

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance • • Administration • • Executive/Legal • • Enforcement
(916) 322-5662 322-5660 322-5901 322-6441

July 3, 1985

Paul F. Wilson
45 Willow Road
Menlo Park, CA 94025

Re: Advice Letter to John D.
Jorgenson
Our File No. A-84-038

Dear Mr. Wilson

We received your request for consideration of the above advice letter. However, under Government Code Section 83114(b) and Commission regulation 2 Cal. Adm. Code Section 18329 (copy enclosed), we may not advise persons other than the official whose duties are involved and his or her legal representative. In addition, we may not give advice regarding past actions. Accordingly, we may reconsider our advice to Councilmember White only at his request and only with regard to prospective decisions.

If you are concerned that we were not given complete or accurate facts and you think that Councilmember White has violated the conflict of interest provisions of the Political Reform Act, you may file a complaint with the local district attorney's office or with the Enforcement Division of the Commission (forms enclosed). In addition, the Act provides for civil actions by citizens. See Government Code Section 91005.

Sincerely,

A handwritten signature in cursive script that reads "Diane Maura Fishburn".

Diane Maura Fishburn
Counsel
Legal Division

DMF:plh
Enclosures
cc: Councilmember Billy Ray White

Dr. Nancy Jewell Cross
A People's Advocate
301 Vine Street
Merle Park, CA 94025
(415) 854-6882

JK

JWS,

Joni's,

~~Donna~~
Gemma

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BN

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April 5, 1984

John D. Jorgenson
City Attorney's Office
1100 Alma Street
Menlo Park, CA 94025

Re: Advice Letter No. A-84-038

Dear Mr. Jorgenson:

Thank you for your request for advice on the conflict of interest provisions of the Political Reform Act. Your letter was written on behalf of Menlo Park City Councilman Billy Ray White.

FACTS

In 1977, the cities of Menlo Park and Atherton, the Department of Transportation and the Citizens Against Dumbarton Bridge formally agreed that Willow Road, from the railroad tracks north to the Bayfront Expressway would be two lanes (see Attachment A^{1/}). On February 14, 1984, the Menlo Park City Council decided to instruct the City Engineer to ask Caltrans to make this section of Willow Road four lanes.^{2/} If the design of Willow Road is changed, an amendment to the existing contract must be approved by the City Council.

Councilman Billy Ray White is employed by Raychem Corporation. Raychem owns property at the junction of Willow Road and the Bayfront Expressway. Richard P. Hopkins, a

^{1/} Attachment A was part of your original letter.

^{2/} Willow Road will be four lanes from Highway 101 north to the railroad tracks (see Attachment A).

Under the terms of the agreement, the City of Menlo Park and Caltrans can amend the agreement without the consent of the other parties.

spokesman for Raychem appeared at the February 14, 1984, City Council meeting and urged the widening of Willow Road to four lanes. He stated that this will expedite traffic movement, ease traffic congestion and enhance traffic safety for those traveling between Highway 101 and the Bayfront Expressway. In additional conversations between you and Mr. Hopkins, he informed you that the proposed lane increase will not result in any modifications of Raychem's internal road system, entrances, or plans for development, nor will it have any significant effect on the company's gross sales, net profit, or net worth.^{3/}

CONCLUSION

Based upon the information provided by Raychem, it appears that the decision on whether to expand Willow Road to four lanes will not have a material financial effect on Raychem and Mr. Smith can participate in the decision.

DISCUSSION

Government Code Section 87100^{4/} prohibits a public official from making, participating in the making, or in any way attempting to use his official position to influence, a governmental decision in which he knows or has reason to know that he has a financial interest. An official has a "financial interest" within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect on:

* * *

(c) Any source of income . . . aggregating two hundred fifty dollars (\$250) or more in value provided to . . . the public official within 12 months prior to the . . . decision....

(Section 87103.)

Raychem is a source of income of \$250 or more to Councilman White and he must disqualify himself on a decision if it will

^{3/} Raychem's gross sales are \$600 million, its net profit is \$35 million and its net worth is \$287 million.

^{4/} Hereinafter all statutory references are to the Government Code unless otherwise indicated.

John D. Jorgenson
April 5, 1984
Page 3

foreseeably have a material financial effect on the company. A decision will materially effect Raychem if it will increase or decrease the company's:

- (A) Annualized gross revenues by \$100,000;
- (B) Annual net income by \$50,000; or
- (C) Current assets or liabilities by \$100,000.

(2 Cal. Adm. Code Section
18702(b) (1) .)

Based upon the information provided by Raychem, it appears that the decision to increase the lanes on Willow Road from two to four lanes will not have a material financial effect on the company. Thus, Mr. White can participate in the decision on the lane expansion.

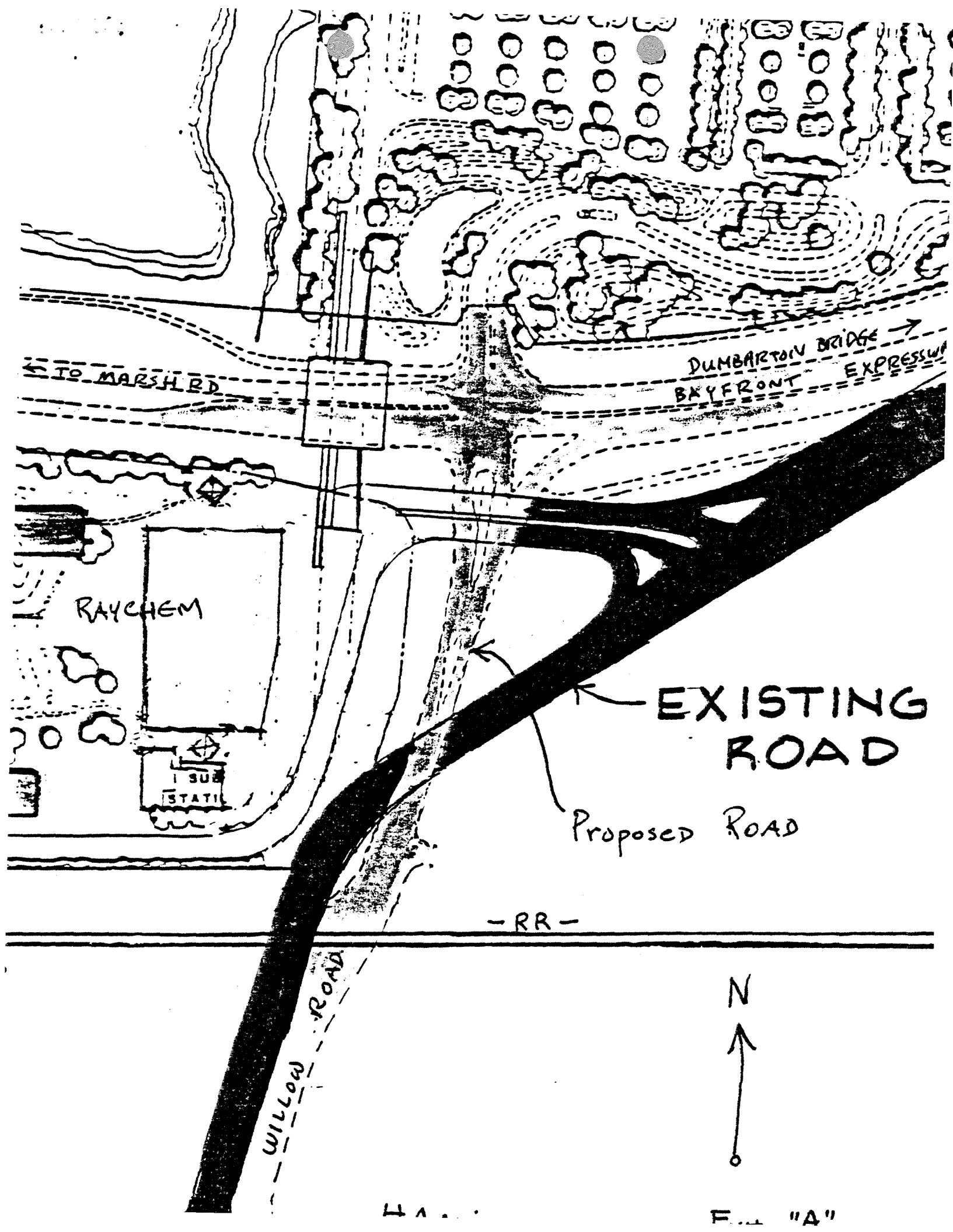
If I can be of any additional help to you, please feel free to contact me at (916) 322-5901.

Very truly yours,

Janis Shank McLean

Janis Shank McLean
Counsel
Legal Division

JSM:plh
Attachment



TO MARSH RD

DUMBARTON BRIDGE →
BAYFRONT EXPRESSWAY

RAYCHEM

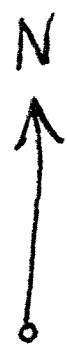
SUB
STATION

EXISTING
ROAD

Proposed Road

- RR -

WILLOW ROAD



H.A.

FILE "A"

PEG GUNN
MAYOR

JACK H. MORRIS
MAYOR PRO TEM

MATT LEHMANN
COUNCILMEMBER

BILLY RAY WHITE
COUNCILMEMBER

KAY PAAR
COUNCILMEMBER



OFFICE OF THE CITY ATTORNEY

1100 ALMA STREET / MENLO PARK, CALIFORNIA 94025 / TELEPHONE (415) 324-9300

February 27, 1984

State of California
Fair Political Practices Commission
P. O. Box 807
Sacramento, CA 95804

Re: Advice Request on Conflict of Interest on
Behalf of Councilmember Billy Ray White

I respectfully request advice or an opinion pursuant to Government Code §83114 regarding the duty of Menlo Park City Councilmember Billy Ray White under Government Code §87100.

1. The "Decision"

A contract was entered into as of August 23, 1977 between Atherton, Menlo Park, CalTrans and Citizens Against Dumbarton Bridge, under the terms of which the parties agreed on the design of the Dumbarton Bridge approach roads. Under the terms of the agreement, Willow Road from the Railroad Tracks North to the Bayfront Expressway would be two lanes (Exhibit "A"). On February 14, 1984 the Menlo Park City Council (by a vote of 3 - 2) instructed the City Engineer to request CalTrans to modify the plan to provide for four lanes on this portion of Willow Road. Willow Road is planned to be four lanes from Highway 101 North to the tracks. The proposed modification would carry the same lane configuration to the Willow Road terminus at the Bayfront Expressway. Under the contract, the City and CalTrans could amend the contract without the consent of the other parties. If the design of the Willow Road portion is to be changed, an amendment to the existing contract between the City and CalTrans will be necessary. This amendment will require Council action. The issue to be determined is whether Billy Ray White may vote on this decision.

2. The Council Member

Billy Ray White is employed full time by Raychem as Storekeeper III. There is no apparent nexus between the decision to be made and the purpose for which Mr. White receives his income, nor does there appear to be any possibility that the Council decision will have any effect on the income received by Mr. White.

3. Raychem

Raychem owns the lands shown on Exhibit "B", labelled East Campus and West Campus. The major entrance to Raychem is projected to be opposite the end of Willow Road at the Bayfront Expressway. Raychem will then have four entrances; two at the West end of site (West Campus), one at the East end of site (East Campus), and the main entrance opposite the Northerly end of Willow Road. Currently there are no buildings on the East Campus. There are now two entrances to the West Campus, a secondary entrance at the East end and the main entry off of Constitution Drive at the West end of the site. The City of Menlo Park has approved the EIR and the Master Plan for the ultimate development on the Raychem property as shown on Exhibit "B". Ultimate development could take place within 15 or 20 years. The company has taken no official action regarding the proposed width of Willow Road between the Railroad Tracks and the Bayfront Expressway. However, Richard P. Hopkins, Project Manager for Raychem, working out of the Real Estate and Construction Department, appeared before the City Council on February 14, 1984 and urged the City Council to widen Willow Road to four lanes between the Railroad Crossing and the Bayfront Expressway to conform to the four lane width of Willow South of the Railroad Tracks. His concerns, as expressed on February 14, 1984, were that a consistent four lane road from Bayshore Highway 101 to the Bayfront Expressway would expedite traffic movements North and South on Willow Road, would ease traffic congestion, and would enhance safety of all persons using the road.

No modification of the planned access to Raychem properties or internal road system is contemplated as the result of any change in the Willow Road plan.

Currently, Raychem has about 1800 employees working in the West Campus area. It is contemplated that the East Campus, when finally developed to its fullest extent, would be able to accommodate 3000 additional employees. Based on existing employee residences, Raychem would expect 22% of Raychem employees to reside in the East Bay and 25% South of Menlo Park. Persons arriving at Raychem from those locations could do so without using Willow Road when the new approach roads are completed.

Fair Political Practices
Commission
Page - Three -
February 27, 1984.

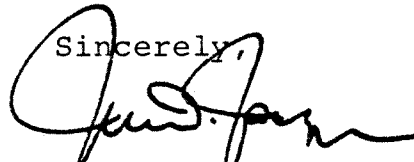
Mr. Hopkins has stated that he did not believe that the design of Willow Road could have any significant effect on the gross sales, net profit or net worth of Raychem. Gross sales are in the magnitude of \$600 million (world wide), net profit (fiscal year 1983) is \$35 million and net worth is \$287 million.

4. The Legal Issues

(a) Does the "decision" have a "material financial effect" on Raychem distinguishable from its effect on the public generally; and (b) is Mr. White disqualified in the making of the decision under Government Code §87100?

Mr. White has requested me to ask you to respond to this inquiry. Would you kindly advise if you will be willing to respond and if so, when a response shall take place. If you need further information please advise.

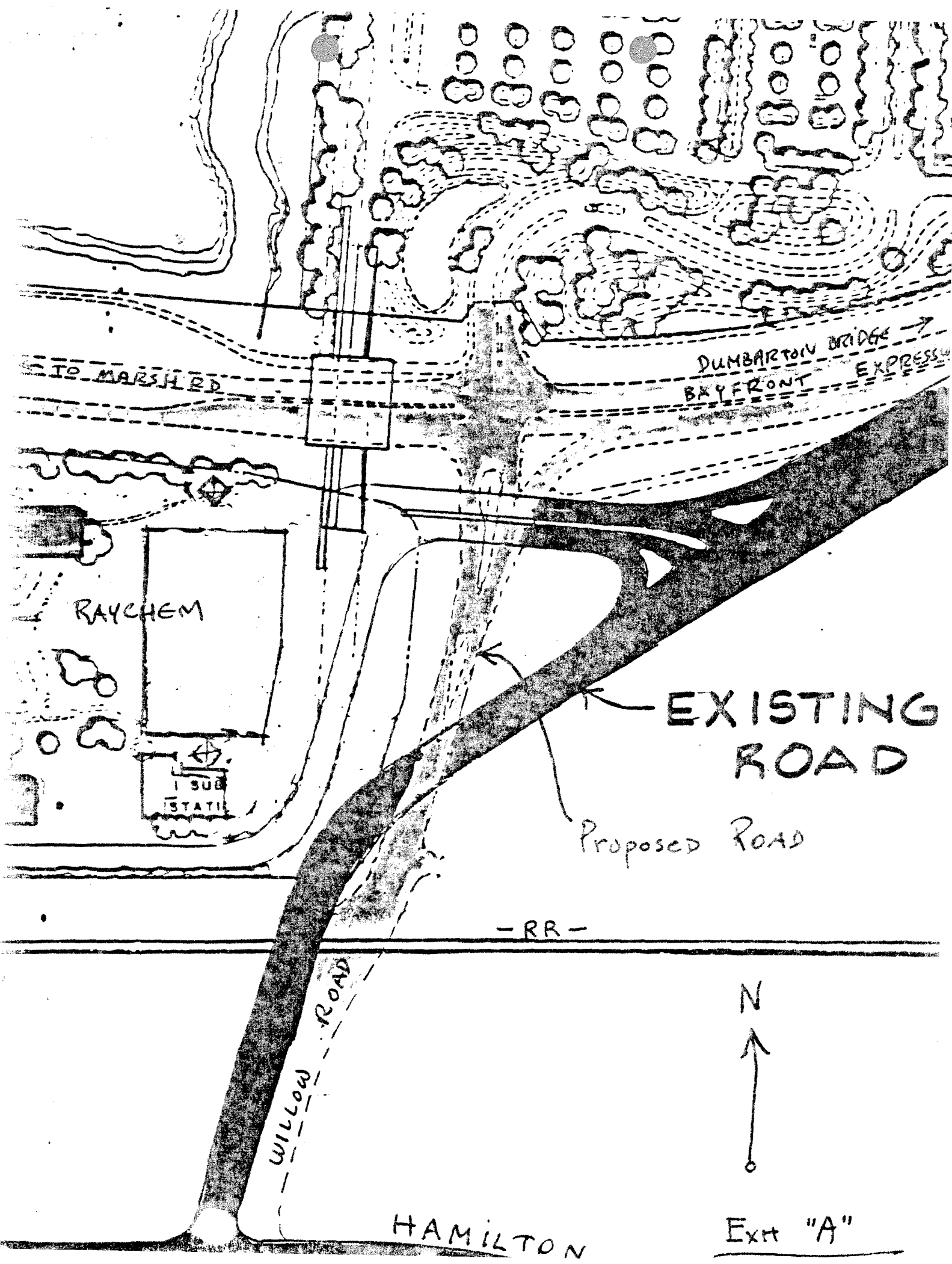
Sincerely,



John D. Jorgenson

JDJ/mp
Encls.

cc - Menlo Park City Council
Michael Bedwell, City Manager



TO MARSH RD

DUMBARTON BRIDGE →
BAYFRONT EXPRESS

RAYCHEM

SUB
STATION

EXISTING
ROAD

Proposed Road

-RR-

WILLOW ROAD

HAMILTON

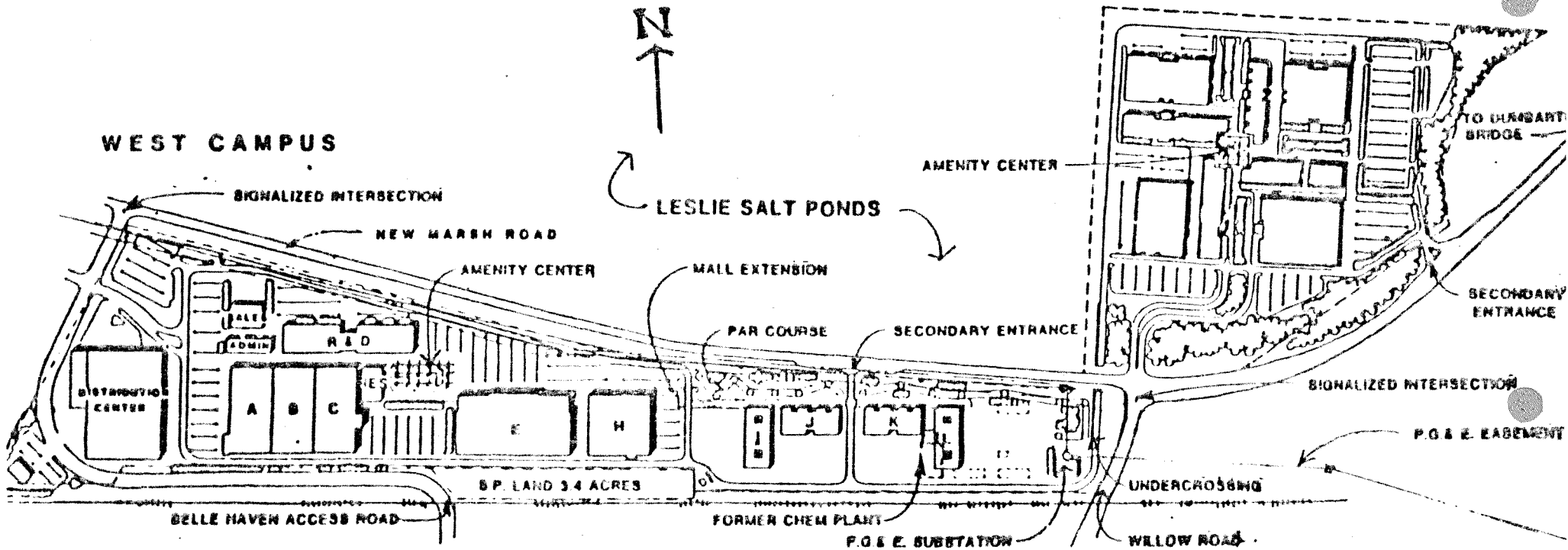


Ext "A"

EXHA "B"

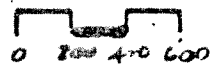
EAST CAMPUS (FORMELY CARNDUFF SITE)

WEST CAMPUS



ULTIMATE DEVELOPMENT PLAN

Raytheon Corporate Headquarters
Manassas Park, California



□ FUTURE BUILDINGS

State of California



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April 25, 1984

John D. Jorgenson
Billy Ray White
City Attorney's Office
1100 Alma Street
Menlo Park, CA 94025

Dear Messrs. Jorgenson and White:

Recently, we received a letter from Mr. Paul Wilson concerning my advice letter (A-84-038) to you. Please review Mr. Wilson's letter and contact me if you feel that we should discuss this matter further.

Very truly yours,

Janis Shank McLean
Janis Shank McLean
Counsel
Legal Division

JSM:plh
Enclosure

State of California



Fair Political Practices Commission

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April 25, 1984

Paul F. Wilson
45 Willow Road
Menlo Park, CA 94025

Dear Mr. Wilson:

Thank you for your letter of April 16, 1984, concerning Menlo Park City Councilman Billy Ray White. My advice to Mr. White was based upon the facts that he provided. To the extent that he truthfully disclosed all of the material facts, and acts in reliance on our advice, he will be immune from any enforcement proceeding initiated by the FPPC, and his request for advice shall be evidence of good faith conduct in any other civil or criminal proceeding. (Government Code Section 83114(b).) I am sending Mr. White copies of this letter and your letter so that he will be aware of your concerns.

If you have any questions, please feel free to contact me at (916) 322-5901.

Very truly yours,

Janis Shank McLean
Janis Shank McLean
Counsel
Legal Division

JSM:plh

Paul F. Wilson
45 Willow Road
Menlo Park, CA 94025

April 16, 1984

F P P C
APR 23 9 28 AM '84

State of California
Fair Political Practices Commission
P.O. Box 804
Sacramento, CA 95804

Subject: Advice Letter No A-84-038

Reference is made to Letter, Fair Political Practices Commission, April 5, 1984, Re: Advice Ltr No A-84-038, with attachments:

Exhibit A, diagram of Aug 23, 1977 contract showing two lane approach road from Willow Road to the Bayfront Expressway.

Ltr from Menlo Park City Attorney Feb 27, 1984 requesting advice on conflict of interest on behalf of Councilmember Billy Ray White with the original of Exhibit A to Advice Ltr No A-84-038 and Exhibit B, Raychem Ultimate Development Plan.

Letter concludes:

Based upon the information provided by Raychem, it appears that the decision on whether to expand Willow Rd to four lanes will not have a material financial effect on Raychem and Mr. White can participate in the decision.

Note is attached to information copy to me.

Mr. Wilson - This letter is subject to approval by the Commission.

Facts of Feb 14 Raychem effort to secure Menlo Park Council approval of a widening of Willow Road from two lanes to four lanes at Willow Road connection to Bayfront Expressway breaking formal agreement of 1977.

- a. Members of the Chamber of Commerce of Menlo Park were persuaded to join Raychem representative, Dick Hopkins, in request that Menlo Park's connection with the Bayfront Expressway be modified from the two lanes of previous Council formal agreement to four lanes.
- b. Raychem has plans to expand its work force of 2000 to 5000 at the site (see Peninsula Times Tribune report, clipping Feb 15, 1984 attached, and Exhibit B to Ltr of Menlo Park Attorney.)
- c. The voters of Menlo Park turned down a Willow Road Expressway from Dumbarton Bridge route in response to the proposition in early 1970's.

Discussion

It is obvious that Raychem situated on both sides of the four lane Bayfront Expressway to be built in coming months would gain four lane access directly from the central portion of its expanded area via Willow Road to Highway 101. It would not have to contend with the two lane sections of the Marsh Road connection and the University Ave connection (soon to be constructed) to reach Highway 101.

The change from two lane connection of Willow Road to Bayfront Expressway to four lanes will clearly bring the major portion of the Bridge traffic (4 lanes of the total of 8 lanes connecting to Bayfront Expressway) to Menlo Park's Willow Road. Traffic is now congested severly at both east and west approaches to the bridge as observed daily along Willow Road and reported in daily radio coverage of the east connection to the bridge.

Local traffic condition on Willow Road (Menlo Park) on both sides of Highway 101 cause extensive delay at peak hours. Apartments between Highway 101 and the future Bayfront Expressway are undesirable places to live and constitute the worst crime problem in Menlo Park. (Air polution, traffic delay, noise.)

Much of Belle Haven community (between Hwy 101 and the future Bayfront Expressway) will be impacted directly or indirectly by the adverse effects of Hwy 101 and its connection to the Bayfront Expressway. Crime as indicated by burglary has been four times that of the portion of Menlo Park west of Hwy 101.

With a four lane connection at Willow Road with the Bayfront Expressway the serious traffic problem for Menlo Park can be expected to continue for the future. Employment from new housing east of the Dumbarton Bridge attracted to silicon valley sections of Palo Alto and south into Santa Clara County can be expected to continue to expand and take the most convenient (highest capacity) route through Menlo Park to work destination.

The control of Menlo Park Council has rested with Billy Ray White and two supporters who determine who will be Mayor. In recent project discussions (since 1980) the majority has voted extensive problems for Menlo Park traffic system from direct acceptance of greater traffic from Palo Alto and approval of commercial developments not acceptable to the Council of the 1970's. Recently (1982) the Council approved an added right turn lane on Middlefield Road from Palo Alto to Willow Road northeast bound toward the Dumbarton Bridge (now congested at peak hours). The present Council has approved a major shift to office building on El Camino and Middlefield in a move to commercial construction turned down by the Council of the 1970's in study of Downtown Menlo Park.

The Raychem progression in development has been subject to Menlo Park conditions over the decades of growth. Recent plans and modifications to expansion plans have not considered any concession to Raychem for changing access routes at Willow Road for the convenience of Raychem. Billy Ray White has abstained from participation in Raychem plans prior to the current plan of providing the controversial four lane connection to Willow Road for the convenience of Raychem.

The financial effect of providing a four lane expressway from its gates directly to Hwy 101 will be considerable considering its expansion in work force from 2000 to 5000. Convenient traffic access to the major unit of a company with gross sales of \$600 million and expanding could easily increase company value to exceed the \$100,000 company asset value limitation to financial interest. The company has net worth listed as \$287 million and net profit of \$35 million. (\$100,000 increase is less than 0.004% of \$287 million present value.)

The annual income resulting from expressway convenience in Willow Road directly to Hwy 101 is difficult to see before the final expansion of the company is complete. However, the costs to the City can be seen now.

Financial and environmental cost of adding the four lane connection, directly in traffic problems and crime problems for Menlo Park and indirectly in air quality - noise, standards of living, will exceed the annual net income limitation of \$50,000 net income benefit to the Company as the limitation of material financial effect on the Company for disqualifying an employee from voting on his employers project. The City is now in the midst of an 8-10 million dollar program for the substandard apartments in the 1200-1300 block on Willow Road. The program was initiated on the basis that the two lane restriction would continue at the connection of Willow Road to the Bayfront Expressway. The expansion of Willow Road traffic will put the program in jeopardy.

Council bias toward Raychem benefits may invite litigation and problems for Mr. White and Raychem. Full analysis of all traffic problems generated for Willow Road may bring restrictions to Raychem expansion in the future.

Conclusion

A lane increase urged by a representative of the company and an employee of the company in the City Council for the benefit of the company and its employees, to the disadvantage of the immediate residential Willow Road area and the general traffic disadvantage of Menlo Park is a conflict of interest without regard to the size of the company in gross sales, net profit and net worth.

The advantage to the company in a four lane direct route from its Menlo Park location along Willow Road to Hwy 101 has not been expressed in dollars for the growth of the company expected (newspaper article attachment). The dollar value of such a connection could be expected to exceed the \$100,000 limit of material financial effect which is only 0.004% of the reported net worth of \$287 million.

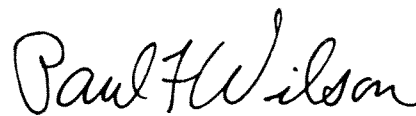
The Fair Political Practices Commission has apparently not been informed of the controversial nature of breaking the 1977 agreement for equal connection to the Bayfront Expressway which leaves Menlo Park's Willow Road as the major connection to the Expressway with continuous four lanes in contrast to the other connections with limits of two lanes each.

The Fair Political Practices Commission advice letter No A-84-038, subject to approval by the Commission (April 13, 1984 note) will not protect Mr. White from liability for voting in support of his employer on a controversial project which will bring obvious additional impacts to congested streets of Menlo Park.

Recommendation

The Advice Letter No A-84-038 be reconsidered to recognize

the complex conflicts in Mr. White's participation in Council decision to change a previous Council agreement for the benefit of his employer.



Paul F. Wilson

Attachment

Newspaper Report of Feb 14, 1984. Council action on Raychem representative urging increase of traffic lanes at Willow Road connection to Bayfront Expressway.

The Peninsula Times Tribune	
<div style="font-size: 2em; font-weight: bold; letter-spacing: -0.5em;">B</div> <div style="display: flex; justify-content: center; gap: 0.2em;"> ☆ ☆ ☆ </div>	Obituaries.....B-4 Police blotter.....B-2 Police/fire watch.....B-2 Weather.....B-4
Wednesday, Feb. 15, 1984	

Menlo Park OKs widening Willow Road

By Barbara Wood
Times Tribune staff

Menlo Park officials Tuesday agreed to widen Willow Road near the Dumbarton Bridge, reviving a six-year-old dispute over whether to ease traffic flow from the Dumbarton Bridge or to make it worse.

The council, on a 3-2 vote, agreed to ask the state Department of Transportation to widen the road from two lanes to four between Highway 101 and the bridge to ease traffic bottlenecks.

State plans for bridge approaches now retain the road at two lanes just east of Hamilton Avenue. Caltrans agreed to keep the narrower lanes in 1977 to settle a lawsuit by Peninsulans attempting to block construction of the new Dumbarton Bridge.

Bridge opponents felt forcing traffic to narrow from four lanes to two lanes would achieve their goals — keeping commuter traffic out of residential communities. In deciding to seek a change in state plans, the City Council Tuesday revived debate over whether easing traffic flow from the bridge will bring more commuters and congestion to nearby communities.

One group contends making the

bridge's approach road as inconvenient as possible will discourage more traffic from coming into residential communities. Others say such a strategy is a hardship to area businesses and workers and does not work anyway.

Malcolm Dudley, an Atherton city councilman who helped lead opposition to the new Dumbarton Bridge, was active again Tuesday night in opposing any changes in the approach roads.

He was joined by former Menlo Park Councilman Bob Stephens, who said "it would be an enormous mistake to redesign the road at this point."

The state's current plan was adopted because it is the best way to take care of Menlo Park's traffic problems, he said.

Councilman Jack Morris contended two new bridge approaches on University Avenue and Marsh Road will make a widening unnecessary. If not, the city can widen the road later.

"We should see what the problems really are before we fix them. That way we won't fix a problem we don't really have," Morris said.

But others at Tuesday's council

Please see WILLOW, B-5

WILLOW

Continued from B-1

meeting just as strenuously argued that the road must be widened.

Dick Hopkins, representing Raychem Inc., which has its offices near the Dumbarton end of Willow Road, said that without the widening, Raychem employees would be caught in a "dangerous situation."

Raychem plans to eventually expand its work force of 2,000 at the site to 5,000, Hopkins said.

Councilman Billy Ray White, citing the daily traffic congestion on the road, said "there is no reason for us to sit here and continue to choke ourselves."

Dudley, once president of the citizens' group that sued to block bridge construction, said today the group cannot interfere with Menlo Park's action because it involves only roadway within the city.

The out-of-court agreement gave the town of Atherton and Dudley's group, Citizens Against the Dumbarton Bridge, some veto power over portions of the bridge project.

But neither the town nor the group have any say over the Willow Road widening the City Council has in mind.

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JSM:plh

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45 Willow Road
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April 16, 1984

F P P C
APR 23 9 28 AM '84

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Fair Political Practices Commission
P.O. Box 804
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Subject: Advice Letter No A-84-038

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With a four lane connection at Willow Road with the Bayfront Expressway the serious traffic problem for Menlo Park can be expected to continue for the future. Employment from new housing east of the Dumbarton Bridge attracted to silicon valley sections of Palo Alto and south into Santa Clara County can be expected to continue to expand and take the most convenient (highest capacity) route through Menlo Park to work destination.

The control of Menlo Park Council has rested with Billy Ray White and two supporters who determine who will be Mayor. In recent project discussions (since 1980) the majority has voted extensive problems for Menlo Park traffic system from direct acceptance of greater traffic from Palo Alto and approval of commercial developments not acceptable to the Council of the 1970's. Recently (1982) the Council approved an added right turn lane on Middlefield Road from Palo Alto to Willow Road northeast bound toward the Dumbarton Bridge (now congested at peak hours). The present Council has approved a major shift to office building on El Camino and Middlefield in a move to commercial construction turned down by the Council of the 1970's in study of Downtown Menlo Park.

The Raychem progression in development has been subject to Menlo Park conditions over the decades of growth. Recent plans and modifications to expansion plans have not considered any concession to Raychem for changing access routes at Willow Road for the convenience of Raychem. Billy Ray White has abstained from participation in Raychem plans prior to the current plan of providing the controversial four lane connection to Willow Road for the convenience of Raychem.

The financial effect of providing a four lane expressway from its gates directly to Hwy 101 will be considerable considering its expansion in work force from 2000 to 5000. Convenient traffic access to the major unit of a company with gross sales of \$600 million and expanding could easily increase company value to exceed the \$100,000 company asset value limitation to financial interest. The company has net worth listed as \$287 million and net profit of \$35 million. (\$100,000 increase is less than 0.004% of \$287 million present value.)

The annual income resulting from expressway convenience in Willow Road directly to Hwy 101 is difficult to see before the final expansion of the company is complete. However, the costs to the City can be seen now.

Financial and environmental cost of adding the four lane connection, directly in traffic problems and crime problems for Menlo Park and indirectly in air quality - noise, standards of living, will exceed the annual net income limitation of \$50,000 net income benefit to the Company as the limitation of material financial effect on the Company for disqualifying an employee from voting on his employers project. The City is now in the midst of an 8-10 million dollar program for the substandard apartments in the 1200-1300 block on Willow Road. The program was initiated on the basis that the two lane restriction would continue at the connection of Willow Road to the Bayfront Expressway. The expansion of Willow Road traffic will put the program in jeopardy.

Council bias toward Raychem benefits may invite litigation and problems for Mr. White and Raychem. Full analysis of all traffic problems generated for Willow Road may bring restrictions to Raychem expansion in the future.

Conclusion

A lane increase urged by a representative of the company and an employee of the company in the City Council for the benefit of the company and its employees, to the disadvantage of the immediate residential Willow Road area and the general traffic disadvantage of Menlo Park is a conflict of interest without regard to the size of the company in gross sales, net profit and net worth.

The advantage to the company in a four lane direct route from its Menlo Park location along Willow Road to Hwy 101 has not been expressed in dollars for the growth of the company expected (newspaper article attachment). The dollar value of such a connection could be expected to exceed the \$100,000 limit of material financial effect which is only 0.004% of the reported net worth of \$287 million.

The Fair Political Practices Commission has apparently not been informed of the controversial nature of breaking the 1977 agreement for equal connection to the Bayfront Expressway which leaves Menlo Park's Willow Road as the major connection to the Expressway with continuous four lanes in contrast to the other connections with limits of two lanes each.

The Fair Political Practices Commission advice letter No A-84-038, subject to approval by the Commission (April 13, 1984 note) will not protect Mr. White from liability for voting in support of his employer on a controversial project which will bring obvious additional impacts to congested streets of Menlo Park.

Recommendation

The Advice Letter No A-84-038 be reconsidered to recognize

the complex conflicts in Mr. White's participation in Council decision to change a previous Council agreement for the benefit of his employer.

A handwritten signature in cursive script that reads "Paul F. Wilson".

Paul F. Wilson

Attachment

Newspaper Report of Feb 14, 1984. Council action on Raychem representative urging increase of traffic lanes at Willow Road connection to Bayfront Expressway.

The Peninsula Times Tribune	
B ☆ ☆ ☆	Obituaries.....B-4 Police blotter.....B-2 Police/fire watch.....B-2 Weather.....B-4
Wednesday, Feb. 15, 1984	

Menlo Park OKs widening Willow Road

By Barbara Wood
Times Tribune staff

Menlo Park officials Tuesday agreed to widen Willow Road near the Dumbarton Bridge, reviving a six-year-old dispute over whether to ease traffic flow from the Dumbarton Bridge or to make it worse.

The council, on a 3-2 vote, agreed to ask the state Department of Transportation to widen the road from two lanes to four between Highway 101 and the bridge to ease traffic bottlenecks.

State plans for bridge approaches now retain the road at two lanes just east of Hamilton Avenue. Caltrans agreed to keep the narrower lanes in 1977 to settle a lawsuit by Peninsulans attempting to block construction of the new Dumbarton Bridge.

Bridge opponents felt forcing traffic to narrow from four lanes to two lanes would achieve their goals — keeping commuter traffic out of residential communities. In deciding to seek a change in state plans, the City Council Tuesday revived debate over whether easing traffic flow from the bridge will bring more commuters and congestion to nearby communities.

One group contends making the

bridge's approach road as inconvenient as possible will discourage more traffic from coming into residential communities. Others say such a strategy is a hardship to area businesses and workers and does not work anyway.

Malcolm Dudley, an Atherton city councilman who helped lead opposition to the new Dumbarton Bridge, was active again Tuesday night in opposing any changes in the approach roads.

He was joined by former Menlo Park Councilman Bob Stephens, who said "it would be an enormous mistake to redesign the road at this point."

The state's current plan was adopted because it is the best way to take care of Menlo Park's traffic problems, he said.

Councilman Jack Morris contended two new bridge approaches on University Avenue and Marsh Road will make a widening unnecessary. If not, the city can widen the road later.

"We should see what the problems really are before we fix them. That way we won't fix a problem we don't really have," Morris said.

But others at Tuesday's council

Please see WILLOW, B-5

WILLOW

Continued from B-1

meeting just as strenuously argued that the road must be widened.

Dick Hopkins, representing Raychem Inc., which has its offices near the Dumbarton end of Willow Road, said that without the widening, Raychem employees would be caught in a "dangerous situation."

Raychem plans to eventually expand its work force of 2,000 at the site to 5,000, Hopkins said.

Councilman Billy Ray White, citing the daily traffic congestion on the road, said "there is no reason for us to sit here and continue to choke ourselves."

Dudley, once president of the citizens' group that sued to block bridge construction, said today the group cannot interfere with Menlo Park's action because it involves only roadway within the city.

The out-of-court agreement gave the town of Atherton and Dudley's group, Citizens Against the Dumbarton Bridge, some veto power over portions of the bridge project.

But neither the town nor the group have any say over the Willow Road widening the City Council has in mind.

State of California



Fair Political Practices Commission

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April 24, 1984

Paul F. Wilson
45 Willow Road
Menlo Park, CA 94025

Re: A-84-101

Dear Mr. Wilson:

Your letter requesting advice under the Political Reform Act has been referred to Janis Shank McLean, an attorney in the Legal Division of the Fair Political Practices Commission. If you have any questions about your advice request, you may contact this attorney directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

Barbara A. Milman
Barbara A. Milman
General Counsel

BAM:plh