

Draft 1 PUBLIC COMMENT

**GOLDEN WEST COMMUNITY SERVICES
DISTRICT**

BYLAWS

**DATED:
RESOLUTION NO.**

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ARTICLE 1

GOLDEN WEST COMMUNITY SERVICES DISTRICT

1.0 The Golden West Paradise Homeowners Association (GWPHA) was established September 1, 1970. All affected parcels and dedicated roads are recorded in maps of Golden West Paradise Unit No. 2 and No. 5. The Golden West Community Service District conversion from GWPHA was initiated by LAFCO Resolution L-83-43 on November 3, 1983 and approved by a majority vote of landowners in the GWPHA in the election held on June 5, 1984. It was designated "FORMATION NUMBER F-83-05 (GOLDEN WEST COMMUNITY SERVICES DISTRICT)" to operate in accordance with Government Code Section 61600 j and k.

ARTICLE 2

OBJECT AND PURPOSE

2.0 Maintain the DEDICATED PUBLIC ROADS WITHIN the DISTRICT including weed abatement, tree trimming, culvert repair, pot hole repair, shoulder backing and resurfacing of district roadways.

ARTICLE 3

POWERS AND GOVERNMENT

3.0 The GWCS D operates pursuant to the Community Services District Law as set forth in Government Code Section 61000 et seq. As a public agency the GWCS D is subject to numerous Federal, State and Local laws including but not limited to Proposition 218 (Articles XIIC and XIID of the California Constitution), and Labor Code, Public Contract Code, Conflict of Interest laws, Public Records Act, and the Ralph M. Brown Act.

The District has the powers authorized under Government Code Section 61060 and may exercise all rights and powers, expressed and implied, necessary to carry out the purposes and intent of those rights and powers.

Authority for conduct of District affairs shall be vested in, exercised, and directed by the five (5) member Board of Directors legally elected or appointed by the voters of the District consistent with state election law.

ARTICLE 4

BOARD OF DIRECTORS OFFICERS

4.0 Authority of the Board

The Board of Directors CONSISTING OF A FIVE (5) member

board legally elected by the voters of the GWCS D, is the governing body of the District. The Board of Directors consists of a President, Vice President, and three (3) Directors. The Board shall act only at its regular meetings, regular adjourned meetings, special meetings or emergency meetings. Government Code 54957.9 permits the legislative body to clear the room if the meeting is willfully interrupted so as to render further conduct of the meeting unfeasible.

Every incumbent of the office of Director, whether elected by popular vote for a full term or appointed, may be recalled by the voters in accordance with the recall provisions of the Elections Code of the State of California.

4.1 ELECTED

At the regular meeting in December each year the Directors shall elect a President and Vice President of the Board. Should the President or Vice President vacate his or her office prior to the end of the prescribed term, a replacement shall be appointed by the Directors to complete the term of the replaced officer.

4.2 APPOINTED

A financial officer shall be appointed from the remaining Board Members.

4.3 ELIGIBILITY

Board members must reside and be a registered voter in the District.

4.4 TERM

The term of office is four years on a rotating schedule. Two (2) members are seated at one election and three (3) members are seated at the next election to ensure a full board. A board member may continue serving until resignation. The term of office shall follow appropriate election laws

4.5 VACANCY and REMOVAL OF OFFICERS

All vacancies that occur on the GWCS D board shall be filled according to the provisions of California Govt. Code section 1780 et seq., and any other applicable Ca. Gove Code sections .A new board member may be appointed to fill a vacancy. The appointment process consists of: notifying the El Dorado County elections department of the vacancy and announcing board position vacancy for 15 days by posting in three places in the District and a publication of general circulation in the District. The appointment must occur within 60 days of the vacancy. Directors appointed by the Board to fill any vacancy shall be sworn in at County elections or by the Board president or secretary, and immediately enter upon their term of office following appointment.

President, Vice President, and Financial Officer can be removed from office by a 4/5th vote of the members of the Board at a special meeting for that exclusive purpose.

4.6 Presiding Officer

The President shall preside at all board of directors meetings of the District. The Vice President shall preside at all meetings of the District in the absence of the President. If both the President and Vice President are absent, the Directors in attendance shall select a Director to preside over the meeting.

4.7 Duties of the President

The President of the Board shall preside at all meetings of the District and preserve order and decorum and shall decide questions of order, subject to appeal to the Board of Directors. The President, from the chair, may place a motion before the Board, second a motion and vote irrespective of the existence of an otherwise tie vote. The President shall be responsible for the monthly agenda with assistance of staff as needed. The Board President must provide to the Board Members a proposed Agenda to determine if all items for discussion have been included four (4) days before posting to the general public.

The President may act as spokesperson for the Board with respect to its actions and policies, and those of the District.

The President, or any member of the Board may act as a spokesperson if so designated and shall represent the Board where it is appropriate or desirable for the District to appear. This may include attendance at meetings of other public agencies, private entities, before public or private groups, or on other public or private occasions.

4.8 Duties of the Vice President

The Vice President shall act if the President is absent or unable to act and shall exercise all of the powers of the President on such occasions.

4.9 Duties of the Financial Officer

The Financial officer shall pay District bills, be responsible for preparation of a preliminary budget, prepare District Direct Charges, shall monitor revenues and expenditures of the District, and prepare financial reports for the Board, while El Dorado County Auditor/Controller office serves as the official "Treasurer" of the District.

4.10 Authority of Individual Board Members

All powers of the District shall be exercised and performed by the Board as a body. Individual Board Members, except as provided in or otherwise authorized by the Board, shall have no independent power to act for the District, or the Board.

4.11 Compensation

The Board of Directors position is voluntary with no compensation for services.

GENERAL MANAGER, BOARD SECRETARY, CONSULTANTS

5.0 Principals

The Board shall appoint a General Manager and appoint a District Secretary. The General Manager may also act as District Secretary, but no Director shall be appointed as General Manager or District Secretary. The General Manager, District Secretary or a third party may also be appointed as the Finance Officer.

5.1 Consultants

The Board may also appoint and/or fix the compensation of, and prescribe the duties and authorities of other individuals, attorneys, engineers, webmaster and other professional consultants as necessary for the business of the District.

ARTICLE 6 DUTIES

6.0 Duties of General Manager

The General Manager shall be responsible for all of the following:

- a. The Implementation of the policies established by the Board of Directors for the operation of the District as outlined in his or her contract.

6.1 Duties of District Secretary

The District Secretary shall take minutes and will record all votes at each regular or special meeting of the GWCSB Board of Directors. S/he will prepare and mail or send by electronic media to each person entitled thereto copies of minutes of the preceding meeting. The District Secretary shall prepare minutes for adoption by the Board of Directors setting forth all actions taken by the Board and shall preserve minutes and other records of actions of the governing Board. If the District Secretary is unavailable, the Board President may appoint an acting secretary from the audience with approval of the other board members. A secretary may not be a member of the board.

6.2 Duties of Consultants

Duties will be consistent with signed contracts between the District and consultant.

ARTICLE 7 MEETINGS

7.0 Golden West Community Services District shall hold regular monthly meetings. The Board shall act only at its regular meetings, regular adjourned meetings, special meetings or emergency meetings. Government Code 54957.9 permits the legislative body to clear the room if the meeting is willfully interrupted so as to render further conduct of the meeting unfeasible. Additional special and emergency meetings duly noticed are allowed but do not take the place of the regular meeting. Meetings continued or cancelled because of lack of quorum will

be documented.

7.1 Special Meetings

Special meeting may be called by the President or any two members of the Board. Agendas shall be posted 24 hours prior to the meeting in three conspicuous areas of the District.

The time, place, and manner of calling all other meetings of the Board of Directors shall be undertaken as prescribed in the Ralph M. Brown Act. (Government Code Sections 54950 et.seq.)

7.2 Adjourned Meetings

A majority vote by the Board of Directors may terminate any meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no quorum of Directors is present at any regular or adjourned regular meeting, the General Manager may declare the meeting adjourned to a stated time and place.

7.3 Compliance with Brown Act

All meetings of the Board of Directors shall be open and public and all persons shall be permitted to attend any public meeting of the Board of Directors except as provided by law; with the exception of closed sessions which may be held as directed by section 54950 et seq. of the Govt. Code (Ralph M. Brown Act).

1. A majority of the Board (3 members) shall constitute a quorum for the transaction of any business but a fewer number may adjourn until a quorum is obtained. Every official act of the Board shall be adopted by a majority vote, which shall mean a majority of the total membership of the Board.
2. The Board shall act only by ordinance, resolution, or motion. The minutes of the Board shall record the ayes, noes, and abstentions for the passage of all ordinances, resolutions, or motions.

7.4 Telecommunication by Board Members

Teleconferencing meetings must follow the Government Code 54953(3) as referenced in the Brown Act as follows:

1. A majority (quorum) of the Board of Directors must be at the main location as noticed for the District meetings.
2. Notice must be given that a member of the Board will be teleconferencing for all or part of a meeting and his/her location.
3. An agenda must be posted at all locations.
4. All locations must be accessible to the public.
5. Members of the public shall be afforded the opportunity to address the Board at all locations.
6. Teleconferencing may be conducted by electronic means through either audio, video, or both.

7. All votes taken during a teleconferencing meeting shall be by rollcall.

7.5 Social Media

Board members and the General Manager privy to confidential information must exercise caution in expressing views on social media. Anything said must be public knowledge and the board member's sole opinion.

7.6 Secret Ballots

Secret ballots are not allowed.

**ARTICLE 8
AGENDAS**

8.0 Setting of Agenda

The Board President, in consultation with the Board Members, staff, consultants, and the general manager shall set the agenda.

8.1 Consent Calendar

Agendas of Board meetings may incorporate a consent calendar listing items of a routine nature not normally requiring discussion.

8.2 Distribution

Agendas shall be posted as required 72 hours for a regular meeting and 24 hours for a special meeting, and shall be mailed or sent by electronic media to any person who has on file a request to receive agendas.

8.3 Request to Appear

Any person who desires to address the Board at length on a matter shall make a request to do so to the President at least one week before the scheduled meeting date so it can be placed on the agenda. This provision shall not prevent any person from addressing the Board at a time designated therefore on the agenda.

8.4 Agenda Change

The Board can add an item to the agenda with a 2/3 vote of the Board if the body determines that the matter in question constitutes an emergency or for other cause permitted under section 54954.2(b) of the "Brown Act".

8.5 Public Comment on Agenda Items

Any member of the public may address the Board on any item on the agenda at the time that item is being considered by the Board. Speakers will be limited to three (3) minutes per agenda item as monitored by the District Secretary. Additional time may be extended by the President. Speakers shall not be allowed to "split" their time, nor shall they be permitted to "reserve" all or any portion of their allotted time. If any person fails or refuses to abide by these rules, the President, after warning the speaker, may declare that the speaker is disrupting, disturbing or impeding the orderly conduct of the meeting and order

the speaker to leave the meeting room.

8.6 Public Comment on Items Not on the Agenda

Any member of the public may address the Board at a regular meeting on any item of interest to the public that is within the subject matter jurisdiction of the District that is not on the agenda, subject to the time limits and restrictions for public comments on agenda items. No action shall be taken on any item not appearing on the agenda unless authorized in accordance with the procedures set forth in Section 54954.2 of the Brown Act. The Board may refer the matter to staff or determine that the matter should be included on a future agenda for consideration and action. This does not apply to special or emergency meetings.

8.7 Manner of Addressing the Board by an Individual

A member of the public addressing the Board may give his or her name – in an audible tone of voice for the record. All remarks shall be addressed to the Board as body, not to any individual Director. No person, other than a Director, General Manager and the person having the floor, shall be permitted to enter into any general discussion without the permission of the President.

8.8 Manner of Addressing the Board By A Group of Persons

Whenever members of the public wish to address the Board on the same subject matter, it shall be proper for the President to request that a spokesperson be chosen by the group to address the Board and, in case additional matters are to be presented at the time by any member of that group, to limit the number of persons so addressing the Board, so as to avoid repetition before the Board. The President may set a time limit for each side of an issue.

8.9 Correspondence to the Board

All written correspondence addressed to the Board of Directors is to be sent to the District post office box or electronically to the Board through the email address on the website. Anonymous correspondence may be ignored

**ARTICLE 9
ACTIONS**

9.0 Enacting Clause of Ordinances

The form of enacting clause of all ordinances passed by the Board shall be: "Be it ordained by the Board of Directors of the Golden West Community Services District as follows".

9.1 Execution of Ordinances

All ordinances shall be signed by the President and attested by the District Secretary.

ARTICLE 10 DEVIATIONS

10.0 Deviations

No deviation from or failure to follow the procedures set forth in these Bylaws shall invalidate any action or decision of the Board of Directors unless such deviation or failure has substantially prejudiced the rights of an interested person.

ARTICLE 11 RECORDS

11.0 Records

Public records of the Golden West Community Services District shall be open to inspection as provided in the California Public Records Act.

ARTICLE 12 COMMITTEES

12.0 A Committee may take no action. Recommendations for formal action of the Board of Directors are made in the Committee reports.

Any Committee that is appointed by action of the Board of Directors and/or has members of the public serving on the Committee shall then come under the posting requirements of the Brown Act and shall be open to the public.

The Committee shall give a report at the regular meeting of the Board of Directors and if a need to take action should arise, the Committee shall bring a recommendation to the Board of Directors at any duly noticed meeting. The Committee Chairman shall notify the President of items to be placed on the agenda where action is needed.

No more than two (2) board members may participate on any committee.

12.1 Ad Hoc Committees

Ad hoc Committees may be created by the Board of Directors to undertake special assignments on behalf of the Board. An ad hoc Committee shall exist for a specified term or until its special assignments are completed, whichever comes first, but its existence may be extended for an added term or added assignments by action of the Board. Unless otherwise specified, members of an ad hoc Committee shall be appointed by the Board and shall serve at the Board's pleasure. Meetings are not subject to the Brown Act.

12.2 Standing Committees

Standing Committees such as budget and road may be created by the Board of Directors to undertake special assignments on behalf of the Board. A Standing Committee may continue in existence indefinitely. Unless otherwise specified, members of a Standing Committee shall be appointed by the Board and shall serve at the Board's pleasure. Meetings are subject to the Brown Act.

ARTICLE 13 BOARD CONDUCT

13.0 Conflict of Interest

No Director shall make, participate in or in any way attempt to use his or her official position to influence a decision on any issue when prohibited from doing so by the Political Reform Act of 1974 (Government Code Section 81000, et. Seq.), or any other law. A Director shall, when an agenda item is called, declare that he or she has a conflict of interest, state what the conflict of interest is, and shall remove him or herself from the Board room during the discussion. The Director's removal shall be noted on the record by the District Secretary, who shall also note the Director's return when the item is completed.

13.1 Ethics

Directors shall at all times comply with the District's Ethics Policy for Board of Directors. Directors shall comply with the requirements of Government Code Section 53235 by receiving at least two hours of training in general ethics principles and ethics laws relevant to District service every two years and shall file with the District Secretary a copy of the certificate verifying the completion of such training. An additional copy of the certificate shall be placed in the appropriate file in storage and marked by year of ethics training.

13.2 Decorum

- a. Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.
- b. Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.
- c. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should not create barriers to the implementation of said action.
- d. The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

ARTICLE 14
CONSTITUTION OF THE BOARD OF DIRECTORS

14.0 Qualifications of Candidates for a position on the Board of Directors must be presented to the current Board in a timely manner. The candidates for Board of Directors must be residents registered to vote in the district. No two members of the same household may serve at the same time.

ARTICLE 15
AMENDMENTS TO BYLAWS

15.0 These Bylaws, upon recommendation of the Board of Directors may be amended or changed by a 4/5th approval of the Board of Directors provided that a quorum is present. Notice to amend these Bylaws must be announced at a regular meeting of the Board at least one month prior to the meeting in which the vote is taken.

REVISION HISTORY

1 ST REVISION	May 28, 2015
2 ND REVISION	June 16, 2015
3 RD REVISION	July 9, 2015
4 TH REVISION	July 30, 2015
DRAFT 1 to PUBLIC	August 8, 2015