

Recording Requested By:
Reclamation District 799
(Hotchkiss Tract)

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Document Title:

RESOLUTION 2017-8

**A RESOLUTION OF THE BOARD OF TRUSTEES OF
RECLAMATION DISTRICT NO. 799 APPROVING AND ADOPTING REVISED
DISTRICT BYLAWS**

WHEREAS, the Reclamation District No. 799 ("District") Board of Trustees ("Board") has reviewed and identified amendments and revisions it wishes to make to the District's bylaws; and

WHEREAS, revised bylaws, based on those amendments and revisions are attached to this Resolution as Exhibit A; and

WHEREAS, the Board held a public hearing on August 31, 2017 to receive comment on the proposed revised bylaws; and

WHEREAS, the Board wishes to adopt the revised bylaws attached as Exhibit A as the District's bylaws.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF RECLAMATION DISTRICT NO. 799, that the District approves and adopts the bylaws attached as Exhibit A to this Resolution as the District's Bylaws; and

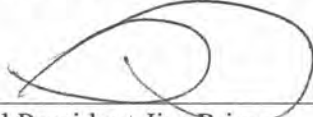
BE IT RESOLVED FURTHER, that the District has provided fifteen (15) days prior notice of the public hearing held on August 31, 2017. The Notice of Public Hearing contained the date, time, and place of the public hearing, and provided that copies of the proposed bylaws are available to the public at the District's office during regular business hours (Wat. Code. §50370.4); and

BE IT RESOLVED FURTHER, that Ms. Dina Holder, the District Secretary is authorized to file and record the newly adopted District Bylaws with the Contra Costa County Clerk-Recorder; at which time the Bylaws will serve as one of Reclamation District 799's governing documents.

PASSED AND ADOPTED by the Board of Trustees at a Regular meeting of Reclamation District 799 on August 31, 2017, by the following vote:

AYES: Trustees: Price, Hanson, Kent, and Fratus
NOES: None
ABSENT: Trustee Pierce
ABSTENTION: None

RECLAMATION DISTRICT NO. 799

By: 
Board President Jim Price
Board of Trustees

Certification: I, Dina Holder, Secretary of the Reclamation District No. 799 (Hotchkiss Tract), do hereby certify that the foregoing is a full, true and correct copy of a resolution of Reclamation District No. 799 duly and regularly adopted at a regular meeting of the Board of Trustees of said District duly held on August 31, 2017, a majority and quorum of the members of said Board being present and all voting in favor of said Resolution; and that said Resolution has not been modified, rescinded, altered, or amended and is now in full force and effect.


Dina Holder – District Secretary for RD799

EXHIBIT A

**BYLAWS OF
RECLAMATION DISTRICT 799
HOTCHKISS TRACT**

**ARTICLE I
Name and Object**

- A. Name. The name of this entity is Reclamation District 799, Hotchkiss Tract, also known in this document as RD 799 or District. It operates under the authority of the California Water Code, the Contra County Board of Supervisors, the State of California's Central Valley Flood Protection Board and the Department of Water Resources.
- B. Object. The mission of RD 799 is to maintain the integrity of levees within the geographic District by means of repairs and maintenance as needed. This includes maintaining drainage facilities and the maintenance of pump stations within the system in order to fight floods during times of high water. In addition, RD 799 oversees repair or upgrade projects performed by property owners within the District to insure that these projects conform to the standards for roads, levees and facilities as dictated by all applicable regulations. RD 799 may establish regulations for approving all permits for construction and/or land-filling projects and may establish policies on fishing and camping within the sphere of influence of the District.

**ARTICLE II
Board**

- A. Composition and Membership. RD 799 is governed by a Board of Trustees ("Board") composed of five members, each of whom shall be a local landowner within RD 799 boundaries. Board members serve without compensation but may be reimbursed for any expenses while completing official RD 799 business outside of Board meetings. Board members will be indemnified according to applicable California codes.
- B. Election. Members of the Board are elected for a four-year term with no term limits and shall serve until their successors are elected and qualified. Terms are staggered so that approximately half of the seats are chosen at a special election in November of odd-numbered years. The election procedure is guided by appropriate state and county election codes.
- C. Vacancies. In the event of a vacancy on the Board due to death, resignation or failure to elect a seat, the vacancy will be filled by the remaining Board members following the appointment guidelines published in the policy manual of the Board. Approval of a candidate requires a two-thirds vote of the seated Board members.
- D. Duties. The Board has the responsibility to carry out the mission of RD 799 as stated elsewhere. This includes adoption of mutual aid agreements, legal services agreements and other maintenance agreements as necessary. This also includes the

establishing of a District office within the District to maintain the books and records of RD 799 and provide space for the administrative affairs of RD 799.

- E. Assessments. The Board will call for at least one annual assessment from all property owners in RD 799 to raise funds for maintenance, repair and operation of RD 799's reclamation works. The Board may also issue special assessments for particular projects approved by the Board. To assist in this endeavor, the Board is authorized to hire a District manager, a District secretary, a levee superintendent and assistants as needed. Hiring practices are to be governed by the Drug-Free Workplace section of the policy manual of the Board.

ARTICLE III Officers

- A. Board Officers. The Board, from among its own membership, will select a president and vice president to carry out the meeting functions of the Board. The term of office for each is one calendar year, and that term is renewable.
- B. Election. At the last Board meeting of a calendar year, nominations will be taken by the seated president or temporary presiding officer for each position individually, beginning with the president. A majority secret ballot vote is required for election. In the event that only one candidate is presented for either office, the person will be declared elected by acclamation. The new term of office begins at the first Board meeting of the new calendar year.
- C. Vacancy. In the event that the president is temporarily unable to carry out the role, the vice president will serve as temporary president with full authority over meetings and Board business. In the event that the president is permanently unable to continue in that role, the vice president will automatically assume the position of president, and a new vice president will be chosen by the remaining Board members at the next regular or special Board meeting using the procedure noted above for election.
- D. Duties. These officers shall perform duties prescribed by these bylaws and by the adopted procedures and policies of the organization.

ARTICLE IV Meetings

- A. Monthly. Regular monthly meetings of the Board are held on the last Thursday of each month at the District Office, 6325 Bethel Island Road, Bethel Island, CA 94511, at 6:00pm, unless otherwise determined by the Board. Notices of all regular meetings shall be sent to all Board members and staff electronically or telephonically and posted in at least three locations within RD 799 boundaries at least 72 hours before the meeting.

- B. **Special Meetings.** Special meetings (non emergency) may be called when an issue arises that needs the Board's attention and cannot wait until the next regularly scheduled Board meeting. The special meeting may be called by the Board president, vice president, or a majority of the Board members, indicating the time and place for the meeting and the specific purpose or purposes of the meeting. Notices for special meetings shall be sent to all –Board members and staff electronically or telephonically and posted in at least three locations within RD 799 boundaries at least 24 hours before the meeting. Only those items of business listed in the notice for the special meeting may be considered by the Board at any special meeting.
- C. **Emergency Meetings.** In the event of an emergency situation involving matters deemed mandatory for consideration due to the disruption or threatened disruption of facilities or property or a threat to public health or safety within the District, the Board may hold an emergency meeting without the mandate of a 24-hour notice. The Board president, vice president, in the president's absence, or District manager, in any event, may determine that a disaster that impairs public health or safety exists and requires an emergency meeting of the Board to address or rectify. Notice of such meetings must be sent immediately to all Board members, staff and individuals who make a written request for such notice with the RD 799 electronically or telephonically.
- D. **Closed Sessions.** Executive or closed sessions are defined in the Ralph M. Brown Act as they apply to RD 799. They typically concern personnel issues, pending or threatened litigation, labor negotiations and property acquisitions. Such sessions must be called for during a public meeting and must be followed by reconvening the public meeting at the conclusion of the closed session. When an action is taken in a closed session, the Board shall report the action during the continuing public meeting.
- E. **Annual Meeting.** The last Board meeting of the calendar year shall be declared the annual organizational meeting, during which time new Board members are seated and officers are elected for the ensuing calendar year.
- F. **Quorum.** The quorum requirement for all meetings shall be a majority of Board members. In the absence of a quorum at any meeting, no business may be conducted with the exception of providing for an adjourned meeting, but reports and information items may be presented and recorded.
- G. **Recording.** Unless otherwise directed, an audio tape recording of regular and special meetings of the Board will be made. The audiotape is to be transcribed, and the audiotape and transcription shall be maintained by the District office in perpetuity.
- H. **Notice of Meetings.** Notices of regular meetings must be given in accordance with Article IV, Sections A, B and C of these bylaws.

- I. Participation. Members of the public are welcome at all Board meetings and will be allowed to present public comment prior to the business section of each meeting. Three minutes for public comment may be allotted to each speaker on any subject within the jurisdiction of the Board, unless other time limits are announced by the president of the Board. In addition, the Board shall allow members of the public to address any agenda item at the time of its discussion following any debate by members of the Board. Members of the public are always welcome to send written communications to the Board or the RD 799 administrative office.
- J. Voting. Procedural matters may be decided by the Board by a voice vote or show of hands. Formal actions, such as the adoption of regulations, policies, ordinances, permits, contracts, or expenditures, can only be accomplished by the vote of a majority of Board members. Such actions require three affirmative votes to be effective. All such votes must be recorded in compliance with Article VII, Section A.

ARTICLE V Committees

The Board is granted the authority to create special committees to address specific needs for research, investigation or action on matters affecting RD 799. Committees may be composed of one or more members as established by the Board. Committee members are appointed by the Board president. With the approval of the Board, non-members of the Board may be appointed to a committee if their expertise is determined to be helpful to the accomplishment of the committee's task.

ARTICLE VI Policies and Procedures

The Board is authorized to adopt a manual of policies and procedures to accomplish its work to include (but not be limited to) such issues as agenda preparation and placing items onto the agenda of a Board meeting, use of a consent calendar, the form for minutes, and the procedure for replacement of Board members or officers. Such a manual is to be maintained in the District office and be available to all members of the Board. The method of adoption and amendment of such policies or procedures must be initially adopted by the Board.

ARTICLE VII Governing Documents

A. Regulations. All requirements, any applicable state law, including the Ralph M. Brown Act (California Government Code §54950 *et seq.*) and appropriate regulations of the Contra Costa Board of Supervisors, the state of California's Central Valley Flood Protection Board and the Department of Water Resources shall govern the procedures of RD 799.

B. Parliamentary Authority. Including rules for debate and voting, the rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the meetings of RD 799 in all cases to which they are applicable and in which they are not inconsistent with these bylaws and not inconsistent with any regulations in Article VII, Section A above, or with any provision of §1094.6 of the California Code of Civil Procedure in dealing with the review of administrative decisions.

ARTICLE VIII
Amendments

These bylaws may be amended at any regular or special meeting of the Board, with a quorum present, by a majority vote of the seated Board members, provided that the amendment has been submitted in writing at the previous regular meeting and has been noticed according to Article IV, Section A or B.

Revised bylaws adopted by Board approval on August 31, 2017.


Board President, Jim Price


Trustee Richard Kent


Trustee A. J. Hansen


Trustee Karla Fratus


Trustee Walter Pierce

Reviewed by , ~~Assistant~~ District General Counsel

Final Approval 