



CAZADERO COMMUNITY SERVICES DISTRICT
PO BOX 508
CAZADERO CA 95421-0508

Special Board Meeting Agenda
October 4, 2021 ~ 6:00PM
Location ~ Fire Station #1
5980 Cazadero Hwy, Cazadero Ca 95421

****GOVERNOR'S EXECUTIVE ORDER N-25-20****

****GOVERNOR'S EXECUTIVE ORDER N-29-20****

RE CORONAVIRUS COVID-19

DUE TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29- 20 WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE BROWN ACT, AND THE ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SONOMA TO SHELTER IN PLACE TO MINIMIZE THE SPREAD OF COVID-19, MEMBERS OF THE BOARD OF DIRECTORS WILL BE PARTICIPATING BY TELECONFERENCE INTO THE BOARD OF DIRECTORS SPECIAL MEETING FOR OCTOBER 4, 2021.

Members of the public who wish to participate in the Board of Director's meeting may do so by either logging on to the Zoom link or dialing the teleconference call-in number and inputting the meeting ID and passcode when prompted:

<https://us02web.zoom.us/j/81806565263?pwd=LzB5eStxK0g3MU9nK1RCUINzVVFwZDZ09>

Telephone number: 1 (669) 900-6833, Meeting ID 818 0656 5263, Password 643120#

PLEASE NOTE: The Cazadero Community Services District office is closed, and this meeting will be conducted entirely by teleconference.

Should you want to submit public comment, you may do so either by commenting at the appropriate time in person if logging into the meeting or by email before Board Meeting is called to order. If emailing, please state the agenda item number that you are commenting on and limit written comments to three hundred (300) words or less. Comments can be sent to pbarry@cazadero-csd.org. Written comments received prior to the meeting will be read into the record.

The Board meeting agenda and all supporting documents are available for public review on the website at www.cazadero-csd.org

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

President P. Barry

Director M. Berry

Director H. Canelis

Director D. DeBeaune

Director S. Griswold

OPEN TIME FOR PUBLIC EXPRESSION

This is an opportunity for any member of the public to briefly address the District Board on any matter that does not appear on this agenda and is restricted to matters within the Board's jurisdiction. Items that appear to warrant a more-lengthy presentation or Board consideration may be placed on the agenda for discussion at a future meeting. Please limit comments to three hundred (300) words.

AGENDA ADJUSTMENTS

An opportunity for the Board President to approve adjustments to the current agenda.

ACTION ITEMS

1. **Resolution 21/22-05 Proclamation of a Local Emergency for the Cazadero Community Services District, County of Sonoma, State of California, Ratifying the Proclamation of a State of Emergency by Governor Newsom on March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Cazadero Community Services District for the Period October 1, 2021, Through November 1, 2021, Pursuant to Brown Act Provisions** – Discussion/Action – Teleconferenced District Board Meetings; Implementation of AB 361 Changing Brown Act Meeting Requirement; Proposed District Resolution Authorizing Remote Teleconference Meeting.
2. **Playground Equipment** – Discussion/Action – Discussion of playground equipment with special guest Kirke Andre from CAPRI.

ADJOURNMENT

CAZADERO COMMUNITY SERVICES DISTRICT AGENDA
STAFF REPORT

DATE: OCTOBER 4, 2021
ACTION ITEM NO: 1

SUBJECT

Teleconferenced District Board Meetings; Implementation of AB 361 Changing Brown Act Meeting Requirement; Proposed District Resolution Authorizing Remote Teleconference Meeting.

SUBMITTED BY

William D. Ross, District Counsel

BACKGROUND AND ISSUES

Because of the COVID-19 Pandemic, the District Board met by Zoom teleconference as allowed by Executive Order N-29-20 expires on September 30, 2021. Assembly Bill 361, which was approved at by the Governor on September 16, 2021, allows local agencies such as the District (and State agencies and School Boards) to continue to meet by Zoom teleconference, provided that certain conditions are met.

The effect of Executive Order N-29-20 was to suspend certain provisions of the Ralph M. Brown Open Meeting Act (Government Code Section 54950 et seq.), which only allowed remote teleconference participation by District Board Members through a posting process at that Legislator's location, with agenda provisions indicating that location with a requirement that it be accessible to the public.

Enclosed is a District Board Resolution which would comply with the provisions of AB 361 to allow continued Zoom meetings of the District Board until full in-person meetings are resumed.

The ability to continue to meet by Zoom, even in conjunction with Open Meetings, can be accomplished by the District Board provided that monthly resolutions as agendized are enacted with provisions referencing appropriate confirmation of declared emergencies are described.

Stated plainly, the Board will have to enact a "361 Resolution" at each meeting of the District Board to allow the Zoom teleconference procedure to continue.

Changes to the initial Agenda page of the Board will also change in October 2021 as the means for the public to participate via continued Zoom teleconference will have to be described consistent with the AB 361 procedures rather than Executive Order N-29-20.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Consider and approve the enclosed Resolution allowing the District Board to continue to meet by Zoom teleconference on and after October 1, 2021 with described means for public participation.

ATTACHMENTS

Proposed District Resolution Authorizing Remote Teleconference Meetings



**CAZADERO COMMUNITY SERVICES DISTRICT
PO BOX 508
CAZADERO CA 95421-0508**

RESOLUTION 21/22-05

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CAZADERO COMMUNITY SERVICES DISTRICT OF SONOMA COUNTY
PROCLAIMING A LOCAL EMERGENCY EXISTS, RATIFYING THE PROCLAMATION OF A
STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND
AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES
OF THE CAZADERO COMMUNITY SERVICES DISTRICT FOR THE PERIOD OCTOBER 1,
2021 THROUGH NOVEMBER 1, 2021 PURSUANT TO BROWN ACT PROVISIONS**

WHEREAS, the Cazadero Community Services District (“District”) is committed to preserving and nurturing public access and participation in meetings of the Cazadero Community Services District Board of Directors (“Board”); and,

WHEREAS, all meetings of the District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and,

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and,

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to 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 caused by conditions as described in Government Code section 8558; and,

WHEREAS, that proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-caused disasters; and,

WHEREAS, that proclamation also requires that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and,

WHEREAS, emergency conditions exist in the District, specifically, a State of Emergency has been proclaimed by Governor Newsom on March 4, 2020, proclaiming a State of Emergency to exist in California as a result of the threat of COVID-19; and,

WHEREAS, during the COVID-19 pandemic, the Board has conducted remote, teleconferenced meetings consistent with the Governor’s Executive Orders promoting social distancing; and,

WHEREAS, consistent with AB 361, as a condition of extending the use of the provisions found in section 54953(e), the Board must reconsider the circumstances of the state of emergency that exists in the District, and the Board has done so; and,

WHEREAS, due to the surging Delta Variant of COVID-19, meetings in person would present imminent risk to health and safety of attendees; and,

WHEREAS, the Board does hereby find that the State of Emergency proclaimed by Governor Newsom on March 4, 2020, and, the Delta Variant of COVID-19 surging in Sonoma County per the Sonoma County Public Health Notice on August 2, 2021 has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and ratify the Proclamation of State of Emergency by the Governor of the State of California; and,

WHEREAS, as a consequence of the local emergency, the Board does hereby find that the legislative bodies of the District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and,

WHEREAS, the District is providing teleconference access via a conference phone-line number to the meetings to ensure public access.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE CAZADERO COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Exists. The Board hereby proclaims that a local emergency now exists throughout the District, and the surging Delta Variant of COVID-19 would present an imminent risk to meeting in person.

Section 3. Ratification of Governor’s Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California’s Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of November, 10, 2021 or such time the Board adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED, APPROVED and ADOPTED at a specially scheduled meeting of the Board of the Cazadero Community Services District held on the 4th day of October 2021, by the following roll call vote:

Director P. Barry _____
Director M. Berry _____
Director H. Canelis _____
Director D. DeBeaune _____
Director S. Griswold _____

AYES:

NOES:

ABSTAIN:

ABSENT:

Date: _____

Paul Barry, Board President

ATTEST:

APPROVED AS TO FORM

Maureen Berry, Secretary of the Board

William D. Ross, District Counsel

Homer Canelis, Director

Daina DeBeaune, Director

Scott Griswold, Director



1075 Creekside Ridge Drive
Suite 240
Roseville, CA 95678

Phone: (916) 722-5550
Fax: (916) 722-5715
Website: capri-jpa.org

August 16, 2021

Mr. Paul Barry
Cazadero Community Services District
5980 Cazadero Hwy
Cazadero, CA 95421
Email: pbarry@cazadero-csd.org

VIA EMAIL ONLY

Dear Mr. Barry,

As you know, Cazadero Community Services District (“Cazadero CSD”) is a member of CAPRI (the “California Association of Park and Recreation Indemnity”) the joint powers authority that manages the self-insurance pool for recreation and park agencies throughout the State. In our role as stewards of the self-insurance pool, it is our duty to identify potential liability issues that may exist at the facilities of our member districts. It is in this role that we write today to address the condition of certain amenities at Gerald T. Parmeter Memorial Park.

Based upon our review of the condition of playground, we do have recommended actions for the District including removal of certain playground equipment. It should be noted that this is not something we recommend lightly as we understand the importance and significance of these community assets. Nor is this type of drastic recommended action something the District should expect to see in future visits. Nevertheless, we hope you will understand and appreciate that in making these recommendations we are recognizing and responding to the inherent risk (based upon our experience) and in an attempt to keep your constituents safe.

The focus is on the playground. Before I complete my District Visit Report, I would like to share with you my findings pertaining to the playground equipment in your park. The two major concerns of CAPRI are the outdated playground equipment such as the slide and merry-go-round. Another concern is the protective surface material being used in the park. The park has pea gravel which has 0 inches to max of 2 inches depth throughout the playground area. This is not sufficient for the fall height of your playground equipment.

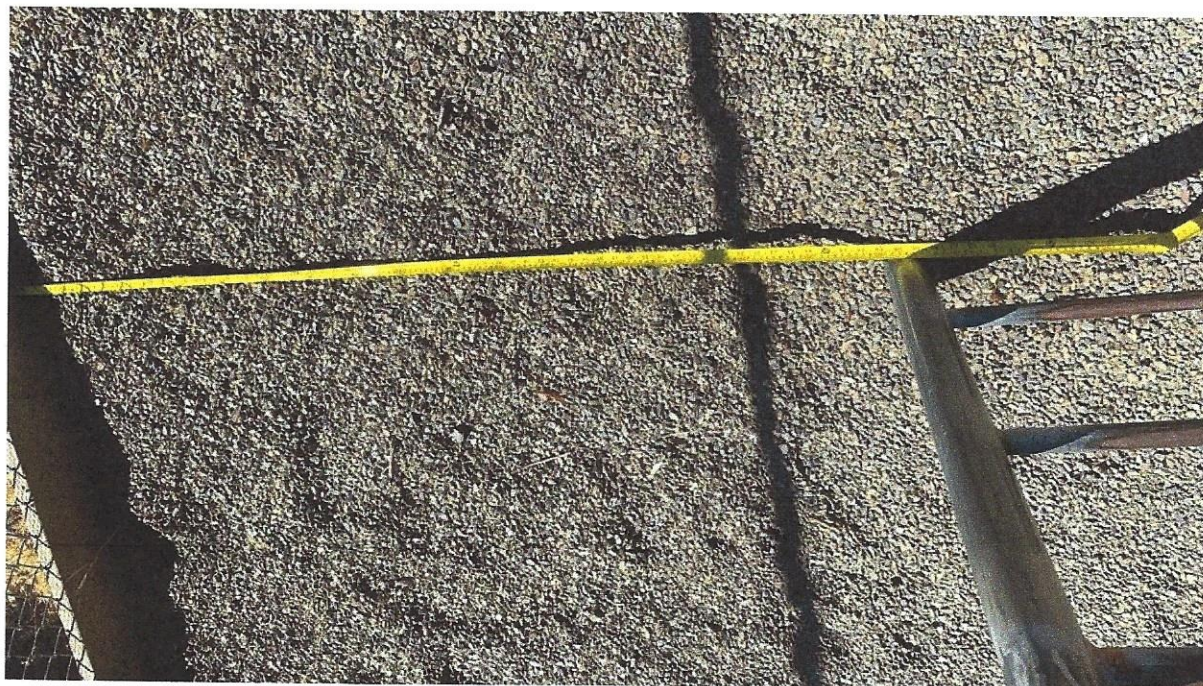
Below we will review issues identified with each playground equipment so that you may review with your Board of Directors.

DISCLAIMER: NOT INTENDED TO CONSTITUTE A CERTIFIED PLAYGROUND INSPECTION

Overhead Horizontal Ladder

Per the Public Playground Safety Handbook an overhead horizontal ladder is considered a climber and an upper body equipment. The fall height for this upper body equipment climber is the distance between the highest part of the climbing component and the protective surfacing below. The photos below reflect that the surface material is pea gravel and the fall height from the pea gravel is 80 inches (6 feet 8 inches). The maximum fall height is 5 feet using 9 inches of pea gravel per the Public Playground Safety Handbook. The pea gravel should be replaced with a surface material for the fall height of 7 feet or more. The use zone surrounding a freestanding climber should extend a minimum of 6 feet in all directions from the perimeter of the stand alone climber. Measurements from the fence is 5' 4".





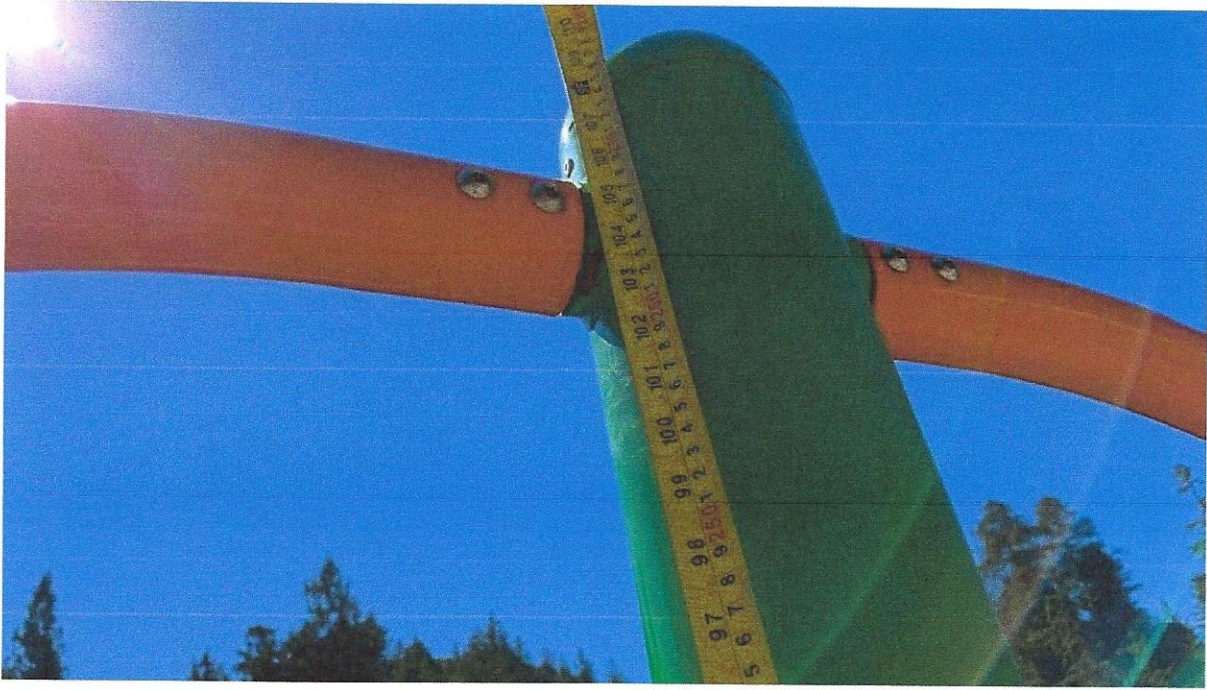


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Arch Climber

This is an arch climber and per the Public Playground Safety Handbook the fall height for climbers is the distance between the highest part of the climbing component and the protective surfacing beneath it. As you can see in the photos the measurement from the pea gravel to the highest part of the climbing component is a little over 9 feet. The maximum fall height is 5 feet using 9 inches of pea gravel per the Public Playground Safety Handbook. The pea gravel should be replaced with a surface material for the fall height of 9 feet or more. Also, the manufacturer's safety stickers are fading and should be replaced.





(Continued on following page)



Spiral Slide

This free-standing slide has a lot of bare metal and when exposed to direct sunlight may reach temperatures high enough to cause serious contact burn injuries. The Public Playground Safety Handbook reflects all slides should be provided with a platform with sufficient length to facilitate the transition from standing to sitting at the top of the inclined sliding surface. As you can see in the photo below there are holes in the platform from the rusted-out metal which could trap strings, clothing, etc. which could cause a strangling hazard. Also, the top of the platform is open and does not channel the user into a sitting position at the entrance to the chute. There is a guardrail, but the user then could stand up again and climb which could lead to a fall more than 12 feet. Toddlers and pre-school-age children have less ability to maintain balance and postural control so only short spiral slides (one 360 degree turn or less) are recommended for these age groups. The chute exit appears to be damaged. For a stand-alone slide the use zone should be at least 6 feet around the perimeter. As you can see in the photos below there is a bench as well as a wood retaining wall that is less than 6 feet from the slide. The fall height for slides is the distance between the transition platform and the protective surfacing beneath it. As you can see in the photo below the transition platform is around 11 feet from the protective surface which is pea gravel. As mentioned before the maximum fall height is 5 feet using 9 inches of pea gravel per the Public Playground Safety Handbook. The pea gravel is not a sufficient protective surface for this playground equipment.

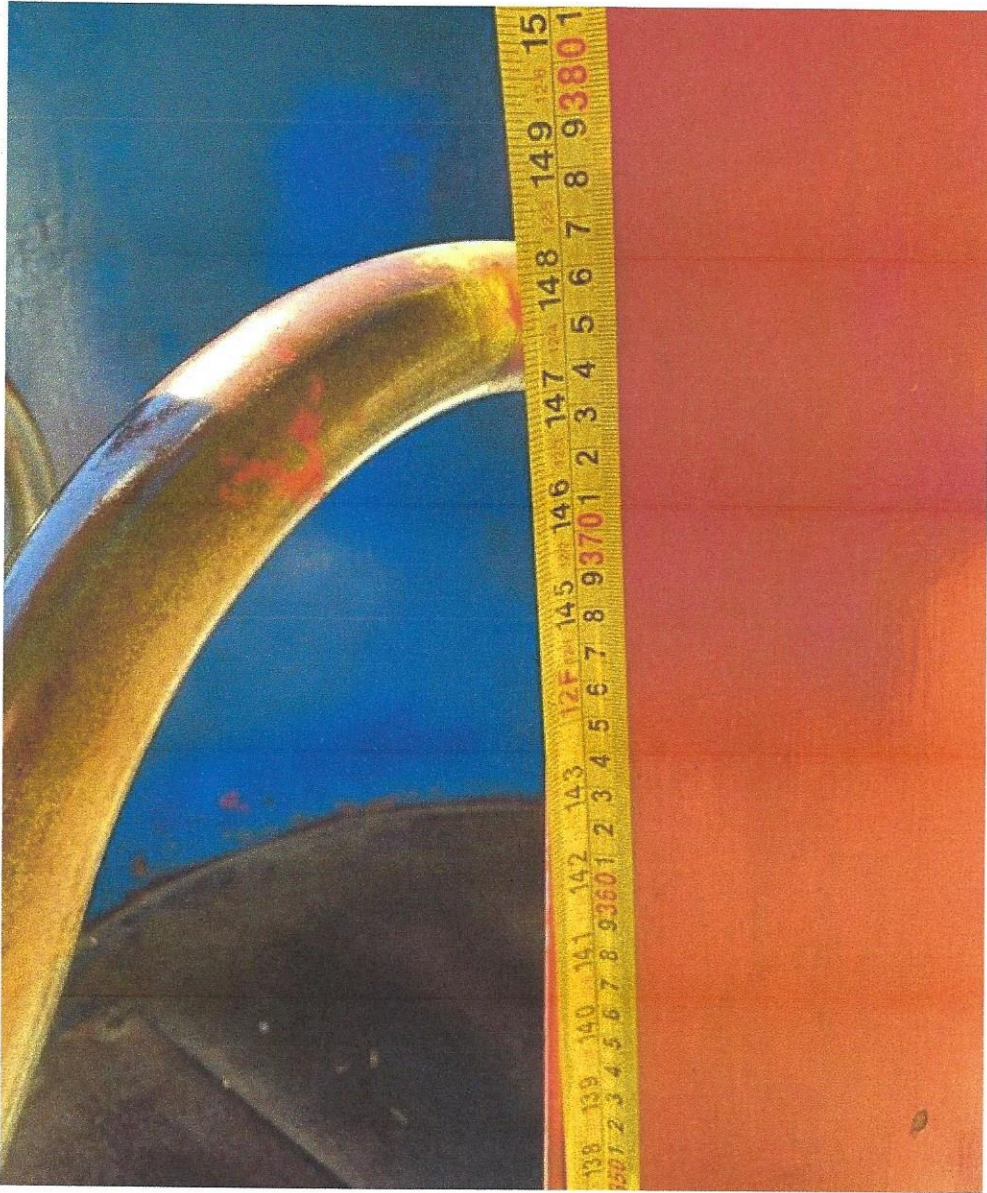
















Merry-Go-Round

This merry-go-round is 10 feet in diameter. Per the Public Playground Safety Handbook the following recommendations apply when a merry-go-round is at least 20 inches in diameter.

- Merry-go-rounds should not be used on playgrounds intended for toddlers.
- The standing/sitting surface of the platform should have a maximum height of:
 - Preschool: 14 inches above the protective surface
 - School-age: 18 inches above the protective surface
- The surface of the platform should not have any openings between the axis and the periphery that permit a rod having a diameter of 5/16 inch to penetrate completely through the surface.
- The underside of the perimeter of the platform should be no less than 9 inches above the level of the protective surfacing beneath it.
- There should not be any accessible shearing or crushing mechanisms in the undercarriage of the equipment.
- The rotating platform of a merry-go-round should not have any sharp edges.
- A means should be provided to limit the peripheral speed of rotation to a maximum of 13 feet per second.

Regarding the first bullet point, the merry-go-round is 9 feet away from a play structure intended for toddlers. Merry-go-rounds should not be used on playgrounds intended for toddlers.

Regarding the second bullet point, the standing/sitting surface is 12 inches above the ground but there is little to no protective surfacing around and under the merry-go-round.

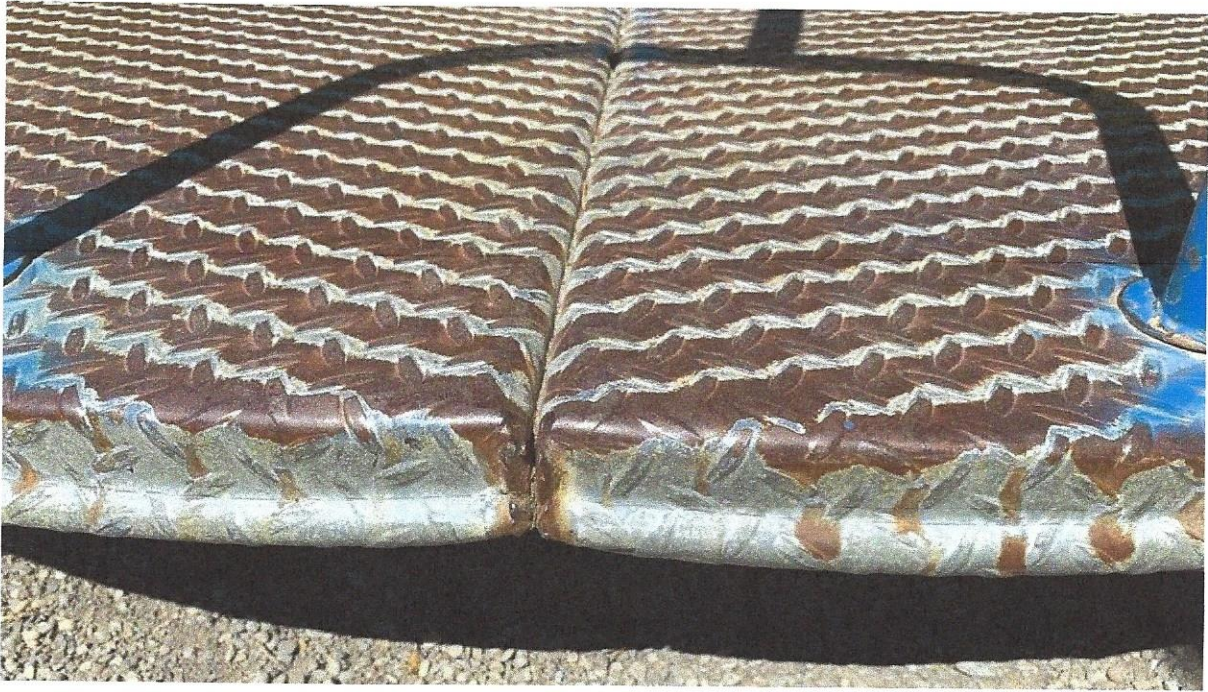
Regarding the fourth bullet point, the underside of the perimeter of the platform is 12 inches above ground currently. With adequate protective surfacing, the platform should be no less than 9 inches above the level of the protective surfacing beneath it.

Regarding the fifth bullet point, the undercarriage of the equipment is accessible and poses a risk of shearing or crushing. Please see the photos below.

Regarding the sixth bullet point, there appears to be some sharp edges where the section of the metal is welded together.

Regarding the last bullet point, the merry-go-round exceeds the rotation of the maximum speed of 13 feet per second.







Toddler Playset with Slide

This playset appears to be in good working order. The fall height on this playset is less than 5 feet so using a depth of 9 inches of pea gravel may be used as a protective surface. However, since the other playground equipment have higher fall heights, you may want to consider only one type of protective surface unless you are separating the playground for toddlers and school-age children which the Public Playground Safety Handbook addresses under the section reflecting age separation. For playgrounds intended to serve children of all ages, the layout of pathways and the landscaping of the playground should show the distinct areas for the different age groups. The areas should be separated at least by a buffer zone, which could be an area with shrubs or benches. This separation and buffer zone will reduce the chance of injury from older, more active children running through areas filled with younger children with generally slower movement and reaction times.



Please refer to the Public Playground Safety Handbook along with the manufacturer's recommendation pertaining to protective surface material to use for your playground equipment. Below is a sample from the handbook for your review regarding the minimum compressed loose-fill surfacing depths. There is also unitary surfacing material as well.

Table 2. Minimum compressed loose-fill surfacing depths

Inches	Of	(Loose-Fill Material)	Protects to	Fall Height (feet)
6*		Shredded/recycled rubber		10
9		Sand		4
9		Pea Gravel		5
9		Wood mulch (non-CCA)		7
9		Wood chips		10

* Shredded/recycled rubber loose-fill surfacing does not compress in the same manner as other loose-fill materials. However, care should be taken to maintain a constant depth as displacement may still occur.



CAPRI has three recommendations that should be addressed ASAP for your playground.

- *Removal of the Spiral Slide*
- *Removal of the Merry-Go-Round*
- *Install protective surfacing material that is suitable for the other playground equipment.*

Until these items can be addressed, we recommend that the playground be *closed* until the items can be remediated in an abundance of caution.

If you would like to discuss this further, please feel free to contact our office.

Sincerely,

Kirk Andre
Safety Analyst
kandre@capri-jpa.org

DISCLAIMER: NOT INTENDED TO CONSTITUTE A CERTIFIED PLAYGROUND INSPECTION¹

¹ Please be advised that this correspondence is not intended to constitute a Certified Playground Safety Inspection and should not be relied upon as a full and complete evaluation of your facility. CAPRI neither warrants nor guarantees the safety of Cazadero CSD's facilities nor does it warrant the accuracy of the comments and recommendations contained herein. Rather, the role and purpose of our visits is to identify potential hazards that may constitute risk management concerns from the standpoint of preventing exposure to liability. The District is welcome to retain its own certified playground safety inspector, at its own cost, to verify the items and validity of the recommendations referenced in this correspondence.