

Calwa Recreation and Park District
Agenda Item Transmittal



Meeting Date: August 16, 2022

Agenda Item Number: D-1

Wording for Agenda: Approval of Board Meeting Minutes for Regular Meeting July 19, 2022 and Special Meeting Minutes for July 26, 2022. **(Action)**

Submitting: District Administrator

Contact Name and Phone Number: Adam Ramos
559-264-6867

For action by:

District Board

Regular Session:

Consent Calendar

Regular Item

Public Hearing

Review:

**District Administrator
(Initials Required)**

AR

Department Recommendation: Approve minutes.

Summary/Background: Minutes are transcribed after the board meetings and as the Board of Secretary, the DA creates the minutes based off the notes taken during meetings.

Prior Board Actions: Approved previous meeting minutes for June.

Attachments: Minutes for regular and special meeting.

Recommended motion to be made by Board: Motion to approve regular meeting and special meeting minutes.

Copies of this report have been provided to: Board Members and District Counsel



CALWA RECREATION & PARK DISTRICT MEETING AGENDA

www.calwarecreation.org

REGULAR BOARD MEETING NOTICE AND AGENDA July 19, 2022 MINUTES

BOARD CHAIRPERSON

Esmeralda Zamora, Chair

Present

BOARD VICE CHAIR

Raul Guerra Vice Chair

Present

BOARD MEMBERS

Joseph Perez, Board Member: **Present**

Laura Garcia, Board Member: **Present**

Mary L. Rosales, Board Member: **Present**

DISTRICT ADMINISTRATOR

Adam Ramos

Present

DISTRICT COUNSEL

Hilda Cantú Montoy

Present

The Calwa Recreation and Park District Board of Directors welcomes you to its meetings and encourages you to participate. This agenda contains a brief general description of each item that will be considered by the Board. All persons who call in or who attend the meeting are asked to silence pagers, cell phones, and other devices that may disrupt the Board meeting. The Board may consider and act on an agenda item in any order it deems appropriate.

Join Zoom Meeting

Topic: Regular Board Meeting Calwa Park

Time: Jul 19, 2022, 05:30 PM Pacific Time (US and Canada)

<https://us02web.zoom.us/j/86437538182>

Meeting ID: 864 3753 8182

One tap mobile

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Dial by your location

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+1 669 444 9171 US

+1 253 215 8782 US (Tacoma)

Meeting ID: 864 3753 8182

Find your local number: <https://us02web.zoom.us/j/kfLsjrBFp>

CALL TO ORDER AND ROLL CALL

Meeting was called to order at 5:38pm with roll call presented on page 1 of the meeting minutes. Board Chair, Vice Chair, all Board Members, DA, and legal counsel were present.

A. INVOCATION AND FLAG SALUTE

Invocation and flag salute were both lead by Board Member Mary Rosales.

B. APPROVAL OF AGENDA

1st Motion: Joseph Perez 2nd Motion: Laura Garcia

Role Call Vote:

Joseph Perez, Board Member: **Yes**

Laura Garcia, Board Member: **Yes**

Mary L. Rosales, Board Member: **Yes**

Esmeralda Zamora Chair: **Yes**

Raul Guerra, Vice Chair: **Yes**

C. PUBLIC COMMENTS

Members of the public who wish to address the Board on an item that is not on the agenda may do so now. Members of the public wishing to address the District on an agenda item may do so when the agenda item is called. In order to allow time for all comments, each individual is limited to three minutes, with a fifteen (15) minute maximum per group, per item, per meeting. When addressing the Board, you are requested to come forward to the speaker's microphone, state your name and address, and then proceed with your comments. All speakers are requested to wait until recognized by the Board Chair.

No public comments in person or via internet through zoom.

D. OLD BUSINESS

1. COVID-19 Update – Discussion and Direction by Board on current procedures to Park Operations **(Informational)**
Presented By DA Pages: 1-3

DA updated board on the current COVID protocols and with new monkey pox outbreaks the District will continue to monitor county, state, and city ordinances.

2. Update on Swimming Pool Project **(Informational)**
Presented By DA Pages: 4-5

DA and Counsel presented information to the board regarding RFP updates and moving forward without previous contract Lou Brosi. Stated that RFPs would be required to remain compliant with County of Fresno ARPA funding guidelines. Consultants will be reached through CSDA portal and additional options will be sought. It was suggested that DA and Counsel set up meeting with Brosi to inform of new direction of pool project. Question was presented by Board on how RFP would be created, single projects or total project bid, Council and DA stated that it would be easier and efficient to have whole project bid created.

A. Authorize District Administrator to issue RFP for preparation of specifications for Remaining Pool Work.” (Action)
Requested By: Board Member Garcia

1st: Joseph Perez made a motion to move forward with pool bidding and RFP process 2nd: Laura Garcia.

Role Call Vote:

Joseph Perez, Board Member: **Yes**

Laura Garcia, Board Member: **Yes**

Mary L. Rosales, Board Member: **Yes**

Esmeralda Zamora Chair: **Yes**

Raul Guerra, Vice Chair: **Yes**

3. Update on Prop 68: **(Informational)**
Presented By: DA Pages:6

DA presented Board with update on prop 68 project. Updates were about permitting dates, expected breaking ground dates, and a request for possible electrical outlets in areas that may not be in the work area. Board member Perez stated that he would like to be CC'd in Prop 68 emails more specifically being invited to the biweekly meetings the Prop 68 team has set up.

E. NEW BUSINESS

1. Consider Approval of Resolution 2022-11 Adopting the Final Budget for Fiscal Year 2022-2023 **(Action)**
Presented By: DA Pages: 7-13

Final budget for Fiscal Year 22/23 was presented to Board. Board members had questions of revenue sources. The sources were presented and numbers were not matching the numbers the sources of the Quickbook accounts. DA stated that the numbers on the quickbook accounts were reflective of the numbers from the Bank of West accounts REV. It was stated that the when a deposit is made in the Bank of the West account it was deposited as a whole amount and not specified by each check on what exactly the

mayors goal would be annex the county property into city property, she assumes City of Fresno's goal is just that, not the sole purpose annexing District, coexistence is very plausible. Overall and DA stated that the process to annex the District is unlikely and very lengthy.

3. Approval of Board Meeting Minutes (**Action**)
Minutes-Regular Meeting June 21, 2022.
Presented By: DA Pages: 15-22

1st Motion: Joseph Perez 2nd: Mary Rosales
Joseph Perez, Board Member: Yes
Laura Garcia, Board Member: Abstain
Mary L. Rosales, Board Member: Yes
Esmeralda Zamora Chair: Yes
Raul Guerra, Vice Chair: Yes

4. Bank Account Information (all accounts) (**Informational**)
Presented By DA: Pages:23-31
Bank account information for all accounts were presented to the Board, no questions from board were presented.

5. Consider adoption of Resolution 2022-12 Reauthorizing Remote Teleconference Meetings by the Board of Directors Per AB 361 (**Action**)
Presented By: DA Pages: 32-36

1st Motion: Joseph Perez 2nd: Laura Garcia
Joseph Perez, Board Member: Yes
Laura Garcia, Board Member: Yes
Mary L. Rosales, Board Member: Yes
Esmeralda Zamora Chair: Yes
Raul Guerra, Vice Chair: Yes

6. Approval of New Calwa Recreation and Park District Logo (**Action**)
Presented By: DA Pages: 37-38

1st Motion: Esmeralda Zamora 2nd: Raul Guerra
Joseph Perez, Board Member: No
Laura Garcia, Board Member: Yes
Mary L. Rosales, Board Member: Yes
Esmeralda Zamora Chair: Yes
Raul Guerra, Vice Chair: Yes

7. Approval of Both State of California-Natural Resources Agency Department of Parks and Recreation Grant Contracts 2018 Parks Bond Act Per Capita Grant Program for \$177,952 and for \$1,254. **(Action)**
Presented By: DA Pages: 39-57

1st Motion: Raul Guerra 2nd: Laura Garcia

Joseph Perez, Board Member: Yes
Laura Garcia, Board Member: Yes
Mary L. Rosales, Board Member: Yes
Esmeralda Zamora Chair: Yes
Raul Guerra, Vice Chair: Yes

8. Confirm Policy that Requests by external organizations, businesses, individuals, and other governmental entities to perform work on District facilities require Board Approval and direct that a written policy be prepared by District Administrator in consultation with District Counsel. **(Action)**

Presented By: DA Pages:58
Requested By: Board Member Garcia

No vote was enacted. Direction was given to provide at regular board meeting for August.

G. CLOSED SESSION

1. Public Employee Performance Evaluation
Government Code Section 54957
Title: District Administrator
2. Conference with Labor Negotiators
Government Code Section 54957.6
Agency Designated Representatives: Board Member Mary Rosales and Vice Chair Raul Guerra
Unrepresented Employee: District Administrator

H. REPORT OF FINAL ACTIONS TAKEN IN CLOSED SESSION

No action to report.

I. ADJOURNMENT.

Generally, agenda packets and other public documents are available for inspection by the public at the District Office located at 4545 E. Church Avenue, Fresno, CA. However, due to current COVID-19 emergency, the

office is partially open. You may request meeting agendas by email, you can ask to be added to the mailing list by calling (559) 264-6867 or send your request by email to info@calwarecreation.org. The agenda packet is posted at www.calwarecreation.org.

NEXT REGULAR MEETING:

August 16, 2022

Certification of Posting

State of California

County of Fresno

Calwa Recreation and Park District

I declare under penalty of perjury that I am employed by the Calwa Recreation and Park District and that I posted this Agenda on the bulletin board in the Calwa Recreation District Office, on the front door window of the District Office, and on the website at www.calwarecreation.org on July 15, 2022.



CALWA RECREATION & PARK DISTRICT MEETING AGENDA

www.calwarecreation.org

SPECIAL BOARD MEETING NOTICE AND AGENDA July 26, 2022 TIME START – 5:43 P.M. TIME ADJOURN: 8:06 P.M. MEETING MINUTES

BOARD CHAIRPERSON

Esmeralda Zamora, Chair

PRESENT

BOARD VICE CHAIR

Raul Guerra Vice Chair

PRESENT

BOARD MEMBERS

Joseph Perez, Board Member: **PRESENT**

Laura Garcia, Board Member: **ABSENT**

Mary L. Rosales, Board Member: **PRESENT**

DISTRICT ADMINISTRATOR

Adam Ramos

PRESENT

DISTRICT COUNSEL

Hilda Cantú Montoy

ABSENT

The Calwa Recreation and Park District Board of Directors welcomes you to its meetings and encourages you to participate. This agenda contains a brief general description of each item that will be considered by the Board. All participants who call in are asked to silence cell phones, and other devices that may disrupt the Board meeting. The Board may consider and act on an agenda item in any order it deems appropriate.

Join Zoom Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/83639825214>

Meeting ID: 836 3982 5214

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+1 669 900 6833 US (San Jose)

+1 646 931 3860 US

Meeting ID: 836 3982 5214

Find your local number: <https://us02web.zoom.us/j/83639825214>

CALL TO ORDER AND ROLL CALL

Esmeralda Zamora: present
Raul Guerra: present
Joseph Perez: present
Laura Garcia: absent
Mary Rosales: present

A. INVOCATION AND FLAG SALUTE

Invocation and flag salute were both lead by Mary Rosales.

B. APPROVAL OF AGENDA

1st: Esmeralda Zamora 2nd: Joseph Perez- Vote as follows:
Esmeralda Zamora: yes
Raul Guerra: yes
Joseph Perez: yes
Laura Garcia: absent
Mary Rosales: yes

C. PUBLIC COMMENTS

Members of the public wishing to address the District may do so when the item is called. In order to allow time for all comments, each individual is limited to three minutes, with a fifteen (15) minute maximum per group, per item, per meeting. When addressing the Board, you are requested to come forward to the speaker's microphone, state your name and address, and then proceed with your comments. All speakers are requested to wait until recognized by the Board Chair.

NO PUBLIC COMMENT PRESENT ONLINE OR IN PERSON.

D. NEW BUSINESS

1. Approval of Resolution 2022-11 RESOLUTION OF THE BOARD OF DIRECTORS OF THE CALWA RECREATION AND PARK DISTRICT ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2022-2023 (Action)

1st: Esmeralda Zamora 2nd: Raul Guerra- Vote as follows:
Esmeralda Zamora: yes
Raul Guerra: yes
Joseph Perez: yes
Laura Garcia: absent
Mary Rosales: yes

Approval of the budget for FY 22-23 is contingent on monitoring monthly revenue against approved final budget. Board member Perez is requiring a monthly cost breakdown of operations and employee costs. Board member Guerra stated that if numbers are tight, board can amend final budget in future.

E. CLOSED SESSION

1. Public Employee Performance Evaluation
Government Code Section 54957
Title: District Administrator
2. Conference with Labor Negotiators
Government Code Section 54957.6
Agency Designated Representatives: Board Member Mary Rosales and
Vice Chair Raul Guerra
Unrepresented Employee: District Administrator

No close session items to report.

F. ADJOURNMENT: Adjourned at 8:06pm.

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NEXT REGULAR MEETING:

August 16, 2022

Certification of Posting

State of California

County of Fresno

Calwa Recreation and Park District

I declare under penalty of perjury that I am employed by the Calwa Recreation and Park District and that I posted this Agenda on the bulletin board in the Calwa Recreation District Office, on the front door window of the District Office, and on the website at www.calwarecreation.org on July 25, 2022.

Adam J. Ramos

**Calwa Recreation and Park District
Agenda Item Transmittal**



Meeting Date: August 16, 2022

Agenda Item Number: D-2

Wording for Agenda: Bank Account Information (all accounts)
(Informational)

Submitting: District Administrator
Contact Name and Phone Number: Adam J. Ramos
559-264-6867

For action by:
 District Board

Regular Session:
 Consent
Calendar
 Regular Item
 Public Hearing

Review:
District Administrator
(Initials Required)

Department Recommendation: NA.

Summary/Background: District review of all accounts including REV, PR, and County Ledger for July 2022 numbers.

Prior Board Actions: NA

Attachments: Monthly General Ledger Transaction Register for fund 4660, Reconciliation Reports for accounts REV and PR, Detailed Report on Account Activity for REV and PR Accounts.

Recommended motion to be made by Board: NA

Copies of this report have been provided to: Board Members and District Counsel

Business

CHECKING & SAVINGS	CURRENT BALANCE	AVAILABLE BALANCE
<u>CLASSIC BUSINESS CHECKING</u> XXXX [REDACTED]	\$36,871.07	\$35,893.17

Transfers & Payments

Unpaid eBills	0
Scheduled transactions	0

My Spending

Eligible Accounts

August 2022

Uncategorized	95%	\$48,280.90
Household	2%	\$1,003.96
Entertainment	1%	\$755.74
Charitable Giving	1%	\$473.05
Business & Office	1%	\$387.77
Bills & Utilities	0%	\$179.28
Total		\$51,080.70

Feedback

5:35 PM

08/01/22

Calwa Recreation and Park District
Reconciliation Summary
Bank of West NEW REV .. [REDACTED] Period Ending 07/31/2022

	Jul 31, 22
Beginning Balance	38,970.77
Cleared Transactions	
Checks and Payments - 58 items	-41,942.02
Deposits and Credits - 12 items	52,770.00
Total Cleared Transactions	10,827.98
Cleared Balance	<u>49,798.75</u>
Register Balance as of 07/31/2022	49,798.75
Ending Balance	49,798.75

Calwa Recreation and Park District Reconciliation Detail

Bank of West NEW REV ...08, Period Ending 07/31/2022

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						38,970.77
Cleared Transactions						
Checks and Payments - 58 items						
Check	07/01/2022		Montoy Law Corpora...	X	-1,155.00	-1,155.00
Deposit	07/05/2022		Payroll Transfer	X	-10,000.00	-11,155.00
Check	07/05/2022		TFS Leasing	X	-146.82	-11,301.82
Check	07/05/2022		Streamline	X	-75.00	-11,376.82
Check	07/05/2022		Amazon	X	-70.40	-11,447.22
Check	07/05/2022		Ameriguard Security...	X	-51.99	-11,499.21
Check	07/06/2022		Jaret Vera 1099-EE	X	-767.37	-12,266.58
Check	07/06/2022		Mid Valley Disposal	X	-272.80	-12,539.38
Check	07/06/2022		Terminix	X	-60.00	-12,599.38
Check	07/06/2022		Amazon	X	-10.81	-12,610.19
Check	07/07/2022		Green Hills Nursery	X	-157.00	-12,767.19
Check	07/07/2022		Power Business Tec...	X	-37.92	-12,805.11
Check	07/07/2022		The Home Depot	X	-34.85	-12,839.96
Check	07/11/2022		PG and E	X	-2,600.75	-15,440.71
Check	07/11/2022		AT and T	X	-242.91	-15,683.62
Check	07/11/2022		The Home Depot	X	-58.17	-15,741.79
Check	07/11/2022		The Home Depot	X	-39.26	-15,781.05
Check	07/11/2022		The Home Depot	X	-21.06	-15,802.11
Check	07/11/2022		Sherwin Williams	X	-6.07	-15,808.18
Check	07/12/2022		Central Sanitary Sup...	X	-336.33	-16,144.51
Check	07/12/2022		The Home Depot	X	-128.83	-16,273.34
Check	07/12/2022		Employee Reimburs...	X	-115.62	-16,388.96
Check	07/12/2022		The Home Depot	X	-4.69	-16,393.65
Check	07/13/2022		Hall Deposit Refund	X	-200.00	-16,593.65
Check	07/13/2022		LIVE SCAN	X	-20.00	-16,613.65
Check	07/13/2022		LIVE SCAN	X	-20.00	-16,633.65
Deposit	07/14/2022		Payroll Transfer	X	-15,000.00	-31,633.65
Check	07/14/2022		Lomax Window and ...	X	-243.00	-31,876.65
Check	07/15/2022		Jeff Pfeiffer	X	-550.00	-32,426.65
Check	07/15/2022		Verizon Wireless	X	-106.84	-32,533.49
Check	07/18/2022		Lighting Loan-De La...	X	-1,955.72	-34,489.21
Check	07/18/2022		Target	X	-217.66	-34,706.87
Check	07/18/2022		Five Below	X	-167.94	-34,874.81
Check	07/18/2022		Ross Stores	X	-159.10	-35,033.91
Check	07/18/2022		The Home Depot	X	-59.17	-35,093.08
Check	07/18/2022		Marshalls Store	X	-32.47	-35,125.55
Check	07/19/2022		Big 5	X	-37.90	-35,163.45
Check	07/19/2022		Target	X	-30.63	-35,194.08
Check	07/20/2022		Amazon	X	-61.40	-35,255.48
Check	07/20/2022		Amazon	X	-53.62	-35,309.10
Check	07/20/2022		Amazon	X	-19.49	-35,328.59
Check	07/21/2022		Hall Deposit Refund	X	-200.00	-35,528.59
Check	07/21/2022		Hall Deposit Refund	X	-200.00	-35,728.59
Check	07/21/2022		AT and T	X	-182.39	-35,910.98
Check	07/21/2022		Home Depot Store	X	-49.84	-35,960.82
Check	07/22/2022		City of Fresno	X	-3,565.03	-39,525.85
Check	07/22/2022		Starlink	X	-550.02	-40,075.87
Check	07/22/2022		The Home Depot	X	-279.82	-40,355.69
Check	07/25/2022		Hall Deposit Refund	X	-200.00	-40,555.69
Check	07/25/2022		California Special Di...	X	-176.71	-40,732.40
Check	07/25/2022		Canva	X	-12.99	-40,745.39
Check	07/26/2022		Adobe	X	-14.99	-40,760.38
Check	07/27/2022		Montoy Law Corpora...	X	-675.00	-41,435.38
Check	07/27/2022		Unifirst	X	-180.40	-41,615.78
Check	07/27/2022		Zoom Video Commu...	X	-14.99	-41,630.77
Check	07/29/2022		The Fresno Bee	X	-238.80	-41,869.57
Check	07/29/2022		Little caesars	X	-56.26	-41,925.83
Check	07/29/2022		Amazon	X	-16.19	-41,942.02
Total Checks and Payments					-41,942.02	-41,942.02

Calwa Recreation and Park District
Reconciliation Detail
 Bank of West NEW REV ...08, Period Ending 07/31/2022

Type	Date	Num	Name	Clr	Amount	Balance
Deposits and Credits - 12 items						
Deposit	07/14/2022		CALWA RECREATI...	X	50,000.00	50,000.00
Deposit	07/27/2022		CALWA RECREATI...	X	20.00	50,020.00
Deposit	07/27/2022		CALWA RECREATI...	X	50.00	50,070.00
Deposit	07/27/2022		CALWA RECREATI...	X	140.00	50,210.00
Deposit	07/27/2022		CALWA RECREATI...	X	150.00	50,360.00
Deposit	07/27/2022		CALWA RECREATI...	X	180.00	50,540.00
Deposit	07/27/2022		CALWA RECREATI...	X	200.00	50,740.00
Deposit	07/27/2022		CALWA RECREATI...	X	200.00	50,940.00
Deposit	07/27/2022		CALWA RECREATI...	X	300.00	51,240.00
Deposit	07/27/2022		CALWA RECREATI...	X	330.00	51,570.00
Deposit	07/27/2022		CALWA RECREATI...	X	600.00	52,170.00
Deposit	07/27/2022		CALWA RECREATI...	X	600.00	52,770.00
Total Deposits and Credits					52,770.00	52,770.00
Total Cleared Transactions					10,827.98	10,827.98
Cleared Balance					10,827.98	49,798.75
Register Balance as of 07/31/2022					10,827.98	49,798.75
Ending Balance					10,827.98	49,798.75



Account Overview

Business

CHECKING & SAVINGS	CURRENT BALANCE	AVAILABLE BALANCE
<u>REGULAR BUSINESS CHECKING</u> XXXXX [REDACTED]	\$24,089.19	\$24,089.19

Feedback

Transfers & Payments

Unpaid eBills 0

Scheduled transactions 0

My Spending

Eligible Accounts

August 2022

You have no transactions for the account and date selected. Please try again.

Calwa Recreation and Park District Transactions by Account As of July 31, 2022

Type	Date	Num	Name	Memo	Cir	Split	Amount	Balance
Employee Salaries								
Check	07/06/2022		ADP			Bank of the W...	5,927.23	5,927.23
Check	07/06/2022		Jaret Vera 1099-EE			Bank of West ...	767.37	6,694.60
Check	07/11/2022		ADP	Gaby G. Sal		Bank of the W...	616.68	7,311.28
Check	07/19/2022		Jaret	Jaret V 1099-...		Bank of the W...	909.87	8,221.15
Check	07/19/2022		ADP			Bank of the W...	5,750.22	13,971.37
Check	07/26/2022		ADP	Ulysses G. C...		Bank of the W...	650.69	14,622.06
Check	07/26/2022		ADP	Ulysses G. C...		Bank of the W...	674.41	15,296.47
Total Employee Salaries							15,296.47	15,296.47
TOTAL							15,296.47	15,296.47

Journal Date	Jrnl Src	Jrnl ID	Header Description	Line Ref	Debit Amount	Credit Amount
Fund: [REDACTED] Calwa Park And Recreation Dist SUBCLASS: [REDACTED] ACCOUNT: [REDACTED] 0						
Sub class: [REDACTED] General Subclass						
Account: [REDACTED]						
Cash In Treasury						
			Beginning Balance			
06/02/2022	AUD	0002009041	22 - ROPS 22-23A RESIDUAL	740,428.94		
06/03/2022	AUD	0002009113	22-HOPTR 2nd FY 21-22	FRESNO	21,542.49	
06/03/2022	AUD	0002009130	22 - ROPS 22-23A PASS THRO PASSTHRU	HCA 2ND	1,378.74	
06/09/2022	AUD	0002009734	22 - CURRENT SECURED SUPPL 22 CSS 10		15,118.44	
06/09/2022	AUD	0002009743	22 - Teeter 3rd FY 21-22 M TEETER3 21		983.03	
06/17/2022	AUD	0002010597	22 - Billing for Taxes/Ass BILL4TAXES		19,610.12	
06/23/2022	AUD	0002011543	CURRENT SECURED SUPPLEMENT 22 CSS II		504.53	851.25
06/30/2022	AUD	0002012786	3rdQTR-2nd INT DISTB		2,027.83	
			Cash In Treasury		61,155.18	
			Ending Balance	Account Total	800,742.87	851.25
Account: [REDACTED]						
Interest Receivable						
			Beginning Balance			
06/30/2022	AUD	2022041040	4th QTR-1st INT DISTB ACCR		192.14	
06/30/2022	AUD	2022041041	4th QTR-2nd INT DISTB ACCR		2,382.07	
			Interest Receivable	Account Total	2,574.21	0.00
Account: [REDACTED]						
Fiduciary Closing						
			Beginning Balance			
06/17/2022	AUD	0002010597	22 - Billing for Taxes/Ass BILL4TAXES		-2,280,926.94	
			Fiduciary Closing	Account Total	851.25	0.00
			Ending Balance	Account Total	851.25	0.00
Account: [REDACTED]						
RDA ABX1 26 Property Tax						
			Beginning Balance			
06/02/2022	AUD	0002009041	22 - ROPS 22-23A RESIDUAL	FRESNO	-28,567.71	
			RDA ABX1 26 Property Tax	Account Total	-50,110.20	
			Ending Balance	Account Total	-50,110.20	
Account: [REDACTED]						
Redev Tax Increm Reimb						
			Beginning Balance			
06/03/2022	AUD	0002009130	22 - ROPS 22-23A PASS THRO PASSTHRU		-15,118.45	
			Redev Tax Increm Reimb	Account Total	-30,236.89	
			Ending Balance	Account Total	-30,236.89	
Account: [REDACTED]						
Property Taxes-Current Secured						
			Beginning Balance			
06/09/2022	AUD	0002009743	22 - Teeter 3rd FY 21-22 M TEETER3 21		-270,747.66	
			Property Taxes-Current Secured	Account Total	-290,357.78	
			Ending Balance	Account Total	-290,357.78	
Account: [REDACTED]						
Suppl-Current Secured						
			Beginning Balance			
06/09/2022	AUD	0002009734	22 - CURRENT SECURED SUPPL 22 CSS 10		-5,895.10	
06/23/2022	AUD	0002011543	CURRENT SECURED SUPPLEMENT 22 CSS 11		983.03	
			Suppl-Current Secured	Account Total	504.53	
			Ending Balance	Account Total	1,487.56	
Account: [REDACTED]						
End of Report						

Report ID: [REDACTED]
 Program: [REDACTED]

PeopleSoft
 MONTHLY GENERAL LEDGER TRANSACTION REGISTER
 Journal Dates 06/01/2022 through 06/30/2022

Page No. 2
 Run Date 07/28/2022
 Run Time 08:52:46

Fund: [REDACTED] Calwa Park And Recreation Dist SUBCLASS: 10000 ACCOUNT: [REDACTED]

Account: [REDACTED]
 Interest [REDACTED]
 Account: [REDACTED]

Journal Date	Jrnl Src	Jrnl ID	Header Description	Line Ref	Debit Amount	Credit Amount
Beginning Balance						
06/30/2022	ALO	0002012786	3rdQTR-2nd INT DISTB	-3,013.77		
06/30/2022	ALO	2022041040	4th QTR-1st INT DISTB ACCR			2,027.83
06/30/2022	ALO	2022041041	4th QTR-2nd INT DISTB ACCR			192.14
Interest						
			Account Total		0.00	2,382.07
			Ending Balance			4,602.04
Beginning Balance						
06/03/2022	AUD	0002009113	22-HOPTR 2nd FY 21-22	-1,378.75		
State-I/L Homeowners Prop Tax						
			Account Total		0.00	1,378.74
			Ending Balance			1,378.74
Subclass Total						
					64,590.64	64,590.64
Fund Total						
					64,590.64	64,590.64

PeopleSoft
 MONTHLY GENERAL LEDGER TRIAL BALANCE

Run Time 08:35:59

Fund: [REDACTED]
 Calwa Park And Recreation Dist
 Subclass: 10000
 General Subclass

Fiscal Year 2022
 Through Period 12

	Beginning Balance	Year-to-Date	Transaction	Current
	Debit Accts	Debits	Credits	Debits
	Credit Accts			Credit Accts
Cash In Treasury	383,547.53	417,195.34	0.00	800,742.87
Interest Receivable	2,438.16	136.05	0.00	2,574.21
Due To Other Governmental	0.00	0.00	0.00	0.00
Fiduciary Closing	0.00	0.00	0.00	0.00
Fund Balance - Unassigned	0.00	0.00	251,296.75	0.00
FDA ABX1 26 Property Tax	0.00	240,000.00	0.00	0.00
Redev Tax Increm Reimb	0.00	0.00	50,110.20	0.00
Suppl-Current Unsecured	0.00	0.00	30,236.89	0.00
Property Taxes-Current Sec	0.00	0.00	52.16	0.00
Suppl-Current Secured	0.00	0.00	290,357.78	0.00
Supplemental-Curr Unsec Pr	0.00	0.00	7,382.66	0.00
Property Taxes-Current Uns	0.00	0.00	83.89	0.00
Property Taxes-Curr Unsec	0.00	0.00	16,575.30	0.00
Interest	0.00	0.00	862.46	0.00
State-I/L Homeowners Prop	0.00	0.00	7,615.81	0.00
SUB CLASS TOTAL	385,985.69	657,331.39	2,757.49	803,317.08

End of Report

Report ID
Program:

PeopleSoft
MONTHLY GENERAL LEDGER TRIAL BALANCE

Page No. 2
Run Date 07/28/2022

Run Time 08:35:59

Fiscal Year 2022
Through Period 12

Fund:
Calwa Park And Recreation Dist
Subclass: 10000
General Subclass

Beginning Balance
Debit Accts Credit Accts
Year-to-Date Transaction
Debits Credits

GRAND TOTALS	385,985.69	385,985.69	657,331.39	657,331.39	803,317.08
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803,317.08

Calwa Recreation and Park District
Agenda Item Transmittal



Meeting Date: August 16, 2022

Agenda Item Number: D-3

Wording for Agenda: Consider Holding Remote Meetings Under AB 361 and determine whether to approve Resolution Authorizing Remote Teleconference Meetings by the Board of Directors Per AB 361 (**Action**)

Submitting: District Administrator

Contact Name and Phone Number: Adam Ramos
559-264-6867

For action by:

District Board

Regular Session:

Consent Calendar

Regular Item

Public Hearing

Review:

**District Administrator
(Initials Required)**

AR

Department Recommendation: Approve Resolution 2022-13.

Summary/Background: District may continue to meet per regular Brown Act provisions for teleconferencing or utilize the option under AB361 for remote meetings. This Resolution will allow our Board members the ability to participate in our normal and special board meetings via teleconferencing via zoom or other teleconferencing software.

Prior Board Actions: Approved Resolution 2022-12.

Attachments: Resolution 2022-13.

Recommended motion to be made by Board: Approve resolution.

Copies of this report have been provided to: Board Members and District Counsel

RESOLUTION NO. 2022 -13

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CALWA RECREATION AND PARK DISTRICT AUTHORIZING REMOTE TELECONFERENCE MEETINGS BY THE BOARD OF DIRECTORS IN ACCORDANCE WITH ASSEMBLY BILL 361

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a statewide emergency arising from the coronavirus (COVID-19) that remains in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act pertaining to teleconferenced meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 which indicated that Executive Order N-29-20's authorization for holding virtual meetings would expire on September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 (Rivas) as urgency legislation effective immediately, which provides that legislative bodies may continue to meet remotely during a declared State of Emergency subject to certain conditions; and

WHEREAS, the Board of Directors of the Calwa Recreation and Park District adopted a proclamation of a local emergency related to the COVID-19 virus on March 16, 2020; and

WHEREAS, the Calwa Recreation and Park District ("District") is committed to preserving and fostering public access, transparency, observation, and participation in meetings of the Board of; and

WHEREAS, all meetings of the Board of Directors are open and public as required by the Ralph M. Brown Act, Government Code Sections 54950 – 54963, so that any member of the public may attend, observe, and participate in a meaningful way; and

WHEREAS, Government Section 54953(b)(3) of the Brown Act allows a local legislative body to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, as long as the following requirements are met:

1. Each teleconference location from which a member is participating is noticed on the agenda;
2. Each teleconference location is accessible to the public;
3. Members of the public must be able to address the body at each teleconference location;
4. At least one member of the legislative body must be physically present at the location specified in the meeting agenda; and

5. During teleconference meetings, at least a quorum of the members of the local body must participate from locations within the local body's territorial jurisdiction; and

WHEREAS, the Brown Act, as amended by AB 361 (2021), at Government Code Section 54953(e) *et seq.*, allows for remote observation and participation in meetings by members of a legislative body and members of the public without compliance with the requirements of Government Code Section 54953(b)(3), subject to certain conditions; and

WHEREAS, the initial required condition is a declaration of a state of emergency by the Governor pursuant to the California Emergency Services Act at Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state and within the boundaries of the District, caused by conditions as described in Government Code Section 8558; and

WHEREAS, the Governor's Proclamation of a State of Emergency includes area within the jurisdictional boundaries of the District; and

WHEREAS, Government Code Section 54953(e)(3)(A-B) added by AB 361 provides an alternative to having public meetings in accordance with Government Code Section 54953(b)(3) when Board of Directors has reconsidered the circumstances of the COVID-19 state of emergency and that the following circumstances exist:

1. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of Board of Directors to meet safely in person; and
2. The State of California and the County of Fresno continue to recommend measures to promote social distancing.

WHEREAS, Government Code Section 54953(e) *et seq.* further requires that state or local officials have imposed or recommended measures to promote social distancing or the legislative body finds that meeting in person would present an imminent risk to the health or safety of attendees; and

WHEREAS, such conditions now exist in the District in that (i) State and Local officials recommend social distancing measures and (ii) emergency conditions evidenced by COVID-19 and its variants create ongoing COVID-19 cases, hospitalizations, and deaths and meeting in person would present imminent risk to health or safety of attendees; and

WHEREAS, the Board of Directors affirms that it will allow for observation and participation by Board Members and the public via Zoom or other video conferencing in an effort to protect the constitutional and statutory rights of all attendees; and

WHEREAS, Government Code Section 54953(e)(3) requires that the Board of Directors review the need and make findings for continuing the teleconferencing as authorized by AB 361 at least once every thirty days until the Governor terminates the state of emergency; and

WHEREAS, the Board wishes to affirm the need and findings necessary for continuing the teleconferencing as authorized by AB 361.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE CALWA RECREATION AND PARK DISTRICT HEREBY RESOLVES AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The Board of Directors finds that the state of emergency conditions related to COVID-19 as set forth in the Governor's and District's Proclamations of Emergency and are on-going.

Section 3. The Board of Directors further finds that state and county official recommend social distancing conditions causing imminent risk to attendees as described above exist and that the existing COVID variants are creating serious health and safety conditions.

Section 4. The Board of Directors hereby recognizes and affirms the existence and conditions of a state of emergency in the Calwa Recreation and Park District as proclaimed by the Governor and the Board of Directors and affirms, authorizes, and proclaims the existence of a local emergency throughout the District.

Section 5. The Board of Directors finds that the state of emergency as a result of COVID-19 continues to directly impact the ability of members of the Board of Directors to meet safely in person and such fact creates an imminent health risk to such members.

Section 6. The Board of Directors hereby authorizes the Board of Directors of the District to conduct their meetings without compliance with Government Code Section 54953(b)(3), and to instead comply with the remote meeting requirements as authorized by Government Code Section 54953(e) *et seq.*

Section 7. The Board President and Clerk of the Board are authorized and directed to take all actions reasonably necessary to carry out the intent and purpose of this Resolution, including, conducting open and public meetings remotely in accordance with Government Code Section 54953(e) *et seq.*, and other applicable provisions of the Brown Act, for all Board of Directors meetings of the District.

Section 8. This Resolution shall take effect on August 16, 2022, and shall be effective for thirty days or until such time as the Board of Directors adopts a Subsequent Resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the Board of Directors and all District legislative bodies may continue to meet remotely, without compliance with Government Code Section 54953(b)(3), but otherwise as permitted by Government Code Section 54953(e) *et seq.*

* * * * *

CERTIFICATION

The foregoing Resolution No. 2022-12 was adopted at a special meeting on August 16, 2022, by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

ABSENCES: _____

Secretary of the Board of Directors

Calwa Recreation and Park District
Agenda Item Transmittal



Meeting Date: August 16, 2022

Agenda Item Number: E-1

Wording for Agenda: COVID-19 Update – Discussion and Direction by Board on current procedures to Park Operations (Informational)

Submitting: District Administrator

Contact Name and Phone Number: Adam Ramos
559-264-6867

For action by:

District Board

Regular Session:

Consent Calendar

Regular Item

Public Hearing

Review:

**District Administrator
(Initials Required)**

AR

Department Recommendation: Continue to monitor city and state guidelines regarding COVID-19 and any variants. Continue with events, public outreach, and normal park operations while upholding current COVID-19 policies and any new mask mandates enacted by the State of California, or County of Fresno, City of Fresno, and CDC in the upcoming future. Remain aware of new state of emergency for monkey pox.

Summary/Background: District is committed to the safety of all staff and park goers during this pandemic. Vaccines and testing are always suggested to all staff or park goers, and staff are committed to providing information to public on when and how to acquire vaccinations and testing services. During the years since the outbreak, variations of COVID-19 have occurred. District will remain vigilant to the guidelines of the City of Fresno, County of Fresno, State of California, and the CDC for guidance. State of CA has declared a state of emergency for monkey pox, although the risk for infection and transmission remains low, the District currently has no protocols for disease prevention regarding monkey pox.

Prior Board Actions: Maintain all park operations with current District protocols in place regarding programs and public events.

Attachments: Current County of Fresno Metrics and State of CA Press Release for Monkey Pox.

Recommended motion to be made by Board: NA

Calwa Recreation and Park District Agenda Item Transmittal

Fresno County Metrics

These metrics are an indicator of the current rate of COVID-19 transmission in the county.

Week	Positivity Rate	New COVID-19 positive case per day per 100K population	Health Equity Metric (HPI Test Positivity)	Trend
8/9	20.1	38	22.7	↓
8/3	20.6	41.7	24.8	-
7/26	20.7	41.9	22.6	↓
7/19	19.9	40.7	19.8	↓
7/11	17.5	35.8	17.3	↓
7/5	15.2	34.4	15.2	↓
6/28	14.6	31.5	14.8	↓
6/20	13.6	30.5	13.1	↓
6/13	11.6	25.7	10.8	↓
6/6	9.6	23.1	8.4	↓
6/1	8.9	20.5	7.8	↓
5/23	5.2	10.8	4.5	↓
5/16	3.6	7.2	2.9	↓
5/9	2.8	5.3	2.1	↓
5/2	2.4	3.7	1.9	↓
4/25	1.7	2.5	1.5	-
4/18	1.5	2.3	1.5	↓
4/11	1.9	2.8	1.9	↓
4/4	2.6	4.0	2.6	↓
3/28	2.6	4.5	2.7	↓
3/21	4.5	8.6	4.6	↓
3/14	6.0	12.6	6.8	↓
3/7	10.2	23.7	12.1	↓
2/28	12.3	35	14.4	↓
2/22	17.1	52.8	21.5	↓
2/14	26.5	119.6	32.5	↓
2/7	30.2	160.9	35.5	↓
1/31	34.1	232.6	39.4	↓
1/24	30.9	203.9	34.6	↓
1/18	28.2	172.8	28.2	↓
1/10	14.0	39.5	13.0	↓
1/3/22	5.9	16.5	5.5	↓
12/27	4.9	13.0	5.4	↓
12/20	4.9	13.5	6.0	↓
12/13	5.4	13.3	6.5	↓
12/6	6.0	12.4	7.5	↓
11/29	6.8	19.9	8.4	↓
11/22	7.5	24.6	9.2	↓
11/15	8.2	27.1	10.7	↓
11/8	9.5	33.7	10.4	↓

*California Blueprint Data Archive

Calwa Recreation and Park District Agenda Item Transmittal

August 10, 2022

Related Materials: [Latest CDC Monkeypox Health Alert \(cdc.gov\)](#) | [Latest California Monkeypox Health Alert](#) | [CDC Health Alert Network \(HAN\)](#) | [California Health Alert Network \(CAHAN\)](#) | [Monkeypox Q&A](#)

Latest News Releases: [State Public Health Officials Provide Monkeypox \(MPX\) Update](#) | [Statement on National Emergency Declaration](#) | [State of Emergency](#) | [State Provides Update on Monkeypox Response on July 29](#)

The current monkeypox situation is rapidly evolving and the information below will be updated as new information emerges. CDPH is closely monitoring monkeypox transmission in the U.S. and California to ensure rapid identification of cases. The risk of monkeypox to the public is currently low based on the information available. While monkeypox can infect anyone, many of the recent cases in 2022 have occurred among persons self-identifying as men who have sex with men (MSM).

Monkeypox Data in California

About Monkeypox

Monkeypox is a rare disease that is caused by infection with the monkeypox virus. Monkeypox virus belongs to the Orthopoxvirus genus which includes the variola (smallpox) virus as well as the vaccinia virus, which is used in the smallpox vaccine. Monkeypox is of public health concern because the illness is similar to smallpox and can be spread from infected humans, animals, and materials contaminated with the virus. Monkeypox is less transmissible and usually less severe than smallpox.

Monkeypox was first identified in 1958 and occurs primarily in Central and West African countries. Historically, monkeypox cases have rarely occurred in the U.S. and had mostly been related to international travel or importation of animals. There is a recent significant increase in reported cases where monkeypox is not commonly seen, including in Europe, Canada, the United States and California. **While it's good to stay alert about any emerging public health outbreaks, the current risk of getting monkeypox in the general public is low.**

Calwa Recreation and Park District Agenda Item Transmittal

Symptoms

Monkeypox might start with symptoms like the flu, with fever, low energy, swollen lymph nodes, and general body aches. Within 1 to 3 days (sometimes longer) after the appearance of fever, the person can develop a rash or sores. The sores will go through several stages, including scabs, before healing. They can look like pimples or blisters and may be painful and itchy.

The rash or sores may be located on or near the genitals (penis, testicles, labia, and vagina) or anus (butt) but could also be on other areas like the hands, feet, chest, face, or inside the mouth. They may also be limited to one part of the body.

People with monkeypox may experience all or only a few of these symptoms. Most with monkeypox will develop the rash or sores. Some people have reported developing a rash or sores before (or without) the flu-like symptoms.

Infectious Period

Monkeypox can spread from the time symptoms start until all sores have healed and a fresh layer of skin has formed. This can take several weeks.

Transmission

Monkeypox spreads primarily through direct contact with infectious sores, scabs, or body fluids, including during sex, as well as activities like kissing, hugging, massaging, and cuddling. Monkeypox can spread through touching materials used by a person with monkeypox that haven't been cleaned, such as clothing and bedding. It can also spread by respiratory secretions during prolonged, close, face-to-face contact.

- Monkeypox can be spread through
 - Direct skin-skin contact with rash lesions
 - Sexual/intimate contact, including kissing
 - Living in a house and sharing a bed with someone
 - Sharing utensils, cups, towels or unwashed clothing
 - Respiratory secretions through prolonged face-to-face interactions (the type that mainly happen when living with someone or caring for someone who has monkeypox)
- Monkeypox is NOT spread through:

Calwa Recreation and Park District Agenda Item Transmittal

- Casual brief conversations
- Walking by someone with monkeypox, like in a grocery store

Prevention

There are number of ways to prevent the spread of monkeypox, including:

- Always talking to your sexual partner/s about any recent illness and being aware of new or unexplained sores or rashes on your body or your partner's body, including on the genitals and anus
- Avoiding close contact, including sex, with people with symptoms like sores or rashes
- Practicing good hand hygiene
- Using appropriate personal protective equipment (PPE) (like a mask, gown, and gloves) when caring for others with symptoms
- Avoiding contact with infected materials contaminated with the virus
- Avoiding contact with infected animals

Diagnosis & Isolation

If you have a new or an unexplained rash or other symptoms, avoid crowds, close contact with others, and seek medical care for further testing and evaluation. If you do not have a health care provider or healthcare insurance, contact your local health department about any available resources. You may also contact the [Department of Healthcare Services](#) for more available resources.

**Calwa Recreation and Park District
Agenda Item Transmittal**



Meeting Date: August 16, 2022

Agenda Item Number: E-2

Wording for Agenda: Update on Swimming Pool Project (Informational)

Submitting: District Administrator

Contact Name and Phone Number: Adam Ramos
559-264-6867

<p>For action by: <input checked="checked" type="checkbox"/> District Board</p> <p>Regular Session: <input type="checkbox"/> Consent Calendar <input checked="checked" type="checkbox"/> Regular Item <input type="checkbox"/> Public Hearing</p> <p>Review: District Administrator (Initials Required) <p align="center"><u> AR </u></p></p>

Department Recommendation: Continue with construction and finalize project once ARPA funding guidelines are met and bid requirements are presented, seek outside consultation regarding assistance with procurement process for DA.

Summary/Background: DA held a meeting with Ari Martinez, the Chief of Staff and Project Leader from the County of Fresno. Ari updated DA that the project construction and completion will be in 2023. Pentair supplies has updated Mr. Martinez that the shortage in the equipment will align with the delay in the project completion date again slated for 2023. In the last regular meeting, July, the board gave direction and approval for the DA and legal counsel to issue RFP requests will allow the District to begin RFP process as a legal requirement by ARPA funding and County of Fresno requirements. RFP consultations were researched through California Special District Association and they did not have any companies within their network to assist. A retired employee was contacted within DA network to review our pool requirements to provide direction on a RFP for pool project. Previous contractor Lou Brosi was sent a letter from the District regarding moving forward with an RFP process and allowed to bid on the project once the RFP is completed.

Prior Board Actions: Begin construction once bidding process is approved by District legal in accordance with County of Fresno guidelines.

Attachments: NONE

Recommended motion to be made by Board: Schedule work once procurement documentation is approved and ARPA funding guidelines are met.

Copies of this report have been provided to: Board Members and District Counsel

**Calwa Recreation and Park District
Agenda Item Transmittal**



Meeting Date: August 16, 2022

Agenda Item Number: E-3

Wording for Agenda: Update on Prop 68 (Informational)

Submitting: District Administrator
Contact Name and Phone Number: Adam Ramos
559-264-6867

For action by: <input checked="" type="checkbox"/> District Board
Regular Session: <input type="checkbox"/> Consent Calendar <input checked="" type="checkbox"/> Regular Item <input type="checkbox"/> Public Hearing
Review: District Administrator (Initials Required) <p style="text-align: center;">_____ <u>AR</u> _____</p>

Department Recommendation: Continue with projects construction and completion.

Summary/Background: Prop 68 Updates are as follows: construction permits are being approved as they come along through the City of Fresno from the WRT Team. DA had discussion with WRT Lead Designer John Tatro at our bi-weekly coordination call with DA, John, and Sandra Celedon representing Fresno Building Healthier Communities, Board member Joseph Perez was also in attendance. John stated that mid-July 2022 90% of construction documents will be submitted for review. They stated that final submission and biddings are slated for approval by the middle of December of 2022. Questions were submitted to WRT team about any additional funding that can be used to develop other areas of the park such as: assistance with removal of the toddler area fencing, updating the concrete path that aligns with the toddler area, and the graffiti wall. The design team stated that the concrete path will be updated, they were not planning on removing the fencing and can not assist, and they also agreed that the graffiti wall can have a central theme and possible mural but it was not in their line item budget to update it. It was also stated that in previous community meetings the community leaned towards a positive relationship and representation of the art wall.

The electrical outlets were proposed to the Prop 68 team but were not able in the area of work, therefore were not a plausible option. They did state they would update if the suggested electrical additions could be updated.

Prior Board Actions: Continue to monitor projects progress.

Attachments: NA

Recommended motion to be made by Board: Continue to monitor project progress.

**Calwa Recreation and Park District
Agenda Item Transmittal**



Meeting Date: August 16, 2022

Agenda Item Number: E-4

Wording for Agenda: City of Fresno Annexation Proposal Update (Informational)

Submitting: District Administrator

Guest Speaker: Cole Karr: Public Affairs Coordinator
Federal Advocacy Coordinator: California Special District Association

Contact Name and Phone Number: Adam J. Ramos
559-264-6867

For action by:

District Board

Regular Session:

Consent

Calendar

Regular Item

Public Hearing

Review:

District Administrator
(Initials Required)

AR

Department Recommendation: Obtain all information regarding the legal process of the City of Fresno annexing Calwa Park while also communicating with the City of Fresno Council members, local CBO support, and LAFCO.

Summary/Background: Recently the City of Fresno Mayor, Jerry Dyer, during a press conference that the City of Fresno is interested in annexing Calwa Park to add to the park inventory of the City of Fresno. At the last board meeting our guest speaker Cole Karr updated the board on the procedures that the City of Fresno would have to complete to annex the District. Within that meeting it was suggested and directed that the DA reach out and create positive relationships with several local political figures such as council members, CBO's, community leaders, and the City of Fresno Mayors Office. It was also suggested that DA reach out to the Mayors office to set up a meeting to seek clarification on the matter. DA reached out the City of Fresno's Mayors Office Executive Assistant to the Mayor Sarah Boran to schedule that meeting, we have not heard back from the office regarding that meeting. Follow up requests have been made about the meeting with no response.

Prior Board Actions: Direct DA and Legal Counsel to request additional information from the Mayor of Fresno and LAFCO organization to create a detailed report on the intentions of the City of Fresno regarding annexing the District.

Attachments: Guide to LAFCO

**Calwa Recreation and Park District
Agenda Item Transmittal**

Recommended motion to be made by Board: Approve request for report.

Copies of this report have been provided to: Board Members and District Counsel

WHAT'S A LAFCO?

LAFCOs are the Legislature's watchdog over the boundaries of cities and special districts.

LAFCO stands for Local Agency Formation Commission. LAFCOs are independent regulatory commissions created by the California Legislature to control the boundaries of cities and most special districts.

The **Cortese-Knox-Hertzberg Act** directs LAFCOs to achieve two main purposes:

1. Discourage sprawl.
2. Encourage orderly government.

Boundaries are important because they assign physical space and define the identities of local governments. LAFCOs have both planning and regulatory powers. LAFCOs plan by adopting and revising "spheres of influence," which are planning documents that show a city or special district's future boundary and service areas. They regulate by reviewing and acting on proposals to change boundaries. LAFCOs control nine types of boundary changes: annexations, detachments, disincorporations, dissolutions, formations, incorporations, mergers, consolidations, subsidiary districts, and reorganizations.

Controlling boundaries means LAFCOs control the timing and location of development.

For instance, LAFCOs regulate boundaries for the following services:

- Water, sewer, fire protection, flood control (*growth inducing* facilities and services).
- Parks, libraries, airports (*growth supporting* facilities and services).
- Hospitals, cemeteries, pest abatement (*non-growth related* facilities and services).

The power of LAFCOs to determine these lines comes from the United States Constitution. The Tenth Amendment says, "The powers not delegated to the United States by the Constitution... are reserved to the states respectively, or to the people." In other words, the federal constitution allows each state to determine how to organize its local governments.

The California Constitution requires the Legislature to "prescribe [a] uniform procedure for city formation and provide for city powers" (Article XI, §2 [a]). The Legislature has the complete authority to create, dissolve, or change the governing jurisdiction of special districts because they receive their powers only through state statutes. The Legislature prescribed this "uniform procedure" for boundary changes through a series of state laws, starting as early as 1850.

In 2000, then-Assembly Speaker Robert M. Hertzberg authored the most important LAFCO reforms since the Legislature created LAFCOs in 1963. The revisions resulting from AB 2838 are reflected in the Act's new title: "The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000." The Cortese-Knox-Hertzberg Act delegates the Legislature's boundary powers to LAFCOs.

TYPES OF BOUNDARY CHANGES

Sometimes, local officials want to change their boundaries so they can serve additional areas, gain taxing powers, or encourage new development. Before a boundary change can occur, a person, group, or local government must submit a proposal to LAFCO. The Cortese-Knox-Hertzberg Act calls a single boundary change in one proposal a *change of organization*. State law defines all nine changes of organization.

1. Annexation

An annexation occurs when a city or district *attaches* additional territory to its boundary.

The City of Laguna Hills (Orange County) annexed territory because the property owners benefited from an increase in municipal services while the City gained more revenues through situs-based taxes.

2. Detachment

A detachment happens when territory *leaves* a city or district. If property owners become dissatisfied with their current provider of services, they may wish to separate themselves from their local government.

In 2002, the proposed detachments of the San Fernando Valley and Hollywood from the City of Los Angeles failed when the ballot measures didn't get enough votes. Detachments of inhabited areas from cities are pretty rare.

3. Incorporation

Incorporation means the *formation* of a new city. Most cities incorporate for two reasons: to control land use decisions and to receive local revenue. At least 500 people must live in the area to be incorporated.

Some of California's oldest cities existed before the state joined the union; San Diego was founded in 1769. Others incorporated as recently as 2002, such as Rancho Cordova in Sacramento County. Today the state has 478 incorporated cities, and 90% of all Californians live in cities.

4. Disincorporation

Disincorporation *terminates* a city's official existence. This rarely occurs because people generally identify with their cities and prefer keeping land use decisions at the local level.

The last disincorporation was the City of Cabazon in Riverside County in the early 1970s.

5. Formation

Formation of a special district is analogous to a *city incorporation*. Special districts come into existence because people want a specific service and decide that a special district would be the most effective provider.

In 1887, a group of farmers in Stanislaus County formed the state's first special district, the Turlock Irrigation District, to meet their agricultural needs. The number of special districts increased dramatically over the last 115 years because of population growth and service demands.

Dissolution

The dissolution of a special district parallels the *disincorporation of a city*. A district gets the axe and no longer has corporate powers.

The Fallbrook Sanitary District used to provide sewer services in San Diego County. When the District dissolved in 1994, the Fallbrook Public Utilities District took over the former District's services.

7. Consolidation

A consolidation occurs either when two or more cities join together into a single city, or when two or more special districts of the same type unite into a single district. A consolidation may not occur with two districts formed under different principal acts.

The Fire Protection District Law of 1987 is the principal act for most fire districts. Because the Freedom Fire Protection District and the Salsipuedes Fire Protection District (Santa Cruz County) share the same principal act, they could consolidate. Although the Ventura Fire Protection District and the Simi Valley Cemetery District are both in Ventura County, Ventura LAFCO can't approve a consolidation of these districts because they have different principal acts. The last cities to consolidate were Alviso and San Jose in the early 1970s.

8. Merger

A merger happens when a special district loses its autonomy and a city takes over its service operations. A city may establish a separate department to maintain the former special district's services, or the district's services may be absorbed into a current agency or department.

The Encinitas Fire Protection District (San Diego County) merged with the City of Encinitas in 1995. The District disappeared and the City now runs its own fire department.

9. Subsidiary District

Cities can also establish subsidiary districts, where the city council serves as the district's board of directors. The city council becomes the *ex officio* board of directors. Although the subsidiary district has the same governing body as the city, the district remains a separate governmental entity with its own corporate powers.

The Oceanside Small Craft Harbor District is a subsidiary district of the City of Oceanside (San Diego County). The members of the Oceanside City Council serve as the District's board of directors.

Merging a district into a city occurs only when the district's territory is entirely within city limits. A city can establish a subsidiary district if at least 70% of the district's territory is within the city's limits.

A final note:

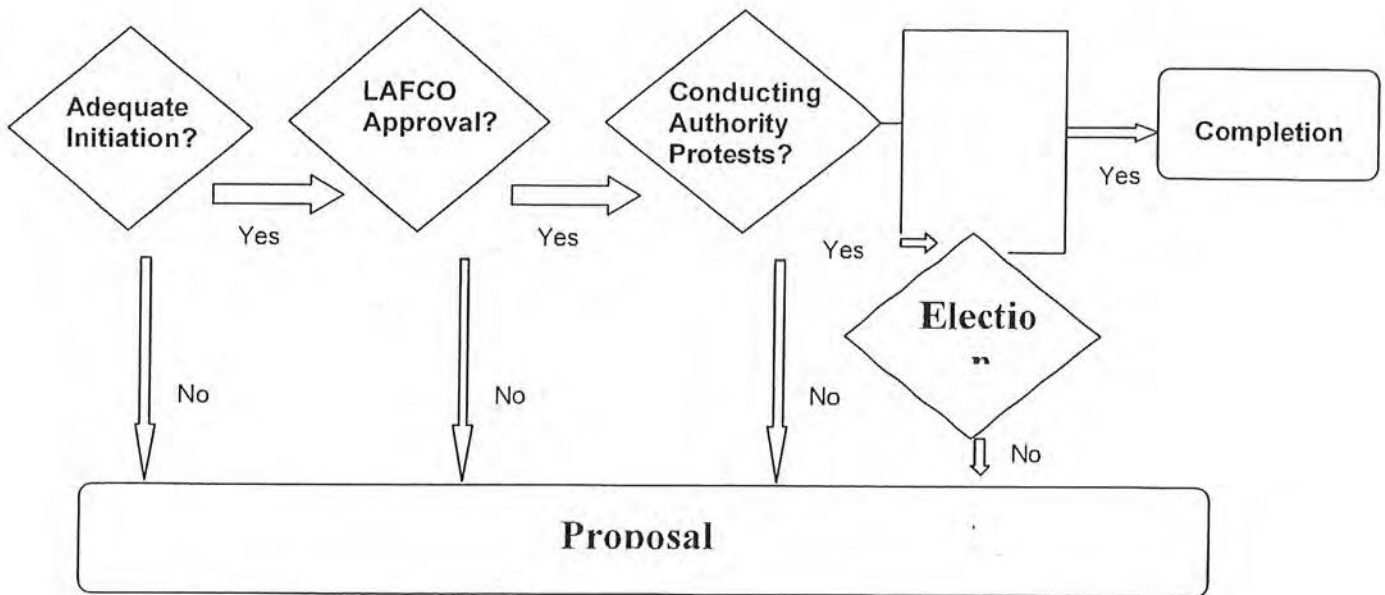
Combining two or more boundary changes in one proposal is a **reorganization**. If the City of Bishop (Inyo County) wanted to annex an acre of unincorporated land, and simultaneously detaches that acre from the fire district and the flood control district, the Inyo LAFCO would collect all three boundary changes into a single reorganization. In other words, a reorganization is merely a way to package several related changes of organization into a single proceeding.

PROCEDURES OF LAFCO

Every change of organization or reorganization requires four, sometimes five, steps:

- Initiation
- LAFCO Review
- Conducting Authority Actions
- Possible Election
- Completion

Simple LAFCO Procedure



Initiation

Initiation begins the process for a change of organization or reorganization. An initiation may begin in one of three ways: *by petition, by resolution, or by LAFCO.*

Initiation by petition:

Occurs when either registered voters or landowners in the affected territory request a boundary change. Usually registered voters sign a petition circulated in an inhabited area while landowners do so in uninhabited areas. However, for landowner-voter special districts only landowners sign the petitions, even if the area is inhabited.

Before a LAFCO reviews any proposal, anywhere from 5% to 25% of the affected voters or landowners, depending upon the type of boundary change, must sign a petition. For example, a city annexation requires at least 5% of the registered voters who live within the annexation area to sign the petition, and an incorporation needs at least 25% of the voters within the proposed incorporated area to sign a petition.

Petitioners for a reorganization must get the required number of signatures to satisfy all voter requirements. For example, a petition for a reorganization that involve both a district annexation (5%) and a city incorporation (25%) requires signatures from both affected areas. In practical terms, the higher minimum requirement, or 25%, applies.

Initiation by resolution:

Occurs when the governing body of an affected local agency proposes a change of organization or reorganization. Any city or special district that overlaps the affected territory is an affected local agency. A county is always an affected agency because its boundaries include all of the cities and special districts in that county. Therefore, the county board of supervisors can initiate any boundary change in its county.

Initiation by LAFCO:

May occur for special district consolidations, dissolutions, mergers, subsidiary districts, or related reorganizations. LAFCOs can't initiate district annexations or detachments, and can't initiate any city boundary changes. Originally, LAFCOs had only a reactive role regarding boundary changes because the commissions acted on proposals submitted by other agencies or voters. During the recession in the early 1990s, however, the Legislature decided that reducing the number of special districts could save scarce revenues. Few LAFCOs have used this power.

LAFCO Review

Once a group of voters, an affected local agency, or LAFCO submits a proposal, the commission reviews it. LAFCO review has three stages: *staff report and recommendation, a public hearing, and a final decision.*

Staff Report:

Every LAFCO has an executive officer (chief staff person) who prepares reports and recommendations for the commissioners. LAFCOs support their own executive officer; most LAFCOs appoint their own staff, but some contract with their county governments for these staff services.

Before LAFCO can consider a proposal, its staff must determine two things:

- If initiated by petition, whether the proposal obtained the required number of signatures.
- If the affected local governments have agreed to an exchange of property taxes.

When LAFCO reviews a proposed city incorporation, it must look at the fiscal effect on the county government. Under the state's *situs* laws, a newly incorporated city receives local taxes instead of the county (including property taxes, transient occupancy taxes, and others). If LAFCO determines that an incorporation is *revenue neutral*, meaning a county would not substantially suffer from revenue losses, the incorporation may proceed. If LAFCO determines an incorporation would substantially cut a county's tax base, LAFCO must deny the proposal and the city cannot incorporate. However, LAFCO can approve a city incorporation if it imposes terms and conditions that achieve revenue neutrality.

The California Environmental Quality Act (CEQA) requires LAFCOs to review the environmental effects of proposed boundary changes. Depending upon the change of organization, LAFCO might require an environmental impact report (EIR).

Within 30 days of receiving of a proposal, LAFCO staff decides that an application is either:

- Not complete, and sends the proposal back to the proponents.
- Complete, and issues a certificate of filing, and set a LAFCO hearing within 90 days.

Before the LAFCO hearing, the executive officer prepares a written report and recommendation for the commission. The report goes to all LAFCO commissioners, all affected local agencies, and other persons named in the application to receive a report. LAFCO's staff must give public notice at least 15 days before a public hearing.

Public Hearing:

At the public hearing, the LAFCO commissioners listen to testimony and debate the proposed boundary change. The LAFCO can approve or deny the application. If LAFCO approves, it can attach *terms and conditions*. Terms and conditions spell out the boundary changes, details, such as property tax transfers, water use priorities, and other necessary details. Terms and conditions cannot directly regulate land use, property development, or subdivision requirements, but they can indirectly regulate land use, as explained on pages 7 and 8.

LAFCO doesn't need to hold a public hearing for annexations, detachments, or reorganizations consisting of annexations and detachments if all of the affected landowners consent to the boundary change.

Final Decision:

The commission must make its final decision within 35 days of the hearing's conclusion. The commissioners have three choices:

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

If LAFCO denies a proposal, it fails and all proceedings cease. If LAFCO approves a proposal or approves with conditions, the commission adopts a resolution that spells out the terms and conditions for the boundary change. The proposal moves to the next stage, a hearing by the conducting authority to measure protests.

Conducting Authority Actions

Once LAFCO approves a boundary change, it acts as the conducting authority and holds another public hearing to measure protests. LAFCO can either hold this hearing or allow its executive officer to run the hearing.

LAFCO can waive this additional public hearing if all three conditions are met:

- The affected territory is uninhabited.
- All of the landowners in the affected territory give their written consent.
- All affected local agencies give their written consent.

At the conducting authority's public hearing, any registered voter or landowner within the affected territory can protest the proposed boundary change. When the hearing ends, the conducting authority counts the protests and adopts a formal resolution that does one of the following:

- Orders the boundary change without an election.
- Orders the boundary change, subject to voter approval.
- Stops the boundary change because of the protests.

The number of protests determines whether or not the boundary change requires voter approval. The level of protest required for an election follows the "0-25-50% rule."

- If less than 25% of the registered voters or landowners protest, the conducting authority orders the boundary change without an election.
- If the protests are between 25% and 50%, the conducting authority must approve the boundary change, but the proposal must also go to an election for voter approval.
- If 50% or more of the registered voters or landowners protest, the conducting authority must terminate the boundary change and the proposal fails.

Possible Election

Although the courts say that there is no constitutional right to vote on local boundary changes, state law requires an election in some cases. City incorporations, disincorporations, and consolidations always require voter approval. Annexations, detachments, district consolidations, dissolutions, mergers, and subsidiary districts may require elections, if enough voters protest at the conducting authority's public hearing. District formations may require an election depending on the district's principal act. A vote to confirm a boundary change may occur at a primary, general, or special election.

If there was enough protest, the conducting authority calls for an election and the voters decide the fate of a proposed boundary change. If a majority (50% or more) of voters approve, the proposal passes and the boundary change occurs. If less than a majority (less than 50%) of voters confirm, the proposal fails and no boundary change occurs. Only voters in the affected territory vote. For a proposed city annexation, only the registered voters in the area proposed to be annexed to the city can vote. If a proposal is a reorganization that affects several local agencies, the registered voters in each of the affected areas participate.

Completion

Completion of a boundary change happens only if LAFCO, the conducting authority, and, if necessary, the voters, approve. Most of the completion process involves paperwork. The executive officer makes sure that the conducting authority's resolution complies with LAFCO's resolution. If it is in compliance, the executive officer issues a certificate of completion, which the County Recorder then files. The affected local agencies recognize completion of the jurisdictional changes, which includes property and sales tax transfers, police and fire protection responsibilities, planning and inspection controls, and other terms and conditions.

For any change of organization or reorganization to occur, four, or sometimes, five steps must occur:

- Initiation
- LAFCO Review
- Conducting Authority Actions
- Possible Election
- Completion

Several LAFCOs offer guidebooks that contain useful information about local practices and additional requirements. LAFCOs are required to post their policies, procedures, and forms on Internet websites. One way to find a specific LAFCO's website is to search the website maintained by the California Association of LAFCOs at www.calafco.org.

**Calwa Recreation and Park District
Agenda Item Transmittal**

Recommended motion to be made by Board: NA

Copies of this report have been provided to: Board Members and District Counsel

Calwa Recreation and Park District
Agenda Item Transmittal



Meeting Date: August 16, 2022

Agenda Item Number: F-2

Wording for Agenda: Approval of Sand Box Project (**Action**)

Submitting: District Administrator
Contact Name and Phone Number: Adam J. Ramos
559-264-6867

Department Recommendation: Approve sandbox project.

Summary/Background: Toddler area is in need of a quick upgrade that is easily constructed and removable. Currently within the area is the dated playset and two small swings. There is a functionless toddler swimming pool that is currently out of order. Water cannot be put into the current toddler pool due lack of drainage infrastructure and the necessity for a lifeguard. This proposed project is cost effective, quick to install, and will provide an additional amenity to an area in high need. The cost breakdown for this project has been provided in the next page. A general summary of the project is as follows: two 10 feet posts with concrete foundation, a 40' x 40' shade sail that will be attached to the two 10' poles and current metal shade structure, beach sand, blue paint to touch up foundation around pool, moisture guard to be placed underneath the sand, and eight to ten yards of walk on bark to cover the dry dirt areas. We can also incorporate removal of the fence line as well.

Prior Board Actions: NA

Attachments: Site map of proposed sandbox project and cost report.

Recommended motion to be made by Board: Motion approval of sandbox project.

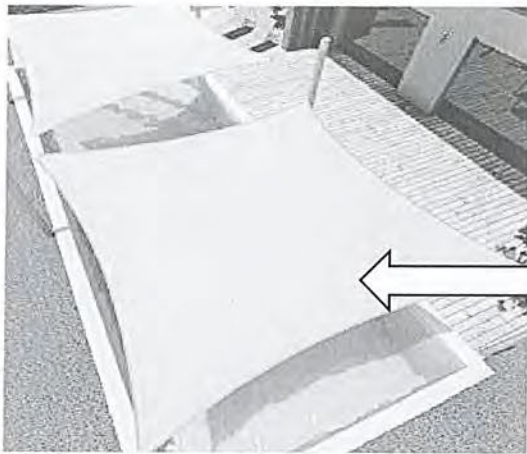
For action by: <input checked="" type="checkbox"/> District Board
Regular Session: <input type="checkbox"/> Consent Calendar <input checked="" type="checkbox"/> Regular Item <input type="checkbox"/> Public Hearing
Review: District Administrator (Initials Required) _____ AR _____

Copies of this report have been provided to: Board Members and District Counsel

Calwa Recreation and Park District Agenda Item Transmittal

Projected Costs (Est.)

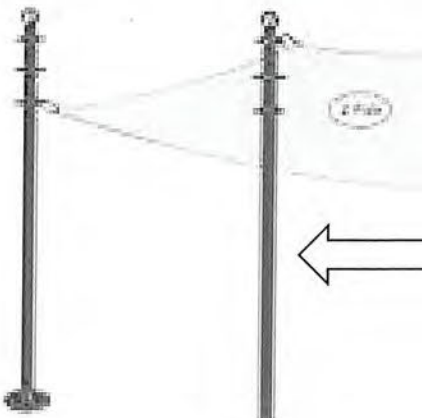
Item	Cost	Provider/Source
2 20'x20' Triangle Shade Sails	\$193.96	Amazon
2 Heavy Steel 10' Posts	\$260.03	Amazon
1 Ton Beach Sand	\$49.99/ton	Rosenbalm Rockery
2 Gallons of Blue Paint	\$110.00	Sherwin Williams Paints
8 Yards of Walk On Tree Bark	\$399.92	Rosenbalm Rockery
Tractor Rental	\$250.00	The Home Depot
TOTALS	\$1,265.00	



Example of Two Shaded Structures



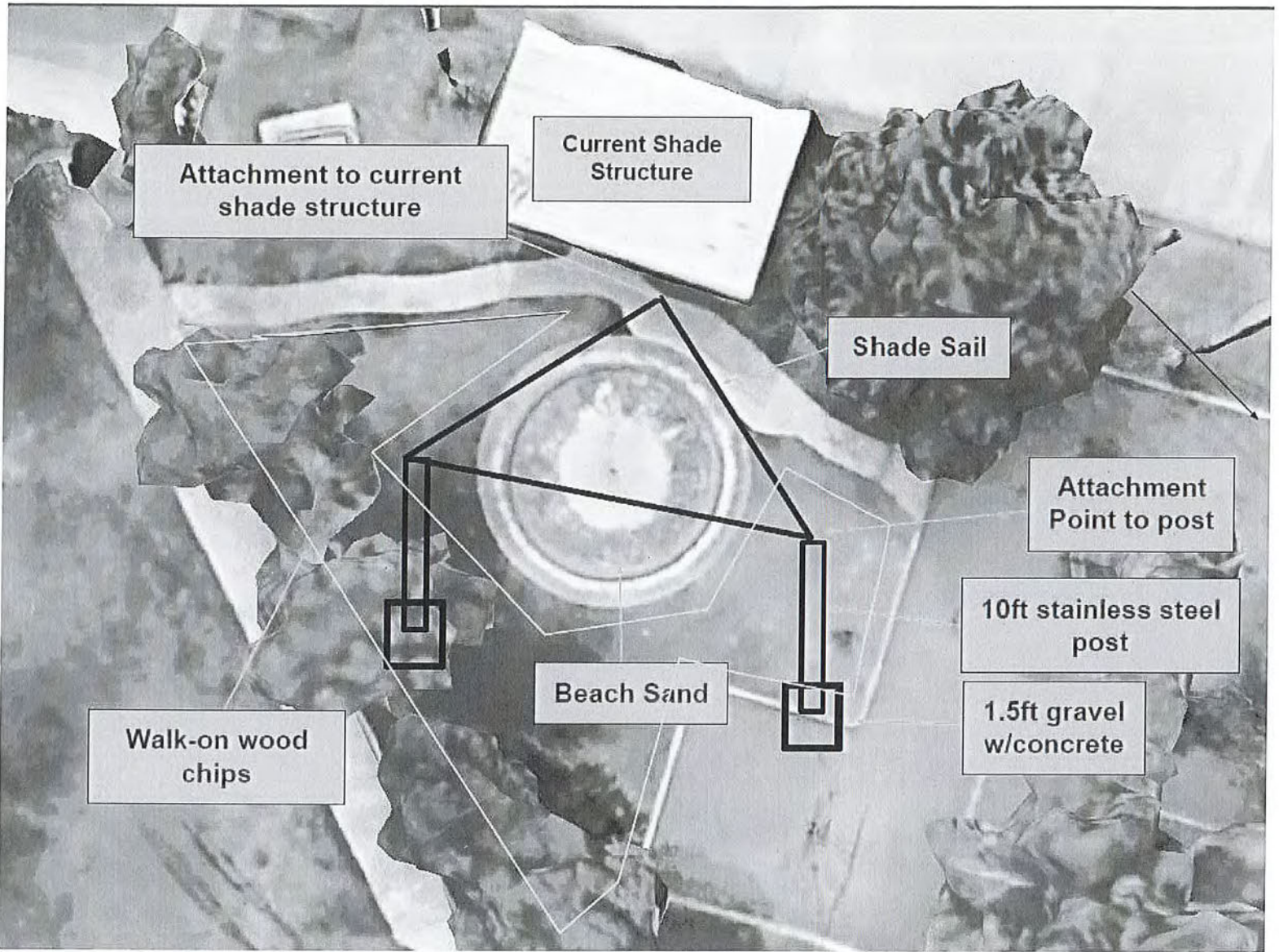
Walk On Bark

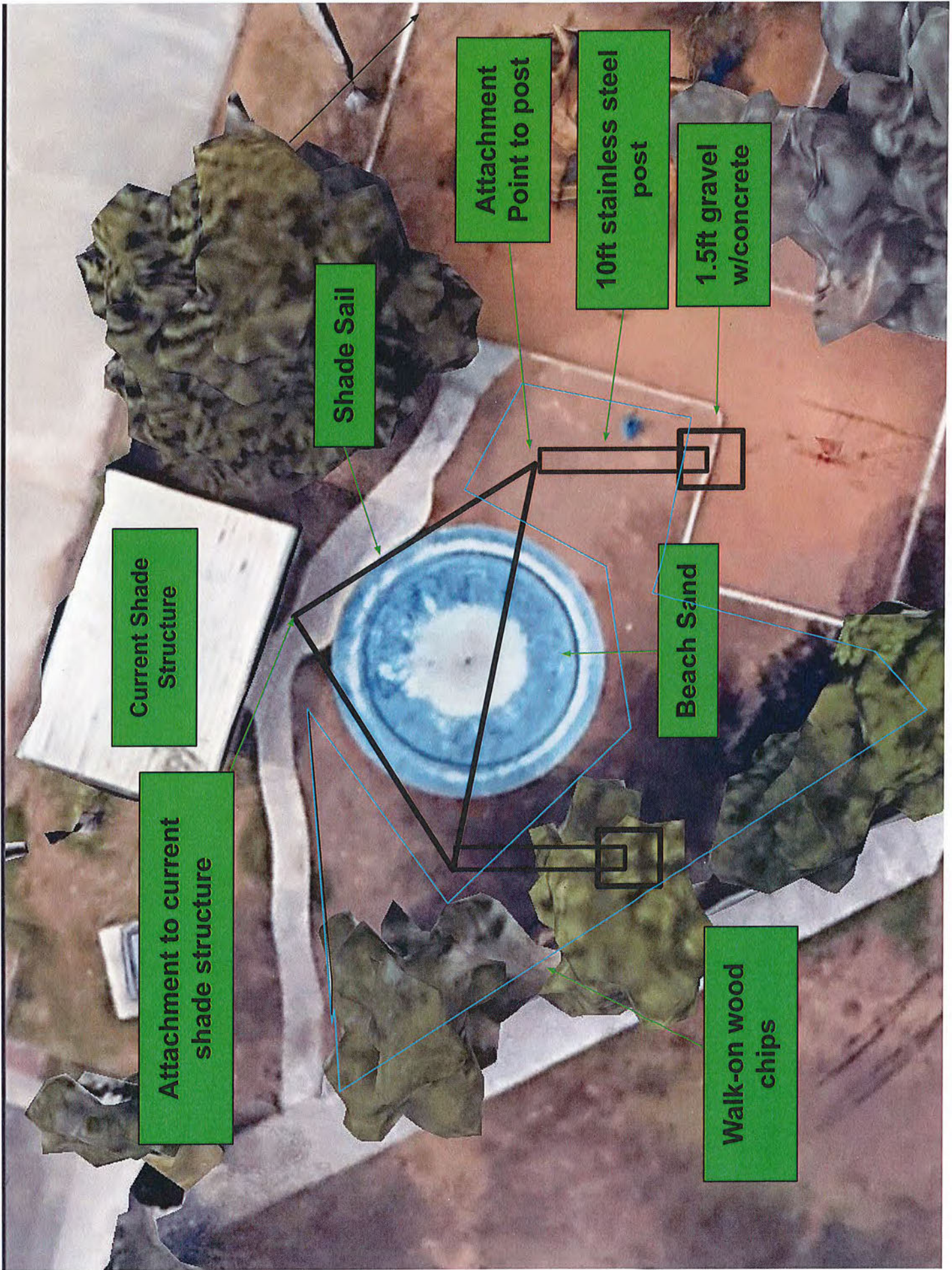


10' Metal Poles

Calwa Recreation and Park District
Agenda Item Transmittal

Project Site Map





Calwa Recreation and Park District
Agenda Item Transmittal



Meeting Date: August 16, 2022

Agenda Item Number: F-3 and G-1

Wording for Agenda: Request for Bids for Full Perimeter Fencing for Park (**Action**)

Submitting: District Administrator

Contact Name and Phone Number: Adam Ramos
559-264-6867

For action by:

District Board

Regular Session:

Consent Calendar

Regular Item

Public Hearing

Review:

**District Administrator
(Initials Required)**

AR

Department Recommendation: Seek bids and information on a perimeter fence that has an additional two feet about the current fencing.

Summary/Background: District Board is seeking information on updating our current perimeter fencing while adding an additional in comparison of two feet on top of the current six feet fencing.

Information for new fencing was provided in the last fiscal year, and it was estimated that new chain link fencing for the perimeter of the park is estimated to cost 100K-225K. If approved, DA will reach out to companies and request quotes and create an RFP for the work.

Prior Board Actions: NA

Attachments: NA

Recommended motion to be made by Board: Motion to approve item seeking bids and information on new perimeter fencing. f

Copies of this report have been provided to: Board Members and District Counsel

Calwa Recreation and Park District
Agenda Item Transmittal



Meeting Date: August 16, 2022

Agenda Item Number: F-4

Wording for Agenda: Approval of Field Use Contract with Southeast Fresno Youth Soccer League (Action).

Submitting: District Administrator
Contact Name and Phone Number: Adam Ramos
559-264-6867

For action by:
 District Board
Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing
Review:
District Administrator
(Initials Required)
AR

Department Recommendation: Approve contract for upcoming 2022-2023 season.

Summary/Background: Southeast Fresno Youth Soccer League representatives approached District to use the soccer fields as their permanent location for their league. This league includes children's soccer teams that vary in ages. During the winter months the need for lighting is a must for their soccer teams to run practices. After the first season with the league, we have seen a drastic increase in community park participation, event participation, and expanded network with their community leaders. The fields are in great shape after their use of the first season and we do not anticipate any issues moving forward with this partnership.

The impact of this agreement will give our communities a chance to register their children into organize soccer programs. The 4-month agreement has a rent of \$375 month for Monday-Friday use of two fields with lightning for 3.5 hours each day, as well as Saturdays for game use from 9am-5pm for a total of \$1,125.00 for the season. The league has agreed to assist with Calwa residents with special rates for Calwa residents at a discount of 25% per child. This league will bring more community members to the park and will provide a recreational option for our Calwa residents.

Prior Board Actions: Approval of previous contract for 2021-2022.

Attachments: Contract for 2022-2023 Season.

Recommended motion to be made by Board: Motion to approve contract.

**CALWA RECREATION AND PARK DISTRICT
FIELDS USE AGREEMENT**

This License Agreement, hereinafter referred to as "Agreement," is made and entered into by and between the Calwa Recreation & Park District, a California Special District, hereinafter referred to as "District," and Southeast Fresno Youth Soccer League, hereinafter referred to as "Licensee."

DISTRICT AND LICENSEE AGREE AS FOLLOWS:

1. **Term:** This Agreement shall commence on September 01, 2022 and continue for 3-months (September, October, November) or unless terminated earlier as provided in this Agreement. If Licensee wishes to renew for another 3-month period, Licensee shall provide notice to District thirty (30) days before the 3-month period ends. Upon receipt of renewal request, the Board of Directors will determine whether to renew the term.

2. **Premises:** District, on the dates and times set forth herein, and subject to the terms and conditions of this Agreement, hereby grants to Licensee a license to use the Soccer Fields 3 and 4, hereinafter referred to as "Fields," solely to conduct soccer practices and organized games for multiple teams of various age groups.
 - a. District agrees to permit exclusive field use of the two north fields, fields 3 and 4.
 - b. Licensee agrees to accept the fields in its "as-is" condition "with all faults."
District will provide field repairs that are a result of the normal wear and tear of field use and provide repairs to "water valve potholes" through filling and artificial turf, in assistance with the leagues field maintenance professionals.
 - c. District agrees to provide adequate lighting in the Fields and external restrooms.
 - d. District agrees to provide small storage for Licensee's chalking tools and 4 small foldable goal posts. Middle Restroom will act as part time storage. 2 Keys will be provided to Licensee.
 - e. District agrees to allow Licensee to chain up larger soccer goal posts to fields 3 and 4.

3. **Licensee's Requirements:** Licensee shall:
 - a. Use the Premises to perform organized soccer games and practices use only. Any other use may only be permitted in writing by the District Administrator.
 - b. Be responsible for chalking or painting the fields lines for fields 2 and 3 only.
 - c. Be responsible for storing away equipment used for league purposes.
 - d. Conduct practices and games on fields 2 and 3 only.
 - e. Provide, unless otherwise agreed upon by both parties, and be solely responsible for, all necessary equipment, records, and clean-up to insure effective instruction and safety of all players.
 - f. Calwa Residents who can verify physical address will be entitled to a discounted league registration fee of 25% off.

- g. Licensee further agrees that District shall not at any time be liable for damage to Licensee property in or upon the facility, even when left outside dates and times of permitted use.
 - h. Keep accurate enrollment records, including the players name, contact information (i.e. address, phone numbers, email, etc.) and attendance record; and name of parents if a minor. Licensee shall provide a copy of these records to District seasonal basis.
 - i. Licensee will be responsible for the operations of their practices and games. District will have no right to direct, supervise, or control the day-to-day operations or activities of the practices or games provided by Licensee.
 - j. Licensee shall only provide services to children ages 4-17; adult leagues will not be permitted to organize or participate in any organized games.
 - k. Licensee shall use the Fields in a manner which shall not cause interference with the use or occupancy of the other portions of the building by District or others in any way. Licensee's use hereunder will be done in such a manner so as not to interfere with or impose any additional expense upon District in maintaining the fields.
 - l. Licensee shall be respectful to other soccer use and participants and shall require that participants who are not following District rules are asked to leave the field.
 - m. Substitute coaches shall not be permitted. Only Licensee and registered coaching staff may conduct games/practices.
 - n. Licensee shall not assign or sublease this License Agreement to anyone.
 - o. Licensee shall follow all COVID-19 protocols that District has in place.
 - p. Licensee is permitted to set up sponsorship signage on practice and game days.
 - i. 40% of sponsorship funds, after expenses to create signage are withdrawn from total amount, will be allocated to the District.
4. **Dates and Times of Permitted Use:** The practices will be commencing at 5:30 p.m. and ending at 8:30 p.m. Monday through Friday, and Saturday 9:00 a.m.-5:00 p.m. starting on 8-21-22. Field use shall reflect agreed hours and not exceed agreed times.
- a. No access will be granted from December 25th through January 2nd.
 - b. Failure to vacate the premises outside of the permitted dates and times of use shall constitute a breach of this contract.
 - c. Licensee shall submit a written schedule to District Administrator for approval.
 - d. No alcohol is allowed while participating in games/practices.
 - e. No drug use is allowed while participating in games/practices.
 - f. All trash must be cleaned up by Licensee prior to every field use.
 - g. Licensee will be responsible for marking out their field boundaries and is allowed to use spray paint or chalk on fields.
 - h. District will be responsible for providing goal posts for the leagues.
 - i. Licensee may host tournaments for an adjusted park rental fee, TBD with District Administrator if applicable on future dates and will require new Field Use Agreement with District.

- j. District will give a two week notice when the park will be used for community outreach events or whole/half park rentals. District will provide a prorated reimbursement for day(s) lost due to events or park rentals.

5. **License Fee:** Licensee shall make payments in the amount of \$375/month, to the District as a license fee for the use of two soccer north Fields 3 and 4, the amount will be due on or before the 1st of every month. Price was reduced due to Licensee and participants being residents of the Calwa Recreation and Park District as well as having a 501(c) Non-Profit Status.

6. **Independent Contractor:** Licensee enters into this Agreement, and will remain throughout the term of this Agreement, as an independent contractor. Licensee agrees that they are not and will not become employees, partners, agents, or principals of District while this Agreement is in effect. Licensee is responsible for providing, at their own expense, disability, unemployment, and other insurance, workers' compensation, training, permits and licenses for themselves and for their employees and subcontractors.

7. **Compliance with Laws and Regulations:** Licensee shall, at Licensee's expense, faithfully observe and comply with all District, Municipal, State and Federal laws, regulations, rules, requirements and orders (collectively referred to as "Rules"), now in force or which may hereafter be in force pertaining to Hall, its building or use thereof.

8. **Indemnification:** Licensee shall indemnify, defend, and hold harmless District, its officers, agents and employees from and against any and all loss, cost (including attorneys' fees), damage, expense and liability (including statutory liability and liability under workers' compensation laws) in connection with claims, judgements, damages, penalties, fines, liabilities, losses, suits administrative proceedings, arising out of any act of neglect by Licensee', its agents, employees, contractors, Lessees, participants, representatives, in, on or about the Hall. This indemnity shall survive the termination of this Agreement.

Licensee hereby releases District from any and all liability or responsibility to Licensee or anyone claiming through or under Licensee by way of subrogation or otherwise for any loss or damage to equipment or property of Licensee covered by any insurance then in force.

- a. Licensee acknowledges that District has advised them that while it is not a requirement of this agreement, general liability insurance protects Licensee from claims for financial, personal injury, property damage and other damages by students. Failure on the part of Licensee to secure general liability insurance does not in any way transfer the responsibility or burden for having such to District.
- b. District shall not at any time be liable for damage or injury to person or property in or upon the facility during the license periods.

- c. Licensee agrees to have class participants sign waivers provided by the District for indemnification and release of liabilities. District may prohibit entry to classes by individuals refusing to sign waivers. It is the responsibility of Licensee to ensure that all participants sign and turn in waivers to District personnel.
9. **Restoration:** If any damage occurs to the Fields, fixtures or equipment, or if any repairs or replacements need to be made to those as a result of Licensee exercise of its rights under this Agreement, Licensee shall pay District for any such damage, repairs or replacements upon demand by District.
10. **Assignment and Sublicensing:** Licensee shall not assign any interest in this Agreement or otherwise transfer or sublicense the Hall or any part thereof the use of the Fields to any party. All legal obligations and responsibilities assigned to Licensee in this Agreement are hence transferred to the substitute for the agreed period but may not exceed two weeks.
11. **Termination:** This Agreement may be terminated based upon any one or more of the following events:
 - a. Termination for Convenience with 30 days' notice to the other party.
 - b. With 5 days' notice for failure of Licensee to pay the License Fee by the last day of the month.
 - c. With 5 days' notice for Licensee' failure to perform any of the terms and conditions of this Agreement.
12. **Notices:** Any notices required to be given under this agreement by either party to the other may be effected by personal delivery in writing. Mailed notices must be addressed to the parties at the addresses appearing with the signatures of this Agreement, but each party may change the address by giving written notice in accordance with this paragraph. Notices delivered personally will be deemed communicated as of actual receipt; mailed notices will be deemed communicated as of the day of mailing.
13. **Attorneys Fees:** If any legal action, including an action for declaratory relief, is brought to enforce or interpret the provisions of this agreement, the prevailing party will be entitled to reasonable attorneys' fees, which may be set by the court in the same action or in a separate action brought for that purpose, in addition to any other relief to which that party may be entitled.
14. **Venue:** Any lawsuit arising from this Agreement shall be filed in Fresno County, California.
15. **Waiver of Default:** The failure of any party to enforce against the other a provision of this Agreement shall not constitute a waiver of that party's right to enforce such a provision at a later time and shall not serve to vary the terms of the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in Fresno, California.

CALWA RECREATION AND PARK DISTRICT

SOUTHEAST FRESNO YOUTH SOCCER LEAGUE

Adam Ramos District Administrator

Joe Hinojosa, Vice President

Date: _____

Date: _____

Rose (Last Name), President

Date: _____

**Calwa Recreation and Park District
Agenda Item Transmittal**



Meeting Date: August 16, 2022

Agenda Item Number: F-5

Wording for Agenda: Approval of Park Rental Contract with Centro Binacional Para El Desarrollo Indigena Oaxagueno-Guelaguetza Event (**Action**).

Submitting: District Administrator

Contact Name and Phone Number: Adam Ramos
559-264-6867

For action by:
 District Board

Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Review:

**District Administrator
(Initials Required)**

AR

Department Recommendation: Approve contract for upcoming September event.

Summary/Background: The District has hosted this event in the past back in 2019. It centers around the Oaxaca Indigenous culture and this event will showcase those traditions. The main draw for this event is the dancing. Event organizers stated that they expect to have a large variety of dancers showcasing the Oaxaca style and technique. The event hosts have stated that they will utilize the whole park and have food vendors, a stage for dancing showcases, retail vendors, resource booths, and more. They will use the hall as a cooling and changing station, it is stipulated in the contract that any personal items in the hall are not the responsibility of the District. This event is expected to bring in 1,500-2,000 over the course of the day. Parking will be within the parking lot and they have been directed to have staff/volunteer direct traffic. They did state that they would also charge people to attend the event. They are required to have restrooms, security, trash services, and all of those are within the contract. The deposit has been paid \$500 and the \$1,000.00 due to non-profit pricing.

Prior Board Actions: Approval of previous contract in 2019.

Attachments: Contract and application from Permittee.

Recommended motion to be made by Board: Motion to approve contract.

Copies of this report have been provided to: Board Members and District Counsel



AGREEMENT BETWEEN CALWA RECREATION AND PARK DISTRICT AND SARAIT MARTINEZ

“GUELAGUETZA”

This Agreement (“Agreement”) is made and entered into this 26th day of August 2022, by and between the Calwa Recreation and Park District, a special district (hereinafter called “District”), and Centro Binacional Para El Desarrollo Indigena Oaxagueno(hereinafter called “Permittee”)

RECITALS

- A. District provides groups with the opportunity to have special events; and
- B. Permittee has held a Guelaguetza Event in the past and is interested in holding a special event regarding Guelaguetza Festival on District Property; and
- C. District and Permittee wish to enter this Agreement to have Permittee hold the Guelaguetza Event at Calwa Park, also referenced as “Premises.”

AGREEMENT

1. Use of Park Location. District gives permission to Permittee, to use of Calwa Park for its Guelaguetza (“Event”). The Event will be held on September 25, 2022 (“Event Day”). The Park shall be available on September 25 at 6:30 am for set up, and the event shall take place at 9 am on September 25, 2022, with a takedown time on September 25, 2022, not to exceed 8 pm of September 25, 2022.

2. Location and site plan. A site plan which depicts where activities will take place and is attached hereto as Exhibit “A” and incorporated by reference. Only the areas shown on the Site Plan may be used.

3. Payment. Permittee shall pay the District as follows:

- a. Cleaning/Repair Deposit: \$500.00 to be paid 15 days before the event. District will refund deposit minus amounts for cleaning or repairs caused by event.
- b. Park Rental for Event Day, will be \$1,000.00 to be paid 5 days before the event.
- c. If assistance is needed on the day of the event from an employee using District Equipment \$250.00 per day.

4. Contracts, Permits, and Licenses.

- a. Permittee shall obtain and pay for all permits and licenses which Permittee may be required to obtain or pay for to carry on any and all of Permittee's operations in connection with the Event. All permits and licenses must be submitted to the District Office (10) days before the event.
- b. Permittee shall obtain insurance as required by Section 8 of this Agreement and shall provide a Certificate of Insurance to the District Office ten (10) days before the Event Day.

5. Operation. During the term of this Agreement, Permittee shall manage and operate the Event. The hours of operation shall be 6:30 am until 8:00 pm. Event hours 9:00 am to 6:00 pm. The Permittee must ensure that everyone leaves the premises by closing time. It is anticipated that 2,000 attendees (estimate) throughout the day, will attend the event.

6. Terms and Conditions. The Permittee is required to meet the following terms and conditions:

- a. Only the areas shown on the Site Plan will be used. The Hall will be used as a dressing area for the dancers associated with the event. District is not liable for any personal property within the Hall or any Park premises associated with the Event's participants or guests.
- b. Permittee shall obtain and pay for 4 security guards from a local firm. A copy of the contract with the security guard company must be submitted to the District Office by ten (5) days before the Event Day.
- c. No alcohol, cigarettes, marijuana or unlawful drugs may be brought in and/or used on premises.
- d. The contact person must attend a "Walk Through" Inspection of premises with designated District personnel. The walk-through must be held before the day of event. The contact person must also attend walk-through inspection of premises after the event.
- e. Back restrooms, nearest the soccer fields will be closed. It is the responsibility of the Permittee to have 6 portable bathrooms available for this event. (Requirements may change based upon new estimates of attendees.)
 - i. Hand washing or disinfectant stations must be present during event. At minimum, 2 stations.
- f. The District shall be notified immediately of any emergencies regarding serious injury to persons and to District facilities such as plumbing, electricity, structural damages, or dangerous conditions.

- g. No canopy or tent which utilizes drilling may be used on the District Parking lots, paved, or concrete areas.
- h. The Calwa Concession Stand shall be allowed to remain open during the event.
- i. The following contact person shall be present during the entire event:

Name: Sarait Martinez
Mobile Phone: 831-512-3316
Address: 2911 Tulare Street Fresno, Ca 93721
Email Address: sarait@centrobinacional.org
- j. Any repairs to the Premises shall be made within ten (10) days after the Event has been completed.
- k. All activities will be subject to Park rules and will be enforced by Calwa Park personnel. However, Permittee is responsible for ensuring that park rules and the terms and conditions of this Agreement are met.
- l. Failure to comply with Calwa Park Rules and Regulations will result in early termination of the Event and forfeiture of all fees and deposits paid to Calwa Recreation and Park District. A copy of the Calwa Park Rules and Regulations has been provided to Permittee.
- m. The Permittee will forfeit the right to use Park premises and/or facilities for any breach of this Agreement.
- n. No vehicles will be allowed on District grass areas, all vehicles must remain in the District's parking lot or designated areas along Barton and Florence Aves.
- o. District is allowed to capture photos and video and showcase on Districts social media or District website for promotional/marketing purposes.
- p. Trash bin rental is required. Size is dependent on the amount of waste the Permittee is estimating. Proof of rental is required 5 days before the event and the rental must be scheduled for pick up no later than 48 hours after completion of event, failure to have rental picked up within the 48 hours will result in a \$75 charge removed from the deposit.
- q. District will permit marking areas for vendors. Marking will take place on green grass areas ONLY and spray paint is permitted. Areas NOT ALLOWED FOR MARKING include concrete, paved parking lots, foundation picnic structures, or other stationary structures.

- i. If paint is found on concrete areas, a fee of \$75 will be removed from deposit.
- r. Water access will only be found behind District Concession Stand, no additional hoses are allowed to be installed.
- s. Waste from food vendors must be disposed of in waste bins provided by Permittee.
- t. Permittee will be charging small entrance fee to the public.
- u. Electricity will only be provided in areas capable of electrical use.
 - i. These areas are found in Field 1, central park area, and Field 2. All other electrical needs must be provided through Permittee via generators.

7. Default. If Permittee fails to make payments as set forth in this Agreement, District will consider that a breach of the Agreement. If Permittee fails to deliver required permits and contracts per the Agreement, District will consider that a breach of the Agreement and the Event may not be held.

8. Insurance. During the term of this Agreement, Permittee shall maintain public liability, property damage, and workers' compensation insurance for injuries to persons or damages to property related to the operation of the Guelagueta including set up and persons or damages to property related to the operation of the Guelagueta including set up and take down activities pursuant to this Agreement. Coverage shall be at least as broad as Insurance Services from CG 00 01 covering CGL on an "occurrence" basis, including property damage, bodily injury, and personal injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies with the general aggregate limit shall apply separately to this location or the general aggregate limit shall be twice the required occurrence limit. The District and its principals, agents, and employees shall be named as additional insured.

9. Indemnification. Permittee shall hold harmless, defend, and indemnify District and its officers, officials, employees, and volunteers from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with Permittee's performance hereunder or its failure to comply with any of its obligations contained in the Agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of the District.

10. Cancellation. Permittee will have 10 days before the date of event to cancel without penalty. If Permittee cancels event 5 days from the date of the event a \$150 cancellation fee will be implemented and removed from deposit.

11. Entire Agreement. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements, representations, negotiations, and understandings of the parties, oral or written.

12. Amendment. This Agreement shall not be amended, modified, revoked, or terminated, and no obligation, duty or liability of any party may be related, discharged, or waived except by a written instrument duly executed by the parties.

13. Assignment. The rights, duties, and obligations of this Agreement shall not be assigned or delegated by Permittee without the prior written consent of District, in its sole discretion. Any assignment which District has not consented to shall be fees that have been deferred shall become immediately due and payable. Except as expressly provided, this Agreement shall insure to the benefit of and bind all successors in interest to the Property.

14. Attorneys' Fees. In the event of any arbitration, legal action, or other proceeding between the parties with respect to this Agreement, or the use, enjoyment, operation, or condition of this Agreement (an "Action"), the prevailing party shall be entitled to payment from the non-prevailing party of its reasonable attorneys' fees, arbitration fees, court costs, and litigation expenses, as without limitation, a party: (a) who agrees to dismiss an Action on the other party's performance of the covenants allegedly breached, (b) who obtains substantially the relief is has sought, or © against whom an Action is dismissed (with or without prejudice).

15. Venue. Any Action arising out of this Agreement shall be brought in Fresno County, Californian, regardless of where else venue may lie. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

16. Recitals. All recitals at the beginning of this Agreement are accurate and shall constitute an integral part of this Agreement, and this Agreement shall be construed in light of those recitals.

17. Headings. The headings of the various sections of this Agreement are included solely for reference purposed and are not intended for any purpose whatsoever to modify, explain, or place any construction on any construction on any of the provisions of this Agreement.

18. Counterparts. The Agreement may be executed in counterparts, each of which shall constitute an original, but all of which together shall constitute one and the same instrument. The signature page of any counterpart may be detached therefrom without impairing the legal effect of the signature(s) thereon provided such signature page is attached to any other counterpart identical thereto except having additional signature pages executed by the other party.

19. Severability. If any of the provisions contained in this Agreement are for any reason held invalid or unenforceable, such holding shall not affect the remaining provisions or the validity and enforceability of the Agreement as a whole.

CALWA RECREATION AND PARK DISTRICT

Adam J. Ramos
District Administrator

Date

CENTRO BINACIONAL PARA EL DESARROLLO INDIGENA OAXAGUENO

Sarait Martinez, Ed. D
Executive Director

Date



**Calwa
Recreation and Park District**

**APPLICATION FOR EXCLUSIVE USE OF PARK AND/OR HALL
OR PARK AREA**

Check One:

- Exclusive Use of Park and Hall (requires contract)**
- Exclusive Use of Park Only (requires contract)**
- Hall Rental Only (requires permit only)**
- Park Area Only (requires permit only)**

ALL INFORMATION REQUESTED MUST BE PROVIDED BEFORE THE APPLICATION CAN BE CONSIDERED FOR APPROVAL.

Once the Application has been received, the application will be reviewed within three (3) business days of receipt of the application. You will be notified when the Contract or Permit is approved or if your event requires any additional information or permits. The applicable Contract or Permit will include amount of deposit and fees as well as terms, conditions, and rules and regulations.

APPLICANT INFORMATION

Applicant:		
Company or Organization: Centro Binacional para el Desarrollo Indígena Oaxaqueño		
Address: 2911 Tulare Street	City, State: Fresno, CA	Zip: 93721
Work Phone: 559-499-1178	Mobile Phone:	
On-Site Person Responsible for Event Operations: Sarait Martinez		
On-Site Person Mobile Phone: [REDACTED]		
On-Site Person Email: sarait@centrobinacional.org		
Non-Profit IRS# (if applicable): 77-0337939		

EVENT INFORMATION

Event Name and Description: Event name: La Guelaguetza Fresno 2022 La Guelaguetza is an annual Indigenous cultural celebration hosted by CBDIO. In the event, we have dance groups from all parts of California participate and perform cultural dances representing the different regions of the state of Oaxaca.		
Event Date(s): September 25, 2022		
Date and Set Up Time: 5:00 am	Event Hours: 6	Tear Down Time: 6:00 pm
Anticipated Number of Participants (per day): 400		
Maximum Number at any one time: 150		
Site Plan: Attach Site Plan		

FOOD/DRINKS: Will food, drinks, and/or other items be sold?

Yes If yes, describe what will be sold: Food and traditional clothing

No

ALCOHOL: *The following apply to Exclusive Use of Park and Use of Hall Only; Alcohol not permitted to be sold or served for any other Permit*

Will Alcohol be sold?

Yes If so, a license is required from the California Department of Alcoholic Beverage Control.

No

Will alcohol be served?

Yes

No

ELECTRICITY: Will use of Park require electricity?

Yes *What will electricity be used for:*

No

INSURANCE: Does the event applicant have its own liability insurance?

- Yes
- Permittee shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office Form CG 00 01, in an amount not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate, for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. If alcohol is permitted during the permitted activity, coverage must include full liquor liability in the amount of \$1,000,000 per occurrence, \$2,000,000 general aggregate. The District shall be included as additional insured on the policy.
 - Separate Additional Insured Endorsement – CG 20-26 or equivalent, blanket endorsement or section of the policy. Endorsement shall cover, its officers, agents, employees, and volunteers as additional insured.
- No
- A Certificate of Insurance showing Property Damage and General Liability in the amount of \$1,000,000 must be purchased through Calwa Recreation and Park District. If alcohol is permitted by Calwa Park District during the permitted activity, coverage will include full liquor liability. (See above)

ADMISSION: Will admission to the event be charged?

Yes *If so, please provide details:* Yes, but all of the funds are to support the programs in the organization

No

SET UP/TEAR DOWN: Will event set-up start the event, or tear-down the day after? Event duration, including set-up/tear-down, must be requested in the permit application to prevent conflicts with another event.

Yes

• If yes, explain:

No

The event starts and ends the same day, but there are some logistics we need to take care of the day before. We would like to have access to the park to mark the grass for the vendors to set up. Let us know if this is possible.

INFLATABLES/BOUNCE HOUSES: Will inflatables such as Bounce Houses be used at the event?

Yes

- An up to date copy of the bounce house company's insurance must be on file with the District.
- **NOTE: Anchor penetration into District parks, cement, and streets is prohibited.** The use of above ground anchors (i.e., water barrels) is recommended.

No

SITE PLAN ATTACHED

Yes

No

SECURITY: An event with the following will require security.

- Serving and/or Sale of alcohol and/or
- More than 150 attendees at event.

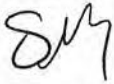
The Approved Permit or Contract will say if security is required.

Continue on Next Page

HOLD HARMLESS AGREEMENT

The Applicant shall hold harmless, defend, and indemnify the Calwa Recreation and Park District, its elected officials, officers, employees, and agents from any damages that may arise as a result of the conduct of the event for which the permit is sought. The Applicant agrees to defend, protect, indemnify and hold the District and its elected officials, officers, employees, agents, and volunteers free and harmless from any against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of applicant, its officers, agents, or employees in connection with the permitted event or activity. The applicant shall, at applicant's own cost, risk, and expense, defend any and all claims and all legal actions that may be commenced or filed against the District, its elected officials, officers, agents, employees, or volunteers, and the applicant shall pay any settlement entered into and shall satisfy any judgment that may be rendered against the District, its elected officials, officers, agents, employees or volunteers as a result of the alleged acts or omissions or applicant or applicant's officers, agents, or employees in connection with the uses, events, or activities under the permit.

The Applicant further certifies under penalty of perjury under the laws of the state of California that the above information is a complete and accurate representation of the planned event.



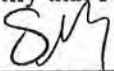
4/10/2022

Applicant's Signature

Date

CERTIFICATION AND SIGNATURE

I certify that I have read every page of this Permit Application and agree with the terms and conditions.



4/10/2022

Applicant's Signature

Date

Time

ATTACHMENTS: SITE PLAN