

MEMORANDUM OF LAW

DATE: November 4, 1986

TO: Mayor Maureen O'Connor  
FROM: City Attorney  
SUBJECT: Conflict of Interest Inquiry

The City Council currently has under consideration a North City Sphere of Influence Study with a resulting recommendation to LAFCO (Local Agency Formation Commission) which will then develop a sphere of influence plan "to advantageously provide for the present and future needs of the county and its communities ...." California Government Code section 56425.

Since you have a leasehold interest in property at 9054 Mt. Israel Road, you inquire whether or not you can participate in considering this sphere of influence study. While certain threshold economic levels must be reached before disqualification is required under the Political Reform Act, (California Government Code section 87100 et seq.) we need not analyze these levels since your property interest is wholly outside the spheres being considered.

Exhibit A shows the study areas and subareas under consideration. Box 7 as marked shows the location of Mt. Israel Road which is wholly outside subarea 4, the Northern Portion of the Study Area (Del Dios). Both the map reference and visual inspection confirm that the leasehold interest does not extend into the sphere of influence concern which is also confirmed by Senior Planner Kent L. Floro, the planner involved in preparing the recommendations in Planning Report No. 86-518.

While mere consideration of a sphere of influence plan would be far removed from the economic interest necessary to trigger

disqualification, a leasehold interest lying completely outside the designated spheres and subareas presents no disqualification in either consideration or voting.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

TB:js:012(x043.2)  
Attachment Exhibit A  
ML-86-126