

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

**6:00 PM**

**THURSDAY, MAY 27, 2021  
CANYON VIEW COMMUNITY CENTER, FOOTHILLS ROOM  
471 MAIDU DRIVE, AUBURN, CA 95603**

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

**The public may participate in the meeting in-person or through Zoom. The link for this meeting is <https://zoom.us/j/96963272468>. The public can use this link and/or call 1 669 900 6833 Webinar ID: 969 6327 2468 to participate.**

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

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

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

**1.0 CALL TO ORDER**

**(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. The November and December Board meetings will be scheduled in consideration of recognized holidays. 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**

Ainsleigh \_\_\_\_\_ Lynch \_\_\_\_\_ Ferris \_\_\_\_\_ Gray \_\_\_\_\_ Holbrook \_\_\_\_\_

**2.0 INTRODUCTIONS, PRESENTATIONS AND ANNOUNCEMENTS**

Presentation from District Administrator Kahl Muscott to Bill and Jenny Jansen for their donation of \$5,000 to the Auburn Area Recreation and Park District's Youth Assistance Fund.

Presentation from Youth Services Manager Amy Oddo to Youth Services Program Leader Cambria Novelly as Employee of the Month for May, 2021.

**3.0 AGENDA REVIEW, CHANGES, AND APPROVAL**

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ to \_\_\_\_\_

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Ainsleigh \_\_\_\_\_ Lynch \_\_\_\_\_ Ferris \_\_\_\_\_ Gray \_\_\_\_\_ Holbrook \_\_\_\_\_

**Roll Call Vote**

**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. If you have a public comment, please use the “Raise your hand” feature through Zoom. You will be un-muted after you are recognized by the Board Chairperson. People only calling in should press #9 to telephonically raise your hand. Please 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 Board of Directors from April 29, 2021 (Pages 6 - 11)**

Review and approval of Minutes of the Board of Directors from April 29, 2021

\_\_\_\_\_ **5.2 Review of Cash Requirements for April, 2021 (Standing Finance Committee) (Pages 12 – 14)**

This item was reviewed and approved by the Standing Finance Committee and forwarded to the Consent Calendar for review and approval.

\_\_\_\_\_ **5.3 Review of Financials for March, 2021 (Standing Finance Committee) (Pages 15 – 19)**

This item was reviewed and approved by the Standing Finance Committee and forwarded to the Consent Calendar for review and approval.

Motion by \_\_\_\_\_ second by \_\_\_\_\_ to \_\_\_\_\_

Ainsleigh \_\_\_\_\_ Lynch \_\_\_\_\_ Ferris \_\_\_\_\_ Gray \_\_\_\_\_ Holbrook \_\_\_\_\_

**Roll Call Vote**

**6.0 ADMINISTRATOR’S AND DEPARTMENTAL REPORTS (Pages 20 – 35)**

Please see board reports, vandalism reports, and project activity report under item 6.0.

**\_\_\_\_\_ 7.0 UNFINISHED BUSINESS**

**7.1 Legal Requests for Proposals for Legal Services (Program, Personnel, Policy, Fee & Legal Review Committee) (Pages 36 – 85)**

Shall the Auburn Area Recreation and Park District (ARD) Board of Directors review RFP’s and contract with a new law firm for legal counsel?

Motion by \_\_\_\_\_ second by \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_

Ainsleigh \_\_\_\_\_ Lynch \_\_\_\_\_ Ferris \_\_\_\_\_ Gray \_\_\_\_\_ Holbrook \_\_\_\_\_

**Roll Call Vote**

**7.2 Resolution Number 2021-09: Resolution of Intention to Levy Annual Assessment, Preliminarily Accepting Engineer’s Report and scheduling the Public Hearing (Acquisition & Development Committee) (Pages 86 – 136)**

Shall the Auburn Area Recreation & Park District (ARD) Board of Directors approve Resolution Number 2021-09, a resolution declaring the Board’s intention to levy the continued assessments for fiscal year 2021-22, preliminarily approve the Engineer’s Report for the Atwood Ranch III Landscaping and Lighting Assessment District, and provide for the notice of public hearing on June 24, 2021, regarding levying the continued annual assessments for fiscal year 2021-22?

Motion by \_\_\_\_\_ second by \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_

Ainsleigh \_\_\_\_\_ Lynch \_\_\_\_\_ Ferris \_\_\_\_\_ Gray \_\_\_\_\_ Holbrook \_\_\_\_\_

**Roll Call Vote**

\_\_\_\_\_ **8.0 NEW BUSINESS**

**8.1 Resolution Number 2021-10: Moving Residual Funds to the Future Capital Construction Fund and UAL (Unfunded Accrued Liability) with CalPERS (Standing Finance Committee) (Pages 122 – 124)**

Shall the Auburn Area Recreation and Park District (ARD) Board of Directors approve Resolution Number 2021-10 transferring FY 2020/2021 surplus/residual funds split between the Future Capital Construction Fund and the UAL (Unfunded Accrued Liability) with CalPERS??

Motion by \_\_\_\_\_ second by \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_

Ainsleigh \_\_\_\_\_ Lynch \_\_\_\_\_ Ferris \_\_\_\_\_ Gray \_\_\_\_\_ Holbrook \_\_\_\_\_

**Roll Call Vote**

**8.2 Additional Work Cost Proposal for Richardson & Company LLP (Standing Finance Committee) (Pages 125 – 126)**

Shall the Auburn Area Recreation and Park District (ARD) Board of Directors approve an additional work cost amendment to Richardson & Company’s original contract?

Motion by \_\_\_\_\_ second by \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_

Ainsleigh \_\_\_\_\_ Lynch \_\_\_\_\_ Ferris \_\_\_\_\_ Gray \_\_\_\_\_ Holbrook \_\_\_\_\_

**Roll Call Vote**

**8.3 Amending Fiscal Year 2021/2022 Project List & CIP (Acquisition & Development Committee) (Pages 127 – 136)**

Shall the Auburn Area Recreation and Park District (ARD) Board of Directors amend the existing 2021/2022 Project List and Capital Improvement Project List (CIP)?

Motion by \_\_\_\_\_ second by \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_

Ainsleigh \_\_\_\_\_ Lynch \_\_\_\_\_ Ferris \_\_\_\_\_ Gray \_\_\_\_\_ Holbrook \_\_\_\_\_

**Roll Call Vote**

**9.0 ITEMS FOR DISCUSSION AND INFORMATIONAL ITEMS**

1. Curt Smith memorial bench at the Auburn Bike Park. (Acquisition & Development Committee) (Page 137)
2. Electric Charging Stations and Electric Vehicle Fleets. (Program, Personnel, Policy, Fee & Legal Review Committee) (Pages 138 – 144)
3. County Mitigation Fund, current balance \$792,000.

     **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**

None.

     **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. If you have a public comment, please use the “Raise your hand” feature through Zoom. You will be unmuted after you are recognized by the Board Chairperson. People only calling in should press #9 to telephonically raise your hand. Please 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), 54947.)**

**Title: District Administrator**

     **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:

5-20-21  
Date

10:35 AM  
Time

R. Larson  
Clerk to the Board

**SECTION: 5.0**

**ITEM: 5.1 REVIEW AND APPROVAL OF MINUTES OF THE BOARD OF DIRECTORS FROM APRIL 29, 2021**

**INFORMATION: SEE ATTACHED MINUTES**

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

**FISCAL IMPACT: NONE**

**Auburn Area Recreation and Park District  
Minutes of the Meeting of the Board of Directors  
Thursday, April 29, 2021, 6:00 p.m.**

**Board Members**

**Present:** Chairman H. Gordon Ainsleigh  
Director Mike Lynch  
Director Jim Ferris  
Director Jim Gray  
Director Scott Holbrook

**Board Members  
Absent:** None.

**Staff Present:** Kahl Muscott, District Administrator  
Veona Galbraith, Administrative Services Manager  
Jesse Williams, Facilities & Grounds Manager  
Manouch Shirvanioun, Customer Service/Marketing Manager  
Mark Brunner, Recreation/Youth Services Manager  
Amy Oddo, Youth Services Manager  
Mike Scheele, Landscape Architect/Project Manager  
Pat Larson, Recording Secretary

**1.0 CALL TO ORDER**

The Meeting of the Board of Directors was called to order at 6:04 p.m. by Chairman Ainsleigh.

**2.0 INTRODUCTIONS, PRESENTATIONS AND ANNOUNCEMENTS**

Recognition was given to Facilities & Grounds Park Worker Jonathan Laymon for actions taken during a medical emergency.

A presentation was given by Youth Services Manager Amy Oddo to Youth Services Program Director Alina Kuchina as Employee of the Month for April, 2021.

**3.0 AGENDA REVIEW, CHANGES AND APPROVAL**

A motion was made by Director Holbrook and seconded by Director Lynch to approve the agenda as written with item 8.1 being moved to after the Consent Calendar and item 7.1 being moved to after item 8.1.

**Roll Call Vote**

Director Ainsleigh – Yes  
Director Lynch – Yes  
Director Ferris – Yes  
Director Gray – Yes  
Director Holbrook – Yes

5 – 0 Motion carries.

#### **4.0 PUBLIC COMMENT**

City Council Member Rachel Radell-Harris gave public comment that the City of Auburn has funding for electric vehicle chargers if ARD is interested in looking into funding money.

Electric vehicles and charging stations will be discussed at the June, 2021 Policy Meeting.

#### **5.0 CONSENT ITEMS**

##### **5.1 Review and Approval of Minutes of the Board of Directors Meeting from March 25, 2021**

##### **5.2 Review of Cash Requirements for March, 2021 (Standing Finance Committee)**

A motion was made by Director Holbrook and seconded by Director Ferris to approve the Consent Calendar as written.

##### **Roll Call Vote**

Director Ainsleigh – Yes  
Director Lynch – Yes  
Director Ferris – Yes  
Director Gray – Yes  
Director Holbrook – Yes

5 – 0 Motion carries.

**Item 8.1 was moved to after the Consent Calendar.**

##### **Replacing the Meadow Vista Park Playground (Acquisition & Development Committee)**

A motion was made by Director Holbrook and seconded by Director Ainsleigh to approve replacing the Meadow Vista Park Playground.

##### **Roll Call Vote**

Director Ainsleigh – Yes  
Director Lynch – Yes  
Director Ferris – Absent  
Director Gray – Yes  
Director Holbrook – Yes

4 – 0 Motion carries.



**Item 7.1 was moved to after item 8.1**

**Legal Requests for Proposals for Legal Services (Program, Personnel, Policy, Fee & Legal Review Committee)**

Presentations were given by Joanna Gin & Laura Fowler of Best, Best & Krieger, Andrew Ramos & Christine Dugger of Bartkiewicz, Kronick & Shanahan, and Ron Scholar of Cole Huber.

A motion was made by Director Holbrook and seconded by Director Lynch to send this item back to the Program, Personnel, Policy, Fee & Legal Review Committee for further review and back to the Board of Directors meeting in June, 2021 for a decision to be made by the Board of Directors.

**Roll Call Vote**

Director Ainsleigh – Yes  
Director Lynch – Yes  
Director Ferris – Yes  
Director Gray – Yes  
Director Holbrook – Yes

5 – 0 Motion carries.

**6.0 ADMINISTRATOR’S AND DEPARTMENTAL REPORTS**

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

**7.0 UNFINISHED BUSINESS**

**7.1 This item was previously moved to after 8.1 of the agenda.**

**7.2 UAL CalPERS Pension 115 Trust (Program, Personnel, Policy, Fee & Legal Review Committee)**

A motion was made by Director Ainsleigh and seconded by Director Ferris for the Board of Directors to approve signing the Agreement and Election of the Auburn Area Recreation and Park District to Prefund Employer Contributions to a Defined Benefit Pension Plan.

**Roll Call Vote**

Director Ainsleigh – Yes  
Director Lynch – Yes  
Director Ferris – Yes  
Director Gray – No  
Director Holbrook – Yes

4 – 1 Motion carries.

**8.0 NEW BUSINESS**

**8.1 This item was previously moved to after the Consent Calendar of the agenda.**

**8.2 Resolution Number 2021-08: ARD James Ballfield Outfield Turf Replacement Project – Award of Contract (Acquisition & Development Committee)**

A motion was made by Director Holbrook and seconded by Director Gray to adopt Resolution Number 2021-08, a resolution awarding a contract for the ARD James Ballfield Turf Replacement Project to Marina Landscape.

**Roll Call Vote**

Director Ainsleigh – Yes  
Director Lynch – Yes  
Director Ferris – Yes  
Director Gray – Yes  
Director Holbrook – Yes

5 - 0 Motion carries.

**8.3 Facilities Maintenance Worker/Senior Facilities Maintenance Worker Job Descriptions Creation (Program, Personnel, Policy, Fee & Legal Review Committee)**

A motion was made by Director Lynch and seconded by Director Ferris to approve the Facilities Maintenance Worker and Senior Facilities Maintenance Worker Job Descriptions.

**Roll Call Vote**

Director Ainsleigh – Yes  
Director Lynch – Yes  
Director Ferris – Yes  
Director Gray – Yes  
Director Holbrook – Yes

5 - 0 Motion carries.

**8.4 Special District Representative – Placer Local Agency Formation Commission (LAFCO) Ballot**

A motion was made by Director Lynch and seconded by Director Gray to vote for H. Gordon Ainsleigh and Josh Alpine to the Placer Local Agency Formation Commission (LAFCO).

**Roll Call Vote**

Director Ainsleigh – Yes  
Director Lynch – Yes  
Director Ferris – Yes  
Director Gray – Yes  
Director Holbrook – No

4 - 1 Motion carries.

**9.0 ITEMS FOR DISCUSSION AND INFORMATIONAL ITEMS**

1. County Mitigation Fund, current balance \$792,000.

**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.

Director Lynch discussed the deadline for the District Administrator's evaluation forms is May 10<sup>th</sup>. The forms will be re-sent to the Board Members.

**11.0 CORRESPONDENCE/COMMUNICATIONS AND INFORMATIONAL**

None.

**12.0 PUBLIC COMMENT**

None.

**13.0 CLOSED SESSION – Closed Session was cancelled.**

**ADJOURNMENT** - As there was no further business, the meeting was adjourned at 8:02 p.m. by Chairman Ainsleigh.

\_\_\_\_\_  
Board Secretary

\_\_\_\_\_  
Date

**SECTION: 5.0**

**ITEM: 5.2 REVIEW AND APPROVAL OF CASH REQUIREMENTS FOR APRIL, 2021**

**DESCRIPTION: ACCOUNTS PAYABLE**

**INFORMATION: SEE ATTACHED INFORMATION**

**STAFF RECOMMENDATION: THIS ITEM WAS REVIEWED BY THE STANDING FINANCE COMMITTEE AND FORWARDED TO THE CONSENT CALENDAR FOR REVIEW AND APPROVAL**

**FISCAL IMPACT: \$120,195.65**

Ranges: From: To: Check Date From: To:  
 Check Number First Last Checkbook ID COMM 1ST COMM 1ST  
 Vendor ID First Last  
 Vendor Name First Last

Sorted By: Check Number

\* Voided Checks

Check Number	Vendor ID	Vendor Check Name	Check Date	Checkbook ID	Audit Trail Code	Amount
021431	P0084	Placer County Public Works & F	4/20/2021	COMM 1ST	PMCHK00002735	
021432	S1000	State Of California/DOJ	4/20/2021	COMM 1ST	PMCHK00002735	\$10,510.92
21374	S1007	Stationary Engineers, Local 39	4/2/2021	COMM 1ST	PMCHK00002726	\$96.00
21382	1099-256	Healing Pastures, Inc.	4/9/2021	COMM 1ST	PMCHK00002729	\$372.36
21383	1099-271	Kelpro Security	4/9/2021	COMM 1ST	PMCHK00002729	\$112.50
21384	1099-313	Alison Lloyd	4/9/2021	COMM 1ST	PMCHK00002729	\$2,937.90
21385	A0014	AT&T	4/9/2021	COMM 1ST	PMCHK00002729	\$624.00
21386	D0077	Dudek	4/9/2021	COMM 1ST	PMCHK00002729	\$321.84
21387	G0027	Giuliani & Kull - Auburn Inc.	4/9/2021	COMM 1ST	PMCHK00002729	\$7,480.00
21388	I0010	Inland Business Systems	4/9/2021	COMM 1ST	PMCHK00002729	\$5,400.00
21389	L0027	Pat Larson	4/9/2021	COMM 1ST	PMCHK00002729	\$135.01
21390	L0094	Lincoln Aquatics	4/9/2021	COMM 1ST	PMCHK00002729	\$27.52
21391	M0019	Kahl Muscott	4/9/2021	COMM 1ST	PMCHK00002729	\$16,725.09
21392	M0098	Meadow Vista County Water Dist	4/9/2021	COMM 1ST	PMCHK00002729	\$142.24
21393	N0003	Norris Electric, Inc.	4/9/2021	COMM 1ST	PMCHK00002729	\$1,044.98
21394	O0021	Amy Oddo	4/9/2021	COMM 1ST	PMCHK00002729	\$232.71
21395	P0007	Pacific Gas & Electric Company	4/9/2021	COMM 1ST	PMCHK00002729	\$282.33
21396	S0034	Thatcher Company	4/9/2021	COMM 1ST	PMCHK00002729	\$231.94
21397	S0067	Superfast Copy	4/9/2021	COMM 1ST	PMCHK00002729	\$1,401.89
21398	S0154	Mike Scheele	4/9/2021	COMM 1ST	PMCHK00002729	\$12.08
21399	S0170	Diane Shaw	4/9/2021	COMM 1ST	PMCHK00002729	\$81.20
21400	V0007	Verizon Wireless	4/9/2021	COMM 1ST	PMCHK00002729	\$19.60
21401	W0001	Walker's Office Supplies, Inc.	4/9/2021	COMM 1ST	PMCHK00002729	\$866.95
21402	1099-295	Juli Land-Marx	4/9/2021	COMM 1ST	PMCHK00002730	\$334.82
21403	A0170	AT&T Acct 088-034-5818-655	4/9/2021	COMM 1ST	PMCHK00002730	\$1,973.64
21404	C0072	CIT Technology Fin. Serv., Inc	4/9/2021	COMM 1ST	PMCHK00002730	\$90.95
21405	D0066	De Lage Landen Financial Servi	4/9/2021	COMM 1ST	PMCHK00002730	\$470.75
21406	P0095	Placer County Clerk Recorder E	4/9/2021	COMM 1ST	PMCHK00002730	\$332.48
21407	T1000	Transamerica Life Insurance	4/9/2021	COMM 1ST	PMCHK00002730	\$750.00
21408	V0014	VFCAL	4/9/2021	COMM 1ST	PMCHK00002730	\$460.00
21409	W0044	Wave	4/9/2021	COMM 1ST	PMCHK00002730	\$750.00
21410	U0019	US Bank	4/13/2021	COMM 1ST	PMCHK00002731	\$859.00
21411	A0001	Recology Auburn Placer	4/16/2021	COMM 1ST	PMCHK00002732	\$17,310.22
21412	A0027	Recology Auburn Placer	4/16/2021	COMM 1ST	PMCHK00002732	\$869.95
21413	A0051	Anderson's Sierra Pipe Co.	4/16/2021	COMM 1ST	PMCHK00002732	\$1,151.49
21414	C0061	California Computer Services	4/16/2021	COMM 1ST	PMCHK00002732	\$42.79
21415	C0104	Campera Propane Service	4/16/2021	COMM 1ST	PMCHK00002732	\$250.00
21416	D0025	Dawson Oil Company	4/16/2021	COMM 1ST	PMCHK00002732	\$46.00
21417	E0027	Eagle Ridge Construction & Roo	4/16/2021	COMM 1ST	PMCHK00002732	\$3,896.17
21418	H0002	Harris Industrial Gases	4/16/2021	COMM 1ST	PMCHK00002732	\$375.00
21419	M0011	Mallard Creek	4/16/2021	COMM 1ST	PMCHK00002732	\$180.00
21420	M0013	Meadow Vista Hardware	4/16/2021	COMM 1ST	PMCHK00002732	\$1,404.32
21421	N0045	Near U CO2	4/16/2021	COMM 1ST	PMCHK00002732	\$172.63
21422	N0048	Normac, Inc.	4/16/2021	COMM 1ST	PMCHK00002732	\$111.58
21423	P0005	Placer County Water Agency	4/16/2021	COMM 1ST	PMCHK00002732	\$1,608.27
21424	R0073	Riebes Auto Parts	4/16/2021	COMM 1ST	PMCHK00002732	\$3,142.05
21425	S0025	Sierra Pacific Turf Supply, In	4/16/2021	COMM 1ST	PMCHK00002732	\$123.70
21426	S0145	SCP Distributors	4/16/2021	COMM 1ST	PMCHK00002732	\$19.39
21427	V0004	Valley Truck & Tractor Co.	4/16/2021	COMM 1ST	PMCHK00002732	\$483.62
21428	W0001	Walker's Office Supplies, Inc.	4/16/2021	COMM 1ST	PMCHK00002732	\$466.74
21429	W0045	Williams, Jesse	4/16/2021	COMM 1ST	PMCHK00002732	\$186.55
21430	S1007	Stationary Engineers, Local 39	4/16/2021	COMM 1ST	PMCHK00002732	\$36.96
1433	1099-254	Ralph Kendrick	4/23/2021	COMM 1ST	PMCHK00002736	\$350.86
1434	1099-256	Healing Pastures, Inc.	4/23/2021	COMM 1ST	PMCHK00002736	\$557.50
1435	1099-269	Deborah Lynn	4/23/2021	COMM 1ST	PMCHK00002736	\$326.25
1436	1099-273	Richard A. Del Balso	4/23/2021	COMM 1ST	PMCHK00002736	\$136.50
1437	1099-277	Foothill Karate Do	4/23/2021	COMM 1ST	PMCHK00002736	\$39.00
1438	1099-374	Sarah Violet	4/23/2021	COMM 1ST	PMCHK00002736	\$45.50
1439	A0013	AT&T	4/23/2021	COMM 1ST	PMCHK00002736	\$216.00
1440	A0169	AT&T Acct 303817271	4/23/2021	COMM 1ST	PMCHK00002736	\$64.20
1441	C0061	California Computer Services	4/23/2021	COMM 1ST	PMCHK00002736	\$42.80
1442	C0113	Cooks Portable Toilets & Septi	4/23/2021	COMM 1ST	PMCHK00002736	\$125.00
1443	C0125	Michael D. Crawford	4/23/2021	COMM 1ST	PMCHK00002736	\$1,522.63
1444	C0130	Cirrus Group LLC	4/23/2021	COMM 1ST	PMCHK00002736	\$1,120.00
1445	D0016	Dancing Dog Productions	4/23/2021	COMM 1ST	PMCHK00002736	\$612.12
1446	E0027	Eagle Ridge Construction & Roo	4/23/2021	COMM 1ST	PMCHK00002736	\$586.31
1447	F0038	Fastenal Company	4/23/2021	COMM 1ST	PMCHK00002736	\$2,130.00
					PMCHK00002736	\$36.81

Auburn Rec & Park  
 VENDOR CHECK REGISTER REPORT  
 Payables Management

\* Voided Checks

Check Number	Vendor ID	Vendor Check Name	Check Date	Checkbook ID	Audit Trail Code	Amount
21448	H0056	Humana Dental Ins. Co	4/23/2021	COMM 1ST	PMCHK00002736	
21449	N0003	Norris Electric, Inc.	4/23/2021	COMM 1ST	PMCHK00002736	\$2,219.73
21450	P0005	Placer County Water Agency	4/23/2021	COMM 1ST	PMCHK00002736	\$105.00
21451	Q0003	Quality Automotive	4/23/2021	COMM 1ST	PMCHK00002736	\$551.44
21452	R0057	Reserve Account	4/23/2021	COMM 1ST	PMCHK00002736	\$1,448.12
21453	S0009	Sierra Saw Sales And Service	4/23/2021	COMM 1ST	PMCHK00002736	\$500.00
21454	S0025	Sierra Pacific Turf Supply, In	4/23/2021	COMM 1ST	PMCHK00002736	\$136.08
21455	S0054	Souza's Tire Service	4/23/2021	COMM 1ST	PMCHK00002736	\$2,890.04
21456	S0067	Superfast Copy	4/23/2021	COMM 1ST	PMCHK00002736	\$1,627.47
21457	S0145	SCP Distributors	4/23/2021	COMM 1ST	PMCHK00002736	\$25.31
21458	TEMPC	Briana Cortez	4/23/2021	COMM 1ST	PMCHK00002736	\$910.87
21459	TEMPW	Lisa Whittet	4/23/2021	COMM 1ST	PMCHK00002736	\$130.00
21460	W0001	Walker's Office Supplies, Inc.	4/23/2021	COMM 1ST	PMCHK00002736	\$125.00
21461	W0010	Waxie Sanitary Supply	4/23/2021	COMM 1ST	PMCHK00002736	\$765.79
21462	W0044	Wave	4/23/2021	COMM 1ST	PMCHK00002736	\$965.21
21463	P0007	Pacific Gas & Electric Company	4/23/2021	COMM 1ST	PMCHK00002736	\$481.82
21465	A0048	Auburn Rotary Club	4/23/2021	COMM 1ST	PMCHK00002737	\$12,024.97
21531	D0010	Diamond Pacific	4/1/2021	COMM 1ST	PMCHK00002747	\$18.00
						\$401.19
Total Checks:		85	Total Amount of Checks:			\$120,195.65

**SECTION: 5.0**

**ITEM: 5.3 REVIEW AND APPROVAL OF FINANCIALS FOR MARCH, 2021**

**DESCRIPTION: ACCOUNTS PAYABLE**

**INFORMATION: SEE ATTACHED INFORMATION**

**STAFF  
RECOMMENDATION: THIS ITEM WAS REVIEWED BY THE STANDING  
FINANCE COMMITTEE AND FORWARDED TO  
THE CONSENT CALENDAR FOR REVIEW AND  
APPROVAL**

**FISCAL IMPACT:**

## Balance Sheet

3/31/2021

	Current YTD
<b>ASSETS</b>	
<u>Current Assets</u>	
Imprest Fund (Petty Cash)	580.00
First Foundation - Friends 501(c)(3)	17,159.94
First Foundation Bank	129,892.45
Placer County Treasure-General	5,330,060.54
Placer County Treasurer - City Trust	206,768.25
Accounts Receivable	(1,851.31)
Due From Other Funds	1,054.26
PCOE Receivables	25,916.00
A/R BNY Mellon	1,000.00
Prepaid Expenses	7,300.59
Prepaid Liability Expense	30,318.75
Prepaid Workers Comp Insurance	21,871.14
<b>Total Current Assets</b>	<b>5,770,070.51</b>
<u>Restricted Reserve Funds</u>	
Proceeds from Note Payable Contra	2,190,000.00
<b>Total Restricted Funds</b>	<b>2,190,000.00</b>
<u>Fixed Assets</u>	
Fixed Assets Land	1,970,546.12
Fixed Assets Structures	12,847,426.75
Fixed Assets Equipment	1,308,626.96
Fixed Assets Computer Equipment & Software	84,228.71
Fixed Assets Vehicles	282,551.30
Fixed Assets Office Furniture & Rec Equipment	72,239.16
Construction In Progress	1,467,491.60
Less Accumulated Depreciation	(10,142,295.24)
<b>Total Fixed Assets</b>	<b>7,890,815.36</b>
<b>TOTAL ASSETS</b>	<b>\$15,850,885.87</b>
<b>LIABILITIES AND NET PROFIT</b>	
<u>Current Liabilities</u>	
Prepaid Revenue	77,530.02
Accounts Payable	88,898.95
PGE Tru-up payable	6,987.89
Gift Certificates	268.00
Compensated Absenses	165,694.04
Sales Tax Payable	(35.07)
CalPERS UAL payable	140,000.00
Accrued Payroll	142,956.84
Accrued Liabilities	128,990.32
<b>Total Current Liabilities</b>	<b>\$751,290.99</b>
<u>Long Term Liabilities</u>	
Lease Payable - Sterling Bank	2,190,000.00
<b>Total Long Term Liabilities</b>	<b>2,190,000.00</b>
<u>Net Position</u>	
Investments in Fixed Assets	7,878,647.80
DFB Designated for FA Acquisition	55,000.00
RFB Reserved (City Mitigation)	206,768.25



	Current YTD
GFB Youth Assistance Fund	30,631.84
General Fund Balance	1,249,197.97
DFB Annual Equip Replacement Reser.	613,958.72
DFB Annual Contingency Reserve	473,000.00
DFB Reserved for Future Capital Construction	895,573.52
RFB Arboretum Grant Fund	13,275.73
RFB 501(c)(3) Fund	17,159.84
GFB General Fund (ADA Reserve)	30,031.75
Net Profit (Loss)	1,446,349.46

Total Net Position

\$12,909,594.88

**TOTAL LIABILITY AND NET POSITION**

\$15,850,885.87

# Auburn Rec & Park

Profit & Loss - Summary  
4/1/2020 To 3/31/2021

For All Segment1s

For All Segment4s

	Current Month	Actual YTD	Budget YTD	Variance	Percent Of Budget
<b>OPERATING REVENUE</b>					
Park & Recreation Services	35,275.71	557,537.54	558,381.00		
Rents & Concessions	(7,628.43)	28,008.28	15,708.00	(843.46)	99.85
Miscellaneous Revenue	(5,455.83)	49,332.91	45,717.00	12,300.28	178.31
Grants & Donations	(49,499.48)	36,101.28	157,503.00	3,615.91	107.91
Interest Income	2,419.39	26,344.04	38,790.00	(121,401.72)	22.92
Project Revenue - Government	0.00	0.00	72,000.00	(12,445.96)	67.92
Taxes Revenue	78.27	3,612,399.60	3,508,680.00	(72,000.00)	0.00
<b>TOTAL OPERATING REVENUE</b>	<b>(\$24,810.37)</b>	<b>\$4,309,723.65</b>	<b>\$4,396,779.00</b>	<b>(\$87,055.35)</b>	<b>98.02%</b>
<b>OTHER FINANCING SOURCES</b>					
Transfer Funds from other sources	658,473.24	2,848,473.24	549,387.00	2,299,086.24	518.48
<b>TOTAL OTHER FINANCING SOURCES</b>	<b>\$658,473.24</b>	<b>\$2,848,473.24</b>	<b>\$549,387.00</b>	<b>\$2,299,086.24</b>	<b>518.48%</b>
<b>TOTAL REVENUES</b>	<b>633,662.87</b>	<b>7,158,196.89</b>	<b>4,946,166.00</b>	<b>2,212,030.89</b>	<b>144.72</b>
<b>EXPENDITURES</b>					
Program Expenses	6,894.15	73,277.69	88,938.00	(15,660.31)	82.30
Operations & Supplies Expense	38,209.48	331,003.55	381,530.00	(50,526.45)	86.76
Utilities Expense	27,581.89	248,801.89	227,005.00	21,796.89	109.00
Legal Expenses	45.30	3,162.32	3,000.00	162.32	105.41
Professional Services	3,028.98	60,529.22	74,329.00	(13,799.78)	81.43
Bltdg & Grounds Maintenance	67,953.55	353,638.39	473,219.00	(119,580.61)	74.73
Property Tax Administration/LAFCO	1,055.46	100,408.47	97,808.00	2,600.47	102.66
Salaries Expense	291,760.43	2,004,468.35	1,952,781.00	51,687.35	102.65
Benefits & Payroll Costs	221,633.03	1,114,058.22	807,071.00	306,987.22	138.04
Fixed Asset Expense	95,304.55	228,507.86	146,387.00	82,120.86	156.10

	Current Month	Actual YTD	Budget YTD	Variance	Percent Of Budget
Capital Improvement Projects	368,978.37	471,074.91	473,349.00	(2,274.09)	99.52
Debt Service	7,866.97	64,443.32	2,076.00	62,367.32	3104.21
Transfers Out	658,473.24	658,473.24	544,387.00	114,086.24	120.96
<b>TOTAL EXPENDITURES</b>	<b>\$1,788,785.40</b>	<b>\$5,711,847.43</b>	<b>\$5,271,880.00</b>	<b>\$439,967.43</b>	<b>108.35%</b>
<b>NET REVENUE OVER EXPENDITURES</b>	<b>(\$1,155,122.53)</b>	<b>\$1,446,349.46</b>	<b>(\$325,714.00)</b>	<b>\$1,772,063.46</b>	<b>(444.06)%</b>
<b>ADJ. NET REVENUE OVER EXPENDITURES</b>	<b>(\$1,155,122.53)</b>	<b>\$1,446,349.46</b>	<b>(\$325,714.00)</b>	<b>\$1,772,063.46</b>	<b>(444.06)%</b>

**SECTION: 6.0**

**BOARD REPORTS, VANDALISM REPORTS, AND THE PROJECT ACTIVITY REPORT ARE ATTACHED.**

**Kahl Muscott**  
**District Administrator**  
**Report to the Board of Directors**  
**May, 2021**

- As of the writing of this report, the following is true about ARD facilities and amenities:

Currently OPEN, with appropriate restrictions (social distancing, members of the same household, etc.):

- General park areas and walking pathways
- Pickleball courts
- Tennis courts
- Disc golf
- Ashley Memorial Dog Park
- Basketball courts
- Skate Park
- All parking lots
- Ballfields
- Individual picnic tables
- Group picnic areas (with reservations)
- Sierra Pool
- Playgrounds

Still partially closed:

- Buildings. CVCC has been open for Day Camp/Child Care and for very limited public use (certain classes). The Recreation Park Customer Service Office is open M - F from 9am – 5pm (regular hours). The Canyon View Community Center offices are open for staff.
- While CA is set to “re-open” on June 15<sup>th</sup>, that does not necessarily mean that there will be changes in how ARD employees will operate on a day-to-day basis. CalOSHA is set to review its Emergency Temporary Standards (ETS), which still state (among other things) that even fully vaccinated employees must wear a mask indoors and outdoors.
- Bill and Jenny Jansen recently sent another \$5,000 to the ARD Youth Assistance Fund. In late 2018, the Jansens made a \$16,000 contribution, and have made several smaller donations over the years.
- We have four new Facilities and Grounds hires in the pipeline. All should be on the job by early June. We are very excited and hopeful to get these staff members hired, trained and working.
- Centrica has been hard at work, switching out all of our interior lights to LEDs. This part of the project should be completed within a couple of weeks.
- The goat grazing off of Maidu Dr. (behind Vista Del Lago Dr.) is slated to begin May 31<sup>st</sup>.
- Public Swim update: The Placer Hills Pool will be open Monday Wednesday and Friday 1:00-4:00 pm for public swim (starting June 14). Sierra Pool will be open M – F beginning June 7<sup>th</sup>. We do not yet have weekend times available, however we are trying to get at least one weekend day open at Sierra Pool.
- The Donor Tree has been installed at Recreation Park. We will finish the project by painting a grassy meadow below and attaching the acorns that represent Friend of

Recreation winners. I am also getting a nice sign made that explains what the donor tree is and how to become part of it.

- Volunteers and one ARD staff member helped clean up some ramps that were donated for the Auburn Bike Park.
- The PDGA Women's Disc Golf Championship takes place the weekend of Friday, May 21 – Sunday, May 23. The pickleball and tennis courts will be closed all day on Friday as the open players come through (the best of the best).
- The ARD Customer Service office hours will go back to the regular schedule beginning Monday. The regular hours are M – F, 9am – 5pm. The office has been very busy with rentals, class registrations and phone calls – this is a good thing!

### **Meetings and events attended or scheduled to attend**

5/4: Rotary  
5/5: Meeting with Assembly Member Bigelow re: COVID relief funding for Special Districts  
5/10: CPRS Admin Section meeting  
5/11: Rotary  
5/11: Rachel Radell-Harris re: EV Chargers and EV fleets  
5/12: Interviews for facilities position  
5/13: Rec Desk meeting (proposed new activity/reservation software)  
5/13: Diana Boyer re: Bike Park Phase II funding  
5/13: TGIT Thursday Food Truck event  
5/14: Mike Holmes re: ARD solar projects  
5/17: A&D Committee  
5/18: Rotary  
5/19: PG&E PSPS meeting  
5/19: Policy Committee  
5/19: Finance Committee  
5/20: Placer County Planning re: 24-acre CEQA

### **Veona Galbraith**

#### **Administrative Services Manager**

#### **Report to the Board of Directors**

#### **May, 2021**

We have closed the books for the 2020-21 year and have completed the preliminary audit. The Auditor will complete the bulk of the audit the last week of May.

### **March's Financials**

#### ***Revenues –***

- Rents and Concessions came in \$12,000 above budget, due to Field Rentals.
- Grants & Donations realized \$121,000 less than budget, due to the bulk of Bike Park donations and In-kind donations that will be realized in 2021-22. Also, the IRS denied our payroll tax grant of \$19,000.
- Interest earned was \$12,000 less than budget. We budgeted \$20,000 less than last year, but we still came in under estimate.

- Project Revenue \$72,000 was not realized this year, due to projects are still in process and we won't be requesting County Mitigation Funds until they are complete. We did not receive any City Mitigation this year; \$10,000 was budgeted.
- Tax Revenues are up \$103,000 due to better property tax revenues than anticipated.

***Expenses –***

- Program Expenses came in \$15,000 under budget. Class costs were down due to the cut of programs.
- Operations & Supplies Expense were below budget by \$50,000. Activity Guide related expenses down (\$5,000), Youth Assistance was not being utilized (\$6,000), Staff development costs were down (\$6,000), many trainings this year were provided for free due to the pandemic, Restroom Supplies were down (\$7,900) and Jesse was able to decrease spending on sanitation expense for portable toilets and disposal (\$4,900).
- Utilities rose above budget by \$21,700. We paid an unexpected water bill for Regional "C" field for 2 years' usage (\$11,100) and we paid two sewer bills for Regional Park and Ashford Park (one at the beginning of the year and one at the end of the year - \$10,512). Electric was (\$4,400) over CVCC estimate due to childcare being re-allocated to CVCC during the pandemic.
- Professional Services realized a savings of \$13,800. Many cuts in merchant fees due to low credit card revenues and adjustments made by staff on merchant accounts.
- Building and Grounds Maintenance is under budget by \$57,000 currently. The most significant savings were on multiple Fields' Maintenance (\$40,000) and Sierra pool is under by \$10,000.
- Wages and Benefit Expense came in above budget by \$358,700. The Prefunding allocation of \$280,000 to our UAL is in this category, but it was transferred by our UAL (CalPERS Unfunded Accrued Liability) reserve account. The remaining \$78,000 is primarily from Youth Services (\$40,800) and Facilities and Grounds (38,800). There have been many ups and downs; continual changes in both departments.

Residual Funds exist of \$120,000. We are anticipating transferring \$85,000 to Future Capital Construction and sending off an additional \$35,000 to pay down the UAL at CalPERS.

Another note: We received the \$2,190,000 Energy Loan Funds which was deposited directly into the Treasury at the end of January, less the \$54,500 in loan fees. We accrued \$7,867 in interest through March 31, 2021. We have paid Centrica \$345,124 towards the Energy Efficiency Project through March 31, 2021. (all of these figures were not budgeted for 2020-21).

***Appointments to Note for April/May:***

- Continuing to meet with staff individually, to counsel them on their new insurance policy
- Attended a current FEMA Webinar
- Vector Solutions training with SDRMA (online training for staff)
- Completed Preliminary Audit meeting with Richardson & Co.
- Meeting with Rachael with the City of Auburn on Electric Pump stations, EV charging Grants, etc.
- Rec Desk Software Presentation

**Jesse Williams**  
**Facilities & Grounds Manager**  
**Report to the Board of Directors**  
**May, 2021**

Ashford Park, Christian Valley Park, Railhead Park, Recreation Park, Regional Park:

- Applied Replenish 5-4-5 organic and mineral based fertilizer to the Ashley Memorial Dog Park, Christian Valley Softball Field, Railhead Field A and B, Recreation Field, Beggs Field, James Infield, Bill Bean Field, Regional B Field and C Field. Replenish 5-4-5 is an all-purpose formulated fertilizer with organic poultry compost that provides long term feeding. Multiple forms of carbon provide a sustainable food source for long term biological activity and the minerals replenish the soil with the nutrients that are taken away during the season. Soil re-mineralization provides both the soil and the plant what they need to stay active.
- Applied Cal-CM Plus concentrated minerals, a certified organic plant nutrient and soil amendment, to improve the calcium and sulfur deficiencies in the soil at Ashley Memorial Dog Park, Christian Valley Softball Field, Railhead Field A and B, Recreation Field, Beggs Field, James Infield, Bill Bean Field, Regional B Field and C Field. This is essential for cellular strength and turf grass vigor. Cal-CM Plus also has the potential to make up to 96% more water available to the turfgrass while simultaneously improving drainage through particle flocculation. This in turn reduces excessive runoff.

Ashford Park, Christian Valley Park, Recreation Park, Regional Park:

- Applied Sierra Pacific Turf Supply 16-16-16 72% Slow-Release Nitrogen fertilizer to the Ashley Memorial Dog Park, Christian Valley Softball Field, Recreation Field, Beggs Field, Bill Bean Field, Regional B Field and C Field. Supreme 16 GreenR provides up to ten weeks of extended nitrogen release for improved density, plant vigor and color.

Meadow Vista Park

- Serviced the #05 truck.

Recreation Park:

- Serviced the #28 and #30 truck.
- Serviced the Kubota Utility Cart.

Regional Park:

- Eagle Ridge Construction and Roofing performed repairs to the gymnasium's metal roof.



**Mike Scheele**  
**Landscape Architect/Project Manager**  
**Report to the Board of Directors**  
**May, 2021**

**RECREATION PARK**

- **Recreation Field Infield Renovation Project:** Rough cost estimate for the infield renovation work (laser grading, baseline/foul pole alignment) was received in early 2020 pre-pandemic. Topographic survey of the field was received in fall 2020. The District received \$15,000.00 towards this project from Placer County Park Dedication Fees at the November 19th, 2020 County Parks Commission Meeting. Staff were planning on getting bids and doing the renovation project in summer 2021 however, maintenance staff did some grading work on the field during summer 2020 that has reduced the scope of work. Staff will investigate what still needs to be done on this project and report back next month.
- **James Ballfield Outfield Turf Replacement Project:** Project is scheduled to begin June 2nd this year, the day after the last Placer High ballgame. First items of work are mowing, spraying and removing the existing ryegrass which will be followed by installation of the hybrid bermudagrass stolons and a 3-month contractor grow-in/maintenance period.
- **South Play Area Wheelchair Swing Project:** The swing is called the “We Go Swing” and is going to be placed in the Recreation Park South Playground. Staff is looking at modifying the work scope to include moving the existing swings so that the wheelchair swing can be installed within the existing play box instead of outside. A small amount of additional survey work remains to be obtained. Staff met at the site with the swing vendor rep (Ross Recreation Equipment Co.) on 5/17 to discuss project scope and approach. Staff is planning on using an existing, current, public agency cooperative purchasing contract in order to save time and funds in the procurement and installation of the swing. The National Purchasing Partners Government program (nppgov.com) is being proposed and additionally provides a 5% discount on products purchased through the program.
- **Rec. Shop Floor Reinforcement Project:** No New Action. Engineering drawings have been received for Recreation Park maintenance shop garage roof reinforcement and Staff will be submitting them to the City for permitting with bid solicitation to follow.

**MEADOW VISTA PARK**

- **Playground Replacement Project:** At the April Board meeting this playground replacement project was moved ahead of scheduled replacement as there have been recent damages to the existing structure. Staff is in process obtaining a topographic survey of the area to prepare a site plan. Similar to as was done at the Regional Park South Playground project plan is to approach several playground vendors to prepare designs for a turn-key replacement project for under 100K. When the designs are done they will be put on the ARD website for the public to vote on. Project is planned to be completed in the fall and will include the structure, swings, new bark chips & possible

ADA pathway improvements & fencing work. A cooperative public agency purchasing agreement will be used on this project as well.

- ADA Signage Project: No New Action. Signage needs to be upgraded or replaced around parking lot.
- Parking Lot Re-seal & Re-stripe Project: No New Action. Project currently postponed but may happen late summer/fall 2021
- Asphalt Pathway Repairs Project: Staff has taken inventory of the main asphalt path conditions at the park and are putting together a bid package to get quotes for the repairs. Initial preliminary cost estimates just received from contractors indicate that asphalt prices have increased in the last two years and pricing is coming in higher than expected.
- Pickle Ball Court Crack Repairs Project: No New Action. Staff to obtain fresh quotes for the work in the coming months in order to assign proper budget amount.

#### ASHFORD PARK

- Irrigation Pump and Filter Replacement Project: Project was completed on April 30th and the irrigation system is now working again. Staff intends on getting quotes to install chain link fencing around the new equipment.

#### OVERLOOK PARK

- Restroom ADA Upgrades & Partitions Project: No New Action. Project signage and fixture adjustments will be done in-house when staffing levels allow. ADA Parking lot re-striping needs to be re-done and restroom partitions are in need of replacement. Staff will obtain quotes for this work.

#### REGIONAL PARK & 24 ACRES SITE

- Trail Mapping & Signage Project: No New Action. Staff has obtained a survey of the existing trails on the site and will use this to prepare a trail map and signage in the coming months.
- Prop. 68 Statewide Park Development & Community Revitalization Program (SPP) Grant Round 4: Grant consultant produced the draft narrative and staff compiled and wrote the rest of the grant application. The application was submitted on March 11th and the request is for \$2,389,125. If the grant is successful, ARD is committing \$1,037,952 (\$445,000 Park Dedication Fees, \$177,952 Per Capita Grant, \$415,000 Mount Vernon Park Sale Proceeds) to the overall project cost of \$3,427,077. District should find out if application was successful early to mid-summer. The State Governors May budget revision included adding \$125 mil to the grant program which increases the Districts odds of obtaining funds.
- 24 Acres Site Park Construction Documents: No New Action. Construction documents for the site which will be started by DUDEK immediately if the District gets the grant.

- Dry Creek Playground Replacement Project: No New Action. If the 24 Acres Grant application is not successful the above-mentioned 177K Per Capita Grant funds are currently allocated towards replacing this playground.
- Pickle Ball Court Crack Repairs Project: No New Action. Staff to obtain fresh quotes for the work in the coming months in order to assign proper budget amount.

#### CANYON VIEW COMMUNITY CENTER (CVCC)

- Bike Park Project: Frank Loduca Co. has been awarded the phase 2 bike park bridge project. The donated wood for the work was picked up from the lumber yard by the contractor on 5/14 and they are proceeding in fabricating the bridge at their company yard. After the concrete foundation work at the canal is done the bridge will be set in place, minor grading will be performed to tie in the trails and two removable bollards will be installed at the bridge entry and exit to slow bikes down as they cross the canal path. District and volunteers have begun a new search for a source of donated clay loam soil to use for “capping” the phase two jump area soil previously donated. Rough grading of the jump area import soil is expected to begin first week of June. The two main bike park sign panel packages purchased last year were damaged in shipping and returned to the vendor last month and staff just learned that the new replaced panels have just shipped and are due to arrive on 5/29.
- Maidu Drive Repair Project (Bureau of Reclamation): No New Action. In March the Bureau announced to the District that they will be re-paving the distressed section of Maidu Drive. The work will apparently take place this summer and be done prior to October. A relatively straightforward project the work should only take a week or so.
- ADA Door Access Project: No New Action. Automatic door hardware needs to be installed at the north entrance.

#### PLACER HILLS PARK

- Parking Lot Repairs & ADA Striping Project: No New Action. Project had been postponed but staff has drawings already prepared and ready for Placer County permitting and then putting out to formal bid.

#### MULTI PARK ITEMS

- Energy Efficient Upgrades: Multiple energy efficiency upgrade projects going on at park sites. Centrica is prime contractor and staff is assisting with scope review and other items. Pool heater replacement took place on 5/19 and CVCC air conditioner replacement is scheduled for 5/21-25.

#### MISCELLANEOUS ITEMS

- New Memorial Bench inquiry for possible placement near Sierra Pool. Investigation and prelim pricing for a VFD (variable frequency drive) at Railhead Park irrigation pump. Possible new Memorial Bench for placement at Overlook Park. Updates of monthly Board reports/A&D Project Activity Reports etc.

**Manouch Shirvanioun**  
**Customer Service/Marketing Manager**  
**Report to the Board of Directors**  
**May, 2021**

4/20/21 - 5/19/21

Activity Registrations	\$14,000
Day Care/Discovery payments	\$106,000
Facility payments/reservations	\$24,000

Customer Service Office hours are back to its regular schedule: 9am to 5pm, M-F

At the Recreation Park both sites are booked every Saturday and most Sundays in May and June. All the picnic sites are in high demand

Placer Jr. Hillmen has reserved fields for upcoming season starting July 5<sup>th</sup>  
Placer Hills Youth Soccer has reserved fields for upcoming season starting in August  
Two large running events were hosted at Overlook Park in May  
Another church group will resume their normal schedule starting June 6th  
Placer High Cross-Country races at Railhead Park  
Reviewed and approved Fee Waivers for two different fundraising events:  
Auburn Senior Center-Member BBQ at Recreation Park  
Granit Wellness Center- Youth Leadership Retreat at Regional Park

**Mark Brunner**  
**Recreation/Youth Services Manager**  
**Report to the Board of Directors**  
**May, 2021**

**Adult Sports**

- Our newest Sunday Bocce Ball league at Recreation Park started on May 16. The league has five teams for this season.
- Adult Softball continues to go strong. The District has four different softball leagues with a total of 20 teams registered. Teams can check schedules, standings and scores on our new sports website [www.teamsideline.com/auburnrec](http://www.teamsideline.com/auburnrec).
- The Spring Pickleball Tournament took place the weekend of May 7. A total of 130 pickleball players participated in the three-day tournament. Recreation Sports Coordinator, Jerry Fisher, did an excellent job running the tournament and making sure that everyone had a great time.

**Aquatics**

- Placer Hills Swimming Pool will open for summer programming starting June 14. Public Swim will be on Monday, Wednesday, and Fridays from 1 to 4. Water Aerobics and

- Swim Lesson classes will also be offered at Placer Hills this summer. The pool will be available to rent on weekend for parties.
- The Mermaids Synchronized Swimming Team continued to work on routines and hold practices. This year's team has 64 swimmers registered. The team will become holding in person swim meets starting June 2.
  - Robalos Swim Team season started on May 3. The VFCAL Board has made a decision to have the first three swim meets be hosted virtually. Meaning that teams will swim on their own at their pool. The final three swim meets may be held in person if both teams agree to host it together. Otherwise, the swim meets will be held virtually. This year's team will be coached by year coaches Brandon Lee and Audrey Warren.
  - Swim Lessons will begin on June 7 at the Sierra Pool. The four swim lesson classes in the first session of are completely sold out.

### **Recreation Guide**

- The summer guide was mailed out to residents in the community through the mail and the Auburn Journal. The summer guide will highlight our upcoming summer camps, youth sports, events, aquatics programs, and some upcoming District projects. This year's summer guide was printed locally by Gold Country Media.

### **Special Events**

- The District has secured Platinum sponsorships from Old Town Pizza, IFC, Precision Orthodontics, and Maki Heating and Air. Holiday Inn of Auburn has committed to a Silver Levell sponsorship. Staff is looking to secure more sponsorships for the upcoming special event season.
- We have started to take vendor applications for the Food Truck Fiesta, The Ain't Necessarily Dead Fest, Harvest Festival, and Obstacle Course Race.
- Movie in The Park will take place on June 11 at Recreation Park. The feature film that night will be Trolls World Tour.

### **Youth Sports**

- Coed Youth Volleyball League will begin in June and will run through the entire summer break. The league will be recreation based and will focus on teaching middle school students the fundamentals of volleyball.

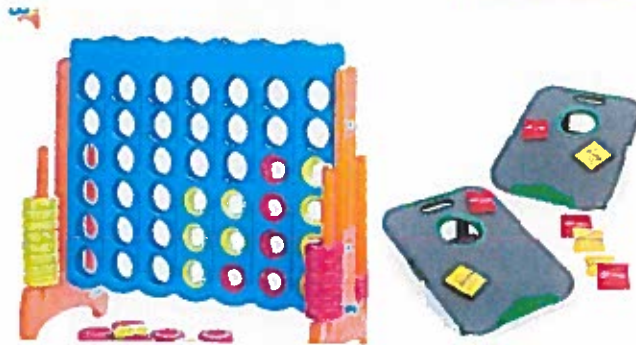
### **Amy Oddo**

### **Youth Services Manager**

### **Report to the Board of Directors**

### **May, 2021**

Staff is looking forward to fun filled summer camps! We will be offering full day programming at three locations- Auburn Elementary, Skyridge Elementary and Recreation Park. Staff is working with Auburn Transit and Placer County Transit to arrange transportation from our two remote sites for swim time at the park on Fridays. Although we will not have standard field trips, staff is actively seeking "in-house" assemblies and opportunities for the students for the summer. We have invested some of our Food Truck proceeds in some new summer toys to keep the kids cool and active. We involved the students in choosing new games and additions to our inventory. Here are some of the items they chose:



Youth Services has a new logo! We have ordered drawstring backpacks, water bottles and sunglasses with the new logo for students on the first day of their camp.

We are finalizing pricing and hours for Fall programming. We anticipate a steady enrollment as school will be resuming normal hours and schedules. Staff is definitely looking forward to more “normalness” in programming and activities for the students. Our preschool program will be holding a few summer camps and likely a summer open house for Fall enrollment.

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For the month of May, our *Programming Focus* is on Summer Safety. We are reviewing basic first aid, but also specifically targeting heat-related illnesses, bug bites/bee stings and other issues more commonly experienced in our summer months. We will be holding a staff meeting for new and returning staff to review safety, compliance and policy for our summer programs.

**APRIL, 2021 VANDALISM REPORT**

**THERE WAS NO VANDALISM FOR THE MONTH OF APRIL, 2021.**

2021/2022 PROJECT ACTIVITY REPORT		UPDATED 5/13/21	
PROJECT	EST. COST	NOTES	EST. COMPLETED
<b>RECREATION PARK</b>			
Rec Field Infield Renovation (2020)	25,000.00	Rough cost estimate for the infield renovation work (laser grading, baseline/foul pole alignment) was received in early 2020 pre-pandemic. Topographic survey of the field was received in Fall 2020. The District received \$15,000.00 towards this project from Placer County Park Dedication Fees at the November 19th, 2020 County Parks Commission Meeting. Staff were planning on getting bids and doing the renovation project in summer 2021 however, maintenance staff did some grading work on the field during summer 2020 that has reduced the scope of work for this project. Staff will investigate what still needs to be done on this project and report back next month.	SEPTEMBER 2021
James Ballfield-Outfield Bermudagrass Conversion Project (2019)	42,000.00	Project is scheduled to begin June 2nd this year, the day after the last Placer High ballgame.	OCTOBER 2021
Wheelchair Swing Project (2019)	60,000.00	The District received \$25,000.00 towards this project from Placer County Park Dedication Fees at the 11/19/20 County Parks Commission Meeting. Staff has obtained a topographic survey of the area and has started preparing design/construction documents for the project. Staff recently learned that a top US playground manufacturer just unveiled a wheelchair swing for 2021 that appears to be a superior design than the swing previously being considered out of the UK. While more expensive the unit allows other children/adults to swing with a user in a wheelchair and doesn't require the area to be fenced and needs less concrete & safety surfacing. Staff is looking at modifying the work scope to include moving the existing swings so that the WC swing can be placed within the existing play box instead of outside. A small amount of additional survey work is needed.	FALL 2021
Rec Shop Floor Reinforcement Project (2020)	10,000.00	Engineering drawings have been received for Recreation Park maintenance shop garage roof reinforcement and Staff will be submitting them to the City for permitting with bid solicitation to follow.	SUMMER 2021



<b>MEADOW VISTA PARK</b> Playground Replacement Project	120,000.00	At the April Board meeting this playground replacement project was moved ahead of scheduled replacement as there have been recent damages to the existing structure. Staff is in process obtaining a topographic survey of the area to prepare a site plan. Similar to as was done at Regional Park South Playground project plan is to approach several playground vendors to prepare designs for a turn-key replacement project for under 100K. When the designs are done they will be put on the ARD website for the public to vote on. Project expected to be completed in the fall. Project will include the structure, swings, new bark chips & possible ADA pathway improvements & fencing work.	FALL 2021
ADA Signage	1,200.00	Signage to be upgraded	FALL 2021
Parking Lot Re-seal/Re-Stripe	15,000.00	Project currently postponed but possible to happen late summer/fall 2021	SUMMER/FALL 2021
Asphalt Pathway Repairs (2020)	15,000.00	Staff is taking inventory of the main asphalt path conditions at the park and putting together a bid package to get quotes and have repairs made in the summer.	SUMMER 2021
Pickleball Court Crack Repairs	5,000.00	Staff to obtain fresh quotes for the work in the coming months in order to assign proper budget amount.	SUMMER 2021
<b>ASHFORD PARK</b> Irrigation Pump Replacement Project (2021)	45,000.00	Project was completed on April 30th and the irrigation system is now working again.	APRIL-MAY 2021
<b>OVERLOOK PARK</b> Restroom ADA Upgrades	15,000.00	Project signage and fixture adjustments will be done in-house when staffing levels allow. ADA Parking lot re-striping needs to be re-done and restroom partitions are in need of replacement. Staff will obtain quotes for this work.	SUMMER/FALL 2021
<b>REGIONAL PARK &amp; 24 ACRES</b> <b>SITE</b> Trail Mapping & Signage Project (2020)	10,000.00	Staff has obtained a survey of the existing trails on the site and will use this to prepare a trail map and signage in the coming months.	SUMMER/FALL 2021

Statewide Park Development and Community Revitalization Program (SPP) Grant Round 4 (2018/2019)	120,000.00	Grant consultant produced the draft narrative and staff compiled and wrote the rest of the grant application. The application was submitted on March 11th and the request is for \$2,389,125. If the grant is successful, ARD is committing \$1,037,952 (\$445,000 Park Dedication Fees, \$177,952 Per Capita Grant, \$415,000 Mount Vernon Park Sale Proceeds) to the overall project cost of \$3,427,077. District should find out if application was successful early to mid summer.	2020/2021
24 Acres Site Construction Documents	110,000.00	Construction documents for the site which will be started immediately if the District gets the grant.	SUMMER/FALL 2021
Dry Creek Playground Replacement	177,000.00	If the 24 Acres Grant application is not successful, the above-mentioned 177K Per Capita Grant funds are currently allocated towards replacing this playground.	SPRING 2022
Pickleball Court Crack Repairs	4,500.00	Staff to obtain fresh quotes for the work in the coming months in order to assign proper budget amount.	SUMMER 2021
<b>CVCC</b>			
Bike Park - Construction (2015/2016)	200,000.00	Frank Loduca Co. has been awarded the bike park bridge project. The donated wood for the work is being picked up from the lumber yard by the contractor on 5/14 and they will proceed in fabricating the bridge at their company yard. After the concrete foundation work at the canal is done the bridge will be set in place, minor grading will be done to tie in the trails and two removable bollards will be installed at the bridge entry and exit to slow bikes down as they cross the canal path.	ONGOING
Maidu Drive Repair (2018/2019)	0.00	In March the Bureau announced to the District that they will be re-paving the distressed section of Maidu Drive. The work will apparently take place this summer and be done prior to October. A relatively straightforward project the work should only take a week or so.	SUMMER 2021

ADA Door Improvements	5,000.00	Automatic door hardware needs to be installed.	SPRING 2022
<b>PLACER HILLS PARK</b>			
Parking Lot Repairs	30,000.00	Project had been postponed but staff has drawings already prepared and ready for Placer County permitting and then putting out to formal bid.	SPRING 2022
<b>MULTI-PARK ITEMS</b>			
Energy Efficient Upgrades	2,131,500.00	Multiple energy efficiency upgrade projects going on at park sites. Centrica is prime contractor and staff is assisting with scope review and other items.	ONGOING 2021
<b>Fiscal Year Projects Total:</b>	<b>3,141,200.00</b>		

## Item 7.1 Cover sheet – ARD Legal Counsel, 2021

Auburn Area Recreation and Park District Policy, Program and Fee Committee Meeting January, 2021; Board of Directors meeting January, 2021; Policy Committee April, 2021; Board of Directors meeting April, 2021; Policy Committee meeting May, 2021; **Board of Directors meeting May, 2021**

### The Issue

Shall the Auburn Area Recreation and Park District (ARD) review RFPs and contract with a new law firm for legal counsel?

### Background

District Policy, Section VI, Policy on Authorization for Legal Services, states the following:

- 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.

ARD's current legal counsel is Cole Huber. Cole Huber has been with ARD since August of 2016. ARD's main contact at Cole Huber, Ron Scholar, has worked with the District since 2006.

ARD staff sent out a Request For Proposal (RFP) for new legal counsel in 2016. After review, the District decided to switch from Kronick, Moskovitz, Tiedemann and Girard (KMTG) to Cole Huber.

The ARD Board of Directors readdressed the performance of KMTG in July, 2012 and June, 2014, May, 2016 and January, 2019. The ARD Board considered whether or not to go out to RFP in March of 2019, however that motion did not pass.

The ARD Board voted to go out RFP at the January, 2021 Board of Directors meeting. Staff prepared an RFP and sent it to over 40 law firms. Six firms replied. Staff has put together a matrix of the firms that replied, their relevant experience and fees.

After review, the Program, Personnel, Policy, Fee and Legal Review Committee recommended asking the following firms to make a presentation at the April 29, 2021 Board meeting:

BKS (Bartkiewicz, Kronick & Shanahan)

BBK (Best, Best and Krieger)

Cole Huber

These firms all made a presentation at the April Board meeting. The Board voted to send the information back to the committee to seek further information. Per direction from the committee, staff reached out to the recreation and park districts that were represented by BKS and BBK (ARD is familiar with Cole Huber). The results of those phone surveys are attached.

### Recommendation for the Board of Directors

The Policy Committee recommended the following:

Director Ainsleigh recommended staying with Cole Huber

Director Holbrook had a neutral recommendation.

Staff is using CAPRI free attorney Patti Eyres much more frequently now, and recommends staying with Cole Huber as ARD's attorney of record. As of 11/30/20, ARD had only spent \$1,340 in legal expenses (2/3 of the Fiscal Year).

**Alternatives Available**

1. Send this item back to the June, 2021 Policy Meeting for further review.

**Fiscal Impact**

There is no projected fiscal impact to perform this review.

The following is a chart of ARD's legal costs for the past 11 Fiscal Years:

FY 06/07	FY 07/08	FY 08/09 *	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16
\$30,652	\$24,824	\$1,363	\$20,131	\$13,475	\$7,710	\$6,648	\$8,421	\$15,301	\$6,693

FY 16/17	FY 17/18	FY 18/19	FY 19/20
\$4,533	\$12,552	\$8,634	\$14,908

\*Note: ARD moved its Fiscal Year Calendar in 2009/2010, resulting in a 9-month Fiscal Year.

**Attachments**

RFP responses from:

- BB&K
- BKS
- Cole Huber

Phone surveys with other recreation and park districts



BEST BEST & KRIEGER  
ATTORNEYS AT LAW

[www.BBKlaw.com](http://www.BBKlaw.com)

## Proposal to Provide **Legal Services**

Presented to:

**Auburn Area Recreation and Park District**

March 26, 2021

INDIAN WELLS

IRVINE

LOS ANGELES

MANHATTAN BEACH

ONTARIO

RIVERSIDE

SACRAMENTO

SAN DIEGO

WALNUT CREEK

WASHINGTON, D.C.

Joanna Gin  
500 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
(916) 551-2857  
[joanna.gin@bbklaw.com](mailto:joanna.gin@bbklaw.com)

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**I. COVER LETTER/LETTER OF INTEREST**

March 24, 2021

**OVERNIGHT DELIVERY**

Auburn Area Recreation and Park District  
471 Maidu Dr. Ste. 200  
Auburn, CA 95603

Re: Response to Request for Proposal for Legal Services

Dear Board of Directors:

On behalf of Best Best & Krieger LLP (BB&K), I am pleased to present this proposal in response to the Auburn Area Recreation and Park District's (District) request for proposals (RFP) for legal services. BB&K has one of California's most extensive practices in providing legal services to a multitude of public agencies, including park and recreation districts, and other governmental entities. Serving more than 800 public agencies nationally, BB&K is uniquely qualified to provide the highest quality legal representation to the District.

BB&K is a limited liability partnership established in Riverside, California in 1891 that has been in business for 130 years. BB&K's main office remains in Riverside:

Best Best & Krieger LLP  
3390 University Avenue, 5th Floor  
PO Box 1028  
Riverside, CA 92502

Phone: (951) 686-1450  
Fax: (951) 686-3083  
[www.BBKLaw.com](http://www.BBKLaw.com)

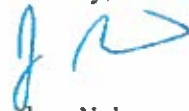
I, Josh Nelson, will be your primary contact during the proposal evaluation period. The District may contact me for any clarification or to request additional information:

Joshua Nelson  
Best Best & Krieger LLP  
500 Capitol Mall Street, Suite 1700  
Sacramento, CA 95814

Phone: (916) 551-2859  
Fax: (916) 325-4010  
Email: [joshua.nelson@bbklaw.com](mailto:joshua.nelson@bbklaw.com)

The attached proposal is a firm offer to enter into a contract with the District according to the terms of your RFP. We look forward to discussing our qualifications with the District in more detail. We also welcome the opportunity to meet in person to discuss our capabilities and readiness to provide the legal services requested by the District.

Sincerely,



Joshua Nelson  
of BEST BEST & KRIEGER LLP



## **II. FIRM ORGANIZATION/CREDENTIALS/PROFESSIONAL EXPERIENCE**

### **A. Firm Description**

BB&K is a limited liability partnership that has been in business for 130 years. We are a full-service law firm composed of approximately 225 attorneys, 35 paralegals, and 150 secretarial and administrative staff. BB&K consists of equity and non-equity partners, of counsels, associates, and governmental affairs directors as well as administrative directors, paralegals, and administrative staff.

In order to serve our clients' local and national interests, BB&K maintains nine offices throughout California — Walnut Creek, Sacramento, Riverside, San Diego, Irvine, Los Angeles, Manhattan Beach, Ontario, and Indian Wells — and one office in Washington, D.C. We deliver effective, timely, and service-oriented solutions to complex legal issues facing public agencies, businesses, and individuals across the U.S. and the world.

BB&K's range of services includes the following:

- ARC: Advanced Records Center
- Business planning & transactions
- Education law
- Eminent domain
- Energy and public utilities
- Environmental law & natural resources
- Government relations
- Labor & employment
- Litigation
- Public works & infrastructure
- Public-private partnerships
- Telecommunications
- Water
- Bankruptcy
- Economic development, real estate, & affordable housing
- Employee benefits & executive compensation
- Fees, taxes, & assessments
- Health care
- Land use & planning
- Municipal law
- Public finance
- Special districts
- Transportation

Our municipal and public agency talent is unmatched. We are the largest firm in California whose practice is primarily focused on the representation of public entities. We work in the public interest and on many of the most challenging issues our society faces today. Our experience with public agencies, especially agencies in Northern California, combined with our nationally recognized practice in municipal and environmental law will allow us to efficiently, intelligently, and meaningfully assist the District with complex, multi-disciplinary issues. We will provide creative solutions and successfully guide the District through legal complexities and governmental mandates.

### **B. Summary of Experience**

#### **Parks and Recreation Experience**

BB&K understands national and state trends for parks and recreation districts. BB&K attorneys provide general and special counsel services to public agency parks and recreation departments in all areas of concern. We counsel public agencies on first amendment rights in parks, including the right to free speech and the right to assemble, and help public agencies to create regulations for

## Proposal to Auburn Area Recreation & Park District

special events or activities in public parks without violating constitutional rights. Additionally, our attorneys regularly work with agencies and law enforcement on regulations to reduce criminal and troublesome activities — including graffiti, vandalism, underage drinking, congregating after hours, vicious animals, and loud music — in parks .

BB&K is familiar with the unique relationship between parks and recreation districts and local city or county law enforcement; we will work with local agencies to ensure that the District retains its sovereign immunity over its parks while allowing law enforcement to provide crime prevention services.

### Special District Law

The BB&K Special Districts practice group focuses solely on helping public clients successfully maneuver through legal complexities and governmental mandates. From issues related to processing tort liability claims by third parties, utility theft, customer bankruptcy, local agency formation commission (LAFCO) proceedings, and labor and employment matters, we have the specific experience necessary to assist the District. Because BB&K has a history of extensive involvement in all aspects of special district and municipal law, we have pioneered methods to deliver advisory and litigation services in a comprehensive and cost-effective manner. Our approach ensures the highest quality and most timely representation available in California. As a result, we never have to “reinvent the wheel” when it comes to providing advice and sample documents.

Our attorneys are very familiar with the Recreation and Park District Law (Public Resources Code Section 5780 et seq.). We are able to assist the District with complying with these requirements including election requirements, budget adoption procedures, regulation of District facilities and properties, and acquisition or disposal of public land.

### Public Agency Law and California Codes

**Brown Act.** BB&K provides advice regarding the interpretation and application of the Ralph M. Brown Act (Open Meeting Law) to its public agency clients. Advice often pertains to:

- Requirements for agenda preparation, posting, and distribution
- Closed session topics and reporting
- Notices and agendas for special and emergency meetings
- Adding agenda items after an agenda is posted
- Conducting meetings by teleconference
- Application of the Brown Act to committees of official bodies
- Avoiding violations and penalties

We also defend challenges to our clients' compliance with the Brown Act.

**Public Records Act.** BB&K attorneys regularly advise clients on all aspects of California's Public Records Act (CPRA). We routinely brief our clients on pertinent pending legislation and cases. With the emergence of new technology, we regularly advise clients regarding the use of email, records retention, and the public's right to access electronic information. We often speak at seminars and workshops about updates to the CPRA and email and technology issues.

BB&K's Advanced Records Center (ARC) combines legal acumen and experience with cutting-edge technology to provide comprehensive and cost-effective support for non-routine, records-related matters. Upon request, the ARC team assists public agencies with non-routine CPRA processing and policy drafting as well as e-discovery advice.

**Conflicts of Interest.** BB&K provides advice to elected and non-elected public officials regarding conflicts of interest laws including:

- Political Reform Act (Government Code § 81000 et seq.)
- Self-interested contracts (Government Code § 1090)
- Campaign contribution conflicts (Government Code § 84308)
- Incompatible public offices (Government Code § 1099)

**Proposition 218.** BB&K has extensive experience forming assessment and improvement districts, including addressing the post-Proposition 218 challenges to finding special benefits from a proposed assessment. BB&K has experience forming districts under the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Improvement Bond Act of 1915, and other applicable improvement acts. We believe that successful district formation requires a collaborative approach that ensures the responsible attorneys work with District staff and the consulting engineer to identify and address any issues. As the courts have recently raised the legal standard for assessable special benefits, early review and comment help to avoid future challenges and accompanying litigation expenses.

BB&K advises local governments on revenue matters associated with the adoption, levy, and defense of taxes, assessments, and fees and charges. We take an active role in helping clients with the requirements of Propositions 13, 26, 62, and 218. We were a major donor to the campaign to pass Proposition 1A and are involved in assisting our clients in understanding and implementing the opportunities Proposition 1A presents. Our experience enables us to successfully facilitate the current shift of decision-making power regarding revenue matters from elected officials to property owners and registered voters.

## **Human Resources**

BB&K provides a full range of legal counsel and litigation services for all types of workplace issues and needs. Our attorneys work closely and personally with employer clients to develop effective compliance and dispute resolution strategies. If complex labor, disability, discrimination, or workers' compensation issues arise, the District can call upon the services of BB&K's Labor and Employment Law practice group. When necessary, our attorneys also provide a vigorous defense in discrimination, harassment, wrongful termination, wage and hour, and other labor and employment litigation. Because labor and employment problems often involve high stakes and intense time pressure, we are committed to giving employers highly responsive service.

We counsel clients on all aspects of employment laws and human resources management issues, including wage and hour standards, layoffs, employee termination, discipline matters, and personnel policies. We provide advice on compliance with state and federal laws such as Title VII, the Fair Employment and Housing Act, the Fair Labor Standards Act, the Americans with Disabilities Act, family leave laws, and the Worker Adjustment and Retraining Notification (WARN) Act. When workplace concerns arise out of the collective bargaining process, we handle contract negotiations, impasse procedures, grievance and arbitration proceedings, union representation proceedings, and

unfair labor practice charges before local, state, and federal agencies.

Our attorneys regularly represent employers before the National Labor Relations Board, Public Employment Relations Board, California Department of Fair Employment and Housing, U.S. Equal Employment Opportunity Commission, U.S. Department of Labor, California Labor Commissioner, and Division of Occupational Safety and Health as well as before public agency personnel boards and civil service commissions. While our goal is to help employers avoid litigation, we have extensive experience in every aspect of employment litigation, from single or multiple employee discrimination cases and sexual harassment allegations to class action wage and hour claims in all state and federal courts throughout California. We are committed to providing an aggressive defense for our clients while remaining cognizant of economic realities.

For public sector employers considering employee discipline, our firm provides advice and representation in every step of the process. We advise on initial investigation and evaluation of evidence supporting discipline, review the consistency and appropriateness of discipline, prepare all required notices, conduct due process hearings, and defend employers in administrative as well as judicial appeals. Our attorneys have appeared on behalf of governmental clients in proceedings before the Public Employment Relations Board, in arbitration hearings, in matters before commissions on professional competence (involving the discharge of permanent certificated employees), and in classified personnel commission hearings.

Finally, BB&K assists its clients in developing, implementing, and administering employee handbooks and employment policies designed to avoid liability in the workplace. These policies run the gamut of labor and employment law and address such subjects as family and medical leave; drug and alcohol testing; e-mail and internet usage; disability laws and interactive processes; workplace violence; and discipline, discrimination, harassment, privacy, and other employee rights and obligations. Our emphasis is on helping clients prevent workplace liability.

### **Contracts and Contract Codes**

Our construction and contract attorneys routinely provide advice on all aspects of public agency contracting, including selecting project delivery methods and drafting the full suite of associated contract documents to minimize risk and maximize legal protections available to our clients. On a daily basis, we address bid questions and protests; handle performance disputes; assist with evaluation of change order requests; administer subcontractor substitution processes; and resolve claims. Our attorneys are fully conversant in all aspects of the California Public Contract Code and all potential federal requirements including the Davis-Bacon Act and American Iron and Steel requirements.

Our attorneys prepare sophisticated model public works bid packages and contract documents as well as purchasing and other related contracts tailored to individual clients' objectives. Further, we frequently help our clients avoid construction and other contract disputes. Our attorneys have extensive experience with bid protests and other contract award issues, patent and latent construction defects, contractor and subcontractor performance issues, contract claims, contractor default issues, prompt payment disputes, liquidated damages issues, performance and payment bond issues, contract scheduling, and dispute resolution. We also provide advice regarding compliance with competitive bidding, prevailing wage laws, and state and federal procurement laws. Additionally, we assist special districts with complex negotiations and litigation matters relating to public works projects.

### **CEQA and Environmental Law**

BB&K represents municipal clients in environmental issues arising under the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and California and federal Endangered Species Acts (ESAs). We assist public agency clients with pre-project planning and strategy before CEQA is triggered to minimize costs and maximize environmental protection. We also have extensive CEQA, NEPA, and ESA litigation experience. We prepare local CEQA guidelines on behalf of over 70 public agency clients, including water districts, cities, school districts, and other special districts. Our attorneys assist public agency clients in all aspects of CEQA and NEPA compliance, including the preparation and review of notices of exemption, initial studies, findings and statements of overriding considerations, mitigation monitoring and reporting plans, addenda, negative declarations, environmental impact reports (EIRs), and environmental impact statements. We are also experts at writing and editing EIRs to fully comply with CEQA requirements. If a legal challenge should arise, our attorneys are skilled in the procedural and substantive intricacies of litigating a CEQA or NEPA case, including short statutes of limitations, administrative record requirements, and unique briefing and oral arguments.

In addition, BB&K routinely advises both public agency and private industry clients on obtaining water quality permits and maintaining compliance with applicable requirements under the federal Clean Water Act, the National Pollutant Discharge Elimination System (NPDES), the California Porter-Cologne Water Quality Control Act, and the Safe Drinking Water Act.

### III. PROJECT TEAM

BB&K proposes Joanna Gin to serve as general counsel to the District. Joanna will be the primary contact person for all legal matters and attend regular board meetings. Her work will be supervised by Josh Nelson, the partner in charge, who will serve as assistant general counsel to the District. Additionally, we propose Laura Fowler to provide counsel on human resources matters. The District will also have access to BB&K's full roster of attorneys, which boasts a broad base of knowledge and resources.

Joanna and Josh will always be available by phone, cell phone, or email. Given the depth of the firm's resources, in both personnel and experience, the firm is capable of responding to complex requests in an expedited manner. Routine matters can often be responded to immediately, as it is likely that one of our attorneys has already handled a matter of the same or similar nature.

We believe that communication technology, flexibility, and responsiveness are critical to providing high-quality client service and developing long-term client relationships. Consequently, BB&K has invested in state-of-the-art teleconference technology as well as video and electronic conference services. We will work closely with the board of directors, management, and staff to employ a suitable level of communication technology for as long as we provide legal services.

Joanna will manage and maintain primary responsibility for all BB&K work with the District. She is prepared to represent and advise the board, District administrator, and District staff in all matters pertaining to their roles. She will provide guidance on the legality of all matters under consideration by the board and District staff.

#### A. Joanna Gin, Associate - General Counsel



Phone (916) 551-2857

Email joanna.gin@bbklaw.com

Location Sacramento

Education University of California, Davis, School of Law, J.D.; University of California, Berkeley, B.A.

CA Bar Number 323715 (2018)

Joanna Gin is an attorney in BB&K's Municipal Law practice group. She serves as assistant city attorney for the City of Winters. In addition to general, public agency work, Joanna focuses on compliance with Propositions 218 and 26; solid waste, including the implementation of SB 1383 regulations; and elections.

Joanna has worked on general governance and contracting issues for special districts and provided Brown Act training to local officials and employees. She has provided webinars on Propositions 218 and 26, reviewed rate studies, and advised on fee adoptions.

In addition, Joanna has guided various cities in updating their water efficient landscape ordinances and fulfilling their annual reporting requirements. She has helped cities place sales tax measures on ballots and worked with them to implement the collection of voter-approved taxes.

Before joining BB&K, Joanna clerked for the Sacramento City Attorney's Office and assisted the civil litigation and advisory units on municipal affairs. Prior to attending law school, Joanna worked in legislative affairs in Sacramento for nearly a decade. She was appointed by Governor Jerry Brown to the position of assistant deputy director in the office of legislative affairs at the department of general services. While there, she helped oversee the office in the preparation of legislative analyses and policy recommendations relating to state contracts and property.

Before her role as assistant deputy director, Joanna worked as a policy consultant with the California State Assembly Business and Professions Committee at the state capitol. She provided guidance to legislators and their staff on legislation related to licensed professionals, building standards, and state contracts and property.

**B. Joshua Nelson, Partner - Assistant General Counsel**



Phone (916) 551-2859

Email [joshua.nelson@bbklaw.com](mailto:joshua.nelson@bbklaw.com)

Location Sacramento

Education University of California, Davis School of Law, J.D.; Cornell University, B.S.

CA Bar Number 260803 (2008)

Josh Nelson is a member of BB&K's Municipal Law practice group and provides city attorney and general counsel services to a number of clients. Josh serves as city attorney for the City of Jackson and as general counsel for a number of special districts, including the American Valley Community Services District, North Tahoe Public Utility District, and Soquel Creek Water District.

In addition to general governance issues, Josh has extensive experience representing public agencies before LAFCOs, including assisting agencies with consolidation. His practice emphasizes solid waste, Proposition 218 and 26 compliance, and general utility issues. He also regularly represents public and private clients before the California Public Utilities Commission on energy and telecommunications matters.

Josh serves as the managing partner for BB&K's Sacramento office.

C. Laura Fowler, Partner - Human Resources Matters



Phone (916) 551-2085

Email [laura.fowler@bbkdaw.com](mailto:laura.fowler@bbkdaw.com)

Location Sacramento

Education University of the Pacific, McGeorge School of Law, J.D., *with great distinction*; California State University, Sacramento, B.A.

CA Bar Number 186097 (1996)

Laura Fowler is an attorney in the Labor & Employment Law practice group of BB&K. Laura's practice includes providing employers with day-to-day advice regarding wage and hour issues, leaves of absence, disability accommodations, and decisions regarding discipline and termination. Laura also drafts employee handbooks and personnel policies and assists in responding to and investigating complaints of workplace harassment.

On the litigation side, Laura represents employers responding to administrative complaints filed with state and federal agencies, including the California Department of Fair Employment and Housing and the Equal Employment Opportunity Commission. She also represents employers in state and federal court in employment-related matters involving claims of discrimination, harassment, failure to accommodate, and unpaid wages.

Prior to joining the firm, Laura was an attorney with McDonough Holland & Allen in Sacramento. She graduated from law school as valedictorian and was selected by law school faculty as the outstanding graduating senior for her graduating class. After law school, she served as law clerk for the Honorable Milton L. Schwartz of the U.S. District Court for the Eastern District of California. She is admitted to the California State Bar, all the districts of the U.S. District Court in California, and the U.S. Ninth Circuit Court of Appeals.



#### **IV. FIRM RESOURCES & RELEVANT CLIENTS**

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BB&K is best suited to serve as the District's legal counsel for the proposed work; because we will provide practical, personalized advice through a single attorney while drawing on extensive, firm-wide knowledge for specialized needs. We have the experience of a large national firm, offer lower specialized legal rates, and provide a unique understanding of public agency law.

Our municipal and public agency talent is unmatched. We are the largest law firm in California whose practice is primarily focused on the representation of cities and other public entities. We work in the public interest and on many of the most challenging issues society faces today. Our experience with public agencies, especially agencies in the Sacramento metropolitan area, combined with our nationally recognized practice in municipal and special district law will allow us to efficiently, intelligently, and meaningfully assist the District with its legal needs.

Fundamentally, BB&K's experience and makeup provide efficiency that will be beneficial to the District. Our team can draw on attorneys in other sectors when necessary to provide a full spectrum of legal advice.

BB&K has one of California's most extensive practices providing legal services to special districts, including parks and recreation districts and community services districts that provide parks and recreation services. We currently serve nearly 350 special districts as either general or special counsel. Below is a representative list of the clients we currently represent as general or special counsel that provide parks and recreation services.

- Arden Park Recreation and Park District
- Beaumont-Cherry Valley Recreation & Park District
- Cosumnes Community Services District
- Hesperia Recreation and Park District
- Rio Linda Elverta Recreation and Park District
- Southgate Recreation and Park District
- Valley Wide Recreation & Park District

## V. FINANCIAL/INSURANCE

BB&K recognizes the need to keep legal costs under control. We have a longstanding commitment to the affordable delivery of legal services to municipalities and public agencies. Given the depth and breadth of our experience, we often get the job done in much less time, resulting in lower overall costs.

### A. Hourly Rates

#### General Counsel Services

For general counsel services, BB&K proposes a rate of \$230 for Attorneys and \$150 per hour for Paralegals, Law Clerks, and Litigation Analysts. General counsel services shall include the following:

- Attendance at meetings
- Agenda and document review
- Brown Act matters
- Public Records Act assistance
- Conflict of interest issues

#### Special Counsel Services

For special counsel services, BB&K proposes a rate of \$300 for Attorneys and \$160 for Paralegals, Law Clerks, and Litigation Analysts.

Special counsel services shall include the following:

- Employee relations and labor negotiation matters
- Non-routine contract negotiation matters (including non-BB&K model agreements and franchise agreements)
- Acquisition, disposal, and resolution of real estate, easements, right-of-ways, leases, licenses, and other property transactions
- Complex land use, development, and environmental law (CEQA) matters
- Water law matters (e.g., water rights and quality)
- Tort liability and risk management matters
- Fees, taxes, and assessments matters
- Complex public utility matters
- Litigation and formal administrative or other adjudicatory hearing matters
- Other matters mutually agreed upon between BB&K and the District

### B. Reimbursements

BB&K does not charge for routine word processing, legal assistants, clerical costs, administrative support staff, secretarial costs, and office costs including telephone and fax charges. Reimbursement of costs advanced by BB&K on behalf of the District as well as other expenses will be billed at actual cost. These include, but are not limited to, travel costs (mileage) at the IRS authorized rate; expenses for being away from our offices on District business; postage; legal research; and any cost of printing or reproducing documents, photographs, or other items necessary for legal representation.

**C. Insurance**

BB&K carries professional liability (errors and omissions) coverage with Lloyd's of London and certain London companies with a total limit of liability in excess of \$1,000,000 per claim and \$2,000,000 in the annual aggregate including claims expenses. The firm also carries general liability, business automobile liability, and employer's liability insurance with standard coverage consistent with a business of our type and nature as well as workers' compensation coverage as required by law.

## VI. CLIENT REFERENCES

Please do not hesitate to contact any of the following references for a more in-depth discussion of our ability to provide legal services for the District.

### BB&K References

**Kathleen Salguero Trepá**, City Manager  
City of Winters  
318 1<sup>st</sup> Street  
Winters, CA, 95694  
Phone: (530) 794-6710  
Email: [kathleen.trepa@cityofwinters.org](mailto:kathleen.trepa@cityofwinters.org)

**Yvonne Kimball**, City Manager  
City of Jackson  
33 Broadway  
Jackson, CA 95642  
Phone: (209) 223-1646  
Email: [ykimball@ci.jackson.ca.us](mailto:ykimball@ci.jackson.ca.us)

**Katie Nunn**, Business Manager  
American Valley Community Services District  
900 Spanish Creek Road  
Quincy, CA, 95971  
Phone: (530) 283-0836  
Email: [katie@americanvalleycsd.com](mailto:katie@americanvalleycsd.com)

**Brad Johnson**, General Manager/CEO  
North Tahoe Public Utility District  
P.O. Box 139  
Tahoe Vista, CA 96148  
Phone: (530) 553-5410  
Email: [bjohnson@ntpud.org](mailto:bjohnson@ntpud.org)

## VII. TRANSMITTAL LETTER

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March 24, 2021

Auburn Area Recreation and Park District  
471 Maidu Dr. Ste. 200  
Auburn, CA 95603

Dear Board of Directors:

Thank you for considering our proposal. BB&K would be pleased to work with the District to provide general legal counsel services. We are confident that we have significant experience in all areas of value to the District.

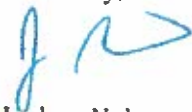
We understand that we will be expected to provide legal opinions; represent the District in legal matters; and assist with parks and recreation matters, special district issues, public agency law, human resources, environmental law, and contracts as requested.

Open lines of communication between the District and the District's staff are essential. BB&K's top priority is to keep the District regularly apprised of all new legislative developments. We will consistently update the District on all matters through frequent communication, prioritizing matters as the District sees fit. It is very important that we are always available to District officials. This means that we are available in person, by phone, or by email at all times of the day. Our clients judge us on the quality, speed, and delivery of our service. We return phone calls as quickly as possible, frequently check our email, and promptly answer routine inquiries.

I, Josh Nelson, am a BB&K partner and am authorized to bind the firm to all provisions of the request for proposals, to any subsequent changes, and to the contract if we are awarded one. Our proposal is valid for 60 calendar days from the submission date of March 26, 2021.

We look forward to the opportunity to discuss our proposal with you in more detail; and, if selected, we would be honored to work with you. If you require any additional information, please feel free to contact me.

Sincerely,



Joshua Nelson  
of BEST BEST & KRIEGER LLP

### **VIII. LICENSE TO PRACTICE IN CALIFORNIA**

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BB&K affirms that the firm and all of its attorneys who would be assigned to handle legal work on behalf of the District are currently and properly licensed to practice law in the State of California.

**BARTKIEWICZ, KRONICK & SHANAHAN**

A Professional Corporation  
1011 Twenty-Second Street  
Sacramento, California 95816-4907  
Tel. (916) 446-4254  
www.bkslawfirm.com

March 24, 2021

Auburn Area Recreation and Park District  
Attn: Legal RFP  
471 Maidu Dr. Ste. 200  
Auburn, CA 95603

Re: Proposal for District General Counsel Services for Auburn Area Recreation  
and Park District

Dear Legal Review Committee:

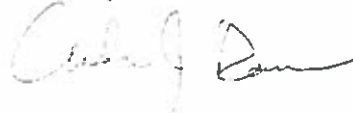
The attorneys at Bartkiewicz, Kronick & Shanahan (BKS) are pleased to submit this proposal for District General Counsel Services to the Auburn Area Recreation and Park District (ARD).

Our proposed BKS team of Joshua Horowitz, Christine Dugger and I have extensive experience advising California special districts. We offer:

- Skill as attorneys for over 30 special district and public agency clients; and
- Value through efficient billing, use of technology to reduce costs, and discounted hourly rates for public agency clients like ARD.

Thank you for the opportunity to submit this proposal. The firm and I commit to perform the work requested in the time period required by ARD. This proposal is a firm and irrevocable offer good for 60 days. We hope to have an opportunity to speak with the ARD Board of Directors and staff further about how we can help the District. If you have any questions about this proposal, I can be reached at (916) 717-7278 or [ajr@bkslawfirm.com](mailto:ajr@bkslawfirm.com).

Sincerely,



Andrew J. Ramos

**Response to Request for Qualifications and Proposal**

**District General Counsel Services for Auburn Area Recreation and Park District**

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## 1.0 SCOPE OF WORK

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BKS proposes to provide full-service general counsel legal services to ARD on an ongoing basis. We anticipate these services would include:

- providing comprehensive legal advice to ARD regarding general California public agency law, including the Brown Act, California Public Records Act, conflict of interest laws, public contracting, fees and assessments, and other areas of law of impact to ARD;
- advising ARD regarding natural resources and environmental law, including the California Environmental Quality Act and the National Environmental Protection Act;
- attending meetings of the Board of Directors, Board Committees, and other meetings or public hearings, as requested by ARD;
- providing strategic advice regarding relationships, transactions, and other matters, with other public and private entities, as requested;
- preparing and reviewing contracts, legal memoranda, ordinances and resolutions and other legal documents for ARD;
- investigating any claims and complaints against ARD;
- representing ARD in litigation; and,
- advising the ARD Board of Directors and staff on other legal matters as requested.

The proposed BKS team members are Andrew Ramos, Joshua Horowitz, and Christine Dugger. Their collective qualifications are described below and individually in section 3.0. Andrew would have primary responsibility for providing legal services to ARD. He would be available for in-person and virtual meetings whenever required by ARD. Joshua would serve as the designated backup attorney. Both will be supported by Christine. Other BKS attorneys would be available to them and ARD as needed.



## 2.0 FIRM BACKGROUND AND QUALIFICATIONS

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### 2.1 FIRM BACKGROUND

Since 1989, BKS has specialized in providing comprehensive legal services to local government agencies. We currently represent over 30 special district and public agency clients in California, including several parks and recreation districts and community services districts. Currently, we provide counsel services to the North Highlands Recreation and Park District, Fair Oaks Recreation and Park District, Templeton Community Services District, and Lockeford Community Services District. A more comprehensive list of current public agency clients is included in section 5.0 below.

BKS attorneys pride themselves on being part of a collaborative team with the officials, staff and consultants of our public agency clients. We are proud of our history of long-standing relationships with our clients; in fact, we continue to represent agencies that have been BKS clients since the firm opened.

The firm's office is in Sacramento, California. The firm employs five principal attorneys, one senior-level of counsel attorney, and two associate attorneys. All BKS attorneys are admitted to practice in the State of California and are in good standing with the California Bar. BKS has two staff members that serve in administrative support roles.

### 2.2 STATEMENT OF QUALIFICATIONS: ABILITY TO PROVIDE COMPREHENSIVE LEGAL SERVICES

The following sections describe how the proposed BKS team is qualified to handle all of the legal matters described in the Request for Proposal, including.

A. **Public Agency Law** – Andrew, Joshua, and Christine provide public agency law services to firm clients on a daily basis, including counsel and advice on Brown Act and Political Reform Act issues.

B. **Environmental Law** - Andrew and Joshua regularly represent public agency clients in matters involving CEQA, NEPA, state and federal Endangered Species Acts and state and federal water quality law. Regarding environmental review, Andrew and Joshua have advised public agency clients on compliance with CEQA and NEPA, including drafting, reviewing and commenting on Environmental Impact Reports and Addenda, Negative Declarations and Notices of Exemption, as well as development of district CEQA policies and procedures.

C. **Public Records Act** – Providing guidance on the Public Records Act and document retention laws is a core subject for BKS. Andrew, Joshua, and Christine provide guidance on these issues, including assisting clients with responding to requests, on a daily basis.



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**D. Taxes and Fees, Proposition 218, and Assessments** – BKS attorneys regularly counsel public agency clients on Proposition 218 and related issues, including assessment districts. Andrew and Joshua have represented several clients in litigation over rate issues and they have worked with public and private clients in setting rates. BKS attorney Richard Shanahan advised Pajaro Valley Water Management Agency in its development of a groundwater assessment that the Court of Appeal upheld in litigation. (See *Griffith v. Pajaro Valley Water Management Agency* (2013) 220 Cal.App.4th 586.)

**E. Public Financing** – Andrew, Joshua, and Christine have assisted clients in grant and loan agreements involving USDA, State Water Board, Department of Water Resources and other agencies. We regularly assist clients with development and administration of subrecipient agreements in connection with grant agreements.

**F. Public Works and Construction Law, Contracts, and Claims** – The firm's team has substantial experience in public works projects, including all legal aspects of planning, design, bidding, contracting, permitting, land and rights-of-way acquisition, construction documents, construction management, operation and maintenance of all types of public works projects such as hydroelectric projects, water diversion, storage, delivery and treatment projects, sewage collection, treatment and disposal projects, street improvement projects and administrative facilities. Recently, Andrew provided primary legal counsel for the Templeton Community Services District's East Side Force Main Project, the largest public works project in the district's history.

**G. Contracts and Transactions** – Contract drafting and negotiation are core subjects for BKS. We provide this service to clients on a daily basis. Andrew, Joshua, and Richard Shanahan are the authors and maintainers of BKS's long and short form public works contracts which are in use at more than a dozen California public agencies.

**H. Labor and Employment** – The firm team regularly advises clients regarding labor and human resources issues, including employee discipline and termination, reviewing and drafting of personnel manuals, and most recently, advising on emerging COVID-19 workplace regulations, employer paid leave obligations, and public health guidance.

**I. Land Use and Development** – Andrew and Joshua regularly advise clients regarding connection charges, development agreements, reimbursement agreements, and other development-related issues unique to special districts.

**J. Eminent Domain** – Andrew has a thorough understanding of eminent domain and real property law matters having worked at a boutique real estate law firm prior to BKS. Andrew has assisted public agency clients with negotiating, preparing and perfecting easements and access rights for major projects, including the condemnation of such rights. Christine is likewise well-versed in real property law, particularly with respect to real estate contracts.



K. **Litigation** – Andrew and Joshua have both represented BKS clients in litigation regarding public works, employment law, and water issues. They also supervise special litigation counsel when hiring specialized counsel is within the public agency's best interest.

L. **Insurance, Liability and Tort Claims** – The firm team regularly advises clients regarding reviewing and responding to claims under the Government Claims Act. Andrew, Joshua, and Christine also assist clients with prevailing wage matters and construction claim resolution under the Public Contract Code.

## 2.3 FIRM RESOURCES AND OTHER RELEVANT INFORMATION

BKS is sensitive to the cost-management issues that its public agency clients face. BKS provides competitive rates appropriate for public agencies, and our attorneys work to contain legal costs by ensuring that cases are appropriately staffed and redundant efforts are avoided. To ensure appropriate staffing, BKS generally does not rely on extensive research and writing by junior attorneys. To the extent that junior attorneys are required to work on research assignments for a client, an experienced principal attorney works closely with the junior attorney to ensure that the work is focused and conducted efficiently. The principal attorney staffs and directs each project to make sure that work can be coordinated easily and the attorneys on the team are not undertaking duplicative efforts.

Because BKS has a long history of representing public agencies, the firm is able to rely on past experience and extensive research developed over many years. Our team approach in serving clients also means that an attorney with expertise on a particular issue would be the attorney called upon to assist the client in resolving that issue. We find this approach allows us to provide the best client experience in the most timely and cost-effective manner possible.

Often there are projects and issues where our clients' interests are aligned; one way BKS contains legal costs for our clients is by asking clients if they would like BKS to split its hours spent on the common issue amongst the group of aligned clients, which results in a substantial cost savings to each client. For example, on a matter where four clients have agreed to split the cost of BKS's work, each of the four clients is only billed for one-quarter of the time worked by BKS attorneys on all issues for which the clients share a common interest. Each client is then billed separately for time worked on issues that pertain only to that client, but the split-billing method still results in substantial savings to the clients overall since the vast majority of the work is performed on matters of common interest.

Finally, BKS attorneys ensure that costs are contained by taking personal responsibility to review the invoices generated and make sure they are all reasonable and fair to their clients. As the lead counsel for ARD, Andrew will supervise the work performed for ARD to assure quality control and cost-effectiveness; he will personally review all billing entries before any invoice is generated for ARD and will ensure that all time billed is appropriately charged.



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### **3.0 PROPOSED TEAM**

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#### **3.1 ANDREW J. RAMOS**

Andrew has practiced law since 2009. Since he joined BKS in 2012, his practice has been focused on advising and representing clients in legal matters concerning all facets of public agency law. His background in contracts, real property and construction law has been helpful to clients who manage small and large special districts alike.

Andrew's legal practice spans the state. Andrew serves as general counsel to Blue Lake Springs Mutual Water Company in Calaveras County, Lockeford Community Services District in San Joaquin County, and Wyandotte Creek Groundwater Sustainability Agency in Butte County. Close to ARD, Andrew works with Midway Heights County Water District, Meadow Vista County Water District, and Christian Valley Park Community Services District. He is also assistant general counsel to many other BKS public agency clients, most of which are special districts like ARD.

Andrew's representative matters include:

- Providing daily counsel to BKS public agency clients regarding the Brown Act, Public Records Act, Political Reform Act, contract, real property and general public agency law issues.
- Representing public agencies in the preparation and defense of environmental documents, including negative declarations and environmental impact reports.
- Litigating matters for public agency clients involving public works, eminent domain, labor and employment, contracts, and real property.
- Assisting clients with proper rate-setting under Proposition 218 and other laws, including the defense of rates in court, along with providing advice on myriad other public finance matters.

#### **3.2 JOSHUA HOROWITZ**

Joshua Horowitz has been an attorney for over 22 years and is a BKS senior principal. Joshua's practice focuses primarily on advising public agency clients on a variety of issues, including the following: conflict of interest, ethics and Brown Act/Public Records Act compliance; Proposition 218 and related public finance, and development and user fees; real property transactions; CalPERS pension and other employee benefits and employment matters; public works project development and construction; elections; utility enterprise operations; government claims and insurance coverage; contracting and grant funding; power production; utility service obligations and operations; water rights and water transfers; SGMA implementation and compliance; and local government organization and reorganization.



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Joshua is general counsel to Amador Water Agency, Mammoth Community Water Agency, and Sacramento Suburban Water District and provides daily counsel to these and other public agency clients on Brown Act, California Public Records Act, and Political Reform Act issues. He also serves as assistant general counsel to many of the firm's public agency clients. In addition, Joshua has represented the firm's public agency clients in administrative and civil litigation concerning tax and rate collection, property disputes, water-right disputes, and contract validation.

### 3.3 CHRISTINE DUGGER

Christine Dugger is an associate with the firm. She advises clients on a variety of public law issues impacting local government, special districts and public officials. Christine's practice includes advising clients on conflicts of interest, elections and redistricting, agency obligations under the Brown Act and the Public Records Act, and the obligations of public officials under the Political Reform Act.

Christine is also experienced with public works contracting and advises clients on competitive bidding and prevailing wage requirements, ensuring clients can achieve their public works project goals efficiently and in compliance with the complex laws governing such projects. In addition, Christine's practice has expanded to include advising public agency clients on labor and employment issues, most recently with regard to the impacts of COVID-19 emergency workplace regulations. Christine prides herself on her ability to navigate emerging and dynamic statutory and regulatory obligations and provide efficient solutions for BKS clients.

Christine's professional background in government affairs and politics positions her to provide strategic advice on a variety of legislative matters facing special districts. She is also well versed in statutory construction from her time spent working for the Legislature and as a lobbyist, and is regularly asked to draft ordinances and resolutions for BKS clients. This background is especially helpful to special district clients when engaged in ballot measure work to ensure districts are able to effectively educate the public without crossing over into impermissible advocacy work.

Prior to joining the firm, Christine practiced political law at Olson Remcho, formerly Olson, Hagel & Fishburn. Her practice involved advising public officials, candidates, and political action committees on their obligations under the Political Reform Act and representing clients in matters before the Fair Political Practices Commission. She

Christine received her J.D. from McGeorge School of Law. She also holds an MBA from Sacramento State University and received her B.A. in Political Science from San Diego State University.





## ANDREW J. RAMOS

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Shareholder, Bartkiewicz, Kronick & Shanahan, PC  
California Bar No. 267313

Andrew has practiced law since 2009. Since he joined BKS in 2013, his practice has focused on advising and representing clients in legal matters concerning water rights, water supplies, water infrastructure and public agency law issues. His background in contracts, real property and construction law has been helpful to public and private clients alike.

### EDUCATION

J.D., University of California, Davis School of Law, 2009. Order of the Coif. Member, *UC Davis Law Review*. Witkin Awards for achievement in Land Use. Complex Litigation, and Environmental Practice courses

B.A., University of California, Davis, 2004. Phi Beta Kappa

### HONORS

2019 Northern California Rising Star (Super Lawyers)

Top Verdict of 2018 - Jury Verdict in *Steinbeck Vineyards #1, LLC, et al. v. San Luis Obispo County, et al.* (Daily Recorder)

### PUBLICATIONS AND PRESENTATIONS

"Virtual Water Agency Board Meetings During COVID-19", Panelist, Webinars for the Association of California Water Agencies and California Association of Sanitation Agencies (2020)

"The Fundamentals and Questions of Groundwater Rights: Rights in Augmented Groundwater Recharge," Association of California Water Agencies, panelist (2017).

"The View from the Foxhole: What is Happening on the Ground Under and in Reaction to SGMA," Association of California Water Agencies, panelist (2016).

"Appellate Confirmation of State Water Board Administrative Jurisdiction to Prevent Illegal or Unreasonable Water Diversion and Use: Young, Millview and Light," Environmental Law News. State Bar of California (2015).

"Understanding California Surface Water and Groundwater Rights," California Water Law and Regulations, presenter, HalfMoon Education, Inc. (2015).



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## JOSHUA M. HOROWITZ

Mr. Horowitz has been an attorney since 1996. He received his undergraduate degree with honors from Middlebury College, Middlebury, Vermont. He received his law degree from the University of California, Davis King Hall School of Law and was a recipient of the Martin Luther King, Jr. Public Service Award. Mr. Horowitz is Bartkiewicz, Kronick & Shanahan's managing partner.

Mr. Horowitz's practice focuses primarily on advising public agency clients on a variety of issues, including: water rights and water transfers; Proposition 218 and related public finance, development and user fee matters; SGMA implementation and compliance; conflict of interest, ethics and Brown Act/Public Records Act compliance; real property transactions; public works project development and construction; elections, utility enterprise operations; government claims and insurance coverage; contracting and grant funding; utility service obligations and operations; and local government organization and reorganization.

Mr. Horowitz serves as General Counsel to a number of special districts, including urban water and wastewater agencies and agricultural water suppliers. Mr. Horowitz also serves as an assistant counsel to other public agency clients. Mr. Horowitz has represented the firm's public agency clients in administrative and civil litigation concerning water rate and elections challenges, tax and rate collection, property disputes, water-right disputes, and contract validation.

Mr. Horowitz's practice has included the following specific projects:

- Advising water and wastewater agency clients on Proposition 218 rate increase proceedings, including working with rate consultants to produce defensible rate studies, preparing rate increase notices, and advising governing bodies and management on rate approvals and responding to challenges to proposed rates.
- Representing a public agency client in litigation challenging a proposed referendum to roll back a new water rate structure, which ultimately resulted in a new legal precedent confirming that a referendum cannot be used to challenge an agency's adoption of new water rates.
- Representing a countywide water agency in administrative proceedings and litigation challenging a proposed initiative to tax water transfer revenues.
- Advising clients on SGMA implementation and compliance, including GSA formation and basin boundary adjustments.
- Participating as co-drafter of the Sites Reservoir joint powers agreement.
- Advising an irrigation district and a county water district on multiple cross-Delta water transfers.
- Advising a client on forming a new California water district.
- Advising a City on its water rights and service obligations related to the proposed annexation of a major new development project.
- Advising various public agencies in the issuance and closing of over \$575 million in debt issuances to finance capital facilities projects.



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- Advising a county water district during its consolidation with a neighboring county water district under the Cortese-Knox-Herzberg Local Government Reorganization Act of 2000 and providing continuing counsel to the consolidated district.
- Advising an irrigation district on all aspects of providing a water supply to a proposed 3,500-unit residential development including: (1) determining whether to provide retail treated water service to the development; (2) issuing will-serve letters; (3) negotiating a funding agreement; (4) preparing and executing a public outreach strategy; and (5) assisting in the preparation of a SB 610 water supply assessment.
- Advising a community services district on the formation of community facilities districts to finance a wastewater treatment facilities expansion and negotiating annexation, mainline extension and reimbursement and bond refunding agreements with the developers to ensure that they pay the full, fair share of the district's costs of facilities to serve their developments.
- Negotiating on behalf of a county water agency, which was Pacific Gas & Electric's largest contact hydroelectric generator, for PG&E's assumption of the generation contract in its 2001 bankruptcy proceedings.

Mr. Horowitz also has been active in professional and legislative matters, including:

- Co-author of the revised *Guidelines for Conduct and AB 1234 Compliance – A Primer for Public Agency Officials* published by the Association of California Water Agencies.
- Co-designing ACWA's AB 1234 ethics training program and conducting ethics training seminars for ACWA in the northern California area.
- Reviewing and editing the League of California Cities' *Open and Public IV: A User's Guide to the Ralph M. Brown Act*.
- Assisting in drafting and updating the ACWA handbook on Proposition 218 compliance issues.
- Presenting on SGMA, drought, public agency governance, and district consolidation issues.

Before joining BKS in 2000, Mr. Horowitz practiced at Bardellini, Straw & Cavin in San Ramon, California, specializing in real property litigation and transactions. In 1997, Mr. Horowitz served as law clerk to the Honorable Elaine M. Watters of the Sonoma County Superior Court. During law school, Mr. Horowitz interned in the Chief Counsel's Office of the California Department of Water Resources, assisting staff counsel on various issues including water rights, supply and quality, endangered species, and dam operations. Before practicing law, Mr. Horowitz worked for over eleven years in agribusiness management with a major multi-national exporting company.

Mr. Horowitz is a member of the State and Sacramento County Bar Associations and is admitted to practice in all state courts and the United States Court of Appeals for the Ninth Circuit and the United States District Courts for the Eastern and Northern Districts of California.




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## **CHRISTINE M. DUGGER**

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**Associate Attorney, Bartkiewicz, Kronick & Shanahan, PC  
California Bar No. 317120**

Christine is an associate with BKS and has practiced law since 2017. She advises clients on a variety of public law issues impacting local government, special districts and public officials. Prior to becoming an attorney, Christine spent many years as a government affairs professional, working for both the Legislature and as a lobbyist for a statewide business trade association. Christine's practice is focused on providing general counsel services to public agency clients.

### **EDUCATION**

J.D., University of the Pacific, McGeorge School of Law, 2016, with distinction. Dean's Honor List and Traynor Society for Academic Honors. Member and Staff Writer, *California Initiative Review*. Witkin Awards for Legal Writing & Research.

MBA, California State University, Sacramento, 2011.

B.A., Political Science, San Diego State University, 2005.

### **HONORS**

2005-2006 Jesse M. Unruh Assembly Fellow

### **PUBLICATIONS AND PRESENTATIONS**

"Education vs. Advocacy", Panelist, Association of California Water Agencies' 2020 Continuing Legal Education Workshop Series. (2020)

"Measure L: Sacramento Checks and Balances Act of 2014." *California Initiative Review*: Vol. 2014, Article 2. (2014)



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## 4.0 FINANCIAL MATTERS

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### 4.1 COMPENSATION AND REIMBURSEMENT RATES

Hourly Rates:

Principal I (Mr. Horowitz):	\$325 per hour
Principal II (Mr. Ramos):	\$290 per hour
Associate II (Ms. Dugger):	\$215 per hour

Travel is billed at the attorney's normal hourly rate, but BKS is willing to consider alternatives if ARD believes another arrangement could meet its needs.

BKS will send ARD monthly statements. Cost reimbursements would include all necessary and actual costs and expenses incurred by BKS, including: long distance telephone charges; facsimile mail (at \$.20/page for incoming, and actual long distance telephone charge for outgoing); messenger and other delivery fees; postage; photocopying (at \$.20/page black and white and \$.30 for color); parking; mileage (at the then-current IRS rate); computer-assisted research charges, travel costs and other out-of-pocket expenses incurred by BKS. BKS will itemize all costs incurred on each monthly statement.

BKS offers discounted rates to public agencies such as ARD, and the quoted hourly rates above reflects those discounted rates. We offer lower rates to public agencies such as ARD in recognition of the public function that they perform and because of our firm's successful history representing such clients.

### 4.2 INSURANCE

BKS carries professional liability insurance with coverage limits exceeding the minimum mandatory limits.



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BARTKIEWICZ, KRONICK & SHANAHAN  
A Professional Corporation  
[www.bkslawfirm.com](http://www.bkslawfirm.com)

## 5.0 LIST OF PUBLIC AGENCY CLIENTS

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Alameda County Water District	Rancho Murieta Community Services District
Amador Water Agency	Regional Water Authority (Sacramento)
Browns Valley Irrigation District	Roseville, City of
Buena Vista Water Storage District	Sacramento, City of
Christian Valley Park Community Services District	Sacramento Suburban Water District
Coastside County Water District	Sacramento-Yolo Mosquito & Vector Control District
Fair Oaks Recreation and Park District	San Juan Water District
Folsom, City of	Santa Cruz, City of
Hilton Creek Community Services District	Sonoma County
James Irrigation District	Sonoma County Water Agency
Kirkwood Meadows Public Utility District	Stanislaus Regional Water Authority
Lee Vining Public Utility District	Starlite Community Services District
Lincoln, City of	Templeton Community Services District
Linda County Water District	Tahoe-Truckee Sanitation Agency
Lockeford Community Services District	University of California
Mammoth Community Water District	Vector Control Joint Powers Agency
Marin-Sonoma Mosquito and Vector Control District	Volcano Community Services District
Meadow Vista County Water District	Westside Water District
Midway Heights County Water District	Wheatland, City of
Napa County	Willits, City of
North Highlands Recreation and Park District	Woodland-Davis Clean Water Agency
North Yuba Water District	Wyandotte Creek Groundwater Sustainability Agency
Orland-Artois Water District	Yolo County Flood Control & Water Conservation District
Pajaro Valley Water Management Agency	Yuba County Water Agency



## 6.0 CLIENT REFERENCES

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1. Jeff Britz, General Manager  
Templeton Community Services District  
420 Crocker Street, Templeton, CA 93465  
(805) 434-4900  
jbritz@templetoncsd.org
2. Robert Maginnis, President  
Blue Lake Springs Mutual Water Company  
1011 Blagen Road, Arnold, CA 95223  
(510) 483-7965  
irishgarda@gmail.com
3. Brian Lockwood, General Manager  
Pajaro Valley Water Management Agency  
36 Brennan Street  
Watsonville, CA 95076  
(831) 722-9292  
lockwood@pvwater.org
4. Paul Gosselin, Manager  
Wyandotte Creek GSA  
308 Nelson Avenue  
Oroville, CA 95965  
(530) 552-3591  
PGosselin@buttecounty.net



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BARTKIEWICZ, KRONICK & SHANAHAN  
A Professional Corporation  
www.bkslawfirm.com

Ronald J. Scholar  
rscholar@colehuber.com

REPLY TO:  
 ROSEVILLE  ONTARIO

March 25, 2021

**VIA HAND DELIVERY**

Kahl Muscott  
District Administrator  
Auburn Area Recreation and Park District  
471 Maidu Drive, Suite 200  
Auburn, CA 95603

Re: Response to Request for Proposal

Dear Mr. Muscott:

Pursuant to Item 7 of the Request for Proposal for Legal Services, this letter serves as Cole Huber LLP's Transmittal Letter. Enclosed with this letter are three bound and one unbound copy of Cole Huber LLP's Response to the Auburn Area Recreation and Park District's Request for Proposal for Legal Services. Our proposal is a firm offer to provide legal services and is irrevocable for 60 days from the date of this letter.

Given our longstanding relationship with the District, rest assured that we have a clear understanding of the District's legal needs and look forward to the prospect of continuing our partnership into the future.

As always, if you have any questions or require any further clarification, please do not hesitate to contact me.

Sincerely,



Ronald J. Scholar  
COLE HUBER LLP

RJS/kgm

## INTRODUCTION

Cole Huber LLP is a municipal law firm founded on a commitment to excellence. From our Northern California (Roseville) and Southern California (Ontario) offices, our firm provides full-service advice and representation to local agencies throughout the state. The firm's tagline, "Advancing Your Agenda," is more than a tagline; it's what we do.

Cole Huber LLP currently serves as City Attorney to multiple cities, general counsel to several special districts, and special counsel to a number of counties. Our 13 attorneys advise our public agency clients on the full range of issues affecting California local government.

Our firm has equally excelled as a provider of public agency litigation services. We have a proven record of obtaining successful results for local agency clients in court (bench and jury trials), before administrative agencies, during arbitration or mediation, and through pre-litigation settlement discussions.

Whether in advice of counsel or litigation matters, the touchstones of the firm's services are responsiveness, communication, and accuracy. We make great efforts to ensure our attorneys are always available to clients, we regularly communicate with clients regarding the status of pending matters, and, most important, we correctly interpret the law. Our firm is mindful of the budgetary challenges public agencies face today. To provide cost-effective legal services, we provide competitive hourly rates to our clients to ensure they get the best value for their scarce public funds.

Under the leadership of Cole Huber LLP Partner Ronald J. Scholar, we currently enjoy the privilege of representing the Auburn Area Recreation and Park District and would like to continue our successful and longstanding partnership. Therefore, Mr. Scholar would remain as general counsel with the representation needs of the District further supported by a team of highly experienced attorneys whose practices emphasize general public agency representation, labor and employment, land use and CEQA and public agency litigation.

We note that the District's Proposal Requirements states that while it respects senior partners, the District wants to meet the lawyers who will actually be working for it. With Cole Huber, you get both. Not only is Mr. Scholar a senior, experienced partner in the firm, he takes pride in maintaining a close working relationship with his clients, just like he does with District Administrator Kahl Muscott.



### SPOTLIGHT

- General Counsel to a number of special districts and other public agencies
- City Attorney to seven cities
- Public Agency practice focused on responsiveness, communication, and accuracy
- Accomplished litigation counsel to several local agencies
- Cost conscious approach to providing services

## FIRM QUALIFICATIONS

Cole Huber LLP attorneys have the experience to cover nearly all subjects of public agency advice and litigation. The following are some of the key subjects for which we provide municipal advisory and litigation services.

### Advisory Services

#### General Public Agency Law

Our attorneys routinely advise clients regarding the Ralph M. Brown Act, California Public Records Act, and public agency ethics requirements. Our public agency attorneys are prepared to attend public agency meetings on an as needed basis and advise on the full range of questions and procedural matters that arise in those settings. We have worked with cities, counties, and special districts, and thus are familiar with all types of California local government. Our attorneys also provide trainings regarding public agency ethics (AB 1234 training), Brown Act compliance and prevention of sexual harassment and abusive conduct in the workplace (AB 1825). Further, firm attorneys regularly author legal updates about these subjects in our California Municipal Law Blog and publications such as the *Daily Journal* (the newspaper of record for the California legal industry).

#### Labor and Employment

Our firm has advised our public agency clients on all aspects of employee relations, up to and including employee separation and discipline, "Skelly" hearings, and employee administrative hearings. Our attorneys also have extensive contract negotiating experience with employee unions (general and public safety). Additionally, we are able to provide full legal counsel at all stages of contract negotiations, from inception through the final stages of contract (MOU) drafting and acceptance. We have successfully resolved issues with all types of bargaining groups, both informally and through formal processes, such as fact-finding.

#### Land Use and CEQA

Cole Huber LLP attorneys regularly advise on matters involving general and specific plans, zoning, and land use. Firm attorneys have drafted as well as interpreted a number of zoning ordinance amendments and have often advised hearing bodies concerning the approval of conditional use permits, variances, and other zoning entitlements. Our attorneys have also



#### Key Areas of Legal Services:

- Advisory Services
  - General Public Agency Law
  - Labor and Employment
  - Land Use
  - CEQA
  - Taxation/Proposition 218
  - Elections
  - Condemnation/Real Estate
- Litigation Defense
  - Tort Claims
  - Labor and Employment
  - Writs



reviewed and drafted development agreements and related entitlement documents. Firm attorneys are well-versed in the Subdivision Map Act and the processes for reviewing tentative maps, preparing subdivision improvement agreements, and approving final maps.

Cole Huber LLP attorneys regularly advise public agency clients on all matters involving CEQA compliance and work with planning staff, consultants and applicants throughout the environmental review process. This includes determination of the applicable CEQA review necessary, review of environmental documents for CEQA compliance, circulation, and other processes for third-party review of CEQA documents.

### **Taxation/Proposition 218**

Cole Huber LLP has ample experience in handling local taxation matters. Firm attorneys have advised regarding the legal requirements and process for submitting general taxes, special taxes, and transaction and use (“sales”) tax measures to the local electorate.

Our attorneys have also advised on several matters concerning Propositions 218 (and Proposition 26) compliance. Firm attorneys have drafted protest notices, handled the hearings and counting of protests/ballots the initiative requires, and have advised on several issues created by the drafting and text of the initiative.

### **Elections**

Our team of attorneys has advised public agency clients on many questions regarding election filing requirements and retention of election records. Our attorneys have also advised on the process for submitting and qualifying ballot initiatives and referenda, including providing advice regarding substantive Elections Code limitations.

### **Condemnation/Real Estate**

The firm has advised in all facets of the eminent domain process—from the initial notice of appraisal to the adoption of resolutions of necessity—and has handled eminent domain litigation when formal condemnations have been necessary.

Cole Huber LLP attorneys have further drafted and reviewed real estate and commercial documents. These documents have included real property donation and purchase and sale agreements, lease agreements, easements, deeds of trust, reciprocal parking easements, and secured notes.

## Litigation Services

Our municipal litigation attorneys handle a wide array of litigation matters for our public clients. Our experience includes the following:

### Tort Claims

Our litigation attorneys have handled all types of public-entity cases, whether arising under state law or as federal "Section 1983" claims. We are well versed in the applicable immunities provided under the Government Code and federal law, as well as the claims presentation requirements of the Government Claims Act.

### Labor and Employment

Our attorneys have distinguished themselves in employment litigation. We have handled all types of municipal employment litigation, defense of Department of Fair Employment and Housing claims, Civil Service Commission claims, proceedings before the Public Employee Relations Board, defense of actions arising from claims before the Equal Employment Opportunity Commission, and the State Personnel Board, and actions under the Family Medical Leave Act.

### Writs

Cole Huber LLP attorneys have handled writs of mandamus (traditional and administrative) and declaratory relief cases concerning governmental obligations. The subjects of such proceedings have been diverse, including such matters as property taxation, Proposition 218, the Subdivision Map Act, CEQA, the State Planning and Zoning Law, code enforcement, and interpretation of agency agreements.

## PROPOSED ATTORNEY TEAM

Cole Huber LLP proposes the team of attorneys below to provide general counsel and support services. For each attorney, we identify the attorney's proposed position as well as his or her areas of expertise.

### General Counsel

**Ronald J. Scholar**, Bar No. 187948, admitted 1997.

Areas of expertise: General public agency advice and counsel, employment, civil rights, municipal torts, public contracting, and general business litigation.

Years in practice: 28 (25 devoted to local government clients).

A partner in the firm's Roseville Office, Mr. Scholar brings 25 years of experience in the representation of public entity clients, including the Auburn Area Recreation and Park District which he has represented for the last 15 years. Mr. Scholar's expertise is in providing advice and counsel to, and litigating on behalf of, public agencies in matters involving employment law and general public agency matters.

Mr. Scholar dedicates focus and attention to detail in advising public agency clients as he assists them in navigating complex laws and regulations and conducting investigations, all with an eye toward avoiding costly disputes. He is adept in matters involving access to public records, open meeting requirements, employee investigations, law enforcement, employee discipline and arbitration, discrimination and harassment in the workplace, employee privacy, and the use of social media and technology in the workplace.

A skilled trial attorney, Mr. Scholar is experienced in a wide range of litigation matters, including federal and state civil rights, Section 1983, employment law, dangerous conditions of public property, claims of wrongful death, general liability, as well as contract and business disputes. Mr. Scholar has brought 14 cases to verdict.

Mr. Scholar joined Cole Huber LLP after 11 years with one of Sacramento's largest law firms where he was a shareholder and represented numerous public agency clients in employment, liability, law enforcement, and litigation matters. From 1998 to 2005, Mr. Scholar was a partner at a small law firm where he specialized in representing public entities in all manners of litigation, including Section 1983, law enforcement, and employment matters. Prior to that, Mr. Scholar was a Public Defender in Atlanta, Georgia, where he represented indigent defendants in felony criminal matters at trial and on appeal.



#### Your Legal Team:

Ronald J. Scholar - *General Counsel*

Derek P. Cole - *Land Use and  
Environmental Counsel*

David G. Ritchie - *Labor and  
Employment Counsel*

Elizabeth M. Fratarcangeli -  
*Assistant Counsel*

In 2016, Mr. Scholar was named to Sacramento Magazine's Top Lawyers List. He also enjoys the privilege of serving on the Presiding Judge's Civil Advisory Committee for Sacramento County Superior Court. A founding member of the Sacramento County Bar Association's Civil Litigation Section, Mr. Scholar has also served as one of its Board Members and its Chairperson. Mr. Scholar also serves as an Adjunct Professor of Law at the University of California, Davis School of Law, where he teaches Trial Practice and is a Mock Trial Competition Team Coach.

Mr. Scholar graduated from Santa Clara University School of Law in 1993. At Santa Clara, Mr. Scholar was an Emery Scholarship recipient, a member of the Moot Court Honors Board, and a participant in nationwide Moot Court Competitions. Prior to attending law school, he graduated with honors from the University of California, Santa Barbara in 1990 with a Bachelor of Arts degree in Sociology.

### Land Use and Environmental Counsel

***Derek P. Cole***, Bar No. 204250, admitted 1999.

Areas of expertise: General public agency, land use, CEQA, public agency finance, real estate transactions, and elections.

Years in practice: 21 (16 devoted to local government clients).

Mr. Cole is a co-founder of Cole Huber LLP. He serves as the City Attorney for the Cities of Oakley (since 2010) and Sutter Creek (since 2010). He twice served as Interim City Attorney for the City of Antioch while that city recruited for its in-house attorney (2015-2016 and 2017-2019). Mr. Cole also previously served as the City Attorney for Angels Camp (2012-2017) and as County Counsel for Trinity County (2008-2013).

Although Mr. Cole is familiar with all aspects of public agency law, his emphasis is in land use and environmental law. He has ample experience in matters concerning CEQA, planning and zoning, development agreements, the Subdivision Map Act, and air and water quality laws. He also has significant experience in litigating post-approval challenges to projects under CEQA, the Planning and Zoning Law, and other applicable land use and environmental laws. Most recently, Mr. Cole has devoted significant time to the handling of matters regarding local land-use ballot measures proposed by environmental organizations as well as developers.

Mr. Cole also has expertise in public agency and municipal finance matters, including all aspects of Propositions 218 and 26 compliance and general and special taxes. He has recently handled matters concerning transactions-and-use ("sales") tax ballot measures, utility users taxes, and a variety of special taxes.

Mr. Cole was selected to the Northern California *Super Lawyers* list from 2015 to 2020; was named as a “Top Lawyer” in *Sacramento* magazine from 2015 to 2020; and was honored by the *Sacramento Business Journal* with “Best of the Bar” awards in 2014, 2016, and 2018.

Mr. Cole is active in the City Attorneys’ Department of the League of California Cities. He presently serves on the Department’s Attorney Development Succession Committee. He previously served on the Department’s Nominating Committee, which is responsible for appointing the Department’s Officers, and as Chair of the Municipal Law Handbook Committee, which is responsible for publishing the League’s comprehensive guide concerning municipal law. For two years, Mr. Cole served on the Department’s Legal Advocacy Committee, which provides counsel to the Cal Cities on its amicus or “friend-of-the-court” efforts. Mr. Cole has further authored several amicus briefs on behalf of Cal Cities and other local government organizations.

Mr. Cole is a frequent writer on a wide range of legal subjects. He is the author of *California Surface Mining Law* (Solano Press Books, 2009), a number of articles in various legal publications, including the *Daily Journal* (the newspaper of record for the California legal community), and several blogs in the California Municipal Law Blog ([www.colehuber.com/blog](http://www.colehuber.com/blog)).

Mr. Cole graduated with distinction from the University of the Pacific, McGeorge School of Law in 1999. At McGeorge, Mr. Cole was admitted to the Order of the Coif, Order of Barristers, and Traynor Honor Society. He was also a member of the Editorial Board of the *McGeorge Law Review* and published two student comments in that journal. Prior to attending law school, Mr. Cole graduated from the University of California at Santa Barbara in 1996 with a Bachelor of Arts degree in Law and Society.

## Labor and Employment Counsel

**David G. Ritchie**, Bar No. 283303, admitted 2012.

Areas of expertise: Labor and employment, general municipal.

Years in practice: 8 (6 devoted to public agency clients).

Mr. Ritchie represents cities, counties and special districts in a broad range of labor and employment matters including collective bargaining with police, fire and emergency services employee associations and professional, technical, and miscellaneous employee groups. Mr. Ritchie currently serves as City Attorney for the City of Willows. He acts as lead attorney representing public agency clients before the Public Employment Relations Board, in other employment-related administrative proceedings, and in arbitration of disputes.

Mr. Ritchie assists employers with employee investigations, employee discipline, and defending against employee grievances and complaints. He provides public agency clients with

training on the Peace Officers Procedural Bill of Rights, Firefighters Procedural Bill of Rights, negotiation and other agency obligations under the Myers-Milias-Brown Act, prevention of harassment and abusive conduct in the workplace, and governmental ethics obligations.

Mr. Ritchie serves as the General Counsel for the Housing Authority of the County of Merced, General Counsel for the Del Puerto Health Care District, and Deputy City Attorney for the City of Oroville. Mr. Ritchie previously served as Deputy County Counsel for Trinity and Modoc Counties and as Special Counsel for Alpine County, principally providing Labor and Employment and Labor Relations services as well as collective bargaining, and on Dependency law matters. Mr. Ritchie is a regular contributor to the *California Municipal Law Blog* and columnist for the *Daily Journal*.

Mr. Ritchie received his Master of Laws (I.L.M.) from Santa Clara University with the CALI-Award winning achievement for Excellence in Remedies and a specialization in Intellectual Property Law. He received his Juris Doctor (JD) from the University of Manitoba Law School where he was the Articles Editor and Technical Editor for two years with the *Manitoba Law Journal*. He received his B.A. with Distinction from Bishop's University, Lennoxville, QC Canada.

### Assistant Counsel

**Elizabeth M. Fratarcangeli**, Bar No. 309321, admitted 2016.

Areas of expertise: General public agency, contracts, public records, condemnation/eminent domain, and code enforcement.

Years in practice: 4 (all devoted to local government clients).

During her tenure with Cole Huber LLP, Ms. Fratarcangeli has worked on a wide variety of matters, including public law procedural and legal issues, labor and employment matters, general civil litigation and land use litigation. Currently, Ms. Fratarcangeli serves as Assistant City Attorney for the City of Oakley and previously served in that capacity for the City of Antioch.

Ms. Fratarcangeli has conducted numerous trainings on open-meeting laws and the Brown Act for her municipal clients. She is also actively involved in the League of California Cities events and trainings.

Ms. Fratarcangeli received her Juris Doctor in 2015 from Valparaiso University School of Law, graduating with honors. Her Bachelor of Arts degree is in Psychology from Loyola Marymount University in 2011, where she was on the Dean's List.

During law school, Ms. Fratarcangeli was an extern at the U.S. District Court, Northern District of Indiana and the Associate Editor of the Valparaiso University Law Review.

## COMPENSATION

### Hourly Rates for Professional Services

Cole Huber LLP proposes continuing with the same hourly rates we have charged for the last four years for all billing professionals:

Partners:	\$250.00 per hour
Associates:	\$220.00 per hour
Paralegals:	\$140.00 per hour



**SPOTLIGHT**

Hourly Rates:

- Partners: \$250 per hour
- Associates: \$220 per hour
- Paralegals: \$140 per hour

We do not charge monthly fees, overhead fees or percentage add-ons. Instead, our proposed rates are for the time we spend performing professional services. Rates would be billed to the nearest 6-minute intervals (1/10 of an hour). The firm does not charge mandatory minimums (e.g., 0.5 hour for each telephone call or 0.5 for each letter) for any tasks its professionals perform. In short, we are here when you need us and not charging you flat fees when you do not.

### Included Training

As we did this year, Cole Huber LLP will continue to provide Sexual Harassment and Abusive Conduct Prevention in the Workplace (AB 1825) training on a biennial basis free of charge.

### Reimbursement for Expenses

In addition to the above rates, our firm would request reimbursement for all client-advanced expenses. These include, but are not limited to, process server fees, subpoenas of records, fixed fees by laws or assessed by Courts or other agencies, court reporter fees, long distance telephone calls, messenger and other delivery fees, postage, photocopying, parking, mileage, and other similar items.

The firm would not charge for travel expenses for any court, client meeting, or other client event that occur within Placer County from Auburn to the south.

### Professional Liability Insurance Coverage

Cole Huber LLP carries errors and omissions insurance with Lloyds of London. After a standard deductible, this insurance provides coverage beyond what is required by the State of California.

## REPRESENTATIVE CLIENTS & REFERENCES

### Special Districts and Other Public Agency Clients

Arcade Creek Recreation and Park District  
Desert Recreation District  
Georgetown Divide Recreation District  
Idyllwild Fire Protection District  
Jackson Valley Fire Protection District  
Monterey Peninsula Airport District  
San Bernardino International Airport Authority

### City Attorney Clients

Canyon Lake  
El Centro  
Hemet  
Oakley  
Oroville  
Sutter Creek  
Willows

### County Litigation/Special Counsel Clients

Riverside  
Sacramento  
San Joaquin  
Trinity

Jacqui Brunton, General Manager  
Georgetown Divide Recreation District  
P.O. Box 274  
Pilot Hill, CA 95664  
(530) 823-9090  
[jbunton@gdard.org](mailto:jbunton@gdard.org)

Alex Vassar, Chair of the Board of Directors  
Arcade Creek Recreation & Park District  
4855 Hamilton Street  
Sacramento, CA 95841  
(916) 482-8377  
[avassar@acrpd.com](mailto:avassar@acrpd.com)

Bryan Montgomery, City Manager  
City of Oakley  
3231 Main Street  
Oakley, CA 94561  
(925) 779-7011  
[montgomery@ci.oakley.ca.us](mailto:montgomery@ci.oakley.ca.us)

Amy Gedney, City Manager  
City of Sutter Creek  
18 Main Street  
Sutter Creek, CA 95685  
(209) 267-5647  
[agedney@cityofsuttercreek.org](mailto:agedney@cityofsuttercreek.org)



District: Fair Oaks RPD – Mike Aho

Attorney used: BKS

1. Do you feel that your legal firm is fair with their billing? Do you ever question the amount of time on a bill? They are accurate and fair. Mike has never questioned their time.
2. Does your legal firm get back to you within a reasonable time frame? If pushing or a deadline given, yes; if left open-ended, can a be a little slower, but that is ok.
3. What are the best aspects of your legal firm? Have been assigned a partner (Dick Shanahan). Dick understands Recreation and Park Districts. They know their stuff and will offer up new ideas, concepts.
4. What are the worst aspects of your legal firm? If Fair Oaks was assigned an associate, they may get more time with an attorney

District: **North Highlands RPD – Larry Mazzuca**

Attorney used: **BKS**

1. Do you feel that your legal firm is fair with their billing? Do you ever question the amount of time on a bill? **Thinks it fair. Hard to compare vs. another firm. They do regularly raise rates based on the CPI; have never questioned their hours (sometimes it seems like they undercharge)**
2. Does your legal firm get back to you within a reasonable time frame? **Absolutely; meet deadlines**
3. What are the best aspects of your legal firm? **Have been assigned a partner (Dick Shanahan). Dick is great. Lots of experience and familiarity with other agencies, developers, etc.**
4. What are the worst aspects of your legal firm? **Cannot think of any**

**A current North Highlands Board member, a retired Sacramento County auditor, feels that the District is getting a very good deal with BKS**

District: **Southgate RPD – Ward Winchell**

Attorney used: **BBK**

1. Do you feel that your legal firm is fair with their billing? Do you ever question the amount of time on a bill? **Yes, definitely fair; have never questioned their billing**
2. Does your legal firm get back to you within a reasonable time frame? **Yes; if they don't hear back in a reasonable time frame can always contact another attorney at the firm**
3. What are the best aspects of your legal firm? **Depth; lots of specialists**
4. What are the worst aspects of your legal firm? **None**

**Southgate RPD uses several different law firms. They use BBK for their personnel/HR issues**

District: Rio Linda RPD – Mike Heller

Attorney used: BB&K

1. Do you feel that your legal firm is fair with their billing? Do you ever question the amount of time on a bill? **Fine; expensive but fine.**
2. Does your legal firm get back to you within a reasonable time frame? **Immediately; notes are well put together**
3. What are the best aspects of your legal firm? **Their commitment to Rio Linda RPD. Treated like they are their only client.**
4. What are the worst aspects of your legal firm? **Expensive**

**Their experience with BB&K was specifically with Ann Sitrelle on a special land use deal, vs. the City of Sacramento, an 8 month case. Mike was extremely pleased.**

District: **Valley Wide RPD – Dean Wetter**

Attorney used: **BB&K**

1. Do you feel that your legal firm is fair with their billing? Do you ever question the amount of time on a bill? **Yes, very fair. Have never questioned their time.**
2. Does your legal firm get back to you within a reasonable time frame? **Yes, absolutely**
3. What are the best aspects of your legal firm? **They have a winning team. They have an expert for everything**
4. What are the worst aspects of your legal firm? **None**

**Dean said that they are very pleased with BB&K. They work directly with attorneys Jeff Ballinger and Todd Leashman**