

Summary of Conflict Issues

Certain City Council Members, Planning Commissioners, and City staff members live in the Shadow Lakes and Deer Ridge communities. The decisions of City hearing bodies relative to the application submitted by SunCoast Properties (the “Project”), therefore, may have a material impact on these officials’ property ownership or leasehold interests. This creates a potential for conflicts of interests if these officials participate in the public meetings and other parts of the Project application process.

The State of California has an established procedure for determining whether or not a City official may participate in a City’s decision-making process. The City initiated this procedure on May 16, 2017 by seeking advice from the Fair Political Practices Commission (FPPC), a State agency. The City’s letter to the FPPC is available as a separate link on the City’s website.

The FPPC responded to the City’s request on June 23, 2017 with a detailed advice letter, which is also available as a separate link on the City’s website.

Participation by Council Members: Based on the FPPC advice letter, Council Members Joel Bryant and Karen Rarey, who both live within the Shadow Lakes community, will recuse themselves for all items pertaining to the development application. They are not precluded, however, from speaking on behalf of their own individual interests in these matters, as may any member of the public. This will leave a three-member City Council, consisting of Mayor Robert Taylor, Vice-Mayor Steve Barr, and Council Member Claudette Staton, to consider the Project. Under state law, approval of the Project will require a unanimous vote of the three participating members of the Council.

Should the FPPC subsequently determine that any of the three participating council members have a conflict not related to property ownership; state law requires those with conflicts to randomly draw lots to ensure that a three-member City Council is available to consider the Project. In such an instance, a unanimous vote of the three participating members would still be required to approve the Project.

On July 11, 2017, the City Council approved a professional services agreement for a consultant to conduct an environmental study of the Project. According to the FPPC, the hiring of this consultant was an “implementation decision,” and, as such, would in no way determine whether the Project was approved or denied. Therefore, the FPPC advised the City that all Council Members could participate in the consideration of this item, irrespective of their property ownership, and the agreement was approved unanimously by the full Council.

It should be noted that prior to the July 11, 2017 meeting, Council Member Staton informed City staff that she was managing a rental property located in the Shadow Lakes community and received a property management fee for her services. The City contacted the FPPC about Council Member Staton’s participation in the environmental consultant agreement decision, and the FPPC indicated that she could do so as it was an implementation decision. The email correspondence between the City and the FPPC is available as a separate link on the City’s website. The City will be requesting a formal advice letter from the FPPC regarding Council Member Staton’s ability to participate in future Project related decisions based on this potential conflict.

Participation by Planning Commissioners: Planning Commissioners John Fink and Jodi Marfia live within the Deer Ridge community. The FPPC determined that neither of these commissioners lives close enough to the golf courses to be materially affected by the final decision on the approval or denial of the Project. Both may therefore participate in the process as Planning Commissioners.

Participation by City Staff: City Manager Gustavo Vina also lives within the Deer Ridge community. Similar to Commissioners Fink and Marfia, the FPPC determined that Mr. Vina may participate in the application process in his capacity as City Manager. Finally, any other City staff member who owns property within either Deer Ridge or Shadow Lakes will be precluded from participating in the processing of the Project, in order to eliminate the appearance of a conflict of interest.