

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

DEPT: Board of Supervisors

BOARD AGENDA #: *A-3

AGENDA DATE: August 30, 2016

SUBJECT:

Approval to Accept the Appointment of Dexter Long to the Eastside Water District Board of Directors

BOARD ACTION AS FOLLOWS:

No. 2016-443

On motion of Supervisor Withrow, Seconded by Supervisor O'Brien
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Board of Supervisors BOARD AGENDA #: *A-3
Urgent Routine EX AGENDA DATE: August 30, 2016
CEO CONCURRENCE: _____ 4/5 Vote Required: Yes No

SUBJECT:

Approval to Accept the Appointment of Dexter Long to the Eastside Water District Board of Directors

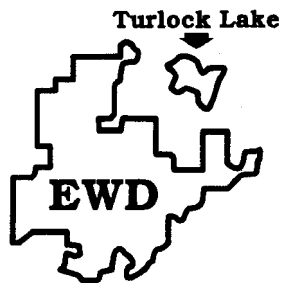
STAFF RECOMMENDATIONS:

1. Accept the appointment of Dexter Long to the Eastside Water District Board of Directors, replacing Dave Long, to an unexpired term ending on December 1, 2017.

CONTACT PERSON:

Elizabeth King, Clerk of the Board

Phone number: 209-525-4494



EASTSIDE WATER DISTRICT

BOARD OF SUPERVISORS

2016 AUG 24 P 4:56

BOARD OF DIRECTORS

AL ROSSINI
Chairman
874-3739

WARD N. BURROUGHS
874-9400

TIM JOHNSON
874-5343

DAVID LONG
874-1875

VACANT

KAREN L. WHIPP
Secretary
589-0689

August 22, 2016

Ms. Elizabeth King
Clerk of the Board of Supervisors
1010 10th Street, Suite 6700
Modesto, CA 95354

RE: Eastside Water District Appointment to the Board of Directors

Dear Ms. King:

This letter is to inform you that at the Eastside Water District's August 18, 2016 board meeting the District appointed Dexter Long as the At-Large Director and shall immediately assume that role until the next district general election in 2017. Attached are the following documents:

Letter of Resignation from Dave Long
Letter from Dave Long designating Dexter Long as his representative (per EWD bylaws
Affidavit of Posting Notice of Vacancy
Notice of Vacancy, posted August 1
Letter of Interest From Dexter Long
Resolution from EWD Board Appointing Dexter Long as new board member

Sincerely,

Karen L. Whipp

Karen L. Whipp
District Secretary

Attachments



HILLTOP

The Experienced Source for California Almonds

July 18th, 2016

Eastside Water District
C/O Karen Whipp
705 Modoc Ave.
Merced, CA 95340

To Whom It May Concern:

This letter should serve as my formal resignation from my position on the Eastside Water District Board of Directors. Although serving on the board has been an extremely rewarding experience, I am unable to fully meet the time commitment required of being a board member due to various other obligations.

Please feel free to contact me if you should have any questions during this transition.

Thank you,

Dave Long



HILLTOP

The Experienced Source for California Almonds

July 18th, 2016

Eastside Water District
C/O Karen Whipp
705 Modoc Ave.
Merced, CA 95340

To Whom It May Concern:

I am a landowner in the Eastside Water District and I would like to designate Dexter Long, Vice President of Hilltop Ranch as my representative.

Please feel free to contact me if you should have any questions.

Thank you,

Dave Long



The Experienced Source For California Almonds

July 20, 2016

To Whom it may Concern:

I would like to express my desire to serve on the Eastside Water District Board due to my concerns regarding the area's water issues. I would like to be involved in finding ways to help resolve the current issues.

Best regards,

A handwritten signature in black ink, appearing to read "Dexter Long". The signature is stylized and somewhat cursive.

Dexter Long
Vice President

NOTICE OF VACANCY

NOTICE IS HEREBY GIVEN that there is one unscheduled vacancy on the Eastside Water District Board of Directors, for a term ending December 31, 2017. Pursuant to Government Code section 1780, the Board of Directors of the district has decided to fill the vacancy by appointment. The person appointed will hold office until the next District general election.

The District Board invites interested persons to apply for the position of Director. In order to serve as Director, a candidate must be a landowner of the District, or a legal representative of a landowner. The person appointed will be required to attend regular District Board meetings.

The District Board will make an appointment on August 18, 2016. Persons interested in being considered for appointment to the District Board should apply by letter, stating their qualifications, background and reasons for seeking appointment. Letters should be sent to Eastside Water District, c/o Karen L. Whipp, Secretary, Post Office Box 280, Denair, California 95316 or via email at paddedcell@sbcglobal.net and received no later than August 15. For questions call 209-589-0689.

AFFIDAVIT OF POSTING

In the Matter of

Appointment of Director,
Eastside Water District

)
)
)
)

STATE OF CALIFORNIA

)

) ss.

COUNTY OF STANISLAUS

)

I, Karen L. Whipp, declare:

That at all times mentioned herein I was, and still am, a citizen of the United States of more than twenty-one (21) years of age.

That heretofore on the 1st day of August, 2016, at three (3) places within said District, to wit:

- 1) Turlock Irrigation District
333 East Canal Drive
Turlock, CA

- 2) Denair Post Office
4733 Main Street
Denair, CA

- 3) Corner of East Avenue and Santa Fe Road
Between Denair and Ballico, CA

I posted copies of the attached Notice of Vacancy, a true and correct copy of which is attached hereto. I make this declaration under penalty of perjury pursuant to the laws of the State of California.

Karen L. Whipp
Karen L. Whipp, Secretary

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
EASTSIDE WATER DISTRICT APPOINTING DIRECTOR**

Resolution No. 2016-3

WHEREAS, a position of director on the Eastside Water District became vacant on July 18, 2016; and

WHEREAS, within sixty (60) days of the vacancy the Board of Directors may fill the vacancy in the manner prescribed by Government Code section 1780; and

WHEREAS, the Secretary of the Board of Directors certified that she posted a Notice of Vacancy in three places within the District at least 15 days prior to this date of appointment and has considered all applications for the position of At-Large Director and has identified Dexter Long as the most qualified candidate for the position;

WHEREAS, Dexter Long has been appointed as a representative of David Long, a landowner within the District;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors for the Eastside Water District, that Dexter Long shall be appointed as the At-Large Director and shall immediately assume that role until the next district general election in 2017.

CERTIFICATION


I hereby certify that the foregoing Resolution 2016-03 was duly and regularly adopted by the Board of Directors of the Eastside Water District at the meeting thereof held on the 18th day of August, 2016, motion by Ward Burroughs and seconded by Tim Johnson, motion passed by the following roll call vote:

AYES: Ward Burroughs, Tim Johnson, Al Rossini

NOES: none

ABSTENTIONS: none

ABSENT: Norik Naraghi



Al Rossini
Chairman, Eastside Water District Board of Directors

8/18/2016
Date

ATTEST

The foregoing is a true and full copy of a resolution of the governing board passed and adopted at a duly convened meeting on the date set forth above, and said resolution has not been altered, amended, or repealed.

Karen L. Whipp

Karen L. Whipp
Secretary, Board of Directors

August 18, 2016

Date

BY-LAWS OF EASTSIDE WATER DISTRICT

I. MANNER OF CALLING ELECTIONS

All District elections, both general and special, shall be called by majority vote of the Board of Directors, the resolutions calling each and all such elections shall be entered in full upon the minutes of the Board.

II. TIME, PLACE AND MANNER OF CONDUCTION ELECTIONS

Time: The Board of Directors shall call a general District election to be held in the month of September, 1987, and in the month of September every two years thereafter. Special District elections shall be called by a majority vote of the Board of Directors.

Place: All District elections, both general and special, shall be held within the District.

Manner of Conduction Elections: All District elections, both general and special, shall be conducted as prescribed by the California Water District law pursuant to which said District is formed, and the Board of Directors shall, before any general or special District election is held, give notice of the time, place and purpose of the election by publication once a week for at least two weeks in a newspaper of general circulation published in the County of Stanislaus, and in a newspaper of general circulation published in the County of Merced, State of California. At any District election the polls shall remain open for voting by all qualified voters between the hours of 10 o'clock A.M. and 5 o'clock P. M.

III. MANNER OF VOTING

At all District elections, both general and special, each holder of title to land within the District shall have one vote for each dollar's worth of land to which he holds title, and the next preceding assessment book of the District is conclusive evidence of ownership and of the value of the land so owned.

Every voter, or his legal representative, may vote either in person or by proxy at any District election.

No proxy shall be valid, accepted, or vote allowed thereon at any District election unless it meets all of the following requirements:

- (a) It is in writing.

- (b) It is executed by the person or legal representative of the person who, according to the next preceding assessment book of the District, is entitled to the votes for which the proxy is given.
- (c) It is acknowledged.
- (d) It specifies the election at which it is to be used. The proxy shall be used only at the election specified.
- (e) Every proxy is revocable at the pleasure of the person executing it.
- (f) Before a legal representative votes at a District election, he shall present to the board of election a certified copy of his authority which shall be kept and filed with the returns of the election.

IV. NOMINATION AND APPOINTMENT OF OFFICERS

Persons may be nominated as candidates for election to the office of Director by the filing of a nomination petition together with affidavits at the District office not less than thirty-five (35) days before the general election, in the form and in the manner prescribed by the California Water District law. Only names of persons properly nominated shall be printed on the ballots, but a blank space for each office to be filled shall be left after the names of the candidates in which the voters may write in another name if they desire. If, on the thirty-fourth (34th) day prior to the day fixed for the District general election, only one person has been nominated for any elective office to be filled at that election, or no one has been nominated for such office, or, in the case of Directors to be elected from the District at large the number of nominees for Directors does not exceed the number of offices of Director to be filled at the election, the Board of Directors in its discretion may by resolution order that an election not be held for such offices and request the Board of Supervisors of the County of Stanislaus, in which the greatest portion of the District is situated, appoint to such office or offices the person or persons nominated or, if no person has been nominated for an office, any qualified person. The persons appointed by the Board of Supervisors of Stanislaus County shall qualify and take office and serve as if elected at a general election.

V. QUALIFICATION AND DUTIES OF OFFICERS, THEIR TENURE OF OFFICE AND TIME AND MANNER OF THEIR APPOINTMENT

The Directors of the District shall be of the age of twenty-one (21) years, or more, and ~~shall be holders of title to land within the District~~ per California Water Code, 34700; each director shall be one of the following:

- (a) A Holder of title to land within the district.
- (b) The legal representative of a holder of title to land within the district in accordance with Section 34030:
 - (1) A duly appointed and acting guardian, executor, or administrator of the estate of a holder of title to land, or
 - (2) A person duly authorized to act for, and on behalf of, a holder of title to land that is not a natural person.
- (c) A representative designated by a holder of title to land within the district, if the holder has filed with the district written evidence of that designation.

At the first general election following the formation election, two Directors shall be elected for the full term of four (4) years, and thereafter a general election shall be held every two (2) upon the expiration of the respective terms. The term of such elective officer subsequent to the officers elected at the formation election is four (4) years. Each elective officer holds office until his successor is elected and qualified. If any elective office becomes vacant, it shall be filled by the Board of Directors.

The Secretary/Treasurer of the District shall be appointed by the Board of Directors and shall hold office at the pleasure of the Board.

The Board of Directors shall elect one of its members as President and the Board of Directors shall manage and conduct the business and affairs of the District.

The Secretary shall keep a record of all the proceeding had at the meeting of the Board of Directors and shall perform such other duties as may be required by the Board. The Secretary shall file all documents pertaining to the District affairs in the office of the District, and the same shall be open to inspection at all times by any person interested.

VI. COMPENSATION OF OFFICERS

Until these By-laws shall be amended to otherwise provide, the Directors shall not be paid for their services in attending meetings of the Board, or for any work performed by a Director for the District. A Director, however, shall be entitled to reimbursement for reasonable expenses necessarily incurred by him for performing services on behalf of the District when directed to perform such services by resolution of the Board of Directors.

VII. LOCATION OF THE DISTRICT OFFICE

The office of the District is hereby fixed at 5043 N. Montpellier, Denair, California.

VIII. METHOD OF CHANGING LOCATION OF OFFICE

If for any reason it is necessary that the location of the District office be changed, or that a change of location of said office will better suit the convenience of the District and its taxpayers and members, the Board of Directors is hereby expressly authorized and empowered by a four-fifths (4/5ths) vote to change the location of the District office to some other place or location within the District.

IX. INCURRING INDEBTEDNESS BY DISTRICT

By resolution adopted by the majority of the Directors, the District in any fiscal year may borrow money to pay its expenses and anticipated expenses for that fiscal year in the event the tax revenues received by the District to that date are insufficient to discharge such expenses as they mature and to issue evidences of indebtedness for such borrowings executed by the President and the Secretary in the name of and on behalf of the District, but the District shall not borrow any money or incur any indebtedness which is not payable from the tax revenues of the current fiscal year except by a bond issue or by warrants authorized as provided by California Water District Law.

X. METHOD OF AMENDING OR REPEALING BY-LAWS

The By-laws of the District may be repealed or amended, or new by-laws adopted by more than a four-fifths (4/5th) vote of the Board of Directors of the District approved by the Board of Supervisors, or by the assent of two-thirds (2/3rds) of the total vote of the District, given either in writing or by ballot cast at a District election.

XI. RESIDUAL POWERS

All powers for the management, government and control of the District and its affairs not by law or those By-laws conferred upon any other person, officer or official are hereby reserved in the Board of Directors of the District.

XII. PENALTIES FOR ANY BREACH OR INFRACTION OF THESE BY-LAWS

Any person amenable to these By-laws who shall violate the same shall be subject to levy of suitable penalties to be levied and assessed by the Board of Directors, not to exceed \$20.00 for any one offense.

By resolution of four-fifths (4/5ths vote, the Board of Directors of Eastside Water District does hereby adopt the attached By-laws on January 9, 1986.

Jan A. Lee

Ernest C. Burroughs

Mark K. Brown

Larry Hooker

T. Marshall Williams