
BY-LAWS
of the
COSUMNES RIVER COMMUNITY SERVICES DISTRICT

August 14, 1994

1 Revised March 28, 2004

2 Revised April 1, 2006

3 Added Aug. 6, 2006

4 Added Sept. 30, 2008

5 Added Dec. 7, 2008

6 Revised Apr 5, 2009

7 Revised June 9, 2012

These By-Laws set forth the terms, conditions and general rules governing Cosumnes River Community Services District (hereinafter referred to as CRCSD) and shall be known as the By-Laws of the District.

ARTICLE ONE
TRANSACTION OF BUSINESS

Transaction of the business of the CRCSD by mail shall be addressed to: CRCSD, P.O. Box 133, Somerset, CA 95684-0133. The principal meeting place for the transaction of business shall be at a location within the District but such location may be changed from time to time by the Board of Directors (hereinafter referred to as the Board).

ARTICLE TWO
PURPOSES

6 Section 1.

PRIMARY. The primary purpose of CRCSD shall be to maintain and improve the existing District roads within the limits of the funding available. General funds received from the special district tax assessments, as well as indirect sources, will be utilized to offset current District operating expenses, liability insurance, road maintenance and improvements, and Community Park maintenance and improvement.

Section 2.

6 **SECONDARY.** A secondary function of the District shall be to maintain cognizance of and effect limited control over the common area known as 'The Community Park.'

ARTICLE THREE
MEETINGS

2 Section 1.

GENERAL. General meetings of the Board will be convened bi-monthly at 10am or 2:00pm on the second Saturday of each even numbered month at a place designated by

posted notice at the entrances to the District proper. All parcel owners and residents of the District are encouraged to attend these meetings. The date and/or time of any General meeting may change from time to time; such changes will be at the discretion of the President and will be reflected in the posted notice cited above.

Section 2.

SPECIAL. Special meetings of the Board for any purpose(s) may be called at any time by the President of the Board or by any three Directors; all Directors must be notified. Notice of the time and place of Special meeting shall be posted in the same manner as for the General meetings. The transactions of any meeting of the Board, however called and noticed, shall be as valid as though enacted at a meeting held after a regular call and notice if a quorum is present, and if, either before or after the meeting, each of the voting members not present signs a written waiver of notice, or a consent to holding said meeting, or an approval of the minutes of the meeting. All the waivers, consents, and/or approvals shall be filed with CRCSD records and be made a part of the minutes of the meeting.

Section 3.

REPORTS. The Board shall make a written report to each parcel owner and same shall be furnished to said parcel owner on an annual basis at the address set forth in the records of CRCSD. Said report shall cover the financial and management activities of the Board during the fiscal year (July 1 thru June 30) immediately preceding. This report shall be furnished to parcel owners within 30 days of its completion.

ARTICLE FOUR

BOARD OF DIRECTORS

Section 1.

NUMBER OF DIRECTORS. The Board shall consist of five (5) directors.

Section 2.

QUORUM. Three (3) Directors shall constitute a quorum for the transaction of business.

Section 3.

POWERS OF DIRECTORS. Subject to the limitation of laws governing Community Services Districts, all District powers shall be exercised by or under authority of, and the business and affairs of the District shall be controlled by the Board. Without prejudice to such general powers, but subject to the same limitations, it is hereby expressly declared that the Directors shall have the following powers, to wit:

A. To select and remove all the Officers and/or agents of CRCSD, prescribe such powers and duties for them as may not be inconsistent with Law or the By-Laws and require from the security for faithful service.

B. To conduct, manage, and control the affairs and business of CRCSD, and to make rules and regulations consistent with California State Law.

C. To adopt regulations binding upon all persons to govern the use of its facilities and properties.

D. To enter into contracts for all purposes necessary and convenient for the full exercise of its powers.

E. To perform any and all acts necessary to carry out fully the provisions of the powers hereinabove set forth.

Section 4.

ELECTION AND TERM OF OFFICE. The term of each Director shall for four years or until a successor is elected. Successors to Directors whose terms of office are then expiring shall be elected on the first Tuesday after the first Monday in November in odd numbered years in accordance with Section 61202 of California Civil Code.

Section 5.

VACANCIES. Replacements for vacancies on the Board shall be selected and appointed by a majority of the remaining Directors then in office, even though less than a quorum, or by the sole, remaining Director(s). A successor Director so selected shall serve the unexpired term of the vacating Director if the next general election, the appointed Director will serve only until the next General Election. A Director elected under these circumstances will serve the remainder of the term of the vacating Director. Govt. Code Sec. 1780.

Section 6.

ACTION WITHOUT A MEETING. Any action by three (3) members of the Board may be taken without a meeting if all the members of the Board individually or collectively consent in writing to this action. Such written consent shall be filed with the minutes of the proceedings of the Board. Such actions shall be limited to items of an emergency or urgent action nature and shall be reviewed at the next following General meeting.

Section 7.

REMOVAL. Directors may be removed from office for cause by a vote of the majority of the Directors.

Section 8.

COMPENSATION. Directors shall receive no compensation for their services as directors.

Section 9.

SEATING OF DIRECTORS. All newly elected Directors shall take office on the first Sunday in December (regular meeting) and an election among Board Members shall be held to choose a President, Vice-President, Secretary, Road/Safety Officer and Park Officer. Unless otherwise displaced, these Officers shall serve until the next election held in accordance with Section 61201 of the California Civil Code.

Section 10.

LIABILITY. No Director shall be held personally liable for any action taken as a member of the Board unless evidence of malfeasance or misfeasance shall be shown.

***4* Section 11.**

CONFLICT OF INTEREST. The Political Reform Act, Government Code Section 81000 et seq, requires State and local government agencies to adopt and promote Conflict of Interest Codes. The District Conflict of Interest Code shall comprise the terms of the California Code of Regulations, Title 2, Division 6, 18730 and any amendments to it duly adopted by the Fair Political Practices Commission. It is in the best interest of the Cosumnes River Community Services District to be aware of and properly manage all conflicts of interest and appearances of a conflict of interest pursuant to the provisions of Government Code 18730". Governing Board members and Staff (paid or unpaid) shall adhere to the District's Conflict of Interest By-Law.

5 Section 12.

CODE OF ETHICS. The Code of Ethics outlines the guiding principles and expected behaviors for all CRCSD board members, committee members and district employees.

A. FAIRNESS, DIGNITY, RESPECT. We will treat each other and members of the community fairly and with dignity and respect.

B. HONEST EFFORT. We will put forth an honest effort in the performance of our duties. We will carry out the wishes of the community to the best of our ability.

C. PUBLIC TRUST. We, as public servants, will act to earn, promote, and maintain the public's trust and confidence in the Cosumnes River Community Services District.

D. PERSONAL GAIN FROM POSITION OR RESOURCES. We will not use our district position for personal or private gain. We will not use public resources for private non-district purposes or for purposes other than for which they were intended. We will not solicit or accept contributions for non-district purposes from outside vendors who may do business with the district.

E. CONFLICTS OF INTEREST. We will not hold financial interests that conflict with the performance of our duties to the district. We will not engage in outside employment or activities that conflict with our official district duties.

F. GIFTS. We will not accept gifts, services, travel, entertainment, jobs for immediate family members, or other special considerations that may give the appearance that the benefit could improperly influence district decisions.

G. HIRING, ASSIGNING, PROMOTING, SUPERVISING. We will take care in hiring, assigning, promoting, and supervising employees (including contractors) so as to avoid nepotism or the appearance of impropriety.

H. WASTE, FRAUD, ABUSE, CORRUPTION. We will disclose waste, fraud, abuse, and corruption to the appropriate personnel at the district.

I. USE OF AUTHORITY. We will not use our authority to intimidate, threaten, or retaliate against a person to attempt to interfere with the disclosure of potentially improper governmental activity.

J. FAILURE TO COMPLY. We understand that any board member, committee member or district employee who fail to comply with the provisions of this Code of Ethics may be subject to administrative and/or legal action.

ARTICLE FIVE

OFFICERS

Section 1.

TITLES. The Officers of CRCSD shall be a President, Vice-President, Secretary, Road & Safety Officer and Park Officer.

Section 2.

DUTIES.

A. PRESIDENT. The President shall preside at all meeting and shall have such other powers and duties within the guidelines set forth in the By-Laws as may be prescribed from time to time by the Board.

B. VICE PRESIDENT. In the absence of disability of the President, the Vice-

President shall perform the duties of the President and in acting shall have all the powers of the President. The Vice-President shall have such other powers and perform such other duties as may be prescribed from time to time by the Board.

C. SECRETARY. The Secretary shall keep a full and complete record of the proceedings of the Board and General meeting and handle correspondence as may be required in the regular course of business, shall make service of such notices as may be necessary and proper, shall supervise the keeping of the records of CRCSD and shall discharge all such other duties of the office as prescribed by the Board.

D. ROAD AND SAFETY OFFICER. This Director shall maintain surveillance of District road conditions and report needed maintenance and safety concerns to the Board and shall discharge all such other duties of the office as prescribed by the Board.

E. PARK OFFICER. This Director shall maintain surveillance of general conditions of the Community Park and its equipment and assume custody and responsibility for control of use permits and maintenance of records pertaining thereto and shall discharge all such other duties of the office as prescribed by the Board.

3 ARTICLE SIX

APPOINTEES

Section 1.

TITLES.

The sole appointee shall be a General Manager.

Section 2.

DUTIES.

The General Manager is directly responsible to the board of directors for the implementation of the policies established by the board of directors.

ARTICLE SEVEN

MISCELLANEOUS

Section 1.

CONTRACTS, ETC; HOW EXECUTED. The Board, except as otherwise provided in the By-Laws, may authorize any Officer / Officers or Agent / Agents, to enter into any contract or execute any instrument in the name of or on behalf of CRCSD; such authority may be general or confined to specific instances; and, unless authorized by the Board, no Officer or Agent shall have any power or authority to bind CRCSD by any contract or engagement or to pledge its credit or to render it liable for any purpose or to any amount.

Section 2.

RECALL OF DIRECTORS. 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 election code of the State of California.

Section 3.

CONTRACT BIDS. All contracts for the accomplishment of any unit of work or for the provision of any materiel, except as otherwise provided, estimated to cost in excess of ten thousand dollars (\$10,000.00) shall be let to the lowest qualified

bidder after competitive bidding.

Section 4.

HIRING OF CONTRACTORS. If an inadequate response to a 'Request For Proposal' solicitation occurs, the Board may hire a qualified contractor for the accomplishment of work and the provisioning of materiel on a job-lot basis.

Section 5.

BUDGET SESSION. The General meeting scheduled for June is hereby designated to be the budget session of CRCSD. At said meeting, the Board shall determine what the estimated budget shall be for the next ensuing fiscal year, and before the thirtieth day of September, shall submit said budget information to the Auditor of the County of El Dorado.

Section 6.

POST OFFICE BOX. CRCSD shall maintain a U.S. Post Office Box at Somerset, CA 95684 for the purpose of receiving incoming correspondence.

Section 7.

LIABILITY INSURANCE. CRCSD shall maintain a liability insurance policy in an amount that is realistic, within budgetary constraints and consistent with the current situation.

Section 8.

COMMUNITY SERVICES DISTRICTS ASSOCIATION. CRCSD shall maintain a membership in said association.

Section 9.

EMPLOYEES. CRCSD shall have no employees.

ARTICLE EIGHT AMENDMENTS

These By-Laws may be altered, amended, repealed in whole or in part or replaced by the Board from time to time as said Board shall deem necessary. Any changes must be proposed at least one General meeting before adoption may be completed. Changes must be approved by a majority vote of the Board in accordance with Section 61224 of the California Community Service District Law and such changes shall be forwarded to the Executive Officer of the Local Agency Formation Commission (LAFCO) in Placerville.

ARTICLE NINE ELECTIONS

ELECTIONS FOR DIRECTORS are to be held every two years to coincide with the biennial November elections held throughout the State. Notice of elective offices to be filled will be posted at the entrances to the District. Director candidates must apply in person at the El Dorado County Elections Department.

ARTICLE TEN PROPERTY OWNER RESPONSIBILITIES

Section 1.

TITLE TRANSFER. Any parcel owner who transfers title to another person/entity will provide a copy of the current By-Laws to the new owner prior

to the close of escrow.

Section 2.

DRAINAGE. All parcel owners will provide for proper drainage of surface water from their parcel(s) to prevent damage to culverts, drainage ditches, and road surfaces within the District.

1 Section 2A.

ENCROACHMENT. It is the responsibility of all District Residents to maintain a good transition, (encroachment) from their property to district roads so as to not undermine, chip or distort the integrity of district roads. Owners will be held liable for cost of repairs due to improper encroachment, which results in district funds being used to repair the damage.

Section 3.

SAFETY HAZARDS. All parcel owners will maintain appurtenant road easements clear of plant life that presents a fire hazard or creates a health or driving hazard or that impedes road maintenance or improvement.

Section 4.

NLVs. Operation of non-licensed vehicles on any road currently maintained by the District is prohibited. Calif. Civil code Sec. 61621.5(a) authorizes Districts to adopt regulations governing roads with the District and violation of such regulations is a misdemeanor. In addition, Calif. Motor Vehicle Code Sec. 21107.7 specifies that "The interests of the residents along those private roads that are connected to Public roads will best be served by the application of the Calif. Motor Vehicle Code." By resolution, the Board has adopted the principles of the cited sections of Code and established a speed limit of 15 MPH.

Section 5.

FENCES. All parcel owners are responsible for proper location of fences; encroachment into the road easement is prohibited.

Section 6.

OWNER NOTIFICATION. After written notification to the parcel owner at the address shown in the records of CRCSD that a situation exists where dereliction of parcel owner's responsibility results in an unsafe or unsatisfactory condition, the Board may at its discretion, effect appropriate corrective action and bill the parcel owner for the costs thereof.

Section 7.

6 **GUESTS.** The Community Park is owned by the District and is held for the exclusive use and enjoyment of the property owners of the District. One permanent, numbered permit is allocated to each property owner and must be prominently displayed when using the adjacent parking area. All guests must be continuously accompanied by the host owner. There will be a \$5.00 charge to replace lost permits. At the Board's discretion, tenants within the District may obtain a permit upon payment of a \$50.00 refundable deposit.

IN WITNESS HEREOF we, being all Directors of CRCSD have hereunto set our hands this ninth day of June, 2012.

Dave Boucke - Director / President

Kirk Daugherty - Director / Vice President

Jodie Moran - Director / Secretary

John Kahling - Director / Road Officer

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