

DATE: June 8, 1988

TO: Councilmember Gloria McColl
FROM: City Attorney
SUBJECT: Potential Conflict of Interest Arising From
Daughter's Acceptance at Police Academy and
Your Vote on Police Department Budget

This is to confirm our advice given by telephone and handwritten memorandum on June 7, 1988, regarding a potential conflict of interest you may have in voting on the police department budget which is scheduled for review on June 7, 1988.

The background facts are as follows: Your daughter, Corinne McColl Hough, was accepted recently into the Police Academy as a recruit for the San Diego Police Department. She is scheduled to start at the academy in mid-June 1988. She will be a City employee as of the date she starts at the academy. Your daughter currently lives with you but only temporarily. You currently pay your daughter a small amount of money to manage some property for you. You do not declare your daughter as a dependent on your income tax forms. You believe your vote on the police department budget will not be influenced by your daughter's acceptance at the academy.

The question presented is whether you have a conflict of interest arising from your daughter's acceptance at the Police Academy that would require you to refrain from voting on the San Diego Police Department budget.

Absent facts indicating that your daughter contributes to your household income, we find that you have no financial or personal interest in the matter which would prevent you from voting on the police budget under the state Political Reform Act or Council Policy 000-4. The state Political Reform Act requires you to refrain from voting only if you have a financial interest in the matter as defined in Government Code .. 87100 and 87103. We find you have no financial interest in the Police Academy within the meaning of the state law which would require you to refrain from voting on the police budget, because neither your daughter nor the academy is a source of income to you.

Council Policy 000-4 covers both personal and financial interests. A copy of that policy was hand-delivered to your office on June 7. It prohibits a public official from voting on a matter only if he or she has a direct or indirect personal or financial interest in the matter such that his or her judgment or independence would be impaired. We find no indication that you have either a personal or financial interest in your daughter's

attendance at the Police Academy to prevent you from voting on the police budget.

JOHN W. WITT, City Attorney

By

Cristie C. McGuire

Deputy City Attorney

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