



Livermore Area  
Recreation and Park District  
*An independent special district*

## Board of Directors

**Maryalice Faltings**  
Director

**David Furst**  
Director

**Jan Palajac**  
Chair

**Philip Pierpont**  
Vice Chair

**Beth Wilson**  
Director

### **Welcome to the Board of Directors' Meeting**

You are welcome to attend all Board of Directors' meetings. Your interest in the conduct of public business is appreciated. Any citizen desiring to speak on any item not on the agenda may do so under Item 2 "Public Comment" when the Chair requests comments from the audience.

If you wish to speak on an item listed on the agenda, please wait until the item is up for discussion, the opening staff or committee presentation has been made, and the Board has concluded its initial discussion. Then, upon receiving recognition from the Chair, please state your name, and tell whether you are speaking as an individual or for an organization. Each speaker is limited to three minutes.

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the District office, 4444 East Avenue, Livermore, during normal business hours.

Pursuant to Title II of the Americans with Disabilities Act and section 504 of the Rehabilitation Act of 1973, LARPD does not discriminate on the basis of race, color, religion, national origin, ancestry, sex, disability, age or sexual orientation in the provision of any services, programs or activities. To arrange an accommodation in order to participate in this public meeting, please call (925) 373-5725 or e-mail [Lvanbuskirk@larpd.org](mailto:Lvanbuskirk@larpd.org) by noon on the day before the meeting.

### **AGENDA REGULAR MEETING**

**WEDNESDAY, NOVEMBER 18, 2020, 2:00 P.M.**

#### ***NOTICE: Coronavirus COVID-19***

***In accordance with Governor Newsom's Executive Orders, the Livermore Area Recreation and Park District Board of Directors and staff will be participating in this meeting via teleconference. In the interest of maintaining appropriate social distancing, members of the public may participate in the meeting electronically, and shall have the right to observe and offer public comment at the appropriate time during this Board meeting.***

***We have also provided a call in number, as identified on this Agenda, and encourage you to attend by telephone.***

#### **PARTICIPATION:**

Please click the link below to join the webinar:

<https://zoom.us/j/96816794437>

Webinar ID: 968 1679 4437

Or Telephone: Dial 1 669 900 9128

**1. CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE**

**2. PUBLIC COMMENT**

During this comment period, any person is invited to speak on any topic that is not listed on this agenda. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on a future agenda. Those who wish to comment on an item that has been listed on this agenda may comment when that item has been opened for consideration by the Board and before any action is taken.

**3. CONSENT ITEMS (Motion)**

- 3.1 Approval of the Minutes of the Regular Board Meeting of October 28, 2020
- 3.2 General Manager’s Monthly Update to the Board – November 2020
- 3.3 Resolution No. \_\_\_\_\_, approving amendments to the District’s Conflict of Interest Code

**4. DISCUSSION AND ACTION ITEMS**

**4.1 GENERAL FINANCIAL UPDATE**

This is a standing item while the District operates under an emergency declaration. The General Manager and Administrative Services Manager will provide a financial update on current financial matters. (Discussion)

**4.2 DECEMBER PRELIMINARY AGENDA ITEMS**

The Board will review and discuss the following agenda items and give direction to staff if there are any additions or revisions: (Discussion and Direction)

- a) District Audit for Fiscal Year 2019-2020
- b) District Notice 0001 – Personnel Rules and Regulations – Holiday Pay
- c) District Notice 0006 – Personnel Rules and Regulations – Administrative Leave
- d) Annual Board Policy Manual Review
- e) Board Meeting Schedule for 2021
- f) Election of Board Officers for 2021

**4.3 RESOLUTION OF COMMENDATION FOR BOARD MEMBER BETH WILSON**

The Board will adopt a resolution commending Board Member Beth Wilson for her years of service on the LARPD Board (Resolution)

Resolution No. \_\_\_\_\_ commending Board Member Beth Wilson for her years of service on the LARPD Board

**5. INFORMATIONAL ITEMS (No Action Required)**

**5.1 PROGRAM UPDATES**

The General Manager and Staff will report on programs in their respective departments.

**6. COMMITTEE REPORTS**

**7. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS**

**8. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER**

**9. ADJOURNMENT**



Livermore Area  
Recreation and Park District  
*An independent special district*

**LIVERMORE AREA RECREATION AND PARK DISTRICT  
REGULAR MEETING of the BOARD OF DIRECTORS**

**DRAFT MINUTES**

**WEDNESDAY, OCTOBER 28, 2020**

2:00 P.M.

*NOTICE: Coronavirus COVID-19*

*In accordance with Governor Newsom's Executive Orders, members of the Livermore Area Recreation and Park District Board of Directors and staff participated in this meeting via teleconference. In the interest of maintaining appropriate social distancing, members of the public also participated in this meeting electronically.*

**DIRECTORS PRESENT:** Directors Faltings, Furst, Pierpont, Wilson and Chair Palajac

**DIRECTORS ABSENT:** None

**STAFF MEMBERS PRESENT:** Mat Fuzie, Alexandra Ikeda, Fred Haldeman, Jeffrey Schneider, Jill Kirk, Joseph Benjamin, Julie Dreher, Linda VanBuskirk, Lynn Loucks, Megan Shannon, Nancy Blair, Patrick Lucky, Robert Sanchez, Rod Attebery

**OTHERS PRESENT:** Stacey Swanson

**1. CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE:**

Chair Palajac called the meeting to order at 2:00 p.m. All Directors were present, via Zoom. Chair Palajac led the Pledge of Allegiance.

**2. PUBLIC COMMENT:** There were no public comments.

**3. CONSENT ITEMS (Motion)**

3.1 Approval of the Minutes of the Regular Board Meeting of October 14, 2020

Moved by Director Pierpont, seconded by Director Wilson, approved the Consent Agenda Items, by the following roll call vote:

**AYES:** Directors Pierpont, Faltings, Wilson and Chair Palajac

**NOES:** None

ABSTENTIONS: Director Furst  
ABSENT: None

#### 4. DISCUSSION AND ACTION ITEMS

##### 4.1 BOARD TERM OF OFFICE

Chair Palajac stated that this item was placed on the agenda at her request to ascertain when the newly elected board members' term of office would take effect. General Manager Mat Fuzie introduced Executive Assistant to the General Manager Linda VanBuskirk to explain the board policy. Ms. VanBuskirk reported that District Board Policy No. 4020 "Attendance at Meetings" at paragraph 1(c) states "When a vacancy has occurred on the Board of Directors, such vacancy shall be filled only in accordance with the Public Resources Code Section 5784.3." PRC §5784.3(a) states "The term of office of each member of a board of directors who has been elected or appointed to a fixed term is four years. Directors shall take office at noon on the first Friday in December following their election or their appointment to a fixed term." Additionally, pursuant to Elections Code Sections 15301 and 15372, the District shall receive the Certified Results of the election by December 3, 2020 from the Registrar of Voters' office. (E+30) The first Friday in December of 2020 will be December 4, 2020. The newly elected board members will attend their first LARPD Board Meeting on December 9, 2020. Director Beth Wilson's last board meeting will be the November 18, 2020 meeting.

Board member comments/questions included:

Director Wilson asked for confirmation as to when her term actually ends. [*Chair Palajac confirmed it carries into the first few days in December, on December 3<sup>rd</sup>.*] Is this how the Board of Supervisors and the Livermore City Council does it? Is this standard practice? And can the District opt out of this code section if it wanted to? [Pierpont]

East Bay Regional Park District begins their term in January, but they have different enabling legislation. [Furst, Faltings]

District Council Rod Attebery stated that the general rule is that the California Special Districts Association (CSDA) has its own time frame in terms of appointments and/or new directors taking over. However, the general rule applies to members that are continuing their tenure and that a new member will not replace an outgoing member until the new member is ready to be placed and/or the old member has vacated their seat. Although it is somewhat confusing, you may set any date you want and nobody will have an issue with this or complain about it.

Discussion ensued and board members made the following suggestions:

- Director Wilson should come to the December meeting, then the Board could hold a swearing in ceremony at the end of the meeting. The new Director could then be ready to go in January.
- GM Fuzie stated it was his curiosity and need to have a clean process to know what the transition was intended to be and where it is supported, either in statute or policy. He would like a clear delineation of term so that we know when the transition has taken place. District Counsel Attebery confirmed that PRC §5784.3 states the time in which the new member shall be seated; but the Board is suggesting something completely different. There is not a problem with changing Board Policy No. 4020 to reflect that they will take office on January 1. This could provide continuity in the way the District

approaches this after an election - so that the last meeting after the election is the time in which the individual is sworn in and the next meeting after they are sworn in would be their first meeting. Absent an alternative, the Board's policy is stated. If the Board desires to change its policy, or create a new policy around term of office and the way in which the transition is conducted, that can be brought to the Board for a vote.

- Realistically, Board Policy No. 4020 is about attending meetings and isn't the place we should look for a policy about when a term begins and ends. This specific information should be delineated in a separate policy, and should define what the term is.
- In the past, the District has sworn in the new board member immediately after becoming eligible, then seated at the next board meeting (which would be the December board meeting.) Each board member has an obligation to fill out the request form for being on various committees. The new member must be able to meet people and fill out the form. If the new member attends their first meeting in January, when are they going to be able to meet people legally and fill out the request for the different committees? We need to continue the policy of swearing in the new member prior to the end of the December meeting and take their seat at that December meeting.
- The expressing of which committee(s) a board member would like to be on is a courtesy. In the past, board members served on the committees they were assigned to by the Board Chair. The fact that the District used to have two meetings each month including November and December, but then changed to one meeting in November and December, has caused this confusion as to the schedule for seating new members. The sitting board member should serve through the first meeting in December, then at the end of that meeting the new member is sworn in, and their first active participation will be at the first meeting in January.
- District Counsel Attebery reiterated PRC §5784.3(a) as referenced in Board Policy No. 4020 and focused on the phrase “. . . Directors shall take office at noon on the first Friday in December following their election **or their appointment to a fixed term.**” He advised that the reason it says “or” is because it is anticipating that we may not know the results at the first Friday in December. There could be a close enough vote that we would not know. If you further read the PRC, a member serves their duty until otherwise removed, a new appointment, or a new election. So, this code section provides that the first Friday in December following the election is the correct date. There is language in the Election Code as well as the special district language that allows you to set your own policy, so if you decide to set your own policy to January 1, when we are fairly certain what the election results are, you may use that date; but if you are following the PRC code expressly, it is as stated above.
- If the Board desires the term to begin on January 1<sup>st</sup>, can we then swear the new board member in at the end of the December meeting, but say that their term doesn't begin until the 1<sup>st</sup> of January, and the old member remains until December 31<sup>st</sup>? Or is the time when they are sworn in – that is when they are official? [*Per Mr. Attebery, you may do it either way. There is no requirement for the swearing in ceremony. They may even do it from home via Zoom.*]

- [Furst] Would like the Board to stick close to the PRC which states that the member is sworn in on the 1<sup>st</sup> Friday in December, etc., and then takes their seat at the next board meeting.
- [Faltings] The December board meeting has been designated as the specific time of year when Board members can review and suggest changes to the Board Policy Manual. *[Mr. Attebery added that Board members are free to change its policies anytime the matter is placed on the agenda.]*
- [Pierpont] Does not object to staying with the PRC and our practice; but thinks that Board Policy No. 4020 is about attendance at meetings, not about terms of office. We need a clear policy governing terms of office.

No Board action was taken; however, Chair Palajac stated that since there is at least one Board member who would like to see a possible change to this policy, it will need to come back to a future meeting as an action item to determine which direction the Board would like to choose between either 1) The new board member is seated on the 1<sup>st</sup> Friday in December following the election; or 2) Outgoing board member to attend the December meeting, and at the end of the meeting the new member would take office and proceed from there officially at the January meeting.

- GM Fuzie stated this will be an item on the agenda for discussion and action - with no staff report - as staff does not want to assume any direction one way or another.

#### **4.2 GENERAL FINANCIAL UPDATE**

Administrative Services Manager Jeffrey Schneider provided a verbal financial update to the Board. Although it is currently too early to provide preliminary results through the month of October, 2020, the District is moving forward on the cash side with the submittal of spend related to the Joe Michell buildings to be funded through AB1600 funds. This alone will add \$650-\$700K on the plus side to the cash flow projection. He also reported that results are running better than projected back in late September when operating results and cash flow balances were reported. We are \$1M or so above what projections had suggested through October.

Chair Palajac opened public comment. No public comments were received. Public comment was closed.

No Board action was taken.

### **5. INFORMATIONAL ITEMS (No Action Required)**

#### **5.1 PROGRAM UPDATES**

GM Fuzie shared a presentation entitled “COVID-19 Update – Recreation Directors Meeting – October 27, 2020”. This presentation was given by the Alameda County Public Health Department at a meeting he attended on October 27<sup>th</sup> with other recreation directors throughout the county. *[The presentation will be attached to these minutes.]* The presentation highlighted what has changed in Alameda County regarding COVID-19 reopening updates and advancement through the tier framework.

- Director Wilson asked if Mr. Fuzie could provide a copy of the presentation to the Board members.

- Director Faltings asked how LARPD will let the public know how these changes will affect its programs offered. [*LARPD announces changes through signage at the facilities, social media, press releases through the newspapers, and the LARPD website.*]

Recreation Department Manager Alexandra Ikeda commended the Recreation Department team for their creative efforts on October 24<sup>th</sup> for the socially-distanced, COVID-19-style Halloween Trunk and Boo, a spin on the Trunk n' Treat. She reported there were 30 cars/trunks in participation.

Parks and Facilities Manager Fred Haldeman reported the following:

- a) On Friday, October 16<sup>th</sup>, LARPD playgrounds were opened to the public.
  - Director Pierpont added that he has taken his son to some of the playgrounds and was happy to see the level of compliance by other park visitors.
- b) Renovations at Bill Clark Park are almost completed. The sand has been removed and the engineered wood chips will be installed next week.
- c) The last day of contract services for Maintenance and Parks will be October 31<sup>st</sup>. We will be effectively reducing the labor force that we can field in Parks after that time.

Aquatics Supervisor Patrick Lucky reported on the Aquatics Department's approval received from the county to open a parent/child swim lesson class.

## 6. COMMITTEE REPORTS

- a) Director Faltings reported her attendance at the October 19, 2020 Finance Committee meeting.
- b) Director Faltings reported her attendance at the October 20, 2020 LARPD Foundation meeting.
- c) Director Furst reported his attendance at the October 15, 2020 Program Committee meeting.
- d) Director Pierpont reported his attendance at the October 19, 2020 Finance Committee meeting previously discussed by Director Faltings, above.
- e) Chair Palajac reported her attendance, along with Director Pierpont, at the October 15, 2020 Intergovernmental Liaison Committee meeting between the Livermore Joint Unified School District, City of Livermore, and LARPD.
  - In response to a question from Director Furst, GM Fuzie expanded upon the committee's discussion on its Agenda Item 4. Organizational Changes at LARPD. He explained that the committee was given a general overview of LARPD's recent organizational changes, approved in September, due to a loss in revenue, major outcomes as a result of the changes, and who they should contact in the future.
  - In response to a question from Director Faltings, GM Fuzie reported that the city has not had layoffs, but did have a reduction in services and hours; and the school district did have layoffs earlier in the pandemic.
- f) Director Wilson reported her attendance at the October 15, 2020 Program Committee meeting, previously discussed by Director Furst, above.
- g) Chair Palajac reported her attendance, along with Director Pierpont, at the October 26, 2020 Ad Hoc Budget Committee meeting.

- h) Chair Palajac reported her attendance at the October 20, 2020 Livermore Downtown, Inc. meeting.

**7. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS**

None.

**8. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER**

GM Fuzie made the following announcements:

- a) LARPD is working on two COVID-19 initiatives; One is using the Prop 68 bond monies in conjunction with the City and preliminarily looking at installing a walkway path at the Springtown Open Space area with those funds, and potentially using AB1600 funds as the match. The second part of this discussion is due to COVID-19 and the emphasis on being outside - thinking of ways to add to our current footprint, using AB1600 funds to create more outdoor opportunities for both programming and exercise. This item will go before the Facilities Committee next week.
- b) The front counter of the Robert Livermore Community Center is home to a very funny-looking phone that has two handsets. This is the Language Line Services phone. If somebody comes in to the RLCC or calls in, and they do not speak English and we cannot communicate with them, we simply use this service to be connected with a translator. This is a fantastic tool to ensure quality communication.

**9. ADJOURNMENT:** The meeting was adjourned at 3:39 p.m.

APPROVED,

---

Jan Palajac  
Chair, Board of Directors

ATTEST:

---

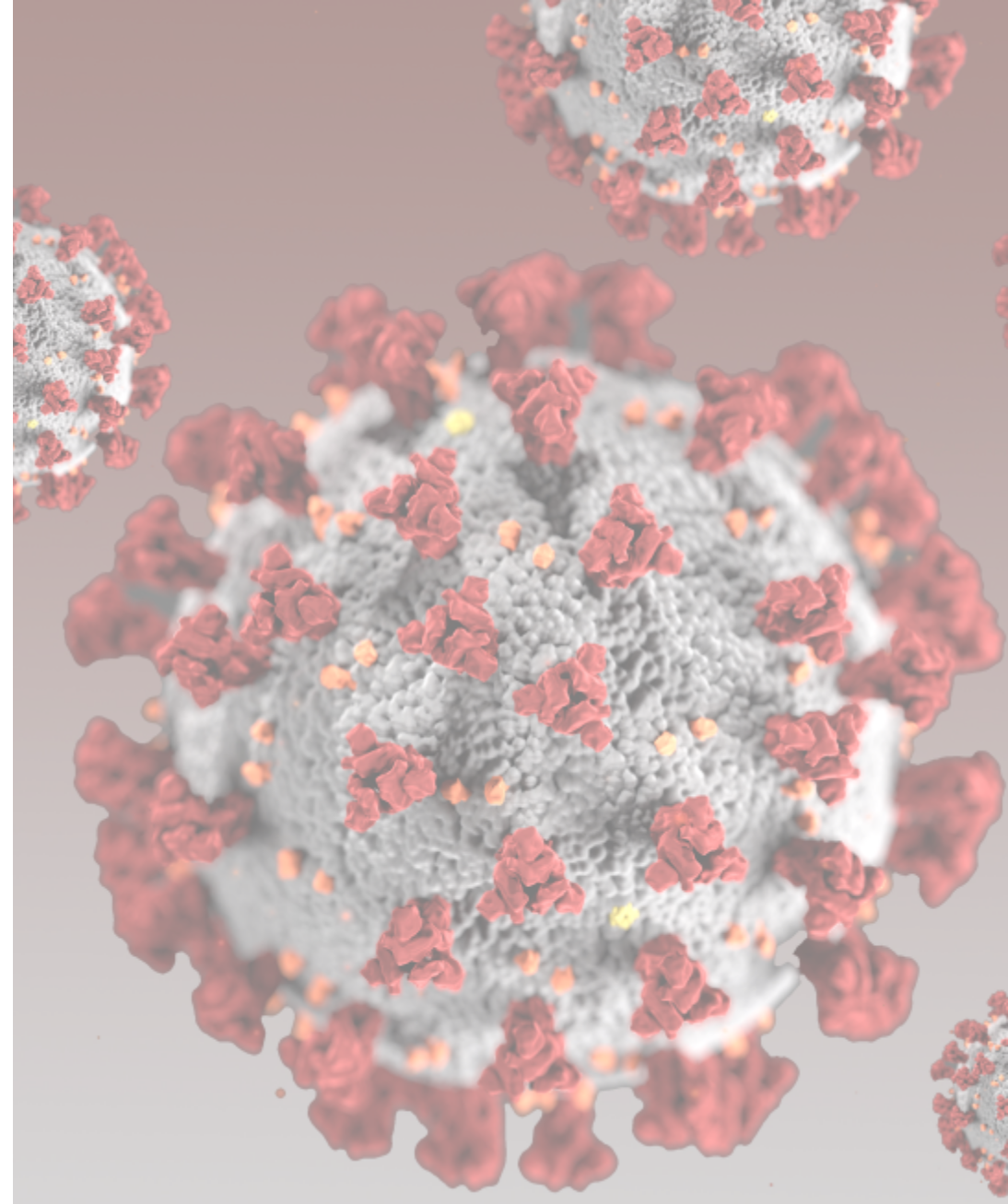
Mathew L. Fuzie  
General Manager and  
Ex-officio Clerk to the Board of Directors



# COVID-19 Update

## Recreation Directors Meeting

October 27, 2020



Alameda County  
Health Care Services Agency



Alameda County Public Health Department  
Celebrating Healthy People in Healthy Communities

# Agenda

Time	Agenda Item
1 p.m. – 1:05 p.m. 5 minutes	Meet & Greet <ul style="list-style-type: none"><li>• COVID Recovery Team Members – Sports/Recreation</li><li>• Role &amp; Responsibilities of Recreation Directors</li></ul>
1:05 p.m. – 1:15 p.m. 10 minutes	Process to Coordinate Inquiries Response
1:15 p.m. – 1:30 p.m. 15 minutes	COVID-19 Reopening Update & Feedback about Indoor Swimming Pools & Amusement Parks

## Next Meeting:

- November 10, 2020 from 1 p.m. – 1:30 p.m.



# Tier Framework

- Alameda County is currently in Tier 3 (Orange Tier); assessed weekly
- A county remains in a tier for a **minimum of three weeks** before advancing to a later tier
- A county can **only move forward one tier at a time**, even if metrics qualify for a more advanced tier
- If a county's metrics worsen for two consecutive weeks, it will be assigned a more restrictive tier.

	Higher Risk $\longrightarrow$ Lower Risk of Community Disease Transmission			
	Widespread Tier 1	Substantial Tier 2	Moderate Tier 3	Minimal Tier 4
Measure*				
Adjusted Case Rate for Tier Assignment** (Rate per 100,000 excluding prison cases, 7 day average with 7 day lag)	>7	4-7	1-3.9	<1
Testing Positivity*** (Excluding prison cases, 7 day average with 7 day lag)	>8%	5-8%	2.4.9%	<2%

# October 23 Reopening

- New activities:
  - Indoor [family entertainment centers](#) (25% capacity)
    - Naturally distanced activities i.e. bowling alleys, climbing walls, escape rooms
  - Indoor [dining](#) (25% capacity or 100 people)
  - Indoor [worship](#) (25% capacity or 100 people)
  - Indoor [movie theaters](#) (25% capacity or 100 people per screen)
- Expansions:
  - Indoor [retail and malls](#) (50% capacity)
  - Indoor [gyms and fitness centers](#) (25% capacity)
  - Outdoor [non-contact fitness classes](#) (20 people including instructor)

# October 23 Reopening

- [SIP Order](#) Updates
  - Replaced “Social Bubbles” with [State’s](#) private gatherings definition
    - No more than 3 households – stable group for at least 3 weeks
    - Gather outdoors
    - Keep it short to 2 hours or less
  - Removed “Essential Travel” and allows all travel
  - Allow for outdoor recreational areas and facilities
    - Playgrounds in compliance with [State’s](#) guideline, gym equipment, climbing walls, and barbeque areas

# October 23 Reopening

- Updated Guidance
  - [Outdoor Pool](#)
    - Allow for water fountains to reopen
    - Shared furniture for staffed pools
  - [Gym, Fitness Center, Other Exercise Facilities](#)
    - Allow for water fountains to reopen
    - Revised from 12 feet physical distance during cardio exercise to 8 feet
    - Removed face shield requirement for personal trainers
    - Including safety measures for climbing wall facilities
      - Face coverings required
      - Use hand sanitizer or wash hands before and after climb
  - [Restaurant Operating Procedures](#)
    - Clarified canopies – 1 side closed, heating device instructions
    - Indoor safety measures
      - Meals should be limited to 2 hours



# October 23 Reopening

- Updated Guidance
  - [Retail and Shopping Mall](#)
    - Reopen fitting rooms
      - Face covering
      - Frequently sanitized
    - Open food courts – comply with [Restaurant Operating Procedures](#)
  - [Places of Worship](#)
    - Increase number of participants for funeral service and wedding ceremony to 25% of building capacity or 100 people
      - Can be in non-secular facilities
    - Wedding receptions/parties not allowed

# Reopening Next Steps

- Orange Tier Activities:
  - Amusement Parks (25% capacity or 500 people)
  - Indoor Cardrooms, Casinos, Racetracks, and Satellite Wagering (25% capacity w/o live audience)
  - Indoor Pools
  - Indoor Movie Theaters (50% capacity or 200 people)
  - Indoor Museums, Zoos, and Aquariums (50% capacity)
  - Indoor Office Workspace
  - Indoor Places of Worship (50% capacity or 200 people)
  - Professional Sports (outdoors, 20% capacity)
  - Indoor wineries (25% capacity or 100 people)
  - Outdoor Bars, breweries, distilleries (w/o meal requirement)
- Middle and High School
- Higher Education



# Feedback

- Indoor Swimming Pools
  - Concerns
    - COVID-19 aerosol transmission – no face covering
    - High-touch areas
    - Ventilation
    - Other areas of concern?
  - What additional measures can be put in place?
- [Amusement Parks](#)

# COVID Recovery & COVID Workplace

- COVID Recovery
  - Local guidance and technical assistance for businesses for safe reopening
  - COVID Recovery webpage: <https://covid-19.acgov.org/reopening.page?>
  - Email: [COVIDRecovery@acgov.org](mailto:COVIDRecovery@acgov.org)
- COVID Workplace
  - Employers report positive cases among employees
    - Report within 48 hours and ACPHD will provide guidance on next steps
    - Form: <https://veoci.com/veoci/p/form/c4phekhj29yh#tab=entryForm>
  - Email: [COVIDWorkplace@acgov.org](mailto:COVIDWorkplace@acgov.org)

# Thank you





**GENERAL MANAGER'S MONTHLY UPDATE  
TO THE BOARD OF DIRECTORS ON ISSUES AND PROJECTS  
NOVEMBER 2020**

**TO: BOARD OF DIRECTORS**

**FROM: MATHEW FUZIE, GENERAL MANAGER**

*Information contained in this report is intended to help keep the Board of Directors informed on current projects and study issues. Reported below is the most current and available information. Since work on these items is ongoing, the information is subject to rapid change. If a project or issue has not changed from the previous month's report, the information provided may be the same as was previously reported. Please note that some projects are not directed or managed by LARPD, but they are included below as informational only. More information and updates on the projects are posted on the District's website at <https://www.larpd.org/departments/cip>*

**GENERAL SUMMATION:** As we move through the different stages of the pandemic we are opening more amenities and able to serve more of our constituents. We have had to be very creative and communicative in order to make certain our offerings will not violate any portion of the health orders. The various health officers have been very good to work with. We completed our transition to the new organizational structure and these changes have been communicated to our partners and constituents. The district will reach its lowest cash flow level this month and will have a balance in the mid three million dollar range. Thank you all for your good work. We are moving forward with our initiative to better understand and improve our unfunded future liability for retirement and all of the other initiatives for a healthy fiscal standing that we are working with the Ad Hoc Budget Committee to examine.

**BOARD OF DIRECTORS:**

**Matters Initiated:**

October 14, 2020 Board Meeting –

- Director Furst mentioned that last month he pointed out a dangerous condition on the connector trail from the Edward R. Campbell Bridge going in the direction of the Arroyo Road staging area for Del Valle as it crosses the blacktop road. He complimented Mr. Haldeman and Ms. Kirk for facilitating the appropriate changes. He stated the equestrian community is very appreciative of the new, safer crossing.
  - a. The equestrians have requested signage on each side directing the equestrians where to safely cross – [***This item has been turned over to the Facilities Manager for consideration.***]
  - b. They also have asked to have gravel put down at the Wetmore entrance to Sycamore Grove in the equestrian parking area before the winter to avoid extreme muddy areas and for better footing. – [***Staff is analyzing this request for the best outcome. Gravel can be problematic for many reasons.***]
- On behalf of the Ravenswood Progress League (RPL), Director Furst stated that the RPL has lost its 501(c)(3) status. He asked if the District can help them retain/retrieve their non-profit status. – [***We are not in a position to help them regain their status, but we have pointed them in the right direction.***]

October 28, 2020 Board Meeting – None.

Board Members attended two board meetings, six committee meetings, one LARPD Foundation meeting, and three community outreach/liason meetings in October. The Board Chair attended weekly meetings with the GM and core staff on the District's response to COVID-19 matters.

Board actions for the month included:

- Resolution 2702 – Proclaiming October 2020 as Bullying Prevention Month and October 21, 2020 as Unity Day.

### **ADMINISTRATIVE SERVICES - FINANCE/HUMAN RESOURCES/INFORMATION TECHNOLOGY:**

#### **Finance:**

1. Annual Audit FY19-20: The Oct 5<sup>th</sup>/6<sup>th</sup> auditors visit went well and was reduced to one day as a result. All data documentation and reporting is complete and we plan to review the results with the Finance Committee on November 23<sup>rd</sup> prior to bringing the report to the Board for its approval on December 9th.
2. September, 2020 Preliminary Financial results: For the three months ended September 30<sup>th</sup>, the District's Net Operating Contribution (Revenues less operating expenses) were \$492k better than Forecast and \$285k better than the Approved Budget, driven primarily by better than expected Property Taxes (via adjustments to property values) and lower than projected Salary and Benefit Expenses (leave credit usage did not reach projected levels).
3. Staff is now focused on updating the District's Forecast, which will consist of actual results through September and projected results from October through the end of the year.
4. Procurement: Staff has focused on a series of modest but impactful purchasing initiatives, including mobile phones/numbers/hotspots for all ESS sites and procuring and deploying desktop equipment and Mitel phones for the modular Ranger Station. Our focus now is on copier lease administration (closing out legacy leases/returning related equipment) and equipping the modular ranger station with a new copier). Lastly, two policy updates are in the works: mobile communications/reimbursement and Cal Card use.

#### **Human Resources:**

1. The HR staff's focus in early October was on supporting the processes associated with the organizational changes that were approved by the Board on September 22<sup>nd</sup>. Staff partnered with Managers to communicate and process changes for all 27 staff members who were laid off, effective October 4<sup>th</sup>, as well as the 10 staff members whose job classification and/or benefit tiers were affected.
2. As well, the HR team has been busy preparing for the coming Open Enrollment period, which will extend from November 30<sup>th</sup> to December 11<sup>th</sup>. No changes are in place for our offerings, and only modest increases in employee contributions (none for employee only participants) are outlined.
3. Staff are focused on updating the District's leave and holiday policies, and plan to discuss them with the Personnel Commission and the Personnel Committee on November 10<sup>th</sup>.

**Information Technology:**

1. Work focused on administering the files and emails of those staff who were laid off.
2. The District signed an inexpensive but necessary support agreement to provide end-user support and training for our Mitel phone system (the prior agreement only covered break fixes and software upgrades).

**AGREEMENTS AND SPECIAL PROJECTS:**

**CAPITAL PROJECTS:**

1. The District's Solar project at the RLCC will be delayed another month, as the Contractor has requested some modest adjustments, with which Staff agree, to the duration of the sub-lease, which will similarly impact on our Master Lease for the RLCC, and to the Power Purchasing Agreement (PPA). The terms of the PPA will only be revised to update language related to the Commercial Operation Date (COD) of the project: because the agreement was signed so long ago, we need to extend LARPD's right to terminate in the event the project's required COD is not met. (currently set at 6 months from the effective date of 12/2/19). The City is aware of this and has pulled our project from the Council's November 9<sup>th</sup> meeting.
2. The Michell School project to replace portable buildings for the Extended Student Services program in conjunction with Livermore Valley Unified School District continues. Following conversations between GM Fuzie and the City's Administrative Services Director, this project is confirmed to be eligible for AB1600 funding, which will amount to \$1.375 million over the life of the project, of which ~\$675k will be spent during the current fiscal year.
3. The District's CIP strategy is evolving in response to the COVID-19 pandemic, and plans are forming to consider initiatives that are focused on outdoor activities that involve spending levels that are modest in comparison to recent activity, while immediately impactful to the LARPD community.

**COMMUNITY SERVICES:**

**Youth Services:** The ESS programs are doing well. Distance Learning has become an easier part of the program. Technology seems to be working and students are in the groove with their schedules and multiple platforms they participate in daily. Currently our enrollment is about 262 students. All sites are open.

Staff will be updating their CPR and First Aid training through the help of Patrick Lucky – Aquatics Supervisor. Training will be completed electronically and Patrick will arrange for the in person skills test.

Staff will be surveying families to see who will be attending programs during the Thanksgiving and Winter Breaks which will allow us to plan fun and innovative programming during these non-school days. Staff is looking forward to a little bit of normal programming.

We are preparing for rainy weather by researching the amount of pop-ups canopies the district has so we can borrow them for our daily health screens at all of the sites. Under county orders, parents are not allowed in the buildings therefore the health screening must take place outdoors.

The Morale Committee placed small treats in everyone's site boxes at Trevarno to show their appreciation for all of their hard work.

### **Senior Services / Community Outreach:**

**Senior Services:** Two new programs were launched this month to help Livermore seniors stay connected. On Tuesday, October 6, the SSC team launched the Curbside Lending Library where seniors can drive-thru to select their favorite genre of books and be surprised by new titles each week. The lending library is offered weekly on Tuesdays during the Senior Lunch Program from 12-1pm. On Friday, October 23 we offered two sessions of Flower Arranging at Ravenswood Historic Site. Volunteer Gayle Thorsen-McCune guided 21 seniors through the process of creating a beautiful fall floral arrangement. Additionally, on October 15, Senior Services partnered with Legal Assistance for Seniors to provide a free virtual presentation reviewing the changes to Medicare and Open Enrollment for 2021.

**Volunteers:** Unity Day provided several volunteer opportunities including assembling and distributing Kindness Rock Kits and hanging and removing orange ribbons commemorating Unity Day in downtown Livermore. Volunteers also assisted with grocery bag assembly at Tri-Valley Haven Food Pantry, Friday Fun Days at the Senior Lunch Program, and the new Curbside Lending Library.

**Community Outreach:** On October 21<sup>st</sup>, LARPD partnered with LVJUSD and the City of Livermore to recognize Unity Day where participants unite in the commitment to stop bullying and to promote healthier communities through kindness, acceptance, and inclusion. The three agencies offered community activities along with a coordinated social media campaign to honor the occasion. The Safe Parking Program has seen another drop in the numbers down to 24 for September. The good news is, since COVID-19 began, City Serve has placed six families (8 individuals) registered in the Safe Parking Program into hotels and three more in permanent housing. LARPD staff has continued to support our local nonprofit service providers during the COVID-19 response including Tri-Valley Haven Mobile Food Pantry, Open Heart Kitchen, and Safe Parking Program along with referrals to Senior Support of the Tri-Valley and Spectrum Meals on Wheels.

- Tri-Valley Haven Mobile Food Pantry Sept. Deliveries: 140 bags of groceries delivered to Livermore Seniors
- Open Heart Kitchen September Senior Meals Served at RLCC: 1920
- Open Heart Kitchen September Hot Meals Served at RLCC: 3275
- Safe Parking Program September Vehicle/Occupancy Count: 24

**Open Space:** As you well know, October has been rather hectic in Sycamore Grove Park. Sycamore Grove and Holdener were closed from October 12th - October 19th due to PG&E removing outdated power lines and power towers. These power towers were some of the oldest remaining in the state and date back 100 years. While these closures have been frustrating to both staff and the public, we believe the improvements to the overall visual beauty of Sycamore Grove will benefit everyone for generations to come. During the time the park was closed, Rangers began a major campaign trimming trees back from the trails and chipping woodpiles.

Alameda County Vector Control came out and closed up all the entry points for rodents in the Cross house next to the Ranger office. They were also checking for rodents with disease throughout the park and were unable to find any diseases in any of the rodents they captured in Sycamore Grove Park.

More split rail was installed to keep visitors from blazing unauthorized trails. This will aid in keeping the park beautiful and keeping the visitors safe.

Sycamore Science Camp began its second session. Staff is working diligently to educate eager young minds about the wonders of the natural world. After our initial program last month for our first homeschool group, we have received increased interest from more homeschool groups this month.

We are looking forward to getting 2020 behind us by getting ready to begin selling annual passes for 2021. We will be selling them out of the Wetmore entrance starting on November 7th & 8th, from 9:00am to 11:00am.

### **RECREATION:**

We are excited that Alameda County Public Health Department gave us permission to open our District playgrounds on Friday, October 16<sup>th</sup>. As playgrounds pose a risk of spreading COVID-19 due to their high-touch surfaces, and encourages group gatherings and mixes households, District playgrounds are a use at your own risk park amenity. We are encouraging the community to follow the State of California's health and safety guidelines while utilizing a District playground. District staff posted the State's guidelines on the District's website and at each park location. In conjunction with our playgrounds opening, we have also opened our group picnic reservation sites. Individuals will be required to follow the current Alameda County Health Order while utilizing a group picnic area, which includes requiring individuals two (2) years and older to wear a facial covering at all times, unless while eating or drinking. There will be a maximum capacity of no more than 25 people at each picnic site location. The District website and the application have been updated to reflect the current Health Order requirements.

Staff has been assisting organizations with their request on renting out District parking lots to host drive by events and pickups. To receive an Intent to Use permit, applicants are required to submit the application with the nature of their request, a Site Safety Plan that is consistent with the County's current Health Order, and pay the permit fees. All applications are reviewed and approved by District staff prior to issuing a permit. To ensure our Intent to Use permit process is consistent with our current practices and procedures, we have updated the website and the application.

On Saturday, October 24<sup>th</sup> we hosted our first Halloween Trunk and Boo at the Robert Livermore Community Center in the Loyola Parking Lot. This was our unique way of providing an opportunity for our community to celebrate Halloween in a safe and fun environment, which included individual arts and crafts, dance parties at their cars, and a contest for most silliest, scariest, cutest, and creative. We followed and implemented the current Health Order, and enforced physical and social distancing between cars and families, and completed a COVID-19 health screening of all participants. We had a total of 30 cars in attendance, and each family came in costume and decorated their vehicle's trunk to participate. This was a great and fun event that we hope to continue in the future.

This month we hosted four (4) Minimonies and eight (8) photo permits at Ravenswood. The Sports division secured a morning gym rental on Tuesdays and Thursdays from 6:30am-8:30am, as well as evening gym rentals from 4pm to 8:30pm. We continue to support Community Services with their setup and take down of Open Heart Kitchen and the Lending Library, and the deep cleaning



of the commercial kitchen Monday through Friday. Park restrooms are cleaned once a day Sunday through Saturday.

**PARK MAINTENANCE and FACILITIES:**

**Irrigation Repairs:**

Main Lines	10
Lateral Line Repairs	5
Sprinkler Repairs	84
Valve Box Repairs	1
Backflow Repairs	2
Irrigation Valve Repairs	5
Backflow Tested	23
Ground Rod and Surge Protected Install	1

**Enhancement Activity:**

20 pounds Diphacinone for squirrel bait stations  
80 hours rodent control  
7 hours graffiti abatement  
50 hours vandalism turf repair at Robert Livermore Park  
Pruning and weeding at parks  
Broken branch and tree removal at parks (3 trees removed)  
Tot lot maintenance for opening of tot lots  
3 week turf renovation at Marlin Pound (aerating, verticutting, seeding, sprinkler maintenance)

Maintaining & repairs at ESS sites, Rodeo grounds, Ravenswood Historic Site, and Weekender maintenance schedules.

Tree assessments and other tree concerns and continue with tot lot and parks inspections.

Safety meetings: Chipper use: pre-check, starting, stopping, and chipping tree basics.

Graffiti/vandalism: Brian Hall 3 hours, Stephen Boothe 7 hours = 10 hours total.

Weekend call outs.

**Mechanic's Report:**

Vehicle Repairs	6
Mower and Tractor Repair	7
Small Equipment Repairs	5

Additional Tasks Performed: Shop maintenance, road calls and prepared out of service vehicles for pick up.

**Living Arroyos:** Living Arroyos used approximately 30,000 gallons of water on eleven different projects to help young riparian vegetation to survive the dry season. Additionally, the program harvested and processed over 1,000 acorns for future plantings.

**Facilities:** Exciting things that happened in October with the Facilities Team:

- Bill Clark Park tot lot got a makeover! We removed 190 cubic yards of sand from the two playgrounds and spread it out in the rodeo parking lot at Robertson Park. The sand will be replaced with engineered wood chips the first week of November.

- 19 trucks were prepped for transport to go to auction. The work entailed charging batteries, adding fuel, airing tires and washing.
- A vandalized door was replaced at Camp Shelly and a punch list was generated identifying needed repairs/improvements to be done next spring before opening.
- Asphalt repairs were done at El Padro Park.
- A small split rail fence was installed at May Nissen Park to deter unauthorized vehicle access.
- An underground waterline/valve was repaired at Jane Addams preschool.
- Roof maintenance and cleaning was performed on most District buildings in preparation for fall and winter.
- Park COVID signage was removed and replaced with the new State provided signage for playgrounds.
- A voting ballot box provided by the County of Alameda was installed at Summit Park.
- Quarterly building inspections were performed at District operated facilities.
- A washer/dryer unit and toilet were installed at the Cross House in Sycamore Grove Park.
- HVAC filters were changed out at the RLCC.
- Repairs and maintenance were performed on HVAC units at Bothwell.
- Repairs were made to the fire monitoring system at Trevarno and Ranch ESS.
- All buildings at Ravenswood were pressure washed. All windows were cleaned.
- In addition, all regularly scheduled preventive maintenance was performed throughout the District.

Respectfully submitted,

Mathew Fuzie  
General Manager

# Livermore Area Recreation and Park District

## Staff Report

---

TO: Chair Palajac and Board of Directors

FROM: Mathew Fuzie, General Manager

PREPARED BY: Linda Van Buskirk, Executive Assistant to the General Manager

DATE: November 18, 2020

SUBJECT: Amendments to District Conflict of Interest Code

---

**RECOMMENDATION:** That the Board of Directors approve Resolution No. \_\_\_\_, amending the District's Conflict of Interest Code.

**BACKGROUND:** The Political Reform Act (Government Code §81000 et seq.) requires every local agency to review its Conflict of Interest Code for accuracy and to notify its code reviewing body on even numbered years whether it does or does not need to be amended. The Alameda County Board of Supervisors is the code reviewing body for local government agencies, like LARPD, whose jurisdiction is solely within the county and not under the jurisdiction of a city.

A review of the District's Conflict of Interest Code indicates that minor changes are necessary, including amending the list of Designated Positions to reflect positions which have been added, deleted or have had title changes since the last review.

Upon Board approval of the recommended amendments, staff will request that the Alameda County Board of Supervisors approve the revised Conflict of Interest Code.

The following is a summary of proposed amendments:

**Section II. Designated Positions**

- Add the following Designated positions:
  - Community Outreach Supervisor (Category 2)
  
- Delete the following Designated positions:
  - Assistant General Manager (Category 2)
  - Marketing and Operations Supervisor (Category 2)
  - Chief Ranger (Category 2)
  - Park Supervisor (Category 2)
  - Facilities Maintenance Supervisor (Category 2)
  
- Changed the following titles:

From:	To:
Department Manager	Community Services Manager (Category 2)
Department Manager	Recreation Department Manager (Category 2)
Aquatics Supervisor	Recreation Supervisor (Category 2)
Financial Analyst	Finance Officer (Category 2)
Human Resources Analyst	Human Resources Officer (Category 2)
Youth Services Supervisor	Youth Services Administrator (Category 2)

**ATTACHMENTS:**

- a) E-mail from the Alameda County Board of Supervisors notifying the District of the 2020 Conflict of Interest Code Biennial Review
- b) LARPD Conflict of Interest Code with Proposed Amendments Indicated

**Linda VanBuskirk**

---

**From:** Clerk of the Board <cbs@acgov.org>  
**Sent:** Thursday, September 24, 2020 5:37 PM  
**Subject:** 2020 COI Biennial Review package (2020 Biennial Notice Attached)  
**Attachments:** 2020 Biennial\_Notice.pdf; Local\_Agency\_Biennial\_Notice\_Instructions.pdf; 2012\_How\_to\_Review\_a\_Code\_LOCAL.PDF; Incorporation Page Sample.docx; Sample\_Disclosure\_Categories\_MC\_Agencies.pdf

**Follow Up Flag:** Follow up  
**Due By:** Thursday, November 5, 2020 9:00 AM  
**Flag Status:** Flagged



## CLERK, BOARD OF SUPERVISORS

September 24, 2020

**To:** Local Agency  
**From:** Cheryl Perkins, Clerk of the Board's Office  
**Subject:** 2020 Biennial Review of the Conflict of Interest Code

You are receiving this email as the agency liaison for the Conflict of Interest Code. If you are not the liaison, please forward this email as appropriate and let me know the contact information for future notices.

This email has attachments and links to the FPPC website and the FPPC Conflict of Interest Code webpage.

The Political Reform Act (Government Code § 81000 et seq.) requires every local agency to review its Conflict of Interest Code (Code) for accuracy and to notify its code reviewing body on even numbered years whether it does or does not need to be amended. The County Board of Supervisors is the code reviewing body for county agencies and any other local agency whose jurisdiction is solely within the county and not under the jurisdiction of a city.

Attached for reference is your agency/jurisdiction Code on file in the Clerk of the Board Office.

Common errors that require an amendment include:

- The attached code does not have the three components: Incorporation Page, Designated Positions, Disclosure Categories
- The Incorporation section does not list a specific position to receive and file the Form 700
- Full disclosure is required of all levels (Government Code § 87309)
- The Code lists FPPC regulations instead of incorporating Section 18730 by reference. Listing regulations require a code amendment when regulations change.

Please consult with counsel prior to submitting the amended code to the Board of Supervisors or contact the FPPC Advice line for instruction: [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov) or (866) 275-3772.

The following are attached:

- Biennial Notice
- Biennial Notice Instructions for Local Agencies
- How to Review a Code (2012)
- Incorporation Page (from FPPC website)
- Sample Disclosure Categories MC Agencies

Please review your code and submit the Biennial Notice to this office no later than ~~October 1, 2020~~ as soon as possible. If amendments to an agency's conflict of interest code are necessary, the amended code must be forwarded to the Board of Supervisors *within 90 days of submitting the Biennial Notice*.

An agency's amended code is not effective until it has been approved by the Board of Supervisors (Government Code § 87303). For placement on the Board agenda, please send to the attention of the Clerk of the Board, 1221 Oak Street, Suite 536, Oakland, CA 94612 a packet that includes:

1. A Letter addressed to the Board of Supervisors requesting approval of the Conflict of Interest Code that summarizes the changes to the code.
2. A complete Conflict of Interest Code, even if only one section is being amended:
  - a. Terms
  - b. Designated Positions
  - c. Disclosure Categories
3. A strikeout/underscore version showing the amendments
4. A copy of the agency resolution approving the Code or the minutes of the noticed public meeting at which the code was approved.

Thank you.

Sincerely,  
 Cheryl Perkins  
 Clerk of the Board's Office  
 510 272-3858

FPPC website:  
<http://www.fppc.ca.gov/>

FPPC webpage for Conflict of Interest Codes:  
<http://www.fppc.ca.gov/learn/rules-on-conflict-of-interest-codes/local-government-agencies-adopting-amending-coi.html>

FPPC webpage for Conflict of Interest Codes webinars/seminar:  
<http://www.fppc.ca.gov/learn/training-and-outreach/conflict-of-interest-code-reviewers.html>



Livermore Area  
Recreation and Park District  
*An independent special district*



Livermore Area  
Recreation & Park District  
*An independent special district*

## CONFLICT OF INTEREST CODE OF THE LIVERMORE AREA RECREATION AND PARK DISTRICT

Adopted by Resolution No. 579	2/9/77
Amended by Resolution No. 1626	11/10/98
Amended by Resolution No. 1915	9/29/04
Amended by Resolution No. 2027	8/9/06
Amended by Resolution No. 2135	8/27/08
Amended by Resolution No. 2143	10/15/08
Amended by Resolution No. 2259	9/29/10
Amended by Resolution No. 2349	10/10/12
Amended by Resolution No. 2439	9/10/14
Amended by Resolution No. 2556	9/28/16
Amended by Resolution No. 2647	11/14/18
<u>Amended by Resolution No. _____</u>	<u>11/18/2020</u>

# LIVERMORE AREA RECREATION AND PARK DISTRICT

## Conflict of Interest Code

### TABLE OF CONTENTS

SECTION I	Incorporation of Regulations of the Fair Political Practices Commission, Title 2, Division 6, Section 18730 of the California Code of Regulations
SECTION II	Designated positions of the Livermore Area Recreation and Park District
SECTION III	Disclosure categories of the Livermore Area Recreation and Park District
SECTION IV	Appendices
Appendix A	Regulations of the Fair Political Practices Commission, Title 2, Division 6, Section 18730 of the California Code of Regulations
Appendix B of	Explanation of <del>2018</del> 2020 amendments to the Conflict Interest Code of the Livermore Area Recreation and Park District



**SECTION I. Incorporation of Regulations of the Fair Political Practices Commission, Title 2, Division 6, Section 18730 of the California Code of Regulations**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730), which contains the terms of a standard conflict of interest code, which can be incorporated by reference into an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Sections designating positions and establishing disclosure categories shall constitute the Conflict of Interest Code of the Livermore Area Recreation and Park District (District).

Individuals holding designated positions with the Livermore Area Recreation and Park District shall file their original Statements of Economic Interests with the Assistant to the General Manager of the District, 4444 East Avenue, Livermore, CA 94550. The Assistant will (1) make and retain a copy of each statement filed and forward the original to the Filing Officer (County of Alameda) and (2) make the statements available for public inspection and reproduction (Government Code Section 81008/Political Reform Act of 1974). Original statements for all designated positions of the District will be retained by the Filing Officer (County of Alameda).

**SECTION II. Designated Positions of the Livermore Area Recreation and Park District**

POSITION TITLE	DISCLOSURE CATEGORY
Member, Board of Directors	1
Legal Counsel	1
General Manager	1
<del>Assistant General Manager</del>	<del>4</del>
<del>Finance Manager</del>	<del>4</del>
<u>Administrative Services Manager</u>	1
<u>Recreation</u> Department Manager	2
<del>Community Services Manager</del>	<del>2</del>
<del>Parks and Facilities Manager</del>	<del>2</del>
Human Resources <del>Manager</del> <u>Officer</u>	2
<del>Human Resources Analyst</del>	<del>2</del>
<del>Financial Analyst</del>	<del>2</del>
<del>Finance Officer</del>	<del>2</del>
<del>Parks and Facilities Manager</del>	<del>2</del>
Youth Services <del>Supervisor</del> <u>Administrator</u>	2
<del>Marketing and Operations Supervisor</del>	<del>2</del>
<u>Recreation Aquatics</u> Supervisor	2
<del>Chief Ranger</del>	<del>2</del>
<del>Park Supervisor</del>	<del>2</del>
<del>Facilities Maintenance Supervisor</del>	<del>2</del>

Formatted Table

Consultant\*

1

\*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and, thus, is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

**SECTION III. Disclosure Categories of the Livermore Area Recreation and Park District**

**Category 1:**

All investments and business positions in business entities, and all sources of income and interests in real property. This category is known as full disclosure.

Designated positions assigned to this category must report:

1. Interests in real property which are located in whole or in part within the boundaries of the District, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property if the fair market value of the interest is greater than \$2,000.00.
2. Investments in or income from persons or business engaged in the business of providing services or supplies, including, but not limited to, equipment, machinery or office supplies, to the District, or could foreseeably provide services or supplies to the District.
3. Business positions, including, but not limited to, status as a director, officer, sole owner, partner, trustee, employee, or holder of a position of management in any business entity which, in the prior two years has contracted with, or in the future may contract with, the District to provide services or supplies to the District.

**Category 2:**

Designated positions assigned to this category must report:

1. Investments in or income from persons or business engaged in the business of providing services or supplies, including, but not limited to, equipment, machinery or office supplies, to the District, or could foreseeably provide services or supplies to the District.

2. Business positions, including, but not limited to, status as a director, officer, sole owner, partner, trustee, employee or holder of a position of management in any business entity which, in the prior two years has contracted with, or in the future may contract with, the District to provide services or supplies to the District.

## **APPENDIX A**

**Regulations of the Fair Political Practices Commission,  
Title 2, Division 6, Section 18730  
of the California Code of Regulations**

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

**§ 18730. Provisions of Conflict of Interest Codes.**

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.



The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories

are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$470.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$470 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected

officer has been elected or over which that elected officer's agency has direction and control.

This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.



4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of \$100 or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action.

Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$470 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be

made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

---

<sup>1</sup> Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

<sup>2</sup> See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

<sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup> Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>5</sup> A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<sup>6</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

### **HISTORY**

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).  
Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).

9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District,



nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of*

*Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations.

Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision,

April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

## **APPENDIX B**

**Explanation of Amendments to the  
Conflict of Interest Code  
of the  
Livermore Area Recreation and Park District**

**Explanation of Amendments to the Conflict of Interest Code  
of the  
Livermore Area Recreation and Park District  
(20~~2018~~ Biennial Review)**

**Section II. Designated Positions**

- Added the following Designated positions:

- ~~Administrative Services Manager (Category 1)~~
- ~~Financial Analyst (Category 2)~~
- ~~Human Resources Analyst (Category 2)~~
- Community Outreach Supervisor (Category 2)

- Deleted the following Designated positions:

- ~~Landscape Architect/CIP Manager (Category 2)~~
- ~~Assistant General Manager (Category 2)~~
- ~~Marketing and Operations Supervisor (Category 2)~~
- ~~Chief Ranger (Category 2)~~
- ~~Park Supervisor (Category 2)~~
- ~~Facility Maintenance Supervisor (Category 2)~~

- Changed the following title:

From:	To:
Division Manager	Department Manager (Category 2)
<del>Department Manager</del>	<del>Community Services Manager (Category 2)</del>
<del>Department Manager</del>	<del>Recreation Department Manager (Category 2)</del>
<del>Aquatics Supervisor</del>	<del>Recreation Supervisor (Category 2)</del>
<del>Financial Analyst</del>	<del>Finance Officer (Category 2)</del>
<del>Human Resources Analyst</del>	<del>Human Resources Officer (Category 2)</del>
<del>Youth Services Supervisor</del>	<del>Youth Services Administrator (Category 2)</del>

**Formatted:** Font: (Default) Arial, 12 pt

**Formatted:** Indent: Left: 0.5", No bullets or numbering

**Formatted:** Font: (Default) Arial, 12 pt

**Formatted:** Indent: Left: 0.5", No bullets or numbering

**Formatted:** Font: (Default) Arial, 12 pt

**Formatted:** Indent: Left: 0.5", No bullets or numbering

**Formatted:** Font: (Default) Arial, 12 pt

**Formatted:** Indent: Left: 0.5", No bullets or numbering

**THE BOARD OF DIRECTORS  
OF THE  
LIVERMORE AREA RECREATION AND PARK DISTRICT**

**RESOLUTION NO. 2704**

**A RESOLUTION COMMENDING BETH WILSON  
FOR DISTINGUISHED SERVICE TO THE  
LIVERMORE AREA RECREATION AND PARK DISTRICT**

*WHEREAS*, Beth Wilson has served with great distinction as a member of the Board of Directors of the Livermore Area Recreation and Park District from 2007 to 2020, serving as Chair of the Board in 2012 and 2017; and

*WHEREAS*, her dedication to the Livermore Area Recreation and Park District throughout her years of service has contributed to the continuation and development of an outstanding system of facilities and recreational opportunities with the Livermore area including the championing of Arroyo Las Positas Trail T6; and

*WHEREAS*, her service on the Board of Directors has fostered a climate of inclusion and equity within the community of Livermore and Livermore Area Recreation and Park District; and

*WHEREAS*, she has been instrumental in the pursuit of service for underserved communities starting by volunteering in open space programs; and

*WHEREAS*, she pursued opportunities from her very first involvement for children to get outdoors; and

*WHEREAS*, the Board of Directors wish to convey to her their respect and their thanks on behalf of all of those who will continue to benefit from her efforts.

*NOW, THEREFORE BE IT RESOLVED*, that Beth Wilson is hereby recognized for the impact and importance of her individual contribution to the Livermore Area Recreation and Park District and for her leadership, lifetime commitment and dedicated public service.

*ON MOTION* of Director Faltings, seconded by Director Furst, the foregoing resolution was passed and adopted this 18<sup>th</sup> day of November, 2020, by the following roll call vote:

AYES:	<i>Directors Faltings, Furst, Pierpont, Wilson and Chair Palajac</i>
NOES:	<i>None</i>
ABSTENTIONS:	<i>None</i>
ABSENT:	<i>None</i>

Approved this 18th day of November, 2020,

---

Jan Palajac  
Chair, Board of Directors

ATTEST:

---

Mathew L. Fuzie  
General Manager and ex-officio Clerk  
to the Board of Directors

