



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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March 12, 2025

Michael J. Garcia
City Attorney
City of Glendale
613 E. Broadway, Suite 220
Glendale, California 91206-4394

Re: Your Request for Advice
Our File No. A-25-028

Dear Mr. Garcia:

This letter supplements the *Garcia* Advice Letter, No. A-24-117. Following issuance of that letter, additional facts were provided warranting further consideration of the previous advice.

This letter responds to your request for advice on behalf of City of Glendale City Councilmembers Dan Brotman, Ara Najarian, and Vartan Gharpetian 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

Does the Act prohibit Councilmembers Brotman, Gharpetian or Najarian from taking part in the decision to approve a contract with a consultant to prepare a Master Plan and Environmental Impact Report for the development of the Verdugo Wash given they each have real property interests within 1,000 feet of the Wash?

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. Unless otherwise indicated, all regulatory references are to Title 2, Division 6 of the California Code of Regulations.

CONCLUSION

As explained below, it is reasonably foreseeable that the decision will have a material financial effect on the real property interests of Councilmembers Gharpetian and Najarian, and they may not take part in the decision. In addition, while it is reasonably foreseeable the decision will have a material financial effect on Councilmember Brotman's real property interest, the "public generally" exception applies to allow him to take part in the decision.

FACTS AS PRESENTED BY REQUESTER

The City of Glendale ("City") is located in Los Angeles County, bordering to the northeast of the City of Los Angeles. It has a population of 191,586 and has a total area of 30.6 square miles.

Verdugo Wash Master Plan and Environmental Impact Report

The Verdugo Wash ("Wash") is a 9.5-mile-long flood control channel that interfaces with 15 distinct neighborhoods throughout the City. The Wash allows for the flow of water and debris without causing significant flooding events. The City is evaluating the Wash as a potential linear park with bicycle and pedestrian paths that would serve as a multi-dimensional connection that links the region physically, hydrologically, and ecologically, while ensuring that the channel continues to serve its primary function as flood control infrastructure. A consultant for the City completed the Verdugo Wash Visioning Study in 2022 ("Visioning Study"), and the City subsequently issued a request for proposals ("RFP") for a consultant to prepare a master plan document ("Master Plan") and an environmental impact report ("EIR"), subject to the City Council's approval.

Functionally, the current concept to support construction of a linear park on the Wash would include a raised platform that would allow water to flow under the Wash during a typical rain condition. During more significant rain events, the platform and all additional elements would be able to withstand the flow and be submerged by water. With the elevated platform, deep planting wells would be created to support significantly enhanced vegetation. The platform height could be calibrated in a number of ways in response to local conditions. The pathways for pedestrians and cyclists could be set at different heights appropriate for its surrounding context. In areas where it is predominately single-family residential, the pathways could be set lower to respect privacy of the surrounding land uses, and the planting wells and vegetation could be located to create a buffer between the pathways and surrounding development patterns. In more urban and commercial areas, the pathways could be set at a higher elevation to promote access and interface with the surrounding land uses.

The City has not identified access points into the Wash for the proposed linear park as that would occur as part of the master planning process. The Master Plan will evaluate the Wash's existing conditions including its configuration, performance as flood control infrastructure, and the built and natural environmental surroundings of each Wash segment to determine feasibility and to prepare design concepts. The Wash takes on different physical characteristics and neighborhood contexts throughout its course. The Master Plan will identify up to three different, context-appropriate interventions for each Wash segment and will include phases for implementation. Thus, the location of particular improvements within the Wash have not yet been specifically identified,

but instead would occur as part of the master planning process. Additionally, the Master Plan will contain historic, cultural, educational and public art components.

The consultant hired to prepare the Master Plan will address the following major objectives and focus areas:

- Existing Conditions Evaluation.
- Community Engagement and Outreach.
- Draft Verdugo Wash Master Plan.
- Environmental Review as required by the California Environmental Quality Act (“CEQA”).
- Public Art Master Plan.

According to the Visioning Study, the “quintessential Wash experience feels heavily engineered with its strict rectangular geometries and hard, sterile concrete floor and walls. Nearly 60-acres in size, the Wash feels inhospitable lacking human scale, being sunk an average of 12-ft from the adjacent city fabric and any other human activity, and secured on all perimeters by chain link fencing.” (Visioning Study at p. 43.) The project will assist in transforming the Wash from a concrete flood control channel into a significant part of the City’s overall character and amenities by developing new pedestrian and cycling trails that will allow the Wash to serve as a multi-modal transportation spine and creating meaningful public open space such as parks above or adjacent to the Wash.

The staff report concerning the Wash for the November 15, 2022 City Council meeting stated “[s]entiment from neighborhood meetings was mixed to opposed. This was largely focused around elements of public safety and privacy, particularly for those that abutted the wash.” The staff report for the meeting on September 10, 2024 further stated that “[d]uring the City Council meeting on November 15, 2022, significant conversation was generated regarding safety and quality of life concerns for residents who live directly adjacent to or in close proximity of the Wash.”

The costs of a full buildout of a linear park on the Wash are not quantified at this time. The Master Plan will include a financial evaluation that will assess the costs for construction as well as ongoing maintenance and operations costs and will identify both short-term and long-term funding opportunities so that the City can prepare for and prioritize implementation. Suffice it to say that the engineering and construction costs to develop the Wash into a linear park as described in the Visioning Study would make the project a significant public works project in the City’s history. The proposed cost to prepare the Master Plan components described above is \$5,762,370.

Preparation and ultimate approval of the Verdugo Wash Master Plan, if that were to occur, would not ensure that the development of the Wash into a linear park space, as the City would need to take further actions to build out the space including obtaining financing/funding, issuing specifications or proposals, awarding bids, and making future decisions as to whether to move forward with the project or any component of it.

Additionally, the approval of other government agencies will be necessary to build the Verdugo Wash into a linear park. Specifically, the City must obtain permits from the U.S. Army Corps of Engineers and the Los Angeles County Flood Control in order to undertake construction on the Wash. The permits from these other government agencies to implement the Wash project would follow a decision by the City Council to approve an EIR and the Master Plan, likely during “construction, maintenance, and activation” phase.

The City cannot build a linear park on the Wash without developing a Master Plan and studying the environmental effects of such an endeavor under the California Environmental Quality Act. Thus, if the Council were to deny approval for a Master Plan and EIR Consultant, the project could not likely move forward.

Councilmember Najarian

Councilmember Najarian’s spouse owns a single-family residential property that is within 500 feet of, and abuts, the Wash. The residential real property is owned exclusively by his spouse who acquired the property prior to their marriage. Also prior to their marriage, Councilmember Najarian and his spouse entered into a prenuptial agreement whereby he agreed the property was his spouse’s separate property and waived any future community property interest in the property through commingling or otherwise. The property does not serve as Councilmember Najarian’s primary address and it is not used as a rental property.

Councilmember Brotman

Councilmember Brotman owns a single-family residential property that is 846 feet from the Wash. His property is three blocks away from the Wash, separated by houses and two streets, including a major arterial (Canada Blvd.). The residential real property is his primary residence.

Councilmember Gharpetian

Councilmember Gharpetian owns three single-family residential properties within 500 feet of the Wash. The properties are directly down the street and to the west of the Wash. The Councilmember uses one of the properties as his primary residence while the other two are currently used as rentals.

According to the City’s GIS calculations, there are 40,697 residential real properties in the City and 2,962 residential real properties (7.28 percent) are within 500 feet of the Wash while 6,170 residential real properties (15.16 percent) are within 1,000 feet of the Wash. In addition, according to the City’s GIS calculations, 10,171 residential real properties (25.02 percent) are within 1,508 feet of the Wash while 20,328 residential real properties (50 percent) are within 3,314 feet of the Wash.

Therefore, due to the unique layout of the Wash, which traverses through a substantial portion of the City – from west to east, and then south to north, 25 percent of the City’s residential parcels are 1,508 feet of the Wash, while over half sit within 3,314 feet of the wash in a city of 30.6 square miles.

ANALYSIS

The Act's conflict of interest provisions ensure that public officials will perform their duties in an impartial manner, free from bias caused by their own financial interests. (Section 81001(b).) Section 87100 prohibits any public official from making, participating in making, or using his or her position to influence a governmental decision in which the official has a financial interest. (Section 87103.) A public official has a "financial interest" in a governmental decision, within the meaning of the Act, if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on one or more of the public official's interests. (Section 87103; Regulation 18700(a).) Section 87103 defines financial interests to include:

- An interest in a business entity in which the official has a direct or indirect investment of \$2,000 or more. (Section 87103(a).)
- An interest in real property in which the official has a direct or indirect interest of \$2,000 or more. (Section 87103(b).)
- An interest in a source of income to the official, or promised income, which aggregates to \$500 or more within 12 months prior to the decision. (Section 87103(c).)

Here, all three Councilmembers have an interest in real property.² In addition, Councilmember Gharpetian leases two of his three properties so he would have a business entity interest and source of income interest in his rental property business, as well as a potential source of income interest in his tenants.

Foreseeability and Materiality

Regulation 18701(a) provides that a decision's effect on an official's interest is presumed to be reasonably foreseeable if the interest is explicitly involved in the decision as a named party in, or the subject of the decision. An 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 interest.

Regulation 18701(b) sets forth the foreseeability standard applicable to a decision's effect on an official's interest that is not explicitly involved in the decision, as here, and provides that the decision's effect on such an interest is reasonably foreseeable if it "can be recognized as a realistic possibility and more than hypothetical or theoretical."

² Note that Section 82033 states that an economic interest in real property includes interests "owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family...." The term "immediate family" means the spouse and dependent children of an official. (Section 82029.) Thus, Councilmember Najarian has an interest in real property owned by his spouse regardless of their prenuptial agreement.

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 defines when a financial effect of a government decision on real property is material. 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).)

Here, the financial effect of the governmental decision concerning the Wash within 500 feet of the real property interests of Councilmembers Najarian and Gharpetian is presumed material under Regulation 18702.2(a)(7) unless there is clear and convincing evidence that the decision at issue would not have any measurable impact on each of their residential properties. According to the Visioning Study, the current Wash "experience feels heavily engineered with its strict rectangular geometries and hard, sterile concrete floor and walls ... the Wash feels inhospitable lacking human scale ... and secured on all perimeters by chain link fencing." (Visioning Study at p. 43.) Therefore, the Wash project seeks, among other things, to transform its role from simply a flood control channel into a central part of the City's fabric with continuous biking and walking paths along the length of the Wash and public open spaces such as parks above or adjacent to the Wash. Based on these facts, the decision concerning the Wash Master Plan and EIR involves substantial improvements to the Wash and there is an absence of "clear and convincing evidence that the decision will not have any measurable impact" on their residences under Regulation 18702.2(a)(7). Therefore, Councilmembers Najarian and Gharpetian are disqualified from the decision to approve a contract with a consultant to prepare a Master Plan and Environmental Impact Report related to the Wash, unless an exception applies.

You have asked us to reconsider this conclusion in light of the *Stroud* Advice Letter, No. A-23-001. In *Stroud*, the question was whether the Act prohibited three councilmembers and a city staff member from taking part in decisions related to the selection of a consultant to develop an update to an Area Plan given they all owned real property within 500 feet of the proposed Area Plan boundaries. The Area Plan update would provide guidance for all future development by updating components that may include density, design standards, and goals and policies. Pursuant to the RFP issued by the city, bidders would not be identifying specific projects or development standards related to specific properties or parcels – instead, the overall substantive land use concepts, standards, and implementation policy would be derived through the public input process after the contract was awarded. The letter concludes that "so long as the consultant selection decision and the proposals reviewed do not include specific projects or development standards for identified properties or parcels, it does not appear reasonably foreseeable that the selection of a bidder – including the evaluation of proposals including the contents listed above – would have a material financial effect on any of the officials' real property interests."

You state the current matter is similar in that the decision is to approve a contract with a consultant to prepare a Master Plan and Environmental Impact Report for the project and that the location of particular improvements within the Wash have not yet been specifically identified, which would instead occur as part of the master planning process. Therefore, you state that, similar to the circumstances in *Stroud*, "no substantive discussion or decisions regarding the Wash buildout are being made with the selection of a consultant and approval of the consultant contract."

However, we believe the decision in *Stroud* is different from the decision in the current matter for at least one important reason. There, the decision on the consultant did not involve *specific projects or development standards for identified properties or parcels*. Instead, the decision involved proposals to provide updated development components, such as density and design standards, for future guidance generally within the Area Plan boundaries. In contrast, the decision here to approve a contract with a consultant to prepare a Master Plan and Environmental Impact Report involves both a specific project – conversion of the Wash into a linear park, and a fixed parcel of land – the 9.5-mile-long flood control channel running through the City known as the Verdugo Wash. Moreover, the decision here is critical to the future of the Wash project as the facts state that if the City Council were to deny approval for a Master Plan and EIR Consultant, the project could not likely move forward. Accordingly, the Act prohibits Councilmembers Najarian and Gharpetian from taking part in the decision to approve a contract with a consultant to prepare a Master Plan and Environmental Impact Report unless an exception applies

Councilmember Brotman owns his primary residence located 846 feet from the Wash. 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 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; or market value. (Regulation 18702.2(a)(8).) As discussed above, the governmental decision concerning the Wash project will likely increase the income producing potential and market value of his residence. Therefore, it is reasonably foreseeable that the decision will have a material financial effect on Councilmember Brotman's real property interest and he may not take part in the decision related to the Wash unless an exception applies.

Public Generally Exception

Commonly referred to as the "public generally" exception, Regulation 18703(a) permits a public official to take part in a governmental decision that affects one or more of his or her interests if the decision's financial effect on the interest is indistinguishable from its effect on the public generally. (See Section 87103.) In general, an effect on an official's interest is indistinguishable from its effect on the public generally if a significant segment of the public is affected and the effect on the official's interest is not unique when compared to the effect on the significant segment of the public. (Regulation 18703(a).) A significant segment of the public includes 25 percent of all residential real property within the official's jurisdiction. (Regulation 18703(b)(1)(B).) However, a significant segment of the public includes at least 15 percent of residential real property within the official's jurisdiction if the only interest an official has in the governmental decision is the official's primary residence. (Regulation 18703(b)(2).)

According to the City's GIS calculations, there are 40,697 residential real properties in the City and 2,962 residential real properties (7.28 percent) are within 500 feet of the Wash while 6,170 residential real properties (15.16 percent) are within 1,000 feet of the Wash. In addition, due to the unique layout of the Wash, which traverses through a substantial portion of the City – from west to east, and then south to north, 10,171 residential real properties (25.02 percent) are within 1,508 feet of the Wash while 20,328 residential real properties (50 percent) are within 3,314 feet of the Wash.

Councilmember Brotman is the only official who will fall under the 15 percent standard since the only interest he has in the decision is his primary residence located 846 feet from the Wash. He would meet the significant segment standard because 15.16 percent of the residential real properties are within 1,000 feet. Moreover, because there is no indication from the facts that the decision will have a disproportionate effect on his real property as compared to the other real properties in the significant segment, the “public generally” exception will apply and he may take part in the decision.³

Councilmembers Najarian and Gharpetian both have real property interests within 500 feet of the Wash, and both will fall under the 25 percent standard since Councilmember Najarian’s real property interest in the decisions is not his primary residence, and Councilmember Gharpetian has interests in the decision other than his primary residence. As stated, 7.28 percent of the residential real properties in the City are within 500 feet of the Wash and 15.16 percent of the residential real properties in the City are within 1,000 feet. However, you state that given the massive size of the Wash project, which would traverse 9.5 miles through 15 distinct City neighborhoods, it is reasonable to conclude in this situation that 25 percent of the City’s residential parcels within 1,508 feet of the Wash satisfies the significant segment standard for purposes of the public generally exception. (See, e.g., *Minner* Advice Letter, No. A-19-032 [given the massive size of a Cupertino project, and the location of a large majority of the City’s residences within certain specified boundaries to the west and south of the project site, the significant segment standard was satisfied where 25 percent of the residential real properties were located within 3,800 feet of the project because it was reasonable to conclude the project would affect all the residences identified in the significant segment]; *Nerland* Advice Letter, No. A-18-192 [Large majority of city residences located within 3,000 feet of the railroad tracks so given the city’s small size, geographical layout and high level of noise from the trains, decision to reduce train horn noise by installing safety measures at five railroad crossings would affect more than 25-percent of the residences satisfying the significant segment standard].) We agree.

The determinative issue, therefore, is whether the decision will have a unique effect on the real properties of Councilmembers Najarian and Gharpetian located within 500 feet of the Wash as compared to the other real properties in that significant segment, including those located as far as 1,508 feet from the Wash. A unique effect is defined to include a disproportionate effect on an interest in real property resulting from the proximity of a project (Regulation 18703(c)(2)), and a disproportionate effect on an interest in business entities or real properties resulting from the cumulative effect of the official’s multiple interests in similar entities or properties that is substantially greater than the effect on a single interest (Regulation 18703(c)(3)).

On this issue, you assert that “[l]ike *Minner*, while the Councilmembers’ homes may be closer than others within the 1,508-foot radius and 3,318-foot radius, Councilmembers assert that it would be speculative to conclude that the foreseeable impacts - such as increased property values,

³ We note that this conclusion is limited to the specific decision to approve the contract with a consultant to prepare a Master Plan and Environmental Impact Report related to the Verdugo Wash. As location specific improvements are proposed, decisions related to the improvements could have a unique effect on Councilmember Brotman’s property interest. Accordingly, to the extent subsequent location specific improvement may affect Councilmember Brotman’s property differently than other properties within the significant segment, the Councilmember may wish to seek additional advice prior to taking part in the decisions.

increased traffic, intensity of use, parking, view, privacy, noise levels or air quality - will be unique to their parcels. This is the conclusion reached in the *Minner* Advice Letter.”

However, the conclusion you cite in *Minner* did not apply to all residences in closer proximity to the project than the official’s residence. There, the official owned a residence in a cul-de-sac 939 feet away from the 50-acre project site with a concrete wall separating her neighborhood from the project site. The facts stated that the project would result in increased traffic and congestion on major thoroughfares near the official’s home, and while her residence was outside the area that would experience significant noise impacts, construction activities would substantially alter the noise levels in areas surrounding her property. The letter found that the project would affect the market value and income producing potential of her house. While the letter ultimately concluded the public generally exception applied to allow the official to take part in the project decision, it makes a notable reference to properties in closer proximity to the project than the official’s property:

Given the massive size of this Project, which will add thousands of new housing units and jobs to the Project site that is expected to become a regional destination, it appears that the Project will affect all the residences identified in the significant segment within 3,800 feet of the Project. Furthermore, *while some of the properties in closer proximity may be affected disproportionately*, there is no indication that the foreseeable impacts, such as increased property value, increased traffic on several main thoroughfares, intensity of use or views, will have a unique or disproportionate effect on Vice Mayor Chao’s residence, which is 929 feet from the Project, in comparison to the other properties within 3,800 feet of the project.

(*Minner, supra.*) In other words, while the official’s real property located 929 feet from the project was not likely to be disproportionately affected when compared to properties farther away, it was likely that real properties in much closer proximity to the project than the official’s would be affected disproportionately by things such as noise, parking, traffic etc.

The same logic applies to this matter where we have concluded the significant segment includes residences located 1,508 feet from the Wash. While, for example, the project will likely affect Councilmember Brotman’s residence 846 feet from the Wash, which is separated by houses and two streets, including a major arterial, there is no indication his house will be disproportionately affected when compared to residences farther away in the significant segment. However, the same is not true of residences that, for example, abut the Wash project. It is reasonable to expect that those residences will be impacted in different ways than residences, such as Councilmember Brotman’s, located farther away and separated from the project by a major arterial street.⁴ This is

⁴ With respect to the “unique effect” prong of the exception, note that *Minner* and the present situation are different from the situation in *Nerland, supra*, where we concluded that due to the high level of noise from the trains and the geographical layout of the small city, there was no indication that the decision to reduce train horn noise at five railroad crossings would have a disproportionate effect on the councilmembers’ real properties within 400 feet of the tracks as compared to other residential parcels within the significant segment as far as 3,000 feet from the tracks.

evidenced by public comments noted in staff reports stating that there were concerns about privacy, safety, and quality of life, especially for those abutting or in close proximity to the Wash.

In addition, you state that “Councilmember Gharpetian’s ownership of 3 single family residential properties within proximity to the Wash is negligible compared to the over 10,000 residential properties within a mere 1,500 feet of the Wash.” Putting aside that all 3 real properties are located within 500 feet of the project and will all be impacted by the decision, absent facts to the contrary, it appears that this is a substantially greater effect than an average homeowner will experience. Councilmember Gharpetian will be uniquely affected by the decision as compared to the significant segment of the public by the cumulative effect of the decision on his real property interests.

Accordingly, Councilmember Brotman may take part in the decision to approve a contract with a consultant to prepare a Master Plan and Environmental Impact Report related to the Wash while Councilmembers Najarian and Gharpetian are prohibited under the Act from participating in the decision.⁵ Under the recusal requirements in Regulation 18707, Councilmembers Najarian and Gharpetian must publicly identify their financial interests that give rise to the conflict prior to consideration of the item, leave the room, and refrain from any participation in the decision before the City Council.

Making, Participating in Making, or Influencing a Decision

You have asked whether, if disqualified from participating in the decision at issue, Councilmembers Najarian and Gharpetian may nonetheless express their views about the decision to the City Council.

In general, a public official disqualified from a governmental decision based on a conflict of interest is not merely prohibited from voting on the item. Rather, the official is prohibited from making, participating in making or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. (Section 87100.) Regulation 18704 includes definitions for “making a decision,” “participating in a decision,” and “using an official position to influence 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).) “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).) A public official uses an official position to influence a governmental decision if the official: (1) 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

⁵ We do not further analyze the effect of the decisions Councilmember Gharpetian’s other financial interests at issue because we have already determined that the decisions would have a disqualifying financial effect on his real property interests. We note that you have also inquired whether the exception to the Act’s conflict of interest provisions for general plan decisions in Regulation 18702.2(d)(2) may apply. However, based on the facts provided, there is no indication that this exception applies.

affecting a decision; or (2) 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).)

Because Councilmembers Najarian and Gharpetian have a disqualifying conflict of interest, any conduct by them that meets the above definitions is prohibited. Note, however, that the Act does not prohibit them from appearing before the City Council at a public meeting, as a member of the general public, if they are appearing solely with regard to real property owned entirely by them and/or members of their immediate families, a business entity owned entirely by them and/or members of their immediate families, or a business entity under their and/or members of their immediate families' full direction and controlled. However, to the extent either official speaks as a member of the general public regarding one of these specified interests, we caution that the official must limit comments to the potential effect the decision will have on the official's real property and/or business entity. (Regulation 18704(d)(2)(A)-(C).)

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

Sincerely,

Dave Bainbridge
General Counsel

By: *Jack Woodside*
Jack Woodside
Senior Counsel, Legal Division

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