

ALLEGHANY COUNTY WATER DISTRICT COUNTY OF SIERRA, STATE OF CALIFORNIA

BYLAWS

(first paragraph of previous version got incorporated into Article I)

The establishment of these bylaws arises out of a practical need to separate the duties and responsibilities pertaining to how the board governs itself from the Ordinances of the district. Up until this time (2016) all rules and regulations of the district including how the board governs itself ~~have been~~ **were** included in the ordinances.

With the adoption of these bylaws; matters pertaining to how the board governs itself and oversees staff (as well as staff duties and responsibilities) shall be covered by either the Bylaws or the Policies and Procedures of the District. If no Bylaw or Policy is in place for a matter that is written into the existing ordinances, then the ordinance shall hold sway. Reasonable effort will be made to rescind ordinances that are replaced by either these bylaws or district policy in a timely manner. Attachment A of these bylaws shall list the date of adoption of these bylaws, the dates of any amendments, along with a list of rescinded ordinances including rescission date.

ARTICLE I

NAME, ADDRESS, AUTHORITY, CLASSIFICATION

Name: Alleghany County Water District (ACWD).

Mailing Address: PO Box 860, Alleghany, CA 95910

Phone: 530-287-3204 **Website:** alleghanywater.org **email:** alleghanywater@gmail.com

Authority: Alleghany County Water District is supervised by a governing board herein after referred to as "The Board of Directors" or "The Board". The Board derives its authority from the district's formation documents approved by the Sierra County Board of Supervisors on March 6, 1939 and recorded with the Secretary of State on March 8, 1939 under the authority of California Water Code Division 12 Section 30000 through 33901. Also referred to as the district's "enabling legislation".

Classification: Under the enabling legislation for County Water Districts, ACWD has to authority to do the following: Furnish water for any present or future beneficial use; store and conserve water, acquire water rights, and operate works to supply or make use of water for any beneficial use; salvage sewage and storm waters; generate and sell at wholesales incidental hydroelectric power; acquire and operate sewer facilities; sell or lease oil or mineral rights; in cooperation with U.S. acquire and operate work for irrigation or development of power; provide recreational facilities; provide fire protection facilities; drain and reclaim lands; acquire, conserve or dispose of flood and storm water.

ARTICLE II

CORPORATE SEAL, DISTRICT BOUNDARIES



I'm working on getting a map of the district with the County's help.

ARTICLE III (USED TO BE ARTICLE II ARTICLE #'S UPDATED THROUGHOUT DOCUMENT) POWERS OF THE BOARD

- 1.) ~~The Board of Directors may exercise all of the powers conferred upon it by the State of California Government Code. The Board may has the authority to adopt rules and regulations ordinances and policies & procedures for the operation of the district and consistent with the law as may be necessary for the exercise of the powers conferred and the performance of duties imposed upon the Board.~~
- 2.) ~~(this was # 4 moved up to this position)~~ The Board of Directors shall have the authority to adopt **Ordinances and Policies & Procedures** for the conduct of the business affairs of the District and to amend such Policies and Procedures as long as they ~~Policies and Procedures~~ are not contrary to state or federal law. ~~or regulation or the bylaws or ordinances of the District.~~
- 3.) Pursuant to the procedures and requirements of Water Code Section 31000-31016, and applicable statutory law, the Board shall set the rates and charges for District water and all other services related to providing potable domestic water under the laws of the State of California.
- 4.) Subject to state law, the Board shall have the authority to levy fines to ratepayers who violate District rules.

ARTICLE IV (USED TO BE ARTICLE I) BOARD MEMBER QUALIFACTIONS, ELECTIONS, TERMS

- 1.) **Membership of Board.** The Board shall consist of five (5) Members, each of whom shall be a registered voter ~~and resident~~ (the law only requires that they be a registered voter) of the Alleghany County Water District.
- 2.) **Term of Office.** The term of office of each elected member of the Board shall be four (4) years.
- 3.) **Elections:** All elections shall be carried out in conformance with the State of California Code of regulations and shall be combined with the official elections of Sierra County including all notice and deadline requirements.
- 4.) **Vacancies:** Pursuant to Section 30504 of the California code: "The district shall notify the county elections official of any vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the *effective date of the vacancy, whichever is later."
- 5.) **Attendance:** Failure to attend three consecutive regular meetings without ~~board~~ notification shall constitute "abandonment" of the position and may result in the board declaring a vacancy.
- 6.) **Replacement of Board member.** The Board, by majority vote, may appoint a qualified replacement to fill in the remaining term of a Board Member who resigns or is otherwise ineligible to continue as a Member of the Board. Vacancies of unfinished terms shall be posted in three conspicuous public places within the district for a minimum of ~~30~~ **15** days. The board shall reappoint within 60 days of posting for the vacancy. **If the board fails to**

fill the position within 60 days it loses the power to re-appoint. Appointment after 60 days but before 90 days may be made by the Sierra County Board of Supervisors. Gov. Code Section 1780 (b) After 90 days either an election or special election is required to fill the vacant seat.(The seat can no longer be filled by appointment.)

* effective date is the date that the board either accepts a resignation or declares a seat vacant per #5 above.

ARTICLE V MEETINGS OF THE BOARD OF DIRECTORS

- 1.) **Regular Meetings.** Regular meetings of the Alleghany County Water District Board of Directors will be monthly on the second Tuesday of each month at 6:00 pm at the Firehouse in Alleghany unless posted otherwise. The regular meeting schedule shall be published in the Mountain Messenger's in their "Calendar of Events" and on the district's website.
- 2.) **Special Meetings.** Special meetings may be called at any time by the President or any two Directors. Whether the meetings are called by the President or by the Directors, notice thereof shall be made to each Board Member and posted in compliance with the Brown Act. Such notice shall be at least 48 24 hours prior to the special meeting and shall include the time, place, and the business to be transacted.
- 3.) **Emergency Meetings.** Emergency meetings may be called at any time by the President or any Director. Whether the meeting is called by the President or by a Director, notice thereof shall be made to each Board Member and posted in compliance with the Brown Act. Such notice shall be at least 24 hours prior to the emergency meeting when possible.
- 4.) **Meeting Agenda.** The Secretary or President designee will prepare and post the meeting agenda at least 72 hours prior to each regular meeting and at least 48 24 hours prior to each special meeting. If the Secretary prepares the agenda it must be approved by the President prior to posting. The agenda will be posted at the place of meeting, on the Post Office Bulletin Board and any other public location as agreed to by the Board. on the district's website. Prior to posting the agenda, any Director may add agenda items by contacting either the Secretary or the President General Manager prior to posting. The agenda shall be in compliance with the Ralph M. Brown Act. A sample agenda format is included with these by-laws as attachment B.
- 5.) **Adjournment of Meetings.** A Board meeting may be adjourned to continue at a future date by a majority vote of the Board Members. The purpose of the adjournment will be to continue and complete the present meeting. If the meeting is continued for more than 5 days, a new agenda will be prepared and posted.
- 6.) **Quorum.** A majority of the Members of the Board of Directors shall constitute a quorum for the transaction of business. Unless otherwise required by law, the majority of a quorum may make decisions and transact business on behalf of the Board.
- 7.) **Meetings to be Open to the Public.** Meetings shall be posted and conducted in conformance with the Ralph M. Brown Act. All of the sessions of the Board of Directors, whether regular, special or emergency, shall be open to the public. The President may place a 3 minute time limit on public input if deemed necessary. Public Comment is limited to topics directly under the jurisdiction of the Board. Pursuant to the Ralph M Brown act: the board may not make any decision deliberate or take action on a topic brought forth by the public and not listed on the agenda unless it is deemed to be an "emergency item" by a majority of the board. Simple answers by the board regarding topics not on the agenda are permissible.
- 8.) **Executive (Closed) Sessions.** The Board of Directors may hold executive sessions during a regular or special meeting to consider any matter permitted under the Ralph M. Brown Act.
- 9.) **Meeting Procedure.** Meetings will be conducted using Robert's Rules Rosenberg's Rules of order.
- 10.) **Conduct.** No boisterous conduct shall be permitted at any Board meeting. Persistence in boisterous conduct shall be grounds for summary termination by the Chairperson of person's privilege to remain within the hearing, meeting, or workshop.
- 11.) **Complaints.** No oral presentation shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by another reference which tends to identify. All complaints shall be directed to the General Manager in writing; or, if the complaint is regarding the General Manager or a Board Member then the complaint should be given to the President in writing.

ARTICLE VI OFFICERS

- 1.) **Number.** The officers of the District shall be a President, Vice-President, Secretary, and such other officers as may be determined by the Board from time to time to perform such duties as may be designated by the Board.
- 2.) **President.** The President: (a) shall act as Chairman and preside at all meetings of the Allegheny County Water District Board of Directors, (b) ~~will be responsible for either delegating to the Secretary or preparing an agenda for each regular and special meeting of the Board and posting as prescribed by law,~~ (c) may sign any deeds, notes, bonds, contracts, or other instruments authorized by the Board to be executed, and (d) shall perform in general all duties incident to the office of President and such duties as may be prescribed by the Board from time to time.
- 3.) **Vice-President.** The Vice-President (a) shall be the vice-chairman of the Allegheny County Water District, and (b) shall preside at all meetings of the Board in the absence of the President (c) shall fulfill all other duties of the President as prescribed by the board in the President's absence.
- 4.) **Secretary/Clerk of the Board.** The Secretary shall: (a) keep the minutes of the meetings of the Board Meetings, (b) see that all notices are duly given in accordance with these bylaws ~~and~~ as required by law ~~the Brown Act,~~ (c) be custodian of the District records and of the Seal of the District and affix the seal of the District to all documents, the execution of which on behalf of the District under its seal is duly authorized in accordance with the provisions of these bylaws, (d) perform in general all duties incident to the office of secretary and such other duties as from time to time may be assignment by the Board.
- 5.) **Insurance.** The District shall procure and maintain insurance, including such insurance as is necessary to protect the Directors and regular contractors of the District.
- 6.) **Compensation.** The Board Members may be reimbursed for reasonable expenses incurred while representing the District, in accordance with a Reimbursement Policy adopted by ~~resolution of~~ the Board of Directors.
- 7.) **Officer Terms:** The board of directors shall appoint officers annually in January for a one-year term; with the exception of the Secretary whose term shall correspond with his/her contract for services.

ARTICLE VII

CODE OF CONDUCT FOR DIRECTORS AND DISTRICT STAFF

In the meeting process, Board members and staff shall strive to:

- avoid making individual pronouncements and public conjecture outside of official Board meetings about district matters not yet decided by the Board;
- speak or act for the Board only when specifically authorized to do so by action of the Board;
- arrive on time for meetings; stay focused;
- raise concerns about ground rules as soon as possible;
- don't take things personally;
- after the motion and second, encourage discussion and strive for consensus;
- allow for minority point of view;
- not repeat what has been said, be concise;
- be recognized by the chair before speaking;
- come prepared, ready to ask questions and make decisions, do what is agreed upon;
- follow the agenda;
- respect confidentiality of Executive Session;
- accept the principle of board unity or consensus by supporting majority decisions of the Board.

In personal interactions, Board members and staff shall strive to:

- disagree without being disagreeable;
- be honest; sensitive, trustworthy,
- use humor,
- be tolerant;

- respect the opinion of others;
- not intentionally cause anyone embarrassment;
- act with integrity and credibility;
- represent the people of the District and
- make decisions based on factual information.

ARTICLE VIII FISCAL YEAR, ANNUAL BUDGET

The **fiscal year** of the ACWD shall begin on July 1st and end June 30th of each year.

Budget Preparation: The district shall adopt policies and procedures pertaining to the preparation of the annual budget.

- 1.) **Budget Deadlines:** A preliminary budget for the following fiscal year shall be adopted by June 30th. The final budget shall be adopted by October 1st. Upon adoption, a copy of both the preliminary budget and the final budget shall be sent to the Sierra County Auditor
- 2.) **Budget Hearing:** After the adoption of the preliminary budget and prior to the adoption of the final budget a public hearing shall be duly posted and held for the purpose of engaging the public's input. The public hearing shall be posted at least 10-days in advance, **in three public places.**

ARTICLE IX CONTRACTS

- 1.) No contracts to purchase, sell, lease or convey, nor the conveyance of any real estate owned by the District nor contract to assign or the assignment of any leasehold Interest owned by the District shall be made unless authorized by the Board of Directors at a regular or special meeting.
- 2.) The Board can contract with, or employ, individuals, firms, corporations or other such entities as necessary.

ARTICLE X BYLAWS

The Bylaws of the District may be amended, added to, or repealed by a majority vote of the Board of Directors at any meeting of the Board of Directors, providing notice of the proposed change or changes is given in the notice of the regular or special meeting.

Attachment A

Attachment A of these bylaws shall list the date of adoption of these bylaws, the dates of any amendments along with a list of rescinded ordinances (replaced by bylaws) including rescission date.

These bylaws were first presented at the regular meeting held on 9/8/2015 and initially adopted on: January 12, 2016

Bylaw amendments:

2/9/2016 **Attachment B** (agenda format) amended

3/8/2016 correction to **Article 1 item 5** to correspond with Gov code. (posting requirements for vacancies)

6/14/16 **Article 3 item 7** Public Response time changed from 5 minutes to 3 minutes.

11/8/16 **Article I Item 3** removed text "The board shall establish a policy that will detail the election process." Item 3 added the word "regular" so that three consecutive regular meetings must be missed before the board can declare a seat vacated. **Article VII Item 3** Budget hearing removed text: "At the board's discretion a motion to adopt the final budget may be made at the Public Hearing". Added text: The public hearing shall be posted at least 10-days in advance.

10/8/19 **Articles I & II** completely new. **Article V** added #10 Conduct at board meetings and #11 Complaints at board meetings. Added **Article VII code of conduct**. Other minor changes to clean up language made throughout.

Ordinance changes directly related to bylaws

The following ordinances were rescinded as a result of the initial adoption of these bylaws:

Ordinances that pertain to meeting details such as time, place or date:

1, 2, 4,10,11,16,21,22,27 and 29

The above listed ordinances were rescinded by Ordinance #34 First reading date: January 12, 2015

Adoption 2/9/2016

NOTICE

**OF REGULAR MEETING OF
THE BOARD OF DIRECTORS
OF
ALLEGHANY COUNTY WATER DISTRICT**

**DATE and TIME
Alleghany Firehouse 105 Plaza Ct. Alleghany**

This agenda has been prepared and posted at least 72 hours prior to the regular meeting of the Board of Directors in accordance with the Ralph M. Brown Act. Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order. Details and supporting materials concerning agenda items are available for public reference by calling 530-287-3204 or email: alleghanywater@gmail.com

1. Call to Order & Establish a Quorum

2. Consent Calendar

- a) Approval of the agenda
- b) Reading and approval of the minutes for the meeting dated:
- c) Approval of Treasury Report and List of Claims for previous calendar month

Approval of the consent calendar (A board member may request that any item on the consent calendar be moved to the regular agenda for further discussion)

3. Public Response Time The public may be heard on an item before or during the consideration of any agenda item to be considered by the board, subject to reasonable time limitations for each speaker. Members of the public may address matters under the jurisdiction of the Board of Directors, and not on the posted agenda, provided that no action shall be taken on any item not appearing on the agenda. The Board cannot take action on any unscheduled items unless it is declared by a vote of at least two-third (2/3) of the Board that there is an urgent need to take immediate action, and the need for action came to the attention of the District after the agenda was posted.

4. Information/Discussion Items

- a) Correspondence
- b) Water Test Results
- c) President's Report
- d) Water Treatment Operator Report
- e) Library Report
- f) Park Report
- g) Board member or special committee reports

5. Unfinished Business (Discussion & Possible Action Items):

- a) Customer Accounts/Billings/Disconnects
- b) List anything that is carried over from a previous meeting and may require action here.

6. New Business (Discussion & Possible Action Items):

- a) List new action items here.

7. Next meeting date, Items for next agenda & Adjournment

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