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 T. 1 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG

BOARD EXECUTIVE COMMITTEE
Thursday, January 8, 2015
12:45 p.m., Board Room

The following agenda items are listed for Committee consideration. In accordance with the Board Operating Guidelines, no official action of the Board will be taken at this meeting; rather, the Committee’s purpose shall be to review the listed items and to consider developing recommendations to the Board of Directors.

A copy of the background materials concerning these agenda items, including any material that may have been submitted less than 72 hours before the meeting, is available for inspection on the District’s website (www. ebparks.org), the Headquarters reception desk, and at the meeting.

AGENDA

<u>STATUS</u>	<u>TIME</u>	<u>ITEM</u>	<u>STAFF</u>
R	12:45 pm	1. Conflict-of-Interest Code Update	Victor/Pulido
		2. Public Comments	

- (R) Recommendation for Future Board Consideration
- (I) Information
- (D) Discussion

Future Meetings:

January 8	July 9
February 12	August 13
March 12	September 10
April 9	October 8
May 14	November 12
June 17	December 10

Executive Committee Members

Whitney Dotson (Chair); Ayn Wieskamp; Doug Siden
 Beverly Lane, Alternate
 Robert E. Doyle, Staff Coordinator

Distribution/Agenda

District:

AGMs
 Erich Pfuehler
 Yolande Barial
 Connie Swisher
 Mimi Waluch
 Sharon Clay

Public:

Norman LaForce
 Peter Rauch
 Mary McAllister
 Rich Guarienti (via e-mail)
 Pat O'Brien (via e-mail)
 Bruce Beyaert (via e-mail)
 Patricia Vaughan Jones (via e-mail)

Distribution/Full Packet

District:

Board Members
 Robert Doyle
 Jim O'Connor
 Dave Collins
 Bob Nisbet
 Larry Tong
 Mark Ragatz
 Allen Pulido
 Cliff Rocha – Local 2428
 Eri Suzuki– Local 2428
 Tyrone Davis – POA
 Lobby/Receptionist

Public:

Project Manager(s):

Carol Victor

**BOARD EXECUTIVE COMMITTEE**

Meeting of January 8, 2015

TO: Board Executive Committee

FROM: Robert Doyle, General Manager

**STAFF REPORT
PREPARED BY:** Carol Victor, District Counsel

SUBJECT: Conflict-of-Interest Code Update

Carol Victor, District Counsel, and Allen Pulido, Clerk of the Board, will make a presentation on this agenda item.

BACKGROUND

The California Political Reform Act requires every multi-county agency, such as the Park District, to review its conflict-of-interest code ("Code") biennially and to notify the Fair Political Practices Commission whether amendments to the Code are needed.

The Park District last went through the review and approval process in the 2012 cycle. In that cycle, there were no substantive amendments to the Code. Since that time the Park District has added eliminated some positions, retitled, and reclassified others. The Code will be updated to reflect these changes.

As part of the process to amend the Code, the Park District is required to either hold a public hearing or establish a 45-day public comment period. The Park District has elected to establish a 45-day comment period, which commenced on December 19, 2014 and will end on February 2, 2015. Any interested may request, no later than 15 days prior to the close of the written comment period, a public hearing. Attached for the Committee's review, is a draft of the updated Code.

RECOMMENDATION

Staff recommends that the Committee approve the updated Code, and forward a favorable recommendation to the full Board for approval.

Attachment A: Draft Updated Conflict-of-Interest Code

(Strikeout / Underscore Format)

**CONFLICT-OF-INTEREST CODE FOR THE
EAST BAY REGIONAL PARK DISTRICT**

DRAFT

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 had adopted a regulation (2 Cal.Code of Regs. Sec.18730) which contains the terms of a standard conflict-of-interest code that can be incorporated by reference in an agency's code. After public notice and hearing it 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 Sec. 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **East Bay Regional Park District** (District).

Individuals holding designated positions shall file their statements of economic interests with the District which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008) All statements will be retained by the District.

**APPENDIX A- Continued
DESIGNATED POSITIONS**

<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
I. Administration	
Administrative Manager	1
Assistant General Manager, Legal Affairs & Risk Management/District Counsel	1
Assistant District Counsel	1
Government Relations and Legislative Affairs Manager	1
Grants Manager	1
Clerk of the Board	2
Facilities Manager	3
Stores Supervisor	3
Information Services Unit Manager	6
Risk & Safety Manager	8
II. Finance and Management Services Division	
Assistant Finance Officer	1
Audit Manager	1
Financial Analyst/Budget Manager	1
Accounting Supervisor (Accounts Payable)	1
III. Public Affairs Division	
Assistant General Manager, Public Affairs	3
Community and Media Relations Manager	3
Foundation Program Manager	3
IV. Human Resources Division	
Human Resources Manager	4
Human Resources Officer Human Resources Analyst	4
Benefits Manager	4
V. Public Safety Division	
Assistant General Manager, Public Safety	5
Captain, Public Safety	5
Lieutenant, Public Safety	5
Police Sergeant	5
Helicopter Pilot	5
Helicopter Mechanic	5
Fire Chief	5
Assistant Fire Chief	5

**APPENDIX A- Continued
DESIGNATED POSITIONS**

<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
Communications and Records Manager	3
Aquatics Manager	3
<u>VI. Planning, Stewardship, & Development Division Acquisition, Stewardship & Development Division</u>	
<u>Assistant General Manager, Acquisition, Stewardship & Development</u>	1
<u>VI-A. Parkland Design & Construction Design & Construction Department</u>	
Assistant General Manager, Planning, Stewardship, & Development	1
Chief, Design	1
Design Manager	1
Construction Manager	1
<u>VI-B. Parkland Planning & Stewardship Stewardship Department</u>	
Chief, Planning & Stewardship	7
Stewardship Manager- <u>Chief, Stewardship</u>	7
Fisheries Program Manager	3
Wildlife Program Manager	7
Water Resources Manager	7
Integrated Pest Management Specialist	7
Wildland Vegetation Program Manager	3
<u>VII. Land Division VI-C. Land Acquisition Department</u>	
Assistant General Manager, Interagency Planning, Land Acquisition, Environmental Review & GIS, and Trails Development Program	1
Land Acquisition Manager	1
<u>VI-D. Planning & GIS Services Department</u>	
Interagency Planning Manager <u>Chief, Planning & GIS Services</u>	1
<u>VI-E. Environmental Programs Department</u>	
Environmental Program Manager	1
<u>VI-F. Trails Development Department</u>	
Trails Development Program Manager	1

**APPENDIX A- Continued
DESIGNATED POSITIONS**

VIII. Operations Division

Assistant General Manager, Operations	1
Chief, Park Operations	1
Chief, Interpretive & Recreation Services	1
Chief, Maintenance & Skilled Trades	1
Recreation Services Manager	1
Maintenance Superintendent	1
Park Unit Manager	1
Trades Manager	1
Mining Manager	1
Interpretive Services Manager	1
Revenue and Administration Manager	1
<u>Fleet Manager</u>	1

IX. Consultants

Consultant	*
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X. Employee in Newly Created Position 1

Employee in a newly created position that makes or participates in the making of decisions and whose specific position is not yet listed in the District's conflict-of-interest code.

*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 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 (Gov. Code Section 81008).

APPENDIX A- Continued
DESIGNATED POSITIONS

Officials Who Manage Public Investments:

It has been determined that the positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200.

- Members of the Board of Directors
- General Manager
- Chief Financial Officer/Controller
- Assistant General Manager, Finance & Management Services

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

APPENDIX A- Continued
DESIGNATED POSITIONS

APPENDIX B
DISCLOSURE CATEGORIES

Category 1:

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the District and interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the District.

Category 2:

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the District.

Category 3:

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the department or division in which the designated position works.

Category 4:

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide Human Resources services or supplies of the type utilized by the District, including, but not limited to recruiting or employment firms, benefits brokers, management consulting firms, and educational service firms or consultants.

Category 5:

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide Public Safety services, supplies, materials, machinery, or equipment of the type utilized by the District, including, but not limited to police and fire equipment, automobiles, security services, first aid, and educational or instructional services or organizations.

Category 6:

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide Information Technology services, supplies, materials, machinery, or equipment of the type utilized by the District, including, but not limited to film or video production, computer equipment, services, and supplies, data processing services, and printed data processing forms.

APPENDIX A- Continued
DESIGNATED POSITIONS

APPENDIX B- Continued
DISCLOSURE CATEGORIES

Category 7:

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide construction, landscape, engineering or chemical services, supplies, materials, machinery, or equipment of the type utilized by the District.

Category 8:

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide insurance and financial services, of the type utilized by the District, including, but not limited to insurance and bonding sales, banks and savings and loan institutions, and workers' compensation administrative services.

APPENDIX A- Continued
DESIGNATED POSITIONS

APPENDIX C

EXAMPLES OF TYPES REPORTABLE INTERESTS

- Aircraft and helicopters and related equipment, supplies or parts
- Any personnel or technical services related to hiring of Public Safety Employees or Fire Department employees
- Any personnel, professional, or technical services related to hiring of communications employees
- Aquatic, lifesaving, first aid equipment, suppliers or manufacturers
- Automobiles, motorcycles, boats and related supplies and parts
- Automotive and construction equipment, parts, and supplies
- Banks and savings & loans institutions
- Benefits brokers
- Biological supply warehouse distributors
- Building materials
- Catering companies
- Chemicals – water and waster treatment, lab chemicals, pesticides, herbicides, , preservations
- Communications equipment, supplies and services
- Computer equipment, services, and supplies
- Concessionaire and contractor enterprises
- Construction and building materials, tools, equipment and supplies
- Construction contractors and material suppliers
- Consultants on architecture, construction, planning and design
- Consulting and financial services (investments, financing, bonds, actuarial)
- Consulting services or organizations
- Educational or instructional services, organizations or materials concerned with public safety activities
- Educational service firms or consultants
- Electrical equipment and supplies
- Engineering-consultant services
- Entertainment booking agencies
- Fabricators and equipment suppliers
- Fencing contractors
- Film or video sales or processing
- Fire equipment, supplies or services of any type
- First aid, medical, or other safety-related supplies
- Fisheries consultants or suppliers
- Food processing, service or supply distributors, manufacturers or consulting firms
- Food resale items
- General housekeeping supplies
- Geological/geotechnical engineering consultant services
- Hardware, power tools and hand tools

APPENDIX A- Continued
DESIGNATED POSITIONS

- Insecticides, fertilizers and agricultural products

APPENDIX C- Continued
EXAMPLES OF TYPES REPORTABLE INTERESTS

- Insurance/bonding sales
- Land development companies
- Land use planning review and zoning
- Landscape services and supplies
- Law firms equipment and supplies
- Lessee, licensee, permittee, or concessionaire on any district lands
- Livestock or feed
- Machine shop hardware, tools, equipment and supplies
- Management or consulting firms
- Materials, supplies, equipment (including rolling stock) and services
- Mechanical, construction and building equipment and supplies
- Media advertising or sales
- Petroleum products
- Photographic studios or agencies
- Pipeline construction and building equipment and supplies
- Pipes, vales, fittings
- Police equipment and supplies or services of any type
- Printed data processing forms
- Printing, film, video and web production
- Publishing companies
- Publishing companies
- Real estate development
- Real estate investment trusts
- Real estate sales or property management firms
- Real property
- Recruiting or employment firms
- Securities dealers
- Security services or organizations
- Stationary and publications
- Supplies or distributors of forestry, ranching and recreation equipment and supplies
- Temporary help agencies
- Title insurance companies and appraisal firms
- Uniforms/personal items of wearing apparel
- Water testing laboratories or firms
- Web hosting services
- Workers compensation administrative services