



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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May 28, 2025

Zaynah N. Moussa
City Attorney
City of Vernon
4305 Santa Fe Ave
Vernon, CA 90058

Re: Your Request for Advice
Our File No. A-25-060

Dear Ms. Moussa:

This letter responds to your request for advice on behalf of City of Vernon Mayor Pro Tempore Melissa Ybarra 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. Finally, the Commission does not provide advice with respect to past conduct. Therefore, nothing in this letter should be construed to evaluate any conduct that may have already taken place, and any conclusions contained in this letter apply only to prospective actions. (Regulation 18329(b)(6)(A).)

QUESTION

May Mayor Pro Tempore Ybarra participate in City Council decisions related to a proposed Los Angeles County Metro Transportation Authority (“LACMTA”) Project, Metro Link US, given that this project now includes mitigation measures located within 500 feet of her property?

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.

CONCLUSION

No. Under the Act and based on the facts provided, we advise it is reasonably foreseeable that the Metro Link US and accompanying proposed mitigation will have a material financial effect on Mayor Pro Tempore Ybarra's real property interests located within 500 feet of several proposed mitigation projects.

FACTS AS PRESENTED BY REQUESTER

LACMTA's Link Union Station Project (Link US) has been proposed to address existing capacity limitations at Los Angeles Union Station, converting stub-end tracks into run-through tracks by extending at least 10 platform tracks from their current endpoints at Union Station over U.S. Highway 101 and local streets to connect to mainline tracks along the west bank of the Los Angeles River. While the focus of the Link US project is Union Station, the project would have significant impacts within the City of Vernon due to proposed infrastructure changes related to BNSF Railway and its Malabar Rail Storage Yard ("Malabar Yard") located in Vernon. As currently proposed, the project would require the partial closure of two Vernon streets: 49th Street to accommodate approximately 3,350 track feet of storage capacity at the BNSF-owned Malabar Yard and 1,000 feet of new track at 46th Street to create a dedicated connection for freight trains to travel between BNSF's Malabar Yard and BNSF's Los Angeles Junction.

Based on concerns over public safety response times, air quality, and traffic, as well as technical errors in the Draft Environmental Impact Statement/Supplemental Environmental Impact Report (EIS/SEIR), the Vernon City Council formally opposed the Link US Project on August 6, 2024, and submitted formal comment letters to LACMTA.² In a follow up telephone conversation, you explained that the City did not seek formal advice prior to this vote because Mayor Pro Tempore Ybarra's property is located more than 1,000 feet from the Link US project area.

Since the submission of Draft EIS/SEIR comments, LACMTA and City of Vernon staff have engaged in several meetings and discussions to address the City's ongoing concerns about the proposed project impacts. As mitigation for the Vernon impacts on traffic and public safety, LACMTA has proposed various community enhancements, including Artificial Intelligence (AI) traffic controller upgrades, cameras, and crosswalk improvements at several City intersections. City of Vernon and LACMTA staff continue to discuss the proposed project and mitigation measures, and LACMTA plans to issue final EIS/SEIR documents around July 2025. At or around that time, it is anticipated that the Vernon City Council will take formal action with regard to the Link US project, either authorizing continued discussions and negotiations with LACMTA towards a term sheet and memorandum of agreement or other contract, or continuing to oppose the project and consideration of all available legal options.

Mayor Pro Tempore Ybarra, along with members of her immediate family, own two

² As the Commission cannot provide advice related to past conduct, we express no opinion regarding this prior City Council decision.

residential properties and one parking lot in the City. The residential properties are occupied by her and family members and do not generate income. Mayor Pro Tempore Ybarra's real property is located near community enhancements proposed by LACMTA as project impact mitigation.

Mayor Pro Tempore Ybarra's real property is located within 500 feet of the following enhancements:

- Upgrade traffic control devices to provide real-time traffic impact information using artificial intelligence technology - Santa Fe Ave and Pacific Blvd. These upgraded devices will be installed at all intersections with traffic signals in Vernon.
- Install cameras with pan, tilt and zoom capability to allow for train detection and traffic monitoring - Pacific Blvd and Santa Fe Ave. These cameras will be monitored by the Police Department's Dispatch Center and will be installed at rail crossings over the tracks running parallel to Santa Fe Ave from 26th Street to the North to Fruitland Avenue to the South, a distance of one and a quarter miles.
- High Visibility Crosswalk improvements, mid-block crosswalk - Santa Fe (Vernon City School)
- Crosswalk improvements at Santa Fe Ave and Pacific Blvd. These improvements consist of installing cool pavement to reduce surface temperature in the crosswalks and restriping the crosswalks to increase their visibility to motorists.

Mayor Pro Tempore Ybarra's real property is located within 1,000 feet of the following enhancements:

- Upgrade traffic control devices to provide real-time traffic impact information using artificial intelligence technology - Santa Fe Ave and Vernon Ave. These upgraded devices will be installed at all intersections with traffic signals in Vernon.
- Install cameras with pan, tilt and zoom capability to allow for train detection and traffic monitoring - Vernon Ave and Santa Fe Ave. These cameras will be monitored by the Police Department's Dispatch Center and will be installed at rail crossings over the tracks running parallel to Santa Fe Ave from 26th Street to the North to Fruitland Avenue to the South, a distance of one and a quarter miles.
- Crosswalk improvements at Santa Fe Ave and Vernon Ave. These improvements consist of installing cool pavement to reduce surface temperature in the crosswalks and restriping the crosswalks to increase their visibility to motorists.

ANALYSIS

The Act's conflict of interest provisions ensure that public officials will perform their duties in an impartial manner, free from bias caused by their own financial interests. (Section 81001(b).) Section 87100 prohibits any public official from making, participating in making, or using his or her position to influence a governmental decision in which the official has a financial interest.

(Section 87103.) 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 financial interests to include:

- An interest in a business entity in which the official has a direct or indirect investment of \$2,000 or more. (Section 87103(a).)
- An interest in real property in which the official has a direct or indirect interest of \$2,000 or more. (Section 87103(b).)
- An interest in a source of income to the official, or promised income, which aggregates to \$500 or more within 12 months prior to the decision. (Section 87103(c).)

Here, Mayor Pro Tempore Ybarra has interests in her real property including both residential properties and the parking lot. In addition, she has a business entity interest and source of income interest in the parking lot. However, she does not have a business interest in the residential properties, as they are occupied by her and family members and do not generate income.

Foreseeability and Materiality

Regulation 18701(a) provides that a decision’s effect on an official’s interest is presumed to be reasonably foreseeable if the interest is explicitly involved in the decision as a named party in, or the subject of the decision. An interest is the subject of a proceeding if the decision involves the issuance, renewal, approval, denial, or revocation of any license, permit, or other entitlement to, or contract with, the interest and includes any governmental decision affecting a real property financial interest as described in Regulation 18702.2(a)(1)-(6).

Regulation 18701(b) sets forth the foreseeability standard applicable to a decision’s effect on an official’s interest that is not explicitly involved in the decision, as here, and provides that the decision’s effect on such an interest is reasonably foreseeable if it “can be recognized as a realistic possibility and more than hypothetical or theoretical.”

Different standards apply to determine whether a reasonably foreseeable financial effect on an interest will be material depending on the nature of the interest. Regulation 18702.2 defines when a financial effect of a government decision on real property is material. For an interest in property which is not explicitly involved in the decision such as Mayor Pro Tempore Ybarra’s properties, the reasonably foreseeable financial effect of a governmental decision is material whenever the governmental 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. (Regulation 18702.2(a)(7).)

Here, the financial effect of the governmental decisions concerning the Link US Project within 500 feet of the real property interests of Mayor Pro Tempore Ybarra is presumed material

under Regulation 18702.2(a)(7) unless there is clear and convincing evidence that the decision at issue would not have any measurable impact on each of their residential properties. According to the facts provided, City of Vernon officials initially expressed concerns over public safety response times, air quality, and traffic, prompting LACMTA to propose various community enhancements as mitigation for potential project impacts on traffic and public safety within the City of Vernon. Based on these facts, the decision concerning the Link US Project involves substantial impact mitigation, and there is an absence of “clear and convincing evidence that the decision will not have any measurable impact” on her residence under Regulation 18702.2(a)(7). Consequently, it is unnecessary to further consider the potential effect on Mayor Pro Tempore Ybarra’s interests in her business entity and source of income in light of our conclusion that it is reasonably foreseeable the decisions will have a material financial effect on her interests in her real property.

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

Sincerely,

Dave Bainbridge
General Counsel

Zachary W. Norton

By: Zachary W. Norton
Senior Counsel, Legal Division

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