

BY-LAWS OF THE BEAR MOUNTAIN RECREATION AND PARK DISTRICT

ARTICLE 1

NAME

SECTION 1.00 - NAME

The name of this governing body shall be the Bear Mountain Recreation and Park District, hereinafter referred to as Board of Director's or "Board".

ARTICLE II

DUTIES AND TERMS

SECTION 2.00 - DUTIES

This board of Director's shall perform any duties imposed upon it by motion and resolution, in addition to all duties imposed by applicable state and federal law.

SECTION 2.01 - TERMS OF MEMBERS

The board of Director's shall consist of five regular members, The term of office shall be four years if elected and if appointed the term will be the remainder of the four year term.

ARTICLE III

MEETINGS

SECTION 3.00 - TIME

The regular Board meeting shall be held on the third Thursday of each month. The time of said meetings shall be 6:30p.m. except however that when the day fixed for any regular meeting of the Board of Director's falls on a day designated by law as legal or National Holiday or Christmas Eve, or New Year's, such meeting shall be automatically adjourned to the next regular meeting which does not fall on a legal holiday, or so rescheduled for specific date by the Board of Director's.

SECTION 3.01 - PLACE

All regular meetings of the Board of Director's shall be held at the Bear Mountain Recreation and Park District office, 10300 San Diego Street, Lamont, California.

SECTION 3.02 - ADJOURNED MEETINGS

The board of Director's may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time.

If all members are absent from any regular or adjourned regular meeting the Chairman may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in section 3.03 for special meeting, unless such notice is waived as provided for special meetings. A copy of the order if notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by the by-laws or other rule.

SECTION 3.03 - SPECIAL MEETINGS

A special meeting may be called at any time by the chairman of the Board, or by the majority of the members of the Board of Director's by delivering personally or by mail written notice to each member of the Board and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and the place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Board. Such written notices may be dispensed with as to any member who at or prior to the time the meeting convenes, has filled with the Chairman of the Board. A written waiver of notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

SECTION 3.04 - VACANCY CREATED BY ABSENCE FROM MEETINGS

- a) A director's absence from three (3) consecutive regular meetings of the Board shall be deemed to constitute a voluntary retirement of said director from the Board of Directors of the Bear Mountain Recreation and Park District.

- b) However, a director shall not be deemed to have been absent from a regular meeting of the Board of Directors under the following circumstances:
- c) Scheduled absences: If prior to the director's absence from a regularly scheduled board meeting, the absent member advised the Chairman of the Board or Vice-Chairman approved the absence;
- d) Emergencies: Any director's absence which is due to an emergency shall be excused. An emergency is defined to be an unforeseen combination of circumstances, which operate to prevent a director from attending a Board meeting.

SECTION 3.05 - BOARD OF DIRECTOR'S ACTION ON PERSONNEL MATTERS

Personnel sessions of the Board of Director's shall be held at the regularly called Board of Director's meetings. Any meeting may be adjourned to a certain time and to a place designated by the Chairman. In addition, the Board of Director's may hold special meetings upon the call of the Chairman or a majority of the members of the Board. A majority of the member of the Board shall constitute a quorum for the transaction of business. Meetings shall be conducted in accordance with such rules and procedures as may be adopted by the Board of Director's. Public hearings conducted by the Board of Director's shall be public, and subject to the "Brown Act", Government Code Section 54950 et seq., and shall be conducted in private, if they pertain to the appointment, employment or discharge of a District employee or pertain to the hearing of a complaint or charge brought against an officer or employee of the District, unless either such officer or employee request, in writing to the District Manager, or to the Board of Director's on its own motion order, a public or private meeting, during the examination of a witness, any and all other witnesses in the matter being investigated by the legislative body. The hearing need not be conducted according to technical rules relating to evidence and witnesses.

ARTICLE IV
OFFICERS

SECTION 4.00 - OFFICERS *

The officers of the Board of Director's shall consist of a Chairman, a Vice-Chairman and a Secretary/Clerk.

SECTION 4.01 - ELECTION *

The offices of Chairman, Vice-Chairman and Secretary/Clerk shall be elective persons so elected shall serve for a term of one year or until their successor is elected. Elections shall be held at the first meeting of December of each year. No person shall hold the office of Chairman for more than two consecutive years.

SECTION 4.02 - CHAIRMAN

It shall be the duty of the Chairman to preside over all meeting of the Board and he/she shall have the right to vote on all questions. He/she shall see that the laws of the Bear Mountain Recreations and Park District pertaining to activities of the Board, and the rulings of the Board are faithfully executed. He/she shall sign all documents on behalf of the Board after the same have been approved by the Board and shall perform such other duties as may be imposed upon him/her by the Board of Director's.

SECTION 4.03 - VICE-CHAIRMAN

It shall be the duty of the Vice-Chairman to perform all of the duties of the Chairman, in the absence of the Chairman, with the same force and effects as it performed by the Chairman.

SECTION 4.04 - SECRETARY/CLERK *

It shall be the duty of the Secretary/Clerk to keep or cause to be kept a record of all meeting of the Board of Director's, to accept in the same of the Board documents and correspondence addressed to it, and to present all such correspondence to the Board.

ARTICLE V

QUORUMS

SECTION 5.00 - QUORUM

Three members of the Board of Director's shall constitute a quorum for the purpose of conducting business. For any action taken by the Board of Director's it will require three positive votes.

SECTION 5.01 - ABSENCE OF QUORUM

In the absence of a quorum the members present shall adjourn to an agreed upon time and place or adjourn to the regular meeting

ARTICLE VI

AGENDA

SECTION 6.00 - AGENDA

All reports, communications, documents or other matters to be submitted to the Board shall be delivered to each member as far in advance of each Board meeting as time for preparation will permit. The District Manager shall arrange a list of the matters to be brought before the Board according to the order of business and furnish each member of the Board with a copy of the agenda one week in advance of the meeting. No matter may be considered by the Board other than those matters on the agenda, without the consent of a majority of the Board present at the meeting.

ARTICLE VII

ORDER OF BUSINESS

SECTION 7.00 - ORDER OF BUSINESS

All meetings of the Board shall be open to the public and all persons shall be permitted to attend any meeting of the Board. Promptly at the hour set by law on the day of each regular meeting, the members of the Board, and the District Manager shall take their regular places at the normal meeting place and the business of the Board shall be taken up for consideration and disposition in the following order:

1. Roll Call
2. Consent Agenda
3. Public Time
4. Written Communications
5. Oral Communications
6. District Managers Report
7. Board Matters
8. Financial Report
9. Closed Session
10. Director Time
11. Adjournment

The regular order of business may be suspended by a majority of the members present.

ARTICLE VIII
RULES OF DEBATE

SECTION 8.00 - PRESIDING OFFICER MAY DEBATE AND VOTE, ECT.

The Chairman may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any rights and privileges of a Board of Director by reason of his acting as the Presiding Officer.

SECTION 8.01 - GETTING THE FLOOR IMPROPER REFERENCES TO BE AVOIDED

Every member desiring to speak shall address the chair, and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

SECTION 8.02 - INTERRUPTIONS

A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

SECTION 8.03 - PRIVILEGE OR CLOSING DEBATE

The board member moving the adoption of an action shall have the privilege of closing the debate.

SECTION 8.04 - MOTION TO RECONSIDER

A motion to reconsider any action taken by the Board may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions, or while a member has the floor it shall be debatable. Nothing herein shall be construed to prevent any member of the Board from making or remaking the same or any other motion at a subsequent meeting of the Board of Director's.

SECTION 8.05 - REMARKS OF BOARD MEMBERS WHEN ENTERED IN MINUTES

A member of the Board may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Board entered in the minutes. If the Board consents thereto, such statement shall be entered in the minutes.

ARTICLE IX
ADDRESSING THE BOARD OF DIRECTOR'S

SECTION 9.00 - PERMISSION OF THE BOARD OF DIRECTOR'S

Any person desiring to address the Board may do so at the time designated on the agenda as Public Time after first being recognized by the Presiding Officer. Any person desiring to address the Board at a time other than that designated as Public Time may do so only after first securing permission of a majority vote of the Board member present.

SECTION 9.01 - ADDRESSING THE BOARD AFTER MOTION MADE

After a motion is made by the board, no person shall address the Board without first securing the permission of a majority of the Board present to do so.

SECTION 9.02 - MANNER OF ADDRESSING BOARD OF DIRECTORS - TIME LIMIT

Each person addressing the Board shall step up before the Board shall give his/her name and address in an audible tone of voice for the records, and, unless further time is granted by a majority of the Board present, shall limit his/her address to 10 minutes. All remarks shall be addressed to the board as a body and not to any member thereof. No person, other than a Board member and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the Presiding Officer. No question shall be asked a Board member except through the Presiding Officer.

ARTICLE X
VOTING

SECTION 10.00 - SILENCE CONSTITUTES AFFIRMATIVE VOTE

Unless a member of the Board states that he is not voting, his silence shall be recorded as an affirmative vote.

ARTICLE XI
DECORUM

SECTION 11.00 - BY BOARD MEMBERS

While the Board is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay nor interrupt the preceding or the peace of the Board nor disturb any member while speaking, or its Presiding Officer, except as otherwise herein provided.

SECTION 11.01 - BY PERSONS

Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Board or otherwise shall be forth with, by the Presiding Officer, barred from further audience before the board unless permission to continue be granted by a majority vote of the Board.

ARTICLE XII
AMENDMENTS

SECTION 12.00 - AMENDMENTS

These by-laws may be amended, revised, or repealed by the affirmative vote of three member of the Board. Proposed amendments, revisions, or repeal must be submitted at a regular meeting of the Board and may not then be voted upon until the next regular meeting.

The foregoing by-laws were adopted by a majority vote of the Bear Mountain Recreation and Park District this 15th day of May 1986.

Chairperson

District Manager

Revised 6-08-78
 11-12-81
 11-18-82
 12-15-83
 5-15-86
 - -90

RESOLUTION NO. 18-78

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAR MOUNTAIN RECREATION AND PARK DISTRICT, STATE OF CALIFORNIA ADOPTING RULES AND REGULATION FOR THE ADMINISTRATION OF A MERIT PERSONNEL SYSTEM FOR THE BEAR MOUNTAIN RECREATION AND PARK DISTRICT.

WHEREAS, The Bear Mountain Recreation and Park District is authorized under provisions of Kern County Civil Service Code to adopt and amend rules and regulations for the administration of a personnel system established in said Civil Service Code.

WHEREAS, The objectives of these rules and regulations are to facilitate efficient and economical service to the public and to provide for a fair equitable system of personnel management in the District government.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Bear Mountain Recreation and Park District, State of California does hereby adopt the rules and regulations attached hereto marked Exhibit A and by reference thereof made a part hereof.

Passed and adopted at a regular meeting of the Board of Directors of the Bear Mountain Recreation and Park District duly called and held on the _____ day of _____, 19____, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED: _____
Chairperson

ATTEST: _____
Sec./Clerk

Amended	March	1983	Section	522
	Sept	1985	Section	513
				518
	August	1986	Section	310
				405
				513
				608
				609
				804
				1303
				1405

BEAR MOUNTAIN RECREATION AND PARKS DISTRICT BYLAW REVIEW

Section 9.02 - Public Comment

- Currently 10 minutes

Exhibit A – Personnel Manual

- Replace Chapter 2-13 with new employee handbook
- Have personnel committee meet regarding Chapter 14, Creation of General Manager Position
 - o Discuss amending duties associated with position

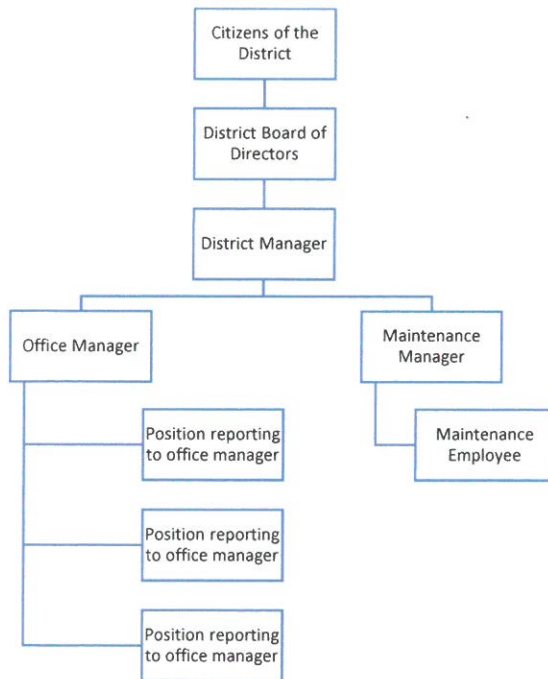
Policy Manual #1 – establishes policies governing purchasing, open purchase orders, petty cash, cash receipts and payment of invoices (last updated 1989)

- Update organizational chart to better reflect the organizational structure (so employees know the governance/management structure): p.62

- o Current:

Citizens of the District
BMRPD Board
District Manager
Office Manager
Recreation Division

- o Proposed



- Petty Cash
 - o Currently allows petty cash to be requested for purchases which are less than \$150.00
 - I recommend Reviewing the Petty Cash Request Form as it is not attached to the bylaws
 - o Currently allows employee to make purchase then submit a receipt for reimbursement
 - I recommend amending this to require the Manager to approve such a purchase prior to the employee making the purchase.

- Cash Drawers
 - o Currently requires \$25.00 to be in them.

- Cash receipts
 - o All money will be receipted in by the Cashier (who is the cashier?)
 - o I recommend reviewing the memo receipt the District is using to account for payments
 - o All monies shall be deposited by the District Manager no later than 8 working hours after receiving the money from the Cashier.

Policy Manual #2 - Fees and Charges (Last amended 1989)

- Amend Section 3 – pool admission prices
- Amend Section 4 – Concession prices
- Amend Section 5 – Service charge for cancelled checks (currently set at \$10.00)
- Amend Section 6:
 - o Ballfield prices,
 - o Picnic Area Prices
 - o Review whether the District wants to allow sale of merchandise in the parks
 - Currently allows sales for a \$100/day fee
- Amend Section 7 – Alcoholic Beverage permit fee

Vehicle Use Policy Manual

- Replace with New Vehicle Use Policy

Classification Plan

- I recommend that the Personnel Committee review the current job descriptions and propose amendments to the entire Board
 - o Current Positions Listed in the BMRPD Minute Book
 - Office Manager
 - Receptionist
 - Recreation Coordinator/Clerical Assistant
 - Recreation Coordinator
 - Cashier
 - Concessionaire
 - Pool Manager
 - Lifeguard
 - Recreation Leader
 - Recreation Specialist
 - Parks Caretaker
 - Park and Grounds Foreman