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DILEMMA: Moreno Valley commission has had knowledgeable people but frequent abstentions

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It seemed like a typical city Planning Commission hearing: An Ontario-based developer wanted to divide 30 acres in the Moreno Valley Ranch area into three parcels.

But the circumstances were anything but ordinary. Two of the seven commissioners had just resigned for personal reasons and two more said they could not vote on the proposal because they had business relationships with the developer.

That left only three commissioners - one short of the number legally required to hold the public hearing. One of the commissioners with a conflict would have to remain for the public hearing to proceed, but she could not vote or deliberate on the proposal.

"Due to the rules of necessity, I will sit here and be quiet and not say anything about the item," Commissioner Maria Marzoeki said.

The city's Planning Commission has worked shorthanded for the past four months. It's a situation that can get complicated when a commissioner cannot vote because of a conflict of interest.

Even so, the commission has not had to delay any hearings.

"You have to adjust," Commission Chairman Rick DeJong said by phone.

The City Council will provide some help next week when it is expected to appoint four commissioners - two to fill the vacant seats and two to fill seats with expired terms. But at least one council member has raised concerns about appointing commissioners who might have conflicts of interest.

Commission's Role

A major Planning Commission task is to review development projects, weighing the designs and the impacts on the environment and surrounding land uses. The commission is often the final authority on development, unless someone chooses to appeal to the City Council.

The commission is crucial in a city such as Moreno Valley, which is growing rapidly and still has plenty of undeveloped land.

"The Planning Commission's authority to approve projects has a major impact on the development of the city," Councilwoman Bonnie Flickinger said by phone.

Commissioners get paid \$ 100 per meeting. There are about two meetings per month. But they often spend many hours reviewing reports and visiting the project sites in preparation for the meetings.

Although no experience is necessary to serve on the commission, it's not unusual to have commissioners who work in the real estate, architectural or design fields. But that also creates the potential for conflicts of interest, which state law requires officials to disclose publicly and to refrain from voting or discussing some projects.

Marzoeki works as a marketing manager for David Evans and Associates, a development company. Another commissioner, Bruce Springer, works as a senior vice president for Grubb & Ellis, a commercial real-estate firm.

Professional Conflicts

Springer abstained from voting on 15 projects in 2003 and six through November last year because of conflicts; Marzoeki disqualified herself from 13 projects in 2003 and 11 last year, according to commission records.

Most of Marzoeki's abstentions came because her company does business with the Empire Companies, which developed Moreno Valley Ranch. That is only one of many developers who submit projects for the commission's review, she said.

Marzoeki said she had no contact with Empire. Even so, Marzoeki said she felt the best thing was to abstain from any participation in Empire projects.

"I didn't want anyone to see anything as a conflict of interest," she said by phone.

Springer declined to comment for this story.

Another commissioner, Timothy Day, resigned last August after taking a job as vice president with Highland Fairview Properties. The company is planning major development projects in the UC Riverside Farm Station property and in the Moreno Highlands area, which would have created conflicts for him.

Steve Frates, a senior fellow at the Rose Institute for State and Local Government at Claremont McKenna College, said he believes it's a good idea to have some real estate and development professionals on planning commissions.

"It provides balance," Frates said by phone. "Very frequently, you get political advocates or people who are owed favors or people who are aspiring for higher office."

Applicants Interviewed

Twenty residents applied to serve on the Moreno Valley Planning Commission. The City Council interviewed 14 applicants last week and whittled the field down to six candidates: former chamber of commerce executive Richard Dozier, Eric V. Isaac, Douglas W. Merkt, Jeff Sims and current commissioners Springer and Michael Geller, whose four-year terms have expired.

Flickinger said she believes strongly that the council should appoint commissioners who won't have to recuse themselves.

"I think we have seven (commissioners) for a reason," she said. "I'd like to have decisions made by all seven commissioners."

Mayor Richard Stewart said the council has specifically discussed Springer's abstentions. Springer recuses himself if there is the slightest chance of a conflict and to avoid even the appearance of impropriety, he said.

His background is unique on the commission, Stewart said.

"He brings to the body a knowledge and expertise no one else has. . . . he knows the business. He knows good projects and bad projects," the mayor said by phone. "He doesn't just guess at it."

The council will decide Tuesday.

* * *

NOT VOTING

The Planning Commission considered 38 projects in 2003 and 63 projects through Nov. 15, 2004. The number of conflicts reported were:

Maria Marzoeki	24
Bruce Springer	21
Michael Geller	7
Rick DeJong	None
George Riechers	None

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