BYLAWS OF ROCK CREEK RECLAMATION DISTRICT

SECTION 1- PREAMBLE

 ROCK CREEK RECLAMATION DISTRICT is a political subdivision of the State of California formed and existing pursuant to the provisions of Division 15 of the Water Code (sections 50000 et seq.) of the State of California. The District was formed on October 15, 1985, by Butte County Board of Supervisor Resolution Number 85-167, and includes an area of approximately 4,625.78 acres in Butte County, California. The District is formed to provide for repair, maintenance, and improvement of natural channel water conveyance and flood protection facilities within the area and also provides groundwater management services pursuant to SGMA. The District is empowered to construct, maintain, and operate drains, canals, sluices, bulkheads, watergates, levees, embankments, pumping plants, dams, diversion, or irrigation works, and all other facilities reasonably necessary or convenient to accomplish District purposes and to provide groundwater management services as a groundwater sustainability agency under SGMA. The District may furnish water for the irrigation of either District lands, or lands contiguous to the District through its canals and ditches.

The District is governed by a seven (7) member Board of Trustees elected for staggered four (4) year terms. The general District election is held in November of odd numbered years.

SECTION II- DEFINITIONS

 As used herein, the following words have the following meanings:

 District- means the ROCK CREEK RECLAMATION DISTRICT;

 Board- means the Board of Trustees of ROCK CREEK RECLAMATION DISTRICT;

 Secretary- means the Secretary of the Board of Trustees;

 Trustee- means a Member of the Board of Trustees of ROCK CREEK RECLAMATION DISTRICT;

 Landowner- means the holder of title or evidence of title to land within ROCK CREEK RECLAMATION DISTRICT;

 Parcel- means a tract of land within ROCK CREEK RECLAMATION DISTRICT;

 District Lands- means all lands within ROCK CREEK RECLAMATION DISTRICT;

 Principal County- means Butte County;

 County Treasurer- means Butte County Treasurer;

 Board of Supervisors- means the Board of Supervisors of Butte County;

 County Clerk- means the County Clerk of Butte County;

 Reclamation Works- means such public works and equipment as are necessary for the unwatering, watering, or irrigation of District Lands and other District operations;

 Eligible Persons- means a landowner or the legal representative of a landowner;

 Legal Representative- means an officer or other person or persons appointed to serve as such by the Board of Directors of a corporation landowner;

 Voter- means the landowner or the legal representative of a landowner.

 SGMA- means the Sustainable Groundwater Management Act and related regulations.

 LAFCO – means the Butte County Local Agency Formation Commission.

Other definitions and key terms affecting ROCK CREEK RECLAMATION DISTRICT are set forth in the Reclamation District Act (Division 15 of the Water Code) and in SGMA.

SECTION III- MEETINGS

 The Board of Trustees shall meet in regular session at 3:00 on the second Thursday in January, April, July and October. The date, hour, and place of holding regular quarterly meetings may be changed at any time by resolution of the Board of Trustees entered on its minutes not less than thirty (30) days prior to such change becoming effective.

 Special meetings may be called as needed by the District’s General Manager, the District’s Chairperson, or the District’s Vice-Chairperson.

 All meetings of the Board of Trustees shall be called, conducted and noticed as provided in Division 15 of the Water Code and the Ralph M. Brown Act (Government Code sections 54950 et seq.).

 The organization meeting of the Board at which it appoints the positions of District secretary, treasurer (if applicable), Chairperson of the Board, and Vice Chair, and any other appointments to offices of the District shall occur at the District’s regular January board meeting.

 Any interested member of the public may request that an item directly related to District business be added to the agenda by making a request to the District’s Chairperson and/or providing public comment on items not appearing on the agenda at any regular Board meeting.

SECTION IV – BOARD OF TRUSTEES

 The powers of the District will be exercised by the Board. The Board shall exercise general supervision and complete control of the construction, maintenance, and operation of the Reclamation works and generally over the affairs of the District. The Board shall act in accordance with SGMA and exercise powers as a groundwater sustainability agency under SGMA.

 Board members within the District must be landowners or legal representatives thereof. Other officers of the District need not be landowners of the District.

SECTION V – GENERAL INFORMATION

 The District office and the location of its meetings is 13522 Hamilton Nord Cana Hwy Chico, CA 95973. The District may change the location of its office upon Resolution of the Board of Trustees.

 The District is governed by the provisions of Division 15 of the Water Code, SGMA, the By-Laws of the ROCK CREEK RECLAMATION DISTRICT, and any rules governing the distribution of water adopted pursuant to Water Code Section 50911. The Bylaws are adopted by the Board of Trustees by Resolution of the Board following the public hearing. When the Bylaws have been adopted, they shall be filed for record with the County Recorder. The Bylaws may be amended in the same manner as adopted.

SECTION VI – ELECTIONS

 Elections for members of the Board of Trustees are conducted in accordance with the Reclamation District Act and the Uniform District Election Law of California.

District elections occur on the first Tuesday after the first Monday in November in each odd-numbered year at such place in or near the District as designated by the Board. The cost of the election shall be a charge upon the District. Each Trustee elected after the first election shall serve a staggered term of four (4) years.

SECTION VII – ASSESSMENTS

 The assessments levied by the District shall include all lands and rights-of-way within the District, owned by the State or by any City, County, Public Corporation, or Utility District formed under the laws of the State of California other than public roads, highways, and school districts.

 The assessments on those lands or rights-of-way shall be levied in proportion to the benefits in the same manner as assessments are levied upon other land or rights-of-way within the District consistent with Water Code Section 51201 and Proposition 218.

SECTION VIII – NON-LIABILITY OF DISTRICT

 The District shall not be liable for damage resulting directly or indirectly from District action regarding maintenance, repair, or improvement of the existing water conveyance and flood protection facilities within the District or by the virtue of its role as a groundwater sustainability agency and the actions the District may take under SGMA.

 The District will not be liable for any damage of any kind or nature resulting directly or indirectly from the use of a private conduit or by reason of lack of capacity in any private or District conduit, or for negligence, wasteful, careless, or other use or handling of water by customers. The District does not guarantee an uninterrupted supply of water, nor is the District responsible for interruption or shortage of distribution capacity of water supply for any reason, including by not limited to excessive demand, drought, canal breaks, or scheduled or unscheduled maintenance.

 The District assumes no responsibility for the quality of the water, temperature, or fluctuations in flow.

SECTION IX – FREEDOM FROM OBSTUCTION

 No fences, bridges, ditches, building, or other obstructions shall be placed by any person across or upon or along any canal, ditch, right-of-way, or property of the District without first obtaining the written permission of the District.

SECTION X – SEVERABILITY

 Each Article of these Bylaws is separate and distinct and a determination by a court or regulatory agency that any provision hereof is unenforceable, shall not in any manner restrict of affect the remaining provisions. Failure by the District to enforce or restrain the breach of any provision of these by-Laws or its applicable rules shall not be construed as an estoppel or a waiver of any rights of enforcement the District may possess in the future or as a modification of said Bylaws or rules.

SECTION XI - ANNEXATIONS

 Landowners outside the District that are interested in annexing to the District may make request to the District’s General Manager or to the Board as a public comment during a regular meeting. The Board, in its discretion, may accept the request for annexation and impose additional annexation terms and conditions including, without limitation, a per acre annexation fee, execution of a pre-annexation agreement, payment of the District’s costs to process the annexation, including LAFCO, environmental review, the Board of Equalization costs and fees, agreement to pay any then-existing District fees or assessments, and other terms and conditions. All annexations to the District are subject to a process at LAFCO and the successful outcome of any annexation with terms acceptable to the District and annexee is not guaranteed.

Annexation requests with the goal of receiving groundwater managements services from the District under SGMA may also require the consent of the annexee’s current groundwater sustainability agency and the State of California.

All annexations to the District require super-majority consent of the Board Members (five or more out of the seven member board) voting in favor of the Resolution of Application to LAFCO.