June 2, 2026

Greg Gillott
Amador County Counsel
810 Court Street
Jackson, CA 95642

Re: Your Request for Informal Assistance
Our File No. I-26-059

Dear Mr. Gillott:

This letter responds to your request for advice on behalf of Amador County ("County") Supervisor Brian Oneto regarding the conflict of interest provisions of the Political Reform Act (the "Act").[1] Please note that we are only providing advice under the Act, not under other general conflict of interest prohibitions such as common law conflict of interest or Section 1090.

Because the question presented is general in nature and no specific decision has been identified at this time, we are treating your request as one for informal assistance.[2] Also note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

QUESTION

Does the Act prohibit Supervisor Oneto from taking part in decisions to amend the Intergovernmental Agreement ("IGA") between the County and the Ione Band of Miwoks (the "Tribe"), or the Memorandum of Agreement ("MOA") between the Amador Fire Protection District ("AFPD") and the Tribe, related to payments made by the Tribe to the County and

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[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 18104 through 18998 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.

[2] Informal assistance does not provide the requestor with immunity provided by an opinion or formal written advice (Section 83114; Regulation 18329(c)(3).)

AFPD to mitigate impacts and costs of the Tribe's casino, when Supervisor Oneto has a mining claim on land abutting the casino property?

CONCLUSION

The facts do not identify any decisions before the County or the AFPD to determine whether Supervisor Oneto is disqualified from taking part in a particular decision under the Act. We can generally advise that the Act prohibits Supervisor Oneto from taking part in decisions with an effect on the casino property because he has a mining claim on land located within 500 feet of the casino property unless there is clear and convincing evidence to establish that the decisions would not have any measurable impact on his mining claim. However, whether Supervisor Oneto is disqualified from any particular decision will depend on the nature of the specific amendment to the IGA or the MOA.

FACTS AS PRESENTED BY REQUESTER

Supervisor Oneto serves as the 5th District Supervisor for Amador County. This request for advice is a follow up on advice previously issued by the Commission in the *Oneto* Advice Letter, No. I-08-044a, and in the *Gillott* Advice Letter, No. I-20-160. The *Oneto* Advice Letter concluded that Supervisor Oneto was prohibited, based on his real property interests, from taking part in any decisions related to efforts by the Tribe to take land into trust for the construction of a proposed casino. The *Gillott* Advice Letter similarly concluded that Supervisor Oneto was prohibited, based on his real property interests, from taking part in any negotiations between the County and the Tribe regarding an IGA intended to mitigate offsite impacts of the casino and to provide compensation for various public services provided in connection with the casino.

On May 28, 2024, the County and Tribe entered into an IGA, and on February 24, 2026, the Tribe's casino, Acorn Ridge, officially opened for business. Pursuant to the IGA, the Tribe is required to make one-time payments for impacts to traffic and to the Sheriff's Office and recurring payments to the County for impacts to the Sheriff's Office, District Attorney's Office, and Probation. The Tribe also entered into a separate MOA with the AFPD on August 20, 2024. AFPD is a dependent special district of the County, which means that the County Supervisors, including Supervisor Oneto, act as the Board of Directors for AFPD. Pursuant to the MOA, the Tribe must make certain recurring payments to AFPD as mitigation for impacts related to the casino and for providing fire and emergency medical services for the casino.

There are currently no decisions for the Board of Supervisors or the AFPD Board of Directors to make with respect to the Tribe and its casino. The term for the IGA and MOA is 20 years. However, it is possible that in the future the parties may mutually agree to revisit the specific mitigation payments set forth in those agreements.

Since the issuance of the *Gillott* Advice Letter, you state Supervisor Oneto's real property interests remain relatively unchanged and are comprised of the following: (1) a home/ranch consisting of approximately 424.14 acres, which, at its closest point, is located approximately 0.28 of a mile from the casino property; (2) mineral rights on land in the City of Plymouth located more than one-half mile from the casino property; (3) a grazing lease costing $113.40 per year on lands owned by the Federal Bureau of Land Management ("BLM") abutting the casino property; and (4) a mining claim valued at $5,500 on the same BLM lands abutting the casino property.

ANALYSIS

Section 87100 of the Act prohibits a public official from making, participating in making, or in any way attempting to use the official's position to influence a government decision in which the official has a financial interest.

Financial Interests

A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on an interest specified in Section 87103, including:

- Any business entity[3] in which the public official has a direct or indirect investment worth $2,000 or more (Section 87103(a)) and any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management. (Section 87103(d).)

- Any real property in which the public official has a direct or indirect interest worth $2,000 or more. (Section 87103(b).)

- Any source of income aggregating $500 or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made. (Section 87103(c).)

- Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating $630 or more in value provided to, received by, or promised to the public official within 12

[3] The Act defines "business entity" to mean any organization or enterprise operated for profit. (Section 82005.)

months prior to the time when the decision is made. (Section 87103(e) and Regulation 18940.2.)

- An interest in the official's personal finances and those of the official's immediate family. (Section 87103.)

You confirmed Supervisor Oneto's real property financial interests remain relatively unchanged from what existed at the time of the *Gillott* Advice Letter, issued February 3, 2021, which includes (1) a home/ranch consisting of approximately 424.14 acres, which, at its closest point, is located approximately 0.28 of a mile from the casino property; (2) mineral rights on land in the City of Plymouth located more than one-half mile from the casino property; (3) a grazing lease costing $113.40 per year on lands owned by the BLM abutting the casino property; and (4) a mining claim valued at $5,500 on the same BLM lands abutting the casino property.

Foreseeability and Materiality

For a conflict of interest to exist, it must be reasonably foreseeable that the governmental decision would have a material financial effect[4] on the public official's financial interests. (Regulation 18700(d)(1)-(2).)

Regulation 18701(a) provides the applicable standard for determining the foreseeability of a financial effect on a financial interest explicitly involved in a governmental decision. It states:

> A financial effect on a financial interest is presumed to be reasonably foreseeable if the financial interest is a named party in, or the subject of, a governmental decision before the official or the official's agency. A financial interest is the subject of a proceeding if the decision involves the issuance, renewal, approval, denial or revocation of any license, permit, or other entitlement to, or contract with, the financial interest, and includes any governmental decision affecting a real property financial interest as described in Regulation 18702.2(a)(1)-(6).

Where, as here, an official's financial interest is not explicitly involved in a decision the applicable standard for determining the foreseeability of a financial effect on a financial interest is found in Regulation 18701(b) which provides:

> A financial effect need not be likely to be considered reasonably foreseeable. In general, if the financial effect can be recognized as a realistic possibility and more than

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[4] "Financial effect" means an effect that provides a benefit of monetary value or provides, prevents, or avoids a detriment of monetary value. (Regulation 18700(c)(5).)

hypothetical or theoretical, it is reasonably foreseeable. If the financial result cannot be expected absent extraordinary circumstances not subject to the public official's control, it is not reasonably foreseeable.

Regulation 18702.2 provides the standards for determining if the financial effect of a governmental decision on a real property financial interest is material. Relevant to these facts, the reasonably foreseeable financial effect of a governmental decision on a parcel of real property in which an official has a financial interest, other than a leasehold interest, is material whenever the governmental decision:

- Involves property located 500 feet or less from the property line of the parcel unless there is clear and convincing evidence that the decision will not have any measurable impact on the official's property. (Regulation 18702.2(a)(7).)

- Involves property located more than 500 feet but less than 1,000 feet from the property line of the parcel, and the decision would change the parcel's development potential; income producing potential; highest and best use; character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality. (Regulation 18702.2(a)(8)(A)-(E).)

Regulation 18702.2(b) provides that the financial effect of a governmental decision on a parcel of real property in which an official has a financial interest involving property 1,000 feet or more from the property line of the official's property is presumed not to be material. This presumption may be rebutted with clear and convincing evidence the governmental decision would have a substantial effect on the official's property. (Regulation 18702.2(b).)

The *Gillott* Advice Letter concluded that Supervisor Oneto was prohibited, based on his real property interest in his mining claim, from taking part in any negotiations between the County and the Tribe regarding an IGA intended to mitigate offsite impacts of the casino and to provide compensation for various public services provided in connection with the casino. (*Gillott* Advice Letter, No. I-20-160.) Here, the question posed involves potential negotiations and decisions regarding amendments to the IGA related to mitigation payments made by the Tribe to the County and amendments to the MOA related to mitigation payments made by the Tribe to the AFPD.

Absent a specific decision before the County or the AFPD and specific amendments to the IGA or MOA, we can only provide general assistance. Pursuant to Regulation 18702.2(a)(7), the reasonably foreseeable financial effect on real property, such as Supervisor Oneto's financial interest in his mining claim, affected by a decision is presumed to be material whenever the real property is within 500 feet of the property that is the subject of the decision, in this case, the casino property. Unless there is clear and convincing evidence that the decisions will not have any measurable impact on the real property interest, an official with property within 500 feet of the property that is the subject of the decision is generally disqualified from taking part in the decision.

In this case, the facts presented do not identify any specific decision regarding an amendment to either the IGA or the MOA. Without a specific decision, we cannot establish clear and convincing evidence of no measurable effect on Supervisor Oneto's real property financial interest in his mining claim. Thus, we can only advise that Supervisor Oneto is generally prohibited from taking part in the decisions affecting the casino property because his mining claim abuts the casino property. However, Supervisor Oneto may wish to seek further advice if a specific amendment to the IGA or the MOA is proposed.

Disqualification and Recusal

A public official disqualified from a governmental decision based on a conflict of interest is not merely prohibited from voting on the item. The official is also prohibited from making, participating in making, or in any way attempting to use their official position to influence the governmental decision in which they know or have reason to know they have a financial interest. (Section 87100.) Regulation 18704 defines "making, participating in making, and attempting to use their official position to influence" a governmental decision as follows:

- *Making a Decision*: A public official makes a governmental decision if the official authorizes or directs any action, votes, appoints a person, obligates or commits the official's agency to any course of action, or enters into any contractual agreement on behalf of the official's agency. (Regulation 18704(a).)

- *Participating in a Decision*: A public official participates in a governmental decision if the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review. (Regulation 18704(b).)

- *Using Official Position to Attempt to Influence a Decision*. A public official uses an official position to influence a governmental decision if the official: contacts or appears before any official in the official's agency or in an agency subject to the authority or budgetary control of the official's agency for the purpose of affecting a decision; or contacts or appears before any official in any other government agency for the purpose of affecting a decision, and the public official acts or purports to act within the official's authority or on behalf of the official's agency in making the contact. (Regulation 18704(c)(1)-(2).)

A public official who holds an office specified in Section 87200 and has a disqualifying financial interest in a governmental decision, must follow the recusal procedures set forth in Section 87105(a) and Regulation 18707(a). Specifically, the official must, prior to consideration of the item, do all of the following:

- Publicly identify the financial interest(s) that gives rise to the conflict of interest in detail sufficient to be understood by the public. (Section 87105(a)(1).)

- Recuse from discussing and voting on the matter, or otherwise acting in violation of Section 87100. (Section 87105(a)(2).)

- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded. (Section 87105(a)(3).)

If you have other questions on this matter, please contact me at JRinehart@fppc.ca.gov.

Sincerely,

Dave Bainbridge
General Counsel

JennaRinehart

By: Jenna C. Rinehart
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