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DATE: June 13, 1988

TO: Larry Monserrate, Principal Planner, Centre
City

FROM: City Attorney

SUBJECT: Potential Disqualifying Conflict of Interest of
Member of Centre City San Diego Planning
Committee

This is in response to your memorandum of May 24, 1988, regarding a query by a member of Centre City San Diego Planning Committee (CCPC) about whether he is disqualified from participating in CCPC matters because of certain downtown property interests he holds.

Resolution No. R-267810 attached to your memorandum indicates that the CCPC was created by the City Council pursuant to San Diego City Charter section 43(b). A comprehensive memorandum dated May 11, 1987 regarding the applicability of the Ralph M. Brown Act (open meeting law), state Political Reform Act (conflict of interest law) and related Council Policy 000-4 (ethical conduct of City officials and employees) to Charter section 43(b) committees addresses in large part the conflict of interest question posed by CCPC member Scott Jones, President of Ace Parking Management, Inc. A copy of that memorandum addressed to Milon Mills, Jr., Assistant Water Utilities Director, regarding the Metropolitan Treatment Facility Task Force, is attached for your reference.

As pointed out on pages 2 and 3 of that memorandum, members of a city advisory committee may not be required to disclose financial interests under the Political Reform Act but may be disqualified from voting on certain matters before them if the criteria set forth in 2 California Administrative Code section 18700(a)(1) are met. That code section is quoted in relevant part in the attached memorandum, at page 3. Although state law does not in all instances require disqualification under the quoted rule, Council Policy 000-4 may do so, depending on the circumstances. A copy of that policy is also attached for your reference.

Since no specific facts are provided in Mr. Jones's letter regarding the properties his company holds downtown, or regarding particular matters coming up for discussion or vote, it is not possible to issue a definitive ruling on whether or when Mr Jones should abstain from voting. This memorandum and its attachments are intended to provide guidelines only. If you need a specific response to a specific set of facts, we will be happy to provide

it to you.

JOHN W. WITT, City Attorney

By

Cristie C. McGuire

Deputy City Attorney

CCM:mb:048.7:(072):(x043.2)

Attachments

ML-88-58