

**AUBURN AREA RECREATION AND PARK DISTRICT MEETING OF THE
PROGRAM, PERSONNEL, POLICY, FEE & LEGAL REVIEW COMMITTEE AGENDA**

WEDNESDAY, NOVEMBER 15, 2023, 12:30 PM

**CANYON VIEW COMMUNITY CENTER, BOARD ROOM
AUBURN, CA**

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

The public may participate in the meeting in-person or through Zoom. The link for this meeting is <https://us06web.zoom.us/j/84451401005>. The public can use this link and/or call 1 669 900 6833 Webinar ID: 844 5140 1005 to participate.

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

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

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

1.0 CALL TO ORDER

Ainsleigh _____ Holbrook _____

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 October 18, 2023 Program, Personnel, Policy, Fee & Legal Review Committee Meeting (Pages 3-4)

Recommendation: Review and approve minutes.

4.2 Approval of Legal Bills

None.

4.3 Annual Investment Policy and Authority for Investment Policy (Pages 5 - 9)

Shall the Auburn Area Recreation and Park District assign authority to the Administrative Services Manager (Treasurer) for a one-year period to assume full responsibility to invest or to reinvest funds of the District, or to sell or exchange securities so purchased? Shall the Board of Directors change any part of the Investment Policy?

Discussion items:

1. Review of ARD Ordinance #1 (Pages 10 – 22)

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

None.

6.0 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH

None.

ADJOURNMENT

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

Date

Time

Secretary to the Board

**Auburn Area Recreation and Park District
Minutes of the Program, Personnel, Policy, Fee & Legal
Review Committee Meeting
Wednesday, October 18, 2023 at 12:30 PM
Canyon View Community Center
471 Maidu Drive
Auburn, CA 95603**

1.0 CALL TO ORDER

The meeting of the Program, Personnel, Policy, Fee & Legal Review Committee was called to order at 12:30 PM.

ROLL CALL

Director Ainsleigh and Director Holbrook were present.

2.0 ANNOUNCEMENTS, AGENDA REVIEW, CHANGES AND APPROVAL

The agenda was approved by the Committee as written.

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 September, 2023 Program, Personnel, Policy, Fee & Legal Review Committee Meeting

The Committee reviewed and approved the minutes from September 20, 2023, Program, Personnel, Policy, Fee & Legal Review Committee.

4.2 Approval of Legal Bills

There were no Legal Bills.

4.3 District Policy on Stale Dated checks, per Government Code §50050

Director Ainsleigh and Director Holbrook reviewed the proposed District Policy on Stale Dated checks, per Government Code §50050 and forwarded this item to the consent calendar for review and approval.

4.4 Amending ARD's Refund Policy for Youth Services

Director Ainsleigh and Director Holbrook reviewed the proposed amendments to ARD's Refund Policy for Youth Services and forwarded this item to the consent calendar for review and approval.

Discussion items:

None

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

None.

6.0 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH

None.

ADJOURNED

As there was no further business, the meeting was adjourned at 12:45 PM.

Board Secretary

Date

Item 4.3 Cover Sheet: Annual Investment Policy and Authority for Investment Policy

Auburn Area Recreation and Park District Program, Personnel, Policy, Fee & Legal Review Committee Meeting, November, 2023.

The Issue

Shall the Auburn Area Recreation and Park District assign authority to the Administrative Services Manager (Treasurer) for a one-year period to assume full responsibility to invest or to reinvest funds of the District, or to sell or exchange securities so purchased? Shall the Board of Directors change any part of the Investment Policy?

Background

In November, 2022, the Board of Director's approved an updated Investment Policy for the District. This policy requires the Board of Directors to review and approve the Investment Policy if any changes are made to the policy. It also requires assigning authority to someone to make the deposits and or draw from those funds when the District's need arise, per Board Direction or per District Policy. The Board of Directors assigned this authority to the Administrative Services Manager (Veona Galbraith) for a one-year period. For Auburn Area Recreation and Park District, the authority does not include choosing specific stock investments to be purchased or sold.

Government Code § 53646: *In the case of any other local agency, the treasurer or chief fiscal officer of the local agency may annually render to the legislative body of that local agency and any oversight committee of that local agency a statement of investment policy, which the legislative body of the local agency shall consider at a public meeting. Any change in the policy shall also be considered by the legislative body of the local agency at a public meeting.*

Government Code § 53607: *The authority of the legislative body to invest or to reinvest funds of a local agency, or to sell or exchange securities so purchased, may be delegated for a one-year period by the legislative body to the treasurer of the local agency, who shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked or expires, and shall make a monthly report of those transactions to the legislative body. Subject to review, the legislative body may renew the delegation of authority pursuant to this section each year.*

Government Code § 53607 states authority to invest or to reinvest funds of a local agency, or to sell or exchange securities so purchased may be delegated for a one-year period to the Treasurer of the local agency. As ARD does not have a Treasurer, it is recommended that that authority be given to the Administrative Services Manager. Therefore, it seems prudent to include this as part of the District's Investment policy and require a one-year delegated authority.

Proposed added language: *The Board of Directors shall annually delegate, for a one-year period, the Administrative Services Manager of the District to assume the responsibility for the*

transactions that will be submitted for investment or withdraw, per Board Direction, Board Approved District Policies or Board Approved Budgets.

Recommendation: Staff recommends updating the Investment Policy, adding the annual authority to the Investment Policy. Staff recommends re-assigning authority to the Administrative Services Manager.

Fiscal Impact: None

Attachments: Annual Statement for Placer County Treasury and CalPERS CEPPT
Current District Investment Policy with proposed new language

Placer County Treasury

October 31, 2022	2,395,498.36	2,119.92	0.1%
November 30, 2022	2,057,824.36	2,811.74	0.1%
December 31, 2022	3,802,450.07	5,592.83	0.1%
January 31, 2023	3,801,466.63	7,344.65	0.2%
February 28, 2023	3,398,651.18	6,182.62	0.2%
March 31, 2023	3,060,310.95	(65,113.08)	-2.1%
April 30, 2023	4,341,069.46	80,333.76	1.9%
May 31, 2023	4,004,170.00	9,402.40	0.2%
June 30, 2023	3,903,037.58	8,371.24	0.2%
July 31, 2023	3,405,336.31	8,653.70	0.3%
August 31, 2023	2,737,119.82	7,470.83	0.3%
September 30, 2023	2,386,825.30	6,684.70	0.3%
Average Balance	3,274,480.00	79,855.31	2.4%
			Annual Interest Earned

CalPERS CEPPT Fund

December 31, 2022	405,430.17	16,691.89	4.1%
March 31, 2023	422,122.06	16,106.20	3.8%
June 30, 2023	498,228.20	3,910.96	0.8%
Deposit	60,000.00		
September 30, 2023	502,139.16	(17,584.14)	-3.5%
Average Balance	471,979.90	19,124.91	4.1%
			Annual Interest Earned

Current District Investment Policy

Proposed new language in red

I. Budget

I. Investment Policy.

- A) The State Legislature has declared the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (Government Code (GC) § 53600.6 and § 53630.1);
- B) Government Code Sections 53601 or 53635, et seq., allow the legislative body of a local agency to invest surplus monies not required for the immediate necessities of the local agency (GC § 53684); these fund transfers shall require the adoption of a resolution.
- C) The treasurer or fiscal officer of a local agency shall annually prepare and submit a statement of investment policy and such policy. Any changes thereto, shall be considered by the local agency's legislative body at a public meeting (GC § 53646). A statement may also be annually presented to any oversight agency of the local agency;
- D) For these reasons, and to ensure prudent and responsible management of the public's funds, it is the policy of the District to invest funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the District and conforming to all statutes governing the investment of District funds as defined in GC §53600 et seq.

This investment policy applies to all financial assets of the District. These funds are accounted for in the annual audited financial statements of the District.

The Board and persons authorized to make investment decisions subject to these policies are fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a fiduciary shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the District.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of capital as well as the probable income to be derived.

Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from policy or expectations are reported in the next issued quarterly treasury report and appropriate actions are taken to control adverse developments. When a deviation poses a significant risk to the District's financial position, the fiscal officer shall notify the Board immediately.

The Board of Directors shall annually delegate, for a one-year period, the Administrative Services Manager of the District to assume the responsibility for the transactions that will be submitted for investment or withdraw, per Board Direction, Board Approved District Policies or Board Approved Budgets.

As specified in GC §53600.5, when investing, reinvesting, purchasing, acquiring, exchanging, selling or managing public funds, the primary objectives of the investment activities, in priority order, shall be:

- A) Safety of principal is the foremost objective of the investment program. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the whole portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
- B) The secondary objective shall be to meet the liquidity needs of the District.
- C) The third objective shall be to achieve a return on the funds under the District's control.

The District will comply with the reporting requirements as defined in GC §53646 et seq. and GC §53607.

Section: Discussion Items

Item: #1 Review of ARD Ordinance #1, with associated information about amending an Ordinance

Information: See attached

Staff recommendation: Review and discuss

Fiscal impact: Costs to run ad in Auburn Journal for notification purposes if Ordinance is amended

ORDINANCE NO. 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Equine animals being led or ridden under reasonable control upon a bridle path, trail or center authorized and provided for such purpose; or upon a vehicular roadway.
2. Dogs may be permitted on all non-athletic fields while under the control of a competent person and restrained by a substantial chain or leash not exceeding six feet in length. Dogs may be allowed without a leash in areas specifically designated which are posted as such. Specially trained service animals which are being used by totally or partially blind, deaf, hearing impaired or physically or emotionally handicapped persons to aid and/or guide them in their movements shall be permitted in all areas, provided they remain with and are restrained by the people they serve, to include a leash or chain as described above.
3. Fowl or other animals turned loose upon permission of a Special Permit.
4. In connection with specific activities authorized by Special Permit, and while acting in accordance with all conditions attached to such authorization.
5. Animals confined in a designated area for vegetation control, as authorized by the District Administrator.

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

1. Annoy, harass, threaten, nip, maul or bite any person or persons;
2. Damage or destroy any property or thing of value, including vegetation;
3. Disturb the peace and quiet of others by loud barking or making of other annoying or alarming noises; and
4. Defecate without promptly collecting, removing and properly disposing of all such fecal matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

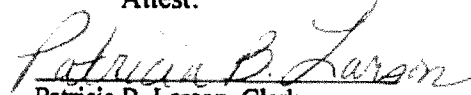
SECTION 9. Effective date. This ordinance shall become effective thirty (30) days after its adoption.

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

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

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


Jim Ferris, Chairperson

Attest:

Patricia B. Larson, Clerk

CALIFORNIA CODES
PUBLIC **RESOURCES** CODE
SECTION 5786-5786.31

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

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

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 25120-25132

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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