



ROCK CREEK RECLAMATION DISTRICT

A Butte County Reclamation District Operating Under Division 15 of the California Water Code

**Special Board Meeting
December 3rd, 2021
3:00PM**

**Meeting Location: Teleconference and In-Person
5130 Anita Rd. Chico**

Rock Creek Reclamation District Board Meeting

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Please Take Notice, as a result of the COVID-19 pandemic, California Governor Gavin Newsom issued Executive Order (EO) N-29-20, which waives certain requirements of the Ralph M. Brown Act (Brown Act). Specifically: EO N-29-20 waives the requirements that local public agencies (1) notice each teleconference location from which a Board member will participate, (2) make each teleconference location accessible to the public, (3) allow the public to address the agency from each teleconference location, (4) post the agenda at each teleconference location, and (5) ensure that a quorum of the board participate in locations within the boundary of the agency. EO N-29-20 requires local public agencies that conduct public meetings telephonically to allow members of the public to observe and address the meeting telephonically or otherwise electronically.

In accordance with EO N-29-20, the public may participate in the district's 12/3/21_meeting by teleconference via the instructions provided above. Members of the public who observe the meeting via teleconference will be given the opportunity to provide public comment on the agenzized item, and their comments will be included in the minutes of the meeting.

Public Comments: Please email any written public comments before the meeting to rockcreekreclamation@gmail.com

Please contact District Counsel at 530-533-2885 if you require an agenda in an alternative format or if you need to request a disability-related modification or accommodation. Please submit this request in advance of the meeting.



Agenda

- 1. Roll Call**
- 2. Public Comments:** This is time for any member of the public to address the Board of Directors on any matters not on the agenda that is within the subject matter jurisdiction of the district. Comments are limited to no more than three (3) minutes each.
- 3. Administer Oath of Office for New Trustee**
- 4. Recognition of Election Results, November 2, 2021 Election of Trustees**
- 5. Approval of Minutes for September 30th, 2021, Special Board Meeting -**
action requested – motion to approve the September 30th, 2021, board minutes
- 6. Approval of Bills**
 - A. California Special Districts Association (CSDA) –** action requested – motion to approve the annual invoice
 - B. District Secretary –** action requested – motion to approve the invoice of Winley Durham
- 7. Approval of Resolution No. 2021-05 –** action requested – motion to adopt Resolution No. 2021-05, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE ROCK CREEK RECLAMATION DISTRICT RE-AUTHORIZING REMOTE MEETINGS OF THE BOARD CONSISTENT WITH AB 361 AND THE BROWN ACT
- 8. Adjournment**



ROCK CREEK RECLAMATION DISTRICT

*A Butte County Reclamation District Operating Under Division 15 of the
California Water Code*

Minutes of the Rock Creek Reclamation District Special Board Meeting
September 30th, 2021
8:00AM

RCRD Attendance:

Hal Crain-Chair

Darren Rice-Vice Chair

Bruce McGowan-Treasurer

Sue Vanella- Trustee

Dan Paiva -Trustee

Elvin Bentz – Trustee

Jon Lavy-Trustee

Aidan Wallace – legal counsel

Todd Turley – Deseret Farms

Winley Durham- Secretary

Virtual Attendance: none

Absent: none

***Motion Passed** – Unanimous vote of present trustees

Meeting called to order: September 30th, 2021, 8:00AM by Hal Crain

Public Comments: No public comments.

1. Item 3. Approval of minutes of the 9/13/21 Special Meeting

Action requested – motion to approve the September 13th, 2021, board minutes

Motion made to approve the minutes by Darren Rice - seconded by Bruce McGowan

All in favor (Trustee Lavy absent for initial vote)

Motion passed



Item 4. Approval of Bills

A. Minasian, Meith, Soares, Sexton & Cooper, LLP – action requested– motion to approve partial payment of outstanding balance

Financial discussion with Treasurer McGowan regarding current state of district finances. Discussion regarding current balance and outstanding expenditures for creek maintenance, legal counsel fees, and tree removal contract. Discussion regarding cost of election in coming months to determine the district’s financial position until the first round of assessment money comes in in December.

Recommendation was made by Treasurer McGowan to pay \$10,000. Discussion regarding tree removal in the creek, trees will be removed next week.

Motion made to approve \$10,000 payment to legal counsel by Darren Rice, seconded by Dan Paiva

Motion passed

Item 5. Approval of Resolution No. 2021-03

Action requested – motion to adopt Resolution No. 2021-03

Approval of Resolution No. 2021-03 – action requested – motion to adopt Resolution No. 2021-03, A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION FOR THE BOARD OF TRUSTEES OF ROCK CREEK RECLAMATION DISTRICT AND ESTABLISHING ELECTION PROCEDURES

Discussion with legal counsel Aidan Wallace regarding the logistics of running the newspaper ad containing the election information and recommending the election board to the board of supervisors. Discussion regarding background of anticipated election board members. Vice chair Rice states that the resolution 2021-03 aligns with direction from the bylaws. Legal counsel Aidan Wallace gave explanation of representational voting. Discussion regarding status of identifying landowners, trustees of land, and voting on behalf of corporate entities. A corporate entity cannot have more than one designated landowner, a corporation cannot have more than one legally designated landowner for voting at one time. Discussion regarding need for mailing Attachment A, B, and C and summarized mailer to the landowners. Attachments A, B, and C will also be made available at the polling location. Legal counsel will be present at the polling location. Legal counsel will



prepare a mailer for landowners to append to the forms. Voters will be able to identify their parcel on listing at the polling location

Discussion with Todd Turley regarding separation of ballots in term of 4-years versus term of 2-years. The candidates for the election are

as follows: Tom Peterson 4-year, Sue Vanella running for a 2-year term, Paul Behr is running for a 4-year term, Jon Lavy running for a 2- year term, Jay Payne 2-year term, J Knight 4-year term, Hal Crain running for a 4-year, Elvin Bentz running for a 4-year, Darren Rice running for a 4-year term, Bruce McGowan running for a 4-year term, Aimee Raymond running for a 4-year term. Discussion regarding vote by proxy. Voters need to know their own assessment value to vote, this is not the responsibility of legal counsel to tell them. Discussion regarding potential conflict of interest on election board with vice chair. Legal counsel Aidan Wallace states that the election board nomination code is unclear regarding conflicts of interest. The board of supervisors has the legal authority to appoint a new election board member if they find one of the recommended election board members ineligible.

Motion made for the legal counsel to create an information mailer for the secretary to send to the mailing list, and approve the resolution

Motion made by Darren Rice, seconded Bruce McGowan

Motion passed

Meeting Adjourned 8:57AM by Hal Crain

RESOLUTION NO. 2021-05

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE ROCK CREEK
RECLAMATION DISTRICT RE-AUTHORIZING REMOTE MEETINGS OF THE BOARD
CONSISTENT WITH AB 361 AND THE BROWN ACT

WHEREAS, the Rock Creek Reclamation District is committed to preserving and nurturing public access and participation in meetings of the Board of Trustees; and

WHEREAS, all meetings of the Board of Trustees of Rock Creek Reclamation District are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's Board of Trustees conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote participation in meetings by members of a legislative body by audio or video or both, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of remote meetings is a declaration of a state of emergency by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Trustees previously adopted a Resolution, Number 2021-04 on November 15, 2021, finding that the requisite conditions exist for the Board of Trustees of Rock Creek Reclamation District to conduct remote meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Trustees must reconsider the circumstances of the state of emergency; and the Board of Trustees has done so; and

WHEREAS, emergency conditions persist in the District, specifically, on March 4, 2020 the Governor proclaimed State of Emergency to exist in California due to the COVID-19 pandemic, which proclamation is still active; and

WHEREAS, state and local officials have recommended social distancing measures, including masks, to slow the spread of COVID-19 and its variants, and to protect the vulnerable and immunocompromised members of the community; and

WHEREAS, the Board of Trustees does hereby find that the state of emergency continues to directly impact the ability of members to meet in-person; and

WHEREAS, as a consequence of the State of Emergency and recommended social distancing measures, the Board of Trustees does hereby find that the Board of Trustees of Rock Creek Reclamation District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such board shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the public may attend meetings and comment as described in meeting agendas.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF ROCK CREEK RECLAMATION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 3. Remote Teleconference Meetings. The staff and board of Rock Creek Reclamation District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from adoption of this Resolution, or such time the Board of Trustees adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the board of Rock Creek Reclamation District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Trustees of Rock Creek Reclamation District this 3rd day of December, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair of the Board

ATTEST:

Secretary of the Board