

LIVERMORE AREA  
PARK AND RECREATION DISTRICT  
CONFLICT OF INTEREST CODE

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

**Amended by Resolution No. 1626  
Amended by Resolution No. 1915  
Amended by Resolution No. 2027  
Amended by Resolution No. 2135 and No. 2143**

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**SECTION I**  
**INCORPORATION OF REGULATIONS**  
**OF THE FAIR POLITICAL PRACTICES COMMISSION,**  
**TITLE 2, DIVISION 6, SECTION 18730**

**OF THE CALIFORNIA CODE OF REGULATIONS**

**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. 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 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 officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Livermore Area Recreation and Park District.

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

**SECTION II**

**DESIGNATED POSITIONS**

**OF THE**

**LIVERMORE AREA RECREATION AND PARK DISTRICT**

**SECTION II. DESIGNATED POSITIONS OF THE LIVERMORE AREA RECREATION AND PARK DISTRICT.**

<b>POSITION TITLE</b>	<b>NUMBER IN POSITION</b>	<b>DISCLOSURE CATEGORY</b>
Member, Board of Directors	5	1
Legal Counsel	1	1
General Manager	1	1
Assistant General Manager	1	1
Senior Park Supervisor	1	2
Landscape Architect/ Project Manager	1	2
Fiscal Supervisor	1	1
Senior Recreation Supervisor	4	2
Park Supervisor	1	2
Consultant*		

\*Consultants shall be included in the list of designated employees 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**



**SECTION III. DISCLOSURE CATEGORIES OF THE LIVERMORE AREA RECREATION AND PARK DISTRICT.**

**Category 1:**

Designated employees assigned to this category must report:

- 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.
- Investments and business positions in business entities or income from sources which: (1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the District, or (2) which manufacture, sell or provide supplies, materials, books, machinery, services or equipment of the type utilized by the District.

**Category 2:**

Designated employees assigned to this category must report:

- Investments and business positions in business entities and income from sources which manufacture, sell or provide supplies, materials, books, vehicles, machinery, services or equipment of the type utilized by the employee's Division and/or Unit(s).

## **SECTION IV**

### **APPENDICES**

**APPENDIX A**

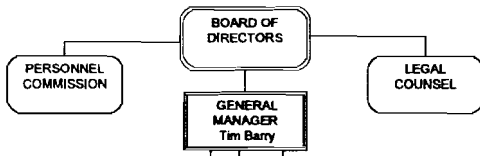
**ORGANIZATIONAL CHART**

**OF THE**

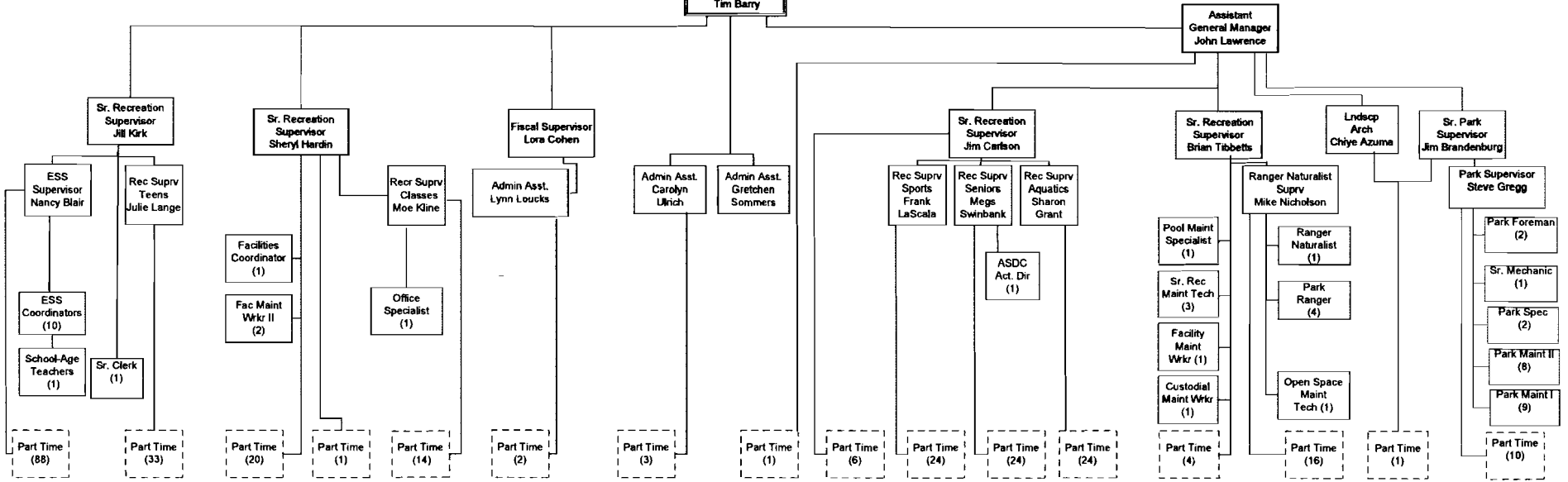
**LIVERMORE AREA RECREATION AND PARK DISTRICT**

Livermore Area Recreation and Park District

RECREATION ADMINISTRATION PARKS DIVISION  
 Part Time Effective: Winter 2007



Conflict of Interest – October 2008



ESS/Kid's Zone  
 Preschools  
 PAL/Teens  
 Day Camps

Special Interest Classes  
 Marketing/Promotion  
 Website  
 RLCC Systems Mgmt  
 RecWare/Safari  
 Cultural Arts Liaison  
 Vendor Contracts  
 Point of Sale  
 Public Information  
 Activity Registration  
 Brochure  
 Front Desk  
 RLCC Construction Document Mgmt.  
 Facility Rentals  
 Building Attendants  
 Furnishing and Equipment

Finance  
 Accounting

Personnel  
 Payroll/Benefits  
 Board of Directors  
 Insurance  
 Legislation  
 Advanced Planning

Senior Programs  
 Special Events  
 Sports Field Liaison  
 Youth/Adult Sports  
 Aquatics  
 Volunteers  
 LCAC Gallery

Aquatics Maintenance  
 Building Maintenance  
 Custodial Contract  
 Equestrian Center  
 Ravenswood Historical  
 Site  
 Misc. Construction  
 Projects  
 Shipping and  
 Receiving

Regional Parks  
 Open Space  
 Camp Shelly  
 Nature  
 Programs

Facility  
 Planning and  
 Development  
 Contract  
 Admin  
 CEQA  
 Compliance  
 Capital Projects  
 Grants

**APPENDIX B**

**JOB DESCRIPTIONS/DUTY STATEMENTS**

**FOR DESIGNATED POSITIONS**

**OF THE**

**LIVERMORE AREA RECREATION AND PARK DISTRICT**

# **LIVERMORE AREA RECREATION AND PARK DISTRICT**

## **DUTY STATEMENT**

### **BOARD OF DIRECTORS**

The Board of Directors acts as the legislative body of the District and determines all questions of policy. The Board may organize, promote, conduct, and advertise programs of community recreation; establish systems of recreation and recreation centers, including parks and parkways; acquire, construct, improve, maintain and operate recreation centers within and without the territorial limits of the District. The Board may enter into joint agreements and take cooperative action with other governmental units. The Board exercises all rights and powers needed to carry out the purpose and intent of a recreation and park district to include the powers:

1. To sue and be sued;
2. To take or acquire real or personal property within and without the District, by grant, purchase, gift, device or lease, and to hold, manage, occupy, dispose of, convey and encumber and create leasehold interests for benefit of the District;
3. To exercise the right of eminent domain within District boundaries;
4. To appoint and employ persons necessary for operation of the District and to establish a merit system, retirement privileges and other employment practices;
5. To employ counsel;
6. To enter into and perform all necessary contracts;
7. To borrow money, purchase on contract and to perform all acts necessary to carry out the provisions of the statutes under which the District is organized;
8. To contract with any public entity or persons for the construction, financing, maintenance or operation of recreational facilities and activities within the District.

# LIVERMORE AREA RECREATION AND PARK DISTRICT

## JOB DESCRIPTION

### JOB TITLE: MEMBER, BOARD OF DIRECTORS

**CLASSIFICATION CODE: 0005**

#### **DESCRIPTION**

Serves as a member on a five-person, non-partisan, legislative body known collectively as the Board of Directors. Works cooperatively with other Board Members in determining Board policy for the District and in implementing policy by insuring that appropriate Board direction and guidance is given to the General Manager. Attends and participates in public meetings of the Board. Studies issues outside of Board meetings so as to be able to address them in a knowledgeable manner during meetings. Works with staff and others in Committee to develop policy recommendations for consideration by the full Board. Participates in Board action designed to ensure the smooth, efficient operation of the District within legal guidelines. Attends conferences, seminars, and other meetings away from the District, as a representative of the District. Keeps abreast of pending legislation that would affect District policies and operation. Makes verbal presentations to other legislative bodies and committees.

#### **EXAMPLES OF DUTIES**

1. Attends regular monthly Board meetings, and special Board meetings when called, to conduct District business.
2. Assists in setting compensation for, and participates in hiring of the General Manager and District Legal Counsel.
3. Serves as a Committee member when so appointed by the President of the Board.
4. Attends Committee meetings as required.
5. Participates in Board activities and meetings, discusses the issues under consideration and assists in making Board decisions.
6. Prepares for Board meetings by studying informational material provided by staff prior to meeting.
7. Outside of meetings, receives calls from and listens to opinions voiced by District residents.
8. Renders verbal and written reports and recommendations to the Board.
9. Discusses issues in Committee and formulates recommendations for Board consideration.
10. Votes on issues during meetings.
11. May be required to address other legislative bodies such as City Council, School Board Trustees, County Board of Supervisors and State Legislative Committees while presenting the District's position and recommendation on issues.
12. Discusses and explains District policies with District residents, as required.
13. Attends the annual conferences conducted by State and National professional associations as a District representative.
14. Analyzes budget proposals, salary survey, rules and regulations, personnel policies, staff reports and other materials in preparation for discussion during Board meetings.
15. Other duties as required.

### **MANDATORY REQUIREMENTS**

- Be a qualified voter of the District or a qualified voter of the State and an owner of real property located within the District; and
- be elected by the voters of the District during a duly called District election to fill a vacancy on the Board created by the routine termination of a four year term; or
- under certain conditions as specified by State Statutes, be appointed or elected to fill a vacancy created by other than routine termination of a four year term.

### **DESIRABLE QUALIFICATIONS**

- Possess an interest in, a desire, and time to serve on a park and recreation district board of directors.
- Prior involvement in community activities on a volunteer basis, preferably in the area of recreation.
- Ability to comprehend complex social, cultural and economic issues at the local community level.
- Ability to express ideas and concepts in a clear, concise manner, both orally and in writing during public meetings.
- Possess a sound understanding of the relationship between various governmental levels.
- Knowledge of the operation and function of a park and recreation district.
- Knowledge of critical issues at the local community level.



## **LIVERMORE AREA RECREATION AND PARK DISTRICT**

### **DUTY STATEMENT**

### **LEGAL COUNSEL**

#### **DESCRIPTION:**

Performs advanced legal work for the Livermore Area Recreation and Park District. Independently provides counsel and conducts negotiations and/or litigation in areas of legal specialization. Work involves preparing and conducting cases and providing counsel and rendering legal opinions in the areas of specialization.

#### **EXAMPLES OF DUTIES:**

1. Advises District on the legal aspects of policy questions and operating problems.
2. Researches and responds to written opinion requests to assure proper interpretation and application of the law, statute, or rule involved.
3. Conducts legal research, analyzes pertinent statutory and case law, and develops legal arguments.
4. Consults with other attorneys when coordination with other areas of specialization are required.
5. Composes correspondence at the behest of the District.
6. Responds to telephone inquiries from officials.
7. Determines the merits of litigation, develops case strategies and tactics, drafts pleadings and other documents to be filed, and leads litigation in the courtroom.

#### **KNOWLEDGE, SKILLS AND ABILITIES:**

- Knowledge of case, statutory, regulatory and common law.
- Knowledge of judicial and quasi-judicial procedures.
- Ability to conduct complex litigation in court.
- Ability to interpret and apply laws, constitutional provisions, statutes, administrative regulations, and court decisions.
- Ability to analyze facts, evidence and legal instruments.
- Ability to express conclusions and arguments clearly and logically in oral and written form.
- Ability to analyze legal problems and render formal opinions.
- Ability to establish and maintain effective working relationships.

# **LIVERMORE AREA RECREATION AND PARK DISTRICT**

## **JOB DESCRIPTION**

### **JOB TITLE: GENERAL MANAGER**

**CLASSIFICATION CODE: 1001**

### **DESCRIPTION**

Under administrative direction of an elective governing board, to formulate, organize, promote and direct the park and recreation program and personnel of the Livermore Area Recreation and Park District; and to do related work as directed.

### **EXAMPLE OF DUTIES**

1. Confers with and makes recommendations to the governing board of the District on matters of policy, personnel needs, finance and properties of the District. Acts as Ex-Officio Clerk to the Board. Supervises preparation of Board agenda, minutes and other records; conducts District elections and administers Oaths of Office.
2. Plans, organizes and directs work involved in acquiring, developing, maintaining and protecting park and recreation areas and supervises the preparation of plans for development and enhancement of such areas.
3. Assists in negotiations and preparation of contracts and agreements and enforces the provision of such contracts.
4. Promotes and stimulates community interest and participation in recreation programs and the use of park and recreation center facilities; studies community conditions and needs for special recreation services and group programs; consults with community groups concerning recreational services; coordinating the work of the District with that of other governmental or private agencies and with public officials and the general public; represents the District on matters pertinent to parks and recreation, delivering talks before professional, civic and lay groups and participating in conferences; prepares articles for publication and makes reports on the accomplishments of the District.
5. Organizes, develops and executes a comprehensive recreation and park program; makes administrative decisions; establishes, interprets and applies rules and regulations; interprets and applies established policies and legislation.
6. Studies the composition of the community served by the District in relation to the long-range needs for recreation and park facilities and activities and submits recommendations to the governing board on such needs and the methods of meeting; recommends acquisition, design and construction of recreational and park facilities.
7. Directs the selection, training and overall assignment of employees of the District; enforces District personnel policies and regulations; takes such disciplinary measures as may be indicated within the policies and regulations.
8. Prepares and justifies the annual budget and administers the expenditure of allocated funds.
9. Reviews plans developed by staff members, assigns duties and suggests activities and programs.
10. Prepares or supervises the preparation of office correspondence, fiscal records, reports and statements, and publicity and information releases.
11. Purchases or supervises the purchase of equipment and supplies; provides for maintenance, upkeep and protection of the District-owned and District-controlled properties.
12. Serves as Ex-Officio Personnel Officer.

## MINIMUM QUALIFICATIONS

### *Education*

Graduation from a recognized college or university with specialization in recreation and park management, landscape architecture, public administration or a closely allied field.

### *Experience*

Five (5) years of increasingly responsible professional experience in recreation and park work, including at least three (3) years in a high level supervisory or administrative capacity. (Note: Graduate work in recreation and park management or administration may be substituted on a year-for-year basis for a maximum of two years of the non-supervisory-administrative experience.)

Additional administrative of high level supervisory experience may be substituted for the required education on the basis of two (2) years of experience for one (1) year of college work, for a maximum of two years. Provided, however, that a minimum of fifteen (15) semester units or its equivalent in recreation and/or park management, park planning, and public administration has been satisfactorily completed.

### **Knowledge of:**

- Principles of budgeting and of personnel and general administration.
- Principles and objectives and of facilities required in comprehensive recreational programs.
- Principles of community planning.
- Methods of developing a public recreation program.
- Federal, state, and local legislation affecting recreation districts and public school systems.
- Literature in the field of recreation and parks.

### **Ability to:**

- Plan, organize and direct the administration of a comprehensive recreation and park program.

### **License:**

Possession of a valid California State Motor Vehicle Operator's License.

### **Preferred Qualification:**

Certified in Administration by the California Board of Park and Recreation Personnel.

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**LIVERMORE AREA RECREATION AND PARK DISTRICT**

**JOB DESCRIPTION**

**JOB TITLE: ASSISTANT GENERAL MANAGER**

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DIVISION: Administration  
CODE: 1002  
REPORTS TO: General Manager  
DATE ADOPTED: September 26, 2007

CLASSIFICATION  
  
FLSA STATUS: Exempt

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**POSITION SUMMARY:** Under the direction of the General Manager, plans, organizes and assists in the overall management and control of the District; supervises and provides direction to the District's division managers; ensures that the goals, objectives and policies decided upon by the Board of Directors are implemented and tracks their progress; is responsible for directing the District's operations in assigned areas, and performs other duties and special projects as assigned by the General Manager.

**DISTINGUISHING CHARACTERISTICS:**

This class can be distinguished from other classes by the increased level and scope of responsibility. Incumbents in this class may provide technical and functional assistance to the General Manager as well as supervision over other personnel. The incumbent shall, at all times, demonstrate cooperative behavior with the Board of Directors, colleagues, their supervisor, and the public.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

1. Assume the duties of the General Manager in his/her absence.
2. Depending upon assignment, may administer one or more of the following: park and open space planning, contracted planning services, maintenance operations, park development or recreation programs, community center and recreation facility maintenance operations.
3. Develops, seeks, applies for and administers government and foundation grants.
4. Coordinates the District's fund development program.
5. Assists in the preparation of the District's budget and exercises budget control in areas of responsibility.
6. Provides technical advice and prepares reports, background information and policy recommendations in areas of responsibility for the General Manager and/or Board of Directors.
7. Assists in District administration, including Board meeting reports, response to public inquiries, response to Board inquiries, personnel matters, planning, special projects and other tasks as assigned.
8. Depending upon assignment, may oversee District finance functions and/or human resources to include serving as staff liaison to the Personnel Commission.
9. Represents the District and works collaboratively with other governmental agencies and community-based organizations in identifying needs, facilitating and developing partnerships in the delivery of parks, recreation and open space programs and facilities.
10. Responsible for the performance, supervision, training and evaluation of all staff and volunteers in assigned areas of responsibility.
11. Maintains effective and positive relationships with District staff, Board of Directors, commissions and committees, other government agencies, volunteer groups, service clubs and other related groups.
12. Other duties as assigned.

**WORK ENVIRONMENT:**

The work environment characteristics described here are representative of those an employee encounters while performing the duties and responsibilities of this position. The functions of this position are generally performed in work conditions found in a typical office environment, but some functions require site and facility visits or attendance at recreation functions, which may occur outside in various types of climatic conditions. The position

includes working irregular hours during the day and evening and on weekdays, weekends, and holidays. Periodic travel may be required.

**PHYSICAL DEMANDS:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the duties and responsibilities of this job. While performing the duties of this job, the employee is regularly required to have: hearing and speech adequate to communicate in person, by telephone, and by radio; vision adequate to read standard text; bodily movement adequate to drive an automobile, traverse terrain, and inspect buildings; manual dexterity adequate to write and use computers and office equipment; strength to perform moderate lifting and carrying of items weighing up to 30 pounds.

**MINIMUM QUALIFICATION REQUIRMENTS:**

Education: Graduate from an accredited college or university with a Bachelors Degree in recreation, public administration, environmental, regional or resource planning, park management, business administration, or closely related field. A Masters Degree in a related field is highly desirable.

Experience: Four years of increasingly responsible experience in recreation supervision/management or parks administration/management with at least two years in a management capacity, or an acceptable combination of education and experience that would likely provide the knowledge, skills and abilities required to perform the duties of the position.

**KNOWLEDGE, SKILLS, ABILITIES:**

***Knowledge of:***

- Principles of budgeting, purchasing, personnel, public relations and general administration of parks and recreation programs and facilities.
- Philosophy and objectives for a comprehensive community parks and recreation program and provision of park, recreation and open space facilities.
- Literature in the field of recreation and parks.
- Depending on assignment, park maintenance, principles and practice of facilities maintenance.
- State, Federal and local legislative processes and grant sources.

***Ability to:***

- Establish and maintain good relations with staff, the Board of Directors, community groups, other agencies and members of the public.
- Plan, organize and delegate work.
- Research and make recommendations to the General Manager and/or Board of Directors on District issues both orally and in writing.
- Communicate effectively, both orally and in writing.
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**LICENSES AND OTHER CONDITIONS OF EMPLOYMENT:**

A California Driver's License and a satisfactory driving record are conditions of initial and continued employment.

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## LIVERMORE AREA RECREATION AND PARK DISTRICT

### JOB DESCRIPTION

#### JOB TITLE: SENIOR PARK SUPERVISOR

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DIVISION: Parks  
DATE ADOPTED:

CLASSIFICATION CODE: 2687  
FLSA STATUS: Non-exempt

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#### POSITION SUMMARY:

Under general direction, performs technical, responsible and professional park work at a senior supervisory level. Is responsible for a combination of major phases of the park operations, as assigned, including:

- Staff supervision, training, evaluation and work assignments
- Project planning, initiation, scheduling and work performance
- Budget control and recommendations.

Uses professional judgment in developing and supervising projects, has high ability to handle and work staff efficiently and to relate to the community both in understanding the public park needs, and in securing and extending public support and interest. Receives general instructions from his supervisor and has work reviewed through conferences, staff meetings, reports and formal evaluation.

#### ESSENTIAL DUTIES AND RESPONSIBILITIES:

1. GENERAL

- Plans, coordinates, supervises and directs a combination of major phases of the Park Operation.
- Makes recommendations and submits reports to the Superintendent. Initiates action on projects and operational procedures for improvements or extension of the District's services.
- 

#### MINIMUM QUALIFICATION REQUIREMENTS:

**Education:** Possession of a Bachelor's Degree from a recognized college or University with specialization in park management or related field.

**Experience:** Three years of full-time increasingly responsible, paid professional park experience with at least one year at a supervisory level.

Some acceptable combination of education and appropriate experience. Additional full-time responsible park experience may be substituted for the required education on the basis of two (2) years of experience for one (1) year of college work. Provided, however, a minimum of nine (9) semester units in park management or related field has been satisfactorily completed

#### KNOWLEDGE, SKILLS AND ABILITIES:

- **General**  
Knowledge of techniques and methodology of supervising employees and organizing groups in a park and recreation setting, ability to use staff and volunteers effectively, skills in recruitment and training. Knowledge of the current philosophy and principles of public park and recreation. Skills in written and verbal communication and public relations. Ability to work harmoniously and cooperatively with fellow employees and the public. Knowledge of current first aid and techniques.

- ***Parks***

Knowledge of various facets of park management including: landscape, buildings, pools, athletic fields and diamond maintenance; and personnel safety procedures.

**LICENSES AND OTHER CONDITIONS OF EMPLOYMENT:**

1. LICENSE

Possession of a valid California Motor Operator's License.

2. PREFERRED QUALIFICATIONS

Certification by the State of California for application of pesticides.

## LIVERMORE AREA RECREATION AND PARK DISTRICT

### JOB DESCRIPTION

#### ***JOB TITLE: LANDSCAPE ARCHITECT/PROJECT MANAGER***

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DIVISION: Parks

CLASSIFICATION CODE: 3510

DATE ADOPTED: January 14, 2004

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#### **POSITION SUMMARY**

Under general supervision of the Superintendent of Planning and Parks, performs administrative, landscape architectural, and project management functions related to the construction of park and recreation capital and improvement projects.

#### **CLASS CHARACTERISTICS**

This is a single position class in which the employee performs specialized professional project management, planning, design and technical work in support of a wide variety of park development functions. The employee is responsible for routine office and field construction and maintenance projects and are expected to direct them to completion. The employee develops and coordinates the construction phase of park development projects and may serve as a project landscape architect on smaller, less complex, design, construction and maintenance projects. There is no direct supervisory responsibility, but the incumbent may provide technical direction to subordinate and other personnel engaged in design, construction and maintenance of such work. An employee in this class exercises independent judgment and action within policy and design guidelines and discusses unusual problems with the supervisor.

#### **ESSENTIAL DUTIES AND RESPONSIBILITIES**

- Prepares informal and formal bid packages, including plans and specifications, for development projects; administers the bid process.
- Provides park development project administration; monitors contracts through completion, conducts pre-bid and pre-construction meetings, processes change orders, reviews pay requests, manages job files, monitors projects for timeliness, prepares recommendations for entering into project maintenance period and acceptance of project improvements.
- Provides park development construction oversight; inspects work for conformance with approved plans, specifications, and standards, including, but not limited to, grading, irrigation systems, sewer and water lines, curbs and gutters, sidewalks, turf, landscape materials, trees and shrubs; prepares punch list items for correction.
- Prepares Scopes of Work, Requests for Proposals, Requests for Qualifications and contract documents to obtain professional services; administers contracts.
- Oversees consultants for professional services in the preparation of site plans for park and trail improvement projects.
- Reviews, determines feasibility of specific designs and approves landscape architectural plans of parks and trails.
- Performs occasional park and trail improvement project design.
- Conducts research on a variety of park and trail planning issues.
- Assists in obtaining permits for District development projects.
- Reviews site plans, specifications, and working drawings for compliance with District details and specifications.
- Conducts reviews of District standard details and specifications with consultants and staff, relative to making upgrades and ensuring compliance with law.



- Interprets and represents District-approved policies and procedures to outside entities, including other government agencies and contractors.
- Provides information and assistance to the public on park development and related matters.
- Develops graphics for in-house documents and presentations.
- Maintains maps for park and trail facilities.
- Prepares staff reports and written correspondence.
- Makes presentations to boards, committees, neighborhood groups and other agencies.

### **NON-ESSENTIAL DUTIES AND RESPONSIBILITIES**

- Performs related work as required.

### **WORK ENVIRONMENT**

The work environment characteristics described here are representative of those that must be met by an employee to successfully perform the essential functions of the position. Work is performed both indoors in a typical office setting and outdoors, with possible exposure to adverse environmental conditions such as dirt, dust, pollen, odors, wetness, humidity, rain, fumes, temperature extremes, machinery, toxic or caustic agents. The noise level in the work environment can be quiet to loud. The employee is required to travel to and from various project sites and meeting locations, and to attend meetings and functions outside of normal working hours.

### **PHYSICAL DEMANDS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this position. While performing the duties of this position, the employee is regularly required to have: Mobility to work in a typical office setting, use standard office equipment including a computer and drafting table, drive a motor vehicle in order to visit work sites and attend meetings, and traverse rough and uneven terrain; Strength and stamina to conduct field inspections and lift or carry objects weighing up to twenty-five pounds; The ability to sit, stand or walk for extended periods of time; Hearing and speech adequate to communicate in person and over the telephone; Vision that includes close vision, distance vision, peripheral vision, depth perception and the ability to adjust focus.

### **MINIMUM QUALIFICATION REQUIREMENTS**

#### **Knowledge, Skills and Abilities**

Knowledge of:

- Principles and practices of park planning and landscape architecture.
- Principles, practices, methods and materials used in the construction of parks and recreation facilities and all phases of contract administration.
- Environmental laws and regulations as they pertain to public works construction.
- Techniques for making effective public presentations.
- Modern office procedures, methods, computer equipment and software, including word processing and CADD.
- Principles and procedures of record keeping.

Ability to:

- Develop conceptual plans and prepare park and landscaping designs, sketches and renderings.
- Use and interpret graphical information such as construction plans, schematic drawings, flow charts, layouts, other visual aids and electronic project management applications.
- Prepare construction documentation, bid and contract documents, cost estimates.
- Research current landscape architectural topics.
- Administer contracts.
- Read and interpret landscape design plans, construction documents and specifications.
- Identify discrepancies between plans and construction in the field.
- Interpret and apply appropriate policies, procedures, rules and regulations relating to the construction of park and recreation facilities.

- Plan, organize and monitor activities according to priorities, established schedules and deadlines.
- Prepare and monitor project budgets and expenditures.
- Prepare reports, correspondence, contracts, specifications and other written materials.
- Understand and carry out oral and written directions.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain cooperative working relationships with those contacted in the course of work.

**Education/Experience**

**Education:** A Bachelor of Science degree in Landscape Architecture, Planning, Park Management, Construction Administration or a closely related field.

**Experience:** Three years of recent professional experience in landscape architecture, landscape project management or a closely related field.

OR

**Alternate:** A combination equivalent to experience and education that would likely provide the required knowledge, skills and abilities.

**Licenses and Certifications**

- Landscape Architect certification issued by the California Architect's Board, Department of Consumer Affairs.
- Possession of a valid Class C California driver's license and a satisfactory driving record at time of appointment.

## LIVERMORE AREA RECREATION AND PARK DISTRICT

### JOB DESCRIPTION

#### JOB TITLE: FISCAL SUPERVISOR

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DIVISION: Administration  
DATE ADOPTED: June 15, 2005

CLASSIFICATION CODE: 1015  
REPORTS TO: General Manager

**POSITION SUMMARY:** Under general direction, assists the General Manager in the administration of the District by performing a wide range of responsible fiscal activities to include district fiscal oversight, budget and cash flow projections, fiscal policy development, internal controls and auditing, general ledger oversight, grant funds oversight, interaction with other governmental agencies, and related areas as required.

**DISTINGUISHING FEATURES:** This class can be distinguished from other administrative support classes by the increased level and scope of responsibility. Incumbents in this class may provide technical and functional assistance to the General Manager as well as supervision over other personnel.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

- Assists the General Manager with fiscal administrative details of day-to-day operation of the District as well as special assignments and projects.
- Performs administrative staff support functions by attending meetings of committees, commissions, and the Board of Directors; reviewing financial documents and directing maintenance of associated files and archives; preparing reports and making presentations of financial matters.
- Complies with Governmental Accounting Standards (GASB) and public resource code.
- Oversees procedures and processes related to special tax assessment management.
- Develops, implements, and administers on-going District accounting procedures, software program functions, internal controls, specific division programs and associated audits.
- Responsible for property control, purchasing activities and District physical inventory.
- Prepares and administers budget; prepares cost estimates for budget recommendations; submits justifications for budget items.
- Projects and monitors District cash flow; authorizes expenditures and fund transfers.
- Oversees District Audit and management reports.
- Provides fiscal oversight of grant funds.
- Interprets, and applies laws as they apply to the District's finances.
- Performs fiscal administrative oversight for other District divisions; transmits information and disseminates materials; provides guidance and assistance.
- Directs and supervises staff.
- Develops and/or conducts training in financial processes.
- Maintains liaison with appropriate government representatives and firms or entities; provides information and answers inquiries.
- Other duties as assigned.

**WORK ENVIRONMENT:** The work environment characteristics described here are representative of those an employee encounters while performing the duties and responsibilities of this position: The duties of this position are generally performed in work conditions found in a typical indoor office environment. Travel to and work at out-of-office locations is sometimes required. Working irregular hours during the evening and occasional weekends is sometimes required. The noise level of the work environment is moderate.

**PHYSICAL DEMANDS:** The physical demands described here are representative of those that must be met by an employee to successfully perform the duties and responsibilities of this job. While performing the duties of this job, the employee is regularly required to have: Hearing and speech adequate to communicate in person and over the telephone, vision adequate to read fine print and VDTs., bodily movement adequate to bend, stoop, stretch and reach, manual dexterity adequate to write and use computer keyboards and office equipment. Strength to manage moving up to 20 pounds.

**MINIMUM QUALIFICATION REQUIREMENTS:**

**Knowledge, Skills and Abilities:**

*Knowledge of:*

Principles, methods, and procedures of fiscal management,  
Personnel Management,  
Budgeting and purchasing,  
Basic functions and organization of public agencies;  
Principals and procedures of fiscal records management;  
Federal, state and local laws, codes and regulations pertinent to fiscal management.

*Ability to:*

Use initiative and independent judgment within established guidelines;  
Plan, initiate and complete assignments with minimum direction;  
Maintain effective working relationships with those contacted in the course of work;  
Analyze, interpret and apply complex documents, regulations and administrative procedures and regulations relating to fiscal management;  
Prepare a variety of written materials of an analytical, technical and evaluative nature; Communicate effectively in both oral and written form;  
Develop and implement administrative programs;  
Analyze and resolve administrative situations and problems.

**Education/Experience**

**Education:** Graduation from a college or university with a degree in accounting, finance, business administration, or an approved allied field.

**Experience:** Four years of professional fiscal management responsibility in government, the private sector, or recreation and parks agencies.

**OR**

**Alternate:** Some acceptable combination of education, experience and ability that would likely provide the required knowledge, skills and abilities.

**License:** A California Driver's License and a satisfactory driving record are conditions of initial and continued employment.

# LIVERMORE AREA RECREATION AND PARK DISTRICT

## JOB DESCRIPTION

### JOB TITLE: SENIOR RECREATION SUPERVISOR

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**DIVISION:** Recreation  
**DATE ADOPTED:** June 15, 1994

**CLASSIFICATION CODE:** 5225

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**POSITION SUMMARY:** Under general direction, performs technical, responsible and professional recreation work at a senior supervisory level. This classification has overall responsibility for the planning, development and administration of a combination of major recreation division functions. The Senior Recreation Supervisor participates as a member of the District's management team in policy development and administrative planning.

**DUTIES AND RESPONSIBILITIES:**

- Directs and coordinates all components of a combination of Recreation Division program areas such as aquatics, youth and adult sports, recreation classes, public information, senior services, child care, special events, facilities management, nature and environmental activities, regional/open space, teens.
- Develops budget and maintains budget controls in areas of responsibility.
- Acts as District representative and liaison to: community groups, members of the public, outside agencies.
- Evaluates program effectiveness and makes reports and recommendations on the development and adaptation of recreation programs and associated operational procedures based on District resources and community needs.
- Develops and implements goals, objectives, and policies; sets priorities and work standards related to assigned program areas in conformance with overall District operation.
- Promotes assigned areas of responsibilities by directing promotional materials, by devising marketing and fund-raising strategies, and by grant preparation and administration.
- Prepares plans and specifications, conducts bids and oversees projects related to purchase of major recreation equipment and supplies or construction.
- Manages (schedules, maintains, inspects, operates) facilities owned or operated by the District in assigned program areas.
- Monitors program compliance with laws, rules and regulations related to provision of recreation services.
- Exercises direct supervision over subordinate supervisors as well as other full-time and part-time employees. Is responsible for training and development, assignment and direction, and appraisal of work performance.
- Maintains operating and activity records of various recreation programs related to areas of assignment.
- Prepares and presents written and oral program operation reports.
- Other duties as assigned.

**WORK ENVIRONMENT:** The work environment characteristics described here are representative of those an employee encounters while performing the duties and responsibilities of this position.

- The functions of this position are generally performed in a typical office environment, but some functions require site and facility visits or attendance at recreation functions which may occur outside in various types of climatic conditions.
- The position includes working irregular hours during the day and evening and on weekdays, weekends and holidays. Periodic travel may be required.

**PHYSICAL DEMANDS:** The physical demands described here are representative of those that must be met by an employee to successfully perform the duties and responsibilities of this job. While performing the duties of this job, the employee is regularly required to have:

- Hearing and speech adequate to communicate in person, by telephone and by radio.
- Vision adequate to read standard text.
- Bodily movement adequate to drive an automobile, traverse terrain, and inspect buildings or outdoor sites.
- Manual dexterity adequate to write and use computers and office equipment.
- Strength of perform moderate lifting and carrying of items weighing up to 30 pounds.

**MINIMUM QUALIFICATION REQUIREMENTS:**

**Knowledge, Skills and Abilities:**

- Knowledge of the principles and procedures used in the development and administration of recreation and leisure services programs, or related facilities and equipment.
- Ability to plan, administer and coordinate a variety of recreation programs.
- Knowledge of methodology of supervising employees and ability to supervise personnel of varied skill levels.
- Knowledge or principles and practices of budget development and monitoring.
- Ability to communicate effectively with the public and adequately represent the operations and policies of the District.
- Skill to communicate effectively orally and in writing.
- Knowledge of safety practices and procedures and current first aid techniques.
- Ability to establish and maintain cooperative and effective relationships with those contacted in the course of work.

**Education:** Possession of a bachelor's degree from a recognized college or university with specialization in recreation, park management, or related field.

**Experience:** Three years of full-time, increasingly responsible, paid professional recreation or park experience with at least one year at a supervisory level.

**OR**

**Alternate:** Any combination equivalent to experience and education that would likely provide the required knowledge, skills and abilities.

**License:** A California Driver's License and a satisfactory driving record are conditions of initial and continued employment.

# LIVERMORE AREA RECREATION AND PARK DISTRICT

## JOB DESCRIPTION

### JOB TITLE: PARK SUPERVISOR

#### CLASSIFICATION CODE: 5435

#### DESCRIPTION

Under general and specific supervision, performs technical, responsible, and professional park work at a supervisory level. Is responsible for supervision of field staff working in one or more areas such as general upkeep of parks, buildings, athletic fields, landscaped areas, irrigation systems, equipment, and development projects. Responsible for planning, scheduling and supervision of work performance. Provides input for budget preparation in areas of responsibility. Assists in budget control.

#### EXAMPLES OF DUTIES

1. Plans, coordinates, and supervises the phases of park operations with areas of responsibility.
2. Makes recommendations to superiors and submits reports as required regarding areas of responsibility.
3. Supervises, assigns work and evaluates full-time and part-time staff.
4. Trains staff within areas of responsibility.
5. Receives and reviews time records and other reports and data submitted by subordinates.
6. Provides input to budget preparation in areas of responsibility.
7. Assists with budget control in area of responsibility.
8. Assists in planning for repair, renovation, and construction projects, interprets plans and specifications to staff, and supervises and inspects repair, renovation, and construction work in areas of responsibility.
9. Supervises and inspects the operation of facilities and programs in areas of responsibility.
10. Assists in purchasing of materials and control of inventory in areas of responsibility.
11. Confers with other supervisors regarding total services.
12. May supervise the District's preventive maintenance program and management of the District's fleet.
13. Performs other related duties as required.

#### KNOWLEDGE, SKILLS AND ABILITIES

- Knowledge of landscape, building, athletic field maintenance, and construction requirements and procedures.
- Knowledge of personnel safety requirements and procedures.
- Ability to supervise and organize staff efficiently and effectively.
- Ability to supervise and work harmoniously and cooperatively with staff and volunteers.
- Knowledge and skills in staff training, written and verbal communication, and public relations.
- Knowledge of plant disease and detection.
- Knowledge of weed and insect detection and control.

## **EDUCATION**

Demonstrated interest in educational advancement through attendance and completion of classes or seminars on supervision and approved horticultural practices.

## **EXPERIENCE**

Fours years of increasingly responsible paid park maintenance experience to include some supervisory experience.

OR

Some acceptable combination of education and appropriate experience.

## **LICENSE**

Possession of a valid California State Motor Vehicle Operator's License.

## **PREFERRED QUALIFICATIONS**

Certification by the State of California for application of pesticides.



**APPENDIX C**

**EXPLANATION FOR AMENDMENTS TO THE**

**CONFLICT OF INTEREST CODE**

**OF THE**

**LIVERMORE AREA RECREATION AND PARK DISTRICT**

# EXPLANATION FOR AMENDMENTS TO THE CONFLICT OF INTEREST CODE

OF THE

LIVERMORE AREA RECREATION AND PARK DISTRICT

## **Section I. Incorporation of Regulations of the Fair Political Practices Commission**

Designate the place of filing (LARPD District Office) and specific office/position (Administrative Assistant-General Manager's office) that receives the Forms 700 and maintains the District's Form 700 file.

## **Section II. Designated Positions**

Add the position of:

Assistant General Manager (1) (Disclosure Category 1)

Delete the position of: Youth Services Superintendent

Delete the position of Community Center Director

Increase the number of Senior Recreation Supervisors to 4

## **Section IV. Appendices**

*Appendix A, Organization Chart of the Livermore Area Recreation and Park District*

Update the District Organization Chart.

*Appendix B, Job Descriptions/Duty Statements for Designated Positions of the Livermore Area Recreation and Park District*

Add job description for Assistant General Manager

Delete job description for Youth Services Superintendent

Delete job description for Community Center Director

Update job description for Member, Board of Directors

Updated October 2008

**APPENDIX D**

**REGULATIONS OF THE**

**FAIR POLITICAL PRACTICES COMMISSION,**

**TITLE 2, DIVISION 6,**

**SECTION 18730**

**OF THE**

**CALIFORNIA CODE OF REGULATIONS**

Amend 2 Cal. Code of Regulations Section 18730 as follows:

**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 Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code 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, Government Code 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 Government Code 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 (2 Cal. Code of Regs. Sections 18100, 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 financial interests.

(3) Section 3. Disclosure Categories. This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code 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 financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code 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, Government Code 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 financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial 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 financial interests set forth in a designated employee's disclosure categories are the kinds of financial 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

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<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 Government Code Section 81004.

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.

(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

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<sup>2</sup> See Government Code Section 81010 and 2 Cal. Code of Regs. Section 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.

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.

(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) Investments 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 exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(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 two hundred fifty dollars (\$250) or more in value or fifty dollars (\$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 one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);
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

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<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 \$1,000 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.



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 ten thousand dollars (\$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. This section shall not apply to any part-time member of the

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<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.

governing board of any public institution of higher education, unless the member is also an elected official.

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

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

(8.1) Section 8.1 Prohibition on Receipt of Gifts in Excess of \$290.

(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 \$290 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. 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.

Subdivisions (e), (f), and (g) of Government Code 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 two hundred fifty dollars (\$250) 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 five hundred dollars (\$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 one hundred dollars (\$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 two hundred fifty dollars (\$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 one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) 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 two hundred fifty dollars (\$250) 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 \$290 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 one thousand dollars (\$1,000) or more.

(10) Section 10. Manner of Disqualification. 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 must be accompanied by disclosure of the disqualifying

interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(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 Government Code Section 83114 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, Government Code Sections 81000 - 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Note: AUTHORITY: Section 83112, Gov. Code  
REFERENCE: Sections 87103(e), 87300-87302, 89501, 89502, 89503, Gov. Code