said plaintiff for school purposes as  
29 hereinabove set forth.

30 Dated this 14 day of August, 1956.

1244499

FILED FOR RECORD AT REQUEST OF BYRLE WILSON Co. AUG 17 11 50 A 1956

BYRLE R. SALSMAN Judge of the Superior Court

SANTA CLARA COUNTY

The foregoing instrument is a correct copy of the original on file in this office AUG 16 1956

SPENCER W. WILLIAMS County Clerk Santa Clara County, California

ERR:fs 8-16-56

52°

10 OF 10



# California Fair Political Practices Commission

January 31, 1989

Margaret E. O'Donnell  
Breon, O'Donnell & Miller  
The Shell Building  
100 Bush Street, 22nd Floor  
San Francisco, CA 94104

Re: Letter No. 89-057

Dear Ms. O'Donnell:

Your letter requesting advice under the Political Reform Act was received on January 30, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jill Stecher 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,

*Diane M. Griffiths*  
by *Ked*  
Diane M. Griffiths  
General Counsel

DMG:plh

BREON, O'DONNELL & MILLER

ATTORNEYS AT LAW

Jan 30 8 27 AM '89  
KEITH V. BREON  
PRISCILLA BROWN  
GREGORY J. DANNIS  
DAVID G. MILLER  
MARGARET E. O'DONNELL

MARK W. GOODSON  
EMI R. UYEHARA  
MARK G. INTRIERI  
BRIDGET A. FLANAGAN  
GERALDINE JAFFE  
NANCY BOURNE  
PATRICK J. MCGREAL

January 27, 1989

22<sup>ND</sup> FLOOR, THE SHELL BUILDING  
100 BUSH STREET  
SAN FRANCISCO, CALIFORNIA 94104  
FAX (415) 982-8470  
(415) 788-4999

17840 MORO ROAD, SUITE H120  
SALINAS, CALIFORNIA 93907  
(408) 663-0470

2550 VIA TEJON, SUITE 3A  
PALOS VERDES, CALIFORNIA 90274  
FAX (213) 373-6808  
(213) 373-6857

LOS ANGELES, CALIFORNIA  
(213) 642-1123

COSTA MESA, CALIFORNIA  
(714) 662-6977

SAN FRANCISCO

REPLY TO: \_\_\_\_\_

Diane Griffiths  
General Counsel  
Fair Political Practices Commission  
Post Office Box 807  
Sacramento, California 95804

Re: Conflict of Interest Opinion Request/Henry  
Levin, Palo Alto Unified School District  
Our File 5100.1000

Dear Ms. Griffiths:

On behalf of Henry Levin, President of the Board of Education of the Palo Alto Unified School District, I wish to request an opinion letter regarding a conflict of interest issue under the Political Reform Act, Government Code sections 8100 et seq. This opinion request is similar to ones requested by our office in 1979 and 1986. (See letter from Sarah T. Carmeron to Martha Scott dated February 2, 1979 and letter from John McLean to Margaret O'Donnell dated July 15, 1986.)

The facts are similar to those presented in earlier years. The Palo Alto Unified School District ("District") currently operates a number of schools. Because of enrollment patterns and financial considerations the Board of Education ("Board") is considering its grade level configurations which could affect the number and site location of its schools. Both its high schools (Gunn and Palo Alto) could be affected by a Board decision. The high schools are located on land acquired from Stanford University. Gunn High school is on a 50 acre site obtained from Stanford by condemnation. The order of condemnation, a copy of which is enclosed, provides that if the

Diane Griffiths  
Fair Political Practices Commission  
January 27, 1989  
Page 2

property is not used by the District for school purposes and particularly for public education and general welfare, the land will revert to Stanford upon payment of \$358,681 to the District. The present fair market value of the land is at least \$25,000,000. Palo Alto High School occupies 28 acres of another 50 acre site and was obtained by deed, a copy of which is enclosed. The deed requires the land be used for school purposes and provides for reversion to Stanford upon the payment of \$26,645 by Stanford to the District. The current fair market value of the land is at least \$23,000,000. Dr. Henry Levin is a professor employed by Stanford University.

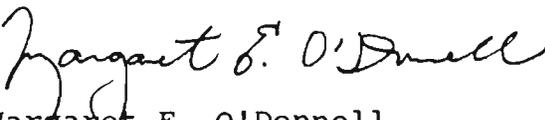
The opinion requested is whether Dr. Levin would have a conflict of interest under the Political Reform Act if he were to participate in discussion of or vote on the closure of either high school? Additionally, could he participate in discussion of or vote on litigation should a school be closed and Stanford University and the District disagree on the legal interpretation of the use of the property by the District.

Both Dr. Levin and I would be able to provide you with additional information, if needed.

Thank you for your time and assistance in this matter. Your office has been very helpful to the District over the past years in providing guidance.

Very truly yours,

BREON, O'DONNELL & MILLER

  
Margaret E. O'Donnell

MEO/lb  
Enclosures  
cc: Dr. Henry Levin  
Patricia Einfalt  
Palo Alto Unified School District