

Sasha Linker

From: Eric Lucan <elucan@novato.org>
Sent: Friday, April 27, 2018 10:10 AM
To: Sasha Linker
Subject: Please forward to Commissioners

Sasha,

Can you please forward my email and attachment below to the Commission?

Commissioners,

I wanted to briefly follow-up on an item I spoke about at a previous Commission Meeting regarding "bright line" rules with regards to conflict of interest. I really appreciated your comments and questions at that meeting regarding the fine balance between bright line rules for clarity and subjective rules for fairness.

Here is a link (<http://www.fppc.ca.gov/content/dam/fppc/documents/advice-letters/1995-2015/2018/18002pdf.pdf>) to an advice letter I received regarding my question about whether or not a 103 room extended stay hotel would present a conflict of interest in relation to my ownership interest in a rental duplex 1,800 feet away.

Much to my surprise, it was determined that since the hotel was "extended stay", then it could foreseeably have an impact on rental rates and therefore presents a conflict. However, the public generally exception applies, so I would be in the clear.

I share this as an example of the seismic change that has occurred for elected officials since the elimination of the 500ft rule. Fortunately, in this case, the public generally exception applied.

When the "bright line" 500ft rule was changed, it was my understanding that it would allow some flexibility for projects within 500 feet. However, it appears to have inadvertently extended to projects well beyond 500 feet (in this analysis, up to 1,800 feet). If this was the intent, then it appears to be working as intended, but I don't know if that was the reasoning behind the change.

I thought it would be helpful to know that the change and this type of analysis and determination has exponentially expanded the conflict of interest sphere for elected officials all over the state.

Thank you for your continued policy discussions on this matter to craft the best language moving forward.

Eric Lucan
Councilmember
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