

March 25, 2015

Nicole C. Wright
Senior Deputy City Attorney
Office of the City Attorney
500 Castro Street
P O Box 7540
Mountain View, CA 94039-7540

Re: Your Request for Advice
Our File No. A-15-033a

Dear Ms. Wright:

This letter responds to your request for follow up advice regarding conflict of interest provisions of the Political Reform Act (the "Act").¹ You specifically asked for clarification of the analysis in the *Wright* Advice Letter, No. A-15-033 as it pertained to City of Mountain View Bicycle and Pedestrian Advisory Committee Member Simon Purdon.

You asked for further analysis on whether traffic impacts on Member Purdon's street for west bound traffic caused by the proposed road diet on California Street could result in a finding of materiality under Regulation 18702.2(a)(10). Subdivision (a)(10) provides that an effect is material if the decision:

"Would change the character of the parcel of real property by substantially altering traffic levels or intensity of use, including parking, of property surrounding the official's real property parcel, the view, privacy, noise levels, or air quality, including odors, or any other factors that would affect the market value of the real property parcel in which the official has a financial interest." (Emphasis added.)

You noted in your correspondence of March 20, 2015, that while the existence of some potential traffic impact on Member Purdon's street was identified in the City's preliminary analysis, that at this time it was unlikely the Study will propose removing a lane of westbound travel on California between Oak and Shoreline and even if they did the City cannot assess the

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

severity of the potential changes or traffic levels at this time. Additional traffic information would be needed to provide an assessment since the Study is at a preliminary stage.

Thus, the facts do not show that the current decisions will substantially alter traffic levels or intensity of use such that the decisions would change the character of the Member Purdon's parcel. We reaffirm the conclusion in our letter *Wright* Advice Letter, No. A-15-033 that Member Purdon does not have a conflict of interest.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

John W. Wallace
Assistant General Counsel
Legal Division

JWW:jgl