



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

July 10, 2026

Colin Burns
Interim City Attorney
City of Laguna Hills
Harper & Burns LLP
453 S. Glassell Street
Orange, CA 92866

Re: Your Request for Advice
Our File No. A-26-074

Dear Mr. Burns:

This letter responds to your request for advice on behalf of Laguna Hills Council Member Joshua Sweeney regarding the conflict of interest provisions of the Political Reform Act (the “Act”).¹ Please note that we are only providing advice under the conflict of interest provisions of the Act and not under other general conflict of interest prohibitions such as common law conflict of interest or Section 1090. 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

Under the Act, may Council Member Sweeney take part in the Laguna Hills City Council’s decision to prohibit overnight parking on streets adjacent to and near the residence he owns, located 300 to 1,000 feet away?

CONCLUSION

Yes, under the Act, Council Member Sweeney may take part in a decision to prohibit overnight street parking near his residence under the Limited Neighborhood Effects rule in Regulation 18703(e)(3) because the decision involves an on-street parking restriction to improve

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.

safety and accessibility for residents at specific streets encompassing more than 50 residential real properties, with no unique effect on Council Member Sweeney's property.

FACTS AS PRESENTED BY REQUESTER

Council Member Joshua Sweeney owns residential property ("Property") near Beckenham Park, which is located at the intersection of Camberwell and Beckenham Streets. Several streets near Beckenham Park, including the street on which Council Member Sweeney's Property is located, are part of an existing residential permit parking district² that prohibits overnight parking in the district between 10 p.m. and 6 a.m. without a parking permit. Each residence within the district may obtain annual parking permits for each registered vehicle and up to four guest vehicles.³ On April 14, 2026, the Laguna Hills City Council, with Council Member Sweeney recusing, adopted a resolution prohibiting overnight parking for all vehicles on one side of the streets surrounding Beckenham Park. According to the City of Laguna Hill's ("City's") staff report on the proposed resolution, the City's Traffic Commission heard public comments regarding the impacts of overnight parking at certain streets near Beckenham Park at its March 18, 2026 meeting: "Impacts cited were mostly safety, accessibility, and quality-of-life issues associated with activities occurring as a result of parked vehicles blocking the view from the roadway of the sidewalk adjacent to Beckenham Park and the park, and undesirable activity occurring within and adjacent to the vehicles." The Traffic Commission also recommended that City staff send mail-in ballots to residents regarding the inclusion of certain streets near Beckenham Park (and Council Sweeney's residence), including the "Hilltop Place Neighborhood," in a residential permit parking district.

The Laguna Hills City Council may consider expanding the residential permit parking district (which prohibits overnight parking in the district between 10 p.m. and 6 a.m. without a parking permit) to nearby streets located between 300 and 1,000 feet from Council Member Sweeney's Property and encompassing more than 50 residential properties.⁴

ANALYSIS

Under Section 87100 of the Act, "[a] public official at any level of state or local government shall not make, participate in making, or in any way attempt to use the public official's official position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest." "A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision

² The residential permit parking district includes a portion of Stockport Street, Wilkes Place, Woolwich Street, and Southport Street. A parking permit allows a permittee to park overnight, between 10 p.m. and 6 a.m., in the district.

³ The annual guest permits do not require proof of vehicle registration in connection with an address in the residential permit parking district.

⁴ The City Council may consider expanding the overnight parking restrictions to the following streets: Camberwell Street, Hendon Street, Calle Carmel, Via Balboa, Avenida Avalon, Luton Street, Costeau Street, Salford Street, Derby Circle and York Circle.

will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of the official's immediate family," or on certain specified economic interests. (Section 87103.) Section 87103 defines "financial interests" to include an interest in any real property in which the official has an interest of \$2,000 or more. (Section 87103(b)). Of the interests specified under the Act, the only potential interest identified that may be affected by the decision is Council Member Sweeney's ownership of residential property.

"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." (Regulation 18701(a).) Regarding financial interests not explicitly involved in a decision, as here, 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 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 18701(b).)

Regulation 18702.2 provides the standards for determining when a government decision's reasonably foreseeable effect on an official's real property interest is material by considering factors such as the proximity of the property subject to the decision and its impacts on the official's parcel. Different standards apply to determine whether a reasonably foreseeable financial effect on an interest will be material, depending on the nature of the interest.

Regulation 18702.2(a)(7) provides that the reasonably foreseeable financial effects of a governmental decision on any real property in which a governmental 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 parcel's property line unless there is clear and convincing evidence that the decision will not have any measurable impact on the official's property.

Council Member Sweeney's residence is located within 500 feet of some of the streets that would be subject to the proposed overnight parking restrictions. Due to the proximity of his residence to those streets, the proposed parking restrictions are presumed to have a reasonably foreseeable material financial effect on Council Member Sweeney's residence. The presumption can only be rebutted by clear and convincing evidence that the decision would have no measurable impact on Council Member Sweeney's real property.

However, it is unnecessary to analyze the materiality of any reasonably foreseeable financial effect on these interests because, as discussed below, the Limited Neighborhood Effects rule under the "public generally" exception will permit Council Member Sweeney to take part in the decision so long as his interests are not uniquely affected.

Public Generally Exception

When an official has a disqualifying financial interest under the Act, an official may still take part in a decision if the "public generally" exception applies. Regulation 18703(a) allows a public official to take part in a governmental decision under the Act that affects one or more of the official's interests if the decision's financial effect on the interest is indistinguishable from its

effect on the public generally. Regulation 18703 provides special rules for the application of the “public generally” exception in specific circumstances, including a rule for decisions with “Limited Neighborhood Effects.” Regulation 18703(e)(3) provides that the financial effect on a public official’s financial interest is deemed indistinguishable from that of the public generally where there is no unique effect on the official’s interest if the official establishes that:

(3) The decision affects residential real property limited to a specific location, encompassing more than 50, or five percent of the residential real properties in the official’s jurisdiction, and the decision establishes, amends, or eliminates ordinances that restrict on-street parking, impose traffic controls, deter vagrancy, reduce nuisance or improve public safety, provided the body making the decision gathers sufficient evidence to support the need for the action at the specific location.

Here, the proposed overnight street parking restrictions will affect residential real property in a specific location, including the “Hilltop Place Neighborhood,” and encompass more than 50 residential real properties in the City. The decision would expand the residential permit parking district (which prohibits overnight parking in the district between 10 p.m. and 6 a.m. without a parking permit) to include the specified streets near Council Member Sweeney’s residence. According to the staff report, the purpose of the parking restrictions is to “improve safety, accessibility, and quality-of-life” for residents of the streets that would be added to the residential permit parking district. The facts do not indicate that there will be a unique effect on Council Member Sweeney’s residence compared to similarly situated residential properties. Even if the City did not adopt a formal ordinance to establish the parking restrictions, the Limited Neighborhood Effects Rule applies even when the parking restrictions are established through a less formal City action. (See *Wright* Advice Letter, No. A-21-047.) Therefore, under Regulation 18703(e)(3), the financial effect on Council Member Sweeney is deemed indistinguishable from that on the public generally and Council Member Sweeney may take part in the decision to expand the residential permit parking district and prohibit overnight street parking near his residence as described above.

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

Sincerely,

Dave Bainbridge
General Counsel

Joanna Gin

By: Joanna Gin
Senior Counsel, Legal Division

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