

CONFLICT OF INTEREST FOR NEIGHBORHOOD COUNCIL MEMBERS

The conflict of interest issues only apply when you are making decisions as a board member on your Neighborhood Council. In other words, it doesn't prevent you from speaking at another public meeting where you aren't on the board (e.g., at City Council or the Area Planning Commission) or Committee Meetings.

Please note that you are considered to have conflict of interest as a board member if you live within 500' of a project. (The exception about distinguishable from the public doesn't apply in this case where you have an identifiable project - it comes up more often when you are voting on a zoning amendment and your residence is being zoned as a residence just like everyone else in the City). However, please note that you may speak as a member of the public before your own board if the project is within 500' of your primary residence and you follow these rules.

1. When the matter is first introduced, you must state that you are disqualifying yourself from participating on the matter because you live within '500 of the development project, but that you reserve your right to speak as a member of the public. You should explain that you have conferred with the Office of the City Attorney and that since this issue impacts your primary residence there is an exception under the law that allows you to speak as a member of the public. You should also state that the exception that allows to speak as a member of the public may be found at California Code of Regulations section 18702.4(b)(1)(A).
2. The board's/committee's minutes must reflect that you are being disqualified as a board/committee member but speaking as a member of the public under California Code of Regulations section 18702.4(b)(1)(A).
3. After you say that you are disqualifying yourself, you must leave your board/committee seat and go to the audience with the other members of the public. You must be treated by your board as any other member of the public with respect to speaking time, filling out the speaker card, etc.
4. The Chair will then open up the discussion on the item, including having the developer make a presentation on the project. You must be cautious to refrain from attempting to make or making any verbal (or non verbal) expressions of agreement or disagreement during the presentation.
5. When public comment is opened up on the project, the Chair must call you as the first member of the public to speak. You will again identify that you are a board/committee member,

that you are being disqualified as a board member, but speaking as a member of the public under California Code of Regulations section 18702.4(b)(1)(A), and that you have obtained advice from the Office of the City Attorney regarding your ability to speak as a member of the public on this matter. You may then provide the board/committee with your comment on the development project. You may remain in the room for the duration of the public comment on the issue and board discussion. However, you must leave the room before the board votes otherwise your presence impacts the voting. The board minutes should reflect that you left the room before the board voted on the matter.

6. After the board takes action on the matter, you may rejoin the meeting. You may wish to share this advice with the person chairing the meeting so they also know how to handle the matter.