

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

DEPT: Board of Supervisors

BOARD AGENDA: 5.A.5
AGENDA DATE: December 19, 2017

SUBJECT:

Approval to Adopt the Revised Bylaws of the Eastside Water District

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2017-0705

On motion of Supervisor Withrow , Seconded by Supervisor Monteith
and approved by the following vote,
Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa
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. **DW-13-19**

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

DEPT: Board of Supervisors

BOARD AGENDA:5.A.5
AGENDA DATE: December 19, 2017

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval to Adopt the Revised Bylaws of the Eastside Water District

STAFF RECOMMENDATION:

1. Adopt the revised Bylaws for the Eastside Water District.

CONTACT PERSON:

Elizabeth King, Clerk of the Board

Phone number: 209-525-4494

ATTACHMENT(S):

1. Eastside Water District Bylaws

**RESOLUTION NUMBER 2017-03
NOVEMBER 16, 2017**

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**BOARD OF DIRECTORS OF THE EASTSIDE WATER DISTRICT
A RESOLUTION TO UPDATE THE BYLAWS**

WHEREAS, under VII of the Bylaws of Eastside Water District, the District wishes to change the location of the office of the District.

WHEREAS, the Board desires to clarify the method to change its office and amend its Bylaws.

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the East Side Water District adopts the revised Bylaws of Eastside Water District attached hereto as **EXHIBIT A**.

CERTIFICATION

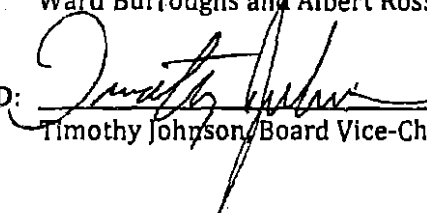
I hereby certify the foregoing Resolution 2017-03 was duly and regularly adopted by the Board of Directors of the East Water District at the regular board meeting thereof held on the 16th day of November, 2017 motioned its adoption by Dexter Long and seconded by Norik Naraghi, motion passed by the following roll call vote:

AYES: Timothy Johnson, Dexter Long, and Norik Naraghi

NOES: None

ABSTAINED: None

ABSENT: Ward Burroughs and Albert Rossini

APPROVED:  11-21-17
Timothy Johnson, Board Vice-Chair Date

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


 11-21-17
Karen L. Whipp, Eastside Water District Clerk Date

EXHIBIT A
Bylaws of Eastside Water District

BYLAWS OF THE EASTSIDE WATER DISTRICT BOARD OF SUPERVISORS

I. MANNER OF CALLING ELECTIONS

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All District elections, both general and special, shall be called as required by the California Water District law.

II. MANNER OF CONDUCTION ELECTIONS

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.

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. NUMBER OF DIRECTORS, NOMINATION AND APPOINTMENT OF OFFICERS

The number of members serving on the Board of Directors shall be seven (7). Persons may be nominated as candidates for election to the office of Director in accordance with the California Water District law.

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 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.

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 Bylaws 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 13890 Looney Road, Ballico, California 95303.

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 majority 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 BYLAWS

The Bylaws of the District may be repealed or amended, or new Bylaws adopted by 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 Bylaws 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 BYLAWS


Any person amenable to these Bylaws 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 Bylaws on November 16, 2017.

XIII. CERTIFICATE

This is to certify that the foregoing is a true and correct copy of the of the Eastside Water District and that such Bylaws were duly adopted by the Board of Directors of Eastside Water District on the date set forth below.

Dated: November 16, 2017



Kayen Whipp
Board Secretary

BY-LAWS OF EASTSIDE WATER DISTRICT BOARD OF SUPERVISORS

I. MANNER OF CALLING ELECTIONS

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All District elections, both general and special, shall be called ~~as required by the California Water District law 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. NUMBER OF DIRECTORS; NOMINATION AND APPOINTMENT OF OFFICERS

~~The number of members serving on the Board of Directors shall be seven (7). 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 accordance with 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. Montpelier, Denair, California 95303 Looney Road, Ballico, California 95303.

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)~~ majority 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 (2/3^{rds}) 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~~ November _____, 2017.