

LINNE COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 1-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
LINNE COMMUNITY SERVICES DISTRICT  
ADOPTING BOARD BYLAWS

WHEREAS, the Board of Directors of Linne Community Services District Mission: *The Board of Directors of Linne Community Service District are committed to providing and maintaining safe and reliable all-weather roads to each property within Linne Community Service District.*

WHEREAS, Fire protection, having not been exercised by the district is considered a latent power as determined by LAFCO, any effort to exercise such power must first be brought to LAFCO for approval.

WHEREAS, in order to assist in the government of the behavior between and among members of the Board of Directors and the district's constituents, the following rules shall be observed.

WHEREAS, the District is a member of the Special District Risk Management Authority (SDRMA).

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Linne Community Services District as follows:

LINNE COMMUNITY SERVICES DISTRICT BOARD OF DIRECTOR BYLAWS

1. THE BOARD OF DIRECTORS

1.1 The Board of Directors includes the President, Secretary, Treasurer and two Directors.

1.2 The President of the Board of Directors shall serve as chairperson at all Board meetings. He/she shall have the same rights as the other members of the Board in voting; introducing motions, resolutions and policies, and any discussion of questions that follow said actions.

1.3 In the absence of the President, the Secretary of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Secretary of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

1.4 The President, Secretary and Treasurer shall be elected every four years at the end of his/her designated term, as recorded by the San Luis Obispo County Elections office. The additional two directors shall be elected every two years at the end of his/her designated term, as recorded by the San Luis Obispo County Elections office.

1.5 In the event no more than one individual runs for an open board position, the Board of Directors shall appoint this individual, in lieu of holding a district election following a majority vote by the board in favor of this individual. In the event more than one individual runs for an open board position the Board of Directors will determine by a majority vote whether there will be a district election held by the S.L.O. County Office of Elections or an appointment will be made by the board of.

2. MEETINGS

2.1 Regular meetings of the Board of Directors shall be held at 7:00 p.m. on the third Monday of each calendar month at the location as posted on the agenda.

2.2 Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

2.3 The President shall prepare and post an agenda (72 hours prior to the meeting) for each regular and special meeting of the Board of Directors. Any Director may call the President and request an item to be placed on the agenda, as long as the President has approved it or a majority of Board Members deem it necessary.

2.4 No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:

- (a) Board Members may briefly respond to statements or questions from the public; and
- (b) Board Members may, on their own initiative or in response to public questions, ask questions for clarification, provide references to other resources for factual information, or request a director to report back at a subsequent meeting; and
- (c) A Board Member or the Board itself may take action to direct the President to place a matter on a future agenda.

2.5 The President, or in his/her absence the Secretary shall be the presiding officer at District Board meetings. He/she shall conduct all meetings in a manner consistent with the policies of the District. He/she shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/she shall announce the Board's decision on all subjects. He/she shall vote on all motions and on roll call his/her name shall be called last.

2.6 A majority (three) of the Board shall constitute a quorum. However, all actions must be approved by a minimum of three Board members. When there is not a quorum for a regular meeting, the President, Secretary, or any Board member shall adjourn such meeting, or, if no Board member is present, the District Secretary shall adjourn the meeting.

2.7 A roll call vote shall be taken upon the passage of all motions and resolutions, and shall be entered in the minutes of the Board showing those Board members voting aye, those voting no and those not voting or absent. A roll call vote shall be taken and recorded on any vote not passed unanimously by the Board. Unless a Board member states that he or she is not voting because of a conflict of interest, his or her silence shall be recorded as neither an aye nor a no vote.

2.8 Public Comment shall be directed to the Board of Directors and limited to three minutes unless extended or shortened by the President at his/her discretion. The presiding chairperson shall open each item on the agenda to public comment following the board discussion. Once public comment is closed the item shall be brought back to the board for any additional comments.

2.9 Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings. All video tape recorders, still or motion picture cameras shall be located and operated from behind the public speakers podium once the meeting begins.

### 3. PREPARATION OF MINUTES

3.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads. Minutes shall be posted at the district bulletin board along with additional copies for constituents. Additional copies shall also be brought to the next board meeting for approval.

3.2 The District Secretary shall maintain and preserve a master set of minutes representative of all minutes recorded since the District's inception.

3.3 The District Secretary shall maintain and preserve all historical documents pertaining to the district.

3.4 The District Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Board and, except as provided in Section 3.3 below, shall not be required to record any remarks of Board Members or any other person;

3.5 Any Director may request for inclusion into the minutes brief comments pertinent to an agenda item; only at the meeting that item is discussed.

3.6 The District Secretary shall attempt to record the names of persons addressing the Board, the title of the subject matter to which their remarks related to such matter; and

3.7 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.

3.8 Any tape or film record of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act. District tape and film records may be erased ninety (90) days after the taping or the recording.

#### 4. MEMBERS OF THE BOARD OF DIRECTORS

4.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from or exchanged between Directors before meetings.

4.2 Information that is exchanged before meetings shall be made available to all the directors at the subsequent meeting.

4.3 Directors shall at all times conduct themselves with courtesy to each other and to members of the audience present at Board meetings.

4.4 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 commit to supporting said action and not to create barriers to the implementation of said action.

#### 5. AUTHORITY OF DIRECTORS

5.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure. Directors making decisions pertaining to contractors, construction, financial and legal matters with out the board of directors approval shall be making those outside their authority as a directors and accept all responsibility for any consequences so derived.

5.2 Directors do not represent any fractional segment of the community, but are, rather, a part of the body, which represents and acts for the community as a whole.

5.3 The primary responsibility of the Board of Directors is the maintenance and improvement of all district roads and the formulation and evaluation of policy.

5.4 The Board of Directors at a regular or special meeting may authorize a Director to speak or communicate on behalf of the District or represent the District at a meeting or related function. Board members shall not express their opinions as representing the Board as indicated in Paragraph 5.5.

5.5 A Director expressing comments other than at Board Meetings, Special Meeting or at the specific direction of the Board of Directors pursuant to Section 5.4 shall make it clear that he/she is speaking on his/her own behalf and not representing the District or its Board of Directors.

## 6. DIRECTOR GUIDELINES

6.1 In handling complaints from residents and property owners of the District, said complaints should be referred to the next board meeting as an agenda item. The complaint shall be expressed by the resident either in person or in written form specifically addressed to the board of directors at the subsequent meeting.

6.2 Directors should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.

6.3 When responding to constituent request and concerns, Directors should respond to individuals in a positive manner and route any non-district related questions to the proper authority whenever feasible.

6.4 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

## 7A. EMERGENCY ROAD REPAIR

7.1 In the event of a natural disaster in which district roads are deemed impassable for emergency vehicles or unsafe to the general public and traffic the board of directors reserves the right to take immediate corrective action, in lieu of waiting for the next regularly scheduled meeting.

7.2 The President of the Board of Directors is the designated contact for such notification and will therefore be responsible for making arrangements by hiring the appropriate contractor to remedy the situation. In the absence of the President the Director designated "in charge of roads" will be in designated contact. In the absence of both the president and the Director "in charge of roads" the Secretary will be the designated contact person.

7.3 The designated person in charge will be allowed to spend up to and no more than \$5,000 without the consent of the board. Anything repairs costing in excess of \$5,000 will constitute a vote by quorum during an emergency meeting not required to be posted.

7.4 The contractor to be hired for emergency repairs shall first be one of those designated by the board unless those contractors are unavailable than another contractor may be utilized.

## 8. DIRECTOR COMPENSATION

8.1 Each Director is authorized to receive no compensation for each regular, adjourned or special meeting of the Board attended by him/her.

8.2 The Director hosting each regularly scheduled meeting in their home with refreshments will be compensated fifty dollars (\$50.00) for every three meetings held.

8.3 Each Board Member is entitled to reimbursement for their expenses incurred in the performance of the duties required or authorized by the Board.

9. BOARD BY-LAW REVIEW POLICY

The Board By-law Policy shall be reviewed. The review shall be provided by District Counsel and ratified by Board action. At the request of any Director, the Board Bylaws may be reviewed at any time subject to Section 2.3.

10. RESTRICTIONS ON RULES

10.1 The rules contained herein shall govern the Board in all cases to which they are applicable, and in which they are not inconsistent with State or Federal laws.

On the motion of Director KATHLEEN, seconded by Director JIM and on the following roll call vote, to wit: ATKINSON DEMPSEY

AYES: 4  
NOES:  
ABSENT:  
ABSTAIN: 1

The foregoing resolution is hereby adopted this 22nd day of April 2002.

ATTEST:

APPROVED AS TO FORM:

Darrell Nash  
Darrell Nash, President  
Linne Community Services District

Martha James  
Martha James  
Secretary to the Board

Jim Dempsey  
Jim Dempsey  
Director

Michelle Gardner  
Michelle Gardner  
Treasurer

Kathleen Atkinson  
Kathleen Atkinson  
Director