

**AUBURN AREA RECREATION AND PARK DISTRICT MEETING OF THE
PROGRAM, PERSONNEL, POLICY, FEE & LEGAL REVIEW COMMITTEE AGENDA**
WEDNESDAY, FEBRUARY 16, 2022, 12:30 PM
CANYON VIEW COMMUNITY CENTER, FOOTHILL ROOM
AUBURN, CA 95603

Materials related to an item on this Agenda submitted to the District after distribution of the agenda packet are available for public inspection by contacting the District Administrator at kmuscott@auburnrec.com or by calling (530) 537-2186 (M-F).

Due to the current COVID-19 crisis, the public will not be allowed to physically attend the meeting. The public may participate in the meeting through Zoom. The link for this meeting is <https://us06web.zoom.us/j/88554556183>. The public can use this link and/or call 1 669 900 6833 Webinar ID: 885 5455 6183 to participate.

People using the Zoom website will be able to see and hear the Committee, and the Committee will be able to hear the public. The Committee will not receive any visual/video from the public. This is done to avoid inappropriate visual content at the meeting.

Questions and comments can be sent via email to the District Administrator no later than one hour before the meeting. These emails will be read aloud at the meeting and responded to accordingly. Emails can be sent during the meeting, and staff will work to ensure that all are read, however the best way to have your comment heard is through the Zoom meeting or the associated phone number.

If you are a person with a disability and need an accommodation to participate in the District's programs, services, activities and meetings, contact Kahl Muscott at (530) 537-2186 or kmuscott@auburnrec.com at least 48 hours in advance to request an auxiliary aid or accommodation.

1.0 CALL TO ORDER

Holbrook _____ Ferris _____

2.0 ANNOUNCEMENTS, AGENDA REVIEW, CHANGES AND APPROVAL

3.0 PUBLIC COMMENT – This is the time wherein any person may comment on any item not on the agenda within the subject matter jurisdiction of the Committee. Chairperson, please state your name and address for the record (optional). There is a time limitation of three minutes.

4.0 BUSINESS

- 4.1 Approval of Minutes from the January 19, 2021 Program, Personnel, Policy, Fee & Legal Review Committee Meeting (Pages 3-4)**

Recommendation: Review and approve minutes.

- 4.2 Approval of Legal Bills.**

None.

4.3 Creating a COVID Relief Funds Reserve Account. (Pages 5-7)

Shall the Auburn Area Recreation and Park District (ARD) create a new committed reserve account for the COVID Relief Funding received in December, 2021?

4.4 ARD's Personnel Policy – Salary Schedule Ranges Increase Policy Update (Page 8)

Shall the Personnel, Policy, Fee & Legal Review Committee recommend approving changes to Personnel Policy to edit the Salary Schedule Range increase policy?

Discussion items:

1. Mission and Vision Statement Review (Pages 9-10)
2. Policy Review: PTO and Holiday Time Off (Pages 11-18)
3. Bidding and awarding contracts for Design Professionals (Pages 19-27)
4. ARD Ordinance #1 Review; Camping (Pages 28-43)

5.0 ITEMS TO BE CONSIDERED AT FUTURE PROGRAM, PERSONNEL, POLICY & FEE COMMITTEE MEETINGS

None.

6.0 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH

None.

ADJOURNMENT

AUBURN AREA RECREATION AND PARK DISTRICT
This agenda is hereby certified to have been posted as follows:

2/11/2022
Date

12:00 pm
Time

Cathy Wainford
Secretary to the Board

**Auburn Area Recreation and Park District
Minutes
of the Program, Personnel, Policy, Fee & Legal Review Committee Meeting
Wednesday, January 19, 2022 at 12:00 PM
Canyon View Community Center
471 Maidu Drive
Auburn, CA 95603**

1.0 CALL TO ORDER

The meeting of the Program, Personnel, Policy, Fee & Legal Review Committee was called to order at 12:11 p.m.

ROLL CALL

Director Holbrook and Director Ferris were present.

2.0 ANNOUNCEMENTS, AGENDA REVIEW, CHANGES AND APPROVAL

The agenda was approved by Director Holbrook.

3.0 PUBLIC COMMENT- This is the time wherein any person may comment on Any item not on the agenda within the subject matter jurisdiction of the Committee. After you are recognized by the Committee Chairperson, please state your name and address for the record (optional). There is a time limit of three minutes.

None.

4.0 BUSINESS

4.1 Approval of Minutes from the December 8, 2021 Program, Personnel, Policy, Fee & Legal Review Committee Meeting

The minutes from the December 8, 2021 Program, Personnel, Policy, Fee & Legal Review Committee meeting were reviewed and approved by Director Holbrook.

4.2 Approval of Legal Bills –

None.

4.3 Discussion Item:

None.

4.4 Increase in Minimum Wage for Management Positions.

Director Holbrook and Director Ferris reviewed and approved to forward items to the consent calendar.

4.5 Amendments to Administrative Assistant Job Description.

Director Holbrook and Director Ferris reviewed and approved to forward item to the consent calendar.

5.0 ITEMS TO BE CONSIDERED AT FUTURE PROGRAM, PERSONNEL, POLICY, FEE & LEGAL REVIEW COMMITTEE MEETINGS

1. PTO, Holidays and Benefit Package

6.0 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH

None.

ADJOURNED

As there was no further business, the meeting was adjourned at 12:24 p.m.

Cody Wampler
Board Secretary

1/19/2022
Date

Item 4.3 Cover sheet – Creating a COVID Relief Funds Reserve Account

Auburn Area Recreation and Park District Policy Committee Meeting February, 2022

The Issue

Shall the Auburn Area Recreation and Park District (ARD) create a new committed reserve account for the COVID Relief Funding received in December, 2021?

Background

In December, 2021, ARD received \$334,974 in Special District COVID-19 Relief funding, made available from a \$100 million allocation provided by the CA State Legislature.

This funding arrived after special districts across California experienced budget and staff cuts necessitated as a result of the COVID pandemic. Throughout 2020 and 2021, California's special districts provided essential services to their local communities, maintained a large portion of the state's critical infrastructure, and employed thousands of front-line workers, but initially received none of the COVID relief funding available to cities and counties.

At the January 27, 2022 Board of Directors meeting, the Board voted to create a special COVID Relief Fund Reserve Account.

The attached document features ARD's policy on Committed Reserve Accounts and has proposed new language for a COVID Relief Reserve.

Recommendation for the Policy Committee

Review and send a positive recommendation to the Board of Directors to approve the language for a new COVID Relief Funding Reserve account.

Fiscal Impact

\$314,974 will be put in to the new account.

\$20,000 of the initial funding has been used in FY 21/22.

Attachments

ARD Committed Reserve Account policy with proposed new language for the COVID Relief Funding Reserve

Auburn Area Recreation and Park District Financial Reserves Policy

From the Auburn Area Recreation and Park District “District Policy Manual”, Section I. Budget

- E. ARD Committed Reserve Funds. In accordance with Public Resource Code, Section 5788.9, the Board of Directors of the Auburn Area Recreation & Park District has established the following Committed Reserve funds. These reserves have been established to adequately provide for funding infrastructure, equipment replacement, economic uncertainty, loss of significant revenue sources, local disasters or catastrophic events and unfunded mandates including costly regulatory requirements.

Per Public Resources Code, §5788.9 (c), if the board of directors finds that the funds in a restricted reserve are no longer required for the purpose for which the restricted reserve was established, the board of directors may, by a four-fifths vote of the total membership of the board of directors, discontinue the restricted reserve or transfer any funds that are no longer required from the restricted reserve to the district's general fund.

The Board shall establish a policy of contributing 1-5% of the annual expenditure figure to reserves. During each budget cycle, staff will provide recommendations to the Board for these contributions as appropriate based on the plans and goals of the District.

1. **Contingency:** This Reserve account is established to protect against economic uncertainty or local disasters or catastrophic events not covered by insurance. Contributions to this fund may occur at any time but will be maintained at \$70,000. Any monies from this fund that are spent for Board approved expenditures shall be replenished prior to any other reserve being funded.
2. **Equipment:** These funds are to be used for additions to the current District inventory or to replace equipment that has expended its useful life and/or has broken down and is beyond economical repair and must be replaced. Contributions to this fund may occur at any time but an amount of \$50,000 will be added to the fund at the beginning of each new fiscal year, with the goal of having the Equipment Reserve funded for the following 10 years of equipment listed on the Equipment Obsolescence List. This fund can only be spent at the Board's discretion.
3. **Capital Construction:** These funds will be used to make improvements to current or new ARD facilities and infrastructure. Contributions to this fund may occur at any time but will be included in the budget each fiscal year on an “as available” basis. This yearly amount, if any, is part of the expenditure budget and can only be spent at the Board's discretion.
4. **ADA Compliance:** The money in this reserve account will be used to fund costs and improvements related to the Americans with Disabilities Act at parks and facilities in the District. Contributions to this fund may occur at any time but will be included in the budget each fiscal year at a minimum amount of \$5,000 per year. The maximum amount that will be funded in this account is the total of the following 10 years of projects on the ARD ADA Transition Plan.
5. **Unfunded CalPERS Pension Funding GASB 68:** Contributions or Prefunding may occur at any time but will be included in the budget each fiscal year at an amount that represents at least \$60,000. Staff is to allocate 40% to directly Prefund CalPERS. Staff is to allocate 60% to a section 115 Trust. The CalPERS UAL peaks in the year 2032 with an additional required payment of \$142,000. This required allocation should continue until ARD has reduced its peak to less than an annual \$100,000 (or until 90% funded, whichever is first). This will prevent the District from over funding. Once that has been achieved, 100% of the \$60,000 will be put into a section 115 Trust.

6. COVID Relief Funding: The funds in this reserve account may be used for any purpose, including, but not limited to, capital improvements, equipment purchases, unfunded liabilities or wages and associated benefits. Contributions to this reserve account were made from the Special District COVID-19 Relief funding, made available from an allocation provided by the CA State Legislature.

Item 4.4 Cover Sheet for ARD's Personnel Policy – Salary Schedule Ranges Increase Policy Update

Auburn Area Recreation and Park District (ARD) Program, Personnel, Policy, Fee & Legal Review Committee Meeting, February, 2022.

The Issue

Shall the Personnel, Policy, Fee & Legal Review Committee recommend approving changes to Personnel Policy to edit the Salary Schedule Range increase policy?

Background

ARD amended this policy in January 2016 regarding salary schedules (ranges), allowing for increases in a salary schedule to all employees in that range when an increase is approved by the Board of Directors.

In some instances, the District would like the option of increasing the starting pay or extending the range without enacting changes to those within the range.

Current Policy

2.20 Salary Schedule Ranges

*The salary schedules and hourly wage schedules for District employees are established by the District Administrator and approved by the Board of Directors. Salary schedules and hourly wage schedules shall be reviewed periodically. Should the Board of Directors approve an increase in a salary or hourly wage schedule for a job description, all employees in that job description ~~will~~ **may** receive a commensurate salary or wage increase, **based on recent minimum wage or other recent salary adjustments.***

For those employees represented by Local 39, the schedules are developed through negotiation between the union and the District, and are ratified by the members and the Board of Directors.

Recommendation

Staff recommends the Policy Committee approve updating the current policy, changing the word “will” to “may..., based on recent minimum wage or other recent salary adjustments”.

Fiscal Impact

None to variable savings

Attachments

None

Discussion Item #1. Cover sheet – Mission and Vision Statements Review

Auburn Recreation District Policy Committee August, 2017; Policy Committee February, 2022

The Issue

A review of the Auburn Area Recreation and Park District's (ARD) Mission and Vision Statements. Director Holbrook requested this review.

Background

ARD adopted Mission and Vision Statements and Core Values as part of the Strategic Plan process in 2007.

ARD revised its Mission Statement in 2009.

The ARD Policy Committee reviewed the Mission Statement, Vision Statement, and Core Values in 2017.

Recommendation for the Policy Committee

Review and discuss.

Fiscal Impact

NA

Attachments

ARD's Mission Statement, Vision Statement, and Core Values

MISSION OF THE Auburn Area Recreation and Park District

The mission of the Auburn Area Recreation and Park District is to provide an excellent system of parks, recreation facilities, programs and services that enrich the lives, health and happiness of our citizens.

Approved 2007; Amended 2009

VISION OF THE Auburn Area Recreation and Park District

The vision for the ARD is to be the recognized local leader in recreation and parks and to be the District residents' primary source for leisure activity. We will focus our resources on improving the services, programs, facilities and prudent acquisitions, and the health and happiness of our community.

Approved 2007

CORE VALUES OF THE Auburn Area Recreation and Park District

- Honesty
- Loyalty
- Integrity
- Responsibility
- Knowledge
- Fairness
- Effective Communication
- Healthy Lifestyles
- Courtesy
- Accountability
- Kindness
- Quality
- Openness
- and especially, Fun

Approved 2007

Discussion Item #2. Cover sheet – Policy Review: PTO and Holiday Time Off

Auburn Area Recreation and Park District Policy Committee Meeting February, 2022

The Issue

A review of the Auburn Area Recreation and Park District's (ARD) policies and accruals for Personal Time Off (PTO), Personal Days and Holidays. Director Holbrook requested this review.

Background

ARD currently offers the following holidays for employees:

New Year's Day
Martin Luther King's Birthday
President's Day
Memorial Day
Fourth of July (observed)
Labor Day
Columbus Day (Union employees only)
Veteran's Day
Thanksgiving Day
Friday after Thanksgiving
Christmas Eve
Christmas Day

ARD's Policy on Personal Days is as follows:

5.3

D Personal Days

Upon successful completion of the probationary period, full-time employees receive one (1) personal day to be used on the date of their choice. One personal day is earned each year.

Personal Days may not be accrued. Use of the Personal Day must be scheduled with their Supervisor at least one (1) week in advance.

ARD's Personal Time Off (PTO) policies are attached.

Recommendation for the Policy Committee

Review and discuss

Fiscal Impact

N/A

Attachments

PTO accruals and policies (Union and non-union)

ARD Personnel Policy Manual
APPENDIX A

Non-Union Employees

A. Personal Time Leave

Personal Time Leave is leave which may be used for either illness or vacation and shall be calculated as follows:

1. **0 – 90 days of employment:** no Personal Time Leave may be taken.
2. **Date of Hire to end of Second (2nd) year:**

Non-Exempt Employee - .0673/hr. or 140 hours/year, with a cap of 452 hours.

Exempt Employee – 7.23 hours/pay period or 188 hours/year, with a cap of 452 hours.
3. **Beginning of third (3rd) year to end of fifth (5th) year:**

Non-Exempt Employee - .0885/hr. or 184 hours/year, with a cap of 496 hours.

Exempt Employee – 8.92 hours/pay period or 232 hours/year, with a cap of 496 hours.
4. **Beginning of sixth (6th) year to end of tenth (10th) year:**

Non-Exempt Employee - .1077/hr. or 224 hours/year, with a cap of 536 hours.

Exempt Employee – 10.46 hours/pay period or 272 hours/year, with a cap of 536 hours.
5. **Beginning of eleventh (11th) year and forward:**

Non-Exempt Employee - .1269/hr. or 264 hours/year, with a cap of 576 hours.

Exempt Employee – 12.0 hours/pay period or 312 hours/year, with a cap of 576 hours.
6. **Beginning of the Sixteenth (16th) year and forward:**

Non-Exempt Employee - .1462/hr. or 304 hours/year with a cap of 616 hours.

Exempt Employee – 13.54 hours/pay period or 352 hours/year with a cap of 616 hours.

Employees hired after June 30, 2014

1. **0 – 90 days of employment:** no Personal Time Leave may be taken.
2. **Date of Hire to end of Second (2nd) year:**
Non-Exempt Employee - .0514/hr. or 107 hours/year, with a cap of 339 hours.
Exempt Employee – 5.5 hours/pay period. or 143 hours/year, with a cap of 339 hours.
3. **Beginning of third (3rd) year to end of fifth (5th) year:**
Non-Exempt Employee - .0673/hr. or 140 hours/year, with a cap of 372 hours.
Exempt Employee – 6.77 hours/pay period or 176 hours/year, with a cap of 372 hours.
4. **Beginning of sixth (6th) year to end of tenth (10th) year:**
Non-Exempt Employee - .0817/hr. or 170 hours/year, with a cap of 402 hours.
Exempt Employee – 7.92 hours/pay period or 206 hours/year, with a cap of 402 hours.
5. **Beginning of eleventh (11th) year and forward:**
Non-Exempt Employee - .0962/hr. or 200 hours/year, with a cap of 432 hours.
Exempt Employee – 9.08 hours/pay period or 236 hours/year, with a cap of 432 hours.
6. **Beginning of the Sixteenth (16th) year and forward:**
Non-Exempt Employee - .1106/hr. or 230 hours/year with a cap of 462 hours.
Exempt Employee – 10.23 hours/pay period or 266 hours/year with a cap of 462 hours.

Accrual depends upon employment status and years of active service. Active service commences with an employee's first day of work and continues thereafter unless broken by an absence without pay, a leave of absence, or termination of employment. Part-time employees accrue Personal Time Leave on a pro rata basis. Employees on unpaid leave and seasonal or temporary

employees do not accrue Personal Time Leave. An employee may not use paid time off before its accrual.

Personal Time Leave accrual is capped. When an employee accrues Personal Time Leave in excess of 320 hours (240 hours if hired after June 30, 2014) beyond the number of hours which that employee can earn during one year, the employee shall cease accruing Personal Time Leave until he or she has used sufficient time to reduce it to the cap. For example, if a seventh (7th) year employee ends the year with 536 hours, he/she will not accrue any additional Personal Time Leave until he/she has used some hours. If during the first month the employee uses 80 hours, he/she shall then begin accruing hours until he/she is once again at 536 hours. The District does not grant retroactive compensation for any period of time during which employee was unable to accrue Personal Time Leave because his or her Personal Time Leave had reached capacity.

Accrual depends upon employment status and years of active service. Active service commences with an employee's first day of work and continues thereafter unless broken by an absence without pay, a leave of absence, or termination of employment. Part-time employees accrue Personal Time Leave on a pro rata basis. Employees on unpaid leave and seasonal or temporary employees do not accrue Personal Time Leave. An employee may not use paid time off before its accrual.

Personal Time Off Buy-Out: The District will allow employees to buy out PTO time on the following conditions:

1. Employee may only buy PTO time down to eighty (80) hours.
2. Employees will be allowed to buy down PTO twice per year, June 1st and December 1st of each year.
3. The buy down rate will be one day of PTO time for each day bought out. PTO time may only be bought out in 8 hour increments.

Upon leaving employment with the District, Personal Time Leave will be paid out based on the amount accrued as of the date of termination of employment. It shall be paid at the employee's then-current hourly rate."

Personal Time Leave may be taken any time after 90 days of employment, whenever work schedules permit. An employee wishing to use Personal Time Leave should request such time at least two (2) weeks in advance from his or her department manager. Exempt employee Personal Time Leave shall only be used when an exempt employee is absent from work for more than 4 hours per day. All Personal Time Leave must be approved by the department manager and/or the District Administrator. Due to the seasonal operational requirements of the District, Personal Time Leave may not be used by more than one departmental employee at a time unless approved by the department manager. Unless agreed and voted upon by a department, the following will apply: when two or more employees on the same shift request the same personal leave time and approval cannot be given to all employees requesting it, employees shall be granted their preferred Personal Time Leave on a first-come, first serve basis. In order to give all employees the opportunity to take Personal Time Leave in preferred seasons, seniority "bumping" is allowed one time per year,

per employee. The District Administrator or designee shall make final determinations and must approve employee Personal Time Leave schedules in advance.

Personal Time Leave used as sick time is subject to the following rules:

1. The District, through the District Administrator, reserves the right to require medical evidence of illness and/or medical certification of fitness for duty to return to work whenever an employee misses work due to an illness, injury or disability. The District may withhold Personal Time Leave if it suspects that Personal Time Leave has been misused.
2. Personal Time Leave used for illness, injury, or disability that results in an absence of more than three (3) consecutive days may require that the employee bring a doctor's note to excuse such absence as well as release the employee for full duty.
3. The District will not tolerate abuse or misuse of the Personal Time Leave privilege.

PTO Policies

Union Employees

7.3.2 Personal Time Leave

Personal Time Leave is leave which may be used for either illness or vacation. For a full-time employee it shall be calculated as follows:

- a. 0-6 months of employment: no Personal Time Leave may be taken
- b. Date of Hire to end of Second (2nd) year: .0635 / hr or 132 hours/year, with a cap of 452 hours.
- c. Beginning of third (3rd) year to end of fifth (5th) year: .0846 / hr or 176 hours/year, with a cap of 496 hours
- d. Beginning of sixth (6th) year to end of tenth (10th) year: .1038 / hr or 216 hours/year, with a cap of 536 hours
- e. Beginning of eleventh (11th) year and forward: .1231 / hr. or 256 hours/year, with a cap of 576 hours.
- f. Beginning of the Sixteenth (16th) year and forward: .1423 / hr. or (296) hours/year with (cap of 616 hours)

Employees hired after July 1, 2014: PTO

- a. 0-6 months of employment: No Personal Time Leave may be taken.
- b. Date of Hire to end of Second (2nd) year: .04763 /hr or 99 hours/year, with a cap of 339 hours.
- c. Beginning of third (3rd) year to end of fifth (5th) year: .0635 /hr or 132 hours/year, with a cap of 372 hours.
- d. Beginning of sixth (6th) year to end of tenth (10th) year: .0779 /hr or 162 hours/year, with a cap of 402 hours.
- e. Beginning of eleventh (11th) year and forward: .09233 /hr or 192 hours/year, with a cap of 432 hours.

- f. Beginning of the Sixteenth (16th) year and forward: .1067 / hr or (222) hours/year with a cap of 462 hours.

Personal Time Leave accrual is capped. When an employee accrues Personal Time Leave in excess of 320 hours (240 hours if hired after March 31, 2014) beyond the number of hours which that employee can earn during one year, the employee shall cease accruing Personal Time Leave until he or she has used sufficient time to reduce it to the cap. For example, if a 7th year employee ends the year with 536 hours (402 hours if hired after March 31, 2014), he/she will not accrue any additional Personal Time Leave until he/she has used some hours. If during the first month the employee uses 80 hours, he/she shall then begin accruing hours until he/she is once again at 536 (402 hours if hired after March 31, 2014) hours. The District does not grant retroactive compensation for any period of time during which employee was unable to accrue Personal Time Leave because his or her Personal Time Leave had reached capacity. Accrual depends upon employment status and years of active service. Active service commences with an employee's first day of work and continues thereafter unless broken by an absence without pay, a leave of absence, or termination of employment. Part-time employees accrue Personal Time Leave on a pro rata basis. Employees on unpaid leave and seasonal or temporary employees do not accrue Personal Time Leave. An employee may not use paid time off before its accrual.

Personal Time Off Buy-Out: The District will allow employees to buy out PTO time on the following conditions:

1. Employee may only buy PTO time down to 80 hours
2. Employees will be allowed to buy down PTO twice per year, June 1st and December 1st of each year.
3. The buy down rate will be one day of PTO time for each day bought out. PTO time may only be bought out in 8 hour increments

Upon leaving employment with the District, Personal Time Leave will be paid out based on the amount accrued as of the date of termination of employment. It shall be paid at the employee's then-current hourly rate.

Personal Time Leave may be taken any time after six months of employment, whenever work schedules permit. An employee wishing to use Personal Time Leave must request such time at least two (2) weeks in advance from his or her department manager. All Personal Time Leave must be approved by the department manager and/or the District Administrator. Due to the seasonal operational requirements of the District, Personal Time Leave may not be used by more than one departmental employee at a time unless approved by the department manager and the District Administrator. Unless agreed and voted upon by a department, the following will apply: when two or more employees on the same shift request the same personal leave time and approval cannot be given to all employees requesting it, employees shall be granted their preferred Personal Time Leave on a first-come, first serve basis. In order to give all employees the opportunity to take Personal Time Leave in preferred seasons, seniority "bumping" is allowed one time per year, per employee. The District Administrator or designee shall make final determinations and must approve employee Personal Time Leave schedules in advance.

Personal Time Leave used as sick time is subject to the following rules:

1. The District, through the District Administrator, reserves the right to require medical evidence of illness and/or medical certification of fitness for duty to return to work whenever an employee misses work due to an illness, injury or disability. The District may withhold Personal Time Leave if it suspects that Personal Time Leave has been misused.

2. Personal Time Leave used for illness, injury, or disability that results in an absence of more than three (3) consecutive days may require that the employee bring a doctor's note to excuse such absence as well as release the employee for full duty.

3. The District will not tolerate abuse or misuse of the Personal Time Leave privilege.

Discussion Item #3. Cover sheet – Bidding and awarding contracts for Design Professionals

Auburn Area Recreation and Park District Policy Committee meeting February, 2022

The Issue

A review of policies regarding bidding and contract awards for design professionals. Director Holbrook requested this review.

Background

ARD has policies regarding bidding for projects, services and equipment. There are some exceptions to that policy, including for design professionals (private architectural, landscape architectural, engineering, environmental, land surveying or construction project management firms). A copy of those policies is attached.

A copy of CA Government Code 4525 – 4529.5 is also attached.

Recommendation

Review and discuss

Fiscal Impact

N/A

Attachments

ARD Purchasing and Bidding Policies
CA GC 4525 – 4529.5

ARD Purchasing and Bidding policies

II. Purchasing (this is an abbreviated copy of policy)

A. Purchasing Agent(s). The District Administrator or a designated manager shall serve as the purchasing agent for the District, and will be vested with the authority to purchase supplies, materials, **services** and equipment within annual budgetary authority limits as follows:

Purchasing Agent:

District Administrator: **\$25,000/purchase**

IV. Competitive Bidding

A. Contracts Not Related to New Construction – more than Twenty-Five Thousand Dollars (\$25,000). All contracts for the furnishing of materials or supplies not related to new construction or the alterations, maintenance or repair of District real property, which exceeds Twenty-Five Thousand Dollars (\$25,000), shall be let by competitive bid and awarded to the lowest responsible bidder.

B. Contracts Relating to New Construction of Public Improvements – more than Twenty-Five Thousand Dollars (\$25,000). All contracts for new construction of public improvements to District real property, with respect to which the cost of materials, supplies and labor exceeds Twenty-Five Thousand Dollars (\$25,000), shall be advertised to all able applicants and be let by competitive bid and awarded the lowest responsible bidder.

C. Contracts Relating to Alterations, Maintenance or Repair of District Real Property, Twenty-Five Thousand Dollars (\$25,000). Contracts for all projects for the alteration, maintenance or repair of District real property, with respect to which the cost of materials, supplies and labor will exceed Twenty-Five Thousand Dollars (\$25,000), shall be advertised to all able applicants and be let by competitive bid and awarded to the lowest responsible bidder.

D. Purchases of Equipment Valued Over Five Thousand Dollars (\$5,000). For equipment estimated to cost more than Five Thousand Dollars (\$5,000), three quotations from different vendors will be sought, when available. Contracts for equipment costing more than \$25,000 shall be approved by the Board of Directors.

E. Purchases of Materials and Supplies less than \$25,000. District may purchase in the open market without calling for bids, materials and supplies estimated to cost less than Twenty-Five Thousand Dollars (\$25,000) for use in work either under contract or by force account.

F. Purchases Between \$5,000 and \$25,000. For materials, supplies and/or labor estimated between the amount of Five Thousand Dollars (\$5,000) and Twenty-Five Thousand

Dollars (\$25,000), three quotations from different vendors and/or contracts will be sought, when available and appropriate.

and appropriate.

G. Exceptions to Competitive Bidding. Provisions requiring competitive bidding shall not apply to the following instances:

1. Contracts involving the acquisition of professional services of private architectural, landscape architectural, engineering, environmental, land surveying or construction project management firms.

2. Where the District's requirements can be met solely by a single patented article or process.

3. Situations where no bids have been received following bid announcements under provisions of this policy.

4. When a purchase involves goods of a technical nature, where it would be difficult for a vendor to bid on a standard set of specifications, the Purchasing Agent shall undertake a thorough review of known products and a comparison of features that most closely meet the District's need at the least cost.

5. When another public agency (district, city, county or state) has administered a competitive bid process within the past two years for the same or substantially similar supplies, services or equipment.

6. When the Board of Directors, by four-fifths vote, specifically waives the competitive bid process and authorizes staff to purchase equipment or award a contract due to extraordinary circumstances.

7. Any request for an exception or waiver under this section shall include the nature of the contract, amount of the contract, and the fully documented reasons why competitive bidding is not feasible.

8. The District Administrator may authorize the purchase of materials, supplies, equipment and services where an emergency is deemed to exist and it is determined that service involving public health, safety or welfare would be interrupted if the normal procedures were followed. All emergency purchases which would otherwise require formal bidding shall be submitted to the Board of Directors for ratification at the next Board meeting after the purchase is allowed.

All contracts exceeding Twenty-Five Thousand Dollard (\$25,000) must be executed by the District Administrator or in his absence, the Administrative Services Manager.

H. Bidding Procedures and Requirements. All contracts for the furnishing of materials or supplies not related to new construction or the alteration, maintenance or repair of District real property, which exceed Twenty-Five Thousand Dollars (\$25,000); all contracts for new construction of public improvements to District real property with respect to which the cost of materials, supplies and labor exceeds Twenty-Five Thousand Dollars (\$25,000); all contracts relating to alteration, maintenance or repair of District real property with respect to which the cost for materials, supplies and labor will exceed

Twenty-Five Thousand Dollars (\$25,000) shall be subject to the following bidding procedures and requirements:

1. Public notice. Public notice of the invitation for sealed, written bids shall be given by the purchasing agent at least one week prior to the date specified for the opening of bids. Such notice shall include publication at least once in a newspaper of general circulation within the District's boundaries. This notice shall state the place, date and time of bid opening and shall distinctly state the work to be done.

2. Invitation for bids. An invitation for bids shall be issued to vendors who request such and shall include specifications and all contractual terms and conditions applicable to the procurement. Prior to the invitation for bid, the requisition officer or employee may contact prospective vendors to obtain specific product or service information, produce demonstration, evaluation, testing, etc.

3. Vendor's list. The purchasing agent shall also issue invitations for bids to responsible prospective bidders whose names are on the Districts' current vendor's list for the required commodity or service.

4. Bid acceptance and evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized elsewhere in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability, such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in the evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs.

5. Correction or withdrawal of bid-cancellation of awards. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based upon such mistakes, may be permitted where appropriate. Prior to bid opening, the bidder may modify or withdraw a bid by written or telegraphic notice, providing it is received by the District prior to the time of the bid opening. After bid opening, corrections in bids or withdrawals of bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that the bidder made a material mistake of fact that is evident on the face of the bid. Decisions to permit correction or withdrawal of bids, or to cancel awards or contracts based on bid mistake shall be supported by a written recommendation made by the purchasing agent and approved by the District Board.

6. Awards. The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible bidder whose bid meets the requirements and specifications set forth in the invitation for bids.

7. Bidder's security. When the purchasing agent deems it necessary, a bidder's security may be required and prescribed in the public notices inviting bids for contracts or purchases. Bidders shall be entitled to the return of the security, provided the successful bidder forfeits his or her security by refusal or failure to execute the contract within ten days after the notice of the award of the contract

or purchase order has been mailed, unless the District is responsible for the delay as determined by the purchasing agent.

8. Performance bond. The District shall have authority at any time to require a performance bond in an amount determined necessary by the purchasing agent, in order to protect the interest of the District.

I. Lowest Responsible Bidder or Quotation. In addition to price, in determining the lowest responsible bidder or quotation, consideration will be given to quality and performance provided by a contractor or seller. Criteria to assist in determining the lowest responsible bidder or quotation shall include, but not be limited to, the following:

1. The ability, capacity and skill of the vendor to perform work or provide the supplies, services, materials or equipment required.

2. The ability of the vendor to provide the supplies, materials, equipment or services promptly, or within a time specified, without delay or interference.

3. The documented character, integrity, reputation, judgment, experience and efficiency of the vendor;

4. The quality of the vendor's performance on previous purchase or contract with the District; and

5. The ability of the vendor to provide future maintenance, repairs, parts and services for the use of the materials, equipment or supplies purchased or contracted for.

J. Rejection of Bids; No Bids. Notwithstanding anything herein, the District Board may reject all bids on construction matters and may:

1. Abandon the project or re-advertise it for additional bids; or

2. By a four-fifths vote, elect to purchase the materials or supplies on the open market; or

3. By a four-fifths vote, elect to construct the building, structure or improvement or have the project completed by District employees by force account.

If no sealed bids or proposals are received, the Board of Directors may authorize the project to be completed by District employees by force account or through negotiation without further compliance with this policy.

K. Specifications for Bid by Brand Name or "Equal". Neither the District nor any public officer or person in charge with the letting of contracts for the construction, alteration or repair of public works shall draft or cause to be drafted specifications for bids, in connection with the construction, alteration or repair of public works, (1) in such a manner as to limit the bidding, directly or indirectly, to any one specific concern, or (2) except in those instances where the product is designated to match others in use on a particular public improvement either completed or in the course of completion, calling for a designated material, product, thing or service by specific brand or trade name,

unless the specification lists at least two brands or trade names of comparable quality or utility and is followed by the words “or equal”, so that bidders may furnish any equal material, product, thing or service. In applying this section, the specifying agent shall, if aware of an equal product manufactured in California, name such product in the specification. In those cases involving a unique or novel product application required to be used in the public interest, or where only one brand or trade name is known to the specifying agency, it may list only one. Specifications shall provide a period of time of at least 35 days after award of the contract for submission of data substantiating a request for a substitution of “an equal” item.

This section shall not be applicable if the District Board, by resolution, makes a finding which is included in the specifications that a particular material, product, thing or service is designated by specific brand or trade name, in order that a field test or experiment may be made to determine the product’s suitability for future use. (Public Contracts Code Section 3400)

- L. Splitting contract prohibited. Contract or purchase order requirements shall not be artificially divided or split as so to constitute a small purchase or to avoid complying with any other provisions set forth in District policy.
- M. Construction Change Orders. The District Administrator is authorized to approve all necessary construction change orders on behalf of the District.
- N. State Law Controls. Any rule, policy or procedure set forth herein, which is contrary to or in conflict with the laws of the State of California applicable to the Auburn Area Recreation & Park District and governing the letting of contracts of purchase of material, supplies, labor or equipment, shall be void.
- O. Project Contingency. Requests and recommendations for project contingency shall be limited to 5% of the contract total.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 4525-4529.5

4525. For purposes of this chapter, the following terms have the following meaning:

(a) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, landscape architecture, engineering, environmental services, land surveying, or construction project management.

(b) "State agency head" means the secretary, administrator, or head of a department, agency, or bureau of the State of California authorized to contract for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services.

(c) "Local agency head" means the secretary, administrator, or head of a department, agency, or bureau of any city, county, city and county, whether general law or chartered, or any district which is authorized to contract for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services.

(d) "Architectural, landscape architectural, engineering, environmental, and land surveying services" includes those professional services of an architectural, landscape architectural, engineering, environmental, or land surveying nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.

(e) "Construction project management" means those services provided by a licensed architect, registered engineer, or licensed general contractor which meet the requirements of Section 4529.5 for management and supervision of work performed on state construction projects.

(f) "Environmental services" means those services performed in connection with project development and permit processing in order to comply with federal and state environmental laws. "Environmental services" also includes the processing and awarding of claims pursuant to Chapter 6.75 (commencing with Section 25299.10) of Division 20 of the Health and Safety Code.

4526. Notwithstanding any other provision of law, selection by a state or local agency head for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. In order to implement this method of selection, state agency heads contracting for private architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management services shall adopt by regulation, and local agency heads contracting for private architectural, landscape architectural, professional engineering,

environmental, land surveying, and construction project management services may adopt by ordinance, procedures that assure that these services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the public agencies. Furthermore, these procedures shall assure maximum participation of small business firms, as defined by the Director of General Services pursuant to Section 14837.

In addition, these procedures shall specifically prohibit practices which might result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and shall specifically prohibit **government** agency employees from participating in the selection process when those employees have a relationship with a person or business entity seeking a contract under this section which would subject those employees to the prohibition of Section 87100.

4526.5. A state agency head entering into a contract pursuant to this chapter shall, in addition to any other applicable statute or regulation, also follow Section 6106 of the Public Contract **Code**.

4527. In the procurement of architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services, the state agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data.

(a) When the selection is by a state agency head, statewide announcement of all projects requiring architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services shall be made by the agency head through publications of the respective professional societies. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him or her, no less than three of the firms deemed to be the most highly qualified to provide the services required.

(b) **When the selection is by a local agency head**, the agency head may undertake the procedures described in subdivision (a). In addition, these procedures shall specifically prohibit practices which might result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and shall specifically prohibit **government** agency employees from participating in the selection process when these employees have a relationship with a person or business entity seeking a contract under this section.

4528. (a) When the selection is by a state agency head the following procedures shall apply:

(1) The state agency head shall negotiate a contract with the best qualified firm for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services at compensation which the state agency head determines is fair and reasonable to the State of California or the political subdivision involved.

(2) Should the state agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price the agency head determines to be fair and reasonable to the State of California or the political subdivision involved, negotiations with that firm shall be formally terminated. The state agency head shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the state agency head shall terminate negotiations. The state agency head shall then undertake negotiations with the third most qualified firm.

(3) Should the state agency head be unable to negotiate a satisfactory contract with any of the selected firms, the state agency head shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this chapter until an agreement is reached.

(b) When the selection is by a local agency head, the local agency head may undertake the procedures described in subdivision (a).

4529. This chapter shall not apply where the state or local agency head determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest.

4529.5. Any individual or firm proposing to provide construction project management services pursuant to this chapter shall provide evidence that the individual or firm and its personnel carrying out onsite responsibilities have expertise and experience in construction project design review and evaluation, construction mobilization and supervision, bid evaluation, project scheduling, cost-benefit analysis, claims review and negotiation, and general management and administration of a construction project.

Discussion Item #4. Cover sheet – ARD Ordinance #1 Review; Camping

Auburn Area Recreation and Park District Policy Committee meeting February, 2022

The Issue

A review of ARD Ordinance #1 specific to camping in the park. Director Holbrook requested this review.

Background

ARD Ordinance #1 has specific prohibitions and rules in place.

Section 5 (R) states:

Prohibited presence. No person shall be present in any park after dusk or before dawn or at times otherwise posted, except when lawfully in attendance at an event or authorized rental permitting such, or participating in an approved activity at a lit facility. All activities at lit facilities must obey Section BB. (Amended 3/28/19)

Recommendation

Review and discuss

Fiscal Impact

N/A

Attachments

ARD Ordinance #1

Auburn Journal article “Placer camping ordinance introduction delayed to March 8”

Ordinance Adoption Codes and Procedures

ORDINANCE NO. 1

AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE AUBURN AREA RECREATION AND PARK
DISTRICT PERTAINING TO CONDUCT IN PARKS

The Board of Directors of the Auburn Area Recreation and Park District ordains as follows:

That Ordinance Number 1 of the Auburn Area Recreation and Park District is adopted as follows:

SECTION 1. Authority and purpose. California Public Resources Code section 5786.1 empowers the District's Board to adopt and enforce ordinances necessary for the administration, government and protection of all property, improvements and facilities under its management or belonging to the District. The purpose of this ordinance is to establish a body of law denoting prohibited and required conduct on District property and provide for the enforcement and punishment for violations.

SECTION 2. Definitions. For purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"District Administrator" means the person appointed by the District Board to serve in such position, or his or her designee.

"Park" means all grounds, roadways, avenues, parks, buildings, and school facilities when they are owned or in use as recreational facilities, and including all areas under the control, management or direction of the District Board and its designees.

"Person" means a person or persons, association, partnership, joint venture, entity, firm and/or corporation.

"Special Use Permit" refers to a permit approved by the District for a specific purpose. This permit must be present at the permitted event or activity, and, upon request, must be presented to a District employee, City of Auburn or Placer County code or law enforcement official.

SECTION 3. Rules and policies to be obeyed. It shall be unlawful for any person to disobey or violate any of the rules, policies or regulations of the District Board governing the use and enjoyment of any park or governing the use and enjoyment of any building, structure, equipment, apparatus or appliances thereon, or any roadway, avenue, grounds or recreation center, or in or near the building, structure, equipment, apparatus or appliances to which the rule or regulation applies.

SECTION 4. Signs and notices to be obeyed. It shall be unlawful for any person to disobey any instruction, sign or notice properly posted by the District Administrator, or his or her designee, in accordance with District Ordinance or policy, in any park, or in

any building, structure, construction and/or erection thereon for the control, management, or direction of such park roadway, avenue, grounds, recreation center, building, structure, construction or erection.

SECTION 5. Conduct-General. It shall be unlawful for any person, within the limits of any park, or within any property or facility which is owned, leased, under the control of, or maintained or operated by the Auburn Area Recreation and Park District, to do any of the following:

A. Fires and Cooking. No person shall make or kindle a fire within any park except in stoves or other facilities specifically provided by the District or in a container commercially manufactured for such purposes, and used only in areas designated for such use. No person shall cook any meal within a park except in an area authorized and provided for such use. Only charcoal briquettes or other commercially made cooking products are allowed in District BBQ grills. No fire shall be lit or maintained within a park between the hours of 10 p.m. and 7 a.m. except by Special Use Permit. (Amended 3/28/19)

B. Closed to public. No person shall enter any park or area of any park which is closed to the public. Closed areas shall be designated by signs posted at all entrances thereto and at least every 500 feet along unfenced boundaries.

C. Firearms, weapons, and fireworks. No person shall carry or discharge any firearm, rifle, pistol, air rifle, including paint ball and air-soft versions, sling shot, bow and arrow or other similar device or weapon within or into a park or carry or discharge any fireworks, firecracker, rocket, torpedo or other type of explosive without a Special Use Permit, nor shall any person carry into or use any other object within a park with the intent of disturbing the peace of any person by means of noise or otherwise. This prohibition shall not apply to persons engaging in or traveling to target practice or competition conducted in accordance with appropriate standards of safety at an archery, skeet, target range or competition area authorized and provided by the District for such purpose; nor within the scope of official duties, nor as allowed by concealed carry weapon permit issued by a law enforcement agency. Any device carried into or used within a park in violation of this provision is subject to confiscation by any empowered law enforcement officer or duly authorized District employee, and, in the event thereof, shall be thereafter disposed of in accordance with the law, including without limitation any applicable District regulation.

D. Explosives, inflammable materials. No person shall use, carry, possess or ignite, explosives or highly flammable materials of any kind, including containers of gas, oil, or other fuel, except as necessary for vehicle or equipment use or to throw such materials into a park area from beyond park boundaries, without obtaining a Special Use Permit.

E. Intoxicants and opened alcoholic beverage containers. No person shall provide or consume intoxicants, nor shall any person possess any can, bottle or other

receptacle containing any alcoholic beverage that has been opened or a seal broken, in any park, or in any building or structure, thereon, not expressly designated as permitting such without first obtaining a Special Use Permit. Such permit shall be obtained and the fee therefore paid, regardless of the size of the gathering or assembly which desires the privilege of using a park area to provide and/or consume intoxicating beverages or materials. (Amended January 29, 2015.)

F. Noise. No person shall willfully make or continue a loud, unnecessary, deliberately annoying or disagreeable noise, or indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language within a park in such a manner as to disturb the public peace or to materially disrupt the quiet enjoyment of reasonable persons of normal sensitivity who are lawfully present in the park or on nearby properties.

G. Amplified sound in parks. No person shall cause the amplification of sound within a park if the noise level caused thereby causes discomfort or annoyance to any considerable number of reasonable persons of normal sensitivity lawfully present in the park or residing nearby, disturbs the public peace or materially disturbs the quiet of such persons, except pursuant to a Special Use Permit. The Special Use Permit may impose reasonable conditions, in writing, in any permit including designating the location of each bandstand and gathering, and the position and volume capability of each loudspeaker so as to cause the least amount of disturbance to other persons, both within and outside the park.

H. Public use roads. The provisions of the California Vehicle Code shall be applicable in all parks upon any roadway, avenue or place which is publicly maintained and open to the use of the public for vehicular travel. Violations shall be enforced and prosecuted in accordance with the provisions thereof. Appropriate signs shall be posted advising of any additional vehicular travel restrictions in force and shall be enforced in accordance with governing law.

I. Non-public roads. No person shall drive or otherwise operate a vehicle in a park upon any surface other than those maintained and open to the public for purposes of vehicular travel. This provision does not apply to any wheelchair or electrically-driven vehicle, other than automobiles carrying a physically incapacitated person, or to vehicular use specifically authorized by a Special Use Permit.

J. Skateboards, skates and in-line skates. No person shall use a skateboard, skates or in-line skates in any park in an unsafe or hazardous manner so as to endanger the person, or others or in an area specifically prohibiting same. Any person using a skateboard, skates or inline skates in the park or in a skateboard facility must wear a helmet, elbow pads, and knee pads, and any person failing to do so will be subject to citation.

K. Bicycles. No person shall ride a bicycle within a park except in areas authorized for vehicular travel, or at a place especially authorized and provided for

bicycle riding. While elsewhere within a park, bicycles shall be dismounted and pushed when moving from place to place or ridden at a jogging pace on pedestrian pathways when such use does not interfere with pedestrian use or annoy or startle pedestrians of reasonable sensitivity.

L. Prohibition of animals in parks, with exceptions. No person shall cause, permit or allow any animal owned or possessed by him, or any animal in the custody or control of such person, to be present in any park except:

1. Equine animals being led or ridden under reasonable control upon a bridle path, trail or center authorized and provided for such purpose; or upon a vehicular roadway.

2. Dogs may be permitted on all non-athletic fields while under the control of a competent person and restrained by a substantial chain or leash not exceeding six feet in length. Dogs may be allowed without a leash in areas specifically designated which are posted as such. Specially trained service animals which are being used by totally or partially blind, deaf, hearing impaired or physically or emotionally handicapped persons to aid and/or guide them in their movements shall be permitted in all areas, provided they remain with and are restrained by the people they serve, to include a leash or chain as described above.

3. Fowl or other animals turned loose upon permission of a Special Permit.

4. In connection with specific activities authorized by Special Permit, and while acting in accordance with all conditions attached to such authorization.

5. Animals confined in a designated area for vegetation control, as authorized by the District Administrator.

M. Responsibilities of animal owner. Each person who owns or has custody, possession, or control of an animal within a park shall not permit such animal to:

1. Annoy, harass, threaten, nip, maul or bite any person or persons;

2. Damage or destroy any property or thing of value, including vegetation;

3. Disturb the peace and quiet of others by loud barking or making of other annoying or alarming noises; and

4. Defecate without promptly collecting, removing and properly disposing of all such fecal matter.

N. Protection of animals in park. No person shall hunt, frighten, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any

pond, lake, stream, or water within a park, except at a place specifically designated and provided for such purpose. Law enforcement personnel, animal control officers, District employees and contractors acting within the scope of their official duties or District contract obligations are excepted from this prohibition.

O. Damaging property prohibited. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus, or property, or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon, paint, or deface in any manner any building, monument, fence, bench, or other structure within a park; District employees, contractors for the District acting within the scope of a contract with the District, and other people authorized by Special Permit are excepted.

P. Damaging, disturbing land prohibited. No person shall cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer from a park or from any place within a park; District employees, and contractors for the District acting within the scope of a contract with the District and other people authorized by Special Permit are excepted.

Q. Water activities. No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft or other device, on or in any pond, lake, stream or water within or into a park, except at such place or places designated and provided by the District for such use or when persons are engaged in preventing harm to a person or creature; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or cause the pollution to the water of a fountain, pond, lake, stream, or reservoir within a park.

R. Prohibited presence. No person shall be present in any park after dusk or before dawn or at times otherwise posted, except when lawfully in attendance at an event or authorized rental permitting such, or participating in an approved activity at a lit facility. All activities at lit facilities must obey Section BB. (Amended 3/28/19)

S. Waste liquids, refuse and littering. No person shall leave or deposit rubbish, litter, waste liquids or trash of any kind, except in receptacles provided for said purposes. Receptacles in District parks are intended solely for the purpose of park generated trash or rubbish. Under no circumstances may any person bring rubbish, litter, waste liquids or trash of any kind into a District park for the purpose of disposing into District park receptacles. (Amended 3/28/19)

T. Gambling. No person shall play or bet at or against any game in a park at which games are played, conducted, dealt, or carried on with cards, dice, or other device, for money, chips, shells, credit, or any other thing of or redeemable for value, nor maintain or exhibit any gambling table or other instrument of gambling or gaming with a park. This prohibition shall not apply to simulated gambling games when conducted pursuant to a Special Use Permit.

U. Hazardous activities. No person shall engage in model airplane flying, propelling a rocket or missile of any type, driving of golf balls, archery or any game of a hazardous nature within a park, except at such places as shall be specifically designated and authorized by the District for such purpose, or in an otherwise unoccupied open area, in a manner that does not cause hazard to anyone, or conflict with another use, and as authorized by a Special Use Permit.

V. Posting of handbills, advertising. It is unlawful for any person to distribute, cause to be distributed, or suffer, allow or permit the distribution of any handbill, dodger, circular, booklet, card, pamphlet, sheet or written or printed notice advertising any commodity, article, merchandise, business activity, person or thing in or upon any park, grounds or recreation center, or to post or affix, cause to be posted or affixed or permit to be posted or affixed to any tree, shrub, plant, fence, building, structure, monument, wall, tablet, apparatus, bridge, post, hole, bench, gate or other physical object with any park, grounds or recreation center any handbill, dodger, circular, booklet, card, pamphlet, sheet or written or printed notice advertising any commodity, article, merchandise, business, person, thing or activity unless written permission is obtained from the District Administrator.

W. Meetings. No person shall hold any meeting, services, concert, exercise, parade, or exhibition in any park unless authorized by Special Permit, except that this subsection shall not be construed to deprive any person of a right protected by state or federal law or Constitution.

X. Concessions and profiteering. No person or commercial enterprise may use a park for financial gain unless authorized by Special Permit.

Y. Restroom use. No person, excepting children six years of age or younger accompanied in such facility by an adult, or persons requiring handicapped assistance, shall use any occupied restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex. An opposite sex adult may accompany a child into a restroom if the restroom is not occupied.

Z. Glass containers. No person shall transport into or dispose of within any park, a food or drink container made wholly or partially of glass, whether or not such container is empty, partially filled, or full; excepting baby bottles, medicine containers, or as otherwise authorized by Special Use Permit.

AA. Smoking; chewing tobacco, snuff; spitting. No person shall smoke, chew, dip, expectorate, partake or indulge in tobacco in any form in any District building or facility or in any area signed as prohibiting such. It shall be unlawful for any person to litter, extinguish, dispose of or expectorate tobacco in any form, except into an article retained on the person in a manner that does not create odor and is not visually obtrusive.

BB. Lights. No person utilizing an illuminated recreation area shall continue to do so after 10:45 p.m. of each day. The persons using such an area shall ensure that all

lights for the area are turned off no later than 10:45 p.m. unless authorized by Special Use Permit.(Proposed for amendment 3/28/19)

CC. Acts prohibited. No person shall deposit, by means of urination or defecation, any human waste material in any park other than in a public toilet or restroom designed to receive waste material. (Added January 29, 2015)

SECTION 6. Delegation of authority. The District Administrator may delegate authority to grant any permission required under this ordinance for a particular activity to an employee or employees of the District.

SECTION 7. Violations; penalties. Violation of a District ordinance is a misdemeanor unless the park ranger, Auburn City Police, Placer County Sheriff or duly authorized law enforcement officer issuing the citation specifies on the citation that the violation is an infraction.

- A. Every violation determined to be a misdemeanor is punishable by a fine not to exceed \$1,000 and or six months in the County Jail. Each incident in which a violation occurs is a separate offense.
- B. Every violation determined to be an infraction is punishable by a fine not to exceed \$100 dollars for a first violation, a fine not to exceed \$200 for a second violation of the same ordinance within one year or a fine not to exceed \$500 for each additional violation of the same ordinance within one year. Each incident in which a violation occurs shall be considered a separate offense.
- C. Notwithstanding this section, any violation may be enforceable under any other law that exists at the discretion of the enforcing officer.
- D. Any judge or commissioner of a judicial District laying wholly or in part within the District shall have jurisdiction over all prosecutions under this article for violations adopted by the Board of Directors

E. Expulsion. In addition to any other penalty for a violation of this ordinance, the District Administrator, or his or her designees, including contractors, referees, umpires and other sports officials empowered to do so, may require the violator to immediately leave the park or facility and to remain out of the park or facility for the remainder of the day on which the violation occurred. It shall be a misdemeanor or infraction for any person so expelled to return to the park or facility the same day after having been lawfully ordered to leave, or for a person so ordered to not promptly leave. (Amended 11/29/15)

SECTION 8. Enforcement. The Board of Directors of the District may, by resolution, designate that class of District employees as park rangers, who shall be empowered to exercise such arrest and citation authority in accordance with state law for infraction and misdemeanor violations of District or county ordinances, or state law, committed within a District park or facility. The District Administrator shall cause to be administered a special enforcement training program designated to instruct each

employee who will exercise such arrest and citation authority regarding the provisions of the statutes and ordinances to be enforced, the evidentiary prerequisites to proper procedures for making arrest, or otherwise prudently exercising such arrest and citation authority and the legal and practical ramifications and limitations attendant thereto.

The District Administrator shall have the primary responsibility for the enforcement of this ordinance and other ordinances of the District unless otherwise specifically stated therein. Each District park ranger, Auburn City Police, Placer County Sheriff or duly authorized law enforcement officer is hereby granted permission to enter upon both public and restricted areas of all park and park facilities within their respective jurisdictions to maintain public order or to prevent, remedy, or take other appropriate action with respect to violations of the provisions of this ordinance or of other applicable laws or regulations.

SECTION 9. Effective date. This ordinance shall become effective thirty (30) days after its adoption.

INTRODUCED and first read at a regular meeting of the Board of Directors of the Auburn Area Recreation and Park District on the 24th day of September, 2015.

FINAL PASSAGE AND ADOPTION by the Board of Directors of the Auburn Area Recreation and Park District was at a meeting thereof held on the 28th day of March, 2019, by the following vote:

Ayes: 4
Noes: 0
Absent: 1
Abstaining: 0


Jim Ferris, Chairperson

Attest:

Patricia B. Larson, Clerk

From the Auburn Journal 2/10/22

Placer camping ordinance introduction delayed to March 8

Stacey Adams
Feb 10, 2022 8:00 AM

In an effort to receive additional feedback from Placer residents, the Board of Supervisors approved to delay the introduction of the proposed camping ordinance.

The ordinance proposed the removal of camp facilities and prohibiting camping or the use of camping paraphernalia in county public places and high fire severity zones between the hours of 7 a.m. to 7 p.m. The ordinance would also include an exemption for inclement weather and day resources for unsheltered individuals, including the Probation Outreach Vehicle and a center to provide services and housing options.

According to Placer County Deputy CEO Bekki Riggan, the county received emails and phone calls from residents, Placer People of Faith Together and the Sierra Foothills Unitarian Universalists with questions and concerns about the proposed ordinance. Riggan confirmed county staff recommended deferring the introduction of the ordinance in light of the discussions.

“This will not impact the implementation timeline of the ordinance and will allow the opportunity for staff in the Sheriff’s Office, Probation, County Executive Office and Health and Human Services to meet with these folks to

hear their perspectives and to incorporate those discussions into our next presentation,” Riggan said.

Riggan confirmed staff will continue developing operational plans for the service center, and the additional time will allow staff time to finalize the contract details for the center.

Placer County Counsel Karin Schwab noted clarifications were made to the ordinance in regard to the definition of available beds and camp/camping. Schwab confirmed the clarifications included the addition of enforcement of the ordinance would be for areas with signs posted.

Board Chair Cindy Gustafson suggested taking public comment on the item and then continuing discussions to also allow the public the opportunity to review the clarifications made to the ordinance.

The board received 18 comments on this item. Comments included support of the ordinance, suggesting the county look at the Miller Park Project in Sacramento, advising the board the ordinance may cause homeless individuals to move to other parts of the county and finding a solution that does more than just restrict camping hours and is more compassionate to the homeless community.

During the meeting, Riggan confirmed the ordinance, primarily proposed due to the tent encampment at the Placer County Government Center in North Auburn, would be implemented county-wide.

“It’s not just a DeWitt issue,” District 4 Supervisor Suzanne Jones said, noting homeless encampments have been developing along Douglas Boulevard in Granite Bay. “It’s growing and it’s moving. It’s like a cancer. And I know everybody keeps talking - how long have people been talking about solutions?”

It seems that's all we're ever able to do is just talk about it. So I think that we need to really start talking some hard solutions. Not everybody's going to be happy with them, but we've got to try to figure out how to get these folks off the street."

Said Gustafson in a written statement, "This is a very complicated problem and there are no easy solutions. We intend to be as transparent as possible to address these very human issues and we are asking for residents and businesses to help us find agreeable solutions."

The board is scheduled to continue discussions on March 8.

CALIFORNIA CODES
PUBLIC RESOURCES CODE
SECTION 5786-5786.31

5786.1. A district shall have and may exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including, but not limited to, the following powers:

(i) To adopt ordinances following the procedures of Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 25120-25132

25120. The enacting clause of all ordinances of the board of supervisors shall be as follows: "The Board of Supervisors of the County of _____ ordains as follows."

25121. Every ordinance shall be signed by the chairman of the board and attested by the clerk.

25122. On the passage of all ordinances the votes of the several members of the board shall be entered on the minutes, and all ordinances shall be entered at length in the ordinance book.

25123. All ordinances shall become effective 30 days from the date of final passage, except the following ordinances, which shall take effect immediately:

- (a) Those calling or otherwise relating to an election.
- (b) Those specifically required by this code or by any other law to take immediate effect.
- (c) Those fixing the amount of money to be raised by taxation, or the rate of taxes to be levied.
- (d) Those for the immediate preservation of the public peace, health, or safety, which shall contain a declaration of the facts constituting the urgency, and shall be passed by a four-fifths vote of the board of supervisors.
- (e) Those specifically relating to the adoption or implementation of a memorandum of understanding with an employee organization.
- (f) Those relating to salaries and other compensation of officers, other than elected officers, and employees.

25123.5. Notwithstanding the provisions of Section 25123, that portion of any ordinance which changes supervisorial salaries shall become effective 60 days after its adoption.

25124. (a) Except as provided in subdivision (c), before the expiration of 15 days after the passage of an ordinance it shall be

published once, with the names of the members voting for and against the ordinance, in a newspaper published in the county if there is one, and if there is no newspaper published in the county, the ordinance shall be posted in a prominent location at the board of supervisors' chambers within the 15-day period and remain posted thereafter for at least one week. The local agency, at its option, may include in an ordinance reclassifying land either a brief description accompanied by a map of the boundaries of the property, as recited in the notice of hearing, or a complete metes and bounds description accompanied by a map depicting the reclassified property and adjacent properties. Except for maps, any exhibit attached to and incorporated by reference in an ordinance need not be published in its entirety if the publication lists all those exhibits by title or description and includes a notation that a complete copy of each exhibit is on file with the clerk of the board of supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1. A certificate of the clerk of the board of supervisors or order entered in the minutes of the board that the ordinance has been duly published or posted is prima facie proof of the publication or posting.

(b) The publication or posting of ordinances, as required by subdivision (a), may be satisfied by either of the following actions:

(1) The county board of supervisors may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance. The summary shall be prepared by an official designated by the board of supervisors. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the clerk of the board of supervisors at least five days prior to the board of supervisors meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, the board of supervisors shall publish a summary of the ordinance or amendment with the names of those supervisors voting for and against the ordinance or amendment and the clerk shall post in the office of the clerk of the board of supervisors a certified copy of the full text of the adopted ordinance or amendment along with the names of those supervisors voting for and against the ordinance or amendment.

(2) If the county official designated by the board of supervisors determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, and if the board of supervisors so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the county shall be published at least five days prior to the board of supervisors meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance or amendment, including information

sufficient to enable the public to obtain copies of the complete text of such ordinance or amendment, and the names of those supervisors voting for and against the ordinance or amendment.

(c) If the clerk of the board of supervisors fails to publish an ordinance within 15 days after the date of adoption, the ordinance shall not take effect until 30 days after the date of publication.

25125. No county ordinance passed prior to September 13, 1941, is void solely by reason of the fact that it was not published for a full week within 15 days after its passage, if the first actual publication of the ordinance was within the 15-day period, and thereafter actual publication was made for a full week.

25126. Any or all ordinances of any county which have been enacted and published in accordance with the provisions of its charter or this article, and which have not been repealed, may be compiled, consolidated, revised, indexed, including such restatement and substantive change as is necessary in the interest of clarity, and arranged as a comprehensive ordinance code.

25127. The ordinance code may be adopted by reference by the passage of an ordinance for the purpose, which shall be adopted and approved in the manner provided by charter or this article for the passage of ordinances for the county.

25128. The ordinance code itself need not be published in the manner required for other ordinances, but not less than three copies of the code shall be filed for use and examination by the public in the office of the clerk of the county prior to the adoption thereof.

25129. After the code has been adopted all ordinances thereafter adopted pertaining to the subjects in the code shall be amendatory or revisory of the code. No section or subsection of the code shall be revised or amended by reference. The ordinance section or subsection revised or amended shall be adopted and published in the manner prescribed in Section 25124. Nothing in this section shall preclude repealing or rendering inoperative by reference any section or subsection if language in the ordinance fairly identifies the subject matter of the sections or subsections which would be repealed or rendered inoperative by the ordinance.

25130. An ordinance code adopted and fully published, or adopted by reference as provided in this article, may be subsequently recompiled, recodified and indexed, including such restatement and substantive change as is necessary in the interest of clarity, in the same manner as prescribed by this article for the original adoption by reference of an ordinance code.

25131. Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed

immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by majority vote, all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section. This section shall not apply to ordinances which by statute can be passed only after notice and a public hearing.

25132. (a) Violation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction. The violation of a county ordinance may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year.

(c) Notwithstanding any other provision of law, a violation of local building and safety codes determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding five hundred dollars (\$500) for a second violation of the same ordinance within one year; (3) a fine not exceeding one thousand dollars (\$1,000) for each additional violation of the same ordinance within one year of the first violation.