

MEMORANDUM OF LAW

DATE: November 4, 1986

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

You recently requested our opinion on whether conflicts of interest arise when matters considered by you may affect your "extended family" extending to "nieces, nephews, aunts and uncles, etc." The disqualification provisions of the Political Reform Act, California Government Code section 87100 and 87103 refer only to a financial interest of the official or "a member of his or her immediate family"

We pointed out to you in our August 11, 1986 memorandum of law (copy attached) that the term "immediate family" is statutorily limited to spouse and dependent children. California Government Code section 82029. Hence you need only be concerned about the foreseeable effects on you and your husband.

As to your second request, it would neither be practical nor productive to review all agendas and compare the item(s) to a list of your holdings. As you can appreciate, the disqualification provisions have different tests and threshold limits for interests in business entities, real property and source of income. Further the foreseeable effect of the vote must be particular to the member and not the public generally.

It is impractical and unproductive for us to speculate on the amount of interest involved and nature of your upcoming decisions. Rather we have found that having officials describe the details of the specific interest and the nature of the upcoming vote in writing affords us an opportunity to analyze and evaluate each problem and provide written guidance for theirs and the public's protection.

This procedure has proved satisfactory with other council members with substantial financial holdings and we believe it will work well with you. Therefore we suggest a permanent staff

member be designated with whom we can review the problem areas and jointly fashion a mechanism for their resolution.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

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Attachment

ML-86-128