

Orangevale Recreation & Park District

Operational Policies & Procedures Manual

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1 POLICIES AND PROCEDURES MANUAL

1.1 Purpose of Board Policies

It is the intent of the Board of Directors of the Orangevale Recreation & Park District (the “District”) to maintain an Operational Policies and Procedures Manual (the “OPPM”). The OPPM shall be a comprehensive listing and description of the Board’s current policies and procedures, which constitute the rules and regulations enacted by the Board from time to time to govern the operations of the District. The Board recognizes that it is not possible to adopt a policy for every aspect of the District’s operations, however the OPPM is intended to serve as a resource for directors, staff and members of the public in determining the manner in which the District’s business is to be conducted. These policies can be amended by the Board at any time.

1.2 Conflicts of Policies & Procedures with Statutes or Regulations

If any policy or portion of a policy contained within the Manual is in conflict with the provisions of the Park and Recreation District Act (Public Resources Code Section 5780 et seq.) (the “Act”), or any other statutes applicable to park and recreation districts, or regulations in the California Code of Regulations which are applicable to the District or its operations, then said statutes and/or regulations shall prevail over the policies and procedures specified herein.

1.3 Additional District Policies

The District maintains additional District-wide policy manuals including:

- The Personal Policy Manual (PPM) – outlining policies, procedures, and protections for District employees.
- The Illness and Injury Prevention Policy Manual (IIPP) – providing guidance and policies for staff safety.
- The Orangevale Parks Master Plan (OVMP) – providing a 10+ year vision of the District to establish planning and development goals.
- The Trails Master Plan (TMP) – providing information, rules, and planning guidance for the District’s trails system.
- The Park Maintenance Management Plan (PMMP) – outlining maintenance standards, amenity standards, and long-term depreciation of the District’s property.

2 ADOPTION & AMENDMENT OF POLICIES

2.1 Initiating a Policy

The Board of Directors may consider adopting a new policy or amending an existing policy at any regular meeting of the Board of Directors. Any Director or the District Administrator may initiate this action. The proposed new or amended policy is initiated by submitting a written draft of the proposed new or amended policy to the District Administrator, who will call for an Administrative/Finance Committee Meeting to review the suggested policy. Following Committee review, the policy may be included for consideration on the agenda of a regular meeting of the Board of Directors of the District.

2.2 Adopting a Policy

Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors and shall require the affirmative vote of three members of the Board of Directors, constituting a majority of the authorized number of members of the Board of Directors of the District.

Copies of the proposed new or amended policy shall be included in the Board agenda packet for any regular meeting at which such policy is scheduled to be considered. A copy of the new or amended policy shall be made available to each director for review at the time the entire agenda packet is made available for review, which is no later than two hours prior to the regular meeting at which such policies are to be considered for adoption and/or amendment.

3 DUTIES AND RESPONSIBILITIES OF THE BOARD OF DIRECTORS AND DISTRICT ADMINISTRATOR.

3.1 Duties and Responsibilities of the Board of Directors

The Board of Directors (“Board”) consists of five (5) elected officials. The Board is responsible for providing direction, guidance, feedback, and oversight to the District Administrator. The specific duties of the Board include:

- A. To adopt a comprehensive set of Board policies and administrative procedures to govern the operation of the District. These policies and procedures shall be amended and revised as appropriate and shall be compiled and published in a manual.
- B. By motion, resolution or ordinance conduct the business of the District, taking those actions that ensure that satisfactory services are provided throughout the District.
- C. To select a District Administrator as the Board’s chief administrative officer and professional advisor, and properly delegate to him/her/them, the authority and responsibility to execute Board established policies, enforce its rules and regulations, and administer the facilities, programs, and services of the District.
- D. To provide the District Administrator with the necessary personnel and resources to carry out his/her/their responsibilities.
- E. To adopt a District budget that provides the best possible facilities, programs, and services, within the limits of fiscal responsibility, to the residents of the District.
- F. Be informed on agenda items and on-going business of the Board.
- G. Be informed on the provisions of laws, ordinances and resolutions as they affect conduct of the District and the Board.
- H. Attend meetings with promptness and regularity.
- I. Attend trainings as required by law, as mandated by the Board, and as selected by the individual Board Members to expand their knowledge.
- J. Elect officers and confirm standing and ad hoc committee members and District representatives to external agencies.
- K. Initiate, review and approve plans that will satisfy future requirements of the District, including a long-range plan.
- L. Review and act upon plans and recommendations submitted by the Board committees and the District Administrator. This action may include adoption, rejection, amendment or return to committee.
- M. To appoint a Director in the event of a vacancy as provided by law.
- N. To maintain good public relations with the community

- O. Single Board members shall not represent the whole of the Board to any person and/or entity without prior direction by a majority of the Board
- P. No member of the Board shall:
 - a. Represent his/her/their position as that of the Board unless the Board has acted upon that position
 - b. Make unsolicited statements to anyone other than the Board during Board deliberations
 - c. Issue any writings or statements to the press or public on behalf of the District without prior authorization by a majority of the Board
 - d. Disclose any information that has been obtained in closed session except as expressly authorized by a majority of the Board

3.2 Training Requirement for the Board of Directors

Members of the Board are required by law and by policy to participate in the following trainings.

3.2.1 Ethics Training

All Board members shall receive two (2) hours of training in general ethics principles and ethics laws relevant to public service within one (1) year of election or appointment to the Board of Directors, and thereafter at least once every two (2) years pursuant to Government Code Sections 53234 and 53235.2. This policy also applies to all staff members that the Board of Directors designates.

- A. All ethics training shall be provided by entities who have consulted with the California Attorney General and the Fair Political Practices Commission.
- B. Directors shall obtain a Certificate of Participation after completing the ethics training. District staff shall maintain records indicating both the dates the director completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after directors receive the training, and are public records subject to disclosure under the California Public Records Act.
- C. District staff shall provide the Board of Directors with information on available training that meets the ethics training requirements of this policy at least once every year.
- D. Ethics training may consist of either material offered by the Fair Political Practices Commission, or other ethics training programs approved by the California Attorney General and the Fair Political Practices Commission. Ethics training may be taken at home, in person or online.

3.2.2 Harassment Training

As a condition to receive either a daily meeting stipend or expense reimbursement, and as required by law, all Board members shall receive two (2) hours of harassment prevention training for supervisors/officials every two (2) years, with specific requirements for new members within six months of taking office. Training specifications are outlined in the Discrimination, Harassment, and Retaliation Prevention Policy in the PPM.

Board members are responsible for being familiar with and abiding by the Discrimination, Harassment, and Retaliation Prevention Policy in the PPM.

3.2.3 Financial Training

As a condition to receive either a daily meeting stipend or expense reimbursement, and as required by law, all Board members shall receive two (2) hours of Fiscal and Financial Training, every two (2) years, as specified in SB 827.

3.3 Duties and Responsibilities of the District Administrator

Under the direction of the Board of Directors, the District Administrator shall be responsible for the day-to-day operation and administration of the affairs of the District, as well as implement the policies of the Board of Directors, and shall organize and supervise the District's total recreation and park operation. The Administrator shall be responsible for employment and supervision of all District staff. The Administrator shall prepare the District budget, maintain a complete financial record for the District, prepare reports on District accomplishments and needs, prepare the agenda for the Board meetings, and may serve as the secretary/clerk of the Board to record the minutes of the meeting and sign documents. These responsibilities, and the authority of the District Administrator, shall be as determined by the Board, and may be changed or modified by the Board as it finds appropriate.

The specific duties of the District Administrator include, but are not limited to:

- A. To implement the policies adopted by the Board
- B. To prepare and publish agendas for regular Board Meetings, special Board Meetings, Committee Meetings, and Ad Hoc Meetings in accordance with the Brown Act.
- C. Responsible for oversight of the hiring and management of all District personnel.
- D. Responsible for managing the purchasing and maintenance of all District resources

- E. Maintaining positive and productive relationships with community partners including other agencies, non-profits, and organizations.
- F. Responsible for oversight of District operation including recreation and maintenance activities.

4 BOARD STRUCTURE

4.1 Officers

Annually, at the regular December Board meeting, the Board shall select a Chair, Vice Chair and Secretary for the next calendar year.

4.1.1 Duties of the Chair

The Chair shall perform the duties of presiding officer at all meetings of the Board of Directors and shall carry out the resolution and orders of the Board of Directors and perform such other duties as the Board of Directors prescribes, including appointment of Directors to serve on committees of the Board and designation of committee chairs, calling special meetings when deemed necessary and advisable. The Chair shall appoint standing committees no later than the first meeting following their election. The Chair shall advise the District Administrator on meeting agendas, and sign Meeting Minutes and applicable Resolutions. The Chair shall be responsible for completing the District Administrators annual evaluation, with input from the full Board.

4.1.2 Duties of the Vice Chair

When the Chair resigns, is absent, or unable to perform their duties, the Vice Chair shall perform the Chair's duties. When the Chair recuses herself/himself/themselves from participating in an agenda item or declares herself/himself/themselves partisan in the debate on any such item, the Vice Chair shall perform the duties of the Chair.

4.1.3 Duties of the Secretary

It shall be the responsibility of the Secretary to notify members of all meetings, keep an accurate record of all proceedings, meetings and special meetings. As a general rule, the Secretary shall delegate these duties to the District Administrator. It shall also be the duty of the Secretary to call for and record attendance and votes during meetings.

4.1.4 Duties of the Clerk of the Board

The District Administrator shall serve as the Clerk of the Board. The Clerk of the Board provides administrative and clerical services to the Board of Directors as needed. The Clerk maintains the official record of the Board of Directors' legislative actions and receives, certifies and preserves all documents as required by law. The Clerk shall publish and post meeting agendas and board packets in accordance with the Brown Act.

4.2 Vacancies

Public Resources Code Section 5784.3 provides that any vacancy in office of an elected member of the Board of Directors shall be filled as provided for in Government Code Section 1780. The events causing a vacancy of office are set forth in detail in Government Code Section 1770. Examples of actions causing a vacancy of office, include, but are not limited to the following: (1) the resignation of that office by a Board member; (2) a Board member ceases being a voter of the District; (3) the death of the Board member; and (4) the removal of the Board member from office.

When a vacancy occurs, the District shall notify the Sacramento County elections officials that a vacancy exists no more than fifteen (15) days from the date the Board is notified of the vacancy and/or the effective date of the vacancy, whichever date is later.

Once a vacancy has occurred and notice to the County elections official has been made, the remaining Board members may fill the vacancy provided such appointment is within sixty (60) days of occurrence of the vacancy. Notice of the vacancy shall be posted in three conspicuous places in the District no later than fifteen (15) days prior to the appointment being made. The District shall notify the Sacramento County elections official of an appointment within fifteen (15) days of any appointment. Any person appointed by the Board shall hold office until the next general election which is 130 days or more from the date of notification of the vacancy to the County elections official. If a quorum does not exist to make an appointment by the remaining board members, the Board of Supervisors may waive the sixty (60) day period and either appoint enough board members to make a quorum or call an election.

The District may decide to fill the vacancy by calling a general election. If the District decides to call an election in lieu of making an appointment, any election called shall be held on the next established election date that is 130 days or more after the vacancy occurs. A person elected to fill a vacancy in this manner shall serve for the remainder of the term for that particular seat.

If a vacancy is not filled by the District or an election called within sixty (60) days, the Board of Supervisors may fill the vacancy within ninety (90) days of the vacancy or may order the District to call an election. If within ninety (90) days of the vacancy no appointment has been made, the District must call an election.

4.3 Committees

The Board may create standing or ad hoc committees at its discretion.

4.3.1 Committee Authority

All business requiring further study will be referred to the proper committee for report and recommendations to the Board as a whole for action. Unless authority to perform a duty is expressly delegated by the Board to a committee, committee motions and recommendations shall be advisory to the Board. Committees shall not commit the District to any policy, act or expenditure nor may any committee direct staff to perform specific duties unless authorized by the Board. The

Committee Chair is authorized to schedule committee meetings as deemed necessary and to preside at any such meeting.

4.3.2 Ad Hoc Committees

An ad hoc committee shall be appointed as needed by the Chair for any special task deemed necessary by the Board or Chair. Committees shall not commit the District to any policy, act or expenditure nor may any committee direct staff to perform specific duties unless authorized by the Board. The Committee Chair is authorized to schedule committee meetings as deemed necessary and to preside at any such meeting.

4.3.3 Standing Committees

The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified at the time that the standing committee is formed. The standing committee's purpose may be amended from time to time at the Board's discretion, by updating this OPPM. Committee assignment shall be made by the Board Chair. Each Committee will meet a minimum of one time per fiscal year.

All meetings of standing committees shall conform to all open meeting laws that pertain to regular meetings of the Board of Directors.

The following standing committees shall be appointed by the incoming Chair. The Chair shall indicate a chair for each committee:

A. Administration and Finance Committee

1. Plan and formulate fiscal year operating budget in conjunction with District Administrator.
2. Review the District's financial expenditures and revenues.
3. Recommend present and future capital outlay expenditures.
4. Recommend adjustments to the District's salaries and wages.
5. Review and make recommendations on updates of the OPPM.

B. Recreation and Program Policy Committee

1. Review and make recommendations on policies for recreational programs and facility use as a whole.
2. Recommend fees for facility rental
3. Review and make recommendations on event submission for use of community building and park facilities.
4. Recommend partnerships for recreational programs and facility use, and policies for co-sponsorship of recreational activities with other groups.

C. Personnel Policy Committee

1. Recommend changes to the personnel policies and procedures
2. Review and make recommendations on updates of the PPM
3. Recommend trainings for the Board of Directors.

D. Planning and Government Committee

1. Act as a representative of the District when dealing with outside agencies to best serve the community.
2. Review and make recommendations regarding the District's Master Plan, including separate park master plans.
3. Gather information from other government agencies who impact the District, to be brought back to the Board of Directors.

E. Maintenance and Safety Committee

1. Provide general oversight of the park facilities and make any recommendations necessary to insure a high standard of maintenance.
2. Consider recommendations from staff for major equipment purchase and replacements, major repairs, renovation, construction or acquisitions for budget purposes.
3. Review and make recommendations on updates of the PMMP.
4. Promote the health and safety of District customers and employees.
5. Review and make recommendations on updates of the IIPP, in compliance with laws and District insurance requirements.

F. Trails Committee

1. Attend local outer agency meetings to stay abreast of current developments that impact the District's trails and bicycle paths.
2. Recommend policies for trail development and use
3. Review and make recommendations on updates of the TMP.

4.2.3 Committees Members Ex-Officio

The District Administrator shall be an ex-officio member of all committees and shall be notified of all meetings.

5 BOARD MEETING PROCEDURES

5.1 Regular Meetings

Regular meetings of the Board of Directors shall be held on the third Thursday of every calendar month, January – October, and on the second Thursday of December.

Regular meetings are held at 6:30 p.m. Board meetings shall be held at the Orangevale Community Center, Meeting Room, 6826 Hazel Avenue, Orangevale, California. The date, time and place of regular Board meetings may be changed at will by the Board Chair or majority vote by the Board prior to public notice of the meeting in order to accommodate compelling circumstances. The Board shall review the dates annually in December to determine any changes that will be made for the following calendar year.

5.1.1 Meeting Agenda

The District Administrator shall prepare the agenda for the regular meetings, with the concurrence of the Chair. The agenda for each meeting will be posted at the District office and on-line at least seventy-two (72) hours prior to each meeting.

The recommended order of business at a regular meeting shall be as set forth below. Any item placed on the agenda may be taken in any order.

1. Call to Order
2. Roll Call and Introduction of Guests
3. Pledge of Allegiance
4. Approval of Agenda / Agenda Adjustments
5. Public Discussion
6. Approval of Minutes
7. Correspondence
8. Approval of Consent Matters
9. Approval of Non-Consent Matters (if applicable)
10. Standing Committee Reports
11. Staff Reports – Administrative, Parks, and Recreation,
12. Unfinished Business
13. New Business

14. Closed Session (if applicable)
15. Resume Public Session & Announce Actions (if applicable)
16. Director's and Staff's Comments
17. New Meeting Dates/Items
18. Adjournment

5.1.2 Consent Items

"Consent agenda items" are items for which there appear to be no controversy, and which can be acted upon by the Board with no discussion. Typically, District claims, budget status reports, and revenue reports are placed on Board Agendas as consent items. If any member of the Board or member of the public raises a question or issue regarding an item that requires Board discussion, the item may be removed from the consent calendar and considered in its numerical order on the agenda, or in an order determined by the Board Chair.

5.1.3 Agenda Items from Members of the Public

Any member of the public may submit a request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:

1. Written Request

The request must be in writing and be submitted to the District Administrator or the "Board of Directors" together with supporting documents and information, if any, at least ten (10) business days prior to the date of the meeting. The request shall be conveyed to the Board Chair for review by placing said request under the "Correspondence" section of the agenda. If the Board Chair feels that additional information is warranted, they will request the District Administrator to have staff investigate the matter to determine if further action is warranted.

2. Agendizing Public Requests

It shall be within the discretion of the District Administrator and the Board Chair to make the determination of whether the requested agenda item will be placed on the agenda, as well as the timing of placing the matter on the agenda if it is determined to be an appropriate matter for the agenda.

5.1.4 Agenda Items from Board Members

Any member of the Board of Directors may submit a request that a matter be placed on the agenda of a regularly scheduled meeting of the Board of Directors.

Requests should be made to the District Administrator and/or Board Chair ten (10) business days prior to the meeting date. It shall be within the discretion of the District Administrator and the Board Chair to make the determination of whether the requested agenda item will be placed on the agenda.

5.1.5 Agenda Requests for Closed Session Items

No matter (or item) which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.

5.1.6 Time Limit to Consider Agenda Items

The Board Chair on their own authority, or after considering requests from Board members, may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting. Typically, a three-minute time limit per speaker is applied to public comment.

5.1.7 Board Agenda Actions

No action shall be taken on any item not appearing on the posted agenda unless:

- A. A majority of the Board of Directors determine that an urgent or emergency situation, as defined by Government Code Section 54956.5, exists;
- B. The Board of Directors determines by a two-thirds vote, or by a unanimous vote if less than two-thirds of the Board members are present, that the need to take action on the item arose subsequent to the posting of the agenda;
- C. The item was included in a properly posted agenda for a prior meeting occurring not more than five (5) days prior to the meeting at which the action is taken and was continued to the meeting at which the action was taken.

5.1.8 Non-Posted Agenda Items

Any items not on the posted agenda requiring action by the Board which are raised by Board members, staff or by members of the public shall be automatically referred to staff and may be placed on the agenda for the next regular or regular adjourned meeting, if requested by a Board member.

5.1.9 Inclusions in the Minutes

Directors may request for inclusion in the minutes, brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).

5.2 Special Meetings

Special meetings of the Board of Directors may be called by the Board Chair, the Vice Chair in the absence of the Chair, or by the District Administrator when requested by three or more Board of Directors.

5.2.1 Notice

All Directors, the District Administrator, and other desired staff shall be notified of the special Board meeting and the purpose for which it is called. Said notification shall be in writing, delivered and/or emailed to them at least twenty-four (24) hours prior to the meeting.

Newspapers of general circulation in the District, radio stations and television stations, organizations and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act (Government Code Section 54950, et seq.) (the "Brown Act") shall be notified by a mailing unless the special meeting is called less than one week in advance, in which case notice, including business to be transacted, will be given by telephone during business hours as soon after the meeting is scheduled as practicable. The District may also send notification of the meeting by email in lieu of mail if the requester has consented and provided their email address.

5.2.2 Agenda

An agenda shall be prepared as specified for regular Board meetings and shall be delivered with the notice of the special meeting to those specified above.

5.2.3 New Business

Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

5.3 Emergency Meetings

In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the twenty-four (24) hour notice required above. An emergency situation means a crippling disaster and/or other activity which severely impairs public health, safety or both, as determined by a majority of the Board of Directors.

5.3.1 Notification

Newspapers of general circulation in the District, radio stations and television stations which have requested notice of special meetings in accordance with the Brown Act shall be notified with at least one (1) hour prior to the emergency meeting. In the event that telephone services are not functioning, the notice

requirement of one (1) hour is waived, but the District Administrator, or his/her designee, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the emergency special meeting, and of any action taken by the Board, as soon after the meeting as possible. The District may also send notification of the meeting by email in lieu of mail if the requester has consented and provided their email address.

5.3.2 New Business

No closed session may be held during an emergency special meeting, and all other rules governing special meetings shall be observed with the exception of the twenty-four (24) hour notice requirement. The minutes of the emergency special meeting, a list of people the District Administrator or designee notified or attempted to notify, a copy of the roll call vote(s), and any actions taken at such meeting shall be posted for a minimum of ten (10) days in the District office as soon after the meeting as possible.

5.4 Adjourned Meetings

Any meeting of the Board of Directors may be adjourned to a time and place as specified in the order of adjournment in order to complete and finish business. Upon such adjournment, the notice of the time and place to which the meeting is adjourned shall be posted at the District administrative office.

5.5 Board Meeting Conduct

The Chair shall conduct meetings of the Board of Directors in an orderly and respectful manner, as prescribed within these policies in a manner that is consistent with the policies of the District.

5.5.1 Conduct Objective

The conduct of meetings shall, to the fullest possible extent, enable Directors to consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems, and to receive, consider and take any needed action with respect to reports of accomplishment of District operations.

5.5.2 Call to Order and Roll Call

The Board Chair will call the meeting to order. The Board Secretary will call for a roll call, and determine whether or not a quorum of the Board is present. As Board Members and District staff assemble prior to the start of the meeting, District business can not be discussed.

5.5.3 Respect for Schedule

All Board meetings shall commence at the time stated on the agenda and shall be guided by the desire to complete the Board's business within a reasonable

period of time either by intent or by time allotted. The Board Chair may take agenda items out of order, with the exception of timed items.

5.5.3.1 Recess

Schedule notwithstanding, the Chair may declare a short recess during any meeting.

5.5.4 Meeting Table

Only Directors and authorized staff members shall be seated at the meeting tables.

5.5.5 Public Input

Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as follows:

5.5.5.1 Time Limits

The Chair, unless a majority of the Board objects, may allot a maximum amount of time for each speaker and a maximum amount of time to each subject matter. If no such time limit was or is specified prior to the commencement of a speaker's presentation or the discussion of an agenda item, the Chair may intervene at any time to impose a reasonable time limit for concluding the presentation or discussion.

5.5.5.2 Actions Taken

No action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section 4.1.3 Board Agenda Actions or by Section 54954.2 of the Government Code.

5.5.6 Decorum

The Chair shall take whatever actions are necessary and appropriate to preserve order and decorum during board meetings, including public hearings. The Chair may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a lawful request from the Chair, or otherwise disrupting the meeting or hearing.

5.5.6.1 Willful Disruption, Disturbances or Interruptions

Willful disruption, disturbances or interruptions (hereafter disruption) of any of the meetings of the Board of Directors shall not be permitted. If the Chair finds that there is in fact willful disruption of any meeting of the

Board, he/she may order the room cleared and subsequently conduct the Board's business without the audience present.

5.5.6.2 *Use of Law Enforcement at Meetings*

The Board by majority opinion may direct the use of law enforcement to insure the safety and well being of all present at Board meetings. Use of law enforcement at Board of Director meetings will be considered appropriate by majority opinion of the Board members if repeated orders by the Chair to clear the room are not adhered to or if, in the opinion of the Board, one or more individuals attending the meeting are physically threatened or abused and/or are being physically threatening or abusive.

5.5.6.3 *Continuation of Business*

In the event that the room has been cleared for willful disruption, only matters appearing on the agenda may be considered in such a session.

5.5.6.4 *Re-admittance*

After clearing the room, the Chair should and may permit those persons who, in her/his opinion, were not responsible for the willful disruption to re-enter the meeting room before any further business is conducted.

5.5.6.5 *Media*

Duly accredited representatives of the news media, whom the Chair finds not to have participated in the disruption, shall be admitted to the remainder of the meeting.

5.5.7 Parliamentary Procedure

Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules – i.e., Robert's Rules of Order. The typical discussion on a matter recommended for action is as follows:

Staff shall report on the action item;

A. The public shall be given the opportunity to comment on the action item;

B. The Board will ask any questions raised by the public comment and/or staff report;

C. A motion will be made and seconded by the Board;

D. The Board will engage in discussion of the motion;

E. A motion will be made to call for the vote and/or amend the motion.

Discussion shall generally be held in the above order, but this policy does not preclude the Chair and/or Board from discussion of action items in any other order and/or will not invalidate an action item that is discussed in a different manner.

5.5.7.1 Parliamentary Determinations

The Chair shall preserve order and decorum and shall decide questions of order subject to appeal to the Board. If a Director believes order is not being maintained or procedures are not adequate, then he/she may raise a point of order – not requiring a second – to the Chair. If the ruling of the Chair is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

5.5.7.2 Authority of Chair

The Chair may make motions or second motions, and he/she may debate and vote on any matter under consideration. Where the Chair wishes to make or second a motion that he or she may have a personal interest in, he/she should vacate the role of Chair until that item is resolved. Where the Chair has vacated the role of Chair for a particular agenda item, the Vice Chairperson (or another Director) shall become the Chair until all action on that agenda item is completed.

5.5.7.3 Obtaining the Floor

Any Director desiring to speak should address the Chair and, upon recognition by the Chair, may address the subject under discussion.

5.5.7.4 Motions

Any Director, including the Chair, may make or second a motion. A motion shall be brought and considered as follows:

- (a) A Director makes a motion
- (b) Another Director seconds the motion
- (c) The Chair states the motion

5.5.7.5 Call for the Vote

Once the Chair has stated the motion, it is open to discussion and debate by the Board. After the matter has been fully debated, the Chair will call for the vote.

5.5.7.6 Motion to Close Debate

If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion to

bring the question being debated to a vote must be made, seconded, and approved by a majority vote of the Board.

5.5.7.7 *Amendments to Motions (substitute motions)*

A main motion may only be amended with the consent of the maker and seconder. Without this approval, no amendment to a motion shall be in order without a vote on the principal motion. A “substitute motion” shall be construed as an amendment to the main motion, and shall follow the process described in this rule.

5.5.7.8 *Motion to Amend*

A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

5.5.7.9 *Motion to Table*

Any Director may move that an item be tabled for an indefinite time even if a main motion is pending consideration. If such a motion is seconded and passed all consideration on the item is halted until a Director requests consideration on a subsequent agenda.

5.5.7.10 *Motion to Continue*

Any Director may move that an item be continued (or postponed) to a specific future Board meeting even if a main motion is pending consideration. If such a motion is seconded and passed all consideration on that item is halted until agendaized and heard at a subsequent meeting.

5.5.7.11 *Motion to Refer to Committee*

A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

5.5.7.12 *Motion to Close Debate and Vote Immediately*

As provided above, any Director may move to close debate and immediately vote on a main motion.

5.5.7.13 *Motion to Adjourn*

A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion. Once the meeting has been adjourned, District business can no longer be discussed.

5.5.7.14 *Reconsideration*

Any Director that voted for an approved motion on an agenda item may move to reconsider that item at a subsequent meeting. If seconded by any other Director and passed by a majority vote, the effect of the motion is to nullify the earlier motion such that a new motion may be debated at the

subsequent meeting. Under no circumstances can such an item be reconsidered at the same meeting. If the matter is to be reconsidered at a subsequent meeting, notice of that fact must be stated in the agenda for the subsequent meeting.

5.5.7.15 Reconsideration (subsequent to meeting)

Any two Directors may request that an item resolved at an earlier meeting be added to the agenda of a subsequent meeting. The Chair may reject this request if no new information is presented in his/her opinion to warrant further debate. At the meeting where the item rejected by the Chair could have been considered, a majority of the Board may place an item on a subsequent meeting's agenda.

5.5.8 Order of Debate (legislative matter)

The order of debate in the consideration of legislative matters shall be as follows:

5.5.8.1 Presentation

Staff or a committee representative shall present the issue with any recommendations.

5.5.8.2 Questions of Staff or to Committee by Board

The Board may ask questions of staff or to the committee to clarify the issue or the recommendation.

5.5.8.3 Audience Input

Members of the audience may make statements or ask questions regarding the matter. Any person wishing to address the Board, shall, when recognized by the Chair, step to the podium, and give their name to the Board Secretary. All questions of staff or to the committee from the public shall be addressed to the Chair. The Chair may impose reasonable limitations upon the amount of time each person may speak and may close public comments whenever necessary to allow the Board to complete its business.

The public is asked to follow the Guidelines for Public Comments at Board Meetings listed below:

- The District encourages public input into District programs and services. Members of the public are entitled to directly address the Board of Directors concerning any item within the subject matter jurisdiction of the District and/or any matter described in the agenda for a meeting.
- The Board of Directors will provide for a public comment period at the beginning of each meeting for matters that are not stated in the agenda for the particular meeting. If a member of the public wishes to address the Board of Directors on a matter which is on the agenda, it is requested

that the speaker complete a speaker request card, and deliver it to a staff member at the table on the left side of the Board of Directors prior to discussion of the item. When the speaker's name is called, he or she should proceed to the podium to comment on that matter.

- All comments should be limited to three minutes or less.
- As presiding officer, the Chair has the authority to preserve order at all Board meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Board, and to enforce the rules of the Board.
- If a member of the public is disabled and needs a disability related modification or accommodation to participate in the meeting, he or she should contact the District's administration offices at (916) 988-4373. Requests must be made as early as possible and at least two full business days before the start of the meeting.

5.5.8.4 Board Discussion and Resolution

Following closure of public input, the Board shall discuss the item, taking the action it deems desirable by motion. Individual Directors may ask questions of members of the audience through the Chair but such questions and answers shall not become a debate. All other audience input shall be deemed "out of order" by the Chair unless the Board, by majority vote, determines that additional input is desirable.

5.5.9 Ex Parte Contact and Disclosure

If a Director talks to or is otherwise contacted by a third party in a quasi-judicial matter pending before the Board, that Director must disclose to the Board of Directors that he or she was contacted and disclose the name of the person who contacted them.

5.5.10 Amendment of Parliamentary Procedure

By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting:

- (a) Temporarily suspend these rules in whole or in part,
- (b) Amend these rules in whole or in part, or
- (c) Both.

5.6 Conflict of Interest

Directors shall abstain from participating in consideration on any item involving a legally prohibited conflict of interest and shall declare the nature of the conflict to the Board.

6 BOARD ACTIONS AND DECISIONS

6.1 Quorum and Majority

Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business. Actions taken at a meeting where only a minimum quorum is present, therefore, require all three (3) votes to be effective.

6.2 Recusals and Abstentions

Under the Brown Act, **recusal** is a mandatory removal from all participation (discussion and voting) due to a legal conflict of interest, requiring the official to leave the room. **Abstention** is a voluntary choice to not vote, often due to a non-legal conflict or lack of information, while remaining present.

When a Director is recused in a vote due to a legal conflict of interest, including financial interest, the Director must leave the room. Recusals will be recorded as “absent” in regard to Board votes.

When a Director abstains in a vote with respect to a potential conflict of interest, the Director may remain present for discussion but does not cast a vote. When a Director abstains in a vote the abstention will be recorded as an abstention, which has the same effect as a “NO” vote.

Thus, if only three Directors are present and one is recused or abstains, then no action can be taken on the item because a “Majority of the Board” did not vote “YES.”

6.3 Board Action

Actions which may be taken by the Board of Directors include but are not limited to the following:

Adoption, amendment, or revision of District policies, procedures or regulations within the subject matter jurisdiction of the District or within the powers and purposes of the District as specified in the Recreation and Park District Law (Public Resources Section 5780 et seq.), (the “Act”). This includes, but is not limited to, regulations regarding the use of District facilities and the provision of recreation services to the full extent authorized by the Act;

- A. Adoption of fees, rates, charges, assessments and/or taxes as authorized by the Act and/or statutory provision;
- B. Approval and/or revision of the District’s annual budget;
- C. Approval of District expenditures, in the form of a claims report;
- D. Approval, revision and/or rejection of any contracts to be entered into by the District;

E. Approval and/or rejection of any action which permits the use of District facilities or property including, but not limited to permits, easements, licenses, rights of way, encroachment permits, development agreements, annexation agreements or any other form of entitlement to the utilized District property and facilities;

F. Approve or reject any claim for monetary damages against the District.

The Board may take action by motion, resolution and/or ordinance. The following procedure will govern the adoption and distribution of motions, resolutions and ordinances.

6.4 Methods by Which Board Takes Action

The Board may take action at any properly agendized meeting of the District Board of Directors pursuant to the Brown Act (Government Code Section 54956 et seq.,) (the "Brown Act") by utilizing any of the following procedures:

- A. Upon motion of one Board member, seconded by an additional Board member, and duly adopted by a majority vote of the authorized number of the Board of Directors of the District and recorded in the official Minutes of Meetings of the Board of Directors of the District.
- B. By resolution, after motion seconded, and a majority vote of the authorized members of the Board, such resolution to constitute a separate document recording the act taken by the Board, which includes the votes of individual members of the Board on the issue of adoption of the resolution, which is signed by the Chairperson of the Board of Directors, and attested and certified by the Clerk of the Board; or
- C. By Ordinance, pursuant to the procedures set forth in Title 3, Division 2, Part 2, Chapter 1, Article 7 of the Government Code Section (Government Code Section 25120, et seq.).

A majority of the members of the Board of Directors may give directions to staff to perform certain actions that do not constitute formal action of the Board and do not require the adoption of a formal resolution or ordinance. In such cases the Minutes shall reflect the directions given to staff by a consensus of the majority of the members of the Board. Such direction will usually include a Board directive and instructions to the District Administrator.

- A. Through discussion with Board members the Chairperson of the Board shall determine whether a consensus exists for a particular Board direction to be given to staff. Should there be a dispute among Board members a voice vote may be requested and taken among members of the Board regarding the proposed Board directive to staff.
- B. No individual member of the Board of Directors shall have the power to direct staff with respect to any issue.

6.5 Board Resolutions

Generally, a resolution of the Board of Directors records Board action which the Board is requiring of itself or the District, as a public agency, which action will not directly affect the District's customers or residents. Resolutions generally constitute an expression of policy or opinion concerning some particular item of business before the District, and often relates to the administrative activities of the District. A list of resolution guidelines is attached hereto as Exhibit D.

Resolutions may be adopted by the Board of Directors at the meeting in which they are introduced on the agenda. Resolutions which are adopted by the Board of Directors are effective immediately unless otherwise specified, and need not be published after adoption by the Board of Directors in order to be effective.

Any District resolution may be amended or repealed after being properly agendized pursuant to the provisions of the Brown Act and after compliance with the same procedure for adopting the resolutions specified in this policy.

6.5.1 Resolutions Affecting Real Property

Resolutions affecting real property are those Board resolutions documenting action by the Board of Directors conveying or accepting grants of real property with respect to non-District property or granting easements with respect to District property; granting, revising, or terminating any lease of subject property; granting concession, right of entry, right of use, access permits, or encroachment permits to members of the public with respect to use or access to District real property.

Resolutions affecting real property and adopted by the Board shall have attached as exhibits any and all agreements, easements, liens, licenses, permits, leases, and/or other documents which are the subject matter of that particular resolution.

6.5.2 Resolutions Regarding General District Business

These resolutions document all other actions taken by the Board of Directors regarding issues within the subject matter jurisdiction of the District that do not involve real property but for which the District desires to provide written, certified evidence of the formal adoption of specified actions by the Board on behalf of the District upon which third parties may request, such as banks, lessors, finance companies, vendors, contractors, consultants, etc.

If such a resolution acts to authorize a specific District policy, contract, or document, any and all such items referred to in such resolution shall be attached to said resolution as an exhibit and retained in the District's Resolution Book.

Such resolutions include resolutions of commendations issued by the Board of Directors to District employees, individual Board members, citizens of the District or other persons for the purpose of commending specified actions taken by such individuals which improve District facilities or services to benefit the District and

its constituents in some identifiable way. Such resolutions may be printed on special paper, or be framed.

6.5.3 Record Keeping for Resolutions

All original resolutions shall be signed by the Chairperson of the Board of Directors, attested by the Clerk of the Board, and filed in the District's Resolution Book which identifies resolutions by number reference that specifies the fiscal year of adoption of the resolution and the number assigned to that resolution by staff during that fiscal year. Resolutions are usually numbered consecutively as they are adopted by the Board of Directors.

In addition, resolutions approving Board actions which impact third parties such as resolutions affecting real property or resolutions approving contracts or agreements, copies of such resolutions shall be forwarded to third parties affected by the Board action specified in such resolution.

6.6 Board Ordinances

Any action which the Board of Directors may wish to take which will have the full effect of law and be judicially enforceable as to members of the public such as customers and residents of the District shall be adopted by ordinance. If any Board action will potentially and directly affect members of the public within the District's jurisdiction, then the Board should take such actions by ordinance; otherwise, the Board may take such action by resolution. Examples of Board actions requiring action by ordinance are the following: (a) the levying and collection of rates, fees and charges with respect to District services and/or use of its facilities; (b) the levying and collection of any special taxes; (c) the levying and collection of any assessments, including the Landscaping and Lighting Assessment for park and recreational purposes; (d) the levying and collection of special taxes pursuant to the Mello-Roos Community Facilities District Act (the "Mello-Roos Act"); (e) the adoption of any rules and/or regulations regarding the use of its facilities which may be enforced by criminal sanctions and/or penalties.

6.6.1 Procedures for Adoption of Ordinances

The District shall follow the procedures for ordinance passage specified for counties set forth in Government Code Sections 25120 through 25132, as required by Public Resources Code Section 5786.1. These requirements and procedures include specific timeframes that must be followed for public notice, specific requirements for passage, publication, and recordation of the ordinance; and specific language for the ordinance itself.

A. Title

- B. Each ordinance should have a title for ease of reference and to allow the reading of the entire ordinance to be weighed at the Board meeting at which the ordinance is first introduced.

C. Enacting Clause

All ordinances passed by the Board must use the following enacting clause:

“The Board of Directors of the Orangevale Recreation & Park District hereby ordains as follows.”

D. Reading of the Ordinance for the Record

E. All ordinances must be read in full at the time of introduction, which introduction must be by means of being properly agendized pursuant to the Brown Act at a regular meeting of the Board of Directors. Upon the introduction of any ordinance, the Board may, by majority vote, waive the reading of the entire text of the ordinance as introduced, and simply introduce the ordinance by reading the title of the ordinance.

F. Except for an urgency ordinance, no ordinance may be passed at the time of its introduction, nor within five (5) days of its introduction.

G. Adoption of the Ordinance

After introduction at a regular meeting of the Board of Directors, any ordinance may only be adopted at a regular meeting of the Board of Directors in accordance with the following procedures:

A. Publication and Posting Requirement

B. The District must cause publication and posting of each ordinance at least five (5) days prior to the meeting of the Board at which the proposed ordinance is to be voted on, which publication shall be in a newspaper of general circulation throughout the District.

1. Publication of an ordinance may be accomplished by the publication of the entire text of the ordinance, or it may be accomplished with the publication of a summary of the provisions of the ordinance prepared by an official designated by the Board, which summary is approved by the Board prior to certification. In addition a certified copy of the full text of the proposed ordinance must be posted in the District's office at least five (5) days prior to the Board meeting at which the proposed ordinance is to be voted on.
2. If it is not feasible to prepare a fair and adequate summary of the proposed ordinance, if the Board so orders and approves, a display advertisement of at least one quarter (1/4) page in a newspaper of general circulation within the District shall be published at least five (5) days prior to the Board meeting at which the proposed ordinance is to be voted on, which advertisement shall provide the general nature of

and provide information about the ordinance and where to obtain copies.

C. Alteration of the Proposed Ordinance

If an ordinance is altered after its introduction, the ordinance may be passed only after the passage of at least five (5) days from the date of the alteration at either a regular Board meeting or an adjourned regular meeting of the Board. Simple corrections of typographical or clerical errors which do not affect the substance of the ordinance are not considered alterations and are not subject to the five (5) day alteration requirement.

D. Votes

All ordinances require at least a majority vote of the total membership of the Board except urgency ordinances which require a four-fifths (4/5) vote of the Board.

E. Recordation of Votes on Ordinance

Upon passage of any ordinance, the votes of the Board members voting for, against, abstaining, or having been absent, shall be entered on the ordinance itself.

F. Effective Date of Ordinances

Ordinances generally become effective on the thirty-first (31st) day after adoption, provided that, before the expiration of fifteen (15) days after passage of an ordinance, it must be published a second time in the format in which it was adopted, in a newspaper of general circulation published throughout the District, with the names of the members of the Board of Directors voting for, against, abstaining, or absent.

If the Board fails to publish the summary or text of the ordinance as adopted within fifteen (15) days after the date of the adoption, the ordinance will not become effective until thirty (30) days after the eventual date of publication.

G. Urgency Ordinances

Urgency ordinances take effect immediately. However, urgency ordinances must still be published within fifteen (15) days after adoption. The following ordinances take effect immediately:

1. Ordinances calling or otherwise relating to an election, whether general or special;
2. Ordinances specifically required by the Government Code or by any other law to take immediate effect;
3. Ordinances fixing the amount of money to be raised through special taxes, or the rate of special taxes to be levied;

4. Ordinances for the immediate preservation of public peace, health or safety, which shall contain a declaration of the facts constituting the urgency and shall be passed by a four-fifths (4/5) vote of the Board;
5. Ordinances specifically relating to the adoption or implementation of a Memorandum of Understanding of an employee organization;
6. Ordinances relating to salaries and benefits or other compensation of officers of the District, other than elected officers and employees.

H. Post Adoption Posting Requirement

Beginning with the date the ordinance is adopted and for at least fifteen (15) days after the passage of the ordinance it must be continuously posted in the form in which it was adopted by the Board in the District's office. Both posting and publication of the ordinance after adoption are necessary for the ordinance to become effective.

I. Record Keeping for Ordinances

After adoption of an ordinance, the original of the ordinance signed by the Chairperson of the Board of Directors and attested by the Clerk of the Board shall be filed in the District's Ordinance Book together with two (2) proofs of publication evidencing the fact that said ordinance was published both before and after adoption as required by the provisions of this policy.

7 CONFLICT OF INTEREST

7.1 Policy

It is the policy of the District that members of the Board of Directors and designated employees of the District should at all times avoid conflicts of interest in the performance of their duties on behalf of the District. Members of the Board and designated employees are implicitly bound to exercise their powers and perform their duties with skill and diligence and for the benefit of the public which the District serves. Members of the Board and designated employees shall avoid any personal interest, whether financial or non-financial, that interferes with that person's ability to perform in accordance with this standard.

This conflict-of-interest policy describes the several different types of conflicts of interest members of the District Board and employees must avoid in order to comply with the statutory requirements. These different types of conflicts of interest are as follows: (1) conflicts of interest under the Political Reform Act which provides that public officials are disqualified from participating in governmental decisions in which they have a financial interest; (2) the requirements of Government Code Section 1090 that a public official or employee may not participate in the making of a contract of the District in which he or she has a financial interest; (3) legal restrictions on gifts, honoraria and travel expenses; (4) legal restrictions on mass mailings; and (5) avoiding incompatible public offices. The Board understands that the statutory conflict of interest requirements may be amended from time to time by the Legislature and nothing in this policy is intended to alter the statutory requirements.

7.2 Conflicts of Interest Under the Political Reform Act

7.2.1 Determining If a Conflict of Interest Exists

Under the Political Reform Act (the "PRA"), a public official is disqualified from participating in government decisions in which he or she has a personal, material financial interest. To determine whether a conflict of interest exists under the PRA, five questions must be addressed as follows:

1. Is a public official making, participating in the making, or using his or her official position to influence the making of a District governmental decision?
2. Does the public official have a statutorily defined economic interest in the outcome of a District decision?
3. Is it reasonably foreseeable that the District decision could materially affect the public official's economic interest?

4. Are the personal financial effects of a District decision “material” in accordance with the regulations and monitored thresholds specified by the Fair Political Practices Commission (“FPPC”)?
5. Will the effect of the District decision on the public official’s economic interest be distinguishable from its effect on the public generally?

If the answer to all five of these questions is yes, a conflict of interest exists and the public official in question must disqualify himself or herself from participating in the District decision. Conflicts of interest under the PRA must be assessed on a case-by-case basis for possible conflicts of interest in light of their individual facts. Members of the Board and employees of the District must examine each transaction from this perspective to determine if a conflict of interest exists which triggers this qualification requirement.

7.3 Economic Interests Covered

The PRA addresses five kinds of interests: (1) investments in business entities; (2) interests in real property; (3) sources of income; (4) holding positions with business organizations; and (5) donors of gifts and their agents or intermediaries. The PRA specifies the minimum amount of investments, income or gifts which must exist before an “interest” is created. A District Board member or designated employee with an investment, income or gift which is more than the minimum specified in the PRA, creates the potential of a material financial effect on that individual’s economic interest should that individual be required to participate in the making of or influencing a District decision which affects that individual’s financial interest.

7.3.1 Business Investments

A Board member or designated employee has an interest in a business entity when that individual has any direct or indirect investment of \$1,000.00 or more in any business entity operated for profit regardless of the form of the business whether a corporation, partnership, joint venture, sole proprietorship or some other type of enterprise.

An “indirect investment” includes investments owned by the spouse of a Board member or designated employee, by dependent children, as well as investments owned by someone else on behalf of the Board member or employee, such as a trust arrangement.

7.3.2 Interest in Real Property

A Board member or designated employee has an interest in real property when that individual, or the spouse or dependent children of that individual, have a direct or indirect equity, option, or leasehold interest of \$1,000.00 or more in a parcel of real property located within the District or within two miles of the jurisdictional boundaries of the District.

7.3.3 Sources of Income

A member of the Board or designated employee of the District has a financial interest in any source of income received by or promised to that individual which totals more than \$500.00 in the twelve months prior to the decision in question. A conflict of interest exists whenever either the amount or the source of the individual's income is affected by a District decision. Both detrimental as well as positive effects on the amount or source of income of the Board member or designated employee can create a conflict of interest.

Income includes salary or wages, gifts, reimbursements of expenses, sales proceeds, certain loans, including the employee's or director's community property interest in his or her spouse's income.

7.3.4 Business Positions

A member of the Board or designated employee of the District has an economic interest in any business entity in which he or she is an officer, director, employee, or holds any business position regardless of whether the individual has an investment or receives income from the business entity.

7.3.5 Donors of Gifts

A member of the Board or designated employee of the District has a financial interest in the donor of a gift that totals more than the amount established by the FPPC on an annual basis as set forth in 2 California Code of Regulations 18940.2. The definition of "gifts" is described more particularly in Exhibit A.

7.4 Foreseeability

A member of the Board or designated employee of the District is not required to abstain from participating in a District decision unless the effect of the decision on the individual's personal economic interest is reasonably foreseeable under all the circumstances at the time the decision is made. There must be a reasonable possibility based on the facts available to the Board member or employee at the time of the decision, that the effects on that individual's economic interest will occur.

7.5 Material Financial Effect

To create a conflict of interest the effect of the decision of the Board member or designated employee on his or her economic interest must be material in light of the specific monetary limits and thresholds set forth in the FPPC regulations.

7.6 Different Effects on Public Generally

If a member of the Board or designated employee of the District has an economic interest and the District decision in question will foreseeably have a material effect on that economic interest, the individual would be disqualified from participating in the District decision if the decision will affect the individual's personal financial interest differently than it does the "public generally." If a member of the Board or a designated employee is participating in a District decision which will affect the general public's financial interests in the same manner as it does the individual Board member or employee, then no conflict of interest exists for that individual. For example, participating in a decision with respect to rates and fees charged for District services or use of District facilities will affect the financial interests of a member of the Board or designated employee of the District in the same way as it will other members of the public who will be obligated to pay the new rates and/or fees, so that no private or public conflict of interest occurred in such situations.

7.7 Acceptance of Gifts

Under this policy a "gift" is defined as any gift of money, property, rebate, discount, ticket, travel expense advance and/or reimbursement or any other property of value. Employees of the District are prohibited from accepting any gift, directly or indirectly, from any person, company, firm, corporation, or other business to which any purchase order or contract for property or services is or might be awarded by the District. This policy shall not prevent an employee from attending a lunch paid for by a vendor or contractor after completion of a project in which such vendor and/or contractor has been involved provided such attendance has been approved by the District Administrator. Board members are prohibited from accepting any gift, directly or indirectly, from any single source in a calendar year with a value in excess of the maximum prescribed by Government Code Section 89503 which amount is currently \$460.00. Board members may not participate in any way in discussions, negotiations, resolutions, or decision that affects an entity or individual that has been a source of gift to that Board member in the amount set forth in 2 California Code of Regulations Section 18940.2 or more in the past twelve (12) months pursuant to Government Code Section 87103. Further, members of the Board of Directors and/or designated employees are prohibited from making, participating in making, or using their official positions to influence the making of any District decision which will affect either the business, organization or individual that makes the gift to that District officer or employee, or which impacts the amount or value of such a gift.

Travel expenses of Board members including costs of transportation, accommodations and meals provided by any private business or corporation, a private interest group or organization and certain nonprofit organizations are generally considered a gift to that board member and must annually be reported on that Board member's FPPC Statement of Economic Interest Form 700 filed pursuant to the District's Conflict of Interest Code (Exhibit A). Under certain circumstances receipt of travel expenses by a Board member or employee of the District less performed work or services benefiting the District in exchange for such travel expenses, may be considered reportable

income, rather than a gift, to that public official pursuant to the District's Conflict of Interest Code (Form 700 Schedule F). Certain types of travel expenses may not lead to a prohibitive conflict of interest and may not be reportable on Form 700, such as travel expenses provided when a public official gives a speech, participates in a panel or seminar, or performs a similar service. Members of the Board and designated employees of the District are directed to the Instruction Manual for Form 700 each year to become aware of these special rules that apply to receipt of travel expenses.

7.8 Limits on Honoraria

7.8.1 Definition of Honoraria

An honoraria is a payment made in consideration for any speech given, article published, or attendance at a public or private conference, convention, meeting, social event, meal, or similar gathering.

7.8.2 Limits on Honoraria

The Act prohibits receipt of honoraria by any elected member of the Board of the District or by any designated employee of the District.

7.8.3 Return or Donation of Honoraria

The limitations on honoraria do not apply if within thirty (30) days of the receipt of the honoraria, the honoraria is returned unused, is donated to the general fund of the District, or is donated to a charity and not claimed as a tax deduction.

7.9 Economic Disclosure Provisions

In addition to the requirements that members of the Board and designated employees of the District disqualify themselves from conflicts of interest situations, these individuals whose participating in District decision making could affect their economic interests are required under the PRA to file economic interest statements (Form 700) annually which are public records. Disclosure serves a two-fold purpose. First, making assets and income of members of the Board and designated employees of the District a matter of public record. Secondly, by making the public aware of what constitutes economic interests subject to conflicts of interest, disclosure enables Board members and employees of the District to be able to identify conflict of interest situations when they arise and disqualify themselves from participating in discussions when appropriate.

7.9.1 Conflict of Interest Code

The District's Conflict of Interest Code attached hereto as Exhibit A, lists the categories of Board members and designated employees of the District who are required to file a Statement of Economic Interest (Form 700), and describes the economic interests which are subject to reporting. The Conflict-of-Interest Code

also specifies when Board members and designated employees of the District must file their Form 700s and with whom.

All Form 700s are available for public inspection during regular business hours pursuant to the District's public record policy (See Section 10).

7.10 Mass Mailing Restrictions

The Act prohibits incumbent elected directors of the District from authorizing the use of District funds to produce mass mailings to residents and customers of the District which feature the elected Board member and increase the Board member's exposure to the public.

7.10.1 Basic Prohibition

The Act prohibits the District from mailing more than two hundred (200) substantially similar tangible items in any one (1) calendar month, by any means, to recipients of the District if such mass mailing is prepared and mailed at District expense and features an elected member of the Board, including the name, office, photograph or other reference to an elected Board member.

7.10.2 Exceptions

The Act specifies the following exceptions to the general prohibition:

1. Any item in which the elected Board member's name appears only in the letterhead, or a roster listing containing the names of all members of the Board, or a listing of a member of the Board on the envelope of the District;
2. A press release sent to members of the media;
3. Any intra-District communication to staff during the normal course of business;
4. Any item sent by the District in connection with the payment or collection of rates, fees, charges or assessments;
5. Any District or telephone directory, organizational chart, or similar listing or roster;
6. An announcement sent to an elected Board member's constituents concerning a public meeting which is directly related to the elected Board member's duties on behalf of the District which is held by the elected Board member and which the elected Board member attends.

7.11 Conflicts of Interest in Contracts

A Board member or designated employee of the District may not participate in the making of a contract or influence the negotiation of a contract in which he or she is financially interested. A Board member is conclusively presumed to have participated in the making of any contract executed by the Board or the District, even if the Board

member has disqualified himself or herself from any and all participation in the making of the contract. Any Board member or designated employee of the District who participates in the process by which a contract is developed, negotiated and executed and in which such Board member or employee is financially interested is a violation of Government Code Section 1090. Any contract made in violation of Government Code Section 1090 is void and cannot be enforced.

7.11.1 Persons Covered

- A. All Board members are covered because they are conclusively presumed to be involved in the making of all contracts by the District. All employees and consultants of the District also come within the prohibitions of Government Code Section 1090.
- B. Nature of Financial Interest in a Contract
- C. The following economic relationships generally constitute a financial interest in a contract prohibited by Government Code Section 1090:
 - 1. Employee of a contracting party;
 - 2. Attorney, agent or broker of a contracting party;
 - 3. Supplier of services or goods to a contracting party;
 - 4. Landlord or tenant of a contracting party;
 - 5. Officer or employee of a nonprofit corporation which is a contracting party with the District.
- D. Remote Interests
- E. Government Code Section 1091 enumerates specific financial interests of Board members and employees of the District in contracts of the District which trigger abstention for Board members, but which do not prevent the Board from making the contract. Members of the Board and the designated employees of the District should consult Section 1091 for the definition of the specific interests which constitute a remote interest.
- F. Non-Interest
- G. Section 1091.5 enumerates the specific financial interests in contracts of the District which do not prevent a Board member or employee from participating in the making of a contract, and do not require abstention or disqualification, which interests are referred to as “non-interests.” Again, Board members and District staff are urged to consult Section 1091.5 for the specific types of interests which constitute “non-interest.”

7.12 Incompatible Offices

The legal restrictions on incompatible offices deals with the potential clash of two public offices held by a single individual, as opposed to a conflict of interest which involves a clash between an individual's private interests and his or her public duties.

The law prohibits a public official from holding two public offices simultaneously, where there is a potential conflict or overlap in the functions or responsibilities of the two offices.

8 COMPLAINTS

8.1 Purpose

The Board of Directors desires that public and policy complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic. This policy is not intended to prohibit or deter a member of the community or staff member from appearing before the Board to verbally present a statement in regard to actions of the Board, issues regarding District programs and services, or issues pending before the Board.

8.2 Definition

A complaint is an allegation by a member of the public that he or she has been adversely affected by the misinterpretation or misapplication of a District ordinance, policy, or other District action.

8.3 Method of Resolution

The method of resolving complaints shall be as follows:

- A. **Staff:** The individual with a complaint will be directed to the appropriate staff for discussion. If the matter is not fully resolved with the first staff encounter, the Department Head will make themselves available to the individual to discuss a resolution of the complaint.
- B. **District Administrator:** If the individual registering the complaint is not satisfied with the disposition of the complaint by staff, the complaint will be forwarded to the District Administrator. Within a reasonable time, the District Administrator shall connect with the person filing the complaint to resolve the matter if, in the opinion of the District Administrator, a meeting will assist in a resolution. At the option of the District Administrator, he/she/they may conduct interviews and/or review written documentation in reviewing the allegations of the complaint. The District Administrator shall record his or her decision in writing, providing a copy to the individual registering the complaint.
- C. **Board of Directors:** If the individual filing the complaint is not satisfied with the disposition of the matter by the District Administrator, a written complaint may be filed with the Board of Directors within ten (10) days of receiving the District Administrator's decision. Formal written complaints should be filed on the Districts "Formal Complaint Form" (Exhibit B)

The District Administrator shall provide a copy of the written complaint as well as his/her response to the complaint to the Board as an agenda item under "Correspondence".

If a Board member disagrees with the District Administrator's decision and/or feels further information is needed to resolve the complaint, the Board

member shall state his/her concerns regarding the decision. If a majority of the Board feels the matter resolves additional consideration, the Board may consider the matter at the next regular meeting or call a special meeting. In making the final decision, the Board may request oral testimony and/or review written documentation. The Board's decision shall be memorialized in writing with a copy provided to the individual registering the complaint. If the Board does not disagree with the District Administrator's decision, no further action on the matter shall be taken and the District Administrator's decision shall be deemed the decision of the Board.

All decisions of the Board of Directors are final.

9 INDEMNIFICATION OF DISTRICT EMPLOYEES AND BOARD MEMBERS BY DISTRICT

9.1 Purpose of Policy

The law requires the District to defend and indemnify either an employee or a Board member in a civil court proceeding arising out of personal injury or property damage caused by a negligent or wrongful act or omission occurring within the employee's or Board member's scope of duties, and to indemnify the employee or Board member for the amount of any settlement or judgment resulting from such claims. The purpose of these statutory indemnification provisions is to eliminate the concern of District employees and Board members that they might be forced to finance their own defense and pay any damages resulting from claims by third parties arising out of the good faith performance of their duties for the District.

9.2 Defense of Employee or Board Member

Generally, the District will provide defense for an employee or Board member against the claim unless the District determines that the act or omission of the employee or Board member is not within the scope of employment or their duties, or if the employee or Board member acted or failed to act because of actual fraud, corruption or actual malice. In these situations, the District will deny any request of an employee or Board member to have the District defend their interest with respect to the claim.

The District's obligation to provide a defense applies to civil actions only, and does not apply to disciplinary proceedings, administrative proceedings, or criminal proceedings.

9.2.1 Method of Providing Defense

The District may provide the employee or Board member with a defense through the District's own counsel, by employing other counsel, or by asking its liability insurance coverage provider to provide a defense through counsel of the insurance coverage provider's choice. The District shall respond in writing to the request of an employee or Board member that the District provide for their defense to a claim.

9.3 Indemnification of Employee or Board Member by District

In those circumstances in which the District assumes the defense of an employee or Board member, the District is required by law to pay any judgment issued by a court against the employee or Board member or pay any settlement on behalf of the employee or Board member to which the District has agreed.

9.3.1 Exceptions

The District's duty to indemnify an employee or Board member with respect to a claim applies only to civil proceedings arising out of personal injury or property damage caused by an act or omission of the employee or Board member in the

scope of their respective duties on behalf of the District. The duty for the District to indemnify does not extend to any damage claim arising out of an act or omission of an employee or Board member which action is not within the course and scope of the duties of that employee or Board member. In addition, the District has no duty to indemnify an employee or Board member against a claim which arises out of the fraud, corruption, or actual malice of an employee or Board member.

9.3.2 Defense and Indemnification Pursuant to Reservation of Rights

Under certain circumstances, the District may assume the defense of an employee or Board member with respect to a claim and reserve its rights to refuse to pay a judgment or to settle a claim against the employee or Board member on the ground that the injury or alleged damage claimed arose out of an act or omission of the employee or Board member that was not within the scope of their respective duties on behalf of the District. If the District reserves its rights on this ground, and the employee or Board member fails to establish that he or she acted within the course and scope of their duties on behalf of the District, then the District will not be liable to indemnify the employee or to pay damages to his claimant.

9.4 Consultation with Legal Counsel

Due to the complexities in the law regarding the District's duty to defend and indemnify employees and Board members with respect to certain claims, in most circumstances District staff will consult District Legal Counsel with respect to the District's duty to defend or indemnify an employee or Board member with respect to any particular alleged claim against the District. All communication with legal counsel must go through the District Administrator and/or the Board of the Chair.

All invoices for legal counsel will be presented to the Board via confidential correspondence.

10 PUBLIC RECORDS POLICY

10.1 Purpose and Scope of Policy

This policy sets forth guidelines for requesting access to inspect and/or obtain copies of public records maintained by the District.

Generally, the Public Records Act (the “Records Act”) found at Government Code Section 6250 et seq., requires that the records the District generates in its work be open to public inspection and that copies be made at cost and on request. The Records Act is based upon state policy that access to government information is a fundamental and necessary right of every person in this state. The Records Act provides that certain information must be withheld from public inspection in order to protect personal privacy, allow local governments to negotiate effectively, and to obtain confidential legal advice. Accordingly, the Records Act specifies exemptions to the duty of the District to make public records available for inspection and copying by the public.

The purpose of this policy is to provide guidelines for District staff to determine whether the disclosure or nondisclosure of requested District records is appropriate under the Records Act, and the proper procedure for responding to such requests from the public. In general, compliance with the Records Act requires the District to balance the public’s right to know how its local government is operating and the protection of individual privacy rights.

10.2 Definition of “Public Record”

A District public record consists of any writing containing information relating to the conduct of the public’s business, whether handwritten, printed, photocopied, photographed, electronic mail, facsimile, video, film, audio tapes, and any other form of communication or representation, prepared, owned, used or retained by the District in the ordinary course of its business.

The Records Act only requires disclosure of existing, reasonably identifiable records. The District has no duty under the Records Act to comply with requests that prospectively seek records that do not yet exist, or to compile new information, data, or create new reports or records in order to respond to information requests from members of the public.

Duties of District in Responding to Requests for Public Records:

10.2.1 Responding to Requests for Public Records

District records, which must be disclosed under the Records Act are available for public inspection by members of the public at any time during business hours. Any request for public records to the District must be made in writing and submitted in person, or by mail or e-mail. People interested in reviewing or obtaining copies of District records are encouraged to make a file review appointment in advance. Appointments are not mandatory, but they will help the District facilitate production of the records requested. At the time of the

appointment those records which the District has identified as responsive to the request will be made available for review by the requester in the file review area of the office. Since it is a crime to steal, remove, destroy, mutilate, deface, alter, or falsify District records, in some cases District staff may be assigned to observe the file review process in order to protect the integrity of District records.

The Records Act provides that the District may, upon a request for inspection of District records, investigate whether the request, in whole or in part, seeks copies of disclosable public records in possession of the District that are exempt from public disclosure pursuant to the terms of the Records Act. The Records Act provides the District a period of ten (10) calendar days from the date of the written request to inspect the records to make this determination. The District will respond in writing within ten (10) days of receiving the request whether and to what extent it will provide access to the records requested and, if not, the exemptions under the Records Act which preclude the District from disclosing the requested records.

If a portion of a District record is exempt from disclosure under the Records Act, the District will “redact” or edit the document to protect the confidential material, while making any reasonably segregable portion of the document which is not exempt from disclosure available to the requester. Any records which are wholly exempt from disclosure under the Records Act shall not be provided and the requester shall be advised of the exemption as stated in the Records Act.

10.2.2 Assistance to Requesters

The District will assist members of the public in obtaining access to District records by helping requesters identify records which are responsive to their request, including providing the location in which records are stored, or providing suggestions such as how to narrow a request to make it possible for the District to meet the request without undue burden on the requester. As an alternative to such assistance, the District may provide an index of its records to the requester to assist the requester.

10.2.3 Responding to Request for Copies of District Records

The District will provide copies of non-exempt District records on request and will charge its direct costs of duplication, which costs do not include staff time to locate or retrieve records or to make copies.

A request for copies of District records will be satisfied promptly, but in some cases the District may reserve its rights to determine the extent to which it is in possession of records responsive to the request and the extent to which such records may be exempt from disclosure to the public under the Act. The District will make this determination within ten (10) calendar days of receiving a written request for copies of District records.

In unusual circumstances the District may, by written notice to the requester, extend its time to provide copies for up to fourteen (14) additional days under the following circumstances:

1. The need to search for and collect the requested records from facilities separate from the District's office;
2. The need to search for, collect and examine a voluminous amount of separate and distinct records that are demanded in a single request;
3. The need for consultation with District Legal Counsel as to whether the Records Act permits disclosure of the records requested.

Such written notice will set forth the reasons for the extension and the date on which the determination is expected to be finalized and the date when those records which are determined to be disclosable will be made available.

If any District records are found to be exempt from disclosure, the District will notify the requester in writing within the timeframes specified herein of those requested records which are deemed to be exempt from disclosure, and the basis of such exemption. This notice shall contain the names and titles of those people responsible for the denial.

In those cases, involving requests for voluminous records, the District retains the option to send its records to a copy service for copying, rather than copying them in the District office. The District will require the requester to pay the copy service charges to the District before receiving copies of the requested documents from the District. The District will also permit members of the public to arrange for a bonded copy service to come to the District office to make copies of requested documents on their behalf. The District encourages requesters to make advance arrangements with the District in retaining copy service companies to come to the District office to make copies on their behalf.

10.3 Providing Copies of Board Agenda Documents

Copies of agendas as supporting materials for regular and special meetings of the Board distributed to a majority of the Board of Directors shall be made available to the public at the same time as such documents are made available to members of the Board of Directors. However, certain documents contained within the agenda supporting documentation that are confidential and privileged as a result of the attorney-client privilege, or other applicable privileges, will not be distributed to the public as those documents are exempt from disclosure under the Records Act. A limited quantity of agendas together with non-privileged supporting documentation will be copied in advance of each meeting and made available to the public in attendance at the meeting at no charge. Individuals requesting copies of the agenda and supporting documentation for any regular or special board meeting prior to the board meeting will be charged the then current copying charge. Copies of agendas and supporting documentation for board meetings, upon payment of the applicable copying charge, will

be available to the requester no earlier than seventy-two (72) hours before any regular meeting of the Board, and twenty-four (24) hours before any special meeting of the Board.

10.4 Copying Charges

Individuals requesting copies of District documents that are not privileged or otherwise exempt under the Records Act will be charged at the then current copying charge as indicated in the District's Fee Schedule. Said fees shall be paid to the District prior to the District's delivery of the requested records to the requester.

10.5 District Records Exempt from Disclosure Under the Records Act

The Records Act provides that certain information must be withheld from public inspection in order to protect personal privacy, to allow the District to negotiate effectively with respect to labor negotiations and real estate negotiations, or to obtain confidential legal advice. Therefore, the Records Act specifies various categories of exempt records which the District is not obligated to make available to the public. The Records Act lists many such exemptions which may be applicable to a specific request for District records which are too numerous to specify in this policy but are listed at Government Code Section 6276.02 through 6276.48.

In addition to these specific exemptions in the Records Act, the Records Act also provides that the District shall not disclose any District record when the facts of the particular case demonstrate that the privacy interests served by not disclosing the record clearly outweigh the public interest served by disclosure of the record.

Examples of the exemptions commonly applicable to District records are as follows:

- A. Preliminary drafts, notes, or inter-agency or intra-agency memos that are not retained by the District in the ordinary course of business.
- B. Records pertaining to pending litigation involving the District, or to claims filed against the District for monetary damages.
- C. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- D. Any record which is privileged under any other law including attorney-client communications, attorney work-product, and patient-physician communications.
- E. Additional privileged information includes the official information privilege which makes confidential information acquired in confidence by any District employee in the course of his or her duties performed on behalf of the District.
- F. An additional privilege which protects communication between agency decision makers before decisions are made to protect information the disclosure of which could reveal the thought processes of government officials and discourage

candid discussion within the District and thereby undermine its ability to perform its functions.

- G. Real estate appraisals and engineering or feasibility estimates and evaluations relative to the acquisition of property, or to prospective public supply and construction contracts.
- H. Security assessments that assess the District's vulnerability to terrorist attack or other criminal attacks intended to disrupt the District's operations and that is for distribution or consideration in a closed session.
- I. Financial data filed with the District by a contractor, developer, or any other person which is required to establish that that person is qualified for the contract, license, permit, or entitlement being sought.

10.6 E-mail as a Public Record

The District recognizes that e-mail generates correspondence and other documentation which may be recognized as official District records in need of protection and/or retention in accordance with the Act. The e-mail system is intended as a medium of communication and should not be used for electronic storage or maintenance of documentation including, but not limited to, official District records.

Three types of e-mail messages constitute District records as follows:

- A. E-mail between the District and the public created or received in connection with official District business;
- B. E-mail that documents the formulation and implementation of policies and decisions; and
- C. Messages that initiate, authorize or complete a transaction of official District business.

If an e-mail message including any attachments thereto fall into any of these three categories, such e-mails constitute official District records which should be printed as a hard copy and filed and retained in accordance with the District's records retention policies. Generally, the District employee or official who is the sender of the e-mail should be the person responsible for printing and filing it, but persons responsible for a particular program or project file shall be responsible for retaining all e-mail which constitutes District documents that are sent or received related to that program or project.

Any e-mail communication that does not fall within one of the three enumerated categories shall be deleted once they are no longer needed. Individual employees are responsible for deleting e-mails in their respective mailboxes which do not constitute District records as specified in this policy.

It is the responsibility of individual District employees and their department heads to determine if an e-mail is an official District record that must be retained in accordance with the District's record retention policy. District staff should keep in mind, however, that preliminary drafts, notes, or inter-agency or intra-agency memoranda in the form of e-mail that are not retained by the District in the ordinary course of District business are not considered to be official District records subject to disclosure. Employees are encouraged to delete e-mail documents that are not otherwise required to be kept by law or whose preservation is not necessary or convenient to the discharge of their duties or the conduct of District business.

Periodically the District receives requests for inspection or production of documents pursuant to the Records Act, as well as demand by subpoena or court order for such documents. In the event such a request or demand is made for e-mail, the employees having control over such e-mail, once they become aware of the request or demand, shall use their best efforts, by any reasonable means available, to temporarily preserve any e-mail that is in existence until it is determined whether such e-mail is subject to preservation, public inspection or disclosure. The District Administrator shall be contacted regarding any such e-mails within District employee's control.

11 RECORDS RETENTION

11.1 Purpose

The purpose of this policy is to: provide guidelines to staff regarding the retention or disposal of public records of the District; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements. This section also provides the District's intent as to document management, storage, and backup.

The District's records management system is designed to apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of District records with the goal of ensuring that records are kept only as long as they have some administrative, fiscal, or legal value to the District. Records of the District should not be retained "just in case" if they have no administrative, fiscal, or legal utility to the District. When records of the District no longer fulfill the value for which they were created, they should be destroyed unless they also have some historic or research significance. If that is the case the records should be preserved by an appropriate historical agency.

11.2 Scope of Retention Policy

This policy shall apply to all public records of the District. "Public Records" are defined as any writing containing information relating to conduct of the public's business prepared, owned, used, or retained by the District in the course of its business, regardless of physical form or characteristics. Therefore, Public Records include any handwriting, typewriting, printing, facsimiles, photographs, photocopies, electronic mail, film, audio tape, and any other means of recording containing information including words, pictures, sounds, symbols, or combinations thereof.

11.3 Authorization

The District Administrator is authorized by the Board of Directors to interpret and implement this policy, including but not limited to determining which Public Records should be included in each category of records under this policy; appraising the utility to the District of various categories of Public Records; identifying vital and/or confidential records; and establishing reasonable retention periods for various categories of Public Records.

11.4 Records Retention Schedule Principles

Pursuant to the provisions of Government Code §§ 60200 through 60203, Public Resources Code § 5786.9(c), and the Local Government Records Management Guidelines prepared by the Secretary of State, the following principles will govern the retention, management and disposal of Public Records of the District.

11.4.1 Inventory of Records

The District Administrator shall cause a records inventory of the District's records to be conducted. The inventory shall describe the type of records, volume of each type of records, where the records are kept, and how the records are used. The following information should be obtained during any inventory of District records: (1) prepare a list of categories of records with each category consisting of a group of similar records kept together as a unit either because they deal with a particular subject (budget, personnel, etc.) or result from the same activity (property assessments, utility bills, etc.) or have a special form (maps, blueprints, etc.); (2) determine the period of years covered by each category of records; (3) determine the activity level for each category of records in order to determine whether the records need to be stored in the office or at a remote location; and (4) note the volume of records in each category. The list of categories of records utilized by the District is attached hereto as Exhibit C.

11.4.2 Appraisal of Utility of Records

After completion of the record inventory each category of records shall be appraised for their utility and value to the District. The records appraisal will: (1) identify vital records that are permanent and may not be destroyed or disposed of pursuant to law; (2) identify records with historic and/or research value; (3) identify records that can be destroyed immediately because they have no administrative, fiscal, or legal utility to the District; (4) identify records that should be transferred to low cost storage.

11.4.3 Establishment of Retention Period

Establish reasonable retention periods for each category of records based upon the immediate and future usefulness of each category of records to the District. Retention periods should be assigned to records based on the principle that records should be retained only as long as they serve the immediate administrative, fiscal and/or legal purpose for which they were created, and that such categories of records should be disposed of when they no longer serve such purposes. The Records Retention Schedule listing the Categories of District Records and the retention periods assigned to each such Category of District Records is attached hereto as Exhibit C.

11.4.4 Disposal of Records

The District Administrator shall ensure that records are disposed of as soon as possible after fulfilling their respective administrative, fiscal or legal function in accordance with the retention period for each Category of Records specified in the District's Record Retention Schedule. Such disposition of records shall occur periodically at the discretion of the District Administrator. Disposition may include

recycling or destroying unneeded records or sending appropriate records of historical or research value to an archival facility.

The District's Record Retention Schedule shall be periodically evaluated by the District Administrator.

11.4.5 Email Retention

It is recommended that District staff retain emails concerning District business for a minimum of one year, and a maximum of 3 years, unless otherwise specified in the District's records retention policy.

11.5 Permanent Records

Pursuant to the provisions of Government Code Section 60201, the District may not destroy or dispose of any record that is any of the following:

- A. Any document relating to formation, change of organization, including annexations and/or detachments, or reorganization of the District;
- B. Any ordinance adopted by the District. However, an ordinance that has been repealed or is otherwise invalid or unenforceable may be destroyed or disposed of five (5) years after it was repealed or became invalid or unenforceable;
- C. Minutes of any meeting of the Board of Directors of District;
- D. Any record relating to any pending claim or litigation, including any settlement, judgment, arbitration award or other disposition of litigation within the past two (2) years;
- E. Any record which is the subject of any pending Public Records Act request made pursuant to the California Public Records Act at Government Code § 6250 et seq., until either (1) request for production has been granted; or (2) two years have elapsed since the District provided written notice to the requester that his or her request has been denied;
- F. Any record relating to any pending construction that the District has not accepted, or as to which a stop notice claim legally may be presented;
- G. Any document relating to any nondischarged debt of the District;
- H. Any document relating to the title for real property in which the District may have an interest, including but not limited to deeds, easements, right of entry agreements and leases;
- I. Any document relating to any nondischarged contract to which the District is a party;

- J. Any document that constitutes an unaccepted bid or proposal for the construction of installation of any building, structure or public work which is less than two years old;
- K. Any document which specifies the following:
 - 1. The amount of compensation paid to District employees, or members of the Board of Directors or independent contractors providing personal and professional services to the District;
 - 2. Relates to expense reimbursement to District employees or members of the Board of Directors, or to the use of District paid credit cards, or to any travel compensation mechanism utilized by the District;
 - 3. Notwithstanding the foregoing, Government Code § 60201 provides that any record described in Paragraphs (1) and (2) above may be destroyed or disposed of no earlier than seven (7) years after the date of payment to which the record relates.

11.6 Records Retained Through the County of Sacramento

The County of Sacramento works in partnership with the District for accounting and payroll functions. Therefor some records requests will be differed to the County of Sacramento.

12 FINANCIAL POLICIES

These Financial Policies are designed to accomplish the following purposes:

- A. Provide an effective planning tool for District revenues, expenditures and investments;
- B. Facilitate the preparation of annual budgets which will accurately estimate District revenues, expenses and fund balances in each of the funds maintained by the District;
- C. Guide the District's investment activities;
- D. Provide transparency to the public with respect to District financial transactions.

12.1 Accounting System

12.1.1 Purpose

These Accounting System Policies and Procedures are designed to provide for accurate financial reports regarding the assets, liabilities, revenues, expenses, and fund balances of the various accounting funds maintained by the District in conformity with generally accepted accounting principles.

12.2 Establishment of Accounting Funds

Governmental Accounting Standards Board Statement No. 34 (GASB Statement No. 34) defines the major governmental and enterprise (business activity) funds that the District is required to identify and separately present in District financial statements. The District utilizes the following major funds in its financial statements;

12.2.1 Governmental Funds

- A. General Fund. The General Fund is used to account for all activity associated with parks, recreation, open space, and community facility services rendered by the District.
- B. Orangevale Landscaping and Lighting Assessment District Fund (OLLAD). The Orangevale Recreation & Park District Board of Directors is the governing authority for the Orangevale Landscaping and Lighting Assessment District. The purpose of the assessment district is twofold; to finance the construction of park and recreation improvements, and to help maintain the District's existing park and recreation facilities.
- C. Kenneth Grove Landscaping and Lighting Assessment District Fund. The Orangevale Recreation & Park District Board of Directors is the governing authority for the Kenneth Grove Landscaping and Lighting Assessment District. The park district owns and maintains the landscaped frontage on

Greenback Lane for the Kenneth Grove subdivision. Each homeowner in the subdivision is annually assessed by the District for the cost of maintaining the landscape corridor.

- D. Parkland Dedication Fund (In Lieu Fees). This account consists of funds received from the issuance of building permits and in-lieu funds from developers. These fees are to be used only on qualified expenditure including new park facilities, new park land, improvements upon exiting park land, and replacement of existing equipment or facilities to improve functionality. Funds must be dedicated within five years of collection.
- E. Park Development Impact Fee Fund. This account consists of funds received from developers to fund the cost of park and recreation facilities needed in order to mitigate the impact of future development on park facilities. These fees are to be used only on qualified expenditures including purchasing new land and constructing new amenities that expand the existing capacity of use.

12.2.2 Receipts Other than Taxes

Receipts of the District including but not limited to fees and charges for recreational programs, facility and building rental fees, and other revenues received from other governmental agencies or private individuals, shall be deposited in the Board approved bank account. The Board of Directors shall review on a periodic basis all such deposits in the District's depository. Daily receipts deposited in the District's bank account are transferred monthly to the County of Sacramento.

12.2.3 Fees and Charges

The Board of Directors shall annually review a Schedule of Fees and Charges and a report thereon developed by staff which summarizes the fees and charges charged by the District for use of District facilities and buildings, recreational programs and/or courses, and any other user fees. The purpose of the report is to establish fees, charges and rental rates which are commensurate with market research regarding comparable rates and charges for other similar services provided in Sacramento County. Any such fee may include the program and/or service costs as well as any overhead expenses of the District associated with the provision of such program and/or service. No fee shall exceed the actual cost incurred by the District in providing the service or enforcing the regulation for which the fee is charged.

The District may charge residents or taxpayers of the District a fee which is less than the fee which it charges to non-residents or non-taxpayers of the District. The Board of Directors may authorize District staff to waive the payment, in whole or in part, of a fee or charge authorized by the Board when the Board determines that such waiver would be in the public interest. Before authorizing any waiver of District fees and charges, the Board of Directors shall adopt

policies and procedures governing such fee waivers and review the status of ongoing partnerships that include facility use.

12.3 Annual Audit

The District Administrator shall arrange to have an audit done each year of the District's accounts and accounting procedures. The Board of Directors shall select the Auditor every one year for a 1-year contract. The Auditor, as part of the annual audit, will report as to whether these procedures and safeguards are being properly maintained by the Board and staff of the District and shall so comment in the management letter if said procedures are not being adhered to as part of each annual audit report prepared for the District.

12.4 Petty Cash

A "Petty Cash" fund shall be maintained in the District office having a balance-on-hand maximum of two hundred and fifty dollars (\$250.00).

1. Petty Cash may be advanced to District staff or Directors upon their request and the execution of a receipt for same, for the purpose of procuring item(s) or service(s) appropriately relating to District business. After said item(s) or service(s) have been obtained, a receipt for same shall be submitted to the Finance Department, and any remaining advanced funds shall be returned. The maximum Petty Cash advance shall be forty dollars (\$40), unless approved in advance by the District Administrator.
2. No personal checks shall be cashed in the petty cash fund.
3. The petty cash fund shall be included in the District's annual independent accounting audit.

12.5 Payroll and Claims

The Administrative Analyst – HR, or designee of the District Administrator is responsible for the preparation of semi-monthly payroll. The District Administrator shall approve and sign the semi-monthly payroll and forward same to County officers for processing. A summary of the payroll shall be submitted to the Board at its regular monthly meeting as part of the Budget Status Report.

The Administrative Analyst – Finance, or designee of the District Administrator is responsible for the preparation of claims to be submitted to the County officials for payment. The District Administrator shall approve and sign District claims in accordance with the budget approved by the Board. A summary of claims shall be submitted to the Board at its monthly meeting for ratification.

In the absence of the Administrative Analyst responsible for payroll or claims, the other Administrative Analyst or the Administrative Manager shall fulfill their core duties. In the absence of the District Administrator, the Administrative Services Manager or the Recreation Manager shall fulfill their core financial duties.

13 BUDGET POLICIES

13.1 District Governmental Fund and Enterprise Fund Budgets

The fiscal year of the Orangevale Recreation & Park District shall begin on July 1 and end on June 30. The District shall establish a separate budget for each fiscal year for each of the following:

1. Governmental Funds
2. General Fund
3. Orangevale Landscaping and Lighting Assessment District
4. Kenneth Grove Landscaping and Lighting Assessment District

13.2 Preliminary Budget

Pursuant to Public Resources Code § 5788, on or before July 1 of each fiscal year the Board of Directors shall adopt a preliminary budget that shall conform to the accounting and budgeting procedures for special districts contained in a Title II of the California Code of Regulations section 1031.1 et seq. and section 1121 et seq. The preliminary budget shall be divided into categories including, but not limited to the following: (a) employee compensation and benefits; (b) services and supplies; (c) principal and interest payments for indebtedness; (d) capital expenditures; (e) interfund charges; (f) reserves restricted for operating shortages and other contingencies; (g) reserves restricted for capital expenditures; (h) parkland dedication; and (i) unallocated general reserve.

The Preliminary Budget will be reviewed by the Administration/Finance Committee and then be submitted to the Board of Directors at a regular Board Meeting for approval. Once approved, a copy of the preliminary Budget and resolution of adoption shall be sent to the County of Sacramento.

Pursuant to Public Resources Code Section 5788.1, **on or before July 1** of each fiscal year the Board of Directors shall publish a Notice stating the following:

1. That a preliminary budget has been adopted by the District that is available for inspection at the time and place specified in the Notice.
2. The date, time, and place for the hearing at which the Board will meet to adopt the final budget.
3. That any member of the public may appear at the hearing to speak about any item in the budget or regarding the addition of other items.

The Board of Directors shall publish the notice in a newspaper of general circulation at least two weeks prior to the hearing date.

13.3 Adoption of Final Budget

On or before September 1 of each fiscal year, after holding a public hearing on the preliminary budget and making any changes in the preliminary budget, the Board of Directors shall adopt a final budget by resolution that conforms to generally accepted accounting and budgeting procedures for special districts. A copy of the final budget and resolution of adoption shall be sent to the Auditor-Controller of the County of Sacramento.

13.4 Budget Documents

Both the preliminary and final budget shall include a staff report highlighting the important aspects of changes in the budgets for the District's Governmental Funds and Enterprise (Business Entity) Funds for each fiscal year.

Both the preliminary budget and the final budget shall also include a summary analysis comparing the proposed budget for the new fiscal year to the prior fiscal year budget and analyzing the differences between the two for each of the District's Governmental and Enterprise (Business Activity) Funds.

The form of the budget document for both the preliminary budget and the final budget shall include line item budget allocations for each of the Governmental Funds and Enterprise (Business Activity) Funds of the District. The budget shall include detailed expense information for each Governmental Fund and Enterprise (Business Activity) Fund maintained by the District.

The final budget shall include exhibits including a list of all long-term debt together with estimate principal and interest amounts outstanding; a summary of assessment revenues anticipated to be collected, expenditures of assessment revenues anticipated in the upcoming fiscal year, and any financing requiring pledges of assessment revenues for park and recreation purposes and/or improvements.

13.5 Long Term Financial Planning

The preliminary and final budgets for each Governmental Fund and Enterprise (Business Activity) Fund maintained by the District shall include a three (3) year (current year plus the two years previous to the current year) financial history of each such Fund of the District which summarizes the history of revenues and expenditures in each such Fund for the three (3) years prior to the fiscal year for which the budget is being adopted.

13.6 Amendment of Budget

At any regular or special meeting of the Board of Directors after the adoption of the final budget, the Board of Directors may take action by minute action or Resolution to amend the budget and order the transfer of funds between categories within the budget pursuant to Public Resources Code Section 5788.7. Alternatively, the Board of Directors may authorize the District Administrator to transfer funds between budget categories.

13.7 Budgeted Reserve Funds

The Board of Directors may establish restricted reserves for capital expenditures, restricted reserves for working capital or other contingencies, restricted reserves for debt service, and unallocated general reserves in each of its Governmental Funds and Enterprise (Business Activity) Funds in its annual preliminary and final budgets. The Board of Directors shall declare the exclusive purposes for which the funds in the reserve for each Governmental or Enterprise (Business Activity) Fund may be spent when establishing such reserves. The funds in such designated or restricted reserves shall only be spent for the exclusive purposes for which the Board has established such designated or restricted reserve. The Board of Directors may transfer any retained earnings in each Governmental or Enterprise (Business Activity) Fund to any designated or restricted reserve in such Fund at any time after establishment of that reserve for that Fund. If the Board finds that funds in a designated or restricted reserve in any Fund are no longer required for the purpose for which the designated or restricted reserve in that Fund was established, the Board may, by a 4/5 vote, discontinue any such designated or restricted reserve in that Fund or transfer any funds remaining in the designated or restricted reserve of that Fund to any other reserve maintained for that Fund. See Section 14 for more details on the District's reserve policies.

13.8 Establishment of Gann Limit

On or before July 1 of each year, as part of the adoption of the preliminary budget, the Board of Directors shall adopt a Resolution establishing its appropriations limit for the following fiscal year pursuant to Article XIIB of the California Constitution and Government Code Section 7900 et seq. The Board of Directors may establish the District's annual Gann Limit as part of its adoption of the final budget for each fiscal year, or by separate Board resolution.

13.9 Public Inspection

Both the Preliminary Budget and Final Budget are public documents subject to public inspection at any time after adoption pursuant to the procedures specified in the Public Records Act at Government Code Section 6250 et seq.

13.10 Monthly Report of Expenses in Comparison to Budget

The Administrative Services Manager or designated employee shall prepare and submit to the Board of Directors for ratification on a monthly basis a financial report which details the revenues and expenditures of the District for each Governmental Fund and Enterprise (Business Activity) Fund during each month of the fiscal year and comparing those revenues and expenses to projected expenses set forth in the adopted Final Budget for each such Fund. Such report shall include an estimate of the percentage of the total allocated budget amount received as revenues or disbursed as expenditures in each such Fund in each month of the fiscal year.

14 INVESTMENT OF DISTRICT FUNDS

14.1 Purpose

The Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (California Government Code (CGC) §53600.6 and §53630.1).

The purpose of this policy is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities.

Government Code Sections 5921 and 53601, et seq., allow the legislative body of a local agency to invest surplus monies not required for the immediate necessities of the local agency.

The investment policies and practices of the District are based on state law and prudent money management. All funds will be invested in accordance with the District's Investment Policy, and California Government Code Sections 53601, 53601.1, 53601.5 and 53635.5. If the District issues bonds in the future, the investment of bond proceeds will be further restricted by the provision of relevant bond documents.

The treasurer or fiscal officer of a local agency is required to annually prepare and submit a statement of investment policy and such policy, and any changes thereto, is to be considered by the local agency's legislative body at a public meeting (CGC §53646(a)). For the District, the District Administrator shall be responsible for preparing and submitting such policy for adoption by resolution of the District Board. The adopted Investment Policy shall be reviewed on an annual basis and the District Board shall approve any modifications to such policy by resolution. The investment policy as adopted by the District Board shall be used to guide District staff in investment decisions and transactions.

For these reasons, and to ensure prudent and responsible management of the public's funds, it is the policy of the District to invest funds not required for immediate needs of the District in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the District and conforming to all statutes governing the investment of District funds.

14.2 Scope

This investment policy shall apply to the investment of all funds of the District except retirement funds and debt service funds held by the Treasurer of the County of Sacramento for payment of bond redemption and interest.

14.3 Prudence

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The

standard of prudence to be used by District staff shall be the “prudent person” standard as found in Section 53600.3 of the Government Code of the State of California and shall be applied in the context of managing an overall portfolio. The Finance Manager, acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations for expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

14.4 Objectives

As specified in California Government Code § 53600.5, when investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives of the investment activities, in priority order, shall be:

14.4.1 Legality and Safety

Legality and safety of principal are the foremost objectives of the investment program. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

14.4.2 Liquidity

The investment portfolio will remain sufficiently liquid to enable the District to meet all projected and unexpected cash needs.

14.4.3 Return on Investments

The District shall seek to attain market average rates of return on all investments within the constraints imposed by State law, by the avoidance of capital losses and by cash flow considerations. The District’s investment portfolio shall be diversified to eliminate the risk of loss resulting from over-concentration of asset in a specific issuer or class of securities and shall contain investments of varying lengths of maturity of five (5) years or less.

14.5 Delegation of Authority

Authority to manage the investment program is derived from California Government Code § 53600, et seq. Management responsibility for the investment program is hereby delegated to the District Administrator, who shall establish written procedures for the operation of the investment program consistent with this investment policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions.

No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Finance Manager. The

Finance Manager shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. The Finance Manager shall render a quarterly report to the Board specifying the type of investment, institution, date of maturity, amount of deposit, current market value for all securities with a maturity of more than twelve (12) months, and a rate of interest. Under the provisions of California Government Code §53600.3, the Finance Manager is a trustee and a fiduciary subject to the prudent investor standard.

14.6 Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

14.7 Authorized Financial Institutions and Dealers

The Finance Manager will maintain a list of financial institutions, selected on the basis of credit worthiness, financial strength, experience and minimal capitalization authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness that are authorized to provide investment and financial advisory services in the State of California. No public deposit shall be made except in a qualified public depository as established by state laws.

For brokers/dealers of government securities and other investments, the Finance Manager shall select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the National Association of Securities Dealers or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the Finance Manager shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for the District's account with the firm has reviewed the District's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to the District that are appropriate under the terms and conditions of the Investment Policy.

14.8 Permitted Investment Instruments

Permitted investment instruments of assets of the District are the following:

1. Government obligations for which the full faith and credit of the United States are pledged for the payment of principal and interest.
2. Obligations issued by Banks for Cooperatives, Federal Land Banks, Federal Intermediate Credit Banks, Federal Farm Credit Banks, Federal Home Loan Banks, the Federal Home Loan Bank Board, the Federal Home Loan Mortgage Corporation, the Resolution Funding Corporation, or in obligations, participations, or other instruments of, or issued by, or fully guaranteed as to principal and interest by, the Federal National Mortgage Association; or in guaranteed portions

of Small Business Administration notes; or in obligations, participations or other instruments of, or issued by, a federal agency or a United States government-sponsored enterprise, or such agencies or enterprises which may be created.

3. FDIC insured or fully collateralized time certificates of deposit in financial institutions located in California. Preference may be given to local banks.
4. Negotiable certificates of deposit or deposit notes issued by a nationally or state-chartered bank or a state or federal savings and loan association or by a state-licensed branch of a foreign bank; provided that the senior debt obligations of the issuing institution are rated "AA" or better by Moody's or Standard & Poor's.
5. Purchase of negotiable certificates of deposit may not exceed thirty (30) percent of the District's investment portfolio.
6. State of California's Local Agency Investment Fund. The LAIF portfolio should be reviewed periodically.
7. Insured savings account or money market account.
8. Prohibited Investments:
 - a. Under the provisions of California Government Code §53601.6 and §53631.5, the District shall not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero (0) interest accrual if held to maturity. Additional investments which are not permitted include repurchase agreements, bankers acceptances, commercial paper, and medium-term corporate notes.

14.9 Maximum Maturity

Investment maturities shall be based on a review of cash flow forecasts. Maturities will be scheduled so as to permit the District to meet all projected obligations.

The maximum maturity will be no more than three years from purchase date to maturity date.

14.10 Reporting

The Administrative Services Manager or designated employee shall submit to the District Board a quarterly investment report, which shall consist of a cover report over the quarterly reports generated by the investment fund and the Local Agency Investment Fund. The cover report shall include a certification that:

1. All investment actions executed since the last report have been made in full compliance with this Investment Policy, and

2. The District will meet its cash flow requirements for the next six (6) months.

14.11 Investment Policy Review

This Investment Policy shall be reviewed on an annual basis, and the Board of Directors must approve modifications.

15 RESERVE POLICY

15.1 Definition of Reserves

15.1.1 General Fund Reserves

The District's share of general ad valorem real property taxes apportioned by the District's Board of Directors to fund park, recreation and community facilities and operations and other fees collected by the District for providing park, recreation and community facilities services to its residents are budgeted at a sufficient level to pay the expenses of day-to-day park, recreation and community facilities services as well the anticipated repair and replacement of the District's park, recreation and community facilities and equipment. The excess of the amount collected in such park, recreation and community facilities revenues during the fiscal year over the amount expended during the same period for park, recreation and community facilities purposes are referred to as "retained earnings" in the General Fund.

15.1.2 Assessment Fund Reserves

Assessments collected by the District in each of its Landscaping and Lighting Assessment Districts to provide park and recreational capital improvements and services to residents of each such Assessment District should be established by the Board of Directors at a sufficient level to pay the expenses of day-to-day maintenance of the park and recreational improvements located within each Assessment District, as well as the anticipated capital expenditures of constructing new park and recreational improvements and repairing and replacing existing park and recreational infrastructure of the District. The excess of the amount collected in assessments in each Assessment District during each fiscal year over the amount expended during the same period for Assessment District expenses are referred to as "retained earnings" in each Assessment District Fund.

15.2 Establishment of Reserves

In its annual preliminary and final budget, the Board of Directors may allocate any retained earnings in each of its Governmental Funds and Enterprise (Business Activity) Funds to one or more established reserves in each such Fund. There are two different types of reserves in each of the District's funds as follows: (1) designated reserves; and (2) restricted reserves.

15.2.1 Designated Reserves

Designated reserves are net funds that are set aside based on Board policy or tentative plans for financial resource utilization in a future period, such as for general contingencies, working capital shortages, or for equipment or infrastructure replacement. Such designated reserves reflect tentative

managerial plans or intent which are subject to change, and which funds may never be legally authorized or result in expenditures. Examples of such designated reserves are the designated reserve for capital improvements, the designated reserve for contingencies, and the designated reserve for working capital shortages in each of the District's Funds.

15.2.2 Restricted Reserves

Restricted reserves are defined as that portion of retained earnings in any of the Governmental Funds or Enterprise (Business Activity) Funds maintained by the District which are set aside in a separate reserve in such Fund, the expenditure of which are limited by legal or contractual requirements.

15.3 Categories of Reserves

Designated reserves and restricted reserves established by the Board of Directors in each Governmental Fund and Enterprise (Business Activity) Fund of the District shall be defined as follows:

15.3.1 Designated Reserve for Capital Improvements

Funds allocated to this reserve in each Governmental Fund or Enterprise (Business Activity) Funds of the District represent funds available to finance planned future expenditures for construction of improvements, purchase of supplies and equipment, and repair or replacement of all or a portion of the District's park and recreation infrastructure including but not limited to parks, open space and other recreational improvements and facilities, and any other District owned buildings and other structures. Appropriate expenditures of the designated reserve for capital improvements in each Fund includes the costs of site acquisition, site development, including compliance with the California Environmental Quality Act ("CEQA"), architectural services, inspection services, engineering services, construction, reconstruction, alterations, repair and replacement, and related legal services.

15.3.2 Designated Reserve for Working Capital and Other Contingencies

Funds allocated to this reserve in each Governmental Fund or Enterprise (Business Activity) Fund of the District represents funds allocated for the purpose of paying the costs and expenses associated with unanticipated events including but not limited to temporary cash flow shortages in each Fund, repair and/or replacement of facilities, equipment, supplies or infrastructure in each Fund resulting from a catastrophic event, or expenditures in each Fund required to respond to an emergency which threatens public health and safety. Funds allocated to the designated contingency reserve in each Fund may also be used to pay damage claims against the District which are not covered by insurance provided by that Fund. The Board of Directors may authorize expenditure of the funds allocated to the designated reserve for working capital and other

contingencies in each Fund on any expenses that may be incurred during the fiscal year in each such Fund for which no specific appropriation has previously been made.

15.3.3 Restricted Debt Service Reserve

The purpose of the restricted debt service reserve in each Governmental Fund is to provide sufficient revenue to pay annual debt service on any and all bonds, including certificates of participation, lease purchase agreements, installment sale agreements, or other forms of financing issued by the District in each Governmental Fund to finance the construction, rehabilitation and/or improvement of the District's park and recreational capital facilities, to provide upgraded, safe and dependable park and recreational facilities in compliance with existing and future state and federal regulations. This restricted debt service reserve may be established in the General Fund or any of the District's various Assessment District Funds and may be divided into sub-accounts representing the annual debt service to be paid on each individual issuance of bonds, certificates of participation, or other forms of financing issued by the District to fund the costs of such capital improvements in each such fund. The Board of Directors may at any time deposit any sources of retained earnings in each such fund into the restricted debt service reserve for that Fund.

15.4 Control of Reserves

15.4.1 Funding of Reserves

At any time after the establishment of a designated reserve or restricted reserve in any Governmental Fund or Enterprise (Business Activity) Fund of the District, the Board of Directors may transfer any retained earnings in any such Fund to such designated or restricted reserve in such Fund. The Board of Directors shall declare the exclusive purposes for which the funds in each reserve in each Fund may be spent on establishing such reserves in such Fund. The funds deposited into each designated reserve and/or restricted reserve in each Fund shall only be spent for the exclusive purposes for which the Board has established such a designated reserve or restricted reserve in each Fund. The Board of Directors may transfer any revenue in any Governmental or Enterprise (Business Activity) Fund to any restricted or designated reserve in such Fund at any time after establishment of that reserve. All such reserves shall be maintained according to generally accepted accounting principles.

15.4.2 Discontinuance of Reserves

If the Board of Directors finds that the Funds in a designated reserve or a restricted reserve in any Governmental Fund or Enterprise (Business Activity) Fund of the District are no longer required for the purposes for which such designated or restricted reserve in such Fund was established, the Board of

Directors may, by a 4/5 vote of the total membership of the Board of Directors, discontinue a designated or restricted reserve in any such Fund of the District and transfer any funds that are no longer required from a designated reserve or restricted reserve in any Fund of the District, to any other reserve in such Fund, or to the District's general fund.

15.4.3 Use of Reserves in an Emergency

In a state of emergency or in a local emergency as defined by Government Code Section 8558, the Board of Directors may temporarily transfer funds from a designated reserve for capital improvements, or a designated reserve for operating or other contingencies in any Governmental Fund of the District to the District's general fund to fund those costs necessary to respond to such emergencies. The Board of Directors shall restore any such funds to the designated reserve from which such funds were drawn as soon as feasible.

16 DISPOSITION OF SURPLUS DISTRICT PROPERTY

District property, such as vehicles, equipment, supplies, or real property, may become “surplus” when such assets have become unnecessary or unsuitable for District purposes. Prior to disposing of any District assets, whether personal property or real property, that asset must be declared “surplus” by Resolution of the Board of Directors. That Resolution shall include a description of the item of personal and/or real property, any inventory number assigned by the District to that property, and the approximate original cost of that item of property.

16.1 Personal Property Under \$500.00 in Value

When personal property or other equipment of the District has been determined to no longer be of use to the District and does not exceed the value of \$500.00 or have a monthly rental value of less than \$75.00, the District Administrator may solicit and accept trade-in allowances on the replacement equipment or personal property without advertising for offers. As an alternative, the District Administrator may sell the personal property at private sale without advertising upon approval by the Board. Any proceeds received by the District from the sale of equipment or personal property shall be deposited into the District’s General Fund for use by the District.

16.2 Personal Property in Excess of \$500.00 in Value

The Board of Directors may sell at public auction any personal property or equipment with a value in excess of \$500.00 to the highest bidder for cash if it is surplus personal property belonging to the District and not required for any District purpose. Such sale shall require a four-fifths (4/5) vote by the Board of Directors. Notice of the sale shall be given once at least five (5) days prior to the date of sale by publication in a newspaper published within the jurisdiction of the District. If there are no bidders, the District may proceed to sell such personal property at private sale upon approval by the Board. Proceeds of the sale shall be paid into the District’s General Fund for the use by the District.

16.3 Sale of Surplus Real Property

Should the District determine that real property owned by the District is surplus to the needs of the District, prior to disposing of the real property by lease or sale, the District shall send a written offer to sell or lease the property to those public entities specified in Government Code Section 54220 et seq.

17 GIFTS AND GRATUITIES

17.1 Acceptance of Donations of Property by District

All donations with a value over \$500 of equipment, supplies, facilities, or any other personal or real property to the District must have prior approval of the District Administrator. The Board of Directors must also approve the design, type, and model of any equipment or supplies, the method of installation of any such equipment, and the location of any real property or facility. Upon acceptance of the equipment, supplies, of personal or real property, or a facility by the District Administrator then such property immediately becomes the property of the District and is subject to the full control and jurisdiction of the Board of Directors and its operating policies and procedures.

17.2 Acceptance of Gifts

Under this policy a “gift” is defined as any gift of money, property, rebate, discount, ticket, travel expense advance and/or reimbursement or any other property of value. Employees of the District are prohibited from accepting any gift, directly or indirectly, from any person, company, firm, corporation, or other business to which any purchase order or contract for property or services is or might be awarded by the District. This policy shall not prevent an employee from attending a lunch paid for by a vendor or contractor after completion of a project in which such vendor and/or contractor has been involved provided such attendance has been approved by the District Administrator. Board members are prohibited from accepting any gift, directly or indirectly, from any single source in a calendar year with a value in excess of the maximum prescribed by Government Code Section 89503 which the amount is currently \$250.00. Board members may not participate in any way in the discussions, negotiations, resolution, or decision that affects an entity or individual that has been a source of gift to that Board member with a value in excess of the maximum prescribed by Government Code Section 87103, which amount is currently \$500.00, in the past twelve (12) months pursuant to Government Code Section 87103.

Travel expenses of Board members including costs of transportation, accommodations and meals provided by any private business or corporation, a private interest group or organization and certain nonprofit organizations are generally considered gift to that board member and must annually be reported on that Board member’s FPFC Statement of Economic Interest Form 700 filed pursuant to the District’s Conflict of Interest Code (See Section 6)

17.3 Gifts and Conflict of Interest

Members of the Board of Directors and “designated employees” are required to annually file a Statement of Economic Interest (Form 700) under the provisions of the Fair Political Practices Commission pursuant to the District’s Conflict of Interest Code. Further, members of the Board of Directors and/or designated employees are prohibited from making, participating in making, or using their official positions to influence the making of any District decision which will affect either the business, organization or individual that makes the gift to that District officer or employee, or which impacts the

amount or value of such a gift. Under certain circumstances receipt of travel expenses by a Board member or employee of the District less performed work or services benefiting the District in exchange for such travel expenses, such travel expenses may be considered reportable income, rather than a gift, to that public official pursuant to the District's Conflict of Interest Code (Form 700 Schedule F).

18 EXPENSE AND USE OF PUBLIC RESOURCES POLICY

18.1 Purpose

The purpose of this Expense and Use of Public Resources Policy is to ensure that District resources are only used when there is substantial benefit to the District. Such benefits include the following: (a) the opportunity to discuss the District's concern with local, state and federal officials; (b) participating in regional, state and national organizations whose activities affect the District; (c) attending educational seminars and training sessions designed to improve skill and information levels of District Board members and employees; and (d) promoting public service and morale by recognizing such public service.

The purpose of this policy is to provide guidance to District Board members and employees on the use and expenditure of District resources, as well as the standards against which those expenditures will be measured.

This policy is intended to supplement the definition of "actual and necessary expenses" for purposes of state law relating to permissible uses of public resources, and to supplement the definition of "necessary and reasonable expenses" for purposes of federal and state income tax laws.

18.2 Authorized Expenses

District funds, equipment (including computers and fax machines), supplies (including letterhead), titles and staff time must only be used for authorized District business. The following types of expenses generally constitute authorized expenses provided the other requirements in this Policy are satisfied:

- A. Communicating with representatives of local, regional, state and national government on District issues
- B. Attending educational seminars including statutorily required ethics training designed to improve skill and information levels for Board members and employees of the District;
- C. Participating in local, regional, state and national organizations whose activities affect the District's operations and facilities;
- D. Recognizing public service to the District (for example, thanking a long-time employee with a retirement gift or celebration of nominal value and cost);
- E. Attending District and/or county events that affect District services and/or facilities;
- F. Travel expenses of those District Board members and employees authorized to attend and/or participate in any of the foregoing.

- G. All other expenditures require approval by the District Administrator prior to being incurred.
- H. Examples of personal expenses that the District will not reimburse include but are not limited to the following:
 - a. The personal portion of any trip;
 - b. Political or charitable contributions or events;
 - c. Family expenses, including a spouse's expenses when accompanying a Board member or employee on District related business including expenses related to children or pets;
 - d. Entertainment expenses, including theatre, movies (either in room or at the theatre), sporting events (including gym, massage and/or golf related expenses), or the expenses of other cultural events; personal automobile expenses other than on a mileage basis, including but not limited to repairs, traffic citations, insurance, gasoline, or maintenance expenses; and
 - e. Personal losses incurred while on District business.

Any questions regarding the propriety of a particular type of expense should be resolved by the Board of Directors before the expense is incurred.

18.3 Expense Reimbursement

The purpose of this policy is to prescribe the manner in which District employees and directors may be reimbursed for expenditures related to District business.

Whenever employees or directors of the District incur "out-of-pocket" expenses for item(s) or service(s) appropriately relating to District business as verified by valid receipts, said expended cash shall be reimbursed after the employee or director has submitted an authorized Employee Expense Form with the receipts attached thereto. The employee's supervisor and the District Administrator shall sign each Employee's Expense Forms. The Chairperson of the Board shall sign the Expense Form of the District Administrator and other Board members. Expense Forms submitted by the Chairperson of the Board shall be signed by the Vice Chairperson of the Board and the District Administrator. All Expense Forms submitted by District employee or Board member shall include an explanation of the District-related purpose for the expenditures. All employees and directors must first receive prior written approval for any such expenses in excess of fifty (\$50) dollars in order to be reimbursed for said expenses. All employees and Board members requesting expense reimbursement from the District shall only use the District provided form of Expense Form. All such Expense Forms must be submitted within a reasonable time after the expense which is the subject of the reimbursement request has been incurred, but in any event not more than

30 days after incurring the expense. Any expenses specified on an Expense Form for which no receipts are submitted will not be reimbursed.

18.4 Travel Expense Reimbursement

District employees and directors are eligible to receive reimbursements from the District for travel, meals, lodging and other reasonable and necessary expenses for attending any of the activities described in this policy on behalf of the District.

18.4.1 Rates of Reimbursement for Travel Expense and Mileage Reimbursement

Reimbursement rates for travel, meals and other reasonable and necessary travel expenses are outlined in the Travel Expenses and Mileage Reimbursement section of the PPM.

18.4.2 Reports to Board of Directors

All Board members who attend meetings, conferences, educational seminars, or events for which travel expenses are reimbursed by the District shall provide a brief report to the Board of Directors on the substance of such meetings, conferences, educational seminars and events at the next regular board meeting scheduled after the conclusion of the meeting, conference, seminar or event attended.

18.4.3 Expense Documents as Public Records

All documents related to reimbursement by the District of travel and other expenses for Board members and employees are public records and subject to inspection and/or copying at the request of the public pursuant to the provisions of the California Public Records Act (Gov. Code § 6250 et seq.).

18.4.5 Meals

Meals occasionally be provided to staff and participants at District events, training, workshops, and interview panels. Meals will be selected from a pre-approved menu, and eaten on site.

When a Board member or authorized staff member eats at a restaurant in the course of conducting essential District business, the District will cover the expense of the meal. The associated gratuity should be moderate, taking into account community standards and the prevailing restaurant cost of the area. Meals will exclude alcoholic beverages.

18.4.6 Board Members Computer Policy

Board members will be provided with a laptop computer by the District to access Board Packets, District email, and other District business. Board members may choose to store their assigned laptop computers at the District Office, or at their personal residence. All District laptops are District property, and will be returned to the District if/when a Board member leaves their office.

18.5 Cash Advance Policy

From time to time it may be necessary for a Board member or employee to request a cash advance to cover anticipated expenses while traveling and doing business on the District's behalf. Such request for an advance should be submitted to the District Administrator fourteen (14) days prior to the need for the advance with the following information:

- A. The purpose for the expenditures;
- B. The benefit of such expenditures to the District;
- C. The anticipated amounts of the expenditures; and
- D. The dates of the expenditures.

In no event will the amount of the cash exceed the amount of the recommended Internal Revenue Service per diem for the area being traveled to.

Any unused cash advance must be returned to the District within two (2) business days of the return of the Board member or employee, along with a District Expense Report and receipts documenting how the advance was spent in compliance with this policy.

18.6 Credit Card Use Policy

The District does not issue credit cards to individual Board members. Management employees and designated staff members are issued District credit cards for selected District expenses.

District authorized employees may use the District's credit card for such purposes as airline tickets and hotel reservations by following the same procedures for cash advances. Receipts documenting expenses incurred on the District's credit card and compliance with this policy must be submitted within five (5) business days of use of the card.

The District credit card may not be used for personal expenses.

18.7 Audits of Expense Reports

All expenses are subject to verification and audit in order to ensure compliance with this policy.

18.8 Compliance with Laws

District Board members and designated employees should be aware that receipt of reimbursement of some travel expenditures from the District may be subject to reporting to the Fair Political Practices Commission under the Political Reform Act and other laws on FPPC Form 700. The Political Reform Act generally requires travel expense reimbursement on District business to be reported as either income or as a gift on the official's Form 700.

18.9 Violation of This Policy

Misuse of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

1. Loss of reimbursement privileges;
2. Restitution to the District;
3. The District reporting the expenses as income to the Board member or employee to state and federal tax authorities;
4. Civil penalties for misuse of public resources at One Thousand Dollars (\$1,000) per day for the duration of the infraction plus three times the value of the unlawful use (Gov. Code § 8314);
5. Criminal prosecution for misuse of public resources, the penalties for which include incarceration and disqualification from holding office in California.

18.10 Compensation of Board Members

1. Consistent with Public Resource Code Section 5784.15 et seq., each District director receives a daily meeting stipend of \$100 per day for each day's attendance at meetings as defined in this policy, not to exceed two (2) days of service and/or meetings per month. Such compensation is in addition to any reimbursement for meals, lodging, travel and expenses consistent with this policy.

2. Meetings and Service Subject to Daily Stipend
3. To be entitled to a daily stipend under this policy, the event in question must constitute one of the following:
 - A. A meeting of the District Board within the meaning of Government Code Section 54952.2(a);
 - B. A meeting of an advisory District committee, whether a standing committee or an ad hoc committee, within the meaning of Government Code Section 54952.2(b);
 - C. A conference within the meaning of Government Code Section 54952.2(c) of the following organizations:
 - i. California Special Districts Association;
 - ii. California Association of Recreation and Park Districts;
 - iii. California Parks and Recreation Society.
 - iv. A meeting of any multi-jurisdictional governmental body on which the District director services as the District's designated representative;
 - v. An organized educational activity conducted in accordance with Government Code Section 54952.2(c) including but not limited to ethics training required by Government Code Section 53234;
 - vi. Any meeting attended or service provided on a given day at the formal request of the District's Board of Directors and for which the District Board approves payment of a daily meeting stipend prior to the date of the meeting or provided service.

18.11 Policy Regarding Training, Education and Conferences

Members of the Board of Directors and designated employees are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operations. Attendance at such educational conferences or professional meetings is considered a part of an official's performance of their official duties for the District. Therefore, there is no limit as to the number of directors attending a particular conference or seminar when their attendance is beneficial to the District.

It is the policy of the District to encourage both development and excellence of performance by reimbursing expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation in professional organizations, and attendance at local, state and national conferences associated with the interests of the District. All reimbursement of actual and necessary expenses, including travel expenses, shall be pursuant to the policies set forth in this Section 17. Attendance by directors or designated employees at seminars, workshops, courses, professional

organization meetings, and conferences shall be approved by the Board of Directors prior to incurring any reimbursable costs.

A director shall not attend a conference or training event for which there is an expense to be reimbursed by the District if such conference or event occurs after said Board member has announced his or her pending resignation, or if such conference or event occurs after an election in which it has been determined that such Board member will not return to his or her seat on the Board of Directors. A director shall not attend a conference or training event when it is felt that there is no significant benefit to the District.

Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, directors will be required to either prepare a written report for distribution to the Board or make a verbal report during the next regular Board meeting of the Board of Directors after the conclusion of the seminar, workshop, or conference attended. Said report shall detail what was learned at the session that will be of benefit to the District. Material from these sessions and the report of the attending directors shall be retained in the District's office to be included in the District's library for the future use of other directors and staff.

18.12 Guidelines Regarding Use of Public Funds Supporting Legislation and Ballot Measures

18.12.1 Information, Not Advocacy; Explanation Not Promotion

The District is prohibited from spending money to support or oppose ballot measures placed before the electorate. It is permissible, however, for the District to expend District funds for informational purposes to provide the public with a "fair presentation" of the facts relating a ballot measure which directly concerns the District. It is also permissible for the District to formally adopt a position on a ballot measure or legislation and educate the public on the measure, its impact on the District, and the basis for the District's position.

If public funds or District equipment or facilities are used to provide information regarding a proposed ballot measure or legislation, the information provided by the District must be accurate and balanced and represent supporting as well as opposing views. It is permissible for the District to formally adopt a position on proposed legislation or a ballot measure. When the District has formally adopted a position on proposed legislation or a ballot measure, the District may respond to a request from the public, the media or some other source to explain the District's position without being obligated to present all possible views on the issue.

Directors and employees of the District retain their free speech guarantees to express their personal viewpoints on any proposed legislation or ballot measure. The right of free speech is not forfeited because of any association with the District. Therefore, District employees and Board members may express their personal opinion on ballot measures and proposed legislation and urge the

support or opposition to proposed legislation or a ballot measure in a public forum, so long as no District funds are expended, including no District reimbursement of Board or employee expenses incurred making such a presentation. Whenever District funds or facilities are involved in any way in the activity of an employee or director with respect to proposed legislation or a ballot measure, that employee or Board member will be deemed to be acting as a representative of the District and will be required to limit his or her comments to a balanced, factual presentation containing supporting as well as opposing views.

18.12.2 Permissible Activities

1. Expend public funds for the purpose of formulating and drafting proposed legislation or a proposed initiative, and securing appropriate sponsors;
2. Adopt a formal position in support of or in opposition to proposed legislation or a ballot measure at a meeting of the Board of Directors of the District.
3. The District may initiate a presentation or information piece regarding proposed legislation or a ballot measure, and may notify the public, the media and others of the District's position through news releases, bulletins or other vehicles at District expense that are informational and balanced but do not advocate a yes or no vote, or contain language which indicates that the District is "taking sides" with respect to the proposed legislation or ballot measure.
4. The District may expend District funds, without taking a formal position on any proposed legislation or ballot measure, to initiate, prepare, or distribute factual, balanced information on a proposed legislation or a ballot measure to the public and other organizations, which material should represent both pro and con viewpoints in a fair manner.
5. District Board members and employees may respond to inquiries from the media, the public or other organizations about the impact of a measure on the District as long as such response is factual and does not advocate a position.
6. District Board members and employees may participate or sponsor forums or debates on proposed legislation or a ballot measure at District expense if all views are represented at such forum or debate.
7. Upon request, District Board members and employee are free to explain their personal views on proposed legislation or a proposed ballot measure.

18.12.3 Prohibited Activities

1. The District in no event can expend District funds to purchase such items as bumper stickers, posters, advertising, or television or radio "spots" as well as

the dissemination and public expense of campaign literature prepared by private proponents or opponents of legislation or a ballot measure, or otherwise spend District money to clearly advocate a yes or no vote on any ballot measure.

2. The District may not use District funds to contribute to a campaign supporting or opposing any ballot measure.
3. The District may not expend District funds or utilize any District facilities or equipment such as photocopy machines, facsimile machines, computer e-mail, or office supplies or staff time in connection with any activity designed to support or oppose a ballot measure, or attempt to influence voters to qualify a ballot measure, including utilizing District funds to gather signatures for a ballot measure.

19 PURCHASING, CONTRACTING AND PROCUREMENT

19.1 Purpose

The purpose of this Section is to assure a maximum of competition for the lowest price consistent with the stated level of quality, to provide for the fair and equitable treatment of persons involved in public purchasing with the District, and to provide safeguards to maintain a system of quality and integrity. This Section establishes the policies and procedures for purchasing supplies, equipment, and goods, as well as construction, maintenance, repair and alteration services. Except as otherwise provided by law, all purchases shall be made in the name of the District by written contract or purchase order executed by either the Board of Directors or the District Administrator as provided for in this Policy. Under the direction of the Board of Directors, the District Administrator shall act as the purchasing agent for the Board in the procurement of goods and services in accordance with these District policies and applicable provisions of law.

19.2 Purchasing of Materials, Supplies and Equipment Not Related to New Construction, Alterations, Maintenance or Repairs

The following guidelines will be observed when purchasing materials, supplies and equipment not related to new construction, alterations, maintenance or repairs:

1. The authority to procure materials, supplies and equipment costing less than ten thousand dollars (\$10,000.00), has been delegated to the District Administrator consistent with this Policy. Price competition is not required; however, every attempt should be made to secure the most reasonable price for the goods to be obtained. The District Administrator may delegate the authority to procure materials, supplies, and equipment costing less than two thousand dollars (\$2,000.00) to the department supervisors consistent with this Policy.
2. When procuring materials, supplies and equipment costing between five thousand dollars (\$5,000.00) and under twenty-five thousand dollars (\$25,000.00), price competition will be secured by obtaining at least three (3) informal written or oral quotations. If the cost exceeds \$10,000, the District Administrator shall present the informal quotations to the Board of Directors with their recommendation for final approval.
3. When procuring materials, supplies and equipment costing over twenty-five thousand dollars (\$25,000.00), price competition will be obtained by formal advertising. Notice inviting bids shall be published in a newspaper of general circulation within the District at least one (1) week before the time specified by the District's Board of Directors for receiving bids.

Upon receiving such bids, the District Board of Directors may:

- A. Accept the bid of the lowest responsible bidder;
- B. Reject all bids and re-advertise; or

- C. By a four-fifths (4/5) vote elect to purchase the materials, supplies or equipment in the open market.
- 4. As an alternative to the formal bid process, the District may participate in Job Order Contracting (JOC) through cooperative pre-approved government purchasing networks. All JOC materials, supplies, equipment, and projects with a financial allocation greater than \$10,000 must be submitted to the Board of Directors for approval.

When the District requires supplies, materials or equipment which are produced by only one manufacturer, such lists shall also include the phrase "or approved equivalent" to permit bidders to bid on alternative or additional makes, brands or types which are proved to be the equivalent to the manufacturer's make or brand specified. If the manufacturer or his representative is the sole responsible bidder or sole source of supply, the District Administrator may negotiate an open market order or contract with the manufacturer or his representative at prices and on terms most advantageous to the District.

When the District requires supplies, materials or equipment which are patented or proprietary, and which are obtainable in two (2) or more equally satisfactory and competitive makes, brands or types, the officer may list such acceptable and competitive makes, brands or types in the invitation to bid. Such lists shall also include the phrase "or approved equivalent" to permit bidders to bid on alternative or additional makes, brands or types. It shall be incumbent on each bidder to prove to the satisfaction of the District Administrator that the alternate or additional make, brand or type which he offers is equal in quality or performance to those listed in the invitation to bid.

The District may request the State Department of General Services to make purchases of materials, equipment, or supplies on its behalf if better value can be obtained by the District by utilizing this method of purchase.

As an alternative, the District may request the purchasing agent of Sacramento County to make purchases of materials, equipment, or supplies not related to new construction on its behalf if this method of purchase reduces the cost of acquisition to the District.

19.3 Contracting for Projects for New Construction, Alterations, Maintenance and Repairs; Contracting for Purchase of Materials, Supplies and Equipment Related to New Construction, Alterations, Maintenance or Repairs

The District has adopted the Uniform Public Construction Cost Accounting Act (hereinafter "UPCCAA") and its contracting policies for projects consisting of: (1) new construction, maintenance, alterations or repairs and (2) the purchasing of materials, supplies and equipment related to new construction, alterations, maintenance or repairs.

When contracting for projects consisting of new construction, maintenance, alteration or repairs, or the purchasing of materials, supplies and equipment related to such construction, when the cost of materials, supplies and labor will not exceed the sum of fifty thousand dollars (\$50,000.00), price competition is not required and the project or purchase may be performed by negotiated contract, by purchase order, or by the employees of the District by force account. District purchasing guidelines as outlined in Section 18 apply. For projects or items that exceed ten thousand dollars (\$10,000) but do not exceed forty-five thousand dollars (\$45,000), the District Administrator shall present three informal written or oral quotations to the Board of Directors with their recommendation for final approval.

When contracting for projects consisting of new construction, maintenance, alteration or repairs, or the purchasing of materials, supplies and equipment related to such new construction, when the cost of materials, supplies and labor for the project is two hundred twenty thousand dollars (\$220,000.00) or less, the project or purchase may be let to contract by informal bidding procedures specified in the District's informal bidding ordinance adopted pursuant to the provisions of Public Contract Code Section 22034.

When the cost of materials, supplies and labor on the project, or the cost of purchase of materials, supplies and equipment related to such construction exceeds the sum of two hundred twenty thousand dollars (\$220,000.00), that project or purchase shall be let to contract by the formal bidding procedure specified in Public Contract Code Sections 22037, 22038 and 22039.

Notice of inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. The notice shall be published at least fourteen (14) calendar days before the date of opening the bids in a newspaper of general circulation in the jurisdiction of the District. It shall also be mailed to all construction trade journals specified in Public Contract Code Section 22036 at least thirty (30) calendar days before the date for opening the bids.

Upon receiving such bids for projects for new construction, alterations and repairs, the District Board of Directors may:

1. Accept the bid of the lowest responsible bidder;
2. Reject all bids and re-advertise; or
3. By four-fifths (4/5) vote declare that the project can be performed more economically by the employees of the District and elect to have the project done by force account.

If two or more bids are the same and the lowest, the District may accept the one it chooses. If no bids are received through the formal or informal procedure, the project may be performed by the employees of the District by force account, or by negotiated contract.

As an alternative to establishing the lowest responsible bidder as the primary selection standard for District projects, the District may set a price, and develop a formal bid

process that rates bids on both price and quality. When utilized, “Best Value” bid criteria and selection process must be outlined as a component of the formal bid process.

As an alternative to the formal bid process, the District may participate in Job Order Contracting (JOC) through cooperative pre-approved government purchasing networks. All JOC materials, supplies, and equipment above \$10,000 must be submitted to the Board of Directors for approval.

The District shall notify the Department of Industrial Relations (“DIR”) within five (5) days of awarding a contract for a public works project utilizing the appropriate method specified by the DIR. The District will not allow a bid and/or allow a contractor and/or subcontractor to work on a public works project who is not properly registered with the DIR as required by law.

19.4 Emergency Purchases, Repairs and/or Replacements

In the case of an emergency, the District may, pursuant to a four-fifths (4/5) vote of its Board of Directors, repair or replace a public facility or improvement, take any related and immediate action required by that emergency, and procure the necessary equipment, services, supplies, and materials for those purposes, without giving notice for bids to let contracts, without adopting plans, specifications and/or working details for the project. The emergency work may be done by day labor under the direction of the Board, by a contractor, or by a combination of the two.

Before the Board of Directors takes any action to repair or replace a public facility or to procure necessary materials, supplies, equipment, or services for emergency purposes, the Board of Directors shall make a finding based on substantial evidence set forth in the Minutes of its meeting that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the actions authorized by the Board to repair, replace, or purchase materials and supplies are necessary to respond to the designated emergency.

The Board shall periodically review any action taken in response to such an emergency at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter pursuant to the requirements of Public Contract Code Section 22050.

19.5 Bid Policies

19.5.1 Conflicts of Interest

The purchasing agent and the employees of the District are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation, to which a purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever.

19.5.2 Consideration of Bids

After bids have been opened and read, they may be checked for accuracy and compliance with the requirements of the bidding documents including any Notice

to Bidders, Instructions to Bidders as well as any plans and specifications for the project to be bid or the specifications of any equipment, materials or supplies to be purchased pursuant to bid.

It is the intent of the District to award a contract to the lowest responsible bidder provided the bid has been submitted in accordance with the requirements of the bidding documents and does not exceed funds available. With respect to projects consisting of new construction, maintenance, alterations or repairs, it is the intention of the District to award a contract only to a responsible bidder who has furnished satisfactory evidence that it is properly registered with the DIR as required by law, it has the requisite experience and ability and sufficient capital, facilities and plant to enable it to prosecute the work successfully and promptly, and to complete it within the time stated in the contract documents. With respect to the purchasing of equipment, materials, and supplies related to new construction, maintenance, or repairs, it is the intention of the District to award a contract only to a responsible bidder who has furnished satisfactory evidence that it has the requisite experience and ability to provide materials, supplies and equipment which meets specifications of the District.

19.5.3 Bid Security

Each bid shall be accompanied by bid security in a form and amount required herein to be specified by the District pledging that the bidder will enter into a contract with the District on the terms stated in the bid and will, if required, furnish bonds covering the faithful performance of the contract and payment of all obligations arising thereunder. Bid security shall be in the amount of not less than ten percent (10%) of the amount of the bid being submitted by the bidder, and may be in the form of a certified check, cashier's check or surety bond. Should the bidder refuse to enter into such a contract or fail to furnish the bonds required, then the bidder shall forfeit the amount of bid security to the District as liquidated damages, and not as a penalty.

All surety bonds shall be issued by a surety admitted to do business in the State of California and accompanied by a Certificate of Fact issued by the County of Sacramento County Clerk pursuant to CCP § 995.640(a) or a Certificate of Authority with respect to such surety issued by the State of California Department of Insurance.

19.5.4 Acceptance and Award of Bid

The award of the contract will be to the lowest responsible bidder as set forth above.

The District shall have the right to waive informalities or irregularities in a bid received and to accept a bid which, in the District's judgment, is in the District's best interest.

The District shall have the right to accept alternates in any order or combination unless otherwise specifically provided in the bidding documents, and to determine the low bidder on the basis of the sum of the base bid and alternates accepted.

Until an award of bid is made, the Purchasing Agent reserves the right to reject any and all bids, reject a bid not accompanied by any other information required by the bidding documents, or reject a bid which is in any way incomplete or irregular.

Rejection of Bid. Until an award of bid is made, the purchasing agent reserves the right to reject any and all bids and to waive technical defects, if to do so best serves the interests of the District.

Notice and Solicitation of Bid for Purchase of Supplies, Equipment and Property. The purchasing agent shall give notice inviting bids to all suppliers, persons and firms who file written requests with the District office for such notice. In addition, the purchasing agent shall send notice inviting bids to such other firms or persons as in his opinion may be necessary to inform the trade.

19.6 Bidder Pre-Qualifications

The Purchasing Agent may require pre-qualifications of bidders and may require bidders to provide information for the purpose of preparing and maintaining lists of qualified bidders. Pre-qualification shall be based on any available information, including but not limited to information provided by the bidder. The District's form of Prequalification Questionnaire which must be completed by each bidder in order for that bid to be considered by the District, is attached hereto as Exhibit C. A bidder's name may be removed from the list of qualified bidders for any of the following reasons:

1. Failure to respond or providing misleading statements to questionnaires issued by the Purchasing Agent or to provide a financial statement or other information as may be requested.
2. Failure to respond to three (3) consecutive invitations or requests for bids or quotations on services or an item offered by the bidder.
3. Failure to satisfactorily perform under a previous purchase order or contract.
4. Failure to respond to any inquiry from the Purchasing Agent regarding whether the bidder continues to be interested in doing business with the District.
5. Submission to the Purchasing Agent by the bidder of a written request to be removed from the list of qualified bidders.
6. Change in qualifications of a bidder to the extent that he/she no longer meets the minimum requirements applicable to bidders offering the services or item offered by the bidder.

20 ENVIRONMENTAL REVIEW GUIDELINES

20.1 General

The District shall comply with all state (and federal, where required) environmental regulations and guidelines. The regulations contained in Title 14, Division 6, Chapter 3 of the California Administrative Code are incorporated by reference as if set out in full and shall be applicable, except as modified herein, to these procedures (14 Code of California Regulations Section 5022).

20.2 Relationship to Environmental Review

The District has established a preliminary review process to determine whether projects are subject to the California Environmental Quality Act (CEQA) in accordance with Article 5 of the State CEQA Guidelines. Where the District determines that the project is subject to CEQA, the environmental review process is completed as part of the overall project review process of the District. As part of the environmental review process the District may request more information. Under Section 15060 of the State CEQA Guidelines, requiring such information after the application is deemed complete does not change the status of the application.

Once the District has determined that an activity qualifies as a “project” subject to CEQA, it must then determine whether an exemption applies. If after determining that a project is exempt under Section 15061(b) of the State CEQA Guidelines, a Notice of Exemption is prepared by the District. The project may then proceed through discretionary reviews, plan checks, and approval of the project.

If the project is not exempt from CEQA, the District will ensure the completion of an Initial Study to determine whether the project may have a significant effect on the environment. Given the findings of the Initial Study, one of the following is prepared for the project:

1. Negative Declaration (finding of no significant impacts),
2. Mitigated Negative Declaration (finding of potentially significant effects for which the project’s proponent has made or agrees to make project revisions that clearly mitigate the effects), or
3. An Environmental Impact Report (EIR).

Where the District determines that the project is not likely to result in significant impacts that cannot be mitigated to below the level of significance, the District will complete the Negative Declaration [or Mitigated Negative Declaration] in accordance with Article 6 of the State CEQA Guidelines prior to rendering a decision on the project. Under Section 15075 of the CEQA Guidelines, after deciding to carry out or approve a project for which a Negative Declaration or Mitigated Negative Declaration has been approved, the District shall file a Notice of Determination with the County after deciding to carry out or approve each phase. If the project requires discretionary approval by any state agency,

the District shall also file with the Governor's Office of Planning and Research (OPR). The project may then proceed with plan checks and approval of the project.

Where the District determines that a project has the potential to result in significant impacts that may not be able to be mitigated to below the level of significance, the District will complete, at the Developer's expense, the EIR process in accordance with Article 7 of the State CEQA Guidelines. The District must certify the technical and procedural adequacy of the EIR prior to rendering a decision on the project. The EIR is certified by the District.

20.3 Summary of Time Limits for Permit Review

Section 15022(a)(13) of the State CEQA Guidelines requires the District to provide time limits for performing functions under CEQA. These time limits are established in Article 8 of the State CEQA Guidelines, and are summarized in these guidelines in Table – Summary of Time Limits for Permit Review.

21 POLICY FOR NAMING AND RENAMING PARKS, FACILITIES, AND OPEN SPACE

21.1 Purpose

The following policy will be utilized in naming and renaming parks, facilities, and open space within the Orangevale Recreation & Park District.

21.2 Naming and Renaming Policy

The District may name or rename entire park sites or significant portions of an otherwise named park, such as a fountain, playfield, pavilion, skate area, natural area, or playground. As a general rule, portions of a park or recreation facility will not have a name other than that of the entire facility. The District may consider exceptions such as:

1. A revenue or fundraising opportunity, where a nomination is submitted to name a room within a community center after a corporate sponsor.
2. In cases where an area within a park is distinctive enough to merit its own name.

An Application for Naming or Renaming Parks or Facilities must be completed and submitted to the District Administrator for District consideration. The District Administrator will then forward the request to the Naming Committee.

The District Ad Hoc Naming Committee will consist of the Board Planning Committee members, District Administrator, Park Superintendent, Recreation Superintendent, and other members as appointed by the Board of Directors. The committee will review all naming or renaming applications and forward recommendations to the Board of Directors which will have final discretion in name selection. After the Board of Directors decides upon a name or name change, public notice of the recommended name will be provided through a public notice in the local newspaper advertising a thirty (30) day comment period. Citizen comments and recommendations must be in writing to the District Administrator of the Orangevale Recreation & Park District and must be postmarked within the (30) day public-notice period. At the next regularly scheduled Board Meeting after the comment period, the Board of Directors will pass a resolution adopting or rejecting the name.

The District will bear the cost of the plaque or monument indicating the name of the park or individual for whom the park or facility is named.

Whenever possible, the District will solicit suggestions or concur on a name during the planning stages, prior to park or facility construction, so as to avoid prolonged use of temporary designations. The following procedures may be utilized in determining the name of a new park.

1. The District may solicit input from community groups having special knowledge of the area's geographical or historical significance.

2. The District may consider conducting a contest or competition involving the public, in the community within which the park is to be developed, with such contest to be conducted within strict pre-established guidelines.

In selecting the name of a park or facility, the following guidelines should be considered:

1. Names of subdivisions and/or communities within which a park is being developed.
2. Names of major streets which serve as access to the park.
3. Names of schools located immediately adjacent to parks.
4. Names of historical significance; may be the name of a particular historical event, e.g. gold rush, pony express, etc.
5. Names of prominent geographic features or local reference points.
6. Wishes of the community.
7. Duplication of other places or facility names in Orangevale shall not be considered.
8. Consideration may be given to naming parks after persons within the following guidelines:
 - a. The suggested name must be accompanied by a biographical sketch which shall provide evidence of the contributions to the park, facility, or parks system overall.
 - b. The person must be deceased for a minimum of three years. The Board of Directors can waive this provision by a 4/5 vote if they determine it is in the best interest of the District.
 - c. The person must have made a significant positive contribution to parks, recreation, or culture in the community without which the park/facility may not exist, or in which the individual's recreational or environmental contributions enhanced a program or facility in an extraordinary way.
 - d. If a park site was acquired by means of a substantial gift or donation by an individual, family or corporation, consideration can be given to naming the park for this person or for a particular name request.
 - e. A park should not be named after a person whose contribution to the recreation and park movement was or is a part of that individual's normal duties as an employee of the District, unless such contribution was of an

extraordinary nature and/or above and beyond that person's employment duties.

The renaming of parks and facilities is strongly discouraged. It is recommended that efforts to change a name be subject to the most critical examination so as not to diminish the original justification for the name or discount the value of the prior contributors.

1. Only those parks and facilities named for location or subdivision shall be considered for renaming.
2. Parks named by deed restriction shall not be considered for renaming.
3. Parks and facilities named after individuals shall never be changed unless it is found that the individual's personal character is or was such that the continued use of the name for a park or facility would not be in the best interest of the community.
4. An existing name of a park and/or facility, particularly one of local or national importance or outstanding feature, shall not be changed unless there are extraordinary circumstances of local or national interest.

22 ADMINISTRATIVE POLICIES FOR THE DISTRICT'S PARK SYSTEM

Administrative policies for the District's park system are attached as Exhibit F.

23 ELECTRONIC READER BOARD (ERB) SIGN POLICY

23.1 Purpose

The Orangevale Recreation & Park District (ORPD, the District) has constructed the electronic reader board sign at the Orangevale Community Center for communication of information to the Orangevale community that supports and advances the District's mission of parks, recreation, and public service. The reader board is meant to announce Orangevale Recreation & Park District and Orangevale Community Center activities and events. In addition, the reader board may display messages that provide notice of community events in the Orangevale area that are open and accessible to the public and that provide a benefit to the Orangevale community.

23.2 Use of the Electronic Reader Board (ERB) Sign

Orangevale Recreation & Park District Use. The reader board is primarily used by the Orangevale Recreation & Park District to announce District sponsored activities and events. Display of District messages shall have priority over any other messages.

Non-District Use. Service organizations, schools, civic groups, and non-profit community groups may request activity/event messages be placed on the electronic reader board. These messages are limited to announcing Orangevale area community activities or events that are (1) open to the general public and (2) benefit the general Orangevale community. Events open only to members of an organization will not be considered. The message text is limited to the pertinent factual information regarding the event such as the name, date, time, location, and contact information of the event.

Renters or users of the Orangevale Community Center may request a message be placed on the electronic reader board to announce their activity/event at the Community Center. These messages are limited to the pertinent factual information regarding the event being held at the Community Center, such as the name, date, time, and contact information of the event.

Message requests from commercial advertisers and private businesses are prohibited and will not be considered. Requests for personal messages (i.e., birthdays, engagements, weddings) will not be considered.

Priority of non-District messages shall be determined by the District, with consideration given to the timeliness of the message and when the message request was received. Generally, precedence will be given to the earliest message request submitted.

23.3 Message Content

Messages cannot contain commercial, political or religious advertising or endorsements; alcohol or tobacco messages; commercial messages; inappropriate language or messages; or personal messages. False, misleading, or deceptive messages, as well as messages expressing racist, sexist, or bigoted views are prohibited. Messages may be edited by the District for conciseness, accuracy, clarity, and conformity to the requirements of the sign.

23.4 Decision to Post ERB Messages

The District Administrator or his/her designee will review and evaluate the request for compliance with the District's ERB policy. Any application that does not comply with this policy shall be rejected. A response to any message request will be made within ten (10) working days of receipt of the request or be deemed rejected. The District offers no guarantee that any message will be displayed or when the message will be displayed. The District further reserves the right to suspend any or all messages, at any time.

23.5 Operation of the Electronic Reader Board Sign

The District has the responsibility to manage, program, and upload messages to the electronic sign. The ERB sign will operate within the conditions of the approved ERB sign use permit.

The number of messages that can appear on the sign at any given time are limited. The number and frequency of appearance of a message will be determined by the District in order to maximize the usefulness of the system, while maintaining marketing effectiveness of the messages. Appearance of messages is subject to electronic and mechanical limitations. Non-District messages have a two-screen maximum per message, with not more than one message per event. Non-District messages will be posted for a maximum of two weeks (14 consecutive days). Liability for errors/omissions in messages appearing on the ERB sign is limited to correction of the message.

23.6 Fees for Message Requests

Fees may be charged for placing messages on the ERB. The fee will offset the cost of administrative processing costs such as accepting and reviewing the ERB Request Form and creating/programming/uploading the message for the ERB. Fees shall be in accordance with the District fee structure/schedule.

23.7 Procedure to Submit a Request for a Non-District use Reader Board Message

Non-District requests for ERB messages must be submitted on an Electronic Reader Board (ERB) Request Form at least ten (10) working days, but not more than ninety (90) days, prior to the requested display dates. The completed form should be submitted to the Orangevale Recreation & Park District office, via email, fax, mail, or in person. No requests will be accepted by phone. Any applicable fees must be submitted along with the request form. Incomplete requests will be rejected. Once an ERB request form is received, the request will be reviewed for compliance with the ERB sign policy. The District will notify the requestor of approval or denial of their message request. Approval notifications will include the text of the approved message (as edited, if applicable) and the approved display dates.

24 FACILITY USE POLICY

24.1 General Terms and Conditions

Facilities under jurisdiction and control of the Orangevale Recreation & Park District shall be made available for use for recreation and community service functions and activities when those facilities are not being used by the District. Facility reservations are subject to Orangevale Recreation & Park District approval and pursuant to compliance with all rules and regulations governing the use of the facility. The District may establish appropriate rules and regulations for each of its rental facilities. All uses are subject to compliance with the Orangevale Recreation & Park District Park Regulations Governing Use of Parks, Recreation Areas, and Facilities.

24.1.1 Days and Hours of Operation

Orangevale Recreation & Park District facilities shall be available for rental during their normal operating hours; all facilities will not be available for rental or reservation on Thanksgiving, Christmas Eve, and Christmas Day. Indoor facilities will also be closed on all major holidays. Facilities may be closed on select occasions due to maintenance, repair, renovation, or as otherwise noted below or posted at the facility.

Orangevale Community Center, Activity Building, and Youth Center

Sunday - Thursday 7 a.m. to 10 p.m.

Friday & Saturday 7 a.m. - 12 a.m. (midnight) for adult oriented events
**Event must end by 11 p.m. to allow 1 hour clean-up*

7 a.m. – 11 p.m. for youth (under 21) oriented events
**Event must end by 10 p.m. to allow 1 hour clean-up*

All set up and clean up must be completed within these hours.

Outdoor Park Facilities

Monday - Sunday Dawn to Sunset

Park use outside of the above time frame without the written consent of the District is prohibited.

24.1.2 Reservation Policy & Approval of Application

To reserve any facility, applicants must be twenty-one (21) years or older (proof of age may be required).

A completed Facility Use Application must be submitted to the District at least two (2) weeks in advance of the rental date but not more than one (1) year in advance. Applications submitted less than two weeks in advance may be accepted at the discretion of the District.

The appropriate cleaning/damage deposit shall be submitted with the Facility Use Application.

Facilities will be considered reserved when the signed Facility Application is approved and on file at the District Office and the Cleaning/Damage deposit has been paid. Reservations become final and a District Use Permit is issued when the all the required deposits and fees are paid, all required insurance certificates have been received at the District office, and any other special conditions required by the applicant fulfilled. The District reserves the right to cancel any permit.

Failure to comply with the General Terms and Conditions may be cause for cancellation of the use permit and/or an increase in the security deposit, and /or barring of future activities with the District.

24.1.3 Payment of Deposits and Fees

The refundable Cleaning/Damage deposit shall be submitted with application. Upon approval of the application, the rental fee and any service fees are due and payable no later than sixty (60) days prior to the event. Any event that is booked less than 60 days prior to the rental date shall pay 100% of all rental fees upon approval of the application.

Non-payment of fees by the required date shall be cause for cancellation of the reservation.

The District may allow monthly payments for ongoing, monthly rentals. The group must have paid any required deposits and one month's rent to qualify for a payment schedule. Subsequent payments must be made in advance of the rental month for use to continue.

24.1.4 Cancellation

Cancellation of a reservation date(s) must be made by calling the Orangevale Recreation & Park District office AND by submitting written notification to the District Office at 6826 Hazel Avenue, Orangevale, CA. Refund of rental fees and deposits and/or charging of cancellation fee shall be determined as follows:

1. Notification of Cancellation of usage of at least sixty (60) days or more prior to the event shall result in the return of all deposits and rental fees collected minus a pre-established cancellation fee.
2. Notification of Cancellation of usage less than sixty (60) days and at least thirty (30) days prior to the event shall result in the return of all deposits and 50% of the assessed rental fees. Security and insurance fees will be returned only if fees have not been already paid to the service providers.
3. Notification of Cancellation of usage less than thirty (30) days prior to the event shall result in the return of all deposits only. No portion of the assessed

rental fees shall be returned. Security and insurance fees will be returned only if fees have not been already paid to the service providers.

Requests for refunds due to cancellation must be submitted in writing to the District.

24.1.5 Refundable Deposits

Refundable facility deposits shall be reviewed annually and stated in the Orangevale Recreation & Park District Fee Schedule.

A refundable Cleaning/Damage deposit will be levied for rentals as noted in the Orangevale Recreation & Park District Fee Schedule. The refundable Cleaning/Damage deposit will be returned if the rental area is left clean and in the same condition in which it was found, and there has been no damage and/or abuse above normal wear.

If District property has been damaged or abused, the applicant shall be responsible for reasonable costs to replace, repair, or clean such property in addition to the withholding of refundable deposits.

Charges will be assessed for services rendered for additional cleaning necessary to return the facility to the condition it was received. If the amount of deposit is insufficient to cover the additional charges, applicant will be billed with payment due within thirty (30) days

The District may require an additional refundable Equipment Security Deposit for utilizing District equipment. Refundable Security deposits will be returned if the equipment is left clean and in the same condition in which it was given to the applicant, and there has been no damage and/or abuse above normal wear. If District property has been damaged or abused, the applicant shall be responsible for reasonable costs to replace, repair, or clean such property.

The District may require an additional refundable Security Deposit for Special Use or Special Event activities as deemed necessary to protect the District's interests. Refundable Security deposits will be returned if no damage and/or abuse above normal wear to District facilities was incurred or if the District did not incur any additional expense to return the facility rented to its original condition. If District property has been damaged or abused or the District incurred expenses due to the use/event, the applicant shall be responsible for reasonable costs to replace, repair, or clean the facility and/or reimburse the District for expenses incurred as a result of the use/event.

24.1.6 Insurance Requirements

Depending on the level of risk of the activity or event, facility use applicants shall be required to provide the District evidence of public liability and property damage insurance policy with an endorsement naming the Orangevale

Recreation & Park District, it's employees, officers, and agents as additionally insured.

Minimum coverage required is as follows:

Indoor facilities	\$ 500,000
Outdoor facilities or athletic fields	\$1,000,000
Horse Arena.....	\$2,000,000
Picnic areas or shelters.....	Varies depending on activity level

The District may waive insurance for low risk picnics, provided no equipment is brought into the park and no organized athletic events are played at the time of the picnic.

The District reserves the right to require higher coverage for “moderate” or “high risk” activities which shall be determined at District’s discretion.

Approved insurance certificates must be on file in the District office prior to the use/rental date(s). Certificate should be received at least 10 working days in advance of the use/rental date.

The policyholder on the insurance must be the same as the “Permittee” on the Orangevale Recreation & Park District Facility Use Application.

In the event the applicant does not have such a policy, a short term policy may be purchased through an independent insurance carrier administered by the District. Rates for this coverage are established annually by the carrier.

Failure to submit proof of the required insurance by the required date shall be cause for cancellation of the rental permit.

24.1.7 Alcoholic Beverages

The serving, sale, or consumption of alcoholic beverages on District property is strictly prohibited except as follows:

1. Orangevale Community Center, Activity Building and Youth Center. Allowed indoors only with the rental of the facility. An increased deposit is required. Security guards must be on duty at the event from one half hour before the time alcohol is served to one half hour after the alcohol has stopped being served or the end of the event.
2. Orangevale Community Park. Alcohol may be sold, served, or consumed during events by Special Permit only. A separate alcohol use application must be submitted a minimum of ninety (90) days in advance of the desired date. If approved, an alcohol permit fee of \$50 will be collected. An increased cleaning/damage deposit is required. Security Guards may be required for the event.

24.1.8 Security Guards & Chaperones

When Security Guards are required for an event, the District will hire the needed number of security guards. Cost of the guards will be billed to the renter at the rate stated in the Orangevale Recreation & Park District Fee Schedule, with a minimum of four (4) hours. Renter may not provide his or her own security without written consent of the District. One (1) guard is required for up to 100 attendees; two (2) guards are required for 100 to 175 attendees; three (3) guards are required for 175 to 300 attendees. For events over 300 attendees, the number of additional guards required shall be determined by the District.

Adult chaperones are required for youth activities at the ratio of one (1) adult to fifteen (15) minors. A list of chaperones may be required to be submitted to the District at least ten (10) working days prior to the event. This list must include phone numbers for all chaperones.

24.1.9 No Smoking

Per California State law, smoking is prohibited in all buildings and at least twenty (20) feet from any building entrance, exit, vent or opening or within twenty-five (25) feet of any park playground.

Smoking is prohibited inside the fenced pool area of the Orangevale Community Pool.

24.1.10 Responsibilities of Renters

Renter is responsible for the conduct of all participants, supervision of minors, any and all damages caused during the event, and all fees due.

Renter and participants must agree to fully and promptly obey any and all lawful orders given by staff members of the District, security personnel, Sheriff's Department, and/or Fire District. Failure to do so shall result in the immediate revocation of the facility use permit.

If police assistance is required, the event will be terminated immediately, and the deposit will be forfeited.

Renters must restore all areas of the facility to the condition they were found.

24.1.11 Use Permit Revocation or Denial

The District reserves the right to revoke or withhold use permits at any time for any reason the District deems necessary, including, but not limited to the following:

1. Failure to adhere to policies and rules, regulations or ordinances of the District

2. Giving incomplete or incorrect information regarding the nature of the event or number of participants
3. Advertising an event before approval of application
4. Exceeding building capacity
5. Fights, vandalism, or improper conduct
6. Not being in possession of use permit and/or licenses
7. Unauthorized sale or consumption of alcoholic beverages
8. Inadequate security

Cancellation of an event for any of the above reasons, will forfeit all fees and/or deposit.

The District reserves the right to deny a use permit at any time for any reason the District deems necessary, including, but not limited to:

1. The facility is not available for the date(s) requested
2. There is a conflict in scheduling with other events and/or activities
3. The facilities are being renovated or repaired (including field restorations)
4. The site being requested is not compatible with the event and/or activity (i.e. noise restrictions, time restrictions)
5. There are not sufficient resources (staff or equipment) for the event and/or activity

The District reserves the right to revoke or deny a use permit when facility is deemed necessary for any emergency or District purposes, in which case all fees and deposit will be returned.

24.1.12 Restrictions on Use

The Orangevale Recreation & Park District reserves the right to set special requirements of individuals and/or groups using District facilities to protect facilities and the safety of the general public. Some reservations may not be approved based on but not limited to the potential for damage to the facility, high risk of participant injury, or impact on law enforcement.

District facilities are NOT available for open to the public pay-at-the-door dances or parties unless the user group qualifies for the Civic/Non-profit user classification.

The District does not allow the use of dunk tanks at any District park or facility.

24.1.13 Appeals, Suspension of Rules

The use of facilities and parks is administered by the Orangevale Recreation & Park District. The District may, for good cause, suspend the rules contained herein and/or develop additional rules governing use. In the event of an appeal of a decision regarding use of a facility or park and/or a policy, the appeal shall be filed in writing, clearly stating the reasons for the appeal. Such appeal may not be made more than thirty (30) days after the action being approved or denied was rendered. The applicant shall be given reasonable opportunity to be heard and present evidence to District staff in writing. District staff shall review all materials submitted by the applicant. Decisions of the District staff shall be in writing and shall be delivered to the applicant either in person or by mailing to the address stated on the rental application. Should no decision be rendered within seven (7) days after the filing of the appeal, the appeal is denied unless time is extended by action of the District staff.

24.2 Classification of Facility Users

Classification of Users shall be determined by District staff using the definitions below. The Orangevale Recreation & Park District shall have priority of use over any other classification of facility users. Facility users may be subject to further “priority basis” scheduling as may be described in the rules and regulations of a specific District facility.

Standard: This classification shall apply to uses by private residents for private, non-commercial events and all users or groups who do not qualify for any other facility user classification.

Civic/Non-profit: This classification shall apply to local non-profit organizations, clubs, or associations serving the recreational, educational, or economic activities of the community whether or not dues, contributions, or admissions are accepted. To qualify, applicant must provide proof of its nonprofit tax exempt status under Section 501(c)(3) of the Internal Revenue Code. This classification shall also apply to local established community organizations offering recreational, educational, or economic activities free of charge or where any fees, charges or receipts will be expended in whole for the welfare of the community or local charitable purposes.

Civic/Non-profit, Youth serving: This classification shall apply to local non-profit organizations, clubs, or associations serving the recreational, educational, or economic activities of the community youth (under 18 years of age) whether or not dues, contributions, or admissions are accepted. To qualify, applicant must provide proof of its nonprofit tax exempt status under Section 501(c)(3) of the Internal Revenue Code. This classification shall also apply to local established community organizations offering youth recreational, educational, or economic activities free of charge or where any fees, charges or receipts will be expended in whole for the welfare of community youth.

Local Youth Sports Organization: This classification shall apply to local non-profit youth sports organizations, clubs, or associations serving the recreational sports

activities of the Orangevale community youth (under 18 years of age) whether or not dues, contributions, or admissions are accepted. To qualify, applicant must provide proof of its nonprofit tax exempt status under Section 501(c)(3) of the Internal Revenue Code, and proof that at least 60% of the youth they are serving live within the boundaries of the Orangevale Recreation & Park District.

Local Public Agency: Governmental agencies or departments of the US government, State of California, Sacramento County, or Special Districts serving the Orangevale area utilizing District facilities where the use is related to the performance of the agency's governmental duties and is related, of concern or directly benefits a significant portion of the District's residents, and where the agency's insurance would cover the activity.

Public Education: Local public schools and school districts that have joint-use agreements with the District, and are utilizing District facilities for school sponsored activities. School related activities are those which are sponsored by the school or school district for the benefit of the students where the school district's insurance would cover the activity. Parent or Booster Club fundraising activities are not considered school activities.

Resident: Residents are those persons living within the boundaries of the Orangevale Recreation & Park District. Resident groups/organizations are those where 60% of its membership live within the boundaries of the Orangevale Recreation & Park District. A resident business is one that is located within the Orangevale Recreation & Park District boundaries. Proof of residency may be required to qualify for this classification.

District: District use shall refer to any activity by the Orangevale Recreation & Park District.

24.3 Standard Facility Fees

Under the approval of the Orangevale Recreation & Park District Board of Directors, standard rental rates, deposits, service, staffing and equipment fees and charges concerning use of the Orangevale Recreation & Park District facilities shall be reviewed annually and stated in the Orangevale Recreation & Park District Fee Schedule. Rates shall be reviewed annually and may be subject to change at any time with approval of the Board.

1. Fees are based on an hourly rate with a minimum rental period as defined for each facility. After the minimum rental period, fees are calculated to the next highest half hour. Minimum rental periods for facilities shall be reviewed annually and stated in the Orangevale Recreation & Park District Fee Schedule.
2. For indoor facilities, rates include facility use, set-up and use of the tables and chairs normally assigned to the facility, and basic custodial services.
3. Rates do not normally include District staff, other requested services, or use of available equipment.
4. Uses of District facilities not listed in the Orangevale Recreation & Park District Fee Schedule, shall be considered "Special Use" and subject to Section 4 below.

5. Rates established for each rentable facility shall include rates for each appropriate classification of user. Not all classifications may apply to every facility.
6. Fees will not be refunded for reserved time not used.
7. If a rental goes beyond the scheduled hours, overtime rental fee shall be billed at one and one-half (1.5) times the applicable rate and be deducted from any deposits held.

24.3.1 Discounts, Reduction or Waiver of Fees

Discounts: The following User Classifications are eligible for a discount from the standard rate as designated in the Orangevale Recreation & Park District Fee Schedule: Civic/Non Profit, Civic/Non Profit Youth Serving, Resident, Local Youth Sports Organizations.

Local Public Agency: Qualifying agencies may be exempt from rental fees for use of District facilities but may be subject to charges for services provided by the District including but not limited to staff and janitorial services.

Reduction of Fees - Non-Standard Rate: The District Administrator or their designee, with approval of the Administrator, may determine appropriate reduced fees for all user classification rentals when it serves the best interest of the District. Examples that may qualify for a reduction in fees include multiple day use (more than three consecutive days), regular monthly usage, yearly contracts, or multi-year use contracts.

24.3.2 Service Fees

Staffing charges: Charges for staffing of rentals shall be assessed to cover the District's cost of the staff required for the rental. The number of staff will be determined by the nature of the activity, with a minimum of one (1) staff. Charges for staff shall be reviewed annually and stated in the Orangevale Recreation & Park District Fee Schedule.

Rental of the Orangevale Community Center or Activity Building requires that a Facility Host be on duty during the rental event. The Facility Host serves as a point of contact to the renter during their event. The Facility Host is also authorized to close an event for failure to comply with ORPD facility use policies, procedures, and rules.

The cost of the Host is included in the facility rental fee when rentals occur between 7am on Monday thru 5pm on Friday. The cost of the Host will be billed to the applicant when rentals occur after 5 pm on Friday thru 10 pm on Sunday. The Facility Host rate shall be stated in the Orangevale Recreation & Park District Fee Schedule.

24.3.3 Field and Maintenance Services

Charges for field and maintenance services shall be reviewed annually and stated in the Orangevale Recreation & Park District Fee Schedule. Field services include preparation of softball fields including dragging, watering, and lining and striping of fields for sports. Field services are only available when requested a minimum of seven (7) days in advance of the scheduled use. Fulfillment of requests for field services made less than seven (7) days shall be at the discretion of the District.

24.3.4 Utility Services

Charges for utility services, such as electricity shall be based on the actual cost to provide such services. These services are only available when requested a minimum of fourteen (14) days in advance of the use. Fulfillment of requests for utility services made less than fourteen (14) days shall be at the discretion of the District.

24.3.5 Additional Charges

Additional charges may be levied over standard rates under the following conditions:

1. When the usage occurs outside regular operating hours of the facility and staff is required to be on duty during the event
2. When additional District staff is needed for facility control or activity supervision.
3. When a special set-up or clean up of recreation facility is required.
4. When equipment is requested that is not normally located at the rented facility.
5. When specialized District-owned equipment is used.

Additional charges for services rendered or repair of damages will be retained out of rental deposits. If the amount of deposits is insufficient to cover the additional charges, applicant will be billed with payment due within thirty (30) days.

24.4 Special Uses and Special Events

All special use and special event requests for District facilities shall be considered on an individual basis and are at the discretion of the District.

Uses of District facilities not listed in the Orangevale Recreation & Park District Fee Schedule shall be considered "special use".

A “special event” is any temporary organized event or planned group activity or gathering with an estimated number of participants and spectators of 75 or more during any day of the event.

Special events that are held entirely within an indoor facility shall be governed by that facilities fees, rules and regulations, and guidelines.

A Special Event Permit may be required of outdoor special events that involve one or more of the following activities on District property:

1. Sale or distribution of goods, merchandise, food or beverage, (including alcohol)
2. Erection of a tent 400 square feet or larger
3. Installation of a stage, band shell, trailer, van, inflatable apparatus, portable building or toilet, grandstand or bleacher or any other large-scale temporary structure for public use
4. Use of amplified sound
5. Promotional advertising or sponsorships activities
6. Walk/run route
7. Commercial filming
8. Parking needs exceed the capacity of the venue
9. An admission fee is charged
10. Any activity that restricts the general public use of District property
11. Any activity that is advertised and open to the general public

Examples of special events that require permits include: festivals, parades, running/walking events, farmer's markets, concerts, circuses, fairs, community events, fund-raising events, private parties, promotional events, and bicycle races or tours.

Upon review of any facility use application, the District Administrator or his/her designee shall determine if the proposed use is considered a special use or special event based on the above criteria. If so, an additional Special Use/Special Event application must be submitted in addition to the standard facility application. Applications for special events must be submitted at least twelve (12) weeks in advance of the date requested.

The application for Special Use/Special Event will include a full description of the use/event including but not limited to date, time, and location of the use/event; description of the sponsoring individual/group/agency; purpose of the use/event; and a detailed diagram of the use/event layout. Also included shall be a description of any

special apparatus, equipment, or structure that is being proposed for the event and special utility requirements needed.

If the use/event is approved, the District Administrator (or his/her designee, with approval from the Administrator) will determine fees for the use according to the established event fee guidelines. After fee determination, a Special Use/Special Event contract will be created, agreed upon by the applicant and District Administrator, and submitted for final approval by the Board of Directors.

24.4.1 Fireworks Booths

Resident Civic/Non-profit organizations may request the use of a District facility parking lot for the purpose of selling approved fireworks according to current state and local regulations. Organizations must request this use in writing at least thirty (30) days in advance of the sale, and no more than a year in advance. Requests will be fulfilled on a first come basis. Organizations must follow all District, local and state regulations that apply to the sale of fireworks and provide appropriate liability insurance as determined by the District.

24.4.2 Electronic Reader Board

Use of the Electronic Reader Board (ERB) Sign shall be in accordance with the Orangevale Recreation & Park District Electronic Reader Board (ERB) Sign Policy (adopted 1/13/11). Fees for message requests shall be reviewed annually and stated in the Orangevale Recreation & Park District Fee Schedule. Fees charges will offset the cost of processing of the request and cost of creating/programming/uploading the message.

24.4.3 Classroom Use Exchange

Non-profit youth serving groups may utilize the Orangevale Community Center Classroom at no charge, if available, in exchange for providing community service volunteers for Orangevale Recreation & Park District Special Events. The District shall establish guidelines for use and a listing of the community service opportunities where volunteers are needed. Failure of the group to provide the required exchange may result in the termination of free use of the classroom.

24.4.4 Inflatable Apparatus (Bounce Houses)

Inflatable recreational apparatus, such as Bounce Houses, slides, and the like, are permissible by Special Use/Special Event permit only under the following conditions:

1. When used as part of a permitted special event

2. When used at a private party renting a picnic shelter at Orangevale Community Park and by providing proof of insurance for \$1,000,000 in general liability, naming the District as additionally insured.

EXHIBIT A

CONFLICT OF INTEREST CODE FOR ORANGEVALE RECREATION & PARK DISTRICT

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 that can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations 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 Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the ORANGEVALE RECREATION & PARK DISTRICT.

Designated employees and board members shall file statements of economic interests with the Clerk of the Board of Supervisors of Sacramento of Sacramento County as the code reviewing body.

Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations:

18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of 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 California Code of Regulations Section 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 economic 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 economic 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 Sections 87200 et seq.; and

(C) The filing officer is the same both agencies.¹

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 economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

¹Designated 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.

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

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

(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 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

²See Government Code Section 81010 and 2 California 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.

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 with a date of being appointed or nominated, respectively.

(C) Contents of Annual Statements.

Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Government Code Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to 2 Cal. Code Regs. Section 18754.

(D) Contents of Leaving Office Statements.

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

(7) Section 7. Manner of Reporting.

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

(A) Investments and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

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

⁴Investments and interests in real property which have a fair market value of less than \$2,000.00) are not investments and interests in real property within the meaning of the Political Reform Act. However,

- (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 two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000)

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

- (1) The name and address of each source of income aggregating five hundred dollars (\$500) 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), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
- (3) A description of the consideration, if any, for which the income was received;
- (4) In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
- (5) In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

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

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% or greater.

⁵A 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.

⁶Income 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% or greater interest. In addition, the disclosure of

(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 governing body 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 \$470.

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

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.

Subsections (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 five hundred dollars (\$500) at any given time.

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

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of 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 two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth One Thousand Dollars (\$1,000.00) 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 five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

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

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 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. Disclosure of Disqualifying Interest.

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

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

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 and 2 Cal. Code Regs. Sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 to 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 Cited: Section 83112, Government Code . Reference: Sections 87103(e), 87300-87302, 89501, 89502, 89503 Government Code

APPENDIX A (of Exhibit A)

PART I – DESIGNATED EMPLOYEES

<u>Position</u>	<u>Disclosure Category</u>
Board Members	1-4
District Administrator	1-4
Admin Services Manager / Financial Officer	1-4
Recreation Manager / Superintendent	1-4
Park Superintendent	1-4
Consultants	1-5

PART II – DISCLOSURE CATEGORIES

1. Investments, business positions in any business entity, and sources of income with respect to any person or business which provides facilities, services, supplies or equipment of the type utilized by the District.
2. All interests in real property located within the jurisdiction of the District and/or within a two mile radius of any property owned by the District.]
3. Investments, business positions in any business entity, sources of income, and interests in real property related to businesses which provide services similar to those provided by the District.
4. Investments, business positions in any business entity, sources of income, and/or interests in real property related to business entities or persons who are:
 - a. Owners of interests in real property located within the District; or
 - b. Engaged in the real estate sales and/or development business within the jurisdictional boundaries of the District.
5. Consultants shall disclose all sources of income, interests in real property and investments and business positions in business entities as set forth in disclosure categories 1, 2 and 3 above.

The District Administrator of the District 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. Such determination shall be a public record and shall be retained for public inspection in the same manner and locations as this conflict of interest code.

EXHIBIT B



FORMAL COMPLAINT FORM To file a complaint with the OVparks Staff

Individual Filing Complaint's Name: _____ Date(s) of Incident: _____

Orangevale Resident? Y__ N__

In accordance with the Orangevale Recreation & Park District Operational Policies & Procedures, filing a formal complaint starts at step #1 Department Head, before it moves to step #2 District Administrator.

This complaint is (circle 1)

Step #1 - Directed to the Department Head

Step #2 -Directed to the District Administrator (only AFTER Step #1)

Concise Statement of the Complaint: _____

List of names of individual(s) involved: _____

List of witnesses: _____

Describe desired resolution: _____

Steps taken toward resolution, if any: _____

Statement of facts supporting the Complaint: _____

Signature: _____ Date: _____

OVparks STATEMENT OF COMPLAINT WITHDRAWAL

This Statement of Complaint is ONLY to be signed IF the person filing would like to withdraw the Complaint. Once a complaint is withdrawn, it can only be addressed by a new Statement of Complaint.

I, (name) _____ withdraw the above complaint on (date) _____

Signature: _____ Witness: _____

EXHIBIT C CATEGORIES OF DISTRICT RECORDS AND RECORD RETENTION SCHEDULE

Type of Record	Years	Remarks
<u>Correspondence</u>		
Chronological Correspondence	2	
General Correspondence to the Public	3	
Reports Received from Third Parties	3	
Public Records Act Requests	2	
<u>Financial</u>		
Expense Reports	2	Or until audited, whichever is first
Budgets	2	Or until audited, whichever is first
Billing/Accounting Reports	2	Or until audited, whichever is first
Budget Change Proposals	2	Or until audited, whichever is first
Audits	P	Permanent
Invoices	2	Or until audited, whichever is first
Fees/Receipts	2	Or until audited, whichever is first
Checks/Ledgers/Registers	2	Or until audited, whichever is first
Federal Grants or Loans	Active+7	Active until claim paid plus 7 years, or until audited, whichever is first
Cost Recovery–State Grants and Loans	Active+4	Active until claim paid plus 4 years, or until audited, whichever is first
Other Grants	Active+2	Active until end of grant year
Contracts for Professional Services	Active+7	Government Code Section 60201

Construction Contracts	Active + 10	Active period ceases on completion and acceptance of construction
Purchase Orders/Contracts Including Leases, Equipment, Services or Supplies	Active + 5	Active period ends upon payment and District receipt of goods and/or services
District Employee and Board Member Travel Expenses	Active + 7	Period of activity ceases upon date of payment
<u>Equipment/Supplies/Space</u>		
Inventory	Active	Active until revised
Service Orders/Authorizations/Contracts for Services	Active + 5	Active until service performed and payment made
Vendor Information	Active	Active until revised
Inspection Reports	Active	Active until revised, rescinded or superseded
Equipment Maintenance	Active+4	Active until maintenance complete and paid for
Hardware/Software Documentation	Active	Active until revised, rescinded or superseded
Vehicle Files	2	
<u>Personnel</u>		
Job Descriptions	Active	Active until revised
Employee Records	Active+2	Active until employee leaves/terminates; confidential destruction
Attendance	Active+2	Active until employee leaves/terminates; confidential destruction
Training	3	
Applications	Active + 2	Active until employee leaves/terminates; confidential destruction

Interview Documents	Active + 2	Active until employee leaves/terminates or position filled; confidential destruction
Affirmative Action Policies	Active	Active until revised
Performance Evaluations	Active +2	Active until employee leaves/terminates; confidential destruction
Labor Relations	2	
Overtime Logs	2	
Grievances and Complaints	Active+2	Active until grievance process completed and/or complaint proceedings, including appeal process, fully resolved
Bond, Personnel Fidelity	Active + 2	Active until termination of employment and/or position for which bond is required
<u>Policy/Procedure/Organization</u>		
Policies (All)	Active	Active until revised
Procedures (All)	Active	Active until revised
Compliance Requirements	Active	Active until revised
Organization Charts	Active	Active until revised
Mission Statements	Active	Active until revised
Agendas	3	
Board Meeting Recordings	6 months	From meeting date (or until minutes are approved if longer than 6 months)
Minutes of Meetings	P	Permanent
Staff Reports (Administrative, Engineering, Parks and Recreation, Fire)	3	
Studies	3	
Feasibility Analyses	5	
Request for Proposals and Responses Thereto	3	
Reports re Activities of Committees and/or Conference Attendance	3	
Safety and Security Policies	Active	Active until revised

Minutes of Public Hearings	P	Permanent
District Strategic Plans and Goals	Active	Active until revised, rescinded, superseded or completed
<u>Parks</u>		
Records re Maintenance and Operations	Active+2	Includes work orders, inspection, repairs, cleaning, reports, complaints
Proposed Plans and Specifications	Active+2	Plans and specifications for new sites, expansions, and improvements to existing sites
Plans and Specifications for New Improvements	Active + 4	Active until improvements represented by plans and specifications constructed
Accident Reports	Active+2	Active until accident report completed
Engineering Documents	P	Permanent
<u>Records Management</u>		
Records Retention Schedule	Active	Active until revised
Records Destruction Authorization	4	
Forms File	Active+1	Active until revised, rescinded or superseded
<u>Legislation/Regulations/Legal</u>		
Bill Analysis	3	
Research Information	3	
Proposed Legislation/Regulations	3	
Legal Opinions	Active+4	Active until issues resolved
Litigation	Active+2	Active until litigation complete
Reports from Legislative Advocate	3	
<u>Public Relations</u>		
Newspaper/Web Articles re District	2	
Press Releases	2	

“Active” retention is for records that are of administrative, fiscal, historic or legal utility to the District. Such records remain active until some event occurs which renders such records of no further utility to the District. After such an event occurs such records are disposed of pursuant to the District’s Records Retention Policy.

EXHIBIT D

SAMPLE PREQUALIFICATION QUESTIONNAIRE FOR PROSPECTIVE BIDDERS FOR ORANGEVALE RECREATION & PARK DISTRICT

_____, 2016

I. BACKGROUND AND OVERVIEW

The Orangevale Recreation & Park District (District) is prequalifying contractors to bid to perform construction work on **[Description of Project]** project (“Project”). The District’s estimated construction cost for the Project is \$ _____ million.

As a condition of bidding to perform any of the construction work on the Project, and in accordance with California Public Contract Code 20111.5(e), the District requires prospective bidders to fully complete a prequalification questionnaire on forms supplied and a financial statement.

Once a Contractor’s prequalification statement is submitted, the District will notify the Contractor if the Contractor meets the prequalification requirements.

If prequalified, Contractors will be prequalified to bid on the Project if and when the District puts the Project out to bid. Contractors who are prequalified must update prequalification forms as a prequalified Contractor’s status or information changes. The District reserves the right to request that Contractor(s) update prequalification forms. The District also reserves the right to revoke, rescind, and/or reuse the prequalification status of a Contractor.

Please complete the attached questionnaire and return to:

Orangevale Recreation & Park District

Attn: _____

6826 Hazel Avenue

Orangevale, CA 95662

Bids for construction projects will not be accepted unless a Contractor is prequalified by the District.

The District reserves the right to use some or all of the information provided in this form for evaluation purposes.

For information regarding the prequalification process, please call _____ at (916) 988-4373.

II. PROJECT DESCRIPTION

The Project includes all preparation, site work, and the installation of products at [Name of Project]. The work of the Project includes, but is not necessary limited to:

[DESCRIPTION OF WHAT WORK ENTAILS]

III. PREQUALIFICATION PROCESS

The following process will govern the conduct of Contractor prequalification for the Project. A Contractor who submits prequalification responses thereby consents to and will comply with the procedures outlined below and as set forth in greater detail in this document.

- A. Submittal. On or before **DATE at or before 2:00 p.m.** all prospective licensed Contractors who wish to qualify for work on the Project shall submit a Contractor Prequalification Questionnaire & Certification (Questionnaire) in a sealed envelope to: **Orangevale Recreation & Park District, 6826 Hazel Avenue, Orangevale, CA 95662, Attention: [REDACTED]; Prequalification Response for [REDACTED]**. No questionnaires will be accepted after this time. However, the District reserves the right to request, receive, and evaluate supplemental information after the above time and date at its sole discretion.
- B. Form: Contractor shall successfully complete the prequalification process and timely submit all documents as indicated in the Questionnaire. No other prequalification documents previously completed by Contractor will meet these requirements. All information requested in the Questionnaire must be provided in order to be considered “responsive” to the requirements of prequalification. The Questionnaire shall be submitted as one package – it shall not be submitted “piecemeal.” Contractors shall submit one (1) completed Questionnaire with required attachments in “hard copy” format (i.e., 8-1/2” x 11” paper) in a sealed envelope. Submission of an incomplete and/or unclear Questionnaire is likely to result in a determination that the Contractor is non-responsive.
- C. District’s Review: Information submitted in the Questionnaire shall not be public information and shall not be open to public inspection, to the extent allowed by law.

Contractors that have submitted a Questionnaire shall receive written notification of their prequalification status. The District reserves the right to reject any or all Questionnaires or to waive irregularities in any Questionnaire received. The District also reserves the right to certify a Contractor only up to a specific contract size or dollar amount.

- D. Addenda. Any addenda issued will be faxed, mailed, or sent by messenger service to all Contractors known to the District to have received a Questionnaire and who have provided a complete and legible physical address, telephone number, and fax number for receipt of addenda. The receipt of all addenda must be acknowledged on the Contractor's Questionnaire.
- E. Nonresponsiveness. A Contractor's Questionnaire shall be deemed nonresponsive if:
1. The Questionnaire is not returned on time.
 2. Contractor does not provide all requested information.
 3. The Questionnaire is not signed under penalty of perjury by individuals who have the authority to bind the Contractor on whose behalf they are signing.
 4. Information contained in the Questionnaire is not updated under penalty of perjury when it is no longer accurate.
 5. Any information provided by the Contractor is misleading or inaccurate in any material manner (e.g., financial resources are overstated; previous violations of law are not accurately reported). Even after a Contractor has been determined to be qualified, the District reserves the right to revoke that determination at any subsequent time, to terminate any Contract awarded, and to cease making payments if it determines that any information provided by the Contractor was incomplete, misleading, or inaccurate in any material manner.

IV. QUALIFICATION CRITERIA

A. Essential Criteria

As detailed herein, each potential Contractor must provide specific information that will be reviewed and scaled by the District. Certain qualifications are essential and the District will deduct 100 points from any Contractor who cannot satisfy all of these requirements. Any potential Contractor who cannot satisfy all of the following requirements ("Essential Criteria"), regardless of the ranking or ability to meet other criteria, will not be prequalified:

1. Public Bid Projects. The Contractor shall have contracted or and completed construction involving a minimum of number (#)
2. [Type of Project, i.e. skate park] Skate Park Projects. The Contractor shall have contracted for and completed construction involving a minimum of number (#) park construction projects built within the past five (5) years.
3. Default or Bankruptcy. The Contractor, either performing work under its current license or under other licenses through other entities, including a joint venture, shall not have defaulted on a Contract within the past five (5) years or declared bankruptcy or been placed in receivership within the past five (5) years.
4. Licensure. The Contractor shall hold a current, active license that has been consistently active for at least five (5) years and that has not been suspended or revoked.
5. Disqualification. The Contractor shall not have been disqualified, debarred, forbidden, or found nonresponsible, or otherwise prohibited, from performing work for and/or bidding on a public works project.
6. Termination. The Contractor shall not have been terminated on work for any school district or other public agency within the State of California.

B. Other Criteria

As stated above, each Contractor must satisfy all of the Essential Criteria, regardless of its ranking or ability to meet other criteria, or the Contractor will not prequalify for District work. The Questionnaire contains questions for which a numerical score will be given for specific answer(s). A Contractor must receive a minimum number of points, regardless of its ability to meet other criteria, or the Contractor will not prequalify for District work. Even if a Contractor meets the Essential Criteria and receives at least the minimum number of points, the District reserves the right to disqualify it from bidding on other grounds.

The District will use some or all of the following criteria in qualifying each Contractor. The District reserves the right to modify the following criteria and to add or delete criteria at its sole discretion at any time prior to opening prequalification Questionnaire.

1. Previous Experience. The Contractor shall demonstrate experience working on State projects approved by the Division of the State Architect (DSA), including the following:
 - a. Previous or current Contracts for similar types of projects that demonstrate equivalent quality design, detailing, finishes and construction.
 - b. Experience in managing projects of similar scale and complexity with strict budget and schedule compliance.
2. Business History. The Contractor has a history of having continuously been in business as a licensed Contractor.
3. Bondability. The Contractor shall demonstrate that it can provide a 10 percent bid bond, a 100 percent payment bond, and a 100 percent performance bond, each issued by a surety admitted and authorized to transact business as a surety in California. If the Contractor is unable to obtain the required bonds in the time prescribed by the District, the District may suspend the Contractor from the qualified Contractor's list and now allow the Contractor to bid on the Project until proof of bondability is provided. The District's estimated construction cost for the Project is \$XX-\$XX million.
4. Insurability. The Contractor shall demonstrate that it holds the insurance as indicated in the Questionnaire.
5. Workers' Compensation Experience Modifier. The District will consider the Contractor's Workers' Compensation Experience Modification Rate for the past five (5) years.
6. Violations of Regulations or Laws. The Contractor shall demonstrate that it has not, in any of its forms, been found in violation of applicable state laws or regulations, including public bidding requirements.
7. Quality Control. The Contractor shall demonstrate quality, appropriateness, and thoroughness of quality control techniques.
8. Personnel. The Contractor shall disclose to the District for District review and approval:
 - a. Staff assignments to key roles;

- b. Commitment by the Contractor to carry out the Contract, including availability of full time supervision of the Contract throughout the duration of the Project; and
 - c. Clear lines of responsibility within the Contractor's organization demonstrating effectiveness and responsiveness.
9. Financial Strength. The Contractor shall demonstrate its financial ability to undertake and complete this Project.
10. Previous Similar Work. The Contractor shall demonstrate its past experience performing work similar to the Project.

V. APPEALING A QUALIFICATION FINDING

Contractor shall adhere to these procedures and timelines. Without a proper and timely appeal, the Contractor waives any and all rights to challenge the decision of District, whether by administrative process, judicial process, or any other legal process or proceeding. These procedures are an opportunity for Contractor to present evidence to the District supporting Contractor's contention that Contractor meets the District's qualification criteria.

Step One

Contractor may appeal the District's decision by submitting, in writing, within three (3) working days from notification, a request for a meeting with the District's Manager of Construction. Contractor may submit with the request any information that it believes supports a finding that District's determination should be changed. After the Contractor's meeting with the Manager of Construction, the Manager of Construction will provide Contractor with a written statement in response to that meeting.

Step Two

Within three (3) working days of Contractor's receipt of written statement from the Manager of Construction, Contractor may submit, in writing, a request for a meeting with the District's District Administrator. After the Contractor's meeting with the District's District Administrator, the District's District Administrator will provide Contractor with a written statement in response to that meeting. The statement from the District's District Administrator shall be the final decision of the District.

CONTRACTOR
PREQUALIFICATION QUESTIONNAIRE AND CERTIFICATION

Each prospective Contractor ("Contractor") shall be currently licensed and shall submit the following information to establish its qualifications to bid to perform construction work on District facilities during a period of one year.

A. CONTRACTOR'S INFORMATION

Firm Name: _____

Address: _____

Telephone: _____ Fax: _____

Mobile Telephone: _____ E-mail: _____

By: _____ Date: _____

(Name of individual completing statement)

Years in business as a licensed Contractor: _____

Types of work performed with own forces: _____

Years in business under current firm name: _____

Years at the above address: _____

Receipt and acceptance of the following addenda is hereby acknowledged:

No. _____, Dated _____

No. _____, Dated _____

B. CURRENT ORGANIZATION AND STRUCTURE OF THE BUSINESS

1. For Firms That Are Corporations:

a. Date incorporated: _____

b. Type of corporation (e.g., S Corp., C Corp., LLC): _____

c. Under the laws of what state: _____

- d. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten percent (10%) of the corporation's stock. Attach all additional references and/or information on separate signed sheets.

Name	Position	Years with Co.	% Ownership	Social Security #

2. For Firms That Are Partnerships:

- a. Date of formation: _____
- b. Type of partnership (e.g., general, limited): _____
- c. Under the laws of what state: _____
- d. Provide all the following information for each partner who owns ten percent (10%) or more of the firm. Attach all additional references and/or information on separate signed sheets.

Name	Position	Years with Co.	% Ownership	Social Security #

3. For Firms That Are Sole Proprietorships:

- a. Date of commencement of business: _____

Name	Position	Years with Co.	% Ownership	Social Security #

4. For Firms That Intend to Bid as a Joint Venture:

- a. Date of commencement of joint venture: _____
- _____ b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects. Attach all additional references and/or information on separate signed sheets.

Name of Firm	% of Ownership of Joint Venture

- c. Provide all the following information for each owner of a firm that is a participant in a joint venture. Attach all additional references and/or information on separate signed sheets.

Firm Name	Name of Owner	Position	Years with Co.	% Ownership of Co	Social Security # of Owner

C. ASSOCIATED FIRMS

Identify every construction firm and/or construction management firm that the Contractor or any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the past five (5) years. Attach all additional references and/or information on separate signed sheets. NOTE: For this question, “owner” and “partner” refer to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.

State Person’s Name or “Contractor” if Your Firm was Associated with Another Firm	Construction Firm or Construction Management Firm Name	Contractor’s License No.	Dates of Person’s Participation with Company

D. HISTORY OF THE BUSINESS AND ORGANIZATIONAL PERFORMANCE

- Has there been any change in ownership of the firm at any time during the past three years? NOTE: A corporation whose shares are publicly traded is not required to answer this question.
 - Yes (If “yes,” explain on a separate signed sheet)
 - No
- Is the firm a subsidiary, parent, holding company, or affiliate of another construction firm? NOTE: Include information about other firms if one firm owns ten percent (10%) or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.
 - Yes (If “yes,” explain on a separate signed sheet, including the name of the related company and the percent ownership)
 - No
- Are any corporate officers, partners or owners connected to any other construction firms? NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.
 - Yes (If “yes,” explain on a separate signed sheet)
 - No
- State your firm’s gross revenues for each of the past four years:

Year	Gross Revenue
------	---------------

	\$
	\$
	\$
	\$

E. CONTRACTOR'S LICENSES

1. Contractor shall be licensed in the State of California and shall submit the following information:

a. Name of license holder exactly as on file with the California State License Board:

b. License classifications: _____

c. License #: _____

d. Number of years license holder has held the listed license: _____

e. Number of years Contractor has done business in California under contractor's license law: _____

2. Has your firm changed names or license number in the past five years?

- ☐ Yes (If "yes," explain on a separate signed sheet)
- ☐ No

F. PROJECT REFERENCES

List ***all*** projects in which the Contractor has participated during the past five (5) years. Include all projects that are skate park and construction projects and/or outdoor infill synthetic turf field construction projects.

Please include all projects performed under all firm names identified in Section B (CURRENT ORGANIZATION AND STRUCTURE OF THE BUSINESS) and Section C (ASSOCIATED FIRMS). Please use additional signed sheets when needed to explain or clarify any response or to include more responses with all requested information.

Of the listed projects, the following must have been successfully completed by your firm and/or any firm identified in Section B:

- At least [number (#)] of these projects must have been California public bid construction projects each with value of at least [number (#)] or Contractor cannot prequalify for the Project.
- At least [number (#)] of these projects must be [type of project, i.e. skate park] construction projects of at least [] square feet successfully completed by your firm and/or any firm identified in Section B or Contractor cannot prequalify for the Project.

District will assign points based on standardized questions that the District will ask Contractor's references.

1. Project Name/Identification: _____
 - a. Name of contractor/entity performing work: _____

 - b. Project owner: _____
 - c. Representative of Project owner (name and telephone number for District reference): _____

 - d. Project architect (name and telephone number for District reference): _____

 - e. If Contractor was a subcontractor on the Project: Name of General Contractor: _____

Scope of Work: _____

 - f. Project construction manager, if any (name and telephone number for District reference): _____

 - g. Project address/location: _____

 - h. Original completion date: _____

 - i. Date completed: _____

 - j. Initial contract value (as of time of bid award): _____

k. Final contract value: _____

l. Liquidated damages assessed? (If yes, explain): _

m. Contact for verification (name and telephone number
for District reference: _____

n. Did the project include constructing or modernizing an
earthquake resistant building? _____

o. Did the project owner, district, public entity, general
contractor, architect, or construction manager file claim(s) in
an amount exceeding \$50,000 or 1% of the original bid
amount, whichever is less, against you or your firm, or did
you or your firm file claim(s) in an amount exceeding
\$50,000 or 1% of the original bid amount, whichever is less,
against a project owner, district, public entity, general
contractor, architect, or construction manager? If yes,
explain and indicate on separate signed sheet(s) the project
name(s), claim(s), and date(s) of claim(s).

2. Additional References: Attach all additional references on separate
signed sheets as necessary.

G. EVALUATION CRITERIA

1. Essential Criteria

- a. Has your firm and/or any firm identified in Section B
contracted for and completed construction, involving a
minimum of **number (#)** California public construction
project, each with a Contractor's contract value of at least
\$1,000,000 for the Contractor, within the past five (5) years?
- Yes
 - No
- b. Has your firm and/or any firm identified in Section B
contracted for and completed construction, involving a
minimum of **number (#)** **[type of project, i.e. skate park]**
construction projects within the past five (5) years?

- ☐ Yes
 - ☐ No
- c. Has your firm and/or any firm identified in Section B and/or Section C defaulted on a contract within the past five (5) years or declared bankruptcy or been placed in receivership within the past five (5) years??
 - ☐ Yes
 - ☐ No
- d. Has your firm and/or any firm identified in Section B held a current, active “A” or “B” license that has been consistently active for at least five (5) years and that has not been suspended or revoked?
 - ☐ Yes
 - ☐ No
- e. Has your firm and/or any firm identified in Section B and/or Section C ever been disqualified, debarred, forbidden, found non-responsible, or otherwise prohibited, from performing work and/or bidding on work for any park district or other public agency within the State of California?
 - ☐ Yes
 - ☐ No
- f. Has your firm and/or any firm identified in Section B and/or Section C ever been terminated by any park district or other public agency on any project for a park district or other public agency within the State of California?
 - ☐ Yes
 - ☐ No

2. **Other Criteria**

- a. Has your firm and/or any firm identified in Section B and/or Section C ever been assessed any penalties for non-compliance or found to be in non-compliance with state public contract laws and/or regulations, including public bidding requirements, and the requirement to pay prevailing wages on public works projects within the past five (5) years? If yes, indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of incidents.

- Yes
- No

- b. Has your firm and/or any firm identified in Section B and/or Section C ever been cited and/or assessed penalties by the EPA, any Air Quality Management District, any Regional Water Quality Control Board, or any other environmental agency within the past five (5) years? If yes, indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation.
- Yes
 - No

H. CONTRACTOR'S PROJECT PERSONNEL

The Contractor hereby commits to the assignment of the full-time on-site Project Manager and Project Superintendent(s) named below to District project(s). At the time of the bid, the successful Contractor shall confirm those personnel. If any of the named staff are no longer employed by the firm at the time of bid opening, or are otherwise unavailable, the Contractor's bid may be considered non-responsive. The Contractor may formally request substitution of other individuals with equivalent experience, and District may consider them. However, resumés, project history, and other relevant information must be submitted by the Contractor to District immediately once Contractor becomes aware of a need for a substitution. The District's estimated construction cost for the Project is \$XX-\$XX million.

Full-Time, On-Site Project Manager. The District is expecting that your firm will have at least one (1) Project Manager who has completed at least number (#) [type of project] construction projects within the past five (5) years:

1. Name: _____
2. Address: _____
3. Years with firm: _____

4. Years in current position: _____
5. Licenses held: _____
6. Experience with projects with schools: _____

7. Years experience with projects with other public entities: _____

8. For each previous [type of project] construction projects, please provide the following:

- (a) The name of each project upon which you base your response to this question;
- (b) A general description of the scope of work for the projects managed by the Project Manager;
- (c) The address and telephone number of the owner and the owner's representative for each such project;
- (d) The project architect's name, address, telephone number and contact person for each such project.

[XXX] Full-Time, On-Site Project Superintendents. The District is expecting that your firm will have at least [] Project Superintendents who have completed at least number (#) [type of project] construction projects within the past five (5) years. Please provide the following information for [] Project Superintendents:

- 1. Name: _____
- 2. Address: _____
- 3. Years with firm: _____

- 4. Years in current position: _____
- 5. Licenses held: _____
- 6. Experience with projects with schools: _____
- 7. Years experience with projects with other public entities: _____

8. For each previous [type of project] construction projects, please provide the following:
- (a) The name of each project upon which you base your response to this question;
 - (b) A general description of the scope of work for the projects managed by the Project Manager;
 - (c) The address and telephone number of the owner and the owner's representative for each such project;
 - (d) The project architect's name, address, telephone number and contact person for each such project.

I. PERSONNEL REQUIREMENTS

Please describe the number of personnel currently employed with your company which will participate in this Project and allow you to perform the work specified: _____

J. CONTRACTOR'S BONDING/SURETY

Contractors must fully comply with all bid conditions including, without limitation, a 10 percent bid bond, a 100 percent payment bond, and a 100 percent performance bond. Contractor's surety must be admitted and authorized to transact business as a surety in California. List all sureties utilized in the past five (5) years. Use separate signed sheets as necessary, with all requested information.

1. Name of bonding company (not agency): _____

2. Address of company: _____
3. Name of agent: _____
4. Address of agent: _____
5. Telephone number of agent: _____
6. Years Contractor has been with this surety: _____
7. Amounts paid out by or work performed by surety in the past five (5) years that were in any way related to construction activities of Contractor and/or any firm identified in Section B and/or Section C (Please provide an explanation on separate signed sheets): \$ _____

8. Has your firm and/or any firm identified in Section B paid a premium of more than one percent (1%) for a performance and payment bond on any project(s) at any time during the past five (5) years? If yes, state the percentage paid. You may provide an explanation for a percentage rate higher than one percent, if you wish to do so: % _____
9. During the past five years, has your firm and/or any firm identified in Section B and/or Section C, ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?: If yes, provide details on a separate signed sheet indicating the date(s) when your firm was denied coverage and the name of the company or companies which denied coverage; and the period(s) during which you had no surety bond in place.
10. Provide a certificate letter from your bonding company identifying the bonding rate per \$1,000, the aggregate and single project bonding capacity of the company, and a list of all currently bonded projects with their penal sum. Further, provide a Certificate of Fact issued by the County of Sacramento Department of Finance County Clerk-Recorder pursuant to Code of Civil Procedure Section 995.640(a) and/or a Certificate of Authority issued by the State of California Department of Insurance with respect to each bonding company used during the last five (5) years.
11. Please provide written documentation of your company's currently available bonding capacity.
12. Please provide the A.M. Best rating for your current bonding company: _____
13. Please provide the most recent Standard & Poors rating for your current bonding company:

K. CONTRACTOR'S INSURANCE

Prospective Contractors must fully comply with all bid conditions including the following insurance coverage and associated limits.

**Commercial Form General Liability Insurance,
including Product Completed Operations Coverage**

**Minimum
Requirement**

Each Occurrence – Bodily Injury, Personal Injury,
Property Damage, Advertising Injury, and Medical
Payments

\$ 2,000,000

General Aggregate

\$ 4,000,000

Business Automobile Liability Insurance – Any Auto

\$ 2,000,000

Excess Commercial Liability/Umbrella

\$ 4,000,000

Workers' Compensation

Statutory
Limits

Employer's Liability

\$ 2,000,000

1. List all insurers Contractor utilized in the past five (5) years. Use separate signed sheets as necessary, with all requested information.

a. Name of insurance company ("Insurer"): _____

b. Address of Insurer: _____

c. Name of agent: _____

d. Address of agent: _____

e. Telephone number of agent: _____

f. Years Contractor has been with this Insurer: ____

g. Amounts paid out by Insurer in the past five (5) years that were in any way related to construction activities of your firm and/or any firm identified in Section B (Please provide an explanation on separate signed sheets).

h. Insurer's "Best" rating: _____

L. WORKERS' COMPENSATION

1. State the Contractor's current Workers' Compensation Experience Modification Rate: _____

2. State the Contractor's Workers' Compensation Experience Modification Rate for the past five (f) years (including any firm identified in Section B):

2009: _____

2008: _____

2007: _____

2006: _____

2005: _____

3. Within the past five (5) years has there ever been a period when your firm and/or any firm identified in Section B had employees but was without workers' compensation insurance or state-approved self-insurance? _____. If yes, indicate on separate sheet(s) of paper the date(s) and reason(s) for the absence of workers' compensation insurance.

M. CONTRACTOR'S FINANCIAL INFORMATION

Contractor shall submit an audited financial statement for the past two (2) full fiscal years. An unaudited and/or compiled financial statement, and/or a letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required audited financial statement.

1. List average yearly volume of work and net income for the past five (5) years.

a. Average yearly volume of work for the last five (5) years:

2009: _____

2008: _____

2007: _____

2006: _____

2005: _____

2. Net income for each of the last five (5) years:

2009: _____

2008: _____

2007: _____

2006: _____

2005: _____

3. Current debt to equity ratio: _____

4. List work currently on backlog, with percent complete as appropriate: _____

5. Provide a list of at least two (2) of each of the following credit references:

a. Major Suppliers:

b. Trade Subcontractors:

c. Bank References:

N. INDUSTRIAL SAFETY RECORD

1. Please use your last year's OSHA No. 200 Log to fill in the following:

a. Number of injuries and illnesses:

(1) Number of lost workday cases:

(2) Number of restricted workday cases:

(3) Number of cases of medical attention only:

(4) Number of fatalities:

(5) Incident rate:

2. Do you hold site safety meetings? If yes, explain the nature and frequency of the meetings:

- ☐ Yes
- ☐ No

Frequency _____

3. Do you conduct project safety inspections?

- ☐ Yes
- ☐ No

Frequency: _____

4. Do you have a written safety program?

- ☐ Yes
- ☐ No

5. Do you have an orientation program for new hires?

- ☐ Yes
- ☐ No

6. Please submit a brief description of your existing safety program:

O. LITIGATION HISTORY

1. List any history of claims, litigation disputes, arbitration, and/or termination for cause associated with any work contracted on any project within the last five (5) years, including stop notice claims.

2. Have you ever abandoned a contract for any reason within the last five (5) years?

- ☐ Yes
- ☐ No

If Yes, please comment: _____

3. Has your organization filed any lawsuits, requested arbitration, or been involved in any litigation with regard to your contract activity within the last five (5) years?

- ☐ Yes
- ☐ No

If Yes, please comment: _____

4. Are there any judgments, claims, arbitration proceedings, or suits pending or outstanding against your company at the present time?

- ☐ Yes
- ☐ No

If Yes, please explain and itemize: _____

5. List any current litigation with local agencies located within Sacramento County or in counties adjacent to Sacramento County:

P. CERTIFICATION

I certify under penalty of perjury under the laws of the State of California
that the foregoing is true and correct:

Date: _____

Proper Name of Contractor: _____

Signature: _____

By: _____

Its: _____

EXHIBIT E

RESOLUTION GUIDELINES

Public Resources Code Section 5784.13 requires that the Board act only by "ordinance, resolution or motion." Thus, the taking of a motion and vote at a meeting, which action is memorialized by the minutes for historical and/or evidentiary purposes, is sufficient for most action of the District. There are certain actions however that the District must take by resolution and/or it is advisable that it do so. The lists set forth below are not exhaustive, but rather the actions which the District would most likely be the most concerned and/or was contained within the District's enabling authority.

A. Actions for Which a Resolution Is Necessary.

1. If the District elects to designate an alternate depository for its monies other than the County, such as the District has done, this action must be done by means of a resolution.

In that regard, if the District wants to prescribe a method of drawing and signing warrants which does not involve requiring the signature of the chair or other member of the Board and either the secretary or general manager, such action must be done by either resolution or ordinance. [Public Resources Code Section 5784.9.]

2. The District must adopt a resolution or ordinance if it makes provision for compensation to its Board members. This compensation cannot exceed \$100.00 per meeting and \$500.00 per calendar month. [Public Resources Code Section 5784.15.]

3. If the Board ever elects to change the name of the District, this must be done by means of a resolution adopted by a four-fifths vote of the total membership of the Board. [Public Resources Code Section 5786.9.]

4. Any action to amend a final budget and order specified transfers between categories must be done by resolution. [Public Resources Code Section 5788.7.]

5. Prior to July 1 of each year, the Board must adopt a resolution establishing the appropriations limit and other necessary determinations for the fiscal year pursuant to Article XIII B of the Constitution and Division 9 (commencing with Section 7900) of the Government Code. [Public Resources Code Section 5788.11.]

6. Any indebtedness to acquire real property must be authorized by a resolution adopted by a four-fifths vote of the total membership of the Board. [Public Resources Code Section 5788.21.]

7. The Board must adopt by resolution, a schedule of fees to cover the cost of any services provided by the District or to enforce the regulation setting forth the fees to be charged. In the event the District adopts such a schedule for service fees, it may

not waive such fees unless it adopts a resolution setting forth the policies and procedures governing such a waiver. [Public Resources Code Section 5789.5.]

8. Any determination regarding the necessity to incur general obligation bonded indebtedness to acquire or improve real property, or to refund any outstanding indebtedness, must be authorized by a resolution making the appropriate determinations and calling for an election on a proposition to authorize the incurring of such indebtedness. [Public Resources Code Section 5790.] The requirements of such a resolution are set forth in Public Resources Code Section 5790.1.

If the issuance of such bonds are approved by the voters, the Board must adopt a resolution setting forth the form and denomination of the bonds, as well as specifying the dates when all or part of the principal shall become due and payable. [Public Resources Code Section 5790.5.]

Once the bonds have been issued, and annually thereafter until the indebtedness is paid or sufficient funds exist in a special bond fund that is sufficient to meet all payments of principal and interest as it becomes due, the Board must adopt a resolution adopting the county tax collector to levy a tax on the District's behalf. [Public Resources Code Section 5790.15.]

9. An election to become subject to the Uniform Public Construction Cost Accounting Act and the informal bidding limits provided therein must be done by resolution. [Public Contract Code 22030.]

The District must then adopt an informal bidding ordinance governing the selection of contractors to perform public projects.

If all bids received on a public project being let utilizing the informal bidding ordinance are in excess of \$220,000.00, the Board may award the contract to the lowest responsible bidder whose bid does not exceed \$235,000.00. The resolution must be adopted by a four-fifths vote of the total Board. [Public Contract Code Section 22034.]

The Board may elect to reject all bids received and elect to have the project done by force account upon the adoption of a resolution passed by a four-fifths vote of the total Board. [Public Contract Code Section 22038.]

10. A document retention schedule that complies with the requirements of the Secretary of State and/or the authorization of the destruction of a specific category of records must be memorialized by a resolution of the District. [Government Code Section 60201.]

11. The Board needs to continue to adopt resolutions with respect to the levying of the annual assessments and engineer's reports for its landscaping and lighting assessment districts. [Streets and Highways Code Section 22620, et seq.]

B. Actions Which are Recommended be Evidenced by a Resolution.

1. The award of a contract to the lowest responsible bidder. This may be needed for evidentiary purposes in any litigation which might ensue. Additionally, if a low bidder is being disqualified, the reasons for such disqualification should be set forth in the resolution in the event of a bid protest.

2. The acceptance of a public works project as being substantially complete, followed by the recording of a Notice of Completion. This will trigger the time frame for the filing of stop notices and any other claims against the project.

3. The acceptance and/or transfers of real property. The County Recorder's office will often require evidence of acceptance of the transfer by a public entity prior to recording a deed.

4. The adoption of the District's final budget each fiscal year.

5. The denial and rejection of a tort claim should be evidenced by a resolution for evidentiary purposes.

6. With respect to the process under the California Environmental Quality Act, there are several documents which must be adopted by the Board whether it is considering the necessity for a negative declaration, notice of exemption or environmental impact report. The Board may want to utilize resolutions for adoption of these documents or can rely on the documents themselves. The adoption of a resolution would be utilized as an additional piece of evidence in any pending litigation

Orangevale Recreation & Park District



Regulations Governing Use of Parks, Recreation Areas, and Facilities

November 2009

**Orangevale Recreation & Park District
Park Regulations**

Sacramento County Park Ordinances – Updated July 2008

**CHAPTER 9.36
PARK REGULATIONS**

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9.36.015	Application of Chapter to Park Districts.
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CHAPTER 6.68

NOISE REGULATIONS

6.68.070	Exterior Noise Standards.
6.68.130	Off-Road Vehicles.
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All federal, state, and local laws apply to the property and facilities of the Orangevale Recreation & Park District.

CHAPTER 9.36

PARK REGULATIONS

9.36.010 Definitions

As used in this chapter:

- a. “County” means the County of Sacramento.
- b. “Director” means the Director of the Department of Parks and Recreation of the County or his authorized representative.
- c. “Department” means the Department of Parks and Recreation of the County.
- d. “Facility” or “park facility” means any body of water, land, campsite, recreation area, building, structure, system, equipment, machinery or other appurtenance owned, controlled or operated by the Department of Parks and Recreation. (SCC 36§ 2 (part), 1971.)

9.36.015 Application of Chapter to Park Districts.

The provisions of this chapter apply to all facilities under the jurisdiction of the County of Sacramento and to all facilities under the jurisdiction of a recreation and park district organized pursuant to the provisions of the Public Resources Code commencing with Section 5780, including any such district governed by the Board of Supervisors acting ex officio as the district board of directors and any such district governed by an elected board of directors. As used in this chapter with reference to a facility under the jurisdiction of any such district:

- a. “Director” means the administrator of the recreation and park district which has jurisdiction or other authorized representative of such district.
- b. “Department” means the recreation and park district which has jurisdiction.
- c. “Facility” or “park facility” means any body of water, land, campsite, recreation area, building, structure, system, equipment, machinery or other appurtenances owned, managed, controlled or operated by the recreation and park district having jurisdiction.
- d. “Board of Supervisors” means the board of directors of the district which has jurisdiction. (SCC 241 § 1, 1976.)

9.36.020 Permit – Application Contents.

Whenever a permit is required by provisions in this chapter, an application shall be filed with the director stating:

- a. The name and address of the applicant;
- b. The name and address of the person, group, organization or corporation sponsoring the activity;
- c. The nature of the proposed activity;

- d. The dates, hours, and park facility for which the permit is desired;
- e. An estimate of attendance; and
- f. Any other information which the director, regarding public health, safety and welfare, finds reasonably necessary to a fair determination as to whether a permit should issue. (SCC 36 § 2 (part), 1971.)

9.36.021 Permit – Standards for Issuance.

The director shall issue a permit hereunder when he finds:

- a. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- b. That the proposed activity or use will not unreasonably interfere or detract from the promotion of public health, welfare, safety, and recreation;
- c. That all conditions including, where applicable, the payment of fees, approval of the Board of Supervisors, and insurance coverage, are met;
- d. That the proposed activity or use is not reasonable anticipated to incite violence, crime, or disorderly conduct;
- e. That the proposed activity or use will not entail unusual, extraordinary, or burdensome expense or security operation by the Department; and
- f. That the facilities desired have not been reserved for other use. (SCC 36 § 2 (part), 1971.)

9.36.030 Violation of Regulations—Sanctions.

- a. Notwithstanding the provisions of Section 1.01.190, and except as provided in Section 9.36.035 Subsection (e), and unless otherwise stated in this Chapter, a violation of any of the provisions of Chapter 9.36, or failure to comply with any of the regulatory requirements of Chapter 9.36, is an infraction subject to the procedures described in Sections 19(c) and 19(d) of the California Penal Code.
- b. The director shall have the authority to revoke a permit upon a finding of violation of any regulation contained in this Chapter or upon a finding of violation of other county ordinance or law of this state.
- c. The director shall have the authority to eject from any park facility any person acting in violation of regulations contained in this Chapter.
- d. The regulations contained herein shall not prohibit any person authorized by the director from the normal exercise requested, assigned, or contractual duties. (SCC 0919 § 12, 1983.)

9.36.035 Penalties

- a. Except as provided in Section 9.36.035 Subsection (e), every violation of Chapter 9.36 constituting an infraction is punishable by (1) a fine not exceeding \$50 for a first violation; (2) a fine not exceeding \$100 for a second violation of the same ordinance

provisions within one year; (3) a fine not exceeding \$250 for each additional violation of the same ordinance provision within one year.

b. Except as provided in Section 9.36.065 Subsection (e), every violation of Chapter 9.36 constituting a misdemeanor, is punishable by a fine not in excess of \$500 or by imprisonment in the County Jail for not more than six months, or by both.

c. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continued, or permitted by any such person, and shall be punished accordingly.

d. Malicious injury or destruction of any real or personal property which constitutes vandalism under the provisions of Section 594 of the Penal Code of the State of California, shall be prosecuted as a violation of Penal Code Section 594 and shall be punishable as either a misdemeanor or a felony, as provided in Penal Code Section 594. Under Penal Code Section 594, if vandalism results in damage of \$1,000 or more, the vandalism may constitute a felony punishable by a fine of \$1,000 or up to a year in state prison, or both.

e. Effective July 1, 1993, any person violating or failing to comply with the provisions of Sections 9.36.048(a), 9.36.048(b), 9.36.065(d), or 9.36.065(e) of this Chapter shall be subject to civil penalties, fees, charges and procedures as set forth in Title 10, Chapter 10.04, Section 10.04.100 of this Sacramento County Code. (SCC 0919 § 6, 1993; SCC 576 § 3, 1983.)

9.36.040 Closure of Facilities.

The director shall have the authority to close any park facility or portion thereof and require the exit of all persons therein when he determines that conditions exist in said facility or portion hereof which present a hazard to the facility or to public safety. (SCC 36 § 2 (part), 1971.)

9.36.042 Park Fees--Purpose.

Section 50402 of the Government Code of the State of California provides that a County may charge for use or services provided in County parks so long as the charges do not exceed the cost of service. The purpose of this Section and Sections 9.36.044, 9.36.046, 9.36.048, and 9.36.049 is to provide for park fees to be charged by the Department of Parks and Recreation for various park services and facilities within the parks in amounts reasonably necessary to recover the cost of operating the parks and providing the various services and facilities therein. (SCC 695 § 1, 1987; SCC 660 § 2, 1986; SCC 441 § 1 (part), 1980.)

9.36.044 Park Fees--Establishment.

By resolution duly adopted, the Department of Parks and Recreation may charge fees for park use and use of various facilities or services at one or more of the County parks or recreation facilities, and add to, subtract from, increase or decrease such charges. (SCC 695 § 2, 1987.)

9.36.046 Park Fees--Criteria.

Park fees and user fees for County parks, recreation facilities and services within County parks established pursuant to this chapter shall comply with the following criteria:

a. Park fees on a per person or per vehicle basis, or both, may be charged in amounts reasonable necessary to recover the costs of facilities, capital improvements, maintenance and operation of County parks and recreation facilities, enforcement and policing of regulations governing park use, and associated administrative costs.

b. User fees for facilities and services within County parks and recreational facilities shall be charged in amounts reasonably necessary to recover the cost of providing the facilities and services. Examples of the types of facilities and services for which fees may be charged include, but are not limited to, the following: parking; swimming; reservation of buildings and other facilities for exclusive use; participation in organized athletic and other programs of recreation; and golf greens fees. (SCC 695 § 3, 1987; SCC 660 § 4, 1986; SCC 441 § 1 (part), 1980.)

9.36.048 Violations.

a. It is unlawful for any person to enter or remain in any park facility without having paid the required fee.

b. Whenever the Director determines that parking or standing of vehicles in County parks would be disruptive to park users or create dangerous conditions, then the Director shall provide for the erection and posting of signs indicating that the parking or standing of vehicles is prohibited, limited or restricted. It is unlawful for any person to park a vehicle or allow a vehicle to stand in a County park contrary to the prohibitions of any sign authorized by this Section. (SCC 695 § 4, 1987; SCC 660 § 5, 1986; SCC 441 § 1 (part), 1980.)

9.36.048.5 Violations--Group Vehicle Parking Fees.

The prohibitions of Section 9.36.048 shall not apply to vehicle parking fees for any organization or group which is expressly authorized in writing by the Director, to pay such fees following use of a park facility. (SCC 0726 § 1, 1988.)

9.36.049 Schedule of Fees.

The schedule of fees may be established by duly adopted resolution and shall be applicable to the indicated Sacramento County parks and recreation facilities during the hours of operation of those parks and facilities. The Director shall determine the hours of operation of Sacramento County parks and recreation facilities based on the following criteria:

- a. Weather conditions;
- b. Seasonal recreation activities scheduled or expected to occur at the parks or recreation facilities;
- c. Nature or extent of public use of the parks or recreation facilities;
- d. Cost effectiveness of operation of the parks or recreation facilities. (SCC 695 § 5, 1987; SCC 660 § 6, 1986; SCC 642 § 1, 1985; SCC 609 § 2, 1984; SCC 441 § 1 (part), 1980.)

9.36.050 Failure to Obtain Required Permit.

No person shall use, occupy, or otherwise remain in any park facility or portion thereof for which a permit is required without first having obtained such permit. (SCC 36 § 2 (part), 1971.)

9.36.051 Priority of Use.

Any person using a park facility or portion thereof which may be reserved by obtaining a permit, but who has not obtained such a permit, shall vacate said area when holders of a valid permit present themselves. (SCC 36 § 2 (part), 1971.)

9.36.052 Exhibiting Permit.

No person shall fail to produce and exhibit a permit he claims to have upon request of any department employee or any peace officer who desires to inspect said permit for the purpose of enforcing compliance with any regulations in this chapter. (SCC 36 § 2 (part), 1971.)

9.36.053 Selling and Advertising.

a. Within the boundaries of any park facility, no person shall sell, vend, peddle, expose, offer for sale, or distribute after sale to the public, any merchandise, service, or property, or sell tickets for any event, nor shall any person distribute, circulate, give away, throw, or deposit in or on any park facility any handbills, circulars, pamphlets, papers, or advertisements, which material calls the public attention in any way to any article or service for sale or hire, nor within any park facility shall any person solicit or collect donations of money or other goods from the public, without express approval of the Board of Supervisors for such activity within the specific park facility.

b. A request for approval as required by this section shall be submitted to the Board of Supervisors for any activity which requires a written contractual agreement. The director may approve any other request unless, in the discretion of the director, the request is an unusual one which should be submitted to the board for approval. (SCC 349 § 1, 1978 SCC 36 § 2 (part), 1971.)

9.36.054 Restrooms and Washrooms.

Male persons shall not enter any restroom or washroom set apart for females, and female persons shall not enter any restroom or washroom set apart for males, except this shall not apply to children under the age of six years who are accompanied by a person who is of the sex designated for that facility and who has reason to be responsible for that child. A violation of the provisions of this section is a misdemeanor. (SCC 576 § 14, 1983.)

9.36.055 Water Pollution.

While within the boundaries of any park facility, no person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay, or other body of water or in any tributary, stream, or drain flowing into such waters, any substance, matter, or thing, liquid or solid, including, but without limitation to, particles or objects made of paper, metal, glass, garbage, rubbish, rubber, fuel, food matter, wood, fiber, and plastics. (SCC 36 § 2 (part), 1971.)

9.36.056 Refuse.

No person shall dump, deposit, or release any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or trash in or on any park facility, except that refuse which is incidental to the use of the facility may be deposited in the receptacles provided therefor. For purposes of this section, an incinerator, stove, fire ring, barbecue, or other device used to contain fires or for cooking is not a proper receptacle for refuse or other waste material. (SCC 36 § 2 (part), 1971.)

9.36.057 Smoking.

No person shall smoke any substance in any area designated as a nature trail or nature area or in or on any park facility where smoking is prohibited. (SCC 36 § 2 (part), 1971.)

9.36.057.5 Consumption of Alcoholic Beverages.

a. No person shall possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which has been partially removed, in any area designated as a nature trail or nature area or on or within any park or park facility which has been posted with signs prohibiting such possession. The governing body of the entity owning the park facility may, by resolution, designate, or authorize the director to designate, the park or park facilities to be posted.

b. It shall be unlawful for any person under twenty-one years of age to be in possession of an alcoholic beverage while such person is in or upon any park facility. Notwithstanding any other provision of this code to the contrary, violation of the provisions of this section shall constitute an infraction, and shall be punishable pursuant to the provisions of Government Code Section 25132. (SCC 500 § 1, 1982.)

9.36.058 Fires.

a. Without a permit issued by the director, no person shall ignite, maintain, or use any fire in any place within any park facility except in a barbecue cooker or other cooking device authorized by the director for that purpose.

b. No person shall ignite or maintain a fire of materials deposited in any can, box, trench, pit, or other receptacle maintained for the purpose of garbage disposal or incineration. (SCC 36 § 2 (part), 1971.)

9.36.059 Fireworks.

No person shall possess or ignite in any manner any firecracker or fireworks, including any article for the making of a pyrotechnic display. Nothing contained in this section, however, shall prohibit any discharge or display of fireworks defined and classified as "safe and sane fireworks" in Section 12504 of the California Health and Safety Code at any public gathering or patriotic celebration provided a permit for such discharge or display has been obtained from the director. (SCC 36 § 2 (part), 1971.)

9.36.060 Firearms, Air Guns, and Other Weapons.

No person other than peace officers in the discharge of their duties shall use, maintain, possess, fire, or discharge any firearm, air gun, spring gun, bow and arrow, slingshot, or

any other weapon potentially dangerous to wildlife or human safety, except in areas, at times, and under conditions designated by the director for such use. A violation of the provisions of this section is a misdemeanor. (SCC 576 § 15, 1983.)

9.36.061 Animals.

No person shall:

- a. Hunt, molest, harm, provide a noxious substance to, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal within the boundaries of any park facility, nor remove nor have in his possession the young, eggs, or nest of any such creature;
- b. Abandon any animal, dead or alive, within any park facility;
- c. Remove any animal not his own within any park facility; exception is made to the foregoing in that in proper season, fish may be fished and removed from areas designated for fishing by licensed persons, and boarded horses may be removed from a park facility upon proper notification to the Department;
- d. Bring into, maintain or allow in or upon any park facility any dog, cat, or other animal except a horse, unless such animal at all times is kept on a leash of sufficient strength and durability that it cannot be broken by the animal so leashed, and no longer than six feet in length, and be under the full and complete physical control of its owner or custodian at all times, except that all dogs, cats or other animals shall be prohibited at all times in or upon any area, within fifteen feet of such an area, designated as a nature study area, horse trail, or bicycle trail; provided, however, the director may designate areas and times within which persons may show, demonstrate, or train unleashed animals but under full control of their owners or custodians.
- e. Permit cattle, sheep, goats, horses, or other animals owned by him or in his possession to graze within the boundaries of any park facility without express approval of the Board of Supervisors;
- f. Ride a horse, pony, mule, burro, or any other animal upon, over or across any park facility, except at times and upon roads or trails designated for the riding of such animals;
- g. Permit any animal owned by him, or in his possession, to be brought into or remain upon the premises of any park facility, if the director has given oral or written notice to remove that animal from such premises. The director may give such notice if such animal is known to the director to at any time have caused any injury or damage to any person, other animal or property of another while upon the premises of any park facility;
- h. Permit or suffer any animal owned by him, or in his possession, custody, or control, to defecate upon park facility property without immediately removing such animal feces, placing said feces in a sealed bag or other sealed container, and placing such bag or container with feces in a proper refuse receptacle. Persons with horses in their possession, custody, or control, at times and upon roads or trails designated for the riding of such animal, and, unsighted persons while relying on a guide dog, are exempt from the provisions of this subsection;
- i. A violation of any of the provisions of this section shall be punishable as follows:

1. A first violation of any of the provisions of this section is punishable as an infraction; and

2. A second or subsequent violation of the same provisions of Section 9.36.061 committed within thirty days of the previous violation shall be a misdemeanor. (SCC 0957 §1, 1994; SCC 0713 §3, 1988; SCC 576 §16, 1983.)

9.36.062 Real Property--Appropriation or Encumbrance.

No person shall deposit any earth, sand, rock, stone, or other substance within any park facility, nor shall he dig or remove any such material from within any park facility, nor shall he erect or attempt to erect any building, wharf, or structure of any kind by driving or setting up posts or piles, nor in any manner appropriate or encumber any portion of the real property owned, operated, controlled, or managed by the Department, without a permit from the director. (SCC 36 § 2 (part), 1971.)

9.36.063 Property--Use Of.

No person shall:

a. Dig up, pick, remove, mutilate, injure, cut, or destroy any turf, tree, plant, shrub, bloom, flower, artifact, or archeological site, or any portion thereof;

b. Cut, break, injure, deface, or disturb any building, sign, fence, bench, structure, apparatus, equipment, or property, or any portion thereof, or

c. Without a permit from the director, make or place on any tree, plant, shrub, bloom, flower, building, sign, fence, bench, structure, apparatus, equipment, or property, or any portion thereof, any rope, wire, mark, writing, printing, sign, card, display, or similar inscription or device. (SCC 36 § 2 (part), 1971.)

9.36.064 Locks and Keys.

No person other than one acting under the direction of the director shall duplicate or cause to be duplicated a key used by the Department for a padlock or door lock of any type or description, nor shall any person divulge the combination of any lock so equipped to any unauthorized person. (SCC 36 § 2 (part), 1971.)

9.36.065 Motorized Vehicles.

a. While within the boundaries of any park facility, no person shall drive or operate any automobile, motorcycle, motor scooter, trail bike, dune buggy, truck, or other motorized vehicle on roads or trails other than those designated for that purpose without a permit from the director.

b. While within the boundaries of any park facility, no person shall drive any automobile, motorcycle, motor scooter, truck, or other motorized conveyance, except an authorized emergency vehicle, at a rate of speed exceeding twenty-five miles per hour, except as may be otherwise posted by the director, or in any case at speeds exceeding safe conditions dictated by prevailing circumstances.

c. No person shall operate any automobile or other motorized vehicle within the boundaries of any park facility unless such vehicle is currently licensed, except unlicensed vehicles may be operated in areas designated and posted for such use and in accordance with the rules established for such areas.

d. No person shall park any automobile or other motorized vehicle within any park facility except in areas specifically designated as parking areas. In no case shall any person park a motorized vehicle in a manner that presents a hazard to the public.

e. No person shall park or otherwise allow automobiles and other conveyances to remain within the boundaries of any park facility during the hours the facility is closed without a permit from the director.

f. No person shall abandon any motorized vehicle within the boundaries of a park facility.

g. No person shall wash or repair any automobile or other motorized vehicle within the boundaries of any park facility.

h. All motorized vehicles within the boundaries of any park facility shall be equipped with a properly installed muffler device which is in constant operation and which prevents excessive or unusual noise. No such muffler device or exhaust system shall be equipped with a cutout, bypass, or similar device. (SCC 36 § 2 (part), 1971.)

9.36.066 Bicycle Trails and Bicycles.

Within the boundaries of any park facility no person shall:

1. Operate any motorized vehicle, including, without limitation, motorcycles, trail bikes, or motorized bicycles upon any bicycle trail except at street, driveway or access road intersections for the purpose of crossing a bicycle trail, without a permit from the director;

2. Use any portion of a bicycle trail while on roller skates or a skateboard, except that roller skating may be allowed on portions of a bicycle trail designated for such use by the director and where signs allowing such use have been placed;

3. Hold any competitive event on any bicycle trail without a permit from the director;

4. Ride a bicycle on any grassy area, path, or walkway designated for pedestrian or equestrian use. A bicyclist shall be permitted to push a bicycle by hand over any such grassy area, path or walkway;

5. Leave a bicycle in any place or position where other persons may trip over or be injured by it;

6. Ride a bicycle on a designated off-street bicycle trail in excess of fifteen miles per hour, except for permitted competitive events; or in a manner which is unsafe or which may be injurious to the rider or other persons except for permitted competitive events.

7. Ride a bicycle upon any unpaved road, trail or area, except on authorized fire roads, service roads or paths designated for bicycle use. (SCC 713 § 4, 1988; SCC 404 § 3, 1979; SCC 402 § 2, 1979; SCC 36 § 2 (part), 1971.)

9.36.066.5 Prohibition of Skates in Park Facilities.

Except as provided in Section 9.36.066 of this Chapter 9.36 and in such areas specifically designated for the use of such devices, no person shall ride upon a skateboard, roller skates, in-line skates, roller skis, or similar device within the boundaries of any park facility where the use of such devices has been prohibited by the posting of a sign or signs prohibiting such activity in locations which give users of the park facilities adequate notice and which clearly state the areas or locations of prohibition. (SCC 1084 § 2, 1997.)

9.36.066.6 Prohibition of Carts in Park Facilities.

Within the boundaries of the American River Parkway, no person shall use a shopping cart, basket that is mounted on wheels or a similar device that is primarily used for the purpose of transporting goods of any kind. (SCC 1314 § 1, 2005.)

9.36.067 Hours of Use.

The director is authorized to promulgate reasonable opening and closing hours for park facilities. No person shall enter, remain in, or camp in or on any park facility during the hours or any part of the hours said facility is closed without a permit from the director. (SCC 36 § 2 (part), 1971.)

9.36.068 Games.

The playing of rough or comparatively dangerous games such as football, baseball, horseshoes, soccer or of any games involving thrown, hit, or otherwise propelled objects such as golf balls, balls of other description, stones, arrows, javelins, or model airplanes is prohibited except in fields, courts, or areas specifically provided therefor or, with express permission of the director, in areas compatible to said use. Persons desiring to use a park facility for the specific purpose for which the facility was established shall have priority of use over persons using said facility for another non-proscribed purpose. (SCC 36 § 2 (part), 1971.)

9.36.069 Swimming.

No person shall swim, bathe, or wade in any water or waterways within any park facility when such activity is prohibited and so posted by the director upon his finding that use of the water would be dangerous to the user, incompatible with the function of the facility, or inimical to public health. (SCC 36 § 2 (part), 1971.)

9.36.070 Boats.

Regulations governing the use of boats within any park facility may be established and posted by the director. Said regulations shall promote the safety of swimmers and boaters, the protection of property, and general public enjoyment of the facility. (SCC 36 § 2 (part), 1971.)

9.36.071 Regulations.

The director may establish and post regulations governing the use of park facilities which are not inconsistent with regulations contained in this chapter and which promote public health and safety and the preservation of property. (SCC 36 § 2 (part), 1971.)

9.36.072 Sound Amplification Equipment.

Within any park facility, no person shall use sound amplification equipment in excess of the noise levels provided by Chapter 6.68 of this code without a permit from the director. (SCC 0713 § 5, 1988; SCC 36 § 2 (part), 1971.)

9.36.073 Severability.

If any section, subsection, sentence, clause, phrase or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. (SCC 36 § 2 (part), 1971.)

9.36.074 Glass Beverage Containers--Purpose.

The County of Sacramento operates and maintains its parks and park facilities for the use, benefit, recreation and enjoyment of the general public. However, the County's regional park facilities accumulate significant amounts of litter annually, a large percentage of which consists of randomly discarded glass beverage containers. The recurring and increasing presence of broken glass resulting from such discarded containers poses a serious threat to the public safety at such park facilities, and unreasonably interferes with the public's use and enjoyment thereof. Broken glass is a unique form of litter, in that it can virtually elude clean-up efforts. In particular, it accumulates from year to year on beaches and rocky shorelines, often hidden underwater beneath a layer of sand or silt, constituting an undetectable hazard to swimmers and waders. Submerged or otherwise concealed broken glass has resulted in injuries to park visitors involving deep cuts, lacerations and other complications. In almost all cases, advanced medical care beyond basic first aid was required, with most cases requiring suture of lacerations. Additionally, some victims required treatment for shock. In some cases, it appeared likely that surgery would be required to repair nerve, cartilage or tendon damage. Many more such injuries occur, yet go unreported. It is therefore essential to the preservation of the public peace, health, welfare and safety, and the furtherance of safe public use and enjoyment of County

parks and park facilities, that the presence of glass beverage containers upon such premises be prohibited. (SCC 0713 § 1, 1988.)

9.36.075 Glass Beverage Containers--Prohibition.

No person shall possess any cup, tumbler, bottle, jar or other container made of glass and used for carrying or containing any liquid for drinking purposes within any park or on any body of water in the American River Parkway west of Hazel Avenue, or within any other park or park facility which has been posted with signs prohibiting such possession, except in locations where such containers are permitted under the terms of a lease, operating agreement or permit. The governing body of the public entity owning or managing such park or park facility may by resolution designate, or authorize the director to designate, the park or park facilities to be posted. (SCC 0713 § 2, 1988.)

9.36.077 Concessions.

a. The sale of goods and services, including, but not limited to, food products, apparel, instructional lessons, and entertainment by natural persons or entities for commercial gain potentially adversely and seriously impacts the use of park lands and park facilities for use by the public for recreational purposes. Any such sales must be regulated through the use of concession contracts to insure that the goods and services marketed will promote the beneficial use of park facilities for recreational purposes.

b. It shall be unlawful for any person or entity to enter on and use park lands or facilities owned by the County for the purpose of selling goods or services for commercial gain without having first applied for and obtained from the Board of Supervisors a concession contract authorizing the sales and otherwise regulating the time, place, and manner of such sales. The violation of this subsection shall be punishable as an infraction as provided in Section 9.36.035 of this Chapter.

c. The provisions of this section shall not be deemed to apply to the sale or distribution of newspapers, books, pamphlets, or other activity constituting protected speech under the First Amendment of the United States Constitution or comparable protections under the California Constitution. (SCC 0904 § 1, 1993.)

9.36.079 Public Nuisance.

Any violation of the provisions of this chapter constitutes a public nuisance. (SCC 414 §2, 1980.)

9.36.080 Authority to Arrest and Cite.

a. County of Sacramento Park Facilities--Employees. Pursuant to the Public Resources Code, the County of Sacramento director of parks and recreation, and uniformed park and recreation employees that may be designated by the director, shall have the authority and immunities of public officers and employees as set forth in Section 836.5 of the Penal Code to make arrests and issue citations in accordance with the provisions of Chapter 5C (commencing with Section 853.6), Title 3, Part 2 of the Penal Code, for misdemeanor violations of laws of the State of California, and ordinances of any city within the County of Sacramento, and ordinances of the County of Sacramento, committed within their presence in a county park or county recreation area.

b. County of Sacramento Park Facilities--Park Ranger. Pursuant to authorization granted by Penal Code Section 830.31 Subsection (b), those employees designated Park Rangers by the County of Sacramento park director shall have the power of peace officers as provided in Penal Code Section 830.31. Such designation as Park Ranger may be made when the employee is regularly employed and paid in that capacity and if the primary duty of the peace officer is the protection of County of Sacramento park facilities and the preservation of peace therein.

c. Recreation and Park Districts--Pursuant to the authorization of Section 5782.26 of the Public Resources Code, the director of a recreation and park district created pursuant to Public Resources Code Section 5780, et seq., and uniformed park and recreation employees designated by the director, shall have the authority and immunities of public officers and employees as set forth in Section 836.5 of the Penal Code to make arrests and issue citations in accordance with the provisions of Chapter 5C (commencing with Section 853.5) Title 3, Part 2 of the Penal Code, for misdemeanor and infraction violations of State of California law, ordinances of any city located within the County of Sacramento, ordinances of the County of Sacramento, or park and recreation district regulations or ordinances, when the violation is committed within the park and recreation district and in the presence of the director or employee issuing the citation. (SCC 0957 § 2, 1994; SCC 250 § 1, 1976; SCC 220 § 1, 1975.)

9.36.081 Parking Regulations Enforcement.

Pursuant to Section 836.5 of the Penal Code, employees of the County assigned to the classes of park ranger assistant, park ranger I, park ranger II, and park ranger III are hereby designated and shall have the duty to enforce parking regulations as enumerated in Chapter 10.24 of the Sacramento County Code and may make arrests and issue citations for violations of such parking regulations as provided in Section 836.5 of the Penal Code. (SCC 468 § 1, 1981.)

CHAPTER 6.68 NOISE REGULATIONS

6.68.070 Exterior Noise Standards.

a. The following noise standards, unless otherwise specifically indicated in this chapter, shall apply to all properties within a designated noise area.

Noise Area	County Zoning Districts	Time Period	Exterior Noise Standard
1	RE-1, RD-1, RE-2, RD-2, RE-3, RD-3, RD-4, R-1-A, RD-5, R-2, RD-10, R-2A, RD-20, R-3, R-D-30, RD-40, RM-1, RM-2, A-1-B, AR-1, A-2, AR-2, A-5, AR-5	7 a.m.--10 p.m.	55 dBA
		10 p.m.--7 a.m.	50dBA

b. It is unlawful for any person at any location within the County to create any noise which causes the noise levels on an affected property, when measured in the designated noise area, to exceed for the duration of time set forth following, the specified exterior noise standards in any one hour by:

Cumulative Duration of the Intrusive Sound Allowance Decibels

1.	Cumulative period of 30 minutes per hour	0
2.	Cumulative period of 15 minutes per hour	+ 5
3.	Cumulative period of 5 minutes per hour	+10
4.	Cumulative period of 1 minute per hour	+15
5.	Level not to be exceeded for any time per hour	+20

c. Each of the noise limits specified in subdivision (b) of this section shall be reduced by five dBA for impulsive or simple tone noises, or for noises consisting of speech or music.

d. If the ambient noise level exceeds that permitted by any of the first four noise-limit categories specified in subdivision (b), the allowable noise limit shall be increased in five dBA increments in each category to encompass the ambient noise level. If the ambient noise level exceeds the fifth noise level category, the maximum ambient noise level shall be the noise limit for that category. (SCC 490 § 2, 1981; SCC 254 § 1 (part), 1976.)

6.68.130 Off-Road Vehicles.

It is unlawful for any person to operate any motorcycle or recreational off-road vehicle within the County in such a manner that the noise level exceeds the exterior noise standards specified in Section 6.68.070. (SCC 254 § 1 (part), 1976.)

6.68.145 Radios, Tape Players on Publicly Owned Property.

Notwithstanding any other provision of this Code and in addition thereto, it is unlawful for any person to permit or cause any noise, sound, music or program to be emitted from any radio, tape player, tape recorder, record player or television outdoors on or in any publicly owned property, park or place when such noise, sound, music or program is audible to a person of normal hearing sensitivity one hundred feet from said radio, tape player, tape recorder, record player or television.

a. As used herein, “a person or normal hearing sensitivity” means a person who has a hearing threshold level of between zero (0) decibels and twenty-five (25) decibels HL averaged over the frequencies 500, 1,000 and 2,000 Hertz.

b. Notwithstanding any other provision of this Code, any person violating this section shall be guilty of an infraction and upon conviction thereof, is punishable by a fine not exceeding fifty dollars for a first violation; a fine not exceeding one hundred dollars for a second violation of this section within one year; a fine not exceeding two hundred fifty dollars for each additional violation of this section within one year. A person who violates the provisions of this section shall be deemed to be guilty of a separate offense for each day, or portion thereof, during which the violation continues or is repeated.

c. Notwithstanding Sections 6.60.010 and 6.68.230 or any other provision of this Code, no citation or notice to appear shall be issued or criminal complaint shall be filed for a violation of this section unless the offending party is first given a verbal or written notification of violation by any peace officer, public officer, park ranger or other person charged with enforcing this section and the offending party given an opportunity to correct said violation.

d. This section shall not apply to broadcasting from any aircraft, vehicle or stationary sound amplifying equipment as defined and regulated in Chapter 5.56 or to the use of radios, tape players, tape recorders, record players or televisions in the course of an assembly or festival for which a license has been issued pursuant to Section 9.36.072 or a parade for which a permit has been issued pursuant to Section 10.32.020 or any other activity, assembly or function for which a permit or license has been duly issued pursuant to any provision of the Code. (SCC 490 § 1, 1981.)

6.68.150 General Noise Regulations.

Notwithstanding any other provisions of this chapter and in addition thereto, it is unlawful for any person to wilfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- a. The sound level of the objectionable noise;
- b. The sound level of the ambient noise;
- c. The proximity of the noise to residential sleeping facilities;
- d. The nature and zoning of the area within which the noise emanates;
- e. The density of the inhabitation of the area within which the noise emanates;
- f. The time of day or night the noise occurs;
- g. The duration of the noise and its tonal informational or musical content;
- h. Whether the noise is continuous, recurrent or intermittent;
- i. Whether the noise is produced by a commercial or noncommercial activity.

(SCC 254 § 1 (part), 1976.)