

Linne Community Services District



District Codes

CHAPTER 1 - GENERAL PROVISIONS AND DEFINITIONS

Section	Page
1,000	Introduction.....2
1.100	Purpose.....2
1.200	Enactment applicability and administration.....2
1.210	Service area3
1.300	Definitions.....3
1.310	Rules of construction and interpretation.....4
1.400	Amendments to District Code..... 5
1.500	Damage to District property.....5
1,600	Claims.....5
1.700	Severability.....5

CHAPTER 2 – BOARD OF DIRECTORS AND ADMINISTRATION

2000	Board of Directors
2010	Election of Directors
2020	Term of Office
2030	Vacancies
2050	Compensation and Reimbursement of Expenses
2100	Board Officers
2110	Offer Election and Term of Office
2120	President
2130	Vice President
2140	Secretary
2150	Treasurer
2200	Board of Directors Regular Meetings
2205	Agenda
2210	Authority to Act on Matters not on the Agenda
2215	Availability of Meeting Agendas and Staff Reports
2220	Quorum Requirements

2225	Majority Vote
2230	What Constitutes an Affermative Vote
2235	Record of Vote
2240	Ordinances
2245	Motions
2250	Conflict of Interest
2255	Consent Agenda
2260	Oral Information Reports
2265	Public Comment
2270	Public Hearings
2275	Special Meetings
2280	Closed Sessions
2285	Adjournment
2300	General Conflict of Interest Policy
2310	Contractual Conflicts of Interest
2320	Economic Conflicts of Interest
2330	Gifts and Favors
2340	Confidential Information

PURCHASE POLICY AND PROCEDURES

1.000 - **Introduction**

Linne Community Services District was formed in 1979 under enabling California Government Code 61000 et seq. While a CSD may provide a number of municipal functions, the only function provided by LCSD at this time is ROADS pursuant to Government Code Section 61100 (L). The mission of the District is to improve and maintain existing roads and appurtenances including drainage, etc. funded mainly with an annual parcel based special tax. Any additional functions must be approved by both the Local Agency Formation Commission and registered voters within the District service area. The District is governed by an elected Board of Directors who, subject to scheduling conflicts, conduct regular public meetings at 6:00 pm on the first Wednesday of each quarter at the Templeton Community Services District Boardroom, 206 Fifth Street, Templeton, CA.

1.100 - **Purpose**

The purpose is to create and codify a Code of Resolutions and Ordinances pursuant to Section 61040 (a) and 61045 (g) and Community Services District Law (Section 61000 et seq. of the California Government Code).

1.200 - **Enactment, Authority and Applicability**

A. The resolutions and ordinances contained in the following chapters and sections shall constitute and

be identified as "The Linne Community Services District Code" and may be cited within the following chapters and sections as "this Code", "the Code" and the "District Code".

- B. The provisions of this Code are adopted pursuant to the authority vested in the Linne Community Services District by the State of California, including but not limited to Sections 6100Q et seq. of the Government Code. The general power of the District under this Section as adopted by the Board of Directors is limited to the following: (1) Acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works. The District shall not acquire, construct improve, or maintain any work owned by another public agency unless that other public agency gives its written consent, pursuant to the aforementioned Government Code and any changes thereto- it is the intent of the District to maintain roads but not to provide traffic control except for advisory and/or warning devices.
- C. The Board of Directors may adopt further powers as defined under Section 61100 et seq. of the Government Code if it determines by resolution that it is feasible, economically sound, and in the public interest for the District to exercise such powers and complies with all Government Code procedures to exercise such powers including LAFCO approval pursuant to Government Code Section 61106.
- D. The provisions of this Code are applicable to all areas and facilities under the ownership and/or jurisdiction of the Linne Community Services District, as such jurisdiction is defined by California state law.

1.210 - Service Area

The District's service area comprises the area within the boundaries of the District upon formation and approved by the San Luis Obispo County Local Area Formation Commission.

1.300 - Definitions

This section defines the terms and phrases used in this Code that are technical or specialized, or that, for the purposes of this Code, may not reflect common usage. Individual Code chapters have their own specific list of definitions. Where any of the following definitions conflict with definitions used in any of the technical codes that may be adopted by the District, the definitions in this section shall prevail.

Applicant. The person or agent of the property of record making shall be the owner of premises for which an application is requested or his authorized agent requesting service from the District for which there is a fee or charge.

Board, or Board of Directors. The Board of Directors of the Linne Community Services District

CEQA. The California Environmental Quality Act, Sections 21000 et seq. of the California Public Resources Code.

Change of ownership. A transfer of a present interest in the property, and a transfer of the right to beneficial use thereof, the value of which is substantially equal to the value of the fee interest, regardless of whether such transfer is voluntary, involuntary, or by operation of law, court order, grant, gift, devise, inheritance, trust, contract of sale, addition or deletion of an owner, property settlement, or any other means.

Community Services District Law. The provisions of Division 3 of Title 6 (commencing with Section 61000) of the Government Code, as the same may be amended or reenacted.

Conceptual Approval. A letter issued by LCSD approving conceptual design of new roads. Such Conceptual Approval may contain conditions.

Contractor. An Individual, firm, corporation, partnership or association duly licensed by the state to perform the type of work to be done under the permit.

County. The County of San Luis Obispo, California.

County Recorder's Office. The County of San Luis Obispo Recorder's Office.

District. The Linne Community Services District formed under and by virtue of the laws of the State of California for the purpose of road maintenance as set forth under California Government Code Section 61000 et seq.

The General Manager or his designee is the sole agent of District for purposes of the administration and implementation of the District Code.

District engineer. The engineer employed by the District and shall be a registered civil engineer in the state. The District Engineer may be the General Manager or Project Manager.

District inspector. The plan check engineer or designee acting under the direction of the District engineer.

Easement. That portion of private or public property designed for vehicular purposes and common utilities as set forth on recorded subdivision maps or other recorded and unrecorded documents. Easements include but are not restricted to recorded or unrecorded offers of dedication accepted or not accepted by LCSD. Easements also include right-of-ways.

Employee. A person who is employed by the District under an employee agreement; or on a salary, daily wage or hourly pay. A District Employee may be an independent contractor.

Facility. Any road or appurtenance thereto within and under the jurisdiction of LCSD.

General Manager. The General Manager appointed by the Board of Directors of the Linne Community Services District

Government Code. California Government Code as the same may be amended or reenacted.

Health agency. The California Department of Health Services, or the San Luis Obispo County local health agency.

Lot: Any unit of land which qualifies as a parcel or lot under the Subdivision Map Act and shall include all units of land: (1) which are contiguous to any other parcel (or are separated only by a road or easement), and (2) for which there is unity of ownership, and (3) which have an identical present use. The term "parcel" shall be given the same meaning as the term "site".

LCSD. Linne Community Services District.

New addition. Additional space attached to an already existing structure.

New construction. Any construction of a previously non-existent structure or additions, modifications, or structural improvements which add square footage to floor space of existing structures requiring a discretionary or ministerial permit from the County Building Department

Occupant. Any person actually occupying any premises, whether as owner or tenant, under contract or otherwise.

Owner. Any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

Person. Any and all persons, firms, joint ventures, partnerships, associations and corporations.

Premises. Any and all areas on a user's property, which are served or have the potential to be served by roads owned and/or maintained by the District.

Property. Real and personal property.

Rates and fees. The effective rates, fees, taxes, assessments, and charges, as adopted by the District.

Right-of Way. Those portions of properties designed to facilitate public access of all types and for

common utilities as set forth on recorded subdivision maps including but not restricted to both recorded and unrecorded offers of dedication accepted or not accepted by LCSD.

Road. Any easement or right-of-way and appurtenance thereto for public use and/or common utilities as set forth on a recorded subdivision map and within the service area of LCSD.

State. The State of California.

Technical Codes. The Uniform Building Code, Uniform Sign Code, or any other document containing standards and/or specifications for construction adopted by reference as part of this title.

Tenant. A person who occupies the whole or a part of such building or land, and is not the owner.

User. The current owner of the premises receiving District services.

1 .310 - Rules of Construction and Interpretation

The General Manager or Project Manager shall have the responsibility and authority to interpret the provisions of this Code and advise the public about its requirements. The terms and phrases used in this Code shall be construed and interpreted as follows:

- A. Construction. When used in this Code, the word "shall," is always mandatory and "may" is discretionary. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The titles of every chapter and section of the Code of Ordinances are a part of each chapter and section and shall be construed as such when questions of meaning or construction arise.
- B. Number of days. Whenever a number of days is specified in this Code, or in any permit, condition of approval or notice issued or given as provided in this Code, such number of days shall be construed as business or working days, except where this Code otherwise uses the term "calendar days."
- C. Minimum requirements. When interpreting and applying the regulations of this Code, all provisions shall be considered to be the minimum requirements, unless stated otherwise.

1 .400 - Amendments to Code

The Linne Community Services District Code may be amended whenever the Board of Directors determines that public necessity, convenience, or welfare require. Any such amendments to this Code shall be initiated and processed in a manner consistent with the requirements of the Board of Directors, with a public hearing on such amendments conducted by the Board.

1.500 - Damage to District Property

It shall be unlawful and a violation of this Code for any person to willfully or carelessly destroy, damage, disturb, deface, or interfere with any streets, roads, rights-of-ways, bridges, culverts, drains, curbs, gutters, sidewalks, notices, buildings, structures, vehicles, facilities equipment and any incidental works or any other property whatsoever under the ownership or Jurisdiction of the District.

1.600 - Claims

All claims for money or damages against the District that are exempt from the Tort Claims Act under Government Code Section 905, and that are not governed by any other statute or regulation expressly relating to such claim, shall be presented to the District within the time limitation and in the manner set forth in Government Code section 910 through 915.2.

- A. When a claim is required to be presented within a period of less than one year after the accrual of the cause of action is not presented within the required time, an application for leave to file a late claim may be made and processed in accordance with Government Code sections 911.4(b), 911.6 to 912.2, and

- 946.6. A late claim also shall be subject to Government Code section 946.4. (Government Code 935(e)).
- B. Claims shall be subject to the provisions of Government Code section 945.4 relating to the prohibition of lawsuits until the presentation of and action on a claim. No lawsuit for money or damages may be brought against the District on a cause of action for which a claim is required to be presented in accordance with this ordinance until a written claim has been presented to the District and has been acted upon by the District Board, or has been deemed to have been rejected by the District Board, in accordance with the procedures at Government Code sections 910 through 915.2. (Government Code 935(b)>.
 - C. Any lawsuit brought against the District on a claim subject to this Ordinance shall be subject to the provisions of Government Code sections 945.6 (lawsuit filing limitations) and 946 (lawsuit barred after claim allowed in full or part). Any lawsuit against the District on a claim subject to this ordinance must be commenced within the time limitations of Government Code section 945.6.

1.700-Severability

If any article, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid, unconstitutional or unenforceable, such decisions shall not affect the validity of the remaining portions of this chapter. It is hereby declared that this chapter and each article, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof would have been adopted irrespective of the fact that one or more of such portions of this chapter be declared invalid, unconstitutional or unenforceable.

2.000 - Board of Directors

The District Board shall consist of five Directors, all of whom shall be registered electors residing within the District and all of whom shall be elected at large.

2.010 - Election of Directors

The election of the members of the Board of Directors shall be held on the same day as the statewide general election pursuant to Section 10404 of the Elections Code, Except as otherwise provided by community services district law, District elections are subject to the provisions of the Uniform District Election Law, Part 4 (commencing with Section 10500) of Division 10.

2.020 - Term of Office

The term of office of each member of the Board of Directors is four years or until his or her successor qualifies and takes office. Directors shall take office at noon on the first Friday in December following their election.

2.030 - Vacancies

Any vacancy in the office of a member elected to the Board of Directors shall be filled pursuant to Section 1780 of the Government Code.

2.050 — Compensation and Reimbursement of Expenses

- A
 - (1) Directors shall receive no compensation for serving on the board of the Linne Community Services District.
 - (2) Directors shall be allowed any actual and necessary expense incurred in the performance of their duties per standard District reimbursement procedures found in subparagraph B, below.
- B. Each Director is entitled to reimbursement for their actual and necessary expenses incurred in the performance of the duties required or authorized by the Board.
 - (1) If preauthorized by the Board, Directors are entitled to reimbursement for the actual and necessary expenses, for the cost of programs and seminars, incurred in the performance of the duties.
 - (2) All expenses that do not fall within the reimbursement policy set forth above shall be approved by the Board

of Directors, at a public meeting, before the expense is incurred.

- (3) Board members shall submit an expense report to the District within ten (10) calendar days after incurring the expense. The expense report shall be accompanied by receipts documenting each expense.
- (4) Members of the Board of Directors shall provide brief reports on meetings attended at the expense of the District at the next regular meeting of the Board of Directors.

2.100 — Board Officers

The officers of the District shall be a President, a Vice President, a Secretary, a Treasurer, and such other officers, such as a General Manager or Project Manager, as may be prescribed by the Board from time to time to perform such duties as may be designated by the Board. The President shall be a member of the Board, but neither the Treasurer nor the Managers may be a member of the Board.

2.110 - Officer Election and Term of Office

The President and the Vice President of the Board shall be elected by the members of the Board for a **four-year term**. The election shall be held at any time during the first regular meeting following the date members of the Board are eligible to assume office following the general District election. The Manager, the Treasurer and the Secretary shall serve at the pleasure of the Board.

2.120 – President

The President

- A. Shall preside over meetings of the Board of Directors.
- B. May sign deeds, notes, bonds, contracts or other instruments authorized by the Board to be executed, except in cases in which the signing and execution thereof shall be expressly designated by the Board to some other officer or agent of the District or shall be required by law to be otherwise signed or executed and;
- C. Shall perform in general all duties incident to the office of President and such other duties as may be prescribed by the Board from time to time.

2.130 - Vice President

The Vice President shall in the absence of the President, assume the duties and powers of the President In the absence of the President and the Vice President at any meeting, a President pro tempore may be selected to assume the duties and powers of the President.

2.140 - Secretary

The Secretary shall:

- A. Cause minutes of the meetings of the Board to be kept in one or more books provided for that purpose; and
- B. See that all notices are duly given as required by law; and
- C. Be custodian of the District records and should a seal of the District be obtained, keep the seal and affix the seal of the District to documents, the execution of which is on behalf of the District under its seal is duly authorized; and
- D. Perform in general all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him the Secretary by the Board-

2.150 -Treasurer

The Treasurer shall see that all funds and securities of the District are deposited with the District's depository and in general perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him by the Board. The Treasurer shall not serve as a Director but will be appointed by the Board and serve as a staff position.

2.200 - Board of Directors Regular Meetings

Regular meetings of the Board of Directors will be held at the Templeton CSD Board Room, 206 Fifth Street, Templeton, San Luis Obispo County, on the first Wednesday of each quarter at 6:00 p.m., unless canceled by the President of the Board. In the event of an emergency or the unavailability of the regular meeting place, the Board may hold meetings at an alternate site, provided that the meeting is properly noticed. All regular and special meetings and cancellations of regular meetings shall be properly noticed to the public per existing state law or District policy as may be amended from time to time. (California Government Code Section 54954 et. seq.)

2.205-Agenda

The District Secretary shall be responsible for preparing and delivering the agenda for Board meetings and seeing that it is posted in a location freely accessible to the public no later than 72 hours before each regular meeting. The agenda shall specify the time and location of the meeting and contain a brief general description of each item of business to be transacted or discussed at the meeting (Government Code section 54954.2.). Any member of the Board may request the District Secretary to place an item for discussion or action on the agenda. In order to allow sufficient time to prepare the agenda and back-up materials, the deadline for adding items to the agenda for a regular meeting shall be at 4:00 p.m. on the last Friday of the month previous to the meeting.

2.210 - Authority to Act on Matters not on the Agenda

The Board shall take no action on any item not appearing on the posted agenda, except under the following conditions: (a) upon a determination by a majority of the Board that an emergency situation exists, which involves matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, including work stoppages or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Board, or crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Board, (b) Upon a determination by a two-thirds vote of the Board, or, if less than two-thirds of the Board members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the District subsequent to the agenda being posted, (c) The item was posted pursuant to 2.205 for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on fee item, and at the prior meeting the item was continued to the meeting at which action is being taken. (Government Code section 54954.2.)

2.215 - Availability of Meeting Agendas and Staff Reports

Agendas and staff reports for Board of Directors' meetings are available to the public for review by request. Agendas will be posted on the District's website <http://www.linnecsd.org> or they may be mailed, emailed or faxed to the public as they are published. Copies of staff reports and agendas are available for a fee pursuant to Section 4.500. To obtain an agenda or a copy of a report contact the District Secretary at (805- 239-1260 or email linnecsd@hotmail.com

2.220 - Quorum Requirements

A majority of all of the members of the Board shall constitute a quorum for the transaction of business. (Government Code Section 61045(a).)

2.225 - Majority Vote

Except as otherwise specifically provided by law, a majority vote of the total membership of the Board of Directors is required for the Board of Directors to take action (Government Code Section 61045(c)).

2.230 - What Constitutes an Affirmative Vote

Unless a Board member is not voting because of a conflict of interest, a Board member who is present shall be deemed to have voted in the affirmative on a matter unless the Board member votes against the measure by casting a "no" vote. When calling for the vote on a motion, the President of the Board shall normally ask if there is any opposition, since the remaining members present will be deemed to have voted in the affirmative unless they are not voting due to a conflict of interest.

2.235 - Record of Vote

The minutes of the Board of Directors shall record the aye and no votes taken by the members of the Board of Directors for the passage of all ordinances, resolutions, or motions (Government Code Section 61045(d)).

2.240 - Ordinances

District ordinances shall be adopted 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.

2.245 - Motions

The three steps for bringing a motion before the Board are: (a) a member makes a motion; (b) another member seconds the motion; and (c) the President restates the motion and asks for any further discussion. While normally only one motion can be considered at a time and a motion must be disposed of before any other question is considered, (a) a motion may be amended before it is voted on, either by the consent of the members who moved and seconded, or, (b) a motion may be tabled before it is voted on by motion made to table, which is then seconded and approved by the Board. Any member of the Board, including the President, may make or second a motion.

2.250 - Conflict of Interest

No member of the Board of Directors may participate in a hearing or take action on an item which creates a conflict of interest for the member. Where there is a conflict of interest, the conflicted member shall announce the conflict of interest and abstain from hearing or deciding the matter by stepping down from the dais. The member may participate in discussion on the item as a member of the public, but such discussion will be subject to the same limitations imposed on all other members of the public. Should the abstention of one or more conflicted members result in the lack of a quorum and the participation of a conflicted member be necessary for resolution of an item, the Board will follow the requirements of the Brown Act, the California Political Reform Act, and the Government Code to determine which conflicted member(s) shall be allowed to participate.

2.255 - Consent Agenda

The President may list on the agenda a "consent agenda", which shall consist of routine matters on which there is generally no opposition or need for discussion. Examples of consent agenda items might include approval of minutes, financial reports, and Manager's report. Any matter may be removed from the consent agenda and placed on the regular agenda at the request of any member of the Board. The entire consent agenda may be approved by a single motion made, seconded and approved by the Board.

2.260 - Oral Information Reports

Any member of the Board may make an oral report for the purpose of informing the Board of any matter of interest to the District. The Board may also call on the District legal counsel, a project manager or consulting firm member for oral informational reports on matters not on the agenda. Unless the Board makes one of the determinations required under Section 2.210, there shall be no discussion or action on matters covered in such oral reports.

2.265 - Public Comment

Every agenda for a regular meeting shall provide an opportunity for members of the public to directly address the Board on items of interest that are within the subject matter jurisdiction of the Board and which do not appear on the agenda. No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of the Board of Directors or counsel may briefly respond to statements made or questions posed by persons exercising their public comment rights pursuant to Section 2.265. It is the general policy of the Board to refer complaints and concerns from members of the public to a Board member for investigation and resolution, if appropriate. In order to facilitate the meeting and public participation during the public forum session of the meeting, the Board may limit the total amount of time allocated for public comment on a particular issue (ten minutes shall be

standard), and may limit the time allocated for public comment by an individual speaker (three minutes or less shall normally be standard).

2.270 - Public Hearings

The procedure for conducting public hearings during a meeting of the Board shall be as follows: (a) no sooner than the time set for the public hearing, the President of the Board shall declare the public hearing open; (b) the President shall ask the District Secretary whether notice of the public hearing has been given in the manner required by law, (c) the President shall ask the District Secretary whether any written comments on the subject matter of the public hearing have been received; (f) the President shall ask whether any members of the public wish to present written or oral comments on the subject of the public hearing; (g) public comment shall be directed to the President of the Board and limited to three minutes unless extended or shortened by the President at his/her discretion.; and, (h) following the close of presentation of comments, the President shall declare the public hearing closed. The Board may continue a public hearing from time to time.

2.275 - Special Meetings

A special meeting may be called at any time by the President or by a majority of the members of the Board, by a telephone call or email notice to each member of the Board. Such notice shall be received and posted at least 24 hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. Such written notice may also be dispensed with as to any member who was actually present at the meeting at the time it convenes. The written notice must be posted at least 24 hours before the meeting in a location freely accessible to the public. (Government Code section 54956). Members of the public who have provided an email address to the Secretary for copies of agendas and minutes will also receive notice of the special meeting at least 24 hours before the time of the meeting.

2.280 - Closed Sessions

A closed session may be held on any subject authorized under the Ralph M. Brown Act. The authority for a closed session must be included in the agenda. (Government Code Sections 54956.9, 54957* 54957.6 and 54956.8.) The Board shall not keep minutes of its closed sessions. (Government Code section 54957.2.)

2.285 — Adjournment

A meeting of the Board shall be adjourned by (a) loss of a quorum, (b) motion made, seconded and approved to adjourn the meeting, or (c) by declaration of the President that the meeting is adjourned when the agenda has been completed and there is not further business to come before the Board. A regular or special meeting of the Board may be adjourned to a specific day and time (a) by motion made, seconded and approved, (b) by approval of less than a quorum if a quorum is not present, or (c) by the District Secretary if all members are absent from any regular or adjourned regular meeting. (Government Code section 54955.)

2.300 - General Conflict of Interest Policy

The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed. The people have a right to expect that every official and employee will conduct himself in a manner that will tend to preserve public confidence in and respect for the government he represents. Such confidence and respect can best be promoted if every official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly treat all citizens with courtesy, impartiality, fairness and equality under the laws and avoid both actual and potential conflicts between their private self interests and the public interests.

No LCSD Director or Officer shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to residents and landowners within the District at large. No Director or Officer shall request, use or permit the use of any District supported property, equipment, labor or service which is not the general practice to make available to residents and

landowners within the District at large.

2.310 - Contractual Conflicts of interest

Neither any member of the Board, nor any officer of the District, shall be financially interested in any contract made by them in their official capacity, nor shall they be purchasers at any sale nor vendors at any purchase by them in their official capacity. Members of the Board and officers of the District shall observe and comply with all of the provisions of Article 4 of Chapter 1 of Division 4 (commencing with Section 1090) of the Government Code.

2.320 - Economic Conflicts of Interest

All members of the Board and officers of the District shall observe and comply with all applicable state laws and regulations including but not limited to Section 87100 et al, of the California Government Code. *The Political Reform Act California Government Code Section 81000. et seq. requires state and local government agencies to act and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted 2 Cal. Code of Regulations. Section 18730, which contains the terms of a standard conflict of interest code, subject to amendments from time to time, is hereby incorporated by reference and otherwise constitutes the conflict of interest code for the District*

2.330 - Gifts and Favors

No member of the Board or officer or employee of the District shall accept any gift, whether in the form of money, thing, favor, loan or promise, that would not be offered or given to him or her were not a member of the Board or official or employee of the District

2.340 - Confidential Information

No member of the Board or officer of the District without prior formal authorization from the Board shall disclose any confidential information concerning any person or information or strategy related to closed session items.

3.000 Introduction

Government Code Section 61063 provides that each community services district shall adopt policies and procedures, including bidding regulations, governing the purchases of supplies and equipment not governed by Article 43 (commencing with Section 20608) of Chapter 1 of Part 3 of the Public Contracts Code.

3.100 Applicability

3.110 - Emergency Work

Where the work of improvement consists of emergency work necessary in order to protect life and property, the Board may, by Resolution, declare that an emergency exists and direct the work be done, regardless of costs, by force account or contract without first calling for bids. If the nature of the emergency requires that the work be done before a special meeting of the Board can be held, the President or designated Purchasing Agent may arrange for such emergency work to be done by force amount or contract.

3.120

The following purchasing policies and procedures are established for non-emergency purchase of supplies and equipment for for construction of any unit of work.

3.200 Purchasing Agent

The President, with the consent of the Board of Directors, may designate one of the Officers or Directors to act as the Purchasing Agent for the District in connection obtaining material, supplies and services for each project.

3.300 Budget Consistency

All purchases by the District Purchasing Agent shall be consistent with budgets duly adopted by the District Board of Directors

3.400 - Procurement

3.410 - Formal Bidding

All contracts for the construction of any unit of a District work of improvement estimated to cost in excess of \$25,000 shall be let by the Board to the lowest responsible bidder after competitive bidding. The Board shall have the right to reject any and all bids in which case the Board may call for new bids. (Public Contracts Code section 20682)

3.420 - Force Account

Materials, supplies and services required in the construction of any unit of a District work of improvement for which no additional bids were received or the actual cost of the work does not exceed \$25,000 may be procured in the open market by contract for force account without first calling for formal bids. (Public Contracts Code section 20682.5)

3.430 - Board Approval

All contracts for the construction of any unit of a District work of improvement or for the purchase of any unit of a District work of improvement or for the purchase of materials, supplies and services in connection therewith, shall be approved by the Board and signed by the President and Secretary.

3.440 Purchases not Requiring Bids

Purchases of Materials, Supplies, and Service with an Estimated Cost of Less than \$25,000.00

The Board shall seek the most favorable terms and price through comparative pricing or competitive bidding, whichever method the Board deems most appropriate under the circumstances.

The Purchasing Agent shall attempt to obtain at least three written quotations for purchases with an estimated cost in excess of \$500.00 but less than \$25,000.

The President or designated Purchasing Agent may issue purchase orders for up to \$500 without a special meeting and vote of the Board of Directors if the item or service is listed in the approved yearly Budget.

The President may direct the Treasurer to pay for recurring obligations, the cost of which is not subject to negotiation and is fixed by tariff or regulation such as insurance, outside audits or association dues which have been included in the approved yearly budget.

Board Approval: If the purchase of materials, supplies and services requires the execution of a formal contract, such contract shall be approved by Board and executed by the President.

3.500 Purchases of Materials, Supplies, and Services Equal to or Greater than \$25,000.00

Purchases and contracts for supplies, materials, and services equal to or greater than \$25,000.00 shall be by written contract with the vendor who submits a proposal that most closely meets the District's specifications with the consideration of price and delivery dates.

Public, competitive sealed bids are required for construction projects exceeding \$25,000. The public, competitive sealed bid requirement is waived in the case of emergency repairs where public access and safety require immediate action.

Before submitting its bid proposal, a bidder should carefully review all submittals to confirm all bid requirements have been satisfied.

Delivery requirements must be met as well. The bid must be delivered on time to the exact location listed specified when the bid is requested from the vendor.

The bid should also be sealed to ensure fairness in the review process. An unsealed bid may be deemed non-responsive for failing to meet the "sealed bid" requirement

The District reserves the right to reject all proposals; and request new bids if the existing responses do not meet the District's specifications with the consideration of price and delivery dates.

3.600 Consistency with State and Federal Laws

In the event these policies and procedures are inconsistent with State or Federal law, then said State or Federal law shall control.