



Orange County Mosquito and Vector Control District

Operations Code

February 2016

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**OPERATIONS CODE
OF THE
ORANGE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT**

Title 1

General

Chapter 1.01 – General Provisions

1.01.010. Authority. The Orange County Mosquito and Vector Control District is established pursuant to the authority of California Health and Safety Code section 2000 *et seq.* This Operations Code, and any amendments thereto, are adopted as an ordinance pursuant to the authority provided by Health and Safety Code section 2029.

1.01.020. Effect. The intent of this ordinance is to codify in a comprehensive manner all existing District regulations that pertain to the ongoing operation of the District so that District Board of Trustees, staff and the public shall have a useful reference for the District's laws. This Operations Code does not specifically repeal any previous regulations but is meant to generally supersede regulations specifically addressed.

Chapter 1.02 – Claims

1.02.010. Claims procedure established. The general claims procedures applicable to local public agencies, including the Orange County Mosquito and Vector Control District, are governed by the provisions of Chapter 1, Part 3, of Division 3.6 of the Government Code of the State, commencing with section 900 and following.

1.02.020. Claims for money or damages excepted. Pursuant to the authority contained in section 935 of the Government Code of the State, the following claims procedures are established for those claims against the District for money or damages which are excepted by section 905 from Chapter 1 of the Government Code (commencing with section 900) and Chapter 2 (commencing with section 910), and which are governed by any other statutes or regulations expressly relating thereto.

1.02.030. Time limits and manner of presentation/bar to suit. Notwithstanding the exemptions set forth in section 905 of the Government Code of the State, all claims against the District for damages or money, when a procedure for processing such claims is not otherwise provided by state or local laws, shall be presented within the time limitations and in the manner prescribed by sections 910 through 915.2 of the Government Code of the State. Such claims shall be further subject to the provisions of sections 945 through 946 of the Government Code of the State relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the District.

1.02.040. Claim forms. In compliance with Government Code section 910.4, the District shall maintain claim forms for the public's use.

Title 2

Organization

Chapter 2.01 – Governance and authority

2.01.010. Governing Body. The District is governed by a Board of Trustees established pursuant to Health & Safety Code section 2020 *et seq.*

2.01.020. District Manager. The District Manager shall be appointed by the Board of Trustees and serve at its pleasure. The District Manager shall implement the Board's policies and shall administer the day-to-day operations of the District. The District Manager shall appoint all employees and oversee all District operations, be responsible for the District budget and shall keep the Board informed of all appropriate matters of the District's operations.

2.01.030. District Counsel. The Board shall appoint a District Counsel who shall advise the Board and the District Manager. District Counsel shall act as Parliamentarian at Board meetings. The District Counsel serves at the pleasure of the Board.

2.01.040. District Treasurer. The Board shall appoint a District Treasurer who shall have custody of the District finances. The Treasurer shall serve at the pleasure of the Board of Trustees and shall be appropriately bonded in accordance with the law. The Treasurer may be the District Manager.

Title 3

Board

Chapter 3.01 – Appointment – Term

3.01.010. Appointment of Board. Trustees shall be appointed by the City Council of each member city, or by the Board of Supervisors with respect to the County Trustee, in accordance with Health & Safety Code section 2022.

3.01.020. Qualifications. Each Trustee appointed by a city council shall be a voter in that city in accordance with Health & Safety Code section 2022. Persons appointed shall have experience, training and education in fields that will assist in the governance of the District as provided in Health & Safety Code section 2022.

3.01.030. No incompatibility. As declared by Health and Safety Code section 2022, a member of a city council shall not be deemed to hold an incompatible office by virtue of his service as a trustee.

3.01.040. General public is a Trustee's constituency. As mandated by Health and Safety Code section 2022, all trustees shall exercise their independent judgment on behalf of the interests of the residents, property owners, and the public as a whole in furthering the purposes and intent of

this chapter. The trustees shall represent the interests of the public as a whole and not solely the interests of the board of supervisors or the city council that appointed them.

3.01.050. Term. Terms of office shall be two or four years at the discretion of the appointing authority and shall commence at noon on the first Monday in January in accordance with Health & Safety Code section 2024(a).

3.01.060. Vacancies. Vacancies shall be filled in accordance with Health and Safety Code section 2024 and Government Code section 1779.

Chapter 3.02 – Bylaws

3.02.010. Time of holding meetings. Regular meetings of the District Board of Trustees shall be held once each month on the third Thursday of the month at 3:00 P.M.

3.02.020. Place of holding meetings. Regular meetings of the District Board of Trustees shall be held at the District Office in Garden Grove at 13001 Garden Grove Boulevard.

3.02.030. Quorum. At full Board meetings, a quorum shall consist of a simple majority of total appointed Board members in accordance with Health and Safety Code section 2029(a). If less than a quorum is present at any meeting, the members present may adjourn the meeting to a time and place specified in the order of adjournment.

A standing committee quorum shall consist of three (3) or more members of the committee. If less than three (3) members are present, those members present may discuss the item(s) on the committee agenda and report their opinion(s) on the subject(s) to the Board. Whenever a quorum of a committee is present, the Brown Act shall be observed.

3.02.040. Presiding officer. The President of the Board shall preside over all meetings. In the absence of the President, the Vice-President shall preside.

3.02.050. Board officers.

The elected officers of the District Board shall consist of:

- a) President
- b) Vice-President
- c) Secretary

3.02.060. Election of officers. Board officers shall be elected annually, with the election held at the regular meeting in the month of January.

For conducting the election, the presiding officer shall appoint a Nominating Committee at the December Board meeting. The Nominating Committee shall recommend one candidate for each office at the January meeting. Recommendations of the Nominating Committee shall be included in the January agenda, which shall be mailed to each Trustee prior to the January meeting of the Board of Trustees. Nominations can be made from the floor. Each Board

member shall have one vote. New officers shall assume their positions and responsibilities at the January meeting.

3.02.070. Terms of office. A term shall consist of one full year. Each officer shall serve for one term. Each officer shall serve not more than one consecutive term in the office to which elected. Partial terms shall not be considered in determination of consecutive term.

3.02.080. Eligibility to hold office. Any member of the Board of Trustees may be elected to any office.

3.02.090. Order of business. In accordance with Health and Safety Code sections 2028 and 2029 (e), the order of business to be considered at the meeting shall be at the discretion of the presiding officer. The District Manager shall provide an agenda to each Board member and the news media. The agenda shall be developed in consultation with the presiding officer. In accordance with the Brown Act, Board action and review shall be limited to items on the distributed agenda.

New business not so indicated on the agenda shall be referred to a future agenda for Board review and action. The Board may discuss and take action on non-agenda items when one of the following situations exists:

- a) In an “emergency situation,” upon a determination by a majority vote that such an emergency exists. “Emergency situation” means a work stoppage, crippling disaster, or other activity which severely impairs the public health or safety; or
- b) If the need to take action arose subsequent to the agenda being posted. Such a determination must be made by a two-thirds vote of the Board, or if less than two-thirds of the members are present, by unanimous vote of the members present.

The most recent version of Roberts Rules of Order shall be used as a nonbinding guide to the conduct of meetings. The President shall make procedural rulings, which shall stand unless overruled by a majority vote of the Trustees voting on the matter.

3.02.100. Recording of votes. Where a split vote appears imminent, any member may request a vote by roll call, and the vote of each individual Board member shall be recorded by the Secretary of the Board. Unless otherwise required by law, votes may be recorded in any manner that assures accuracy.

3.02.110. Recording of the minutes. In accordance with Health and Safety Code section 2029, at regular District meetings, the Secretary of the Board shall be responsible for recording the minutes with their entry into the current District minute book. In the absence of the Secretary of the Board, the presiding officer shall appoint an acting Secretary to record the meeting minutes, as shall also apply to supplementary meetings of the Board.

3.02.120. Procedure not provided for. Procedures in conducting meetings of the District Board shall be in accord with the most recent available edition of Roberts Rules of Order, except as otherwise noted in these articles, bylaws, and subsequent amendments.

3.02.130. Amendment of articles and bylaws. Amendment of any article, or bylaw thereof, in these adopted regulations may be passed by the majority vote of the quorum, provided that such proposed amendment be presented in writing and reviewed by the Board under the agenda of at least one prior meeting of the Board. Such amendments so passed shall become effective with their entry into the minutes of the regular meeting.

3.02.140. Officers and their duties. In accordance with Health and Safety Code section 2027, the officers of the District are as follows:

President: When necessary, the President shall be the official representative of the District. He shall have the power to appoint committees, and such other powers as may be delegated by the Board from time to time.

The President shall be responsible for opening meetings promptly and for administering the business of the day, expeditiously and with appropriate order and decorum.

Vice-President: In the absence of the President, the Vice-President shall assume the duties of the President.

Secretary: The Secretary shall assist the President as necessary and countersign documents.

In the absence of the President and Vice-President, the Secretary shall assume the duties of the President.

It shall be the duty of the Secretary to authenticate by his signature, when necessary, all the acts, orders and proceedings of the Board.

The Secretary shall further be responsible for recording the minutes and keeping records. With the approval of the Board, this responsibility may be delegated to the District Manager. A Clerk of the Board may assist with those duties. District Counsel shall act as Parliamentarian.

3.02.150. Rules of decorum.

- a) Any person desiring to address the Board shall only speak when recognized by the presiding officer. Persons should address their comments to the presiding officer and not to other Board members or staff. The Board and staff should likewise not engage in a dialogue with a member of the public without first securing the permission of the presiding officer. Cross-examination of the Board or staff is not allowed. If a speaker has questions, he should state those questions as part of his presentation. After he has completed his presentation, the presiding officer shall determine if a response is required and who should respond. Alternatively, the presiding officer may direct that a staff person meet with the speaker at a later time to address the areas of inquiry.
- b) A public meeting is a limited public forum and remarks must be related to the subject matter over which the District has jurisdiction. Irrelevant speech may be ruled out of order.

- c) Time limits for speakers shall be established at three (3) minutes.
- d) All speakers and the Board must preserve order and decorum and no profanity or indecorous language or personalities shall be allowed.
- e) No person shall be allowed to approach the Board dais but shall submit materials to the Board by handing those items to the District Secretary or Clerk of the Board.
- f) The Board may appoint a sergeant at arms. The presiding officer may clear the meeting for disruptions to the meeting, in accordance with the Brown Act. Additionally, Penal Code section 403 makes it a misdemeanor to willfully disrupt a public meeting.

3.02.155. Committees. The Board shall establish standing and ad hoc advisory committees as it determines necessary. The following rules shall guide the committees:

- a) Committee Recommendations. Since a committee does not represent the full Board, it is the policy of the Board that no substantial staff work be performed on a committee business matter unless a majority of the Board has approved the task. In the event the District Manager makes a determination that substantial staff work is required, the committee may appeal that determination to the President, who shall have the authority to approve the plan of work subject to approval of the full Board at the next regularly scheduled Board meeting. Each committee is requested to present an outline of any research or other projects it recommends the District undertake. Each such recommendation shall include an estimated amount of manpower hours and resources that might be appropriate to undertake the project. Such project shall be brought to the full Board's attention and Board approval obtained before any substantial work is performed on such project.
- b) Committee Staff Interaction. Committee Members and Trustees in general should feel free to contact staff in coordination with the District Manager for answers to questions that do not involve significant research projects. For answers that involve significant research or resources, full Board approval should be obtained.
- c) Committee Agenda and Minutes. Each committee shall have the ability to request that minutes record actions taken and items to be considered at subsequent meetings. A secretary can, therefore, be appointed for each committee meeting, which may be a Committee Member or a staff person. At the conclusion of each committee meeting, the person designated as secretary for the meeting shall summarize the actions taken and the actions to be placed on the next agenda. If any committee member disagrees with the minutes, the Committee, by majority vote of the persons attending, can correct the minutes. The Committee chair shall accurately report those minutes to the full Board when appropriate. Minutes shall be action minutes, not verbatim minutes.
- d) The Brown Act and Emails. The Brown Act does not permit discussions to take place outside of meetings among a majority of the Board, or a majority of any committee, unless the subject is limited to scheduling. This prohibition includes electronic discussions via email. As a result, no Board member should use "Reply All" to respond

to any email discussing District business which is directed to more than a majority of the Board, and no Committee Member should use “Reply All” to respond to any email discussing committee business which is directed to more than a majority of the committee.

3.02.160. Compensation.

- a) In accordance with Health and Safety Code section 2030, Trustees shall serve without compensation. Members of the Board may receive their actual and necessary travel and incidental expenses incurred while on official business. Such expense payment shall be in accordance with Government Code sections 53232.2 and 53232.3, as described in section 3.02.230 of this Code. In lieu of paying for actual expenses, the Board has implemented the procedures of section 2030(b) to provide for the payment of \$100 per month for expenses incurred while on official business.
- b) In accordance with Health and Safety Code section 2051, the Board may authorize trustees and employees to attend professional, educational or vocational meetings, and pay their actual and necessary traveling and incidental expenses while on official business. Such payments may be in addition to those provided pursuant to subsection (a) above.

3.02.170. Reimbursement amounts and reports.

- a) Management Control of Employee Travel Mode: The Manager shall direct the mode of travel by District employees and is hereby directed to require the most economical means of transportation consistent with the purpose of travel and needs of the District.
- b) Forms: All expense reimbursements shall be processed on District forms and shall have appropriate receipts.
- c) Travel for One Day Within Immediate Southern California Area: Travel to meetings, conferences, and seminars by Trustees or employees with consent of the District Manager and/or Board of Trustees is hereby authorized, provided such travel is necessary to conduct District business and funds are available in the budget for the fiscal year in which travel is taken.

The term **Immediate Southern California** Area shall mean the counties of Orange, Los Angeles, Riverside, San Diego, San Bernardino, Ventura, and Santa Barbara.

Allowable Expenses

Reimbursement Limitation and Conditions Applicable

District Vehicle

When District vehicle is used, reimbursement shall be provided for purchase of gasoline, oil, and emergency repairs when receipts are submitted with expense report, and District credit card is not assigned.

Public Transportation	Actual Cost (including tip)
Private Auto Mileage	<p><u>Immediate Southern California Area:</u> Employees are generally required to travel in District vehicles. The District Manager's approval must be obtained if private auto is used for travel. When private auto is approved, mileage reimbursement shall be paid based on the United States IRS prevailing rate. (See Section E.)</p> <p>Car Rental Actual Cost. It may be necessary for an employee to rent an automobile at his/her destination point because commercial sources of transportation are impractical. Group or government rates shall be sought. Manager approval should be obtained by staff prior to departure to arrange for an auto rental. If the need for a rental car is not determined until the individual arrives at his/her destination, then he/she should indicate the justification for such expense on his/her Expense Report. District employees and Trustees are covered by Vector Control Joint Powers Agency for property, third party, and bodily injury liability, when signing the rental agreement. Rental car insurance should be declined.</p>
Parking, Business Related, and Communication Expenses	Actual Cost.
Registration - Tuition	Actual Cost.
Lodging	No reimbursement for one day or less. Special circumstances may be approved at the District Manager's discretion.
Meals	Reimbursement is determined by the Federal standard rate calculated annually by destination.
d) <u>Travel Outside Immediate Southern California Area or More Than One Day:</u>	Travel to conferences and workshops shall only be made with approval of the Board of Trustees. Travel for District business, training, or other meeting events shall be made with approval by the District Manager, or in his absence, an officer of the Board of Trustees.
<u>Allowable Expenses</u>	<u>Reimbursement Limitation and Conditions Applicable</u>

District Vehicle	Same as Travel for One Day.
Public Transportation	Actual Cost (including tip). Airline tickets shall be purchased at least 14 days prior to departure, when possible, and group or government rates shall be sought.
Private Auto Mileage	<p><u>Outside Immediate Southern California Area:</u> If auto travel is authorized, employees are generally required to travel in District vehicles. The District Manager's approval must be obtained if private auto is used for travel. When private auto is approved, mileage reimbursement shall be paid based on the United States IRS prevailing rate. (See Section E.)</p> <p>Reimbursement for private auto mileage shall be equivalent to, or less than, coach air fare from local airports to the destination or nearest available airport thereto. Also, mileage from home or departure point to airport and return shall be reimbursed at the United States IRS prevailing rate. Prior authorization is required for any reimbursement for vehicle mileage in excess of commercial air fare. If car is not left at airport parking, and is returned home, then reimbursement will not exceed two one-way trips. Airport parking expenses shall not exceed the number of days required for District business.</p>
Group Travel	When two or more employees travel together, each will be reimbursed only for his/her actual expenses.
Car Rental	Same as Travel for One Day.
Parking, Business Related, and Communication Expenses	Same as Travel for One Day.
Registration - Tuition	Same as Travel for One Day.
Lodging	<p>Actual Cost. If not staying at designated conference hotel, the rate paid for other accommodations shall not exceed designated conference hotel rate.</p> <p>Hotel and motel charges shall be based on single occupancy rates. The District will only reimburse employees for lodging expenses incurred for the single occupancy rate, or double occupancy rate if two</p>

employees per room. The District will not pay for employee's guests. Receipts must be submitted for reimbursement.

Meals

Same as Meals for One Day.

District Manager may approve cash advances for meals to employees.

It is the intent that the food allowance reimbursements cover the actual cost and tip of food expenditures. As such, actual cost shall be entered on the travel expense report and all receipts shall be submitted for food reimbursement.

For travel the day of departure and day of return on longer trips, the allowance is authorized only for the meals actually required. All meal allowances should be entered on the appropriate lines of the travel expense report.

When conference registration fees include one or more meals, or where individual meals are otherwise provided, a zero (0) should be entered for those meals on the travel expense report.

- E. Private Vehicle Use: Employee(s), in the course and scope of his or her employment, or Trustee(s), who in the course and scope of his or her duties as a Trustee for the District, who use a vehicle not otherwise owned, rented, or leased by the Orange County Mosquito and Vector Control District, (1) shall first obtain and keep in effect auto liability and property damage insurance with a carrier acceptable to the District providing minimum coverage of \$100,000/\$300,000 bodily injury and \$50,000 property damage; and (2) shall have on file or submitted at least five days prior to such use of said vehicle, proof of insurance attesting to the terms of coverage mentioned above and obtain approval on a permission form.

Further, the Orange County Mosquito and Vector Control District hereby resolves and establishes that the District not be responsible for the replacement or repair of said vehicle if said vehicle is damaged or destroyed during the course of such use. Trustees and employees shall be required to sign a release of the District's liability (attached) and will be required to agree to indemnify, defend, and hold the District harmless from any claim, loss, or litigation arising out of such vehicle use.

- F. Emergency or Unanticipated Travel: Shall mean meetings which are not specifically outlined in the District's budget and insufficient time available for Board approval. The following limitations are provided:

- 1) Travel only within California.
 - 2) Travel to be authorized by District Manager.
- G. Exceptions: The Board of Trustees is cognizant that there will be exceptional circumstances that mandate higher costs, different travel requirements, and lodging conditions. These exceptional circumstances will be noted in the travel authorization approved by majority of Board Officers prior to the travel.
- H. Non-reimbursable Expenses: The following expenses shall not be reimbursable: Cost of alcoholic beverages, laundry, personal needs, and personal telephone calls.
- I. Conference Attendance by Trustees: Since there are a large number of Trustees on the Board, it shall be the policy of the Board to limit Trustee attendance at out of town conferences. Attendance shall be limited to not more than five Trustees selected by the President of the Board. The exceptions to this are Board Officers and Trustees who are officers and committee members of the California Mosquito and Vector Control Association and the Vector Control Joint Powers Agency.
- J. Conference Attendance by Staff: The District shall pay for expenses incurred by authorized employees who attend approved conferences, seminars, or meeting “events.” Approved events shall be those included in the approved annual budget, and events not specifically itemized in the annual budget, providing the event will directly benefit the District and will not exceed the budgeted amount for travel.
- K. Travel and Business Expense Audits: It is the policy of the District that the Director of Administrative Services shall be charged with the responsibility to develop and carry out an internal audit program of incoming Expense Reports, which assures that expenses claimed by Trustees and District employees are reimbursed in accordance with District policies and procedures pertaining to such expenses. District forms shall be developed and used for all expense reimbursements and receipts shall be attached.

Travel Authorization. Prior to approval for attendance all staff must be approved by the District Manager. The Board President is responsible for approving the Trustee attendance, and should receive a brief written request from interested Board Members, listing the event and how their attendance will benefit the District. The exceptions to this are Board Officers and committee members of the host organization.

3.02.180. Reports of meetings. In accordance with Government Code section 53232.3, Trustees shall submit a brief report of every meeting attended at the expense of the District at the next regular Board meeting. Reports may be oral or written. If oral, the minutes of the meeting will record the highlights. If written, a copy of the report will be provided to each Trustee before the meeting and shall become part of the minutes of that meeting.

3.02.190. Ethics training. As required by Government Code section 53234 *et seq.*, each Trustee shall receive two hours of ethics training every two years. The Clerk shall maintain the records of such training and assist Trustees to establish compliance.

3.02.200. Conflict of interest. In accordance with Government Code section 87300, the District has adopted the model Fair Political Practices Commission's Conflict of Interest Code and shall review the categories of disclosure set forth in the Appendix on a biennial basis. A copy of that code shall be available to Trustees.

Title 4

Purchasing

Chapter 4.01 – Purchasing

4.01.010. Purchasing Agent. The District Manager shall act as Purchasing Agent unless another person is designated by the Board of Trustees.

The Purchasing Agent shall, within the limits provided in the Budget approved by the Board of Trustees and except as hereinafter provided, purchase for the District all materials, supplies, furnishing, equipment, livestock, poultry, and other personal property of whatever kind and nature, and except as hereinafter provided. No purchase of personal property by any person other than the Purchasing Agent shall be binding upon the District or constitute a lawful charge against any District funds.

4.01.020. Bidding regulations.

Less than \$1,000: Bidding may be dispensed with when the item or service purchased is less than \$1,000 in value.

\$1,000- \$20,000: When the item or service to be purchased costs between \$1,000 and \$20,000, informal bidding shall be required. Such bidding may be accomplished by written request for bids sent to selected bidders or by telephone survey of prices, or by such other efforts directed towards obtaining at least three bids. The bid shall be awarded by the District Manager to the lowest responsible bidder unless the District Manager determines that the public interest requires a different action, a report of which will be made to the Board. The Board of Trustees authorizes the District Manager to purchase items described above, not to exceed \$20,000, without formal bidding, provided such amounts have been properly budgeted.

Above \$20,000: When the item or service to be purchased costs more than \$20,000, formal bidding shall be required. Such bidding process shall require that a notice be posted at the District office at least ten (10) days prior to the bid opening and that formal requests for bids be solicited either by newspaper publication, trade journal publication, or by use of a bid service. Sealed bids shall be solicited and the bid will be awarded by the District Manager or Board (depending on authority to enter into contracts as provided below) to the lowest responsible bidder based on the District Manager's analysis and recommendations of the bids and bidders, unless the Board makes a determination that it would be in the public's best interest to do otherwise, which determination will be made in the record.

4.01.030. General exceptions to bidding requirements.

Bidding is not required when:

(1) An emergency situation exists, (2) When the services of specialized professionals are required, such as scientists, engineers, attorneys, or accountants, (3) When the item or services can only be obtained from one vendor, (4) When engaging in the bidding process would

otherwise be a meaningless exercise, (5) When any other governmental agency has determined to utilize a particular vendor for an item or service, or (6) When the public interest may otherwise require that bidding be dispensed with provided that the facts constituting the basis for the exception shall be documented by the Board or District Manager, as appropriate, and retained as part of the District's official records for at least two years.

4.01.040. District Manager's authority to analyze, inspect and test. The District Manager shall first review all bids received to determine if they are responsive to the bid request or notice inviting bids. The District Manager is authorized to waive minor deviations and irregularities in the bids.

The District Manager shall also have the authority to inspect and test products intended to be used in any bid for quality and fitness for its intended purpose and may investigate the character and reputation of any bidder to determine that they are responsible. The District Manager's determination and recommendation of the lowest responsible bidder shall be based on his analysis of these factors.

4.01.050. District's options. The contract shall be awarded to the lowest responsible bidder, except as otherwise provided. If two or more bids are the same, the District may accept any such bid. In its sole discretion, the District may reject any and all bids received and it may readvertise for bids or have District forces perform such work.

4.01.060. Authority to engage independent contractors. The Purchasing Agent may engage independent contractors to perform services, with or without the furnishing of materials, within the limits provided by law, provided that prospective bidders are given full opportunity to submit their qualifications and estimates of cost to render the desired service.

4.01.070. Emergency purchasing. Emergency purchases may be made by the Assistant Manager/Director of Operations when the Purchasing Agent is not immediately available and the item or items so purchased are immediately necessary for the continued operation of the District or are immediately necessary for the preservation of life or property. Such emergency purchases shall be subsequently approved and confirmed by the Purchasing Agent or, if he refuses such confirmation, the Board of Trustees may subsequently approve and confirm such purchase. Unless such purchases are so approved and confirmed by either the Purchasing Agent or the Board of Trustees, the costs thereof shall not constitute a legal charge against the District.

4.01.080. Consolidating purchases. The Purchasing Agent shall exercise diligence in consolidating and scheduling orders to the end that the District may benefit from quantity prices and the most favorable market.

Chapter 4.02 – Authority to enter contracts and sign documents

4.02.010. Authority to sign. The President and Secretary shall sign all contracts, except as provided below.

4.02.020. District Manager's authority to enter into contracts. The District Manager is hereby authorized to sign and enter into contracts on the District's behalf when the dollar value of the contract is \$25,000 or less.

4.02.030. Clarification of District Manager's authority to enter into contracts. For purposes of this Chapter, the District Manager shall have the authority to:

- a) Enter into contracts or amendments where the total dollar value of the transaction or series of related transactions is \$25,000 or less.
- b) Prepay amounts due on contracts greater than \$25,000 provided the prior Board approval is obtained through a minute item at a Board meeting.

Chapter 4.03 – Credit cards

4.03.010. Use of credit cards. The District Manager shall establish regulations for the use of credit cards within his contracting limits and shall authorize limited use of such cards by other employees as he shall determine appropriate. The District Manager shall have a credit card limit of \$10,000 total outstanding indebtedness at any one time. The District Manager shall establish lesser limits for his subordinates' use of credit cards, and said policy shall be provided to the Board.

Chapter 4.04 – Petty cash

4.04.010. Revolving fund established. The District shall maintain a Petty Cash (Revolving) Fund in accordance with section 2076 of the State Health and Safety Code and Government Code section 53950 *et seq.*, to a maximum of \$10,000.

4.04.020. Accounting. The Purchasing Agent shall file such bond as may be required with the Board of Trustees and shall thereafter account for such money with receipts for all expenses greater than one dollar. Such bond may be covered through the District's insurance policy. The Purchasing Agent shall give an account of the fund to the Board of Trustees.

4.04.030. Statutory limits. No single item costing more than \$1,000 may be purchased using a petty cash check. A maximum of \$500 will be maintained in cash at the District.

Chapter 4.05 – Disposition of property

4.05.010. Sale of surplus property. The Purchasing Agent may sell any personal property belonging to the District and found by the Board not to be required for public use, or he may when purchasing personal property accept advantageous trade-in allowance for such property not further required for public use. For items with an estimated fair market value in excess of \$3,000, the Board of Trustees shall approve of the disposition.

4.05.020. Employees not to purchase/accept. Employees shall not be allowed to buy any surplus property of the District to prevent conflict of interest issues from arising. In special circumstances, an employee may be authorized by the Board to accept and/or purchase surplus property provided findings are made that the transfer is in the public interest.

4.05.030. Donation of property. Pursuant to Health and Safety Code section 2041, the District may donate any surplus property to any public agency or nonprofit corporation.

“Chapter 4.06 – Warrant approvals

4.06.010. Warrant approval process. In accordance with Government Code section 53910 *et seq.*, the following provisions apply to the payment of warrants. The District Manager is authorized to approve warrants for (1) payroll and routine payments within budgeted amounts, and (2) fixed assets within budgeted amounts, provided that such fixed assets cost \$25,000 or less or are within budgeted amounts. (“Fixed Assets” are tangible property costing \$3,000 or more per unit, including tax, delivery, and installation, with a useful life expectancy exceeding one year.) The District Manager shall be authorized to direct the custodian of such money to pay said amounts. Such direction shall be in writing and shall be signed by the District Manager in said capacity and the custodian may rely upon such direction in the payment of warrants. Notwithstanding said authority, no prepayments in excess of \$25,000 shall be made unless prior authorization is provided by the Board through a minute item. The District Manager may authorize the affixing of a stamp designating that such warrants are appropriate and within budgeted amounts, and when such stamp is utilized, the custodian may rely thereon in the payment of warrants. The Board of Trustees shall thereafter be presented with a warrant register at a subsequent Board meeting showing such warrants.”

Chapter 4.07 – Deposits and investments

4.07.010. Deposit of funds. In accordance with Government Code section 53630 *et seq.*, the District shall deposit its money in financial institutions described in said statutory scheme and in accordance with said statutory scheme.

4.07.020. Investment policy. Pursuant to Government Code section 53601, the District shall adopt and periodically review an investment policy for its surplus funds, which specifies the types of investments that will be allowed in accordance with the Government Code.

Chapter 4.08 – Miscellaneous

4.08.010. Procedural regulations. The Purchasing Agent shall issue procedural regulations to amplify this resolution, which regulations shall be effective upon approval by the Board of Trustees.

4.08.020. Failure to comply. Any transaction failing to comply with this Title in any respect is voidable at the discretion of the Board of Trustees.

4.08.030. Conflicting resolution. These provisions shall supersede all previous resolutions pertaining to financial matters.

Title 5

Records

Chapter 5.01 – Responding to information requests

5.01.010. Public Records Act. Requests for public records are provided for in Government Code section 6250 *et seq.* State law requires that government agencies provide such information to any member of the public requesting such information. All formal written requests should be coordinated with the District Executive Assistant/Clerk of the Board. Generally such responses must be made within 10 days. District Counsel should be consulted in appropriate cases, as determined by the District Executive Assistant/Clerk of the Board.

5.01.020. Subpoenas and other legal process. All subpoenas and other legal process should be directed to or coordinated with the District Executive Assistant/Clerk of the Board. Significant penalties can occur if a timely response is not made. District Counsel should always be consulted immediately.

Chapter 5.02 – Records retention and destruction

5.02.010. Record destruction. Pursuant to Government Code section 60201(b), the Board has determined to allow destruction of records not expressly required by law to be filed and preserved by following these procedures:

- (a) Adopting a resolution finding that destruction or disposition of the category of records will not adversely affect any interest of the district or of the public, and
- (b) Maintaining a list, by category, of the types of records destroyed or disposed of that reasonably identifies the information contained in the records in each category disposed of or destroyed.

5.02.020. Record retention. Pursuant to Government Code section 60201(d), the District shall not destroy or dispose of records related to the following:

- (a) The formation, change of organization, or reorganization of the District.
- (b) An ordinance adopted by the District. However, an ordinance that has been repealed or is otherwise invalid or unenforceable may be destroyed or disposed of pursuant to this section five years after it was repealed or became invalid or unenforceable.
- (c) Minutes of any meeting of the legislative body of the District.
- (d) Any pending claim or litigation or any settlement or other disposition of litigation within the past two years.
- (e) Any pending request made pursuant to the California Public Records Act (Chapter 3.5 [commencing with section 6250] of Division 7 of Title 1), whether or not the District maintains that the record is exempt from disclosure, until the request has been granted or two years have elapsed since the District provided written notice to the requester that the request has been denied.

- (f) Any pending construction that the District has not accepted or as to which a stop notice claim legally may be presented.
- (g) Any non-discharged debt of the District.
- (h) Title to real property in which the District has an interest.
- (i) Any non-discharged contract to which the District is a party.
- (j) Records for which the administrative, fiscal, or legal purpose for which it was created or received has not been fulfilled.
- (k) An unaccepted bid or proposal, which is less than two years old, for the construction or installation of any building, structure, or other public work.
- (l) The amount of compensation paid to District employees or officers or to independent contractors providing personal or professional services to the district, or relates to expense reimbursement to District officers or employees or to the use of District paid credit cards or any travel compensation mechanism. However, a record described in this paragraph may be destroyed or disposed of pursuant to this section seven years after the date of payment.

5.02.030. Reproductions. Pursuant to Government Code section 60203, if a record is not expressly required by law to be filed and preserved as described above in 5.02.020, the District may destroy a record if all of the following conditions are met:

(1) The record, paper, or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document in compliance with Government Code section 12168.7 for recording of permanent records or nonpermanent records.

(2) The device used to reproduce the record, paper, or document on film, optical disk, or any other medium is one that accurately reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document images.

(3) The photographs, microphotographs, or other reproductions on film, optical disk, or any other medium are placed in conveniently accessible files and provision is made for preserving, examining, and using the files.

5.02.040. Reproductions deemed originals. Every reproduction shall be deemed an original record in accordance with Government Code section 60203(b).