



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3050 • Sacramento, CA 95811

March 5, 2026

Kristopher J. Kokotaylo
City Attorney, City of Newark
300 Frank H. Ogawa Plaza
Unit 430
Oakland, CA 94612

Re: Your Request for Advice
Our File No. A-26-014

Dear Mr. Kokotaylo:

This letter responds to your request for advice on behalf of City of Newark Council Member Eve Marie Little 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

Under the Act, may Newark City Council Member Eve Marie Little take part in decisions related to a fire station and cultural arts center for a Capital Improvement Plan (“CIP”) where the residential real property she leases on a month-to-month basis is located less than 1,000 feet from each project?

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, Council Member Little may take part in decisions involving the fire station and cultural arts center because her month-to-month lease does not constitute an “economic interest” under the Act.

FACTS AS PRESENTED BY REQUESTER

The City Council of the City of Newark will consider a new CIP as part of its annual budget process. The CIP may include the demolition and rebuild of Fire Station No. 29 (“Station 29”) at 35775 Ruschin Drive, Newark, CA 94560 and the demolition of the existing Newark Community Center and the construction of a Cultural Arts Center (“Center”) on or near the same general footprint at the Newark Community Center Park facilities at 35501 Cedar Boulevard, Newark, CA 94560. The City Council will consider whether to direct staff to fund Station 29 and the Center (collectively, the “Projects”) and include them in the CIP. The City Council has yet to consider the Projects, but future actions will include direction to proceed, design, potentially bond against existing revenue measures, and approve Project contractors. The estimated cost to rebuild Station 29 is \$25 million, and to construct the Center is \$66 million.

Council Member Little has leased a portion of a single-family residence located in a cul-de-sac in Newark on a month-to-month basis for the past 8 years. Her annual rent exceeds \$2,000. Council Member Little’s residence is 925 feet away from the property where Station 29 is located and 945 feet away from Station 29 itself. Council Member Little’s residence is 207 feet away from the property where the proposed Center will be located, and approximately 950 feet away from where the proposed Center will likely be built. Newark Boulevard, a major thoroughfare with two lanes traveling in each direction, separates Council Member Little’s residence from Station 29 and the Center.

Council Member Little cannot see the existing Newark Community Center or Station 29 from her residence. Council Member Little will be unable to see or hear future Project construction activity, and neither Project will have a direct impact on her residence.

ANALYSIS

Under Section 87100 of the Act, “[a] public official at any level of state or local government shall not make, participate in making or in any way attempt to use the official’s position to influence a governmental decision in which the official knows or has reason to know 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 the official, a member of the official’s immediate family,” or on certain specified economic interests. (Section 87103.)

Interests that are potentially disqualifying are enumerated in Section 87103 and include:

- An interest in a business entity in which the official has a direct or indirect investment of \$2,000 or more (Section 87103(a)); or in which the official is a

director, officer, partner, trustee, employee, or holds any position of management (Section 87103(d)).

- An interest in real property in which the official has a direct or indirect interest of \$2,000 or more (Section 87103(b)), including a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly, or beneficially, a 10 percent interest or greater (Section 82033).
- An interest in a source of income to the official, or promised income, which aggregates to \$500 or more within 12 months prior to the decision (Section 87103(c)) including any community property interest in the income of a spouse and a pro rata share of the income of any business entity or trust in which the official (or his or her spouse) owns directly, indirectly, or beneficially, a 10 percent or greater interest (Section 82030(a)).
- An interest in a donor of, or an intermediary or agent for a donor of, a gift or gifts aggregating \$630 or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. (Section 87103(e); Regulation 18700(c)(6)(E).)
- Personal finances, meaning the financial effect of a governmental decision on the personal finances of a public official or his or her immediate family. (Section 87100; Regulation 18700(c)(6).)

Of the interests specified under the Act, the only potential interest identified that may be affected by the decision is Council Member Little's leased property. However, per Regulation 18233, the terms "interest in real property" and "leasehold interest" do not include the interest of a tenant in a periodic tenancy of one month or less.

Given that Council Member Little's lease is month-to-month, she does not have an economic interest in her leased residence under the Act. Barring a financial effect on an economic interest specified under the Act, Council Member Little may take part in decisions affecting Station 29 and the Center.

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

Sincerely,

Dave Bainbridge
General Counsel

Joanna Gin

By: Joanna Gin
Senior Counsel, Legal Division

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