



May 28, 2008

PRESS RELEASE

On May 22, 2008 the County received from the Fair Political Practices Commission a response to a request by District V Supervisor Brian Oneto regarding the conflict-of interest provision of the Political Reform Act as it relates to his property interests in the vicinity of the proposed Plymouth casino project, including an interest in a mining claim abutting the site of the project and Supervisor Oneto's home/ranch located approximately one-half mile from the site. The FPPC responded to Supervisor Oneto by stating Section 87100 prohibits any public official from making, participate in making, or otherwise using his or her 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 governmental decision will have a material financial effect on one or more of the public official's economic interests.

The FPPC further stated specific circumstances exist that make it reasonably foreseeable that the governmental decisions will have a material financial effect on his economic interest in his home/ranch. Additionally, the facts provided indicate a reasonably foreseeable financial effect on his economic interest in a mining claim abutting the site of the project that is presumed material. Accordingly, he may not participate in the governmental decision related to the efforts by the Ione Band of Miwoks to take land into trust for the construction of a proposed casino.

While the FPPC made the threshold determination that a conflict of interest exists, it did not address the applicability of limited exceptions that could possibly allow Supervisor Oneto's participation notwithstanding the conflict.

Therefore, unless one of the limited exceptions is determined to apply, Supervisor Oneto may not participate in the governmental decisions facing the Board related to the efforts of the Ione Band of Miwok Indians to take land into trust for the construction of a proposed casino, including participation in closed session decisions and open session discussions.

Contact Terri Daly, County Administrative Officer, at (209) 223-6470 for further information.