



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

January 30, 2026

Henry Castillo
BEST BEST & KRIEGER LLP
2855 E. Guasti Road, Suite 400
Ontario, California 91761

**Re: Your Request for Advice
Our File No. A-26-004**

Dear Mr. Castillo:

This letter responds to your request for advice on behalf of City of Calexico (“City”) Mayor Victor Legaspi regarding the conflict of interest provisions of the Political Reform Act (the “Act”).¹

Please note that we are only providing advice under the conflict of interest provisions of the Act and not under other general conflict of interest prohibitions such as common law conflict of interest or Section 1090.

Also note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

QUESTION

Does the Act prohibit Mayor Legaspi from taking part in governmental decisions relating to improvements to Cordova Park (the “Park”), which is located within 500 feet of Mayor Legaspi’s primary residence?

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

CONCLUSION

Yes. The Act prohibits Mayor Legaspi from taking part in governmental decisions relating to the Park because Mayor Legaspi's primary residence is located within 500 feet of the Park and there is no clear and convincing evidence to establish that the decisions would not have any measurable impact on Mayor Legaspi's primary residence.

FACTS AS PRESENTED BY REQUESTER

Mayor Legaspi has been on the City Council since November 2024. Mayor Legaspi lives within 500 feet from Cordova Park (the "Park"). The Park has a special tax imposed on its surrounding residents via the Bravo Rodiles Communities Facilities District. Residents of the community have been expressing their discontent since 2020 due to the installation of three baseball/softball fields. The residents have a concern that a multitude of these fields will create an impact on their community, as they believe traffic from the sports complex would have a long-term negative impact on a residential community. The City would like to engage in discussions on the future of the Park to discuss other amenities that can be offered.

Currently, Council Members Diana Nuricumbo and Adriana Marquez brought to the Council an authorization for the City Manager to proceed with a Request for Proposal for a conceptual park design to provide conceptual plans and a cost estimate for changes to the Park. The City Attorney's office advised Mayor Legaspi that since Mayor Legaspi resided within 500 feet of the Park, Mayor Legaspi had a conflict and could not participate in any decisions related to the Park.

The Park is improved parkland that existed before Mayor Legaspi purchased the home. The Park currently includes amenities such as a walk/run trail, playground, benches, parking lot, and lighting. The City is considering adding amenities to the Park to increase its use.

ANALYSIS

Section 87100 prohibits a public official from making, participating in making, or in any way attempting to use the official's position to influence a government decision in which the official has a financial interest.

A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on one or more of the public official's financial interests. (Section 87103.) Section 87103 defines "financial interests" to include, relevant to these facts, an interest in any real property in which the official has a direct or indirect interest worth \$2,000 or more. (Section 87103(b).)

You identified that Mayor Legaspi has a real property financial interest in his primary residence.

Foreseeability and Materiality

For a conflict of interest to exist, it must be reasonably foreseeable that the governmental decision would have a material financial effect on the public official's financial interests. (Regulation 18700(d)(1)-(2).)

Regulation 18701(a) provides the applicable standard for determining the foreseeability of a financial effect on a financial interest explicitly involved in a governmental decision. It states, "[a] financial effect on a financial interest is presumed to be reasonably foreseeable if the financial interest is a named party in, or the subject of, a governmental decision before the official or the official's agency. A financial interest is the subject of a proceeding if the decision involves the issuance, renewal, approval, denial or revocation of any license, permit, or other entitlement to, or contract with, the financial interest, and includes any governmental decision affecting a real property financial interest as described in Regulation 18702.2(a)(1)-(6)."

Where an official's financial interest is not explicitly involved in a decision, as we have here, the applicable standard for determining the foreseeability of a financial effect on a financial interest is found in Regulation 18701(b). It states, "[a] financial effect need not be likely to be considered reasonably foreseeable. In general, if the financial effect can be recognized as a realistic possibility and more than hypothetical or theoretical, it is reasonably foreseeable. If the financial result cannot be expected absent extraordinary circumstances not subject to the public official's control, it is not reasonably foreseeable." (Regulation 18701(b).)

Regulation 18702.2 outlines when a financial effect of a governmental decision on real property is material. Relevant to these facts, the reasonably foreseeable financial effect of a governmental decision is material whenever the governmental decision involves property located 500 feet or less from the property line of the parcel unless there is clear and convincing evidence that the decision will not have any measurable impact on the official's property. (Regulation 18702.2(a)(7).)

Mayor Legaspi's primary residence is located within 500 feet from the Park. Due to the proximity of Mayor Legaspi's primary residence to the Park, any Park-related decision is presumed to have a reasonably foreseeable material financial effect on Mayor Legaspi's primary residence. This presumption can be rebutted by clear and convincing evidence that the decision would have no measurable impact on Mayor Legaspi's primary residence.

According to the facts provided, the Park currently includes amenities such as a walk/run trail, playground, benches, parking lot, lighting, and three baseball/softball fields. Additionally,

you advised that the City Council authorized the City Manager to proceed with a Request for Proposal for a conceptual park design to provide plans and a cost estimate for changes to the Park as the City is looking at adding amenities that would increase the use of the Park. Since the decisions will lead to improvements to the Park and there is not clear and convincing evidence that the decisions will not have any measurable impact on Mayor Legaspi's primary residence, Mayor Legaspi has a disqualifying financial interest and may not make, participate in making, or attempt to influence any Park-related decisions.

Making, Participating in Making, and Attempting to Influence

Regulation 18704 defines "making, participating in making, and attempting to influence" a governmental decision as follows:

- *Making a Decision:* A public official makes a governmental decision if the official authorizes or directs any action, votes, appoints a person, obligates or commits the official's agency to any course of action, or enters into any contractual agreement on behalf of the official's agency. (Regulation 18704(a).)
- *Participating in a Decision:* A public official participates in a governmental decision if the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review. (Regulation 18704(b).)
- *Using Official Position to Attempt to Influence a Decision.* A public official uses an official position to influence a governmental decision if the official: contacts or appears before any official in the official's agency or in an agency subject to the authority or budgetary control of the official's agency for the purpose of affecting a decision; or contacts or appears before any official in any other government agency for the purpose of affecting a decision, and the public official acts or purports to act within the official's authority or on behalf of the official's agency in making the contact. (Regulation 18704(c)(1)-(2).)

While Mayor Legaspi has a disqualifying financial interest and may not make, participate in making, or attempt to influence any Park-related decisions as discussed above, Regulation 18704(d)(2)(A) provides a limited exception for certain appearances before the official's agency. Under this exception, an official may appear at a public meeting of the governing board as a member of the public to address matters related solely to the official's interest in real property owned entirely by the official, members of the official's immediate family, or the official and members of the official's immediate family. Mayor Legaspi's real property financial interest will fall under this exception if he (or members of his immediate family, or him and members of his immediate family) own the real property in its entirety. However, we caution that this is a narrow exception and allows only for public comments regarding the implications of the decision

specific to Mayor Legaspi's real property financial interest. The exception does not allow presentations of a general nature where Mayor Legaspi has a conflict of interest in the decision.

To invoke the exception provided for in Regulation 18704(d)(2)(A), Mayor Legaspi must follow the recusal procedures set forth in Section 87105 and Regulation 18707. Specifically, Mayor Legaspi must publicly identify his real property financial interest in detail sufficient to be understood by the public. The identification must be made immediately prior to consideration of the relevant agenda item. Mayor Legaspi must then recuse himself from the matter. Following the public identification and recusal, Mayor Legaspi may leave the dais to speak from the same area as the members of the public but must limit his remarks solely to his real property financial interest. Furthermore, the exception will only apply if Mayor Legaspi makes it clear that he is not acting in his official capacity when he appears as a member of the general public. (*Willkins* Advice Letter, A-18-227.) If Mayor Legaspi does not exercise this exception, he must follow the recusal procedures outlined above (identify that he has a real property financial interest in the decision and identify the property) and leave the room until after the discussion, vote, or any other disposition of the matter is concluded. (Section 87105; Regulation 18707.)

If you have other questions on this matter, please contact me at JRinehart@fppc.ca.gov.

Sincerely,

Dave Bainbridge
General Counsel

Jenna Rinehart

By: Jenna C. Rinehart
Senior Counsel, Legal Division

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