

# Memo

Carmichael



RECREATION AND  
PARK DISTRICT

**To:** Advisory Board of Directors

**From:** Tarry Smith, District Administrator

**Date:** November 17, 2016

**Subject:** Approve Resolution For the Consolidation of All Previous Resolutions Effecting the Governance and Operation of the County Park Special Districts, to Provide a Single Governing Document and Forward to the County Board of Supervisors for Final Approval.

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***Introduction/Background:***

The governance and operation of dependent special districts under the County has changed through the years. Single sections of the Powers and Duties Resolution have been amended through adoption of various resolutions. It has become difficult and inefficient over time to have to refer to several resolutions to make sure that the governing body was using the most current one.

The Chief Executive Officers for the three dependent recreation and park districts of the County (Carmichael, Sunrise and Mission Oaks) have been working with County Counsel, the County Executive's office and other County Department Staff to compile and coordinate a current resolution which would incorporate the most current powers and duties into one document.

***Discussion:***

The attached Resolution (Attachment A) is proposed for approval by the Carmichael Recreation and Park District Advisory Board and shall provide governance and operations for the District. This governing document will delegate limited powers to advisory boards composed of residents of each District.

This Resolution shall supersede and replace past resolutions as listed in the

attachment. If there are any conflicts between a surviving resolution and this document, this Resolution shall control.

***Recommendation:***

Staff recommends that the Advisory Board of Directors of the Carmichael Recreation and Park District approve the Resolution for the consolidation of resolutions, as attached, for the governance and operations of Sacramento County Recreation and Parks Special Districts and forward to the County Board of Supervisors for final approval.

**RESOLUTION NO.**

**A RESOLUTION PROVIDING FOR THE GOVERNMENT  
OF DEPENDENT RECREATION AND PARK DISTRICTS**

**WHEREAS**, the Board of Supervisors of the County of Sacramento is the ex-officio Board of Directors of the Carmichael, Mission Oaks and Sunrise Recreation and Park Districts, and any and all other “dependent” recreation and park districts which may be established in the future, herein referred to as “Districts;” and

**WHEREAS**, the purpose of this Resolution is to consolidate and replace all previous resolutions effecting the governance and operation of the Districts in order to provide a single, governing document; and

**WHEREAS**, this Resolution shall provide for the government of the Districts by delegating limited powers to advisory boards composed of residents of each District; and

**WHEREAS**, this Resolution shall supersede and replace the following Resolutions: 82-696, 84-1457, 91-0073, 99-0589, CP-0431, MOP-0149, and SP-422, CP-0417, MOP-0135, MORPD No. 91-04 and SP-397; and

**WHEREAS**, if there are any conflicts between a surviving resolution regarding the Districts and this Resolution, this Resolution shall control;

**NOW, THEREFORE, BE IT RESOLVED BY THE** Board of Supervisors of the County of Sacramento, a political subdivision of the State of California, acting as the Board of Supervisors of Sacramento County and as ex-officio Board of Directors of each District as follows:

**PART 1**

**Advisory Board of Directors**

Sec. 1.01. **GENERALLY.** There is hereby established in each District an advisory board of directors which, subordinate to the authority of the Board of Supervisors, shall manage and conduct the affairs of the District in accordance with and limited by the powers delegated by this Resolution. Each advisory board of directors created under any resolution preceding this one shall remain in full force and effect.

Sec. 1.02. MEMBERSHIP. Each advisory board of directors shall consist of five (5) members, who shall be appointed by the Board of Supervisors; each member shall serve at the pleasure of the Board of Supervisors and may be removed during the member's term at the will of the Board.

Sec. 1.03. VACANCIES. Vacancies which occur in the advisory board of directors shall be filled by the Board of Supervisors for the unexpired portion of the terms.

Sec. 1.04. QUALIFICATIONS. Each member of the advisory board of directors shall be 18 years of age or older and a resident of the District served by the advisory board to which that person is appointed. "Resident," for purposes of this Resolution, shall mean a person who dwells in the residential area of the District on a permanent basis. Any member who ceases to reside within the boundaries of the District shall automatically forfeit office and cease to be a member of the board; provided that the casting of a vote upon a matter determined by the board subsequent to the date of forfeiture shall not be deemed to invalidate such action. Each member of the advisory boards of directors is subject to the Conflict of Interest Code disclosure requirements as established by the Board of Supervisors.

Sec. 1.05. TERMS. The full term of office of members of the advisory board of directors shall be four (4) years. No member may serve more than two (2) full terms, but may be reappointed, subject to the same limitation, or if such member has not served within one (1) year prior to such reappointment.

Appointments to advisory boards of directors shall be staggered so that the terms of two members shall expire on the same date, the terms of two other members shall expire on the same date two (2) years later, and the term of the fifth member shall expire one (1) year, thereafter.

Sec. 1.06. MEETINGS. Meetings of the advisory board of directors shall be open to the public, and shall be scheduled, called and conducted in compliance with the provisions of Section 54950 of the Government Code.

Sec. 1.07. ATTENDANCE. Each advisory board of directors shall develop and adopt an excuse policy which shall establish a procedure by which a member may request to be excused by the advisory board; such excuse policy shall be approved by the Board of

Supervisors. Any member of the advisory board of directors who fails to attend three (3) consecutive regular meetings or six (6) meetings in a calendar year shall automatically forfeit office and cease to be a member of the board, unless such absence is consistent with the excuse policy and excused by the Chair or a majority of the members of the advisory board. The clerk of the advisory board shall report to the Clerk of the Board of Supervisors any member who fails, without being excused, to attend three (3) consecutive regular meetings. The casting of a vote by a member who has forfeited office pursuant to this Section shall not be deemed to invalidate the action upon which the vote was cast.

Sec. 1.08. ACTIONS. All actions by the advisory board of directors shall require the affirmative vote of not less than a majority of the total membership of the board.

Sec. 1.09. COMPENSATION OF MEMBERS. Each member of the advisory board of directors shall receive such sum for the attendance of meetings as may be fixed by that advisory board, not to exceed \$50 for each meeting of the board attended for not more than two meetings during any calendar month. Such members may also be allowed actual and necessary traveling and incidental expenses incurred in the performance of official business of the District as prescribed by the advisory board. The compensation and expenses as provided in this Section shall be in accordance with a Travel Policy approved by the Board of Supervisors and to not exceed the amounts specifically set forth in the District's annual budget adopted by the Board of Supervisors.

## PART 2

### Finance and Management

Sec. 2.01. RECREATIONAL PROGRAMS AND REGULATIONS. Each advisory board of directors shall be empowered to establish and terminate programs of community recreation and shall make recommendations, as needed, to the Board of Supervisors regarding additional regulations that will promote the safety, convenience, use and enjoyment of District facilities.

Sec. 2.02. RECOMMENDED BUDGET. Each Administrator of the Districts shall prepare an annual budget and be approved by the advisory board of directors for recommendation to the Board of Supervisors. The budget shall be sufficient to meet the needs of

the District within estimated revenues. The recommended budget shall be prepared in accordance with procedural and form requirements established by the County Executive, and shall be submitted to the County Executive through the County Department of Regional Parks to review the format prior to the submission to the Board of Supervisors for public hearing, determination and adoption. Each budget shall include:

- a. Salary schedules, which shall include the numbers, types and costs of personnel to be employed by the District;
- b. Maintenance and operations programs; and
- c. An itemized list and description of proposed capital outlay projects and/or fixed assets proposed for purchase, with estimated costs.

Sec. 2.03. ACQUISITION AND DISPENSATION OF REAL PROPERTY. Each advisory board of directors shall initiate the acquisition of real property to be acquired by the District, or the dispensation of property owned by the District including, but not limited to: appraisals, record/title search, and site location. The initiation of the acquisition of real property to be used for park purposes shall be in accordance with the District's adopted "Master Plan for Parks." The administrative procedures governing such acquisitions shall provide for notice in advance of acquisition to neighboring property owners.

Advisory boards of directors shall be authorized to contract, in the name of the District or otherwise, for the acquisition or dispensation of real property in an amount not to exceed Twenty five thousand dollars (\$25,000) and be coordinated with Department of General Services – Real Estate Division. Final decision-making authority and contracting power with respect to such matters (for transactions in excess of \$25,000) shall be vested exclusively in the Board of Supervisors, who shall be the only body empowered to legally commit either the District or its funds with respect to such matters.

Sec. 2.04. CONSTRUCTION CONTRACTS.

a. Each advisory board of directors shall be authorized to advertise, receive bids, and award contracts for the construction or maintenance of public projects and repair of existing facilities for a total cost per contract which does not exceed five hundred thousand dollars (\$500,000), for projects which have been approved by the Board of Supervisors, and the plans and specifications which have been approved by the advisory board upon the following conditions:

1. Bids for the work are received and the lowest responsible responsive bid is equal to or less than the engineer's public estimate of the project costs;
2. No bid protest is received during the applicable protest period;
3. No third party protest to the award is received; and
4. For those contracts to which Federal disadvantaged business enterprise (DBE) requirements are applicable, the lowest responsible bidder has met all required DBE participation levels.

b. After bids are received and within the time period available for bid protests, written notice of intent to award a contract pursuant to this section shall be provided to the Clerk of the Board of Supervisors who shall notice as communication received on the next available public agenda of the Board of Supervisors (shall be posted on each District's website).

c. Bidding and award procedures must be consistent with any federal or state statutes or local ordinances governing public construction contracts, including, but not limited to, public notice and solicitation requirements, environmental review, prevailing wages, and opportunities for all contractors including small, minority, women-owned businesses, and the provisions of the California Uniform Public Construction Cost Accounting Act, Public Contract Code Section 22010, et seq.

d. The advisory board of directors shall establish and adopt standardized bidding and award procedures that have been reviewed and approved by the Department of General Services - Contract & Purchasing Services Division and the Office of the County Counsel.

e. Modification to bidding and award procedures must be reviewed and approved by the Department of General Services ,Purchasing Division, in consultation with County Counsel

f. If a bid protest is received by the District, the District shall consult with County Counsel to determine whether the protest shall be heard by the advisory board or the Board of Supervisors

**Sec. 2.05. LEASING OF DISTRICT FACILITIES AND EQUIPMENT.**

a. Each advisory board of directors shall be authorized to negotiate the terms and conditions and may execute all leases for District facilities on behalf of the District within limits set in County Code 2.62.020 it relates to the County Director of Regional Parks.

b. Each advisory board of directors shall be authorized to negotiate the terms and conditions and execute all equipment leases for District equipment on behalf of the District for

not more than a 5 year term and the cost of equipment is identified in the Board of Supervisors approved budget.

Sec. 2.06. CONTRACTING AUTHORITY.

a. Consistent with annual budgets approved by the Board of Supervisors, each District Administrator, on behalf of, and in the name of, the County of Sacramento may execute contracts within the limits set in County Code 2.61.012 and 2.61.110 as it relates to the County Director of Regional Parks.

1. Procurement of goods and services costing less than \$10,000, price competition is not required.

2. Procurement of goods and services costing more than \$10,000 but less than \$25,000 price competition will be secured by obtaining at least three written quotations or proposals.

b. Consistent with annual budgets approved by the Board of Supervisors, each advisory board, on behalf of, and in the name of, the County of Sacramento may authorize the execution of contracts, up to \$250,000. Authority shall adhere to the following guidelines.

Procurement of goods and services which cost over \$25,000 and up to \$250,000 price competition will be obtained by formal advertising. Notice inviting bids shall be published in a newspaper in the district at least one week before the time specified by the District's advisory board for receiving bids. Upon receiving such bids the District's advisory board may: 1) accept a bid, 2) reject all bids and re-advertise, or 3) by a 4/5 vote elect to purchase the materials or supplies in the open market if a better price can be obtained.

c. Procurement of goods (and services not covered in paragraph a. or b. above) shall be obtained through the County's Purchasing Agent as provided in Section 2.56 of the Sacramento County Code

Sec. 2.07. SURPLUS PERSONAL PROPERTY. The disposition of District surplus property shall be processed through the Sacramento County Department of General Services, in accordance with Section 2.56.300 of the Sacramento County Code. Depending on item, revenue from track-able items will be returned to the District.

Sec. 2.08. RECREATIONAL SERVICES AND CONCESSION CONTRACTS. Each advisory board of directors shall be authorized, in the name of the District, to enter into

contracts providing for the retention of the services and/or concessions in connection with the operation of recreational programs and events sponsored by the District for a total cost per contract which does not to exceed \$25,000. No such contract executed pursuant to this section shall delegate to the contractor any overall supervisory authority or operational responsibility pertaining to the recreational program and/or event.

Sec. 2.09.     **ADVERTISING.** Each District shall establish and have adopted an Advertising Policy for which each advisory board of directors shall be authorized, in the name of the District, to enter into written contracts providing for the advertisement on District property of merchandise, service, or property for sale or hire; such authority may be delegated to the District Administrator or his/her designee. Such authority shall not extend to the naming of park facilities, landmarks or features without the express approval of the Board of Supervisors.

Sec. 2.10.     **OTHER CONTRACTS.** All other contracts or agreements for the benefit of the District except those with respect to which final approval is expressly delegated to the advisory boards of directors, shall be subject to approval by the Board of Supervisors.

### PART 3

#### DISTRICT PERSONNEL

Sec. 3.01.     **DISTRICT ADMINISTRATOR.** There is hereby created the position of Administrative Officer in each District. No person who is or has been a member of the advisory board of directors of a District shall be eligible for appointment to the position of Administrative Officer during the term of office of the member, nor for one year following that member's departure from office.

Any vacancy in the position of Administrative Officer shall be filled through appointment by the Board of Supervisors acting as the ex-officio Board of Directors of the District by a candidate who has been nominated for appointment by the advisory board of directors. In the event of rejection by the Board of Supervisors of a nominee, the advisory board of directors shall submit another nomination. The appointee shall be an at-will employee of the District and serve under an employment contract of one (1) to five (5) years duration between the appointee and the District; such contract shall be approved by the Board of Supervisors. The advisory board of directors shall make recommendations to the Board of Supervisors regarding provisions of the employment contract of the appointee including, but not limited to, contract term, salary

consistent with the approved salary schedule for District employees, benefits consistent with the current personnel policies, and administrator-specific benefits. All employment rights of the appointee shall be referable solely and exclusively to the employment contract. No District rules, regulations or procedures relating to employment, tenure, discipline or layoff shall be applicable to the appointee except to the extent expressly referenced in the employment contract.

No later than eight (8) months preceding the end of the employment contract term, the advisory board of directors of the District shall place the matter of the renewal of the Administrative Officer's contract following the expiration of its term on the agenda for a regular meeting. The advisory board of directors shall make recommendations to the Board of Supervisors regarding the renewal of employment contracts and length of renewal terms; such recommendations shall be referred to the County Executive consistent with the provisions of Section 4.01, *infra*. No later than six (6) months preceding the end of the employment contract term, the County Executive shall place the matter of renewal of the Administrative Officer's existing contract following the expiration of its term on the agenda for a regular meeting of the Board of Supervisors, and shall include any recommendations from the advisory board of directors of the District.

Sec. 3.02. DUTIES OF DISTRICT ADMINISTRATOR. The Administrative Officer of a District shall perform such duties and responsibilities as are prescribed by the Board of Supervisors or the advisory board of directors of the District, including but not limited to:

- a. Appoint and remove all other employees of the District, consistent with policies adopted by the advisory board of directors and not in conflict with any other action adopted by the Board of Supervisors;
- b. Make recommendations and requests to the advisory board of directors regarding matters of the ongoing operation, administration, and maintenance of the District;
- c. Prepare the recommended annual budget for the District and provide regular reports to the advisory board of directors regarding the financial condition and needs of the District;
- d. Have charge of all facilities and grounds of the District and ensure their maintenance, upkeep, and repair;
- e. Procure all supplies and materials needed for the proper operation and administration of the District, as delegated by the advisory board of directors and in accordance with the adopted annual budget of the District;

f. Maintain liaison with proper County officials relative to the operation of the District; and

g. Recommend to the advisory board of directors changes or amendments to policies and procedures regarding the operations and administration of the District in order to ensure efficiency, cost-effectiveness, and stability.

Sec. 3.03. COMPENSATION OF DISTRICT EMPLOYEES. The advisory board of directors shall prepare and submit for review by the Director of the County Department of Personnel Services the compensation of employees of the District prior to adopting a salary schedule which shall provide for the nature, extent, terms and conditions of employee-benefits including, but not limited to: vacation, sick leave, insurance, and shall be approved by the Board of Supervisors. This process applies when an initial salary scale is proposed; when a salary study is implemented and warrants a salary scale change; and when a new employment position is created. A COLA increase is part of the annual budget process and approved by the District's advisory board of directors prior to review by the County Executive Budget Analyst. Final approval rests with the Board of Supervisors during the annual budget process. Any COLA increases recommended shall be reviewed by the County Department of Personnel Services prior to Advisory Board approval.

At the approval of each advisory board of directors, employees shall be entitled to coverage under group health and other insurance programs maintained by the County for the benefit of County personnel. Any changes to compensation including benefits that are negotiated through a labor agreement must be reviewed and negotiated by the County's Office of Labor Relations and ultimately ratified by the Board of Supervisors.

Sec. 3.04. PERSONNEL POLICY. In accordance with budgetary limitations and all statutory mandates and prohibitions, including the Equal Employment Opportunities Act of 1972, each advisory board of directors shall cause to be prepared and adopt written personnel policies which govern job classification, selection, promotion, compensation, tenure, layoff, employer-employee relations, and other aspects of the employment relationship which shall apply to employees of the District. Such policies must be submitted to the County Department of Personnel Services and the Office of the County Counsel.

## MISCELLANEOUS PROVISIONS

### Sec. 4.01. COUNTY OFFICERS RESPONSIBILITIES.

a. All matters concerning the Administrative Officer's employment contract shall be referred to the Office of the County Executive, or his designee to act as liaison between the advisory board of directors for the District and the Board of Supervisors. With respect to special funding or grant programs, the County Executive may designate a particular County Department for administration thereof, and references of such matters for liaison purposes shall be to that Department.

b. In the event of any vacancy in the position of Administrative Officer, the County Director of the Department of Regional Parks shall serve as the interim District Administrator until such time that any vacancy has been filled, unless otherwise appointed by the Board of Supervisors.

c. The Office of the County Counsel shall be the advisor to the Districts in all legal matters unless such authority has been delegated by County Counsel.

d. The Director of Finance shall act as the Districts' Auditor-Controller, Treasurer and Investment Officer and shall advise the Districts on financial matters unless such authority has been delegated by the Director of Finance.

e. The Board of Supervisors delegates the responsibility of conducting annual financial audit reports to the dependent districts. The Districts shall follow the purchasing policies set forth in Section 2.06 for the annual contracting of this financial report. Upon receipt by the advisory boards, these reports must be provided to the County Department of Finance.

a. All monies of the District are to be deposited into the County Treasury, unless approved by the Director of Finance. If funds are held outside of the County Treasury in an outside bank account, said bank account shall be approved by the Director of Finance and the Director of Finance shall be a signer on the account.

Sec. 4.02. ENVIRONMENTAL ANALYSIS. It shall be the responsibility of each District to develop its own environmental impact documents as noticed in Article 3 of the County Environmental Guidelines. All environmental impact documents shall be processed through the County Department of Community Development.

Sec. 4.03. INSURANCE. Each advisory board of directors for the District shall provide for the workers compensation coverage of the employees of the District by self-

insurance or the contracting of insurance coverage, and shall similarly obtain or provide for all other insurances for the District required by law. The County Risk Manager shall review and advise the District respecting insurance coverage, the availability there of and obtaining quotes. Advisory boards of directors for the District shall purchase a policy or policies of insurance indemnifying the District and, in their capacities as such, the officers, agents, and employees thereof against liability for personal injury and property damage in the aggregate limits not less than \$5 (five) million. Unless otherwise prohibited, the District shall be authorized to participate in the County's liability insurance program.

Sec. 4.04. MINUTES. Each advisory board of directors shall provide a copy of the minutes covering all regular and special meetings of the advisory board to the Board of Supervisors. Upon election by the Board of Supervisors, the copy of such minutes may be provided by posting on the District's website, consistent with the provisions of State law.

Sec. 4.05. RESERVED POWERS. All powers not expressly delegated by this Resolution to advisory boards of directors are reserved to the Board of Supervisors as the ex-officio Board of Directors of each District. The Board of Supervisors may delegate specific duties and responsibilities to the advisory board of directors. No policy or procedure shall be adopted, nor shall any action be taken, by an advisory board of directors which is inconsistent or in conflict with, or in excess of, the powers conferred and reserved by this Resolution.

On a motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote, to wit:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

RECUSAL: Supervisors,  
(PER POLITICAL REFORM ACT (§ 18702.5))

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Chair of the Board of Supervisors  
of Sacramento County, California

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk, Board of Supervisors