

**WRIGHTWOOD
COMMUNITY
SERVICES DISTRICT**

DECEMBER 1, 2020

**REGULAR BOARD
MEETING PACKET**

WRIGHTWOOD COMMUNITY SERVICES DISTRICT

P.O. Box 218 Wrightwood, CA 92397

Regular Meeting of the Board of Directors

Tuesday, December 1, 2020-6:30pm

Wrightwood Community Building

1275 State Highway 2, Wrightwood, CA

Agenda

SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY

Pursuant to the provisions of Executive Order N-29-20 issued by Governor Newsom in response to the COVID-19 outbreak and as a precaution to our Board of Directors, District Staff, and general public, Wrightwood Community Services District will hold this meeting of its Board of Directors via teleconference. The public may participate in the meeting by teleconference as follows:

For best results please use your computer and click on the link;

<https://zoom.us/j/9998961711?pwd=UmRqV0NpT09KY1FXRDfCMTBkC0d0OQT09>

To raise your hand, go to the bottom of the screen, click on Participants, raise your hand is at the bottom of the listing. If instead you wish to use your phone, either cell or land line, call 301-715-8592

Use meeting number 999-896-1711# then hit # again

To raise your hand for public comments hit *6

All audio and Video will be muted initially when joining the meeting.

6:30 PM – Call to Order

1. Roll Call
2. Agenda Approval
3. Public Comments: *Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought to participate in the above-agenized public meeting, should be directed to the Chair at any time prior to the meeting. Under this item, any member of the public wishing to directly address the Board on any item of interest that is not within the subject matter jurisdiction of the Board may do so now. However, the Board is prohibited by law from taking any action on any item not appearing on the agenda unless the action is otherwise authorized by the Brown Act. Any member of the public wishing to directly address the Board on any item listed on the agenda may do so when the item is being considered by the Board. Pursuant to Section 2.3.2 of Ordinance No 2019-03 adopted by the Board on April 2, 2019, the Chair may limit each speaker to a comment period of three (3) minutes or less.*
4. Agency Reports
5. Consent Calendar
 - 5a. November 10, 2020 Regular Board Meeting Minutes
6. General Managers Report
7. November 2020 Financials
8. Christmas Tree Donation: Discussion and Possible Action
9. Farmer's Market Proposed Rental: Discussion and Possible Action
10. Purchasing Policy: Discussion and Possible Action
11. Blood Drive Building Usage: Discussion and Possible Action
12. Savings Account Protocol: Discussion and Possible Action
13. Per Capita Grant Standing Committee: Discussion and Possible Action
14. Snow Removal Ad Hoc Committee: Discussion and Possible Action
15. CSD Board Election: Discussion and Possible Action
16. CSD Building Opening: Discussion and Possible Action
17. Recess to Closed Session: Conference with Real Property Negotiators (Government Code Section 54956.8); Property: 1275 State Highway 2, Wrightwood, California (parking lot); District Negotiator: Lori Golden, General Manager; Negotiating Parties: Cecelia J. Cummings; Under Negotiation: Price and Terms of License Agreement
18. Return to Open Session: Announcement of Reportable Closed Session Actions
19. Future Board Meeting – January 5, 2021: Discussion and Possible Action
20. Directors Comments
21. Adjournment

Wrightwood Community Services District

THE VISION

To Empower our community to have local control by serving as a platform for community discussion, cohesion and action in the areas of parks and recreation, street lighting, solid waste and recycling and wastewater planning and engineering.

To promote and grow a vibrant parks and recreation department for our community.

To maintain and enhance our current infrastructure

To economize our solid waste process and maximize our efficiency in executing them

To protect our natural resources through evaluating community wastewater needs

To meet all these ends in a fiscally responsible manner

Wrightwood Community Services District

THE MISSION

to provide local governance in the areas of parks and recreation, street lighting, solid waste and recycling and wastewater planning and engineering in a fiscally responsible manner.

ITEM 5A

SPECIAL
BOARD MEETING
NOVEMBER 10, 2020

MINUTES



SPECIAL BOARD MEETING
November 10, 2020
Wrightwood Community Building
1275 State Highway 2
Wrightwood, CA

MINUTES

Board Members Present: Wes Zuber, President (online)
Leo Hordyk, Vice President (online)
Natalie Lopiccolo, Member (online)
Chuck Franklin, Member (online)
Michelle Schneider, Member (online)

Staff Present: Steve Kennedy General Counsel (online)
Lori Golden General Manager (online)
Tamara Keen Secretary (online)

Call to Order

President Zuber called the Meeting to order at 6:30 p.m.

1. **Roll Call:** All present
2. **Approval of Agenda:** Director Schneider motioned to approve the agenda; Director Lopiccolo seconded the motion. Agenda was approved unanimously.
3. **Public Comment:** Pam Wright spoke on her experience in city government and her involvement with the new parks that were developed in during her time there. Ms. Wright pointed out several issues that she felt needed further clarification on the proposed park including matching funds, availability of maintenance, drainage, and a traffic study. Randy Marbach spoke regarding the proposed park as well. Mr. Marbach wanted to make sure the Board addressed the current life style and culture enjoyed currently in Wrightwood. Bruce LeClaire has spent 35 years as a builder and 12 as a city planner. Mr. LeClaire wanted to know about the proposed park and if there is a written agreement for the donation of the land and if the proposed road would be part of the acreage that is being donated.
4. **Agency Reports:** None
5. **Consent Calendar:** Director Franklin motioned to accept the minutes and Director Schneider seconded. The motion was passed unanimously.
6. **General Managers Report:** General Manager Golden reported on the completion of the audit and the completion of painting the buildings. She also noted that Measure W to set the permanent appropriations limit was passed by a large margin. General Counsel Kennedy explained the importance of the measure. General Manager Golden also let the Board know the Wrightwood Brewery has pending application to expand their services. The Board requested a copy of the notice.
7. **October Financial Statements:** Director Franklin asked for clarification on the large water bill. General Manager Golden explained that the work has not been done due to a restriction on cash as well as the sprinklers being turned off for the season.
8. **Fiscal Year End June 30, 2020 Audit:** Brandon Ferrell and Hong Nguyen presented the audit. The opinion expressed from the auditors was favorable. The CSD cash position has improved and the only long-term debt is from the 2017 election costs (3 more payments are due).
9. **Christmas Tree Donation:** This item was tabled until the December 1, 2020 meeting.

10. **Brown Act Amendment:** General Counsel Kennedy presented the details of the amendment and the restrictions of Board member commenting on social media. The Board felt there would not be an issue to this as most are not on social media.
11. **CSD Contractors Policy:** General Counsel Kennedy presented on the requirements for non-construction related contractors. The state has specific guidelines for construction related contracts over \$25,000. General Manger Golden along with General Counsel Kennedy will create a policy that addresses independent contractors for the Board's approval.
12. **Per Capita Grant Standing Committee:** Director Lopiccolo presented the status on the East side park project. Director Lopiccolo had 2 bids for the road. The first bid doesn't include rough grading and was for \$99,000. The second bid included the rough grading at \$135,000. Director Lopiccolo shared her conversations with 2 cities that have dog parks. Both cities reported low maintenance for these types of parks.
13. **Snow Removal Ad Hoc Committee:** President Zuber reported that he had not found a contribution for the consultant fees. He will continue to work on that.
14. **CSD Board Election:** General Counsel Kennedy reported that any newly elected Board members would take office on December 4, 2020 at noon. The current Board members will handle the December 1, 2020 Board meeting. If there are new Board members, they need to be sworn in on December 4th or later. General Counsel Kennedy will work with the General Manager to make sure any new members are sworn in.
15. **Lions Club Rental and Variance:** Vicky Rinek with the Lion's Club presented a proposal to rent the Community Building for 4 days to store and prepare Thanksgiving meals for the seniors in the community. They are anticipating making 100 meals. Vice President Hordyk made a motion to accept the rental and grant the variance. Director Franklin seconded the motion and the motion was passed unanimously.
16. **AA Proposed Rental:** General Manager Golden presented the proposed rental plan for a Wednesday night AA meeting. The proposal was for up to 45 people in the Community Building. The Board felt this was too many people for the current pandemic guidelines and rejected the proposal.
17. **Farmer's Market Proposed Rental:** General Manager Golden presented the proposal from Ron Frank, the director of the Farmer's Market. The proposal requested 15 people in the Community Building at one time. The Board requested research as to San Bernardino guidelines. This item was tabled until further information is received.
18. **CSD Building Opening:** The Board declined opening the building at this time.
19. **Recess to Closed Session:** 8:37pm
20. **Return to Open Session:** 8:58pm No reportable action
21. **Future Board Meeting:** The next Board meeting will be held on December 1, 2020 and will be a remote meeting
22. **Directors Comments:** Director Franklin requested a policy for the CSD savings account be on the next agenda. Director Schneider thanked General Manager Golden for her work with the auditors.
23. **Adjournment:** President Zuber adjourned the meeting at 9:00 P.M.

Minutes approved by: _____

President Wes Zuber

ITEM 6

GENERAL MANAGER REPORT



GENERAL MANAGER REPORT

December 1, 2020

We have received our first deposit from San Bernardino County for the property tax assessments. Any money moved from the savings account has been returned and we are operating in the black now. The portable restrooms have been delivered and are in usage. We had 3 trees trimmed in November so that next year they will look better as they grow up and out.

I have been working with the Per Capita Grant Standing Committee to get some quotes on equipment. I am ready to administer the Oath of Office to the elected Board members on December 4th.

It has been suggested that we create a Parks Vision Plan so that going forward, we will have a direction for any further grant money.

Lori Golden
General Manager

ITEM 7

NOVEMBER 2020 FINANCIALS

DISCUSSION AND POSSIBLE ACTION



Due to the Board meeting being on the 1st of December, financial statements for November will be available at the January 2021 meeting.

ITEM 8

CHRISTMAS TREE DONATION:

DISCUSSION AND POSSIBLE ACTION



This item has been agendaized at the request of Vice President Hordyk.

ITEM 9

FARMER'S MARKET PROPOSED RENTAL:

DISCUSSION AND POSSIBLE ACTION



(Certified) Wrightwood Farmers market is planning to stay outside when weather permits.

However, with weather extremes or when not possible, then I would like to be able to use the indoors either in conjunction with the parking lot or just indoors for a few vendors at the discretion of need. (Certified) Farmers markets are designated as essential services.

1. 5 farmers or vendors at a time
2. 5 shoppers at a time (Max 10 people including both shoppers and farmers/vendors)
3. Farmers/Vendors pushed to extreme edges of room opening it up further than what I've seen being currently used. No in the center vendors to give greatest max distance between patrons
4. Patrons will enter by side door and exit through front door, one-way flow.
5. If not gloved patrons wash hands with outdoor hand washing station (I prefer to leave indoor restrooms unused if possible)
6. 1 family member only when indoors.
7. All shoppers in face masks while indoors or in line to indoors (this will be monitored)
8. Outdoor to indoor line chalked 7ft apart as I do with high traffic booths currently.
9. Farmers/Vendors use soap from personal hand washing station or sanitizer between transactions
10. All Farmers/Vendors in face masks both indoors and outdoors and monitored too
11. I will have the help of both Dave and/or Farmer Roweena who runs Phelan's Certified Farmers Market to monitor indoors.
12. Special pre-market time for high risk customers as we have been doing.
13. Posting current and changing notifications of our safety requests weekly to both our mailing list and on our Facebook.

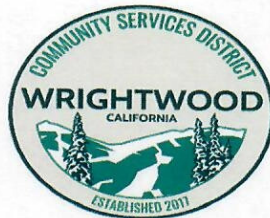
Thank you for your time, consideration, and support for our Wrightwood Certified Farmers market and essential services within our community.

Ron

ITEM 10

PURCHASING POLICY:

DISCUSSION AND POSSIBLE ACTION



RESOLUTION NO. 2020-07

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE WRIGHTWOOD COMMUNITY SERVICES DISTRICT
ESTABLISHING PURCHASING POLICY AND PROCEDURES**

WHEREAS, the Board of Directors of the Wrightwood Community Services District finds as follows:

A. The Wrightwood Community Services District (“the District”) is a community services district organized and operating pursuant to California Government Code Section 61000 et seq.

B. The District desires to standardize the purchasing procedures of the District and set forth the duties and responsibilities of District staff.

C. The Purchasing Policy and Procedures does establish a centralized and uniform purchasing policy intent on saving the taxpayers’ money and increasing the public confidence in the procedures of the District.

D. The Purchasing Policy and Procedures does set forth the duties and responsibilities of the District’s General Manager and staff in relation to purchasing and authorizes the General Manager to act in a manner that state or local law, or as District procedures and industry standards, so dictate.

THEREFORE, BE IT RESOLVED by the Board of Directors of the Wrightwood Community Services District that the Purchasing Policy and Procedures attached hereto and incorporated herein by this reference is hereby adopted.

Adopted this ____ day of _____, 202_.

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

President, Board of Directors

ATTEST:

Secretary, Board of Directors

WRIGHTWOOD COMMUNITY SERVICES DISTRICT

Purchasing Policy and Procedures

Section 1. Purpose

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

Section 2. Definitions

- A) Approved Vendors** – means those vendors approved by the General Manager for bidding purposes after satisfactory compliance with the Pre-Qualification Program contained in Section 7 below. The detailed list of Approved Vendors shall be on file at the District office at all times.
- B) Bid Most Advantageous To The District** – means the Lowest Responsible bidder on a District project that is subject to Competitive Bidding from among those bids that are deemed to be Responsive to the Specifications.
- C) Board** – means the Board of Directors of the District.
- D) Capital Expenditure** – means all major expenditures of a non-recurring nature such as new buildings, major remodeling projects and major equipment Purchases. Excluded from this definition shall be all in-house projects unless the cost of the materials alone exceeds \$5,000.
- E) Competitive Bidding** – means the process of obtaining the Bid Most Advantageous To The District for any Purchase conducted through a Formal Bid or Informal Bid.
- F) District** – means the Wrightwood Community Services District.
- G) Formal Bid** – means a written quotation obtained in a sealed envelope from an Approved Vendor, or through District direct solicitation, public announcement, or published advertisement and opened at a specific day, place, and time. Bidders can be from the Approved Vendor's list or from bidders responding to advertisements or openly solicited requests for bids. Notice inviting bids for any contract requiring Competitive Bidding shall be published at least one time in a local newspaper of general circulation within the District. It is required to have the bid opened publicly at a specified day, place and time.
- H) Informal Bid** – means a written or oral quotation obtained from an Approved Vendor, but not required to be opened publicly at a specified day, place, and time.
- I) Lowest** – means the smallest bid in monetary terms received by the District for the cost of a project subject to Competitive Bidding.
- J) Plans** – means drawings or diagrams made to scale showing the structure or arrangement of a construction project, or a method or program showing a level of service or benefit defined within a contract. Plans will become part of the awarded contract. All bidders will be afforded an opportunity to examine the Plans.

- K) Purchase** – means buying, renting, leasing or otherwise acquiring Supplies or Services for a price.
- L) Responsible** – means the Lowest bidder who possesses the trustworthiness, quality, fitness, ability, capacity, and experience to satisfactorily perform a District project subject to Competitive Bidding. When the Lowest bidder is found not to be Responsible, the District must notify the bidder of this finding and the evidence upon which the finding was based, and the District must afford the bidder an opportunity to rebut such adverse evidence, and permit the bidder to present evidence that the bidder is Responsible.
- M) Responsive** – means a bid received by the District for a project subject to Competitive Bidding that substantially conforms to the bid Specifications and all applicable statutory requirements. A bidder is not entitled to a hearing on the question of Responsiveness, but is entitled to notice and the right to submit materials to the Board or the District's General Manager before a decision is made.
- N) Services** – means all labor furnished to the District by persons, firms, individuals or corporations not part of or connected with the District.
- O) Sole Source Contractor** – means a contractor or consultant that has been evaluated to provide unique or specialized Services or Supplies that cannot be obtained from other contractors or consultants. Such designation must be approved by the Board.
- P) Specifications** – means standards, including quality, set by the General Manager, supervisory staff or consultants as a guide and as a measure of that which successful vendors must achieve. Specifications shall be either technical specifications for bids, which shall state formulations as broadly as practicable, yet shall be specific enough to describe the requirements of the District, or non-technical specification for bids, which shall state the quality required in general terms. Specifications may be set forth in the District's Requests for Proposals package. Specifications will become part of the awarded contract. All bidders will be afforded an opportunity to examine the specifications.
- Q) Splitting Purchases** – means the intentional separation of a District project into smaller portions in order to avoid any of the Purchasing limits established by this policy.
- R) Supplies** – means all materials and equipment.

Section 3. Applicability

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

Section 4. Purchase of Construction Supplies

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

- A) Formal Bids.** Contracts for Supplies for the construction or completion of any building, structure, or improvement, when the cost exceeds \$25,000, shall be contracted for and let to the Bid Most

Advantageous To The District after notice. If two or more bids are the same and the Lowest, the Board may accept the one it chooses.

- B) **Notice.** The District shall publish a notice inviting bids for any contract for which Competitive Bidding is required at least one time in a newspaper of general circulation in the District at least one week before the time specified for receiving bids. The notice inviting bids shall set a date for opening the bids and distinctly state the Supplies to be Purchased.
- C) **Alternate Publication.** If the District's General Manager recommends, and the Board determines, that the publication of advertisements of the notice in trade journals and papers in lieu of publication in a newspaper of general circulation will increase the number of business enterprises receiving the notice, the Board may by resolution declare that those notices shall be published in trade journals and papers at least ten days prior to the time specified for receiving bids.
- D) **Rejection of Bids.** At its discretion, the Board may reject any bids presented and readvertise. The Board may also waive a minor bid irregularity that does not give an unfair advantage to another bidder. However, the Board is under no obligation to waive bid irregularities.
- E) **Emergencies.** In the case of an emergency, the District may proceed in accordance with Section 8 below.

Section 5. Construction Contracts

The District must comply with the following Competitive Bidding requirements with respect to the construction or completion of any building, structure, or improvement when the cost exceeds \$25,000:

- A) **Formal Bids.** All contracts for the construction or completion of any building, structure, or improvement, when the cost exceeds \$25,000, shall be contracted for and let to the Bid Most Advantageous to the District after notice. If two or more bids are the same and the Lowest, the Board may accept the one it chooses.
- B) **Notice.** The District shall publish a notice inviting bids for any contract for which Competitive Bidding is required at least one time in a newspaper of general circulation in the District at least ten days before the time specified for receiving bids. The notice inviting bids shall set a date for opening the bids and distinctly state the work to be done.
- C) **Alternate Publication.** If the District's General Manager recommends, and the Board determines, that the publication of advertisements of the notice in trade journals and papers in lieu of publication in a newspaper of general circulation will increase the number of business enterprises receiving the notice, the Board may by resolution declare that those notices shall be published in trade journals and papers at least ten days prior to the time specified for receiving bids.
- D) **Plans and Specifications.** If Plans and Specifications are prepared describing the work, all bidders shall be afforded an opportunity to examine the Plans and Specifications, and the Plans and Specifications shall be attached to and become a part of the contract, if one is awarded.
- E) **Bid Security.** All bids for construction work shall be presented under sealed cover and shall be accompanied by bidder's security in the form of either cash, a cashier's check made payable to the District, a certified check made payable to the District, or a bidder's bond executed by an admitted surety insurer made payable to the District. Upon an award to the bidder, the security of an unsuccessful bidder shall be

returned in a reasonable period of time, but in no event shall that security be held by the District beyond 60 days from the time the award is made.

- F) **Rejection of Bids.** At its discretion, the Board may reject any bids presented and readvertise. The Board may also waive a minor bid irregularity that does not give an unfair advantage to another bidder. However, the Board is under no obligation to waive bid irregularities.
- G) **Emergencies.** In the case of an emergency, the District may proceed in accordance with Section 8 below.
- H) **Bonds.** The Board may, subject to Civil Code Section 9550 et seq., require the posting of those bonds it deems desirable as a condition to the filing of a bid or the letting of a contract.
- I) **Record.** The District shall keep cost records of the work in the manner provided in Government Code Section 4000 et seq.

Section 6. Purchasing Limits for Other Contracts

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

A) **Formal Bids.** Purchases shall be made by Formal Bid whenever such method is feasible and practical under existing conditions and circumstances.

B) **Record of Bids.** The District's General Manager shall keep a record of all bids submitted, and such record shall be open to proper inspection by any interested party within a reasonable amount of time.

C) **Approval**

1) No Purchase of Supplies or Services exceeding \$250 shall be made by any District staff without the approval of the General Manager. Notwithstanding the above, District staff may Purchase Supplies or Services in excess of the limit if the Supplies or Service has been approved on an open purchase order ("P.O.") and the staff person is identified as an authorized purchaser on the P.O. All purchases shall be processed through the requisition/PO process and approved accordingly.

2) No single Purchase of Supplies or Services exceeding \$25,000 shall be made by the District's General Manager without the approval of the Board.

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

- 1) When the total dollar value of the Purchase does not exceed \$15,000.
- 2) When an emergency exists, the District may proceed in accordance with Section 8 below.
- 3) When a Sole Source Contractor has been designated.
- 4) When Competitive Bidding would fail to produce an advantage and/or when the advertisement for Competitive Bidding would be undesirable, impractical, or impossible.

- 5) When the Purchase is for professional Services.

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

- 1) Purchases - Not to Exceed \$5,000. When the General Manager considers prices to be fair and reasonable and when the total amount of the Purchase does not exceed \$5,000, procedures and documentation will be simplified to the maximum degree possible. The General Manager shall establish such rules of procedures for such Purchases as he/she feels necessary to insure against abuse of the public interest. Procedures shall include verbal authorization, fax authorization, or other form of written authorization as required.

- 2) Purchases - \$5,000 to \$15,000. Purchases exceeding \$5,000 but not exceeding \$15,000 in total cost will be supported by a record of price quotations from three (3) different sources or an adequate explanation justifying the absence of such alternate quotes. Such quotations may be obtained in writing, verbally or by such other means as may be prescribed by the General Manager as appropriate to the circumstances. General Manager approval shall be written and become part of the supporting documentation for the Purchase.

- 3) Purchases - \$15,000 to \$25,000. Purchases exceeding \$15,000 but not exceeding \$25,000 in total cost will be supported by a record of price quotations and Informal Bids or Formal Bids at the discretion of the General Manager. Criteria to be used for Formal Bid shall be whether or not the Purchase is a Capital Expenditure, a contract for professional services or lease, or an annual purchase order for Supplies, and/or maintenance and repair services. General Manager approval shall be written and become part of the supporting documentation for the Purchase.

- 4) Purchases Exceeding \$25,000. Purchases exceeding \$25,000 in value must be approved by the Board prior to award. Request for such approval will be accompanied by a full statement of facts justifying the recommendation for award. Purchases with potential values that may exceed \$25,000 will be advertised at least once in a newspaper of general circulation within the District and at least one week before the time specified to receive bids. The District may advertise at least once in any appropriate industry publications or periodicals. Specifications, Plans, and bid procedures shall be provided to vendors responding to the advertisement. Bid responses to these advertised bids must be made in a written format. The Specifications and Plans shall become part of the awarded contract.

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

G) Requisitions. Purchases involving the immediate encumbrance of District funds shall be made only on a written requisition submitted by supervisory staff in such form as required by and approved by the General Manager in accordance with the procedures in this policy. Approval of the requisition shall result in the issuance of a P.O. or District check made payable to the vendor for the materials and supplies or services requested. For purchases where a P.O. is not necessary or accepted by the vendor, but a check is required, a request for a check shall be completed by District staff and approved by the General Manager. The General Manager shall examine each requisition and check request and shall have the authority to revise it as to quantity, quality, or estimated cost upon discussion with the requesting District staff.

H) Open Purchase Orders.

1) Limit under \$25,000. The General Manager shall have the authority to issue an open P.O. for Services and Supplies to any Approved Vendor in an amount not to exceed \$25,000. All open P.O.'s shall expire at 5:00 p.m. on June 30 of each fiscal year. District staff authorized to purchase on the open P.O. shall be identified on the P.O. and provide District identification to the Approved Vendor for every Purchase.

2) Limit exceeding \$25,000. Open P.O.'s exceeding \$25,000 shall be approved by the Board. Approval by the Board can be made during annual budget adoption process when individual open P.O.'s are identified within the budget and made part of the budget adoption resolution. Additional open P.O.'s exceeding \$25,000 opened during the fiscal year must have Board approval before issuance. All open P.O.'s shall expire at 5:00 p.m. on June 30 of each fiscal year. District staff authorized to purchase on the open P.O. shall be identified on the P.O. and provide District identification to the vendor for every Purchase.

Section 7. Pre-Qualification Program

A) Adoption. All Approved Vendors must be pre-qualified prior to submitting bids for the District's public works projects. It is mandatory that all Approved Vendors who intend to submit bids fully complete the pre-qualification questionnaire, provide all materials requested herein, and be approved by the District to be on the Approved Vendors list.

B) Applications. Pre-qualification applications may be submitted anytime. Contractors who submit a complete pre-qualification package will be notified by first class mail if not approved, such notice to be mailed no later than fifteen business days after submission of the information.

C) Questionnaire. Answers to questions contained in the District's pre-qualification questionnaire, information about current bonding capacity on an aggregate and per project limit, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. The District will use these documents as the basis of rating Approved Vendors in respect to the size and scope of contracts upon which each Approved Vendor is qualified to bid. The District reserves the right to check other sources available. Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify the District and provide updated accurate information in writing, under penalty of perjury.

D) Approval. Pre-qualification approval will remain valid through June 30th of each year, except that the District reserves the right during that calendar year to adjust, increase, limit, suspend, or rescind the pre-qualification ratings based on subsequently learned information and after giving notice of the proposed action to the Contractor and an opportunity for a hearing consistent with the hearing procedures described below for appealing a pre-qualification determination.

E) Selection. While it is the intent of the pre-qualification questionnaire and documents required therewith to assist the District in determining bidder responsibility prior to the submission of bids and to aid the District in selecting the Bid Most Advantageous To The District, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude the District from a post-bid consideration and determination on a specific

project of whether a bidder has the quality, fitness, capacity, and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness. Contractors are encouraged to submit pre-qualification packages as soon as possible, so that they may be notified of pre-qualification status well in advance of upcoming projects. The District reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted, to make all final determinations, and to determine at any time that the pre-qualification procedures will not be applied to a future public works project. A contractor may be found not pre-qualified for bidding on a specific public works contract to be let by the District, or on all contracts to be let by the District, until the contractor meets the District's requirements. In addition, a contractor may be found not pre-qualified for either omission of requested information or falsification of information.

F) Appeal. A contractor who has submitted a completed application form, and who receives a rating of "not qualified" from the District, may appeal that determination. There is no appeal from a finding that a contractor is not pre-qualified because of a failure to submit required information, but reapplication during one of the designated time periods is permitted. A contractor may appeal the District's decision with respect to its request for pre-qualification, and request a hearing by giving notice to the District no later than ten (10) business days after receipt of notice of its qualification status. Unless a Contractor files a timely appeal, the Contractor waives any and all rights to challenge the qualification decision of the District, whether by administrative process, judicial process, or any other legal process or proceeding.

G) Hearing. If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than ten (10) business days after the District's receipt of its Notice of Appeal. The hearing so provided shall be an informal process conducted by a panel to which the Board has delegated responsibility to hear such appeals (the "Appeals Panel"). At or prior to the hearing, the Contractor will be given the opportunity to present information and present reasons in opposition to the pre-qualification determination. At the conclusion of the hearing or no later than one day after completion of the hearing, the Appeals Panel will render its decision. The date for submission and opening of bids for a specific project will not be delayed or postponed to allow for completion of an appeal process.

Section 8. Emergencies

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

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

C) Delegation. The Board, by four-fifths vote, may delegate, by resolution or ordinance, to the District's General Manager the authority to order any action pursuant to paragraph A) above.

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

E) Review.

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

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

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

Section 9. Scope of General Manager's Authority

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

A) Exceptions

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

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

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

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

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

Section 10. Miscellaneous

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

B) Conflict of Interest. No District employee or Board member authorized to act on behalf of the District shall enter into any agreement, contract, or P.O. with any individual, firm, corporation, or organization in which said employee, Board member, or relative of same has a financial interest. This shall also include the acceptance of any gift or gratuity, directly or indirectly, from any person, firm, corporation, or organization to which any P.O. or contract is, or might be, awarded, any rebate, gift, or anything of value whatsoever, except where given for the express use of benefit of the District. Inexpensive advertising items, bearing the name of a vendor, such as pens, pencils, paper weights, cups, candy, calendars, etc., are not considered articles of value or gifts in relation to this policy.

C) Supersedes Other Policies. This purchasing policy and procedures supersedes any inconsistent prior policies adopted by the Board.

RESOLUTION NO. 2020-08

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE WRIGHTWOOD COMMUNITY SERVICES DISTRICT
ESTABLISHING EMERGENCY PURCHASING PROCEDURES**

WHEREAS, the Board of Directors of the Wrightwood Community Services District finds as follows:

A. The Wrightwood Community Services District (“the District”) is a community services district organized and operating pursuant to California Government Code Section 61000 et seq.

B. On _____, 202_, the District’s Board of Directors (“the Board”) adopted Purchasing Policies and Procedures for the District (“the Purchasing Policy”).

C. Pursuant to Section 8.C. of the Purchasing Policy, the Board, by four-fifths vote, may delegate, by resolution or ordinance, to the District’s General Manager the authority to repair or replace a public facility, or take any other related and immediate action, that is necessary to respond to an emergency situation, and to procure the necessary services and supplies for those purposes without giving notice for bids to let contracts.

D. Under Section 54956.5(a) of the California Government Code, the term “emergency situation” means both of the following: (1) an emergency, which is defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both; and (2) a dire emergency, which is defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses immediate and significant peril that may endanger the public health, safety, or both.

E. The Board wishes to adopt this Resolution pursuant to Section 8.C. of the Purchasing Policy in order to formally delegate to the District’s General Manager the authority to respond quickly and appropriately to an emergency situation as defined in Government Code Section 54956.5(a) in order to best protect the public health and safety.

THEREFORE, THE BOARD OF DIRECTORS of the Wrightwood Community Services District does hereby resolve as follows:

1. Pursuant to Section 8.C. of the Purchasing Policy, the Board hereby delegates to the District’s

General Manager the authority to repair or replace a public facility, or take any other related and immediate action, that is necessary to respond to an “emergency situation” as defined in Government Code Section 54956.5(a), and to procure the necessary services and supplies for those purposes without giving notice for bids to let contracts.

2. The provisions of this Resolution shall take effect immediately upon adoption.

Adopted this ____ day of _____, 202_.

AYES:
NOES:
ABSTAIN:
ABSENT:

President, Board of Directors

ATTEST:

Secretary, Board of Directors