

**AUBURN AREA RECREATION AND PARK DISTRICT
BOARD OF DIRECTORS
AGENDA
MEETING OF THE BOARD OF DIRECTORS**

6:00 P.M.

**THURSDAY, APRIL 24, 2014
CANYON VIEW COMMUNITY CENTER, BOARD ROOM
471 MAIDU DRIVE
AUBURN, CA**

Materials related to an item on this Agenda submitted to the District after distribution of the agenda packet are available for public inspection in the District's Office at 471 Maidu Drive, Auburn, CA 95603 during normal business hours.

1.0 CALL TO ORDER

FLAG SALUTE (Pledge to the Flag)

The Board of Directors of the Auburn Area Recreation and Park District welcomes you to its meetings. Regular meetings are scheduled at 6 p.m. the last Thursday of each month. Your attendance and interest is encouraged and appreciated. Special accommodations may be made upon request to the District Administrator 72 hours in advance of the meeting.

Roll Call

Smith _____ Holbrook _____ Gray _____ Ainsleigh _____ Ferris _____

2.0 INTRODUCTIONS, PRESENTATIONS AND ANNOUNCEMENTS

None.

3.0 AGENDA REVIEW, CHANGES, AND APPROVAL

Motion by _____ Second by _____ to _____

Gray _____ Smith _____ Holbrook _____ Ainsleigh _____ Ferris _____

4.0 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 Board of Directors. After you are recognized by the Board Chairperson, please come to the lectern and state your name, and address for the record (optional). There is a time limitation of three minutes.

5.0 CONSENT ITEMS – (roll call vote) All matters listed under the Consent Calendar are to be considered routine by the Board of Directors and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the Board votes on the motion to adopt, a member or members of the Board, staff or the public requests a specific item to be removed from the Consent Calendar for separate discussion and action.

_____ **5.1 Review and Approval of Minutes of the March 27, 2014 Meeting of the Board of Directors**

Review and approval of minutes.

Motion by _____ Second by _____ to _____

Gray _____ Smith _____ Holbrook _____ Ainsleigh _____ Ferris _____

Roll Call Vote

6.0 ADMINISTRATOR’S AND DEPARTMENTAL REPORTS

Please see reports, fee waiver log, project list and vandalism report under item 6.0.

7.0 UNFINISHED BUSINESS

_____ **7.1 Committee Meetings and Related Policies**

Shall the Auburn Area Recreation and Park District (ARD) amend its policies related to Committee meetings?

Motion by _____ Second by _____ to _____

Gray _____ Smith _____ Holbrook _____ Ainsleigh _____ Ferris _____

8.0 NEW BUSINESS

_____ **8.1 PCWA Canal Easement (Acquisition & Development Committee)**

Shall the Auburn Area Recreation & Park District Board of Directors direct staff to approve Resolution Number 2014-05, authorizing the District Administrator to sign as “Noted” an easement between the United States Bureau of Reclamation (USBR) and the Placer County Water Agency (PCWA) to operate and maintain Boardman and Shirland Canals?

Motion by _____ Second by _____ to _____

Gray _____ Smith _____ Holbrook _____ Ainsleigh _____ Ferris _____

Roll Call Vote

_____ **8.2 Friends of ARD Regular Meeting**

The Quarterly Meeting of the Friends of ARD, Inc. and review of changes to Bylaws.

Motion by _____ Second by _____ to _____

Gray _____ Smith _____ Holbrook _____ Ainsleigh _____ Ferris _____

_____ **8.3 Placer County Local Agency Formation Commission (LAFCO) -- Call for Nomination -- Special District Representative**

Shall the Auburn Area Recreation & Park District Board of Directors nominate a Special District Representative?

Motion by _____ Second by _____ to _____

Gray _____ Smith _____ Holbrook _____ Ainsleigh _____ Ferris _____

_____ **8.4 California Association of Recreation and Park Districts (CARPD) Board of Directors Election**

Shall the Auburn Area Recreation & Park District Board of Directors adopt Resolution Number 2014-06, A Resolution of the Governing Board of Directors Endorsing a Nominee to the CARPD 2014 Board of Directors?

Motion by _____ Second by _____ to _____

Gray _____ Smith _____ Holbrook _____ Ainsleigh _____ Ferris _____

Roll Call Vote

_____ **9.0 ITEMS FOR DISCUSSION AND INFORMATIONAL ITEMS**

None.

_____ **10.0 BRIEF ANNOUNCEMENTS AND REPORTS FROM BOARD MEMBERS**

No action will be taken at this time on any item announced or reported by a Board Member. The Board or a member of the Board may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter so reported, or take action to direct staff to place a matter of business on a future agenda.

_____ **11.0 CORRESPONDENCE/COMMUNICATIONS AND INFORMATIONAL**

1. Correspondence to Jerry Fisher from the Greater Sacramento Softball Association.
2. Thank you note from St. Joseph Catholic School.
3. Thank you note from Gold Country Rotary.
4. Correspondence from LAFCO.
5. Correspondence to the ARD Board of Directors from Lant Barney with attachments.
6. Correspondence to Lant Barney from Kahl Muscott.

_____ **12.0 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 Board of Directors. After you are recognized by the Board Chairperson, please come to the lectern and state your name, and address for the record (optional). There is a time limitation of three minutes.

_____ **13.0 CLOSED SESSION**

13.1 Public Employee Performance Evaluation. (Gov. Code, 54954.5, subd. (e), 54957.)

Title: District Administrator

13.2 Conference with Labor Negotiators (Gov. Code, section 54954.5, subd. (f), 54957.6)

**Agency Designated Representatives: Kahl Muscott, District Administrator;
Joe Fecko, Administration Services Manager
Employee Organization: IUOE, Stationary Engineers Local 39**

_____ **14.0 OPEN SESSION – REPORT/ACTION ON OR ABOUT CLOSED SESSION**

ADJOURNMENT

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

4-18-14
Date

1:50 p.m.
Time

P. Larson
Clerk to the Board

SECTION: 5.0

**ITEM: 5.1 REVIEW AND APPROVAL OF MINUTES OF THE
MARCH 27, 2014 MEETING OF THE BOARD OF
DIRECTORS**

DESCRIPTION:

INFORMATION: SEE ATTACHED MINUTES

**STAFF
RECOMMENDATION: BOARD OF DIRECTORS REVIEW & APPROVE
MINUTES**

FISCAL IMPACT:

**Auburn Area Recreation and Park District
Minutes
of the Meeting of the Board of Directors
Thursday, March 27, 2014, 6:00 p.m.
Canyon View Community Center
471 Maidu Drive
Auburn, CA**

**Board Members
Present:**

Chairman Curt Smith
Director Scott Holbrook
Director Jim Gray
Director Jim Ferris
Director Gordon Ainsleigh

**Board Members
Absent:**

None.

Staff Present:

Kahl Muscott, District Administrator
Joe Fecko, Administrative Services Manager
Larry Gray, Facilities & Grounds Manager
Manouch Shirvanioun, Customer Service/Marketing Manager
Sheryl Petersen, Recreation Services Manager
Debbie Thomas, Youth Services Manager
Pamela Vann, Landscape Architect
Patricia Larson, Recording Secretary

1.0 CALL TO ORDER

The Meeting of the Board of Directors was called to order at 6:01 p.m. by Chairman Smith.

2.0 INTRODUCTIONS, PRESENTATIONS AND ANNOUNCEMENTS

None.

3.0 AGENDA REVIEW, CHANGES AND APPROVAL

A motion was made by Director Holbrook and seconded by Director Gray to approve the agenda with items 8.1 and 8.2 being moved to before item 6.0.

4 – 0 Motion carries.

Director Ferris arrived at 6:04 p.m. after the motion and vote.

4.0 PUBLIC COMMENT

None.

5.0 CONSENT ITEMS

- 5.1 Review and Approval of Minutes of the February 27, 2014 Meeting of the Board of Directors**
- 5.2 Review of Cash Requirements for February, 2014 (Standing Finance Meeting)**
- 5.3 Review of Financials for January, 2014 (Standing Finance Committee)**
- 5.4 Review of Financials for February, 2014 (Standing Finance Committee)**
- 5.5 Amendment to Policy for Memorandums of Understandings and Memorandums of Agreements (Program, Personnel, Policy & Fee Committee)**

A motion was made by Director Ainsleigh and seconded by Director Holbrook to approve the consent calendar.

Roll Call Vote

5 – 0 Motion carries.

Item 8.1, Revoking Motion for Bike Park Approval at Maidu Site was moved to before 6.0

Public comment: None.

A motion was made by Director Holbrook and seconded by Director Ferris to revoke the previously approved motion that was given to build a Bike Park/Pump Track at the Maidu Drive Site.

Roll Call Vote

4 – 1 Motion carries.

Director Holbrook voted no.

Item 8.2, Authorization of Staff to Initiate Preliminary Design and Appropriate Environmental Analysis of the Proposed Bike Park/Pump Track at the Maidu Drive Site was moved to before 6.0

Public comment:

Dr. An Labarre, 407 Maidu Drive, Auburn, California gave public comment regarding safety concerns for the location of the pump track.

Diane Johnson, a Greenwood, California resident gave public comment that other sites are more appropriate for the pump track.

Robert Stafford, an Orangevale, California resident gave public comment that he is disabled and the only way he can go on the trails is by horseback. He is for the pump track, just not at this location.

Peggy Eggli, 313 Riverview gave public comment regarding the location of the pump track, the location seems to conflict with State Park regulations.

Sarah Konst, an Auburn resident gave public comment that whatever recreation youth are into, it should be provided if it's healthy. The pump track is a great idea, the debatable issue is the location.

Laurie McGonagil, an Auburn resident of Belmont Drive gave public comment that the pump track should be in an appropriate place, and to keep this area for nature for people to enjoy and keep that way.

A resident named Paul gave public comment he exclusively uses the Pioneer Trail. Horses and bicycles don't mix, where are the horses going to go?

Bruce Anderson, 10374 Wise Road, Auburn, California gave public comment the pump track can't be built at the proposed location because there is asbestos there.

Donna Williams, a Loomis, California resident gave public comment that the residents have been given this trail as a legacy, we need to preserve it.

Sheryl Bryant, 341 Riverview Drive, Auburn, California gave public comment that she is a hiker and has concerns about safety for herself and others as far as the pump track is concerned.

Paula Campbell, a Granite Bay, California resident gave public comment that people from this area should see the trails at Folsom Lake that have been overridden. There are also illegal trails and the trails aren't safe.

Harry Wyatt, a resident of Lake of the Pines, California gave public comment that horses spook, bicycles cannot stop on a dime. The EIR will need a careful study of bike accidents and what causes them.

Jeanine Wolf, a resident of Meadow Vista, California gave public comment that she has strong safety concerns. She supports the pump track, just not at that location.

Diana Gibbs, 407 Maidu Drive, Auburn, California gave public comment that the overall safety is extremely important for everyone. She also voiced concern about looking at the financial aspect of the area, who will maintain the pump track.

Donna Furlow, a resident of Granite Bay, California read a letter for Rowe Bailey. Rowe Bailey has ridden the Pioneer Trail since 1970. The actions of the bike group are unethical and troubling. Many private citizens also use that trail.

Diana Boyer, Skyridge Drive, Auburn, California gave public comment that she is in support of the bike park. The area is very well suited for recreational development. Diana has a petition in support of the bike park.

Beverly Jensen, an emergency room nurse in Roseville, California gave public comment a pump track is an inner city type of recreation. It goes with competitive sports, not nature.

Chuck Anderson who resides at Maidu & Riverside Drive, Auburn, California gave public comment that he has lived here for forty years. The neighborhood is no longer a quiet neighborhood.

Karen Wyeth, an Auburn, California resident gave public comment regarding the NEPA and CEQA. Other locations are a good area for this project. She believes ARD should step back and take a comprehensive look at what is being done.

Lisa Kodl, a member of the Bike Park Committee gave public comment that they have done a lot of research on this project. The Bike Park group wants to work with people and educate. They will work to maintain the pump track.

Sherri Krueger, a resident of South Auburn, California gave public comment that the location is too steep to combine horses and bicycles. Other locations should be looked at.

Mike Thompson, an Auburn cyclist gave public comment that he has lived here since he was twelve. There is no legal place for kids to ride bikes. The pump track will be for kids and families, no one's rights will be infringed on.

Kim, a Lincoln, California resident gave public comment that horses and bikes don't mix, she is concerned with safety issues.

Public comment was closed.

A motion was made by Director Holbrook and seconded by Director Ainsleigh to authorize staff to initiate preliminary design and appropriate environmental analysis of the proposed Bike Park/Pump Track at the Maidu Drive Site.

Roll Call Vote

5 – 0 Motion carries.

6.0 ADMINISTRATOR’S AND DEPARTMENTAL REPORTS

Board reports, the fee waiver log, project list and vandalism report were provided to the Board under separate cover.

7.0 UNFINISHED BUSINESS

7.1 Sports Field Rental Fee Increase (February 27, 2014 Board of Directors Meeting)

A motion was made by Director Ainsleigh and seconded by Director Ferris to approve the proposed rental fee increase for the sports fields.

Roll Call Vote

4 – 1 Motion carries.

Director Gray voted no.

Public comment was re-opened on this item.

Andy Helms, Vice President of Auburn Youth Soccer gave public comment that they don’t play on ARD fields anymore. They play on school fields. ARD needs to work with the user groups and update the fields.

8.0 NEW BUSINESS

Items 8.1 and 8.2 were moved to before item 6.0.

8.3 Fiscal Year 2014/2015 Project List Approval/Revised Ten Year Plan Update (Acquisition & Development Committee Meeting)

A motion was made by Director Holbrook and seconded by Director Gray to direct staff to begin preliminary work and provide appropriate environmental analysis of the projects on the proposed Fiscal Year 2014-2015 Project List.

Roll Call Vote

4 – 1 Motion carries.

Director Ainsleigh voted no.

8.4 Proposed Changes to Meadow Vista Parking Lot (Acquisition & Development Committee Meeting)

A motion was made by Director Holbrook to approve the proposed changes leaving the decision of maintenance up to staff. Motion did not pass as there was no second to the motion.

A motion was made by Director Ainsleigh and seconded by Director Gray to approve the proposed changes to Meadow Vista Parking Lot as outlined with maintenance to be done by Placer County.

Roll Call Vote

4 – 1 Motion carries.

Director Holbrook voted no.

8.5 Notice of Governing Board Member Election and/or Notice to Submit Measure(s) to a Vote of the Voters, Resolution Number 2014-04, Resolution of the Governing Body of the Auburn Area Recreation and Park District Declaring an Election Be Held In Its Jurisdiction; Requesting the Board of Supervisors to Consolidate This Election With Any Other Election Conducted on Said Date; and Requesting Election Services By the County Clerk

A motion was made by Director Holbrook and seconded by Director Ainsleigh to adopt Resolution Number 2014-04, Resolution of the Governing Body of the Auburn Area Recreation and Park District Declaring an Election Be Held In Its Jurisdiction; Requesting the Board of Supervisors to Consolidate This Election With Any Other Election Conducted on Said Date; and Requesting Election Services By the County Clerk

Roll Call Vote

5 – 0 Motion carries

8.6 California Special Districts Association (CSDA) Board of Directors Call for Nominations Seat C

The Board reviewed the information provided and made no nomination.

9.0 ITEMS FOR DISCUSSION AND INFORMATIONAL ITEMS

1. Commercial/retail leasing of ARD property. (Director Holbrook requested this item). The Board reviewed the information provided.
2. Bell Road Habitat Enhancement. The Board reviewed the information provided.
3. Operation and Development Plan Public Outreach. The Board reviewed the information provided.

10.0 BRIEF ANNOUNCEMENTS AND REPORTS FROM BOARD MEMBERS

No action will be taken at this time on any item announced or reported by a Board Member. The Board or a member of the Board may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent Meeting concerning any matter so reported, or take action to direct staff to place a matter of business on a future agenda.

11.0 CORRESPONDENCE/COMMUNICATIONS AND INFORMATIONAL

Correspondence was attached.

12.0 PUBLIC COMMENT

None.

13.0 CLOSED SESSION – the Board went into Closed Session at 8:32 p.m.

14.0 OPEN SESSION – Open Session began at 9:22 p.m.

Direction was given to staff regarding union negotiations.

ADJOURNMENT - As there was no further business, the meeting was adjourned at 9:22 p.m. by Chairman Smith.

Board Secretary

Date

SECTION: 6.0

**BOARD REPORTS, FEE WAIVER LOG, PROJECT
LIST AND VANDALISM REPORTS**

INFORMATION:

SEE ATTACHMENTS

District Administrator
Report to the Board of Directors
April, 2014

- The Overlook Park security gate project has been approved by USBR. Staff is meeting with the contractor to set up installing gates/posts for the back loop section of the park. Staff will assess the effectiveness of this initial closure before moving on with further closures.
- Invitations have gone out to participants for the Operation and Development Plan Focus Groups. Response has been very good.
- The Regional Park gym floor was repaired the week of 4/14 with a new top coat and new striping. The gym will reopen 4/21.
- I am working with Auburn Journal Editor Dennis Noone to create a monthly ARD column. The first column has been submitted and is scheduled to run soon. The focus of this column will be to keep the public informed about upcoming projects, programs and events.
- Gary Parker, Project Manager for the Timberline Project (to be built on the 96 acres adjacent to ARD's 24 acres) informed me that they hope to get their final permits in the next few weeks. From that point, Gary will meet with ARD staff to review the pathway that they will be constructing on the 24 acres. There will be some possible reroute due to Timberline not needing to add to the wetlands on the 24 acres.
- The AAUW Trivia Bee drew 225 people to Regional Park gym.

Meetings and Events attended:

4/1: Rotary
4/1: Chris Decker re: Regional Park multi-purpose field
4/2: Gold Country Chapter CSDA workshop
4/3: Dennis Noone re: ARD column in Auburn Journal
4/5: Bruce Cosgrove retirement party
4/8: Rotary
4/8: Scott Liske re: maintenance around Overlook Park
4/9: State of the Community Committee
4/10: Webinar: Agenda preparation and minutes
4/14: A&D Committee
4/15: Rotary Board
4/15: Rotary
4/16: Chamber Board
4/16: Policy Committee
4/17: Obstacle Scramble Committee
4/17: Sgt. Whigam, Placer County Sheriff Dept. re: patrol areas
4/17: Placer County Economic Development Committee: Welcoming remarks

Meetings and Events scheduled to attend:

4/21: Tom Christofk, Placer County Air Pollution Control District
4/22: Rotary
4/22: Judy Suter re: Bike Park site
4/23: Webinar: Records Retention
4/23: Local 39 re: new contract negotiations

4/24: Marketing and Program Plan Committee
4/24: USBR and State Parks staff re: management of USBR lands
4/26: Rotarians at Work Day at Acres of Hope
4/29: Rotary
4/30: Disaster training with CVCC office staff

Administrative Services Manager
Report to the Board of Directors
April, 2014

Due to year end, no financials or cash requirements are available for March. The finance committee and the board will receive March month end statements along with April statements in early May.

Staff is still negotiating with the union on a new three year contract and hopes to wrap up by the end of April.

At the request of Director Ainsleigh, I will be providing mitigation account balances every month in my staff report. The current balance is \$7251. The County accounting staff updates these balances every other month, so you will see unchanged amounts for two months in a row in my reports to the Board.

Staff will have the final budget ready for submission to the finance committee and the Board in May.

Facilities & Grounds Manager
Report to the Board of Directors
April, 2014

Ball field preparation all fields (bolt rip, screen, chalk, warning tracks).
Scheduled mowing of all District turf areas.
Cleanup of goose droppings at Regional Park.
Irrigation repair all parks (sprinkler replacement, drip line repair).
Railhead Park replaced 15 sprinklers.
Daily scheduled trash and bathrooms cleaning.
Raking and cleaning of District playgrounds.
Cleaning of District Picnic areas and BBQ.
Tennis court repair Winchester Park (crack running across court).
Irrigation systems checks all parks (set station water times, water days, check sprinklers for proper operation).
Atwood Park fire breaks (clear area 10 feet wide perimeter of park).
Repaint parking stripes Recreation Park.
Remove large Grey Pine tree behind score board James Field (Davey Tree Service).
Remove stump from large Grey pine (John Dumont Stump Grinding).
Repair damaged area from tree removal (new topsoil, install 1500sf sod).
Re-establish irrigation line on hillside of Dog Park (new valve, move heads).
Recreation Park Splash Pool Preparation.
Assemble new bleachers Recreation and Beggs Fields (replacing wooden bleachers).

Scheduled daily cleaning of all District Buildings.
Scheduled maintenance of Sierra Pool (cleaning and chemical balance).
Scheduled spring aeration of all District parks.

Landscape Architect
Report to the Board of Directors
April, 2014

- Miscellaneous Items: Miscellaneous project research, update of project lists, monthly Board report. Miscellaneous project coordination with Larry Gray and Pat Shane. Created project tasks timeline to organize work load for coming project year. Met with Larry Gray to discuss projects and processes.
- Meadow Vista Entry Landscape: Meet with Larry Gray to discuss project parameters.
- Recreation Park Modular Building Landscape Project: Created planting plan and budget for landscaping area in front and side of modular to reduce lawn and repair grades.
- PGE Land Trust Donation Application: Continued communication with PG&E and Stewardship Council. Staff meetings and ongoing communication with Placer Land Trust and Stewardship Council. Coordinated additional Record of Survey work for Christian Valley with stewardship Council and surveyor. Review final draft of Conservation Easement language for Christian Valley. Review final draft of Baseline Report and Management Plan for Christian Valley. Multiple staff meetings and discussions. Phone calls with Stewardship Council and PGE.
- Bike Park/Pump Track Project: Multiple staff meetings. Site walk with Board member, staff and members of public. Consultations with Bureau of Reclamation.
- Railhead Park Playgrounds: Tracking project with Bureau. Responding to various requests for further information.
- Railhead Park Design: Tracking project with Bureau. Responding to requests for additional information. Re-submit some information upon request of Bureau. Ongoing phone calls with Bureau staff.
- Regional Park Gym Floor: Coordination of contractor beginning work April 11.
- Bureau of Reclamation Operation and Development Plan: Ongoing work on documents. Created CAD exhibits. Multiple staff meetings, phone calls with Bureau contacts, work on outline and draft document. Research regarding CEQA/NEPA process. Working on public outreach strategy and materials for Focus Groups meetings. Several phone calls with Bureau personnel to resolve questions.
- Bocce Ball at Recreation Park: Ongoing research and meetings. Responses to public inquiries. Coordinate with surveyor to get field data completed. Administer professional services contract.
- Begg's Field Safety Netting: Follow up with Sean Allen from Eagle Fence. Completion of project.
- Bell Road Enhancement Project: Follow up with Stewardship Council on grant request.
- Ashford Park Restroom Remodel: Coordinate contracts and start-up of project. Construction start scheduled for May 6, 2014.

Customer Service/Marketing Manager
Report to the Board of Directors
April, 2014

3/20/14 - 4/17/14 3/22/13 - 4/17/13

Activity Registrations	\$17,500	\$15,000
Day Care/Discovery payments	\$23,000	\$22,000
Facility payments/reservations	\$21,000	\$14,000

“Plan Your Summer With Us”, will be our advertising campaign this summer. Ads in each publication will be accompanied by an editorial that promotes events, parks, programs and facilities.

I continue to be involved in the community to actively promote and raise awareness of ARD’s programs, events, and facilities.

Recreation Services Manager
Report to the Board of Directors
April, 2014

- Meetings attended: AAUW Board, ACF, SHF
- Ordered, received and began distribution of the postcards for the Envision Expo.
- Currently have 30 vendors for the Envision Expo.
- Taking registration for the Spring Pickle Ball Tournament. Have 72 participants to date.
- Sent Summer Activity Guide to the printer.
- Met with Bear River Recreation to plan for 2014-15 YDL Basketball season.
- Met with the Synchronized Swimming coach making plans to accommodate an excessive number of under 8 swimmers with a mini Mermaids program.
- Met with promotions department from Target to solidify support for National Night Out and Community Festival.
- Met with the interpreter for deaf synchronized swimmer.
- Distributed calendars to area realtors for inclusion in packets for new Auburn and Meadow Vista home buyers.
- Ordered banners for Expo and the ARD classes (ordered by several instructors).
- Arranged a Water Safety and CPR class for AIM.
- Met with Robalos Parent group.

AAUW-American Association of University Women, SHF-Auburn Senior Health Fair, PIP-Party in the Park, VFCAL-Valley Foothills Competitive Aquatics League , ACF-Auburn Community Festival, WIN- Women in Network, NNO-National Night Out

Coming up this Month

April 28	Robalos/Mermaids Begin	Sierra Pool
May 17	Robalos Time Trials	Sierra Pool
May 17/18	Pickle Ball Tournament	Meadow Vista Park
May 26	Memorial Day	Offices Closed
May 31	Public Swim Begins	Sierra Pool
	Robalos Relay Meet	Sierra Pool
	CPR Class	Teen Center

Youth Services Manager

Report to the Board of Directors

March, 2014

- Delivered Summer Day Camp flyers to Auburn Elementary, Skyridge, Rock Creek, Alta Vista, Foresthill and E.V.Cain schools. Electronic flyers went out to the Loomis, Newcastle and Placer Hills school districts. Loomis School District also added it to their web page under 'summer camps.'
- Spring break day camp is April 14-21st. The themes are varied, with an egg hunt on Friday.
- Attended Auburn Elementary's kindergarten parent night on April 1st and distributed information to parents of incoming transitional kinders and kindergarten.
- Registration opened for summer day camp on Tuesday, April 8, 2014.
- Youth Services Directors had a safety meeting, particularly addressing procedures for emergency/disaster training.
- Purchasing for sites, day camp and summer.
- Interviews for summer day camp staff.
- Summer day camp scheduling and preparation.
- MPP meeting on April 24, 2014.

2014/2015 Project List

PROJECT	Est. Cost	Notes	Est. completion date
Ashford Park			
Restroom Remodel	35,000	Project to begin May 6. Contracts to be executed.	Jul-14
Recreation Park			
Lower RR replacement	105,000	Project scheduled for winter 2014/2015	Apr-15
Bocce Ball Courts	80,000	Survey work completed; staff meeting with community group on design	Nov-14
Solar at community center building	150,000	Project under design by consultant	Aug-14
Regional Park			
24 Acres Walking Path - In Kind	235,000	DG pathway by Western Care; project on hold due to issues with Timberline Project	TBD
MP Field Improvements	12,500	Broadleaf spraying 4/14; repairs to start in May	July, 2014
Field C Lights	12,000	Turn light pole with cranes	Sep-14
Pickle Ball court (convert tennis court)	20,000	Gathering data/research	Oct-14
Lakeside Room roof replacement	24,000	Scheduled for May, 2014	May-14
Canyon View Community Center			
Bike Park - incl Design and CEQA	80,000	In design process and due diligence	Jun-15
Railhead Park			
Shade Structure and Hardscape	121,200	Packet submitted to Bureau February 5, 2014: Approval pending Bureau review	Oct-14
Playground Replacement	61,000	Packet submitted to Bureau February 5, 2014: Approval pending Bureau review	Oct-14
Meadow Vista Park			
Entrance landscape/shade structure	20,000	Project design to start June 2014	Nov-14
Operation and Development Plan			
CEQA/NEPA costs	60,000	Working on draft document	Mar-15
Total Projects Fiscal Year	1,015,700		
Updated April 18, 2014			

Apr-14

Vandalism Report

DATE	LOCATION	VANDALISM	LABOR COSTS	MATERIAL COSTS
4/1/2014	Regional Park	Tried to take wire out of light poles on basketball court	\$20.00	Resource cover plates, materials on hand
4/1/2014	Bi-Centennial	Graffiti on bridge	\$40.00	\$25, paint to cover graffiti
4/10/2014	Skate Park	Graffiti on wall	\$40.00	\$15, paint to cover graffiti
		Total Labor	\$100.00	\$40.00
		Total for Year	\$710.00	\$2,565.36

Mar-14

Vandalism Report

DATE	LOCATION	VANDALISM	LABOR COSTS	MATERIAL COSTS																				
3/1/2014	Regional C-Field	Broke exterior light on score booth	\$20.00	\$16.90, new light fixture																				
3/1/2014	Regional	Picnic table stolen	\$0.00	\$600 to \$1,000																				
3/2/2014	Regional C Field	Attempt to break into C Field score booth, failed	\$20.00	\$0.00, touch up paint																				
3/2/2014	Regional C Field	Snapped off spiket next to 3rd base dugout, water running	\$30	\$28.00 Replaced spiket and broken water pipe to spiket																				
3/4/2014	Ashford Park	Graffiti in men's bathrooms	\$10	\$5.00, graffiti remover																				
3/9/2014	Regional	Toilet Paper Fixtures taken from shop bathrooms	\$30	\$45, new dispensers																				
3/11/2014	Centennial Park	Graffiti	\$40	\$25, paint																				
3/14/2014	Regional Park	Tree Vandalism, one tree cut to ground another tree damaged	\$30	did not replace tree, just dug cut tree out.																				
<table border="1"> <thead> <tr> <th>Total</th> <th>Total</th> <th>Total</th> <th>Total</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Labor</td> <td>\$180.00</td> <td>Material</td> <td>\$1,119.90</td> <td></td> </tr> <tr> <td>Total for</td> <td></td> <td>Total for</td> <td></td> <td></td> </tr> <tr> <td>Year</td> <td>\$610.00</td> <td>Year</td> <td>\$2,525.36</td> <td></td> </tr> </tbody> </table>					Total	Total	Total	Total	Total	Labor	\$180.00	Material	\$1,119.90		Total for		Total for			Year	\$610.00	Year	\$2,525.36	
Total	Total	Total	Total	Total																				
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Feb-14

Vandalism Report

DATE	LOCATION	VANDALISM	LABOR COSTS	MATERIAL COSTS
2/2/2014	Regional Park	Toilet paper dispenser broken, graffiti	\$30.00	\$55.00, acetone to remove graffiti and two new toilet paper dispensers
2/3/2014	Overlook	Car drove through two grass areas, pieces of car picked up	\$10.00	Possible tree loss, will have to wait and see if it survives
2/13/2014	Meadow Vista	Coyote taken	\$0.00	\$50 to replace
2/14/2014	Regional C-Field	Score Booth, broken in, turbine ripped off roof	\$60	\$125, new turbine for roof, new hasp for door

Total Labor	\$100	Total Material	\$230
Total for Year	\$430	Total for Year	\$1,405.46

Jan-14

Vandalism Report

DATE	LOCATION	VANDALISM	LABOR COSTS	MATERIAL COSTS
12/11/2014	Overlook Park	Graffiti, men's bathroom wall	\$20	\$10, paint to cover graffiti
12/11/2014	Regional Park	Broken bubble on play set	\$40	\$800, replacement bubble
12/21/2013	Regional Park	Broke into A & C Field Score Booth	\$20	\$15, replacement hasps
12/25/2013	Regional Park	Broke into C Field score Booth	\$20	\$35.46, new lock set
12/30/2013	Regional Park	Toilet paper dispensers taken	\$20	\$34, two new dispensers
1/2/2014	Winchester	Broke into Soccer Storage Unit		\$13, new lock replacement
1/5/2014	Regional Park	Broke in B Field Score Booth	\$30	\$23, new hinges
1/8/2014	Skate Park	Graffiti, table	\$20	\$15, paint
1/15/2014	Regional Park	Coyote taken from A Field	\$0	\$55, to replace coyote
1/22/2014	Recreation Park	Broke into gated storage area stole gas, cut gas lines on equipment, cut chain link fence for entry	\$160	\$175, chain link fence, gas, gas lines
Total			\$330.00	\$1,175.46

Item # 7.1 Cover sheet – Committee meetings and related policies

Auburn Recreation District Policy Committee meeting January, 2014; Board of Directors meeting January, 2014; April, 2014

The Issue

Shall the Auburn Area Recreation and Park District (ARD) amend its policies related to Committee meetings? Director Smith has requested that these items be considered.

Background

Recent information obtained by the District has prompted a review of ARD Policies and Procedures as regards holding of meetings including the Board meetings and all Board level Committee meetings.

A question was asked of the California Special District Association at large regarding types of meetings. The answer was, there are only three kinds of meetings. Regular meetings, Special meetings, and Emergency meetings. By definition, if a meeting is being held under the authority of the Board, and is not a Special meeting or an Emergency meeting, then it is a Regular meeting.

A review of the California Government Code (See attached excerpts) led to the realization that all of our committee meetings should be “noticed” and handled with the same formality as our Board meetings. This presented a conundrum. Since our agendas and policies spell out the existence of certain committees yet we never “notice” the meetings when they are held, we were/are technically in violation of the code.

After some review and discussion, it has been proposed the following actions be taken.

- The following committees which in some cases seldom meet and/or currently are inactive will be dissolved.
 - Party In The Park
 - Goals and Assessments
 - Legal Review
- A new policy will be added as follows:
“All legal bills submitted by the District’s attorney will be reviewed and approved by at least two Board members prior to being paid.”
- Henceforth, all “standing” Board level committee meetings with ongoing subject matter will be “noticed”. ARD currently notices for the Policy Committee, Finance Committee and the Acquisition and Development Committee.
- Appropriate action will be taken to reflect the above changes in the District’s written policies and procedures.

These items were discussed at the January, 2014 Board of Directors. At that point, no decisions were made. Direction was given to send this item back to the Board at the February Board meeting. This item was delayed until Director Smith returned.

The following alternatives should be considered by the Board of Directors:

- 1) Approve the changes as suggested in the bullet points above
- 2) Approve the changes as suggested in the bullet points above with the following exception:
 - a. Legal Review be added to the items covered at the Policy Committee. Effectively, this would change the name of that committee to the “Personnel, Policy, Fee and Legal Review Committee”. Legal review may need to be on the agenda under Closed Session if confidential personnel information is part of the bill.
- 3) Approve the changes as suggested in the bullet points above with the following exception:
 - a. “All legal bills submitted by the District’s attorney will be reviewed and approved by at least two Board members prior to being paid. Each month, at least one different Board member must approve the legal bills.”

Recommendation for the Board of Directors

Staff recommends option #2 above.

Alternatives Available to the Board of Directors

1. Do not approve the noted changes
2. Select a different option
3. Suggest a different option and approve
4. Request more information from staff

Fiscal Impact

N/A

Attachments

Excerpts from California Government Code

Policy changes proposed for the Board Procedures and Responsibilities Manual and the District Procedures and Responsibilities Manual.

Excerpts from California Government Code (all under the “Brown Act”)

54952.

As used in this chapter, “legislative body” means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

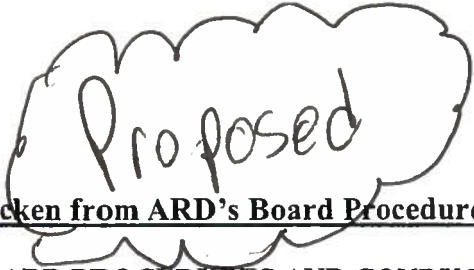
(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that **standing committees** of a legislative body, irrespective of their composition, **which have a continuing subject matter jurisdiction**, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

54952.2.

(a) As used in this chapter, “meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

54954.

(a) Each legislative body of a local agency, except for advisory committees or **standing committees**, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or **standing committees**, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.



Policies to be stricken from ARD’s Board Procedures and Responsibilities Manual

Section III BOARD PROCEDURES AND CONDUCT OF BOARD MEETINGS

GOALS & ASSESSMENTS COMMITTEE:

The Goals and Assessments Committee does not have an agenda, is generally composed of two Board Members and is responsible for the following:

- 1. Maintain the District Administrator’s contract.
- 2. Generate yearly goals for the District Administrator.
- 3. Facilitate the review and evaluation of the District Administrator during the May/June time frame each year.

LEGAL REVIEW COMMITTEE:

The Legal Review Committee is confidential (as required), does not have an agenda, is generally composed of two Board Members and is responsible for the following:

- 1. Meets monthly to review and approve/disapprove all legal billings received by the District.
- 2. Initial review of legal issues as deemed appropriate by the District Administrator.

Policy to be added to ARD’s District Policies and Procedures Manual

VI. Policy on Authorization for Legal Services

District Counsel is the Legal Counsel for the District and receives its direction from the District Administrator, the majority of the Board, or from the Chair or representative of the Board as delegated, or as determined by policy or regulation. Legal Counsel should only be used as absolutely necessary, to protect the best interest of the District.

- A. General Policy on Legal Counsel Contact. Items pertaining to regular District business shall be directed to the District Administrator. If it is determined legal attention may be required, the item should be forwarded to Counsel for initial review and direction. The District Administrator may approve \$1000 per issue. Items that may result in potential or anticipated litigation, or continue to exceed the Administrator’s limits, shall be brought to the attention of the Board for consultation and direction. For emergency purposes the Board Chair can consult and give direction.
- B. Board Chair Contact. The Board Chair is allowed up to two hours per month for consultation with Legal Counsel. Additional expenditures will require Board approval/direction. If necessary, this approval can be received by Counsel or the District Administrator as provided in the California Government Code.
- C. Board Member Contact. Remaining Board Members are allowed to contact Legal Counsel for up to a fifteen-minute period, or contracted minimum time should that exceed the fifteen minutes. If additional time is required, the Board Chair or District Administrator may approve up to 45 additional minutes. Additional expenses will require Board direction.

Proposed

- D. Policy to Re-Address Performance of Legal Counsel. The District will re-address performance of the contracted Legal Counsel every two years. If services and fees are not found to be in accordance with the Legal Services Agreement as signed by the District Administrator and Legal Counsel, the District may seek new counsel.
- E. Legal Bill Review. All legal bills submitted by the District's attorney will be reviewed and approved by at least two Board members prior to being paid.

Item # 8.1 Cover sheet – PCWA Canal Easement

Auburn Area Recreation and Park District Acquisition and Development (A&D) meeting April, 2014; Board of Director’s meeting April, 2014

The Issue

Shall the Auburn Area Recreation and Park District approve Resolution #2014-05, authorizing the District Administrator to sign as “Noted” an easement between the United States Bureau of Reclamation (USBR) and the Placer County Water Agency (PCWA) to operate and maintain Boardman and Shirland Canals?

Background

ARD manages +/- 77 acres of land through a Management Agreement with the United States Bureau of Reclamation (USBR). PCWA has two canals, the Boardman and Shirland Canals, running through sections of these managed properties.

USBR and PCWA have requested that ARD sign (as “Noted”) a Grant of Easement to PCWA to operate and maintain Boardman and Shirland Canals.

Section 2 (i) states in part “While accessing the site, the Agency (PCWA) shall ensure that the ARD activities will not be disrupted due to any construction, operation and maintenance activities”

Recommendation for the Board of Directors

Adopt Resolution #2014-05, authorizing the District Administrator to sign (as “Noted”) the Grant of Easement between USBR and PCWA.

The A&D Committee sent this item to the Board of Directors with a positive recommendation.

Fiscal Impact

N/A

Attachments

Maps of the managed properties showing the approximate locations of the canals

Grant of Easement

Resolution #2014-05



OVERLOOK PARK

PACIFIC AVE

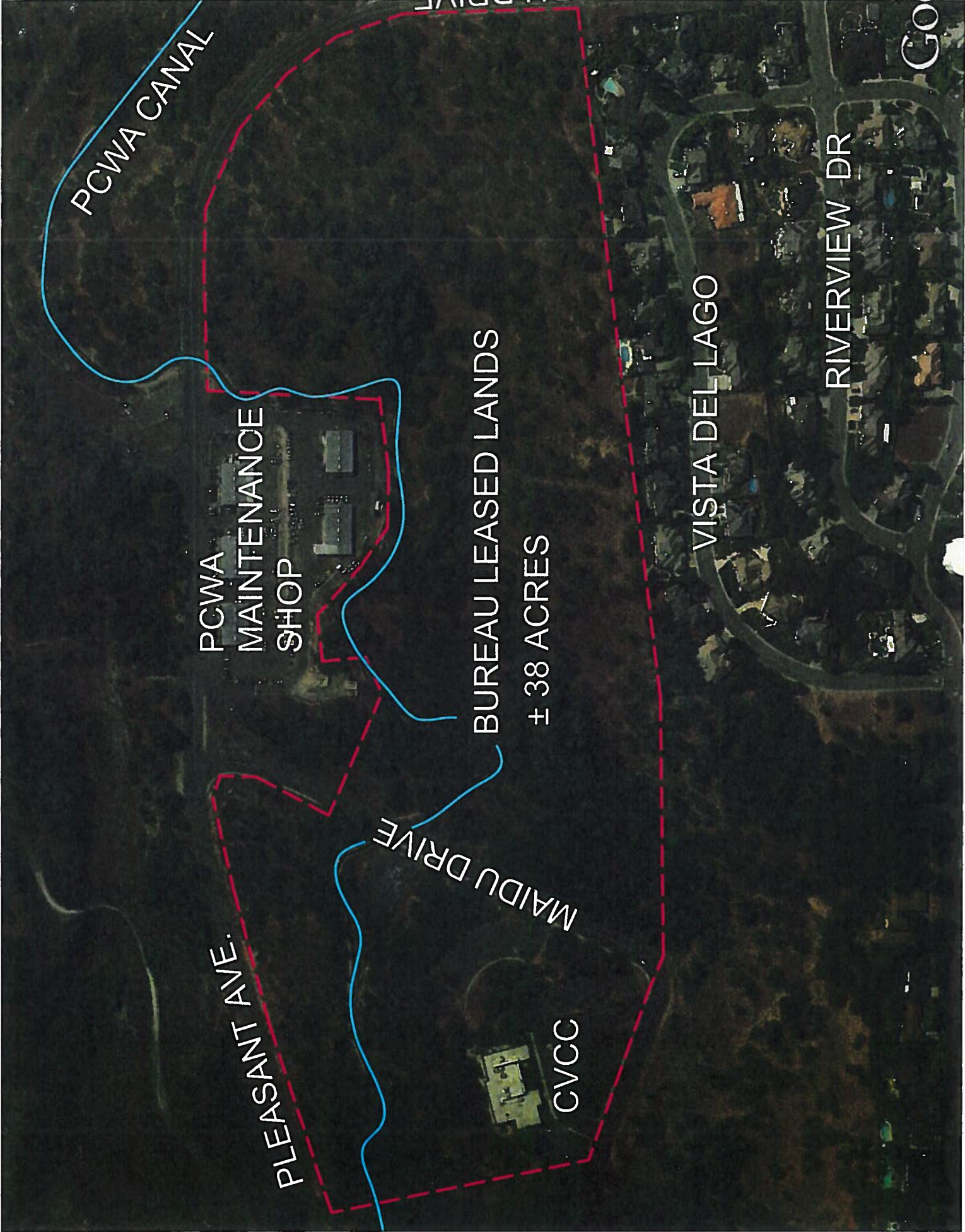
PCWA CANAL

RAILHEAD PARK

SACRAMENTO ST

AUBURN-FOLSOM

- BUREAU LEASED LANDS:**
- RAILHEAD ± 14 ACRES
 - OVERLOOK ± 25 ACRES



PCWA CANAL

PCWA
MAINTENANCE
SHOP

BUREAU LEASED LANDS
± 38 ACRES

MAIDU DRIVE

PLEASANT AVE.

CVCC

VISTA DEL LAGO

RIVERVIEW DR

GO

RECORDING REQUESTED BY
AND
WHEN RECORDED MAIL TO:

U.S. Department of the Interior
Bureau of Reclamation, MP-450
2800 Cottage Way
Sacramento, CA 95825-1898

DOCUMENTARY TRANSFER TAX: None
This conveyance is exempt from any
documentary transfer tax per California
Revenue and Taxation Code Section 11922

CVP- 1342, Index 102

Contract No. 12-LC-20-0097

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

**GRANT OF EASEMENT
TO
PLACER COUNTY WATER AGENCY
TO
OPERATE AND MAINTAIN
BOARDMAN AND SHIRLAND CANALS**

Auburn Dam and Reservoir
Central Valley Project, California

THIS EASEMENT, made this ____ day of _____, 2014, in accordance with the Act of Congress approved June 17, 1902 (32 Stat. 388) and all other acts amendatory or supplementary thereto, particularly the Reclamation Project Act of 1939 (53 Stat. 1187), is entered into, by and between the **UNITED STATES OF AMERICA** (United States), acting by and through its Department of the Interior, Bureau of Reclamation (Reclamation), represented by the officer executing this instrument on its behalf, and the **PLACER COUNTY WATER AGENCY**, hereinafter called "Agency", acting by and through its Board of Directors.

RECITALS

WHEREAS, The United States has acquired certain lands for the construction of the Auburn-Folsom South Unit, Auburn Dam and Reservoir, a feature of the Central Valley Project; and

WHEREAS, For many years prior to acquisition of said lands by the United States, the Agency operated and maintained canals and pipelines for water conveyance across said acquired lands; and

WHEREAS, At acquisition by the United States the lands were subject to existing rights of way in favor of the public or third parties for highways, roads, railroads, telegraph, telephone, and electrical transmission lines, and canals, laterals, ditches, flumes, siphons, and pipelines on, over, and across said land; and

WHEREAS, The Agency has now requested an easement to inspect, maintain, operate, construct, reconstruct, repair, and replace water pipeline or pipelines, lined or unlined canals and above and below ground appurtenant facilities necessary to convey water in perpetuity, on, under, over, and across United States lands; and

WHEREAS, The Agency has now also requested an easement to access using existing roads and trails on, over, and across United States lands with personnel, equipment and vehicles necessary for the inspection, maintenance, operation, construction, reconstruction, repair, and replacement of the water pipeline or pipelines, appurtenant facilities, and features of the Boardman and Shirland canals; and

WHEREAS, The Auburn Recreation District (ARD) is the managing partner to the United States for recreation activities over these lands; and

WHEREAS, The United States has no objections to such use of the land and the use is, at this time, not incompatible with the purpose for which the land was acquired and is now being administered.

NOW THEREFORE, in consideration of the mutual agreements and subject to the terms and conditions herein contained, the parties hereto agree as follows:

1. EASEMENT. The United States hereby grants to the Agency, without warranty of title, non-exclusive easements within a portion of the lands acquired by the United States, described as follows:

a. A 35 foot wide strip of land for the purpose of constructing, inspecting, operating, and maintaining the existing Boardman and Shirland Canals and appurtenant works (hereinafter referred to as the Canal Project), over those certain lands in Sections 15, 22 and 27, Township 12 North, Range 8 East, Mount Diablo Base and Meridian, more particularly described in the legal descriptions in Exhibit "A", and shown on the project map Exhibit "B", all of which are attached hereto and made a part hereof, and hereinafter referred to as the "canal easement premises".

b. Such roads, lanes or trails as currently exist or may in the future be created by the United States or ARD for access across said lands, as shown on Exhibit "C", to the canal easement for the purpose described in Article 1.a. and c. If no such routes exist then by such route or routes as shall cause the least practical damage and inconvenience to the United States and ARD. Exhibit

“C” is attached hereto and made a part hereof, and hereinafter referred to as the “access easement premises”.

- c. The canal easement premises includes the right of the Agency to:
 - a. Mark the location of pipelines and other underground facilities in the canal easement premises by suitable markers set in the ground; and
 - b. Line, seal, patch, or replace pipelines, canals, ditches, conduits and other facilities, installed in the easement area; and
 - c. Convert the canals to any other type of canal, as may become necessary as changes to water conservation law and/or development occur, subject to the terms and conditions of this Grant of Easement; and
 - d. From time to time to trim trees and clear away tree trimmings, stumps, brush and landscaping now or hereafter in the canal easement premises and to trim and clear away portions of any trees extending onto or over the canal easement premises which may interfere with the exercise of the Agency’s rights hereunder or cause damage to Agency facilities. Any and all tree cutting activities must be coordinated and accepted by Reclamation; and
 - e. Restrict possible public access to protect Agency features by installing, maintaining, and using gates in all fences which cross the canal easement premises and the right to install Agency locks on existing or future gates installed within the canal easement premises.
- d. In this Grant of Easement, the canal easement premises and the access easement premises are collectively referred to as the “easement premises.”

2. TERMS AND CONDITIONS. The rights granted herein are subject to the following:

a. This Grant of Easement shall become effective on the date hereinabove written. In accordance with 43 CFR 429 Subpart D, Application Fees and Administrative Costs, the Agency or its designate shall pay to the United States all administrative fees including, but not limited to, engineering, environmental, and realty work associated with processing this Grant of Easement. The Use Fee for the rights granted herein were waived in accordance with 43 CFR 429.26 (a) (3).

b. Reclamation is in receipt of advance administrative costs totaling \$8000, check number 135834, dated April 06, 2012. If any additional funds are required to facilitate this easement; Reclamation will request said funds formally via letter to the Agency.

c. There is reserved from the rights herein granted, the prior rights of the United States acting through the Bureau of Reclamation, Department of the Interior to construct, operate, and

maintain public works now or hereafter authorized by the Congress without liability for severance or other damage to the Agency's work; provided, however, that if such reserved rights are not identified in at least general terms in this Grant of Easement and exercised for works authorized by the Congress within ten (10) years following the date of this Grant of Easement, they will not be exercised unless the Agency or Agency's successor in interest is notified of the need and grants an extension or waiver. If no extension or waiver is granted, the United States will compensate or institute mitigation measures for any resultant damages to works placed on said lands pursuant to the rights herein granted. Compensation shall be in the amount of the cost of reconstruction of the Agency's works to accommodate the exercise of the United States' reserved rights. As alternatives to such compensation, the United States, at its option and at its own expense, may mitigate the damages by reconstructing the Agency's works to accommodate the United States' facilities, or may provide other adequate mitigation measures for any damage to the Agency's property or right. The decision to compensate or mitigate is that of the Regional Director, Mid-Pacific Region, Bureau of Reclamation.

d. Any future modification, construction, relocation, or use of the easement premises not in accordance with this Grant of Easement and Reclamation reviewed and accepted plans and specifications shall not be initiated without the prior written approval of the United States. Additionally, the Agency will be required to reimburse the United States for its administrative costs involved in the review and approval of such additional activities.

e. The Agency will coordinate with Reclamation for all activities which involve ground disturbance on United States lands, so that Reclamation can complete required environmental review and compliance.

f. The Agency shall repair, at its sole expense, any damages it causes to underground utilities, access roads, parking facilities, culvert crossing, siphon barrel, bridges, fences, gates, posts, and any other equipment/facilities of the United States and/or the ARD. No construction debris of any kind shall be left on Federal lands.

g. The Agency shall not use the easement premises for any purpose except as set forth in Article 1.

h. The Agency accepts the easement premises "as is" and acknowledges that the United States is under no obligation to improve the present condition of the easement premises.

i. Access to the easement premises will be directly off Pacific Avenue, Pleasant Avenue, and Maidu Drive, Auburn, California. While accessing the site, the Agency shall ensure that the ARD activities will not be disrupted due to any construction, operation, and maintenance activities. For purposes other than routine operation and maintenance, any access to the easement premises across the United States lands shall be coordinated 48 hours in advance with Reclamation, except in an emergency situation, 7794 Folsom Dam Road, Folsom, CA 95630 and the ARD, 471 Maidu Drive, Auburn, CA 95603-5723.

j. The Agency shall not remove any trees, grade, or alter the lands while exercising the rights granted herein to the access easement premises without the written approval of the United States.

k. The rights granted herein are subject to existing rights-of-way in favor of the public or third parties. The Agency recognizes that it has sole responsibility to make whatever arrangements are necessary to obtain such rights as may be needed by the Agency from any other party or parties holding any other interest in the easement premises.

l. Jurisdiction and supervision of the United States over the easement premises are not surrendered or subordinated by the issuance of this Grant of Easement and the United States reserves the right to issue easements, rights-of-way, permits, or other agreements for the lands described in this Grant of Easement.

m. The Agency and its contractors shall perform all activities so as to avoid injury or damage to any person or property. All work shall be done in conformance with all Federal, State, and local health and safety regulations and laws.

n. During any and all activities authorized by this Grant of Easement, if a situation develops which, in the opinion of the United States, presents a threat to the safety of property of the United States and/or the ARD or of any third party, the Agency shall take immediate action to eliminate the threat. In the event the Agency does not immediately provide the necessary protection, the United States reserves the right, after notifying the Agency, to take such action as may be necessary to eliminate the immediate threat and the Agency shall, upon receipt of an itemized statement, reimburse the United States for all such costs.

o. The Agency shall maintain the Canal Project in a good and safe condition and to the reasonable satisfaction of the United States at the expense of the Agency. All construction, alterations, and repairs shall be in accordance with plans previously accepted by the United States. The Agency shall at all times exercise its rights herein in accordance with all applicable statutes, orders, rules and regulations of any public authority having jurisdiction, including but not limited to all those related to or concerned with the environment. The Agency shall, from time to time, upon reasonable request from the United States, promptly repair or alter any part of the Agency's Canal Project to preclude damage to the facilities of the United States. The Agency agrees to perform all such repairs or alteration without regard to the cause, except where caused or necessitated by an act or omission of the United States. This provision shall not, however, relieve the Agency from the duty of inspecting and keeping its facilities in a proper and safe condition without the request of the United States nor place upon the United States the duty of inspecting or maintaining any of the facilities installed by or for the Agency. In the event the Agency should fail to promptly make such repairs or maintain its facilities after 30 days written notice by the United States, the United States may, at the direction of the Regional Director of the Bureau of Reclamation, Mid-Pacific Region, enter and make such repairs or perform such maintenance at the expense of the Agency, and the Agency shall, upon receipt of an itemized statement, reimburse the United States for all such costs.

p. The Agency shall at all times exercise its rights herein in accordance with all Federal, State, and local laws, regulations, ordinances, and orders affecting such operations on United States lands.

q. Throughout any and all periods of construction, the Agency or its contractors shall maintain in force policies of liability insurance or proof of self-insurance, providing limits of not less than \$1,000,000 for each person/occurrence and \$2,000,000 aggregate for bodily injury or death, and not less than \$1,000,000 for property damage. Said policies shall name the United States and the ARD as additional insured and shall provide that they will not be canceled or reduced in coverage without ten (10) days prior written notice from the Agency. Prior to commencement of construction projects, the Agency shall deliver to Reclamation proof of insurance of not less than those amounts stated above.

3. UNRESTRICTED ACCESS. The United States reserves the right of its officers, agents, and employees at all times to have unrestricted access and ingress to, passage over, and egress from all of said lands, to make investigations of all kinds, dig test pits, and drill test holes, and to survey for and construct reclamation and irrigation works and other structures incidental to Federal Reclamation Projects, for any purpose whatsoever. Reclamation will make every reasonable effort to keep damages to a minimum.

4. TERMINATION.

a. Termination by the Agency. The Agency may terminate this Easement by giving three (3) months written notice to the United States.

b. Termination by United States.

(1) Reclamation may, at any time and at no cost or liability to the United States, terminate this Grant of Easement in the event of a natural disaster, a national emergency, a need arising from security requirements, or an immediate and overriding threat to public health and safety.

(2) Reclamation may, at any time and at no cost or liability to the United States, terminate any land use authorization for activities other than existing authorized private exclusive recreational or residential use as defined under 43 CFR 429.2 if Reclamation determines that any of the following apply:

(a) The use has become incompatible with authorized project purposes, project operations, safety, and security;

(b) A higher public use is identified through a public process described at 43 CFR 429.32(a)(1); or

(c) Termination is necessary for operational needs of the project.

(3) United States may terminate this Grant of Easement in the event the Agency (i) allows or conducts any activity within the Easement premises that is illegal on United States lands or facilities, or (ii) fails to observe any of the conditions of this Grant of Easement, and then fails to cure such breach or default within ninety (90) days of the United States giving the Agencies written notice thereof, the United States may terminate the Agency's rights under this Grant of Easement; and/or

(4) At the option of the United States, it may terminate this Grant of Easement upon failure of the Agency to use the easement premises, or any portion thereof, for a period of five (5) consecutive years.

c. Effect of Termination.

(1) Upon termination of this Easement, all rights of the Agency hereunder will cease, and the Agency will quietly deliver to the United States possession of the Easement premises in a condition satisfactory to the United States as described in Section 6.

(2) Upon termination of this Easement, Reclamation will perform all inspections and maintenance activities of the water pipeline or pipelines, lined or unlined canals and above and below ground appurtenant facilities necessary to convey water and perform repairs or maintenance as needed at the expense of the Agency, and the Agency shall, upon receipt of an itemized statement, reimburse the United States.

(3) Termination of this Grant of Easement shall not release the Agency from any liability or obligation, including any liability or obligation with respect to any matter occurring prior to such termination, nor shall such termination release the Agency from its obligation and liability to restore the Easement premises to a condition satisfactory to the United States at the expense of the Agency, as described in Section 6.

5. NOTICES.

a. Unless expressly set forth elsewhere in this Grant of Easement, any notice, demand, or request required or authorized by this Grant of Easement to be given or made to or upon the United States and/or Reclamation shall be deemed properly given or made if delivered or mailed postage-prepaid, to the Area Manager, Central California Area Office, Bureau of Reclamation, 7794 Folsom Dam Road, Folsom, CA 95630-1799.

b. Any notice, demand, or request required or authorized by this Grant of Easement to be given or made to or upon the Agency shall be deemed properly given or made if delivered or mailed postage-prepaid, to Director of Technical Services, Placer County Water Agency, P.O. Box 6570, Auburn CA 95604.

c. The designation of the person to or upon whom any notice, demand, or request is to be given or made, or the address of such person may be changed at any time by notice given in the same manner as provided in this Article for other notices.

6. REMOVAL OF STRUCTURES. Upon the expiration, termination, or revocation of this Easement, the Agency may be required to remove all structures, equipment, or other improvements made by it from the premises at no cost to the United States. The decision whether such removal shall be required is solely that of the Bureau of Reclamation, provided that the Agency will be consulted prior to any such decision. Upon failure to remove any such

improvements within one hundred and twenty (120) days of a decision to so remove, any remaining improvements shall, at the option of the United States, be removed or become the property of the United States. The Agency shall pay all expenses of the United States, or its assigns, related to removal of such improvements.

7. DISCOVERY OF CULTURAL RESOURCES. The Agency shall immediately provide an oral notification to Reclamation's authorized official of the discovery of any and all antiquities or other objects of archaeological, cultural, Paleontological, historic, or scientific interest on Reclamation lands. The Agency shall follow up with a written report of its findings to Reclamation's authorized official within forty-eight (48) hours. Objects under consideration include, but are not limited to, historic or prehistoric ruins, human remains, funerary objects, and artifacts discovered as the result of activities under this Easement. The Agency shall immediately cease activity in the area of discovery, make a reasonable effort to protect such discovery, and wait for written approval from Reclamation's authorized official before resuming the activity. Protective and mitigative measures specified by Reclamation's authorized official shall be the responsibility of the Agency.

8. HAZARDOUS MATERIALS. During the term of this Grant of Easement, the Agency agrees as follows:

a. The Agency may not allow contamination or pollution of Federal lands, waters or facilities and shall take reasonable precautions to prevent such contamination or pollution by third parties. Substances causing contamination or pollution shall include but are not limited to hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers, or any other pollutants.

b. The Agency shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and directives and standards, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored, or disposed of on or in Federal lands, waters or facilities.

c. "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. § 9601, et seq.), and the regulations promulgated pursuant to that Act.

d. Upon discovery of any event which may or does result in contamination or pollution of Federal lands, waters or facilities, the Agency shall initiate any necessary emergency measures to protect health, safety and the environment and shall report such discovery and full details of the actions taken to Reclamation. Reporting may be within a reasonable time period. A reasonable time period means within twenty-four (24) hours of the time of discovery if it is an emergency or by the first working day if it is a non-emergency. An emergency is any situation that requires immediate action to reduce or avoid endangering public health and safety or the environment.

e. Violation of any of the provisions of this Article, as determined by Reclamation, may constitute grounds for termination of this contract. Such violations require immediate corrective action by the Agency and shall make the Agency liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

f. The Agency agrees to include the provisions contained in paragraphs (a) through (e) of this Article in any subcontract or third-party contract it may enter into pursuant to this contract.

g. Reclamation agrees to provide information necessary for the Agency, using reasonable diligence, to comply with the provisions of this Article.

9. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL

ORIGIN. The City hereby agrees to comply with Title VI (Section 601) of the Civil Rights Act of July 2, 1964 (78 Stat. 241) which provides that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance,” and to be bound by the regulations of the Department of the Interior for the effectuation thereof, as set forth in 43 CFR § 17.

10. NONDISCRIMINATION ON THE BASIS OF DISABILITY. The City hereby agrees to comply with Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, as amended which is designed to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

11. NONDISCRIMINATION ON THE BASIS OF AGE. The City hereby agrees to comply with the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101, et seq., and the general age discrimination regulations at 45 CFR § 90 which are designed to prohibit discrimination on the basis of age in programs and activities receiving Federal financial assistance, as set forth in 43 CFR §17.

12. SUCCESSORS IN INTEREST OBLIGATED. This Grant of Easement shall be binding upon and inure to the benefit of the successors and assigns of the Agency; Provided, however, except as otherwise herein written, that no assignment of the privileges, benefits, obligations or liabilities of the Agency herein, whether by operation of law or otherwise, shall be valid without the prior written consent of the United States.

13. NO WARRANTY. The United States makes no warranty, expressed or implied, as to the extent or validity of the grant contained herein, or the condition at any time of the easement parcels, or any of the property of the United States thereon, or the suitability of the easement parcels for the purposes of the Agency.

14. INDEMNIFICATION AND HOLD HARMLESS. The Agency hereby agrees to indemnify and hold harmless the United States and ARD, its employees, agents, and assigns from any loss or damage and from any liability on account of personal injury, property damage, or claims for personal injury, death, or property damage of any nature arising out of the Agency's activities under this Grant of Easement.

15. EXERCISE OF ENFORCEMENT RIGHT. Enforcement of the terms of this Grant of Easement shall be at the discretion of the United States, and any forbearance by the United States to exercise its rights under this Grant of Easement in the event of any breach of any term of the Grant of Easement shall not be construed to be a waiver by United States of such terms or of any subsequent breach of the same or any other term of this Grant of Easement or of any of the United States' rights under this Grant of Easement. No delay or omission by the United States in the exercise of any right or remedy upon any breach by the Agency shall impair such right or remedy or be construed as a waiver. Further, nothing in this Grant of Easement creates non-discretionary duty upon the United States to enforce its provisions, nor shall deviation from these terms and procedures, or failure to enforce its provisions give rise to a private right of action against the United States by any third parties.

16. COVENANT AGAINST CONTINGENT FEES. The Agency warrants that no person or Agency has been employed or retained to solicit or secure this Grant of Easement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Agency for the purpose of securing businesses. For breach or violation of this warranty, the United States shall have the right to annul this Grant of Easement without liability, or at its discretion require the Agency to pay, in addition to consideration for this Grant of Easement, the full amount of such commission, percentage, or brokerage or contingent fee to the United States.

17. OFFICIALS NOT TO BENEFIT. No member of or delegate to Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.

18. SEVERABILITY. Each provision of this Grant of Easement shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this Grant of Easement shall be deemed or determined by competent authority to be invalid or prohibited hereunder, such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or of the easement as a whole.

IN WITNESS WHEREOF, the parties hereto have caused this Grant of Easement to be executed the day and year first above written.

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY
Steph R. Baker
OFFICE OF REGIONAL SOLICITOR
DEPARTMENT OF THE INTERIOR

THE UNITED STATES OF AMERICA

By: _____
Richard J. Woodley
Regional Resources Manager
Bureau of Reclamation
Mid-Pacific Region

NOTED:

Auburn Area Recreation and Park District

By: _____ Date: _____

Title: _____

ACCEPTED:

Placer County Water Agency and its authorized representatives, by signature below, agree to the terms and conditions above.

PLACER COUNTY WATER AGENCY

By: _____ Date: _____

Title: _____

Exhibit B - Page 1 of 3

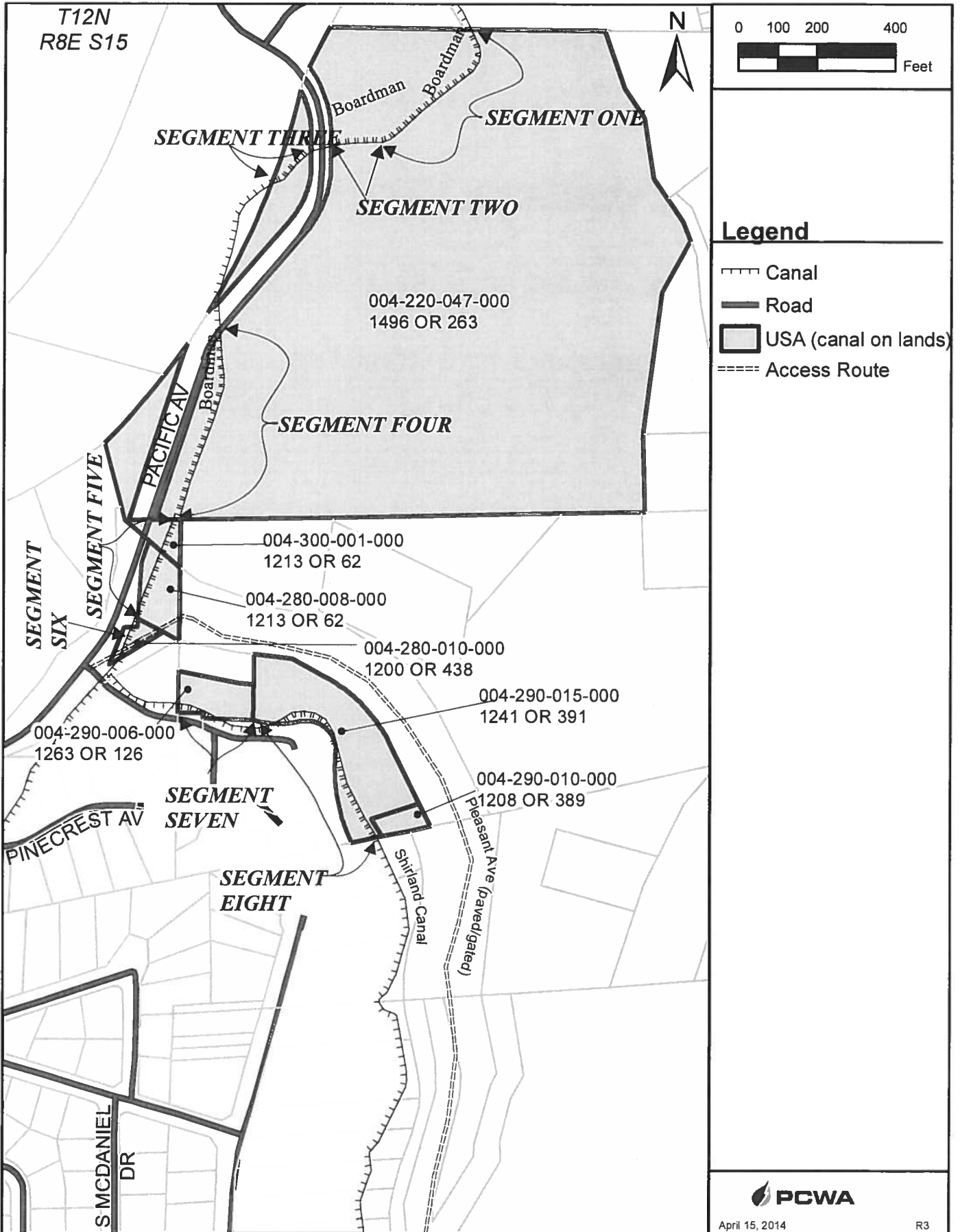
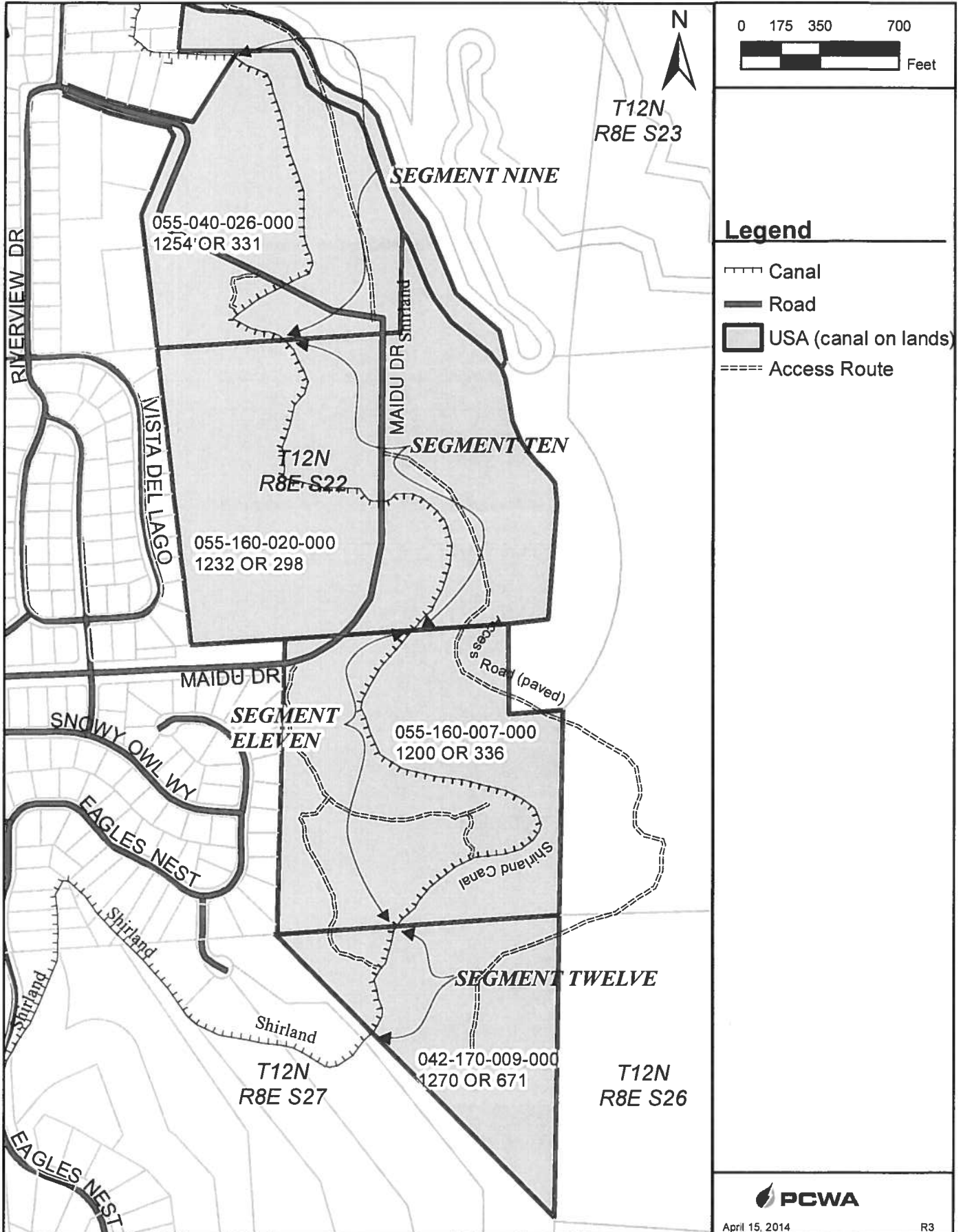


Exhibit B - Page 2 of 3



Legend

- Canal
- Road
- USA (canal on lands)
- Access Route

Exhibit B Page 3 of 3

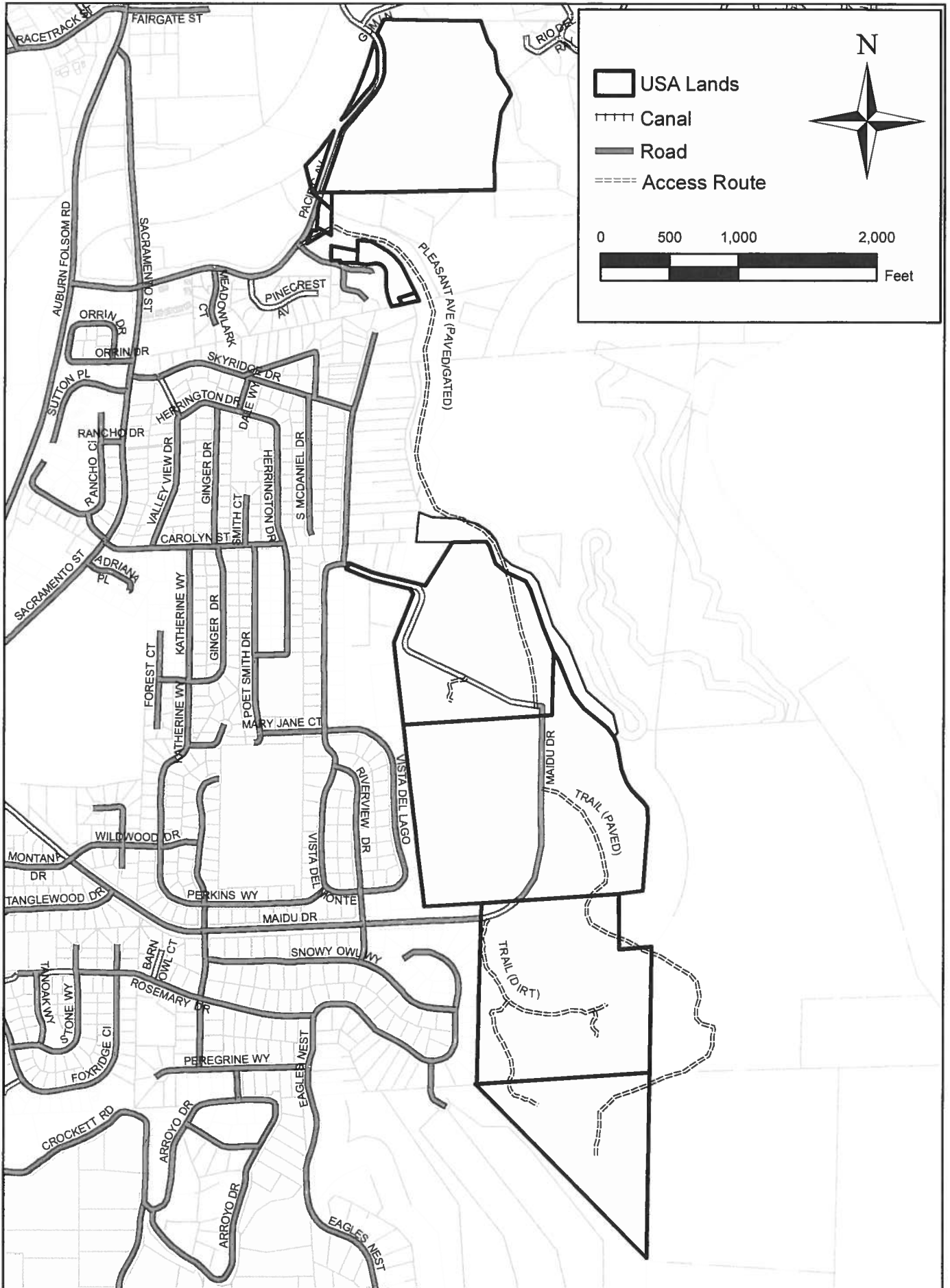


Exhibit C - Page 1 of 2
(currently existing access routes)

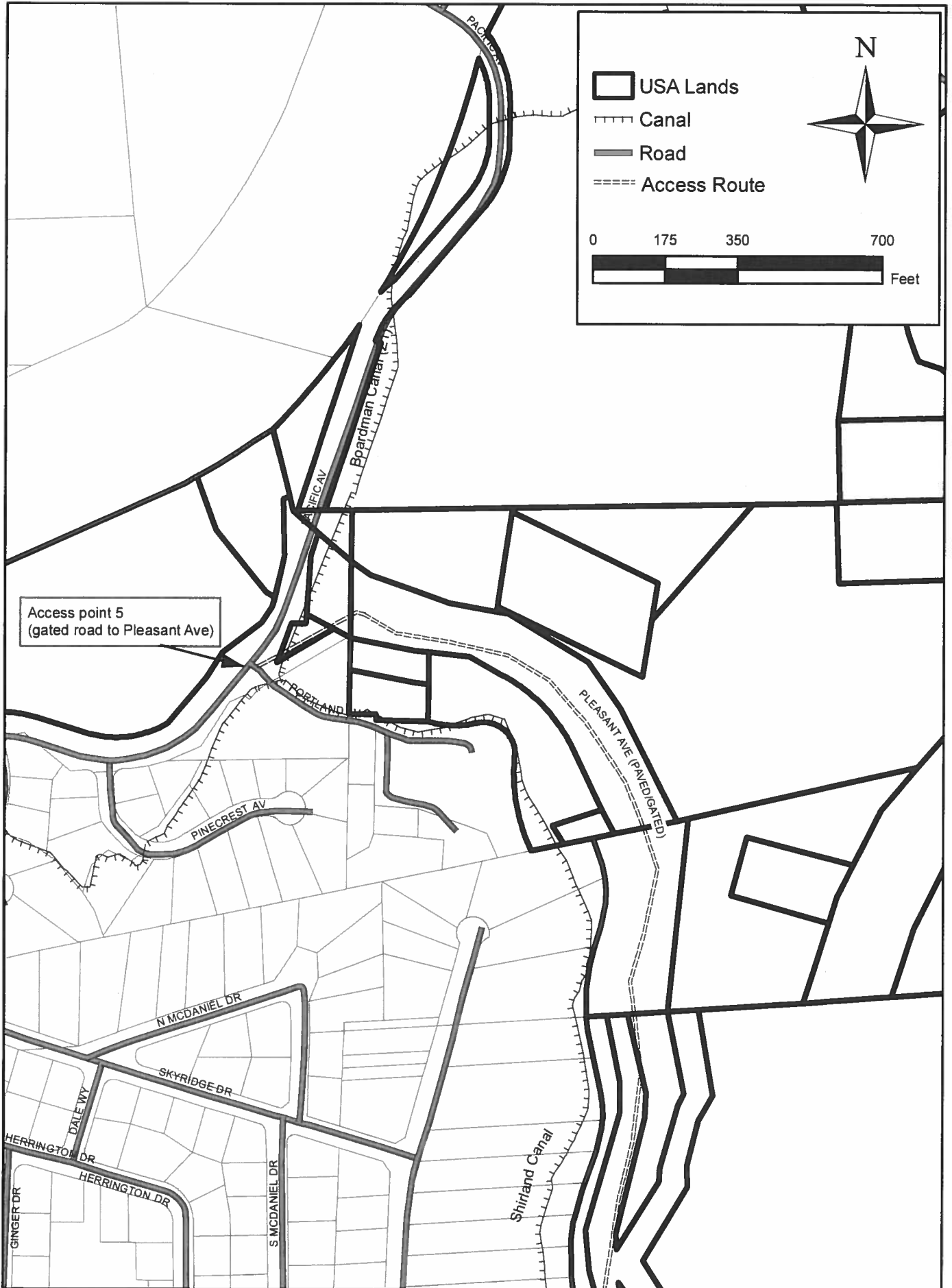
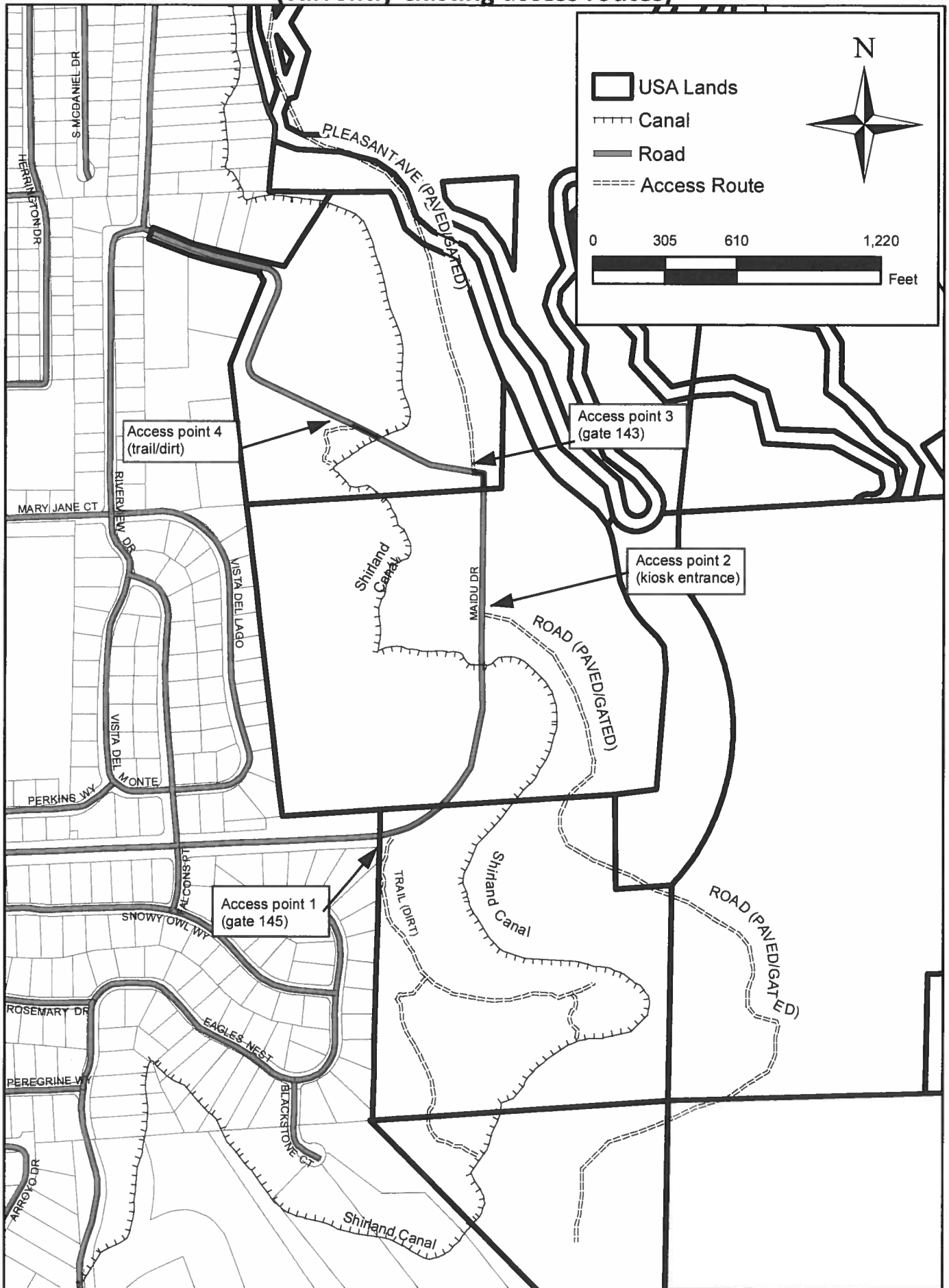


Exhibit C - Page 2 of 2
(currently existing access routes)



RESOLUTION NUMBER 2014-05

A RESOLUTION OF THE GOVERNING BOARD OF DIRECTORS OF THE AUBURN AREA RECREATION AND PARK DISTRICT AUTHORIZING THE DISTRICT ADMINISTRATOR TO SIGN AS "NOTED" A GRANT OF EASEMENT BETWEEN THE UNITED STATES BUREAU OF RECLAMATION AND THE PLACER COUNTY WATER AGENCY TO OPERATE AND MAINTAIN BOARDMAN AND SHIRLAND CANALS

WHEREAS, The United States has acquired certain lands for the construction of the Auburn-Folsom South Unit, Auburn Dam and Reservoir, a feature of the Central Valley Project; and

WHEREAS, For many years prior to acquisition of said lands by the United States, the Placer County Water Agency operated and maintained canals and pipelines for water conveyance across said acquired lands; and

WHEREAS, At acquisition by the United States the lands were subject to existing rights of way in favor of the public or third parties for highways, roads, railroads, telegraph, telephone, and electrical transmission lines and canals, laterals, ditches, flumes, siphons, and pipelines on, over and across said land, and

WHEREAS, The Placer County Water Agency has now requested an easement to inspect, maintain, operate, construct, reconstruct, repair, and replace water pipeline or pipelines, lined or unlined canals and above and below ground appurtenant facilities necessary to convey water in perpetuity, on, under, over, and across United States lands, and

WHEREAS, The Placer County Water Agency has now also requested an easement to access using existing roads and trails on, over and across United States lands with personnel, equipment and vehicles necessary for the inspection, maintenance, operation, construction, reconstruction, repair, and replacement of the water pipeline or pipelines, appurtenance facilities, and features of the Boardman and Shirland Canals; and

WHEREAS, The Auburn Area Recreation and Park District is the managing partner to the United States for recreation activities over these lands; and

WHEREAS The United States has no objections to such use of the land and the use is, at this time, not incompatible with the purpose for which the land was acquired and is now being administered.

NOW, THEREFORE BE IT RESOLVED that the Auburn Area Recreation and Park District Board of Directors approves as "Noted" the Grant of Easement between the United States Bureau of Reclamation and the Placer County Water Agency to operate and maintain Boardman and Shirland Canals and furthermore authorizes the Auburn Area Recreation and Park District Administrator to sign as "Noted" said Grant of Easement

APPROVED, PASSED, AND ADOPTED ON April 24, 2014 by the following roll call vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

Curtis Smith
Chairman of the Governing Board

Clerk to the Governing Board

Item # 8.2 FRIENDS OF ARD Cover sheet - Review of 501 c3 Bylaw changes

Friends of the Auburn Area Recreation and Parks Inc. (“Friends”) Board meeting April, 2014

The Issue

A review of the changes made to the Friends 501 c3 Bylaws.

Background

Changes were made to the Bylaws at the January, 2014 “Friends of ARD” Board meeting.

Those changes are reflected in the attached Bylaws. The changes are highlighted.

Recommendation

Review the approved changes and provide comment.

Fiscal Impact

None.

Attachments

Friends of the Auburn Area Recreation and Parks Inc. Bylaws (with amendments/additions highlighted).

BYLAWS
of
FRIENDS OF THE AUBURN AREA RECREATION AND PARKS, INC.

ARTICLE I
NAME, PURPOSES AND GENERAL POLICY

Section 1. Name and Purposes. The name of this corporation is Friends of the Auburn Area Recreation and Parks, Inc. (the “Corporation”).

Section 2. General Purpose. The Corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the California Nonprofit Public Benefit Corporation Law for charitable purposes.

Section 3. Specific Purpose. The specific and primary purposes of the Corporation is to raise funds to improve recreation, park facilities, and to establish and maintain youth assistance programs in the community.

Section 4. Limitations. This Corporation is organized exclusively for purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), or the corresponding provision of any future United States Internal Revenue Law. Notwithstanding any other provisions of these Bylaws, this Corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the purposes of this Corporation, and the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code or the corresponding provisions of any future United States Internal Revenue Law, or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code or the corresponding provisions of any future United States Internal Revenue Law.

Section 5. Private Benefit. All Corporation property is irrevocably dedicated to charitable purposes. No part of the net earnings of this Corporation shall inure to the benefit of any of its Directors, or any other person or individual.

ARTICLE II
MEMBERSHIP

Section 1. No Members. The Corporation shall have no members. Any action for which there is no specific provision in the California Nonprofit Public Benefit

Corporations Law applicable to a corporation which has no members and which would otherwise require approval by a majority of all members or approval by the members

shall require only approval of the Board. All rights which would otherwise vest in the members shall vest in the Board.

Section 2. Associates. Nothing in these Bylaws shall be construed as limiting the right of the Corporation to refer to persons or organizations associated with it as “members” even though such persons are not members, and no such reference shall constitute anyone a member, within the meaning of Section 5056 of the California Nonprofit Corporation Law. The Corporation may confer, by amendment of its Articles of Incorporation or of these Bylaws, some or all of the rights of a member as set forth in the California Nonprofit Corporation Law, upon any person, persons, or organizations who do not have the right to vote for the election of Directors or on a disposition of substantially all of the assets of the Corporation or on a merger or a dissolution or on change to the Corporation’s Articles of Incorporation or Bylaws or for the selection of delegates who possess any of the preceding voting rights, but no such person or organization shall be a member within the meaning of said Section 5056.

Section 3. Employees. The Corporation shall have no employees unless, by majority vote of its board, there is a resolution passed, which designates the types, positions, number and remuneration of hired employees. All hired employees shall be governed by the same Personnel Policies as employees of Auburn Area Recreation and Park District.

ARTICLE III **OFFICES**

Section 1. Offices. The principal office for the transaction of the business, activities and affairs of the Corporation is located in Auburn, California. The Board may change the principal office from one location to another.

Section 2. Branch Offices. Branch or subordinate offices may be established at any time by the Board at any place or places.

ARTICLE IV **BOARD OF DIRECTORS**

Section 1. General Powers. Subject to limitations of the Articles of Incorporation and these Bylaws, the activities and affairs of the Corporation shall be conducted and all corporate powers shall be exercised by or under the direction of the Board. The Board may delegate the management of the activities of the Corporation to any person, persons, management company, or committees however composed, provided that the activities and affairs of the Corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the Board.

Section 2. Special Powers. Without prejudice to such general powers, but subject to the same limitations, it is hereby expressly declared that the Board shall have the following powers in addition to the other powers enumerated in these Bylaws:

(a) To select and remove all the other officers, agents, and employees of the Corporation, prescribe powers and duties for them as may not be inconsistent with law, the Articles of Incorporation or these Bylaws, fix their compensation, and require from them security for faithful service.

(b) To conduct, manage, and control the affairs and activities of the Corporation and to make such rules and regulations not inconsistent with law, the Articles of Incorporation, or these Bylaws, as they may deem best.

(c) To borrow money and incur indebtedness for the purposes of the Corporation, and to cause to be executed and delivered, in the Corporation's name, promissory notes, bond, debentures, deeds of trust, mortgages, pledges, hypothecations, or other evidence of debt and securities.

(d) To change the principal office or the principal business office of the Corporation in Placer County, California from one location to another, and cause the Corporation to be qualified to conduct its activities within or outside California.

(e) To adopt, make, and use a corporate seal and to alter the form of the seal from time to time, as determined by the Board.

(f) To accept on behalf of the Corporation any contribution, gift, bequest, or devise for the charitable or public purposes of the Corporation.

Section 3. Number. ~~The Board shall consist of a minimum of 5, but not more than 9 active members. The exact number of Directors shall be fixed, within those limits, by a resolution adopted by the Board. The Corporation governing board seats shall be composed of existing board members and the District Administrator of the Auburn Area Recreation and Parks District.~~

~~The Corporation governing board should include members who are not in any other way affiliated with the Corporation or with the Auburn Area Recreation and Parks District.~~

~~The Friends Board shall consist of five (5) Board members and they shall be the same Board members that make up the Board of Directors of the Auburn Area Recreation and Park District.~~

Section 4. Qualifications. All Directors shall meet the following qualifications:

(a) Directors shall be at least eighteen (18) years old;

(b) No Director shall be an employee or independent contractor of the Corporation, or the spouse, child, parent, brother or sister by blood or marriage of such an employee or independent contractor; and

(c) Directors shall, within thirty (30) days of election, acknowledge their acceptance of the position as a Director of the Board either in writing or by attendance at a meeting of the Board.

Section 5. Selection. A nominating committee comprised of the officers of the Corporation shall meet and present nominees for the directorship at the annual meeting or as needed to fill vacancies on the Board. The Directors shall be elected by the full Board.

Section 6. Term. All the Directors shall be elected at the Annual Meeting of the Board, and shall hold office until the next annual meeting.

Section 7. Vacancies. Vacancies on the Board shall exist (1) on the death, resignation or removal of any Director, and (2) whenever the number of authorized Directors is increased.

(a) The Board may declare vacant the office of a Director for the following causes:

(i) The Director has been declared of unsound mind by a final order of a court;

(ii) The Director has been convicted of a felony, excepting motor vehicle offenses;

(iii) The Director has been found by a final order of judgment of any court to have breached any duty arising under Article 3 of the California Nonprofit Public Benefit Corporations Law; or

(iv) The Director has been absent without good cause, as determined by the remaining Directors, from regular Board meetings for either two (2) consecutive meetings or four (4) meetings in any one twelve (12) month period.

(b) The Board may remove any Director, without cause, by approval of a majority of the Directors then in office.

(c) Subject to the provisions of Section 5226 of the California Nonprofit Corporation Law, any Director may resign effective upon giving written notice to the Corporation, unless the notice specifies a later time for the effectiveness of such resignation. If the resignation is effective at a future time, a successor may be appointed by the board before such time, to take office when the resignation becomes effective.

(d) Vacancies on the Board may be filled by approval of the Board or, if the number of Directors then in office is less than a quorum, by (1) the unanimous written consent of the directors then in office, (2) the affirmative vote of a majority of the Directors then in office at a meeting held pursuant to notice or waivers of notice complying with this Article of these Bylaws, or (3) a sole remaining Director.

(e) A person elected to fill a vacancy as provided by this Section shall hold office for the remaining term of the vacating Director, or until his or her death, resignation or removal from office.

Section 8. Compensation. No Board member shall be compensated for services in any way other than reimbursement of direct expenses related to explicit business on behalf of the Corporation. Such reimbursement requires documentation such as receipts, proof of mileage etc. All reimbursements for actual expenses shall be approved by the president of the Corporation. Directors shall be allowed reasonable advancement or reimbursement for food and beverage, transportation, and lodging expenses incurred in the performance of their regular duties as specified in this Article IV.

Section 9. Non-Liability of Directors. The Directors shall not be personally liable for the debts, liabilities, or other obligations of the Corporation.

Section 10. Insurance for Corporate Agents. The Board may adopt a resolution authorizing the purchase and maintenance of insurance on behalf of any agent of the Corporation (including a Director, officer, employee or other agent of the Corporation) against any liability other than for violating provisions of law relating to self-dealing (Section 5233 of the California Nonprofit Public Benefit Corporation Law) asserted against or incurred by the agent in such capacity or arising out of the agent's status as such, whether or not the Corporation would have the power to indemnify the agent against such liability under the provisions of Section 5238 of the California Nonprofit Public Benefit Corporation Law.

ARTICLE V **MEETINGS OF THE BOARD OF DIRECTORS**

Section 1. Place of Meeting. Unless otherwise noticed, all meetings of the Board shall be held at 471 Maidu Dr. Auburn, California.

Section 2. Conduct of Business

- (a) To the extent required by law, the Corporation shall comply with the provisions of the Ralph M. Brown Act, Chapter 9 of Part 1 of Division 2 of Title 5 of the California Government Code (commencing with section 54950) (the “Brown Act”).
- (b) Unless otherwise provided by these rules, all proceedings before the Board of Directors shall be conducted in accordance with and pursuant to the parliamentary rules of procedure as prescribed by Robert’s Rules of Order.

Section 3. Annual Meeting. The Board shall hold an Annual Meeting every year for the purpose of electing the Directors whose terms are expiring; electing the officers of the Corporation; and/or conducting any other business or transactions as shall come before the meeting. The first Annual Meeting shall occur as soon as reasonably practical.

Section 4. Regular Meetings. In addition to the Annual Meeting, regular meetings of the Board may be held without call or notice on the dates and times fixed by the Board.

Meetings of the Friends Board shall be held at least quarterly on the last Thursday of the month to coincide with the regular Board meetings of the Auburn Area Recreation and Park District.

Further, Friends Board meetings shall be agendized as part of the regular District Board meetings as action items, discussion items, or consent items.

Section 5. Special Meetings. Special meetings of the Board of Directors for any purpose or purposes may be called by the Chair of the Board, the President, the Secretary, or any two (2) or more Directors.

Section 6. Meetings by Telephone or Other Telecommunications Equipment. Any Board meeting may be held by conference telephone, video screen communications, or other communications equipment. Participation in a meeting under this Section 6 shall constitute presence in person at the meeting if both the following apply:

- (a) Each Director participating in the meeting can communicate concurrently with all other members.
- (b) Each Director is provided the means of participating in all matters before the Board, including the capacity to propose, or to interpose an objection to, a specific action to be taken by the corporation.

Section 7. Notice of Meetings. Notice of the time and place of special meetings shall be given to each Director by (a) personal delivery of written notice; (b) first-class mail, postage prepaid; (c) telephone, including a voice messaging system or other system or technology designed to record and communicate messages, or by electronic transmission,

either directly to the Director or to a person at the Director's office who would reasonably be expected to communicate that notice promptly to the Director; (d) facsimile; (e) electronic mail; or (f) other electronic means. All such notices shall be given or sent to the Director's address or telephone number as shown on the corporation's records.

Notice sent by first-class mail shall be deposited in the United States mail at least four (4) days before the time set to the meeting. Notices given by personal delivery, telephone, or electronic transmission shall be delivered, telephoned, or sent, respectively, at least forty-eight (48) hours before the time set for the meeting.

The notice shall state the time of the meeting and the place, if the place is other than the Corporation's principal office. The notice need not specify the purpose of the meeting.

Notice given by electronic transmission by the Corporation shall be valid only if:

- (1) Delivered by (i) facsimile telecommunication or electronic mail when directed to the facsimile number or electronic mail address, respectively, for that recipient on record with the Corporation; (ii) posting on an electronic message board or network that the Corporation has designated for those communications, together with a separate notice to the recipient of the posting, which transmission shall be validly delivered on the later of the posting or delivery of the separate notice of it; or (iii) other means of electronic communication;
- (2) To a recipient who has provided an unrevoked consent to the use of those means of transmission for communications; and
- (3) That creates a record that is capable of retention, retrieval, and review, and that may thereafter be rendered into clearly legible tangible form.

Notwithstanding the foregoing, an electronic transmission by this corporation to a recipient is not authorized unless, in addition to satisfying the requirements of this Section, the transmission satisfies the requirements applicable to consume consent to electronic record as set forth in the Electronic Signatures in Global and National Commerce Act (15 United States Code section 7001(c)(1)); and notice shall not be given by electronic transmission by the Corporation after either of the following: (i) the Corporation is unable to deliver two (2) consecutive notices to the recipient by that means, or (ii) the inability so to deliver the notices to the recipient becomes known to the Secretary or any other person responsible for the giving of the notice.

Section 8. Validation of Meeting. The transactions of the Board at any meeting, however called or noticed, or wherever held, shall be as valid as though the meeting had been duly held after proper call and notice if a quorum is present and if, either before or after the meeting, each voting Director not present signs a written waiver of notice or consent to the holding of such meeting, or an approval of the minutes thereof. All such

waivers, consents or approvals shall be filed with the corporate records and made a part of the minutes of the meeting.

Section 9. Waiver of Notice. Notice of a meeting need not be given to any Director who signs a waiver of notice or a written consent to holding the meeting or an approval of the minutes thereof, whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice. All such waivers, consents and approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

Section 10. Quorum. At all meetings of the Board, a majority of the authorized number of Directors shall be necessary and sufficient to constitute a quorum, except to adjourn, as provided in Section 13 of this Article. Every act or decision done or made by a majority of the Directors present at a meeting duly held at which a quorum is present shall be regarded as an act of the Board, unless a greater number is required by law or by the Articles of Incorporation; except that a meeting, at which a quorum is initially present, may continue to transact business notwithstanding the withdrawal of Directors as long as the action is approved by at least a majority of the required quorum for the meeting.

Section 11. Majority Action as Board Action. Every act or decision done or made by a majority of the Directors present at a meeting duly held at which a quorum is present is the act of the Board, unless the Articles of Incorporation or Bylaws of this Corporation, or provisions of the California Nonprofit Public Benefit Corporation Law, particularly those provisions relating to appointment of committees (Section 5212), approval of contracts or transactions in which a Director has a material financial interest (Section 5233) and indemnification of Directors (Section 5238(e)), require a greater percentage or different voting rules for approval of a matter by the Board.

Section 12. Prohibition Against Voting by Proxy. Directors may not vote by proxy.

Section 13. Adjournment. A majority of the Directors present, whether or not a quorum is present, may adjourn any meeting to another time and place. Notice of the time and place of holding an adjourned meeting need not be given to absent Directors if the time and place is fixed at the meeting adjourned, except that if the meeting is adjourned for more than twenty-four (24) hours, notice of the adjournment to another time and place shall be given prior to the time of the adjourned meeting to the Directors who were not present at the time of the adjournment.

ARTICLE VI **COMMITTEES**

Section 1. Creation and Powers of Committees. The Board, by resolution adopted by a majority of the directors then in office, may create one or more committees, each consisting of two or more directors and no one who is not a director, to serve at the pleasure of the Board.

Appointments to committees of the Board shall be by majority vote of the directors then in office. The Board may appoint one or more directors as alternate members of any such committee, who may replace any absent member at any meeting. Any such committee shall have all the authority of the Board, to the extent provided in the Board resolution, except that no committee may do the following:

- (a) Fill vacancies on the Board or any committee of the Board;
- (b) Fix compensation of the Directors for serving on the Board or on any committee;
- (c) Amend or repeal bylaws or adopt new bylaws;
- (d) Amend or repeal any resolution of the Board that by its express terms is not so amendable or repealable;
- (e) Create any other committees of the Board or appoint the members of committees of the Board;
- (f) Expend corporate funds to support a nominee for director if more people have been nominated for director than can be elected.

Section 2. Audit Committee. The Corporation shall have an audit committee consisting of at least one (1) Director, and may include nonvoting advisors. Director who are employees or officers of the Corporation or who receive, directly or indirectly, any consulting, advisory, or other compensatory fees from the Corporation (other than for service as director) may not serve on the audit committee. The audit committee shall perform the duties and adhere to the guidelines set forth in the Corporation's audit committee charter as amended from time to time by the Board. Such duties include, but are not limited to:

- (a) Assisting the Board in choosing an independent auditor and recommending termination of the auditor, if necessary;
- (b) Negotiating the auditor's compensation;
- (c) Conferring with the auditor regarding the Corporation's financial affairs;
and
- (d) Reviewing and accepting or rejecting the audit.

Members of the audit committee shall not receive compensation for their service on the audit committee in excess of that provided to Directors for their service on the Board. If the Corporation has a finance committee, a majority of the members of the audit committee may not concurrently serve as members of the finance committee, and the chair of the audit committee may not serve on the finance committee.

Section 3. Compensation Committee. The Corporation shall have a compensation committee consisting of at least two (2) Directors and no one who is not a Director.

Directors who are also employees of the Corporation may not serve on the compensation committee. Pursuant to Government Code Section 12586(g) and the applicable provisions of federal law, the compensation committee shall review the compensation of the President/Chief Executive Officer, Treasurer/Chief Financial Officer, and such other officers of the Corporation the compensation committee determines appropriate, annually and whenever a modification in compensation is proposed. The review shall include an evaluation of the performance of the officers and an analysis of appropriate comparability data. Based on its review, the compensation committee shall recommend just and reasonable compensation amounts for the officers to the Board. At the request of the President or the Board, the compensation committee shall review any issue involving staff compensation and benefits, including but not limited to housing, health, and retirement plans.

Section 4. Advisory Committee. The Board may appoint two (2) or more Directors of the Corporation, together with two (2) or more members of the community, to serve as an advisory committee of the Board. The advisory committee shall be available from time to time to perform special assignments specified by the Board, and to furnish consultation to the Board.

Section 5. Investment Committee.

This Corporation shall have an investment committee comprised of not less than two (2) Directors. The committee shall act with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of like character and with like aims to accomplish the purposes of the institution. Individual investments shall be considered as part of an overall investment strategy. The committee shall consider present and future financial requirements, expected total return, general economic conditions, the appropriate level of risk, appropriate levels of income, growth and long-term net appreciation, and the probable safety of the funds. The committee may retain professional money managers, and shall develop an investment policy that shall be reconsidered at least annually, in light of the changing needs of the Corporation, economic conditions, and any other factors that may affect the Corporation's tolerance of risk and need for income. The committee may recommend the retention of property contributed by a donor (whether or not it produces income), and a donor's request should be a factor in making the determination of whether to sell a particular asset contributed by a donor.

Funds received from donors shall be invested in securities that are rated "investment grade" and shall have insurance coverage for the principle amount of no less than 100%.

Section 6. Meetings and Action of Committees. Meetings and action of committees shall be governed by, noticed, held and taken in accordance with the provisions of these Bylaws concerning meetings of the Board, with such changes in the context of such Bylaw provisions as are necessary to substitute the committee and its members for the Board and its members, except that the time for regular meetings of committees may be fixed by resolution of the Board or by the committee. The time for special meetings of committees may also be fixed by the Board. The Board may also adopt rules and regulations pertaining to the conduct of meetings of committees to the extent that such rules and regulations are not inconsistent with the provisions of these Bylaws.

ARTICLE VII **OFFICERS**

Section 1. Officers. The officers of the Corporation shall include a President, a Secretary, and a Treasurer. The Corporation, at the Board's discretion, may also have a Chair of the Board, a Vice Chair of the Board, one or more assistant secretaries, one or more assistant treasurers, and such other officers as may be appointed by the Board. Any number of such offices may be held by the same person, except that neither the Secretary nor the Treasurer may serve concurrently as either the President or the Chair of the Board.

Section 2. Election, Qualification and Term of Office. The officers of the Corporation shall be elected by and serve at the pleasure of the Board. Vacancies may be filled, or new offices created and filled, at any meeting of the Board.

Section 3. Removal and Resignation of Officers. Any officer may be removed, with or without cause, by a majority of the Directors then in office at any regular or special meeting of the Board. Any officer may resign at any time by giving written notice to the Board or to the President or Secretary of the Corporation. Any such resignation shall take effect at the date of receipt of such notice or at any later date specified therein, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. The above provisions of this Section shall be superseded by any conflicting terms of a contract which has been approved or ratified by the Board relating to the employment of any officer of the Corporation.

Section 4. Vacancies. Any vacancy caused by the death, resignation, removal, disqualification, or otherwise, of any officer shall be filled by the Board. In the event of a vacancy in any office other than that of President, such vacancy may be filled temporarily by appointment by the President until such time as the Board shall fill the vacancy. Vacancies occurring in offices of officers appointed at the discretion of the board may or may not be filled as the Board shall determine.

Section 5. Chair of the Board. If a Chair of the Board is elected, he or she shall preside at all meetings of the Board. The Chair of the Board shall appoint, with the approval of the Board, the Chair of all committees of the Board, serve as an ex-officio member of all standing committees, and report annually to the Board on the current state

of the Corporation and plans for the future. The Chair of the Board shall be empowered to call special meetings of the Board as set forth herein, and shall discharge all other duties as may be required by these Bylaws and from time to time may be assigned by the Board.

Section 6. Vice-Chair of the Board. If a Vice Chair of the Board is elected, he or she shall perform the duties of the Chair of the Board in the absence of the Chair of the Board or in the event of his or her death, inability, or refusal to act, and when so acting, shall have the powers of and be subject to all the restrictions upon the Chair of the Board. The Vice-Chair of the Board shall perform such other duties as from time to time may be prescribed by the Chair of the Board or the Board.

Section 7. President.

The President of the Friends Board shall be the District Administrator of the Auburn Area Recreation and Park District.

Subject to such powers, if any, as may be given by the Board to the Chair of the Board, the President of the Corporation is the general manager and chief executive officer of the Corporation, shall have general supervision, direction and control of the business of the Corporation, and shall be held responsible for the proper functioning of the Corporation. He or she shall report directly to and be subject to the control of the Board. He or she shall organize the administrative functions of the Corporation, delegate duties and establish formal means of accountability on the part of other officers. He or she shall be an ex-officio member of all committees unless otherwise determined by the Board. He or she shall have the general powers and duties of management usually vested in the office of president and general manager of a corporation, and shall have other powers and duties as may be prescribed by the Bylaws.

The President shall cause an “annual report” to be furnished not later than one hundred and twenty (120) days after the close of the Corporation’s fiscal year to all Directors of the Corporation. The annual report shall contain all of the following information:

- (a) The assets and liabilities, including the trust funds, of the Corporation as of the end of the fiscal year.
- (b) The principal changes in assets and liabilities during the fiscal year.
- (c) The revenue or receipts of the Corporation, both unrestricted and restricted to particular purposes, for the fiscal year.
- (d) The expenses or disbursements of the Corporation, for both general and restricted purposes, during the fiscal year.

The annual report shall be accompanied by any report thereon of independent accountants, or, if there is no such report, the certificate of an authorized officer of the Corporation that the statements were prepared without audit from the books and records of the Corporation.

If the following information is not included in the annual report, the President shall mail or deliver to all Directors a “statement,” within one hundred and twenty (120) days after the close of its fiscal year, which briefly describes the amount and circumstances of any indemnification or transaction in which the Corporation, or its parent or its subsidiary, was a party, and in which either of the following had a direct or indirect material financial interest:

(a) Any Director or officer of the Corporation, or its parent or subsidiary (a mere common Directorship shall not be considered a material financial interest); or

(b) Any holder of more than ten percent (10%) of the voting power of the Corporation, its parent or its subsidiary.

The statement need only be provided with respect to a transaction during the previous fiscal year involving more than Fifty Thousand Dollars (\$50,000.00) or which was one of a number of transactions with the same persons involving, in the aggregate, more than Fifty Thousand Dollars (\$50,000.00). Similarly, the statement need only be provided with respect to indemnifications or advances aggregating more than Ten Thousand Dollars (\$10,000.00) paid during the previous fiscal year to any Director or officer.

Any statement required by this Section shall briefly, describe the names of the interested persons involved in such transactions, stating each person’s relationship to the Corporation, the nature of such person’s interest in the transaction and, where practical, the amount of such interest, provided that in the case of a transaction with a partnership of which such person is a partner, only the interest of the partnership need be stated.

In the absence or disability of the President, the Board shall select another person to perform the duties of the President.

Section 8. Secretary.

The Secretary of the Friends Board shall be the Secretary to the Board of the Auburn Area Recreation and Park District.

The Secretary shall keep a full and complete record of the proceedings of the Board, shall keep the seal of the Corporation and affix it to those papers and instruments that may be required in the regular course of business, shall make service of those notices as may be necessary or proper, shall supervise the keeping of the records of the Corporation, and shall discharge such other duties of the office as prescribed by the Board.

Section 9. Treasurer.

The Treasurer of the Friends Board shall be the Administrative Services Manager of the Auburn Area Recreation and Park District.

The Treasurer shall be the Chief Financial Officer of the Corporation. The Treasurer or the Treasurer's designee shall receive and safely keep all funds of the Corporation and deposit them in the bank or banks that may be designated by the Board. Those funds shall be paid out only on checks of the Corporation, signed by such persons as may be designated by the Board as authorized to sign them. The Treasurer shall have such other powers and perform such other duties as may be prescribed from time to time by the Board.

ARTICLE VIII
EXECUTION OF INSTRUMENTS, DEPOSITS AND FUNDS

Section 1. Execution of Instruments. The Board, except as otherwise provided in these Bylaws, may by resolution authorize any officer or agent of the Corporation to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances. Unless so authorized, no officer, agent, or employee shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable monetarily for any purpose or in any amount.

Section 2. Checks and Notes. Except as otherwise specifically determined by resolution of the Board, or as otherwise required by law, checks, drafts, promissory notes, orders for the payment of money, and other evidence of indebtedness of the Corporation shall be signed by the Treasurer and countersigned by the Chair of the Board.

Section 3. Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Board may select.

Section 4. Attorneys' Fees. The Board may accept on behalf of the Corporation attorneys' fees and fees awarded or approved by a court or an administrative agency and paid by an opposing party so long as the acceptance of said fees complies with Internal Revenue Service guidelines.

ARTICLE IX
CORPORATE RECORDS AND SEAL

Section 1. Maintenance of Corporate Records. The Corporation shall keep at its principal office in the State of California:

(a) Minutes of all meetings of Directors and committees of the Board, indicating the time and place of holding such meetings, whether regular or special, how called, the notice given, and the names of those present and the proceedings thereof;

(b) Adequate and correct books and records of account, including accounts of its properties and business transactions and accounts of its assets, liabilities, receipts, disbursements, gains and losses; and

(c) A copy of the Corporation's Articles of Incorporation and Bylaws, as amended to date, which shall be open to inspection at all reasonable times during office hours.

Section 2. Corporate Seal. The Board may adopt, use, and at will alter, a corporate seal. Such seal shall be kept at the principal office of the Corporation. Failure to affix the seal to Corporation instruments, however, shall not affect the validity of any such instrument.

Section 3. Directors' Inspection Rights. Every Director shall have the absolute right at any reasonable time to inspect and copy all books, records, and documents of every kind and to inspect the physical properties of the Corporation.

Section 4. Right to Copy and Make Extracts. Any inspection under the provisions of this Article may be made in person or by agent or attorney and the right to inspection includes the right to copy and make extracts.

ARTICLE X **FISCAL YEAR AND BUDGET**

Section 1. Fiscal Year. The fiscal year of this Corporation shall end on the 31st day of December each year.

Section 2. Budget. The Corporation shall submit an annual budget no later than November 30 of each year preceding the beginning of the next fiscal year.

Section 3. Audit. The Corporation shall submit its financial statements to audit when the assets of the organization exceed \$25,000. Such audit shall be conducted by the CPA firm representing the Auburn Area Recreation and Park District.

ARTICLE XI **INDEMNIFICATION AND INSURANCE**

Section 1. Indemnification. The Corporation shall, to the maximum extent permitted under the Nonprofit Public Benefit Corporations Law and general California Corporation

Law, as now or hereafter in effect, indemnify each person who is or was a Director or officer of the Corporation against expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with any proceeding arising against any one or more of them, based on their conduct as Directors or officers, or by reason of the fact that any one or more of them is or was a Director or officer of the Corporation.

“Proceeding” means any threatened, pending, or completed action or proceeding whether civil, criminal, administrative or investigative; and “expenses” includes without limitation attorney’s fees and any expenses of establishing a right to receive indemnification from the Corporation.

Section 2 Insurance. The Corporation shall at all times maintain no less than \$1,000,000 in general liability insurance with an insurer that has an AM Best rating of no less than A+. Should Friends obtain employees at some future date, such employees shall be covered by workman’s compensation insurance through a rated carrier.

ARTICLE XII **GIFTS TO THE CORPORATIONS**

Section 1. Approval of Gifts. The Board reserves the right to approve the receipt as a gift of any real property, or of any other property which requires the Corporation to assume or satisfy any underlying loan secured by the property, or any monetary gifts which are restricted by the donor in a fashion which could place a continuing obligation on the Corporation.

Section 2. Generally. The Corporation is authorized to accept and administer gifts made to the Corporation by donors, who name or otherwise identify the Corporation in the instrument of gift or transfer. Gifts shall vest in the Corporation upon receipt and acceptance by it (whether signified by an officer, employee or agent of the Corporation). “Gift” includes the transfer of money or other property of any kind, real, personal or mixed, or any interest in property, and whether made by delivery, grant, conveyance, payment, devise, bequest, or any other method of transfer.

Section 3. Term of Gifts. Each donor by making a gift to the Corporation accepts and agrees to all the terms of the Articles of Incorporation and these Bylaws and provides that the fund so created shall be subject to the provisions for presumption of donors’ intent, for modification or restrictions or conditions for amendments and termination, and to all other terms of the Articles of Incorporation and Bylaws of the Corporation, each as from time to time amended.

Section 4. Powers of Board. Notwithstanding any provision of these Bylaws or in any instrument of gift or transfer creating or adding to a fund of the Corporation, the Board shall have the power to modify any restriction or condition on the distribution of funds for any specified charitable purposes if, in the judgment and discretion of the Board, the purposes, objectives, restrictions or conditions specified in any donation

become incapable or not reasonably susceptible of fulfillment, or are not in the best interest of advancing the charitable purposes of the Corporation.

ARTICLE XIII **WINDING UP AND DISSOLUTION**

Section 1. Irrevocable Charitable Dedication. The property of the Corporation is irrevocably dedicated to charitable purposes. Upon the winding up and dissolution of the Corporation, its assets remaining after payment or adequate provision for payments of all debts and obligations of the Corporation shall be distributed in accordance with the plan of liquidation to an organization which is organized and operated exclusively for charitable purposes, exempt from federal income tax under Section 501(c)(3) of the Code, as the Board may select. In any event, no assets shall be distributed to any organization if any part of the net earnings of such organization inures to the benefit of any private person or individual, or if a substantial part of the activities of such organization is the carrying on of propaganda or otherwise attempting to influence legislation, or if the organization participates in, or intervenes in any political campaign on behalf of or opposed to any candidate for public office, or if the organization carries on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code or the corresponding provisions of any future United States Internal Revenue Law, or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code or the corresponding provisions of any future United States Internal Revenue Law.

ARTICLE XIV **AMENDMENTS**

Section 1. Amendment of Articles of Incorporation and Bylaws. The Board shall have the exclusive power to amend, restate or repeal these Bylaws or to adopt new Bylaws. The Board of this Corporation shall have the exclusive power to amend, restate or otherwise alter the Articles of Incorporation. The Board shall periodically review these Bylaws, the Articles of Incorporation, and other statements of policy and procedure, as needed.

Section 2. Certain Amendments. Notwithstanding the above Sections of this Article XIV, this Corporation shall not amend its Articles of Incorporation to alter any statement which appears in the original Articles of Incorporation relating to the name and address of its initial agent, except to correct an error in such statement or to delete such statement after the Corporation has filed a "Statement of Information" pursuant to Section 6210 of the California Nonprofit Corporation Law.

ARTICLE XV **CONSTRUCTION AND DEFINITIONS**

Section 1. Construction, Definitions and Gender. Unless the context requires otherwise, the general provisions, rules of construction, and definitions of the California

Nonprofit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of the above, the masculine gender includes the feminine and neuter, the singular number includes the plural, the plural number includes the singular, and the term “person” includes both the Corporation and the natural person.

ARTICLE XVI
CONFLICT OF INTEREST POLICY

Section 1. Purpose

The purpose of the conflict of interest policy is to protect the Friends of ARD’s tax exempt status when it contemplates entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Organization or might result in a possible excess benefit transaction. This policy is intended to supplement, but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

Conflicts of Interest.

- (a) All Directors of the Board shall comply with the disclosure requirements of California Corporation Code Section 5234 concerning transactions between the Corporation and any other entity in which a Director is an officer or director; and
- (b) The Corporation will make no loan of money or other property, or guarantee the obligation, to any Director or officer of the Corporation, except as authorized by California Corporation Code Section 5236.

Section 2. Definitions

- 1. Interested Person. Any director, principal officer or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested party.
- 2. Financial Interest. A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
 - a. An ownership or investment interest in any entity with which the Organization has a transaction or arrangement,
 - b. A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or
 - c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Organization is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

Section 3. Procedures

1. **Duty to Disclose.** In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given an opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.
2. **Determining Whether a Conflict Of Interest Exists.** After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he or she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.
3. **Procedures for Addressing the Conflict of Interest.**
 - a. An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he or she shall leave the meeting during the discussion of, and vote on, the transaction or arrangement involving the possible conflict of interest.
 - b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
 - c. After exercising due diligence, the governing board or committee shall determine if the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
 - d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote if the disinterested directors whether the transaction or arrangement is in the Organization's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.
4. **Violations of the Conflict of Interest Policy.**
 - a. If the governing board or committee has reasonable cause to believe a member

has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

- b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

Section 4. Records of Proceedings

The minutes of the governing board and all committees with board delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.
- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Section 5. Compensation

- a. A voting member of the governing board who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that members compensation.
- b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly from the Organization for services is precluded from voting on matters pertaining to that member's compensation.
- c. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization, either individually or collectively is prohibited from providing information to any committee regarding compensation.

Section 6. Annual Statements

Each director, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

- a. Has received a copy of the conflicts of interest policy
- b. Has read and understands the policy
- c. Has agreed to comply with the policy

- d. Understands the Organization is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax exempt purposes.

Section 7. Periodic Reviews

To ensure that the Organization operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax exempt status, periodic reviews shall be conducted. The periodic review shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Organizations written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in excess benefit transaction.

Section 8. Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, the Organization may, but need not use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

ARTICLE XVII **POLICIES AND ADMINISTRATIVE PRACTICES**

Section 1. Administrative Fees

The Corporation will assess a 5% administrative fee on all donations to cover expenses related to legal, accounting and banking fees as well as for administrative time for maintaining the non-profit.

Section 2. Fundraising

The following guidelines will dictate the Corporation's fundraising efforts:

- a. Any individual, group or organization may make donations to the Corporation
- b. Donations may be cash, materials, professional labor or services, in kind, or other.
- c. The Corporation reserves the right to decline any donation from any individual, group or organization.
- d. All donations will be receipted to all donors
- e. Donors may specify what their donation is to be used for (within Corporation purview)

- f. Donations may be in any amount or quantity.
- g. Individual and organizational donations to Friends shall be “net” donations, such that all costs associated with fund raising by individuals and/or organizations shall be the responsibility of, and paid for, by those individuals and/or organizations prior to funds being donated to Friends. Friends shall not disburse funds for any expenses of said individuals and/or organizations.

Section 3. Records Retention

- a. *Permanent records.* The Corporation shall maintain and store the following records permanently and in safe storage:
 - 1. The application for recognition of tax exempt status
 - 2. The determination letter recognizing tax exempt status
 - 3. All organizing documents such as article of incorporation, by-laws, amendments and board minutes
- b. *Employment tax records.* In the event that the Corporation finds it necessary to hire employees, then it must keep these employment tax records for at least four (4) years after the date the tax becomes due or is paid, whichever is later.
- c. *Federal tax returns.* Three (3) years after the date the return is due or is filed whichever is later.

ARTICLE XVIII **GOVERNANCE**

- Section 1.** Legal representation shall be by the law firm which represents the Auburn Area Recreation and Park District.

Amended January 30, 2014

Item 8.3 Cover sheet – Placer County Local Agency Formation Commission (LAFCO) – Call for Nomination – Special District Representative

The Issue

Shall the Auburn Area Recreation & Park District Board of Directors make a nomination for a Special District Representative?

Recommendation

Board of Directors review information from LAFCO, follow nomination procedures.

Attachments

Correspondence from LAFCO.

PLACER COUNTY LOCAL AGENCY FORMATION COMMISSION

110 MAPLE STREET, AUBURN, CALIFORNIA 95603 - 530-889-4097
LAFCO@PLACER.CA.GOV

March 20, 2014

COMMISSIONERS:

RON TREABESS,
(SPECIAL DISTRICTS)

DONNA BARKLE
(CITY)

ROBERT WEYGANDT
VICE CHAIR (COUNTY)

GRAY ALLEN
(SPECIAL DISTRICTS)

JIM HOLMES
(COUNTY)

E. HOWARD RUDD
CHAIR (PUBLIC)

MIGUEL UCOVICH
(CITY)

**ALTERNATE
COMMISSIONERS:**

JIM GRAY
(PUBLIC)

JACK DURAN
(COUNTY)

DR. BILL KIRBY
(CITY)

BRIAN SHEEHAN
(SPECIAL DISTRICTS)

STAFF:
KRIS BERRY
EXECUTIVE OFFICER

LINDA WILKIE
*CLERK TO THE
COMMISSION*

WILLIAM WRIGHT
LAFCO COUNSEL

Presiding Officer/Chair
Auburn Area Rec & Park District
471 Maidu Drive
Auburn, CA 95603

From: Linda Wilkie, Clerk to the Commission *W*

Re: Call for Nomination--Special District Representative

Dear Presiding Officer/Chair:

This letter is the official call to open the nomination period for one regular Special District representative seat on the Placer Local Agency Formation Commission.

The current Special District representatives are Ron Treabess (LAFCO term expires May, 2014) from the Tahoe City Public Utility District and Gray Allen (LAFCO term expires May, 2016) from the Placer County Water Agency. The current alternate Special District representative is Brian Sheehan (LAFCO term expires May, 2016) from the Squaw Valley Public Service District. It is necessary to select a Special District representative for a four-year term.

Under Section 56332 of the Cortese-Knox-Hertzberg Act, the Executive Officer calls meetings of the Special District selection committee. The committee consists of the Presiding Officers of each independent Special District within the County (or members appointed by the legislative bodies to attend in the presiding officer's place). There are thirty eight (38) such independent Special Districts in the County. A quorum would consist of one more than half of this number, twenty-one (20).

In the past, it has proven difficult, given the busy schedules of most board members, to select a time when a sufficient number of Presiding Officers could be assembled to achieve a quorum. Recognizing that it may be infeasible to hold a meeting at a time that is convenient for a quorum to attend, Section 56332(c) allows for the Executive Officer to conduct the election for Special District representatives in writing. Under this procedure, the Executive Officer calls for nominations to be submitted in writing within thirty (30) days, allowing sufficient time for Directors of the districts to take formal action on nominations. To facilitate districts that don't meet every month, this office is allowing extra time. At the end of the nominating period, the Executive Officer prepares a ballot with voting

instructions and sends the ballot to each district, allowing thirty (30) days for balloting. The Executive Officer then tallies the ballots and announces the results.

A nominee must be the presiding officer or a member of the legislative body of an independent Special District. The Cortese-Knox-Hertzberg Act encourages the selection of Special District representatives to represent the diversity of the districts with respect to population and geography.

The nomination period shall close at 4:30 p.m. on Monday, May 5, 2014. Nominations must be submitted by that time to:

Placer LAFCO
110 Maple Street
Auburn, CA 95603.

Upon the closing of the nomination period, staff will prepare and mail a ballot to each Special District with voting instructions. Ballots will be due thirty (30) days after mailing.

If you have any questions about this procedure, please feel free to this office.

Item 8.4 Cover sheet – California Association of Recreation & Park Districts (CARPD) Board of Directors Election

The Issue

Shall the Auburn Area Recreation & Park District Board of Directors adopt Resolution Number 2014-06, A Resolution of the governing Board of Directors Endorsing a Nominee to the CARPD 2014 Board of Directors?

Recommendation

Board of Directors review information from CARPD, adopt Resolution Endorsing a Nominee.

Attachments

Correspondence from CARPD.
Resolution Number 2014-06.



TO: CARPD Member Districts

FROM: Pat Cabulagan, Executive Director

SUBJECT: 2014 SLATE OF BOARD OFFICERS

DATE: March 26, 2014

The CARPD 2014 Board of Directors election will be held on May 16, 2014, during the CARPD Spring Conference in South Lake Tahoe at the General Membership Meeting.

In accordance with CARPD Association Bylaws the Nominating Committee shall submit a slate of qualified candidates for the offices to the membership.

Any qualified candidate may submit his/her nomination prior to or during (Floor Nomination) the election process. If elected the candidate must provide the President with a resolution from the District Board endorsing the nominee. The candidate will not take office until such time as the authorizing resolution is presented. All interested candidates wishing to be included on the ballot should send in their Board resolution endorsing the nominee by May 2, 2014.

Attachment: CARPD 2014 Slate of Officers

CARPD 2014 Slate of Board Officers

President – Elect

**Frank Gorman
Valley-Wide Recreation and Park District**

Chief Financial Officer

Al McGreehan
Paradise Recreation and Park District**

**Director at Large
(Even Year)**

Two Board Officer Positions to be elected

Manuel “Manie” Meraz
Orangevale Recreation and Park District**

Vacant Position

**Administrator Representative
(Even Year)**

One Board Officer Position to be elected

**Stephen Fraher, General Manager **
Arcade Creek Recreation & Park District**

**** Incumbent**

RESOLUTION NUMBER 2014-06

A RESOLUTION OF THE GOVERNING BOARD OF DIRECTORS OF THE
AUBURN AREA RECREATION AND PARK DISTRICT ENDORSING
_____ AS A NOMINEE TO THE CALIFORNIA
ASSOCIATION OF RECREATION AND PARK DISTRICT'S (CARPD)
BOARD OF DIRECTORS

WHEREAS, the Auburn Area Recreation & Park District Board of Directors does hereby resolve the following:

That the Auburn Area Recreation & Park District Board of Directors hereby endorses _____ as a nominee to the California Association of Recreation and Park District's (CARPD) Board of Directors.

APPROVED, PASSED, AND ADOPTED ON April 24, 2014 by the following roll call vote:

Ayes:

Noes:

Absent:

Abstain:

Curtis Smith
Chairman of the Governing Board

ATTEST:

Clerk to the Governing Board

SECTION 11.0

ITEM: CORRESPONDENCE/COMMUNICATIONS AND INFORMATIONAL

1. Correspondence to Jerry Fisher from the Greater Sacramento Softball Association .
2. Thank you note from St. Joseph Catholic School.
3. Thank you note from Gold Country Rotary.
4. Correspondence from LAFCO.
5. Correspondence to the ARD Board of Directors from Lant Barney with attachments.
6. Correspondence to Lant Barney from Kahl Muscott.



**NATIONAL GOVERNING BODY
OF SOFTBALL**

**GREATER SACRAMENTO
SOFTBALL ASSOCIATION**
6380 Tupelo Drive, Suite 3
Citrus Heights, CA 95621
916-622-9060 Fax: 916-727-7099
www.sacramentoasa.org

March 26, 2014

Dear Jerry Fisher,

The Greater Sacramento Softball Association would like to thank you for applying for a grant for the 2014 season. This program, which allows us to help your local program, is one of the many benefits of the GSSA, one of which we are very proud.

The Auburn Recreation & Park District is a valued member of the GSSA and we are pleased to announce that we have approved your request for the GSSA Grant in the amount of \$850.00.

As a condition of your acceptance, GSSA would like to make an official presentation to the governing body of your agency. This could be at one of the regular Board of Directors, or Park and Recreation Commission meetings, whichever meets your needs. GSSA will make a very short presentation and then present the oversize check to the Board or Governing Body Chair or President. If possible we would like to make the presentation in April. Please contact our office to make the arrangements.

Thanks for all your help with the softball program and again, congratulations on your successful application.

Most Sincerely,

Jeff Dubchansky

Jeff Dubchansky
Sacramento ASA
Commissioner

Thank you for your generous donation to St. Joseph Catholic School's Annual Crab Feed. Your support helps us continue to provide an excellent and affordable education for all who wish to attend. We appreciate you! Listed below is how you have generously contributed:

Auction Item Donated: Swim pass and accessories

Estimated Value: \$ 150

Date: 2/8/14

Business Name: AED

Owner/Manager/Contact: _____

With Sincere Gratitude,
Linda Wuefing
Auction Chairperson
St. Joseph Catholic School (Tax ID# 45-3949934)

Dear Auburn Recreation District -

Thank you for your kind donation from the Auburn Mermaids Synchronized Swim Team to the St. Joseph Catholic School Annual Crab Feed. Through generous donations such as this we are able to offer an excellent education to all that attend.

With Sincere Thanks.

Kari Wuefing
"Procurement Committee"



Auburn Gold Country Rotary

P.O. Box 4959. Auburn, CA 95604

President
Ralph Smith

Secretary
Donna Book

Treasurer
Pam Tichenor

Donor: ARD

Thank you Very Much!
Receipt

Thank you for your donation to our 3rd Annual Mardi Gras event. Funds raised from your donation will benefit local youth and community projects. We appreciate your support and hope to see you at the Party!

Item Donated: Gift Certificate

Estimated Value: \$ 50⁰⁰

Date: March 2014

Sincerely,

Mardi Gras Committee

Jeanne

😊 We really appreciate the donation. It was a HUGE SUCCESS!

Gold Country Rotary Foundation EIN 68-0390191

PLACER COUNTY LOCAL AGENCY FORMATION COMMISSION

110 MAPLE STREET, AUBURN, CALIFORNIA 95603 - 530-889-4097
LAFCO@PLACER.CA.GOV

COMMISSIONERS:

April 3, 2014

**RON TREABESS,
(SPECIAL DISTRICTS)**

**DONNA BARKLE
(CITY)**

**ROBERT WEYGANDT
VICE CHAIR (COUNTY)**

**GRAY ALLEN
(SPECIAL DISTRICTS)**

**JIM HOLMES
(COUNTY)**

**E. HOWARD RUDD
CHAIR (PUBLIC)**

**MIGUEL UCOVICH
(CITY)**

**ALTERNATE
COMMISSIONERS:**

**JIM GRAY
(PUBLIC)**

**JACK DURAN
(COUNTY)**

**DR. BILL KIRBY
(CITY)**

**BRIAN SHEEHAN
(SPECIAL DISTRICTS)**

STAFF:

**KRIS BERRY
EXECUTIVE OFFICER**

**LINDA WILKIE
CLERK TO THE
COMMISSION**

**WILLIAM WRIGHT
LAFCO COUNSEL**

To: Placer County, Cities and Independent Special Districts

Re: Preliminary Budget for fiscal year 2014-2015

Attached is the preliminary budget and Commission report for fiscal year 2014-2015 which will be considered by the Commission on April 9, 2014.

The proposed budget reflects a minor increase from the current year's budget. The budget will be further refined based on Commission input and more accurate reporting of estimated costs and revenues as the fiscal year progresses.

We have partially offset the costs of the budget by using \$80,000.00 from the accumulated treasury funds. As in past years, we were able to offset the amount paid by the agencies by utilizing these funds. This is likely the last year we will be able to offset the costs by the use of these funds. Although the overall budget total is a minor increase, it is likely you will see an increase to your funding requirement.

Please feel free to contact me directly if you have any questions regarding the budget, or any other questions regarding LAFCO. The final budget is expected to be considered by the Commission at the regular Commission meeting of June 11th.

Sincerely,



Kristina Berry, AICP
Executive Officer

April 9, 2014
Item No. 6

PLACER COUNTY
LOCAL AGENCY FORMATION COMMISSION

110 Maple Street, Auburn California 95603


530-889-4097

Email: lafco@placer.ca.gov

STAFF REPORT

DATE: April 2, 2014

TO: Chairman Rudd, Commissioners Allen, Barkle, Holmes, Rudd, Ucovich, Weygandt. Alternate Commissioners Duran, Gray, Sheehan.

FROM: Kris Berry, AICP, Executive Officer 

SUBJECT: Approval of Proposed Budget for fiscal year 2014-2015.

A. RECOMMENDATION

- 1) Approval of the proposed budget for the fiscal year 2014-2015, attached as Exhibit "A", and provide directions to staff as to revisions, if any, for incorporation into the final budget.

B. BACKGROUND

Pursuant to §56381 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the Commission is required to adopt a proposed budget by May 1st, and a final budget by June 15th. Under AB 2838, the cost of LAFCO is a shared responsibility of the county, the cities and the special districts. After adoption of the budget, the net operating expense of the Commission is divided as follows: one-third to the County, one-third to the Cities and one-third to the Special Districts. The City share is apportioned in proportion to each City's total revenues. The Special District share is apportioned according to each district's revenues.

Government Code section 56381 provides that, at a minimum, the proposed and final budget shall be equal to the budget adopted for the previous fiscal year unless the Commission finds that reduced staffing or program costs will nevertheless allow the Commission to fulfill its statutory purposes and programs. This budget is an increased budget from the previous year from \$484,193.40 to \$488,779.00. This increase reflects increased costs in several areas; primarily personnel and benefit costs.

For several years, LAFCO had an excess of funds in the county treasury, and has partially offset the costs to the funding agencies by using these funds to partially fund the budget.

Last year \$160,000.00 of the budget was funded by using these funds. It is projected that LAFCO will still have approximately \$115,000 excess in the treasury at the end of the current fiscal year, in addition to a \$107,200.00 reserve/contingency fund which we have specifically budgeted and accumulated over time. This budget includes partial funding from the treasurer of \$80,000.00 to offset the total budget of \$488,779.00, resulting in funding requirements of \$355,961.51 from the contributing agencies. LAFCO has been using this funding for several years to both reduce this account and offset amounts of agency funding. We are also estimating a decreased amount in carryover from this fiscal year budget (\$36,717.49) which will be used to help fund next year's budget. The remaining portion of the budget is made up from estimated revenue from interest and proposal application fees.

This proposed budget will change before adoption of the final Budget in June. As the year progresses, estimates will be more refined. In addition, the Olympic Valley Incorporation proposals Comprehensive Fiscal Analysis will need to be included in the final budget. Although the Fiscal Analysis proposal will be funded by the proponents, it will change the overall total for the budget, both in anticipated expenses and revenues. However, these changes should offset one another and not have an impact on agency funding. Proposals for the fiscal analysis are due back April 7, 2014.

A copy of the approved proposed budget will be forwarded to the County and each of the Cities and the Special Districts for their information and comment. The final budget must be adopted by June 15.

C. DISCUSSION

The matrix showing the proposed budget for fiscal year 2014-2015, along with the final budget for the current fiscal year, together with known expenditures through March 26, 2014 is attached. This proposed budget is based upon the following assumptions:

- 1) The proposed budget includes the Commission Clerk as an employee budgeted full time as opposed to the current year budget which included the Clerk at 36 hours per week. In January 2012 this position was changed from a contract position to be a 32 hour regular staff position. However, it is common for the clerk to work additional hours due to workload, currently working approximately 37.5 hours per week.
- 2) Increased personnel costs are a result of a combination of salary increases, additional expenses in benefits and increased hours of the clerk position.
- 3) A decrease in operating costs has been budgeted, mainly due do to a decrease in rent, no A-87 costs charged this year and a decrease in Commission travel budget (we had budgeted a larger amount than normal last year for hosting the CALAFCO conference). We do anticipate increases in funding for Legal Consultants and staff travel. The proposed budget amount of \$80,000 for Municipal Service Reviews would allow the continued work of the existing contracts and would allow several of the cities MSR's to be funded.
- 4) We have budgeted for an increase in Legal consulting fees from \$20,000.00 to \$30,000.00. If this amount is exceeded, it is likely to be proposal related, and

these charges would be offset as they would likely be charges against proposal billings.

- 5) This year we were credited some previous years charges on our A-87 charges, resulting in a negative balance. No charges are anticipated for A-87 for this year.
- 6) The expected costs of all health care and benefit programs were calculated based on formulas provided to LAFCO by the County Administrative Office.
- 7) The budget also includes current payment of health insurance costs for 1 retired employee.
- 8) In previous years, funding of reserves has built the reserve amount to \$37,200.00 for personnel costs, and \$70,000.00 for a general operating contingency. An additional \$10,000.00 is budgeted for contingencies, to bring it to a total reserves/contingency amount of \$117,200.00.
- 9) The carryover from this year's budget is expected to be approximately \$36,717.49.
- 10) The total proposed operating budget is \$488,779.00, which is an approximately 1% budget increase from last year.

A work plan for the upcoming year will be included in the Final budget for your review and input.

D. SUMMARY

The fiscal year 2014-2015 proposed budget is based on the assumption of completion of all District Municipal Service Reviews in the budget time frame, and the ongoing process of adoption of Spheres of Influences based on the Municipal Service Reviews. It does not include budgeting for the preparation of the Municipal Service Reviews and Spheres for cities and districts with applicant proposed changes or request for a substantial change in the spheres.

The budget was based on conservative estimates of revenues and expenditures, with adequate funding to ensure that the Commission be able to fulfill its statutory responsibilities in accordance with Government Code §56381 during the fiscal year.

LAFCO FY 2014-2015 PROPOSED BUDGET TITLE (4/9/14 hearing)	2013-14 FINAL BUDGET	2013-14 Expenditures YTD 3/26	2013-2014 Est yr end	2014-2015 PROPOSED BUDGET	Reserves
2310 Retiree Health	12,430.00	6,889.94	12,430.00	17,324.00	
1002 Salaries/Wages	174,025.00	121,210.66	170,000.00	180,000.00	37,200.00
1005 Overtime	2,000.00	188.77	600.00	2,000.00	
1010 Cafeteria Plans	3,563.00	3,574.89	5,000.00	5,458.00	
1300 P.E.R.S.	48,530.00	31,562.18	45,000.00	49,000.00	
1303 Post Employment benefits	14,930.00	6,114.46	8,500.00	8,664.00	
1301 F.I.C.A.	13,770.00	8,997.89	13,995.00	13,995.00	
1310 Employee Group Ins. + Personnel Costs	15,210.00	10,620.85	15,210.00	16,238.00	
1315 Workers Comp Insurance	400.00	154.83	250.00	232.00	
1325 401(k) Employer Match	750.00	450.00	750.00	750.00	
SUBTOTAL: SALARIES & BENEFITS	285,608.00	189,764.47	271,735.00	293,661.00	37,200.00
2000 Outside Agency Pass Through Fees	1,000.00	2,782.60	3,000.00	1,000.00	
2051 Communications	2,800.00	2,023.40	2,800.00	2,000.00	
2052 E.O. Cell Phone	850.00	726.58	900.00	900.00	
2140 Liability Ins./Comm. Workers Comp.	2,110.40	2,442.03	2,442.03	2,500.00	
2291 Computer Maintenance	-				
2408 Auditor Fees	2,000.00	2,541.37	3,500.00	3,000.00	
2439 Membership Dues	2,878.00	2,920.00	2,920.00	2,955.00	
2456 GIS Mapping					
2481 PC Acquisition	-				
2500 MSR/Sphere Updates	80,000.00	19,749.90	60,000.00	80,000.00	
2510 PC Upgrades		-		2,000.00	
2511 Printing/copy machine/interoffice mail	2,500.00	1,032.87	2,000.00	3,400.00	
2523 Office Supplies & Exp	2,000.00	1,707.65	2,200.00	2,400.00	
2524 Postage	2,500.00	1,185.89	2,000.00	2,500.00	
2554 Commissioner Fees	9,600.00	4,224.48	6,624.48	9,000.00	
2555 Legal/Consultants	20,000.00	15,950.00	23,000.00	30,000.00	
2556 County Services					
2568 Data and System access charges	6,613.00	4,929.20	6,613.00	6,568.00	
2701 Legal Notices/Publications	2,500.00	1,105.60	2,000.00	2,500.00	
2709 Software Charges (IPPS)	466.00	435.00	466.00	895.00	
2727 Office Rent + Utilities	29,000.00	21,358.94	27,559.00	18,000.00	
2844 Training (staff)	1,000.00	885.00	1,200.00	1,500.00	
2865 IT-MIS Services	-				
2931 Staff Travel & Transportation	3,500.00	3,600.13	6,000.00	6,500.00	
2933 Lodging	-				
2939 Commissioner Travel	11,000.00	8,016.95	9,000.00	7,500.00	
2941 County Vehicles	500.00				
2964 Meals	-				
3551 A-87 Costs	15,768.00	16,102.00	16,102.00		
5600 General Operating Contingency	-			10,000.00	80,000.00
SUBTOTAL: OPERATING COSTS	198,585.40	113,719.59	180,326.51	195,118.00	80,000.00
TOTAL OPERATING COSTS:	484,193.40	303,484.06	452,061.51	488,779.00	117,200.00
REVENUE:					
TITLE	2013-2014 FINAL BUDGET	2013-2014 Actual YTD 26-Mar	2013-2014 Year end Projected	2014-2015 ESTIMATED REVENUE	
6950 Interest	10,000.00	4,252.95	5,700.00	6,000.00	
8193 Outside Agency Pass Through Fees		1,300.00	1,300.00		
8218 Forms and Photocopies		4.69	10.00	100.00	
8212 General Reimbursement		346.21	346.21		
8216 AB283E Allocated Amount	215,995.00	215,997.05	215,997.05	355,961.51	
8239 Application Fees	20,000.00	24,745.00	27,000.00	10,000.00	
8782 Applicant Funded Consultant Fees					
Partial Treasury funding	161,556.77		161,556.77	80,000.00	
TOTAL REVENUE	407,551.77	246,645.90	411,910.03		
CARRYOVER from previous year	76,641.63		76,641.63	36,717.49	
	484,193.40		488,551.66	488,779.00	

Law Offices of
LANT BARNEY

1155 High Street
Auburn, California 95603

Tel (530) 889-5505
Fax (530) 885-7559

March 27, 2014

Auburn Area Recreation and Park District
Board of Directors
471 Maidu Drive
Auburn, Ca 95603

Re: Proposed Maidu Bike Park and inherent hazards

Dear Board of Directors:

The following information has been brought to my attention by a local builder developer, B.C. Anderson, and real estate agent, Georgianne Gross. They have been researching the likelihood of a very serious public health hazard at the site you have recently approved for a new Maidu bike park. Both of these persons are intimately familiar with the Folsom Lake State Park Recreation area as they have ridden the trails in the area for decades and have been awarded a total of 14 completions on the Western States Trail Ride a.k.a. "Tevis Cup". As a local developer, Mr. Anderson is also familiar with the hazards of Naturally Occurring Asbestos (NOA) in the South Auburn Area. There has been much discussion of Naturally Occurring Asbestos hazard in the news media over the years. As you probably know, or at least should know, asbestos is a well known carcinogen and is responsible for a number of lung ailments (i.e., mesothelioma or more precisely, malignant mesothelioma).

Enclosed you will find a copy of the Maidu Bike Park Concept Plan, a copy of a Real Quest Professional property report, P.I. D. (Mandatory Residential Disclosure Report, face sheet showing 490 Maidu Drive, Auburn, Ca 95603, property detail sheet and page 14), an assessor's parcel map, and lastly a Placer County Naturally Occurring Asbestos (NOA) location map for areas of relative likelihood for the presence of N.O.A.

Page 14 clearly states: "SUBJECT PROPERTY IS LOCATED IN AN AREA OF ULTRAMAFIC ROCK, SERPENTINITE (SERPENTINE ROCK) AND ASSOCIATED SOILS WHICH ARE MOST LIKELY TO CONTAIN NATURALLY OCCURRING ASBESTOS". According to the legend of the map, the dark green color depicts the area most likely to contain NOA. Furthermore, the map shows red specs and fault line stating "Areas of faulting or shearing are zones of faulted or sheared rock that may contain increase the likelihood for the presence of NOA where they exist in or adjacent to areas most or moderately likely to contain NOA. The proposed bike park is clearly in this hazardous area. This information has already been presented to you in a letter from Sara Jane. The fact that you have chosen to ignore this public health issue is puzzling and arguably constitutes gross negligence.

Asbestos fibers are pathenogenic (disease causing) when they are inhaled into the lungs from airborne fibers. It is difficult to imagine a more likely environment than a bike park with many juvenile bike riders that would create dust fully most of the year, and even more so in times of

Auburn Area Recreation and Park District
Board of Directors
March 27, 2014
Page 2

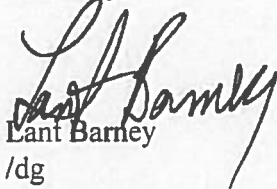
drought! Church goers at the community center would surely be exposed as the bike park will be used more on the weekend than week days. Neighbors on Riverview and Vista Del Lago will certainly be exposed, as well as P.C.W.A. workers across the street. Hundreds of hikers, bicycle riders, runners and equestrians, all of whom are seeking the health benefits of cardiovascular exercise, will ironically all be exposed to a serious threat to their well-being.

Furthermore, it is completely absurd to think that a surface test could be definitive to detect NOA as bicycles wear through trails and cause erosion, exposing different soils each season. Only after a complete Environmental Impact Report and an over excavation of the entire site with asbestos testing would you be able to make a reasonable determination.

Lastly, the park district, knowing the danger, would surely be subject to numerous lawsuits from local trail users and citizens who contract lung disease, including a possible class action suit. Please keep our children and citizens safe by choosing a different site.

If I do not get a response within 21 days I will join with another Auburn attorney to seek an equitable remedy through injunction to prevent this public health hazard. We will also contact both State and federal health officials.

Sincerely,



Lant Barney

/dg

enclosures

cc:

Neighbors

G. Chris Larson, Attorney at Law

Bridget Powers, Mayor of Auburn

Jim Holmes, Air Quality Control Board Member, Supervisor District 3

Tom Christhofk Air Pollution Control Officer

Wesley G. Nicks, REHS, Placer County Environmental Health Director

State of California Department of Environmental Protection Agency

KCRA 3 News

Property Detail Report

For Property Located At:
490 MAIDU DR, AUBURN, CA 95603



Owner Information

Owner Name: UNITED STATES OF AMERICA
 Mailing Address: 490 MAIDU DR, AUBURN CA 95603 C007
 Vesting Codes: //

Location Information

Legal Description:	49.2 A FR SEC 22 12 B	APN:	055-160-020-000
County:	PLACER, CA	Alternate APN:	
Census Tract / Block:	204.02 / 2	Subdivision:	
Township-Range-Sect:		Map Reference:	/ 182-E5
Legal Book/Page:	055-160	Tract #:	
Legal Lot:		School District:	PLACER UN
Legal Block:		School District Name:	
Market Area:		Munic/Township:	
Neighbor Code:	0103		

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	02/04/1969 /	1st Mtg Amount/Type:	/
Sale Price:		1st Mtg Int Rate/Type:	/
Sale Type:		1st Mtg Document #:	
Document #:	1232298	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int Rate/Type:	/
Transfer Document #:		Price Per SqFt:	
New Construction:		Multi/Split Sale:	

Title Company:
 Lender:

Seller Name: OWNER RECORD

Prior Sale Information

Prior Rec/Sale Date:	/	Prior Lender:	
Prior Sale Price:		Prior 1st Mtg Amt/Type:	/
Prior Doc Number:		Prior 1st Mtg Rate/Type:	/
Prior Deed Type:			

Property Characteristics

Year Built / Eff:	/	Total Rooms/Offices:		Garage Area:	
Gross Area:		Total Restrooms:		Garage Capacity:	
Building Area:		Roof Type:		Parking Spaces:	
Tot Adj Area:		Roof Material:		Heat Type:	
Above Grade:		Construction:		Air Cond:	
# of Stories:		Foundation:		Pool:	
Other Improvements:		Exterior wall:		Quality:	
		Basement Area:		Condition:	

Site Information

Zoning:	O	Acres:	49.20	County Use:	VACANT LAND (00)
Lot Area:	2,143,152	Lot Width/Depth:	x	State Use:	
Land Use:	VACANT LAND (NEC)	Commercial Units:		Water Type:	
Site Influence:		Sewer Type:		Building Class:	

Tax Information

Total Value:		Assessed Year:		Property Tax:	
Land Value:		Improved %:		Tax Area:	056154
Improvement Value:		Tax Year:		Tax Exemption:	
Total Taxable Value:					

Property I.D.

Mandatory Residential Disclosure Report

PROUDLY MADE IN THE USA

SUBJECT PROPERTY:

490 MAIDU DR
AUBURN, CA 95603
APN 055-160-020-000
PLACER COUNTY

A 100% California Jobs Company[®]

PROPERTY I.D. PLAZA, 1001 WILSHIRE BL., LOS ANGELES, CA 90017

P: (800) 626-0106 F: (800) 626-3863 • Platinum Services P: (800) 920-5603 F: (800) 920-5605

WWW.PROPERTYID.COM

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When Printed by Property I.D. Corporation, three original copies of the report are issued for distribution to the parties involved in the transaction.

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NATURALLY OCCURRING ASBESTOS

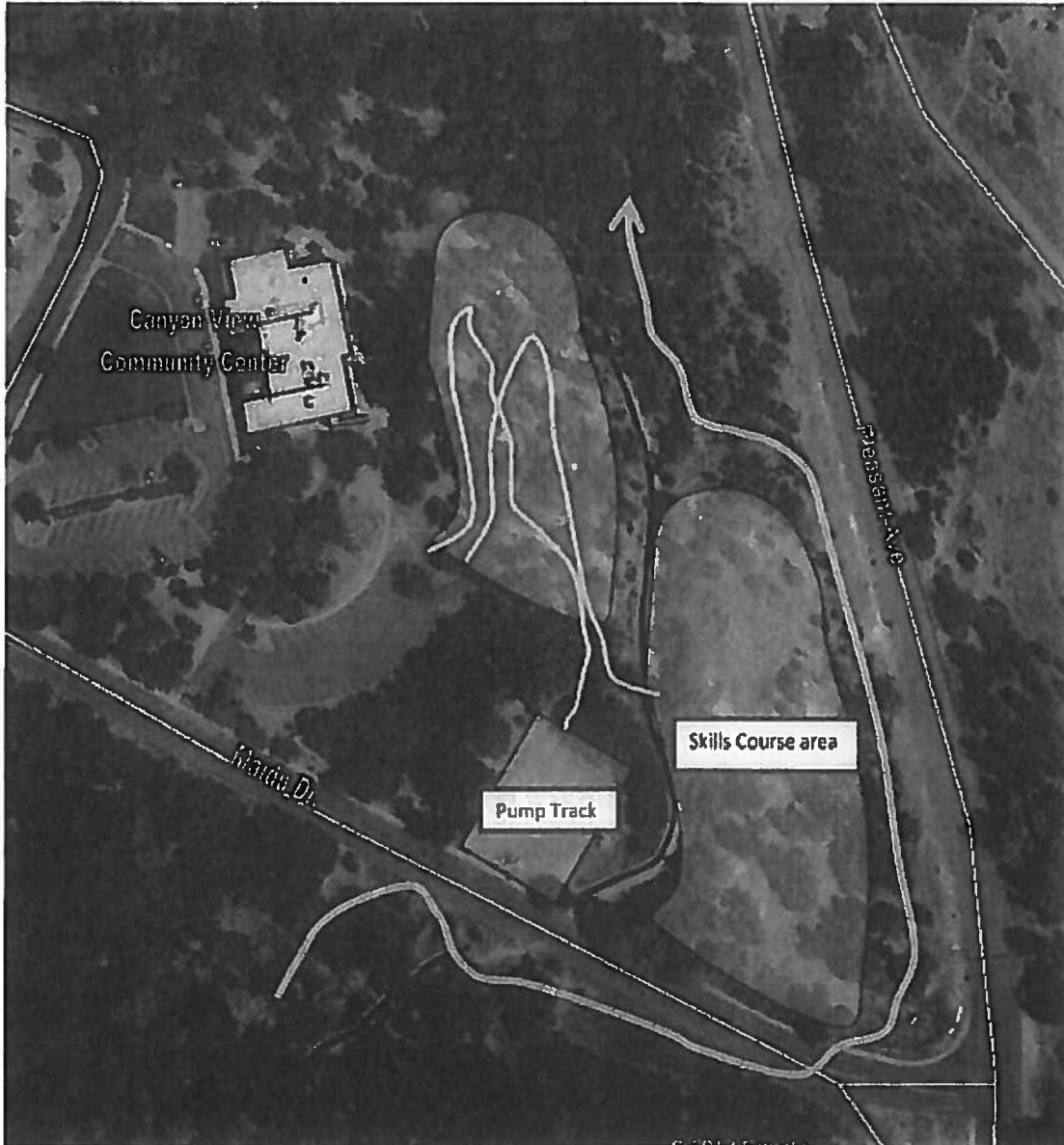
For
490 MAIDU DR, AUBURN, CA 95603
APN 055-160-020-000

Based on PROPERTY I.D.'s research of current maps and/or information for Placer County, the following determination is made:

SUBJECT PROPERTY IS LOCATED IN AN AREA OF ULTRAMAFIC ROCK, SERPENTINITE (SERPENTINITE ROCK) AND ASSOCIATED SOILS WHICH ARE MOST LIKELY TO CONTAIN NATURALLY OCCURRING ASBESTOS

DISCUSSION:

Natural asbestos commonly occurs in association with altered ultramafic rocks, including serpentinite or serpentine - the California state rock. State and federal officials consider all types of asbestos to be hazardous because asbestos is a known carcinogen. Wind and water can carry asbestos fibers, and certain human activities such as mining, grading, quarrying operations, construction or driving over unpaved roads or driving on a road paved in part with asbestos-bearing rock, can release dust containing asbestos fibers. As with any other potential environmental hazard, it is recommended that Buyers fully investigate and satisfy themselves as to the existence of exposed naturally occurring asbestos / serpentine rock on the Property or within its vicinity or any serpentine-surfaced roads within the vicinity of the Property and the hazards, if any, posed thereby. That investigation should include consulting with appropriate expert(s) who can identify and test any exposed naturally occurring asbestos / serpentine rock on the Property or within its vicinity to determine whether it may present a health risk to Buyers. Buyers are encouraged to review all relevant information resulting from these studies and other information pertaining to the risk of exposure to harmful forms of naturally occurring asbestos fibers prior to removing their inspection contingency. Exposure to asbestos may create a significant health risk, and the presence of asbestos-bearing minerals may result in restrictions on the use or development of the Property. You should consider the potential risks associated with the Property before you complete your purchase and determine whether they are acceptable to you.



Conceptual Bike Park plan

Solid blue line = New, multi-use trail
Solid pink lines = Bike park access trails

Note: all lines and boundaries are conceptual and approximated.



AUBURN AREA RECREATION AND PARK DISTRICT

April 10, 2014

Lant Barney
1155 High St.
Auburn, CA 95603

Dear Mr. Barney,

The Auburn Area Recreation and Park District (ARD) received your letter dated 3/27/14 Re: Proposed Maidu Bike Park and inherent hazards. The District will consider your concerns during our due diligence and environmental review processes for this proposed project.

A review of potential soils/geologic hazards and potentially hazardous materials is part of the environmental screening process required by CEQA. ARD will fully comply with CEQA and will not move forward with the project without considering all potential environmental impacts.

Please contact me with any questions. I can be reached at (530) 885-0611 ext. 102 or kmuscott@auburnrec.com

Sincerely,

Kahl Muscott
District Administrator



March 26, 2014 | Your Neighbor Since 1872

Auburn Journal

currently **45°F** Mostly Cloudy
tomorrow High **59°F** Low **46°F**



Wednesday Mar 26 2014 | 5 comments

Shar&har&har&har&har&share 0

ARD may hike recreation field fees

Costs could rise 5 to 25 percent, depending on sport

By: Amy Lobenberg, Journal Staff Writer



The Auburn Area Recreation and Park District Board of Directors will vote Thursday whether to raise rental fees for local sports fields by as much as 25 percent.

Staff reports indicate the fields are not meeting a 50 percent cost recovery hoped for by the ARD board.

Administrator Kahl Muscott said the fee revenue would be used for general upkeep.

"We would love to make them free, but they cost money to keep up," Muscott said. "Some get more used than others; they take a beating. We are glad they get used, but they need repairs and maintenance. We are just trying to come up with the resource to do it."

Sports such as football, rugby and lacrosse have been cited as especially damaging and would therefore incur higher fees than others.

Letters were sent out on Feb. 3 to notify user groups of the proposed changes. Muscott said that three organizations (Placer Jr. Hillmen Football, Auburn Braves Baseball and Placer Hill Soccer) have requested more information.

ARD board member Scott Holbrook said the fee increase, of between 5 and 25 percent, would act to balance the needs of the facilities with the needs of local sports groups.

"It's a fine line to balance what a recreation district can supply the community," Holbrook said. "When we take fields away from public use and allow someone to specially use them, we charge the fees for that to happen. As it is, we lose money on virtually all of our fields. We are just trying to offset some of that to create a balance. We don't have the funding to maintain and keep the facilities at the level they need to be without charging fees."

Board member Jim Gray contended that the fees could drive away families -- and eventually user groups.

"If you raise the fee, they have to raise the cost of the kids to play, and it's getting to the point where some parents can't afford it anymore," Gray said. "If (a user group's) enrollment has gone down for next year, we should check on that because they are just not going to be able to use the field. The object is to not chase away user groups. They don't have to use ARD fields; they can look elsewhere, and that will just hurt ARD. We need to look at what the repercussions are for doing this."

Gray also said he thought it is unfair to raise fees for groups that maintain the fields themselves, such as local youth baseball teams.

"If you are raising the fees, you have to put out the product," Gray said. "A lot of the fields out there are being taken care of by the user groups. I realize, as a board member, that we are trying our hardest, but i also think we should provide facilities that correlate with the cost raise that we are asking."

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The Board of Directors meeting will be at 6 p.m. Thursday in Canyon View Community Center, 471 Maidu Drive, Auburn.

Keywords:

ARD Kahl Muscott Scott Holbrook jim gray Auburn Area Recreation and Park District Board of Directors meeting field fees

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Maybe the district has too many places.

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Or, maybe it is a case of a group grabbing funds from folks "below" their level of authority

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Ouch :-)

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- Scott Holbrook** · Top Commenter · CEO/Janitor at Scott's Econo Lube N' Tune & Brakes

It is tough, when we have the county taking hundreds of thousands of dollars away from what traditionally went to the ARD, combined with rising costs, changing demographics, wants & "needs" all options need to be considered to create a balance of reasonable facilities at a reasonable price. Our fees are extremely modest and we all take the needs of our communities kids as a top priority, be it baseball fields, aquatic programs or otherwise. As a parent of kids who participated in a variety of youth sports, be it through volunteer organizations such as Little League, or through the schools, the cost of kids to participate in sports can create a burden & as parents, choices often had to be made on where our funds were spent, maybe one less movie or mocha? Increases proposed are very minimal & would only break down to a few d... [See More](#)

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Friday Mar 28 2014 | 29 comments

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ARD board votes to begin environmental review of pump track

Horse riders fear conflicts at location

By: Amy Lobenberg, Journal Staff Writer



The Auburn Recreation District board of directors voted Thursday night to begin a legally required environmental analysis on a proposed bike pump track that could eventually be constructed at Canyon View Park.

ARD directors unanimously voted on December 19 to make the park, located near Maidu Drive and Pleasant Avenue, the official location of Auburn's new bike park after reviewing 18 other potential sites.

After consulting with legal advisers, the board decided Thursday to revoke their initial approval to build the facilities until after a California Environmental Quality Act and National Environmental Quality Act review are conducted.

"There was a procedural error that we made in the original motion," Director Scott Holbrook said on Tuesday. "We have a long way to go before the shovel is put in the ground. There is a process of environmental research that we have to go through before we can start construction. We want to clarify that while we are united at that location, we need to wait for the process because something might come up that could prevent us from building."



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QUARTZ DRIVE

About 40 horsemen came to the meeting to voice their opposition to the pump track location. They cited equine safety, environmental impacts and potential social problems that could arise due to the possible proximity of the bikers to the Pioneer Express Trail.

Beverly Jensen, a nurse at Kaiser Hospital in Roseville, said that she felt the speed and competitiveness of cyclists could cause serious injuries to others using the trails.

"This is an inner-city type of sport you are talking about, and I think it should stay in the inner city," Jensen said. "It does not go with nature. It goes with competitive sports and 'no fear' and that kind of headset."

Diana Boyer, a member of a group called the Auburn Bike Park Committee, said that cyclists have only encountered opposition from the horsemen

"Rather than working with us through this situation, all we have heard is 'no, no, no,'" Boyer said.

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She announced that she had obtained 1,275 signatures from the neighborhood and surrounding areas in favor of the bike park.

ARD director Jim Ferris said everyone involved in the controversial situation should be careful to look at all the evidence presented in favor of the Canyon View Park location.

"I see and hear people talking as if you are opposing forces ... and that's unfortunate," Ferris said. "Look at all the facts first, analyze them and make your decision accordingly."

Director Gordon Ainsleigh argued that the pump track would not interfere with equestrian traffic.

"The horse is not going to be in the pump track or on the skills course," he said.

Holbrook reiterated that he felt the park would be an important addition for families.

"Personally, I am glad the feds gave us this land to enhance the opportunity for those living in our community and for our kids."

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Pablo Sust Top Commenter · Newcastle, California

No Gordy, the horses are not going to go on the bike park, any of it, the problem is that the bikes will warm up on the skills trails and then go onto the trails that are presently for hiking and equestrian use only. What you guys have done is facilitated the trail poaching that presently exists, you guys have made it easier. Oh yes the fence, that fence is a joke, the cyclists will just lift their bikes over it or they will do what they did to the existing fence at the intersection of Pleasant and Maidu, they just cut the supporting wires and bunched it down. There is a problem with trail poaching and you guys just made it easier. Holbrook has a personal problem with horses and a certain area of the county and you fools ... [See More](#)

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Charlie Robb Top Commenter · Auburn, California

You're right. At least one of the trails designated for equines needs to be rededicated for cyclist

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ChristyandDuke Jay Owner at Atown Bikes

Pablo Sust you are being arrogant and ignorant to what we are trying to build with a bike park. We are building a closed course for bike riders to have a place to ride safely. This will keep riders off of the horse trails, not put them on the horse trails, the type of bikes that will be used on the bike park are not designed to go on the single track trails that all of the horse people are worried about. Such ignorance by you and all of the people that oppose this park is disappointing and it mirrors all the racism from the past that our country has had to fight through, this is America the land of the free and the home of the brave and we have the right to the pursuit of happiness as bike riders and we are going about it in a proper manner and trying to work with all concerned groups to keep all safe. I'm sorry but it is your comments that are a joke, and further more I have never seen you at an ARD meeting about this issue in the past 18 months since I have been working on the bike park committee just here in the forums bashing it.

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Jim Kilday Nowhere

Preach on! Most horse people are cocky, ignorant assholes. Let the kids have a safe, healthy place to go and have fun for peets sake!!

[Reply](#) [Like](#) 2 about an hour ago

Pablo Sust Top Commenter · Newcastle, California

Jim Kilday Great posts by you guys. Nothing like name calling when there is no other answer. I haven't thrown a leg over a saddle in a lot of years. I prefer to hike and I've had problems with those technical bikers. Now I carry a walking stick, the next time we'll both go down, then we'll talk.

[Reply](#) [Like](#) 1 about an hour ago

Pablo Sust Top Commenter · Newcastle, California

Duke, you and Holbrook better get your stories together. You claim it's a BMX park which I would fully support since as you say it's not a bike that is normally used to poach trails. Holbrook says it's not a BMX park and that mountain bikes are the ones that is being built for. Who is lying or perhaps Holbrook doesn't know the difference between the two. You are correct, I have not been to an ARD meeting but I have met with both Holbrook and Kahl privately. I believe that everyone has the right to use trails as long as it's done in accordance to the trail rules and regulations, something that the poachers don't do

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Reader input: Consider all factors in bike track plan

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I attended the meeting at Auburn Recreation District concerning the bike track and listened to all the arguments against it versus a couple of people who are for it. One of those was actually very biased because they were part of the process doing work to get it approved and I assumed on the payroll.

One additional issue I would like to put forth is that ARD has not been very good about keeping their promises in the past. A case in point is the

skateboard park. A sign posted there says helmets and pads are required, yet what I observed was a dozen skaters, only one of which had the helmet. ARD does a wonderful job of bringing some of these things into being, but does not follow through with safety issues and issues impacting nearby residents. When ARD says the restroom of the Canyon View Center will be available, I doubt that will be true. If those restrooms are always open they will be used by homeless who will possibly also sleep in them. Or, barring that, the bike facility will have to be fenced, further destroying the scenic beauty of the site so that it can be open only when restrooms are available. I don't want to see restrooms on that site further destroying the scenic beauty. The board is determined to put the path there in spite of the facts concerning its unsuitability, destruction of scenic beauty, negative environmental impacts and objections of neighbors and others using the park. The bottom line is that is not a suitable site for this facility.

David Halbrook, Auburn

Keywords:

David Halbrook Auburn Recreation District bike track

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User groups still at odds over bike park location

ARD staff proposes new, single-user trail for safe passage of equestrians

By: Amy Lobenberg, Journal Staff Writer



Auburn Recreation District directors and staff are working to find a way to keep cyclists and horseback riders safe if a bike park is built at Canyon View Park.

ARD directors had unanimously voted Dec. 19 to make the area, near Maidu Drive and Pleasant Avenue, the official location of Auburn's new bike park after reviewing 18 other potential sites.

After consulting with legal advisers, the board decided during Thursday's meeting to revoke their initial approval to build the facilities until after a California Environmental Quality Act and National Environmental Quality Act review are conducted.

In the meantime, equestrians and cyclist groups have been vocal about the pros, cons and controversy surrounding the construction of the bike park.

About 40 horsemen came to the meeting to voice their opposition to the pump track location. They cited equine safety, environmental impacts and potential social problems that could arise due to the possible proximity of the bikers to the Pioneer Express Trail.

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ARD directors Gordon Ainsleigh and Scott Holbrook said Tuesday that the ARD staff is working with the Auburn State Recreation Area to create a user-designated trail that, in theory, should keep horses and bikes at a safe distance from one another.

"ARD is working with the ASRA to provide a good safe alternative for a pathway that will bypass the bike park area and ensure safe enjoyment by all," Holbrook said. "The width and size will be determined. ARD is committed to creating safe passages for all, even though no pathway goes through the actual bike park."

Holbrook estimated that the new proposed trail would be between 4 and 5 feet wide.

Ainsleigh said the trail in question has been moved several times, and he encouraged individuals to tour the area and form their own opinions about whether the site is appropriate. He cited an offer by

"There was a deluge of misinformation coming from the horse people at last week's meeting because no one has taken (ARD administrator Kahl Muscott) up on his offer to

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show people around the area and explain what will be happening," Ainsleigh said. "It's a standing offer, and we are open to taking suggestions."

Ainsleigh added that the changes are not expected to diminish the area's natural beauty. "If you think that a trail winding through trees ruins the scenic value of an area, you need to leave your horse in a show ring because that's what trails do, they wind through trees," Ainsleigh said. "We are putting the (bike) course on a wide, flat, paved area. It will actually be more scenic when we put dirt on top of it. I don't think the idea that we are destroying the scenic value has much credibility."

"We also received a letter from an attorney pointing out potential problems with asbestos in the area," Ainsleigh said. "My answer to that is if it turned out that there is enough asbestos in the area to raise an issue if kicked up, then we will have to close the entire area to everyone, including the horses."

Head ASRA park ranger Scott Liske said the possibility of trail realignment will not be considered until reviews from the California Environmental Quality Act and National Environmental Quality Act have been completed in the area.

"We talked about some potential trail alignments, but it's very, very early in discussions," Liske said.

"We have to see the proposal for the bike park before we can go forward. The bike park is 100 percent an ARD proposal, and any plans have to start with ARD."

Liske added that he had toured the area with Muscott, who said the new trail would not include cyclists.

"We originally were looking at it being a multi-use trail, but are now looking at it being equine and hiker only. It has not been officially determined, but we are leaning toward it."

He added that the Pioneer Express Trail was not in danger of crossing paths with the actual bike park itself, should it be built.

"The information we have been given shows the Pioneer Trail stops at the south side of Maidu, opposite of what we are looking at for the bike park," he said. "It is basically across the street from the bike park."

The Loomis Basin Horsemen's Association's trail liaison, Debbie Murphy, said the group has published its position on the bike park on its website and is not working with ARD on the relocation of the horse trail.

"We don't believe that it's the best location (for the bike park)," Murphy said. "If, in fact, all the necessary studies are done, we have agreed that we will be positive in our relationship with ARD to do a work-around, as far as the trail goes."

Auburn Bike Park committee member Diana Boyer said equestrians are up in arms because they think the Pioneer Express Trail will go through the proposed location. She said she feels there is a misunderstanding between the two groups.

"Through research done by ARD with input from the Bureau of Reclamation, there is no evidence that the Pioneer Express Trail goes through the bike park location," Boyer said. "We really support ARD's efforts to build a safe trail through that location, but we really believe it should be a multi-use trail. We all deserve to enjoy the canyon and there is plenty of room for all user groups. There is an opportunity here to create a trail that is safe for all user groups. We encourage everyone to work together with ARD."

Keywords:

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Thursday Apr 03 2014 | 10 comments

Shar&har&hare 1

Reader Input: Horse people need to lighten up, share



What is it with these horse people ("User groups still at odds over bike park location," Journal, April 2)? They feel they have the divine right of kings as the only ones who are allowed to enjoy the natural beauty of the American River Canyon and trails. Is this just because Auburn touts itself as "The Endurance Capital of the World" (a rather pretentious title in the first place)? Hey, horse people, not everyone in Auburn owns a horse. Some people own bicycles, some own hiking boots, some own walking shoes, some own canes. These types of all ages enjoy the natural

beauty of the American River Canyon, as well.

The horse people are worried about equine safety, but don't they realize that the bike riders, hikers and walkers are just as concerned for their own safety?

The horse people are worried about environmental impacts, but don't they realize that horses have a huge impact on the environment? The horse people are worried about social problems that could arise due to the possible proximity of the bike riders to the Pioneer Express Trail. But don't they realize that the right attitude can go a long way to correcting that?

Hey, horse people, lighten up so that all of us can enjoy the outdoors, the trails and the canyon. Take a lesson from Gandhi who said, "We must be the change we wish to see in the world."

Naomi Eggenschweiler, Auburn

Keywords:

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Please don't single out horse people, hikers have incidents also, I have personally had more encounters while hiking than while riding which I haven't done since 2001. Too bad that you have fallen prey to the demonizing of a group.

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Our View: Meet at trailhead of compromise on bike park issue



It's been beaten into the ground, but really, the phrase seems to work: "Can't we just all get along?" That's the refrain rising out of the issue of a bicycle pump track proposed at Auburn's Canyon View Park that is being met with continued opposition by equestrian riders who don't believe the park should be placed there. In a debate that has numerous talking points among the two groups (cyclists and horse riders), the hot-button issues are safety for the horses, environmental concerns, potential social

problems and the perceived notion that the park will in some way affect horse riders who use the Pioneer Express Trail.

This whole issue has gotten to soap opera-like levels, including rumors and claims that certain groups are disfiguring trails so others can't use them.

The "feud" is so bothersome that the public is finally starting to have enough, as this newspaper is hearing from community members begging for compromise and a willingness to get along.

Auburn's Recreation and Parks District has heard the concerns since it designated the site for the park near Maidu Drive and Pleasant Avenue after reviewing 18 other areas. ARD has now agreed to postpone proceeding with the park until a California Environmental Quality Act and National Environmental Quality Act review are performed. In the meantime, let's see both interest groups come together in the spirit of compromise and an open mind. Don't spread misinformation, but actually do the research, visit the area see what's being done and then craft an equitable solution. The "have your cake and it eat it, too" philosophy is not on the table; both groups deserve to use the area.

"There was a deluge of misinformation coming from the horse people ... because no one has taken (ARD Administrator Kahl Muscott) up on his offer to show people around the area and explain what will be happening," ARD board member Gordon Ainsleigh said recently.

One idea on the table that allows both sides of the issue to enjoy the area while preserving safety - for both groups - is a proposed user-designated trail in the Auburn State Recreation Area to bypass the bike park. But will it be accessible by all groups? We don't know yet. And it seems the concern over the Pioneer Express Trail crossing paths with the park are unfounded; given the park's current design, the trail will be across the street from it.

The Loomis Basin Horseman Association, one of the vocal opponents to the current site of the park, says in its statement about the bike park on its website that "it is in the best interest of the equestrian community to be part of a reasonable solution while protecting the integrity of our historic equestrian trails in this area."

We hope that means coming together on the current location if it is deemed acceptable, and we also want to see the cyclist groups show sensitivity, too when it comes to finding a solution.

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Curtis Christensen of the Auburn Bike Company put it best when he wrote to the Journal, "We are there for the same reasons, and if it's safe, we should all be there, being responsible for ourselves and our recreational vehicles — be it horses, bicycles or shoes."

Keywords:

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Another View: Trail and error: Here are tips for safe sharing

By: Dr. An LaBarre, guest columnist



The controversy about the proposed bike park in Auburn is about safety. The reason that horsefolk are a little frantic about safety is because the horse is an unusual creature. Gentle and compliant as they are, they are PREY animals.

They have excellent hearing but poor eyesight — so to them, a fast-moving object may be a mountain lion. They have the fastest reflexes of any land mammal — so they may wheel 180 degrees from the threat and gallop right out from under their rider. There are no horses who “wait and observe” — all of those died in prehistory. Mares especially are very vigilant, probably because they must protect their foals. They cannot fight, so their only defense is to run first, run fast (and buck off the weight on their back that may be their rider but which, in their fear, they perceive as a predator).

Horse people don't dislike cyclists — 85 percent of the cyclists I meet are wonderfully considerate. But I have had a cyclist screech (noisy brakes) to a halt 10 feet from me and insist she was in “perfect control” of her bike. She was. But a horse's flight distance is similar to that of deer, which move away from you as you approach.

I have had cyclists race by and shout, “Control your horse.” I have had a cyclist, with earphones on, just about hit us. I have had cyclists roar by, saying, “That's not the way it works.”

It's the only way it can work. That's why the triangular signs on the trails instruct bike riders to yield to horses and hikers, and hikers to yield to horses. It's not because we're more important, but because we're more vulnerable. It's not the cyclist who gets hurt; it's the horse rider, and sometimes the horse.

And we do get hurt. Mechanical things can spook horses. It's a dangerous mix. That is why cyclists must be more responsible about which single tracks they “poach.” If you can't see, if the horse riders do not expect bikes because the trail is marked “No bikes,” if the trail is a cliff or too narrow for the cyclist to get off his bike downhill from the horse (remember, predators leap on horses from uphill), then don't go on it. It's not just a matter of your fun; it's a matter of people's lives.

There are many multi-use trails in the Auburn State Recreation Area. Any road, any trail wide enough and clear enough to see and to pass, is yours to enjoy.

We horse people are willing to share. But we are totally dependent on you to help keep us safe.

If you're on a bike and you see a horse ahead, stop. Speak to the horse or rider so the

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horse can hear that you are human. Yield the trail from downhill.
We can all have "happy trails" - and then go home, instead of the hospital.

Dr. An LaBarre has a background in cardiology and veterinary medicine, and she founded Companion Veterinary Clinic in 1985. Since retiring, horses are her hobby.

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Keywords:

Horses bicycles trails Auburn State Recreation Area An LaBarre cardiology veterinary medicine Companion Veterinary Clinic

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Jared Mickel · Top Commenter

To her credit An is honest and forthright about the horse's dangerous mental limitations, and its awesome physical capabilities which are beyond the control of the rider in extremis. Where her piece falls apart is in making a case why this bad combination of mental and physical traits has any place at all in a busy, suburban, trail environment. Would not all parties, horse riders included, be better served by restricting horses to the wilderness trail systems where encounters with cyclists (and kids, and plastic bags, and dogs, and mechanical things, and hikers,...) would be minimized?

Its also a bit of a straw man argument to say that other trail users "must yield to horses" because we're more vulnerable". If horse riders do not feel they can take to the trail system with sufficient safety they have options other than trying to re-make the trail environmental to their liking. Horses can be better trained and desensitized, riders could train to be more skilled, fit, and experienced, horses can be trailered to more remote trail systems, horses can be ridden in arenas, or they could choose not to ride something they may not, as An notes, be able to control.

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Sheila Larsen

Last night I was walking on a wide trail that had a blind curve and two bikes riders came careening down the hill and around the corner, they were flying. If I had been another 10 feet further on the trail they would have hit me. Thank goodness I was NOT on my horse, it would not have been pretty. I am not condemning all bike riders but An is correct, horse back riders are the more vulnerable. As for asking a hiker to stand on the edge of a cliff cant answer that but I would probably come to some compromise. And I will fight for my equestrian trails, we have lost more than our share of trails and I am not sure why equestrians should be forced to go far afield to find a place to ride. With that said I believe that if everyone is considerate we can get along.

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Charlie Robb · Top Commenter · Auburn, California

What does "yield the trail from downhill," mean? Is that where the hiker must stand on the edge cliff side and take the fall if a horse with bad eyesight does something stupid. I've had encounters like this where I simply refuse to stand on the edge. If horses cannot be controlled they should be limited in the areas where a large percentage of non equestrians enjoy.

Face it the horsemen are going to have to give up some trails.

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