

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, OCTOBER 15, 2003**

**C-1 CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of October 15, 2003, was called to order by Mayor Hitchcock at 5:04 p.m.

Present: Council Members – Beckman, Hansen, Howard, Land, and Mayor Hitchcock

Absent: Council Members – None

Also Present: Deputy City Manager Keeter, City Attorney Hays, and City Clerk Blackston

**C-2 ANNOUNCEMENT OF CLOSED SESSION**

 a) Threatened litigation: Government Code §54956.9(b)(3)(E); statement made to City Manager threatening relationship between the City and the Booster of Boys and Girls Sports (BOBS) (CA)

Mayor Hitchcock reported that an e-mail communication was received by Council from Mr. and Mrs. Bernasconi indicating that there had not been any threat of litigation made, other than suggesting that the matter be taken to the Grand Jury or the Attorney General's Office for an opinion.

City Attorney Hays reported that the City Manager had indicated he felt there was a threat of litigation. Deputy City Attorney Schwabauer received a phone call from the District Attorney's Office who reported that Mr. Bernasconi had submitted information to their office, and based on that call, Mr. Schwabauer believed that Mr. Bernasconi was asking the District Attorney to prosecute the City. Mr. Hays explained that whether or not a threat of litigation is made by a person willing to undertake it themselves, or that they are going to generate that circumstance through others, does not diminish the fact that it constitutes a threat of litigation. He stated that it is clear that litigation is a possibility in this situation and Mr. Bernasconi's activity constitutes a threat under the statute.

**PUBLIC COMMENTS:**

- Ron Bernasconi pointed out that his contact with the District Attorney was copied to the Council on May 16. He believed that the Brown Act was being violated by the Boosters of Boys and Girls Sports (BOBS) and stated that the City played a role in the creation of the BOBS and it delegated authority to run Lodi youth sports programs to the BOBS. Mr. Bernasconi stated that they have been engaging in closed session meetings in a garage to terminate a board member. He asserted that agenda Item C-2 (a) is improperly agendized and is in violation of the Brown Act because it states that it is based on a statement made to the City Manager, not the District Attorney. He stated that no threat of litigation was made to the City Manager when he met with him and a declaration from Eileen St. Yves, a witness to the conversation, would corroborate this. He stated that the agreement between the City and the BOBS stipulates that the Parks and Recreation Director has the authority to assign and direct members of the BOBS, which includes the Board of Directors and Mr. Bernasconi met with the BOBS founder, Ed DeBenedetti, who verified this. The agreement also indicates that the City must indemnify the board members and officers up to \$250,000 each. He believed it was irresponsible to maintain a position that the City has no authority, jurisdiction, or control, when it has liability. He contended that if the City has no jurisdiction or control, then there is an improper delegation of public authority. There are five City employees on the BOBS Board, four of which are under the direction of the Parks and Recreation Director, and one of these individuals serves as the Secretary, who he alleged is falsifying the BOBS minutes. He recommended that the City redirect and reassign while it investigates this matter. The BOBS advisor knowingly allowed a parent's rights to be violated. He emphasized that there is no line of authority, control, checks and balances, or accountability. Because of the misbehavior that was engaged in, four BOBS Board Members resigned in protest and one resigned after conviction of embezzlement. He recalled that the City Manager had scheduled this matter for a Shirtsleeve Session;

however, the Parks and Recreation Director had it removed. Mr. Bernasconi pointed out that Parks and Recreation Director Goehring was a former member of the BOBS.

Mr. Bernasconi stated that there has been a narrow argument made that the Public Resources Code does not apply because board members do not have supervisory disciplinary authority over minors at public schools, parks, and recreational facilities. He distributed a declaration signed by seven current and former BOBS board members who believed that based on: 1) the BOBS bylaws, 2) agreement with the City, and 3) their experience, that they have, or have had, supervisory and/or disciplinary authority over minors on City operated parks, playgrounds, or recreational centers (filed). He challenged the argument that BOBS is a separate legal entity and therefore the City has no jurisdiction or control, pointing out that it is illogical for the City to have all the liability with no ability to select members or apply standards, yet it must indemnify them. Subsequent to a 2001 audit conducted by the Department of Justice, the City Attorney told the current BOBS president to cease his authority over minors on public schools, parks, and recreational facilities. Mr. Bernasconi stated that this individual disobeyed that directive. The BOBS minutes evidence the complicity of three separate board members in the knowing violation of state law. A letter sent to a BOBS director admits that he coached.

Mr. Bernasconi stated that in January 2003 he had been informed by the City Manager that the City would establish whether or not there was a problem. He noted that this has not yet occurred and asked that it be pursued. Since April, Mr. Bernasconi has recommended that the City seek an Attorney General's opinion. He explained that the Public Resources Code was eviscerated last year through a legislative mistake that removed the references to disqualifying offenses. He understood that the City Attorney intends to offer a resolution to enact standards, which would be comparable to what the Public Resources Code applies for.

Mr. Bernasconi believed that had there been timely implementation of the law, as outlined in the August 2001 memorandum from the Human Resources Director, his wife would not have been threatened, his child would not have been retaliated against, four BOBS members would not have resigned, and the Brown Act would not have been violated.

Mayor Pro Tempore Howard recalled that over the past several months Mr. Bernasconi has sent correspondence to the City Council expressing his opinion that there is a link between the City and the BOBS organization, and because of that, the City has disobeyed laws and is engaging in "slow creeping corruption." She believed that Mr. Bernasconi's approach in contacting police officers, senators, the Attorney General, etc. constitutes a threat of litigation, as was previously iterated by the City Attorney.

Mr. Bernasconi countered that the act of calling a police officer is not synonymous with filing a lawsuit. He stated that the real liability comes from deliberate indifference, i.e. ignoring clear violations of law when there is a duty of oversight.

Council Member Land suggested that the topic of the BOBS organization be scheduled for discussion at an open special meeting.

Deputy City Manager Keeter explained that City Manager Flynn was absent today due to undergoing medical procedures in preparation for surgery.

Mr. Bernasconi replied that it would not be possible to talk about the statement made to the City Manager in his absence.

Mr. Hays recalled that eight years ago he recommended that the contractual relationship between the City and BOBS be adjusted; however, it was very poorly received and he was told not to pursue it.

In response to Council Member Hansen, Mr. Bernasconi reported that he met with Mr. DeBenedetti on two occasions and he confirmed that the City played a role in the creation of the BOBS and delegated authority to them to run youth sports programs. Mr.

Bernasconi asked him to sign an affidavit to that effect; however, Mr. DeBenedetti declined to do so.

- b) Authorization to negotiate building lease for 300 West Pine Street (APN 037-280-33); negotiating parties are Russell and Kathryn Munson (Government Code §54956.8)
- c) Conference with Labor Negotiator, Human Resources Director Joanne Narloch, regarding Association of Lodi City Employees, concerning General Services and Maintenance and Operators, and Confidential Unrepresented Employees pursuant to Government Code §54957.6

C-3 ADJOURN TO CLOSED SESSION

At 5:52 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:50 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:00 p.m., Mayor Hitchcock reconvened the City Council meeting, and City Attorney Hays disclosed the following actions.

In regard to Item C-2 (a), no reportable action was taken in closed session.

Item C-2 (b) was not discussed.

In regard to Item C-2 (c), no reportable action was taken in closed session.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of October 15, 2003, was called to order by Mayor Hitchcock at 7:00 p.m.

Present: Council Members – Beckman, Hansen, Howard, Land, and Mayor Hitchcock

Absent: Council Members – None

Also Present: Deputy City Manager Keeter, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Reverend Kevin Suess, Lodi Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Debbie Olson, Regional Representative with the League of California Cities, made a presentation to Council Member Hansen for his recent graduation from the Mayors' and Council Members' Institute.

D-2 Proclamations – None

D-3 (a) Joey Nardinelli and Elisa Villarreal, members of the Greater Lodi Area Youth Commission, acknowledged the Teen of the Month, Katie Baumgarten from St. Mary's High School, and provided an update on the activities and accomplishments of the Commission.

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Land, Beckman second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

CITY CLERK'S NOTE:  
This correspondence pertains to  
**Item C-2 a) on the October 15, 2003**  
City Council agenda. The 16 page  
attachment is on file in the City Clerk's  
Office for review.  
cc: CM, CA, P&R

**Jennifer Perrin**

**From:** Ron Bernasconi [Ron@BernasconiCommercial.com]  
**Sent:** Tuesday, October 14, 2003 10:59 AM  
**To:** Dixon Flynn  
**Cc:** Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen  
**Subject:** Follow-up regarding our August 14 and October 6 meetings regarding the BOBS

Dixon, after our October 6 meeting I was surprised to see the BOBS matter was still scheduled for a closed session meeting of the City Council.

Attached below are 8 unanswered emails since we met on August 14, which establish that after our meeting you put the BOBS matter on the September 16 the Council's Tentative Shirtsleeve Schedule and that your Parks and Recreation Director, Tony Goehring, had it removed and placed on the undated list of Topics for future discussion.

When we met with Tony Goehring on August 22 he indicated he removed the BOBS matter from the Tentative Shirtsleeve Schedule because he did not want a public spectacle. We agree. We don't want a public spectacle either.

However, creating a false pretext to discuss a matter in closed session is not a proper way to proceed.

Moreover, no public spectacle is necessary. As I have indicated to both you and Mr. Goehring; the City's agreement with the BOBS gives the Parks and Recreation Director the authority to assign and direct the members of BOBS in their participation of the recreation programs of the City.

All we are asking is that the City require that BOBS members comply with California's Criminal Offender Record Clearance laws relating to the fingerprinting of volunteers and require that the BOBS board adhere to the Public Records and Brown Acts .

Since the City indemnifies BOBS directors, it is only prudent the City Council or the Recreation Commission appoint new directors to replace those who have disobeyed the City Attorney, violated State Laws and/or BOBS Bylaws and thereby exposed the City to Liability.

We have indicated that if the City fails to see that Lodi Youth Programs are administered in accordance with these Laws we would refer this matter to the Grand Jury and the Attorney General of California. However, this is not threatening litigation as some have been misled to believe.

Referring a matter to a Grand Jury or the Attorney General is **not** threatening litigation. It is advising the proper constitutionally created entities that crimes have been or are being committed, **which is the duty of all citizens.**

Since January we have given the City an opportunity to address these matters and back in January you promised you would have the Parks and Recreation Director "ensure that Mr. DeJong is not directly involved as a supervisor **or in violation of the law. As soon as I have a report I will forward it to you.**"

As I indicated during our meeting on October 6, it has been established that the BOBS' President knowingly violated the Public Resources Code with the complicity of a few fellow Board Members in

2001 and 2002 after he was asked by the City Attorney to cease such activities.

Moreover, our youth are still at risk because BOBS' Board Members perform duties, which create supervisory and/or disciplinary authority over minors on public schools, parks and recreational facilities.

Back in April in response to the attached email and news reports the Mayor said, "I would like the City to have either authority over the BOBS or no responsibility for BOBS actions."

After our meeting on August 14 you put this matter on the Tentative Shirtsleeve Schedule. How can you now claim that it is proper for this matter to be placed on the closed session agenda?

Clearly, your actions indicated that no threat of litigation was made during our meeting and this can be confirmed by a declaration from Eileen St. Yves who attended that meeting.

Dixon, you and I should have an opportunity to review Tony Goehring's report before this matter is put on the Tentative Shirtsleeve Schedule so that constructive solutions to address the misconduct of a few BOBS Directors can finally be presented to the City Council.

Your attempt to address this matter (along with subsequent attempts by the Mayor and a Recreation Commissioner) were derailed by the City Attorney who asserts that the City of Lodi does not have any duties or jurisdiction over the BOBS except with respect to how they screen coaches, which is not the standard set by the Public Resources Code as evidenced by the attached August 2001 Memorandum from your Human Resources Director to your former Parks and Recreation Director.

It's time for the bad faith, foot dragging and half measures to stop. Pull this matter from Closed Session and please indicate if and when the report from the Parks and Recreation Director that you promised back in January will be forthcoming or advise on how you intend to proceed so that we can proceed accordingly.

-----Original Message-----

**From:** Ron Bernasconi [mailto:Ron@BernasconiCommercial.com]

**Sent:** Monday, September 29, 2003 6:04 PM

**To:** dixon@lodi.gov

**Cc:** hitchcock@lodi.gov; howard@lodi.gov; land@lodi.gov; beckman@lodi.gov; hansen@lodi.gov

**Subject:** Follow-up regarding our August 14 meeting and our Public Records Request for the agreements between the City and the BOBS

Dixon,

Back in January 2003 you sent us an email, which indicated that Tony Goehring's predecessor would establish if the BOBS's President was administering Lodi Youth Sports in violation of State Law and that we would receive a copy of the Parks and Rec Director's report to the Recreation Commission.

Your attempt to address this matter (along with subsequent attempts by the Mayor and a Recreation Commissioner) were derailed by the City Attorney who asserts that the City of Lodi does not have any duties or jurisdiction over the BOBS relative to the manner in which the BOBS administers Lodi Youth Sports.

Over the last 9 months, we have provided the City and the Council with a mountain of evidence, which indicates otherwise and/or has established that such a delegation of public authority would be illegal.

Then, on August 14 we gave you a copy of the agreement between the City and the BOBS, which stated,

**"It is acknowledged and agreed that the Director of the City's Park & Recreation Department shall be the authorized person to assign and direct the members of BOBS in their participation of the sports and recreation program of City."**

This Agreement between the City and the BOBS, which we gave you on August 14 also states that the,

**"City agrees to hold, BOBS, its officers and directors free from any suit, action or claim for damage, up to a maximum of \$250,000, that may or might be filed by reason of injury to participants in City's sports and recreation programs, which program may at that particular time be under the direction or supervision of a member of BOBS."**

Shortly thereafter, you had put this matter on the Council's Tentative Shirtsleeve Schedule.

Our August 25 email to you indicated that, it would be very imprudent if not negligent to maintain a position that the City has no control, jurisdiction or responsibility for the BOBS given these acknowledgements, which are contained within the City's Agreement with the BOBS.

Our August 25 email also indicated that the simple addition of an honest acknowledgement to the City's Agreement with the BOBS, which has been confirmed by BOBS Founder, Ed DeBenedetti, that stated:

**"the City played a role in the creation of the BOBS and that the City has delegated the authority to administer Lodi Youth Sports Programs to the BOBS,"**

along with an acknowledgement, which has been signed by several current and former BOBS' Directors, that stated:

**"BOBS Board Members have supervisory and/or disciplinary authority over minors on City operated parks, playgrounds and recreational centers,"**

would require that the administration of Lodi Youth Sports by the BOBS be brought into compliance with State Laws.

We were encouraged by the fact that you had put this matter on the Tentative Shirtsleeve Schedule for September 16. Then, Tony Goehring had it removed from the Agenda and placed on the undated list of Topics for future discussion.

In response, our August 25 email indicated that we had no problem with a delay to any of the open shirtsleeve slots on October 14, 21, or 28th.

However, as of today we have not been informed of the date of the Shirtsleeve Session at which the BOBS matter will be discussed nor have we received the copies of the Agreements between the City and the BOBS, which we have been requesting from you since August 14.

Now the Record has reported on September 27 that, "Lodi's City Council is scheduled to meet on October 1 **in closed session** to discuss a threatened lawsuit over the city's role with Boosters of Boys and Girls Sports."

Since we have not spoken since August 14, it is unclear to us how anything we have said could have been interpreted as a statement to you threatening litigation. Our concern is that this may be a ploy by others to keep this matter from being addressed in public.

The Lodi News commented on this culture of evasion and secrecy on September 27 when it stated,

**"Concern and anger over the suit has grown in part because of the city's unwillingness to explain or defend it. That arrogance needs to end."**

We could not agree more. Please advise who has threatened litigation and confirm that the Agreement between the City and the BOBS, which we gave you during our August 14 meeting, has not been subsequently amended or forward any subsequent amendments and advise us of the date of the Shirtsleeve Session at which the BOBS matter will be discussed.

Thank you for your attention to this matter,

Ron & Yolanda Bernasconi

-----Original Message-----

**From:** Ron Bernasconi [mailto:Ron@BernasconiCommercial.com]

**Sent:** Thursday, September 04, 2003 10:24 AM

**To:** dixon@lodi.gov

**Subject:** 3rd Request for Follow-up regarding the agreement between the City and the BOBS

Dixon, this is my third request for confirmation regarding the status of the agreement between the City and the BOBS.

At this point, I would like to make a Public Records Request for all agreements between the City and the BOBS and the City's Charter.

Please advise when and where these public records will be made available for inspection and copying.

Thanks,

Ron

-----Original Message-----

**From:** Ron Bernasconi [mailto:Ron@BernasconiCommercial.com]

**Sent:** Monday, August 25, 2003 10:01 AM

**To:** dixon@lodi.gov

**Cc:** cityclrk@lodi.gov; hitchcock@lodi.gov; howard@lodi.gov; land@lodi.gov; beckman@lodi.gov; hansen@lodi.gov

**Subject:** Our 8.22.03 meeting with Ron Williamson, Ed DeBenedetti and Tony Goehring regarding the BOBS

We met with Ed DeBenedetti, Ron Williamson, and Tony Goehring on Friday, August 22, 2003. Tony Goehring advised us that you had put the BOBS matter on the Tentative Shirtsleeve Schedule for September 16 and that Tony had it removed and placed on the list of Topics for future discussion.

Dixon, we appreciate your efforts to address this matter promptly and we understand that Tony is new to the position of Parks and Recreation Director. Therefore, we have no problem with a reasonable delay to any of the open shirtsleeve slots on October 14, 21, or 28th as Tony investigates the conduct of the BOBS directors who have violated the BOBS Bylaws and/or State Laws. We indicated to Ed, Ron and Tony that these Members should be removed and replaced by appointees of either the City Council or Recreation Commission.

10/14/2003

Tony also agreed to interview the BOBS Directors who resigned after DeJong was installed as BOBS President, which are Tony Alegre, Tim Greenmyer, Joe Mariani and Dick Slawson.

As we discussed, the current agreement between the BOBS and the City states that, **"It is acknowledged and agreed that the Directors of City's Park & Recreation Department shall be the authorized person to assign and direct the members of BOBS in their participation of the sports and recreation program of City.**

This Agreement between the City and the BOBS also states that the,

**"City agrees to hold, BOBS, its officers and directors free from any suit, action or claim for damage, up to a maximum of \$250,000, that may or might be filed by reason of injury to participants in City's sports and recreation programs, which program may at that particular time be under the direction or supervision of a member of BOBS."**

Clearly, it would be very imprudent if not negligent to maintain a position that the City has no control, jurisdiction or responsibility for the BOBS given these acknowledgements, which are contained within the City's Agreement with the BOBS, which can be terminated by either party upon the giving of 30 days written notice.

In any event, the simple addition of an honest acknowledgement to the City's Agreement with the BOBS that states,

**"The City of Lodi played a role in the creation of the BOBS and the City delegated the authority to administer Lodi Youth Sports Programs to the BOBS..."**

along with an acknowledgement that,

**"BOBS Board Members have supervisory and/or disciplinary authority over minors on City operated parks, playgrounds and recreational centers..."**

is all that is necessary to bring the administration of Lodi's Youth Sports Programs into compliance with State Law.

Dixon, please confirm that the Agreement between the City and the BOBS, which we gave you during our August 14 meeting, has not been subsequently amended or forward a copy of any subsequent amendments and advise us of the date of the Shirtsleeve Session at which the BOBS matter will be discussed.

Thank you for your attention to this matter,

Ron & Yolanda Bernasconi

-----Original Message-----

From: Ron Bernasconi [mailto:Ron@BernasconiCommercial.com]

Sent: Wednesday, August 20, 2003 8:14 AM

To: Dixon Flynn

Subject: Your 8.19.03 meeting with Ron Williamson, Ed DeBenedetti and Tony Goehring

I understand Janet Keeter and Randy Hays also attended your meeting and that Mr. Hays is still asserting that the Brown Act and the California Resources Code do not apply to the BOBS Board of Directors.

Can you please have Mr. Hays explain in writing what facts and authorities he is relying upon? Then, I will be happy to meet and confer with him to resolve these issues directly. Otherwise, we will have no choice but to take these matters up in the council chambers.

In the interim, we will meet with Ed DeBenedetti, Ron Williamson, and Tony Goehring on Friday to discuss these issues.

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We understand that several shirtsleeve meetings have recently been rescheduled, can you please advise the date of the shirtsleeve session at which the BOBS matter will be discussed.

Finally, please confirm that the agreement the City and the BOBS, which we gave you at our August 14 meeting, is in full force and effect and has not been subsequently modified.

Thank you for your attention to these matters.

-----Original Message-----

From: Dixon Flynn [mailto:dixon@lodi.gov]

Sent: Tuesday, August 19, 2003 2:03 PM

To: Ron Bernasconi

Subject: RE: Please advise if you want me to meet with Hays before you meet with Ron Williamson and Ed DeBenedetti

I MET WITH Ron, Ed and Tony this morning and they plan to meet with you to further discuss your concerns. They will get back to me with recommendations. Nobody has a better understanding of BOBS then Ron and Ed.

Dixon

-----Original Message-----

From: Ron Bernasconi [mailto:Ron@BernasconiCommercial.com]

Sent: Tuesday, August 19, 2003 9:39 AM

To: Dixon Flynn

Subject: Please advise if you want me to meet with Hays before you meet with Ron Williamson and Ed DeBenedetti

Yolanda gave Tony Goehring copies of all of the documents we discussed last week during our meeting and Tony indicated that you have placed the BOBS matter on the August 26 shirtsleeve City Council session. Thank you for your prompt action.

Randy Hays' assistant called yesterday to set up a meeting with me today at 3 PM, which would include Randy Hays, Steve Schwabauer and Tony Goehring.

When we met last week you indicated you wanted an opportunity to meet with Ron Williamson and Ed DeBenedetti before I met with Randy.

Is that still you desire? Please advise on how you would like me to proceed.

Thanks,

Ron

-----Original Message-----

From: Dixon Flynn [mailto:dixon@lodi.gov]

10/14/2003

Sent: Monday, August 18, 2003 9:08 AM

To: Ron Bernasconi

Subject: RE: Thank you for meeting with us last week

I'll get back to you this week. I'm having a meeting with Ron Williamson and Ed Debenndtti this week and I'll have more information to share.

Dixon

-----Original Message-----

From: Ron Bernasconi [mailto:Ron@BernasconiCommercial.com]

Sent: Monday, August 18, 2003 7:58 AM

To: Dixon Flynn

Subject: Thank you for meeting with us last week

Dear Mr. Flynn,

Thank you for meeting with us on Thursday, August 14.

Please confirm that the agreement the City and the BOBS, which we gave you at our meeting, is in full force and effect and has not been subsequently modified.

Thank you for your attention to this matter.

Ron and Yolanda Bernasconi

-----Original Message-----

From: Ron Bernasconi [mailto:Ron@BernasconiCommercial.com]

Sent: Sunday, August 10, 2003 8:09 AM

To: Dixon Flynn

Subject: We are awaiting a copy of the report you promised would be forthcoming in you January 7, 2003 Email

Dear Mr. Flynn:

We are still awaiting the copy of the report you indicated would be forthcoming back in January, which was to include the Parks and Recreation Director's recommendations to the Recreation Commission.

Have you reassigned this task to the new Parks and Recreation Director and what action has been taken in response to the Mayor's concerns, which were expressed to the former Parks and Recreation Director and City Attorney back in April?

*We continue to have concerns that the California Public Resources Code, which is a 1993 law that protects children from*

10/14/2003

those convicted of drug, violent or sexual crimes is being violated to this day. After a decade of foot dragging and half measures its time to bring the administration of Lodi Youth Sports into compliance with State Law.

Accordingly, we would like to meet with you and review staff's efforts to bring the administration of Lodi Youth Sports programs into compliance with State Laws.

We await your reply and indication of when we can meet and confer.

Thank you for your attention to this matter.

Ron and Yolanda Bernasconi

-----Original Message-----

From: Dixon Flynn [mailto:dixon@lodi.gov]

Sent: Tuesday, January 07, 2003 11:02 AM

To: Ron@BernasconiCommercial.com

Cc: Roger Baltz

Subject: BOBS Board

Dear Mr. and Mrs Bernasconi,

Thank you for your letter regarding the actions of the BOBS Board and your concerns about Mr. DeJong. I have asked Mr. Baltz to look into this matter to ensure that Mr. DeJong is not directly involved as a supervisor or in violation of the law. As soon as I have a report I will forward it to you. Also, you should know that the City of lodi does not supervise or control the BOBS organization. It is independent of the City as the Chamber of Commerce, the Boys and Girls Club, the Downtown Business Association and the Wine/Grape Commission. Our interest in this matter is based on the use of City facilities and whether these organizations are in compliance with State law.

However, I will wait until I get a final report from Mr. Baltz before drawing any conclusions or making any recommendations to the Parks and Recreation Commission.

Yours sincerely,

Dixon Flynn

City Manager

filed C-2 a)  
R. Bernasconi

**DECLARATION OF CURRENT AND FORMER BOBS BOARD MEMBERS**

As current and former BOBS Board members, we declare the following based on our knowledge of BOBS' Bylaws, BOBS Agreement with the City of Lodi and our experience serving on the BOBS Board of Directors:

We have or have had supervisory and/or disciplinary authority over minors on City operated parks, playgrounds or recreational centers used for recreational purposes.

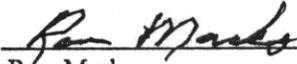
We sit or have sat on appeal panels, which discipline minors and/or determine if minors can participate in Lodi Youth Sports programs.

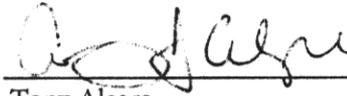
Our authority determines whether minors were released to participate in programs in other jurisdictions when minors do not want to or participate in comparable programs offered by Lodi Parks and Recreation Department.

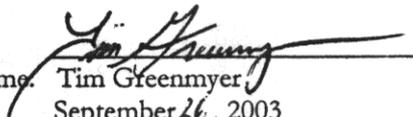
We run or have run tryouts, tournaments and events on City operated Schools, Parks and Playgrounds.

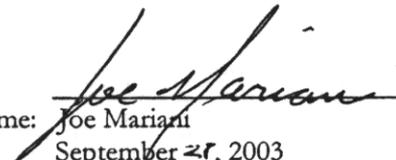
BOBS' Bylaws and BOBS' agreement with Lodi establishes that all BOBS Members are volunteers who act on behalf of the City of Lodi and that we serve in an advisory and coordinating capacity to the Lodi Parks and Recreation Department on matters pertaining to rules and regulations, which pertain to youth from ages 6 through 18.

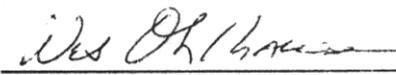
We declare these facts to true and correct to the best of our knowledge and belief.

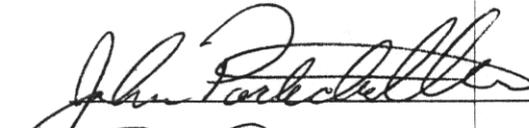
By:   
Print Name: Ron Marks  
Date: September 19, 2003

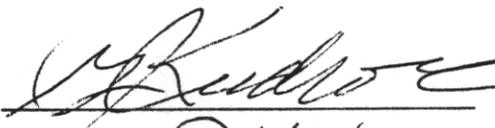
By:   
Print Name: Tony Alegre  
Date: September 19, 2003

By:   
Print Name: Tim Greenmyer  
Date: September 24, 2003

By:   
Print Name: Joe Mariani  
Date: September 27, 2003

By:   
Print Name: WES OHLHAUSEN  
Date: September 28, 2003

By:   
Print Name: JOHN PATSCHELLER  
Date: September 29, 2003

By:   
Print Name: GARY J. KRAWOWSKI  
Date: September 8, 2003

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Date: September \_\_, 2003