

**AUBURN AREA RECREATION AND PARK DISTRICT MEETING OF THE
PROGRAM, PERSONNEL, POLICY, FEE & LEGAL REVIEW COMMITTEE AGENDA**
WEDNESDAY, SEPTEMBER 16, 2020, 1:00 PM.

**CANYON VIEW COMMUNITY CENTER, FOOTHILL ROOM
AUBURN, CA 95603**

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

The public may participate in the meeting through Zoom. The link for this meeting is <https://zoom.us/j/93179791011>. The public can use this link and/or call 1 669 900 6833 Webinar ID: 931 7979 1011 to participate.

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

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

The Auburn Area Recreation and Park District appreciates your patience and understanding as we work through this new method of holding a public meeting.

1.0 CALL TO ORDER

Holbrook _____ Ainsleigh _____

2.0 ANNOUNCEMENTS, AGENDA REVIEW, CHANGES AND APPROVAL

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

4.0 BUSINESS

- 4.1 Approval of Minutes from the August 19, 2020 Program, Personnel, Policy, Fee & Legal Review Committee Meeting (Pages 3 – 4)**

Recommendation: Review and approve minutes.

4.2 Change \$1,000 Asset Threshold to \$5,000 (Pages 5 – 26)

Shall the Auburn Area Recreation and Park District (ARD) change the \$1,000 Asset Threshold to \$5,000 in the District Policy Manual?

4.3 Resolution Number 2020-27: Changes to Conflict of Interest Code (Pages 27 – 31)

Shall the Auburn Area Recreation and Park District (ARD) adopt Resolution Number 2020-27, updating and amending its Conflict of Interest Code?

4.4 Rock Creek Mobile Home Park Encroachments at Regional Park (Pages 32 – 46)

A review of the DRAFT agreement between ARD and the Rock Creek Mobile Home Park re: encroachment on to Regional Park property.

4.5 ARD Encroachment Policy (Pages 47 – 51)

Shall the Auburn Area Recreation and Park District (ARD) create a policy that addresses residents encroaching on District property?

4.6 Approval of Legal Bills (No page numbers)

Recommendation: Review and approval of legal bills.

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

None.

5.1 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH

None.

ADJOURNMENT

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

9-11-20
Date

11:10 AM
Time

T. Larson
Secretary to the Board

**Auburn Area Recreation and Park District
Minutes
of the Program, Personnel, Policy, Fee & Legal Review Committee Meeting
Wednesday, August 19, 2020 at 1:00 PM
Canyon View Community Center
471 Maidu Drive
Auburn, CA 95603**

1.0 CALL TO ORDER

The meeting of the Program, Personnel, Policy, Fee & Legal Review Committee was called to order at 1:01 p.m.

ROLL CALL

Directors Ainsleigh and Holbrook were present.

2.0 ANNOUNCEMENTS, AGENDA REVIEW, CHANGES AND APPROVAL

The agenda was approved by Directors Ainsleigh and Holbrook.

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

None.

4.0 BUSINESS

4.1 Approval of Minutes from the July 22, 2020 Program, Personnel, Policy, Fee & Legal Review Committee Meeting

The minutes from the July 22, 2020 Program, Personnel, Policy, Fee & Legal Review Committee meeting were reviewed and approved by Directors Ainsleigh and Holbrook.

4.2 Proposed Policy on Reusable, Recyclable or Compostable Food Containers and Utensil Use Within ARD and by Vendors at ARD Events

Directors Holbrook and Ainsleigh reviewed this item and forwarded it to the Board of Directors with the recommendation that it be encouraged rather than mandated.

4.3 Changes to the Youth Services Program Coordinator Job Description

Directors Holbrook and Ainsleigh reviewed and approved this item and forwarded it to the Consent Calendar for the Board of Directors to approve.

4.4 Resolution Number 2020-24: Authorizing Mark Brunner as Representative for State Licensed After School Facilities

Directors Holbrook and Ainsleigh reviewed Resolution Number 2020-24 and forwarded it to the Consent Calendar for the Board of Directors to adopt.

4.5 Increase in Wage Scales Per Tentative Union Contract

Directors Holbrook and Ainsleigh reviewed and approved the increase in wage scales per tentative union contract and forwarded it to the Consent Calendar for the Board of Directors to approve.

4.6 CalPERS Change in Auburn Area Recreation and Park District's Medical Family Benefit

Directors Holbrook and Ainsleigh reviewed and approved the CalPERS Change in Auburn Area Recreation and Park District's Medical Family Benefit and forwarded it to the Board of Directors for review and approval.

4.7 Reusable, Recyclable or Compostable Food Containers and Utensil Use Within ARD and by Vendors at ARD Events

Directors Holbrook and Ainsleigh reviewed the information provided on this item and forwarded it to the Board of Directors for consideration of a proposed policy.

4.8 Approval of Legal Bills – There were no legal bills.

Discussion Items:

None.

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

None.

5.1 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH

None.

ADJOURNED

As there was no further business, the meeting was adjourned at 1:33 p.m.

Board Secretary

Date

Item 4.2 Cover Sheet: Change \$1,000 Asset threshold to \$5,000

Auburn Area Recreation and Park District September, 2020, Program, Personnel, Policy, Fee and Legal Review committee meeting.

The Issue: Shall the Auburn Area Recreation and Park District change the \$1,000 Asset threshold to \$5,000 in the District Policy Manual?

Background: Richardson & Company, Inc. were hired by the Board of Directors to do our annual audit for Auburn Area Recreation and Park District. Per their recommendation while presenting the audited financials, our Fixed Asset Capitalization Policy needs revising.

The Auditor stated in their Management Letter, "The District's capitalization threshold of \$1,000 seems low given the size of the District. We recommend that the District increase the capitalization threshold to \$5,000 to reduce the amount of tracking needed for capital assets."

Fixed Asset Capitalization Policy

These procedures concern the acquisition, movement, sale, disposal, physical inventory and depreciation of fixed assets. The objective is to provide a tool for controlling property acquisition, availability, transference and disposal.

- A. **Description of Fixed Assets.** Fixed assets include land, buildings and structures, equipment or any related capital lease. These items are further defined as follows:
3. Equipment includes moveable personal property of a relatively permanent nature and of significant value. Relatively permanent nature should be interpreted as having a useful life expectancy of three or more years. Significant value shall be defined as all equipment acquisitions with a cost in excess of ~~\$1,000~~ **\$5,000**. The cost of equipment includes purchase price, freight charges, sales, use and transportation taxes and installation charges less discounts received.
 4. Items under ~~\$1,000~~ **\$5,000** are to be capitalized to the extent that they are a part of a permanent improvement project, the cumulative cost of which exceeds the ~~\$1,000~~ **\$5,000** parameter.
 5. All computer hardware purchased through the District is to be capitalized if the cost is in excess of ~~\$1,000~~ **\$5,000**.

Recommendation:

Staff recommends that the Program, Personnel, Policy, Fee and Legal Review committee approve the changes to the Fixed Asset Capitalization Policy and forward to the Board of Directors for review and adoption.

Impact:

Possibly saving staff time of \$1,520.00 annually.

Attachment:

Fixed Assets Purchased Through March 31, 2020

Fixed Assets Purchased Through March 31, 2020

Date Purchased	Qty	Description	Serial #	Location Kept	Purchase Price	Res. Value	Monthly Depr. (10Y Sch.)	Months	17-18 FY Depr.	Acc. Depr. Through 03/31/18	Book Value 03/31/18	18-19 FY Depr.	Acc. Depr. Through 03/31/19	Book Value 03/31/19	19-20 FY Depr.	Acc. Depr. Through 03/31/20	Book Value 03/31/20
3/31/2020	1	Office Furn. & Rec Equipment		MV	2,404.66		20.04									2,404.66	
Total Office and Equipment																2,404.66	
Equipment																	
1966	1	1971 Ford Loader tractor	C306768	MV Park	4,000.00	225.00	31.46	120.00	-	3,775.00	225.00	-	3,775.00	225.00	-	3,775.00	225.00
3/4/2005	1	1998 Jacobson HR-15 Mower	70520-1738	MV Park	95,000.00	3,500.00	262.50	120.00	-	31,500.00	3,500.00	-	31,500.00	3,500.00	-	31,500.00	3,500.00
7/15/2009	1	Gator UBI Veh dump kit	W04X2SD003291	MV Park	7,061.31	706.00	52.96	8.00	177.13	1,535.14	706.00	0.00	6,355.31	706.00	-	6,355.31	706.00
12/31/2011	1	Irrigation Pump		Winchester	1,771.32	-	14.76	3.00	811.44	5,071.50	238.16	177.13	1,712.28	59.04	59.04	1,771.32	-
3/9/2018	1	John Deer Gator Cart		MV Park	9,016.00	901.60	67.62	3.00	811.44	5,071.50	3,844.50	611.44	5,682.94	3,133.06	443.76	6,126.70	2,321.62
6/22/2018	1	Gopher Control Device		MV Park	2,219.51	-	36.98	-	-	-	2,218.81	4,218.51	4,218.51	58,277.87	887.52	9,543.18	1,331.29
8/31/2018	1	Toro Groundmaster Mower 4000-D 74		MV Park	62,496.38	6,249.64	468.72	9.00	-	-	6,249.64	399.70	399.70	58,277.87	5,624.67	64,902.45	62,053.20
2/11/2019	1	Irrigation Pump		MV Park	7,613.27	761.33	57.10	7.00	-	-	7,613.27	136.79	136.79	7,476.48	1,064.69	8,541.17	6,526.36
3/31/2019	1	Comerstone Envir - Rainbird Pump Station		MV Park	18,238.88	1,823.88	136.79	1.00	136.79	136.79	18,102.03	719.55	719.55	17,382.48	1,439.10	18,821.58	16,460.54
2/7/2020	1	VFD Pump		MV Park	7,995.00	799.50	59.96	12.00	-	-	7,995.00	11.31	11.31	7,983.69	11.31	8,095.00	6,585.90
2/7/2020	1	Intertek Pesticide Storage Cabinet		MV Shop	1,356.03	-	11.31	1.00	-	-	-	-	-	-	-	-	-
3/31/2020	1	Fuel Cabinet		MV Shop	2,207.08	-	18.40	1.00	-	-	-	-	-	-	-	-	-
3/31/2020	1	Professional Push Mower		MV Shop	2,842.12	-	23.68	1.00	-	-	-	-	-	-	-	-	-
Total Equipment																	
Total Office Equipment																	
Total Equipment																	
Total Office Equipment																	

MV Pk Totals \$ 164,221.98

MV Park Grand Total \$ 164,221.98

Fixed Assets Purchased Through March 31, 2020

Date Purchased	Qty	Description	Serial #	Location Kept	Purchase Price
Computer Equipment & Software					
6/30/2012	1	Dell Computer, Wind 7 & Monitor	35263874765	Volunteer	1,363.56
5/31/2017	2	Dell Computers			1,993.78
1/9/2018	1	Dell Computer & Monitor		PHH	1,661.59
11/6/2019	1	Siemens Coordinator Laptop			1,094.52
3/31/2020	1	Dell Computer			(1,353.00)
Office Furn. and Rec Equipment					
6/9/2003	Lot	Dincostep Flooring			5,996.90
8/15/2005	1	Daktornics Basketball Scoreboard		Stella Room	3,488.25
12/31/2007	1	Varsity Scoreboards wireless remote		rec Park	3,053.12
1/22/2010	1	AED Defibrillator		Marshia Skinner	1,299.00
7/31/2012	1	Hearstine AED Defibrillator		Placer Hills	1,255.00
3/31/2013	1	Pool Sweep		Marshia Skinner	4,836.00
5/31/2018	1	Pool Cover		Marshia Skinner	7,529.17
8/30/2018	1	Pool Cover		Placer Hills Pool	2,723.72
9/14/2018	1	6ft Cat Iron Steel Bench		Marshia Skinner	1,879.23
Total Computer Equipment \$ 4,050.84					
Equipment					
5/21/2004	1	Stratrol Chemical Feeder		Marshia Skinner	3,708.79
12/5/2008	1	Sierra Pool Pump (Johnson Controls)		Marshia Skinner	5,393.00
1/16/2009	1	Chlorine Chemical Pump		Marshia Skinner	1,720.97
4/1/2010	1	Pool Heater Replaced		Splash Pool	5,927.73
3/6/2015	1	Robotic Pool Cleaner			1,393.88
3/31/2015	1	Balor Motor 15 HP		ECP4100T	2,483.74
8/30/2015	1	Movie Equipment		Rec Park	1,549.00
2/2/2018	1	Heater for Sierra Pool		Marshia Skinner	3,701.83
2/16/2018	1	Ice Machine		Rec Comm Ctr	6,365.00
3/31/2018	1	Pump, Strainer & Filter		Splash Pool	5,352.41
8/31/2018	1	Sierra Pool Diving Board		Marshia Skinner	4,176.00
4/1/2019	1	HVAC Unit		Computer Room	9,277.00
4/1/2019	1	HVAC Unit		Rec Offices	3,079.90
8/24/2019	1	HAS Pentrite Pump		PH Pool	
Total Equipment \$ 105,062.40					
Dept. Totals \$ 141,161.69					

Dept. Grand Total:
\$ 141,161.69

17,651.32

Res. Value	Monthly Depr.	Months	17-18 FY Depr.	Acc. Depr. Through 03/31/18	Book Value 03/31/18	18-19 FY Depr.	Acc. Depr. Through 03/31/19	Book Value 03/31/19	19-20 FY Depr.	Acc. Depr. Through 03/31/20	Book Value 03/31/20
-	37.88	8.00	-	1,363.56	-	-	1,363.56	-	-	1,363.56	-
-	43.67	8.00	524.00	2,445.33	174.67	174.67	2,620.00	(0.00)	(0.00)	2,620.00	-
-	55.10	10.00	981.24	1,212.28	771.45	661.24	1,873.52	110.21	110.21	1,983.73	-
-	28.49	4.00	-	-	-	117.95	117.95	843.64	363.66	471.82	585.77
-	27.93	4.00	-	-	-	-	-	-	111.72	111.72	863.50
-	-	-	-	-	-	-	-	-	(1,363.56)	(1,363.56)	-
-	-	-	-	-	-	-	-	-	(2,620.00)	(2,620.00)	-
			1,185.24	5,021.17	946.12	953.87	5,975.04	1,652.64	(3,497.77)	2,567.27	1,483.57
160.30	1.00	1.00	-	5,996.90	-	-	5,996.90	-	-	5,996.90	-
47.04	36.13	96.00	-	1,893.50	-	-	1,893.50	-	-	1,893.50	-
36.13	31.80	96.00	-	3,488.25	-	-	3,488.25	-	-	3,488.25	-
10.83	10.83	2.00	129.90	3,053.12	236.15	129.90	1,190.75	108.25	108.25	1,299.00	-
10.46	40.48	8.00	125.50	1,090.85	543.79	125.50	836.71	418.79	485.81	1,322.51	292.79
40.48	62.74	10.00	485.81	2,428.94	2,428.12	627.43	2,814.74	1,943.32	782.92	3,496.55	1,467.51
22.70	15.66	10.00	-	-	-	204.28	204.28	2,519.44	272.37	476.65	2,247.07
(14.11)	-	-	-	-	-	93.96	93.96	1,785.27	187.92	281.88	1,597.35
			241.21	16,402.76	3,211.07	1,665.88	20,068.64	12,876.31	(278.27)	20,298.81	11,743.54
38.63	44.94	120.00	-	3,706.79	(0.00)	-	3,706.79	(0.00)	(0.00)	3,706.79	-
14.42	14.42	120.00	173.06	5,393.00	144.25	144.25	1,730.57	(0.00)	(0.00)	1,730.57	-
46.00	46.00	120.00	552.77	2,974.48	2,533.25	362.77	3,527.25	2,000.48	562.77	4,089.02	1,447.71
11.61	11.61	-	139.37	418.10	975.58	139.37	567.47	636.21	139.37	696.84	689.84
20.70	20.70	-	248.37	745.12	1,738.62	248.37	993.50	1,490.24	248.37	1,241.87	1,241.87
12.81	12.81	9.00	154.95	426.11	1,123.39	154.95	581.08	968.44	154.95	736.01	813.49
430.38	28.02	1.00	430.38	430.38	\$1,215.47	5,184.59	5,694.87	46,050.88	5,184.59	10,759.55	40,866.30
53.21	44.44	7.00	28.02	28.02	3,333.81	338.18	364.20	2,997.63	338.18	700.38	2,661.45
34.80	77.31	12.00	-	-	-	311.06	311.06	5,021.35	417.00	417.00	3,703.40
25.77	25.77	10.00	-	-	-	-	-	-	257.73	257.73	2,855.07
			1,724.82	15,748.33	67,468.86	7,680.89	23,400.42	65,112.18	(3,771.86)	32,771.47	72,266.87

105,058.40

Fixed Assets Purchased Through March 31, 2020

Date Purchased	Qty	Description	Serial #	Location Kept	Purchase Price
Office Equipment					
Computer Equipment					
5/31/2013	1	Dell Optiplex Computer 3010	816CDX1	Debbie's	1,050.54
5/31/2013	1	Dell Optiplex Computer 3010	816CDX1	Daycamp Mod	1,078.55
3/31/2011	1	Dell Optiplex 380	HIVAKSI	Daycamp Mod	1,222.27
7/30/2017	1	Dell Computer		Y.S. Manager	1,099.74
3/31/2020	1	Dell Optiplex Computer 3010			(1,050.54)
3/31/2020	1	Dell Optiplex computer 3010			(1,078.55)
Total Computer Equipment					\$ 2,222.01
Youth Services - Office					Location Total \$ 2,322.01

\$ Location Grand Total 2,322.01

Res. Value	Monthly Depr. (3Y Sch.)	17-18 FY Depr.	18-19 FY Depr.	19-20 FY Depr.	Book Value 03/31/18	Acc. Depr. Through 03/31/18	Book Value 03/31/19	Acc. Depr. Through 03/31/19	Book Value 03/31/20	Acc. Depr. Through 03/31/20
28.18	10.00	-	1,050.54	0.00	0.00	1,050.54	0.00	1,050.54	-	1,050.54
28.98	10.00	-	1,078.55	(0.00)	(0.00)	1,078.55	(0.00)	1,078.55	-	1,078.55
33.95	-	-	1,222.27	-	-	1,222.27	-	1,222.27	-	1,222.27
30.55	8.00	corr	-	977.55	-	-	-	977.55	122.19	977.55
				(1,050.54)				(1,050.54)		(1,050.54)
				(1,078.55)				(1,078.55)		(1,078.55)
				0.00			0.00	0.00		0.00
				2,322.01			2,322.01	2,322.01		2,322.01

Fixed Assets Purchased Through Mareh 31, 2020

Date Purchased	Qty	Description Equipment	Serial #	Location Kept	Purchase Price	Res. Value (10%)	Monthly Depr. (10y Sch)	Months	17-18 FY Depr.	Acc. Depr. Through 03/31/18	Book Value 03/31/18	18-19 FY Depr.	Acc. Depr. Through 03/31/19	Book Value 03/31/19	19-20 FY Depr.	Acc. Depr. Through 03/31/20	Book Value 03/31/20
December 8, 2008		HVAC			3,611.00	361.10	30.09	120	270.83	3,249.91	361.10	361.10	3,611.01	(0.00)	(361.10)	3,249.90	361.10
7/26/2019	1	Heat Pump		Tutor Toter	5,697.00	.	46.84	6.00				373.13	373.13	5,223.87			
7/26/2018																	
Office Furn. & Rec Equipment																	
					Total Equipment	\$ 9,208.00											
					Total Office Equipment	\$ -											

Reg Pk Totals \$ 9,208.00
 Reg Pk Grand Total \$ 9,208.00

Fixed Assets Purchased Through March 31, 2020

Date Complete	Park	Description	Cost Over \$1,000	Salvage Value	Monthly Depr.	Partial / Months	17-18 FY Depr.	Acc. Depr. Through 03/31/18	Book Value 03/31/18	16-18 FY Depr.	Acc. Depr. Through 03/31/19	Book Value 03/31/19	19-20 FY Depr.	Acc. Depr. Through 03/31/20	Book Value 03/31/20
		Structures (Improvements) Completed													
		Total Misc Capital Improvement Projects	\$ 3,327,808.04				2,898.36	3,367,682.05	26,234.89	1,636.38	3,367,245.67	18,318.43	1,654.77	3,384,560.44	16,892.76
		Total Structures	\$ 12,338,161.34				335,882.45	8,735,348.46	3,432,760.51	3,62,807.19	9,088,155.64	3,782,462.57	385,765.43	9,443,941.08	3,494,320.48

Fixed Assets Purchased Through March 31, 2020

Date Purchased	Qty	Description	Serial #	Location Kept	Purchase Price	Res. Value	Mo. Depr. (8Y Sch.)	Partial Months	17-18 FY Depr.	Acc. Depr. Through 03/31/18	Book Value 03/31/18	18-19 FY Depr.	Acc. Depr. Through 03/31/19	Book Value 03/31/19	18-20 FY Depr.	Acc. Depr. Through 03/31/20	Book Value 03/31/20
1/18/2002	1	#15) 2000 Dodge 3/4 ton Truck (lc. 1107399)	1B7KC23W1Y156626	Rec. Park	20,000.00	2,000.00	187.50	17.00	-	18,000.00	2,000.00	-	18,000.00	2,000.00	-	18,000.00	2,000.00
1998?	1	Trailer (lc. E315483)		Rec. Park	1,000.00	100.00	9.38	60.00	-	900.00	100.00	-	900.00	100.00	-	900.00	100.00
8/25/2005	1	#221) 2000 Ford F-250 Dump Truck (lc. 1203737)	1FDXF46F3YEE19658	Rec. Park	27,042.15	2,704.22	253.52	-	-	24,337.93	2,704.22	-	24,337.93	2,704.22	-	24,337.93	2,704.22
9/2/2005	1	#241) 2005 Dodge Ram 2500 (lc. 1203731)	306WRT8D958831739	Rec. Park	21,410.05	2,141.01	200.72	-	-	19,269.04	2,141.01	-	19,269.04	2,141.01	-	19,269.04	2,141.01
9/2/2005	1	#00) 2005 Ford Ranger XLT (lc. 1203734)	1FTYR1042SP809012	Rec. Park	12,658.42	1,265.84	118.02	-	-	11,392.58	1,265.84	-	11,392.58	1,265.84	-	11,392.58	1,265.84
9/12/2006	1	#19) 2006 Ford Ranger (lc. 1209081)	1FTYR10D037PA56701	Rec. Park	12,643.98	1,264.40	117.60	-	-	11,379.58	1,264.40	-	11,379.58	1,264.40	-	11,379.58	1,264.40
12/7/2006	1	#5) 2006 Ford Ranger XLT (lc. 1209060)	1FTYR10D037PA56762	Rec. Park	11,320.34	1,132.68	106.19	-	-	10,187.66	1,132.68	-	10,187.66	1,132.68	-	10,187.66	1,132.68
1/19/2007	1	#10) 2006 Ford Ranger XLT (lc. 1209082)	1FTYR10D037PA56764	Rec. Park	11,320.34	1,132.68	106.19	-	-	10,187.66	1,132.68	-	10,187.66	1,132.68	-	10,187.66	1,132.68
6/30/2013	1	#8) 2007 Ford F250 4WD (lc. 1209082)	1FTSM21567EA63864	Rec. Park	24,237.44	2,423.74	227.23	9.00	2,200.35	21,813.61	2,423.74	-	21,813.61	2,423.74	-	21,813.61	2,423.74
6/30/2013	1	#28) 2013 F150 Pick up (lc. 1422360)	1FTEX1GME8KF11463	Rec. Park	19,568.70	1,956.87	183.36	9.00	2,200.35	17,368.42	1,956.87	-	17,368.42	1,956.87	-	17,368.42	1,956.87
6/30/2013	1	#29) 2013 F150 Pick up (lc. 1422359)	1FTEX1GME8KF11464	Rec. Park	19,568.70	1,956.87	183.36	9.00	2,200.35	17,368.42	1,956.87	-	17,368.42	1,956.87	-	17,368.42	1,956.87
12/30/2013	1	#30) 2014 F250 Pick up (lc. 1435484)	1FTZW2B64PEA86577	REG Park	29,020.67	2,902.06	279.57	3.00	3,354.81	25,665.86	2,902.06	-	25,665.86	2,902.06	-	25,665.86	2,902.06
1/3/2014	1	2007 Range Rover		REG Park	1,150.00	115.00	107.8	2.00	129.38	1,020.62	610.94	-	1,020.62	610.94	-	1,020.62	610.94
3/3/2016	1	#31) 2016 F350 Ford Truck Pick-up (lc. 1498735)	1FTRW3AT4GEC53104	Rec. Park	35,169.43	3,516.96	335.33	1.00	4,023.97	31,145.46	3,516.96	-	31,145.46	3,516.96	-	31,145.46	3,516.96
10/26/2018	1	Ford Van	NM0L5T8E78E1142861	Rec. Park	17,500.43	1,750.04	168.29	-	-	15,749.39	1,750.04	-	15,749.39	1,750.04	-	15,749.39	1,750.04
Total Vehicles					\$ 246,202.44												

Fixed Assets Purchased Through March 31, 2020

Date Purchased	Qty	Description	Serial #	Location Kept	Purchase Price
Equipment					
1894	1	Easterday Buffer, Model #P-20	P03926	Moved from Rec	1,200.00
8/31/2007	1	High Speed Buffer	FD2693	CVCC	1,206.66
11/30/2015	1	AED Safety Unit		CVCC	1,323.53
9/2/2016	1	Mold Air Conditioner Unit		CVCC	11,616.00
				Total Equipment	\$ 15,645.69
Office Furn. and Rec Equipment					
6/24/2002	1	2 Door Refrigerator w/Casters		CVCC/Kitchen	1,981.60
12/31/2003	1	Audio System, Amp. & Recorder		Board Room	1,206.22
8/30/2006	1	Portable Stage		Sierra Room	1,501.00
3/31/2015	1	Lighting Project		CVCC/REC/REC	19,925.17
3/31/2020		Multi Media Equipment & Large Screen			1,754.45
				Total Office Equipment	\$ 26,348.45
Computer Equipment & Software					
5/31/2014	1	Dell Optiplex Computer 3010	8178DX1	Landscape	1,078.54
3/31/2020	1	Dell Optiplex Computer 3010			(1,078.54)
				Total Computer Equipment & Software	\$ -

Res. Value	Monthly Depr.	Months	17-18 FY Depr.	Acc. Depr. Through 03/31/18	Book Value 03/31/18	18-19 FY Depr.	Acc. Depr. Through 03/31/19	Book Value 03/31/19	19-20 FY Depr.	Acc. Depr. Through 03/31/20	Book Value 03/31/20
150.00	11.25	108.00	-	1,350.00	150.00	-	1,350.00	150.00	-	1,350.00	150.00
120.66	9.05	120	45.24	1,085.90	120.66	0.00	1,085.90	120.66	-	1,085.90	120.66
-	22.06	4.00	264.67	817.55	705.78	264.67	882.22	441.11	264.67	1,146.89	178.44
-	96.80	6.00	1,161.60	1,742.40	9,873.60	1,161.60	2,904.00	8,712.00	1,161.60	4,065.60	7,550.40
			1,471.51	3,445.85	10,706.04	1,426.27	4,872.12	8,273.77	1,426.27	6,298.39	7,847.57
200.00	9.79	12.00	-	1,761.60	200.00	0.00	1,761.60	200.00	-	1,761.60	200.00
-	20.10	-	-	1,206.22	-	0.00	1,206.22	0.00	-	1,206.22	-
-	25.02	-	-	1,501.00	-	0.00	1,501.00	0.00	-	1,501.00	-
-	166.04	-	1,992.52	3,985.03	15,940.14	1,992.52	5,977.55	13,947.62	1,992.52	7,970.07	11,955.10
-	14.62	-	-	1,403.86	16,146.14	-	1,403.86	14,742.28	-	1,403.86	1754.45
			1,992.52	8,403.86	16,146.14	1,892.52	16,446.37	14,147.62	1,892.52	12,438.89	13,899.59
29.88	10.00	10.00	-	1,078.54	(0.00)	0.00	1,078.54	(0.00)	(0.00)	1,078.54	-
			-	1,078.54	(0.00)	-	1,078.54	(1,078.54)	(1,078.54)	(1,078.54)	-
			-	1,078.54	(0.00)	-	1,078.54	(0.00)	(1,078.54)	(1,078.54)	-

\$ 41,994.34

Fixed Assets Purchased Through March 31, 2020

Date Purchased	Qty	Description	Serial #	Location Kept	Purchase Price	
6/23/2008	1	Epson Projector w/Laser		Dist. Administrator	1,064.65	
3/31/2009	0	Adjustment of 5 year old error			79.46	
		Office Equipment				
				Total Office Equipment \$ 1,144.11		
		Computer Equipment				
2/21/2001	1	Dell Monitor		Melidu	189.94	
5/9/2001	Lot	Delta wiring/Networking/E-Mail Installation		Melidu	3,635.55	
4/30/2009	1	Timeclock System		Admin Server	3,965.80	
8/30/2012	1	Dell Latitude Laptop computer, Windows 7		Admin - Kathy's	1,271.52	
6/30/2012	1	Dell Computer, Wfn 7 & Monitor		Admin Server	1,422.27	
5/31/2013	1	HP Server		Admin Server	8,205.96	
7/25/2014	1	Dell Optiplex 3020, 8GB		Veone's	1,183.35	
7/25/2013	1	Dell Optiplex 3020, 8GB, & cordless Mouse/Keyboard		Kali's	1,203.65	
12/31/2015	1	Timeclock Upgrade		CVCC server	2,120.25	
5/31/2016	1	Optiplex Dell Comp & 20" Monitor	3RBM482	Acclj - DR's	1,149.72	
5/31/2016	1	Optiplex Dell Computer	3R6X482	Adrian - Pat's	1,019.74	
2/28/2017	1	Great Peaks software upgrade			3,900.00	
7/30/2017	3	Dell computers		Karl, Joe, Kathy	3,299.23	
3/31/2020		Computer decommissioned			(12,862.09)	
		Total Computer Equipment \$ 19,694.90				

			Res. Monthly Value	Depr. Months	17-18 FY Depr.	Acc. Depr. Through 03/31/18	Book Value 03/31/18	18-19 FY Depr.	Acc. Depr. Through 03/31/19	Book Value 03/31/19	19-20 FY Depr.	Acc. Depr. Through 03/31/20	Book Value 03/31/20
			29.57		0.00	1,064.65	0.00	0.00	1,064.65	0.00	0.00	1,064.65	-
					0.00	79.46	0.00	0.00	79.46	0.00	0.00	79.46	-
					0.00	1,144.11	0.00	0.00	1,144.11	0.00	0.00	1,144.11	-
			5.28	28.00	0.00	189.94	-	0.00	189.94	0.00	-	189.94	-
			100.99	26.00	0.00	3,635.55	-	0.00	3,635.55	0.00	-	3,635.55	-
			110.16	2.00	0.00	3,965.80	0.00	0.00	3,965.80	0.00	0.00	3,965.80	-
			35.32	8.00	0.00	1,271.52	-	0.00	1,271.52	0.00	-	1,271.52	-
			39.51	8.00	0.00	1,422.27	-	0.00	1,422.27	0.00	-	1,422.27	-
			136.77	10.00	1,641.19	7,932.43	273.53	273.53	8,205.96	0.00	0.00	8,205.96	-
			19.39	8.00	232.67	853.12	310.23	232.67	1,085.79	77.56	77.56	1,163.35	-
			20.06	8.00	240.73	882.88	320.97	240.73	1,123.41	80.24	80.24	1,203.65	-
			58.90	3.00	706.75	1,590.18	530.06	530.06	2,120.25	0.00	0.00	2,120.25	-
			31.94	10.00	393.24	702.61	447.11	393.24	1,085.85	83.87	83.87	1,169.72	-
			28.33	10.00	338.91	623.17	396.57	338.91	983.09	56.85	56.85	1,040.74	-
			108.33	1.00	1,300.00	1,408.33	2,491.67	1,300.00	2,708.33	1,191.67	1,191.67	3,900.00	-
			91.65	8.00	Corr	Corr		Corr			2,932.65	2,932.65	386.58
												(12,862.09)	
										0.00			
					4,844.89	24,477.81	4,770.14	3,300.14	27,777.79	1,478.06	18,448.43	19,328.32	386.58
													19,694.90

\$ 20,839.01

Fixed Assets Purchased Through March 31, 2020

Date Purchased	Qty	Description	Serial #	Location Kept	Purchase Price
5/22/2009	1	Safe 4.8 Cu Ft	Wakers	Cust Serv	1,472.19
Office Equipment					
					Total Office Equipment \$ 1,472.19
Computer Equipment					
6/24/2005	1	RecTrac Software/Training	Vermont Syst	Registration	7,078.50
8/2/2005	1	Rec Trac Software/Training	Vermont Syst	Registration	3,653.79
11/21/2006	1	Dell Vostro 220	1V2S1J1	Extra - Pix	1,549.13
10/31/2006	1	OptiPlex Computers	DFY2RB1	Registration	1,177.28
12/19/2008	1/2	WebTrac(Software)			4,940.94
7/30/2011	1	Dell OptiPlex Computer		Back office	1,522.86
8/31/2011	1	Server for Rec Trac		SERVER	3,125.98
5/31/2014	1	HP ProLiant ML 350P Gen B			10,571.30
5/31/2016	1	Dell OptiPlex Computer	3RC0482	Ann's	1,140.33
11/9/2018	1	Dell Computer & Monitor		Manouch	1,483.06
11/9/2018	1	Dell Computer & Monitor		Andie	1,483.05
3/31/2020		Computers Decommissioned			(4,249.27)
					Total Computer Equipment \$ 33,478.55

Date	Qty	Description	Serial #	Location Kept	Purchase Price
2/8/2008	1	Heater in Women's Restroom	Aire Serv H & A	Lobby	1,999.00
2/8/2008	3	HVAC Systems replaced	Aire Serv H & A	Rec Comm CTR	18,114.00
					Total Equipment \$ 20,113.00

\$ 55,063.74

Monthly Depr. (3Y Sch.)	Res. Value	Months	17-18 FY Depr.	Acc. Depr. Through 03/31/18	Book Value 03/31/18	18-19 FY Depr.	Acc. Depr. Through 03/31/19	Book Value 03/31/19	19-20 FY Depr.	Acc. Depr. Through 03/31/20	Book Value 03/31/20
12.27	10.00	10.00	147.22	1,300.43	171.76	147.22	1,447.65	24.54	24.54	1,472.19	-
			147.22	1,300.43	171.76	147.22	1,447.65	24.54	24.54	1,472.19	-
196.63	36.00	36.00	7,078.50	7,078.50	0.00	0.00	7,078.50	0.00	0.00	7,078.50	-
101.49	36.00	36.00	3,653.79	3,653.79	0.00	0.00	3,653.79	0.00	0.00	3,653.79	-
43.03			1,549.13	1,549.13	0.00	0.00	1,549.13	0.00	0.00	1,549.13	-
32.70			1,177.28	1,177.28	0.00	0.00	1,177.28	0.00	0.00	1,177.28	-
137.25			4,940.94	4,940.94	0.01	0.01	4,940.94	0.01	0.01	4,940.94	-
25.38	8.00	8.00	1,522.86	1,522.86	0.00	0.00	1,522.86	0.00	0.00	1,522.86	-
52.10	7.00	7.00	3,125.98	3,125.98	(0.00)	0.00	3,125.98	(0.00)	(0.00)	3,125.98	-
176.19	10.00	10.00	2,114.26	10,218.82	352.38	352.38	10,571.30	(0.00)	(0.00)	10,571.30	-
31.66	10.00	10.00	380.11	696.87	443.46	380.11	1,078.98	63.35	63.35	1,140.33	-
41.22	4.00	4.00	164.87	164.87	164.87	164.87	1,318.99	494.82	494.82	824.37	-
41.22	4.00	4.00	164.87	164.87	164.87	164.87	1,318.98	494.82	494.82	824.36	-
			0.00	0.00	0.00	0.00	0.00	0.00	(4,249.27)	(4,249.27)	-
			2,494.27	23,964.26	796.86	1,052.34	36,036.59	2,791.32	(3,196.69)	31,829.82	1,648.73

33,478.55

Monthly Depr. (3Y Sch.)	Res. Value	Months	17-18 FY Depr.	Acc. Depr. Through 03/31/18	Book Value 03/31/18	18-19 FY Depr.	Acc. Depr. Through 03/31/19	Book Value 03/31/19	19-20 FY Depr.	Acc. Depr. Through 03/31/20	Book Value 03/31/20
16.66	120.00	120.00	199.90	1,932.37	66.63	66.63	1,999.00	0.00	0.00	1,999.00	-
150.95	120.00	120.00	452.85	18,114.00	-	0.00	18,114.00	0.00	0.00	18,114.00	-
-	120.00	120.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-
-	120.00	120.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-
			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-
			652.75	20,046.37	66.63	66.63	20,713.00	0.00	0.00	20,713.00	-

Fixed Assets Purchased Through March 31, 2020

Date Purchased	Qty	Description	Serial #	Location Kept	Purchase Price	Res. Monthly Value	Months Dep.	17-18 FY Depr.	Acc. Depr. Through 03/31/18	Book Value 03/31/18	18-20 FY Depr.	Acc. Depr. Through 03/31/20	Book Value 03/31/20
Office Furn. and Rec Equipment													
Computer Equipment & Software													
10/31/2007	1	Dell Optiplex 795 Dell Comp & 18" Flat Monit.	2638RD1	Newcastle	1,584.40	43.46	8.00	1,584.40	1,584.40	(0.00)	(0.00)	1,584.40	-
3/30/2019	1	Dell Optiplex 765 Dell Comp & 18" Flat Monit.			(1,604.40)			0.00	(1,584.40)	0.00	(1,584.40)	#####	-
Total Computer Equipment & Software \$													
- 1,584.40 - 0.00 (1,584.40) - -													

Fixed Assets Purchased Through March 31, 2020

Date Purchased	Qty	Description	Serial #	Location Kept	Purchase Price	Res. Monthly Value	Months Dep.	17-18 FY Depr.	Acc. Depr. Through 03/31/18	Book Value 03/31/18	18-20 FY Depr.	Acc. Depr. Through 03/31/20	Book Value 03/31/20
Equipment													
7/30/2011	2	Heat and Air Units		Shyldge Aboos	9,621.39	80.18	8.00	802.14	8,093.55	3,527.84	802.14	8,917.83	1,803.57
Total Equipment \$ 9,621.39													
Computer Equipment & Software													
2/8/2007	1	Dell Optiplex	8X98CC1	Shyldge	1,897.57	52.71		-	1,897.57	-	0.00	1,897.57	-
10/31/2015	1	Dell Computer w/Speakers		Shyldge	1,161.90	32.00	5.00	383.97	927.92	223.98	223.98	1,161.90	-
10/31/2015	1	Dell Computer		Shyldge	1,044.31	29.01	5.00	348.10	841.25	203.06	203.06	1,044.31	-
3/31/2020		Dell Optiplex			(1,897.57)							(1,897.57)	#####
Total Computer Equipment & Software \$ 2,196.21													
731.07 2,696.74 427.04 4,083.78 0.00 (1,897.57) 2,196.21 -													

Fixed Assets Purchased Through March 31, 2020							
Date Purchased	Qty	Description	Serial #	Location Kept	Purchase Price	Res. Monthly Value	Months Depr.
9/2/2016	1	Hest Pump replaced		Mod 1	9,275.00	52.28	1.00
Total Office Equipment						\$	6,275.00
Computer Equipment & Software							
Total Computer Equipment & Software \$							

17-18 FY Depr.	18-19 FY Depr.	19-20 FY Depr.	Acc. Depr. Through 03/31/18	Acc. Depr. Through 03/31/19	Acc. Depr. Through 03/31/20	Book Value 03/31/18	Book Value 03/31/19	Book Value 03/31/20
52.27	627.50	627.50	1,307.27	1,934.77	1,934.77	5,585.23	4,967.73	4,340.23
52.27	627.50	627.50	1,307.27	1,934.77	1,934.77	5,585.23	4,967.73	4,340.23

	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
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Fixed Assets Purchased Through March 31, 2020							
Date Purchased	Qty	Description	Serial #	Location Kept	Purchase Price	Res. Monthly Value	Months Depr.
9/2/2019	1	New HVAC Youth Service		Auburn Elem	5,707.00	47.56	9.00
Total Equipment						\$	5,707.00
Computer Equipment & Software							
Total Computer Equipment & Software \$							

17-18 FY Depr.	18-19 FY Depr.	19-20 FY Depr.	Acc. Depr. Through 03/31/18	Acc. Depr. Through 03/31/19	Acc. Depr. Through 03/31/20	Book Value 03/31/18	Book Value 03/31/19	Book Value 03/31/20
47.56	428.03	570.70	428.03	898.73	988.73	5,278.98	4,706.28	4,128.28
47.56	428.03	570.70	428.03	898.73	988.73	5,278.98	4,706.28	4,128.28

	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
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\$ 11,982.00

Item 4.3 Cover sheet – Resolution #2020-27: Changes to Conflict of Interest Policy

Auburn Area Recreation and Park District (ARD) Policy Committee meeting September 16, 2020

The Issue

Shall the Auburn Area Recreation and Park District (ARD) adopt Resolution #2020-27, updating and amending its Conflict of Interest Code?

Background

Every two years, local agencies receive a request from Placer County to update their Conflict of Interest Code. This information eventually is sent to the California Fair Political Practices Commission.

ARD staff reviewed its Conflict of Interest Code and did not note any changes, sending back the required form noting no changes. Michael Profant with the Placer County Counsel office subsequently called and let ARD know that the County would like to see ARD's legal counsel listed as a separate line in Appendix A. That change has been made.

Recommendation for the Policy Committee

Review and provide a positive recommendation for the Board of Directors to approve Resolution #2020-27.

Fiscal Impact

N/A

Attachments

Resolution #2020-27 and updated Conflict of Interest Code (Appendix A)

RESOLUTION NO. 2020-27

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AUBURN AREA RECREATION AND PARK DISTRICT
ADOPTING A CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act, Government Code sections 81000, et seq., requires every state or local government agency to adopt and promulgate a conflict of interest code and to update such code every five years; and

WHEREAS, the Auburn Area Recreation and Park District ("District") must update its conflict of interest code that is currently enacted in Section "V" of the District's Policies and Procedures Manual; and

WHEREAS, the Fair Political Practices Commission ("FPPC") has adopted a regulation, 2 California Code of Regulations section 18730, setting forth the terms of a standard model conflict of interest code, which can be incorporated by reference, and which will be amended from time-to-time by the FPPC to conform to any amendments in the Political Reform Act after public notice and hearing pursuant to the Administrative Procedures Act, Government Code sections 11370, et seq.; and

WHEREAS, incorporation by reference of the terms of regulation 2 California Code of Regulations section 18730, and any amendments to it, as the District's conflict of interest code will minimize the actions required to keep the District's conflict of interest code in conformity with state statutes and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Auburn Area Recreation and Park District as follows:

Section 1. The terms of 2 California Code of Regulations section 18730, and any amendments to it that may be duly adopted from time-to-time by the FPPC, are hereby adopted by reference as the Conflict of Interest Code of the District.

Section 2. The list of designated employees/positions and disclosure categories attached hereto as Appendix "A" are hereby adopted as the Appendix of designated employees and disclosure categories referred to in 2 California Code of Regulations section 18730(b)(2).

Section 3. This conflict of interest code shall become effective upon the date of its approval by the Placer County Board of Supervisors, or designee, which is the code reviewing body for the Authority pursuant to Government Code section 82011(b).

Section 4. Designated employees shall file statements of economic interest with the Secretary of the District. Upon receipt of the statements of the Board Members, the District shall make and retain copies and forward the originals of these statements to the Clerk of the County of Placer. Statements for all other designated employees will be retained by the District as permanent public records.

Section 5. Section "V" of the District's Policies and Procedures Manual is hereby repealed.

The foregoing resolution was duly **PASSED and ADOPTED** at a meeting of the Board of Directors of the Auburn Area Recreation and Park District held on _____, 2020, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

Attachment: Appendix "A"

Scott Holbrook
Chairman, Board of Directors

ATTEST:

Patricia B. Larson
Secretary, Board of Directors

APPENDIX "A"
TO THE AUBURN AREA RECREATION AND PARK DISTRICT
CONFLICT OF INTEREST CODE

I. Disclosure and Disqualification Requirements. The disclosure and disqualification requirements for employees and individuals occupying the positions designated below shall be as set forth by regulation of the Fair Political Practices Commission (Title 2, California Code of Regulations, Section 18730, hereafter "Section 18730"), as Section 18730 may be amended by the Fair Political Practices Commission from time-to-time.

II. Designated Employees/Positions. The employees/positions listed below constitute the list of designated employees/positions that are required to complete a Statement of Economic Interests (Fair Political Practices Commission Form 700). The individual occupying each position is deemed to make, or participate in the making of, decisions that may have a material effect on a financial interest of that individual. The individuals occupying the designated positions shall disclose their economic interests in accordance with the corresponding disclosure categories, defined in Appendix "A".

Designated Employees/Positions	Disclosure Category
Members of the Board of Directors	1
District Administrator	1
Administrative Services Manager	2
Recreation Services Manager	2
Youth Services Manager	2
Customer Service/Marketing Manager	2
Landscape Architect	2
Facilities and Grounds Manager	2
Facilities and Grounds Supervisor	2
Legal Counsel (contracted)	1
Consultants ¹	1

III. Disclosure Categories - Defined.

(CATEGORY 1)

Persons in Category 1 shall disclose all interests in real property which are located entirely or partly within District boundaries or within two miles of District boundaries, or of any land owned

¹ Consultants shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Chairman of the Board may determine in writing that a particular Consultant, although a "designated position," is hired to perform a range of duties that is limited in scope, and thus, is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the Consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chairman of the Board's determination is public record and shall be retained for public inspection in the same manner as this Conflict of Interest Code. Consultants that manage the District's investments shall file pursuant to Government Code section 87200 et seq.

or used by the District. Such interests includes any leasehold, beneficial or ownership interest, or option to acquire such interest in real property.

Persons in Category 1 shall also disclose all investments and business positions in business entities in or income from any sources that: (a) are engaged in the acquisition or disposal of real property in the District; (b) are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the District; or (c) manufacture of sell supplies, books, machinery or equipment of the type used by the District.

(CATEGORY 2)

Persons in Category 2 shall disclose investments or business positions in, or income from, all sources that provide any service or good that is the type used by the department which the designated person manages or directs.

Item 4.4 Cover sheet – Rock Creek Mobile Home Park Encroachments at Regional Park

Auburn Area Recreation and Park District Policy Committee meeting May, 2020; June, 2020; July, 2020; Board of Directors meeting July, 2020; Policy Committee August, 2020; Board of Directors meeting August, 2020; September, 2020

The Issue

A review of the DRAFT agreement between ARD and the Rock Creek Mobile Home Park re: encroachment on to Regional Park property.

Background

Rock Creek Mobile Home Park borders Regional Park to the east. 29 of the 296 lots abut the park. Approximately 12 - 20 of these lots have encroached upon Regional Park's property. The encroachments are a variety of improvements.

While residents of the Mobile Home Park have claimed in the past that an agreement exists between ARD and the Mobile Home Park, no one has been able to produce a copy.

The Committee and staff walked to subject property in May. It was recommended to contact the management at the Rock Creek Mobile Home Park and invite them to a future meeting to discuss the situation and possible options.

At the June Committee meeting, the committee recommended that staff speak with ARD's attorney about this issue. Staff spoke with Derek Cole at Cota Cole. Derek got background information from staff and is looking in to ways to develop an agreement/waiver. Derek said that the cost to put together an agreement that would indemnify ARD is approximately \$2,000.

At the July 2020 Board meeting, staff was directed to move forward with attorney Derek Cole to put together an agreement/waiver.

The Policy Committee reviewed the DRAFT agreement drawn up by Derek Cole. The Committee provided feedback and possible changes (highlighted in the DRAFT agreement) and sent the agreement to the Board for further review and comment.

The Board reviewed the document at the August Board of Directors meeting and sent it back to Policy with some additions. The City of Auburn also provided information on how they handle encroachments for fuel load reduction. A companion encroachment policy is being proposed for the Board to consider.

Recommendation for the Policy Committee

Review and comment on the changes to the DRAFT agreement.

Fiscal Impact

Unknown at this time

Attachments

DRAFT agreement between ARD and the Rock Creek Mobile Home Park
Rock Creek Mobile Home Park site map
Photos of the encroachment areas

**MEMORANDUM OF UNDERSTANDING
REGARDING PERMISSIVE CONTINUATION OF
ENCROACHMENT ON DISTRICT PROPERTY**

This Memorandum of Understanding ("Agreement") is made between the Auburn Recreation and Park District ("District") and the [name of corporate entity/land owner], a [state and type of business] ("Owner"), who are sometimes referred to within individually as a "Party" or collectively as "Parties." This agreement is effective as of September __, 2020 ("Effective Date").

WHEREAS, The District is a California recreation and park district that owns in fee the property on which it operates and maintains Regional Park in Auburn, California.

WHEREAS, Owner owns in fee the land immediately to the east of Regional Park more particularly described as Assessor Parcel No. [insert] ("Mobilehome Park Property").

WHEREAS, the Property is improved as a mobilehome park and 29 of its 296 lots back up to the District's Regional Park property ("Regional Park Property");

WHEREAS, the Parties recognize that **some** of the backyards behind these 29 lots ("Encroaching Lots") have landscaping, structures, concrete, and improvements that partially encroach into the Regional Park Property, as more particularly depicted in Exhibit A, which is attached and incorporated by reference;

WHEREAS, the Parties desire to memorialize the terms and conditions under which the Encroaching Lots will be allowed to maintain, and not expand, their existing encroachments with the express permission of the District;

WHEREAS, the Parties enter into this Agreement for the purposes of avoiding litigation, and reserving their respective rights, concerning the encroachment by the Encroaching Lots on the Regional Park Property.

NOW THEREFORE, in consideration of mutual covenants contained herein, the parties to this Agreement mutually agree as follows:

1. Continued Encroachment Expressly Permitted

The District expressly consents to the continued encroachment by the Encroaching Lots of the Mobilehome Park Property, as depicted in Exhibit A, so long as such encroachments at all times remains in full compliance with the terms and conditions of this Agreement.

2. Permissive Use

The Parties expressly recognize that the right of the Encroaching Lots to continue encroaching on Regional Park Property conferred by this Agreement is permissive in

nature and nothing in this Agreement shall be deemed to confer, create, or establish any agreed boundary between the Regional Park Property and Mobilehome Park Property, and nothing in this Agreement is intended to confer or create any prescriptive right or claim of adverse possession by any party or person.

The Parties expressly recognize that the District will be accessing the Regional Park property for a variety of reasons, including but not limited to maintenance and future improvements such as trails and disc golf course expansion.

The Parties further expressly recognize that the public may continue to use the area of the Regional Park Property in which the Encroaching Lots encroach into that property. Neither Owner nor any of its residents, tenants, or occupants may install or maintain any fencing, barrier, or other device to prevent the public from using such area or any portion of such area.

3. No Expansion of Encroachment

No tenant, resident, or occupant of any Encroaching Lot shall increase the area of the encroachment of his, her, or its lot into Regional Park Property that existed as of July 1, 2020 without the express written permission of the District. Nor shall any such tenant, resident, or occupant add any new or additional landscaping, structure, concrete, or other improvement that did not exist in the encroachment area by that same date. Upon notification by District that the resident or tenant of lot has violated this Section, Owner shall promptly take such actions as are necessary to cause and supervise the elimination of the additional encroachment or the removal of the unauthorized landscaping, structure, concrete, or improvement.

3.5 No transfer of encroachment (will need to renumber if this is where this statement goes)

Permission for encroachment on Regional Park property does not transfer to new residents. All encroachments and/or improvements must be removed by any new residents with lots that border Regional Park property.

4. Notification to Tenants, Residents, and Occupants

Owner shall take such steps as are reasonably necessary to notify residents, tenants, and occupants of the Encroaching Lots on Regional Park Property of the terms and conditions of this Agreement and to notify new residents or tenants of such lots of such terms and conditions before the effective date any lease, tenancy, or occupancy commences.

5. Effect and Term of Agreement; Termination

The Parties expressly recognize that they have entered into this Agreement to avoid litigation concerning any claims, defenses, rights, or obligations they may have

concerning the encroachment by the Encroaching Lots on Regional Park property. For so long as this Agreement is in effect, no Party may commence any lawsuit, legal action, or proceeding concerning such encroachment. The Parties reserve the right upon termination of this Agreement, as provided in this section below, to assert any claims, defenses, cross-claims, rights, or interests that existed on the Effective Date. Notwithstanding the foregoing, the Parties agree that the running of any statute of limitations as to any claim they may have shall be suspended, stayed, and tolled for the duration of this Agreement.

Any Party may withdraw from this Agreement by giving the other Party 90 days' notice in writing, as provided below in Section 13. This Agreement shall remain effective until such time as Any Party exercises its right to terminate this Agreement under this Section or the Parties mutually agree in writing to such termination. If this agreement is terminated, the District remains as owners of the Regional Park property and all Mobile Home park residents must remove their additions/material/improvements at their expense.

6. Indemnification by Owner

For the duration of this Agreement, Owner shall indemnify, defend, and hold harmless the District from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees arising out of, resulting from any negligent or wrongful act or omission of the Owner; or of Owner's agents, officers, or employees; or of any tenant, resident, occupant, guest, or invitee of the Mobilehome Park Property, that occurs on or involves or relates to the area of encroachment on Regional Park Property by any of the Encroaching Lots.

7. Entire Agreement

This Agreement, including the attached exhibit, constitutes the entire agreement and understanding between the parties regarding its subject matter and-supersedes all prior or contemporaneous negotiations, representations, understandings, correspondence, documentation and agreements (written or oral).

8. Written Amendment

This Agreement may only be changed by written amendment signed by the duly appointed representatives of the Parties to this Agreement on the effective date of the amendment. Any oral representations or modifications concerning this Agreement shall be of no force or effect.

9. Severability

If any provision in this Agreement is held by any court of competent jurisdiction to be invalid, illegal, void, or unenforceable, such portion shall be deemed severed from this Agreement, and the remaining provisions shall nevertheless continue in full force and

effect as fully as though such invalid, illegal, or unenforceable portion had never been part of this Agreement.

10. Choice of Forum

The Parties agree that this Agreement is to be enforced in accordance with the laws of the State of California, is entered into and is performed in the County of Placer, that all claims or controversies arising out of or related to performance under this Agreement shall be submitted to and resolved in a forum within the County of Placer at a place to be determined by the rules of the forum.

11. Attorney Fees

The prevailing party in any litigation brought to enforce or interpret this Agreement shall be entitled to recover its attorneys' fees and all costs of litigation including, but not limited to, expert witness fees, in addition to any other relief to which it may be entitled. Fees and costs not included within those allowed by Code of Civil Procedure § 1033.5 shall be set forth in the Parties' pleadings and shall be proved in a bifurcated trial before the trial judge alone, the right to trial by jury being hereby waived, after the conclusion of the trial on all other issues.

12. Agreement Jointly Drafted

The Parties agree that this Agreement has been jointly drafted and that each Party has had the opportunity to have its legal counsel review, comment upon, and suggest amendments to the Agreement prior to its execution. The Parties recognize that in any legal action or proceeding concerning the interpretation of this Agreement, the trier of fact shall not be authorized to employ any presumption against the drafter of this Agreement to resolve any dispute.

13. Notices

If any Party is required to give notice to the other Parties under this Agreement, the notice shall be sent by United States Mail, postage prepaid, as follows:

To District

Auburn Recreation and Park District
Attention: District Administrator
123 Recreation Drive
Auburn, CA 95603

To Owner

[Insert]

14. Heirs and Successors

This Agreement shall be binding on all heirs, assigns, successors, and transferees of the Parties.

15. Counterparts

This Agreement may be executed in counterpart signatures.

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to execute this Memorandum of Understanding.

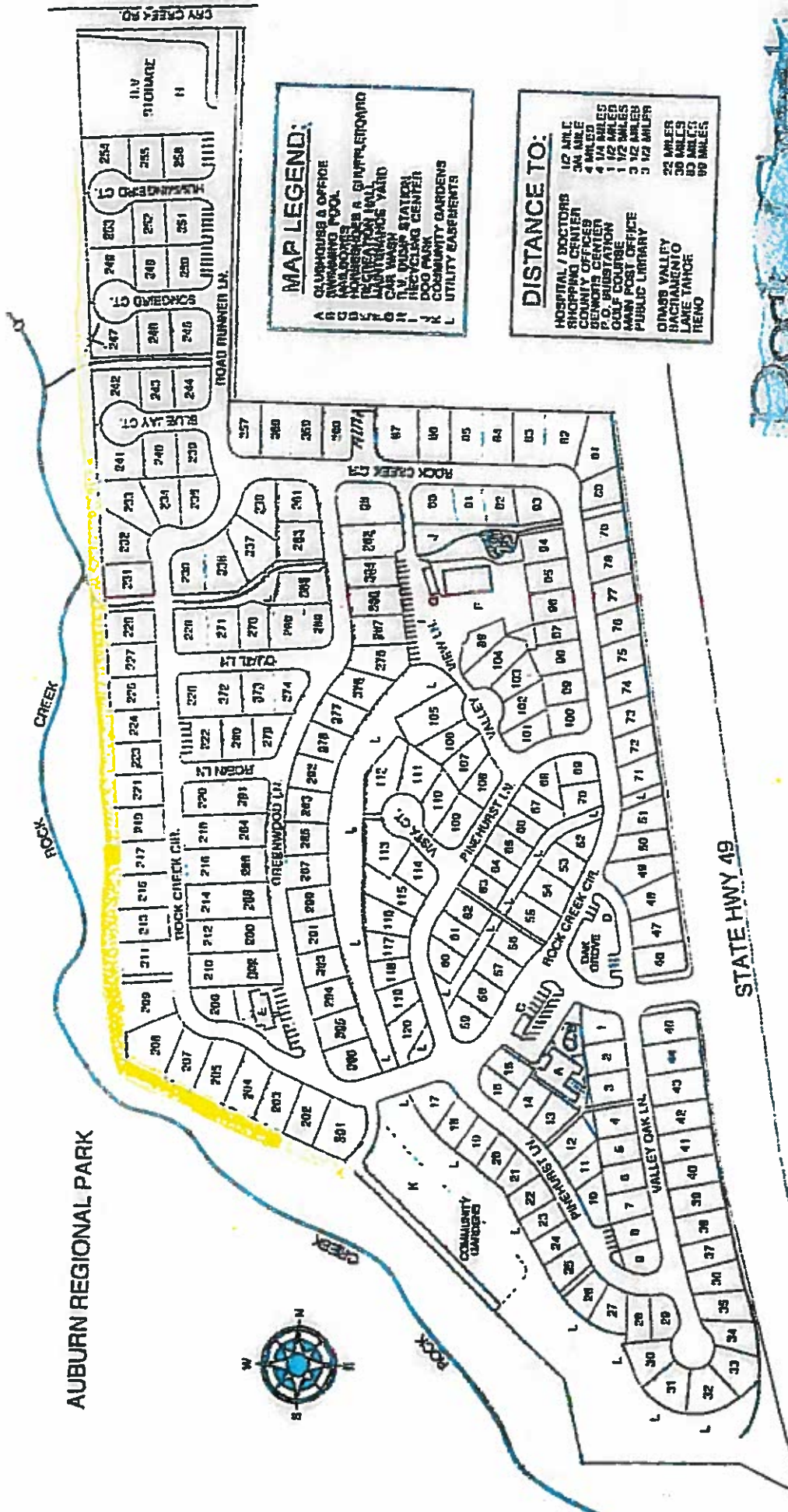
Kahl Muscott
District Administrator
Auburn Recreation and Park District

Date

[Name]
[Title]
[Company]

Date

AUBURN REGIONAL PARK



MAP LEGEND:

- A CLUBHOUSE & OFFICE
- B SWIMMING POOL
- C HARBOR
- D HARBOR
- E HARBOR
- F HARBOR
- G HARBOR
- H HARBOR
- I HARBOR
- J HARBOR
- K HARBOR
- L HARBOR

CLUBHOUSE & OFFICE
SWIMMING POOL
HARBOR
HARBOR
HARBOR
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DISTANCE TO:

- HOSPITAL / DOCTORS 1/2 MILE
- SHOPPING CENTER 3/4 MILE
- COMMUNITY OFFICES 4 MILES
- RECREATION CENTER 1 MILE
- P.O. BUILDING 1 1/4 MILES
- GOLF COURSE 1 1/2 MILES
- MAIN POST OFFICE 3 1/2 MILES
- PUBLIC LIBRARY 3 1/2 MILES
- GRASS VALLEY 23 MILES
- SACRAMENTO 38 MILES
- LAKE TAHOE 83 MILES
- RENO 99 MILES

Rock Creek
ROCK CREEK P A R K
 3788 Green Valley Hwy • Auburn CA 95602
 RetireAtRockCreek.com
 rockcreek@wavecable.com
 530-885-0141

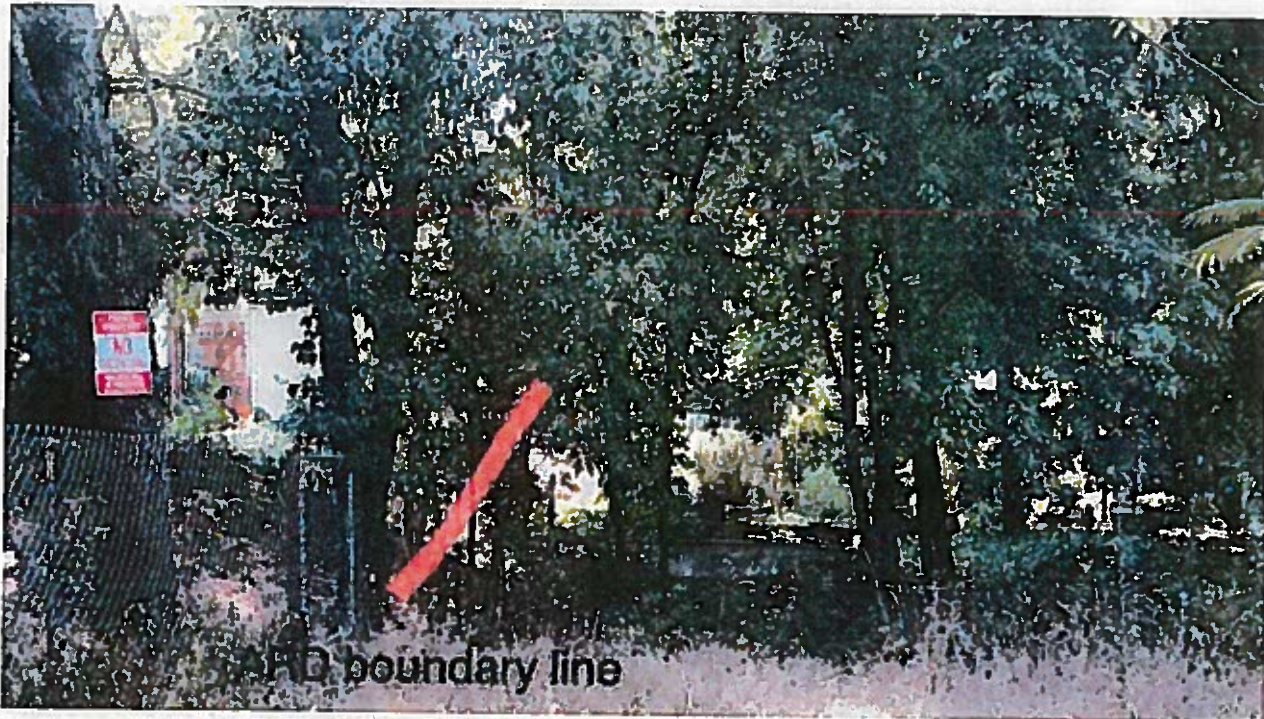
MAP FOR ILLUSTRATION PURPOSES ONLY
 NOT TO SCALE

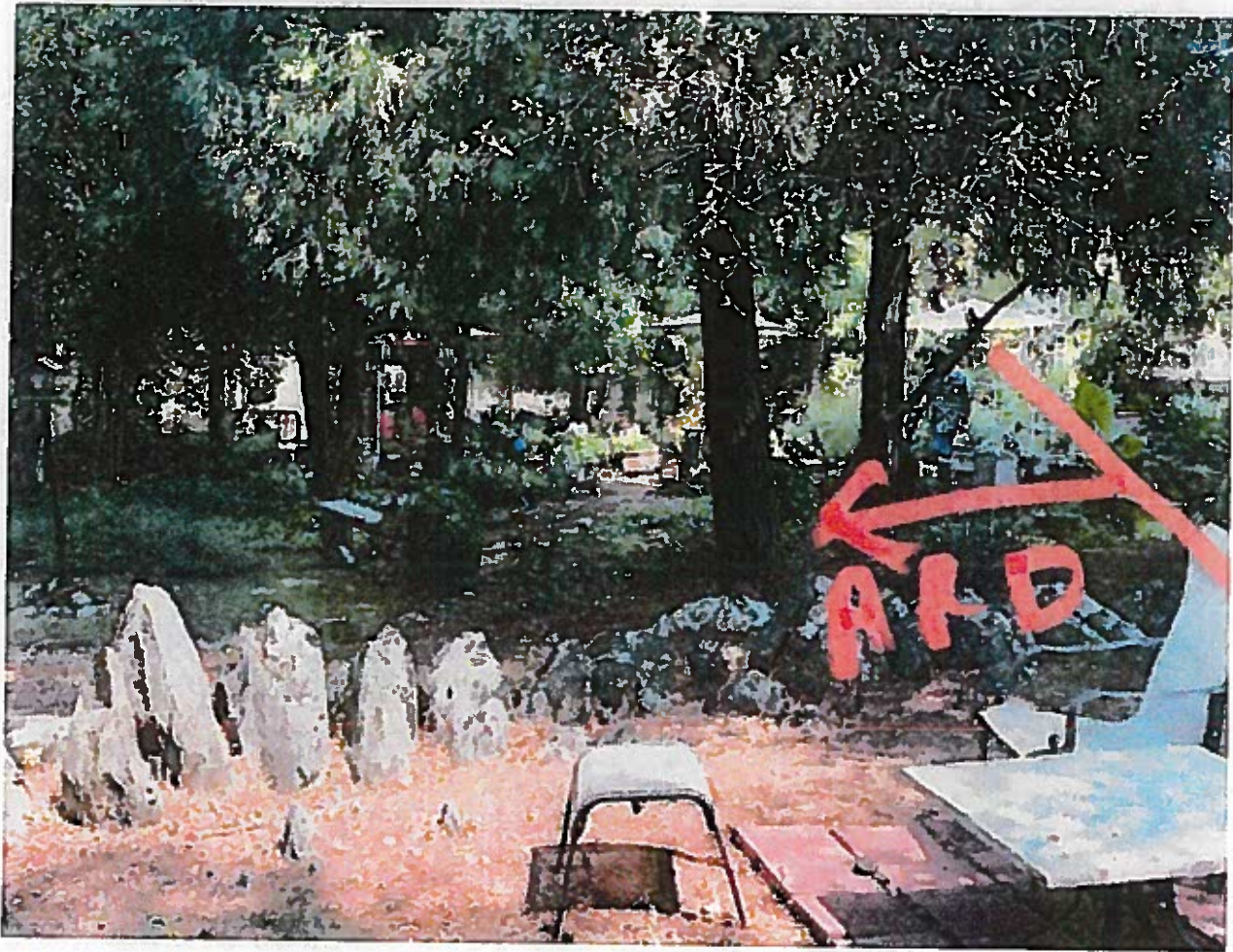
Kahl Muscott

From: Mike Lynch <mike.lynch.ard@gmail.com>
Sent: Monday, September 7, 2020 6:03 PM
To: Kahl Muscott; Jim G.
Subject: Pictures from inspection of Regional Park boundary.

Kahl & Jim,

Here are my pictures from our inspection of the boundary line at Regional Park. I would like to show these at our next Board meeting and you can share them with the other Committees.

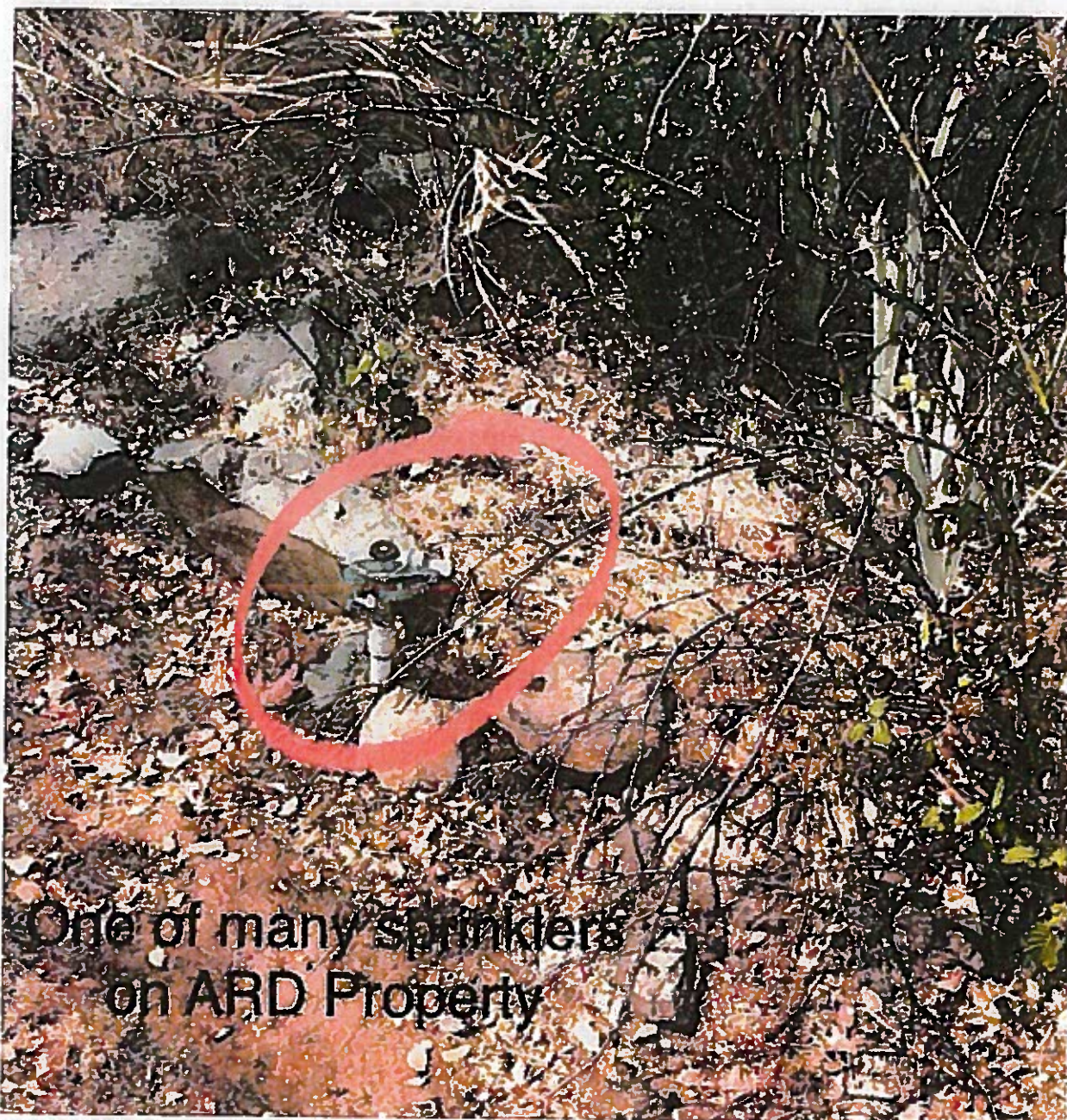


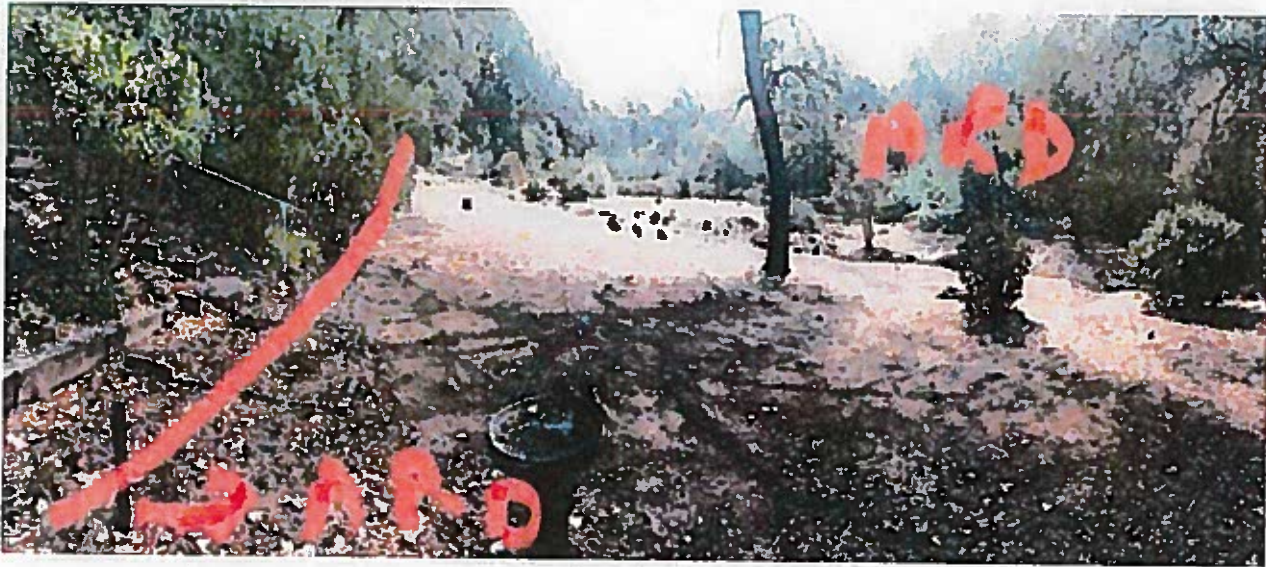












Mike

Mike Lynch, Member
Board of Directors
Auburn Area Recreation and Park District (ARD)
530-613-4732

Item 4.5 Cover sheet – ARD Encroachment Policy

Auburn Recreation District Policy Committee meeting September, 2020

The Issue

Shall the Auburn Area Recreation and Park District (ARD) create a policy that addresses residents encroaching on District property?

Background

From the discussions about the existing encroachments at Regional Park came a discussion about creating a policy regarding encroachments on to any ARD property.

A DRAFT policy is attached.

Also attached is the City of Auburn's fuels reduction/modification program and related documents.

Recommendation for the Policy Committee

Review and provide direction. Forward to the Board with a recommendation.

Staff recommends that the Board develop a policy that will help with future encroachments.

Fiscal Impact

N/A

Attachments

DRAFT ARD encroachment policy
City of Auburn Fuel Load Reduction /Modification Program documents

DRAFT ARD Encroachment Policy

Neighbors on the boundary of District property shall not make or maintain any improvements, structures, landscaping, or leave any unattended personal property on ARD property. For fire prevention purposes, the neighbors may participate in the District Fuels Reduction program to clear undergrowth, trim up tree limbs (up to 8' above the ground), mow, and weed-whack up to a maximum 100' feet from their residence on to District property. No work on District property shall be done except by a ARD Fuels Reduction Program Permit. Without specific written approval of the District, no trees over 4" in diameter may be cut and no clearing or work may be done in waterways.

Auburn City Fuels Reduction/Modification Program

The Fuels Reduction/Modification Program

This program allows a process for homeowners whose lands are adjacent to properties managed by the U. S. Bureau of Reclamation to perform fuel reduction/modification work on Reclamation lands in an effort to reduce the risk of wildfire damage to improved property(s). This program consists of an application process, approval process, site inspection prior to and after completed projects under the direction of the Auburn City Fire Department.

Components of this program include:

- An application must be submitted to the Auburn City Fire Department for consideration and approval
- All applications must be approved prior to any work being performed
- Approvals will be based on the need to achieve Defensible Space or implement and or maintain the American River Canyon Shaded Fuel Break
- A minimum of 100' feet of Defensible Space must be provided around your home prior to approval of your application (Areas within the 100' on Reclamation land must be included in the application to achieve the full 100' of defensible space as part of the approval process)
- It is recommended that neighboring private property owners join together and submit larger area projects rather than single parcel submittals
- Site visits by the fire department will be conducted to: verify need for work, mark and identify areas of work, discuss methods of treatment/prescriptions, review safety practices, and review all requirements and conditions
- All fuel reduction/modification activities and costs are the responsibility of the applicant; there is no obligation of the City of Auburn or U. S. Bureau of Reclamation for project costs or reimbursement
- The applicant will be responsible for any costs associated with damage to Reclamation lands, violation of conditions of approval, and remediation to any associated damages
- An agreement and release of liability must be signed upon project approval and prior to start of work
- All work performed will follow established fuel reduction/modification prescriptions such as: defensible space; Public Resource Code (PRC) and Auburn Municipal Code (AMC), and the American River Canyon Shaded Fuel Break prescription
- All work must be in compliance with environmental requirements of which may be subject to mitigation measures by the applicant
- All applicants receiving project approval will ensure safe equipment use and fire safety practices at all times
- Additional requirements, conditions, and specifications will be outlined in the approved application, these must be adhered to

Applications will be processed in a timely manner as resource availability permits. There may be limitations placed on work projects during certain periods of the year due to weather, endangered species nesting periods, and recreational events in the Auburn State Recreation Area (ASRA).

For additional information about this program contact:
The Auburn City Fire Department at (530) 823-4211



Application For:
Fuels Reduction/Modification Program
City of Auburn Fire Department

This application is used by private property owners within the City limits of Auburn who desire to voluntarily perform fuels reduction/modification on U. S. Bureau of Reclamation lands adjacent to their property in an effort to reduce the risk of wildfire damage.

Please complete the application with as much information as possible. Submit completed applications to jwilliamson@auburn.ca.gov or drop off the Auburn City Fire Department, 1225 Lincoln Way, Auburn, CA 95603

Name: First, Last	Date
-------------------	------

Address/Physical location of Property

APN: (Assessor's Parcel Number)

Mailing Address

Phone Number	Cell Phone	FAX Number
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Type of Work to be Performed:
 Defensible Space Shaded Fuel Break Other:

Who Will Be Performing Work:
 Myself/Family Member Hired Contractor Other:

Estimated Dates Work Will be Performed: From-To

Brief Description of the Work to Be performed: (Fuel Types, Area Size, Brush Removal, Tree Removal, Etc. Use other side if necessary)

Office Use:		
Date Received:	Date Processed	Date Notified Applicant of Receipt

Fuels Reduction/Modification Program
City of Auburn Fire Department

AGREEMENT and RELEASE FROM LIABILITY

1. **Voluntary Participation:** I acknowledge that I have voluntarily applied to the fuels reduction/modification program in which natural vegetation will be cleared for fire prevention measures on lands adjacent to property I own or occupy. I understand that I will not be paid for my services, that I will not be covered by or eligible for any insurance coverage provided by the City of Auburn and or U. S. Bureau of Reclamation, and other property owners, including, but not limited to medical, property and liability insurance, and Workers Compensation benefits. I further agree that my participation in the fuels reduction/modification program may be terminated at any time by the City of Auburn and or U.S. Bureau of Reclamation or by me.

2. **Assumption of Risk:** I AM AWARE THAT, IN PARTICIPATING IN THE FUELS REDUCTION/MODIFICATION PROGRAM, I MAY BE EXPOSED TO PERSONAL INJURY OR DEATH OR DAMAGE TO MY PROPERTY AS A RESULT OF MY ACTIVITIES, THE ACTIVITIES OF OTHERS, OR THE CONDITIONS UNDER WHICH MY ACTIVITIES ARE PERFORMED. WITH KNOWLEDGE OF THESE RISKS, I AGREE TO ACCEPT ANY AND ALL RISKS OF PERSONAL INJURY OR DEATH OR DAMAGE TO ME OR MY PROPERTY, AND I VERIFY THIS STATEMENT BY PLACING MY INITIALS HERE: _____

3. **Release:** In consideration of the opportunity afforded me to participate in the fuels reduction/modification program , I hereby agree that I, my successors, assignees, heirs, guardians and legal representatives, will not make any claim against the City of Auburn and or U.S. Bureau of Reclamation or any of its affiliated organizations, or their officers, directors, or employees, for injury, death or damage resulting from the acts or omissions of any person or entity, however caused, arising from my participation in the fuels reduction/modification program . Without limiting the generality of the foregoing, I hereby waive and release any rights, actions or causes of action resulting from personal injury to me or my death, or damage to my property, sustained in connection with my participation in the program; provided, however, that the injury, death or damage was not caused by an act or omission that was reckless, wanton, intentional, or grossly negligent. I further consent to the unrestricted use by the City of Auburn and or U.S. Bureau of Reclamation and/or any person authorized by them of any photographs, recordings, interview, videotapes, or similar visual or auditory recording of me created in connection with the Program.

4. **Knowing and Voluntary Execution:** I HAVE CAREFULLY READ THIS AGREEMENT AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT THIS IS A CONTRACT BETWEEN MYSELF AND THE CITY OF AUBURN AND U. S. BUREAU OF RECLAMATION AND A RELEASE OF LIABILITY, AND I SIGN IT OF MY OWN FREE WILL. BY SIGNING THIS AGREEMENT, I CERTIFY THAT I AM EIGHTEEN YEARS OF AGE OR OLDER.

Executed on (date) _____, 20 ____

(Signature)

Address (please print)

Name (please print)

City, St., Zip

Area Code

Telephone #