

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA # *A-2c

Urgent Routine

AGENDA DATE February 12, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Appointment of John Carlson, Bob Ott and Mike Natcher to the Reclamation District No. 2092 Board of Directors

STAFF RECOMMENDATIONS:

Appointed John Carlson, Bob Ott and Mike Natcher to the Reclamation District No. 2092 Board of Directors until the next District election can be called.

Contact person: Christine Ferraro Tallman, Clerk of the Board

Phone number: 209-525-4494

FISCAL IMPACT:

There is no fiscal impact associated with this agenda item.

BOARD ACTION AS FOLLOWS:

No. 2013-57

On motion of Supervisor Monteith, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. DR-06-3

January 30, 2013

Christine Ferraro Tallman
Clerk of the Board of Supervisors
1010 10th Street
Suite 6700
Modesto, CA 95354

BOARD OF SUPERVISORS
2013 FEB - 1 A 10:46

Re: Appointment of Trustees to RD 2092 Board

Dear Ms. Tallman:

This letter is a follow up to my January 7, 2013 letter and our recent telephone conversation regarding the appointment of trustees for Reclamation District No. 2092 ("District").

You requested information about the proposed trustees, including addresses, telephone numbers, and whether they are landowners or landowner representatives. Here is the relevant information:

1. John Carlon (landowner representative – see attached Statement of Representation)

River Partners

2. Bob Ott (landowner)

3. Mike Natcher (landowner)

c/o Hidden Valley Dairy

Christine Tallman, Board Clerk
January 30, 2013
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The landowners of the District appreciate the County's attention to this matter. If you have questions or concerns, please do not hesitate to contact me at (916) 520-5424.

Very truly yours,

DOWNEY BRAND LLP



Andrea P. Clark

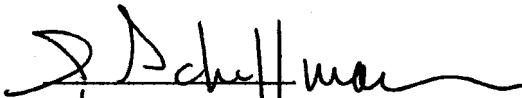
cc: Tom Boze, County Counsel
1010 Tenth St.
Suite #6400
Modesto, California 95354

APC

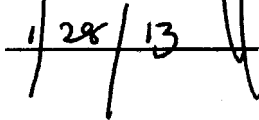
Statement of Landowner Representation

In light of California Water Code section 50014, requiring that trustees of a reclamation district be either a landowner or the legal representative of a landowner, the Board of Directors of River Partners, owner of property within the boundaries of Reclamation District No. 2092, has authorized John Carlon, in his capacity as President of River Partners, to serve as agent of River Partners for the purpose of serving as a trustee on the Board of Trustees of Reclamation District No. 2092.

By:



Date:



BOARD OF SUPERVISORS

2013 JAN 10 A 10:42

January 7, 2013

Christine Ferraro Tallman
Clerk of the Board of Supervisors
1010 10th Street
Suite 6700
Modesto, CA 95354

Re: Appointment of Trustees to RD 2092 Board

Dear Ms. Tallman:

I am writing on behalf of River Partners, a landowner within Reclamation District No. 2092 in Stanislaus County. Landowners in the District have recently taken steps to re-activate the district in order to serve a leadership role in the region's flood control efforts, a collaborative effort between the District and the County, as well as enter into a funding agreement between the State and the District as part of the Central Valley Flood Protection Plan regional planning process. Each of these efforts would require the Board of Trustees of the District to authorize the District to move forward, but because of the District's prior inactive status there are no current members of the Board of Trustees.

The County has authority to appoint Trustees to the District's Board in the event of a vacancy pursuant to California Water Code Section 50604 and Government Code Section 1780. Under these sections, a County ordinarily exercises this power after either: (a) an election has been called, but the number of vacant seats is greater than the number of nominees for the vacant position; or (b) a vacancy occurs, and the current Board of Trustees fails to take action to appoint a replacement or call an election within 60 days. Here, the entire Board is vacant, and therefore incapable of either calling a replacement or appointing a new trustee. In these unique circumstances, the landowners of the District request that the County appoint John Carlon, Bob Ott and Mike Natcher to the Board of Trustees at its next Board of Supervisors' meeting, to serve pursuant to Government Code Section 1780 (f) until a General District Election can be called in 2013.

The landowners also request that the County Treasurer consent to the appointment of Jessica Bourne as the District treasurer under Water Code Section 50660.

If you have questions or concerns, please do not hesitate to contact me at (916) 520-5424.

Christine Tallman, Board Clerk
January 7, 2013
Page 2

Very truly yours,

DOWNEY BRAND LLP



Andrea P. Clark

cc: Tom Boze, County Counsel
1010 Tenth St.
Suite #6400
Modesto, California 95354

Gordon B. Ford, County Treasurer
1010 Tenth St.
Suite #2500
Modesto, California 95354

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