

MEMORANDUM OF LAW

DATE: January 10, 1995

TO: Mitchell Berner, Chief of Staff for Councilmember Warden,
District 5

FROM: City Attorney

SUBJECT: Follow-up to Memorandum of Law Dated November 10, 1994,
Pertaining to Councilmember's Potential Conflict of
Interest in San Pasqual Valley Plan Update

The City Attorney issued a Memorandum of Law dated November 10, 1994, to you pertaining to Councilmember Warden's potential conflict of interest in participation in or voting on the San Pasqual Community Plan Update. The City Attorney was unable to reach a final conclusion until he received the expert opinion of a professional real estate appraiser or the equivalent. Subsequently, the City Manager, through Director of the Real Estate Assets Department Jim Spotts, engaged the services of Mr. Kenneth A. Keagy, MAI. Mr. Keagy rendered his professional opinion in writing on December 27, 1994, a copy of which is attached.

Based on the analysis provided in the prior memorandum of law and on Mr. Keagy's professional opinion, the City Attorney concludes that Councilmember Warden's economic interest in her residence will be materially, financially affected by the City Council's decisions pertaining to the San Pasqual Valley Community Plan Update. Nonetheless, she may fully participate in and vote on matters pertaining to the Community Plan Update because the "public generally" exception applies.

JOHN W. WITT, City Attorney

By

Cristie C. McGuire

Deputy City Attorney

CCM:jrl:011(x043.2)

Attachments

cc James Spotts, Director,
Real Estates Assets Department
Charles R. Studen, Senior Planner,
Planning Department
Allen Holden, Deputy Director,

Transportation Planning Division,
Engineering Department
ML-95-4