



**BOARD OF DIRECTORS  
RESOLUTION NO. 2024-03**

**RESOLUTION TO APPROVE DISTRICT BYLAWS**

**WHEREAS**, the Deer Creek Irrigation District (the “District”) Board of Directors (the “Board”) has determined that there existed a need for the creation of District Bylaws for the purpose of providing supplementary instruction to the District’s Rules and Regulations; and

**WHEREAS**, the proposed Bylaws have been presented to the Board of Directors;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors hereby approves the Bylaws attached hereto as Exhibit A.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Deer Creek Irrigation District, at a meeting of said Board held on the 7th day of October in the year 2024 by the following vote:

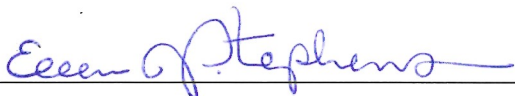
AYES: 5


NOES: 0

ABSENT: 0

ABSTAIN: 0

Attest:

  
Ellen Stephens, Treasurer

  
Jeffrey I. Rabo, President

Date: OCTOBER 7, 2024

Date: 10-7-2024

# EXHIBIT A

## BYLAWS OF THE DEER CREEK IRRIGATION DISTRICT

Adopted October 7th, 2024

### PREAMBLE

These Bylaws of the Deer Creek Irrigation District (the “District”) are established to provide for the orderly conduct of meetings of the District’s Board of Directors (“the Board”) and to encourage public participation in such Board meetings. These Bylaws shall supersede any previous bylaws adopted by the District.

### MISSION STATEMENT

The mission of the Deer Creek Irrigation District is to govern and maintain the irrigation system of the District, so as to provide efficient, equitable, and cost-effective water delivery while preserving the water rights of the District.

## ARTICLE I THE DISTRICT

1.1. The District is a California irrigation district consisting of 2,195 acres more or less ,located in the County of Tehama and organized under the California Irrigation District Law, Water Code sections 20500 *et seq.* (“Irrigation District Law”).

1.2. The District office shall be located at 2700 Reed Orchard Road. The location of the District office may be changed by resolution of the Board, at least thirty (30) days before any such change becomes effective.

## ARTICLE II THE BOARD OF DIRECTORS

2.1. Role of the Board. The District is governed by a Board of Directors, which shall exercise general supervision and control over the affairs of the District, consistent with the requirements of the Irrigation District Law and these Bylaws, as well as the other rules,

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regulations, and policies of the Board that may be adopted from time to time. In performing this role, the Board may exercise all of the powers conferred upon it by the Irrigation District Law.

2.2. Election. The Board shall be comprised of five Directors, elected in accordance with the provisions of Part 4, Division 11 of the Irrigation District Law and the Uniform District Election Law, as set forth in Part 4, Division 10 of the Elections Code. Directors elected to the Board shall take office as provided in Water Code section 21101, and shall take an official oath as provided in Water Code section 21102.

2.3. Eligibility. Each Director shall be a voter, a landowner, and a resident of the District to meet the qualifications of Water Code section 21100. Unless otherwise specifically provided, no person is eligible to be elected or appointed to the Board unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person's appointment. (Elec. Code, § 201.)

2.4. Term. The term of office of each Director is four years or until his or her successor qualifies and takes office. (Wat. Code, § 21104.)

2.5. Vacancies. A vacancy on the Board of Directors shall be determined by Government Code section 1770 and filled pursuant to Section 1780. A vacancy in any non-elective office of the District shall be filled by appointment by a majority of the Board of Directors, in accordance with the provisions and requirements of the Water Code and these Bylaws.

2.6. Compensation. The compensation and reimbursement of Directors shall be set by resolution of the Board, in accordance with Water Code sections 20201 and 21165. The number of compensable days will not exceed two (2) days in any calendar month.

## ARTICLE III

### DISTRICT OFFICERS

3.1. Appointment. At its first regular meeting after the first Friday in December of each year, the Board shall conduct majority votes to appoint the following Officers: President, Vice President, Treasurer, Assessor, and Secretary. The terms of the President, Vice President, Treasurer, Assessor, and Secretary shall commence the following January 1, and shall cease December 31 of the same calendar year. In the event an officer position becomes vacant, the

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vacancy shall be filled at the next regular meeting of the Board. Except as expressly delegated by the Board, no officer will have the authority to act on behalf of the District.

(a) President. The President shall be an elected Director of the District. The President shall preside over Board meetings and preserve order and decorum; determine questions of order and enforce the Bylaws, rules, and policies of the Board; call special meetings; execute all ordinances and resolutions of the District; and perform other such duties as the Board may direct and order. The President shall have the right to vote just as other Board members. In the absence or inability of the President to act, the Vice President shall act as President. The office of President shall not be held by any one Director for more than two consecutive one-year terms.

(b) Vice President. The Vice President shall be an elected Director of the District. The Vice President shall, in the absence of the President or vacancy in the office of President, perform the duties of the President. The Vice President shall have such other powers to perform such other duties as may from time to time be prescribed by the Board or these bylaws. The Vice President shall have the right to vote on all matters coming before the Board, just as the other Directors. The office of the Vice President shall not be held by any one director for more than two consecutive one-year terms.

(c) Secretary. The Board shall appoint a Board Secretary who shall be an employee of the District (and not a Director) and shall serve at the pleasure of the Board. The Board Secretary shall attend all meetings of the Board and unless otherwise directed, shall prepare and maintain the Board agenda, notices, and minutes; attest to the signature of the President on ordinances and resolutions; act as the custodian of records of the District, and certify District documents as true and current copies; give notice of meetings and hearings as required by law; and perform other such duties as directed by the General Manager or the Board. The Secretary need not be a resident or holder of title to land in the District. The Secretary's compensation shall be established by resolution of the Board. The Board may by resolution establish a bond for the Secretary and the cost thereof shall be an expense of the District.

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(d) Treasurer. The Board shall appoint a Treasurer, who may also be the General Manager, the Board Secretary, or the Assessor (and not a Director), and shall serve at the pleasure of the Board. The Treasurer shall attend all meetings of the Board, unless otherwise directed by the Board. The Treasurer shall not be a Director of the District. The Treasurer shall prepare monthly reports on the financial records of the District and ensure that appropriate controls are in effect to safeguard the finances of the District, including signatory requirements for all disbursements. Additionally, the Treasurer shall disburse funds of the District as may be directed by the Board, contract with a certified public accountant to make an annual audit of the accounts and records of the District in compliance with the California Government Code and General Accounting Accepted Principles, and perform such other duties as the Board may direct or order, or as required under applicable law. The Treasurer will be the sole person with authorization to create a check but shall not have authorization to be an account signer. The Treasurer need not be a resident or holder of title to land within the District. The compensation for the office of Treasurer shall be established by resolution of the Board. The Board may by resolution establish a bond for the Treasurer and the cost thereof shall be an expense of the District. The Treasurer shall be appointed annually with no limits on the number of terms.

(e) Assessor. The Board shall appoint an Assessor, who may also be an elected Director of the District, the General Manager, or the Treasurer. Unless the office of Assessor is held by a Director of the District, the Assessor shall serve at the pleasure of the Board. The Assessor shall receive and record landowner payments and forward checks to the Treasurer for deposit, maintaining a file of payments and current mailing addresses. The Assessor shall annually review the acreages of irrigated and non-irrigated acreage as reported for each property, prepare and mail tax statements to all designated property owner recipients, notify the Board of delinquencies, and perform such other duties as the Board may direct. If the Assessor is a Director, the Assessor shall have the right to vote just as the other Board members. Unless the office is held by a Director of the Board, the Assessor need not be a resident or hold title to land in the District. The compensation for the office of Assessor shall be established by resolution of the Board. The Board may by resolution establish a bond for the Assessor and the cost thereof shall be an expense of the District.

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### ARTICLE IV BOARD MEETINGS

4.1. Meetings. Board meetings shall be held at the Vina Elementary School Auditorium, 4790 D Street, Vina, CA 96092. Meetings of the Board and standing committees shall be open and public, and called, conducted, and noticed as provided by Water Code section 21382 and the Ralph M. Brown Act (Gov. Code, §§ 54950 et seq.).

4.2. Presiding. The President of the Board, or in his or her absence, the Vice President, shall preside at all meetings of the Board. In the absence of the President and Vice President at any meeting where a quorum is present, the Board shall appoint a President Pro Tempore who shall preside at the meeting.

4.3. Meeting Agendas. The Board Secretary shall be responsible for preparing the meeting agenda and posting it at a location freely accessible to the public and on the District's website, at least 72 hours before each regular meeting, or at least 24 hours before each special meeting. Each agenda must specify the time and location of the meeting and contain a brief general description (generally no more than 20 words) of each item of business to be transacted or discussed at the meeting. In the event the Board Secretary is unable to prepare the agenda, the agenda shall be prepared by a Director of the Board.

4.4. Non-agenda items. The Board shall not discuss or act on any items not appearing on the posted agenda, except as authorized under Section 54954.2 of the Government Code.

4.5. Meeting Categories.

(a) Regular Meetings. The Board of Directors shall meet in regular session on the first and third Monday of each month, at 5:00 p.m. Agendas for regular meetings shall be prepared and posted in a public location and on the District's website at least 72 hours in advance. The date, hour, and place of holding regular monthly meetings may be changed by resolution of the Board of Directors entered on its minutes, effective after the resolution has been published once a week for two successive weeks.

(b) Special Meetings. A special meeting may be called at any time by the President by delivering written notice personally, or by any other legal means, to each member

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of the Board in accordance with Section 54956 of the Government Code. The written notice shall be to each Board member and to whoever has requested a notice in writing and posting of the notice on the District's website at least 24 hours before the time of the meeting as specified in the notice. The special meeting notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at a special meeting and public comments will be limited to the items identified in the notice.

(c) Emergency Meetings. An emergency meeting may be called when the President or a majority of the Board determines that an emergency situation exists. Notice shall be given to whoever has requested notice as soon as practicable, as required by Government Code section 54956.5.

(d) Adjourned Meetings. The Board may adjourn any regular or special meeting to a time and place specified in the order of adjournment, subject to Section 54955 of the Government Code. No agenda is required for regular meetings adjourned for less than 5 calendar days as long as no additional business is transacted.

(e) Closed Sessions. The Board may enter into a closed session during a regular, emergency, and/ or adjourned meeting pursuant to the express authorizations under the Brown Act. The Board Secretary shall keep detailed, confidential minutes of closed sessions, as authorized under Government Code section 54957.2. Prior to holding any closed session, the Board shall disclose, in an open meeting, the items to be discussed in the closed session. In the closed session, the Board may consider only those matters covered in its statement. After any closed session, the Board shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of actions taken in the closed session.

4.6. Board Action. A majority of the membership of the Board shall constitute a quorum for the transaction of business. No business of the district shall be conducted nor any actions be taken without a quorum of the Board. The vote of a majority of the Directors is necessary to take action. All requests for information and information exchanged before meetings shall be distributed to all Directors. Directors shall exercise prudence and integrity in the management of funds in their custody and in all district transactions. The Board shall

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provide direction to District Management, employees, and consultants at its duly noted meetings.

4.7. Board Conduct. Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the public present at Board meetings. All comments should be succinct and confined to the properly noticed matter being discussed by the Board.

4.8. Order of Business. The order of business taken up for consideration by the Board at a regular Board meeting shall be in the following order and reflected on the agenda, unless modified by resolution:

- a. Call to order and roll call
- b. Consent items, including approval of agenda and minutes
- c. Opportunity for public comment
- d. Recurring business (including, but not limited to consideration of warrant list)
- e. Department reports, as needed
- f. General Manager's report
- g. Old business
- h. New business
- i. Opportunity for public comment
- j. Closed session
- k. Director reports/ future agenda items
- l. Meeting adjournment

4.9. Order Modifications. The President may take any specific agenda item out of order, so long as items that are scheduled for a specific time are heard on or shortly after the scheduled time. In taking any agenda item out of order, the President should consider whether doing so would affect public participation in any item being considered by the Board.

4.10. Public Comment. Every agenda for regular and special meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be



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taken on any item not appearing on the agenda unless the action is otherwise authorized by Government Code section 59954.2, subdivision (b). However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. (Gov. Code, § 54954.3(a).)

4.11. Recordings. Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings. (Gov. Code, § 54954.3(a).)

## ARTICLE V CODE OF ETHICS

5.1. The District has adopted this Code of Ethics with the purpose of promoting and maintaining the highest standards of personal and professional conduct within the serving members of the governing Board, and applies to all elected and appointed officials, employees, volunteers and others who participate in the District's government.

(a) Commitment to the District. In all actions as a Board member, the first commitment is to the betterment of the District and to act for the good of the community and the people they serve. Board members and employees will maintain the highest standard of personal integrity, respect and fairness in all communications and in carrying out their duties. Board members and employees shall be honest, forthcoming and accountable at all times in regards to their actions.

(b) No Individual Authority. The work of the District shall be maintained as a team effort both in the collaborative process as well as in conducting the affairs of the District.

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Except as expressly delegated by the Board, no Director will have the authority to act on behalf of the District.

(c) Informed Decisions. Directors will respectfully listen to and consider the concerns of District members and shall thoroughly prepare themselves to discuss agenda items in order to make informed decisions.

(d) No Self-Interest. No Director shall use his or her position to obtain special privileges from employees of the District. Board members will not recommend the employment of a relative for hire by the District.

(e) Conflict of Interest. All Directors and district employees are personally responsible for identifying and disclosing potential conflicts of interest. If a Board member believes he or she may be disqualified from participation in the discussion, deliberation, or vote on a matter due to a conflict of interest, and upon a determination that there is a disqualifying conflict of interest, the Director will not participate in the discussion, deliberation, or vote on the matter for which the conflict of interest exists, which will be so noted in the Board minutes, and the Board member shall also leave the room until after the discussion, vote, and any other disposition of the matter is concluded.

## ARTICLE VI DISTRICT MANAGEMENT

6.1. Role of District Management. “District Management” includes those employees of the District who are department heads and/or who have employment contracts with the District, and may include but not be limited to the General Manager; District Engineer, or such other employees with similar supervisory roles, as may be determined by future Board action. The role of District Management is to operate the District consistent with Board direction and the law, implement and support decisions made on behalf of the District by the Board, keep the Board educated and informed about issues impacting the District, recommend goals and policies supported by evidence and background information, and seek the Board’s input on issues impacting the District. Except as expressly delegated by the Board, District Management shall have no authority to act on behalf of the District. Subject to policies and standards established

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by the Board, the Board may delegate the powers specified in this section to any officer or employee of the District. The Board may by resolution establish a bond to be carried by any of such additional agents, officers, and employees, and the cost thereof shall be an expense of the District.

6.2. Appointment. The Board shall appoint or hire a General Manager, and the Manager's compensation shall be established by resolution of the Board.

6.3. Management Responsibilities. Responsibilities of the District Manager shall include oversight and direct involvement with the following:

(a) Employees.

- (i) Employ and appoint such agents, officers, and employees as may be required.
- (ii) Prescribe their duties and fix their salaries.
- (iii) Prescribe other terms and conditions of employment.

(b) Equipment Inventory. To maintain an accurate inventory, a list of District equipment shall be maintained. When equipment is acquired, the following information will be recorded and filed:

- i. Purchase date
- ii. Cost
- iii. Description and quantity of the item
- iv. Serial and model number, if applicable
- v. Location of where property is stored

(c) Annual Inventory. A physical inventory will take place each year at the end of the irrigation season. All tools and equipment shall be cleaned and the estimated cost for replacement, maintenance and/or repair presented to the Board for approval. The updated inventory shall be provided to the Board, Secretary and Treasurer for their records and future budget estimates. The Board may decide to dispose of equipment that has been determined to no longer be economically feasible to repair or maintain, is no longer of a reliable working condition, or is past its useful life.

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6.4. District Webmaster. The District shall maintain a website in accordance with California law. The Board shall appoint or hire a Webmaster to post required content as directed by the Board to the District website. The Webmaster shall have no authority to act on behalf of the District. The Webmaster need not be a resident or hold title to land in the District. The Webmaster's compensation shall be established by resolution of the Board. The Board may by resolution establish a bond for the Webmaster and the cost thereof shall be an expense of the District.

## ARTICLE VII

### BUDGET

7.1. Budget Approval. A budget shall be prepared annually and approved by a majority vote of the Board. The budget shall be prepared by the Board at a regularly scheduled meeting, or by an ad-hoc committee appointed by the Board. No expense of the District shall be approved or paid without the majority consent of the Board prior to approval of the annual budget. If an ad-hoc committee is appointed, one Board director shall be designated as the committee chairperson. The committee chairperson shall present the budget to the Board at the first regularly scheduled meeting of the new year. The Board shall be allowed to make inquiries of the committee chair regarding all aspects of the budget preparation. Should the budget fail to receive a majority vote of approval from the Board, it shall be returned to the committee. After accounting for all income and projected expenses, the Board shall not approve a budget that represents a deficit.

## ARTICLE VIII

### AUDITS

8.1. Special Districts are required to undergo annual, independent audits conducted by the county auditor or a certified public accountant. This information is filed with the State Controller's office. The annual audit can be changed to a bi-annual audit if approved unanimously by the District Board and the Board of Supervisors, under certain restrictions. (Gov. Code, § 26909.)

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### ARTICLE IX ASSESSMENTS

9.1. The District levies annual assessments on its landowners, to be paid in two equal installments. The first installment shall be paid to the District by January 2<sup>nd</sup>. Payments on the first installment postmarked after January 15<sup>th</sup> shall be subject to late fee penalties. The second installment shall be paid to the District by July 1<sup>st</sup>. Payments on the second installment received after July 15<sup>th</sup> shall be subject to late fee penalties. Late fee penalties are set by the Board annually at the regularly scheduled Board meeting in November. Any increase to the assessment rate will be conducted in accordance with applicable provisions of law, including Proposition 218, as reflected in Article XIID of the California Constitution.

### ARTICLE X DISTRICT COMMITTEES

10.1. Formation of Committees. The Board may establish standing committees or temporary ad hoc committees as it deems necessary to carry out the responsibilities of the District.

10.2. Role of Committee. At the time the Board establishes a committee, the Board shall specify the following

- (a) purpose of the committee
- (b) duties of the committee
- (c) authority, if any, delegated to the committee
- (d) whether the committee is a standing, or ad hoc committee
- (e) reporting or other information required by law

10.3. Reporting to the Board. All committees shall provide reports and recommendations to the Board.

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10.4. Board Retains Discretionary Authority. To the extent the Board delegates any authority to a committee, the Board shall have the final discretionary authority over any decision made by such committee.

10.5. Membership of Committees. The Board shall appoint the members of each committee. All committees shall be comprised of two Directors, one of which shall be named as the Committee Chair.

10.6. Time Period for Operation of Committees. Upon the formation of any ad hoc committee, the Board shall specify a date certain, no more than one-year following the formation of such committee, upon which the existence of such ad hoc committee shall cease without further action of the Board. The Board may establish similar timeframes for the operation of all other committees.

## ARTICLE XI

### CLAIMS

11.1. Tort Claims. Claims for money or damages against the District are governed by Part 3, (commencing with Section 900) and Part 4, (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

11.2. Claim Presentation. Pursuant to Government Code section 935, a claim that is otherwise excepted from the procedures in Government Code Section 900 and following, and which is not governed by any other statutes or regulations expressly relating thereto, must be presented to the District and acted upon prior to the initiation of a lawsuit. As to claims within this category, the following procedures apply:

(a) The claim must be submitted in writing to the District within six (6) months of the accrual of the cause of action for any claim relating to a cause of action for death or for injury to person or to personal property or growing crops, and within one (1) year for claims relating to any other cause of action.

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(b) The claim must be signed by the claimant or that person's authorized agent, and shall include the information required by Government Code section 910.

(c) The Board of Directors shall act to reject, allow, or settle the claim, in whole or in part, within 45 days of the date that the claim is presented to the District. If the Board of Directors does not act, the claim shall be deemed presented and rejected.

(d) The Board of Directors shall provide the claimant with written notice of any action that it takes on the claim within 10 days of taking that action.

(e) Following the presentation of the claim and action on the claim by the Board of Directors, any lawsuit filed on that claim shall be governed by the time limits and procedures set out in Government Code sections 945.6 and 946.

## ARTICLE XII AMENDMENTS

12.1. These Bylaws may be repealed, amended, or overridden at any time by a majority vote of the Board.

## ARTICLE XIII SEVERABILITY

13.1. Should any provision of these Bylaws be inconsistent with the laws of the State of California, such laws shall govern and these Bylaws shall be interpreted to be consistent with such laws.

13.2. In the event that the laws change in such a manner, or a court rules in such a manner, as to declare a portion of these Bylaws to be invalid, void, or unlawful, the balance of the Bylaws and the policies, rules and regulations extending them shall not be invalidated, voided or made unlawful by that one provision, and the balance shall remain in full force and effect.

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### ARTICLE XIV ADDITION OF POLICIES

14.1. The District shall, from time to time, enact policies and adopt plans pertaining to the overall operations of the District, and other policies required by State or federal laws or necessary to the efficient operation of the District. Those policies and these Bylaws shall be interpreted in such a manner that they are consistent with each other and so that the specific takes precedence over the general. The policies and resolutions of the District shall be considered to be an extension of these Bylaws, and they shall be enacted in the same manner in which these Bylaws are enacted. The bylaws and policies of the District shall be interpreted so as to make them consistent with the current State and federal laws existing at the time of the adoption of the policy by the Board.

### ARTICLE XV WATER CODE

15.1. As to all matters concerning the affairs and business of the District, not herein specifically set forth or provided, pertinent provisions of the Water Code shall govern.