

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-4

Urgent Routine

AGENDA DATE July 29, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Amendments to the El Solyo Water District By-Laws

STAFF RECOMMENDATIONS:

Approve amendments to the El Solyo Water District by-laws per Water Code Section 35305.

Contact Person: Christine Ferraro Tallman

Telephone Number: 209-525-4494

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2014-393

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

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

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. DW-11-32

El Solyo Water District

Directors

James W. Lopes
Steve McManis
Greg Nunes
Henry Bettencourt
John M. Morris

Delivering Water
Since 1918

Riparian Rights 1918



Mail Address
542 Center Road
Vernalis, CA 95385

elsolyowd@gmail.com

Phone (209) 602-2513
Fax (209) 894-5399

Established 1959

July 21, 2014

Stanislaus County Board of Supervisors
Christine Ferraro Tallman, Clerk of the Board
1010 Tenth Street, Suite 6700
Modesto, CA 95354

Re: Revision of By-Laws Adopted By the Board of Directors of the El Solyo Water District

Dear Christine Ferraro Tallman,

Attached you will find a copy of our amended By-Laws, voted in by the Board of Directors on June 19, 2014 at their regular meeting. Also attached is a copy of the Minutes from that meeting.

Thank for all your help.

Sincerely,

Janice Trinkle
Secretary / Manager

BOARD OF SUPERVISORS
2014 JUL 22 A 11:21

BY-LAWS EL SOLYO WATER DISTRICT

ARTICLE 1

Old version

1. PRINCIPAL OFFICE

The principal place of business of this District shall be located at 3942 South River Road, Vernalis, California 95385

New version

The principal place of business of this District shall be located at 542 Center Road, Vernalis, California 95385

Old version

3. QUALIFICATIONS OF OFFICERS

No person shall be qualified to hold the office of Director unless he is a holder of title or evidence of title to lands contained within the El Solyo Water District and the residence of each Director must be within a 20 mile radius of the Principal office. All other officers and employees may be elected, appointed or employed, regardless of whether or not they are holders of title or evidence of title of lands contained within said District.

New version

3. QUALIFICATIONS OF OFFICERS

No person shall be qualified to hold the office of Director unless he is a holder of title or evidence of title to lands contained within the El Solyo Water District and the residence of each Director must be within a 20 mile radius of the Principal office. All other officers and employees may be elected, appointed or employed, regardless of whether or not they are holders of title or evidence of title of lands contained within said District. The Board may elect to allow a sibling of a landowner to be a Board member if they are active in the farming operation, meet the other criteria set for Board members and is unanimously approved by the Board.

ARTICLE VI

Old version

1. MEETINGS OF THE BOARD OF DIRECTORS

The Board of Directors shall hold a regular meeting on the third Tuesday of each calendar month at 8:00 o'clock A.M., except that, when said day shall be a holiday, said meeting for that month shall be held on the next succeeding day which is not a holiday, at the same hour.

ARTICLE VI

New version

1. MEETINGS OF THE BOARD OF DIRECTORS

The Board of Directors shall hold a regular meeting on the third Wednesday of each month at 9:00 o'clock A.M., except that, when said day shall be a holiday, said meeting for that month shall be held on the next succeeding day which is not a holiday, at the same hour.

MEETING OF THE BOARD OF DIRECTORS
EL SOLYO WATER DISTRICT
542 CENTER ROAD, VERNALIS, CA 95385
(209) 602-2513

June 19, 2014 9:00 am

Directors: James Lopes, Greg Nunes, Steve McManis, Henry Bettencourt and Johnny Morris.

CALL TO ORDER: Called to order at 9AM by President James Lopes. Present were Directors Greg Nunes, Steve McManis, Henry Bettencourt and Johnny Morris. Also present were Jorge Brito and Patrick Jose.

ADDITIONS/REVISIONS TO AGENDA: This meeting was changed from June 18, 2014.

PUBLIC COMMENT: None

APPROVAL OF THE MINUTES: Meeting for May 21, 2014 and Emergency Meeting June 2, 2014 were approved as presented with a motion from Director Bettencourt and a second from Director Nunes.

FINANCIAL REVIEW: Distribution Register Main Account, Distribution Register Account #2, and Credit Card review and Balance Sheet were all approved with a motion from Director McManis and a second from Director Nunes.

MANAGEMENT & MAINTENANCE REPORT Janice gave her report on progress in maintenance. We cleaned out fish screen with extra help from the **labor contractor**. Putting Pump House 2 back together with concrete and repairs is still on our list. Keep loosing prime in the centrifugal pump #3 goes down first, then #2, with the extra **hyacinth in the river**. We do have #1 running along with the turbines. **Auto Oilers** on pump \$360 each save \$160 labor each if we install and Melo will show us. Motion was made by Director McManis and seconded by Director Nunes to order 6 and try them.

OLD BUSINESS: Drought water situation – filed requested form Friday June 6, 2014 with State Water Recourse Control Board as they requested. **Wells** on the District are being repaired and brought into service. We have 6 running, 3 getting repaired and 3 new wells. **WSID** Principles of Agreement and Joint Use Operational Agreement Drafts Bobbie Pierce postponed the next committee meeting and does not have drafts ready for our meeting today. After some discussion it was decided unanimously to send a letter to WSID thanking them for there consideration for their plan on the fish screen. The Board wants to wish them luck in their endeavor but we represent the landowners and the majority of them wish to decline the option. Janice will send a letter to that effect. **Work Comp** quote renewal in June from Winton, Green is \$2000 less than our present carrier with the same coverage. Motion to use Winton and Green motion made by Director Nunes and second made by Director Bettencourt, all agreed. **Renewed Liability and Property Insurance** up \$30 from last year for information. **Rules & Regulations changes** – Publish in Patterson paper – Letter to Board of Supervisors were approved with a motion from Director Nunes and second from Director Bettencourt to change number 22 in the Rules & Regulations in regard to Source of Irrigation Water from a Private System.

(Example: A customer runs his well for another land owner, by approval of the District Board; they will receive a credit on their water bill for water pumped. A customer runs his well because the District can not get water to him, then the District will credit the water measured through the meter. If the cost exceeds the cost the District has set for and acre foot of water, then the real cost credit will be reviewed by the board. If needed, a distribution fee will be charged, if water needs to be moved from the well location to another field. The cost will be determined by discretion of the District Board). Also in this motion in the By-Laws Article 1, Principal Office was changed to correct address, Article 1 number 3 on Qualifications of Officers was changed to unanimously approving a sibling of a landowner who is involved with the operation, and Article six on changing the Meetings of the Board to the third Wednesday of the month at 9:00 am

NEW BUSINESS: New Door into Board Room is being worked on.

SET NEXT MEETING DATE & ADJOURN Next Meeting July 16, 2014 at 9 a.m. Meeting adjourned at 10:50 am.

Respectfully Submitted,

Janice Trinkle, Secretary

James W. Lopes, President

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Rules – Regulations – By-Laws

Of

EL SOLYO

WATER DISTRICT

EL SOLYO WATER DISTRICT RULES AND REGULATIONS

RULES AND REGULATIONS GOVERNING THE DISTRIBUTION OF WATER IN THE EL SOLYO WATER DISTRICT HEREBY ADOPTED BY THE BOARD OF DIRECTORS OF THE WATER DISTRICT ON JANUARY 19, 1960, AS AMENDED ON MAY 3, 1962, ON JULY 15, 1986, ON MAY 21, 2014 and AMENDED ON JUNE 19, 2014.

Regulations herewith set forth are either permissible or mandatory under the laws of the State of California as set forth in the Water Code.

These rules and regulations are intended to assist the Board of Directors in the economic management and equitable service of water to all water users in the District. All water users are requested to familiarize themselves with these rules and should endeavor to assist the Board in carrying out the purpose of the district – that of furnishing water for irrigation.

These rules and regulations are sufficiently elastic to permit the Manager to vary the method of water distribution to suit local soil and crop conditions. As new conditions arise, it may be necessary to amend the rules. Water users should assist the Board in suggesting necessary changes.

Employees of the District are expected to be fair, courteous and considerate in all their dealings with the public, and it is expected that water users will exercise the same consideration in dealing with employees.

All water users should feel a personal interest in helping to keep down expenses.

RULES AND REGULATIONS

1. CONTROL OF SYSTEM

The operation and maintenance of all canals, structures and works of the District shall be under the control of a Manager appointed by the Board of Directors. No other person, except those authorized by the Manager, shall have any right to operate or to interfere with the operation of any part of the irrigation system.

2. EMPLOYEES:

The manager shall employ under authorization of the subject to confirmation by the Board of Directors such employees as are necessary for the operation and maintenance of the system.

3. ANNUAL APPLICATION FOR WATER FOR ENSUING IRRIGATION SEASON:

(a) The holder of title and the occupant, if leased, of land located within the District who desires water for the irrigation of such land, or any part thereof, must file at the District office before water is delivered in the year in which such water is desired, a signed application and agreement on a printed form provided by the District setting forth the use of water desired, the number of acres to be irrigated therewith, and the applicant's estimate of the total amount of water required for said land during the irrigation season for which

EL SOLYO WATER DISTRICT RULES AND REGULATIONS

application is made and such applicant must furnish to the District, in form acceptable to it, a guarantee or security for the payment of water charges incurred by such applicant. Such application must be made separately for each year in which water service is desired.

(b) Where water has been applied for, by any applicant hereinabove referred to, for use on part of a tract of land owned or occupied by him, the water furnished to him pursuant to said application shall be limited exclusively to use on the part of said tract described in his application and agreement. If water is desired to be used on any other part of said tract, a separate and new application and agreement must be made therefore.

(c) If, in order to give the desired service, it is necessary for the District to construct, extend or enlarge any ditch or canal, application must be made on or before October 1st preceding the year in which service is desired.

4. REQUEST FOR DELIVERY OF WATER:

A request for delivery of water must be made at the office of the District or with the ditch tender a day prior to the time water is desired. The District will make reasonable efforts to comply with all requests for water, but the actual delivery shall depend on the availability of water.

5. NOTICE OF DELIVERY OF WATER

No notice of delivery will be given to the water user by the ditch tender unless the time of arrival of the water is to vary more than two hours from the time requested.

6. NOTICE OF CUT OFFS AND CHANGES IN AMOUNT OF WATER:

The water user shall notify the ditch tender at least 24 hours in advance of the time that he desires the water to be shut off or changed in amount of delivery. No water cut offs will be made afternoon. If, by reason of emergency, it becomes necessary that water be shut off or changed in the amount of delivery at the request of the water user, the District will endeavor to accommodate such water user, but he shall remain liable for any loss of revenue which may result from his failure to give the notice specified herein.

7. QUANTITY OF WATER TO BE SUPPLIED:

(a) The quantity of water used shall be left to the discretion of the water user unless demand for water shall exceed the supply. In the event of such shortage of water, all water distributed for irrigation purposes shall be apportioned ratably to each holder of title to land, and occupants holding land under such holders of title, making application therefore pursuant to rules and regulations established by the Board of Directors.

EL SOLYO WATER DISTRICT RULES AND REGULATIONS

(b) The District shall not be liable for any diminution of water supply caused by insufficiency of water in the San Joaquin River, adverse appropriation, hostile diversion or obstruction, court injunction, demands of the Federal or State governments, or any officer thereof, labor strikes, inability to secure labor, inability to procure necessary materials or supplies, or any injury of its works and facilities, or any part thereof, caused by the elements, acts of God, or otherwise; but the District shall use diligence in restoring and protecting the flow of water in its canals and ditches, and in the distribution of such water.

The District shall have the right, in order to augment its supply of water, to furnish to the water users any drainage water available, but shall not be under any obligation to make use of such water.

The District shall not be responsible for the quality of the water available or delivered.

8. DITCHES NOT CONTROLLED BY THE DISTRICT:

(a) The District will not be responsible for the distribution of water after it leaves its delivery gates.

(b) The District will not be liable for any damage caused by the water user to contiguous lands, roads or highways, through his carelessness or waste or misuse of water.

(c) Water users will be required to all times to keep their ditches, drains and facilities for conveying and distributing water in good condition, free from weeds and foul growth, so that water can be used without undue loss or waste of water or time. Failure of a water user to conform to this rule shall be grounds for the District's refusing to deliver water until the requirements of such rule is fulfilled.

9. USE AND CARE OF WATER:

Water must be used continuously by the water user throughout the period of the run, both day and night. If water is wasted or improperly used, the Manager may refuse further delivery of water until the cause of waste or improper use is removed.

10. ACCESS TO WATER USERS' DITCHES AND LAND:

The Manager, or his authorized ditch tender or assistants, shall, at all times, have access to the ditches of the water user and the lands irrigated from the District's canals.

11. COMPLAINTS OF SERVICE:

Complaint of service or of the action of the Manager or ditch tender or other employees of the District shall be made in writing and filed with the Secretary of the District who will refer the same to the directors at the next meeting of the Board.

EL SOLYO WATER DISTRICT RULES AND REGULATIONS

12. USE OF RIGHT OF WAY BY WATER USER:

The rights of way occupied by ditches, pipelines and structures must not be used by the water user for growing of crops or any other purposes except by written permission of the Board of Directors.

Banks of ditches and canals must not be disturbed; fences or bridges must not be built across ditches without such written permission.

13. ADDITIONAL TAKE –OUTS:

Additional take-outs or other structures can be placed in ditches only under written authority from the Board of Directors, by the District force, and at the expense of the water users.

14. LENGTH OF IRRIGATION SEASON:

The Board of Directors shall, each year, fix the opening and closing of the irrigation season.

The exact date shall, in each instance, be determined by available water supply, demand for water, prevailing weather, and condition of District facilities.

15. ABATEMENT OF NUISANCE:

No pruning's, garbage, manure or refuse, dead animals, sewerage, animal matter or other debris of any kind shall be placed in, or allowed to be emptied into, any canal of the District.

Any person found guilty of violating this rule will be prosecuted for maintaining a nuisance.

16. COMPLIANCE WITH RULES:

Compliance with each and all of these rules shall be a condition precedent to the delivery of water to any water user and in case a specific penalty is not provided therein, for violation of any rule, then and in that event, if any water user fails to comply with any of these rules or any part thereof, the water may be taken away or withdrawn from such water user at any time, until any violation of these rules is corrected and remedied to the satisfaction of the Manager or the Board of Directors.

17. LIABILITY OF DISTRICT:

Nothing herein contained shall be construed as an assumption of liability on any part of the District, its directors, officers or employees, for any damage occasioned from the use of water by any water user.

18. MODIFICATION OF RULES:

The Board of Directors may amend or change these rules at any regular or special meeting of the Board in accordance with the Water Code of the State of California.

EL SOLYO WATER DISTRICT RULES AND REGULATIONS

19 MEASUREMENT OF WATER:

All water furnished by the District shall be measured at the point of delivery, to the water user by methods and devices recognized and approved by the engineering profession.

20. CHARGES, DEPOSITS AND PAYMENT FOR WATER:

Annually, the Board of Directors shall fix the charges for the sale of water at an amount that is sufficient to cover the payment of revenue bonds and interest thereon and other expenses of the District. Said charges shall be fixed by the Board upon a rate per acre-feet metered basis. Said water charges shall be collected in the following manner:

- (a) Purchaser of water shall place on deposit with the District such amounts for each parcel of land to be irrigated as the Board of Directors may determine. Said deposit shall be payable in advance of delivery of any water.
- (b) Actual amounts of water delivered to each water user shall be computed on a calendar month basis and a statement for same shall be rendered to each water user not later than the 5th of the following month. If the water charges during any single month exceed the amount of deposit, such balance due the District shall be paid in full not later than the 15th day of the month following the month in which water is delivered. If such balance is not paid in full, further delivery of water may be discontinued at once until such balance is paid.

Any balance which is past due shall become a lien upon the parcel of land irrigated, and a service charge of 10% shall be made and collected together with attorney fees and costs of the District incurred in the preparation and recording of the lien.

In the event of nonpayment of any balance due the District for irrigation water delivered, by a tenant or a holder of title to lands within the District or a predecessor in interest, shall be the responsibility of the land owner or the successor in interest to make payment in full of such balance due.

21. EXCESS AMOUNTS ON DEPOSIT:

At the beginning of each water season, the Board of Directors set the amount of that season's non-refundable deposit. That deposit will be used as the water user's credit for first water delivered. At the discretion of the Board of Directors, another deposit may be required, at any time, during the water season.

22. SOURCE OF IRRIGATION WATER FROM A PRIVATE SYSTEM:

Where the principal source of irrigation water is from a private system, the deposits, heretofore mentioned, shall be required for the parcels and acreage of land contained within the District which is irrigated from such private system. This rule shall not be construed or assumed to relieve such private water users from any of the other rules and regulations herein contained.

BY-LAWS EL SOLYO WATER DISTRICT

(Example: A customer runs his well for another land owner, by approval of the District Board, they will receive a credit on their water bill for water pumped. A customer runs his well because the District can not get water to him, then the District will credit the water measured through the meter. If the cost exceeds the cost the District has set for and acre foot of water, then the real cost credit will be reviewed by the board. If needed, a distribution fee will be charged, if water needs to be moved from the well location to another field. The cost will be determined by discretion of the District Board).

VIOLATIONS OF RULES AND REGULATIONS – A MISDEMEANOR:

The foregoing rules and regulations have been published once a week for two weeks in a newspaper of general circulation published in Stanislaus County. Section 35424 of the California Water Code provides:

"After equitable rules and regulations for the distribution of water have been published once a week for two weeks in a newspaper of general circulation published in each affected county, any violation thereof is a misdemeanor and the violator shall, upon conviction thereof, be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00)."

BY-LAWS EL SOLYO WATER DISTRICT

BY-LAWS GOVERNING EL SOLYO WATER DISTRICT AMENDED ON OCTOBER 1, 2002 AND MAY 21, 2014

ARTICLE I

1. PRINCIPAL OFFICE

The principal place of business of this District shall be located at 542 Center Road, Vernalis, California 95385

2. CHANGE OF ADDRESS

The Principal place of business may be changed by the amendment of these by-laws in the manner hereinafter provided for the amendment of said by-laws.

ARTICLE II

1. PLACE OF ELECTION

All elections of the El Solyo Water District shall be held at such place or places within the District as shall from time to time to be designated by this Board of Directors or otherwise provided by law.

2. TIME OF REGULAR ELECTION

There shall be held a regular election upon the first Tuesday after the first Monday in November every odd numbered calendar year for the purpose of the election of officers of the District.

3. MANNER OF CALLING SPECIAL ELECTION

A special election for the purpose of submitting matters to be voted on by the District may be called:

(a) By a majority of the Board of Directors by resolution duly passed and adopted.

(b) By written petition by the holders of title to a majority of lands contained in the District signed and filed with the Secretary of the District asking the Board of Directors to call an election.

Upon Passage of said resolution or presentation of said petition, it shall be the duty of said Board of Directors to call an election for the purpose of submitting to the voters of said District the proposition or propositions named in said resolution or petition.

BY-LAWS EL SOLYO WATER DISTRICT

4. NOMINATIONS FOR OFFICERS

Not Less than 35 days before a general election, a petition signed by three or more voters, together with the affidavits required by this section, may be filed at the District Office requesting that the names of persons specified in the petition be placed on the ballot as candidates for the office specified.

5. ELECTION CODES

Except as in these by-laws specifically provided, the manner of calling and conducting elections and the manner of voting in person or by proxy, shall be governed by the provisions of the California Water District Law, Statutes of 1951, Chapter 390, as set forth in the Water Code of the State of California, and amendments thereto, and in all respects not specified by these by-laws or said California Water District Law, elections shall be held pursuant to the general election laws of the State of California.

ARTICLE III

1. OFFICES

The Officers of the District shall be a Board of five (5) directors; an officer holding the consolidated office of Assessor, Tax Collector and Treasurer, a President and a Secretary.

2. HOW ELECTED

The Board of Directors and the person holding the consolidated office of Assessor, Tax Collector and Treasurer shall be elected by the Board of Directors. The Secretary of said District shall be appointed by the Board of Directors, and the President of the Board of Directors shall be elected by said Board from its members.

3. QUALIFICATIONS OF OFFICERS

No person shall be qualified to hold the office of Director unless he is a holder of title or evidence of title to lands contained within the El Solyo Water District and the residence of each Director must be within a 20 mile radius of the Principal office. All other officers and employees may be elected, appointed or employed, regardless of whether or not they are holders of title or evidence of title of lands contained within said District. The Board may elect to allow a family member of a landowner to be a Board member if they are active in the farming operation, meet the other criteria set for Board members and is unanimously approved by the Board.

BY-LAWS EL SOLYO WATER DISTRICT

4. OFFICE FORFEIT

Each appointee to office, or officer elected to the office of Director, or the consolidated office of Assessor, Tax Collector and Treasurer, shall forfeit his office unless within ten days after he has notice of his election or appointment, or before the expiration of ten days from the commencement of his term of office when, no such notice is given; he shall have filed for record with the County Recorder of Stanislaus County a written acceptance of his office.

5. VACANCIES

If any office shall become vacant by forfeiture, death, resignation, or from any other cause, the same shall be filled by appointment by the Board of Directors.

6. EMPLOYEES

The Board of Directors shall have the power to employ and fix the salary or compensation of such persons as may be necessary or proper to fully carry out the uses and purposes of the District and perform such acts, labor or services as shall be deemed by said Board of Directors to be for the best interest of said District; all such persons so appointed or employed shall serve at the pleasure of said Board.

7. COMPENSATION OF OFFICERS

The Salary of, or compensation, of the officers of the District shall be as follows, to wit:
The Directors: No compensation for attendance at Directors' meetings, but there will be compensation for the Directors rotating in the roll of Manager. The Manager shall receive such sum each as shall be fixed by the Board of Directors by resolution. The Secretary and consolidated office of Assessor, Tax Collector and Treasurer shall receive such sum each as shall be fixed by the Board of Directors by resolution.

8. TERM OF OFFICE

All of the elective officers of said District shall hold office for the term of four years. Said Director Terms shall alternate their successive terms, so that every two years, two directors or three directors commence a New Year term.

9. APPOINTING OF OFFICERS

At the first meeting of the Board of Directors after election, which said meeting shall be held not later than the following month, the Board of Directors shall choose from among its members a President, Vice President, and shall appoint the Secretary and consolidated office of Assessor, Tax Collector and Treasurer of the District.

BY-LAWS EL SOLYO WATER DISTRICT

ARTICLE IV

1. DUTIES AND POWERS OF OFFICERS

The Duties and powers of the Board of Directors and Officers of said District shall be those specified and set out by statute, including the fixing of rates, transfer of water within the District, formation of Improvement Districts and the determination and fixing of penalties for the violation of the by-laws not to exceed in any one case Five Thousand Dollars (\$5,000.00) for any one offense.

The Board of Directors shall have broad discretionary power to make rules and regulations including, but not limited to:

- (a) The ability to enact bonding indebtedness for capital improvements.
- (b) The ability to lien the property owner's land for lack of payment of the water bill.
- (c) The ability to levy a minimum charge for water whether it is used or not.
The ability to fix the rates to be charged from time to time.
The ability to fix the times of payment of said rates.
- (d) Said rates normally shall be fixed at the beginning of each year at the time of preparing the estimate of the sum required by the District to discharge its obligations including bonded indebtedness, if any, for the ensuing year.
- (e) Rates shall be based upon an estimate of the cost of maintenance, operation and management for said year and shall be sufficient to provide a fund to cover depreciation of the works and machinery required for irrigation, and the addition of such other requisite works necessary for the pumping and distribution of water as the Board of Directors shall not elect to finance in other manners; said minimum rate shall be collected as revenue form the sale of water.

ARTICLE V

1. AMMENDING BY-LAWS

The By-Laws of the El Solyo Water District may be amended, repealed, or new by-laws adopted by:

- (a) By a 4/5 vote of the Directors and approval of the Board of Supervisors of Stanislaus County.
- (b) The assents of 2/3 of the total vote of the District, given either in writing or by ballot cast at an election of the District.
- (c) Any repeal of said by-laws or amendment or addition thereto must, together with the approval of the Board of Supervisors and the resolution of the Directors or the written consent thereto or a memorandum of the returns of the election at which the assent was given, be certified by a majority of the Directors and the Secretary of the District and must be filed for record with County Recorder of each county in which any of the lands contained in said District are located.

BY-LAWS EL SOLYO WATER DISTRICT

ARTICLE VI

1. MEETINGS OF THE BOARD OF DIRECTORS

The Board of Directors shall hold a regular meeting on the third Wednesday of each month at 9:00 AM, except that when said day shall be a holiday, said meeting for that month shall be held on the next succeeding day which is not a holiday, at the same hour.

2. SPECIAL MEETINGS

Special meetings may be called by the District Manager, Secretary, or any three members of the Board of Directors by giving five days written notice by mail of the same, or by each Director filing with the Secretary his written consent to the holding of said meeting or by resolution adopted at the former meeting upon five days written notice by mail thereof to each Director not joining therein. Emergency meetings will be given a 24 hour verbal notice.

ARTICLE VII

1. MANNER OF GIVING NOTICE

Wherever in the By-Laws of the El Solyo Water District written notice is required to be given, the same shall be given by depositing the same in the United States Post Office, addressed to said person at his last known address.

ARTICLE VIII

1. FISCAL YEAR

The Fiscal Year of said District shall commence on the 1st day of January and end on the 31st day of December of each year.

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify:

(1) That I am the duly elected and acting secretary of EL SOLYO WATER DISTRICT.

(2) That the foregoing by-laws, comprising five pages, including this page, constitute the amended by-law of said district as duly adopted at the regular meeting of the Board of Directors thereof duly held DATE XXXXXXXXXXXXXXX

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said district this X day of X, 2013.

Secretary