

To be added to the District Policy Manual

XXXVIII Public Records Act Requests

The purpose of this policy is to clarify the process by which the District will respond to requests for records under the Public Records Act. The California Public Records Act (Government Code Section 6250, et seq.) provides the public with access to non-exempt records held by public agencies.

"Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the District, regardless of physical form or characteristics. "Writing" means any handwriting, typewriting, printing, photo stating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored (California Government Code Section 6252).

Unless exempt under the California Public Records Act, public records are open to inspection at all times during the office hours of District (Monday through Friday, 9 a.m. to 5 p.m.), and every person has a right to inspect any public record. If a portion of the record is exempt, any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

When a member of the public requests to inspect a public record or obtain a copy of a public record, the District Administrator, or designee, will assist the member of the public in making a focused and effective request that reasonably describes an identifiable record or records. To facilitate this process, a Public Records Act Request Form is available on the District's website (auburnrec.com) and at the Administration Offices (471 Maidu Dr. #200, Auburn, CA 95603). Use of the form is voluntary. The Board Clerk is authorized to update and modify the Form as necessary, consistent with State law and Board policy.

The District, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the District and shall promptly notify the person making the request of the determination and the reasons therefor. Any extension of this time period for response will be in accordance with California Government Code Section 6253. Disclosable records will be produced for inspection or copying on reasonable notice.

Except with respect to public records exempt from disclosure by express provisions of law, the District, upon a request for copies of records that reasonably describe an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee, if applicable. Upon request, an exact copy shall be provided, unless impracticable to do so.

Unless otherwise prohibited by law, any information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall be made available in an electronic format when requested.

**AUBURN AREA RECREATION AND PARK DISTRICT
REQUEST FOR DISTRICT INFORMATION/DOCUMENTS**

471 MAIDU DRIVE #200

AUBURN, CA 95603

(530) 885-8461 ext. 102

FAX (530) 885-0703

Name of Person:

Organization/Group:

Street Address:

City: _____ State: _____ Zip: _____

Telephone Number:

Title of Information or Document Requested:

PUBLIC RECORDS ACT

Public records in California are subject to the Public Records Act (Government Code Section 6250, et. seq.) and are open for inspection, upon written request, at all times during the office hours. Requests for copies may take up to 10 days and may be subject to those factors set forth in Section 6256.1, which provides a list of records exempt from disclosure. A fee will be charged for copies according to District Policy of 20 cents per page for the first copy, and 10 cents per page for each subsequent copy.

Individual Organization Cost \$ _____ Paid in Full

Date Requested: _____

Person Receiving Request: _____
Signature _____ Date _____



**California Special
Districts Association**
Districts Stronger Together

FACT SHEET: PUBLIC RECORDS ACT¹

Purpose

In the wake of the City of Bell controversy, many local governments, including special districts, have experienced an increased number of California Public Records Act (CPRA) requests. The CPRA was enacted in 1968 and became California's first general public records law.

The mission of the CPRA is to ensure the ability of the public to monitor the functioning of their government. The fundamental precept is that governmental records shall be disclosed to the public, upon request, unless there is a specific reason not to do so. The CPRA makes exceptions to the disclosure requirement where disclosure would implicate privacy issues or would interfere with essential governmental functions. Thus, the CPRA balances a number of important interests. Providing an accurate, legal, and timely reply to CPRA requests will foster improved transparency and trust with the public.

Requirements

All California public agencies must furnish access to records which are ordinarily retained by the agency to discharge its official duties and that relate to the conduct of the public's business pursuant to California Government Code § 6250 through § 6276.48. Any request that reasonably describes an identifiable document will compel compliance with the CPRA. Once a request has been made, the CPRA requires the following:

- Districts must respond to requests within 10 days to notify the requester of its determination whether the agency has responsive records and whether such records will be disclosed.²
- All records must be disclosed unless a specific exemption applies under the CPRA or the public interest in non-disclosure clearly outweighs the public interest in disclosure.
- If any record is withheld, the written response must state the statutory basis for withholding and the person responsible for the determination to withhold. The district is not required to produce a log of withheld documents.
- If the request seeks inspection of public records, the records shall be open for inspection any time during the agency's regular business hours and any member of the public may request to see them.
- If the request seeks duplication of public records, they must promptly be made available.

Limitations

- The CPRA applies only to existing records, districts are under no obligation to create new documents to respond to a records requests, conduct research, fill out checklists, answer questions, or put a record into a different format, such as converting information into an electronic format.
- The requester must bear the direct costs of producing the requested records, including necessary programming and computer services, but excluding costs of staff time. For large records requests, it is advisable for the district to request a deposit or pre-payment of the reproduction costs before the agency incurs the expense.
- The district may impose reasonable limitations on the public's inspection of records to avoid office disruption and to ensure the protection of the records. For example, a district can require that inspection occur in a secure location and under the supervision of a staff member.

CSDA's Transparency Resources

CSDA's has a dedicated [Transparency Resources](#) section at [csda.net](#), containing up-to-date information on pertinent legislation, educational opportunities, and more. This site provides examples of proactive steps taken by districts on employee compensation disclosure and public records act requests.

¹ This Fact Sheet is intended to provide an overview of the CPRA and does not provide legal advice. An agency should direct any legal questions regarding the scope and application of the CPRA to its agency counsel.

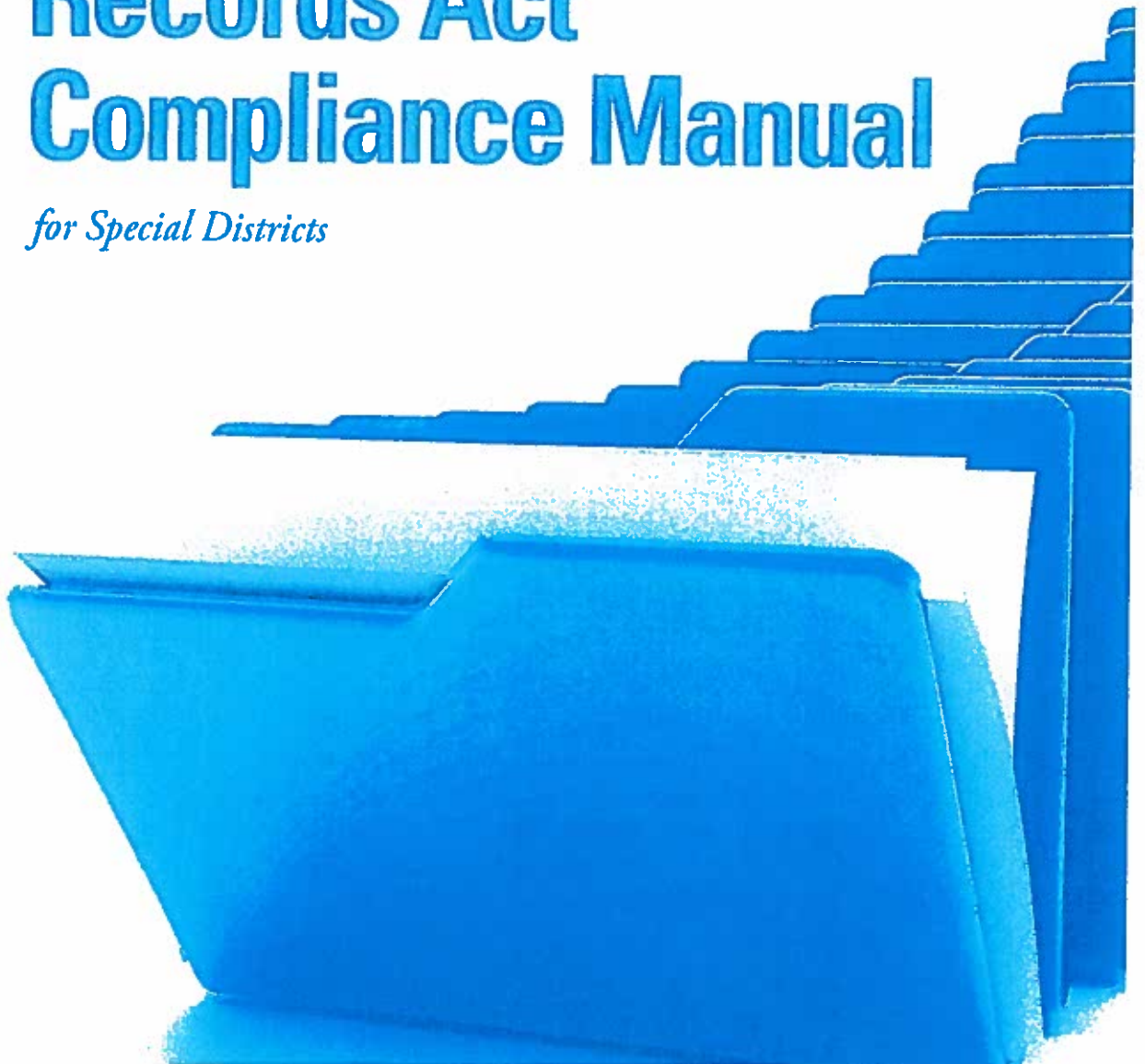
² In unusual circumstances, the time limit for response may be extended by written notice by the head of the agency or his or

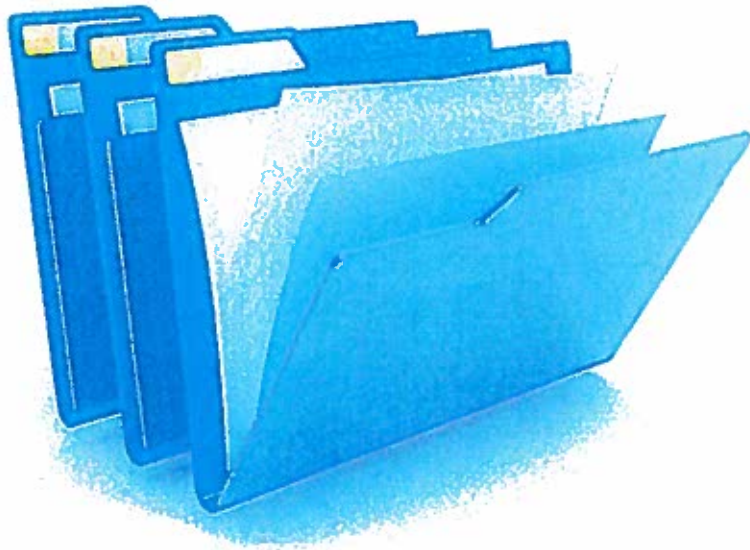


**California Special
Districts Association**
Districts Stronger Together

California Public Records Act Compliance Manual

for Special Districts





Introduction

The California Public Records Act (CPRA) was originally enacted in 1968, and requires that governmental records be made accessible to the public upon request, unless otherwise exempted by law. This manual provides special districts with guidelines to fulfilling CPRA requests, including compliance tips for easy reference and a special section on disclosure of electronic records.

Access to information concerning the conduct of the people's business by state and local agencies is a fundamental right of every person in California.

This manual is a general summary of the CPRA as it applies to special districts and is not intended to provide legal advice on any specific CPRA request or issue. In addition, the statutory and case law summarized in this manual is subject to change. District staff should always seek the advice of agency legal counsel as to the application of the CPRA in a particular situation and to ascertain whether there have been recent changes to the CPRA by the Legislature or its interpretation by the courts.

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Special Districts Alliance



Summary of the California Public Records Act¹

Access to information concerning the conduct of the people's business by state and local agencies is a fundamental right of every person in California.² To ensure this right, the California Public Records Act ("CPRA")³ gives every person the right to inspect any public record during a state or local agency's office hours.⁴ If an agency receives a request to inspect an identifiable, disclosable record, the agency must promptly make the record available.⁵ Requests for copies of identifiable, disclosable records must be responded to within prescribed periods and must also be promptly made available for anyone who pays the applicable agency duplication costs or the applicable statutory fee.⁶ The agency must provide an exact copy unless it is impracticable to do so, although the agency must also redact any confidential or exempt information from the copy.⁷ The CPRA covers requests for electronic and computer data; and public records that are stored in an electronic format must generally be made available in such electronic format if so requested.⁸

Although the fundamental precept of the CPRA is access to records, the CPRA exempts certain records from disclosure and requires agencies to keep certain other records confidential.⁹

If an agency receives a request to inspect an identifiable, disclosable record, the agency must promptly make the record available.

If an agency improperly withholds records, a member of the public may seek a court order to enforce the right to inspect or copy the records sought and may receive payment for court costs and attorney fees if such person prevails in the lawsuit.¹⁰

An agency may adopt regulations establishing procedures for requesting public records that allow for faster, more efficient, or greater access to records.¹¹



Although the fundamental precept of the CPRA is access to records, the CPRA exempts certain records from disclosure and requires agencies to keep certain other records confidential.

Application of CPRA to Special Districts

All special districts are subject to the CPRA, which refers to them as a “local agency.”¹² This includes all boards and commissions of a special district, including advisory boards. Private non-profit entities delegated legal authority by a district to carry out public functions are also subject to the CPRA if they are funded with public money.¹³

Is a district required to adopt its own procedures or guidelines for complying with the CPRA?

No, however, the adoption of local procedures consistent with the CPRA can be helpful in educating the public about the process.

Can a district adopt guidelines or requirements that differ from the CPRA?

Yes. The provisions of the CPRA are **minimum standards**.

Districts are free to adopt procedures that allow for faster or greater access to records than those prescribed in the CPRA.¹⁴



Public Record Defined

The CPRA defines a “public record” as “any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.”¹⁵

What constitutes a writing?

A writing is defined as “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any form of communication or representation... and any record thereby created, regardless of the manner in which the record has been stored.”¹⁶

This definition is intended to cover every conceivable kind of record that is involved in the governmental process and pertains to any new form of record keeping instrument as it is developed. For example, information stored in an agency computer (e.g., email, spreadsheets, digital maps, etc.) is clearly included within the purview of a public record.¹⁷

What constitutes retention of a writing?

In order to be a public record, the agency must have the writing in its “possession,” which is generally understood to mean in the physical custody of the agency.¹⁸ In many cases responsive records may be the possession of a district contractor. A reasonable search for requested records may require communication to such contractors to determine whether they are in possession of the requested records.¹⁹

Is every writing in the custody of a public agency a public record under the CPRA?

No. The mere custody or retention of a writing does not automatically make it a public record for the purposes of the CPRA. The key element is whether the writing is kept because it is necessary or convenient to the discharge of official duties.²⁰ Thus, items such as a shopping list or a letter to a public officer from a friend which is totally devoid of reference to governmental activities are not considered public records.²



Compliance Tip

Some agencies have found it useful to adopt electronic records policies governing whether personal devices (computers, smart phones, etc.) may be used for agency business, and what records (for example emails, texts, etc.) and other attributes of the electronic information on such devices are considered “retained in the ordinary course of business” for purposes of the CPRA.

Persons Who May Obtain Records

Any person or entity, including the media, for-profit businesses and other public entities, has the right to access public records.²² The right to access records is not limited to persons who are constituents of a district. A person who lives in a different city, county or state can access district records under the CPRA.²³

Why does the CPRA make a distinction between "person" and "member of the public" in Section 6252?

Under Section 6252(b) the definition of "member of the public" excludes "a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment." This distinction is necessary because Section 6254.5 provides that an agency's ability to consider a record confidential may be waived if that same record has already been disclosed to a "member of the public." The distinction simply clarifies that a waiver will not occur if the record is shown to a government official acting in his or her official capacity.

Do public officials have any special status in making CPRA requests?

Generally, no. An elected member or officer of an agency is entitled to access to public records on the same basis as any other person. This means that the official must make a request under the CPRA and will only be given access to disclosable public records. One exception to this rule is for the District Attorney, who may not be denied access to certain investigative records that would otherwise be exempt.²⁴ Also, officials may access public records of their own agency that are otherwise exempt when authorized to do so as a part of their official duties.²⁵

Does the media or a person who is the subject of a public record have any special status in making CPRA requests?

No. Neither the media nor a person who is the subject of a public record has any greater right of access to public records than a person with simply an "idle curiosity."²⁶



Compliance Tip

A best practice is to inform incoming officials that they will only have special access to records to the extent necessary to carry out direction from the district's board. For example, if they are appointed to the finance committee to review existing agreements, they will have access to those particular files. For all other records, the official must gain access in the same manner any member of the public would under the CPRA. Educating officials upfront helps manage their expectations and avoids issues down the road.



Initial Agency Receipt and Review of Public Records Requests

Types of requests.

Members of the public may gain access to public records by (a) requesting to inspect records or (b) receiving a copy of identifiable records.²⁷

Manner of making requests.

Public records requests may be made in writing (paper or electronic), and may be mailed, emailed, faxed, or personally delivered. Records requests may also be made orally, in person or by phone.

Content of requests.

A request need only indicate that a public record is sought and be focused enough to describe an existing, identifiable record. There is no duty under the CPRA to comply with requests that prospectively seek records (i.e., records that do not currently exist). Requests may describe writings by their content and do not require precise identification of the documents themselves.²⁸



Compliance Tip

The CPRA pertains to records and not “questions” that members of the public may have. The CPRA does not impose a duty to respond to questions, although if an identifiable record would answer a question or the information can readily be provided, the best transparency practice is to provide the record or



Compliance Tip

Although the CPRA does not require that request be in writing,²⁹ districts should, to the extent possible, insist that requests be in writing or provided on a district-developed form in order to identify the information sought, the date of the request, and to obtain contact information on the requester if necessary to seek clarification or to provide follow-up assistance. If a requester refuses, a member of the district should fill out a form on behalf of the requesting party to maintain consistent

Initial Agency Receipt and Review of Public Records Requests (continued)

What happens if a records request is vague?

If there is a question about the clarity of the request, the district must assist the member of the public to make a focused and effective request by doing all of the following, to the extent reasonable under the circumstances:

1. Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request;
2. Describe the information technology and physical location in which the records exist; and
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.³⁰

When has a district helped enough in clarifying a request?

A district has met its obligation to assist a requester if:

1. It is unable to identify the requested information after making a reasonable effort to elicit additional clarifying

information from the requester to help identify the records;

2. The records are made available;
3. The district determines an exemption applies; or
4. The district makes available an index of its records.³¹

Does the purpose of the request make a difference?

Generally, no. The purpose of the request is generally irrelevant.³² Thus, requests by a commercial entity solely for commercial purposes, does not diminish the public interest inherent in the material requested.³³ As such, a district cannot condition disclosure on the requester providing a purpose for the records. However, courts have cautioned the public that the purpose of the CPRA is not primarily for facilitating research.³⁴ Moreover, understanding the purpose of the request can often facilitate retrieval of the records by narrowing or expanding the list of potential responsive records.



Compliance Tip

It is permissible, and can be helpful where a request is vague, to inquire as to the purpose of the request, which may help narrow the focus of the request.



Compliance Tip

Many members of the public are not adept at making a records request. If there is any uncertainty as what records the requester is seeking, seek clarification immediately by calling or writing the requester. It could save considerable time in identifying the responsive records actually desired.

District Obligations to Search for Public Records

Reasonable effort to search for records.

A district must make a reasonable effort to search for requested records.³⁵ The CPRA does not establish a specific test, but in general, a request should be referred for review and a response to the department, office, or person(s) most likely to be in possession of a record based on the general subject matter of the request.

Does it make a difference if a request involves searching for or the production of a huge volume of data?

Generally, no. The cost of complying with a request is generally not a sufficient ground for refusing to respond to a request.³⁶ On the other hand, a voluminous request or a search that requires looking for the proverbial “needle in the haystack” may constitute an

undue burden under the balancing test of Section 6255, if the public interest served by the request is minimal compared to the scarce public resources necessary to comply with the request.³⁷

Is a district required to create a document or compile a list in response to a CPRA request?

Generally, no. A district’s obligation is to make records available that are responsive to a request, not to create documents or to compile lists that otherwise do not exist. One exception to this rule is with respect to the extraction of information from electronic records provided that the requester pays the reasonable cost of the necessary programming and computer services.³⁸



Compliance Tip

Where a request may be onerous or voluminous, consider asking the requester to modify the request (e.g., by reducing the time frame or scope of the request). While a requester is under no obligation to do so, many requesters are amenable to suggestions, particularly if they understand that producing a smaller sampling of records may help them refine subsequent requests. Be sure to note in writing when a request has been voluntarily modified.



Compliance Tip

Although the CPRA creates no duty to answer specific questions or compile lists, if the information can readily be compiled, sometimes it may save a district time and money to simply create a document with the responsive information instead of monitoring the inspection or providing copies of responsive records. When a district creates a record or responds to a question rather than producing existing records, consider noting that this was done as a reasonable accommodation under unique circumstances and clarifying that the district was under no obligation to do so. This should help manage a requester’s expectations should they make additional requests.



Time Periods to Respond to Requests

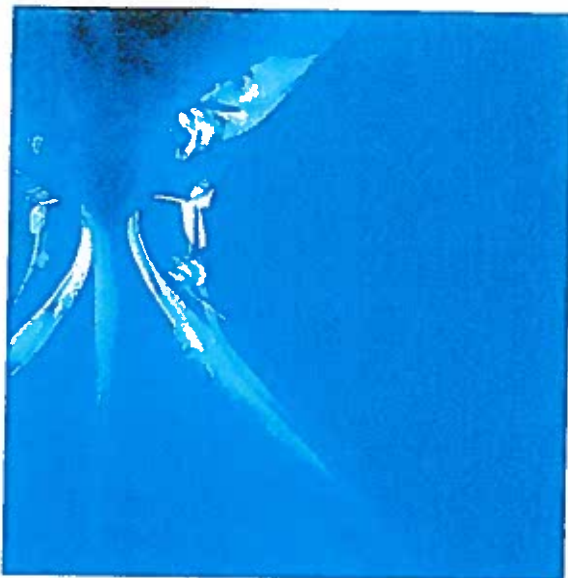
10-day initial response to requests for copies of records.

A district must determine within 10 calendar days starting after the date of receipt of a request whether the request seeks copies of identifiable public records that may be disclosed and must promptly notify the requester of this determination. If the request is received after business hours or on a weekend or holiday, the next business day may be considered the date of receipt. Similarly, if the tenth day falls on a weekend or holiday, the next business day is considered the deadline for responding to the request. If there are identifiable public records, then the determination must state the estimated time and date when records may be available for inspection or copying.³⁹

Extension of initial response time for copy requests.

In unusual circumstances, the time limit to initially respond may be extended by written notice from the head of a district or his or her designee to the person making the request setting forth the reasons for the extension and the date on which a determination is expected to be made. No such notice may specify a date that would result in an extension of more than 14 days. "Unusual circumstances" include (a) the need to search for records in field facilities or separate offices, (b) the need to search through a voluminous amount of records, (c) the need to consult with another agency with a substantial interest in the record, and (d) the need to compile data or to create a computer program to extract the data.⁴⁰

A district must determine within 10 calendar days starting after the date of receipt of a request whether the request seeks copies of identifiable public records that may be disclosed and must promptly notify the requester of this determination.



Timing of response to requests to inspect records.

The CPRA does not establish any time frame for responding to requests to simply inspect records. It is generally assumed, however, that a district may either utilize the same time periods for requests for copies to respond to inspection requests or is afforded at least a reasonable period of time to identify, retrieve and review requested records prior to disclosing them for inspection.

Time period for disclosing a record.

The 10-day initial response and 14-day extension are the time periods for notifying a requester as to whether the district has public records in its possession that are responsive to a

request. The CPRA does not require that records actually be produced within these time periods. However, the CPRA does require that records be made available "promptly" once a determination has been made that the district retains records that are responsive to a request.⁴¹

When may records be inspected at the district?

Once a district has had a reasonable period of time to identify, retrieve and review requested records, the responsive records so identified should be made available for inspection "at all times during the office hours" of the district.⁴²



Compliance Tip

If there are legitimate, extenuating circumstances other than the three "unusual circumstances" described in Section 6253(c) that preclude a district from fully responding to a request within these time periods (e.g., a computer shut down, or a key employee is absent during the response time), the district should attempt to obtain an extension from the requester after describing the circumstances and offering to provide the records that have been identified up to



Permissible Responses to Requests

After conducting a reasonable search for requested records, a district has a limited number of potential responses. If the search yields no responsive records, the district must inform the requester. If the district locates a responsive record, it must determine whether to: (a) disclose the record; (b) disclose the record in redacted form; or (c) withhold the record.

If the district does not have the record, or has decided to disclose it in redacted form or withhold the record, the district must respond in writing and identify the name and title of each official responsible for the decision. If access to a record is denied in whole or in part, the denial notification must cite the specific exemption under the CPRA or other state or federal law, and, if applicable, demonstrate that on balance, there is a predominant public interest in non-disclosure under Section 6255.⁴³



Writings subject to inspection include electronically stored information (e.g., email); however, the CPRA is silent on how the inspection of such information must be accommodated.

Rules Regarding the Inspection of Records

May a district impose reasonable restrictions on the time and manner of inspection?

Yes. The right of inspection is not an inflexible demand on the district irrespective of the consequences. There is an implied rule of reason that enables a district to formulate regulations necessary to protect the safety of the records against theft, mutilation, or accidental damage, to prevent inspection from interfering with the orderly function of the district's office and its employees, and generally to avoid chaos in record archives.²²



Reasonable inspection regulations may include:

1. A mutually agreeable time for the inspection during district office hours to minimize impacts on and interference with staff and their duties or the use of the records requested.
2. Requiring proof of the identity of the requester.
3. Staff monitoring of the inspection.

How can the public inspect computer records?

Writings subject to inspection include electronically stored information (e.g., email); however, the CPRA is silent on how the inspection of such information must be accommodated. Transferring such electronic records to a standalone computer at the offices of the district for viewing is one possible response.





Special Rules for the Disclosure of Electronic Records

What special rules apply to electronic records?

1. In general, an electronic record must be provided to a requester in an electronic format when so requested if the requested format is one that has been used by the district to make a copy for its own use.⁴⁵
2. The cost of duplication is limited to the direct cost of producing a copy of a record in an electronic format (e.g., the cost of the disk, thumb drive or other electronic storage device).⁴⁶
3. A requester bears the cost of producing a copy of the record, including cost to construct a record, and the cost of programming and computer services whenever:
 - a. The record is produced only at otherwise regularly scheduled intervals.
 - b. The request requires data compilation, extraction, or programming to produce the record.⁴⁷
4. If a record does not exist in electronic format, a district is not required to produce an electronic version of the record.⁴⁸
5. If a requester requests a paper copy of an electronic record, a district cannot insist on making records available only in an electronic format.⁴⁹



Metadata generally does not appear in the text but is still embedded in the document. Such metadata may include information that a district may have a right, and, in some cases, a duty to withhold.

In what format must a copy of an electronic record be provided? (The issue of hidden data: Word vs. PDF.)

At first glance, Section 6253.9(a) appears to be straightforward in its requirements:

- (1) The agency shall make the information available in any electronic format in which it holds the information.*
- (2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies.*

As such, if a district has a document in Word format, there appears to be a presumption in the CPRA that the record must be provided to the requester in Word. However, a district should consider what other information might be embedded in such a Word document. Word documents contain “metadata” – data about data. In this context, it is information that is generated by the software program when the document is created, viewed, copied, edited, printed, stored, or transmitted. Metadata generally does not appear in the text but is still embedded in the document. Such metadata may include information that a district may have a right, and, in some cases, a duty to withhold.

Some examples are:

Preliminary drafts or deliberative information. Many records undergo editing by the drafter or other colleagues and supervisors, and thus reflect the author's and district's thought process. Such information could be exempt from disclosure under Section 6254(a) [preliminary drafts, memos] or under Section 6255(a) [deliberative process privilege].

Privacy rights. Earlier versions of a document may include sensitive personal information such as home addresses, Social Security numbers, medical or financial information, etc. Such information could be exempt from disclosure under Article I, Section 1 of the California Constitution, Section 6254(c) [personnel, medical and other files], and under Section 6254(f) [investigatory files].

Attorney-client privilege. A record may contain communications, edits, or changes made based on confidential communication between district staff and its attorneys. Such information could be exempt from disclosure under Section 6254(k).

There is no requirement to release an electronic record if its release would jeopardize or compromise the security or integrity of the original record or of

Special Rules for the Disclosure of Electronic Records (continued)

any proprietary software. Examples of this include records created with proprietary software – the code of which could be revealed through disclosure, or even the possibility that the records could be manipulated or altered from the original text.⁵⁰

In what format must a copy of a public record be posted on a district website or other Internet resource.

Under Section 6253.10, if a district maintains an “Internet Resource,” (e.g., an Internet website, Internet webpage, or Internet web portal), which the district describes or titles

as “open data,” and the district voluntarily posts a public record on that Internet resource, the district must post the public record in an open format that meets all of the following requirements: (a) retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications; (b) platform independent and machine readable; (c) available to the public free of charge and without any restriction that would impede the reuse or redistribution of the public record; and (d) retains the data definitions and structure present when the data was compiled, if applicable.⁵¹



Compliance Tip

The format in which an electronic record is maintained should be carefully reviewed and considered before such record is released in an electronic format. In light of concerns and potential inadvertent disclosures arising from metadata, agencies should consider providing electronic records in PDF format. PDF, which stands for “Portable Document Format,” is essentially a picture of a document that contains no embedded metadata. Arguments in support of providing electronic records in PDF format include: (1) the ability to segregate exempt portions of records under Section 6253(a); (2) the burden that would be imposed on a district if it also had to review all metadata in an electronic record under Section 6255; and (3) the judicially created implied rule of reason. Nevertheless, whether such a response is appropriate under the CPRA remains an open issue.



Compliance Tip

District developed “computer software” (including computer mapping systems, programs, and graphic systems) are not considered public records and are therefore exempt from disclosure.⁵¹ However, the computer software exemption cannot be used expansively to exempt base maps and GIS-formatted databases created by the computer software.⁵²

Charges For Copies of Records

Except with respect to the costs of copying records or compiling and programming electronic records, the public records process is largely cost-free to the requester. No fees may be charged to reimburse district costs incurred to search, review, redact, or respond to a request, including staff time to monitor the inspection of records.⁵⁴

Permissible copying charges.

A district may charge a requester the direct costs of duplication or a statutory fee, if applicable, for copies of public records.

1. Direct costs of duplication means the cost of running the copying machine or scanner and conceivably also the expense of the person operating it. It does not include staff time associated with the ancillary tasks of retrieval (including from off-site storage), inspection, or redacting the record.⁵⁵
2. A statutory fee is one expressly established pursuant to a federal or state statute and not a district ordinance or resolution. For example, the Government Code establishes a retrieval fee of no more than \$5.00 and a copy fee of no more than \$.10 per page for copies of an official's or employee's FPPC Form 700 Statement of Economic Interests.⁵⁶



Compliance Tips

Under Proposition 26,⁵⁷ a district must be able to justify that the cost of its copying fees reflect the actual duplication costs. As a result, a district should consider preparing a cost study to identify the appropriate fee. Alternatively, the district can set the fee to a value that is below the actual duplication cost.

A district may delay copying records until the requester pays the district's approved copying charge or any applicable statutory fee. To that end, a district should provide the requester with an estimate of the cost of copying the records and ask for a deposit of that amount before proceeding with any copying, particularly with respect to voluminous requests. An alternative procedure for large copying jobs is to require the requester to use a mobile copying service.⁵⁸

The CPRA does not address whether a district may charge a requester for mailing or delivering copies of records to a location other than the district's office. Presumably it can because the district's duty only extends to making copies "available" (i.e., at the district's office) to the requester under Section 6253(b).⁵⁹

Exemptions From Disclosure

How should the district respond if there is an applicable exemption?

If a record falls within one of the exemptions listed in the CPRA, or is withheld because the public interest in nondisclosure clearly outweighs the public interest in disclosure, the district must notify the requester of the reasons for withholding the record, but is not required to provide a list or “privilege log” of each record withheld.⁶⁰

What if only part of a record is exempt from disclosure?

If only part of a record is exempt from disclosure, the district must redact (line out) the document to allow disclosure of the non-exempt portions of the record.⁶¹

What are the general categories of exemptions?

There are three general categories of exemptions:

1. Express exemptions. These exemptions are specifically identified in the CPRA.
2. Information that is confidential or

privileged under other law. Pre-existing privileges or protections recognized in other law (e.g., the attorney-client privilege and attorney work product privilege) are incorporated by reference into the CPRA as an express exemption.⁶²

3. Balancing test. The CPRA contains a catch-all provision that weighs whether the public interest served by not disclosing a record clearly outweighs the public interest served by disclosure of the record.⁶³

May a district disclose a record listed as exempt in the CPRA?

Generally, yes. Most exemptions are discretionary. Unless there is a clear statutory prohibition in the CPRA or under other law, a district is allowed to give more extensive access even though an exemption may be asserted.



Compliance Tip

A district should keep copies of records that are not disclosed because in the event of a legal challenge, the district will need to show the court that the records withheld actually fell within the exemption relied upon.



Compliance Tip

The fact that it is time-consuming to redact a record does not eliminate the need to do so, unless the resulting redacted record would be of little value to the requester.



The draft/memo exemption is based on the policy of protecting the decision making process, particularly legal and policy matters that might otherwise be inhibited.

Can there be selective disclosure?

No. If a record is disclosed to a “member of the public” – a person with no particular official role or special legal entitlement to it – that record cannot be withheld from other members of the public.

There are some exemptions from the selective disclosure prohibition, however, such as disclosures made pursuant to the Information Practices Act,⁶² and disclosures made to another governmental agency that agrees to treat the records as confidential.⁶³

What exemptions are most relevant to special districts?⁶⁵

1. Preliminary and temporary drafts, notes and memoranda.
2. Pending litigation documents.
3. Private personal information.
4. Investigative, security, and intelligence information.
5. Privileged and otherwise confidential information.
6. The public interest balancing test.

Preliminary drafts and memoranda.⁶⁵

The draft/memo exemption is based on the policy of protecting the decision making process, particularly legal and policy matters that might otherwise be inhibited. In general, it applies to documents that are “pre-decisional” or “deliberative” (i.e., the contents contribute to the reaching of some administrative or executive determination). The key question is whether the disclosure of the materials would expose a district’s decision-making process in such a way as to discourage candid discussion within the district and thereby undermine the district’s ability to perform its functions.⁶⁵ Documents that only contain factual information such as preliminary grading plans do not fall under this exemption.⁷⁰

Records that qualify for the “draft” exception must:

1. be a preliminary draft, note, or memorandum;
2. not be customarily retained “in the ordinary course of business;” **and**
3. the public interest in withholding the record must clearly outweigh the public interest in disclosure.⁷¹



Compliance Tip

CPRA exemptions are narrowly construed, and a district opposing disclosure bears the burden of proving that one or more exemptions apply in a particular case.⁶⁷



Compliance Tip

Not all drafts are exempt. If a district retains drafts of a document even after the final version is completed, then those drafts are being retained by the public agency in the ordinary course of business and therefore are not true preliminary drafts under this exemption. These drafts may be exempt on another basis, however,

Exemptions From Disclosure (continued)

Pending litigation records.⁷²

In general, this exemption only applies to documents (1) created by the district, (2) after the commencement of the litigation, (3) for the district's use in the litigation. It does not apply to records that were created in the ordinary course of the district's business or for other purposes prior to the litigation. Records that would not be exempt under this definition include:

- A claim form filed under the Government Claims Act.
- A deposition transcript ordered by the agency, unless there are some other applicable confidential or privilege exemption.⁷³

This exemption has been extended to litigation documents sought by persons not party to the litigation, which documents the parties to the litigation did not intend to be revealed outside of the litigation (e.g., letters from the litigant's attorney to the agency's attorney).⁷⁵

Once the litigation is concluded, the exemption no longer applies. However, the attorney-client privilege may be ongoing and may provide an alternative basis for nondisclosure.

Personnel, medical or similar records.⁷⁶

1. What records are exempt?

- a. The personnel files of a public agency's own employees.
- b. Records of other persons for whom an agency maintains personally significant information.

2. Are all records in a personnel file exempt?

No. The fact that information is in a personnel file does not necessarily make it exempt information. For example, the kind of information that would be included in a resume, curriculum vitae or job application which demonstrate a person's fitness for his or her job in terms of education, training or work experience ordinarily are not exempt from disclosure.⁷⁷



Compliance Tip

In order for this exemption to apply, a district must be able to prove that the primary purpose of the record was for use in the defense of litigation.⁷⁴



Compliance Tip

Settlement agreements must be disclosed if requested, including all monetary and other terms of the settlement.

The personnel exemption was developed to protect intimate details of personal and family life, not business judgments and relationships.⁷³ With some exceptions, employees may request and obtain their own personnel file.⁷³ Employee performance evaluations and personal performance goals are considered exempt.²⁶

3. *What kind of information about government job applicants is public?*

No court has yet directly addressed this question; however, the privacy interests of an applicant against disclosure, especially if the applicant has not been hired and has asked for, or applied upon assurances of, the confidential treatment normally accorded such processes, probably outweigh the public interest in disclosure.

4. *What kind of information about a current employee's job status is public?*

Letters or memoranda of a public employee's appointment to a position, rescission, reclassification, etc., are not exempt. They contain no personal information, regard business transactions and are manifested in the public employee's employment terms.

Employment contracts for public officials and employees are public records and are not exempt under the provisions of Sections 6254 and 6255.²⁷

In general, public employees do

of privacy in their names, salary information, and dates of employment.⁶² The public has a strong interest in knowing how the government spends its money, and as such, public employees (including retirees) should have reduced expectations of privacy with respect to their public salary and compensation.⁴³

5. *What information about a government employee's misconduct is public?*

Complaints against the conduct of public employees, if they are submitted in confidence are probably protected from disclosure by the official information privilege under Evidence Code section 1040 in order to protect the interests of the complaining party. The public interest dictates disclosure of complaints against non-law enforcement personnel, however, if the complaint deals with serious matters, and (a) is confirmed by the district's investigation, or (b) there is reasonable cause to believe the complaint is well founded.⁵²



Compliance Tip

Elected and appointed officials' home addresses and telephone numbers are considered private and may not be posted on the district's website without the official's express written permission.⁶⁵

Exemptions From Disclosure (continued)

Law enforcement investigation and intelligence records.²⁶

This exemption generally protects crime reports, investigative files, intelligence files and security procedures, including records of code enforcement cases for which criminal sanctions are sought. Once the investigatory exemption applies, it applies indefinitely, even after the investigation is closed.²⁷

Privileged, confidential or otherwise exempt records.²⁸

Mini-catchall exemption. Subsection 6254(k) is sort of a mini-catchall exemption in that it exempts from disclosure records that are prohibited or otherwise exempt from disclosure under federal or state law. This includes records that are privileged under the California Evidence Code, the attorney-client privilege, attorney work product privilege, and the extensive list of exempt records set forth in Sections 6275 – 6276.48. It also includes the copying of architectural plans and drawings protected by federal copyright law and state law without permission of the professional who signed the plans or the owner of the documents and the owner of the building.²⁹

The attorney-client privilege. The attorney-client privilege preserves the confidential relationship between attorney and client. Unlike other exemptions which are generally

protects from disclosure the entirety of confidential communications between attorney and client, as well as among the attorneys within a firm representing such client, including factual information and other information not in itself privileged outside of attorney-client communications.³⁰ Attorney-client privileged information remains protected from disclosure after litigation is concluded, unlike the pending litigation exemption.

The public interest exemption.³¹

Public agencies and officials also have some rights of privacy. Based on the facts of a particular situation, a district may withhold a record if it can demonstrate the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

The deliberative process exemption.

Over the years, a judicially created exemption has been developed that protects certain contacts or communications between public officials and with the public. This privilege is



Compliance Tip

The amounts paid to attorneys by a district are not protected by the attorney-client privilege.

based on the policy of protecting the decision-making process, and the recognition that public officials need to have access to a range of opinions and points of view and to discuss matters in confidence before making a decision or taking action. The key question is whether disclosure of the records would discourage candid discussion and ultimately undermine an agency's ability to perform its functions. Examples include:

1. A request for five years' worth of information from the governor's appointment calendars was barred by Section 6255, because such scrutiny would interfere with the governor's deliberative processes and deter members of the public from conferring with him without bestowing any overriding benefit on the public.⁹²
2. The phone numbers dialed by city council members on official business over a year's time was found exempt.⁹³
3. The names and qualifications of applicants for appointment to a vacant county supervisor seat were found exempt.⁹⁴

In what other situations has the public interest favored nondisclosure?

1. Public interest in an agency obtaining the most favorable result in contract negotiations outweighs disclosure of proposals before contract negotiations are completed but before final

approval of contract, in order to ensure compliance with contracting procedures.⁹⁵

2. Public interest in preventing chilling effect on complaints and protecting privacy outweighs disclosure of identities of complainants regarding airport noise.⁹⁶
3. Public interest in preventing regulated businesses from circumventing effective compliance investigations by obtaining auditors' procedural manuals outweighs any public interest in disclosure of the manuals.⁹⁷

In what situations has the public interest in disclosure outweighed government or privacy interests?

1. Disclosure of the names of officers involved in shootings outweighs concerns of potential retaliation or harassment of the officers and their families, unless there is a showing of a specific safety concern such as revealing an officer's undercover identity.⁹⁸
2. Disclosure of gross salaries of public agency employees who earned at least \$100,000 that would contribute to the public's understanding and oversight of government operations outweighs potential privacy concerns of individuals, including potential commercial exploitation of list.⁹⁹
3. Disclosure of personnel records where grounds for complaint against employee are well-founded. A finding of the truth of the complaint

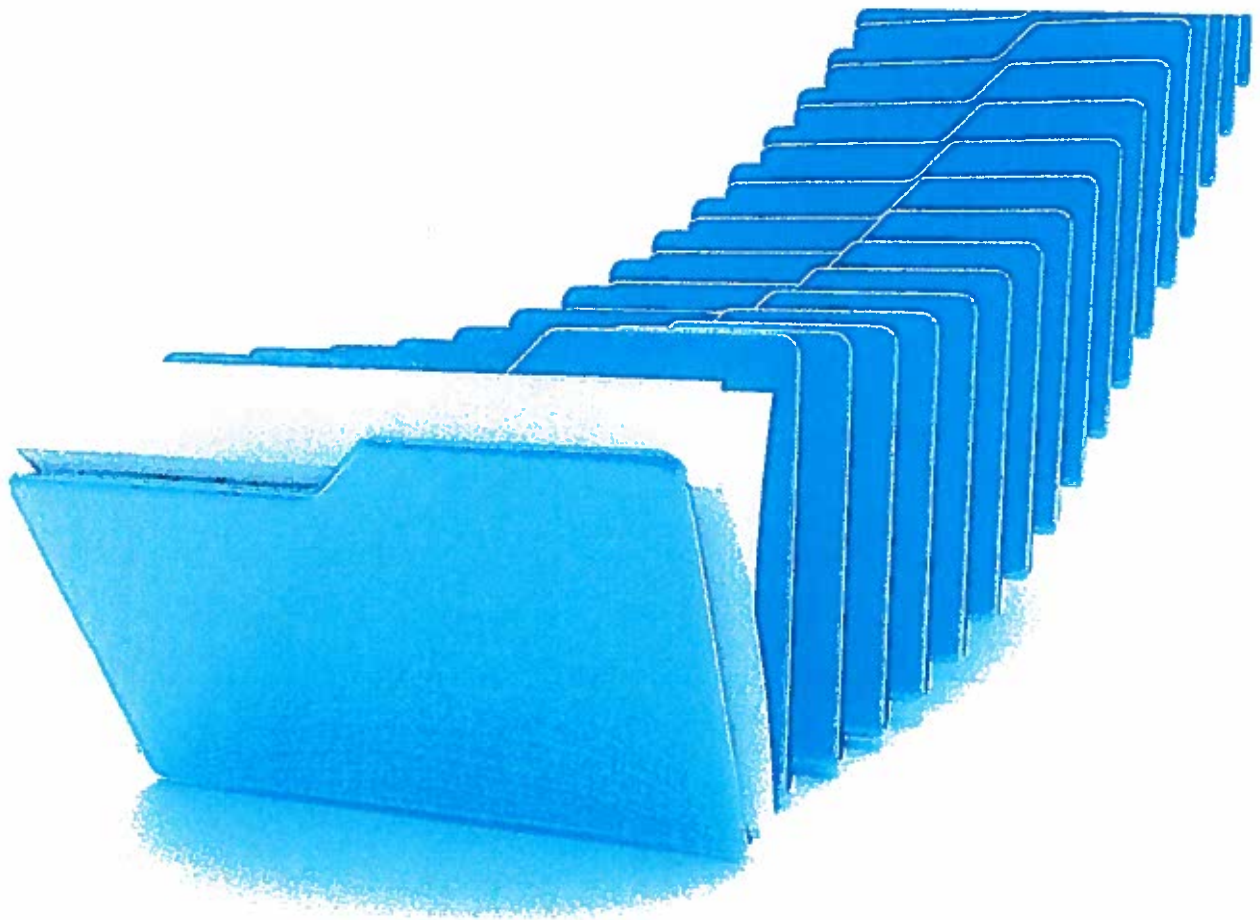
Exemptions From Disclosure (continued)

- contained in the personnel records or the imposition of employee discipline is not a prerequisite to disclosure.¹⁰⁰
4. Disclosure of license agreements (including names and addresses) of persons purchasing luxury suites at sports arena outweighs privacy concerns of persons who purchased the suites.¹⁰¹
 5. Disclosure of a list of convicted criminals who received an exemption from the Department of Social Services to work in licensed day care facilities outweighs potential privacy concerns of those individuals because the public has a right to review how a government conducts business, and whether such licenses are issued properly.¹⁰²
 6. Monitoring effectiveness of water rationing program outweighs water district's interest in protecting reputations of those given citations for exceeding water allocation.¹⁰³
 7. Monitoring how public funds are spent outweighs county's interest in keeping settlements confidential to discourage unmeritorious claims.¹⁰⁴
 8. Confirming facts surrounding questioned personnel practices outweighs city's interest in encouraging individuals to apply for municipal employment, where requested information is not a matter of personal privacy.¹⁰⁵
 9. Monitoring city's contracting for services and regulation of contractor's fees charged to residents outweighs city's interest in encouraging contractors to submit proprietary information justifying the need for rate increases.¹⁰⁶
 10. Monitoring regulation of the application of dangerous pesticides outweighs applicators' proprietary interests in spray report data and county concerns that reports would not be candid if disclosed.¹⁰⁷
- Homeland security exemptions.**¹⁰⁸ These exemptions apply to agency assessments of vulnerability to a terrorist attack or other criminal acts, as well as critical infrastructure information associated with such assessments.



Compliance Tip

These post 9/11 amendments did not clearly address the extent to which public records pertaining to the planning and implementation of a vulnerability assessment are exempt, but given the strong government interest in implementing such assessments, it is fair to assume that many such details may remain confidential other than the costs of such work.



More exemptions.

Other CPRA exemptions relevant to special districts include:

- voter registration information;¹⁰⁹
- signatures on petitions for initiatives, referenda and recall;¹¹⁰
- real estate appraisals prior to conclusion of property acquisition;¹¹¹
- income tax information on most individuals and businesses;¹¹²
- trade secrets and proprietary information; and¹¹³
- utility customer information.¹¹⁴

Waiver of exemptions.

Under Section 6254.5, if a public agency member, agent, officer or employee acting within the scope of his or her responsibilities discloses a public record, such disclosure waives the exemption of Sections 6254, 6254.7 or similar provisions of law.

However, Section 6254.5 sets forth a number of circumstances where disclosure will not result in a waiver. These include disclosures made: (a) under the Information Practices Act or through discovery; (b) in legal proceedings or as otherwise required by law; (c) within the scope of disclosure under other statutory schemes; (d) contrary to formal action of the legislative body that retains the record and the disclosure is not otherwise required by law; and (e) to any governmental agency that agrees to treat the disclosed material as confidential.

If a disclosure occurs by mistake or through inadvertence, an agency may take the position that the disclosure of an otherwise exempt public record does not constitute a waiver under Section 6254.5.¹¹⁵

Enforcing the CPRA

What happens if a district fails to properly respond to a CPRA request?

The ultimate legal leverage for obtaining records under the CPRA is a civil action to obtain a court order for their release. There is no criminal sanction for simply refusing to provide records to a requester, although it is a felony to destroy public records.¹⁶

Can a district preemptively go to court and have a record declared nondisclosable?

No. The litigation initiative is always with the requester. A public agency may not go to court on its own to obtain a declaratory judgment that a record is not subject to disclosure because such litigation would be a burden on the public seeking the information.¹⁷

If a district denies access to records, must the requester appeal to some higher authority in the district before taking legal action?

No. Once a requester has been denied access to records it is not necessary to seek administrative review prior to going to court.

What is the legal process for a requester seeking to enforce the CPRA?¹⁸

1. The requester must file a verified petition in the superior court of the county where the records are situated and are being withheld.
2. The court will establish an expedited trial schedule with the object of securing a decision as the earliest possible time.

3. The court may order the officer or person charged with withholding the records to disclose the public record or show cause why he or she should not do so.
4. The withheld record(s) may be disclosed "in camera" (i.e., in the judge's chambers) to preserve confidentiality until a final decision is made.
5. The judge will decide the case after examining the record(s), reviewing all papers filed by the parties, and listening to any oral argument or additional evidence as the judge may allow.
6. If the judge finds the decision to refuse disclosure is not justified under the applicable exemption, the judge will order the public official to make the record public.
7. If the judge determines that the public official was justified in refusing to make the record public, the judge will return the item to the public official without disclosing its contents with an order supporting the decision refusing disclosure.
8. The review of the decision of a superior court judge is by petition to the court of appeal for the issuance of an extraordinary writ against the superior court. (This is why the "Superior Court" is named as the respondent in many CPRA appellate decisions.) Such an appeal must be sought within 20 days of the trial judge's order or such further time not to exceed 20 more days.

9. If a party wishes to prevent the disclosure of public records pending appellate review, that party must ask for a stay of the order or judgment.

Costs and attorney fees.

The CPRA mandates that a court award costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in the litigation. A plaintiff prevails when he or she files an action which results in the defendant agency releasing a copy of a previously withheld document. Prevailing on access to just one disputed record may be sufficient to justify an award of attorney fees.¹¹⁹

A court may award court costs and reasonable attorney fees to the public agency only if the court finds that the plaintiff's case is clearly frivolous.¹²² However, obtaining such fees against the plaintiff is difficult unless the court finds that the case is "utterly devoid of merit or [caused] by an improper motive" such as an intent to harass the agency.¹²³ In other words, a court must determine that "any reasonable attorney" would agree that the request is "totally without merit."¹²⁴



Compliance Tip

An award of attorney fees may depend on a court's determination of whether the litigation caused the agency to disclose documents. Courts may consider a timely effort to respond to a vague document request as proof that litigation did not cause any disclosure.¹²⁰ In contrast, courts may also consider an agency's lack of diligence in determining whether the litigation caused the agency's compliance with the CPRA.¹²¹



Conclusion

While the general precept of the CPRA –access to public records – appears straightforward, as demonstrated in the prior sections, compliance is not always that simple. The following are some general tips to help district staff negotiate the intricacies of the law:

1. Adopt a local policy and guidelines to ensure consistent procedures.
2. Document the date of receipt of requests.
3. Route the request to the district's designated employee for CPRA compliance, who in turn should notify all affected departments and employees.
4. Early retrieval and review of records allows time for an appropriate response.
5. If the purpose or scope of the request is unclear, contact the requester to find out what information is really needed.
6. The fact that a request is burdensome and requires a lot of staff time and effort is not a valid basis for denial.
7. If the request is for a record in an electronic format, ensure that the disclosure will not compromise the security of any proprietary software or contain metadata that may be exempt or privileged from disclosure.
8. Refer questioned items to the district's legal counsel.
9. Respond timely to requests.
10. If a denial is made, identify in writing the appropriate exemption or privilege.
11. Do not overcharge for copies.
12. Treat difficult and repetitive requests professionally.



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Donald M. Davis, Esq.

The author would also like to thank Burke, Williams and Sorensen attorneys Alexandra Barnhill and Kane Thuyen for their assistance with this manual.

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Endnotes

1. This manual is a general summary of the CPRA as it applies to special districts and is not intended to provide legal advice on any specific CPRA request or issue. In addition, the statutory and case law summarized in this manual is subject to change. District staff should *always* seek the advice of agency legal counsel as to the application of the CPRA in a particular situation and to ascertain whether there have been recent changes to the CPRA by the Legislature or its interpretation by the courts.
2. Cal. Const., art. I, §3(o).
3. Gov. Code §§6250-6276.49 Unless otherwise noted, all subsequent references are to the Government Code.
4. §6253(a).
5. §6253(b).
6. §6253(c).
7. §§6253(a) and (b).
8. §§6252(g), 6254.9(d), 6253.9.
9. See §6254 and following.
10. §§6258 and 6259.
11. §§6253(e), 6253.4.
12. §6252(a).
13. See Op Cal Atty Gen. No. 01-401 (2002). The Attorney General Opinions referred to in this manual may be obtained online at <https://oag.ca.gov/opinions/search>.
14. §6253(e).
15. §6252(e).
16. §6252(g).
17. §6254.9(d), see *California State University v. Superior Court* (2001) 90 Cal.App.4th 810.
18. §6253(c).
19. §6253.3, See *Community Youth Athletic Center v. City of National City* (2013) 220 Cal. App. 4th 1385.
20. *California State University v. Superior Court* (2001) 90 Cal. App. 4th 810.
21. *San Gabriel Tribune v. Superior Court* (1983) 143 Cal. App. 3d 762, *California State University v. Superior Court* (2001) 90 Cal. App. 4th 810.
22. §6253, *Los Angeles Unified School District v. Superior Court*

23. *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762.
24. See §§6262, 6264, and 6265.
25. *Dixon v. Superior Court* (2009) 170 Cal.App.4th 1271; *Los Angeles Police Dept. v. Superior Court* (1977) 65 Cal.App. 661.
26. *Marylander v. Superior Court* (2002) 81 Cal.App.4th 1119.
27. §6253.
28. *Los Angeles Times v. Alameda Corridor Transportation Authority* (2001) 88 Cal.App.4th 1381.
29. *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159.
30. §6253.1.
31. §6253.1.
32. §6257.5, *California State University v. Superior Court* (2001) 90 Cal.App.4th 810.
33. *Connell v. Superior Court* (1999) 56 Cal.App.4th 601.
34. *City of San Jose v. Superior Court* (1999) 74 Cal.App.4th 1008.
35. *State Bd. of Equalization v. Superior Court* (1992) 10 Cal.App.4th 1177.
36. See *CBS Broadcasting, Inc. v. Superior Court* (2001) 91 Cal.App.4th 892 [estimated cost of over \$43,000 to respond to request did not justify refusal to provide identifiable records].
37. See *American Civil Liberties Union Foundation of Northern Cal. v. Deukmejian* (1992) 32 Cal.3d 440. [where redaction of 100 crime-related index cards would be onerous and the value of the redacted records would be minimal, nondisclosure was justified].
38. §6253.9(b).
39. §6253(c).
40. §6253(c).
41. §6253(b).
42. §6253.
43. §6253(d).
44. *Bruce v. Gregory* (1967) 65 Cal.2d 666.
45. §6253.9(a).
46. §6253.9(a)(2).
47. §6253.9(b).
48. §6253.9(c).
49. §6253.9(e).
50. §6253.9(f).
51. §6254.9.
52. *Sierra Club v. Superior Court* (2013) 57 Cal.4th 157.
53. See Assembly Bill (AB) 169 signed by the Governor on October 10, 2015.
54. §6253(b).
55. *County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4th 1301; *North County Parents Organization v. Department of Education* (1994) 23 Cal.App.4th 144.
56. §81008.
57. See Cal. Const., arts. XIII C, XIII D.

ENDNOTES (CONTINUED)

58. §6253(b).
59. See § 54954.1 of the Brown Act authorizing payment of a fee for mailing a copy of an agenda or agenda packet not to exceed the cost of the service.
60. *Haynie v. Superior Court* (2001) 26 Cal.4th 1061.
61. §6253(a).
62. §6254(k).
63. §6255.
64. See Civil Code §1798 and following.
65. §6254.5.
66. §6254.
67. *Sierra Club v. Superior Court* (2013) 57 Cal.4th 157.
68. §6254(a).
69. *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325.
70. See Op.Cal.Atty.Gen. No. 05-1004 (2006).
71. *Citizens for a Better Environment v. Dept. of Food and Agriculture* (1985) 171 Cal.App.3d 704.
72. §6254(b).
73. *City of Los Angeles v. Superior Court* (1996) 41 Cal.App.4th 1083.
74. *Fairley v. Superior Court* (1998) 66 Cal.App.4th 1414.
75. *Board of Trustees of Cal. St. Univ. v. Superior Court* (2005) 132 Cal.App.4th 889.
76. §6254(c).
77. *Eskaton Monterey Hospital v. Myers* (1982) 134 Cal.App.3d 788.
78. *Braun v. City of Taft* (1984) 154 Cal.App.3d 332.
79. §6254(c) and Labor Code §1198.5.
80. *Versaci v. Superior Court* (2005) 127 Cal.App.4th 805.
81. §6254.8.
82. *Int'l Federation of Professional and Technical Engineers, Local 21 v. Superior Court* (2007) 42 Cal.4th 319.
83. See *Sonoma County Employees' Retirement Assn v. Superior Court* (2011) 198 Cal.App.4th 986, *Sacramento County Employees' Retirement System v. Superior Court* (2011) 195 Cal.App.4th 440, *San Diego County Employees Retirement Assn. v. Superior Court* (2011) 196 Cal.App.4th 1228.
84. *Marken v. Santa Monica-Malibu Unified School Dist.* (2012) 202 Cal.App.4th 1250; *Bakersfield City School Dist. V Superior Court* (2004) 118 Cal.App.4th 1041.
85. §6254.21.
86. §6254(f).
87. *Rivero v. Superior Court* (1997) 54 Cal.App.4th 1048.
88. §6254(k).
89. See Health & Safety Code § 19851.
90. *Costco Wholesale Corporation v. Superior Court* (2009) 47 Cal.4th 725; *Clark v. Superior Court* (2011) 196 Cal.App.4th 37.
91. §6255.
92. *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325.
93. *Rogers v. Superior Court* (1993) 19 Cal.App.4th 469.
94. *California First Amend. Coalition v. Superior Court* (1998) 67 Cal.App.4th 159.

95. *Michealis, Montanari & Johnson v. Superior Court* (2006) 38 Cal.4th 1065.
96. *City of San Jose v. Superior Court* (1999) 74 Cal.App.4th 1008.
97. *Eskaton Monterey Hospital v. Myers* (1982) 134 Cal.App.3d 788.
98. *Long Beach Police Officers Assn. v. City of Long Beach* (2014) 59 Cal.4th 59.
99. *Int'l Federation of Professional and Technical Engineers, Local 21 v. Superior Court* (2007) 42 Cal.4th 319.
100. *Bakersfield City School Dist. v. Superior Court* (2004) 118 Cal.App.4th 1041.
101. *California State University v. Superior Court* (2001) 90 Cal.App.4th 810.
102. *CBS Broadcasting Inc. v. Superior Court* (2001) 91 Cal.App.4th 892.
103. *New York Times Co. v. Superior Court* (1990) 218 Cal.App.3d 1579.
104. *Register Division of Freedom Newspapers v. County of Orange* (1984) 158 Cal.App.3d 893.
105. *Braun v. City of Taft* (1984) 154 Cal.App.3d 332.
106. *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762.
107. *Uribe v. Howie* (1971) 19 Cal.App.3d 194.
108. §6254(aa) and (ab)
109. §6254.4.
110. §6253.5.
111. §§6254(h), 7267.2(b).
112. §6254(i).
113. §§6254(k), 6255, Evid. Code, §§1040 & 1060; and Civ. Code §3426 and following.
114. §6254.16.
115. See *Masonite Corp. v. County of Mendocino Air Quality Management Dist* (1996) 42 Cal App 4th 436 [finding that the employee must have acted "within the scope of his or her . . . employment" for there to be a "waiver," and that the inadvertent release of information was outside the proper scope of the employee's duties]
116. §6258.
117. *Filarsky v. Superior Court (City of Manhattan Beach)* (2002) 28 Cal.4th 419.
118. §§6258 and 6259.
119. *Los Angeles Times v. Alameda Corridor Transportation Authority* (2001) 88 Cal.App.4th 1381.
120. *Motorola Communications and Electronics v. Department of General Services* (1997) 55 Cal.App.4th 1340.
121. *Community Youth Athletic Center v. City of National City* (2013) 220 Cal App.4th 1385.
122. §6259.4.
123. *Crews v. Willows Unified School District* (2013) 217 Cal.App.4th 1368.
124. *Bertoli v. City of Sebastopol* (2015) 233 Cal. App.4th 353.

Item 8.6 Cover Sheet for Purchase of Swimming Pool Heater

Auburn Area Recreation and Park District Finance Committee meeting and Board of Directors meeting
November, 2017

The Issue: Shall the Auburn Area Recreation and Park District Board of Directors approve resolution 2017-15, authorizing the District Administrator to enter into a contract to replace the pool heater at Marsha Skinner Pool?

Background: The existing unit's heat exchangers were rebuilt approximately three years ago. Staff was advised at that time that the units can only be rebuilt once. The current condition of the heater is unsafe as the exterior body of the unit is now compromised and the flames of the heater can be seen through the body structure. In essence, the unit is eating itself from within.

ARD Policy regarding Competitive Bidding is as follows:

IV. Competitive Bidding

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

Staff obtained three quotes from available suppliers of commercial heaters; Lincoln Aquatics, Aqua Source, and Knorr Systems. Their quotes and pertinent technical data is available on the attached spreadsheet.

Recommendation: The Standing Finance Committee recommended approval the contract from Lincoln Aquatics in the amount of \$52,111.42 and approval of Board Resolution 2017-15 authorizing the District Administrator to sign the contract with Lincoln Aquatics.

Fiscal Impact: \$52,111.42 to be transferred from the Equipment Reserve. The transfer will leave a balance in the reserve of \$806,420.

Attachments: Matrix comparing prices, specs and warranties on four different pool heaters. Resolution Number 2017-15.

Replacement Pool Heater Comps				
	Lincoln	Aqua Source	Aqua Source	Knorr
	RayPak	RayPak	RayPak	
	Xtherm	Xtherm	Hi Delta	Lochinvar
	Model P2005A	Model P2005A	P2002C	FBN2001
BTU	2,000,000	2,000,000	2,000,000	2,000,000
Efficiency	97%	97%	85%	unk
Heater Unit Price	30,406	40,021	28,010	55,457
Install Labor	17,847	18,580	14,230	26,496
Install Materials	796	3840	3390	12,182
Tax	2262.17	3180	2276	6426
Misc	800	500	500	2500
Warranty				
Thermal Shock	5	5	25	10
Primary Heat Exchanger	5	5	5	unk
Condensing Heat Exchanger	10	10	10	unk
Total Installed Cost	52,111	66,121	48,406	103,061

Joe,

The energy cost information you requested is attached to this email.

The estimated annual energy cost savings by upgrading to XTherm over the Hi Delta is approximately \$7,618.93.

The installed equipment cost differential is \$17,714.72.

$\$17,714.72 / \$7,618.93 = 2.33$ year ROI.

Please let me know if you have any questions.

Sincerely,

Ron Ybarra
General Manager
Certified NSPF Instructor
Aqua Source, Inc.

Lincoln Aquatics
 2051 Commerce Avenue
 Concord, CA 94520
 Phone: 800-223-5450
 Fax: 888-680-2825



SALES QUOTE

Sales Quote Number: WQ108402
 Sales Quote Date: 11/9/17
 Page: 1

Sold To: Auburn Park & Rec District
 471 Maidu Drive
 Auburn, CA 95603

Ship To: Auburn Park & Rec District
 471 Maidu Drive
 Auburn, CA 95603

Ship Via	UPS GRD	Customer ID	APR4
Ship Method	FOBO	Cust Phone	530/885-8461
Terms	NET30	Cust Fax	530/823-0872
Sales Person	Jim Settle/916/781-7664		

Item No.	Description	Unit	Quantity	Unit Price	Total Price
21-670	Raypak XTherm 2,000,000 BTU heater, natural	EACH	1	\$30,406.00	\$30,406.00
21-695	Raypak Xtherm Condensate neutralizer, for 1505/2005	EACH	1	\$421.75	\$421.75
21-680	Raypak XTherm Cal Code	EACH	1	\$374.50	\$374.50
NAS-LABOR	NAS-Labor to remove and install new heater prevailing wage DIR#100005425 Installation of a new Raypak Xtherm P-2005A Swimming pool heater. - disconnect electrical, gas line, venting, disconnect the plumbing - demo out the old heater - set new heater in the same location - re-route the electrical and run an additional 20amp circuit - re-route the gas line - install new 8" PVC venting and high wind top - Loop the existing heater plumbing, install new tees 12" apart for the new heaters in and out. - test gas pressure - perform factory startup 3 men for the demo day, 2 men the next 3 days.		1	\$17,847.00	\$17,847.00

Lincoln Aquatics
 2051 Commerce Avenue
 Concord, CA 94520
 Phone: 800-223-5450
 Fax: 888-680-2825



SALES QUOTE

Sales Quote Number: WQ108402
 Sales Quote Date: 11/9/17
 Page: 2

Sold To: Auburn Park & Rec District
 471 Maidu Drive
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Ship Via	UPS GRD	Customer ID	APR4
Ship Method	FOBO	Cust Phone	530/885-8461
Terms	NET30	Cust Fax	530/823-0872
Sales Person	Jim Settle/916/781-7664		

Item No.	Description	Unit	Quantity	Unit Price	Total Price
	Permits and Fees if required done at time and materials				
	ESTIMATED Freight		1	\$800.00	\$800.00

To approve or review this quote, please contact your sales rep at the number shown above.
 You can also phone us at: 800-223-5450

To expedite orders, please include Quote Number with purchase order.
 Orders placed after the expiration date may be re-quoted. Freight quotes good for 30 days.

Submitted By: _____ Accepted By: _____

Amount Subject to Sales Tax	31,202.25	Amount Exempt from Sales Tax	18,647.00	Subtotal:	49,849.25
				Invoice Discount:	0.00
				Total Sales Tax:	2,262.17



PO Box 1146
 Galt, CA 95632
 800.574.8081

QUOTATION

Date: 9/18/17
 Quote #: 091817-02

Customer Name / Address

Auburn Recreation District
 Brian Simpson
 123 Recreation Dr
 Auburn, CA 95603

Ship To

Auburn Recreation District
 Brian Simpson
 123 Recreation Dr
 Auburn, CA 95603

Item	Description	Qty	Cost	Total
INSTALLATION	Hi Delta Heater Installation: Scope of Work: Remove existing pool heater, associated plumbing and venting. Install new RayPak Hi-Delta boiler using high temp CPVC plumbing for water connections. Utilize galvanized pipe for gas line connections. Add support strut where needed. Run new 14" double wall galvanized venting and connect with existing exhaust ventilation system. Provide structural support for venting. Start-up and test system. Put in to normal operation.	1	14,230.00	14,230.00
H223023	Hi Delta P2002C, Natural Gas, Cold Water Run, Versa Control VENT TERMINATION CAP - VERTICAL (CATEGORY I) 14" and California Code	1	28,009.55	28,009.55T
MATERIALS	Installation materials including Schedule 80 CPVC pipe and fittings, galvanized pipe, double wall galvanized venting	1	3,390.00	3,390.00T
FRT	Freight	1	500.00	500.00
LaborClause	All Labor performed under Aqua Source Commercial Pool Services. (Contractors License #940786)			0.00T
QTE	-Terms: Net 30 Days with Purchase Order -Lead time is estimated at 4-6 WEEKS ARO -This quotation will be honored for a period of (30) days			0.00T
PW	Includes prevailing wage compensation and electronic payroll submissions to State of California DIR Registration #1000014661			0.00T

Thank you for giving us the opportunity to provide this quotation.

Subtotal \$46,129.55
Sales Tax (7.25%) \$2,276.47
Total \$48,406.02

**LIMITED WARRANTY
HI DELTA - TYPES H AND WH
Models: 101 - 2342**

SCOPE

Raypak, Inc. (Raypak) warrants to the original owner that all parts of this heater which are actually manufactured by Raypak will be free from defects in materials and workmanship under normal use and service for the specified warranty periods and subject to the conditions set forth in this Limited Warranty. Labor charges and other costs for parts removal or reinstallation, shipping and transportation are not covered by this Limited Warranty, but are the owner's responsibility.

EFFECTIVE DATE

The Effective Date of this Limited Warranty is the date of original installation if properly documented; if you are not able to provide documentary proof of the date of original installation, the Effective Date will be the date of manufacture plus 30 days.

HEAT EXCHANGER WARRANTY PERIODS

Domestic Hot Water

Five (5) years from Effective Date. Includes copper heat exchanger with bronze or cast iron waterways.

Ten (10) years from Effective Date. Includes only cupro-nickel heat exchanger with bronze or cast iron waterways.

Space Heating (Closed Loop System)

Ten (10) years from Effective Date. Includes both cupro-nickel and copper heat exchanger with bronze or cast iron waterways.

Thermal Shock Limited Warranty

Twenty five (25) years from Effective Date against "Thermal Shock" (excluded, however, if caused by heater operation at large changes exceeding 150°F between the water temperature at intake and heater temperature, or operating at heater temperatures exceeding 240°F).

ANY OTHER PART MANUFACTURED BY RAYPAK

One (1) year from Effective Date.

THIS LIMITED WARRANTY WILL BE VOID IF THE HEATER RATING PLATE IS ALTERED OR REMOVED.

ADDITIONAL WARRANTY EXCLUSIONS

This Limited Warranty does **NOT** cover units moved from their original installation location or conditions including failures or malfunctions resulting from:

1. Failure to properly install, operate or maintain the heater in accordance with our printed instructions provided;
2. Abuse, misuse, alteration, accident, fire, flood and the like;
3. Sediment or lime build-up, freezing, or other conditions causing inadequate water circulation;
4. High velocity flow exceeding heater design rates;
5. Failure of connected systems devices, such as pump or controller;
6. Use of non-factory authorized accessories or other components in conjunction with the heater system;
7. Failing to eliminate air from, or replenish water in, the connected water system;
8. Chemical contamination of combustion air.

REPAIR OR REPLACEMENT

At its option, Raypak will repair or replace a defective part(s) in accordance with the terms of this Limited Warranty, if it fails in normal use and service during its specified warranty period. The failed part must first be returned to Raypak if requested, with transportation charges prepaid, and all applicable warranty conditions found satisfied. The repair or replacement part will be warranted for only the unexpired portion of the original Limited Warranty. Raypak makes no warranty whatsoever on parts not manufactured by it, but Raypak will apply any such warranty as may be provided to it by the parts manufacturer.

HOW TO MAKE A WARRANTY CLAIM

You should immediately notify the original installer, supplying the model number and serial numbers of the unit, date of installation and description of the problem. The installer must then notify his Raypak distributor for instructions regarding the claim. If either is not available please contact Service Manager, Raypak, Inc. 2151 Eastman Avenue, Oxnard CA 93030 or call (805) 278-5300. In all cases proper authorization must first be received from Raypak before repair or replacement of any part.

EXCLUSIVE WARRANTY-LIMITATION OF LIABILITY

The Limited Warranty is the only warranty for this product and its component parts given by Raypak. No one is authorized to make any other warranties on Raypak's behalf. **ANY IMPLIED WARRANTIES, INCLUDING MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, SHALL NOT EXTEND BEYOND THE APPLICABLE WARRANTY PERIODS SPECIFIED IN THIS LIMITED WARRANTY. RAYPAK'S SOLE LIABILITY WITH RESPECT TO ANY DEFECT SHALL BE AS SET FORTH IN THIS LIMITED WARRANTY. IT IS AGREED THAT RAYPAK SHALL HAVE NO LIABILITY WHETHER UNDER THIS LIMITED WARRANTY OR IN CONTRACT, TORT OR NEGLIGENCE OR OTHERWISE FOR CLAIMS FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES (INCLUDING NO LIABILITY FOR DAMAGE FROM WATER LEAKAGE) WHICH ARE EXPRESSLY EXCLUDED, NOTWITHSTANDING ANY FAILURE OF ESSENTIAL PURPOSE OF ANY LIMITED REMEDY.** Some states do not allow limitations on how long an implied warranty lasts, or for the exclusion of incidental or consequential damages, so the above limitation or exclusion may not apply to you. **THIS LIMITED WARRANTY GIVES YOU SPECIFIC LEGAL RIGHTS, AND YOU MAY ALSO HAVE OTHER RIGHTS WHICH VARY FROM STATE TO STATE.**

We suggest you immediately record the model and serial number and date of original installation and retain this Limited Warranty Certificate along with your original proof of purchase and date of installation/start-up in the event warranty service is needed.

DO NOT RETURN THIS DOCUMENT TO RAYPAK. KEEP IT WITH YOUR HEATER OR BUSINESS RECORDS.

Name of Owner	Name of Installer
Owners Address	Telephone Number of Installer
Date of Installation	Installation Site
Model Number	Serial Number



PO Box 1146
 Galt, CA 95632
 800.574.8081

QUOTATION

Date	Quote #
10/24/17	102417-01

Customer Name / Address

Auburn Recreation District
 Attn: Joe Fecko
 123 Recreation Dr
 Auburn, CA 95603

Ship To

Auburn Recreation District
 Attn: Joe Fecko
 123 Recreation Dr
 Auburn, CA 95603

Item	Description	Qty	Cost	Total
INSTALLATION	XTherm Heater installation Scope of Work: Remove existing pool heater, associated plumbing and venting. Install new RayPak XTherm boiler using high temp CPVC plumbing for water connections. Utilize galvanized pipe for gas line connections. Add support strut where needed. Run new 8" Schedule 40 PVC venting through roof. Cap and seal. Start-up and test system. Put in to normal operation.	1	18,580.00	18,580.00
H230100	RayPak XTherm P-2005A Natural Gas Boiler w/ PVC factory installed venting adapter, Touch Screen Versa IC Controls, Condensate Treatment Kit and Cal Code.	1	40,020.83	40,020.83T
MATERIALS	Installation materials including Schedule 80 CPVC pipe and fittings, galvanized gas line connections and schedule 40 PVC venting materials.	1	3,840.00	3,840.00T
FRT	Freight	1	500.00	500.00
LaborClause	All Labor performed under Aqua Source Commercial Pool Services. (Contractors License #940786)			0.00T
QTE	-Terms: Net 30 Days with Purchase Order -Lead time is estimated at 4-6 weeks ARO -This quotation will be honored for a period of (30) days			0.00T
PW	Includes prevailing wage compensation and electronic payroll submissions to State of California DIR Registration #1000014661			0.00T

Thank you for giving us the opportunity to provide this quotation.

Subtotal	\$62,940.83
Sales Tax (7.25%)	\$3,179.91
Total	\$66,120.74

**LIMITED WARRANTY
XTHERM PROFESSIONAL SERIES POOL HEATER
Models: P1005A thru P4005A**

SCOPE OF WARRANTY

Raypak, Inc. (Raypak) warrants to the original owner that the above model gas pool and spa heater (the "Heater") when installed in the 50 states of the United States of America with a pool or spa by a properly licensed installer will be free from defects in materials and workmanship under normal use and service for the Applicable Warranty Period. Under this Limited Warranty, Raypak will, at its option, repair or furnish a replacement for any defective part of the HEATER. The repair or replacement will be warranted for only the unexpired portion of the original Applicable Warranty Period.

EFFECTIVE DATE

The Effective Date of Warranty coverage is the date of original installation if properly documented; otherwise it is the date of manufacture plus 30 days. All Applicable Warranty Periods specified in this Limited Warranty are measured from the Effective Date.

APPLICABLE WARRANTY PERIOD

If the HEATER is installed with a pool or spa, the Applicable Warranty Period is one (1) year from the Effective Date, parts and labor, for the HEATER and component parts, except that the cupro-nickel heat exchanger will have an Applicable Warranty Period of five (5) years from the Effective Date, with no labor coverage in the second thru fifth years. The stainless steel condensing heat exchanger is ten (10) years from Effective Date, with no labor coverage in the second through tenth years,

LABOR AND SHIPPING COSTS

This Limited Warranty covers the reasonable cost of labor for repairs or replacements covered by this Limited Warranty up to \$1000 per heater, provided that said repairs or replacements are performed by a Raypak designated service provider during the Applicable Warranty Period and Raypak has pre-authorized said repair or replacement. This Limited Warranty does not cover any travel time or other labor costs. Furthermore, this Limited Warranty does not cover any shipping costs to and from the service provider or to or from the installation site. All of the foregoing costs and expenses are your responsibility.

WARRANTY EXCLUSIONS

This Limited Warranty does NOT apply;

1. if the Heater has been moved from its original place of installation, or if the original owner no longer owns the property where the original installation was made;
2. if the Heater is not properly installed with a pool or spa by a qualified licensed installer in accordance with applicable local codes and ordinances, good trade practices, and the manufacturer's installation instructions. Not to be installed in a closed loop hydronic heating, or potable water heating application;
3. if the rating plate(s) or serial number(s) are altered or removed;
4. if the Heater is modified in any way, or non-factory authorized accessories or other components are used in conjunction with the Heater;
5. to damage, malfunctions or failures resulting from failure to properly install, operate or maintain the Heater in accordance with the manufacturer's instructions;
6. to damage, malfunctions or failures resulting from abuse, act of nature, accident, fire, flood, freeze, lightning or the like;
7. to damage, malfunctions or failures resulting from connected system control devices;
8. performance problems caused by improper sizing of the Heater or electric service voltage, wiring or fusing;
9. use of any attachment, including without limitation, any energy saving device not authorized by the manufacturer;

10. to damage, malfunctions or failures resulting from misuse or neglect, including but not limited to, freeze-ups, operating the Heater with the cabinet door off, having flow restrictions or obstructions between the Heater outlet and the pool/spa, electrolysis due to an improperly installed salt chlorine generator, or not maintaining a proper chemical balance (PH level must be between 7.4 and 7.8 and total alkalinity between 100 and 150 PPM. Total dissolved solids (TDS) must be no greater than 3000 PPM. In salt water chlorinated pools, TDS must be no greater than 4500 PPM).

HOW TO MAKE A WARRANTY CLAIM

You should immediately notify your dealer and provide proof of purchase model number serial number and date of installation. Your dealer will contact Raypak for instructions regarding the claim and to determine the location of the nearest authorized service center. If the dealer is not available, please contact Raypak warranty service at 805-278-5300. When making a claim please be ready to supply the model number, serial number, date of original installation and a description of the problem. **Proper authorization MUST be obtained PRIOR to any repairs for the Limited Warranty to apply. This Limited Warranty is VOID if the Heater is repaired or altered in any way by ANY persons or agencies other than those authorized by Raypak.** Raypak reserves the right at all times to inspect, or require the return of, the defective Heater or component part and to verify warranty coverage at its factory.

EXCLUSIVE WARRANTY-LIMITATION OF LIABILITY

THE LIMITED WARRANTY IS THE ONLY WARRANTY GIVEN BY RAYPAK IN CONNECTION WITH THE HEATER AND ITS COMPONENT PARTS. NO ONE IS AUTHORIZED TO MAKE ANY OTHER WARRANTIES ON RAYPAK'S BEHALF. ANY IMPLIED WARRANTIES, INCLUDING MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, SHALL NOT EXTEND BEYOND THE APPLICABLE WARRANTY PERIOD SPECIFIED ABOVE. RAYPAK'S SOLE LIABILITY WITH RESPECT TO ANY DEFECT SHALL BE AS SET FORTH IN THIS LIMITED WARRANTY. IT IS AGREED THAT RAYPAK SHALL HAVE NO LIABILITY WHETHER UNDER THIS LIMITED WARRANTY OR IN CONTRACT, TORT OR NEGLIGENCE OR OTHERWISE FOR CLAIMS FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES (INCLUDING NO LIABILITY FOR DAMAGE FROM WATER LEAKAGE), ALL OF WHICH ARE EXPRESSLY EXCLUDED. SOME STATES DO NOT ALLOW LIMITATIONS ON HOW LONG AN IMPLIED WARRANTY LASTS, OR FOR THE EXCLUSION OF INCIDENTAL OR CONSEQUENTIAL DAMAGES, SO THE ABOVE LIMITATION OR EXCLUSION MAY NOT APPLY TO YOU.

THIS LIMITED WARRANTY GIVES YOU SPECIFIC LEGAL RIGHTS, AND YOU MAY ALSO HAVE OTHER RIGHTS WHICH VARY FROM STATE TO STATE.

We suggest you immediately record the model and serial number and date of original installation and retain this Limited Warranty Certificate in the event warranty service is needed.

DO NOT RETURN THIS DOCUMENT TO RAYPAK. KEEP IT WITH YOUR POOL HEATER OR BUSINESS RECORDS.

Name of Owner	Name of Installer
Owners Address	Installers Address
Date of Pool Heater Installation	Telephone Number of Installer
Model Number of Your Pool Heater	Serial Number of Your Pool Heater



KNORR SYSTEMS, INC.

A **PLAYCORE** Company

Budgetary EQUIPMENT QUOTATION

Date: September 8, 2017

To: Jessie Williams
AUBURN REC & PARK DISTRICT

From: Chris Robertson 916 593-3132

Project: Auburn P&R Heating System

*Exc. Ind. K-1000 Production
PARTS EXPENSE
Chris R. Knorr Systems, Inc.
664233-0000*

SECTION	QTY	DESCRIPTION	PRICE EACH	EXTENDED TOTAL
Heater	1	Lochinvar AQUAS model FBN2001 swimming pool heating system with 2 million Btu output and Smart System touch screen controls. Alfa Laval 3.0 million Btu titanium plate heat exchanger.	55,457.00	55,457.00
Installation Labor	1	Labor to remove and dispose of the existing heater, install the new Lochinvar heater, remove gas piping and and install new gas piping, reconnect electrical, start the units up and test for proper operation	26,496.00	26,496.00
Installation Materials	1	Materials needed for installation of above system	12,182.00	12,182.00
			Preliminary Subtotal	94,135.00
			Sales Tax (9.5%)	\$6,425.71
			Estimated Freight	\$2,500.00
			Total	\$103,060.71

The above pricing is for budgetary planning purposes only. A firm proposal can be provided upon request and release of scope of work / supply.

*Existing 3.0 million BTU
20 30 700
30000 System
water pump heater*

XTherm

ULTRA HIGH EFFICIENCY

Commercial Pool Heaters

Models 1005A, 1505A, 2005A,
2505, 3005, 3505, 4005

97% Thermal Efficiency



Touch Screen
VERSA IC[®] Control
Platform

Xtreme performance powered by



Xtreme Performance

97% thermal efficiency!



We use commercial grade Cupro-Nickel finned tubing in the primary heat exchanger. Standard copper-based heat exchangers can not stand up to the harsh environment of commercial pool heating. Your customers expect the best and Raypak delivers with professional grade commercial pool heaters.

Raypak's Next Generation Condensing Heater

Time-honored technologies unite with cutting-edge advancements in Raypak's new XTherm® vertical heater. Never before has a vertical heater provided both the installer and pool builder such installation flexibility, ease-of-commissioning, reliability and long-term performance. Small space, not a problem. The XTherm has one of the smallest installed footprints of any vertical condensing heater. Our compact design makes it the perfect choice for those hard to reach retrofit projects. Raypak's XTherm is built with commercial-grade components and materials. From our steel channel base to our stainless steel flue wrapper, and condensing heat exchanger, you can tell the XTherm is built to last. It's easy to handle and install, but still user friendly to service. Now is the perfect time to take a closer look at Raypak.

Flexibility

Industry-leading vent length allowances afford greater vent location options, thus reducing wasted space. Vent versatility is further enhanced by the self-tuning combustion system which compensates for unusual chimney and vent configurations.



PVC Vent Option (D-32)

Category IV - CSA-certified 97% efficiency at full fire for in pool applications. When the job requires high efficiency, XTherm meets your needs. The XTherm can use either AL29-4C stainless steel, PVC, CPVC or Polypropylene for venting. Just specify the D-32 vent option when using PVC vent or D33 vent option for polypropylene vent.

At the heart of every Raypak XTherm is a unique integral evaporator system - the first defense against condensation in the primary heat exchanger. Raypak's evaporator system collects and re-evaporates condensate which may form during initial start-up.

Simplicity

The Raypak XTherm will precisely heat your pool. Utilizing the latest technology for the combustion-components, the optimum fuel-air ratio is maintained throughout the entire range of the load-tracking operation. The XTherm automatically self-tunes to accommodate the widest range of gas supply pressures. The high quality integrated blower-gas valve is self-correcting and allows smooth operation with fluctuating gas supply pressures. The Raypak XTherm is cutting edge technology with atmospheric simplicity.

Key Features

- PVC vent capable - optional at time of order
- 3 models from 1,000,000 to 2,000,000 BTUH
- 97% thermal efficiency at full fire in pool applications
- Minimum continuous inlet water temperature (50 °F)
- Small footprint, less than 11 square feet
- AB 1953 low lead certified
- On-board diagnostic center, real English, no codes
- All models indoor/outdoor construction
- Complete cabinet protects all controls and wiring
- Low NOx - Less than 20ppm
- Suitable for altitudes up to 10,000 ft. (derate above 5,000 ft.)
- Equipped with all cupro-nickel, bronze, stainless steel and CPVC waterways
- Certified to ANSI Z21.56

Think Green

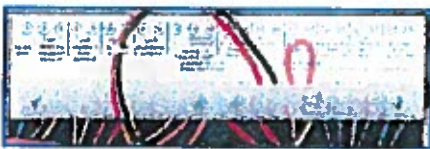


Think Raypak



1. Low Voltage Wiring Terminal

Up front and easy to get to. Makes sensor wiring and BMS wiring simple and clean.



2. Versa IC®

The Versa IC, Integrated Control system is CSA listed and certified as a combined temperature, safety, and ignition control device. Easy front access to all field wiring. This includes outdoor sensor, DHW sensor, system alarm, Modbus BMS port and 0-10V DC input connections. Each unit comes factory-equipped with cascade control capability. Simple, quick access daisy chain of up to 4 heaters.

3. Control Interface

Large easy to read (3.5") LCD display. Will continuously monitor flame strength (μ a), sensor temps, BMS signal (0-10V) set points, delta-T, all safety signals, full diagnostics and fault history for last 15 events. Simple touch pad settings. Everything you need from set-up to service is at your fingertips, all in one location.

4. Combustion Air Fan

Cast aluminum, non-sparking construction. The state of the art variable-speed fan works in smooth harmony with the main gas valve.

5. Dungs Gas Valve

The XTherm uses a state-of-the-art main gas valve manufactured in Germany. This precision gas valve works in perfect unison with the combustion air fan. The result is silky smooth light-offs.

6. Flow Switch

Monitors water flow and provides safe shut down if water flow drops below the minimum required.

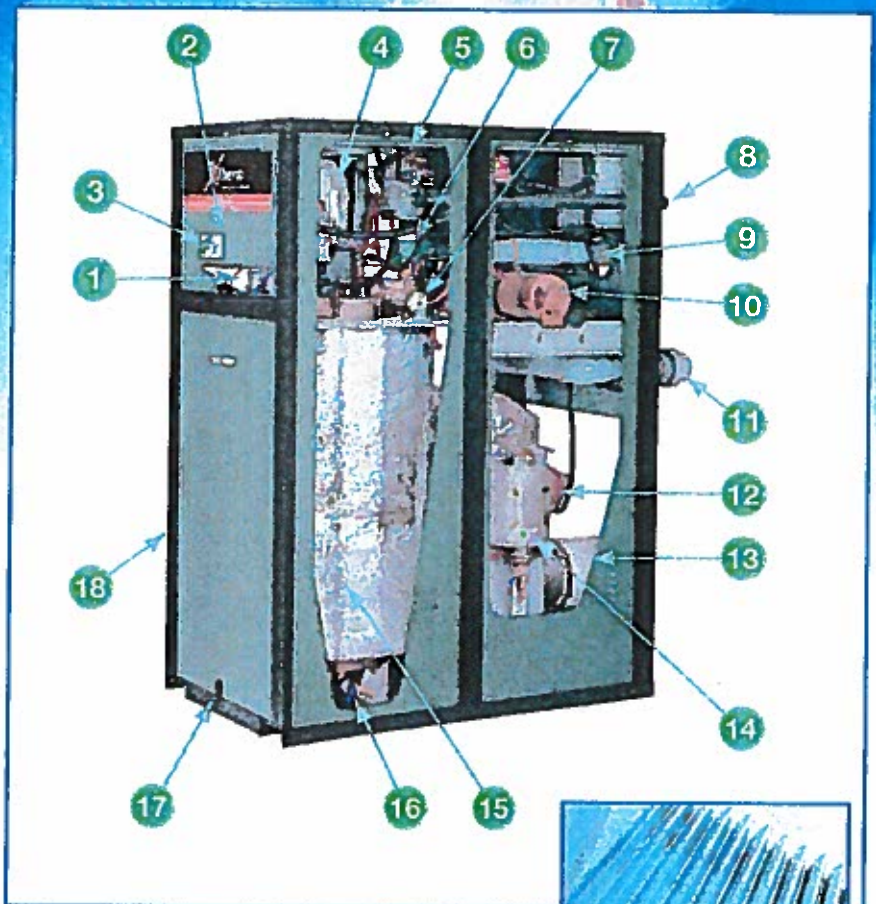
7. Vent Pressure Switch

Monitors vent pressure and provides safe shut down if back pressure is excessive.

8. Gas Inlet

The XTherm will operate at 100% full rate with gas pressures as low as 4.0" w.c.

9. Water Outlet



10. Heater Pump

Sometimes referred to as the primary pump. This fixed speed pump keeps flow constant through the primary heat exchanger.

11. Water Inlet

The XTherm can accept 50°F continuous inlet water temperature.

12. Cold Water Run Pump

The XTherm comes factory equipped with a built-in Cold Water Run system. This advanced water control system keeps the inlet water temperature to the primary heat exchanger above 120°F, regardless of the incoming water temperature. It constantly self adjusts and regulates the incoming water flow while still maintaining a constant ΔT in the heat exchanger.

13. Flue Outlet

The stainless steel flue outlet is compatible with CAT IV stainless steel. PVC or CPVC vent material may be used in conjunction with the D-32 vent option on the XTherm. Also available with option D-33 Polypropylene vent material. Dramatically cut your installation costs by using these non-metallic vent materials.

14. Stainless Steel Condensing Heat Exchanger

Recovers waste heat to boost efficiency up to 97%. The XTherm utilizes a separate high-grade stainless steel condensing heat exchanger. This allows the corrosive combustion condensate to be collected safely without damaging the heater. There is a condensate disposal connection on the rear of the heater. The XTherm is also equipped with a condensate switch that will sense a blocked condensate drain, which protects the heat



15. Vertical Primary Heat Exchanger

Cylindrical, multi-pass heat exchanger captures all radiant energy, eliminating the need for heavy refractory.

16. Drain Valve

One of two drain valves located at the bottom of the heat exchanger. A third drain valve is located on the condensing heat exchanger. This allows for complete winterizing and drainage of the heater.

17. Viewing Port

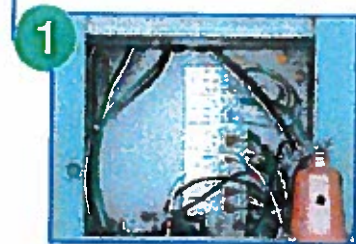
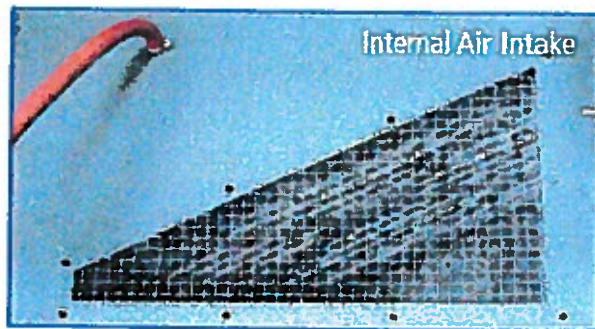
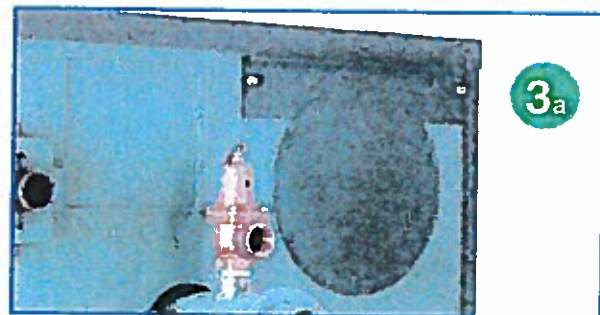
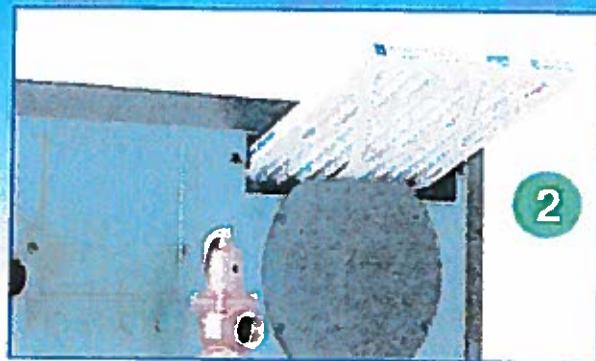
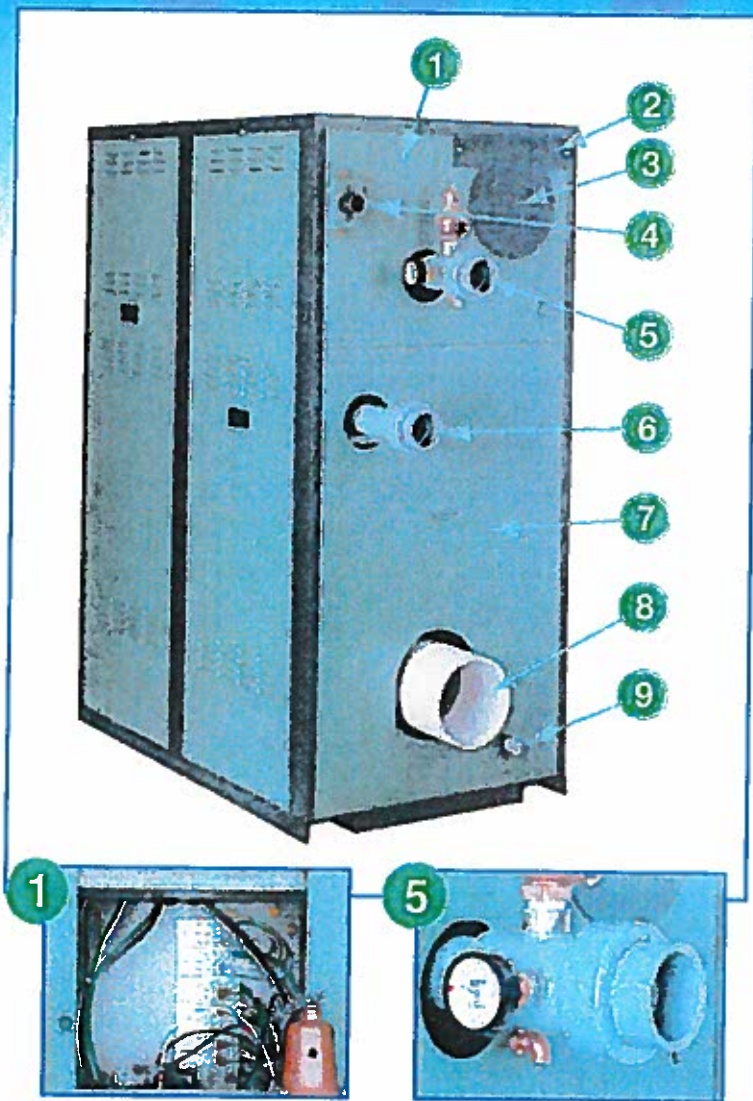
Allows for easy burner inspection.

18. Weather-Proof Jacket

Heavy gauge galvanized steel with a UV-resistant Polytuf powder coat is impervious to weather and corrosion. The Polytuf coating passes the 1000 hour salt spray test (ASTM B117).

Xtreme Versatility

Can be installed indoor or outdoors!



1. High Voltage Wiring Box

120VAC connections.

2. Removable Air Filter

Provides easy access and is easily removable for inspection and replacement. 12"x20" high capacity filter is rated MERV 8 (95% - 98% arrestance.)

3. Direct Vent Capability

Every XTherm is direct vent capable. By installing the optional vent pipe adapter (D-18) and air plenum plug, your XTherm is ready for direct vent. This makes it ideal for storage of pool chemicals in the same room as the XTherm. Damaging chemicals are not in contact with the heat exchanger or combustion chamber.

3a. Outdoor Cover

If your job requires outdoor installation, an optional air

vent plug easily screws on to cover the direct vent air intake. The combustion air will then be drawn from inside the heater through screened plenum openings. See photo above right.

4. Gas Inlet

The XTherm will operate at 100% full rate with gas pressures as low as 4.0" w.c.

5. Water Outlet - 2-1/2" CPVC Slip

6. Water Inlet - 2-1/2" CPVC Slip

The XTherm can accept as low as 50°F continuous inlet water temperature without damage to the primary heat exchanger.

7. Access Panel to Cold Run Pump

Easily removable access panel even when unit is

plumbed in place. Provides full access to inspect and service the Cold Run Pump system and condensate drain switch.

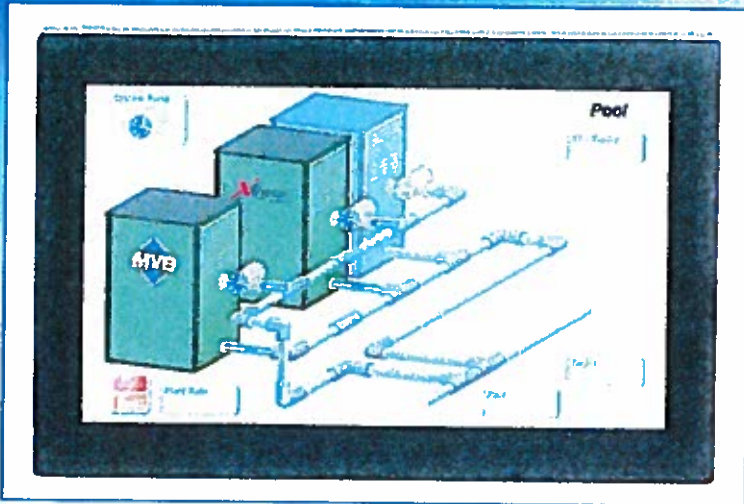
8. Flue Outlet

The stainless steel flue outlet is compatible with CAT IV stainless steel. For a dramatic cost reduction over Category IV stainless steel, PVC or CPVC vent material may be used in conjunction with the D-32 vent option. Also available with optional D-33 Polypropylene vent material.

9. Condensate Drain

3/4" NPT PVC connection for condensate removal. Raypak offers optional condensate treatment kits (Z-12) that can be plumbed between the heater and the drain.

Xtreme Control

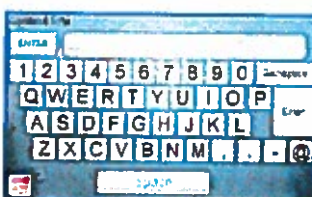
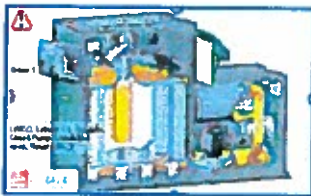


Cascade up to 4 Heaters

The XTherm comes standard with a built-in Cascading Heater Control. No other controls to buy, just connect your other VERSA IC equipped heaters as followers to the master unit with 2-wire shielded cable (not supplied) to the front mounted low voltage wiring board. Designate a Cascade Master Heater and set all the other heaters as Followers. It's that simple! The XTherm has built-in equal run-time rotation. This allows rotation of the starting heater so all heaters in the system remain active and the run times remain equal on each unit.

Raypak Leadership in Heater Management

The new VERSA IC[®] fully integrates temperature control, ignition, safety, temperature safety and individual fault monitoring as well as the internal cold water protection for the non-condensing exchanger for complete heater control. A Modbus communications port is standard for continuous monitoring, trending, and trouble shooting. Easy front access to read, setup and troubleshoot on a 7" color touch screen.



Diagnostic Information

Control Faults

- Low 24VAC
- Control Setup
- ID Card Fail
- Device Lost
- Device Error
- PIM Error

Safety Faults

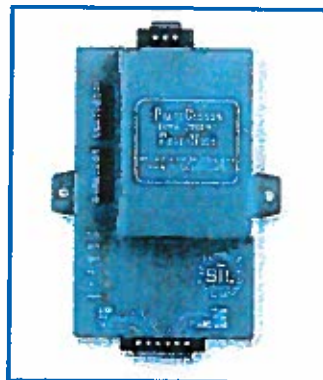
- Sensor Failure - 6
- Condensate Full
- Vent Temp (PVC and Poly)
- Vent Block
- Manual Limit
- Auto Limit
- Water Flow
- Delta-T Fault
- Low Water
- Low Gas
- High Gas
- Extra 1
- Options

Ignition Control Faults

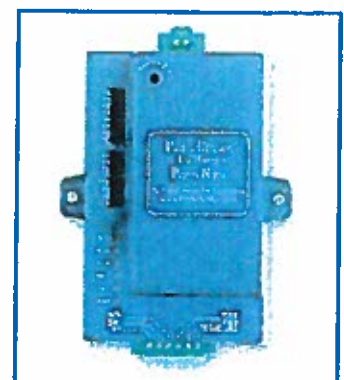
- Ignition Lockout
- False Flame
- Ignition Failure
- Low HSI Current
- Blower Speed

Optional Gateways

- Cascade up to 4 heaters
- Modbus RTU comm port standard
- All faults and interlocks monitored and reported in plain English
- Building Management System integration via optional gateways:
 - BACnet MS/TP, BACnet IP, N2 Metasys or Modbus TCP
 - LONworks

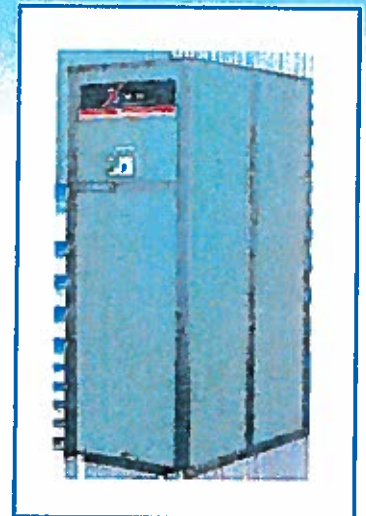
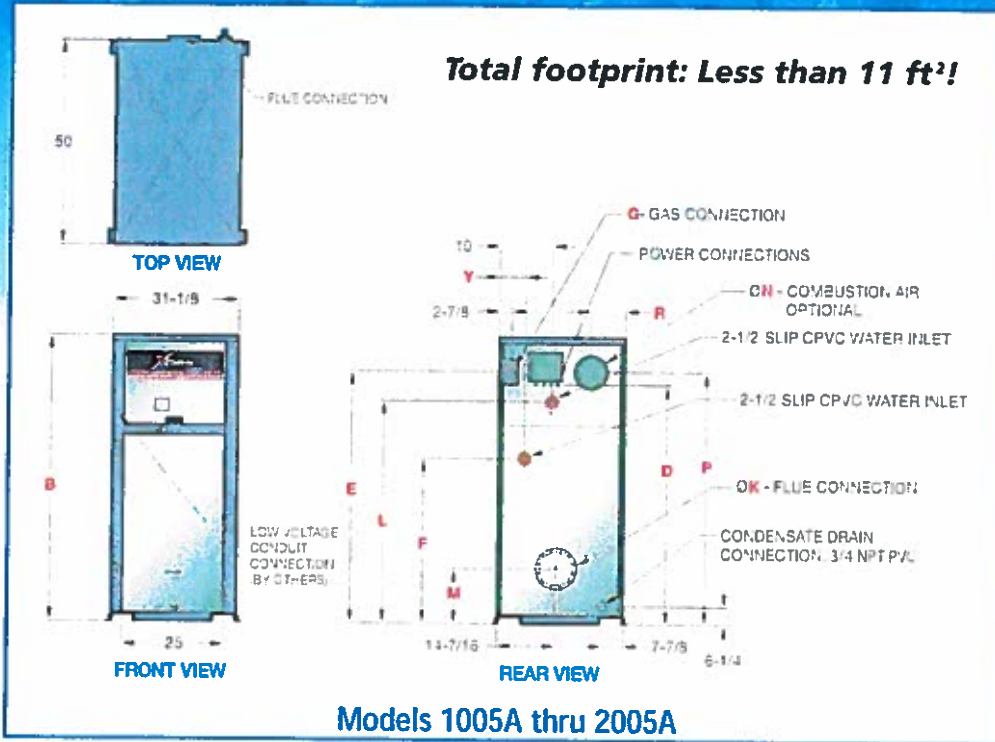


BACnet[®], Metasys[®]
Modbus[®]



LONworks[®]
gateway module

Xtremely Small Footprint



Model	Dimensions (inches)												P-Models		
	B Ht.	D	E	F	G NPT	K Flue Ø	L	M	N C/A Ø	P	R	Y	Weight (lbs.)	Heater Amps	Pump Amps [†]
1005A	55-1/8	45	47-1/8	36-1/2	1-1/4	6	40-1/16	11-1/2	6	47-1/8	8-1/16	6-1/16	1065	12	10
1505A	67-1/8	57	59-1/16	38-1/2	1-1/4	8	52-1/16	12-5/8	8	59-1/8	8-3/16	6-1/16	1234	12	14
2005A	81-1/8	71	71-3/16	38-1/2	2	8	64-1/16	12-5/8	8	73-1/8	8-3/16	6-1/4	1461	18	17
2505	68-3/16	65	64-13/16	21-1/8	2-1/2	10	7-5/16	18-1/2	10	70	-	-	2656	12**	15**
3005	73-3/16	70	69-13/16	26-1/8	2-1/2	10	7-5/16	23-1/2	10	65	-	-	2775	15**	16**
3505	78-3/16	75	74-13/16	31-1/8	2-1/2	10	7-5/16	28-1/2	12	60	-	-	2925	17**	16**
4005	83-3/16	80	79-13/16	30-7/8	2-1/2	12	7-5/16	29-1/4	12	55	-	-	3058	20**	24**

*For propane gas, all models are 1-1/4" NPT.

† Amp load does not include primary heater pump; a separate 120 VAC electrical connection must be supplied for the primary pump.

**At 240VAC.

Model	MBTUH Input	Pool Heater	
		Output	Efficiency
1005A	999	969	97%
1505A	1500	1455	97%
2005A	1999	1939	97%
2505	2501	2426	97%
3005	3000	2910	97%
3505	3500	3395	97%
4005	4000	3880	97%

CLEARANCES	Heater Side		From Combustible Surfaces (min.)	For Service (Minimum)
	Indoor	Outdoor	Unobstructed	Unobstructed
Floor*			0	N/A
Rear			12	36
Right Side			1	24
Left Side			1	1
Front			24	24
Top	Indoor	Outdoor	0	10
Vent Stack	Indoor	Outdoor	1	N/A
Vent Cap	Outdoor		12	12

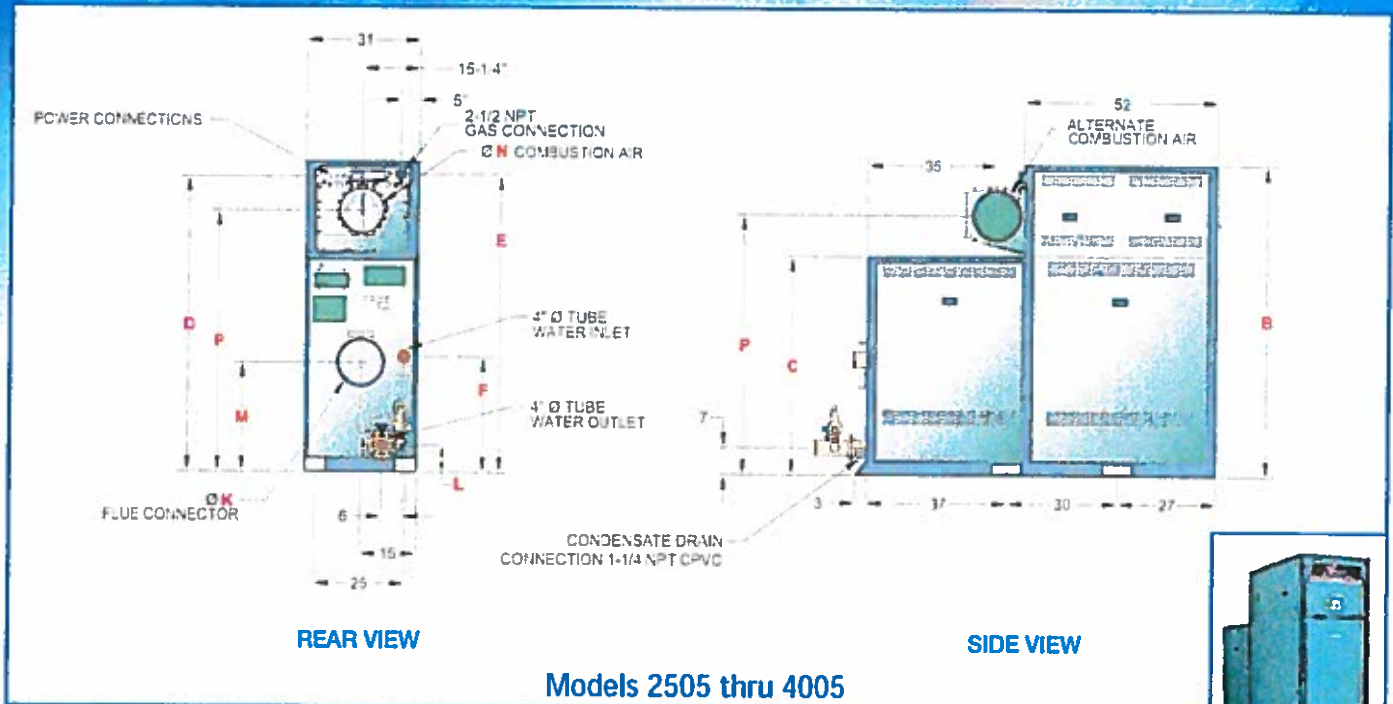
* Do not install on carpeting. Note: Local codes may require increased clearances.

Salt Water Chlorination

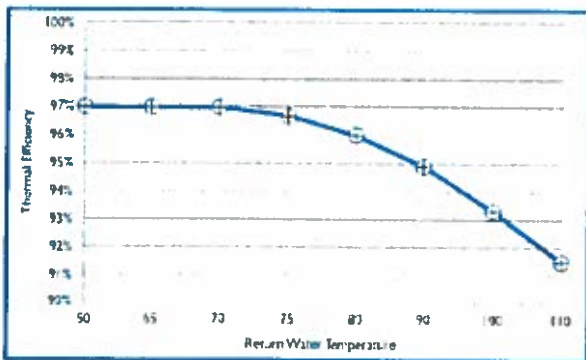
The XThem can be used with pools that are sanitized via Salt Water Chlorination, up to 3000 PPM.

As with all Raypak heaters, please feel free to contact your local Raypak representative or the Application Department for assistance with electrical requirements.

Xtreme Size Range



Xtreme Pumping



25 meters X 25 meters X 1-1/2 meters deep				
Annual Fuel Usage				
BTUH	Efficiencies			
	68%	78%	82%	97%
2,000,000	\$26,243	\$22,039	\$20,712	\$16,898

Using one 2,000,000 BTUH Heaters

50 meters X 25 meters X 2 meters deep				
Annual Fuel Usage				
BTUH	Efficiencies			
	68%	78%	82%	97%
4,000,000	\$80,653	\$66,424	\$62,047	\$49,756

Using two 2,000,000 BTUH Heaters

Cold Water Run System

The XTherm comes standard with a state-of-the-art Cold Water Run system factory mounted and plumbed. Raypak's Cold Water Run system provides constant protection against condensation in the primary heat exchanger. The system utilizes a variable speed pump to inject just the right amount of water from the main system loop into the heater to maintain the optimum inlet temperature. This allows the full capacity of the heater to be utilized to meet the system load, while at the same time continuously maintaining the optimum inlet water temperature to prevent condensation in the primary heat exchanger. All of this keeps the condensate where it belongs, in the stainless steel condensing heat exchanger.



The annual fuel usage is based on maintaining an indoor swimming pool at 80°F for 6 months of the year and using a fuel cost of \$1.00 per gallon.

HEAT EXCHANGER	ASME, National Board Registered, 160 PSI	• HLW Stamp	●	
	Heat Exchanger Tubes	• Cupro Nickel	●	
	Bronze Headers		●	
	Stainless Steel Condensing Heat Exchanger	• U Stamp	●	
	Pressure Relief Valve (Mounted on Outlet)	• 75 PSI	●	
	Temperature & Pressure Gauge		●	
	Pump - Primary	• 120V, Single-Phase (1005A-2005A); 240V, Single Phase (2505-4005)	●	
JACKET	Indoor/Outdoor Construction		●	
	Vent Terminal	• Outdoor • Through-the-Wall	○	
	Fully-Enclosed Controls		●	
	Combustible Floor Rated		●	
OPERATING CONTROLS	120V Power Supply with 120V/24V Transformer		●	
	On/Off Switch		●	
	Programmable Pump Time Delay, Single-Phase	• Included in Versa IC	●	
	Terminal Block Connections (Front mounted)	• Enable / Disable • External Interlocks • 0-10 VDC Setpoint/Direct Drive Input	●	
	Color touch screen		●	
	Status Display Lights (4)		●	
	Temperature Controller with 3 Water Sensors	• Versa IC	●	
	Multiple Heater Controller	• Cascade up to 4 heaters	●	
	SAFETIES	Hot Surface Ignition System	• 1-try • 3-try	○
		High/Low Gas Pressure Switches		○
Blocked Vent and Air Pressure Switches			●	
High Limit Switch		• Manual Reset, Fixed • Manual Reset, Adjustable • Automatic Reset, Adjustable (Shipped Loose)	●	
Low Water Cut-Off, 24V Flow Switch		• With Manual Reset and Test Buttons	○	
			●	
GAS TRAIN	Combination Gas Valve		●	
	Combustion Air Blower		●	
	Additional Safety Valve	• Motorized (externally mounted) • Solenoid (externally mounted)	○	
OTHER	CSA-Certified Efficiency	• 97% at Full Fire	●	
	Air Filter		●	
	TruSeal Direct-Vent Ready		●	
	Vent Adapter - PVC Option D-32 (Factory installed only) or Polypro Option D-33 (Field installed)		○	
	Alarm System		○	
	CSD-1 / GE GAP Control System		○	
	Low NOx	• Less than 20ppm	●	
	Cold Water Run - Variable Speed Pump	• Prevents condensation in primary heat exchanger	●	

● = Standard ○ = Optional

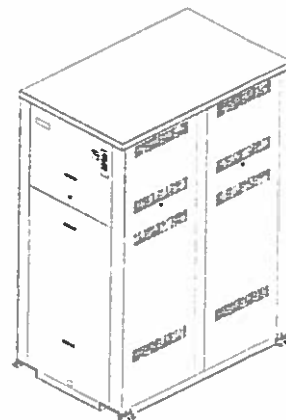


Job: _____
 Engineer: _____
 Contractor: _____
 Prepared By: _____ Date: _____
 Model: _____ Indoor/Outdoor: _____

XTherm® - Type P

Pool Heaters
 Models 1005A-2005A

- 97% Thermal Efficiency at Full Rate
- 100% Factory Fire Tested
- VERSA IC® Modulating Controller with LCD Display
- Maximum Outlet Water Temperature: 160°F
- Minimum Acceptable Inlet Water Temperature: 50°F
- Full Safety Diagnostics with History
- Status Display Lights
- Cascade up to 4 heaters – No external sequencer needed
- Limited Twenty-Five-Year Thermal Shock Warranty
- Limited Five-Year Primary Heat Exchanger Warranty
- Limited Ten-Year Condensing Heat Exchanger Warranty
- On/Off Operation



 Proudly Made in the USA

Heat Exchanger

- Bronze Headers
- ASME HLW Stamped; 160 PSIG MAWP
- National Board Listed
- Cupro Nickel Fin Tubing
- ASME Powder-Coated Tube Sheet
- Silicone High Temp O-Rings
- ASME Pressure Relief Valve 125 PSIG – Standard
- 150 PSI Air Vent, Auto
- T&P Gauge
- Stainless Steel Condensing Heat Exchanger
- Stainless Steel Evaporator Plate
- Boiler Pump: Bronze, 120V, 1Ø, 60Hz

Control

- 120V, 60Hz, 1Ø, Power Supply
- 120/24V 60Hz Transformer
- Ignition Module
 - 3-Try – Standard
 - Single-Try – Option C-6
- Hot Surface Ignition (HSI)
- Remote Flame Sensor
- High Limit Fixed Manual 180°F
- On/Off Power Switch
- Flow Switch
- Blocked Vent Pressure Switch
- Combustion Air Proving Switch
- Freeze Protection
- Pump Switch
- Alarm Dry Contact
- Pump Time Delay

Control (cont.)

- Blocked Condensate Switch
- Versa IC® Integrated Control
- Water Temperature Sensors (4)
- Cold Water Protection

Burner

- Ultra-Low NOx: Less than 20 PPM (Natural Gas Only)

Gas Train

- Fuel
 - Natural Gas
 - Propane
- Zero Governor Regulator
- Dual-Seat Combination Valve
- Electronic Firing Mode (P)

Construction

- Indoor/Outdoor Construction
- Front Controls Enclosed
- PolyTuf Powder Coat Finish
- Rear Connections (Water, Gas, Vent, Electrical, Comb. Air, Cond. Drain)
- Combustion Air Filter
- Design Certified ANSI Z21.56/CSA 4.3
- Front Connection Low Voltage Wiring
- CSA Low Lead Certified ≤ .25% Lead

Venting

- Vent Termination, Cat IV
 - Outdoor or Indoor, Vertical – Option D-11
 - Indoor, Horizontal – Option D-15
- Extractor – Optional, Cat II
 - By others
 - Not required

Multi-Heater Temp Controllers

- B-36 TempTracker Mod+ Digital Controller 2 – 4 Heaters
- B-37 TempTracker Mod+ Digital Controller 5 – 10 Heaters
- B-38 TempTracker Mod+ Digital Controller 11 – 16 Heaters
- B-39 4-20 mA Remote Setpoint Module
- B-62 BACnet MS/TP Interface

Options

- D-32 PVC Vent Connection
- D-33 Polypropylene Vent Connection
- F-10 Low Water Cut-Off, Remote Probe
- I-5 High Limit, Manual Reset, Adj., 100-200°F
- S-1 Low Gas Pressure Switch, Manual Reset
- S-2 High Gas Pressure Switch, Manual Reset
- Z-12 Condensate Neutralizer Kit

Regulatory Agency Requirements



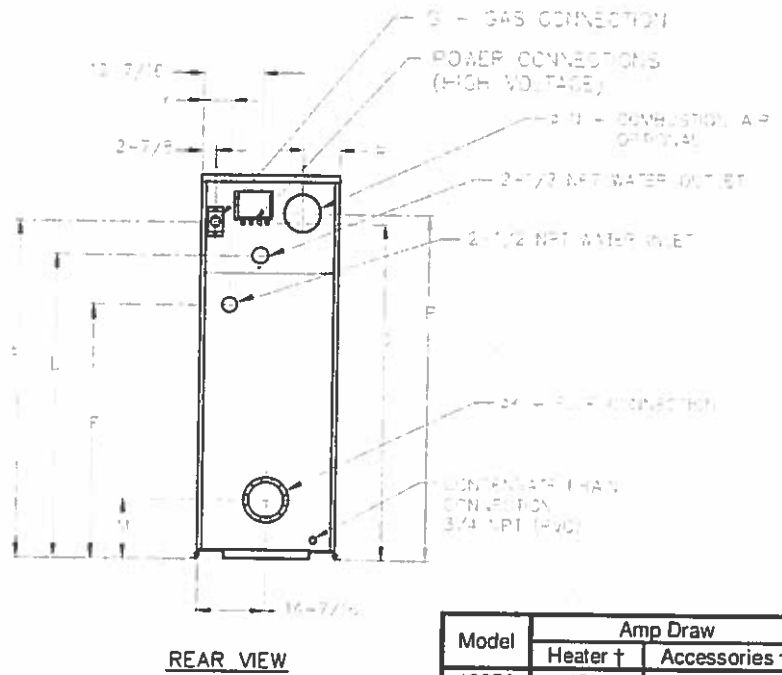
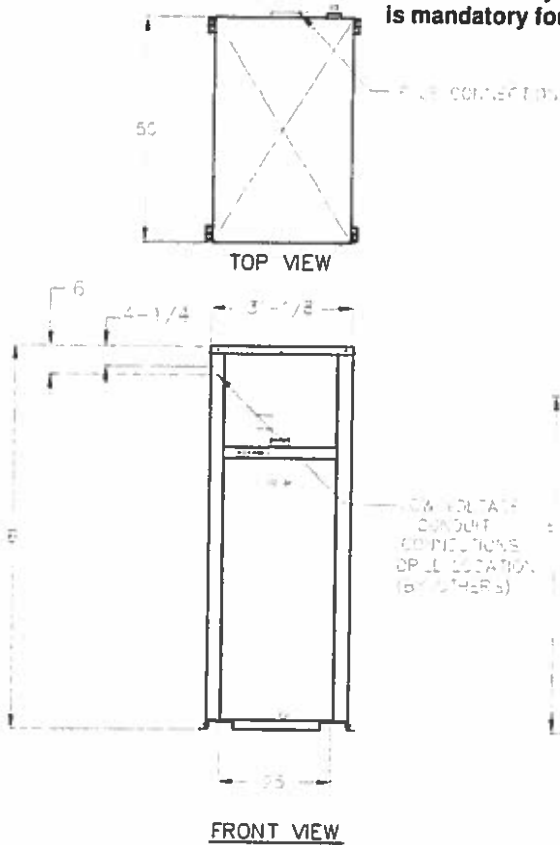
XTherm – Type P Models 1005A-2005A

Model _____

NOTE: Primary/Secondary plumbing is mandatory for proper operation.

CLEARANCES (in.)

	Front	Rear	Right	Left	Top	Floor	Vent
Certified Minimum	24	12	1	1	0	0	1
Minimum Service	24	36	24	1	10	N/A	N/A



Model	Amp Draw	
	Heater †	Accessories †
1005A	12**	10
1505A	12**	14
2005A	18**	17

† Separate power connections are factory supplied and separate supply breakers must be field supplied.
** Current draw is for heater only (Supply breaker must have delayed trip).

Model (P-)	MBTUH		Dimensions (in)												Ship Weight (Lbs.)
	Input	Output	B Height	D	E	F	G* NPT	K Flue Ø	L	M	N C/A Ø	P	R	Y	
1005A	999	969	55-1/8	45	47-1/8	36-1/2	1-1/4	6	40-1/16	11-1/2	6	47-1/8	8-1/16	6-1/16	1065
1505A	1500	1455	67-1/8	57	59-1/16	38-1/2	1-1/4	8	52-1/16	12-5/8	8	59-1/8	8-3/16	6-1/16	1234
2005A	1999	1939	81-1/8	71	71-3/16	38-1/2	2	8	64-1/16	12-5/8	8	73-1/8	8-3/16	6-1/4	1461

Note: Ratings shown are for elevations up to 2,000 feet. For installations at elevations above 2,000 feet, please consult the factory for additional instructions.

* For Propane Gas, all models are 1 NPT

AquaSource
Ron Ybarra

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Navigate using your "Tab" key or mouse.

Prepared By _____ Date 10/24/17

SECOND OPTION HIDELTA 2 MLN. BTU @ 85 % EFFICIENCY

		Pool	
		5,000	Square Feet
		33,500	Cubic Feet
		250,593	US Gallons
		2,091,305	Pounds
AUBURN, CA		Volume	
SACRAMENTO, CA		Weight	

Comparison for geographic area:

Pool or Spa? Pool	Desired Temp. degF	82
Shape? Freeform	Solar Exposure	Full Sun
Width 50 Feet	Insulating Blanket Used	At Night
Length 100 Feet	Returns	Floor
Av. Depth 6.7 Feet	Wind	Low 0-3.5 MPH
Known Area Square Feet	Nat Gas \$1.00 Per Therm	
Known Capacity US Gallons	LP Gas \$0.00 Per Gallon	
	Electricity \$0.1500 Per kW Hr (if Millivolt, =0)	



PRODUCT HELP

Larger heaters use less fuel because of the shorter heat up times. Size up at least one size whenever practical.

Additional heat loss: (waterscaping, etc.)	Total flow, GPM:	
	Heat loss, degreesF:	
	Hrs/day of usage:	
	Total added heat loss, in BTUH:	0
Additional heating (solar panels, etc.)	Total BTUH:	
	Hrs/day of usage:	
The smallest recommended heater is:	P-2002B HD Prof	
Enter a larger heater model number here:	P-2002B HD Prof	
	Low NOx model?	Y
How many gas heaters?	1	
Percentage of full rate at 0 feet elevation:	100%	
Efficiency of selected heater:	85%	
Electrical consumption, kW/hr at	120VAC	0.20
	240VAC	

		P-2002B HD Prof	P-2002B HD Prof	P-2002B HD Prof	Run Time In Hrs/Day, per heater	Temp Rise
Month	Temperature	Nat. Gas cost	LP Gas cost	Electrical cost		
N/A	45.2	\$0.00	\$0.00	\$0.00	24	36.80
February	50.7	\$12,918.12	\$0.00	\$19.37	23.06	31.30
March	53.6	\$11,916.41	\$0.00	\$17.87	19.21	28.40
April	58.3	\$8,497.86	\$0.00	\$12.74	14.16	23.70
May	65.3	\$5,269.52	\$0.00	\$7.90	8.49	16.70
N/A	71.6	\$0.00	\$0.00	\$0.00	4.67	10.40
N/A	75.7	\$0.00	\$0.00	\$0.00	2.63	6.30
N/A	75.1	\$0.00	\$0.00	\$0.00	2.91	6.90
N/A	71.5	\$0.00	\$0.00	\$0.00	4.72	10.50
N/A	64.2	\$0.00	\$0.00	\$0.00	9.27	17.80
N/A	53.3	\$0.00	\$0.00	\$0.00	19.58	28.70
N/A	45.3	\$0.00	\$0.00	\$0.00	24	36.70
Total Annual Average		\$38,601.92	\$0.00	\$57.87		

Five Year Total Operating Cost Comparison

Five Year Fuel Costs	P-2002B HD Prof	P-2002B HD Prof
	Nat. Gas cost	LP Gas cost
	\$193,009.58	\$0.00

This comparison is to give you an **idea** of what to expect in both performance and operational costs. **Your actual costs can and will vary.**
Weather information as provided by the United States National Weather Service and other sources. Thirty-year average temperatures, years 1961 through 1990.



v 5.61
Released 10-20-2016

AquaSource
Ron Ybarra

Only **Blue Bolded** text can be edited.

Navigate using your "Tab" key or mouse. Prepared By _____ Date 10/24/17

FIRST OPTION XTHERM HI EFFICIENCY 2 MLN. BTU		Pool	
		5,000	Square Feet
		33,500	Cubic Feet
		250,593	US Gallons
		2,091,305	Pounds

Comparison for geographic area: **AUBURN, CA**
SACRAMENTO, CA

Pool or Spa? Pool	Desired Temp. degF	82
Shape? Freeform	Solar Exposure	Full Sun
Width 50 Feet	Insulating Blanket Used	At Night
Length 100 Feet	Returns	Floor
Av. Depth 6.7 Feet	Wind	Low 0-3.5 MPH
	Nat Gas	\$1.00 Per Therm
	LP Gas	\$0.00 Per Gallon
	Electricity	\$0.1500 Per kW Hr (if Millivolt, =0)



PRODUCT HELP

Larger heaters use less fuel because of the shorter heat up times. Size up at least one size whenever practical.

Additional heat loss: (waterscaping, etc.)	Total flow, GPM:	
	Heat loss, degreesF:	
	Hrs/day of usage:	
	Total added heat loss, in BTUH:	0
Additional heating (solar panels, etc.)	Total BTUH:	
	Hrs/day of usage:	
The smallest recommended heater is:		P-2005A XTherm Prof
Enter a larger heater model number here:		P-2005A XTherm Prof
	Low NOx model:	Y
How many gas heaters?		1
Percentage of full rate at 0 feet elevation:		100%
Efficiency of selected heater:		97%
Electrical consumption, kW/hr at	120VAC	0.20
	240VAC	

Month	Temperature	P-2005A XTherm Prof Nat. Gas cost	P-2005A XTherm Prof LP Gas cost	P-2005A XTherm Prof Electrical cost	Run Time In Hrs/Day, per heater	Temp Rise
N/A	45.2	\$0.00	\$0.00	\$0.00	24	36.80
February	50.7	\$10,117.55	\$0.00	\$15.17	18.06	31.30
March	53.6	\$9,501.36	\$0.00	\$14.24	15.32	28.40
April	58.3	\$6,940.16	\$0.00	\$10.41	11.56	23.70
May	65.3	\$4,423.91	\$0.00	\$6.63	7.13	16.70
N/A	71.6	\$0.00	\$0.00	\$0.00	3.99	10.40
N/A	75.7	\$0.00	\$0.00	\$0.00	2.27	6.30
N/A	75.1	\$0.00	\$0.00	\$0.00	2.51	6.90
N/A	71.5	\$0.00	\$0.00	\$0.00	4.04	10.50
N/A	64.2	\$0.00	\$0.00	\$0.00	7.75	17.80
N/A	53.3	\$0.00	\$0.00	\$0.00	15.58	28.70
N/A	45.3	\$0.00	\$0.00	\$0.00	24	36.70
Total Annual Average		\$30,982.98	\$0.00	\$46.45		

Five Year Total Operating Cost Comparison

Five Year Fuel Costs	P-2005A XTherm Prof	P-2005A XTherm Prof
	Nat. Gas cost	LP Gas cost
	\$154,914.91	\$0.00

This comparison is to give you an *idea* of what to expect in both performance and operational costs. **Your actual costs can and will vary.**
Weather information as provided by the United States National Weather Service and other sources. Thirty-year average temperatures, years 1961 through 1990.

RESOLUTION NUMBER 2017-15

A RESOLUTION OF THE GOVERNING BOARD OF DIRECTORS OF THE
AUBURN AREA RECREATION AND PARK DISTRICT AUTHORIZING THE
DISTRICT ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR THE
PURCHASE AND INSTALLATION OF A NEW SWIMMING POOL HEATER WITH
LINCOLN AQUATICS

WHEREAS, the Auburn Area Recreation and Park District has planned for the replacement of the pool heater for the Marsha Skinner/Sierra Pool in the Obsolescence List, and;

WHEREAS, the Auburn Area Recreation and Park District Fiscal Year 2017/2018 Budget funds the replacement of the heater with funding from the Equipment Reserve Account, and;

WHEREAS, the heater at the Marsha Skinner Memorial Sierra Pool has reached the end of its useful life, THEREFORE;

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

That the Auburn Area Recreation & Park District Board of Directors hereby authorizes the District Administrator to enter into an agreement with Lincoln Aquatics for the purchase and installation of a new swimming pool heater for the Marsha Skinner Pool.

APPROVED, PASSED, AND ADOPTED ON November 30, 2017 by the following roll call vote:

Ayes:

Noes:

Absent:

Abstain:

Michael G. Lynch
Chairman of the Governing Board

ATTEST:

Clerk to the Governing Board

Item 8.7 Cover sheet – Bike Park Site CEQA/NEPA Consultant Expanded Scope of Work and Fee – November, 2017

ARD Acquisition and Development Committee November, 2017; Board of Directors meeting November, 2017

The Issue

Shall the Auburn Area Recreation and Park District (ARD) Board of Directors approve additional fees to be paid to Dudek, Inc. for preparation of the Auburn Bike Park CEQA/NEPA document?

Background:

At the June 2014 Board of Directors meeting, the ARD Board approved a contract with Dudek to complete the CEQA/NEPA environmental work for the Maidu Bike Park. This original contract and scope of work included the cost to complete the work program for the CEQA/NEPA at \$37,713, SWPP Project Evaluation and Waiver Determination at \$1,000 and the SWPPP Preparation cost at \$5700. Please recall that the SWPPP may be able to be reduced if ARD qualifies for a waiver, which would reduce the cost to \$1000. This will be determined prior to construction when the actual construction timing is determined. The waiver is based upon time of year of construction. It is not possible at this time to determine if ARD will qualify for the waiver.

Due to unforeseen issues with trail issues, additional Biological and Cultural studies, updated project descriptions and the Admin of the CEQA/NEPA draft document, Dudek identified additional hours needed to administer the additional reviews required by State Parks, PCWA (bridge issues) and USBR. In March of 2015 ARD received a proposal from Dudek for the additional scope of services at a sum of \$9,990.00. The Board of Directors, at their March meeting, approved the expended scope of work and subsequent fee to cover the out of scope work.

In December of 2015, Dudek had exceeded the existing budget for the project as a result of additional out-of-scope work completed on the project to facilitate the environmental review process and due to the multiple and unforeseen rounds of review from the Bureau of Reclamation (BOR). The ARD Board of Directors approved an additional \$14,120 for the contract at the December, 2015 Board of Directors meeting.

In March, 2017, Dudek requested an extra \$15,823 for anticipated costs to cover replies to the CEQA/NEPA document, further coordination with Reclamation and for responses to comments. The ARD Board of Directors approved this additional amount.

Dudek is now requesting an additional \$22,725. A letter with this request is attached. The main costs associated with this request are due to the overwhelming amount of comments received. Dudek did provide some of their time pro-bono (approx. \$5,130 worth of charges). This amount includes \$1,050 for the extra work provided by traffic engineer Ken Anderson and a \$2,244 discount if we pay the invoice on 12/1/17.

Recommendation for the Board of Directors

Staff recommends reviewing and approving the additional amount.

The A&D Committee recommends the same.

Fiscal Impacts:

The fiscal impact is an additional \$22,725 for (what should be) completion of the CEQA/NEPA documents.

The totals for the contract thus far:

Original contract:	\$44,413
First amendment:	\$9,990
Second amendment:	\$14,120
Third amendment:	\$15,823
<u>This amendment:</u>	<u>\$22,725</u>

Total: **\$107,071**

\$163,000 has been allocated for the Bike Park CEQA and planning in the 2017/2018 Budget Revision.

Attachments:

Letter from Markus Lang at Dudek.

DUDEK

873 LINCOLN WAY, SUITE #200
AUBURN, CALIFORNIA 95603
T 530.887.8500 F 530.883.6372

November 8, 2017

Kahl Muscott
District Administrator
Auburn Recreation District
123 Recreation Drive
Auburn, CA 95603

**Subject: Maidu Bike Park Project – CEQA/NEPA Scope Amendment –
March 17, 2017**

Dear Kahl:

This letter provides a cost and work summary for CEQA and NEPA compliance work carried out for the proposed Maidu Bike Park project (Project). As we've previously discussed in emails and phone conversations, Dudek has exceeded the existing budget for the project as a result of out-of-scope work completed on the project, primarily as a result of additional rounds of edits and comments from Reclamation on the Draft and Final documents and reviewing and responding to many more public comments than anticipated by our original scope of work and budget for the Bike Park project. In addition to public comments on the CEQA document, Dudek staff assisted with preparing materials for and attended two public hearings to consider the project and environmental document, a meeting to discuss traffic concerns, a public meeting at the bike park site, and prepared responses to NEPA comments and coordinated with Reclamation to review draft responses.

In many cases we charged a reduced number of hours for this additional work or did not charge at all to reduce costs to the District for this project. The original budget anticipated a total of 15 individual comments (one letter can have multiple comments) from the public, one public meeting, and minimal edits to produce the Final EA/IS. We received nearly 200 comment letters, many containing multiple comments. Some time savings were derived by lumping similar comments and concerns together and providing general responses to demonstrate that comments were considered by ARD, as legally-required under CEQA and NEPA. Several letters contained substantive comments that required additional research, coordination with Reclamation or the District, or minor changes to the document or project design. While this is all part of the CEQA and NEPA public review process that hopefully produces better and safer projects that take into account public concerns, navigating the process for a high-interest project such as the bike park can take a considerable amount of time, and that's unfortunate when there are limited funds to improve recreational assets in the community.

We currently have \$23,919.00 in unbilled charges over the total budget for the out-of-scope work described above. It is our hope that the CEQA and NEPA process is complete. I would like authorization to bill for the out-of-scope work completed to date. Please let me know if you want to discuss or need additional information.

Sincerely,



Markus Lang
Project Manager

Less \$ 2,241 if paid
on 12/1/17

Does not include \$1,050 from
traffic engineer Ken Anderson

Item 8.8 Cover sheet – ARD’s Employee Merit Increases, Review Policies and Forms

Auburn Area Recreation and Park District Policy Committee meeting September, 2017; October, 2017; November, 2017; Board of Directors meeting November, 2017

The Issue

Shall the Auburn Area Recreation and Park District (ARD) amend its policies regarding employee reviews and merit increases? Director Holbrook requested this review.

Background

Director Holbrook requested a review of ARD’s employee review policies and forms. A copy of the existing ARD Performance Evaluation Form is attached.

The following are ARD’s policies as related to merit increases and reviews:

2.2 New Hires, Employees Subject to Probationary Period

The first twelve months of continuous employment at the District is considered a probationary period. All employees shall serve a probationary period of twelve (12) months, commencing with their first day of employment. During this time the employee is expected to learn job responsibilities, get acquainted with fellow employees; determine whether or not he/she is happy with the job and whether further employment with the District is appropriate. The employee’s supervisor will closely monitor his/her performance.

During and/or upon completion of the probationary period, the District will review the probationary employees’ performance. If the District finds performance satisfactory and decides to continue employment, it will so advise the employee and note if there are any improvements expected from the employee. During the probationary period employees are considered “at-will” and can be terminated, with or without cause without the opportunity to appeal the District’s decision.

The District Administrator may extend the duration of the probationary period one or more times, if, in his or her sole and absolute discretion, it is determined that such an extension is appropriate. Upon completion of the probationary period, a performance evaluation will be conducted to ascertain the advisability of continued employment on a regular basis.

All employees may be evaluated in writing at any time during their probationary period and a mandatory evaluation will be completed after twelve months of employment, the standard probationary period. The Department Manager shall recommend either for or against retention of the employee prior to the expiration of the probationary period. If an employee successfully completes his or her probationary period, there is still no guarantee of continued employment.

2.30. Merit Increases

Persons entering the employ of the District shall be paid at the minimum starting wage of the salary schedule established for the classification in which they are hired, unless otherwise approved by the District Administrator.

Merit increases may range from 0% to 5% and shall be determined on the employee's anniversary date, shall not be automatic, but shall be based on performance reports, length of service and budgetary constraints based on the criteria outlined below:

Merit increases shall occur under the following additional conditions:

July 1, 2014: provided that total District revenue remains at a minimum base level of \$3,300,000 at fiscal year- end of March 31, 2014 (revenue is defined as Program, Facility, Property Tax, and RDA revenues) a merit increase for those employees eligible for such increase shall apply.

April 1, 2015: provided that total District revenue remains at a minimum base level of \$3,400,000 at fiscal year- end of March 31, 2015 (revenue is defined as Program, Facility, Property Tax, and RDA revenues) a merit increase for those employees eligible for such increase shall apply.

April 1, 2016: provided that total District revenue remains at a minimum base level of \$3,500,000 at fiscal year- end of March 31, 2016 (revenue is defined as Program, Facility, Property Tax, and RDA revenues) a merit increase for those employees eligible for such increase shall apply.

Employees may qualify for a merit increase in the following manner:

A Performance Evaluation Form shall be prepared by the employee's supervisor not more than thirty (30) days prior to the employee's anniversary date and shall be interactively reviewed by the employee and his or her supervisor. The Performance Evaluation Form shall list several performance criteria and each of the criteria shall have a numerical point value as follows:

Outstanding:	5
Exceeds Performance Standards:	4
Satisfactory:	3
Needs Improvement:	1
Unsatisfactory:	0

There are 11 criteria on the current Performance Evaluation Form. The District, at its discretion, may add, delete, amend, or modify the content and/or the criteria on the Performance Evaluation Form. Evaluation scores and corresponding merit increase percentages are as follows:

40-55 =	5%
36-39 =	4%
33-35 =	3%
Below 33 =	0%

An employee who scores below 33 on a performance review shall be counseled immediately and given a Performance Improvement Plan as to how his or her performance must improve. Such performance shall be reviewed again 90 days after the initial performance review. If the employee's performance improves to a Satisfactory level (33 or higher), that employee will be eligible for the corresponding merit increase (non-retroactive). If there is no improvement, the employee may be subject to disciplinary action, up to and including termination.

All job descriptions shall have a minimum starting wage and a maximum attainable wage. Each employee will have a performance review on either their anniversary date or their promotion date (if applicable), and shall be eligible for a merit increase corresponding to the evaluation criteria and score outlined above. Generally, all full-time and regular part-time employees shall serve at least one year at each wage and have a performance evaluation rating of 33 or better to qualify for advancement to the 68

next wage. Performance Evaluation Forms shall be reviewed by the District Administrator prior to the review of an employee, and shall be approved by, and advancement shall be at, the discretion of the District Administrator.

Managers and supervisors shall additionally be reviewed and scored on such supervisory skills with an equally corresponding scoring system.

The following are the **differences** to the merit increase policy in the Agreement with Local 39. Unless listed here, the remainder of the policy in the Union agreement is the same as in ARD policy:

5.21 Salary Ranges and Merit Increases

April 1, 2017: provided that total District revenue remains at a minimum base level of \$4,125,000 at fiscal year- end of March 31, 2017 (revenue is defined as Program, Facility, Property Tax, and RDA revenues) a merit increase for those employees eligible for such increase shall apply.

April 1, 2018: provided that total District revenue remains at a minimum base level of \$4,175,000 at fiscal year- end of March 31, 2018 (revenue is defined as Program, Facility, Property Tax, and RDA revenues) a merit increase for those employees eligible for such increase shall apply.

April 1, 2019: provided that total District revenue remains at a minimum base level of \$4,225,000 at fiscal year- end of March 31, 2019 (revenue is defined as Program, Facility, Property Tax, and RDA revenues) a merit increase for those employees eligible for such increase shall apply.

There are 11 criteria (20 criteria for Supervisors) on the current Performance Evaluation Form. The District, at its discretion, may add, delete, amend, or modify the content and/or the criteria on the Performance Evaluation Form. Changes in the rating or scoring system and how it affects any merit increase of employees shall be on a “meet and confer” basis with the union. Evaluation scores and corresponding merit increase percentages are as follows:

Regular Employees	Supervisors
40-55 = 5%	54-75 = 5%
36-39 = 4%	49-53 = 4%
33-35 = 3%	45-48 = 3%
Below 33 = 0%	Below 45 = 0

The District will provide an appropriate venue to assure that privacy and confidentiality are maintained for performance evaluations.

At the October Policy Committee meeting, a question was asked about language in ARD Policies regarding default policies when it comes to Union vs. non-Union employees.

Here is the language from the ARD Personnel Policy Manual:

From the Confirmation of Receipt page: *I have received my copy of the District's Personnel Policy. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Personnel Policy. I further understand that elements within this Personnel Policy may be superseded by any conflicting terms in the memorandum of understanding with Local 39 or a specific contract of employment.*

From section 1.1 Introductory Statement: *Please be advised that for any employee under a contract or bargaining agreement, elements within this Personnel Policy may be superseded by any conflicting terms in the memorandum of understanding with Local 39.*

From the current agreement with Local 39:

Article 1, Preamble: *The articles and provisions contained herein constitute a bilateral and binding agreement by and between the Auburn Area Park and Recreation District ("ARD") and the IUOE, Stationary Engineers Local 39 ("Union"), an employee organization, and becomes effective on April 1, 2017 and ending on March 31, 2020. This agreement supersedes and replaces any and all agreements and memorandums of understandings preceding the date of this agreement. The parties agree to abide by the Personnel policies of the District unless otherwise modified herein.*

Recommendation for the Board of Directors

Staff recommends amending the ARD Personnel Policy Manual to reflect the new revenue targets (as seen in the agreement with the Union) and add in the language regarding the criteria and scoring for Supervisors. Those sections that would be added to the ARD Personnel Policy Manual are in red above.

The Policy Committee recommends the same.

Fiscal Impact

N/A

Attachments

ARD Employee Performance Evaluation Form.

PERFORMANCE EVALUATION FORM

Employee Name: _____ Classification: _____

Hired Date: _____ Rating Period: _____

Reason for Evaluation/Report:

Probationary	Annual	Other
--------------	--------	-------

	Outstanding	Exceeds Performance Standards	Satisfactory	Needs Improvement	Unsatisfactory	
ALL EMPLOYEES						COMMENTS:
1. Attendance/Punctuality						
2. Compliance with Rules & Safety						
3. Understanding of Position & Duties						
4. Accuracy/Promptness in Completing Work						
5. Job Initiative/Customer Service						
6. Ability to Express (Oral/Written)						
7. Adaptability to Change						
8. Capacity to Assume Responsibility						
9. Accepts Supervision						
10. Cooperation with Co-Workers						
11. Self-Improvement/Job Related						

EMPLOYEES WHO SUPERVISE						
12. Supervisory Control/Leadership						
13. Judgment & Decisions						
14. Planning/Organizing						
15. Training						

PERFORMANCE INDICATORS

This step provides employees an opportunity to identify "strengths" and "areas for development" based on the performance indicators utilized in the performance evaluation process. The performance indicators are listed as follows - some factors may not apply to all jobs: Planning/Organization; Problem Solving/Decision Making; Working Relations/Communications; Initiative; Quality of Work; Job Skills; Safety; Leadership; Management Control; Development/Administration/Control of Budget; and Teambuilding.

Based on the performance indicators, list three strongest areas and three need to develop or improve areas. This information will be used to develop the Performance Improvement Plan.

STRENGTHS	
1	
2	
3	
AREAS FOR DEVELOPMENT/IMPROVEMENT	
1	
2	
3	

Employee Comments:

OVERALL EVALUATION

The ratings should reflect the overall performance of the employee. The Supervisor should provide summary statements which characterize the employee's overall performance and supports the rating. The employee's comments should indicate their understanding of the performance evaluation and other desired comments.

Supervisor's Comments:

Employee's Comments:

Employee signature does not necessarily signify the employee's agreement with the appraisal, it simply means the appraisal has been discussed with the employee.

Employee Signature:

Date:

Signature of Supervisor:

Date:

Item 8.9 Cover sheet – Claim Against ARD – Broken Windshield

Auburn Area Recreation and Park District November, 2017 Board of Directors meeting

The Issue

Shall the Auburn Area Recreation and Park District (ARD) approve or deny a claim against ARD for a broken windshield at Overlook Park?

Background

Mark Hopp, an Auburn resident parked his truck at Overlook Park on 9/26/17. When Mr. Hopp returned to his truck after a hike in the canyon, he found his driver's side window broken. Mr. Hopp observed that ARD staff was in the area weed eating during this time period. Mr. Hopp feels that a weed eater threw a rock up that broke his driver's side window.

ARD policy on accidents and claims states the following (from the District Policy Manual):

- B. District Policy for Handling Claims Against the District. All claims will be directed to the District Administrator to handle pursuant to California Association for Park and Recreation Indemnity (CAPRI) guidelines. Any claim under \$5,000 will be handled by the District Administrator and sent to the Consent Calendar at the next available Board meeting. Claims without a dollar amount will be handled per CAPRI guidelines.

The California Association for Park and Recreation Indemnity (CAPRI) "Summary of Accident Handling Procedures" states the following:

CLAIMS

If the claim is sufficient, it should be placed on the Board agenda for **action on its merits**. Notify the Claimant in writing of action taken by the Board.

A copy of the claim, estimate and investigation notes is attached.

Recommendation for the Board of Directors

Approve the claim from Mr. Hopp. While the ARD staff feels that they were not at fault, we are not as confident about what a work release volunteer may have done.

Charles Torretta with George Hills Company, our third party claims administrator said that he would support any decision made. He said that they have paid out on several similar weed eating accidents in the past.

Fiscal Impact

No impacts if the claim is denied. \$129.51 if approved.

Attachments

Investigation information and notes
Claim letter from Mark Hopp

VEHICLE ACCIDENT INVESTIGATION

Auburn Area Recreation and Park District
471 Maidu Dr. #200
Auburn, CA 95603
(530) 885-8461

The District Investigator should complete this form after interviewing the district driver. After completing it, mail a copy to CAPRI and keep a copy for your files. All accidents should be reported, since there is always the potential for a claim. If an accident involves serious bodily injury or death, call CAPRI immediately, then follow up with a written report. **EMPLOYEE INJURIES SHOULD BE HANDLED ACCORDING TO WORKERS' COMPENSATION GUIDELINES.**

Date of Accident: 9/26/17 Time: 8:15 - 10:30am Accident Location: Overlook Park

Injury(ies) Involved? (Y/N) No Property Damage to District or other Party? (Y/N) Yes

DISTRICT VEHICLE, DRIVER AND PASSENGERS

Driver Name: _____ Injured? (Y/N) _____

Driver's License Number: _____ Age: _____ Sex: _____

Driving district vehicle? (Y/N) _____ Driving Personally-owned vehicle? (Y/N) _____

Vehicle license no. : _____ Year: _____ Make: _____ Model: _____

Passenger Name: : _____ Injured? (Y/N) _____

Passenger Address: _____ City, State, Zip: _____

Home Phone: (____) _____ Work Phone: (____) _____ District Employee? (Y/N) _____

OTHER VEHICLE, DRIVER AND PASSENGERS

Driver Name: Mark Hopp Injured? (Y/N) No

Driver's License Number: Unknown Age: Unknown Sex: Male

Driver Address: 1500 Foxridge Circle City, State, Zip: Auburn, CA 95603

Home Phone: (530) 887-1555 Work Phone: (____) _____ Employer? _____

Vehicle license no.: 8H86186 Year: 2007 Make: Toyota Model: Tacoma

Insurance Company: Unknown Phone: (____) _____ Policy No.: _____

Passenger Name: _____ Injured? (Y/N) _____

Passenger Address: _____ City, State, Zip: _____

Home Phone: (____) _____ Work Phone: (____) _____ Employer: _____

OWNER OF OTHER VEHICLE (Complete only if different from Driver)

Owner Name: _____ Home Phone: (____)

Address _____ City, State, Zip _____ Work Phone: (____) _____

WITNESSES

Name: Bill Ballow, Tyler Kindice Home Phone: () _____

Address: ARD Park Workers Work Phone: () _____

City, State, Zip: _____ District Employee? (Y/N)

Name: Banom Leege Home Phone: () _____

Address: Placer County Community Service Work Phone: () _____

City, State, Zip: _____ District Employee? (Y/N)

ACCIDENT DESCRIPTION (Continue on Page 3 if additional space is needed.)

Where did the accident happen? Overlook Park, 855 Pacific Ave., Auburn, CA 95603

Direction of travel of district vehicle: _____ Estimated speed of district vehicle:

Direction of travel of other vehicle: _____ Estimated speed of other vehicle:

Weather conditions: _____

Traffic conditions: _____

Describe what happened: Mark Hopp returned to his vehicle to find that his driver's side window was broken. ARD employees were at the park, weedeating and mowing. Mr. Hopp feels that that broken window could have come from a rock thrown up by a mower or weedeater.

Was a police report made? (Y/N) Yes Police Department: Auburn Police Dept.

Kahl Muscott

From: Brian Simpson
Sent: Friday, September 29, 2017 12:27 PM
To: Kahl Muscott
Subject: Overlook Window
Attachments: statements.pdf

Mid-morning on Tuesday September 26th I was notified by a park patron that his window was broken while parked at Overlook Park in Auburn. I let him know that I would meet him in the lot to take a look. Ten minutes later I met him at Overlook and did indeed observe a broken driver's side window on a black truck. I met with the park patron and he felt that his window may have been broken by an errant rock that was propelled towards his vehicle by lawn maintenance activities on the turf areas near his vehicle, as the mow crew for ARD was working the park that morning. I interviewed the crew who was working (Tyler Kindice and 1 work release), and they reported that they either did not see the broken window, or that it was that way when they got there (Bill Ballow, ARD park worker arrived later in the morning to catch up with the crew). I advised the park patron to get a police report and work through the insurance claims process.

Brian Simpson
Manager, Facilities and Grounds
Auburn Recreation District
123 Recreation Drive
Auburn, CA 95603
Cell: (530)537-7250
Fax: (530) 885-1499



*Manoora E-mail
to Kahl 9/29/17*

9-26-17 am

Overlook Park

Mowing, weedeating - edging & blowing

Black pickup parked toward back (southeast) part of parking lot.

When I approached from the front (west) using a weed trimmer, I noticed the window on the other side of the truck was broken.

Bill Walters

September 26th, 2017

I Tyler Kindice was weedeating and mowing at overlook park on this day with my coworkers. I was informed once I got back to the shop that a window was shattered by one of us. I didn't weedeat over where the ~~the~~ vehicle was located, nor am I sure who was because I was inbetween Overlook and Railhead Park.

-Tyler Kindice

~~Tyler Kindice~~

Work Release
Statement

I, Banom George on the September
26^{at about 10:15} I walked up to a black truck
and saw that the driver side window was
busted out ~~by~~

Banom George
Banom George

JOHN F. RUFFCORN
Director of Public Safety



AUBURN POLICE DEPARTMENT
1215 LINCOLN WAY
AUBURN, CALIFORNIA 95803

INCIDENT # 64	CASE # 17-269-01
CASE DISPOSITION TL	BEAT 2
PAGE 1	

Property Report - Suspect Unknown

CA0310100

LOCATION OF OCCURRENCE 855 Pacific Ave Auburn	DATE / TIME / DAY OCCURRED 9-26-17 8:15-10:30	DATE & TIME REPORTED 9-26-17/1107
PRIMARY CODE: CLASSIFICATION	<input checked="" type="checkbox"/> 594 (b)(2)(A) P.C. Vandalism (-400.00)	<input type="checkbox"/> 488 P.C. Petty Theft (-950.00)
	<input type="checkbox"/> 490.5 P.C. Shoplifting	<input type="checkbox"/> 459 P.C. Burglary (Vehicle Only)
	<input type="checkbox"/> Other:	

NAME - LAST, FIRST, MIDDLE (FIRM IF BUSINESS) HARR, MARK Henry		RESIDENCE ADDRESS 1500 Foxridge Cir		RES. PHONE	
OCCUPATION	RACE W M	SEX M	AGE	BI	BUSINESS / SCHOOL
VEHICLE COLOR Black	YEAR 2007	MAKE Toyota	MODEL Tercel	LICENSE NO. 8H86176	STATE CA
MARSY CARDS PROVIDED: YES (<input checked="" type="checkbox"/>) NO (<input type="checkbox"/>)					
ROLE	NAME - LAST, FIRST, MIDDLE (FIRM IF BUSINESS)			RESIDENCE ADDRESS	
OCCUPATION	RACE	SEX	D.O.B.	AGE	BI
	BUSINESS / SCHOOL			BUS. PHONE	

LOCATION <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS <input type="checkbox"/> VEHICLE <input checked="" type="checkbox"/> OTHER: PARK	METHOD OF ENTRY: POINT OF ENTRY: FORCE USED TO GAIN ENTRY?: YES (<input type="checkbox"/>) NO (<input type="checkbox"/>) SECURITY USED:	VANDALISM COMMITTED BY: <input type="checkbox"/> GRAFFITI <input type="checkbox"/> DEFACING <input checked="" type="checkbox"/> DAMAGING	VEHICLE BURGLARY <input type="checkbox"/> VEHICLE PARKED & LOCKED <input type="checkbox"/> WINDOW SMASH <input type="checkbox"/> OTHER: <input type="checkbox"/> MULTIPLE VEHICLES INVOLVED
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

EVIDENCE COLLECTED?: <input type="checkbox"/> YES, DESCRIPTION. <input type="checkbox"/> NO PHYSICAL EVIDENCE WAS FOUND.	PHOTOS TAKEN?: YES (<input checked="" type="checkbox"/>) NO (<input type="checkbox"/>)
* If yes, see attached property sheet.	

Codes: "L" - Lost Property "S" - Stolen Property "D" - Damaged Property		Item #	Code	Property Description: (Article, Brand, Model, Caliber, Color, Serial No., etc.)	Value / Damage Amount
		IPY	D	DRIVER SIDE WINDOW	200.00
Total Amount of Theft / Damage:					200.00

ON 9-26-17 I Responded to DAM Overlook for a Vandalism to a vehicle. I met with the (V) who stated he arrived at approx 0915 hours and noticed landscapers wood chips near his car. (V) returned to find his driver side window broke. (V) stated vehicle was still locked with nothing missing. I canvassed the area for evidence or witnesses, but was unable to locate anyone. I have ARD reviewing the cameras NO SUSPECT'S OR LEADS AT THIS TIME.

REPORTING OFFICER J. Soffin	ID NO. 20	APPROVED BY BM	DATE APPROVED 9/26/17
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11-01-17

This is a claim letter for ARD.

MARK HOPP, 1500 FOXRIDGE CIR. Auburn CA.

CLAIM DATE 09-26-17 (0915-1030) AT OVERLOOK PARK,
855 PACIFIC AVE, Auburn, CA. IN PARKING LOT.

I PARKED MY TRUCK IN A PARKING SPOT, THEN LEFT TO HIKE THE TRAILS. AN ARD EMPLOYEE WAS ABOUT TO TRIM GRASS ALONG CURB + SIDEWALK, THE LAWN WAS ALREADY CUT.

WHEN I RETURNED MY DRIVER'S DOOR WINDOW WAS BROKEN. IT WAS SHATTERED WITH A 4" HOLE IN THE MIDDLE. GLASS WAS ON THE GROUND AS WELL AS IN THE CAB OF THE TRUCK. THE CURB + SIDEWALK HAD BEEN TRIMMED.

I THOUGHT THE GAS POWERED TRIMMER KICKED UP A ROCK + BROKE THE WINDOW. I CONTACTED ARD MANAGER BRIAN SIMPSON. HE MET ME AT THE OVERLOOK, STATED HE TALKED TO THE ARD LANDSCAPE CREW. THEY SAID THE TRUCK WINDOW WAS ALREADY BROKEN BEFORE THEY TRIMMED AROUND THE TRUCK.

I DIDN'T BELIEVE THEIR STORY. Auburn P.D. WAS CALLED TO MAKE A INCIDENT REPORT. OFFICER ISETTE MADE A INCIDENT REPORT + CONTACTED ARD TO HAVE THEM REVIEW SURVEILLANCE CAMERAS AT THE PARK.

THE WEEK OF OCT 1ST I EMAILED BRIAN SIMPSON TO SEE IF THE CAMERAS HAD BEEN REVIEWED OR IF THE LANDSCAPE CREW TOOK PICTURES BEFORE WORK

I GOT A LETTER FROM KAHL MUSCOTT TELLING ME TO FILE A CLAIM.

THE REASON I'M SCEPTICAL IS I WORKED IN CONSTRUCTION FOR 40 YEARS. IF I WAS USING POWER EQUIPMENT AROUND VEHICLES MY CREW WOULD PROTECT PRIVATE PROPERTY BY PLACING 4'X4' SHEETS OF PLYWOOD SO CONCRETE AND ASPHALT CHIPS WOULDNT GO FLYING. ALSO IF WE NOTICED ANY DAMAGED PROPERTY BEFORE WE STARTED, WE TOOK PICTURES TO COVER OURSELVES.

ARD EMPLOYEES

I ONLY TALKED TO BRIAN SIMPSON

AMOUNT of claim ~~\$\$\$~~ (\$129.51)

TO: JOHN R LELAND

ALLSTATE INSURANCE

333 GELLERT BLVD. # 218

DALY CITY, CA 94015

PH. 650 994 6666

ALLSTATE CLAIM # 243229

THANK YOU

Mark Hopp



MOBILE AUTO GLASS INC.

A DIVISION OF CENTRAL ALLIED GLASS

329 BRYANT ST., SUITE 4D • SAN FRANCISCO, CA 94107
 TOLL FREE 800-322-5666 FAX 800-564-7775

Locations Throughout California

B.A.R. # AG148363
 B. A. F. # AG148363

INVOICE

06997303

No.

OLD TO: JOHN R. LELAND 700

Date 10-04-17

ALLSTATE INSURANCE

Insured's Name MARK HOFF

333 BELLETT BLVD #210

Address 1500 FOXRIDGE CIRCLE

DALY CITY, CA 94015

City, State, Zip Code AUBURN, CA 95603

CITY 950 934 666 STATE ZIP CODE

Home Phone No. Work Phone No. 530 887 1555

VIN# STENY22N07Z390832

Policy No 034676200	Date of Loss 09-26-17	Reason for Loss ROCK	Work Order 0637495
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Claim No 243229	License No	Year - Make - Model 07 TOYOTA TACOMA PICKUP, PRERUNNER
--------------------	------------	-----------------------------------------------------------

Quantity	Part No.	Description	List	Price	TOTAL
1	FD924000	DOOR GLASS	190.00	100.70	100.70
1.3		LABOR	35.00	35.00	45.50
					100.70

Please Make Payment To:

MOBILE AUTO GLASS INC.

A Division of Central Allied Glass

MAIN OFFICE
 329 Bryant Street, Suite 4D
 San Francisco, CA 94107

TOTAL COST MATERIALS	100.70
SALES TAX	45.50
LABOR (Non-Taxable)	154.51
BALANCE DEDUCTIBLE	-50.00
LESS:	104.85

09/26/2017 4:10 PM FAX

0002/0002



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B.A.R. # AG148363
B.A.R. # AG148363

700

WORK ORDER

0637495

No.

SOLD TO: JOHN R. LELAND

09-26-17

Date

ALLSTATE INSURANCE

Insured's Name

MARK HOPP

333 GELLERT BLVD #218

Address

1500 FOXRIDGE CIRCLE

DALY CITY, CA 94015

City, State

AUBURN, CA

550 924 5656

Zip Code

CITY

STATE

ZIP CODE

Home Phone No.

Work Phone No.

530 887 1555

VIN# 5TENX22N07Z390632

054876208

09-26-17

ROCK

245229

License No.

2007 HYUNDAI TACOMA PICKUP, PRERUNNER

Quantity	Part No.	Description	List	Price	TOTAL
1	FD224000	DOOR GLASS			
1.3		LABOR			
1	RPR	WINDSHIELD REPAIR			

PAID

WED SEPT 27TH 9-12 XST: ROSEMARY DRIVE THANKS, HEYSELL.
(COUPON)

Req. From 714 133 0294 Date 9/26

Installer _____ Will call at PGRW

THIS WORK HAS BEEN DONE TO MY SATISFACTION
MATERIAL NOT RETURNABLE WITHOUT PRIOR APPROVAL

RELEASE AND AUTHORIZATION TO PAY OTHER THAN INSURED OR CLAIMANT

The glass has been replaced to my satisfaction and I authorize _____

_____ to make direct payment to **MOBILE AUTO GLASS INC.**, a division of Central Allied Glass Company, the full amount due me under the terms of my policy covering the said loss. I understand that if for any reason my insurance company does not pay this claim, I will be responsible for payment of same.

TOTAL COST MATERIALS

SUB-TOTAL

SALES TAX

LABOR
(Non-Taxable)

BALANCE

DEDUCTIBLE
LESS: _____

TOTAL

50.00

\$ 25

06957383

JOHN R. LELAND B.A.R.# AG148363
700

10-04-17

ALLSTATE INSURANCE

MARK HOPP

333 GELLERT BLVD #218

1500 FOXRIDGE CIRCLE

DALY CITY, CA 94015
650 994 6666

AUBURN, CA 95603

530 887 1555

VIN# 5TENX22N07Z390632

034676208

09-26-17

ROCK

0637495

243229

07 TOYOTA TACOMA PICKUP, PRERUNNER

1	FD22400@	DOOR GLASS	190.00	100.70	100.70
1.3		LABOR	35.00	35.00	45.50

Handwritten notes:
 10/2/17
 10/2/17
 10/2/17

100.70

8.31

45.50

154.51

DEDUCTIBLE -50.00

104.51





Item 9.1 Cover sheet – Operation and Development Plan Update

Auburn Area Recreation and Park District (ARD) Board of Directors meeting November, 2017

Subject

An update of the status of the Operation and Development (O&D) Plan. The Acquisition and Development Committee requested that this update be presented to the ARD Board.

Background

The Auburn Area Recreation and Park District (ARD) manages several properties as part of a management agreement with the United States Department of the Interior Bureau of Reclamation (Reclamation). This management agreement includes the management, development, operation and maintenance of CVCC, Railhead Park and Overlook Park and adjacent properties. This is a 25 year agreement that expires in 2025 with a 25 year extension possible with the mutual agreement of both parties.

Per the agreement, ARD shall “construct and/or install, develop, manage, operate and maintain recreation facilities...in accordance with an Operation and Development Plan approved by the United States. The Plan shall be completed by the District with six (6) months following the execution of this Agreement”. This OD Plan has never been completed.

To date, a DRAFT O&D Plan has been submitted to Reclamation for review and comment. Several comments were received back and incorporated.

In August of 2016, ARD CEQA consultants Dudek Inc. submitted a DRAFT Project Description to Reclamation for review and comment. This Project Description will form the basis for the CEQA/NEPA document. At that time, Reclamation informed ARD that they did not have the funding available to do the review (at that time).

In January, 2017 Reclamation staff reported that they had not yet started the review.

In June of 2017, Dudek followed up with emails to Reclamation inquiring about the status of the review. At that point, Reclamation stated that they would move it forward for review, however it was uncertain at the time about what office would be reviewing the documents.

In November, 2017, Reclamation staff reported that they were still waiting to find out if their Regional staff (as opposed to the Folsom staff) could complete the review.

Recommendation

Review and discuss.

Fiscal Impact

N/A

ARD entered into a contract with Dudek in 2014 to complete the CEQA/NEPA review. The cost of that contract is \$24,985.

Attachments

None.

SECTION 11.0

**ITEM: CORRESPONDENCE/COMMUNICATIONS AND
INFORMATIONAL**

1. Thank you letter from Stand Up Placer.

November 7, 2017

Auburn Recreation District
Ms. Sheryl Peterson
123 Recreation Dr.
Auburn, CA 95603

Dear Sheryl:

On behalf of Stand Up Placer and the survivors we serve, I would like to thank you and the Recreation District for arranging gym scholarships for the children in our program. For some it is the first time they are involved in the local gym and what it offers.

Stand Up Placer strives to ensure that all survivors of domestic violence, sexual assault and human trafficking in Placer County receive the assistance and support they seek as they work toward healing and self-sufficiency.

We appreciate your continued support, which helps us in achieving these goals and lets our clients know they are in a community that cares.

From all of us, thank you for your support helping us to empower survivors and save lives.

Sincerely,



Jenny Davidson

CEO & Executive Director

Mission:

Saving lives by empowering survivors and educating communities to stand up to domestic violence, sexual assault, and human trafficking.

Federal income tax law requires us to inform you that no goods or services were provided to you in return for your gift. Therefore, within the limits prescribed by law, the full amount of your gift is deductible for federal income tax purposes.

Board of Directors: Yaa Aggrey-Fynn (President), Susan Cresswell (Vice President), Emma Kerss (Secretary), Karen Martins (Treasurer), Justin Curry, Roxanna Friedrich, Tyra Jarvis, Antoinette Manuel, John Ruffcorn, Wendy Smith, Jenny Davidson (CEO & Executive Director)

Auburn Journal



Wolverines
Sierra College rallies
victory over Feather
SPORTS — PAGE A7

AUBURNJOURNAL.COM



GIGANTIC GOURDS

PHOTOS BY MICHAEL KIRBY • AUBURN JOURNAL

Brenda and Don Timmins grew the largest pumpkin entered at the Auburn Community Festival. Their gourd weighted 1,154.5 pounds. Pictured with the Timmins is event emcee Jennifer Richardson at left.

Giant pumpkin contest, scarecrows highlight of Community Festival

The Auburn Community Festival celebrated fall at the Auburn Recreation Park Saturday with activities at the annual festival including a giant pumpkin weigh-in, and a scarecrow building contest, along with a children's costume parade led by the Sugar Plump Fairies highlighting the day.

Local service, food and community interest vendors lined the park walking path.

Bouncy houses and other inflatable toys were enjoyed by youngsters. Children participated in craft activities including decorating pumpkins.

The day kicked off with the weighting of the giant pumpkins. A forklift positioned the giant gourds over the scale and the weight of each pumpkin was announced by emcee Jennifer Richardson.

The number of pumpkins at the festival this year was down, probably a result of the super hot summer we had this

• SEE GOURDS PAGE A2

Community Festival winners

Pumpkin Contest

- ▶ 1—Brenda and Don Timmins, Roseville — 1154.5 pounds
- ▶ 2—Tom Wilson, Grass Valley — 843 pounds
- ▶ 3—Micheala Shimek, Grass Valley — 813 pounds
- ▶ 4—Kelly Warman, Auburn — 569.5 pounds
- ▶ 5—Brian Myers, Penryn — 392 pounds
- ▶ 6—David Warman, Auburn — 324.5 pounds

Youth

- ▶ 1—Leah Malfatti, Meadow Vista — 391 pounds

Scarecrow Contest

- ▶ **PEOPLES CHOICE:** Kelly Liebert "Mother Nature and Wishing Tree"
- ▶ **OPEN:** Trish Schrieber "Picass-crow"
- ▶ **YOUTH:** Skyridge Discovery Club "Senor Cacti and Familia"



Corrine Alwam, 4, was awarded the "Most Frightening" award in the costume contest Saturday at the Auburn Community Festival.

GOURDS:

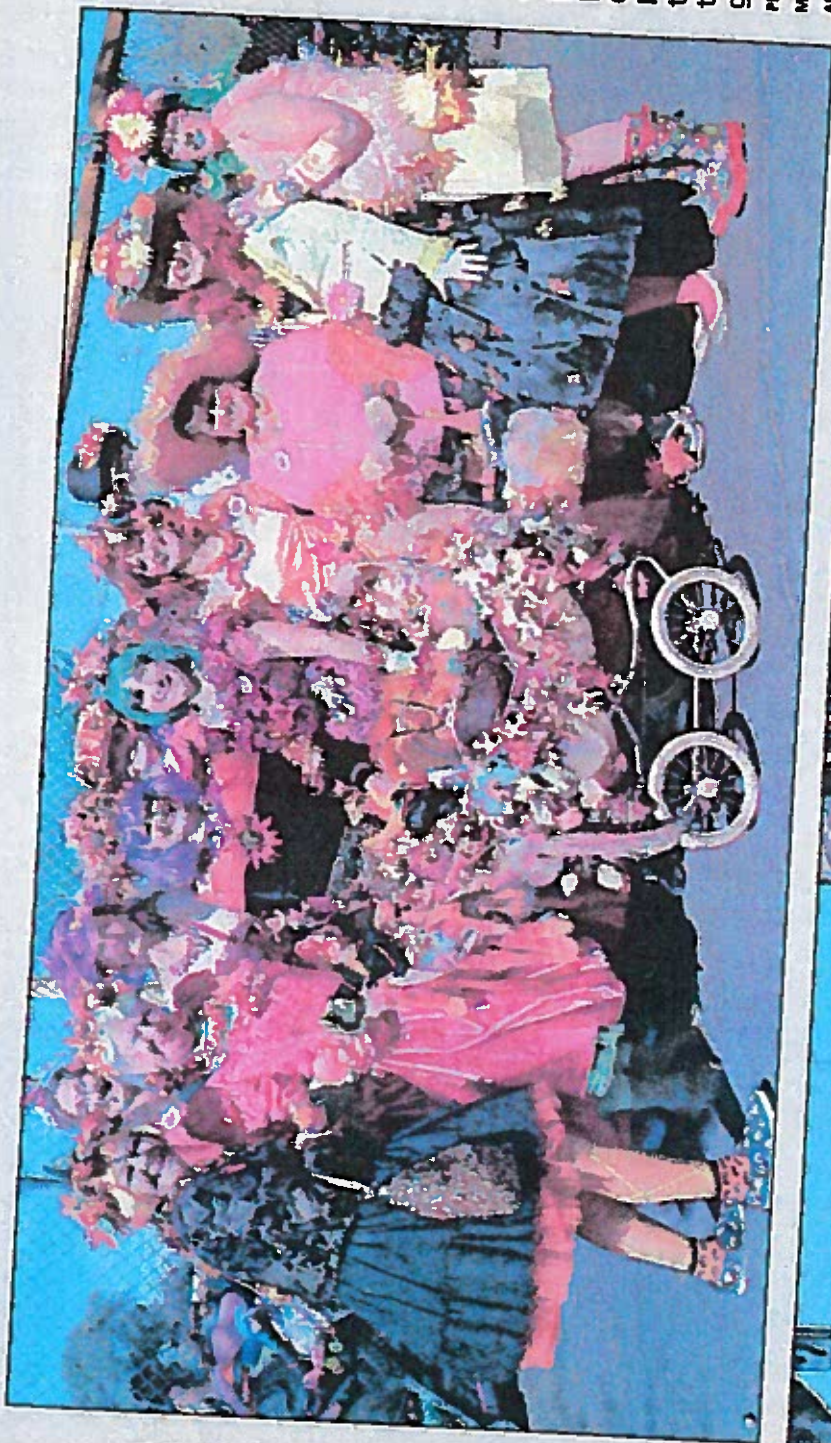
continued from A1

year, but the enthusiasm for the huge pumpkins has not slipped. Spectators sat on hay bales to watch each pumpkin get weighed.

Coming out on top this year was Brenda and Don Timmins of Roseville with a pumpkin they affectionately named "Vincent" weighing in at 1,154.5 pounds. The Timmins picked up a total of \$1,500 for their efforts - \$1,000 for the largest pumpkin at the festival and a bonus \$500 for the largest pumpkin grown in Placer County.

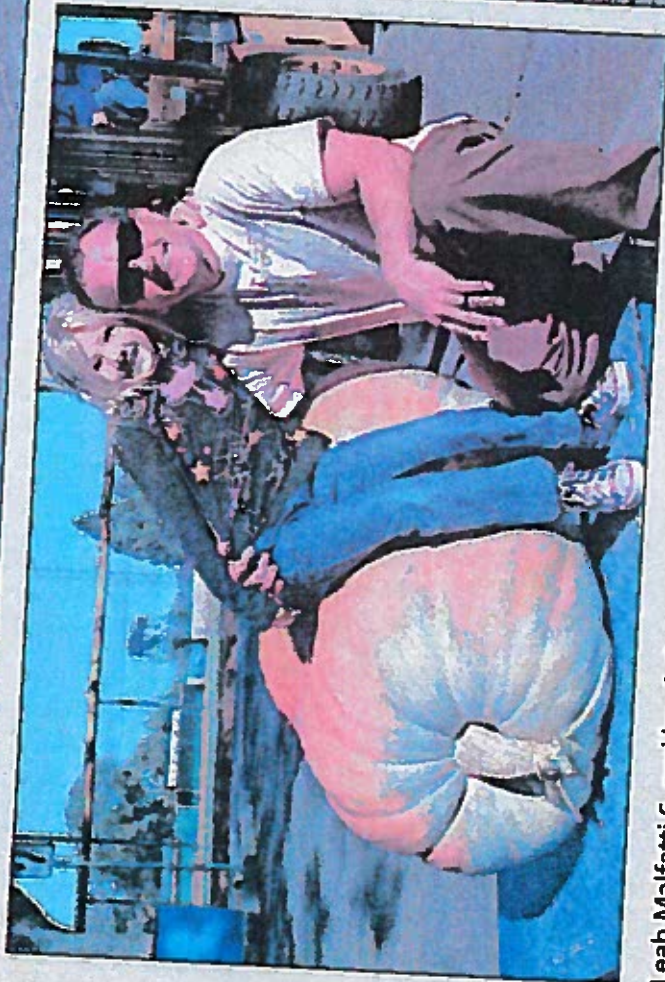
"It takes lots of water, compost and a lot of dedication, you have to put in the time," Don Timmins said. Leah Malfatti of Meadow Vista took home the top honors in the youth division with a gourd weighing 391 pounds.

The scarecrow contest awarded a people's choice award to Kelly Liebert for her "Mother Nature and Wishing Tree" entry. The open division winner was Trish Schrieber of Meadow Vista for her "Picasscrow" entry. The Skyridge Discovery Club won the youth division with their entry "Senor Cacti and Familia" entry. Numerous awards were also given for the children's costume contest.



The Sugar Plump Fairies led the Children's Parade through the festival grounds.

PHOTOS BY
MICHAEL KIRBY •
AUBURN JOURNAL



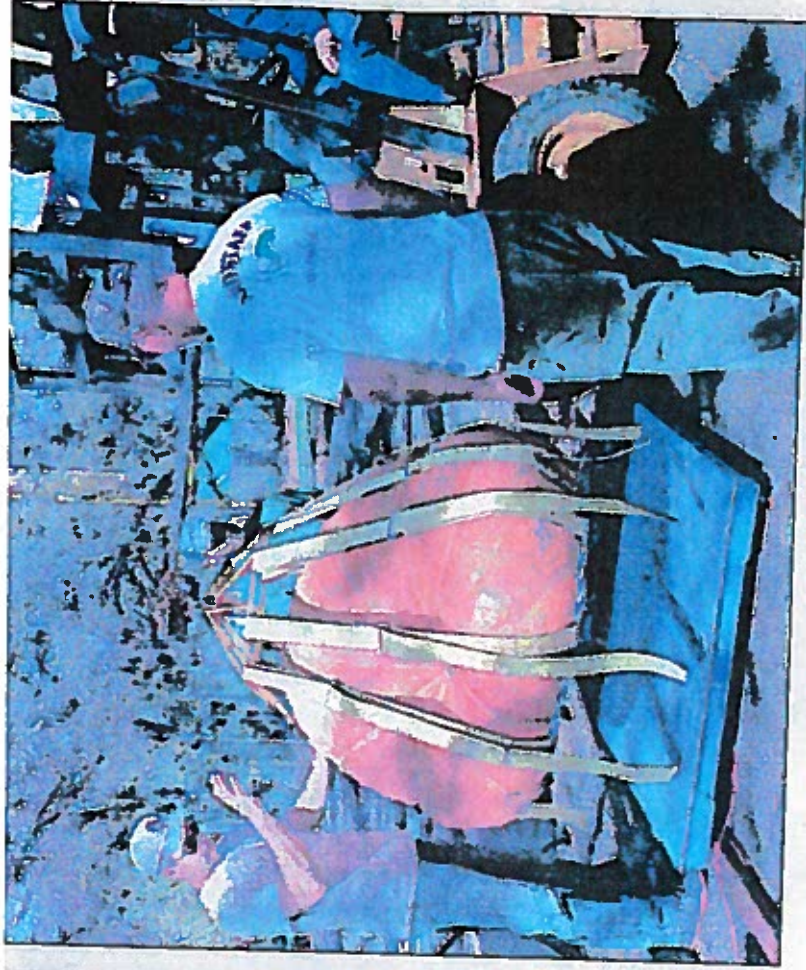
Leah Malfatti 6, and her father Rob Malfatti pose with Leah's pumpkin. Malfatti won the youth division with her pumpkin weighing of 391 pounds.



Kelly Liebert picked up the People's Choice award for her entry "Mother Nature and



A row of huge pumpkins await weighing Saturday at the Auburn Community Festival. The largest pumpkin at the festival this year weighed in at 1,154.5 pounds.



The pumpkin crew moved the large gourds to the scale for weighing.



Monday Oct 23 2017 | 6 comments

1

Auburn recreation board approves Maidu Drive bike park project South Auburn location debate sometimes stormy

By: Gus Thomson of the Auburn Journal

After a sometimes stormy five hours of public hearings over two nights, the Auburn Recreation District board voted 4-0 today to approve a bike-park project at a site off Auburn's Maidu Drive.

Board members Jim Gray, Mike Lynch, Gordon Ainsleigh and Scott Holbrook expressed support for a site that many nearby homeowners opposed because of a variety of concerns, ranging from the potential impact on migratory vultures to increased traffic to asbestos exposure. The bike park on U.S. Bureau of Recreation Land adjacent to the district's Canyon View Community Center drew support from a wider community, with several speakers citing the opportunities that would come from a new recreational option.

Board members voted in favor of adopting a resolution approving a state-required environmental study prepared by district consultants. The board vote also approves the bike project as described in the environmental study. The vote is a key step by the district in developing a bike park that first started being discussed after an unauthorized cyclist-created park of jumps and routes on Union Pacific land next to Recreation Park was uprooted by the rail corporation.

Watch this Tuesday space for more.

Keywords:

bike park maidu drive Auburn Recreation District

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NEWSLETTER

Auburn Journal

Monday Oct 23 2017 | 12 comments

2

Auburn recreation board approves Maidu Drive bike park project South Auburn location debate sometimes stormy

By: Gus Thomson of the Auburn Journal



UPDATED: WEDNESDAY OCT. 25: BIKE PARK WINS KEY OK

After an intermittently stormy five hours of public hearings over two nights, the Auburn Recreation District board voted 4-0 late Monday to approve a bike-park project at a site off Auburn's Maidu Drive.

Board members Jim Gray, Mike Lynch, Gordon Ainsleigh and Scott Holbrook expressed support for a location that many nearby homeowners opposed because of a variety of concerns, ranging from the potential impact on migratory vultures to increased traffic to asbestos exposure.

"The evidence tells me there is no reason I should say 'no,'" Director Gray said.

"We want to be responsible and I think we've done everything to make it (the project) within reason," Holbrook said, adding that opponents had no substantial arguments against it.

"When you start saying the sky is falling, it turns people off any legitimate concerns," Holbrook said.

Ainsleigh had asked for more time to look at a nearby alternative site but voted with other board members, noting that concerns about moving the Pioneer Express Trail lower into the canyon had been removed and that it would be beneficial in improving the view.

"All things considered, it's a pretty good site," Ainsleigh said.

Lynch made the vote 4-0. Director Jim Ferris was absent because of what Lynch said was a blood clot.

"For any project, it's almost impossible to reconcile hopes, expectations and concerns," Lynch said. "The decision comes down to what is best for the community, the bigger community."

The bike park on U.S. Bureau of Recreation Land adjacent to the district's Canyon View Community Center drew support from several speakers citing the opportunities that would come from a new recreational option.

"It's a small project with minimal impacts," Alex Fisch said before the vote.

Placer High student Port Mickel said that the talk of a park "has taken over half my life."

"To delay is denial," Mickel said.

Susan Boyme addressed opponents living near the bike park site, saying that people will pay more money for their homes because cyclists are moving into the area for amenities like a bike park.

Jim Haagen-Smit said the Maidu site had been well-studied.

"It's mostly kids on bikes on dirt not making boatloads of noise," he said.

"A stall tactic is a kill tactic," Skyridge resident Theresa Darrow said, in support of the park.

Opponents of the location were equally adamant during a meeting attended by about 130 people that sometimes broke out into brief, testy verbal exchanges. Lynch was able to restore order again by banging his chairman's gavel on the table.

Anne Jacobson House described the bike park as a door opening for mountain bikers to carve out new illegal trails into the canyon while increasing dangers for other trail users.

Sara Konst said that the dissension in the community was sickening to her, particularly when concerns were not being addressed about preserving a scenic canyon location.

"The community at large is not behind this location," Konst said.

Jim Nieto of Riverview Drive said that liability issues could arise because property owners near the bike park were of Mexican descent and the facility would have a negative impact on a minority community.

Sheila Larsen, an equestrian, said the bike park could result in a loss of equestrian use in the area and the ensuing loss of dollars in the economy. Larsen said she personally spends \$12,000 to \$15,000 a year on equestrian services.

Attorney Richard Hadley said that the environmental documentation was incomplete because no site alternatives were discussed. But another attorney, Mike Mapes, said the report was fine.

"I caution you not to be threatened off a decision to approve," he said.

In the end, board members voted in favor of adopting a resolution approving a state-required environmental study prepared by district consultants. The board vote also approves the bike project as described in the environmental study. The vote is a key step by the district in developing a bike park that first started being discussed after an unauthorized cyclist-created park of jumps and routes on Union Pacific land next to Recreation Park was unceremoniously uprooted by the rail corporation.

ORIGINAL REPORT:

After a sometimes stormy five hours of public hearings over two nights, the Auburn Recreation District board voted 4-0 today to approve a bike-park project at a site off Auburn's Maidu Drive.

Board members Jim Gray, Mike Lynch, Gordon Ainsleigh and Scott Holbrook expressed support for a site that many nearby homeowners opposed because of a variety of concerns, ranging from the potential impact on migratory vultures to increased traffic to asbestos exposure. The bike park on U.S. Bureau of Recreation Land adjacent to the district's Canyon View Community Center drew support from a wider community, with several speakers citing the opportunities that would come from a new recreational option.

Board members voted in favor of adopting a resolution approving a state-required environmental study prepared by district consultants. The board vote also approves the bike project as described in the environmental study. The vote is a key step by the district in developing a bike park that first started being discussed after an unauthorized cyclist-created park of jumps and routes on Union Pacific land next to Recreation Park was uprooted by the rail corporation.

Watch this Tuesday space for more.

Auburn Journal

Monday Nov 13 2017 | 2 comments

3

ARD cleans up Regional Park homeless camps

Environmental hazard, board member says

By: Aurora Sain, Reporter



The Auburn Recreation District has been cleaning up homeless camps, most recently at Regional Park. On Thursday, staff was able to clean up four camps nestled deep into the park.

In a message, District Administrator Kahl Muscott said that many of the camps were buried deep in tunnels or blackberry bushes.

"There is still one camp to clean up," he said. "It was found only by crawling on your hands and knees through a tunnel in the brush/blackberry bushes. Staff wanted Placer County Sheriff's Office present for that cleanup."

The park district plans on upping security measures and doing cleanups whenever it is needed. The district has also implemented a camera system.

Senior member of the board of directors Scott Holbrook said that the camps are sophisticated and many times hard to see from the walkways.

“It is an environmental hazard,” he said.

The items that are cleaned up from the camps have to be stored for 90 days in case someone comes looking for them.

In a letter to the Placer County Board of Supervisors, Holbrook asked them to take action and figure out a plan to stop what he calls a “chronic homeless hub.”

“Sorry to vent, but this is my community, my neighborhood, my family, my merchants that are hurting, not to mention the parks for which the community has entrusted me to represent them on and to provide a safe place for them to go,” he said. “You, the Board of Supervisors, have created a situation where now folks are scared to go shopping or visit their local park.”

Holbrook said that they are working to make sure the parks are safe for residents to visit and enjoy.

“This is a new demographic that is unfortunately here in Auburn now,” Holbrook said.

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