



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

June 3, 2026

Donna Mooney
City Attorney
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Re: Your Request for Advice
Our File No. A-26-053

Dear Ms. Mooney:

This letter responds to your request for advice on behalf of Mayor Dionne Adams of the City of Pittsburg (the “City”) regarding 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 Mayor Adams take part in a governmental decisions to authorize the City Manager to execute an amendment to a contract to include environmental review for a road construction project (the “Project”), located approximately 2,980 feet from the Mayor’s residence and to execute a Memorandum of Agreement to provide the City with excess soil from an existing development project located approximately 3,500 feet from the Mayor’s residence for use on the 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, under the Act, Mayor Adams is not prohibited from governmental decisions related to the Project because it is not reasonably foreseeable that the Project, which will extend West Leland Road from Santa Teresa Drive to Avila Road, and use excess soil from an existing development project, will have a material financial effect on her interest in her real property located approximately 2,980 feet away from the Project and 3,500 feet from the soil-retrieval site for the Project. There is no clear and convincing evidence that decisions related to the Project will have a substantial effect on Mayor Adams's real property.

FACTS AS PRESENTED BY REQUESTER

Currently, West Leland Road dead-ends at Santa Teresa Drive along one end of the San Marco subdivision. The Project will increase traffic on West Leland Road by connecting West Leland Road, where it currently dead-ends at San Teresa Drive, to Avila Road. West Leland Road runs along the edge of the subdivision and will not increase traffic into the San Marco subdivision itself, nor change the existing access points to the subdivision. Currently, there are extensive traffic backups on San Marco Boulevard and West Leland Road during the morning westbound commute, as residents avoid traffic congestion on Highway 4 by using local roads until the last available on-ramp to Highway 4, located on San Marco Boulevard. By extending West Leland Road to Avila Road, residents will be able to continue along West Leland Road and use the Willow Pass Road on-ramp as an alternative route to go westbound on Highway 4. This project will likely reduce overall congestion at the San Marco Boulevard and West Leland Road intersection and increase congestion at the Willow Pass interchange during the morning commute hours. This project will also create an additional access option for residents to access Highway 4 from either the San Marco Interchange or the Willow Pass Interchange.

The City seeks to extend West Leland Road from Santa Teresa Drive to Avila Road to provide an alternative traffic circulation route. Pending before the City Council is a decision to authorize the City Manager to execute an amendment to a contract with Raney Planning & Management Inc. to complete the environmental review for the Project. The City also expects to bring another item to the City Council, which would authorize the City Manager to execute a Memorandum of Agreement with Seecon Financial & Construction Co., Inc., West Coast Home Builders, Inc., and Seeno Construction Co., to provide excess soil to the City from a development project adjacent to West Leland Road to facilitate the Project.

Mayor Adams owns and resides in a residential property located in the San Marco subdivision. Santa Teresa Drive runs through the developed San Marco subdivision beginning at San Marco Boulevard and ending at the existing dead-end of West Leland Road, which is located on the other side of the subdivision, approximately 2,980 feet from Mayor Adams's real property. Her residence is located near the subdivision's access point at San Marco Boulevard. The intersection of Santa Teresa Drive and West Leland Road is not viewable from the Mayor's residence. Also, her property is approximately 3,500 feet from the existing development project where the City will seek to take soil for the Project. The soil-retrieval site is located adjacent to the subdivision and is not viewable from the Mayor's residence. The Project will not alter access points to the Mayor's residence or increase traffic through the subdivision.

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.) As relevant here, one of the specified economic interests is any real property in which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more. (Section 87103(b).) Mayor Adams has identified a financial interest in her residence.

Regulation 18701(a) provides the applicable standard for determining the foreseeability of a financial effect on an economic interest explicitly involved in the 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).

(Regulation 18701(a).)

Where, as here, the official’s financial interest is not explicitly involved in the governmental decision, the applicable standard for determining the foreseeability of a financial effect is found in Regulation 18701(b), which provides that, “if the financial effect can be recognized as a realistic possibility and more than hypothetical or theoretical, it is reasonably foreseeable.” The financial effect is not reasonably foreseeable when “the financial result cannot be expected absent extraordinary circumstances not subject to the public official’s control... .” (Regulation 18701(b).)

Regulation 18702.2(b) provides the materiality standard regarding an official’s real property interest located 1,000 feet or more from the property involved in the governmental decision. Regulation 18702.2(b) states that the “financial effect of a governmental decision on a parcel of real property in which an official has a financial interest involving property 1,000 feet or more from the property line of the official’s property is presumed not to be material.” The presumption of immateriality may be “rebutted with clear and convincing evidence the governmental decision would have a substantial effect on the official’s property.” (Regulation 18702.2(b).)

Here, the Project is approximately 2,980 feet from Mayor Adams’s real property. The existing development project site where the soil for the Project would be taken is approximately 3,500 feet from her real property. The financial effect of decisions regarding the Project on

Mayor Adams's real property is presumed to be immaterial under Regulation 18702.2(b). The significant distances between Mayor Adams's residence and the Project site, as well as between her residence and the soil-retrieval site, are fully developed areas. Neither the Project site nor the soil-retrieval site is viewable from her residence. The project would extend West Leland Road to Avila Road from Santa Teresa Drive, creating a through street at the edge of the San Marco subdivision, located approximately 2,980 feet from Mayor Adams's property. An increase in traffic into the subdivision or changes to existing access points into the subdivision resulting from the Project are not anticipated. The Project will impact the morning commute traffic around the San Marco subdivision by creating an additional route for westbound commuters to access Highway 4, which will likely ease some of the existing traffic congestion at the intersection of San Marco Boulevard and West Leland Road, and allow commuters heading west on Highway 4 to utilize the Willow Pass Interchange by taking the West Leland Road to Avila Road. There is no clear and convincing evidence that the Mayor's property will be substantially affected because the Project's effects on the traffic around the subdivision are anticipated to be limited to morning commute hours, and the Project will not affect the Mayor's access to her residence via the subdivision's existing access points or change the traffic patterns within the subdivision. Accordingly, Mayor Adams is not prohibited from taking part in governmental decisions regarding the Project.

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

Sincerely,

Dave Bainbridge
General Counsel

Margaret L. Roeckl-Navazio

By: Margaret Roeckl-Navazio
Counsel, Legal Division

MRN:aja