

I-1  
Public  
comment

December 13, 2021

Dear Commissioners.

I am writing on agenda item under department reports, item #1, "Discussion of At-Large Planning Commissioner's Potential Conflict of Interest."

First, I do not understand how this minor conflict of interest is leading to full removal when there has been conflict of interest with other members that have gone unaddressed. Yes, there are a lot of cannabis project that come in front of the commission, but that is not all they see, and the few projects that do have cultural impact. Therefore, this conflict seems minor to the public being Melanie receives a salary pay and the fee and ordinance for cannabis is final and does not change. Furthermore, this action of removal seems over the top and extreme action because she can recluse herself from the discussion. If these findings of conflict of interest are this extreme, then the Fair Political Practices Commission (FCCP). Stating she has to be removed because she would have to be recluse herself from too many agenda item is a false statement that is not legally proven nor consulted with the FCCP. How was this finding determined, or is this speculation? Melanie should only have to remove herself from project her position has to review, otherwise these other projects have no conflict.

Second, there is no mention in the staff report of consultation with the FCCP and determination based on their guidelines for conflict of interest. I have attached their guidelines for your reference. FCCP has stated, "they have adopted rules for deciding what kinds of financial effects are important enough to trigger a conflict of interest. These rules are called 'materiality standards,' that is, they are the standards that should be used for judging what kind of financial impacts resulting from governmental decisions are considered material or important."

Third, the FCCP, Recognizing Conflicts of Interest, A Guide to the Conflict of Interest Rules of the Political Reform Act states, "The Public: The Act relies on individual citizens to monitor the decision-making of their elected and appointed representatives to identify whether they have a conflict of interest with respect to a specific decision. Much of the enforcement of the Act's conflict of interest provisions is based on citizen complaints." Has there been any public complaints, or was this pushed by other officials? If this is the case, Mike Newman would need to be investigated for conflict of interest for working for a insurance company that provides surety bonds to cannabis company's and collects a fee. You would also have to look into Thomas Molder for a conflict of interest for holding a cannabis permit and license, which could have a private financial impact. I want all fairness and if this standard applies to one, it should apply to all.

Furthermore, There are many exceptions as well that can be considered by the FCCP. One exception being The Public Generally Exception, which the FCCP states, "*even if an official otherwise has a conflict of interest, the official is not disqualified from the participating in the decision if the "public generally" exception applies. This public generally exception applies when the financial effect on a public official or the official's interests is indistinguishable from its effect on the public generally.*" It goes on to state, "*The 'public generally' exception must be considered with care. An official may not just assume that it applies. There are rules for identifying the specific segments of the general population with which the official must compare*

*the official's financial interest, and specific rules for deciding whether the financial impact will uniquely affect the public official as compared to the public generally. Again, officials should contact their agency counsel or the FPPC concerning these specific rules."*

I saw no evidence in the staff report that the FCCP was consulted for assistance in determining the severity or if a conflict of interest exists, and how the council should handle this situation. Lastly, if there are other conflicts of interest not stated in this report that Melanie will have to remove herself from that are not cannabis related, then this agenda item is inaccurate and does not allow for the public to comment on the full potential impact.

Lastly, I would like to give one example to your attention. Recently the city of Yucca Valley put a moratorium in place for vacation rentals. It caused a lot of public attention and about 400 people attended. Three of the six commissioners had conflict of interest and had to remove themselves. Throughout this process the FPPC was there to assist during the public meeting and explained and determined which officials has a conflict. Two officials had short term rentals and one was a realtor. The FPPC would assist them on how to make quorum and what rules, laws, and regulations must be followed. I would like to see Humboldt County take this same approach with this situation and others like it.

I would like to add that Melanie's knowledge on CEQA and her input on this commission has been more than beneficial to the public, but to her colleagues she sits with.