

SALTON COMMUNITY SERVICES DISTRICT

Board Meeting Agenda

March 16, 2022

Closed Session 6:00 p.m.

Open Session 7:00 p.m.

1209 Van Buren Ave.

Salton City, CA 92275

www.saltoncsd.ca.gov

BOARD OF DIRECTORS:

Mr. Rogelio Flores, President

Ms. Lidia A. Sierra, Vice President

Mr. Dale Johnson, Director

Mr. Manuel H. Ramos, Director

STAFF:

James Parks, Interim General
Manager

Christopher Murillo, Interim Board
Secretary

1. **CALL TO ORDER:** **6:00 p.m.**

2. **ROLL CALL:**

3. **PUBLIC COMMENTS:**

Pursuant to California Government Code Section 54954.3, the public has the right to address the board regarding any closed session items listed on the closed session agenda prior to the board adjourning into closed session. Anyone who wishes to address the Board, please come to the microphone. Public comments are limited to (3) minutes each person.

4. **CLOSED SESSION ISSUES:**

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (3 cases)

5. **OPEN SESSION:** **7:00 p.m.**

6. **PLEDGE OF ALLEGIANCE:** Rogelio Flores, President

7. **ANNOUNCEMENT OF CLOSED SESSION ACTIONS:**

8. **PRESENTATIONS/ PUBLIC APPEARANCES:**

9. **PUBLIC COMMENTS:**

Pursuant to California Government Code Section 54954.3 members of the public may address the Board at this time on any items of public interest that are within the Board's subject matter jurisdiction. The Ralph M. Brown Act, however, prohibits the Board from taking action on any matter not appearing on the agenda.

Personal attacks on individuals, slanderous comments, or comments which may invade an individual's personal privacy, are prohibited. Those who wish to address the Board should come to the microphone. Members of the public will be given three (3) minutes to address the board on any items of public interest.

10. CONSENT CALENDAR ITEMS:

Consent calendar items are expected to be routine and non-controversial, to be acted upon by the board of directors at one time without discussion. If any board member requests that an item be removed from the consent calendar, it will be removed so that it may be acted upon separately.

- I. Approval of the Minutes for the Regular Meeting February 16, 2022.
- II. Approval of SBEMP (Robert Patterson) Attorneys at Law Demand in the Amount of **(\$4,135)** for the Month of February 2022
- III. Current Demands for the Months February 2022

11. REPORTS: All reports are posted on the bulletin board and are available for review.

- I. General Manager's report provided in the Directors' packet.
- II. Finance Officer's report provided in the Directors' packet.
- III. Field Foreman's report provided in the Directors' packet.

12. MEMBERS OF THE BOARD REPORTS: AD HOC COMMITTEES

- I. Parks and Recreation: -(Dale Johnson)
- II. Channel Maintenance:
- III. SCSD Outreach Program:

12.1 ORGANIZATION REPORT:

13. OLD BUSINESS:

- I. Motion to Discuss and Adopt amendments to Salton Community Services District Board Members Bylaws.

14. NEW BUSINESS:

- I. Motion to Approve to reorganize the **AD HOC COMMITTEES**.
- II. Motion to Approve **Resolution No.2022-03-01**. Resolution of the 16th of March 2022 Approving Applications for Per Capita Grant Funds.
- III. Motion to Approve **Resolution No. 2022-03-02**. A Resolution of the Board of Directors of the Salton Community Services District Regarding Authority to Dispose of Surplus Property.
- IV. Motion to Approve **Resolution No. 2022-03-03**. A Resolution of The Board of Directors of The Salton Community Services District Establishing a District Contracting and Purchasing Policy.

15. **ADJOURNMENT:**

Christopher Murillo, Interim Board Secretary

3/13/2022 4:33 PM

Upon written request, this agenda will be made in appropriate alternative format to persons with disabilities as required by Section 202 of the American with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Secretary of the Board at least 72 hours before the meeting. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at 1209 Van Buren St, Suite 1, Salton City, California 92275.

SALTON COMMUNITY SERVICES DISTRICT

Board Meeting Minutes

February 16, 2022

Closed Session 6:00 p.m.

Open Session 7:00 p.m.

1209 Van Buren Ave.

Salton City, CA 92275

www.saltoncsd.ca.gov

BOARD OF DIRECTORS:

Mr. Rogelio Flores, President
Ms. Lidia A. Sierra, Vice President
Mr. Dale Johnson, Director
Mr. Manuel H. Ramos, Director

STAFF:

James Parks, Interim General
Manager
Christopher Murillo, Interim Board
Secretary

1. **CALL TO ORDER:** 6:00 p.m.

2. **ROLL CALL:**

3. **PUBLIC COMMENTS:**

Pursuant to California Government Code Section 54954.3, the public has the right to address the board regarding any closed session items listed on the closed session agenda prior to the board adjourning into closed session. Anyone who wishes to address the Board, please come to the microphone. Public comments are limited to (3) minutes each person.

4. **CLOSED SESSION ISSUES:**

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (3 cases)

5. **OPEN SESSION:** 7:00 p.m.

6. **PLEDGE OF ALLEGIANCE:** Rogelio Flores, President

7. **ANNOUNCEMENT OF CLOSED SESSION ACTIONS:**

8. **PRESENTATIONS/ PUBLIC APPEARANCES:**

9. **PUBLIC COMMENTS:**

Pursuant to California Government Code Section 54954.3 members of the public may address the Board at this time on any items of public interest that are within the Board's subject matter jurisdiction. The Ralph M. Brown Act, however, prohibits the Board from taking action on any matter not appearing on the agenda.

13.1 ORGANIZATION REPORT:

14. OLD BUSINESS:

15. NEW BUSINESS:

- I. Motion to Discuss and Approve amendments to Salton Community Services District Board Members Bylaws.
Director Sierra Motioned to Discuss and Approve Amendments, Ramos 2nd the Motion.

Roll Call:

Vice President, Sierra	Yes	Director, Ramos	Yes
President, Flores	Yes	Director, Johnson	Yes

15. ADJOURNMENT: 8:55p.m.

Director Sierra Motion Adjourn Board Meeting. All Board of Directors Were in Favor.

Rogelio Flores, Board President

Christopher Murillo, Interim Board Secretary

3/12/2022 10:39 PM

Upon written request, this agenda will be made in appropriate alternative format to persons with disabilities as required by Section 202 of the American with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Secretary of the Board at least 72 hours before the meeting. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at 1209 Van Buren St, Suite 1, Salton City, California 92275.



1209 Van Buren
POST OFFICE BOX 5268
SALTON CITY, CALIFORNIA 92275-5268
TELEPHONE: (760) 394-4446
FAX: (760) 394-4242
scsd@saltoncsd.ca.gov

Serving the West Shores of the Fabulous Salton Sea

General Manager Report

February 2022

1. Day to Day Operations.
2. LAFCO Update
3. State of California Parks Voter Bond Measure Passed 2019
4. 2018 Tree Planting Project Around our (3) Pond Facilities
5. Community Resource Fair March 19, 2022 9a.m.-2p.m. in which Resource Officers to Use District Facility
6. New Sheriff Deputy / K-9 Unit Officer (Danny)
7. New Code Enforcement Officer
8. Force Main Project Update – The Holt Group



1209 Van Buren
POST OFFICE BOX 5268
SALTON CITY, CALIFORNIA 92275-5268
TELEPHONE: (760) 394-4446
FAX: (760) 394-4242
scsd@saltoncsd.ca.gov

Serving the West Shores of the Fabulous Salton Sea

Sewer Maintenance Report

February 2022

1. Day to Day Operations.
Run stations, service stations.
2. Work plan.
Maintain pond levees, pond weed removal.
Sewer connections.
3. Station issues during the week that were resolved.

STATION #6

We found pump clog, consist of non- **Tampons and non-disposable Wipes**. Pump unclogged cleaned reinstalled.

STATION #18

Discovered numbers on the hour meter were low on pump #2 pump motor is out for repair if repair not possible a new one will Be bought.

STATION #15

Discovered numbers were high, pump #1 was clogged with Tampons and non-disposable wipes. Pump unclogged back in service.

RESOLUTION NO. 2022-03-01

RESOLUTION OF THE 16TH OF MARCH 2022 APPROVING APPLICATION(S) FOR PER CAPITA GRANT FUNDS

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Per Capita Grant Program, setting up necessary procedures governing application(s); and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the grantee's Governing Body to certify by resolution the approval of project application(s) before submission of said applications to the State; and

WHEREAS the grantee will enter into a contract(s) with the State of California to complete project(s);

NOW, THEREFORE, BE IT RESOLVED that the Salton Community Services District hereby:

1. Approves the filing of project application(s) for Per Capita program grant project(s); and
2. Certifies that said grantee has or will have available, prior to commencement of project work utilizing Per Capita funding, sufficient funds to complete the project(s); and
3. Certifies that the grantee has or will have sufficient funds to operate and maintain the project(s), and
4. Certifies that all projects proposed will be consistent with the park and recreation element of the [Salton Community Services District] general or recreation plan (PRC §80063(a)), and
5. Certifies that these funds will be used to supplement, not supplant, local revenues in existence as of June 5, 2018 (PRC §80062(d)), and
6. Certifies that it will comply with the provisions of §1771.5 of the State Labor Code, and
7. **(PRC §80001(b)(8)(A-G))** To the extent practicable, as identified in the "Presidential Memorandum--Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," dated January 12, 2017, the Salton Community Services District will consider a range of actions that include, but are not limited to, the following:
 - (A)** Conducting active outreach to diverse populations, particularly minority, low-income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.

RESOLUTION NO. 2022-03-01

RESOLUTION NO. 2022-03-01

- (B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.
 - (C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.
 - (D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.
 - (E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.
 - (F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.
 - (G) Identifying possible staff liaisons to diverse populations.
8. Agrees that to the extent practicable, the project(s) will provide workforce education and training, contractor and job opportunities for disadvantaged communities (PRC §80001(b)(5)).
 9. Certifies that the grantee shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures. (PRC §80062(d)).
 10. Certifies that the grantee has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and
 11. Delegates the authority to the General Manager, or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope(s); and
 12. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

Approved and adopted the 16th day of March, 2022.

I, the undersigned, hereby certify that the foregoing Resolution Number 2022-03-01 was duly adopted by the Salton Community Services District following a roll call vote:

Ayes:

Noes:

Absent:

RESOLUTION NO. 2022-03-01

PASSED AND ADOPTED BY the Board of Directors of the Salton Community Services District, Salton City, California, held on the 16th day of March, 2022, by the following vote:

	YES	NO
Rogelio Flores, President	_____	_____
Lidia A. Sierra, Vice President	_____	_____
Manuel H. Ramos, Director	_____	_____
Dale Johnson,, Director	_____	_____

Rogelio Flores, President of the Board of Directors

ATTEST:

Christopher Murillo, Interim Secretary of the Board of Directors

RESOLUTION NO. 2022-03-02

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SALTON COMMUNITY SERVICES DISTRICT REGARDING
AUTHORITY TO DISPOSE OF SURPLUS PROPERTY**

1. PURPOSE

The purpose of this policy is to establish an effective District surplus property disposal program. This program is established in the interest of efficiency, to assure the best possible sales price and to assure members of the public that where appropriate members of the public have notice and an opportunity to bid on surplus property.

2. AUTHORITY

The General Manager, or designee, is authorized to dispose of surplus property when the estimated value is less than \$500.00 and lacks minimal public interest.

Disposal of surplus property with an estimated value of \$500 or greater, requires the General Manager's approval and must comply with the other requirements of this policy.

3. DEFINITION OF SURPLUS PROPERTY

- A. Personal property not needed for District service or not fit for its intended purpose.
- B. Usable material, equipment, vehicles, or parts, including capitalized equipment, that exceed the normal maintenance, repair, and operating requirements of the District.
- C. Obsolete material and equipment that cannot be used in the service for which it was purchased and cannot be utilized safely or economically for any other purpose.
- D. Scrap metal and waste material such as metal, paper, rags, rubber, and wood.

Surplus property may only be disposed in the following manner:

A. Trade-in.

Surplus, property may be exchanged as trade-in value on the acquisition of new property upon approval of the Board of Directors.

B. Return to the Manufacturer.

Surplus items may be returned to the manufacturer for buy-back or credit upon approval of the Board of Directors.

C. Auctions.

RESOLUTION NO. 2022-03-02

District surplus property may be sold at auction approved in advance by action of the Board of Directors. Prior to any auction a notice announcing the auction and the items to be auctioned including serial numbers condition and miles or hours of service shall be posted at three places within the District at least thirty (30) days prior to the date of the auction. The notice shall specify the time, place, manner and other requirements of bidding and that bidders must present cash or cashier's checks in sufficient amounts no later than 24 hours after the time of the bidding or the sale will be void.

D. Competitive Sealed Bids/Proposals.

Bids must be in a marked, sealed envelope, and must be received in the District office before the time and date specified. Items will be sold to the highest responsible bidder to be announced publically at the auction.

E. Sell for Scrap.

Subject to the approval of the Board of Directors, scrap sales shall be made by the most efficient and economic means available provided that the General Manager or his designee obtains at least three quotes from licensed scrap dealers to be preserved in writing and the scrap is then sold to the scrap dealer offering the highest price subject to a single sale document to be maintained by the District.

F. Dispose as Junk.

When District surplus property is damaged or unsafe, and/or when the cost of locating a buyer is estimated to exceed the projected revenue of the item, the property may be destroyed or disposed of as junk subject to the approval of the Board of Directors.

G. Gift.

District surplus property may be given away to any organization not organized for profit and qualified as a charity under Internal Revenue Code Section 501(c)(3) for a purpose within the legally established and exercisable powers of the District or to any other public agency upon the approval of the Board of Directors.

H. Negotiated Sale.

Surplus property may be negotiated and sold outright if no more than one buyer is available, if negotiated sale is in the best interest of the District and upon approval of the Board of Directors.

5. "AS IS".

Surplus property shall be sold "as is" and "where is." The District does not make any warranty, guarantee, or representation of any kind, expressed or implied, as to the condition, utility, or usability of the property offered for sale.

6. Revenues from The Sale Of Surplus Property.

Revenue from the sale of surplus property will be returned to the appropriate revenue fund.

RESOLUTION NO. 2022-03-02

7. Procedures for Disposing Of Surplus Property.

Once a determination is made by the General Manager and approved by the Board of Directors to purge surplus property, a written directive to that effect shall be delivered to a staff member designated by the General Manager who will coordinate the disposal of the property in accordance with this policy and the General Manager's directive.

8. Employees and Others Prohibited From Participating in the Purchase of Surplus Property.

The General Manager, District Employees, District General Counsel, and members of the District Board of Directors shall not participate in the purchase of District surplus property.

PASSED AND ADOPTED BY the Board of Directors of the Salton Community Services District, Salton District, California, held on the 16th day of March, 2022, by the following vote:

	YES	NO
Rogelio Flores, President	_____	_____
Lidia A. Sierra, Vice President	_____	_____
Manuel H. Ramos, Director	_____	_____
Dale Johnson,, Director	_____	_____

Rogelio Flores, President of the Board of Directors

ATTEST:

Christopher Murillo, Interim Secretary of the Board of Directors

RESOLUTION NO. 2022-03-03

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SALTON COMMUNITY SERVICES DISTRICT ESTABLISHING A
DISTRICT CONTRACTING AND PURCHASING POLICY**

WHEREAS, Section 61045 subsection (g) of the Government Code (Government Code) requires the District Board of Directors to adopt a purchasing policy; and

WHEREAS, Section 61063 subsection (a) requires each district to adopt policies and procedures, including bidding regulations, governing the purchasing of supplies and equipment not governed by Article 43 (commencing with Section 20680) of Chapter 1 of Part 3 of the Public Contract Code and each district shall adopt these policies and procedures by rule or regulation pursuant to Article 7 (commencing with Section 54201) of Chapter 5 of Division 2 of Title 5 of the Government Code; and

WHEREAS, Section 61051 of the Government Code delineates the responsibilities of the General Manager, including but not limited to, implementation of Board policies, supervision of the District's "facilities and services" and supervision of the District's finances; and

WHEREAS, Section 61060 of the Government Code authorizes the District to "enter into and perform all contracts"; and

NOW, THEREFORE, BE IT RESOLVED that the Salton Community Services District adopts as its governing policy Exhibit "A" A Salton Community Services District Contracting and Purchasing Policy.

PASSED AND ADOPTED by the Salton Community Services District at a regular meeting held on the 16th day of March 2022, by the following vote:

	YES	NO
Rogelio Flores, President	_____	_____
Lidia A. Sierra, Vice President	_____	_____
Manuel H. Ramos, Director	_____	_____
Dale Johnson,, Director	_____	_____

Rogelio Flores, President of the Board of Directors

ATTEST:

Christopher Murillo , Interim Secretary of the Board of Directors

RESOLUTION NO. 2022-03-03

Exhibit "A"

**Salton Community Services District
Purchasing and Contracting Policy and Procedures March 16th, 2022**

Section 1. Purpose

The purposes of this policy are to standardize the purchasing procedures of the Salton Community Services District, thereby securing for the District the advantages of a centralized and uniform purchasing policy saving the taxpayers and ratepayers money and increasing public confidence in the procedures for District purchasing; to promote the fair and equitable treatment of all consumers and suppliers of goods and services; and to set forth the duties and responsibilities of the General Manager and District staff.

Section 2. Definitions

A) Vendors - means those contractors and seller that provide goods and services to the District.

B) Bid Most Advantageous To The District - means the lowest responsible and responsive bidder on a District project that is subject to Competitive Bidding from among those bids that are deemed to be Responsive to the Specifications and capable of and Responsible for providing acceptable goods and services to the District.

C) Board - means the Board of Directors of the District.

D) Capital Expenditure - means all major expenditures of a non-recurring nature such as new buildings, major remodeling projects and major equipment Purchases that likely have surplus value after five years of --- purchase. Excluded from this definition shall be all in-house projects unless the cost of the materials alone exceeds \$5,000.

E) Competitive Bidding - means the process of obtaining the Bid Most Advantageous to the District for any Purchase conducted through a Formal Bid or Informal Bid.

F) District - means the Salton Community Services District.

G) Equipment - means Non-construction related mechanical vehicles, loaders, or tools used in the course of maintaining district property or administrative activities.

H) Formal Bid - means a written quotation obtained in a sealed envelope or through online bid submittal webpage from a potential Vendor, or through District direct solicitation, public announcement, or published advertisement and opened at a specific day, place, and time. Notice inviting bids for any contract requiring Competitive Bidding shall be published at least one time in a local newspaper of general circulation within the District. It is required to have the bid opened publicly at a specified day, place and time.

I) Informal Bid - means a written or oral quotation obtained from a potential Vendor, but not required to be opened publicly at a specified day, place, and time.

RESOLUTION NO. 2022-03-03

J) Lowest - means the smallest bid in monetary terms received by the District for the cost of a project subject to Competitive Bidding.

K) Non-construction Supplies - means goods used for activities other than construction related projects.

L) Plans - means drawings or diagrams made to scale showing the structure or arrangement of a construction project, or a method or program showing a level of service or benefit defined within a contract. Plans will become part of the awarded contract. All bidders will be afforded an opportunity to examine the Plans.

M) Purchase - means buying, renting, leasing or otherwise acquiring Supplies or Services for a price.

N) Responsible - means the Lowest bidder who possesses the trustworthiness, quality, fitness, ability, capacity, and experience to satisfactorily perform a District project subject to Competitive Bidding. When the Lowest bidder is found not to be Responsible, the District must notify the bidder of this finding and the evidence upon which the finding was based, and the District must afford the bidder an opportunity to rebut such adverse evidence at a District Board Meeting, and permit the bidder to present evidence that the bidder is Responsible.

O) Responsive - means a bid received by the District for a project subject to Competitive Bidding that substantially conforms to the bid Specifications and all applicable statutory requirements. A bidder is not entitled to a hearing on the question of Responsiveness, but is entitled to notice and the right to submit materials to the Board or the District's General Manager before a decision is made.

P) Services - means all labor furnished to the District by persons, firms, individuals or corporations not part of or connected with the District.

Q) Sole Source Contractor - means a contractor or consultant that has been evaluated to provide unique or specialized Services or Supplies that cannot be obtained from other contractors or consultants. Such designation must be approved by the Board.

R) Specifications - means standards, including quality, set by the General Manager, supervisory staff or consultants as a guide and as a measure of that which successful vendors must achieve. Specifications shall be either technical specifications for bids, which shall state formulations as broadly as practicable, yet shall be specific enough to describe the requirements of the District or non-technical specification for bids, which shall state the quality required in general terms. Specifications will become part of the awarded contract. All bidders will be afforded an opportunity to examine the specifications.

S) Splitting Purchases - means the intentional separation of a District project into smaller portions in order to avoid any of the Purchasing limits established by this policy.

T) Supplies - means all materials and equipment.

Section 3. Applicability

RESOLUTION NO. 2022-03-03

This policy shall apply to all Purchases made by the District, except as otherwise specified herein. In implementing this policy, District employees or representatives are prohibited from Splitting Purchases from one supplier, vendor or contractor.

Section 4. Purchase of Construction Supplies

The District must comply with the following Competitive Bidding requirements with respect to the Purchase of Supplies, construction or completion of any building, structure, or improvement when the cost exceeds Twenty Five Thousand Dollars (\$25,000):

A) Formal Bids. Contracts for Purchase of Supplies, construction, road work or completion of any building, structure, or improvement when the cost exceeds Twenty Five Thousand Dollars (\$25,000) shall be contracted for and let to the Bid Most Advantageous to the District after notice. If two or more bids are the same and the quality is equal, then the Board may accept the one it chooses.

B) Notice. The District shall publish a notice inviting bids for any contract for which Competitive Bidding is required at least one time in a newspaper of general circulation in the District at least ten (10) days before the time specified for receiving bids. The notice inviting bids shall set a date for opening the bids and distinctly state the supplies to be purchased.

C) Alternate Publication. If the District's General Manager recommends, and the Board determines, that the publication of advertisements of the notice in trade journals and webpage, or papers in lieu of publication in a newspaper of general circulation will increase the number of business enterprises receiving the notice, the Board may by resolution declare that those notices shall be published in trade journals, webpages or papers at least ten days prior to the time specified for receiving bids.

D) Rejection of Bids. At its discretion, the Board may reject any bids presented and readvertise. The Board may also waive a minor bid irregularity that does not give an unfair advantage to another bidder. However, the Board is under no obligation to waive bid irregularities.

E) Emergencies. In the case of an emergency, the District may proceed in accordance with Section 8 below.

Section 5. Construction Contracts

The District must comply with the following Competitive Bidding requirements with respect to the construction or completion of any building, structure, or improvement when the cost exceeds Twenty Five Thousand Dollars (\$25,000.00):

A) Formal Bids. All contracts for the construction or completion of any road work or completion of any building, structure, or improvement when the cost exceeds Twenty Five Thousand Dollars (\$25,000.00), shall be contracted for and let to the Bid Most Advantageous to the District after notice. If two or more bids are the same and the quality is equal, the Board may accept the one it chooses.

RESOLUTION NO. 2022-03-03

B) Notice. The District shall publish a notice inviting bids for any contract for which Competitive Bidding is required at least one time in a newspaper of general circulation in the District at least ten (10) days before the time specified for receiving bids. The notice inviting bids shall set a date for opening the bids and distinctly state the work to be done.

C) Alternate Publication. If the District's General Manager recommends, and the Board determines, that the publication of advertisements of the notice in trade journals and webpage, or papers in lieu of publication in a newspaper of general circulation will increase the number of business enterprises receiving the notice, the Board may by resolution declare that those notices shall be published in trade journals, webpages or papers at least ten days prior to the time specified for receiving bids.

D) Plans and Specifications. If Plans and Specifications are prepared describing the work, all bidders shall be afforded an opportunity to examine the Plans and Specifications, and the Plans and Specifications shall be attached to and become a part of the contract, if one is awarded.

E) Bid Security. All bids for construction work shall be presented under sealed cover and shall be accompanied by bidder's security in the form of either cash, a cashier's check made payable to the District, a certified check made payable to the District, or a bidder's bond executed by an admitted surety insurer made payable to the District. Upon an award to the bidder, the security of an unsuccessful bidder shall be returned in a reasonable period of time, but in no event shall that security be held by the District beyond 60 days from the time the award is made.

F) Rejection of Bids. At its discretion, the Board may reject any bids presented and readvertise. The Board may also waive a minor bid irregularity that does not give an unfair advantage to another bidder. However, the Board is under no obligation to waive bid irregularities.

G) Emergencies. In the case of an emergency, the District may proceed in accordance with Section 8 below.

H) Bonds. The Board may require the posting of those bonds it deems desirable as a condition to the filing of a bid or the letting of a contract.

I) Record. The District shall keep cost records of the work in the manner provided in Government Code Section 4000 et seq.

Section 6. Purchasing Limits for Other Contracts.

The District must comply with the following requirements with respect to Purchases that are not subject to the provisions of Sections 4 and 5 above:

A) Formal Bids. Purchases shall be made by Formal Bid whenever such method is required pursuant to the Public Contracts Code.

B) Record of Bids. The District's General Manager shall keep a record of all bids

RESOLUTION NO. 2022-03-03

submitted, and such record shall be open to proper inspection by any interested party within a reasonable amount of time.

C) Approval

- 1) No Purchase of Supplies or Services exceeding Five Thousand Dollars (\$5000.00) shall be made without the approval of the General Manager.
- 2) No single Purchase of Supplies or Services exceeding Twenty Five Thousand Dollars (\$25,000.00) shall be made by the District's General Manager without the approval of the Board.

D) Exemptions to Competitive Bidding. Notwithstanding the basic policy that the procurement of Services and Supplies shall be on a Competitive Bidding basis to the maximum practical extent, Purchases may be negotiated when one of the following circumstances is present:

- 1) When the total dollar value of the Purchase does not exceed Twenty Five Thousand Dollars (\$25,000.00).
- 2) When an emergency exists, the District may proceed in accordance with Section 8 below.
- 3) When a Sole Source Contractor has been designated.
- 4) When Competitive Bidding would fail to produce an advantage and/or when the advertisement for Competitive Bidding would be undesirable, impractical, or impossible.
- 5) When the Purchase is for Professional Services.

E) Purchasing Procedures & Policies. The Purchase of Services, Equipment and Non-construction Supplies shall be on the basis of competitive pricing to the maximum practical extent. However, whenever Supplies or Services are procured by competitive pricing, negotiation, price quotations or other evidence of reasonable prices and other vital matters deemed necessary by the District's General Manager they shall be solicited to the maximum number of qualified sources of Supplies or Services consistent with the nature of and requirements for the Supplies or Services to be Purchased, in accordance with the basic policies set forth below:

1) Purchases - Not to Exceed \$5,000. When the General Manager considers prices to be fair and reasonable and when the total amount of the Purchase does not exceed Five Thousand Dollars (\$5,000.00) and does not exceed the District budget. Purchase procedures and documentation will be simplified to the maximum degree possible. The General Manager shall establish such rules of procedures for such purchases as he or she feels necessary to insure against abuse of the public interest and trust.

2) Purchases - \$5,000 to \$25,000. Purchases exceeding Five Thousand Dollars (\$5,000.00) but not exceeding Twenty Five Thousand Dollars (\$25,000.00) in total cost will

RESOLUTION NO. 2022-03-03

be supported by a record of price quotations from three (3) different sources or a reasonable and convincing explanation justifying the absence of such alternate quotes. Such quotations may be obtained in writing, verbally or by such other means as may be prescribed by the General Manager as appropriate to the circumstances. Prior District Board approval of the purchase shall be required. General Manager recommendations shall be written and become part of the supporting documentation for the Purchase.

3) Purchases Exceeding \$25,000. Purchases exceeding Twenty Five Thousand Dollars (\$25,000.00) in value must be approved by the Board prior to award. Bids shall be solicited by the General Manager in a manner intended to obtain the most favorable pricing for the District. Bids shall be submitted closed and shall be opened at the same time. Bid Awards shall be based on price and quality of products. Request for such approval will be accompanied by a full statement of facts justifying the recommendation for award.

F) Rejection of Bids. The Board shall have the authority to reject any and all bids received in response to invitations for bids. The Board may also waive a minor bid irregularity that does not give an unfair advantage to another bidder. However, the Board is under no obligation to waive bid irregularities.

G) Requisitions. Purchases involving the immediate encumbrance of District funds shall be made only based on an invoice. The General Manager may issue a District check made payable to the vendor for the materials and supplies or services requested based on bids and quotes provided pursuant to this policy. For purchases pursuant to this policy where a credit account is necessary the General Manager shall have the authority to apply for credit based the District's approved budget.

Section 8. Emergencies

A) Vote. In the case of an emergency, the District, pursuant to a four-fifths vote of the Board, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary Services and Supplies for those purposes, without giving notice for bids to let contracts.

B) Findings. Before the Board takes any action pursuant to paragraph A) above, it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

C) Delegation. The Board, by four-fifths vote, may delegate, by resolution or ordinance, to the District's General Manager the authority to order any action pursuant to paragraph A) above. The Board may delegate to the District's General Manager the authority to repair or replace a public facility, or take any other related and immediate action, that is necessary to respond to an "emergency situation" as defined in Government Code Section 54956.5(a), and to procure the necessary services and supplies for those purposes without giving notice for bids to let contracts. Government Code Section 54956.5(a) defines an emergency situation as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body or a dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or

RESOLUTION NO. 2022-03-03

threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

D) Report. If the District's General Manager, pursuant to the authority delegated by the Board under paragraph C) above, orders any action specified in paragraph A) above, that person shall report to the Board, at its next meeting, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

E) Review.

1) If the Board orders any action specified in paragraph A) above, the Board shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue this action.

2) If the District's General Manager, pursuant to the authority delegated by the Board under paragraph C) above, orders any action specified in paragraph A) above, the Board shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless the District's General Manager has terminated that action prior to the Board reviewing the emergency action and making a determination pursuant to this paragraph.

3) When the Board reviews the emergency action pursuant to paragraph E)1) or E)2) above, it shall terminate the action at the earliest possible date completed by giving notice for bids to let contracts.

Section 9. Scope of General Manager's Authority

The District's General Manager shall purchase or contract for all Supplies, Services, and Capital Equipment needed in accordance with procedures prescribed by this adopted policy and such additional lawful rules, not inconsistent herewith, as the District General Manger shall employ for the efficient internal management and operation of the District.

A) Exceptions

1) **Exceptions Prohibited.** The authority of the General Manager to make all purchases for the District shall not be abridged unless, by order of the Board, such exception is granted for a specific purpose and does not violate state law.

2) **Temporary Absences.** During periods of temporary absences of the General Manager, the authority to implement the provisions of these regulations will be held by a District staff member so appointed by the General Manager and approved by the Board for the period of the absence.

RESOLUTION NO. 2022-03-03

B) Tax Exemptions. The General Manager shall act to procure for the District all Federal and State tax exemptions to which the District is entitled.

C) Cooperative Purchasing. The General Manager shall have the authority to join other units of government including Federal, State, County, Municipal and Municipal subdivisions, such as Water Districts, Sewer Districts, School Districts, Special Districts and Councils of Government in cooperative purchasing plans when the best interests of the District would be served thereby and when such action is in accordance with and pursuant to law.

D) Other Duties. The District's General Manager shall perform such other duties related to the functions, duties, and authorities set forth herein, as may be prescribed by the Board and by any applicable state or local laws or ordinances.

Section 10. Miscellaneous

A) Local Purchases. The District will make every effort to Purchase from businesses located within the District's service area if the Purchase provides the best overall value for the District.

B) Conflict of Interest. No District employee or Board member authorized to act on behalf of the District shall enter into any agreement, contract, or solicit bids with any individual, firm, corporation, or organization in which said employee, Board member, or relative of same has a financial interest. This shall also include the acceptance of any gift or gratuity, directly or indirectly, from any person, firm, corporation, or organization to which any purchase or contract is, or might be, awarded, any rebate, gift, or anything of value whatsoever, except where given for the express use or benefit of the District.

C) Non-collusion Affidavit. The Bidder declares, by signing and submitting a formal bid proposal, that the proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the proposal is genuine and not collusive or sham; that the vendor has not directly or indirectly induced or solicited any other vendor to put in a false or sham proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any vendor or anyone else to put in a sham proposal, or that anyone shall refrain from bidding; that the vendor has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price of the vendor or any other bidder, or to fix any overhead, profit, or cost element of the proposal price, or of that of any other vendor, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the proposal are true; and, further, that the vendor has not, directly or indirectly, submitted his or her proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, proposal depository, or to any member or agent thereof to effectuate a collusive or sham proposal.

D) Supersedes Other Policies. This purchasing policy and procedures supersedes any inconsistent prior policies adopted by the Board. No individual contract or group of contracts

RESOLUTION NO. 2022-03-03

shall encumber the District beyond available cash on hand minus a reserve for emergencies.

E) Contract Content. Contracts awarded pursuant to this policy shall be executed by the President of the District Board as the legally binding authority of the District and Attested to by the District Secretary. Contract shall include provision which protect the interests of the District and shall include the following:

1. A detailed scope of work that clearly describes the work to be performed by contractors in such a way that multiple contractors can completely and competently perform required work even if new to projects. The scope of work shall use to maximum extent practical standard construction industry terminology and specifications. The scope of work shall identify the specific part of the district where work will be performed.
2. Contract wording that limits the District's liability for project work.
3. Contract wording that require the contractor to maintain liability insurance coverage and for contracts to specifically name the District as additional insured.
4. Contract wording requiring contractors to indemnify, defend and hold harmless the City and its officers, officials, employees, agent and volunteers from any and all liabilities, claims, demands, damages, losses and expense (including without limitation defense costs and attorney fees of litigation) which may arise or which the District may incur as a consequence of any occurrence arising out of the contract, except such loss or damage which was caused by the sole negligence or willful misconduct of the District or its officers, officials, employees, agents, and volunteers.
5. Precise compensation wording for specific job, scope of work, or unit of work. The compensation description shall limit to the maximum extent practicable open ended cost and cost overruns.
6. Contract wording that describes the effective period of the contract and termination provisions

[End of policy]