

MEMORANDUM OF LAW

DATE: October 12, 1990

TO: Benjamin F. Dillingham, Mayor's Chief of Staff
FROM: City Attorney
SUBJECT: Potential Conflict of Interest/Item 200 on
October 8, 1990, Docket Regarding Future
Urbanizing Area

By memorandum of October 9, 1990, you asked whether the Mayor has a conflict of interest in voting on five (5) items pertaining to the Future Urbanizing Area appearing as Item 200 on the Council's October 8th docket. The items were continued so that this conflict issue could be resolved.

By way of background, we note that the Mayor at one time was concerned that she had a potential conflict of interest pertaining to voting on Future Urbanizing Area ("Area") matters. She was concerned because of her relationship on a trust deed on property outside the Area with Attorney Louis E. Goebel, who represented a property owner in the Area. In a letter to the Mayor dated September 27th, Mr. Goebel states he no longer represents the property owner. But Mr. Goebel continues to owe Mayor O'Connor money on the trust deed. The Mayor herself has no real property interest in the Area.

In a memorandum dated July 18, 1990, copy attached, we have opined that Mayor O'Connor had no actual conflict of interest preventing her from participating or voting on Future Urbanizing Area matters even when Mr. Goebel represented a property owner in that Area. Now that Mr. Goebel no longer represents the property owner, the Mayor certainly has no conflict arising out of the trust deed relationship between her and Mr. Goebel. Mayor O'Connor may therefore participate and vote on matters pertaining to the Future Urbanizing Area.

JOHN W. WITT, City Attorney

By

Cristie C. McGuire

Deputy City Attorney

CCM:jrl:048(x043.2)

Attachments

ML-90-94