DATE: October 6, 2026

TO: Mayor and City Council

FROM: City Clerk

SUBJECT Adopt a Resolution Accepting and Approving Revisions to the City of Hayward Conflict of Interest Code

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving revisions to the City of Hayward Conflict of Interest Code.

SUMMARY

City staff reviewed the City's Conflict of Interest Code and determined that amendments are necessary to reflect organizational and staffing changes.

The Political Reform Act (Government Code Section 81000 et seq.) requires local government agencies to adopt and maintain conflict of interest codes and requires local agencies to review their code biennially to determine whether amendments are necessary. City Administrative Rule 9.1 constitutes the City of Hayward's Conflict of Interest Code (Code). The Code identifies designated positions that make or participate in making governmental decisions that may foreseeably have a material effect on a financial interest. The Code assigns disclosure categories to each designated position based on the nature and scope of the position's duties. Depending on the assigned disclosure category, designated individuals are required to disclose specified investments, business positions, interests in real property, and sources of income on a Statement of Economic Interests (Form 700).

The City's last Conflict of Interest Code update was approved on September 17, 2024. As part of the 2026 biennial review, the list of designated positions (Attachment III) has been updated to include new positions and reflect organizational changes. Proposed changes are shown in bold and red text.

FISCAL IMPACT

There is no fiscal impact associated with this agenda item.

BACKGROUND AND DISCUSSION

A Conflict-of-Interest Code consists of three primary components: (1) the terms of the Code, including incorporation of Fair Political Practices Commission (FPPC) Regulation 18730; (2) the list of designated positions; and (3) the disclosure categories assigned to those positions.

1) Terms of the Code:

The terms of the Code establish requirements governing the disclosure of financial interests, filing of Statements of Economic Interests, and disqualification from participation in governmental decisions, among other requirements. The FPPC has adopted Regulation 18730 (Title 2, California Code of Regulations, Section 18730)[1], which contains the standard provisions of a conflict-of-interest code. The City incorporates Regulation 18730, including amendments duly adopted by the FPPC, by reference into its Conflict-of-Interest Code. Regulation 18730 is included as Attachment V.

2) List of Designated Positions:

The Code must identify positions that involve the making or participation in the making of governmental decisions that may foreseeably have a material effect on a financial interest. Pursuant to Government Code Section 82019[2], a "designated employee" includes an officer, employee, member, or consultant of an agency whose position is designated in the Code because the position entails the making or participation in the making of such decisions.

Individuals holding the positions identified in Attachment III are required to file Statements of Economic Interests (Form 700) and disclose financial interests within the disclosure categories assigned to their positions.

Certain City officials are subject to the disclosure requirements of Government Code Section 87200[3] independently of the City's list of designated positions. These officials, who manage public investments, include the Mayor, City Council Members, Planning Commissioners, City Manager, City Attorney, and Finance Director, and candidates for any offices at any election. These officials are commonly referred to as "Section 87200 filers."

Effective January 1, 2025, Section 87200 filers whose statements are filed with the FPPC are required to electronically file their Form 700 directly through the FPPC's electronic filing system. Other individuals holding positions designated in the City's Conflict of Interest Code file their Form 700 statements with the City Clerk in accordance with the

---

[1] Regulation 18730
https://www.fppc.ca.gov/siteassets/documents/legal_div/regulations/01_index/chapter_07/18730._Provisions_of_Conflict_of_Interest_Codes.pdf

[2] Gov. Code Section 82019
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=82019

[3] Gov. Code Section 87200
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=87200.&lawCode=GOV

Code and applicable FPPC requirements. Form 700 statements are public records and are available for public inspection and reproduction as provided by law.

The City also utilizes FPPC Form 804 (Agency Report of New Positions) and Form 805 (Agency Report of Consultants) as appropriate to identify newly created positions and consultants who make or participate in making governmental decisions pending incorporation of those positions into the City's Conflict of Interest Code.

3) Disclosure Categories:

The Code establishes disclosure categories specifying the types of financial interests that individuals holding designated positions must disclose. Disclosure requirements are tailored to the duties and responsibilities of each position and may include investments, business positions, interests in real property, and sources of income that may foreseeably be affected by decisions made or participated in by the designated individual. The City's disclosure categories are included in Attachment IV.

STRATEGIC ROADMAP

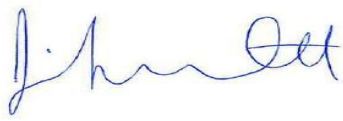
This agenda item is a routine operational item and does not relate to any of the projects outlined in the Council's Strategic Roadmap.

NEXT STEPS

Upon adoption of the proposed resolution, Administrative Rule 9.1, the City's Conflict of Interest Code, will be updated to reflect the approved amendments. The revised Code will be distributed to Form 700 filers and incorporated into the City's Form 700 administration and electronic filing processes. The City Clerk's Office will also complete any required notifications for filings with the FPPC.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Jennifer Ott, City Manager