

APPENDIX "J"

"FRCD Policy No. 3, Purchases of Goods and Services from Outside Vendor."

[Attached behind this cover page]

FLORIN RESOURCE CONSERVATION DISTRICT

POLICY NO. 3

ADOPTED BY FRCD RESOLUTION NO. 09.23.09.01

PURCHASES OF GOODS AND SERVICES FROM OUTSIDE VENDORS

Purpose of the Policy: The purpose of this policy is to establish policies governing purchases of goods and services from outside vendors by the Florin Resource Conservation District (District).

Section 1. Goods and services will be acquired as economically as possible within accepted standards of quality so as to provide the best overall value to the District.

Section 2. Purchasing transactions shall be classified into three different categories - - Public Works Contracts, Professional Services Firms, and Other Purchases -- each with its own procedures and rules, as follows:

(1) Public Works Contracts

All purchases of "public works contracts" (as defined in section 1101 of the Public Contract Code) shall be governed by Policy No. 8, the District Bidding Policy and Procedures for Public Works Construction Contracts, as adopted on October 18, 2006 and as it may be amended from time to time.

(2) Professional Services Firms/Consulting Services

Selection for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, construction project management firms or consulting services (collectively "Professional Service Firms"), shall be based on price, and on demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required, as determined by the District. For purposes of this Policy No. 3, "professional services" shall not include legal counsel.

(a) *Professional or Consulting Services (Items Costing from \$500 to \$50,000):* For professional or consulting services costing from \$500 to \$50,000, District staff shall solicit informal quotes (via telephone, fax, e-mail, or mail) from at least three firms, or justify why such quotations were not possible or justified. The District normally shall select the firm quoting the lowest bid. If another firm is selected, the reasons for not selecting the firm with the lowest quote (i.e., quality) should be recorded. All contracts must be in conformance with the approved District budget. Contracts must be approved by the General Manager who first shall review the contract terms and conditions, the availability of budgeted funds to cover the contract and compliance with proper contracting procedures (ongoing contracts will each be

listed separately in the budget). Legal counsel shall review the contract terms and conditions. If a contract is likely to be multiple years and costs over \$25,000 per year, Board approval is necessary.

(b) *Professional or Consulting Services (Items Costing More than \$50,000)*: For contracts of professional or consulting services more than \$50,000, competitive bidding is required (unless the General Manager determines there is sufficient sole-source justification). Contract shall normally be awarded to the lowest priced, qualified, responsible bidder. Contracts must be approved by the General Manager who first shall review the contract terms and conditions, the availability of budgeted funds to cover the contract, and compliance with proper contracting procedures. Legal counsel shall review the contract terms and conditions. Contracts must be recommended by the General Manager and approved by the governing board. Board approval can be either through the adopted budget or as a separate action item (ongoing contracts will each be listed separately in the budget).

(3) Other Purchases

For purchases of items not included within one of the two categories set forth above, funds may be used for purchases of goods and services necessary or desirable for District operations, as described below:

(a) *Petty Cash Purchases (Items Costing \$50 or Less)*: For purchases of items costing \$50 or less, vendors will be asked to submit pricing information. The District shall select those vendors that provide the best prices, discounts, payment terms, etc. A "petty cash voucher" form shall be used to document petty cash purchases when they are made.

(b) *Minor Purchases (Items Costing More than \$50, But Less than \$500)*: For purchases of items costing more than \$50, but less than \$500, vendors will be asked to submit pricing information. The District shall select those vendors that provide the best prices, discounts, payment terms, etc. Acquisitions will be processed via purchase order forms, which may be issued by any designated employee.

(c) *Intermediate Purchases (Items Costing from \$500 to \$50,000)*: For purchases of items costing from \$500 to \$50,000, District staff shall solicit informal quotes (via telephone, fax, e-mail, or mail) from at least three vendors, or justify why such quotations were not possible or justified. The District normally shall select the vendor quoting the lowest prices. If another vendor is selected, the reasons for not selecting the vendor with the lowest quote (i.e., quality) should be recorded on the purchase order or otherwise. All purchases must be in conformance with the approved District budget. Purchase orders must be approved by the General Manager, his designee, or other management personnel, who first shall review the purchase order to verify the use of proper account numbers, the availability of budgeted funds to cover the purchase, and compliance with proper purchasing procedures.

(d) *Major Purchases (Items Costing More than \$50,000)*: For purchases of items costing more than \$50,000, competitive bidding is required (unless the General Manager determines there is sufficient sole-source justification). Also, purchases must be approved by the

governing board. Board approval can be either through the adopted budget or as a separate action item. Purchases for goods or services shall normally be awarded to the lowest priced, qualified, responsible bidder. All such purchases must be in conformance with the approved District budget. After contract award or purchase approval, District staff shall prepare a purchase order showing the selected vendor, the goods or services to be provided, and the approval date for the award and/or contract. Purchase orders must be approved by the General Manager, his designee, or other management personnel, who first shall review the purchase order to verify the use of proper account numbers, the availability of budgeted funds to cover the purchase, and compliance with proper purchasing procedures.

(e) *Emergency Purchases:* If the District determines that, as the result of an emergency, there is an immediate need to acquire a particular good or service not already available to the District and there is no alternate means of acquiring such good or service, then the District may purchase such good or service without obtaining the pre-approvals required for Intermediate and Major Purchases described above. An emergency purchase must be approved verbally by the General Manager or his/her designee. When an emergency purchase is made, the purchase order for the transaction should be prepared and approved the next working day (according to the procedures described above). Any such purchase order should include documentation certifying the emergency. An emergency situation is defined as one where there is an immediate threat to life or property or where there is or would be a complete disruption of a vital public service.

APPENDIX "K"

"FRCD Policy No. 8, Bidding Policy and Procedures for Public Works Construction Contracts."

[Attached behind this cover page]

POLICY NO. 8

DISTRICT BIDDING POLICY AND PROCEDURE FOR PUBLIC WORKS CONSTRUCTION CONTRACTS

1. POLICY

The District may use its own forces to construct any and all District projects and capital improvement work ("Work"). However, in the event the District determines it is more beneficial to contract with a third party to perform Work, such public works construction contract ("Contract") shall be awarded as set forth in this Policy.

Contracts for Work valued at One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) or more shall be let to the lowest responsive, responsible bidder subject to the formal competitive bidding procedures set forth in subsection 2(A)(1). The board may reject any and all bids.

Contracts for Work valued at less than \$150,000 shall be approved by the General Manager or his or her designee subject to the informal competitive bidding procedures set forth in subsection 2(A)(2), unless the General Manager determines that such bidding is impractical.

Regardless of their value, Contracts for Work funded or financed with federal or state funds pursuant to federal or state law requiring formal competitive bidding, shall be let by the formal competitive bidding procedures set forth in subsection 2(A)(1).

2. PROCEDURE

(A) Competitively Bid Contracts

(1) Formal Bidding

(a) Call for Bids. After preparation of plans and specifications, a notice inviting sealed bids shall be published once in a 14-day period in a newspaper of general circulation in the District, and shall also be sent to such interested persons as may be determined by the General Manager.

(b) Form of Call for Bids. The invitation for bids shall contain:

(i) a statement that the plans and specifications of the Work to be constructed may be purchased at the District Office,

(ii) a particular description of the portion of the Work advertised if less than the whole Work is advertised,

(iii) a statement that the District will receive sealed bids for the construction of the Work advertised or any portion of them designated by the District,

(iv) a statement that the contract or contracts for the Work advertised will be awarded to the lowest responsible bidder or bidders, but that any or all bids may be rejected,

(v) a statement of the time and place for opening the bids,

(vi) such other information as may be required by the District.

(3) Performance and Payment Bonds

Any bidder to whom a formal contract is awarded for any Work shall supply on forms satisfactory to the District a Faithful Performance Bond in an amount equal to the total contract price, and a Laborer and Materialmen's Payment Bond in an amount equal to the total contract price. These bonds must be executed by an admitted surety, approved to conduct business in the State of California pursuant to California Code of Civil Procedure section 995.120. In addition to the extent required by law, the Bonds are to be accompanied by the documents required by Code of Civil Procedure section 995.660.

Each bond shall be secured from a surety company that meets all State of California bonding requirements, as defined in California Code of Civil Procedure Section 995.120, and is authorized by the State of California. Each bond shall be accompanied, upon request of District, with all documents required by California Code of Civil Procedure Section 995.660, to the extent required by law.

(4) Insurance

Before Work commences under a contract agreement, insurance as required by the District must be secured and reviewed by the District.

(5) Prequalification

The General Manager or his/her designee is hereby authorized to prequalify bidders on District Work, if deemed appropriate by the General Manager. Bidders may be prequalified on an annual basis or on a project specific basis, pursuant to a uniform rating process described in the Prequalification Guidelines adopted by, or which may be adopted by, the District. The General Manager or his/her designee may use the scoring system provided in the Prequalification Guidelines or may designate one or more alternative scoring systems for annual prequalifications, project specific prequalifications or both consistent with the requirements for the Public Contract Code.

3. EXEMPTIONS FROM COMPETITIVE BIDDING PROCEDURE

The competitive bidding procedures set forth above shall not apply to the following Work:

(A) **Force Account Work**

Force account work shall mean work performed by District personnel, whether permanent or temporary.

(B) **Work Performed by a Utility or Public Entity**

Work performed by a utility for the installation and/or relocation of utilities on behalf of the District or contracts for services with any public entity for plan check, inspection, or permitting.

(C) **Emergencies**

Emergency work performed under Contract shall be governed by Section 22050 of the Public Contract Code. The General Manager may order any emergency action pursuant to Paragraph (1) of subdivision (a) of Section 22050.

(D) **Sole Source**

Sole source work shall mean work valued at \$150,000 or more that can only be obtained from one contractor and shall be governed by Public Contract Code section 3400.

(c) Submission of Bids.

Bids shall be submitted on forms supplied by the District, and under sealed cover. Each bid shall be accompanied by cash, a certified or cashier's check, or bond secured from a surety company satisfactory to the District in the amount indicated within the bid documents, as bid security. If the contractor's bid is accepted, the contractor shall execute the contract within the time provided in the contract documents and furnish the necessary certificates of insurance and bonds required by the contract documents.

(d) Opening of Bids.

Bids shall be publicly opened at the time and place specified. After the bids are checked for accuracy, they shall be presented to the Board of Directors.

(e) Bid Acceptance and Evaluation.

Acceptance of any bid shall be by action of the Board. The Board reserves the right to waive any irregularity; to reject any or all bids, and to re-advertise for bids, or proceed to construct the Work, or any part of it with District forces.

(f) Bid Award.

The Board shall award the contract for the Work to the lowest responsive, responsible bidder.

(g) Relief of Bidders.

As provided in Public Contract Code Sections 5100 et seq., a bidder shall not be relieved of his/her bid unless by consent of the Board of Directors upon a showing by the bidder to the satisfaction of the Board that:

- (i) a mistake was made;
- (ii) the bidder gave the District written notice within five days after the opening of bids of the mistake; specifying in the notice in detail how the mistake occurred;
- (iii) the mistake made the bid materially different than the bidder intended it to be and;
- (iv) the mistake was made in filling out the bid and not due to error in judgment or carelessness in inspecting the site of the Work or in reading the plans or specifications.

A bidder who claims a mistake or forfeits his/her bid security shall be prohibited from participating in further bidding on the project on which the mistake was claimed or security forfeited.

(2) Informal Bidding

At least three written price quotes shall be obtained and award shall be made to the lowest responsive, responsible bidder.

APPENDIX "L"

"Resolution adopting policies concerning Employee Benefits and Work Schedules."

[Attached behind this cover page]

RESOLUTION NO. 11.19.14.01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
FLORIN RESOURCE CONSERVATION DISTRICT
ADOPTING THE ELK GROVE WATER DISTRICT 2014
EMPLOYEE POLICY MANUAL UPDATE AND
APPROVING THE AMENDMENTS
AND ADDITIONS THEREIN

WHEREAS, the Board of Directors of the Florin Resource Conservation District, establishes written policies and procedures for the Elk Grove Water District employees;

WHEREAS, approved policies provide guidance and continuity of direction for Elk Grove Water District staff;

WHEREAS, the Board of Directors desires to maintain an Employee Policy Manual (Manual) of performance standards and to keep that Manual current according to labor laws, employment benefit offerings and other conditions of employment;

WHEREAS, the Board of Directors and staff review this Manual regularly and update it as necessary;

WHEREAS, the Board of Directors has been provided with proposed policies implementing the foregoing;

BE IT NOW THERE RESOLVED AS FOLLOWS:

SECTION 1. The Board of Directors hereby adopts the **ELK GROVE WATER DISTRICT EMPLOYEE POLICY MANUAL UPDATE**, attached hereto as Exhibit A, effective November 19, 2014.

SECTION 2. The Board of Directors hereby authorizes the General Manager or his designee to duly implement the aforementioned adopted policy on behalf of the District, and distribute the manual to all employees.

SECTION 3. The Board of Directors hereby repeals the provisions of any previously adopted resolutions that are inconsistent with the terms of this Resolution.

PASSED, APPROVED, AND ADOPTED this 19th day of November.

AYES: Dawson, Menasco, Mulberg, Nelson, Lightfoot
NOES:
ABSENT:
ABSTAIN:



Barrie Lightfoot
Chairman of the Board of Directors

ATTEST:



Stefani Phillips
Secretary to the Board of Directors

APPENDIX "M"

"FRCD Policy No. 31, Public Record Act Requests."

[Attached behind this cover page]

RESOLUTION NO. 04.24.13.01

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
FLORIN RESOURCE CONSERVATION DISTRICT
ADOPTING POLICY NO. 31**

WHEREAS, the Florin Resource Conservation District ("District") establishes written policies regarding its governance; and

WHEREAS, approved policies provide fairness and transparency in the operations of the District.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The Board of Directors hereby adopts the **POLICY ON PUBLIC RECORDS ACT REQUESTS**, attached hereto as Exhibit A, effective April 24, 2013.

SECTION 2. The Board of Directors hereby authorizes the General Manager or his designee to duly implement the attached policy.

SECTION 3. The Secretary to the Board of Directors shall certify to the adoption of this Resolution.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 24th day of April.

AYES: Dawson, Menasco, Mulberg, Nelson, Lightfoot
NOES:
ABSENT:
ABSTAIN:



Barrie Lightfoot
Chairman of the Board of Directors

ATTEST:



Stefani Phillips
Secretary to the Board of Directors



**ELK GROVE WATER DISTRICT,
A Department of the
FLORIN RESOURCE CONSERVATION DISTRICT**

**POLICY NO. 31
ADOPTED BY FRCD RESOLUTION NO. 04.24.13.01**

PUBLIC RECORDS ACT REQUESTS

I. PURPOSE

To set forth the Florin Resource Conservation District/Elk Grove Water District (“District”) policy and procedure governing records inspection.

II. POLICY

Under the California Public Records Act, Government Code sections 6250-6276.48, the public may review or obtain copies of most District records. Public records of the District are open to inspection during normal office hours and every person has a right to inspect these records. A request for District records must reasonably identify the records sought to enable District staff to locate and make them available for review or copying.

In response to requests for District records that are clearly disclosable and easy to access, District staff members will make every effort to provide prompt access to such records. For other requests that may require staff to search for and review potentially responsive records, the District will advise the requester in writing within 10 calendar days after receiving a records request whether the District possesses and will provide the requested records and the basis for not disclosing any requested records, in whole or part. The District also will advise when the records will be available for its initial review or when copies will be available for pick up. In certain cases, the District may extend the time for its initial response to a records request for up to 14 additional days. Also, certain District records are not considered public records and may be withheld from public review. For example, employee personal information is not a public record.

If requested, the District will make photocopies of public records in accordance with Government Code section 6253(b). The copying charge is 10 cents per standard-sized page, which reflects the District’s direct costs. Payment is required at the time copies are provided.

III. DEFINITIONS

As used in this section:

- a) “Public Records” includes any writing containing information relating to the conduct of public business prepared, owned, used or retained by the District regardless of physical form or characteristics.

- b) "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. Writing does not include compilations of writings created outside the normal course of District business.

IV. EXEMPTIONS

Nothing in this section requires disclosure of the following records:

- a) Preliminary drafts, notes, or intra- or inter-agency memoranda not retained by the District in the ordinary course of business, if the public interest in withholding such records clearly outweighs the public interest in disclosure (Gov. Code § 6254, subd. (a).);
- b) Records pertaining to pending litigation in which the District is a party, or to claims made pursuant to Division 3.6 (Commencing with Section 810) of Title 1 of the Government Code (the Government Claims Act), until such litigation or claim has been finally adjudicated or otherwise settled (Gov. Code § 6254, subd. (b).);
- c) Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Gov. Code § 6254, subd. (c).);
- d) Geological and geophysical data, plant production data and similar information relating to utility systems development obtained in confidence from any person (Gov. Code § 6254, subd. (e).);
- e) Test questions, scoring keys and other examination data used to administer examinations for employment (Gov. Code § 6254, subd. (g).);
- f) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the District relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or the contract agreement has been obtained. The law of eminent domain will not be affected by this provision (Gov. Code § 6254, subd. (h).);
- g) Records exempted or prohibited from disclosure pursuant to provisions of Federal or State Law, including, but not limited to, provisions of the Evidence Code relating to privilege (Gov. Code § 6254, subd. (k).);
- h) Data, plans, drawings, schematics, manuals and other documents related to the security and protection of the District's water supplies if the public interest served by not disclosing the record clearly outweighs the public interest served by

disclosure of the record, pursuant to the balancing test in Government Code section 6255; and

- i) Private information pertaining to any customer, director or employee that is explicitly exempt under Government Code sections 6254(c) and 6254.16 or that may be exempt because of personal safety and privacy concerns that meet the balancing test under Government Code section 6255, including, but not limited to, personal identifying information and private data such as social security numbers, credit history, water usage, and confidential personnel and financial records.
- j) Other records the disclosure of which is not required by law.
- k) Computer software developed by the District for internal use and not otherwise made available to the public except by selling, leasing, or licensing such software for commercial or non-commercial use. The District's proprietary computer software may include computer mapping systems, computer programs and computer graphics systems. (Gov. Code § 6254.9.)

V. ADDITIONAL PUBLIC RECORDS

Notwithstanding the foregoing:

- a) Every employment contract between the District and a public official or public employee is a public record. (Gov. Code § 6254.8.)
- b) An itemized statement of the total expenditures and disbursements of the District provided for in Article VI of the California Constitution will be open for inspection.
- c) Documents concerning an open session item of a noticed public meeting that are provided to all or a majority of the Board or a committee less than 72 hours before that meeting shall be made available for public inspection. (Gov. Code § 54957.5, subd. (b).)
- d) Writings that are distributed during a public meeting if prepared by the District or a member of the Board shall be made available for public inspection at the meeting, or after the meeting if prepared by some other person. (Gov. Code § 54957.5, subd. (c).)

VI. JUSTIFICATION FOR WITHHOLDING OF RECORDS

The District will justify withholding a record by demonstrating the record is exempt under the express provisions of Government Code sections 6254 and 6254.16 and any other applicable statute (including the records listed about in section IV) or by demonstrating that the public interest served by not making the record available clearly outweighs the public interest served by disclosing the record. Written notice of intent to withhold records stating the reasons for withholding the records and an estimated time for when releasable documents will be furnished will be provided to

the person requesting the record within 10 days of receipt of the request, or later if unusual circumstances apply, as required by Government Code sections 6253, subdivision (c) and 6255, subdivision (b). Any written notice stating the reasons for withholding records shall include the names and titles or positions of each person responsible for the denial, as required by Government Code section 6253, subdivision (d).

VII. CONFIDENTIALITY OF CERTAIN RECORDS

While the District supports and implements the legal principles underlying the "government sunshine laws", including the Public Records Act and the Ralph M. Brown Act, it also recognizes the equally important constitutional principles underlying its customers', directors' and employees' rights to privacy in their personal information. Such information includes those items described in Section IV of this Policy. The District will not disclose private information of any customer, director or employee unless compelled by a legally-authorized subpoena, court order or order of another government agency with the power to obtain such records or authorized by the customer, director or employee in writing. In cases where there is no clear exemption from disclosure, the District will attempt to contact the customer, director or employee whose private information is being requested, inform the customer, director or employee of the request, and provide that person or entity with the opportunity to object to the request and if desired, to seek a court order to protect the private information being requested from disclosure.

VIII. COPIES OF RECORDS

- a. A person may obtain copies of identifiable records, preferably by written request on the District's request form, although verbal requests are acceptable. The District Secretary is the custodian of the District's records and will provide the requestor with copies of all requested disclosable records. For requests for electronic records, the District will make information available in the same electronic format in which it holds the information, unless its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained. The District is not required to reconstruct a record in electronic format if it no longer has the record available in electronic format. Officers, agents and employees of the District are not required to request records in compliance with this section when acting within the course and scope of employment or office holding. If the District is unable to provide requested copies within 10 days of the request, it will advise the requestor in writing of the date when the record will be provided.
- b. The charge for each page of plain paper standard black and white letter or legal size photocopies will be 10 cents. Large format documents, maps, color copies and similar specialized documents will be charged at cost, which the District will determine and advise the requestor of and receive approval from the requestor before copying begins. For requests for electronic records in

electronic format, requesters are responsible to pay the cost to construct a record and the cost of any programming and computer services necessary to produce a copy of the record, as provided in Government Code section 6253.9. Payment for all services is required at the time copies are provided, although the District may require a deposit as provided below in subdivision (c) before beginning copying and/or sending the job to an outside copy service, in which case the copy service's actual charges will be passed through to the requestor. A certified copy of each requested record will require an additional payment of \$3.00. No charge will be imposed for research.

- c. The District Secretary may require a person who desires to obtain a copy of a record to deposit an amount equal to the estimated fees for copying prior to receiving the record. The portion of the deposit not required will be refunded. If the deposit is insufficient, the District may require the requestor to pay any balance of copying charges due before any records are released.

IX. REQUESTS FOR CURRENT MATERIALS

- a. The District Secretary will maintain a duplicate copy of the last approved Board meeting minutes and the agenda and written materials distributed to the Board for discussion or consideration at the next scheduled Board meeting. These records will be maintained in the District library located in the District's administrative office. Public records discussed during a public meeting but not previously available will be made available before the commencement of discussion at such meeting or as soon thereafter as practicable.
- b. These records also include those public meeting documents described in subdivision V of this Policy.
- c. No charge will be imposed for the use or review of the records described in this section. The District will, however, impose a copy charge if a copy of a public counter record is requested.
- d. The District also posts on its Web site copies of all public counter records, archived Board meeting minutes and agendas, current Board policies and other important District documents. Requestors are encouraged to view and obtain copies of available documents on the District's Web site by visiting www.egwd.org.

X. RECORDING-KEEPING

The District Secretary will maintain a record of requests for inspection that are denied and the reasons for the denial, in accordance with the District's records retention policy and/or applicable records retention statutes.