

From: Plane, Margaret
Sent: Tuesday, July 19, 2016 3:40 PM
To: Rogers, James
Cc: Gust-Jenson, Cindy; Bruno, Jennifer; Ferguson, Boyd
Subject: COI Re: Cornell Street Rezone

Council Member Rogers, you asked whether the fact that you are the landlord for the Democratic Party means you should recuse from participation in the discussion re Cornell Street. Peter Carroon, Chair of the organization that rents from you, initiated the petition for the rezone on behalf of another entity.

Under the ordinance, you have a financial interest where you have a "substantial interest" in a business entity. You may need to recuse if the performance of your duties on a matter "involving" your financial interest "is reasonably foreseeable that the decision will have an individualized material effect" on your interest. (Substantial interest is not defined—we've looked at 3% as not substantial. I don't know whether this lease is substantial.)

The Cornell street matter doesn't "involve" your financial interest. For that reason, we think you could safely participate in the decision and not violate the ordinance.

However, there may be an "appearance" issue if you do something that favors Peter's project, and there is a perception that you did it to keep your tenant. Not knowing the facts, it is hard for me to analyze this.

Bottom line: legally you do not need to recuse. If you choose to recuse to avoid any appearance issues, we recommend you recuse for all decisions involving this petition.

Yours, Margaret