

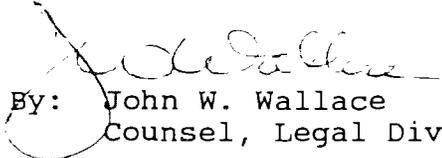
agency had stated how they will vote on the variety of issues that will reach the agency.

Section 87100 prohibits any public official from making, participating in making, or otherwise using his or her official position to influence a governmental decision in which the official has a financial interest. I advised you that although the decision to appoint a replacement for the redevelopment agency was a governmental decision, Councilmember Vernola could participate provided it is not reasonably foreseeable that the decision would have a material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on the official's financial interests. (Section 87103.) Absent a specific agreement between the councilmember and his replacement that the latter will vote in a particular manner on a particular decision, it is not reasonably foreseeable that the appointment of a replacement will affect Councilmember Vernola's financial interests.^{2/} (Benjamin Advice Letter, No. A-86-148; Lofgren Advice Letter, No. A-86-307, copies enclosed.)

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

Sincerely,

Kathryn E. Donovan
General Counsel


By: John W. Wallace
Counsel, Legal Division

KED:JWW:plh

Enclosures

^{2/} Of course once a replacement has been appointed, the councilmember may in no way attempt to influence the decisions of the agency as to specific decisions where the councilmember would have a conflict of interest.

RICHARDS, WATSON & GERSHON
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION

JUL 1 1989

RICHARD RICHARDS
(916-1988)

June 28, 1989

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John Wallace, Esq.
Legal Counsel
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

Re: Norwalk City Councilman Luigi Vernola

Dear Mr. Wallace:

Councilman Luigi Vernola has asked me to request written confirmation of the oral advice you provided on May 11, 1989, when you advised me that Councilman Vernola could vote to fill the existing vacancy on the Norwalk Redevelopment Agency.

As you may recall, Councilman Vernola resigned from the Norwalk Redevelopment Agency in December. The City Council has been unable to select a replacement, with two Councilmembers supporting one candidate and the other two Councilmembers supporting a second candidate. Based on the attached letter from the office of the former City Attorney, Councilman Vernola has abstained from participation in selecting his replacement on the Agency board.

As a result of my research and our conversation on May 11, 1989, I advised Councilman Vernola that he is not financially interested in this decision and may participate in selecting his replacement unless one of the candidates is, for some reason, more likely to vote in a way that would increase or decrease the value of Councilman Vernola's property located within the Project Area. Since there is no reasonable basis for making such an assumption under the circumstances, I advised Mr. Vernola that he can participate in this decision.

John Wallace, Esq.
June 29, 1989
Page Two

In view of the existence of the previous opinion finding that Mr. Vernola may not vote to select his replacement, Mr. Vernola has asked for written advice confirming your oral advice. Please contact me if you have any further questions or require any additional information.

Very truly yours,


Steven L. Dorsey
City Attorney
City of Norwalk

SLD:rp
cc: Councilman Luigi Vernola

89-396

RICHARDS, WATSON & GERSHON
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION

JUN 28 1989

June 28, 1989

GLENN R. WATSON	CAROL W. LYNCH
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WRITER'S DIRECT DIAL NUMBER

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P.O. Box 807
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John Wallace, Esq.
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Very truly yours,



Steven L. Dorsey
City Attorney
City of Norwalk

SLD:rp
cc: Councilman Luigi Vernola



California Fair Political Practices Commission

July 6, 1989

Steven L. Dorsey
City Attorney - Norwalk
Richards, Watson & Gershon
333 So. Hope Street, 38th Floor
Los Angeles, CA 90071-1469

Re: Letter No. 89-396

Dear Mr. Dorsey:

We received your letter requesting confirmation of advice under the Political Reform Act on July 3, 1989. Your letter has been assigned to John Wallace for response. If you have any questions, you may contact him directly at (916) 322-5901.

If the letter is appropriate for confirmation without further analysis, we will attempt to expedite our response. A confirming response will be released after it has gone through our approval process. If the letter is not appropriate for this treatment, the staff person assigned to prepare the response will contact you shortly to advise you. In such cases, the normal analysis, review and approval process will be followed.

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

Sincerely,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan
General Counsel

KED:plh:confadv1