



ALAMEDA RECREATION AND PARK COMMISSION MINUTES FOR REGULAR MEETING

DATE: Thursday, February 8, 2018
TIME: 7:00 p.m. Called to Order
PLACE: City Hall Council Chambers

A video recording of the meeting may be viewed at <https://alameda.legistar.com/Calendar.aspx>
The following are action minutes in keeping with the Sunshine Ordinance 2-91.17.

ROLL CALL

Present: Chair Limoges, Vice Chair Tilos, Commissioners Delaney and Carter.
Absent: Commissioner Chen
Excused: Commissioner Delaney excused himself at 9:00 p.m.
Staff: Amy Wooldridge, Recreation and Park Director

APPROVAL OF MINUTES

Minutes of December 14, 2017 Regular Meeting were approved as presented with the addendum requested by Commissioner Carter.
M/S Commissioner Carter / Vice Chair Tilos
3 in favor. One abstention: Commissioner Delaney was not present at the December 14, 2017 meeting.

WRITTEN COMMUNICATIONS

- Recreation and Park Director Amy Wooldridge presented two memos from the City Attorney's Office regarding Conflict of Interest. Assistant City Attorney Michael Roush was present to clarify the information in respect to the law and the Fair Political Practices Commission and answer questions from the Commissioners. Attachment # 1- Memos to RecPark Commission re: Conflicts

ORAL COMMUNICATIONS

- Speaker Jon Pecson of the Alameda Soccer Club gave an update on the finished Futsal Courts at Alameda Point which is open to the public. There is a Grand Opening this Sunday from 10:00 am to 4:00 pm, which is sponsored by the San Jose Earthquakes and U.S Soccer Foundation. The Commissioners all gave praise to Mr. Pecson for a job well done.
- Chair Limoges acknowledged the passing of a valued Board Member George Tarr and said he was a true hero and gave condolences to his wife Mary.

REPORTS FROM THE RECREATION AND PARK DIRECTOR – AMY WOOLDRIDGE

- Attachment #2 – Director's Report

UNFINISHED BUSINESS

4-A Discussion on Recreation and Parks Commission By-Laws

- Commissioner Carter gave a presentation on the By-Laws. A subcommittee consisting of Commissioner Carter and Chair Limoges, are reviewing the By-Laws with the goal to align the By-Laws with the Municipal code. ARPD Director Amy Wooldridge and Assistant City Attorney Michael Roush clarified information and answered questions.

NEW BUSINESS

5-A Approve the City of Alameda Transportation Plan for Seniors and People with Disabilities for Fiscal Year 2018/2019

Speaker Arnold Brullinger said the shuttle is the best kept secret in Alameda as it is efficient and free. He encouraged more people to ride it.

- Victoria Williams, Paratransit Coordinator, Mastick Senior Center gave the presentation assisted by Jackie Krause, Recreation Manager in answering questions from the Commissioners.
- Included service overview, recommended program, budget and planning process overview.
- Commissioners gave ideas and comments for ways to increase usage.
 - Commissioner Tilos: Let one bus do the loop and the other bus for direct pick up service to destinations which would increase ridership.
 - Chair Limoges: Put ads in Alameda Theatre and build an app.
 - Commissioner Carter: Pass out information at the Senior Pickleball groups at Lincoln Park.

Motion made to Approve the City of Alameda Transportation Plan for Seniors and People with Disabilities for Fiscal Year 2018/2019 as presented with the comments made by the Commission.

M/S Vice Chair Tilos / Commissioner Carter

All present in favor with 3-0 vote.

5-B Staff Presentation on Repairing Alameda's Aging Infrastructure and Related Survey

- Amy Wooldridge, Recreation and Park Director gave a presentation about the Community and the City's aging infrastructure needs.

REPORTS

6-A RECREATION COMMISSION REPORTS

Chair Limoges and Vice Chair Tilos went to Estuary Park's Grand Opening. Chair Limoges also attended the Athletic Facility Allocation Policy meeting. Commissioner Carter reported that the Alameda Vipers successfully donated tickets for the Cal women's basketball game. There were 200 Alameda girls and 140 parents. Chair Tilos suggested they invite boys next time also.

6-B FRIENDS OF THE PARK REPORT – No report.

ITEMS FOR NEXT AGENDA: By-laws update under Unfinished Business.

SET NEXT MEETING DATE: Thursday, March 8, 2018

ADJOURNMENT: Chair Limoges made a motion to adjourn the meeting.

All present in favor with a 3 – 0 vote.


Chair Limoges adjourned the meeting at 9:30 p.m.

City of Alameda



DATE: January 24, 2018

TO: Chair and Members of the Recreation and Park Commission

FROM: Janet C. Kern, City Attorney 

RE: Conflicts of Interest

When you were appointed to the Recreation and Park Commission, you filed with the City Clerk a form prepared by the Fair Political Practices Commission (Form 700) stemming from the Political Reform Act of 1974 (Government Code, section 81000 and following) addressing financial conflicts of interest. That law requires public officials (which under the City's Conflict of Interest Code includes persons appointed to the Recreation and Park Commission) to disqualify themselves from participating in governmental decisions in which they know, or should know, that such decisions will have a material financial effect on the official's economic interests, such sources of income, real property interests or business entity interests.

Other state statutes prohibit a city official or employee from having a financial interest in contracts by the official/employee or by any board or body of which the official is a member. See Government Code, Section 1090.

But in addition to these statutes, there is a common law doctrine against conflicts of interest which doctrine is applied to require public officials from participating in decisions where the official's private interests may conflict with his or her official duties. That is, by holding public office, a public official is impliedly bound to exercise the powers bestowed by the office with disinterested skill, zeal and diligence for the benefit of the public. Such official bears a fiduciary duty to the public not to use the powers of the office for the benefit of private interests.

A person who serves on a board of directors of an organization, as contrasted with a person who simply is a member of such organization, likewise owes that organization a duty of loyalty to act with skill, zeal and diligence for the benefit of the organization.

Accordingly, there is a common law conflict of interest where matters concerning an organization of which the public official is on the board of directors comes before the public official's committee or commission. Under those circumstances, the member

must avoid the conflict by not participating in any decision concerning the organization nor attempting to influence the action.

If any member of the Commission has questions or concerns about this memo, please let me know.

c Mayor and Council
 Jill Keimach, City Manager
 Liz Warmerdam, Assistant City Manager
 Amy Wooldridge, Director of Recreation and Parks

City of Alameda



DATE: February 1, 2018

TO: Chair and Members of the Recreation and Park Commission

FROM: Michael Roush, Assistant City Attorney

RE: Common Law Conflicts of Interest

Background

Last week the City Attorney's Office sent out a memorandum to the Recreation and Park Commission, with a copy to others, concerning common law conflicts of interest. That memo advised that a Commissioner has a disqualifying conflict if the Commissioner serves on the board of directors of an organization that would be materially affected by a decision that the Commission makes. Such conflict arises because a Commissioner has the duty to act zealously on behalf of the City and, at the same time, has a fiduciary duty to act zealously on behalf of the organization.

The memo also advised that under those circumstances the Commissioner must not participate in any aspect of the Commission's decision making process. We have been asked to explain in more detail what that means. For purposes of an explanation, we will make reference to the Political Reform Act of 1974 (Government Code, sections 87100 et seq.) and the regulations adopted by the Fair Political Practices Commission to implement the Act. See 2 Code of California Regulations [CCR] 18700 et seq. (concerning conflicts of interest).

That Act and those Regulations—to which Recreation and Park Commissioners are subject—prohibit a Commissioner, as a public official, from participating in governmental decisions in which the decision will have a material economic effect on the Commissioner. Here, the common law conflict of interest does not arise out of governmental decisions that affect a Commissioner's economic interests but arises out of the conflicting duties that a Commissioner has when serving on the board of directors of an organization where it is reasonably foreseeable that a decision of the Commission will have a material effect on an organization itself. Although the conflict is not an economic one, it is a conflict of duties which the common law recognizes as giving rise to a disqualification.

Discussion

Under the Act, a public official is prohibited from making, participating in making or using or attempting to use the official's position to influence a governmental decision where the decision will have a material economic effect on the official. A public official makes a decision if the public official votes on the matter. A public official participates in the making of a governmental decision if the public official provides a recommendation for the purpose of affecting the decision without significant intervening substantive review. A public official uses his or her official position to influence a governmental decision if he or she contacts or appears before any official in his or her agency for the purpose of affecting the decision. See 2 CCR Section 18704 (a), (b) (c). Where such conflict exists and recusal is required, the public official must announce the conflict and leave the room. 2 CCR Section 18707 (a)(1) (C).

Similarly, where a Commissioner sits on the board of directors of an organization where it is reasonably foreseeable that a decision of the Commission will have a material effect on the organization, the Commissioner is prohibited from making, participating in making or using his or her position to influence a Commission decision. That prohibition includes not voting on the decision, not contacting other Commissioners, not appearing before the Commission and otherwise not attempting to influence a Commission decision. This means a Commissioner must not only recuse him/herself when the matter comes before the Commission but also that the Commissioner may not address the Commission on the matter nor participate, for example, at meetings with staff and user groups where the policies or programs that materially affect the organization are discussed.

We have been asked whether there are any exceptions to this broad prohibition, similar to exceptions under the Political Reform Act. Those exceptions apply when a public official's personal interests are affected. For example, a public official may appear as a member of the general public before the official's agency if the official is appearing on matters such as real property owned by official or members of the official's immediate family or a business entity owned entirely by the public official or members of the official's immediate family. 2 CCR Section 18707 (a)((3)(C) and Section 18704 (d)(2). The exceptions do not seem analogous or applicable to the non-economic conflict of interest at issue here.

Conclusion

We recognize that at first this may seem a harsh result as it is likely that individuals may be appointed to the Commission by the Council because they have knowledge and expertise about the City's recreation programs and policies and can use that knowledge and experience to the benefit of the community. But because of the individual's fiduciary duty to the organization by virtue of being on the board of directors, it creates a conflict with the individual's duty as a public official. Moreover, organizations affected

by the decision are not left without a voice; other representatives of the organization may participate fully in the decision making process.

Please let us know if you have any follow up questions concerning this memorandum. We are glad to meet with any of you on this or any other Commission related business.

cc: Mayor and Members of the City Council
Janet C. Kern, City Attorney
Jill Keimach, City Manager
Liz Warmerdam, Assistant City Manager
Amy Wooldridge, Director of Recreation and Parks

ARPD Director's Report
02/08/18

Mastick Senior Center

- Multi-media art exhibit with an artists' reception on Wednesday, February 14, at 10:30 am. Mastick artists will be exhibiting artwork created in Mastick Senior Center classes (beading jewelry, ceramics, creative writing, drawing and painting, quilting, stained glass, and more).
- A group of 32 active Mastick members wrote their memoirs in a collection titled, *The World Comes to Alameda*. A book signing is on Sunday, March 4, 2:00 pm – 4:00 pm, Alameda Main Library Stafford Room (1550 Oak Street).
- Free tax preparation services now happening, thanks to AARPD Tax Assistance Program volunteers. Low and middle income individuals, especially those 60 and older can schedule an appointment by calling Mastick at 747-7501 or visiting.

Parks Maintenance

- Now piloting a program to go all-electric with maintenance equipment. ARPD office landscape maintenance is now done with an electric mower, weed eater, blower and hedge trimmer. It's better for the environment, saves costs and increases staff safety by reducing the need to handle gas.
- Installed theft proof covers at Washington Park Tennis Courts and Shoreline Park to prevent theft of electrical wires.
- Installing Littlejohn playground soon, within next 1-2 months.

Recreation Services

- Recruiting now for summer staff. Staff attended two job fairs; at Cal State East Bay and College of Alameda.

Projects

Sweeney Park

- Cross Alameda Trail is complete in next two weeks.
- Now putting in utilities in for Phase A, the 8-acres being constructed on east side off Sherman Street.
- Entire park will open once all construction is complete, for safety reasons. Anticipated to be Sept/Oct 2018.
- Working with Sweeney Park Fund, to do a volunteer seeding event with wildflowers soon.

Estuary Park

- Now open and being used by kids! Receiving very positive feedback on the fields.

Krusi Park Recreation Center

- Going out to bid for construction next week and anticipate going to Council in May with construction starting in May and completing in September/October 2018.

Playground Replacement Program

- Bayport Park is the next up for playground replacement. Staff is gathering information and will host a community meeting this spring.

Corica Park

- A proposed lease amendment is going to City Council on Feb. 20. The Golf Commission is discussing the terms at a special meeting on Feb. 15. This amendment extends the length of the term and requires full renovation of the North Course plus improvements of the Clubhouse, restrooms and outdoor patio.
- Jim's on the Course Event Center is going to plan check.

Upcoming Events

- Candyland Father Daughter Dance, in collaboration with Girls Inc., is Friday, Feb. 9th at the O' Club. A sold out event with 170 couples.
- Alameda Soccer Club Futsal Court Grand Opening this Sun, February 11 at 10:00am. It's the San Jose Earthquakes jersey unveiling.