



REGULAR MEETING MINUTES

Date: 8/6/2025
Time: 6:30 p.m.
Location: Teleconference and
Arrillaga Recreation Center, Elm Room
700 Alma St., Menlo Park, CA 94025

A. Call To Order

Chair Switzer called the meeting to order at 6:30 p.m.

B. Roll Call

Present: Beeli, Dumont, Kranen, Oursler, Switzer
Absent: Wong
Staff: Housing Manager Tim Wong, Management Analyst Arianna Milton

C. Public Comment

None.

D. Presentations and Proclamations

D1. Presentation: Due Process (Attachment)

City Attorney Nira Doherty made the presentation (Attachment).

E. Regular Business

E1. Approve the Housing Commission meeting minutes for July 10, 2025 (Attachment)

ACTION: Motion and second (Switzer/ Kranen), to approve the Housing Commission meeting minutes for July 10, 2025, passed 5-0-1 (Wong absent).

E2. Review and approve the ad hoc committee recommendations for the 2025-26 Housing Commission annual work plan and recommend to City Council approval of the 2025-26 Housing Commission annual work plan (Attachment)

The Commission reviewed and discussed the edits made by the ad hoc committee to the draft 2025-26 Housing Commission annual work plan.

ACTION: Motion and second (Oursler/ Switzer), to approve the ad hoc committee recommendations for the 2025-26 Housing Commission annual work plan with edits, passed 5-0-1 (Wong absent).

E3. Select a presenter and discuss presentation to the City Council for the Housing Commission annual report out (Attachment)

Management Analyst Arianna Milton made the presentation (Attachment).

The Housing Commission received clarification on the process of the report out to City Council.

ACTION: Motion and second (Oursler/ Beeli), to select Chair Switzer to present the annual report out to City Council, passed 5-0-1 (Wong absent).

F. Reports and Announcements

F1. Commissioner updates

None.

F2. Future agenda items

The Commission discussed creating a standing agenda report out item for the community engagement ad hoc committee.

F3. Staff updates and announcements

Staff reported out that the September Commission meeting will include a draft Anti-displacement Plan review and the current below market rate (BMR) guidelines overview.

Staff reported out that the October Commission meeting will include a review of proposed BMR Guidelines revisions.

Staff reported that a new Housing Commissioner will be appointed at the August 12 City Council meeting.

G. Adjournment

Chair Switzer adjourned the meeting at 7:46 p.m.

Management Analyst I Arianna Milton



CONFLICTS OF INTEREST & GENERAL BIAS PRINCIPLES

Presented by Nira Doherty,
City Attorney of Menlo Park

August 6, 2025



OVERVIEW

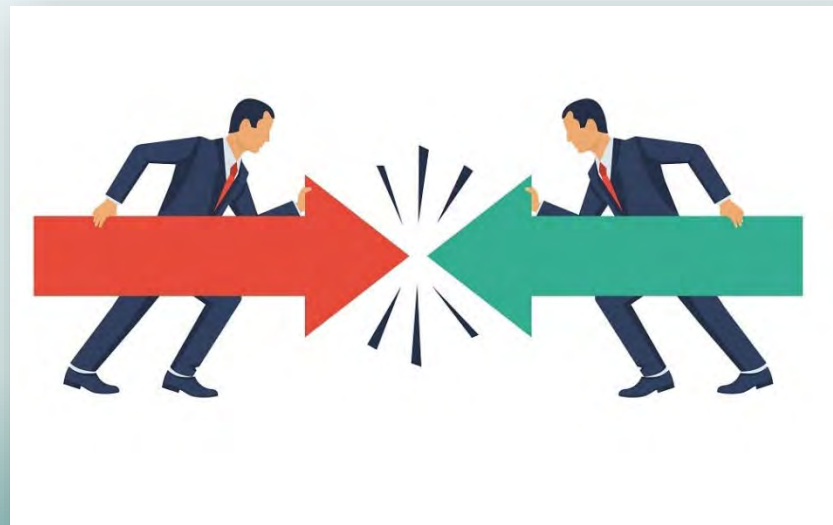
- It can be difficult for Public Officials to determine when to abstain from the decision-making process.
 - What financial interests and other conflicts of interest disqualify an official from participating in, or influencing, the decision-making process;
 - Guidelines for deciding when to abstain; and
 - Abstention and Disqualification from the process.

GENERAL DUTIES

- Duty to avoid conflicts, or even the appearance or possibility of a conflict
- Public Officials must perform their duties:
 - Impartially;
 - Free from bias caused by own financial interests; or

LEGAL BACKDROP

- Political Reform Act
 - Gov. Code § 87100 & § 87103
- Contractual Conflicts
 - Gov. Code § 1090
- Common Law Bias Prohibitions



POLITICAL REFORM ACT – BASICS

Statutory Rules:

1. No public official at any level of state or local government shall make, participate in making, or in any way attempt to use the official position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest. (Gov't Code § 87100)
2. A public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or any of the following: (Gov't Code § 87103)

FIVE DISQUALIFYING FINANCIAL INTEREST CATEGORIES

1. **Source of Income**

- \$500 or more during prior 12 months for either official or their spouse/partner.

2. **Business Management, Employment or Investment**

- Official has direct or indirect investment of \$2,000 or more or where official is a director, officer, partner, trustee, manager or employee of business.

3. **Real Property**

- Worth \$2,000 or more.
- Rules are dependent on distance from property (i.e., “500 feet rule”).

4. **Gifts**

- \$630 or more (total) in the past 12 months.

5. **Personal Financial Effect**

- If the official or officials’ immediate family’s finances would receive a measurable benefit or loss of \$500 or more in any 12-month period due to the decision.

CONTRACTUAL CONFLICT (GOV. CODE § 1090)

- Gov. Code § 1090 prohibits officials and city employees from having financial interests in contracts made by them in their official capacities or any board of which they are members.
 - If contract is made in violation of §1090 the contract will be deemed void. All monies paid under the contract must be returned to the local agency.
 - Willful violation punishable by fine, imprisonment and
 - Permanent disqualification from public office in the state

APPLICATION TO NON-DECISION MAKERS

- A non-decision maker (i.e. a member of an advisory body) may have a conflict where the public official:
 - “Makes substantive recommendations and over an extended period of time, those recommendations have been regularly approved without significant amendment or modification by another public official or governmental agency”
 - *This means:* If the Housing Comm’n *participates* in a decision by giving advice or making recommendations to the decision maker; or
 - *Influences* a decision by communicating with other decision makers or City staff.
- (CA Fair Political Practices Commission (“FPPC”) Regulation 18700.)



COMMON LAW BIAS PROHIBITIONS

1. Common Law Bias on Personal Interest:
 - Public officials cannot use their position for personal gain.
2. Common Law Prohibition on Prejudging:
 - Public Official should not be committed to an outcome before the hearing. Opinions are okay, but should not approach a hearing with a closed mind.
 - Decision at hearing should be based on the record.



QUESTIONS? EMAIL ME:
NDOHERTY@BWSLAW.COM

Thank you!



HOUSING COMMISSION CITY COUNCIL ANNUAL REPORT OUT



The background of the slide is a composite image. The top half shows a wide river flowing through a landscape with green hills and a sky filled with large, white, fluffy clouds. The bottom half of the slide features a horizontal band of text, with a close-up image of grass and small purple flowers on the left side.



ANNUAL COMMISSION REPORT OUT

City Council Policy #CC-24-004 states:

- Each commission is required to develop an annual work plan
- The plan is to be reported out by a representative of the advisory body at least annually
 - Currently scheduled for the August 26th City Council meeting



REPORT OUT PRESENTATION CONTENT

- Work Plan accomplishments and future events
- Due to number of new HC members, presenter will work with City Staff on presentation topics
- No set number of presenters required



CURRENTLY APPROVED '24-25 HC WORK PLAN



- For this Council report out presentation, staff requests that the Housing Commission have a discussion of items to include in the presentation pertaining to the annual work plan.

Housing Commission

Community Development Department
701 Laurel Street, Menlo Park CA 94025
Adopted September 24, 2024

ATTACHMENT B

Work plan goals		
1. Community engagement – Provide information and education related to tenant rights and tenant protections efforts and host and cohost local legal resources/presentations via the Housing Commission as part of expanding community engagement. This is to increase diversity of community participation and input. Have a minimum of two informational events, one every 6 months, at a Belle Haven location with multi-lingual inclusive events. 2. Anti-Displacement – Review current guidelines and highlight areas to the City Council where, procedurally, there can be an emphasis on anti-displacement efforts. To work on anti-displacement efforts, especially focused on naturally occurring affordable housing. To provide current residents with displacement and relocation information to prevent evictions and displacement and try to monitor the number of households being displaced and to provide them information about resources in accordance with Program H2.E of the 2023-2031 Housing Element Update. Create a collection of displacement experiences to "personalize" the impacts of displacement. 3. Focus on the development of affordable housing on public lands – this could include the development of affordable housing on downtown parking lots and following the development process including reviewing the RFQ and making recommendations, with the aim to exceed the targeted unit yields as outlined in Program H4.G of the 2023-2031 Housing Element Update and state requirements.		
Work plan history		
Action	Date	Notes
Work plan recommended	September 4, 2024	Commission approved
Work plan adopted	September 4, 2024	City Council approved

RECOMMENDATION

Staff recommends that the Housing Commission:

1. Select a presenter for the Housing Commission annual report out to the City Council
2. Discuss presentation to the City Council for the Housing Commission annual report out.



THANK YOU