



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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September 3, 2024

H. James Lance
City Attorney
City of Willits
941 Grove St.
Healdsburg, CA 95448

Re: Your Request for Advice
Our File No. A-24-097

Dear Mr. Lance:

This letter responds to your request for advice on behalf of Willits City Council Member Larry Stranske regarding the conflict of interest provisions of the Political Reform Act (the “Act”).¹

Please note that we are only providing advice under the conflict of interest provisions of the Act and not under other general conflict of interest prohibitions such as common law conflict of interest or Section 1090.

Also note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

QUESTION

Under the Act, does Council Member Stranske have a disqualifying conflict of interest that would prohibit him from participating in decisions related to a proposed public improvement project (the “Project”) at Snider Park, due to his ownership of improved commercial real property located at 422 feet from the Project site?

CONCLUSION

Yes. Council Member Stranske is disqualified from participation in the Project. It is reasonably foreseeable that the decision will have a material financial effect on his real property interest located within 422 feet of the Project location.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

FACTS AS PRESENTED BY REQUESTER

The proposed Project will be funded by a \$2.7 million grant from the Caltrans Clean California Grant Program (“Clean California Plan”) to implement improvements to Snider Park as well as Recreation Grove Park and Babcock Park. Several of the improvements for Snider Park under the Clean California Plan were refined and derived from the City’s E. Commercial Street Corridor Master Plan (“Corridor Plan”), although the Corridor Plan did not focus solely on Snider Park. At the time of preparing the Clean California Plan grant application, staff took concepts from the Corridor Plan and included them in the submission. Although there is a degree of overlap especially relating to Snider Park, the two projects are separate, and the grant award did not cover all the improvements proposed for Snider Park. In comparison, the Corridor Plan contains recommendations to enhance pedestrian and traffic-calming infrastructure elements for better accessibility and safety. The effort is entirely a planning exercise with an implementation strategy that currently is dependent on the allocation of monies from the General Fund and/or grant awards.

Council Member Stranske owns commercial real property at 75 S. Main Street in Willits, that is 422 feet from Snider Park. The property is presently vacant and is held as a rental property. Snider Park is located on E. Commercial Street and is not visible from the Stranske property.

The potential improvements to Snider Park funded by the Clean California Plan grant include some or all of the following:

- Modernize the existing playground structures for safety and inclusiveness;
- Improve the safety play surfacing under playground equipment;
- Provide shade and shelter integrated into a new pavilion gathering area;
- Replant trees around the perimeter of the park;
- Remodel the restroom facility;
- Add six picnic tables, one bike rack and three waste and recycling receptacles;
- Add signage including a wayfinding signage kiosk;
- Add a drinking fountain and water bottle filling station; and
- Add new porous pavement walkways

ANALYSIS

The Act’s conflict of interest provisions prohibit any public official from making, participating in making, or otherwise using their official position to influence a governmental decision in which the official has a financial interest. (Section 87100.) A public official has a “financial interest” in a governmental decision, within the meaning of the Act, if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on one or more of the public official’s interests. (Section 87103; Regulation 18700(a).) Section 87103 defines a financial interest to include any real property in which the public official has a direct or indirect interest worth \$2,000 or more. You have identified that Council Member Stranske has a real property interest in his commercial rental property at 75 S. Main Street. Although your facts indicate that the property is presently vacant, Council Member

Stranske may also have interests in his rental business as both a business entity and source of income as well as any tenant of the property as sources of income.²

A financial effect is presumed reasonably foreseeable where the official's financial interest is explicitly involved as a named party in, or subject of, the decision. (Regulation 18701(a).) Where the financial interest is not explicitly involved in the decision, the financial effect is reasonably foreseeable if it can be recognized as a realistic possibility, more than hypothetical or theoretical. (Regulation 18701(b).) The decision at issue does not explicitly involve Council Member Stranske's real property interest, and thus the latter standard applies.

Regulation 18702.2 provides the materiality standards for determining the materiality of a financial effect on an interest in real property. Relevant to these facts, Regulation 18702.2(a)(7) states that the reasonably foreseeable financial effect of a government decision on a real property parcel is material where the decision "involves property located 500 feet or less from the property line of the parcel unless there is clear and convincing evidence that the decision will not have any measurable impact on the official's property."

Here, Council Member Stranske owns commercial real property located within 500 feet of Snider Park, which is the subject of the Project. Therefore, under Regulation 18702.2(a)(7), the decision will have a material financial effect on the Council Member's property unless there is clear and convincing evidence that the decision will have no measurable impact on the property. We find that the facts provided do not rebut this presumption.

The facts indicate that the Project decisions may involve a wide range of improvements, such as the modernization of existing playground structures, improved surfacing under playground equipment, providing shade and shelter in a new pavilion gathering area, replanting trees around the perimeter, remodeling restrooms, adding picnic tables, a bike rack and recycling receptacles; adding a drinking fountain and water bottle filling station; as well as new porous pavement walkways. The amenities under consideration will act to beautify and enhance the area, as well as provide greater park amenities, which may draw more people to the surrounding area and, thus, potentially affect the market value of commercial properties in the area.

Therefore, it is reasonably foreseeable that the decisions regarding the Project will have a material effect on Council Member Stranske's commercial property located within 500 feet of the Project location, Snider Park, and Council Member Stranske is disqualified from these decisions. We also note that Council Member Stranske must recuse in accordance with Regulation 18707 by publicly identifying his source of income interest prior to the agenda item, leaving the room, and refraining from any participation in the decision.

If you have other questions on this matter, please contact me by email at znorton@fppc.ca.gov.

² Section 87103 defines a business interest and a source of income interest. However, no additional facts were provided in regard to Council Member Stranske's rental business or source of income in his tenants and due to our conclusion that he has a disqualifying interest due to his real property interest, we do not further analyze these interests.

Sincerely,

Dave Bainbridge
General Counsel

Zachary W. Norton

By: Zachary W. Norton
Senior Counsel, Legal Division

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