

DATE: December 1, 1987

TO: Mayor Maureen O'Connor
FROM: City Attorney
SUBJECT: Potential Disqualification

You have inquired whether you can participate in a variance hearing because the attorney for the applicant is the obligor under three (3) deeds of trust on property neither involved nor affected by the variance hearing.

As we stated in our December 1, 1987 memorandum of law, the governmental decision under scrutiny must have a material financial effect on a financial interest of yours as defined in California Government Code section 87103. The decision in question here has no effect on any property interest of yours. Rather the decision can only affect the property of others and hence you have no material financial interest in this decision.

To point out that the attorney for the project is a debtor of yours under deeds of trust on unrelated property is irrelevant. The security for the trust deeds is the property not the debtor. As pointed out above, there is no definable financial interest of yours involved in the La Jolla Mediterranean Villas decision. Accordingly, you may participate in the discussion and the decision on the project.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

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