

Subject: Conflict of Interest

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The Political Reform Act (Gov. Code Sections 81000- 91014) requires most state and local government officials and employees to publicly disclose their personal assets and income. They also must disqualify themselves from participating in decisions that may affect their personal economic interests. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the attached Statement of Economic Interests, Form 700, and for interpreting the law's provisions. The law requires that clients of a reportable nature must also be disclosed. [See all details of the legislation.](#) Public Officials and Public Management employees must submit a Form 700 each year.

In the years 2013 and 2014, Attorney Brian Russell, recently elected and recently resigned Planning Commission Chair, reported on his Form 700 that Orin Swift Wine (Dave Phinney, owner) was his client, paid \$10,000-\$100,000 in 2013 and less in 2014, at the time he and Mr. Heil were engaged in writing, voting on and approving for Council adoption, the Small Winery Ordinance. Orin Swift and Crocker- Starr were the two wineries who had plans for facilities and were waiting for the Ordinance to be adopted. Crocker-Starr was not reported as a client. Mr. Phinney testified several times in support of the Ordinance as it was being processed. See Russell's Form 700's [for 2013](#) and [for 2014](#). [Form 700 from Mr. Desmond](#), Interim Planning Director, reporting wine.

To match the dates when Orin Swift Wine was Attorney Russell's client to when the Small Winery Ordinance was being processed, [see this timeline](#) of City agenda items re the Small Winery Ordinance in 2013 & 2014, from the City of St. Helena website.

It is a reasonable assumption that City employees and Planning or Council officials who were also involved with the development and writing of the Ordinance would have been aware of this conflict of interest. The Ordinance was strongly contested and ended in a Referendum and repeal.

This type of problem creates public distrust of the integrity of planning decisions which involve financially lucrative business ventures. As St. Helena becomes more of a tourist destination and DTC marketing gains strength, the problem could grow. Therefore, it would be good if City officials with the potential for private local clients were more adequately instructed as to what constitutes a conflict of interest as they represent both their clients and the voters. Most of the recusing of officials at public meetings has to do with the location of residences but an equally or more serious risk is financial gain from

land decisions, partnerships in speculative ventures requiring legislation and donations to organizations (behests), all covered by the Political Reform Act.

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