



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
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February 27, 2025

Olivia Clark  
City Attorney  
City of Plymouth  
500 Capitol Mall, Suite 2500  
Sacramento, California 95814

Re: Your Request for Informal Assistance  
**Our File No. I-25-020**

Dear Ms. Clark:

This letter responds to your request for advice on behalf of City of Plymouth (“City”) Councilmember Wendy Cranford regarding the conflict of interest provisions of the Political Reform Act (the “Act”).<sup>1</sup> Given that your questions are general in nature and based on limited facts, we treat your request as one for informal assistance.<sup>2</sup>

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

1. Does Councilmember Cranford have a disqualifying financial interest in City decisions regarding a fee agreement with the Ione Band of Miwok Indians (“Tribe”) for public safety services and utility services related to the Tribe’s Casino due to her residential real property interest?

2. Does Councilmember Cranford have a disqualifying financial interest in City decisions for an agreement with the Tribe to mitigate traffic issues related to the Casino project due to her residential real property interest?

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<sup>1</sup> 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.

<sup>2</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

## CONCLUSIONS

1. The facts provided do not identify details regarding the potential fee agreement. However, absent additionally information such as, but not limited to, any indications that the agreement threatens the completion or continuing viability of the Casino, it does not appear reasonably foreseeable that a subsequent fee agreement involving City utilities and services may have a material financial effect on Councilmember Crawford's real property interest. While Councilmember Cranford may wish to seek additional advice once the specifics of the agreements can be more readily identified, it does not appear she would be disqualified from taking part in the decisions based on the information provided at this time.

2. No facts are presented regarding how traffic impacts might be addressed by the City and the Tribe in an agreement or how those decisions may impact the Councilmember's residential parcel, and consequently, we do not provide advice on any traffic decisions. Please seek further advice, as needed, once facts are available for analysis.

## FACTS AS PRESENTED BY REQUESTER

The Tribe is native to Northern California and has federal recognition. The Tribe holds some land in the City and some land outside, but directly adjacent to, the City and within the County of Amador. It holds some land in fee and some land in Federal Trust. Trust property, under federal law, is outside of the City's land use jurisdiction and within the jurisdiction of the Tribe, regardless of whether it is within the City's territorial boundaries or not.

The Tribe is in the process of building a casino, access roads, and supporting facilities on a portion of the Tribe's Trust property, commonly referred to as Acorn Ridge Casino (collectively "Casino"). Specifically, the Casino will be constructed primarily on a Trust parcel about a mile south of the City and outside of the City's boundaries. An access road will be constructed on Trust parcels adjacent to that, largely outside the City boundary but a portion of which is technically within the boundary. The Tribe broke ground on the project on October 24, 2024, construction is ongoing, and the Tribe announced the Casino will open in Spring 2026.

The parcels that compromise the Casino site are entirely in Federal Trust and subject to Federal oversight. There is no property being developed that is not Trust land and the vast majority, notably, is outside the City boundary. Thus, the project site is certainly outside the City's regulatory power and largely beyond its border.

In early 2024, the Tribe prepared an Initial Study/Mitigated Negative Declaration ("IS/MND") to identify and mitigate off-project site/off-Trust land environmental impacts from the Casino, including those impacts within the jurisdiction of the City. The City is approximately one (1) square mile and the closest populated area to the Casino. City-wide utilities and services are anticipated to respond and assist the Casino. City utilities and services, and their availability or lack thereof, will impact the entire City population because it is so small. You note that it is immaterial where exactly a resident lives proximate to the Casino – all residents rely on the same utilities and responders without measurable distinction based on geography.

Though not required, the Tribe and City are considering entering into an agreement to address these issues. Parties are in the early stages of consideration and terms for such a possible agreement, but such an agreement could include provisions related to the payment of fees for the provision of public safety and other services to the Casino. Disapproving the contemplated agreement will not stop the Casino project as the Casino has already commenced construction and will complete the project, with or without an agreement. Such agreement is voluntary and merely for the parties' potential mutual benefit.

Traffic impacts may also be discussed by the Council as a separate issue. The Casino is to be built about a mile south of the City on Highway 49. Highway 49 is the city's main throughway and provides principal access to and from the Sacramento region for all City residents, guests, and other visitors. Casino impacts to traffic on Highway 49 will be felt City-wide. No specific traffic mitigation decisions are available at this time.

Councilmember Wendy Cranford joined the City Council in 2025. Her residence is at the southern edge of the City. The nearest corner of her parcel is about 900 feet from the boundary line of a large parcel that is going to have a portion of an access road in the far opposite, southwest corner. That parcel will not have any buildings on it and will largely remain undeveloped, except for that portion of the access road. Moreover, the nearest point between her residential property boundary line and where the access road is to actually be physically constructed is approximately 2,360 feet. The nearest point between her residence and an actual Casino building is approximately 3,800 feet, about 0.75 mi.

## ANALYSIS

Section 87100 prohibits 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. 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, relevant to these facts: An interest in real property in which the official has a direct or indirect interest of \$2,000 or more. (Section 87103(b).)

Councilmember Cranford has a real property interest in her residence. At issue is whether it is reasonably foreseeable that the City's decision to enter an agreement regarding the Tribe's payment of fees to offset the Casino's anticipated use or impacts on the City's utilities and public service or decisions related to mitigating Casino traffic will have a material financial effect on her real property interest. Because there are no specific facts as to the fee agreement, traffic decisions, or any potential impacts on Councilmember Cranford's real property interest, we provide the following as general guidelines.

### *Foreseeability & Materiality*

Regulation 18701(a) states that an effect on an interest is presumed foreseeable if the interest is explicitly involved in the decision. An interest is explicitly involved if it is a named party in, or subject of, the decision. Regulation 18701(a) states that a financial interest is "the

subject of' a proceeding under certain criteria, including where the decision affects a real property financial interest as described in the regulation setting forth the real property materiality standard, Regulation 18702.2, items (a)(1)-(6). Relevant to the agreement decisions, the Councilmember's real property would be the subject of the decision if, for example, the decision would modify any fees that apply to her parcel or would involve the construction of, or improvements to, streets, water, sewer, storm drainage or similar facilities, and the Councilmember's parcel will receive new or improved services that provide a benefit or detriment disproportionate to other properties receiving the services. (Regulation 18702.2, items (a)(3) and (6).) Any decision that meets the standards in Regulation 18702.2(a)(1)-(6) in its effect on the official's property will meet the materiality standard as well. There is no indication from the facts that the fee agreement is anticipated to explicitly involve Councilmember Cranford's real property interest as described above.

Where an official's economic interest is not explicitly involved in the governmental decision, the applicable standard for determining the foreseeability of a financial effect on the economic interest is found in Regulation 18701(b). That regulation provides, "[a] financial effect need not be likely to be considered reasonably foreseeable. In general, if the financial effect can be recognized as a realistic possibility and more than hypothetical or theoretical, it is reasonably foreseeable. If the financial result cannot be expected absent extraordinary circumstances not subject to the public official's control, it is not reasonably foreseeable." The materiality standard is based on the proximity between the official's property and the property at issue in the decision. (Regulation 18702.2(a)(7)-(8), (b).)

Under Regulation 18702.2(a)(7), the financial effect of a decision on an official's parcel is material if it 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. Under Regulation 18702.2(a)(8) the financial effect of a decision on the official's parcel is material if involves property located more than 500 feet but less than 1,000 feet from the property line of the parcel, and the decision would change the official's parcel in terms of its development potential; income producing potential; highest and best use; character (by substantially altering traffic levels, the intensity of use, parking, view, privacy, noise levels, or air quality); or its market value. If the decision affects property located more than 1,000 feet from the official's parcel, there is a presumption that the financial effect on the official's parcel is not material unless there is clear and convincing evidence that the decision would have a substantial effect on the official's parcel. (Regulation 18702.2(b).)

You state that any agreement is voluntary and mutually beneficial to both the Tribe and the City. You also state that disapproval of an agreement would not affect the completion of the Casino, which is already under construction and not dependent on the agreement. Based upon the facts provided, we can generally advise only that there is no indication at this time that an agreement for the Tribe to pay fees to address the Casino's impacts on the City's services would materially impact Councilmember Cranford's residential real property interest in any manner related to the Regulation 18702.2(a) standards set forth above. Absent additional information such as, but not limited to, any indications that the fee agreement threatens the completion or continuing viability of the Casino, it does not appear that Councilmember Cranford will be disqualified from subsequent fee agreements between the City and the Tribe regarding City utilities and services due to her interest in her residential property.

Turning to potential future discussion of traffic near Councilmember Cranford's residence, participating in future decisions with potential traffic implications on the residence must be considered on a case-by-case basis examining the specific nature of the proposal. However, the nature of potential traffic related projects has not yet been identified, and no facts are presented regarding how traffic impacts might be addressed by the City and the Tribe or how those decisions may impact the Councilmember's residential parcel. Therefore, we are unable to provide advice on any traffic decisions at this time. Please seek further advice, as needed, once facts are available for analysis.

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

Sincerely,

Dave Bainbridge  
General Counsel

**L. Karen Harrison**

By: L. Karen Harrison  
Senior Counsel, Legal Division

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