BY-LAWS,
OPERATIONS MANUAL
AND
POLICY HANDBOOK

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Amendment 1: Added Executive Committee to Section 5.06: September 13, 2006
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Amendment 2: Modified Mission Statement, 2011

Amendment 3: Modified Sections 3.04 and 3.05 to allow combination of Secretary/Treasurer

Amendment 4: Personnel Policy, Adopted June, 2014

Amendment 5: Bidding Policy, Adopted December 16, 2015, Amended March 16, 2016

Amendment 7: Vehicle Use Policy Adopted March 2017

Amendment 8: To be Amended or Adopted January 2019
  Added Newly Adopted Mission and Vision Statements
Amended Personnel Policy, Amended Vehicle Use Policy
Adopted Compensatory Time Off Policy, Reimbursement Policy, Fee For Services Policy,
  Non-Discrimination/Harassment Policy, Reserve Policy, Volunteer Policy
TUOLUMNE COUNTY
RESOURCE CONSERVATION DISTRICT
OPERATIONS MANUAL AND POLICY HANDBOOK

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INTRODUCTION

The following are the accepted and adopted policies and operational guidelines of the Tuolumne County Resource Conservation District. It is the policy of the Board of Directors to ensure and maintain compliance with these policies by all Directors, employees, contractors, subcontractors, staff, and all District personnel. It is further the policy of the Board of Directors to revise these policies and statements by changes, additions, or deletions at any time it is felt necessary, so long as it is decided by majority vote in a regular meeting of the Board.

It is the intention of the Board of Directors that all policies herein will comply with applicable State and Federal laws governing special districts within the State of California.
ARTICLE I - ORGANIZATION

Section 1.01 - Name
The name of this area and organization shall be the “Tuolumne County Resource Conservation District” as established by the voters of Tuolumne County on November 8, 2005.

Section 1.02 - Authority and Purpose
The RCD is a not-for-profit, legal subdivision of the state created by Division 9 of the California Public Resources Code [hereafter referred to Division 9 and/or the Code].

The District function is to take available technical, financial and educational resources, whatever their source, and focus or coordinate them so that they meet the needs of the local land manager with conservation of soil, water and related natural resources. The District provides, on a voluntary basis, the following services and other services as needed:

- Educates the public about conservation and resource issues, including fire safety
- Provides technical assistance with soil and water conservation
- Facilitates coordinated resource management efforts for watershed restoration and enhancement,
- Protects and monitors water quality
- Treats each acre of land according to its needs
- Additional services determined by need and funding.

In addition, the RCD has the legal authority to work with the United States, the State of California, counties, cities, public districts, tribes, other resource conservation districts, persons, associations and corporations, and has all other authorities and responsibilities as defined in Division 9.

The expenditure of public funds for planning, designing or implementing resource conservation constitutes expenditure for the general public benefit.

Section 1.03 - Principal Office
The principal office of the RCD is located at 77 N Washington Street, Sonora, California 95370.
Section 1.04 - Change of Address
The Board (as that term is defined in paragraph Article II, Section 2.01 hereof) hereby is granted full power and authority to change the location of the principal office of the RCD.

Section 1.05 – Vision and Mission
Our Vision is:

Our mission is to identify and meet the natural resource conservation needs of all the people of Tuolumne County and its future generations by providing leadership through educational, technical and financial support for valuable, voluntary services and programs that promote conservation and sustainable agriculture & forests, while maintaining our county’s rural heritage. (Amended 2011) – TO BE MODIFIED JAN 2019

Section 1.06 - Area
The Tuolumne County RCD is the only RCD in the County. The geographical service area encompassed by the Tuolumne County RCD includes the entirety of the unincorporated County of Tuolumne and the incorporated City of Sonora. The specific area is denoted on the district map as adopted by the County Board of Supervisors, City Council of the City of Sonora, and the Tuolumne County Local Agency Formation Commission. The district may work cooperatively with other Resource Conservation Districts outside of the district at the discretion of the Board.

ARTICLE II - DIRECTORS

Section 2.01 - Number of Directors
The Board of Directors (“Board”) shall consist of nine (9) regular voting members. The exact number of Directors shall be fixed and may from time to time, within the limits specified in these Bylaws, and subject to Division 9, be changed by a resolution adopted by the Board and by an amendment of this Section. The number of directors may be changed by resolution adopted by a majority of the members of the Board of Directors after publication of notice of the intended change at least once in a newspaper of general circulation published in Tuolumne County.

Section 2.02 - Appointment of Directors
Board members shall be appointed (in lieu of election) by the Tuolumne County Board of Supervisors and the City Council of the City of Sonora, based on population, pursuant to Division 9. As such, the Tuolumne County Resource Conservation District Board of Directors shall be appointed in the following manner, based on population:

- Eight (8) Directors shall be appointed by the Board of Supervisors;
One (1) Director shall be appointed by the City of Sonora City Council;

This formula may be reviewed from time to time to determine if population ratios have changed. Should population ratios change over time, this formula may be modified through adoption of a resolution by a simple majority vote of the Board of Directors and by an amendment of this Section after publication of notice of the intended change at least once in a newspaper of general circulation published in Tuolumne County.

A copy of all appointment documents shall be placed in the District files.

**Section 2.03 - Terms of Office**

Directors shall serve alternating terms of four years each, except for the initial appointments as defined by the Tuolumne County Board of Supervisors. The term of office shall expire at midnight on December 31 at the end of each term. Expiration of the term of any director does not constitute a vacancy and the director shall hold office until his or her successor has qualified and been appointed.

**Section 2.04 - Qualifications of Directors**

Directors shall be registered voters in the state and shall reside within the district and either own real property in the district or alternatively have served for two years or more as an associate director, or be a designated agent of a resident landowner within the district. Pursuant to Div. 9, applicants for positions of Director shall make application to the RCD which shall review and make recommendations for appointment to the Tuolumne County Board of Supervisors or through such office as may be deemed proper.

Directors shall take the oath of office pursuant to the *California Election Code and Division 9.*

Directors shall provide *Form 700, Statement of Economic Interest* upon taking office, annually thereafter, and upon leaving office pursuant to the *California Election Code.*

Training shall be required for all board members, pursuant to California *Government Code.*

Members of the Tuolumne County Board of Supervisors or City of Sonora City Council are not eligible to simultaneously hold office as a district director.

**Section 2.05 - Vacancies on the Board**

A vacancy or vacancies on the Board occurs pursuant to *Division. 9* and the *California Government Code Section 1770* (see Appendix A) and these *Bylaws* on the occurrence of any of the following:

- The death or resignation of any director.
- The director no longer meets voting/residency requirements.
Tuolumne County Resource Conservation District

- The director ceases to discharge the duties of the office for the period of three consecutive months, except when prevented by sickness.
- The expiration of the term and subsequent appointment of new director to the position.
- Failure to attend one board training session each year.
- The declaration by resolution of the Board of a vacancy in the office of a director who has been declared mentally incapacitated by an order of the court, convicted of a felony, or found by final order of judgment of any court to have breached a duty according to the California Government Code.
- Failure to complete and submit the required financial interest disclosure forms to the County Clerk’s office by the specified due date.
- The authorized number of directors is increased by Board action.

Section 2.06 - Resignations of Directors
Any board member may resign at any time by giving written notice to the Board of Supervisors, with a copy to the RCD Board of Directors. Any such resignation shall be effective upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective. Copies of resignations shall be placed in District files and incorporated in District historical files.

Section 2.07 - Filling of Board Vacancies
Within 90 days prior to the end of each Director’s term, the Director shall provide a written notification to the full Board as to whether they intend to seek reappointment by the Board of Supervisors or City Council. The Board Secretary will forward the letter of intent to the Board of Supervisors or City Council as appropriate. The position shall be posted pursuant to the Government Code and Division 9. Other persons interested in filling the vacancy shall submit an appropriate letter along with verification of qualifications addressed to the Tuolumne County Board of Supervisors and/or Sonora City Council. The Board of Supervisors or City Council, will follow all appropriate procedures as defined by those bodies for consideration of appointment. (See Appendix B)

When a vacancy occurs prior to end of term, the position shall be posted pursuant to the Government Code and Division 9. Persons interested in filling the vacancy shall submit an appropriate letter addressed to the Tuolumne County Board of Supervisors or Sonora City Council along with verification of qualifications. The Board or Council will then forward the letters to the Tuolumne County RCD Board for review and recommendation. If the Board or Council does not initiate an appointment process within 60 days, the board of directors may make the appointment. (Public Resources Code, Div. 9 §9314). Interim vacancies may be filled by the board of directors of the Resource Conservation Districts pursuant to Government Code Section 1780” (see Appendix B).
Interim directors must reapply for the position when the period of appointment expires pursuant to California Government Code and Division 9.

Section 2.08 - Associate Directors
Associate Directors are officially appointed by the Board of Directors as advisors to broaden the Board’s range of expertise and to assist with programs. The RCD may recruit an unlimited number of associate directors. Associate directors may assume as much responsibility as directors, although legal responsibility for programs remains with the directors. Associate directors do not vote at Board meetings, but may be assigned to any task normally performed by a director. Associate directors serve at the pleasure of the Board without specific term or duration.

Once appointed, associate directors are considered members of the legal body for all purposes excepting voting privileges and are subject to the Brown Act.

Associate Directors may chair standing or ad hoc committees and are considered voting members of committees of which they are members.

The Board of Directors shall adopt and comply with Associate Director policies regarding appointments and activities of Associate Directors for the District.

Section 2.09 - Attendance/Voting at Meetings
Members of the Board shall be required to attend and actively participate in all Board meetings unless excepted as pursuant to Section 2.05 (b). Board members shall notify the Chair and District Manager of anticipated absences from Board meetings prior to the meeting.

Section 2.10 – Dismissal of a Director
A director may be dismissed from the board for either one of the following reasons:

- If a director is clearly and consistently in conflict with the duties/roles defined in these By-Laws or in Division 9, and that director’s actions are determined to be non-supportive or not in the best interests of the RCD, the board member will be removed from the board by a majority vote or given the opportunity to resign.

- Four unexcused absences from board meetings in one calendar year.

Section 2.11 - Compensation of Directors
Directors receive no compensation for their services. However, they shall be entitled to receive such reasonable reimbursement of expenses as may be determined by the Board. Directors are allowed reasonable and necessary expenses incurred in attendance at directors’ meetings or when otherwise engaged in work of the district at the direction of the board of directors. The
reimbursement of these expenses must be in accordance with the Reimbursement Policy stated in the Financial Policy. No director may hold any position for which he/she would receive compensation as a salaried officer or employee of the district.

Section 2.12 - Inspection Rights of Directors
Directors shall have the right, upon reasonable notice, to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the RCD during normal weekday business hours.

Section 2.13 - Board Training/Responsibilities
Each Board member shall, upon appointment, receive a packet of information to include Bylaws, Policies, Codes and Procedures, annual and long-range work plans, RCD Sourcebook (produced by Dept. of Conservation), Brown Act regulations, Division 9, District Directory, Conflict of Interest rules, and other pertinent tools necessary to successfully carry out their duties as a Director. Each Director and the District Manager shall familiarize themselves with the contents of such documents in order to perform their jobs in a responsible manner and such information shall be updated from time to time as necessary. Annual training for directors and/or staff shall be established and calendared by the Board with assistance from staff and outside consultants as deemed appropriate. Additional training shall be required for all board members, pursuant to California Government Code.

Section 2.14 – Director Roles and Responsibilities
Each District Board member is appointed to serve on a multi-member board that establishes and implements programs to protect and conserve soil, water, prime farmland, rangeland, woodlands, wildlife, energy and other resources on local lands.

Each Director shall have the following minimum responsibilities:

  o Attend regular board meetings.
  o Listen to, discuss, and vote on board motions to make decisions and take actions.
  o Assume duties and carry out tasks assigned by the chair, including duties associated with membership in committees.
  o Assist other board members as required.
  o Be familiar with all board programs.
  o Be prepared to serve in one of the board officer positions.

Section 2.15 – Conflict of Interest/Brown Act
No director or other officer of the district may hold any interest, directly or indirectly, in the sale of equipment, materials, or services to the district. If a director finds that he/she is in a position of
interest as stated above, he/she must abstain from all discussion and decisions on the subject of interest. Directors must comply with the California Ralph M. Brown Act.

The Board of Directors shall adopt and comply with a Conflict of Interest Policy regarding activities of the District.

Section 2.16 – Ethics
All Directors are required to complete Ethics Training as required by Government Code, and to comply with all adopted District ethics and conflict of interest policies.

ARTICLE III - OFFICERS

Section 3.01 - Number and Titles
Officers of the Board shall consist of a Chair, Vice Chair, Secretary, and Treasurer who each must be regular voting Directors. Other officers, their titles and duties, shall be determined as deemed advisable by the Board.

Section 3.02 - Chair
The Chair shall oversee the development of the agenda for regular public board meetings and may do this with input from others. The Chair shall preside at meetings of the Board of Directors according to Roberts’ Revised Rules of Order, and shall work with staff who serves the Board to submit such agendas, recommendations, and information at such meetings that are reasonable and proper for the conduct of business affairs and policies of the Board. The Chair shall appoint committees and assign responsibilities. The Chair is authorized to sign district documents in the ordinary course of business.

Section 3.03 - Vice Chair
The Vice Chair shall perform the duties of the Chair in the absence of the Chair, and may assume other duties of the Chair if asked to do so by the Chair. In the event of a Chair vacancy, the Vice Chair shall assume the Chair’s duties until such time as the Board shall elect a new Chair, pursuant to Section 5.05 concerning vacancies.

Section 3.04 – Secretary
The Secretary shall oversee the preparation and distribution of meeting agendas under direction of the Chair. The Secretary shall record and keep minutes for each Board meeting. The Secretary shall record committee activities, shall keep records of committees and committee members both
standing and special, and shall notify committee members of their appointment to committees if they were not present. The Secretary is authorized to initiate correspondence on behalf of the board as needed. The Board of Directors may, at anytime, choose to combine the Office of Secretary with the Office of Treasurer as duties and responsibilities permit. (Modified February 20, 2013)

Section 3.05 – Treasurer
The Treasurer is responsible for implementing all Board adopted financial policies and shall maintain complete and accurate records of receipts, maintenance, and disbursements of all funds for the district, issue receipts for all monies received and pay bills when authorized and approved by the board, make sure all authorized payments are recorded in the minutes, make a monthly financial report to the board, make an annual financial statement in the annual report to the public of all district funds, and shall generally provide oversight for all financial responsibilities of the District. The Board of Directors may, at anytime, choose to combine the Office of Treasurer with the Office of Secretary as duties and responsibilities permit. (Modified February 20, 2013)

Section 3.06 - Appointment and Removal of Officers
The officers shall be elected annually at the regular December Board meeting or as soon thereafter as practicable and shall each hold office for a term of one (1) year or until their successors are elected and qualified. An officer may serve successive terms of office.

Any officer may resign upon written notice to the Board. Such resignation note shall contain an effective date or a condition precedent.

Should the office of either Chair or Vice Chair become vacant, the Board shall elect a successor from among its members at the next regular or special meeting, and the office shall be held for the unexpired term of office.

ARTICLE IV - MEETINGS OF THE BOARD

Section 4.01 - Meeting Location
Meetings of the Board shall be held at a publicly accessible location as determined by Board action and resolution and within District boundaries, pursuant to Ralph M. Brown Act, Gov. Code Section 54954 (b).

Section 4.02 - Meeting Time/Place
Regular meetings of the Board shall be held, as provided in a resolution adopted by the Board, at the time and place specified in such resolution. Regular meetings shall be held monthly. Directors
may, by resolution, change the time or place of regular meetings but no such change shall be
effective until after notice of the change is published pursuant to the Brown Act, Section 6061 of
the Government Code and Div. 9 in the principal county. All regular meetings shall be publicly
posted 72 hours in advance.

A special meeting of the Board may be called by the Chair, the Vice Chair, the Secretary, the
Treasurer, or the majority of the membership of the Board, for the purpose of transacting any
business designated in the call, after notification of all members of the Board by written notice
personally delivered or mailed at least 72 hours before the time specified in the notice of the
meeting. At such special meeting, no business other than that designated in the call should be
considered.

Any meeting of the Board may be adjourned or continued to another meeting providing the
adjournment or continuation indicates the date, time and place of the adjourned meeting.

All meetings of the RCD and its standing committees shall be open and public to the extent
required by the Brown Act. All persons shall be permitted to attend any such meetings, except as
otherwise provided by law. All ad hoc meetings shall be open and public.

A closed session may not be held at emergency meetings. Closed sessions must be properly noticed
pursuant to the Brown Act; notice may not be waived.

A majority of the authorized number of Directors shall constitute a quorum of the Board for the
transaction of business, except to adjourn.

A majority of the Directors present, whether or not a quorum is present, may adjourn or continue
any meeting to another time and place. If the meeting is adjourned or continued for more than 24
hours, notice of any adjournment to another time or place shall be given, prior to the time of the
adjourned meeting, to the Directors who were not present at the time of adjournment.

Order of business shall be established by the Board. Agendas shall be published and posted in
compliance with applicable state and local laws and rules. Provisions may be made for citizens with
disabilities by contacting District staff.

Section 4.03 - Meeting Agendas
Meeting agenda preparation requirements are discussed in the Brown Act and should be adhered
to as reasonably possible.

The Board of Directors shall adopt and comply with a Meeting Agenda Policy regarding agendas for
District Board Meetings.
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Section 4.04 – Required Vote of Directors, Conflicts of Interest
Voting requirements are outlined in Division 9 and in the Brown Act.

No legislative body shall take action by secret ballot, whether preliminary or final, pursuant to the Brown Act.

No Director shall vote on any issue, motion or resolution which directly or indirectly inures to his or her benefit financially, except that such Director may be counted in order to qualify a quorum. It is recommended that a Director with a conflict leave the board room during motion, discussion and voting.

Section 4.05 – Rules of Order
All regular Board meetings shall be conducted according to Roberts’ Revised Rules of Order and the Brown Act. The Chair uses discretion when applying the rules. Meetings with extensive public participation and debate require a more strict application of the rules than informal meetings.

If a board member believes that the rules are inadequate or that someone has violated them, the member may raise a point of order to the Chair; the Chair rules on the point of order. The member who made the point of order can appeal an unsatisfactory ruling to the board. A majority vote by the board determines the point of order. The ruling and objection shall appear in the minutes.

ARTICLE V – COMMITTEES

Section 5.01 – Purpose and Definition
Committees make recommendation to the Board on specific matters. Committees may oversee implementation of Board decisions.

Section 5.02 – Committee Voting Membership/Voting
Voting committee members shall consist of directors and associate directors. Recommendations are arrived at by simple majority.

Staff and public may be advisory committee members.

Pursuant to NRCS guidelines, §401.34, NRCS staff may not “be involved in or concern themselves with district administrative problems or operations, including election or selection of conservation district governing bodies...”. Therefore, NRCS staff shall not sit on committees that recommend policy, board selection or staffing.
Section 5.03 - Committees
Committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns. Said assignment may be made by the Board Chair, a majority vote of the Board, or on their own initiative. Any recommendations resulting from said review should be submitted to the Board via written or oral report.

Ad Hoc Committees may be assigned as are necessary to assist with short-term tasks and shall meet as necessary for conduct of district business. Duties of these committees shall be outlined at the time of appointment and the committee shall be considered dissolved when its final report has been made.

Section 5.04 - Committee Chair Appointments
The Chair appoints, and the Board ratifies by simple majority, chairpersons who shall be selected from the directors and associate directors. Said appointments shall be made for a term of one year and shall be made at the Board’s regular meeting in January or as soon thereafter as practicable.

Chairpersons and/or the Chair may appoint committee members.

Section 5.05 - Committee Meeting
Committee meetings shall be held at the discretion of the Committee Chair, pursuant to lawful notice.

Section 5.06 – Executive Committee
An Executive Committee is established and empowered to act as Administrative Manager and/or may act on other Board business between scheduled meetings of the full Board. The Executive Committee shall be composed of the Chairperson, Vice Chairperson, Secretary and Treasurer. This committee has authorization to make administrative decisions for the District and has discretionary spending authority of up to $500 without formal authorization from the full Board of Directors. Administrative decisions made by the Executive Committee shall require unanimous consent of all four members, and shall be reported to Board of Directors at the next regularly scheduled meeting of the Board. (Added as an amendment September 13, 2006)

ARTICLE VI - INDEMNIFICATION

Section 6.01 - Indemnification of Directors, Officers, and Employees
The District may indemnify a Director, officer or employee:
The District shall purchase and maintain errors and omissions insurance on behalf of any Director, officer or employee of the District against any liability asserted against or incurred by the Director, officer or employee in such capacity or arising out of the Director’s, officer’s or employee’s status as such, whether or not the District would have the power to indemnify the Director, officer or employee against such liability.

ARTICLE VII - RECORDS, REPORTS AND ANNUAL WORK PLAN

Section 7.01 - Meeting Records

Minute Book: The Board shall keep or cause to be kept a minute book which shall contain:

- Minutes of all meetings, which shall be open for inspection by any member of the public. Minutes shall contain proceedings thereof; meeting date, time and location; names of attendees and guests; written waivers of notice of meeting; written consents to hold meeting; written approvals of minutes. Upon approval of meeting minutes by the Board, copies of such minutes shall be distributed to the Directors and Associate Directors. Revisions shall be annotated, dated and initialed by the Board Secretary in red ink and shall be available to the Board at the next subsequent meeting.

- A copy of the agenda/notice of the meeting and when and how given.

- Monthly financial reports as required by the Board.

- A copy of the articles and bylaws and all amendments thereof and a copy of all certificates filed with the Secretary of State, and duly certified by the Secretary of the Board.

Closed Session Minutes. Minutes taken during closed meetings shall be retained in a separate book and are not public records pursuant to the Brown Act.

Audit. Financial statements/audit shall be prepared as soon as reasonably practicable after close of the fiscal year by an approved accounting firm specializing in special districts and shall contain in appropriate detail the following:

- Assets and liabilities, including trust funds; principal changes in assets and liabilities, including trust funds;

- Revenue or receipts of the District;

- Expenses or disbursements of the District.

Annual Report: An annual report will be prepared as directed by the Board, and an abbreviated version, to include major accomplishments and activities of the District, shall be available for the public’s review.
Section 7.02 - Reports Submitted to the Board; Public Documents
Directors and staff shall submit copies of all written reports, studies, and correspondence sent to public agencies to the Board and the District Manager for retention upon distribution of the original document. Such documents shall reflect a majority position of the Board on all items relating to Board action and District policy. As a general rule, the Chair shall be the sole person on the Board to send any such items.

Section 7.03 - Presentation of Annual Work Plan
The Board or a committee of the Board shall develop shall recommend and present to the Board for approval no later than May 31 of each year a comprehensive work plan indicating specific goals and objectives proposed for the fiscal year to support the purpose and scope of responsibilities of the District.

Section 7.04 - Public Records and Fees
Pursuant to the Brown Act, all documents submitted to all or a majority of all of the members of a legislative body are discoverable public records under the California Public Records Act except those exempted by state or federal laws or regulations from public disclosure and shall be made available upon request.

The RCD may charge a reasonable copy fee. This fee should not exceed $.25 (twenty-five cents) per page. Directors are entitled to copies of documents at no charge for a reasonable number of pages.

ARTICLE VIII - CONTRACT REVIEW

Section 8.01 – Authority to Enter into Contracts
The Board of Directors may employ contractors to accomplish specific tasks associated with projects or district operations. The Board of Directors may delegate such authority to the District Manager if and when appropriate at the discretion of the Board.

Section 8.02 – Contract Policies
The Board of Directors shall adopt and comply with contracting policies regarding all contracts related activities of the District. The policies shall comply with all appropriate state and federal regulations. (Note: Bidding and Contracting Policies were adopted December 16, 2015 and amended March 16, 2016)
Section 8.03 – Contract Review
Contracts, MOUs and other such agreements between the District and outside agencies or entities may be subject to legal review upon request by the Board.

ARTICLE IX - GENERAL FISCAL PROVISIONS

Section 9.01 - District Accounts
District monies shall, by Board resolution, be kept either with the County of Tuolumne and/or an approved local banking institution.

Section 9.02 - District Funding
The District receives all of its funding through cost-sharing, grants, fundraising, sales of products, and other means as approved by action of the Board and administered by District staff. None of the funding for the District comes from property tax apportionment dollars subject to public and judicial review.

All income and expenditures are to be accounted for by and through normally acceptable bookkeeping practices as established by Board action and prepared by District staff for monthly Board review.

Section 9.03 - Annual Budget
The Directors shall review and approve a budget prior to the end of the fiscal year.

Section 9.04 – Fiscal and Financial Policies
The Board shall adopt and comply with a fiscal and financial policy regarding all financial and fiscal activities of the District. The policy, at a minimum, shall include descriptions of:

- General Financial Operations of the District;
- Chart of Accounts
- Cash Receipts and Deposit Policies
- Purchasing Authorization, Disbursements and Check Authorizations;
- Expenses Reimbursement Policies
- Property Acquisition and Disposal
- Contract and Subcontract Guidelines
- Grant Management Policies
- District Budget Policy
- District Audit and Financial Record Policy
ARTICLE X - SUCCESSOR STATUTES

Section 10.01 - Successor Statutes/Resolutions/Numbering
All statutes, codes and governmental materials mentioned herein shall be automatically updated when successor materials are enacted without requiring further action of the board and will be updated from time to time as necessary.

ARTICLE XI - RESOLUTIONS

Section 11.01 - Requirement for Resolutions
The following is the Resolution Policy regarding the use of formal resolutions for District Board actions. A Director’s vote shall be recorded for all resolutions.

The Use of Resolutions
Resolutions are used to explain the nature of an issue and/or a decision and its impact on the district. It is the policy of the board of directors to revise this statement by changes, additions, or deletions at any time it is felt necessary, so long as it is decided by vote in a regular meeting of the board.

Resolution Format
Resolutions contain two main sections: the Preamble and the Operative Clause. The Preamble is the “WHEREAS” clauses which explain the issue, what is causing the problem, and a persuasive statement on why a call to action is needed. The Operative Clause is that wording after “THEREFORE, be it resolved that the Tuolumne County Resource Conservation District,” which contains the action to be taken and leaves no doubt what action being requested, appropriate to the preamble.

Types of Resolutions
Resolutions are used in two ways: a policy resolution used to issue an official opinion of the board, and a binding resolution which binds the district to a course of action.

Adopting Resolutions
The Board of Directors will use the formal process of adopting resolutions when dealing with the following:

- Committing the district to a project that requires a significant commitment of district funds and/or work hours.
- Approving the signing of contracts or grants (see also Section 8.03 above).
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- Approving the choice of an auditor.
- Adopting an annual budget and/or making significant change in a budget.
- Adopting policies for the district.
- Formation of a special services zone within the District.
- If an agency or partner requires a resolution.
- Recommendations or requests by the board to appoint directors, including interim appointments.
- Change time, place or date of regular meeting.
- By-laws changes.

A sample format for Resolutions is attached as Appendix D.

ARTICLE XII - PERSONNEL

Section 12.01 - Authority to Hire
The Board of Directors has the authority to hire agents, officers, and employees as necessary to carry out the goals and objectives of the District.

The Board of Directors may employ contractors to accomplish specific tasks associated with projects or district operations.

The Board of Directors may delegate such authority to the District Manager if and when appropriate at the discretion of the Board.

Section 12.02 - Personnel Policies
The Board shall adopt and comply with personnel policies regarding all personnel related activities of the District. The policies shall comply with all appropriate state and federal regulations.

These by-laws are hereby adopted by Resolution by the Board of Directors at their regular meeting on May 10, 2006, and shall become effective immediately.

Dated: _____________

Kirk Ford, Chair
The following is the accepted policy of the Tuolumne County Resource Conservation District. It is the policy of the board of directors to revise this statement by changes, additions, or deletions at any time it is felt necessary, so long as it is decided by vote in a regular meeting of the board.

Associate directors are a vital component of the Tuolumne County Resource Conservation District (TCRCD). The position is completely voluntary, with no compensation, however district related expenses may be reimbursed. Associate directors do not vote and cannot assume the official responsibilities of board members. Their duties include offering technical assistance, personal opinions, and relevant advice to the board and staff.

I. Application:
Applicants for the position of associate director should submit, in writing, a letter of request to the board of directors. Applicants must be 18 years of age or older, have a sincere interest in resource conservation, and be willing to commit the time required to fulfill their duties. The TCRCD board may also seek associate directors to perform specific tasks as needed.

II. Appointment:
Associate directors of the TCRCD are appointed by majority vote of the board of directors. An associate director serves at the discretion of the board and may be removed from the position by a majority vote of the board of directors.

III. Duties:
The TCRCD board of directors approves duties and tasks to associate directors. The TCRCD’s long-range and annual work plans guide all directors and associate directors’ actions and tasks. Associate directors’ activities should complement and reinforce these work plans.

IV. Succession:
In the instance of a vacancy on the board of directors, associate directors may apply for appointment as a full director if they have been in the position of associate director for no less than 6 months, or by unanimous decision of the board, following the procedure for district director appointment as set forth in Division 9 of the California Public Resources Code (§9352).

V. Term of Office:
The appointment as associate director is for a period of two years. An associate director may resign at any time.

VI. **Meeting Attendance:**
Associate directors are encouraged to participate in regular meetings to provide technical support and personal opinions about TCRCD programs, long-range plans, and annual plans in connection with the goals and visions of the TCRCD.

VII. **Expenses:**
Upon prior approval of the board of directors, an associate director may be reimbursed for specific expenses incurred in connection with TCRCD activities. Expense claims must be submitted in the manner stated in the TCRCD financial policy.

VIII. **Conflict of Interest/Open Meetings Act:**
Associate directors must comply with the conflict of interest policies set forth in Division 9 of the California Public Resources Code, and the California Ralph M. Brown Act.

ADOPTED by the Tuolumne County Resource Conservation District at regular meeting of said Board, held on May 10, 2006.

_________________________________
President, Board of Directors
The following is the accepted policy of the Tuolumne County Resource Conservation District. It is the policy of the board of directors to revise this statement by changes, additions, or deletions at any time it is felt necessary, so long as it is decided by vote in a regular meeting of the board.

The office manager, under the direction of the board president, prepares an agenda for each regular and special meeting of the board of directors.

Any director or associate director may notify the office manager and request an item be placed on the agenda. The request should be made no later than four business days prior to the meeting date.

Any member of the public may request that a matter directly related to district business be placed on the agenda of a regularly scheduled meeting of the board of directors, subject to the following conditions:

The request must be in writing and submitted to the board president together with supporting documents and information, if any, at least five business days prior to the meeting date;

The board president shall be the sole judge of whether the public request is or is not a “matter directly related to district business”;

No issue that is legally a proper subject for consideration by the board in closed session will be accepted under this policy;

The board will limit the time devoted to a public-request issue at a meeting and the time allowed for any one person to speak on the issue, to five minutes.

This policy does not prevent the board from taking testimony at its regular and special meetings on non-agenda items that members of the public may wish to bring before the board. However, the board will not discuss or take action on those items at that meeting.

At least 72 hours prior to the time of all regular meetings, an agenda that includes but is not limited to all matters on which there may be discussion and/or action by the board is posted for public review outside the district office.

The agenda for a special meeting is posted at least 24 hours before the meeting in the same location outside the district office.
Until such time as an Office Manager or Chief Executive is hired, the Secretary of the Board of Directors shall assume those responsibilities identified herein.

ADOPTED by the Tuolumne County Resource Conservation District at regular meeting of said Board, held on May 10, 2006.

_________________________________
President, Board of Directors
TUOLUMNE COUNTY
RESOURCE CONSERVATION DISTRICT
CONFLICT OF INTEREST POLICY

Effective May 10, 2006

Section 1. Definitions
The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Adm. Code Sections 18100, et seq.) and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code.

Section 2. Designated Employees.
The persons holding positions listed in Appendix “A” are designated employees. It has been determined that these officers and employees make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

Section 3. Disclosure Categories.
Those designated employees, if any, specified in Government Code Section 87200 shall file statements of economic interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200 et seq. With respect to all other designated employees, they shall disclose all those types economic interests set forth in the latest adopted standard form for statements of economic interests as adopted by the Fair Political Practices Commission. It has been determined that the financial interests set forth in a designated employee’s disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

Section 4. Statements of Economic Interests – Place of Filing.
The Administrative Manager of the District shall be the official filing officer. Until such time as an Administrative Officer is hired, the Secretary of the District shall be considered as the filing officer.

Section 5. Statements of Economic Interests – Time of Filing.
Initial Statements. All designated employees employed by the agency on the effective date of this Code shall file statements within thirty (30) days after the effective date of this Code, unless the employee has previously filed a statement pursuant to subdivision (b) or (c).

1 Designated employees who are required to file statements of economic interest under any other Conflict of Interest Code and those Article 2 filers who are designated in this code in a capacity which is in addition to their Article 2 capabilities may file identical expanded statements of economic interests with both entities in lieu of filing separate and distinct statements. Each expanded statement shall be originally signed by the designated employee, and shall include interests made reportable by virtue of both positions.
Assuming Office Statements. All persons assuming designated positions after the effective date of this Code which are civil service or merit system positions, shall file statements within thirty (30) days after assuming the designated positions. All other persons appointed, promoted or transferred to designated positions after the effective date of the Code, shall file statements within ten (10) days after assuming office, or if subject to confirmation, ten (10) days after being nominated or appointed.

Annual Statements. All designated employees shall file statements no later than April 1st.

Leaving Office Statements. All persons who leave designated positions shall file statements within thirty (30) days after leaving office.

Candidate Statement. All candidates for election to designated offices other than those specified in Government Code Section 87200 shall file statements within five (5) days after the final date for filing nomination petitions. This subsection shall not apply to candidates who have filed a statement of economic interests with the agency within the previous twelve (12) months.

Section 6. Contents of Statements of Economic Interests.
All statements shall disclose those reportable interests required by the applicable disclosure categories as set forth in Section 3.

Section 7. Manner of Reporting.
Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information.

(a) Investment and Real Property Disclosure. When an investment or interest in real property is required to be reported the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

2 For the purposes of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

3 Investments and interest in real property, which have a fair market value of less than $1,000.00, are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interest in real property of an individual include those held by the individual’s spouse and dependent children as well as a pro rata share of any investment of interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

4 A designated employee’s income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.
(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds Two Thousand Dollars ($2,000.00), exceeds Ten Thousand Dollars ($10,000.00), or exceeds One Hundred Thousand Dollars ($100,000.00), or exceeds One Million Dollars ($1,000,000.00).

(b) Personal Income Disclosure. When personal income is required to be reported\(^4\), the statement shall contain:

1. The name and address of each source of income aggregating Five Hundred Dollars ($500.00) or more in value, or Fifty Dollars ($50.00) or more in value if the income was a gift and a general description of the business activity, if any, of each source.

2. A statement whether the aggregate value of income from each source was One Thousand Dollars ($1,000.00) or less, greater than One Thousand Dollars ($1,000.00), or greater than Ten Thousand Dollars ($10,000.00), or greater than One Hundred Thousand Dollars ($100,000.00);  

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

(c) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported\(^5\), the statement shall contain:

1. The name, address and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer’s pro rata share of gross receipts from such person was equal to or greater than Ten Thousand Dollars ($10,000.00).

(d) Management Position Disclosure. When management positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee’s position with the business entity.

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\(^4\) Income of a business entity is reportable if reportable if the direct, indirect or beneficial interest of the filer and the filer’s spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

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(e) **Acquisition or Disposal During Reporting Period.** In the case of an annual leaving office statement, if an investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

**Section 8. Disqualification.**
Designated employees must disqualify themselves from making, participating in the making or using their official positions to influence the making of any governmental decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on:

a) Any business entity in which the designated employee has a direct or indirect investment worth more than Two Thousand Dollars ($2,000.00);

b) Any real property in which the designated employee has a direct or indirect interest worth more than Two Thousand Dollars ($2,000.00);

c) Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating Five Hundred Dollars ($500.00) or more in value received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made; or

d) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

The effects on a designated employee’s financial interests of a decision by a landowner voting district to set ad valorem property tax assessments is not distinguishable from the effects such a decision will have on the public generally within such a district. The effects on a designated employee’s financial interests of a decision by a utility district to set rates is not distinguishable from the effects such a decision will have on the public generally unless the designated employee’s financial interests constitute more than two percent (2%) of the users to whom the rate will be applicable.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participating legally required for purposes of this section.

**Section 9. Manner of Disqualification**
When a designated employee determines that he or she should not make a government decision because he or she has a financial interest in it, the determination not to act must be accompanied by disclosure of the financial interest. In the case of a voting body, this determination and disclosure shall be made part of the agency’s official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or
Section 10. Opinions of the Commission and Counsel.
Any designated employee who is unsure of his or her duties under this Code may request a formal opinion or written advice from the Fair Political Practices Commission pursuant to Government Code Section 83114, or an opinion from the attorney for the agency, provided however that nothing in this section requires the attorney for the agency to issue such an opinion.

If the designated employee truthfully discloses all material facts, an opinion or written advice provided by the Commission protects the designated employee from administrative, civil and criminal penalties to the extent provided for in Government Code Section 83114. If the designated employee has truthfully disclosed all material facts to the attorney for his or her agency, and an opinion is rendered by the attorney stating in full the facts and law upon which the opinion’s based, compliance by the designated employee with such opinion may be evidence of good faith in any civil or criminal proceeding brought pursuant to the Political Reform Act, Government Code Sections 81000, et seq. In addition, the designated employee’s good faith compliance with the opinion of the attorney for the agency shall act as a complete defense in any disciplinary action the agency may bring under Government Code Section 91003.5.

Copies of any opinion rendered by the attorney for an agency pursuant to this section shall be delivered to the designated employee requesting the opinion and shall be maintained in the files of the agency. Such opinions may subsequently be modified by the attorney for the agency or by the Commission, but such modifications or revisions shall be prospective in effect and shall take effect only after notification has been given the designated employee who requested the opinion.

Section 11. Violations.
This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, penal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 – 91014.

Section 12. Designated Positions.
Designated Positions For Tuolumne County Resource Conservation District:

Board of Directors
Associate Directors
District Manager

ADOPTED by the Tuolumne County Resource Conservation District at regular meeting of said Board, held on May 10, 2006.

________________________________________
President, Board of Directors
The Tuolumne County Resource Conservation District (TCRCD) hereinafter referred to as the District, will comply with the standards of conduct hereinafter set forth, for maintaining the integrity of the program and avoiding any conflict of interest in its administration.

General Assurances. Every reasonable course of action will be taken by the District in order to maintain the integrity of the expenditure of public funds and to avoid any favoritism, questionable or improper conduct. All funds will be administered in an impartial manner, free from personal, financial or political gain. The District, its staff and employees, in administering the program, will avoid situations that give rise to a suggestion that any decision was influenced by prejudice, bias, special interest, or personal gain.

Conducting Business Involving Relatives. No relative by blood, adoption, or marriage* of any Director or employee of the TCRCD will receive favorable treatment for enrollment in a program provided by, or employment with the District

When it is in the public interest for the District to conduct business with a friend or associate of a Director or employee of the TCRCD or an elected official in the area, a permanent record of the transaction will be retained.

Avoidance of Conflict of Interest. A Director or employee of the District will not solicit or accept money or any other consideration from a third person for the performance of an act reimbursed in whole or part by the District. Supplies, materials, equipment or services purchased with program funds will be used solely for purposes allowed under the program.

No Director of the District shall cast a vote on a provision of services by that Director (or any organization that that Director represents) or vote on any matter that would provide financial benefit to that Director or any business or organization that the Director represents.

I, have read and understood the provision of the TCRCD Standard of Conduct statement, and do agree with and bind my actions to its provisions, this attested to by my signature.

Date Signed By

*For the purposes of this agreement, “relative by blood or marriage” shall include wife, husband, son, daughter, mother, father, brother, sister, sister-in-law, brother-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, and stepchild.
Public Records Request Policy

It will be the policy of the board of directors to revise this statement by changes, additions, or deletions at any time it is felt necessary, so long as it is decided by vote in a regular meeting of the board.

The RCD shall respond to a public records request for RCD documents within 10 days from receipt of the request. (Government Code section 6253 (c)). The time may be extended, in unusual circumstances, by no more than 14 days through written notice from the president of the RCD to the requesting party. Unusual circumstances include a request that requires an extended search, the records requested are voluminous, or the request requires consultation with another agency.

The RCD shall state the estimated date and time when the records will be made available, either by photocopying or inspection at the RCD office during normal business hours. A nominal fee may be applied by the RCD for cost of photocopying.

Public requests for NRCS documents will be referred to the NRCS representative.

ADOPTED by the Tuolumne County Resource Conservation District at regular meeting of said Board, held on May 10, 2006.

______________________________
President, Board of Directors
TUOLUMNE COUNTY
RESOURCE CONSERVATION DISTRICT
FINANCIAL POLICY

Adopted September 13, 2006

I. General Provisions

II. Chart of Accounts

III. Cash Receipts and Deposits

IV. Petty Cash

V. District Travel and Reimbursement

VI. District Property

VII. District Credit Cards

VIII. Grants and Contracts

IX. Grant Reports
GENERAL PROVISIONS

1. The board of directors, as the governing body of the Tuolumne County Resource Conservation District, formulates financial policies. The board may choose to delegate some of the responsibility for administration of financial policies to the board’s treasurer.

2. The treasury of Tuolumne County is the depository of all of the funds of the district.

3. Financial duties and responsibilities must be separated so that no one employee or board member has sole control of cash receipts or disbursements.

4. The District’s fiscal year is July 1 through June 30. Financial policies and procedures are reviewed annually during the fourth quarter. The board of directors must approve any changes to the financial policies. Financial matters handled by district employees and directors must conform to the highest ethical standards and the district’s Conflict-of-Interest Policies. No financial transaction or hiring decision may result in personal financial gain for an employee or director, spouse, relative, or personal friend of a director or employee. Failure to comply with these standards will constitute grounds for removal from employment.

5. Directors of RCD’s that reimburse director and employee expenses are required to take training on laws pertaining to ethics of government officials. RCD directors are required to attend ethics training for at least two hours every two years. Directors in office on January 1, 2006 are required to obtain initial ethics training by January 1, 2007. RCD directors, whose initial terms of office begin after January 1, 2006, must obtain their first ethics training within one year after assuming office. The Tuolumne County RCD must maintain public records of each director’s completion of ethics training for at least five years, including the date of training and the entity that provided the training. Providers of ethics training are required to provide proof of participation. The ethics training courses may be self-study with tests taken at home, in person, or online. The Tuolumne County RCD must annually provide directors with information concerning available ethics training.

6. The District records shall be located at the District’s place of business as designated by the Board of Directors.

II. CHART OF ACCOUNTS

The district’s Chart of Accounts conforms to generally accepted accounting principles. An account number is assigned to each account category to provide a specific identification of every financial transaction.

III. CASH RECEIPTS AND DEPOSIT
Tuolumne County Resource Conservation District

Distribution of Monies. The board treasurer pays out money only when warrants approved by the county auditor, drawn upon order of the board of directors, and signed by the two directors of the board are submitted.

Money on hand, Receipts, and Disbursements. The treasurer reports in writing at each regular meeting of the directors the amount of money on hand and the receipts and bills due since the last report.

IV. PETTY CASH

1. A petty cash fund (not to exceed $200) may be maintained by the treasurer.
2. Petty cash is authorized for district purchases only. No other use of the fund is authorized without approval of the board.
3. A log of all expenditures from the petty cash fund will be maintained by the Treasurer.
4. A check will be prepared by the Treasurer when the fund requires replenishment. The Board of Directors authorized personnel will sign the check for reimbursement of petty cash.

V. DISTRICT TRAVEL AND REIMBURSEMENT

SUPERCEDED BY 2019 DIRECTOR REIMBURSEMENT POLICY

VI. DISTRICT PROPERTY

The office manager/treasurer maintains an up-to-date inventory of all district property. The office manager/treasurer notifies the board of all cases of loss, damage, or destruction of equipment or other property.

VII. DISTRICT CREDIT CARDS

The office manager/treasurer may issue a credit card to each director. The credit card is authorized for district business only.

VIII. GRANTS AND CONTRACTS

1. The treasurer keeps copies of all grants and contracts.
2. The board reviews each contract and/or amendment to ensure compliance with fiscal and legal provisions.
3. All contracts and amendments are signed by the board president or another board officer as delegated by the president.

4. The treasurer assigns account numbers to each new grant and informs the appropriate staff.

**IX. GRANT REPORTS**

1. A quarterly financial report by cost and income category for each grant is prepared by the grant manager, reviewed by the treasurer and approved by the board of directors.
TUOLUMNE COUNTY
RESOURCE CONSERVATION DISTRICT
BIDDING POLICIES
(Construction Project Related)

Adopted: December 16th, 2015
Amended: March 16th, 2016

The Tuolumne County Resource Conservation District (TCRCD) will consider contractors “qualified” bids if they meet all of the following general requirements:
1. Holds a valid license from the State of California for the work to be undertaken;
2. Has past experience in similar work and activities as determined by the TCRCD Board; and,
3. Has completed and submitted all information required by the District.

The TCRCD shall maintain and update, annually, a list of qualified contractors interested in receiving notice for projects of a particular type.

For projects equal to or less than $10,000 (ten thousand dollars) bid acquisition, negotiation and selection of contractors and contracting can be performed by the TCRCD’s District Manager or Program Manager. The District Manager or Program Manager will have the authority to enter into a contract on behalf of the District.

For projects greater than $10,000 (ten thousand dollars) and less than or equal to $100,000 (one hundred thousand dollars) will undergo an informal bidding process. At a minimum, this process will:
1. Provide notice, to a pool of qualified contractors who have expressed interest in receiving notice of a particular type of project;
2. Notice shall be provided to contractors no less than 10 calendar days prior to the date of selection;
3. Notice shall be describing the project in general terms and how to obtain more detailed information and will establish the time and place for the submission of bids;
4. Selection of a contractor will be made by the TCRCD Board of Directors in a public forum;
5. The contract shall be awarded to the lowest responsive responsible bidder.

For contracts greater than $100,000 (one hundred thousand dollars) the TCRCD will enter into a formal bidding process. This process will follow those requirements outlined in Chapters 1-9, Part 1 of Division 2 of the California Public Contract Code in addition to §22037 and §22038 as modified below:

Publication of notice inviting formal bids. The notice shall be published at least 14 calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the District; or, if there is no newspaper printed and published within the District, in a newspaper of general circulation which is circulated within the District, publication shall be by posting the notice in at least three (3) places within the District as have been designated by ordinance or resolution of the District. The notice shall state the time and place for the receiving and opening of sealed bids. The notice shall also be mailed to all construction trade journals specified in California Public Contract Code §22036, as amended. The notice shall be mailed at least 15 calendar days before the date of
opening the bids. In addition to notice required herein, the District may give such other notice as it deems proper.

Rejection of bids: Options on rejection and when no bids are received. In its discretion, the District may reject any bids presented. If the District determines that rejection of all bids is appropriate, the District shall furnish a written notice to the apparent low bidder at the time the determination is made. The notice shall inform the bidder of the District’s intent to reject the bid and shall be mailed at least two (2) business days prior to the hearing at which the District intends to reject the bid. If after the first invitation of bids all bids are rejected, the District shall have the option of the following: (1) abandoning the project; (2) re-advertising for bids in the manner described herein; or, (3) by passage of a resolution by a four-fifths vote of the Board of Directors declare that the project can be performed more economically by the employees of the District.

If a contract is awarded, it shall be awarded to the lowest responsive, responsible bidder. If two or more bids are the same and the lowest, the District may accept the one it chooses.

If no bids are received through the formal procedure, the project may be performed by the employees of the District, by force account or negotiated contract, without complying with this policy.

Sole-source purchasing is authorized with advance approval from the District Manager, provided that the purchase of such sole-sourced item(s) will provide a longer service life, reduce the need for extensive parts inventory, reduce maintenance or servicing costs, provide a higher level of service, will reduce down time for equipment or are the only vendor offering the needed equipment and/or services.

EMERGENCY REPAIRS
In case of emergency, when repair or replacements are necessary, the TCRCD Board of Directors may elect to proceed at once to replace or repair a facility without adopting plans, specifications, working details or giving notice for bids to let contracts. The work may be done by day labor under the direction of TCRCD, by contractor or by combination of the two. In case of an emergency, if notice for bids to let contracts will not be given, the public agency shall comply with Chapter 2.5 (commencing with §22050) of the California Public Contracting Code.
GENERAL PROVISIONS

Governance
The Board of Directors (“Board”) for the Tuolumne County Resource Conservation District (“District”) consists of nine members (“Directors”) of the Board. As the governing body of the District, the Board reviews and approves District policies, including this policy. The Board may choose to delegate responsibility for policy administration to the District’s District Manager, including but not limited to the development of procedures and internal controls to implement the policy.

The following is the accepted policy of the Tuolumne County Resource Conservation District. It is the policy of the board of directors to revise this statement by changes, additions, or deletions at any time it is felt necessary, so long as it is decided by vote in a regular meeting of the board.

Purpose of the Policy
Assembly Bill 1234 establishes guidelines for reimbursement of directors’ actual and necessary expenses incurred in the performance of official duties, such as travel, meals, lodging, and other actual and necessary expenses. This District policy will include employees as well as Directors.

POLICY PROVISIONS

Types of events or other circumstances for which expenses will be reimbursed
Official duties are eligible for reimbursement, including program and travel expenses as well as meetings which further the public benefit of implementing the RCD’s mission and programs. This is not intended to reimburse costs associated with attendance at Regular or Special Board of Director Meetings.

Rates of reimbursement
Tuolumne County Resource Conservation District has adopted IRS reimbursement rates set forth in IRS Publication 463 (or a successor publication) for the period for which reimbursement is sought for personal vehicle use and permits full reimbursement for other actual approved expenses for transportation, meals, and lodging expenses.

Reimbursement is subject to the limitation that RCD directors and employees must obtain government and group rates offered by providers of transportation and lodging when available.

When attending these functions, reimbursement for lodging costs for RCD directors and employees is limited to the maximum rate published by the conference or activity sponsor if that rate is available at the time of booking. If the rate is not available at the time of booking, the RCD director and employee can only be reimbursed for the cost of comparable lodging consistent with IRS rates and the requirement for utilizing available government and group rates.

RCD Director and employee expenses must be shown on RCD expense report forms. In order to be eligible for reimbursement, expense reports must be filed within thirty days (30) after the event. Employees must have their expense reports signed by their supervisor.

Receipts supporting each claimed expense must be filed with the expense report. If no receipt is available, a written explanation of the expenditure and the reason the receipt was not provided is required. The receipts and expense reports are considered public records.

There may be occasions when a director or employee wishes to incur otherwise reimbursable expenses in excess of the amounts permitted by IRS rates (and the statutory provisions added by Assembly Bill 1234). This might occur, for example, when an individual elects to stay in lodgings with rates exceeding the maximum reimbursable under the RCD’s reimbursement policy. In those cases, the director or employee may claim reimbursement only for the portion of the expense that does not exceed the amount for which reimbursement is permitted.

RCD directors will provide brief reports on any expense for which a reimbursement is requested at the next regular meeting of the RCD board of directors.
GENERAL PROVISIONS

Governance
The Board of Directors ("Board") for the Tuolumne County Resource Conservation District ("District") consists of nine members ("Directors") of the Board. As the governing body of the District, the Board reviews and approves District policies, including this policy. The Board may choose to delegate responsibility for policy administration to the District’s District Manager, including but not limited to the development of procedures and internal controls to implement the policy.

The following is the accepted policy of the Tuolumne County Resource Conservation District. It is the policy of the board of directors to revise this statement by changes, additions, or deletions at any time it is felt necessary, so long as it is decided by vote in a regular meeting of the board.

Purpose of the Policy
Directors, Associate Directors, and employees travel to official meetings, events and activities using their private vehicles. The purpose of this policy is to set forth the requirements for use of a private vehicle for District business.

Statement of Non-Discrimination
The District conducts its business on a non-discriminatory basis, without regard to race, creed, color, national origin, ancestry, sexual orientation, political affiliation or beliefs, sex, age, physical handicap, medical condition, marital status or pregnancy (as those terms are defined by the California Fair Employment and Housing Act – Government Code Section 12900-12996).

USE OF PRIVATE VEHICLE FOR DISTRICT BUSINESS

Approved Uses
Directors and District employees are allowed to use their private vehicles for official business any time there is a requirement or expectation that they attend a meeting, event or activity on behalf of the District.
Insurance
Employees using their automobile to perform their job, whether or not they are claiming mileage reimbursement, are required to hold a valid driver’s license and show evidence of possessing the minimum amounts of insurance as specified by California law.

Mileage Reimbursement
Authorized mileage shall be reimbursed using the standard mileage rate set annually by the Tuolumne County Auditor. Reimbursement will be authorized as follows:

• Employees required or expected to use their private vehicle for the performance of their job will be eligible for reimbursement, with the exception that an employee shall not be eligible for reimbursement of commute mileage to and from home and their normal place of work on a regular day of work.
• Directors are eligible to claim mileage reimbursement to meetings, events, or activities provided they are in attendance in their official capacity as a Director, and their attendance has been approved by or is under the direction of the Board. Claims will be submitted to the Board of Directors for review and consideration of approval. (This is not applicable to regular or Special Board Meetings)
• Volunteers are not eligible to claim mileage reimbursement, unless expressly approved for a particular activity/event.

Other Reimbursement
Certain other costs associated with personal vehicle use may be reimbursed, provided receipts are submitted to substantiate the claim.

• Directors and employees are eligible for reimbursement of actual costs associated with parking and toll bridges in conjunction with authorized use of their vehicle for District business, but are not eligible for reimbursement for costs associated with using an optional toll road or lane.
• Directors and employees are eligible for reimbursement of vehicle rental costs associated with an authorized and approved travel request that includes airline travel.

SPECIAL PROVISIONS

NRCS Vehicle Use
Any use of USDA Natural Resource Conservation Services (NRCS) vehicles by District Directors, employees or volunteers shall be limited to those uses approved by NRCS and shall be governed by NRCS rules and regulations regarding vehicle use by RCD Partners.

**Independent Contractors**
Reimbursement of mileage for independent contractors shall be governed by their individual contracts. However, reimbursement pursuant to their contracts should be limited to the same reimbursement provisions set forth in Section II of this policy for Directors unless otherwise approved by the Board.

**Grant Funding Limitations**
Some RCD projects funded by certain grants may preclude reimbursement for travel or mileage. If a Director, employee or independent contractor wishes to be reimbursed for mileage or travel expenses related to work on a grant that precludes reimbursement for these expense, prior authorization by the Board of Directors or District Manager is required.
In accordance with the federal Fair Labor Standards Act (“FLSA”), the Tuolumne County Resource Conservation District (“RCD”) may adopt a policy of granting employees compensatory time off in lieu of compensation for hours worked in excess of 40 hours in a workweek.

The following is the accepted policy of the Tuolumne County Resource Conservation District. It is the policy of the board of directors to revise this statement by changes, additions, or deletions at any time it is felt necessary, so long as it is decided by vote in a regular meeting of the board.

Compensatory Time Off in lieu of Overtime Pay
An employee of the RCD may elect to receive compensatory time off in lieu of receiving overtime compensation for authorized hours worked in excess of 40 hours in a workweek. In order to do so, the employee must first obtain prior approval of their supervisor or manager, and must sign an agreement knowingly agreeing to each of the following:

(1) The compensatory time off they receive may be limited, preserved, used or cashed out consistent with the provisions of the RCD Personnel Policies, all applicable laws, and the regulations of the U.S. Department of Labor.

(2) Compensatory time off in lieu of Overtime Pay will be accrued at the rate of one and one half (1 ½) hours for all hours worked in excess of 40 hours per work week. (This Policy does not apply to “Flex Time” as defined in the RCD Personnel Policies. “Flex Time” is accrued on an hour by hour basis)

(3) The employee may not accrue more than 24 hours of compensatory time off at any one time. Once they have accrued 24 hours of compensatory time off, they will be compensated with overtime pay until the accruals fall below 24 hours.

(4) Requests to use compensatory time off must be made in advance and are subject to the approval of the District Manager of the RCD.
(5) Employees scheduled to attend weekend or evening events or meetings, or where a normal work day during the week is expected to exceed 8 hours, (ie for travel or attendance at a conference or out of town meeting) should work with the District Manager to adjust normal work schedule to avoid accruing overtime or Compensatory Time off. Utilizing “Flex” time is the preferred alternative.
TUOLUMNE COUNTY RESOURCE CONSERVATION DISTRICT

AGREEMENT FOR COMPENSATORY TIME OFF

In accordance with the federal Fair Labor Standards Act ("FLSA"), the Contra Costa Resource Conservation District ("RCD") has a policy of granting employees compensatory time off in lieu of compensation for hours worked in excess of 40 hours in a workweek.

I, the undersigned, elect to receive compensatory time off in lieu of receiving overtime compensation for authorized hours worked in excess of 40 hours in a workweek. By signing this agreement, I knowingly agree to each of the following:

(1) The compensatory time off I receive may be limited, preserved, used or cashed out consistent with the provisions of the RCD Personnel Manual, all applicable laws, and the regulations of the U.S. Department of Labor.

(2) Compensatory time off will be accrued at the rate of one and one-half (1½) hours for all hours worked in excess of 40 hours per work week. I understand that this Policy does not apply to “Flex Time” as defined in the RCD Personnel Policies. “Flex Time” is accrued on an hour by hour basis.

(3) I may not accrue more than 24 hours of compensatory time off at any one time. Once I have accrued 24 hours of compensatory time off, I will be compensated with overtime pay until my accruals fall below 24 hours.

(4) Requests to use compensatory time off in lieu of Overtime Pay must be made in advance and are subject to the approval of the District Manager of the RCD.

(5) If I am scheduled to attend weekend or evening events or meetings, or where a normal work day during the week is expected to exceed 8 hours, (ie for travel or attendance at a conference or out of town meeting) should work with the District Manager to adjust my normal work schedule to avoid accruing overtime.

Dated: __________________________

______________________________
Employee Signature

______________________________
Employee Name (typed or printed)
The following is the accepted policy of the Tuolumne County Resource Conservation District. It is the policy of the board of directors to revise this statement by changes, additions, or deletions at any time it is felt necessary, so long as it is decided by vote in a regular meeting of the board.

Equal Employment Opportunity

Tuolumne County Resource Conservation District (TCRCD) is committed to providing equal employment opportunities to all employees and applicants according to the *Fair Employment and Housing Act* (FEHA) which prohibits harassment and discrimination in employment because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave (Government Code sections 12940, 12945, 12945.2) and/or retaliation for protesting illegal discrimination related to one of these categories, and in accordance with all applicable federal, state and local laws.

We will not discriminate against employees or applicants for employment on any legally-recognized basis including, but not limited to: veteran status, uniform servicemember status, race, color, religion, sex, national origin, physical or mental disability, genetic information or any other protected class under federal, state, or local law.

In California, the following also are a protected class: race; religious creed; color; national origin; ancestry; physical disability; mental disability; medical condition, including genetic characteristics; genetic information; marital status; sex; pregnancy, childbirth or related medical conditions; perceived pregnancy; actual or perceived gender; gender identity or expression; sexual orientation; civil air patrol membership; service in the military forces of the State of California or of the United States; lawful conduct occurring during nonworking hours away from District premises; and age [40 or over]. Included in the definition of each protected category is the perception of membership in a protected category and an individual’s association with an actual or perceived member of a protected category.

Unlawful Harassment
Additionally, the TCRCD is committed to providing a work environment that is free of unlawful harassment. In furtherance of this commitment, the TCRCD strictly prohibits all forms of unlawful harassment, including harassment on the basis of race, religion, color, sex (including breast feeding and related medical conditions), gender identity and expression, sexual orientation, pregnancy, national origin, ancestry, citizenship status, uniform service member and veteran status, marital status, age, protected medical condition, genetic information, disability or any other category protected by applicable federal, state and local laws.

Similarly, the TCRCD is committed to complying with all laws protecting qualified individuals with disabilities, as well as employees’ religious beliefs and observances. This policy extends to all aspects of the TCRCD’s employment practices, including recruiting, hiring, discipline, termination, promotions, transfers, compensation, benefits, training, leaves of absence, and other terms and conditions of employment.

The TCRCD will provide a reasonable accommodation for any known physical or mental disability of a qualified individual or for employees’ religious beliefs and observances, provided the requested accommodation does not create an undue hardship for the TCRCD and does not pose a direct threat to the health or safety of others in the workplace or to the individual.

**Safe Workplace Environment**

It shall be the policy of the TCRCD to provide all employees and members of the public with a safe and healthful work environment. Violence by an employee or anyone else against an employee, supervisor, or member of the public will not be tolerated.

It shall further be the policy of the TCRCD to take appropriate actions to protect, as fully as possible, TCRCD employees and members of the public from acts of violence, threats, intimidation and harassment which may occur at TCRCD workplaces, and during the performance of TCRCD duties.

The TCRCD may also take action, including involving state or local law enforcement, in pursuing prosecution through judicial or other appropriate administrative remedies when such incidents occur.

**Retaliation**

The TCRCD prohibits retaliation against those who report, oppose or participate in an investigation of alleged violations of this policy. Participating in an investigation of alleged wrongdoing in the workplace includes:

- Filing a complaint with a federal or state enforcement or administrative agency.
- Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the TCRCD regarding alleged unlawful activity.
- Testifying as a party, witness or accused regarding alleged unlawful activity.
- Associating with another employee who is engaged in any of these activities.
- Making or filing an internal complaint with the TCRCD regarding alleged unlawful activity.
Providing informal notice to the TCRCD regarding alleged unlawful activity.

The TCRCD strictly prohibits any adverse action or retaliation against an employee for participating in an investigation of alleged violation of this policy. If an employee feels that he or she is being retaliated against, the employee should immediately contact his/her manager or the Executive Director, and if necessary, the Executive Committee via the Board Chair. In addition, if an employee observes retaliation by another employee, supervisor, manager or nonemployee, he or she should immediately report the incident to the individuals above.

Any employee determined to be responsible for violating this policy will be subject to appropriate disciplinary action, up to and including termination. Moreover, any employee, supervisor or manager who condones or ignores potential violations of this policy will be subject to appropriate disciplinary action, up to and including termination.

Eligibility

This policy prohibits unlawful discrimination and harassment in the workplace and applies to applicants, Board Members and employees of the TCRCD, including supervisors and managers. The TCRCD prohibits Board members, managers, supervisors and employees from discriminating against or harassing co-workers as well as customers, vendors, suppliers, independent contractors and others doing business with the TCRCD. In addition, the TCRCD prohibits customers, vendors, suppliers, independent contractors and others doing business with the TCRCD from discriminating against or harassing the TCRCD’s employees.

This policy also prohibits unlawful discrimination and harassment in the workplace and on work sites to unpaid volunteers and interns. The definition of an unpaid volunteer or intern is “any individual (often a student or trainee) who works without pay for an employer or other covered entity, in any unpaid internship or another limited duration program to provide unpaid work experience, or as a volunteer. Unpaid interns and volunteers may or may not be employees.”

It is unlawful for the TCRCD to discriminate against unpaid interns in the selection, termination, training, or other terms or treatment of those individuals on any basis protected by the FEHA. It is also unlawful for unpaid interns, volunteers, and persons providing services pursuant to a contract to be subjected to unlawful harassment in the workplace on any basis protected by the FEHA.

Procedures

Examples of prohibited sexual harassment or discrimination

Sexual harassment includes a broad spectrum of conduct, including harassment based on sex, gender, gender identity or expression, and sexual orientation. Examples of unlawful and unacceptable behavior include:

- Unwanted sexual advances.
Tuolumne County Resource Conservation District

- Offering an employment benefit (such as a raise, promotion or career advancement) in exchange for sexual favors, or threatening an employment detriment (such as termination or demotion) for an employee’s failure to engage in sexual activity.
- Visual conduct, such as leering, making sexual gestures and displaying or posting sexually suggestive objects or pictures, cartoons or posters.
- Verbal sexual advances, propositions, requests or comments.
- Sending or posting sexually related messages, videos or messages via text, instant messaging, or social media.
- Verbal abuse of a sexual nature, graphic verbal comments about an individual’s body, sexually degrading words used to describe an individual, and suggestive or obscene letters, notes or invitations.
- Physical conduct, such as touching, groping, assault or blocking movement.
- Physical or verbal abuse concerning an individual’s gender, gender identity or gender expression.
- Verbal abuse concerning a person’s characteristics such as pitch of voice, facial hair or the size or shape of a person’s body, including remarks that a male is too feminine or a woman is too masculine.

Other examples of prohibited harassment or discrimination

In addition to the above listed conduct, the TCRCD strictly prohibits harassment or discrimination concerning any other protected characteristic. Such prohibited harassment includes:

- Racial or ethnic slurs, epithets and any other offensive remarks.
- Jokes, whether written, verbal or electronic.
- Threats, intimidation and other menacing behavior.
- Inappropriate verbal, graphic or physical conduct.
- Sending or posting harassing messages, videos or messages via text, instant messaging or social media.
- Other harassing or discriminatory conduct based on one or more of the protected categories identified in this policy.

Harassment of the TCRCD’s customers, clients, vendors, suppliers, independent contractors or employees of the TCRCD’s customers, clients, vendors, suppliers or independent contractors by the TCRCD’s employees is also strictly prohibited. Any such harassment will subject an employee to disciplinary action, up to and including termination. Employees who have any questions about what constitutes harassing or discriminatory conduct should contact their manager.
Reporting harassment or discrimination

If an employee feels that he or she is being harassed or discriminated against in violation of this policy by another employee, supervisor, manager or third party doing business with the TCRCD, the employee should immediately inform their manager and/or the Executive Director in writing. If the complaint is against the Executive Director, a complaint may be filed with the Executive Committee (submitted to the Board Chair).

In addition, if an employee observes harassment or discrimination by another employee, supervisor, manager or nonemployee, the employee should immediately report the incident to the individuals above. Appropriate action will also be taken in response to violation of this policy by any nonemployee.

Employees’ notification to the TCRCD is essential to enforcing this policy. Employees may be assured that they will not be penalized in any way for reporting a harassment or discrimination problem. It is unlawful for an employer to retaliate against employees who oppose the practices prohibited by the California Fair Employment and Housing Act (FEHA), or who file complaints or otherwise participate in an investigation, proceeding or hearing conducted by the California Department of Fair Employment and Housing (DFEH) or the Fair Employment and Housing Commission (FEHC). Similarly, the TCRCD prohibits employees from hindering its internal investigations or its internal complaint procedure.

All complaints of unlawful harassment or discrimination that are reported to management or to the persons identified above will be investigated as promptly as possible, and corrective action will be taken where warranted. All complaints of unlawful harassment or discrimination that are reported to management or to the persons identified above will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation.

The California DFEH may also investigate and process complaints of harassment or discrimination. Violators are subject to penalties and remedial measures that may include sanctions, fines, injunctions, reinstatement, back pay and damages. The toll free number from the DFEH is (800) 884-1684.

Violations of this policy will result in discipline

Violation of this policy will subject an employee to disciplinary action, up to and including immediate termination. Additionally, under California law, employees may be held personally liable for harassing conduct that violates the FEHA.
Tuolumne County Resource Conservation District

FEE FOR SERVICE POLICY

Version 2: 12-11-2018

The following is the accepted policy of the Tuolumne County Resource Conservation District. It is the policy of the board of directors to revise this statement by changes, additions, or deletions at any time it is felt necessary, so long as it is decided by vote in a regular meeting of the board.

Purpose

The purpose of this policy is to provide rules and guidance for the RCD in the area of business development, specifically related to Fee-For-Service (FFS) type work. It is a stated goal of the RCD to diversify funding sources by securing contract work with public and private partners. This policy will support that goal by outlining what type of work will be provided and what limitations exist.

It is the policy of the Tuolumne County Resource Conservation District that the District will provide certain services, in which the District is uniquely qualified, to the public and other government entities served by the District, and that the District will charge fees that cover the cost of providing these services. This policy has been adopted by the District pursuant to its authority to obtain fees for services defined in Division 9, Article 9, section 9403.5 Fees for services of the California Public Resources Code (November 1998).

The directors may establish and charge fees for services provided by the district to, and upon the request of, persons or government entities. No fee shall exceed the cost reasonably borne by the district in providing the service.

The District is empowered to develop and carry out natural resource conservation, education and research programs throughout Tuolumne County, and has developed technical expertise in these areas. Upon occasion members of the community served by the District request technical assistance outside of the District’s budgeted work plan. It is the goal of the District to provide quality service to the landowners and residents of Tuolumne County, as well as government agencies, as follows:

1. The District will provide technical and professional services, and charge an appropriate fee, only when requested by a landowner or government agency, and the service supports the RCD’s mission statement and provides measurable conservation benefits in the local community.
2. The fees charged for services will be based on the actual cost to the District, including employee hourly rate of pay, benefits, and overhead for each project.
3. All proposals for the District to provide services and charge fees pursuant to this policy must be approved by the District Board of Directors through a contract, except for the following:
   a. the District Manager can approve proposals that will not exceed $3,500 or 160 hours of District staff time, and that do not conflict with project priorities.
4. The District’s services are provided on a non-discriminatory basis, without regard to race, color, national origin, ancestry, sex, age, religion, marital status, medical condition, or physical handicap, and comply with all District Policies.

Project Solicitation and Bidding Process

While a robust FFS program is desirable to the RCD, the District must prioritize the type of projects it seeks and identify a procedure for bidding on and securing contracts. All FFS work must support the mission of the RCD and generally support resource conservation in our local community. With this understanding, we identify the following project types as high priority for the RCD to solicit and complete. The high priority work is:

1. Direct contracts with private landowners
2. Outreach work that connects landowners and local or state government agencies
3. On-the-ground projects that directly benefit local resources
4. Conservation and Facilitation Assistance to other local government agencies

With these priority project types identified, it is the role of the RCD Leadership to seek out and solicit opportunities for the RCD to conduct FFS work. Identifying opportunities and building relationships with possible clients is a long and time-consuming endeavor that needs to be part of the RCD work plan on a regular basis. Specific tasks should be assigned to both staff and directors, with the roles defined as follows:

**Staff role:** Whenever possible, the identification and solicitation of possible FFS opportunities should be included in the job description of the District Manager. This requires the availability of unrestricted funding to pay for time spent exploring opportunities and building relationships. Annual adjustments to the District Manager’s performance goals will be required to ensure FFS solicitation goals are in line with funding and other programmatic priorities. Regardless of this situation, no more that 10% of the Manager’s time will be spent directly on FFS project solicitation.

**Directors’ role:** RCD Directors will be asked to identify possible FFS opportunities as part of their duties to help govern and support the District. Directors can represent the RCD at relevant meetings and provide networking for the RCD in the local community as ways to provide FFS opportunities to the RCD. Directors need to be aware of any possible conflict of interest with their participation in RCD business and should consult the Board’s Conflict of Interest Policy for clarification.
**Bidding Policy:** Most bidding requirements will depend on the specifications of the potential project or service to be provided. However, The RCD will only bid on a potential project if the following conditions are met:

1. **Supports the Mission:** FFS projects bid on by the RCD must support the mission statement and provide measurable conservation benefits in the local community.

2. **Other Considerations:** The RCD will not bid on any project without addressing the concerns of staff or Directors, provided they are made in a timely and respectful manner.

**Anti-Competition Policy and Program Limitations**

Conducting FFS work introduces the RCD into the world of business and has the potential to put the District into direct competition with local firms. The RCD does not seek to compete directly with any private firm.
TUOLUMNE COUNTY
RESOURCE CONSERVATION DISTRICT

DRAFT VOLUNTEER POLICY

Version 1: 12-11-2018

One way for RCDs to supplement the efforts of directors and employees is to recruit and train volunteers to implement district programs and activities. Many people find the rewards of helping their local communities are worth the time and energy donated to the cause of conservation. The following is the accepted policy of the Tuolumne County Resource Conservation District. It is the policy of the board of directors to revise this statement by changes, additions, or deletions at any time it is felt necessary, so long as it is decided by vote in a regular meeting of the board.

Definition
This volunteer policy applies to anyone other than a director or associate director who, without compensation or expectation of compensation beyond reimbursement, performs a task at the direction of and on behalf of the District. Volunteers are not considered employees or agents of the District.

Recruitment and Selection
Volunteers will be recruited and selected by matching volunteers' interests with work needed by the District. Volunteers will complete application forms that will be maintained in District files.

Termination
Volunteers serve with the understanding that such service is at the sole discretion of the District. Volunteers agree that the District may at any time, for whatever reason, decide to terminate the volunteer’s relationship with the District. The volunteer may at any time, for whatever reason, decide to terminate the volunteer’s relationship with the District.

Reimbursement
Volunteers are not eligible for reimbursement for mileage or other expenses unless pre-approved by the supervising District employee for a particular activity, event, or expense.

Volunteers who are pre-approved by the supervising employee to make purchases related to their volunteer responsibilities may be reimbursed for actual expenses, subject to applicable provisions of the District’s financial policies.
Workers’ Compensation
Pursuant to the provisions of California Labor Code 3363.5, District volunteers are not covered by workers’ compensation insurance unless and until the District adopts a resolution to extend workers’ compensation coverage to volunteers that perform services for the organization.

Conflict of Interest
Volunteers are subject to the District’s conflict of interest code.

Conduct
Volunteer activities are to be conducted in consistency with District policy, purpose, and direction.

Authority
Volunteers are not authorized to make agreements, contracts, or representations to any party, other organizations, or government agencies on behalf of the District.

Employees
District employees may not serve as volunteers for the District due to the potential conflict with laws and regulations relating to the compensation of employees.

Coordination with NRCS and Other Agencies
Depending on the volunteer’s assignment, approved volunteers also may be asked to submit an application or other documentation and be approved for work with USDA Natural Resources Conservation Service, or other agencies.

Liability Waiver
Volunteers may be required to sign a waiver of liability for the event or activity in which they are participating. If required, the waiver will be provided by the supervising employee.

Safe Workplace
Like employees, volunteers must be provided policies and/or training on sexual harassment, Equal Opportunity Employment, and a drug-free work place.
GENERAL PROVISIONS

Governance
The Board of Directors (“Board”) for the Tuolumne County Resource Conservation District (“District”) consists of nine members (“Directors”) of the Board. As the governing body of the District, the Board reviews and approves District policies, including this policy. The Board may choose to delegate responsibility for policy administration to the District’s District Manager, including but not limited to the development of procedures and internal controls to implement the policy.

The following is the accepted policy of the Tuolumne County Resource Conservation District. It is the policy of the board of directors to revise this statement by changes, additions, or deletions at any time it is felt necessary, so long as it is decided by vote in a regular meeting of the board.

Purpose of the Policy
The District shall attempt to maintain reserve funds from existing unrestricted funds as designated by the RCD’s Reserve Policy. This policy establishes the procedure and level of reserve funding to achieve the following specific goals:

- Fund replacement and major repairs for the District’s vehicle fleet (when and if applicable).
- Fund regular replacement of computer hardware and software for district employees.
- Fund designated conservation projects/programs or other special uses not otherwise funded by grants or requiring additional monetary support.
- Fund capital improvements of District facilities (when and if applicable).
- Maintain minimal operational sustainability in periods of economic uncertainty.

POLICY PROVISIONS
POLICY. Use of District Reserves is limited to available “Unrestricted” Funds (not obligated by law, contract or agreement), including donations, interest earned, fees for service or other non-grant earnings. All special use funds will be designated by formal action of the RCD Board of Directors.

- **COMPUTER RESERVE**
  Computer Reserves will accumulate from existing unrestricted funds to the degree possible up to a rate of $1,000 annually. The maximum amount of Computer Fleet Reserves will be $10,000. When the annual accumulation would increase the Reserve beyond $10,000, only the amount required to reach the maximum will be reserved.

- **DESIGNATED PROJECT/SPECIAL USE RESERVE**
  Designated Project/Special Use Reserves will accumulate to the degree possible from existing unrestricted funds up to a rate of $1,000 annually. The maximum amount of Designated Project/Special Use Reserve will be $10,000. When the annual accumulation would increase the Reserve beyond $10,000, only the amount required to reach the maximum will be reserved.

- **ADMINISTRATIVE OPERATIONS RESERVE**
  Administrative Operations Reserves will accumulate to the degree possible from existing unrestricted funds up to a rate of $5,000 annually. The maximum amount of Administrative Operations Reserves will be $150,000. When the annual accumulation would increase the Reserve beyond $150,000 (equivalent of three years of Operations Reserves), only the amount required to reach the maximum will be reserved.

- **OTHER RESERVES**
  The Board reserves the right to amend this policy to develop additional reserve funds when and if they become necessary. The may include, but are not limited to a Vehicle Fleet Reserve or a Facility/Capital Improvement Reserve when and if vehicles or facilities are purchased by the District.

- **TOTAL ALL RESERVE FUNDS**
  The total amount of Reserves designated annually from all funds shall be $7,000 with a cumulative accrual cap of $170,000.

USE OF RESERVES. The following describes allowable uses of Reserve Funds.

- **Computer Reserve**
  Computer Reserves will be used to purchase computer hardware and software in support of District operations, with the intent of maintaining a modern computer fleet for employees.

- **Designated Project/Special Use Reserve**
  Projects, programs or special uses will be identified by the District Manager and/or the Board of Directors and approved by the Board. Uses must further the mission of the RCD and will be evaluated for designation according to value to communities and/or the District.
Administrative Operations Reserve

Operational Reserves shall be accrued to ensure three years of minimal facility and administrative functions. Reserve funds shall be utilized to support:

- Administrative operational functions, including minimal staffing levels and administrative/office expenses;
- Facility operations.

MONITORING RESERVE LEVELS. The District Manager, in collaboration with the District Treasurer, shall perform a reserve status analysis annually, to be provided to the Board of Directors’ annual deliberation/approval of Budget and Reserve Funds.

Additional information may be provided to the Board of Directors upon the occurrence of the following events:

- When a major change in conditions threatens the reserve levels established within this policy, or calls into question the effectiveness of this policy;
- Upon District Manager and/or Board request.
APPENDIX A
GOVERNMENT CODE 1770
Vacancies on Special District Boards
An office becomes vacant on the happening of any of the following events before the expiration of the term:

(a) The death of the incumbent.

(b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term. This subdivision shall not apply to offices created by the California Constitution nor to federal or state legislators.

(c) His or her resignation.

(d) His or her removal from office.

(e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged. However, the office of judge of a municipal court shall not become vacant when, as a result of a change in the boundaries of a judicial district during an incumbent’s term, the incumbent ceases to be an inhabitant of the district for which he or she was elected or appointed to serve.

(f) His or her absence from the state without the permission required by law beyond the period allowed by law.
(g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

(h) His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For the purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.

(i) His or her refusal or neglect to file his or her required oath or bond within the time prescribed.

(j) The decision of a competent tribunal declaring void his or her election or appointment.

(k) The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.

(l) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.
APPENDIX B

Government Code 1780

Filling of Vacancies on a Special District Board
1780. (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled as provided in this section. The district shall notify the county elections official of the vacancy no later than 15 days following either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The remaining district board members may fill the vacancy by appointment. The person appointed shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall fill the balance of the unexpired term. If the term of office is due to expire following the next general district election and that election is scheduled 130 or more days after the date the county elections official is notified of the vacancy, the person appointed to the vacancy shall fill the balance of the unexpired term of his or her predecessor. Appointments pursuant to this subdivision shall be made within a period of 60 days immediately subsequent to either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, and a notice of the vacancy shall be posted in three or more conspicuous places in the district at least 15 days before the appointment is made. The county elections official shall be notified of the appointment no
later than 15 days after the appointment. In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy. The election shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(b) If the vacancy is not filled by the district board as specified, or if the board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or county supervisors may order the district to call an election to fill the vacancy. The election shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council or board of supervisors calls the election.

(c) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the board or the appropriate board of supervisors or city council have not filled the
vacancy and no election has been called for, the district shall call
an election to fill the vacancy. The election shall be held on the
next established election date provided in Chapter 1 (commencing with
Section 1000) of Division 1 of the Elections Code that is 130 or
more days after the date the district board calls the election.

(2) If the number of remaining members of the board falls below a
quorum, at the request of the district secretary, or a remaining
board member, the board of supervisors or the city council may waive
the 60-day period provided in subdivision (a) and appoint immediately
to fill the vacancy as provided in subdivision (a), or may call an
election to fill the vacancy. The election shall be held on the next
established election date provided in Chapter 1 (commencing with
Section 1000) of Division 1 of the Elections Code that is held 130 or
more days after the date the city council or board of supervisors
calls the election.

The board of supervisors or the city council shall only fill
enough vacancies to provide the board with a quorum.

(d) Persons appointed to fill a vacancy shall hold office until
the next general district election that is scheduled 130 or more days
after the date the county elections official is notified of the
vacancy and thereafter until the person elected at that election to
fill the vacancy has been qualified, but persons elected to fill a
vacancy shall hold office for the unexpired balance of the term of
office.
APPENDIX C
Formation Resolutions
RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE

WHEREAS, by the adoption of Resolution No 209 on the 11th day of April, 2005, the Local Agency Formation Commission approved the formation of the Tuolumne County Resource Conservation District, subject to confirmation of the voters at an election to be held on November 8, 2005; a certified copy of said Resolution No. 209 is attached hereto; and

WHEREAS, after said election held on November 8, 2005, the County Clerk canvassed the returns and certified the results to this Board of Supervisors; and

WHEREAS, that this Board of Supervisors does hereby declare as follows; and

Total number of votes cast at the election in the formation measure: 18,018
Total number of votes cast for the formation: 10,594
Total number of votes cast against in the formation: 7,424

WHEREAS, that, because a majority of the voters voting favored the formation, this Board of Supervisors does hereby confirm the Local Agency Formation Commission’s order of formation; and

WHEREAS, the Resource Conservation District shall be called the Tuolumne County Resource Conservation District; and

WHEREAS, the boundary of the Resource Conservation District will encompass all of Tuolumne County and the City of Sonora; and

WHEREAS, the purpose of the Tuolumne County Resource Conservation District shall be to manage a diversity of resource conservation projects, including soil and water conservation projects, wildlife habitat enhancement and restoration, control of exotic plant species, watershed restoration, conservation planning, education, forest stewardship, pasture management, and many others as specified in Division 9 of the Public Resources Code and specified in the “Initial Plan For Providing Services.”

NOW, THEREFORE, LET IT BE RESOLVED, that the clerk of this Board hereby is requested to transmit a certified copy of this resolution to the Local Agency Formation Commission.

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Adopted by the Board of Supervisors of the County of Tuolumne on December 6, 2005

AYES: 1st Dist. [Signature]  NOES:  
2nd Dist. [Signature]  Dist. 
3rd Dist. Vacant  Dist. 
4th Dist. [Signature]  Dist. 
5th Dist. [Signature]  Dist. 

ABSENT:  

ABSTAIN:  

Chair of the Board of Supervisors  

Attest:  

[Signature]  

Chief of the Board of Supervisors  

Date: 12/06/05
RESOLUTION NO. 209
OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF TUOLUMNE, STATE OF CALIFORNIA
TUOLUMNE COUNTY AND THE CITY OF SONORA
FORMATION
OF
TUOLUMNE COUNTY RESOURCE CONSERVATION DISTRICT
RESOLUTION MAKING THE DETERMINATIONS AND APPROVING THE FORMATION OF
TUOLUMNE COUNTY RESOURCE CONSERVATION DISTRICT

WHEREAS, the proposed project has been determined to be categorically exempt from review under the
California Environmental Quality Act (CEQA) in accordance with Section 15307 of the State CEQA
Guidelines because the project consists of an action being taken as authorized by the State to assure the
maintenance of a natural resource and protection of the environment; and

WHEREAS, a reconsideration hearing and protest hearing will be held; and

WHEREAS, the County of Tuolumne Board of Supervisors and City Council of the City of Sonora adopted similar
resolutions of application requesting the formation of the Tuolumne County Resource Conservation District;
and

WHEREAS, the information provided on the application form and the "Initial Plan For Providing Services" has
been considered by the Commission; and

WHEREAS, the proposal is consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of
2000 and Division 9 of the Public Resources Code; and

WHEREAS, the present and planned land uses are consistent with the Tuolumne County and City of Sonora
General Plans and Zoning Ordinances; and

WHEREAS, there is a probable need for the services that will be provided by the formation of the Tuolumne
County Resource Conservation District; and

WHEREAS, there are no conflicting special districts and the Sphere of Influence will overlap the Spheres of
Influence of all of the special districts in Tuolumne County; and

WHEREAS, the area encompassed by the proposed Resource Conservation District is deemed inhabited
pursuant to Section 58046 of the California Government Code; and

WHEREAS, none of the parcels have prime agricultural land pursuant to Section 58064 of the California
Government Code; and

WHEREAS, formation of the Tuolumne County Resource Conservation District will not affect the ability of the
County or City to provide their fair share housing needs.

NOW, THEREFORE, IT IS RESOLVED that this Tuolumne County Local Agency Formation Commission does
hereby approve the formation of Tuolumne County Resource Conservation District, subject to the following
conditions:
1. The Resource Conservation District shall be called the Tuolumne County Resource Conservation District.

2. The purpose of the Tuolumne County Resource Conservation District shall be to manage a diversity of resource conservation projects, including soil and water conservation projects, wildlife habitat enhancement and restoration, control of exotic plant species, watershed restoration, conservation planning, education, forest stewardship, pasture management, and many others as specified in Division 9 of the Public Resources Code and specified in the "Initial Plan For Providing Services".

3. The boundary of the Resource Conservation District shall encompass all of Tuolumne County and the City of Sonora, as shown on Exhibit A attached hereto and incorporated herein.

4. No property tax revenue shall be exchanged by reason of this formation.

5. Prior to the protest hearing, the following shall be submitted to the Executive Officer of the Local Agency Formation Commission:

   A written agreement specifying the in-kind services to be provided by the County of Tuolumne for a minimum of 2 years, and to include at a minimum: office space, utility service, treasury and auditor services, grant writing assistance, internet access, legal, and other county staff assistance.

6. The Tuolumne County Resource Conservation District shall be governed by a nine (9) member Board of Directors in the following manner:

   Eight (8) At-Large Directors shall be appointed by the Board of Supervisors, based upon population; and

   One (1) Director shall be appointed by the City of Sonora;

   The Directors are to serve for a four (4) year term, except that the initial term of four of the Directors appointed by the Board of Supervisors shall be an initial two (2) year term.

7. If approved by the electorate, the effective date of this formation of the Tuolumne County Resource Conservation District shall be the date the Certificate of Completion is recorded.

8. Prior to signing the Certificate of Completion, the County of Tuolumne shall submit to the Local Agency Formation Commission, a check drafted to the State Board of Equalization in the amount of $300.00.

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission at the County of Tuolumne, State of California, at a regular meeting held on the 11th of April, 2005, by the following vote:

Resolution No. 209

AYES: Commissioners CHAIRMAN SAULS, VICE CHAIR BASS, THORNTON, ANDERSON & RUSSEL

NOES: 

ABSENT: 

ABSTAIN: 

ATTEST: LARRY HOUSEBERG, Assistant Executive Officer

JACK SAULS, Chairman

[Signature]
APPENDIX D
Sample Resolution Format
RESOLUTION OF THE
TUOLUMNE COUNTY RESOURCE CONSERVATION DISTRICT

SUBJECT: SELECTION OF TIME AND PLACE FOR MONTHLY MEETINGS AND DECLARATION THAT DISTRICT IS ORGANIZED.

WHEREAS, the Tuolumne County Resource Conservation District was authorized by a vote of the people of Tuolumne County in November 2005, and

WHEREAS, pursuant to Section 9188 of Public Resources Code, the Board of Supervisors of Tuolumne County verified the election results and declared the District formed; and

WHEREAS, pursuant to Section 9189 of Public Resources Code the Tuolumne County Local Agency Formation Commission (LAFCO), received a copy of the Board of Supervisor’s Resolution and certified that the District had been formed; and

WHEREAS, a Board of Directors consisting of nine individuals has been appointed by the Tuolumne County Board of Supervisors and City of Sonora City Council in accordance with Section 9204 of Public Resources Code; and

WHEREAS, each member of the Board of Directors has taken an oath of office as required in Section 9302 of Public Resources Code; and

WHEREAS, the Board of Directors has classified their terms of office pursuant to Section 9305 of Public Resources Code; and

WHEREAS, the Board of Directors has organized and selected a President and Secretary pursuant to Sections 9306 and 9307 of Public resources Code; and

WHEREAS, Section 9308 of Public Resources Code requires that the directors “shall select a date, time, and place at which regular monthly meetings shall be held; and

WHEREAS, Section 9308 of Public Resources Code further requires that “upon completion of the foregoing determinations by the directors, the District shall be declared to be organized”;


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NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Tuolumne County Resource Conservation District hereby declare that regularly scheduled monthly meetings shall be held on the second Wednesday of each month, beginning at 4:00 PM, in the Tuolumne County Board of Supervisors chambers at 2 South Green Street, Sonora, California; and

IT IS FURTHER RESOLVED, that Tuolumne County Resource Conservation District is declared to be organized.

I hereby certify that the above is a true and correct copy of Resolution 2006-01, adopted on the motion of Director ______________, seconded by Director ______________, and duly passed at the Board meeting held by the Board of Directors at 4:00 P.M. on Wednesday February 8, 2006, at the Tuolumne County Board of Supervisors Chambers, 2 S. Green Street, Sonora, California

Roll Call was as follows:

AYES:

NOES:

ABSTAIN:

ABSENT:

Submitted by __________________________________________

Secretary, Tuolumne County Resource Conservation District

_____________________________________________________

Chairman, Tuolumne County Resource Conservation District