

DATE: February 22, 1994

TO: Mayor Susan Golding

FROM: City Attorney

SUBJECT: Potential Conflict of Interest - Eastgate
Technology Park

A question has arisen concerning whether you have a potential conflict of interest in the sale or lease of the land at Eastgate Technology Park.

Background Facts

You have an ownership interest exceeding \$1,000 in a home on Renaissance Avenue and the surrounding common area. The residence is part of the Casa Belle development. Your residence, according to Property Director James L. Spotts, is approximately 4,400 feet from the Eastgate Technology Park.

Applicable Law and Analysis

A. Will there be a reasonably foreseeable material financial effect of an identified economic interest?

An analysis of the applicable statutes and regulations is found in City Attorney's Memorandum of Law to you dated February 24, 1993.

Under Regulations 18702.3(b)(1) and (2), if the public official's property is more than 2,500 feet from the subject property, then the effect will not be material unless special circumstances will make the fair market value or rental value change by the amounts stated in Regulation 18702.3(a)(3) and there will not be a similar effect on at least 25% of all properties within 2,500 feet of the public official's property or there are not at least ten other properties within 2,500 feet of the public official's property.

Whether there is a material financial effect is a factual determination. For the factual determination, I turned to Jack McGrory, City Manager. Mr. McGrory is familiar with property values in the City and the principles applied in appraising real property. Based on his review of the facts cited in this memorandum, it is his opinion, Council actions concerning disposition of a portion of Eastgate Technology Park, would not have a material financial effect on your economic interest in your residence.

Conclusion

The City Council's proposed action concerning the lease or

sale of a portion of Eastgate Technology Park will not have a material financial effect on your economic interest in your residence.

JOHN W. WITT, City Attorney

By

Kenneth K. So

Chief Deputy City Attorney

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